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THESIS

**MARITIME MILITIAS: THE KEY
TO ASSERTING MARITIME SOVEREIGNTY**

by

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June 2023

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**MARITIME MILITIAS: THE KEY TO ASSERTING MARITIME
SOVEREIGNTY**

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Submitted in partial fulfillment of the
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ABSTRACT

One of China's actors in asserting sovereignty over the contested maritime domain is the Chinese Maritime Militia (CMM), composed of civilian fishing vessels and crews that can be considered a maritime force organized and supported at the provincial level that is separate from China's Coast Guard and People's Liberation Army Navy (PLAN). Establishing the degree to which the CMM can serve to assert China's sovereignty is important, as the CMM primarily operates on the frontlines in contested maritime domains such as the South China Sea (SCS). Maritime incidents in the contested region demonstrate how China attempts to use the CMM to expand its presence and to attempt to assert its sovereignty. CMM's ability to seek support from the government and collaborate with CCG and PLAN during operations is crucial to its roles and functions. The CMM's effectiveness in asserting maritime sovereignty relies on its political and operational effectiveness, which translates into government support and collaboration with other maritime forces. This thesis finds that the presence of the CMM in the disputed region is insufficient to ensure the successful assertion of China's maritime sovereignty; nevertheless, the CMM's effectiveness is enhanced when combined with that of the CCG or the PLAN.

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LIST OF ACRONYMS AND ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
AIS	Automatic Identification System
BRP	Barko Republika ng Pilipinas (Republic of the Philippines Ship)
CCG	China/Chinese Coast Guard
CMM	Chinese Maritime Militia
COC	Code of Conduct
DOC	Declaration of Conduct
EEZ	Exclusive Economic Zone
MD	Military District
MLE	Maritime Law Enforcement
MSA	Maritime Situational Awareness
PAFMM	People’s Armed Forces Maritime Militia
PAFD	People’s Armed Forces Department
PAP	People’s Armed Police
PCA	Permanent Court of Arbitration (The Hague)
PLA	People’s Liberation Army
PLAN	People’s Liberation Army Navy
PRC	People’s Republic of China
SCS	South China Sea
SLOC	Sea Lines of Communication
UNCLOS	United Nations Convention on the Law of the Sea

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I. MARITIME MILITIA: THE KEY TO ASSERTING MARITIME SOVEREIGNTY

For over two decades, the Philippines and China have been at odds over territorial assertions in the South China Sea (SCS).¹ China denied the Permanent Court of Arbitration (PCA) in The Hague’s 2016 Award on the Philippines’ sovereign rights and exclusive economic zone (EEZ) claims, arguing that its historical rights claim is legitimate despite violating UNCLOS.² The legal dispute at PCA was made against China after the Philippines lost one of its maritime features in its EEZ after a confrontation between Philippine and Chinese maritime forces, with the latter’s maritime militias allegedly involved. The Scarborough Shoal was taken from the Philippines by the Chinese Coast Guard (CCG) in 2012, and the Foreign Ministry (Chinese) asserted “indisputable sovereignty” over it.³ The Tanmen Militia’s effective involvement in the Scarborough Shoal incident prompted other contingents to visit Tanmen, where militia leaders encouraged others to emulate and learn from them.⁴ The involvement of maritime militia in asserting a maritime claim is essential to the incident, and its deployment seems to have increased over time, endangering Philippine sovereignty and Filipino interests, mainly fishermen. The emerging use of maritime militias in asserting jurisdiction over maritime claims poses a threat to other littoral claimant states due to the ambiguity and plausible deniability of its aggression over other states’ maritime actors operating in the

¹ Yordan Gunawan et al., “Dispute Resolution between the Philippines and China: Fishing Activities in the South China Sea,” *UNISCI Journal* 20, no. 59 (May 15, 2022): 71, <https://doi.org/10.31439/UNISCI-141>. The following are some of the significant maritime incidents that China and the Philippines have been involved with, as reflected in Gunawan et al.: In 1995, China took over Philippine-claimed Mischief Reef by building octagonal huts on stilts that it claims would be used as fishing shelters. (p.61-62) The Philippine Navy captured two Chinese vessels in 1997 on Scarborough Shoal, an uninhabited territory 230 kilometers off the Philippines and 1,000 kilometers from China. (p.62). In April 2012, The Philippines sought to apprehend Chinese fishing boats in Scarborough Shoal after detecting illicit coral, clams, and sharks. (p.63) Two Chinese ships barred the Philippine Navy from seizing the fishing vessels. (p.63)

² Gunawan et al., 71.

³ Leszek Buszynski and Do Thanh Hai, eds., “*The South China Sea: From a Regional Maritime Dispute to Geo-Strategic Competition*,” (London: Routledge, 2019), 4, <https://doi.org/10.4324/9780429331480>.

⁴ Andrew S. Erickson, “Model Maritime Militia: Tanmen’s Leading Role in the April 2012 Scarborough Shoal Incident,” 2012, 11.

region. Yet, maritime militias seem to be a force that can advance a claimant's interests over the contested region. Therefore, this thesis asks: To what degree are maritime militias critical to advancing maritime claims in the SCS contentious region?

A. SIGNIFICANCE OF THE RESEARCH QUESTION

This thesis provides the characteristics and behavior of an effective maritime militia that can significantly assert maritime jurisdiction over the contested region by examining the interrelationship of maritime militias' administrative capacity, operational mandates, and support mechanisms. This study considers the kinetic acts carried out by the maritime militias while operating on their own and as a system that includes the participation of maritime forces engaged in a particular maritime event. The conduct of kinetic operations by maritime militias in collaboration with other state maritime forces provides the interested parties a deeper understanding of the operational guidelines, such as rules of engagement, that can be drawn from the maritime militias' kinetic operations. In addition, examining the research question is also important because it helps develop a framework for a support mechanism in which maritime militias provide maritime situational awareness (MSA) in support of other components of maritime forces, thus developing appropriate safety and security coordination protocols for fishing ventures. Finally, the findings of this thesis may contribute to the literature on Southeast Asia maritime security and regional security studies by providing additional insights into the administrative and operational characteristics of maritime militias operating in the controversial SCS area.

B. LITERATURE REVIEW

Understanding the security situation in the SCS's disputed area is necessary for a thorough assessment of the role played by maritime militias. Recognizing the motivation behind these maritime militias' formation, utilization, and relationship with other maritime forces is crucial, as this may significantly influence a claimant state's overall maritime claim posture. Based on this ground, the first section of this literature review examines the current security situation in the SCS, while the second section focuses on maritime militias and how these contemporary sea troops are organized, utilized, and

function within a system of other government maritime forces in the SCS maritime conflict due to the claimant states' overlapping maritime jurisdiction. The establishment and functions of a sea force composed of mostly fishermen operating in the SCS area, which are patterned after a maritime militia, and their administrative and operational relationships with other government armed forces, will be discussed from a scholarly perspective.

1. Security Situation in the South China Sea

The EEZ gave concerned states a vast maritime domain where they can exercise jurisdiction over it for its wide array of utilization and the obligation to protect and preserve it. Boleslaw Adam Boczek writes that the most important advancement in contemporary maritime law is the introduction of the EEZ.⁵ In broad terms, Boczek describes EEZ as:

...new jurisdictional zone of the ocean...defined as the marine area (including also the subjacent seabed and subsoil) beyond and adjacent to the territorial sea, extending up to 200 nautical miles from the baselines of territorial sea, in which the coastal states has sovereign rights with regard to natural resources and other activities for the economic exploitation and exploration of the zone such as the production of energy from the water, currents, and winds.⁶

Marine scientific study, conservation of maritime environment, and establishment and utilization of synthetic islands, stations, and structures are of coastal state's jurisdiction.⁷ This zone allows third states to navigate, fly, and install underwater cables and pipelines.⁸

Similarly, Gregory B. Poling argues that the SCS is a region of two distinct types of conflicts creating the world's most politically and lawfully challenged maritime

⁵ Boleslaw Adam Boczek, "Peacetime Military Activities in the Exclusive Economic Zone of Third Countries," *Ocean Development & International Law* 19, no. 6 (January 1988): 445, <https://doi.org/10.1080/00908328809545873>.

⁶ Boczek, 445.

⁷ Boczek, 445.

⁸ Boczek, 445.

domain.⁹ Poling introduces two distinct types of disputes: first, contested ownership of numerous maritime features such as rocks and reefs that mark the region,¹⁰ and second, the maritime features' environment, including the sea, sea floor, and airspace.¹¹ Accordingly, Poling claims that based on the UNCLOS, Brunei, Indonesia, Malaysia, the Philippines, and Vietnam assert offshore rights.¹² Poling describes that these privileges often include “a 12-nautical-mile territorial sea and economic rights over water and seabed 200 miles from the coast.”¹³ The UNCLOS also allows each island a territorial sea and maybe more, as Poling maintains.¹⁴ Poling claims that the SCS is the “world’s most contested body of water” due to its intricate web of overlapping claims.¹⁵ In this second set of disputes, Poling argues that China and Taiwan are complicating the situation in that while ASEAN claimants are adhering to the UNCLOS for their claims for offshore rights applying pertinent regimes, China and Taiwan are pushing their maritime claims covering most part of the SCS citing special rights over them through their questionable boundary defined by China’s “nine-dash line” and Taiwan’s “U-shape line.”¹⁶

Natalie Klien says that in keeping with broader security perspectives, security interests have usually been exhibited with ocean space and use following a state’s military interests, particularly in asserting or defending state sovereignty and exerting power over other countries and regions.¹⁷ Klien claims that it has been considered essential for a state’s security interests to protect its adjacent coastal area so that it does not become

⁹ Poling, Gregory B. “On Dangerous Ground: America’s Century in the South China Sea.” New York, NY: Oxford University Press, 2022. 1.

¹⁰ Poling, 1.

¹¹ Poling, 1–2.

¹² Poling, 2.

¹³ Poling, 2.

¹⁴ Poling, 2.

¹⁵ Poling, 2.

¹⁶ Poling, 2.

¹⁷ Natalie Klein, “*Maritime Security and the Law of the Sea.*” (Great Britain: Oxford University Press, 2012), 6.

exploited by others in a manner that would threaten its “territorial integrity or political interdependence.”¹⁸ As a result, as Klein views, vessels’ operations emerged as foremost subject of concern when in harbors, internal waters, and territorial seas.¹⁹ Additionally, Klein argues that when assessing a state’s security interests, its naval force’s operational flexibility and capability are crucial considerations.²⁰

The employment and engagements of some maritime forces in the contentious zone of the SCS seem to confound the concept and application of the normal operations of government maritime forces. Ryan D. Martinson argues that in defending and advancing China’s maritime claims throughout its East and SCS, it applies a “gray zone” strategy.²¹ Relatedly, complementing the so-called gray zone strategy, Michael B. Petersen argues that gray zone activities are competitive exchanges that occur in the space between the classic dichotomies of war and peace.²² Although such activities do not entail open armed conflict, they are more focused on particular goals and are undertaken with more intensity than ordinary peacetime competition, as Petersen views.²³ Similarly, Renato Cruz De Castro and Paul Wesley Chambers argue that “Gray zone operations can be considered political warfare. They involve the whole warfare directed at achieving the political goals of war bereft of the actual deployment of massive units of the army or the navy on the battlefield. They apply the persuasive force of power to cause shifts in military, economic, political, and cultural relations with the targeted

¹⁸ Klein, 6.

¹⁹ Klein, 6.

²⁰ Klein, 6.

²¹ Ryan D. Martinson, “Getting Synergized? PLAN-CCG Cooperation in the Maritime Gray Zone,” *Asian Security* 18, no. 2 (May 4, 2022): 159, <https://doi.org/10.1080/14799855.2021.2007077>.

²² Michael B. Petersen, “The Chinese Maritime Gray Zone: Definitions, Dangers, and the Complications of Rights Protection Operations.” *China’s Maritime Gray Zone Operations*. Edited by Andrew S. Erickson and Ryan D. Martinson. (Annapolis, Maryland: Naval Institute Press, 2019), 16.

²³ Petersen, 16.

states short of war.”²⁴ De Castro and Chambers further note that Chinese gray zone operations are maritime operations that often provide unclear boundaries between navy and civilian platforms, operations, and acknowledgement for incidents.²⁵ In pushing for territorial claims, Chinese maritime aggression has been directed toward coastal states to obscure the fact that they are launching legitimate actual naval operations and concealing that they are taking action, as De Castro and Chambers claim.²⁶ In addition, Kraska and Monti China’s use of a maritime militia complicates the naval operations conducted by the U.S. and its allies both in peace and in war or in between – gray zone.²⁷

While the above scholars have been discussing the gray zone and what operations characterize it, Conor Steeds talks about ‘hybrid warfare’²⁸ instead. He says that in 2014, Russian’s invasion of Crimea triggered the emergence of the term hybrid warfare.²⁹ He argues that in the SCS, China has likely been engaging in hybrid warfare for some years.³⁰ Steeds claims that the People’s Armed Forces Maritime Militia (PAFMM) is at the front of China’s growth.³¹ In addition, Steeds says that the PAFMM, which consists of fishermen working aboard fishing boats and support vessels, is utilized for a number of operations, including aiding island construction, gathering information, and battling with other states’ warships; the PAFMM is always close to the frontline.³² Further, Steeds claims that the People’s Republic of China (PRC) has used it so widely that the Socialist

²⁴ Renato Cruz De Castro and Paul Wesley Chambers, “The Philippines’ Responses to Chinese Gray Zone Operations Triggered by the 2021 Passage of China’s New Coast Guard Law and the Whitsun Reef Standoff,” *Asian Affairs: An American Review*, October 18, 2022, 3, <https://doi.org/10.1080/00927678.2022.2121584>.

²⁵ De Castro and Chambers, 3.

²⁶ De Castro and Chambers, 3.

²⁷ James Kraska and Michael Monti, “The Law of Naval Warfare and China’s Maritime Militia” 91 (2015): 466.

²⁸ Conor Steeds, “Why Have the People’s Republic of China and the Socialist Republic of Vietnam Been Able to Create and Sustain Maritime Militias?,” *Contemporary Voices: St Andrews Journal of International Relations* 1, no. 1 (September 6, 2022): 199, <https://doi.org/10.15664/jtr.1557>.

²⁹ Steeds, 199.

³⁰ Steeds, 199.

³¹ Steeds, 109.

³² Steeds, 199.

Republic of Vietnam (SRV) decided in 2009 to construct its kind of equivalent force to compete directly without intensifying conflict tied to use of conventional assets.³³ Maritime militias are a form of naval force specific to these two communist/Leninist governments; they are composed mostly of fishermen, as Steeds writes.³⁴

In summary, the literature illustrates researchers' and experts' perspectives on the origins of conflict in the SCS, maritime forces operating in the area, and the nature of operations used to pursue claimants' objectives. Due to the legal application of the UNCLOS' EEZ rule and Taiwan's and China's similar claims of maritime jurisdiction over almost the whole SCS, the region has become the most troublesome overlapping maritime jurisdiction zone. As a result, maritime militias, mostly comprised of fishermen, have developed and are being utilized to further claimants' maritime and national interests in the region. Moreover, the civilian-leaning character of maritime militias calls into question standard notions of lawful professional military forces carrying out state-directed maritime operations.

Consequently, as a contested region, the SCS hosts maritime forces that conduct gray zone operations and may also be classified as hybrid warfare in times of peace and conflict.

2. Formations and Roles of Maritime Militias in the South China Sea

A maritime security issue can encompass a wide variety of maritime safety and security concerns ranging from coasts to high seas that pose significant concerns not only to countries exercising domestic authority over maritime domains but also to international communities with maritime interests both within and outside the maritime region. To subdue maritime security threats, scholars have shown that some claimant states are strengthening their defense capabilities, especially their maritime forces that directly control maritime operations, to achieve security within the maritime domain. For example, Mashashi Nishihara notes that China has built two submarines, ballistic missile

³³ Steeds, 199–200.

³⁴ Steeds, 200.

equipped, nuclear-powered of Jin-class, one of which was in service almost two decades ago, and that her developing naval capability should be given particular importance.³⁵ Nishihara argues that China's seaward defense line was initially drawn from Japan through the Philippines during the 1990s, but gradually expanded to include sea areas reaching the Mariana and Palau Islands.³⁶ Relatedly, Michael Yahuda claims that China's maritime dominance in today's world has rapidly grown, with its defense spending at least three times more than that of all ASEAN countries combined.³⁷ In supporting his claim about Beijing's fast-escalating maritime power, Yahuda avers that given China's rapidly expanding economic strength, China asserts its lawful right, as a great power, to develop its naval forces competent in performing operations beyond its immediate coastal limits to patrol the western Pacific, South China Sea, and the Indian Ocean and the Persian Gulf's approaches.³⁸ On the other hand, David Rosenberg and Christopher Chung notes that for the coastal states to support their objectives of safeguarding the abundant natural resources in their nations' EEZ and managing the consistent expansion of the region's crucial shipping sector, their maritime forces must be upgraded.³⁹

Lutz Feldt, Dr. Peter Roell, and Ralph D. Thiele writes that within the sphere of Maritime Security, appropriate civilian or military authorities and agencies are responsible for operational measures to counter threats and mitigate risks from illegal and threatening maritime activities.⁴⁰ In addition to enforcing the law, they safeguard

³⁵ Nishihara Masashi, "Maritime Japan Should Reinforce Maritime Defense Capability," no. 37 (July 17, 2008): 2.

³⁶ Nishihara, 3.

³⁷ Michael Yahuda, "China's New Assertiveness in the South China Sea," *Journal of Contemporary China* 22, no. 81 (May 2013): 452, <https://doi.org/10.1080/10670564.2012.748964>.

³⁸ Yahuda, 450.

³⁹ David Rosenberg and Christopher Chung, "Maritime Security in the South China Sea: Coordinating Coastal and User State Priorities," *Ocean Development & International Law* 39, no. 1 (January 2008): 52, <https://doi.org/10.1080/00908320701641602>.

⁴⁰ Lutz Feldt, Dr Peter Roell, and Ralph D Thiele, "Maritime Security – Perspectives for a Comprehensive Approach," *Maritime Security*, no. 222 (2013): 14.

national and international interests and protect citizens.⁴¹ Further, they claim that by managing maritime security threats both openly and implicitly, maritime forces must provide maritime security, whether civilian or part of armed forces.⁴² Feldt et al. claim that these maritime forces carry out security patrols, intercept suspicious vessels, deliver data for MDA, and build capacity partnerships to provide maritime security.⁴³

Claimant states appear restricted in their ability to conduct routine naval and coast guard maritime patrols and law enforcement mandates in the SCS contested region, which may limit the claimants' awareness of the maritime domain. Natalie Klein argues that a critical development in maritime law has been ensuring that warships can travel through the most convenient sea lines of communication (SLOC) wherever they may be located.⁴⁴ Klien says that economic, ecological, and military motives have driven the interests of coastal states, but warship's freedom of access has also signified freedom from undue restraints.⁴⁵ Moreover, Klein adds that UNCLOS permits some subjectivity in decision-making for coastal nations' limitations.⁴⁶

The problems emanating from the overlapping maritime region in the SCS have caused claimants to use their maritime forces proactively to safeguard their territorial integrity and maintain the status quo on their maritime claims by forming and utilizing the so-called maritime militia. Haoran Cui and Yubing Shi note that the Vietnamese Law on Militia and Self-Defense Forces serves mainly to allow Vietnam to send "fishing militias" to protect its maritime entitlements in the disputed SCS and that laws governing fishing militias in the relevant states need to be understood to avoid and resolve possible legal disputes regarding maritime militia utilization in the SCS and at the same time to

⁴¹ Feldt, Roell, and Thiele, 14.

⁴² Feldt, Roell, and Thiele, 15.

⁴³ Feldt, Roell, and Thiele, 15.

⁴⁴ Klein, Natalie. "Maritime Security and the Law of the Sea." Oxford, England: Oxford University Press, 2012. 43.

⁴⁵ Klein, 43.

⁴⁶ Klein, 43.

gain comprehension regarding the characteristics and entitlements of maritime militia.⁴⁷ In Article 55 of China’s Constitution, amended last 2018, Cui and Shi believe the statute “provides for the legal obligation to perform military service and join militia organizations from the perspective of citizens’ obligations, pointing out that the military service system and militia organizations are the basic forms of the composition of the national armed forces. It also gives every Chinese citizen, including the militia, the duty to ‘resist aggression and defend the motherland.’”⁴⁸ Accordingly, as Cui and Shi emphasize, the law provision can be extended to cover actions taken by CMM to protect the sovereignty of country’s islands and maritime rights.⁴⁹

Forming militias has historical significance in defending territories against different threats, whether on land or at sea, and participation is regarded as a duty of citizenship. John K. Mahon defines a Citizen Soldier as a civilian who acts as a militia, a national guard, or part of armed forces reserves in war or peace through volunteerism or conscription.⁵⁰ Mahon claims that since the British colonial days, militias have been part of the American scene wherein it follows the principle that each man must volunteer to serve his state or nation, for if not, the state will compulsorily draft him.⁵¹ Relatedly, England and the United States, as S.T. Ansell affirms, have mutual elemental doctrine of the Anglo-Saxon militia.⁵² As an institution, it embodies the fundamental principles relating freemen to their states, as Ansell views.⁵³ In addition to being state institutions,

⁴⁷ Haoran Cui and Yubing Shi, “A Comparative Analysis of the Legislation on Maritime Militia Between China and Vietnam,” *Ocean Development & International Law* 53, no. 2–3 (July 3, 2022): 148, <https://doi.org/10.1080/00908320.2022.2103478>.

⁴⁸ Cui and Shi, 149.

⁴⁹ Cui and Shi, 150.

⁵⁰ Mahon, John K. “*History of the Militia and the National Guard*.” New York: Macmillan, 1983: 4.

⁵¹ Mahon, 260.

⁵² S. T. Ansell, “Legal and Historical Aspects of the Militia,” *The Yale Law Journal* 26, no. 6 (1917): 472, <https://doi.org/10.2307/786428>.

⁵³ Ansell, 472.

Ansell maintains that militias are more like state and citizen soldiery than national and professional armed forces.⁵⁴

Koki Sato claims that state merchant vessels have traditionally supported armed forces during times of conflict.⁵⁵ Sato says that merchant vessels, including fishing boats of some types, were requested, commandeered, or procured for use by the naval force in the past.⁵⁶ For example, Sato explains that many British trawlers were converted into armed naval trawlers during the world wars for anti-submarine warfare and minesweeping purposes.⁵⁷ Typically, these mobilizations occur during wartime, as Sato views.⁵⁸ In contrast to his earlier claim, Sato argues that compared to earlier precedents, China's present deployment method for non-military vessels, maritime militia included, differs significantly.⁵⁹ Sato maintains that fishermen have been mobilized in peacetime and may be mobilized in a conflict with a distinctive approach.⁶⁰

A handful of scholars affirm that militias composed of fishermen operating in the disputed maritime areas of the SCS region are well-structured and are government-sponsored maritime militia forces. For example, Hongzhou Zhang and Sam Bateman claim that fishermen are considered essential defenders of territorial maritime claims by concerned states in the SCS.⁶¹ A fishing militia is an essential component of China and Vietnam's security forces since the early days, and they have strengthened such forces since 2007, when tensions rose in the SCS, Zhang and Bateman maintain.⁶² In China, as Zhang and Bateman further explain, the fishing militia recruits its members from fishing

⁵⁴ Ansell, 478.

⁵⁵ Koki Sato, "China's Maritime Militia: A Legal Point of View," 2020, 1.

⁵⁶ Sato, 1.

⁵⁷ Sato, 1.

⁵⁸ Sato, 1.

⁵⁹ Sato, 1.

⁶⁰ Sato, 1.

⁶¹ Hongzhou Zhang and Sam Bateman, "Fishing Militia, the Securitization of Fishery and the South China Sea Dispute," *Contemporary Southeast Asia* 39, no. 2 (2017): 290.

⁶² Zhang and Bateman, 290.

communities that join a more extensive group called the Chinese maritime militia (CMM), which constitutes a reserve force within the People’s Liberation Army Navy (PLAN); in which these armed mass organizations are not decoupled from economic activities in the SCS.⁶³ Similarly, Nguyen Hong Thao and Ton Nu Thanh Binh assert that the CMM are subgroups of the national militias of China.⁶⁴ Citing the Chinese defense white paper published in 2013, Thao and Binh state that the CMM serves as a backup and support force to the PLA, receives military training and participates in drills with the other Chinese maritime forces, such as the navy and the coastguard.⁶⁵

Meanwhile, to show the relationship as to organizational attachment of CMM vis-à-vis the other Chinese maritime forces, Andrew S. Erickson, Joshua Hickey, and Henry Holst state that each of the three primary units that composed China’s military has sea-based component.⁶⁶ Erickson, Hickey, and Holst describe these units as:

The gray-hulled People’s Liberation Army Navy (PLAN) claims a growing portion of the PLA’s personnel and resources; the People’s Armed Police (PAP) leads, and increasingly reflects the paramilitary character of, China’s white-hulled maritime law-enforcement (MLE) forces, including the China Coast Guard (CCG); and the militia contains a growing proportion of sea-based units, the blue-hulled, PLA-controlled People’s Armed Forces Maritime Militia (PAFMM).⁶⁷

Shuxian Luo and Jonathan G. Panter, on the other hand, describe militia as “‘an armed mass organization composed of civilians retaining their regular jobs,’ a component of China’s armed forces, and an ‘auxiliary and reserve force’ of the PLA. Once conceived as a major component in the concept of ‘People’s War,’ the militia in contemporary Chinese military planning is now tasked with assisting the PLA ‘by performing security

⁶³ Zhang and Bateman, 290.

⁶⁴ Nguyen Hong Thao and Ton Nu Thanh Binh, “Maritime Militias in the South China Sea,” 2019, 1.

⁶⁵ Thao and Binh, 2.

⁶⁶ Andrew S. Erickson, Joshua Hickey, and Henry Holst, “Surging Second Sea Force: China’s Maritime Law-Enforcement Forces, Capabilities, and Future in the Gray Zone and Beyond,” *U.S. Naval War College Review* 72, no. 2 (Spring 2019): 1.

⁶⁷ Erickson, Hickey, and Holst, 1.

and logistics functions in war.”⁶⁸ Accordingly, Lou and Panter state the maritime militia is separate from the PLAN and the CCG and consists of marine economy laborers trained by the PLA and CCG and perform functions not limited to “border patrol, surveillance and reconnaissance, maritime transportation, search and rescue, and auxiliary tasks in support of naval operations in wartime.”⁶⁹ The claims of the abovementioned scholars about CMM suggest a typical picture of a structured group of fishermen, military-trained, and organized maritime force that operates with the PLAN and CCG as it conducts its primary marine economic ventures.

Maritime militias’ fishing platforms seem considerable in size and technologically equipped as they venture out to sea for fishing and support Chinese government maritime forces. The way on how the maritime militia supports the regular maritime forces and the government seems of considerable magnitude of support ranging from its ship systems and functions as militia. James Kraska and Michael Monti writes that “The fishing vessels of the militia are equipped with advanced electronics, including communications systems and radar that supplement the PLAN force structure and enhance interoperability with other agencies, such as the China Coast Guard.”⁷⁰ China’s combat ships receive logistical assistance from the marine militia.⁷¹ Militia fishing craft, for instance, delivered ammo and petroleum products to two combat ships near Zhejiang Province in May 2008.⁷² According to Kraska and Monti, “Many boats are equipped with satellite navigation and can track and relay vessel positions, and gather and report maritime intelligence. In peacetime, the ships provide an on-scene presence around reefs and rock features, natural islands, newly-created artificial islands, and shore side and offshore

⁶⁸ Shuxian Luo and Jonathan G. Panter, “China’s Maritime Militia and Fishing Fleets,” *Military Review* 101, no. 1 (February 2021): 11–12.

⁶⁹ Luo and Panter, 12.

⁷⁰ James Kraska and Michael Monti, “The Law of Naval Warfare and China’s Maritime Militia,” *Stockton Center for the Study of International Law* 91 (2015): 452.

⁷¹ Kraska and Monti, 452.

⁷² Kraska and Monti, 452.

facilities.”⁷³ Since the early 1990s, these ships have also provided China with building supplies of over 2.65 million tons for constructing its notorious artificial islands in the SCS.⁷⁴

Mark A. Stokes states that to locate and target foreign naval forces, the PLA would also likely employ unconventional ISR assets like the PAFMM in times of war. Stokes argues that China mobilizes militia detachments to reinforce the PLA in peace and war.⁷⁵ Not only as modern agents of people’s war, the mobilized, well-trained, and equipped militia units, whether stationary or mobile components, can provide various technical reconnaissance, observation and communication, and electronic reconnaissance services to theater component units, supplementing PLA maritime forces’ ISR capabilities in particular, during a conflict, as Stokes explains.⁷⁶ On the other hand, Stokes affirms that during peacetime, the maritime militia, under the PLA’s control, performs ISR functions and monitors foreign activity in Chinese-claimed waters.⁷⁷ Despite being less technologically sophisticated than coast guard forces, Stokes claims that the maritime militia’s presence in disputed areas fills a gap in the common operational picture.⁷⁸ Also, Stokes claims that the maritime militia is on standby for missions that are too confrontational if carried out by the Chinese navy and coast guard assets.⁷⁹

In addition, in more detailed roles of and strategies employed by CMM in tandem with the CCG, Ryan D. Martinson argues that both maritime forces are frontline operators of gray zone tactics of China, performing three primary “rights protection”

⁷³ Kraska and Monti, 452–53.

⁷⁴ Kraska and Monti, 453.

⁷⁵ Mark A. Stokes, “China’s Maritime Militia and Reconnaissance-Strike Operations,” *China’s Maritime Gray Zone Operations*, ed. Andrew S. Ericson and Ryan D. Martinson (Annapolis, Maryland: Naval Institute Press, 2019), 156.

⁷⁶ Stokes, 156.

⁷⁷ Stokes, 157.

⁷⁸ Stokes, 157.

⁷⁹ Stokes, 157.

duties:⁸⁰ first, symbolize Beijing’s authority over maritime claims through CMM and CCG sustained presence in China’s waters;⁸¹ second, CMM and CCG ban foreign boats from exploiting Chinese-claimed domain for defense, scientific, or commercial objectives where and when instructed;⁸² and third, CMM and CCG protect Chinese civilian mariners line fishermen, scientists, maritime resource exploration units and personnel, and so on who operate in Chinese-claimed maritime space.⁸³ Martinson claims that if these Chinese civilian mariners feel threatened, CMM and CCG come to their help, and if the risk is significant enough, the CMM and CCG accompany them while they work in dangerous situations.⁸⁴ Martinson claims that coast guard and the militia’s basic strategy use in this situation are to position their boats between the civilian vessel and any potential assailants.⁸⁵ In addition, coast guard and militia, regardless of their main objective, are tasked with gathering information about foreign military and civilian operations.⁸⁶

In summary, the literature shows maritime militia recruitment, administrative and operational linkages with other state maritime forces, and roles and capacities to carry out state-directed maritime operations in the SCS area to advance claimants’ national interests. Maritime militias in the SCS are made up of soldier-citizens who fish while helping the government with maritime security. The CMM, also known as the PAFMM, are maritime militias that act alongside the CCG as a reserve and support force for the PLAN. These maritime militias are trained, well-organized, and technologically equipped to execute protection rights mandates in peace and war.

⁸⁰ Martinson, “Getting Synergized?,” 161.

⁸¹ Martinson, 161.

⁸² Martinson, 161.

⁸³ Martinson, 161.

⁸⁴ Martinson, 161.

⁸⁵ Martinson, 161.

⁸⁶ Martinson, 161.

C. POTENTIAL EXPLANATIONS AND HYPOTHESES

The literature review openly described the SCS as a complex maritime security issue due to the UNCLOS' 200NM EEZ that claimant states had implemented, the nine-dash-line or U-shape related claims of China and Taiwan, and China and Vietnam's emerging use of maritime militias as an addendum to their government maritime forces operating in the contested region, making the overlapping maritime domain a gray zone. The overlapping maritime jurisdiction issue has become a maritime security threat as it made some claimants exploit and employ non-conventional warfare, such as the gray zone strategy and the hybrid warfare in asserting maritime claims that seem to be putting other claimants in a disadvantageous position. There seemed no quick fix to the maritime claim disputes in the SCS.

However, China and Vietnam appeared to have an edge by employing maritime militias to provide a consistent presence in the maritime domain, explore and exploit marine resources, and conduct gray zone operations with support mechanisms provided by the government or private companies. Aside from the nature of maritime militia as a citizen-soldier force, its motivation and needed security for its fishing ventures that can be downplayed through the support mechanisms from claimant state, give this force the edge as potent actor for asserting maritime jurisdiction over contested region.

Therefore, it can be hypothesized that the creation and employment of maritime militia over a contested region is highly critical in advancing maritime claims. In order to ascertain how critical maritime militias are in advancing maritime claims, additional hypothesis has to be drawn to ensure maritime militias' effectiveness in asserting maritime jurisdiction over contested waters: that is, a maritime militia is effective in asserting maritime jurisdiction only if it operates within the system of the overall defense framework within the contested region.

D. RESEARCH DESIGN

To comprehensively answer whether maritime militia has a significant impact in asserting maritime jurisdiction in the contested region, it is necessary to go over the history and current status of maritime claims of different states in the SCS. By discussing

the historical context and status of maritime claims, a better grasp of the SCS dilemma is guaranteed, as these will show the evolution of issues on claimants' overlapping maritime jurisdiction, the fortification of claimed maritime features, and the use of unconventional maritime forces in the contested region. Similarly, the formation of the maritime militias has been credited to China and Vietnam as identified states commissioning maritime militias in the SCS region. However, the focus of the study is on CMM. As such, data on maritime militia's training, and equipment shall be sought from the works or studies of some scholars or experts. A vast amount of data is essential in assessing organization, training, and equipment to have a thorough comparative analysis of their similarities and differences. Moreover, comparing these maritime militias will also identify possible gaps in maritime militias' formation, utilization, and support systems.

It is imperative to understand how the emerging maritime militias and their tactics and strategy have evolved; thus, this thesis examined some of the maritime incidents such that happened in China's nine-dash line. These incidents may give a clearer perspective on maritime militias' behavior if they operate independently or within a system of defense framework. Furthermore, theses, dissertations, statements of significant personalities, newspapers, documentary videos, and others shall be explored to give more meaning to the thesis.

E. THESIS OVERVIEW AND CHAPTER OUTLINE

Chapter II discusses the overall picture of the maritime claims and actions taken by all claimant states. A section in this part presents the maritime incidents wherein significant roles of maritime militias are recognized, identify strategies employed over maritime militias, and support mechanisms from the government and private fishing companies. Chapter III introduces CMM as the most distinct militia operating in the region. It is evaluated on the manner it was organized, trained, and equipped. In addition, this chapter sought the strategy employed that affects its behavior in the contested region and the support mechanism it received from the government. Lastly, Chapter IV covers the hypothesis testing and the thesis findings and conclusion.

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II. SOUTH CHINA SEA: CLAIMS, CONFLICT, AND MARITIME MILITIA

China's nine-dash line assertion in the South China Sea (SCS) is the source of conflict in the region as it denies claimant countries to freely explore, exploit, preserve, and protect their maritime entitlements as directed by UNCLOS. In asserting such massive territorial entitlements in the region, China relies on the perpetual presence and support of its maritime militias, who are actively conducting fishing ventures and paramilitary operations in its nine-dash line's four key areas: the Paracel Islands to the west, Scarborough Shoal to the east, the Natuna Islands to the south, and the Spratly Islands in the center. The presence and actions of these militias in these strategic locations validate China's claim to the region, despite the potential negative impact on regional stability and global security. While the international community is seeking diplomatic and legal solutions to resolve local region's territorial dispute. China's use of maritime militias raises concerns about accountability and adherence to international norms and conventions. Nonetheless, this approach may be seen as a more effective way for China to assert its maritime claims in the SCS without resorting to the use of force.

This chapter examines the SCS as a potential source of conflict in the region, in view of China's assertion of maritime claims through its strategic nine-dash line incorporating all the maritime features, resources, waterways within the line and its distinct use of maritime militias in all identified maritime incidents in protecting its national interest over the region.

A. CHINA'S STRATEGY IN SOUTH CHINA SEA

As earlier emphasized in the literature review in Chapter I, China's claims over the SCS encompass almost all of the maritime features covered by its drawn nine-dash line in the region, with Beijing emphasizing historical basis and compliance to UNCLOS. Its internal laws back up Beijing's massive claims despite the PCA ruling in July 2016 denying such historical and UNCLOS entitlements, particularly in the Spratly Islands Group region, where most of the neighboring countries' claims overlapped. With no

definitive nine-dash line demarcations and Beijing's status and actions taken to protect and preserve its claims, China seems to be the most advantageous among all claimants in the region.

Peter Dutton argues that China's primary strategy in the SCS area includes China's interaction with ASEAN nations, mostly its neighbors, as early as 2011. China's stance on maritime claims in the SCS and Southeast Asia pursues three main objectives: "regional integration, resource control, and enhance security."⁸⁷ To better understand China's behavior during the last four decades requires looking at it through the diverse techniques it has used to attain these objectives.⁸⁸

Under its overarching "Peaceful Rise" plan, China considers regional integration with Southeast Asian countries as an essential priority as it provides diplomatic and financial advantages.⁸⁹ By concentrating on economic development and peaceful borders, China plans to shift resources from military defense to fast economic growth.⁹⁰ Thus, China declared a "strategic pause" on actual physical dispute in the half decade of 1990s at Spratly Islands and after Beijing's diplomatic setback resulting from Mischief Reef incident.⁹¹ Started at latter part of 1990s until over 2007, regional political and economic unification were achieved, fostering economic progress and balances external forces like the U.S. in most Southeast Asian nations.⁹² Most Southeast Asian nations have supported this integration, which boosts economic development and counters U.S. pressure.⁹³

Securing dominance over the SCS's biological and mineral resources is another objective China is striving for, in addition to its pursuits in regional integration, aiming to

⁸⁷ Peter Dutton, "Three Disputes and Three Objectives: China and the South China Sea," *Naval War College Review* 64, no. 4 (2011): 55.

⁸⁸ Dutton, 55.

⁸⁹ Dutton, 55.

⁹⁰ Dutton, 55.

⁹¹ Dutton, 55.

⁹² Dutton, 55.

⁹³ Dutton, 55.

fortify its long-term resource security.⁹⁴ China is working for regional integration as well as improving its long-term resource security by maintaining control over the majority of the living and nonliving resources in the SCS.⁹⁵

Dutton emphasizes the statement of Zhou Shouwei, vice president of China National Offshore Oil Corporation, when he responded to a question from a Chinese commentator by saying that China's main challenge is one of resources and that discoveries of deep-water oil and gas, in particular, are crucial for replenishing both China's and the global's oil reserves.⁹⁶

China's third objective is to enhance its control over the SCS to build a maritime security buffer zone that protects its eastern coastline's primary population centers, industries, and rich cultural sites.⁹⁷ China has to balance land and maritime strength to create strategic rings around its vital national interests.⁹⁸ It is believed by Chinese strategists that they must develop military control in the SCS, East China Sea, and Yellow Sea as a whole to deter any foreign threats and bolster the safety of China's coastline.⁹⁹

At a diplomatic conference in Sydney, Australia in 2014, Chinese Foreign Minister Wang Yi presented the Four Respects about the issues on SCS.¹⁰⁰ These Four "Respects," as Anne Hsiu-An Hsiao writes, embraced: "respect the historical facts; respect international laws and regulations; respect direct dialogue and consultation between countries concerned; and respect joint efforts by China and ASEAN in safeguarding peace and stability in the South China Sea."¹⁰¹ In addition, Hsiao

⁹⁴ Dutton, 56.

⁹⁵ Dutton, 56.

⁹⁶ Dutton, 56–57.

⁹⁷ Dutton, 58.

⁹⁸ Dutton, 58.

⁹⁹ Dutton, 58.

¹⁰⁰ Anne Hsiu-An Hsiao, "China and the South China Sea 'Lawfare,'" *Issues and Studies* 52, no. 2 (June 2016): 28, <https://doi.org/10.1142/S1013251116500089>.

¹⁰¹ Hsiao, 28.

emphasizes the Minister’s statement as quoted: “Concerning the last ‘respect,’ Mr. Wang stated: ‘China and the ASEAN are fully capable of safeguarding peace and stability as well as navigation freedom in the South China Sea. We understand the reasonable concerns of the countries outside the region, and at the same time hope that countries outside the region could offer help by playing a constructive role on the South China Sea issue rather than add to the trouble.’”¹⁰² In managing the SCS dispute, China affirms and encourages the dual-track approach championed by ASEAN countries, which involves direct negotiation between the parties concerned for specific disputes and joint efforts by China and ASEAN to ensure regional peace and stability.¹⁰³

B. LEGAL PERSPECTIVE OF CHINA’S NINE-DASH LINE AND THE MARITIME MILITIA

The legal entitlements of rival claimants in the contested SCS concerning China’s nine-dash line are anchored on UNCLOS provisions and the July 2016 UNCLOS ruling by the Permanent Court of Arbitration (PCA). Additionally, given that most rival claimants are ASEAN members, it is important to consider regional conflict resolution and current agreements among claimants regarding overlapping maritime claims. Lastly, the legality of utilizing the alleged maritime militia in the contested region should also be understood. Failing to adhere to these established provisions of international customary law by any of the claimants will only perpetuate the conflict and hinder any potential for a peaceful resolution.

1. International Law Perspective

Each claimant state in the SCS region determines its maritime boundaries in accordance with UNCLOS provisions, particularly the establishment of EEZ and continental shelf and overlapping claims shall be addressed together by concerned states. UNCLOS Article 57 which defines the breadth of the EEZ states that it “shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea

¹⁰² Hsiao, 28.

¹⁰³ Hsiao, 28.

is measured”¹⁰⁴ while paragraphs 5 and 6 of Article 76 touched explicitly on measurements of the continental shelf to which a state would be entitled of that maritime domain “not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured.”¹⁰⁵ Although UNCLOS was created to define legal maritime jurisdiction and settle disputes, overlapping claims to sovereignty and rights make conflict resolution more difficult.

Based on the PCA Case No. 2013–19 Award document dated July 12, 2016, as regards SCS arbitration between the Philippines and China, paragraph 180 states that “....As far as the Tribunal is aware, China has never expressly clarified the nature or scope of its claimed historic rights. Nor has it ever clarified its understanding of the meaning of the ‘nine-dash line.’”¹⁰⁶ Accordingly, paragraph 181 states:

What has become known as the ‘nine-dash line’ first appeared on an official Chinese map in 1948....A similar line had also appeared in privately produced cartography as early as 1933. The 1948 Map is reproduced....In this original form, the map featured 11 dashes. The two dashes in the Gulf of Tonkin were removed in 1953, rendering it a ‘nine-dash line’, and the line has appeared consistently in that nine-dash form in official Chinese cartography since that date. The length and precise placement of individual dashes, however, do not appear to be entirely consistent among different official depictions of the line.¹⁰⁷

Novena Clementine Manullang, Achmad Gusman Siswandi, and Chloryne Trie Isana Dewi claim that China’s imaginary nine-dash line assertion in the SCS covers 90% of the maritime domain.¹⁰⁸ Several neighboring countries vigorously disputed China’s assertion in the SCS through its nine-dash line, and the Philippines ultimately filed the

¹⁰⁴ “United Nations Convention on the Law of the Sea,” 44, accessed March 3, 2023, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

¹⁰⁵ “UNCLOS,” 53.

¹⁰⁶ Award: In the Matter of the South China Sea Arbitration, PCA Case N° 2013–19 71 (Permanent Court of Arbitration 2016).

¹⁰⁷ Award, PCA Case N° 2013–19 at 71.

¹⁰⁸ Novena Clementine Manullang, Achmad Gusman Siswandi, and Chloryne Trie Isana Dewi, “The Status of Maritime Militia in The South China Sea Under International Law Perspective,” *Jurnal Hukum IUS QUIA IUSTUM* 27, no. 1 (June 29, 2020): 24, <https://doi.org/10.20885/iustum.vol27.iss1.art2>.

matter before the PCA in 2013.¹⁰⁹ However, China steadfastly refused to abide by the PCA's judgment, despite it finding that 14 out of 15 claims were in the Philippines' favor and that China's claims were invalid and not aligned with UNCLOS 1982.¹¹⁰

Fravel identified three reasons why Beijing's maritime rights and jurisdiction claims in the SCS are vague, namely: first, while China may create an EEZ from certain SCS islands, UNCLOS' Article 121(3) restricts China's land features thereat for EEZ claims except for the five major Spratly Islands, Woody Island in the Paracels, and Taiwan-controlled Pratas Island and that UNCLOS required settlement of disputes when claims overlapped; second, China's SCS claims are particularly problematic because its domestic laws do not provide a clear definition of its historic rights in the region; and third, having the same magnitude of claims in the SCS, Beijing and Taipei did not explain what the "nine-dashed line" region on Chinese maps means under international law, adding to the uncertainty.¹¹¹

2. Regional Collaboration

In solving the problem arising from the overlapping maritime claims, the ASEAN and China see their conflict as requiring regional cooperation, and the latter believes that disagreements shall be discussed between parties involved free from external party intervention.

On November 4, 2002, at the Eighth ASEAN Summit in Phnom Penh, Cambodia, ASEAN and Chinese officials signed the Declaration on the Conduct of Parties (DOC) in the SCS.¹¹² All parties concur that the event has significantly aided in preserving in preserving regional "peace and security" while fostering "development and

¹⁰⁹ Manullang, Siswandi, and Dewi, 24.

¹¹⁰ Manullang, Siswandi, and Dewi, 24.

¹¹¹ M. Taylor Fravel, "China's Strategy in the South China Sea," *Contemporary Southeast Asia* 33, no. 3 (2011): 294-95.

¹¹² Nguyen Hong Thao, "The 2002 Declaration on the Conduct of Parties in the South China Sea: A Note," *Ocean Development & International Law* 34, no. 3-4 (July 1, 2003): 279, <https://doi.org/10.1080/00908320390221849>.

cooperation.”¹¹³ In addition, Chinese Vice Deputy Foreign Minister Wang Yi said “the Agreement would not solve territorial conflicts, but would allow peace to reign and help claimant countries focus on economic development.”¹¹⁴ The DOC is the first step toward a 10-year-old SCS Code of Conduct (COC).¹¹⁵

On 27 March 2023, a meeting took place between Chinese State Councilor and Foreign Minister Qin Gang and ASEAN Secretary-General Kao Kim Hourn, with the former expressing China’s readiness to collaborate with the ASEAN to prevent outside influences and offer institutional assurances in developing the SCS into “a sea of peace, friendship and cooperation.”¹¹⁶ In addition, Qin Gang also highlighted that Beijing is prepared to cooperate with ASEAN nations in removing external interference, ensuring successful implementation of the DOC, and expediting the formulation of the COC in the SCS.¹¹⁷

3. Legal Status of China’s Maritime Militia

While the ability of the government to form and maintain maritime militia to perform state-directed activities during times of peace and war is not guaranteed, it is possible in some nations. Idean Salehya claims that the word “militia,” referenced many times in the U.S. Constitution, is recognized as legitimate in the United States.¹¹⁸ Although the president is designated as the armed forces’ commander in chief, Congress has the power to call on the militia to uphold federal laws and protect against foreign invasions.¹¹⁹ The Second Amendment upholds the freedom to own and carry a weapon

¹¹³ Thao, 279.

¹¹⁴ Thao, 279.

¹¹⁵ Thao, 279.

¹¹⁶ Global Times, “China Vows to Build the South China Sea into a Sea of Peace and Cooperation - Global Times,” accessed March 28, 2023, <https://www.globaltimes.cn/page/202303/1288068.shtml>.

¹¹⁷ Times.

¹¹⁸ Idean Salehyan, “Why We Shouldn’t Call Militias, ‘Militias,’” *Political Violence at a Glance* (blog), October 19, 2020, <https://politicalviolenceataglance.org/2020/10/19/why-we-shouldnt-call-militias-militias/>.

¹¹⁹ Salehyan.

so long as it is used by a well-regulated militia.¹²⁰ The U.S. Law, however, recognizes two different kinds of militias: the National Guard and Naval Militia, which are organized, and the unorganized militia, which consists of physically fit males between the ages of 17 and 45 who may be drafted into service by the government in times of need.¹²¹

Haoran Cui and Yubing Shi claim that Vietnam has made militia service by law and clearly defines the role of the militia within the structure of the national military forces.¹²² Vietnam’s Constitution, which underwent changes in 2013, advocates for the concept of “the all-people national defense” and asserts that protecting the socialist Vietnamese homeland is the responsibility of every citizen.¹²³ Article 66 specifies that the government will establish a People’s Army that is trained, disciplined, and progressively modernized.¹²⁴ This army will consist of a permanent force, a sizable and potent reserve force, and a robust Self-defense and militia force, which will act as the primary entity responsible for executing national defense duties.¹²⁵ However, based on its Constitution, Vietnam’s armed forces structure reflects the fundamental reality that the militia is neither Vietnam’s regular nor reserve armed forces but rather a separate military entity.¹²⁶ In addition, Vietnam’s Law on Militia and Self-Defense Forces, which took effect on 01 July 2020, is a comprehensive and specialized legislation governing Vietnam’s militia and self-defense forces’ missions, organization, operations, and obligations, as well as a legal foundation and programmatic record for maritime militia actions.¹²⁷ Vietnam’s Militia and Self-Defense Forces Law of 2009 defines “marine

¹²⁰ Salehyan.

¹²¹ Salehyan.

¹²² Cui and Shi, “A Comparative Analysis of the Legislation on Maritime Militia Between China and Vietnam,” 154.

¹²³ Cui and Shi, 154.

¹²⁴ Cui and Shi, 154.

¹²⁵ Cui and Shi, 154.

¹²⁶ Cui and Shi, 154.

¹²⁷ Cui and Shi, 154–55.

militia and self-defense forces” under Article 5, paragraph 4.¹²⁸ These forces, organized and active in the littoral areas and in entities, promote the marine economy in coastal and island communities while safeguarding territorial sovereignty and maritime rights and interests.¹²⁹ The 2019 version of the law further emphasizes the role of these forces in fulfilling their obligations in sea and island operations.¹³⁰

The militia system in China developed as a military system inspired by people’s war concept and was officially founded by virtue of Article 23 of The Common Program of Chinese People’s Political Consultative Conference in 1949.¹³¹ During China’s revolutionary war, the system evolved and was later incorporated into New China’s inaugural Military Service Law in 1955, with Supplementary Provisions, with Cui and Shi quoting “the militia will continue to undertake such tasks as safeguarding the order of local life and production.”¹³² The legal basis for China’s maritime militias in the current time “resides primarily in the Constitution and in sectoral laws such as the Military Service Law, National Defense Law, National Defense Mobilization Law, and Emergency Response Law.”¹³³ The legal framework for the militia therefore suggests a systemic approach in mobilizing them to perform its tasks for the communities it serves.

China amended its Constitution in 2018 to include Article 55, stipulating that “it is the sacred duty of every citizen of the People’s Republic of China to defend the motherland and resist aggression; it is the honorable duty of citizens of the People’s Republic of China to perform military service and join the militia in accordance with law.”¹³⁴ From the viewpoint of citizen obligation, the article outlines that military service and involvement in militia organizations are the cornerstone of the country’s

¹²⁸ Cui and Shi, 155.

¹²⁹ Cui and Shi, 155.

¹³⁰ Cui and Shi, 155.

¹³¹ Cui and Shi, 149.

¹³² Cui and Shi, 149.

¹³³ Cui and Shi, 149.

¹³⁴ Cui and Shi, 149.

military structure and mandates them to perform their sacred duty.¹³⁵ Article 55, according to Cui and Shi, may broadly encompass the legal underpinnings that empowers “China’s maritime militia to engage in actions to safeguard the sovereignty of national islands and maritime rights and interests.”¹³⁶ Decrees show legality of maritime militia of China, legitimizing them to perform duties for the country, particularly on their roles to protect the integrity of their maritime territory.

Koki Sato stresses the need to understand what a militia is and how international law defines it to guarantee a maritime militia’s legal existence during peacetime.¹³⁷ He defines the militia as “A military or paramilitary unit or group, which is not composed of professional soldiers but of regular citizens who are trained for their military duty in cases of emergency or as reserve forces to support regular troops.”¹³⁸ The primary concern in international law with regard to the militia is whether or not their members are classified as lawful combatants.¹³⁹ Militia and volunteer corps that meet specific requirement like visible display of recognizable symbols, falls under The Hague Land War Rules of 1907’s Article 1, which applies war laws, rights, and obligations to armies.¹⁴⁰ He added that in some countries, the militia or volunteer corps are considered part of the army and are referred to as such.¹⁴¹ The militia’s incorporation into the regular military is a domestic concern.¹⁴² Chinese legislation allows militia.¹⁴³ China’s Constitution and National Defense Law emphasize the militia’s vital position in the armed forces.¹⁴⁴ Article 55 of the Constitution mandates all citizens to protect their

¹³⁵ Cui and Shi, 149–50.

¹³⁶ Cui and Shi, 150.

¹³⁷ Sato, “China’s Maritime Militia: A Legal Point of View,” 2.

¹³⁸ Sato, 2.

¹³⁹ Sato, 2.

¹⁴⁰ Sato, 2.

¹⁴¹ Sato, 2.

¹⁴² Sato, 2.

¹⁴³ Sato, 2.

¹⁴⁴ Sato, 3.

nation and join the militia.¹⁴⁵ “Under military organ’s control, the militia shoulder the tasks of preparations for armed conflict and defense operations and assist in maintaining public order.” according to Article 22 of the National Defense Law.¹⁴⁶ The Chinese People’s Liberation Army, Chinese People’s Armed Police Force, and militia make up the armed forces, according to the legislation.¹⁴⁷ The deployment of maritime militia involves three functions; “(a) support for the PLA Navy (PLAN) including defense operations, (b) cooperation with law enforcement agencies including sabotage and intelligence operations and (c) China’s maritime interests’ protection activities including daily fishing and surveillance activities.”¹⁴⁸ With all these constitutional framework and relevant special laws, the CMM has the legitimacy to perform its functions. This indicates that when CMM are deployed, they have the legal cover to perform their tasks, thus they play a vital role in China’s defense.

C. DISPUTE OVER RESOURCES AND SLOC

Although the United Nations provides frameworks for maritime dispute resolution, the SCS’s strategic marine reserves and trade routes remain a source of ongoing conflict. The region is of great importance to claimants due to its rich marine biodiversity and valuable mineral resources, which have the potential to contribute substantially to a state’s economic and energy security. Furthermore, its location makes it a vital route for merchant and military vessels and among the globe’s most critical sea lanes. While there is potential competition over resources and trade routes in the SCS, the apparent involvement of CMM in exploiting and protecting these strategic resources and waterways deepens the misunderstanding of concerned states.

¹⁴⁵ Sato, 3.

¹⁴⁶ Sato, 3.

¹⁴⁷ Sato, 3.

¹⁴⁸ Sato, 3.

1. Resource-rich Maritime Region

The SCS is a crucial source of oceanic food and undersea energy resources for neighboring littoral states with entitlements to explore and exploit them. However, despite being a wealthy maritime region, constant competition among rival claimant states over ownership of certain domains persists. Even worse, some claimants resort to coercion to gain control over the region's marine resources.

The SCS is a large maritime domain with significant marine biodiversity and hydrocarbon reserves. Sam Bateman claims that if ocean size is measured as its area within clearly defined physical limits, the SCS is listed as the biggest sea in the world.¹⁴⁹ It is 3.5 million square kilometers in size and boasts an abundance of natural resources and diverse biodiversity.¹⁵⁰ On the other hand, Nong Hong argues that the area is situated in the Pacific Ocean, spanning from Singapore and the Malacca Straits in the southwest to the Taiwan Strait in the northeast, comprises more than 200 small islands, rocks, and reefs that are utilized to lay claim to the surrounding ocean and its resources.¹⁵¹ It is a linked ecosystem that contains some of the world's most diverse marine flora and fauna, including coral reefs, mangroves, seagrass beds, fish, and plants.¹⁵² In addition to marine biological resources, mineral wealth, notably oil and gas, provides immense promise.¹⁵³ The SCS is sometimes referred to as the "second Persian Gulf," as Hong claims.¹⁵⁴

The SCS's periphery has hydrocarbon resources that have been identified and may include undiscovered oil and gas reserves. According to the Center for Strategic

¹⁴⁹ Sam Bateman, "Good Order at Sea in the South China Sea," in *Maritime Security in the South China Sea* (Routledge, 2010), 15.

¹⁵⁰ Bateman, 15.

¹⁵¹ Nong Hong, *UNCLOS and Ocean Dispute Settlement: Law and Politics in the South China Sea* (London, UNITED KINGDOM: Taylor & Francis Group, 2012), 5, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=987997>.

¹⁵² Hong, 5.

¹⁵³ Hong, 5.

¹⁵⁴ Hong, 5.

Studies and International Studies of the Asia Maritime Transparency Initiative, “The U.S. Energy Information Agency estimates that the South China Sea holds about 190 trillion cubic feet of natural gas and 11 billion barrels of oil in proved and probable reserves, most of which lie along the margins of the South China Sea rather than under disputed islets and reefs. The U.S. Geological Survey in 2012 estimated that there could be another 160 trillion cubic feet of natural gas and 12 billion barrels of oil undiscovered in the South China Sea.”¹⁵⁵

2. SLOCs for Maritime Trade and Military Operations

The SCS is vital to a myriad of economic and military endeavors, all of which depend on the free flow of products and persons over the region without any obstructions making it geographically strategic and potentially influencing the global order.

SLOC are maritime channels that link commercial, logistical, and naval operations.¹⁵⁶ The SCS SLOC is a well-known example of a significant transportation corridor that supports large-scale maritime cargo, such as crude oil.¹⁵⁷ Choke points are high-risk zones where ship commanders must pay extra attention to prevent mishaps that might restrict the movement of commodities via SLOCs.¹⁵⁸ Strategically significant and geopolitically useful for users, SLOCs facilitate international commerce and collaboration.¹⁵⁹ They highlight the importance of seas as social and economic connectors for people throughout the globe.¹⁶⁰

According to Sarah Raine and Christian Le Miere, “Over half of the world’s merchant-fleet tonnage per year and one-third of all maritime activity are borne by the

¹⁵⁵ “South China Sea Energy Exploration and Development,” Asia Maritime Transparency Initiative, accessed March 5, 2023, <https://amti.csis.org/south-china-sea-energy-exploration-and-development/>.

¹⁵⁶ Dirga Repindo Agustiyana, Desi Albert Mamahit, and Panji Suwarno, “Sea Lines of Communications (SLOC): Complexity of China’s 21st Century Maritime Silk Road Threats” 5, no. 2 (2022): 24.

¹⁵⁷ Agustiyana, Mamahit, and Suwarno, 24.

¹⁵⁸ Agustiyana, Mamahit, and Suwarno, 24.

¹⁵⁹ Agustiyana, Mamahit, and Suwarno, 24.

¹⁶⁰ Agustiyana, Mamahit, and Suwarno, 24.

oceans. The rising trend of trade within and between regions ensures a steady movement of commodities and raw materials across maritime routes, engendering worry over sea lines of communication throughout Southeast and Northeast Asia.”¹⁶¹ The SCS accommodates the passage of over US\$ 5.3 trillion in trade, with U.S. commerce accounting for one-fifth of this amount.¹⁶² Relatedly, Chris Rahman and Martin Tsamenyi claim that Northeast Asia’s resource-dependent economy relies on seaborne energy resources imported from the Middle East, Africa, Australia, and Southeast Asia that passes through the SCS.¹⁶³ Oil, notably, is strategically vital, making the SCS critical for maritime and energy security as it transports a considerable amount of global oil and gas.¹⁶⁴ Rahman and Tsamenyi emphasize that “A significant proportion of the world’s annual oil and gas shipments transit the South China Sea: in approximate terms, Japan, South Korea, and Taiwan each import over 80% of their crude oil via the South China Sea; and, for China, which now imports over 50% of its total oil consumption, around 80% to 90% of those imports cross the South China Sea.”¹⁶⁵ Moreover, these SLOC are projected to import more volume of these energy resources in the following decades.¹⁶⁶

Moreover, Bateman claims that Southeast Asia’s economic growth has been driven by seaborne commerce, much of which crosses the SCS, where international commerce has developed faster than the region’s economy.¹⁶⁷ Both geostrategic and economic considerations explain the significance of seaborne commerce.¹⁶⁸ Southeast

¹⁶¹ Sarah Raine and Chirstian Le Miere, *Regional Disorder: The South China Sea Disputes*, 1st ed. (London: Routledge, 2013), 12, <https://doi.org/10.4324/9781351224062>.

¹⁶² Raine and Chirstian Le Miere, 12.

¹⁶³ Chris Rahman and Martin Tsamenyi, “A Strategic Perspective on Security and Naval Issues in the South China Sea,” *Ocean Development & International Law* 41, no. 4 (October 2010): 317, <https://doi.org/10.1080/00908320.2010.499277>.

¹⁶⁴ Rahman and Tsamenyi, 317.

¹⁶⁵ Rahman and Tsamenyi, 317.

¹⁶⁶ Rahman and Tsamenyi, 317.

¹⁶⁷ Bateman, “Good Order at Sea in the South China Sea,” 24.

¹⁶⁸ Bateman, 24.

Asian ports are mostly connected by water, making domestic shipping important.¹⁶⁹ The prominence of local shipping in Southeast Asia is underscored by the substantial size of domestic shipping fleets found in Vietnam, Malaysia, the Philippines and Indonesia.¹⁷⁰ The “hub and spokes” characteristic of container trade, with large ports like Singapore and Hong Kong discharging containers from large ships and transshipping them to other ports via smaller vessels, illustrates this.¹⁷¹

Not only are the SLOC in the SCS crucial for commerce, but they also connect the region’s navies to the Indian Ocean through the shortest passages in the western Pacific.¹⁷² The U.S. Pacific Command is responsible for operations in the Pacific and Indian Oceans and maintains bases at Pearl Harbor, Guam, and Japan.¹⁷³ Historically, during Operation Enduring Freedom, the U.S. Navy transported supplies from these bases to the Indian Ocean through the Malacca Strait.¹⁷⁴ In addition, various regional navies employ the SCS as both an operations area and a passageway.¹⁷⁵

SLOC security should be a concern of all littoral, marine, and trade governments.¹⁷⁶ Slowly, Asia is cooperating to enhance maritime safety and security from piracy, navigational risks, and terrorism.¹⁷⁷ Notwithstanding international, regional, subregional, and bilateral cooperation, the region’s strategic tensions have not been alleviated.¹⁷⁸ China, for instance, is concerned about a U.S. blockade on China-bound

¹⁶⁹ Bateman, 24.

¹⁷⁰ Bateman, 24.

¹⁷¹ Bateman, 24.

¹⁷² Rahman and Tsamenyi, “A Strategic Perspective on Security and Naval Issues in the South China Sea,” 318.

¹⁷³ Rahman and Tsamenyi, 318.

¹⁷⁴ Rahman and Tsamenyi, 318.

¹⁷⁵ Rahman and Tsamenyi, 318.

¹⁷⁶ Rahman and Tsamenyi, 318.

¹⁷⁷ Rahman and Tsamenyi, 318.

¹⁷⁸ Rahman and Tsamenyi, 318.

cargo in the case of a Taiwan war, despite its significant importance in the safety of its commerce across the SCS and related straits.¹⁷⁹

3. Cases of Conflict over Resources and SLOC

Conflict over hydrocarbon and fishery resources and the use of SLOC for freedom of navigation in the SCS had figured in the contested region with Chinese fishing boats' involvement.

a. Hydrocarbon Resource Incident

According to Leszek Buszynski, on May 26, 2011, a Vietnam's oil exploration vessel's lines were severed by two Chinese maritime surveillance boats around 120 kilometers off the southern coast of Vietnam.¹⁸⁰ Footage was released by the Vietnamese Foreign Ministry, demonstrating a Chinese ship severing the cable connected to the Vietnamese vessel Binh Minh.¹⁸¹ Chinese Foreign Ministry spokesman Jiang Yu described the action as a regular maritime enforcement and surveillance action within China's territorial zone.¹⁸² Asserting its legal entitlement, China has voiced out its complaints against the ASEAN claimants for violating its territorial waters, and believes it is within its rights to enforce its claim.¹⁸³

The Vietnamese Magazine states that on June 9, 2011, a Chinese fishing trawler harassed the Vietnamese survey ship PVN Viking 2 while it took seismic data near Vung Tau City.¹⁸⁴ Chinese patrol boats targeted a Vietnamese ship for two weeks, delaying

¹⁷⁹ Rahman and Tsamenyi, 318.

¹⁸⁰ Leszek Buszynski, "The South China Sea: Oil, Maritime Claims, and U.S.–China Strategic Rivalry," *The Washington Quarterly* 35, no. 2 (April 1, 2012): 141, <https://doi.org/10.1080/0163660X.2012.666495>.

¹⁸¹ Buszynski, 141.

¹⁸² Buszynski, 141.

¹⁸³ Buszynski, 141.

¹⁸⁴ Jason Nguyen, "The 2011 Awakening Summer Protests in Vietnam: A Timeline," *The Vietnamese Magazine*, June 5, 2022, <https://www.thevietnamese.org/2022/06/the-2011-awakening-summer-protests-in-vietnam-a-timeline/>.

operations.¹⁸⁵ Foreign Ministry official Nguyen Phuong Nga said Viking 2 was in Vietnam’s continental shelf.¹⁸⁶ The ship was interrupted by a cable-cutting Chinese fishing boat.¹⁸⁷ Two Chinese ships freed the fishing boat from underwater wires.¹⁸⁸

The Council on Foreign Relations’ timeline of China’s maritime disputes from 1805–2020 notes that on May 4, 2014, Vietnam sent naval vessels to prevent China from installing an oil rig in disputed waters near the Paracel Islands.¹⁸⁹ The situation escalated when China dispatched forty ships to protect the rig, leading to collisions between the vessels, with both countries blaming each other.¹⁹⁰ The incident led to protests in Vietnam against China, and rioters allegedly damaged businesses owned by Chinese nationals.¹⁹¹ On July 15, China’s state-run oil firm declared that it would remove the rig from the area one month earlier than planned.¹⁹² Relatedly, Bonnie S. Glaser claims that China’s placing an oil rig in Vietnam’s EEZ caused the 73-day crisis in May 2014 in that the period is marked by ramming incidents that transpired between Chinese and Vietnamese vessels before the rig was removed.¹⁹³ Despite being much less militarily powerful than China, Vietnam is committed to protecting its maritime rights.¹⁹⁴ Hanoi is concerned that China may place the oil rig in disputed waters again, which could lead to military conflict.¹⁹⁵ The nine oil blocks along Vietnam’s coast, where foreign companies

185 Nguyen.

186 Nguyen.

187 Nguyen.

188 Nguyen.

189 Beina Xu, Eleanor Albert, and Lindsay Maizland, “1895 - 2020 China’s Maritime Disputes,” Council on Foreign Relations, September 16, 2022, <https://www.cfr.org/timeline/chinas-maritime-disputes>.

190 Xu, Albert, and Maizland.

191 Xu, Albert, and Maizland.

192 Xu, Albert, and Maizland.

193 Bonnie S. Glaser, “Conflict in the South China Sea” (Council on Foreign Relations, 2015), <https://www.jstor.org/stable/resrep05645>.

194 Glaser.

195 Glaser.

were invited to bid for oil exploration in 2012 by China National Offshore Oil Corporation, may also be potential areas for similar conflicts.¹⁹⁶

Gregory B. Poling, Tabitha Grace Mallory, and Harrison Prétat claim that maritime militia has joined oil and gas standoffs.¹⁹⁷ They said this militia escorted a Chinese state-owned Haiyang Dizhi 8 survey vessel off Vietnam and Malaysia into two distinct operations for months in late 2019 and early 2020.¹⁹⁸ As Poling et al. claim, several CCG and PLAN warships participated in such instances, but most were likely maritime militia vessels.¹⁹⁹

b. Fishery Resources Incidents

Fishing ventures in the SCS have been problematic in that they created misunderstandings regarding the claimants' sovereign rights to explore, exploit, preserve, and protect their marine biodiversity based on their defined EEZ entitlements. However, fishing vessels' presence in contested waters manifest the deploying and declaring states' jurisdiction over the contested maritime domain, thus giving a clear picture of the extent of the countries' claims.

Hongzhou Zhang and Sam Bateman argue that using Chinese fishermen in the SCS is a way for China to challenge other countries' claims to the region.²⁰⁰ They claim that Chinese authorities are believed to coordinate with the fishing militia to enforce the country's sovereignty and sovereign rights claims.²⁰¹ They believe that coordination between Chinese authorities and the fishing militias was evident in March 2016 when a

¹⁹⁶ Glaser.

¹⁹⁷ Gregory B. Poling et al., "Pulling Back the Curtain on China's Maritime Militia" (Center for Strategic and International Studies (CSIS), 2021), 12, <https://www.jstor.org/stable/resrep37783>.

¹⁹⁸ Poling et al., 12.

¹⁹⁹ Poling et al., 12.

²⁰⁰ Zhang and Bateman, "Fishing Militia, the Securitization of Fishery and the South China Sea Dispute," 292.

²⁰¹ Zhang and Bateman, 292.

CCG vessel prevented Indonesia from detaining a Chinese fishing vessel near the Natuna Islands, leading to a diplomatic dispute.²⁰²

Felix K. Chang says that while Indonesia has often said that it and China have no territorial disputes, this assertion is not totally accurate.²⁰³ In addition, he claims that there may not be a land dispute, but there is undoubtedly a maritime one, as was made evident in December 2019 when Chinese fishing boats were escorted by a CCG vessel into waters close to the Natuna Islands within SCS that are both inside China's nine-dash line and Indonesia's EEZ.²⁰⁴

The December 2019 maritime incident can be considered as the disclosure of both Indonesia's and China's postures in assertion jurisdictions over the overlapped region of the nine-dash line and Jakarta's EEZ in the North Natuna Sea area. In giving details to the incident, Leo Suryadinata states that "Between 19 and 24 December 2019, the Indonesian Maritime Agency (Bakamla) reported that 63 Chinese fishing vessels, escorted by two Chinese coast guard vessels and one frigate encroached Indonesia's Natuna EEZ (Exclusive Economic Zone). They refused a Bakamla vessel's request to leave, insisting that they were fishing in their own 'territorial waters.'"²⁰⁵ The Bakamla ship could only notify the intrusion to Indonesian ministries.²⁰⁶

The Kway Fey 10078, a Chinese trawler, and its eight crew were captured by the Indonesian patrol ship KP HIU 101 on March 19, 2016, for illegal fishing in Indonesia's EEZ north of the Natuna Islands.²⁰⁷ A Chinese coast guard ship stopped the Indonesian

²⁰² Zhang and Bateman, 292.

²⁰³ Felix K. Chang, "The Next Front: China and Indonesia in the South China Sea - Foreign Policy Research Institute," accessed March 8, 2023, <https://www.fpri.org/article/2020/01/the-next-front-china-and-indonesia-in-the-south-china-sea/>.

²⁰⁴ Chang.

²⁰⁵ Leo Suryadinata, "Recent Chinese Moves in the Natunas Riles Indonesia," *Singapore*, no. 2020 No.10 (February 19, 2020): 2, https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2020_10.pdf.

²⁰⁶ Suryadinata, 2.

²⁰⁷ Donald E Weatherbee, "Singapore | 21 April 2016 Re-Assessing Indonesia's Role in the South China Sea," *Singapore*, no. 2016 No.18 (April 21, 2016): 2, https://www.iseas.edu.sg/images/pdf/ISEAS_Perspective_2016_18.pdf.

ship from pulling the trawler home.²⁰⁸ Another Chinese coast guard ship arrived and gave the Indonesian ship a 30-minute ultimatum to release its tow.²⁰⁹ The Indonesian ship sailed to port without the trawler, leaving the Chinese fishermen on board.²¹⁰ China stated that the Indonesian ship had harassed and assaulted its fishing craft and that the Chinese coast guard ship had just proceeded to aid.²¹¹

Maritime incidents in the Natuna area provide a picture that China goes down to the southernmost tip of its nine-dash line where Jakarta's EEZ overlaps. Incidents clearly suggests that fishing boats of China frequent the area for fishing ventures with Jakarta and Beijing asserting their claims. Apprehension of the Chinese fishing boats or the crews can be done by rival claimant asserting sovereignty in a particular domain. Presence of PLA and CCG give meaning to fishing boats' maritime rights protection role as China's flag carrier in the contested domain when they are in trouble with rival claimants.

c. SLOC Incidents

Freedom of navigation is an issue within the contested maritime domain in the SCS where Beijing seems to restrict U.S. maritime forces within the region. Raul Pedrozo claims that China's provocative and potentially dangerous behavior against the USNS Impeccable in 2009 occurred while the ship was militarily involved in activities inside China's declared EEZ.²¹² At one point, five Chinese ships, including two fishing trawlers, approached and harassed the Impeccable.²¹³ Impeccable had to take quick action to avert a collision.²¹⁴ China has defended its actions by saying that Impeccable's

²⁰⁸ Weatherbee, 2.

²⁰⁹ Weatherbee, 2.

²¹⁰ Weatherbee, 2.

²¹¹ Weatherbee, 2.

²¹² Raul Pedrozo, "Close Encounters at Sea: The USNS Impeccable Incident," *Naval War College Review* 62, no. 3 (2009): 106.

²¹³ Pedrozo, 106.

²¹⁴ Pedrozo, 106.

presence violated local and international rules, a charge that has been roundly criticized by the United States.²¹⁵ The next day, accompanied by the guided-missile destroyer USS Chung-Hoon, the Impeccable returned to the vicinity.²¹⁶

D. DISPUTE OVER MARITIME FEATURES

In the intricate geopolitical landscape of the SCS, China, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan, along with Indonesia, viewed as a claimant from China's standpoint, represent a total of seven nations asserting territorial rights over either the entirety or parts of the region.²¹⁷ Presenting a formidable threat to regional security, the territorial disagreements have escalated into a significant issue for the ten-member ASEAN, which includes Singapore, Brunei, Malaysia, Indonesia, Myanmar, Laos, The Philippines, Thailand, Cambodia, and Vietnam.²¹⁸

1. Conflicting Claims over Features with Maritime Militia Participation

The SCS has many complicated disputes that are not limited to one area. These disputes involve different maritime features and overlapping claims. The complexity comes from claimants following UNCLOS regulations for exclusive economic zones and continental shelf rights, as well as the contentious nine-dash line claimed by China and Taiwan based on historical grounds, which suggests ownership of a large part of the sea.

The disagreements of rival claimants had been classified according to domains of maritime features the SCS region is composed of. Raine and Christian Le Miere notes that four island clusters across this seascape of features are asserted by six countries into differing degrees:

²¹⁵ Pedrozo, 106–7.

²¹⁶ Pedrozo, 107.

²¹⁷ Elleman, Bruce A. "China's Naval Operations in the South China Sea: Evaluating Legal, Strategic, and Military Factors," Kent, England: Renaissance Books, 2018. 1.

²¹⁸ Elleman, 1.

- the Paracel Islands in the northwest, occupied by China but claimed by Vietnam and Taiwan;²¹⁹
- the Pratas Islands in the Northeast, occupied by Taiwan, but claimed by China;²²⁰
- the Spratly Islands in the southeast, occupied in part by China, Taiwan, Vietnam, Malaysia and the Philippines, but claimed in their entirety by China, Taiwan and Vietnam and in part by Malaysia, the Philippines and Brunei;²²¹
- Macclesfield Bank/Scarborough Reef in the central and east-central sea, unoccupied, but both Macclesfield Bank and Scarborough Reef are claimed by China and Taiwan, whilst Scarborough Reef is also claimed by the Philippines.²²²

a. *Paracel Islands*

The Paracel Islands are subject to conflicting claims between Vietnam and China despite North Vietnam's non-assertion of the maritime features before its unification with South Vietnam. However, assertions over the Paracels between China and Vietnam can be characterized by intermittent coercive skirmishes associated generally with both countries' drive to explore hydrocarbons and its strategic location in the SCS region.

Bruce Elleman writes that unlike the status of the Spratlys, China's undisputed authority over the Paracel Islands – a collection of 130 various maritime features, situated about 190 nm southeast of Hainan – appears to remain unchallenged.²²³ On the other hand, Nalanda Roy writes that the islands are divided into two clusters, An Vinh in the east and Luoi Liem in the west, covering 15,000 square kilometers.²²⁴ Seventy kilometers apart, the Crescent Group and Amphitrite Group are the two major groupings, with Woody Island being the largest with a length of 4 km and a width of 2 to 3 km.

²¹⁹ Raine and Chirstian Le Miere, *Regional Disorder: The South China Sea Disputes*, 13.

²²⁰ Raine and Chirstian Le Miere, 12.

²²¹ Raine and Chirstian Le Miere, 12.

²²² Raine and Chirstian Le Miere, 12.

²²³ Elleman, 1.

²²⁴ Nalanda Roy, *The South China Sea Disputes: Past, Present, and Future* (Lanham, MD, United States: Lexington Books/Fortress Academic, 2016), 14–15, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=4777295>.

China currently controls the Paracels and maintains an airbase on Woody Island, which it took over from South Vietnam in 1974.²²⁵

Taylor M. Fravel claims that Beijing has often used delaying tactics to enforce its numerous claims in the SCS since the People's Republic of China (PRC) was founded.²²⁶ Accordingly, soon after the founding of China, Beijing began intensifying its presence in the SCS, taking control of Woody Island in 1950, which belongs to the Amphitrite Group in the archipelago's west.²²⁷ In addition, although Chinese fishermen frequented the Crescent Group, they occupied no features there until South Vietnam seized the region in 1959 and imprisoned Chinese fishermen.²²⁸ Fravel maintains that China sustained a policy of delaying the South Vietnamese Government from 1959 to 1974 to fortify its position in the Amphitrite Group and enhance its naval capability to defend its claims.²²⁹ As a result, China established a small naval facility on Woody Island and often patrolled the islands; between 1960 and 1973, China patrolled five times a year on average between Hainan and the Paracels.²³⁰

While the Paracel Islands are contested maritime features by both China and Vietnam up to this time, the tactical details of how China solidified its claim over these Paracel Islands Group in 1974 can be best described by some scholars' research about the incident. According to Gregory B Poling, Tabitha Grace Mallory, and Harrison Prétat, on "On January 14, 1974, a South Vietnamese navy frigate discovered two Chinese fishing vessels trying to set up a facility on unoccupied Robert Island."²³¹ Referring to Vietnamese reports, they said that the spotted Chinese fishing boats were described as armed militia steel-hulled boats and that the Vietnamese chased these boats away and

²²⁵ Roy, 15.

²²⁶ Fravel, "China's Strategy in the South China Sea," 297.

²²⁷ Fravel, 297.

²²⁸ Fravel, 297.

²²⁹ Fravel, 297.

²³⁰ Fravel, 297.

²³¹ Gregory B Poling, Tabitha Grace Mallory, and Harrison Prétat, "Pulling Back the Curtain on China's Maritime Militia," *Center for Strategic and International Studies*, November 2021, 3.

subsequently sent a modest commando force to the scene.²³² In addition, as the commandos arrived at the spot on January 16, they found the two untenanted islands, Duncan and Drummond, already inhabited by PRC forces.²³³ However, Poling et al. say whether the Chinese soldiers were conventional army or militia is ambiguous.²³⁴ Further, according to Chinese accounts, both sides strengthened their fortifications the following day, including a contingent of Chinese militia forces from Woody Island in the eastern Paracels.²³⁵

John W. Garver claims that the South Seas Aquatic Products Company's two Chinese fishing boats' entry into the Paracel region early in January triggered the 1974 conflict to develop.²³⁶ Garver writes that "Foreign analysts have concluded that this was bait to entice the South Vietnamese to fire the first shot. Whatever the intention, on 15 January a South Vietnamese destroyer did indeed fire on the boats and drove them away."²³⁷ In addition, Vietnamese troops arrived on Robert and Money Islands to remove PRC flags.²³⁸ Chinese fishing vessels' crew were suspects in putting up the flags.²³⁹

Poling et al. claim that the Islands of Drummond, Duncan, and Palm received 40 Chinese militia members on January 18, 1974.²⁴⁰ Accordingly, the Chinese militias began firing at the Vietnamese commandos who arrived on Duncan and Palm Islands the next morning, killing two Vietnamese commandos and injuring several more.²⁴¹ Poling

²³² Poling et al., "Pulling Back the Curtain on China's Maritime Militia," 3–4.

²³³ Poling et al., 4.

²³⁴ Poling et al., 4.

²³⁵ Poling et al., 4.

²³⁶ John W. Garver, "China's Push through the South China Sea: The Interaction of Bureaucratic and National Interests," *The China Quarterly*, no. 132 (1992): 1003.

²³⁷ Garver, 1003.

²³⁸ Garver, 1003.

²³⁹ Garver, 1003.

²⁴⁰ Poling et al., "Pulling Back the Curtain on China's Maritime Militia," 4.

²⁴¹ Poling et al., 4.

et al. argue “This marked the real start of the ‘Battle of the Paracels’ and the apparent end of the maritime militia’s active role in the fighting. The South Vietnamese ships retaliated by opening fire on their Chinese counterparts, starting a close-fought naval battle that the PLA ultimately won.”²⁴² The trapped Vietnamese soldiers on Robert, Money, and Pattle Islands were subsequently attacked and rapidly overrun by Chinese forces.²⁴³

Andrew Chubb claims that the takeover of the Crescent Group, or part of Paracel’s southwest half, was the most notable point of 1973 China’s advance.²⁴⁴ The campaign, which brought Paracel archipelago’s entirely under China’s control for the first time, served as an early model of Beijing’s utilization of non-traditional sea troops as enforcers of emerging laws in the forefront.²⁴⁵ Chubb maintains that in December 1973, armed fishing troops known as maritime militia commenced patrolling uninhabited islands of Crescent Group.²⁴⁶ Once Saigon dispatched forces to drive China out of its new locations, a military conflict ensued in January 1974 and that while the aggression into the Crescent Group was undoubtedly meticulously organized, China presumably had not envisaged to expeditiously drive out the adjacent South Vietnamese soldiers.²⁴⁷ Chubb offers the assessment of the United States Army Special Research Detachment that the campaign’s planning began between September 1973 as earliest and at least December 1973, based on observer’s narrative.²⁴⁸

b. Spratly Islands

The Spratly Islands Group is a confluence of claims, with efforts ranging from diplomatic talks to coercive measures to assure rival claimants’ imposition of maritime

²⁴² Poling et al., 4.

²⁴³ Poling et al., 4.

²⁴⁴ Andrew Chubb, “PRC Assertiveness in the South China Sea: Measuring Continuity and Change, 1970–2015,” *International Security* 45, no. 3 (January 1, 2021): 100, https://doi.org/10.1162/isec_a_00400.

²⁴⁵ Chubb, 100.

²⁴⁶ Chubb, 100.

²⁴⁷ Chubb, 100.

²⁴⁸ Chubb, 100.

authority over this realm. As earlier stated, the Philippines, Vietnam, Malaysia, Brunei, China, and Taiwan claim a part or the entirety of the islands group.

The Spratly islands continue to be the subject of intense controversy about both the islands and the seas that surround them.²⁴⁹ The Spratly Islands roughly correlate to the region known to the Vietnamese as Truong Sa and the Chinese as Nansha Qundao.²⁵⁰ At one time, Japan said that their claim included the whole region between 7° and 12° north and later between 111°30' and 117°00' east.²⁵¹ However, latitudes 4° to 11°30' north and longitudes 109°30' to 117°00' east are the boundaries, according to some western geographers.²⁵² Bruce Elleman emphasizes that “The area that the Philippine government calls ‘Kalayaan’ or ‘Freedomland’ generally includes only those Spratly islands that lie west of Palawan and north of 7°40' North latitude. China has an even larger claim encompassing 3°37' to 11°55' north latitude and 109°43' to 117°47' east longitude.”²⁵³ The key argument is that the location of the Spratly Islands is not even generally agreed upon.²⁵⁴

Means of assertions over several Spratly Islands features by rival claimants seem to give strong meaning to occupation and presence in a particular feature or region both in the past and contemporary times. While most claimants had established structures (temporary or permanent) over their claimed features in the area as mere listening posts, several incidents would stand out as coercive given the claimants' occupation and eventual presence of maritime features, which other claimants have strong claims over those features. Such occupation and presence seem to strongly suggest sovereignty over the region despite non-recognition by other claimants. For example, in Beina Xu, Eleanor

²⁴⁹ Bruce Elleman, *China's Naval Operations in the South China Sea: Evaluating Legal, Strategic and Military Factors* (Durham, UNITED STATES: Amsterdam University Press, 2017), 1, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=6359738>.

²⁵⁰ Elleman, 1.

²⁵¹ Elleman, 1.

²⁵² Elleman, 1–2.

²⁵³ Elleman, 2.

²⁵⁴ Elleman, 2.

Albert, and Lindsay Maizland's written timeline, Chinese and Vietnamese clashed over Johnson reef in March 14, 1988 resulting to the sinking of 3 Vietnamese vessels and death of its 74 nationals.²⁵⁵ On the other hand, Jei Chen argues that March 1988 naval conflict over the Spratlys between China and Vietnam and the former's burgeoning blue water navy showcases Beijing's willingness to use force in pressing for its rights, thus, has cemented its regional reputation as a potential disruptive power in pursuit of a hegemonic strategy in Southeast Asia.²⁵⁶

Eric Hyer claims that the 1974 occupation of Paracel Islands by Beijing revealed the effects of the initial power shift on the instability of the territorial dispute, and the 1988 skirmish in the Spratlys with Vietnam revealed how region's continual transformations had affected Beijing's approach to dispute resolution.²⁵⁷ It also signaled the start of a far more explosive scenario involving almost every ASEAN member and China, with Taiwan included.²⁵⁸

c. Scarborough Shoal

Known as Bajo de Masinloc or Panatag to Filipinos and as Huangyan Island to Chinese, Scarborough Shoal is situated 220 kilometers off the coast of Zambales, Philippines, a contested feature.²⁵⁹ The shoal is an underwater atoll with a small number of rocks above the ocean's surface and it sits well within Philippines' EEZ, but China maintains that it is their ancestral land, with roots dating back to the Yuan era from 1271–

²⁵⁵ After nearly a decade of peace in the South China Sea, China fought at Johnson Reef in the Spratlys. China sank three Vietnamese ships, killing 74 sailors. China's January 1987 presence on Fiery Cross Reef in the Spratlys precipitated the war. Vietnam monitored China from reefs. Deng Xiaoping's 1980s economic reforms pushed China's economic activity to coastal areas, making maritime resources like hydrocarbons crucial to growth. Xu, Albert, and Maizland, "Timeline."

²⁵⁶ Chen Jie, "China's Spratly Policy: With Special Reference to the Philippines and Malaysia," *Asian Survey* 34, no. 10 (1994): 902, <https://doi.org/10.2307/2644968>.

²⁵⁷ Eric Hyer, "The South China Sea Disputes: Implications of China's Earlier Territorial Settlements," *Pacific Affairs* 68, no. 1 (1995): 47, <https://doi.org/10.2307/2759767>.

²⁵⁸ Hyer, 47.

²⁵⁹ François-Xavier Bonnet, "Geopolitics of Scarborough Shoal," *Research Institute on Contemporary Southeast Asia*, Irasec's Discussion Papers, No. 14, November 2012, 3.

1368.²⁶⁰ Scarborough Shoal's approximate distances from China's east of Hainan Island and from mainland are 600 nm 1,000, respectively.²⁶¹

Notwithstanding China's and Taiwan's claim over Scarborough shoal because of their identical claim coverage belief, the shoal is legally part of the Philippines' jurisdiction where it can exercise its sovereign rights. Claimed by Manila, the shoal is part of its territorial sovereignty and authority in that it is constitutionally regarded as part of Zambales province, Philippines.²⁶² This claim is based on the Philippines' occupation and sovereignty over the territory since 1946 when United States proclaimed Manila's independence.²⁶³ This argument is supported by the Filipino Government's efforts at Scarborough Shoal during 1950s to 1960s, which included performing surveys, protecting the territory, and enforcing regulations.²⁶⁴

Enforcing regulations to check violations of laws under one's maritime jurisdiction is a routine action where surveillance, reconnaissance, and sovereignty patrols are regularly carried out as state-directed missions. Renato Cruz De Castro notes that "The Scarborough Shoal standoff began on 8 April 2012, when a Philippine Air Force (PAF) reconnaissance plane spotted eight Chinese fishing boats around the shoal. In response to this, President Aquino directed the AFP (Armed Forces of the Philippines) and the Philippine Navy to step up its monitoring activities in line with its enforcement of the country's fisheries and maritime environmental protections laws."²⁶⁵ Consequently, BRP Gregorio Del Pilar, the PN's flagship, substantiated the existence of eight Chinese

²⁶⁰ Bonnet, 3.

²⁶¹ Daojiong Zha and Mark J. Valencia, "Mischief Reef: Geopolitics and Implications," *Journal of Contemporary Asia* 31, no. 1 (January 1, 2001): 91, <https://doi.org/10.1080/00472330180000061>.

²⁶² Asyura Salleh et al., "The South China Sea: Realities and Responses in Southeast Asia," *Asia Society Policy Institute*, 2021, 23.

²⁶³ Salleh et al., 23.

²⁶⁴ Salleh et al., 23.

²⁶⁵ Renato Cruz De Castro, "The Philippines in the South China Sea Dispute," in *The South China Sea and Australia's Regional Security Environment*, ed. Leszek Buszynski and Christopher B. Roberts (Australia: National Security College, 2013), 31.

fishing vessels anchored within the shoal's lagoon on April 10 morning.²⁶⁶ Based on engagement protocol, Del Pilar sent an inspection group to check the fishing boats after observing them.²⁶⁷ In the holds of the first boarded fishing boat, the team discovered many corals, gigantic clams, and live sharks unlawfully gathered.²⁶⁸ Important part of the incident is De Castro's notes saying that "Instead of allowing the Philippine vessel to apprehend the fishing vessels at the shoal, however, two Chinese marine surveillance vessels positioned themselves between the arresting Philippine warship and the Chinese fishing vessels, effectively preventing the Philippine ship from arresting the Chinese fishermen."²⁶⁹

To describe the nature of vessels and crews, Andrew S. Erickson and Conor M. Kennedy emphasize that on April 10, the PN ship Del Pilar met twelve fishing boats from Tanmen.²⁷⁰ At the time, six of the fishing boats, including one belonging to Wang Shumao, the Deputy Commander of the Tanmen Maritime Militia Company, were located outside the lagoon.²⁷¹ Accordingly, Wang attempted to prevent Philippine fishing boats from approaching the shoal but was unsuccessful.²⁷² The other six fishing boats, two of which were confirmed as belonging to the maritime militia, were situated inside the lagoon and became trapped when the Philippine military blocked the lagoon's entrance.²⁷³ Subsequently, Philippine troops boarded these six boats:²⁷⁴

²⁶⁶ De Castro, 31.

²⁶⁷ De Castro, 31.

²⁶⁸ De Castro, 31.

²⁶⁹ De Castro, 31.

²⁷⁰ Andrew S. Erickson and Conor M. Kennedy, "Model Maritime Militia: Tanmen's Leading Role in the April 2012 Scarborough Shoal Incident," April 21, 2016, 6.

²⁷¹ Erickson and Kennedy, 6.

²⁷² Erickson and Kennedy, 6.

²⁷³ Erickson and Kennedy, 6.

²⁷⁴ Erickson and Kennedy, 6.

- Qionghai 03026 – One of two boats present under the direct command of Tanmen Militia Squad Leader Chen Zebo. Returned to Scarborough Shoal after initial standoff.²⁷⁵
- Qionghai 09099 – Under direct command of Tanmen Militia Squad Leader Xu Detan (许德谭). Returned to Scarborough Shoal after initial standoff.²⁷⁶
- Qionghai 02096 – Owned by Yu Ning (郁宁), Captain is Li Chengduan (李成端), Yu reported the incident to the Tanmen Border Defense Station.²⁷⁷
- Qionghai 03065 – Owned by Zhao Xuxian (赵绪贤); Zhao Shisong (赵市松) is captain. Returned to Scarborough Shoal after initial standoff.²⁷⁸
- Qionghai 05668 – A 300-ton vessel owned by Fu Mingyan (符名燕), its captain is Li Qiongmei (李琼美). Ship had 16 crewmen, 12 conducting underwater clam harvest. Returned to Scarborough Shoal after initial standoff.²⁷⁹
- Qionghai 03889 – Captain is Chen Yiping (陈奕平), (also detained in 1998). Returned to Scarborough Shoal after initial standoff.²⁸⁰

The apprehension of the fishing boats in the Scarborough Shoal should have been a routine maritime law enforcement activity implemented by the Philippine government; however, critical to the incident to turn the tide in China’s favor is Erickson and Kennedy’s claim that “...before Philippine sailors could stop him, Yu Ning (郁宁), owner of Qionghai 02096, was able to transmit several short messages to the phone of Fu Shibao (符史宝), the attendant at the Tanmen Village Border Defense Control Station’s command office.”²⁸¹ In addition to the details, Erickson and Kennedy emphasize “Yu’s final message, ‘They are boarding,’ prompted Fu to rapidly elevate the report to MLE

²⁷⁵ Erickson and Kennedy, 6.

²⁷⁶ Erickson and Kennedy, 6.

²⁷⁷ Erickson and Kennedy, 6.

²⁷⁸ Erickson and Kennedy, 6.

²⁷⁹ Erickson and Kennedy, 6.

²⁸⁰ Erickson and Kennedy, 6–7.

²⁸¹ Erickson and Kennedy, 8.

authorities. China Maritime Surveillance ships CMS 75 and CMS 84 were dispatched to the shoal to intervene, arriving that afternoon. China Fisheries Law Enforcement ship YZ 303 left its mission at Mischief Reef to go full steam to Scarborough Shoal, arriving on 11 April.”²⁸²

The identification of initial actors’ details and actions described by Erickson and Kennedy suggest important elements not only to identify and assess maritime militias behavior but also to draw a pattern of operational collaboration and how they are supported by China. On the other hand, in describing the details of the Tanmen militia involved in the standoff, Andrew S. Erickson and Conor M. Kennedy note that:

Established in 1985, the Tanmen Village Maritime Militia Company of Qionghai County on Hainan’s south-southeast coast has long delivered supplies and building materials to China’s Spratly outposts. It was directly involved in the April 2012 Scarborough Shoal Standoff, with the boats of Chen Zebo and another Squad Leader likely summoning Chinese coast guard intervention when boarded by Philippine Navy forces seeking to confiscate a diverse harvest of endangered marine species. The Tanmen Militia benefited greatly from a visit by Xi himself on 8 April 2013, after which Tanmen Village was declared a model village and received further government investment.²⁸³

Renato Cruz De Castro notes that employing civilian and fishing vessels with the backing of the PLAN, China took control of Scarborough Shoal and its associated resources and rights in the SCS during the tense two-month standoff with the Philippines in early 2012.²⁸⁴ Following the standoff, China utilized its increasing military and paramilitary capabilities, undertook measures to strengthen its control of resources, increased its governance over contested maritime features, and disregarded robust disapproval from the U.S., Japan, and other nations in the SCS.²⁸⁵ China’s strategy of

²⁸² Erickson and Kennedy, 9.

²⁸³ Andrew S. Erickson and Conor M. Kennedy, “Irregular Forces at Sea: Not ‘Merely’ Fishermen - Shedding Light on China’s Maritime Militia,” *Center for International Maritime Security*, November 2, 2015, 5, <http://cimsec.org/new-cimsec-series-on-irregular-forces-at-sea-not-merely-fishermen-shedding-light-on-chinas-maritime-militia/19>.

²⁸⁴ Renato Cruz De Castro, “China’s Realpolitik Approach to Its Territorial Disputes: The Case of the 2012 Scarborough Shoal Stand-Off,” in *Assessing Maritime Disputes in East Asia* (Routledge, 2017), 190.

²⁸⁵ De Castro, 190–91.

gradually taking control of the SCS through protracted, low-intensity actions was evident in the two-month standoff, and it aimed to compel smaller coastal states with weaker navies to utilize force to resolve the maritime jurisdiction issue.²⁸⁶

E. CONCLUSION

China's three-point strategy, aimed at "regional integration, resource control, and enhanced security,"²⁸⁷ has been explicitly employed in asserting its jurisdiction over the vast maritime domain in the SCS as demarcated by its nine-dash line. Regional integration is manifested in China's partnership with the ASEAN, particularly its willingness to have a COC in the overlapping maritime claims of rival claimants. However, such partnership leans only on economic benefit than that of territorial ownership. Resource control and enhanced security have been demonstrated through coercive actions by China's maritime forces, with participation of the alleged maritime militias. China's employment of these militias significantly helped the government by safeguarding the peripherals of its nine-dash line, sending a message to rivals.

²⁸⁶ De Castro, 191.

²⁸⁷ Dutton, "Three Disputes and Three Objectives," 55.

III. THE CHINESE MARITIME MILITIA

A. INTRODUCTION

The Chinese Maritime Militia (CMM) plays a crucial role in supporting China's assertion of its nine-dash line, and its capability is key to Beijing's strategic position in the region, but its limitations and challenges in sustaining operations may impact its ability to safeguard China's interests. The success of CMM's operations in supporting China's territorial claims under the controversial nine-dash line is dependent on how the militia unit is organized, trained, and equipped to perform its functions. In addition, the effectiveness of the militia also recognizes the challenges and limitations in sustaining its operations and protecting China's maritime interests. Therefore, evaluating this maritime militia's capability in its functions is crucial, particularly its relationship with other government forces the Chinese government has commissioned to operate in the contested region.

This chapter presents Beijing's maritime strategy, "people's war" doctrine, and the gray zone where the CMM operates. In addition, CMM's capability will be explored based on available experts' scholarly works on how this sea force is organized, trained, and equipped and ascertain the support systems that it receives in performing its functions.

B. PEOPLE'S WAR AS THE FOUNDATION OF CHINESE MARITIME MILITIA

Maritime militia can be a powerful weapon in projecting China's maritime power in the SCS and its capability may come from the mutually supporting concepts of people's war and gray zone tactics and strengthening and maintaining a maritime force composed mostly of fishermen either to operate independently or with other government commissioned forces in the contested maritime domain.

The people's war is seen as fundamental to the origin, identity, and functions of CMM, which is responsible for defending Chinese sovereignty in the SCS region.

Moreover, this philosophy underpins the CMM's roles in coordination with regular armed forces to protect China's interest in the maritime domain.

The use of fishermen for revolution can be traced back to China's Communist Party (CCP) history of revolutionary struggles. Steeds writes that General Chang Wanquan, China's defense minister, implored the nation in 2018 to prepare for a "people's war at sea."²⁸⁸ Chang's statement builds upon a long-standing concept of warfare that has played a crucial role in shaping Chinese approach to military operations, predating the foundation of People's Republic of China (PRC). People's war concept was born as a result CCP's war against the Japanese Imperial Government and China's ruling party, the Kuomintang (KMT).²⁸⁹ In reaction to the CCP's troops' weaknesses in war materiel and education, Mao Zedong created the people's war concept.²⁹⁰ A comparable level of technological capability between the opposing parties is to be attained through engaging in a long protracted war of attrition and the masses' support has been identified by Mao as a precondition to such war.²⁹¹ With the CCP approaching the country's littorals, the people's war concept turned into a naval pattern, with Mao arguing that "...Navy must also rely on the people; it must rely on fishermen. It must plant roots among the fishermen."²⁹²

China's doctrine of "people's war" had a significant impact on its naval affairs and sea strategy.²⁹³ In 1950s through 1960s, Beijing's military commanders considered the navy as land troop's shorebase coastal expansion and tiny coastal boats were the focus of construction.²⁹⁴ However, ocean policy was reevaluated after Cultural

²⁸⁸ Steeds, "Why Have the People's Republic of China and the Socialist Republic of Vietnam Been Able to Create and Sustain Maritime Militias?," 208.

²⁸⁹ Steeds, 208.

²⁹⁰ Steeds, 208.

²⁹¹ Steeds, 208.

²⁹² Steeds, 209.

²⁹³ Ellis Joffe, "'People's War under Modern Conditions': A Doctrine for Modern War," *The China Quarterly*, no. 112 (1987): 568.

²⁹⁴ Joffe, 568.

Revolution, and in 1975, a strategy was supported by Mao for the modernization of the navy.²⁹⁵ This plan aimed to develop a blue-water fleet to safeguard sea lanes and hydrocarbon reserves and back China's maritime domain claims.²⁹⁶ The new naval strategy includes elements distinctive of state-of-the-art all-embracing navies, such as "sea denial, sea control, projection of power ashore, presence, and strategic deterrence."²⁹⁷

Developments in the militia's function have shown a departure from Maoist ideals.²⁹⁸ Together with local troops and field armies, the militia made up a "three-in-one" military organization that was an essential part of the "people's war" strategy.²⁹⁹ They were tasked with luring the enemy deep into China's heartland, where they would then cooperate with other forces to harass and degrade them while also offering the army support through services, intelligence, and supply of troops.³⁰⁰ The Maoists regarded the mass-based militia as a sign of dependency on the "human element," while the PLA's professional leadership saw it as ineffectual in modern combat and a waste of resources. During the Soviet-inspired military modernization period in the late 1950s, the militia was neglected until the revival of the "people's war" doctrine, which made everyone a soldier for the Great Leap Forward.³⁰¹ Though the militia's importance decreased after the discovery of defects and breakdown of Great Leap Forward, it remained relevant during the Lin Biao period, which prioritized "politics first" approach to security issues.³⁰² The persistent dispute about defensive strategies and the structure of the military fueled the battle for control of the militia.³⁰³ Joffe writes that "Deng and the

²⁹⁵ Joffe, 569.

²⁹⁶ Joffe, 569.

²⁹⁷ Joffe, 569.

²⁹⁸ Joffe, 566.

²⁹⁹ Joffe, 566.

³⁰⁰ Joffe, 566.

³⁰¹ Joffe, 567.

³⁰² Joffe, 567.

³⁰³ Joffe, 567.

PLA leaders...tried to launch a military modernization drive in 1975 but were briefly thwarted by the radicals, who clung to Mao's 'people's war' strategy and the militia's central role in it. Mao's death and the downfall of the radical leaders paved the way for the decline of the militia."³⁰⁴ Consequently, Joffe notes that "The *coup de grace* to the militia...was delivered by the Military Service Law of 1984. It abolished the militia as a separate organization and transformed it into a reserve force of the PLA."³⁰⁵ Under the "people's war" doctrine, the militia was supposed to fight alongside the PLA, but it now supplies men.³⁰⁶

Steeds claims that the CCP developed the theory of "people's war" at sea as a way to overcome the technologically advanced KMT.³⁰⁷ The 1950 battle for Hainan Island, a significant maritime militia base today, was one significant conflict in which fishing boats were deployed, wherein the PLA equipped the sailboats with weapons and exploited its numerical advantage and improved maneuverability to overcome the bigger, slower KMT warships.³⁰⁸ As a result, the concept of a "people's war at sea" together with the "thousand-ship march" emerged, which depended on employing a force with a numerical advantage to defeat one with a technical advantage.³⁰⁹ The 1974 conflict over the Paracel Islands is perhaps the best illustration of this kind of maritime warfare.³¹⁰ During this conflict between the China and South Vietnamese troops, marine militias were used as a separate force that infiltrated the island via fishing trawlers.³¹¹ Instead of relying on fishing vessels out of necessity and being technologically inferior, the current approach involves a combination of maritime militia and PLAN forces working together

³⁰⁴ Joffe, 567.

³⁰⁵ Joffe, 567.

³⁰⁶ Joffe, 568.

³⁰⁷ Steeds, "Why Have the People's Republic of China and the Socialist Republic of Vietnam Been Able to Create and Sustain Maritime Militias?," 208.

³⁰⁸ Steeds, 208.

³⁰⁹ Steeds, 208.

³¹⁰ Steeds, 208.

³¹¹ Steeds, 208.

to accomplish strategic and operational goals using tactics that are reminiscent of what can be spotted in South and East China Seas at present.³¹²

Dale C. Rielage and Austin M. Strange write that throughout and following the war period, the spotlight remained on the people's war.³¹³ The original form of the people's war doctrine was seldom used by China in actual warfare as the stage of interstate battles occurred on China's thinly inhabited geographical borders.³¹⁴ Regardless, Rielage and Strange believe that the doctrine fulfilled roles of potential significance:³¹⁵

Politically, the bottom-up revolutionary origins of people's war preserve a special ideological connection between the People's Liberation Army (PLA) and the CCP. Doctrinally, people's war broadly emphasizes security cooperation between military and civilian units. Operationally, people's war embraces a menu of special guerilla warfare tactics employed by the Mao's forces during World War II and against the KMT.³¹⁶

The SCS dispute is a border disagreement where the concerned actors protect and question the sovereignty over that domain. Protect in the sense that claimants implement either UNCLOS or the national laws defining their belief as to limits of their maritime borders. In the case of overlap, claimants will, however, question the claims of their rival claimants who also stake a claim to the disputed region. The assertion of sovereignty over a disputed area may be seen as a breach of legally recognized boundaries, constituting a severe danger to national security and necessitating proper national emergency actions. In such a situation, China's mobilization of reserves, such as the CMM, may be authorized by law to perform their roles in the contested region.

³¹² Steeds, 208.

³¹³ Dale C. Rielage and Austin M. Strange. "Is Maritime Militia Prosecuting a People's War at Sea?" *In China's Maritime Gray Zone Operations*, edited by Erickson, Andrew S., and Ryan D. Martinson, 40. Annapolis, MD: United States Naval Institute, 2019

³¹⁴ Rielage and Strange, 40.

³¹⁵ Rielage and Strange, 40.

³¹⁶ Rielage and Strange, 40.

C. MARITIME MILITIA AS CHINA'S STRATEGIC WEAPON IN THE SOUTH CHINA SEA CLAIMS

CMM utilization may align with Beijing's strategic objective of projecting maritime power throughout the South China Sea. The militia's continued presence in the contested region in the SCS may effectively asserts sovereignty when China employs methods to justify the presence of its fishermen in all corners of the demarcated region that Beijing claims.

McDevitt claims that under Xi Jinping's leadership, China's attempts to evolve into a major maritime power have been significantly bolstered since 2012.³¹⁷ Beijing's leadership across all levels, including Xi, has been focusing to the involvement of maritime militia in these efforts.³¹⁸ In addition, China's sea claims, especially in the SCS, have been consolidated using the fishing sector and the maritime militia formed inside it as a political weapons of the state.³¹⁹ McDevitt emphasizes that "Because the maritime militia is a grassroots movement in coordination with the nation's growing overall strategic emphasis on the ocean, its roles are as political as they are operational."³²⁰

Peter A. Dutton contends that China's strategy about the SCS problem naturally led to the gap between diplomatic settlement and military confrontation, a gray zone he calls "not peace, not war, but having attributes of each."³²¹ He emphasizes at least three recognizable subcomponent strategies in China's overarching goal of projecting national dominance in all aspects of the maritime domain.³²² First, China is bolstering its defenses against maritime threats by establishing a security buffer zone, generating

³¹⁷ Michael McDevitt, "Becoming a Great 'Maritime Power': A Chinese Dream" (CNA, June 2016), 66, https://www.cna.org/archive/CNA_Files/pdf/irm-2016-u-013646.pdf.

³¹⁸ McDevitt, 66.

³¹⁹ McDevitt, 66.

³²⁰ McDevitt, 66.

³²¹ Dutton, Peter A.. "Conceptualizing China's Maritime Gray Zone Operations." *In China's Maritime Gray Zone Operations*, edited by Erickson, Andrew S., and Ryan D. Martinson, 31. Annapolis, MD: United States Naval Institute, 2019.

³²² Dutton, 31.

increasing loops of control, sea denial, and contestation off its coast as part of its internal security strategy as a significant regional power.³²³ Second, Beijing is increasing its territorial claims over the ocean for marine biodiversity and control over nonliving resources in and at subsea, particularly hydrocarbons, because China lacks resources where the importance of oceans is crucial for the survival of its people; however, China appears to take a more flexible approach to the latter issue.³²⁴ Finally, China is establishing itself as a regional rule maker by projecting political power into the maritime domain to shape regional ties to its liking.³²⁵ Accordingly, China's actions in the SCS arbitration and the Senkaku/Diaoyu 2012 crisis aimed to increase its regional influence and disrupt the existing political order in East Asia.³²⁶ Using these events, China sought to demonstrate its policies and rally its citizens' support.³²⁷ By deploying coast guard ships and fishing vessels around the disputed islands, which up to this day remains unabated, China challenged Japan's control and signaled other nations that it would no longer accept a subordinate role in the region.³²⁸ Based on the three subcomponent strategies that Dutton presented, China's technique over SCS disagreement has produced a muddled middle ground between peaceful resolution and armed conflict which are designed to assert Beijing's control over the maritime region. The Chinese stance on the SCS dispute, emphasizing its operations in the gray zone continuum for regional domination, illustrates this complex dynamic in asserting maritime rights and jurisdiction.

Justin Chock claims that Beijing possesses the most extensive fishing fleet globally, employing 14.43 million people and operating 694,905 motorized boats in 2013, and is serving as an additional contributor to the China's maritime strength.³²⁹ As

³²³ Dutton, 31.

³²⁴ Dutton, 32.

³²⁵ Dutton, 32.

³²⁶ Dutton, 32.

³²⁷ Dutton, 32.

³²⁸ Dutton, 32.

³²⁹ Justin Chock, "China's Non-Military Maritime Assets as a Force Multiplier for Security," *Asia Pacific Bulletin*, no. 322 (September 22, 2015): 2.

an upshot to excessive fishing in adjacent waters, Chinese fishing boats, striving to preserve China's status as the leading exporter of fish catch, venture up to West African aquatic regions, signifying the global expansion of an ever-growing fleet.³³⁰ This fishing fleet, a part of the CMM, has a dual purpose, primarily functioning to serve as an external defense and domestic security force.³³¹ Its operations include "sovereignty missions, logistical support for military assets, emergency response, concealment of military units, light-arms defense, and sabotage."³³² The fleet has been upgraded with advanced communication and surveillance capabilities, such as satellite phones and radios, which improve China's ability to monitor maritime activities.³³³ The maritime militia is a reserve force recruited locally that undergoes more rigorous training than China's ordinary militias.³³⁴ It played a crucial role in ejecting competitors from the waters without escalating the situation with military force, such as during USNS Impeccable and Haiyang Shiyou 981 remarkable maritime incidents in 2009 and 2014, respectively.³³⁵

Michael McDevitt claims that the PLA's limited ability to transport through extensive area coverages using their own resources is being compensated for by increasing involvement of the Chinese Merchant Marine in regular PLA activities.³³⁶ Besides facilitating the transportation of personnel and units for all military branches, civilian ships also frequently participate in exercises conducted by the PLA.³³⁷ This logistical support and training collaboration is expected to grow as the PLA expands its operations beyond China's coastlines and as additional civilian ships constructed to national security criteria join the fleet.³³⁸

³³⁰ Chock, 2.

³³¹ Chock, 2.

³³² Chock, 2.

³³³ Chock, 2.

³³⁴ Chock, 2.

³³⁵ Chock, 2.

³³⁶ McDevitt, "Becoming a Great 'Maritime Power': A Chinese Dream," 124.

³³⁷ McDevitt, 124.

³³⁸ McDevitt, 124.

D. CHINESE MARITIME MILITIA AND THE GRAY ZONE

The CMM, through the years, has gone through different labeling and categorization, causing it to become a distinct maritime force that operates within China's nine-dash line maritime claim. It is also alleged that it is used in gray zone operations in the contested maritime domain.

1. Chinese Maritime Militia Nature and Functions

CMMs are called in many ways by scholars, dubbing them as 'Little Blue Men,'³³⁹ "Third Sea Force,"³⁴⁰ "Gray Zone Force,"³⁴¹ and "...force multiplier..."³⁴² of the Chinese government. According to Andrew S. Erickson and Connor M. Kennedy, drawing a parallel to Russia's discreet use of "Little Green Men" in Crimea, China leans on its "Little Blue Men" to reinforce its unresolved territorial claims in the South and East China Seas.³⁴³ They write that these maritime militias have been involved in Beijing's key military and non-military actions within SCS.³⁴⁴ On the other hand, a militia maritime component is extensively described by Andrew S. Kennedy about China's different maritime forces and labelling:

China's Maritime Militia is its Third Sea Force of 'blue hulls,' after its Navy of 'gray hulls' and its Coast Guard of 'white hulls.' Increasingly, these forces operate in concert, with blue hulls operating forward and white and gray hulls backstopping them. The Chinese operational concept entails a 'first line of Militia, a second line of Administrative Law Enforcement, supported by a third line of the Military.' Collectively, these

³³⁹ Erickson and Kennedy, "Irregular Forces at Sea: Not 'Merely' Fishermen - Shedding Light on China's Maritime Militia," 2.

³⁴⁰ Andrew S. Erickson, "Testimony on the South China Sea's Third Force," *The South China Sea's Third Force: Understanding and Countering China's Maritime Militia*, 114th Cong. (2016) (Statement of Dr. Andrew S. Erickson, Professor of Strategy, Naval War College), September 21, 2016, 1.

³⁴¹ Jeremy A. Oliver, "China's Maritime Militias: A Gray Zone Force" (Monterey, CA, Naval Postgraduate School, 2019), 46, NPS Archive: Calhoun, <https://calhoun.nps.edu/handle/10945/62279>.

³⁴² Kraska and Monti, "The Law of Naval Warfare and China's Maritime Militia," 2015, 452.

³⁴³ Erickson and Kennedy, "Irregular Forces at Sea: Not 'Merely' Fishermen - Shedding Light on China's Maritime Militia," 2.

³⁴⁴ Erickson and Kennedy, 2.

are ‘gray zone’ operations: conducted to alter the status quo, and employing coercion as necessary, but without resorting to war.³⁴⁵

Relatedly, Jeremy A. Oliver, in his thesis, claims that “Using the three characteristics of the gray zone, ambiguity, asymmetry, and incrementalism, a strong case can be made that China’s maritime militias are a gray zone force that operates below the threshold of war.”³⁴⁶ Further, Kraska and Monti claim that China is likely to use its numerous fishing vessels engaged in paramilitary activities to its advantage as a force multiplier in the event of a conflict.³⁴⁷ These ships were intended to function as the “eyes and ears” of China’s expanding naval fleet and ground-based forces, supplementing PLAN operations and intelligence initiatives.³⁴⁸ In addition, they will assist with tasks such as locating targets and accurately directing ordnance onto them, thereby enhancing the effectiveness of the warship “kill chain.”³⁴⁹

Conor M. Kennedy claims that part-time commercial sailors, generally fishermen trained and paid to fulfill governmental tasks, comprised most of CMM mobilized as paramilitary personnel.³⁵⁰ The PLA and CCG command the PAFMM; however, its peacetime rights protection actions are usually unarmed and conducted by civilians.³⁵¹ They are ideal for crucial roles in China’s dispute strategy since they are civilians during the day and troops when activated.³⁵² In 2015, Sansha City saw the rise of a more professional, military marine militia with readily identifiable boats for nonlethal coercion.³⁵³

³⁴⁵ Erickson, “Testimony on the South China Sea’s Third Force,” 1.

³⁴⁶ Oliver, “China’s Maritime Militias: A Gray Zone Force,” 46.

³⁴⁷ Kraska and Monti, “The Law of Naval Warfare and China’s Maritime Militia,” 2015, 465.

³⁴⁸ Kraska and Monti, 465.

³⁴⁹ Kraska and Monti, 465.

³⁵⁰ Connor M. Kennedy. “Gray Forces in Blue Territory, The Grammar of Chinese Maritime Militia Gray Zone Operations.” *In China’s Maritime Gray Zone Operations*, edited by Erickson, Andrew S., and Ryan D. Martinson, 169. Annapolis, MD: United States Naval Institute, 2019.

³⁵¹ Kennedy, 169.

³⁵² Kennedy, 169.

³⁵³ Kennedy, 169.

Kennedy notes that in defending and promoting China’s maritime assertions, the PAFMM, recognized as Third Sea Force, is the principal tool that Chinese authorities employ.³⁵⁴ The maritime militia attends Beijing’s dispute strategy in times of peace.³⁵⁵ He emphasizes that “The PAFMM plays important roles in defending and advancing China’s position in all three types of disputes.”³⁵⁶ These disputes, as Kennedy notes, include: “...over territorial disputes, the shape and extent of zones of jurisdiction, and over coastal state authorities to regulate foreign activities – above all, military activities – in its jurisdictional waters.”³⁵⁷ The first two types of conflicts include China’s neighbors: Taiwan and Japan in the East China Sea, and Vietnam, Malaysia, Brunei, Indonesia, and the Philippines in the SCS.³⁵⁸ The U.S. is primarily involved in China’s third type of dispute.³⁵⁹ Contingent to the kind of claim involved, the PAFMM, in defending and advancing Beijing’s maritime claims, engages in a wide range of actions that may be grouped into four extensive categories:³⁶⁰ “presence; harassment and sabotage; escort; and intelligence, surveillance, and reconnaissance (ISR).”³⁶¹

The maritime militia’s core function in rights protection is the presence mission as Kennedy asserts.³⁶² The presence mission, which is sometimes referred to as “declaring sovereignty,” fits well with the members of the CMM’s normal jobs in the fishing business.³⁶³ To display the flag and support the claim accounts of Chinese possession, militia soldiers are sent to the contested region under the appearance of civilian seafarers,

³⁵⁴ Kennedy, 168.

³⁵⁵ Kennedy, 169.

³⁵⁶ Kennedy, 169.

³⁵⁷ Kennedy, 169.

³⁵⁸ Kennedy, 169.

³⁵⁹ Kennedy, 169.

³⁶⁰ Kennedy, 170.

³⁶¹ Kennedy, 170.

³⁶² Kennedy, 170.

³⁶³ Kennedy, 170.

usually fishermen.³⁶⁴ Also, CMMs presence permit other government maritime forces to be around, particularly the CCG, which was supposedly dispatched to oversee their operations and guarantee their protection.³⁶⁵ China’s coercive diplomacy is supported by the CMM and CCG, which together present foreign governments with the threat of action.³⁶⁶

Kennedy claim that operations aimed at restricting foreign boats activities in Beijing’s-claimed maritime domains are conducted by the Chinese militia forces.³⁶⁷ As Kenney notes, “The purpose is to physically assert China’s maritime claims through non-lethal methods such as engaging in dangerous maneuvering near other vessels and firing high-powered water cannon. Common targets include foreign foreign survey and surveillance ships and fishing vessels.”³⁶⁸

Further, in contested waters, Chinese militia forces are occasionally tasked with safeguarding Chinese non-military boats’ actions.³⁶⁹ Several maritime issues featured in SCS as a result of escort operations.³⁷⁰ Chinese civilian survey vessels stand to gain the most from these operations in that militia soldiers screen these ships and secure their towing cables from outside interference.³⁷¹ The CMM defends the Chinese civilian vessel during escort operations, and PAFMM groups are the finest at escorting.³⁷² As Kennedy notes, “ ...PAFMM organizations are ideal choices for this escort role as they are held to higher standards than other mariners....they must operate ocean-going vessels, possess comprehensive communications gear, and employ comparatively more

³⁶⁴ Kennedy, 170.

³⁶⁵ Kennedy, 170.

³⁶⁶ Kennedy, 170.

³⁶⁷ Kennedy, 170.

³⁶⁸ Kennedy, 173.

³⁶⁹ Kennedy, 175.

³⁷⁰ Kennedy, 175.

³⁷¹ Kennedy, 175.

³⁷² Kennedy, 175.

disciplined crews.”³⁷³ A combination of incentives and local government support enhances these advantages.³⁷⁴ Marine departments and entities could connect to militia organizations through party organizations, which is common in militia groups.³⁷⁵

Moreover, Kennedy argues that CMM’s primary function is tracking foreign vessels “illegally” operating in Beijing-claimed waterways.³⁷⁶ Leaders are provided the required intelligence for effectual tactical and strategic decision-making through this ISR operation that helps China in its dispute strategy.³⁷⁷ Militia forces are particularly advantageous because of their mass strength and can gather information surreptitiously than coast guard and military forces.³⁷⁸

2. Chinese Maritime Militia Operations in the Gray Zone

Michael B. Petersen argues that gray zone activities are competing exchanges between the classic dualities of peace and conflict.³⁷⁹ They do not include overt military conflict, but they are focused on particular objectives and are carried out more severely than customary rivalry in times of peace.³⁸⁰ “Gray zone actors maneuver in the ambiguous no-man’s-land between peace and war, reflecting the sort of aggressive, persistent, determined campaigns characteristics of warfare but without the overt use of military force,”³⁸¹ as Petersen quotes political scientist Michael Mazarr.³⁸² These campaigns seek strategic advantages or change the international status quo devoid of

³⁷³ Kennedy, 175–176.

³⁷⁴ Kennedy, 176.

³⁷⁵ Kennedy, 176.

³⁷⁶ Kennedy, 177.

³⁷⁷ Kennedy, 177.

³⁷⁸ Kennedy, 177.

³⁷⁹ Michael B. Petersen. “The Chinese Maritime Gray Zone, Definitions, Dangers, and the Complications of Rights Protection Operations.” *In China’s Maritime Gray Zone Operations*, edited by Erickson, Andrew S., and Ryan D. Martinson, 16.

³⁸⁰ Petersen, 16.

³⁸¹ Petersen, 16.

³⁸² Petersen, 16.

direct conflict.³⁸³ In addition, instead of trying to overthrow the international system, gray zone strategies focus on tweaking certain parts of the system while preventing military force.³⁸⁴ Petersen categorically used the gray zone in his work as herein quoted as “nonlethal diplomatic, informational, economic, financial, intelligence, law enforcement, and irregular force means of compellence.”³⁸⁵

Using Mazarr’s points, Petersen claims that state-sponsored gray zone methods have three main traits in common.³⁸⁶ First, strategic revisionism is a crucial component gray zone operations. State players in the gray area, such as China, are actively seeking reforms to certain areas of the international order to increase their share of power within it rather than annexing the regional and global system from which they have garnered some advantages.³⁸⁷

Second, operations in gray zone are deliberately ambiguous.³⁸⁸ To attain particular national goals, actors utilize the gaps between competition and conflict by exploiting the seams of conventional military, legal, diplomatic, informational, and economic processes.³⁸⁹ For instance, although the UN charter expressly forbids the use of force against another state, aggressive gray zone operations like the Impeccable event fall short of an armed assault, and the legal and military foundation for high-intensity kinetic response is unclear.³⁹⁰ This ambiguity, however, has gradations.³⁹¹ While PAFMM forces may attempt to conceal their evident link to the Chinese state, the Chinese maritime law enforcement forces’ presence in their area clears any seeming ambiguity by establishing a direct link between sea events and a leadership choice to

³⁸³ Petersen, 17.

³⁸⁴ Petersen, 17.

³⁸⁵ Petersen, 17.

³⁸⁶ Petersen, 17.

³⁸⁷ Petersen, 17.

³⁸⁸ Petersen, 17.

³⁸⁹ Petersen, 17.

³⁹⁰ Petersen, 17.

³⁹¹ Petersen, 17.

employ such vessels.³⁹² It is safe to deduce that in most situations, when the fleet asserting a disputed claim is more capable, the more Beijing primarily takes that claim seriously.³⁹³ These gradations demonstrate the government’s level of commitment to its claims, or indicate that Beijing carried out some kind of risk-benefit analysis.³⁹⁴

Third, strategic gradualism is a distinguishing feature of gray zone strategies.³⁹⁵ In an effort to provide an instantly clear outcome, these activities are timed to occur gradually rather than simultaneously. Over time, they go forward in incremental tiny steps.³⁹⁶ According to Thomas Schelling, this gradualism takes the form of “salami tactics” or the “tactics of erosion,” in which governments make little but steady progress toward their goal without prompting a large military reaction from their rivals or competitors.³⁹⁷ This gradualism seems exemplified by how the Paracels Islands and the Scarborough Shoal as discussed in the previous Chapter were controlled overtime where the role of CMM was crucial.

Xylee C. Paculba, Dianne Faye C. Despi, and Rowena S. Tatad, as part of their compilation of strategies China employs in the SCS that falls within the gray zone continuum, write that the “Graduated Pressure Strategy” is employed by Beijing, consisting of incremental actions and responses to manage any potential crisis in a controlled manner.³⁹⁸ The strategy is achieved by gauging potential adversaries’ responses and making them aware of the political and military harm of challenging China’s interests.³⁹⁹ They write that “At the center of this graduated strategy is the combined and coordinated utilization of military and non-military maritime forces, which

³⁹² Petersen, 17.

³⁹³ Petersen, 17.

³⁹⁴ Petersen, 17.

³⁹⁵ Petersen, 17.

³⁹⁶ Petersen, 17.

³⁹⁷ Petersen, 17.

³⁹⁸ Rowena Tatad, Dianne Despi, and CDR PN, “Navigating China’s Gray Zone Strategy in the South China Sea” 25 (December 1, 2020): 6.

³⁹⁹ Tatad, Despi, and PN, 6.

basically comprises their developing sea power capability. The use of non-military means prevents escalation while ensuring that disputes remain localized.”⁴⁰⁰

Beijing has long denied utilizing maritime militia troops to enforce its SCS territorial claims, maintaining that its vessels group in nearby disputed islands and islets are fishing boats.⁴⁰¹ Zachary Haver’s presents that “RFA found that the state-owned fishing company in charge of Sansha City’s maritime militia fleet has managed projects involving classified national security information, a strong indicator that the company’s ships are engaged in more than just fishing.”⁴⁰² This was revealed through exploitation of official company documents and other relative sources.⁴⁰³

Lou and Panter argue that “the strength of the maritime militia is its deniability, which allows its vessels to harass and intimidate foreign civilian craft and warships while leaving Beijing room to deescalate by denying its affiliation with these activities.”⁴⁰⁴ CMM presents a challenge for neighboring countries as they masquerade as regular fishermen during their operations in the South and East China Seas, making it difficult to distinguish between authentic private fishermen and those supported by the Chinese government.⁴⁰⁵ On the other hand, Koki Sato claims that ambiguity is a distinct character of the CMM, and as such, it presents a challenge for neighboring countries as they masquerade as regular fishermen during their operations in the South and East China Seas, making it difficult to distinguish between authentic private fishermen and those supported by the Chinese government.⁴⁰⁶ Suppose deniability is considered its strength while ambiguity is its peculiar trait, in that case, the CMM then may be deduced as a

⁴⁰⁰ Tatad, Despi, and PN, 6.

⁴⁰¹ Zachary Haver and RFA, “Unmasking China’s Maritime Militia – Analysis,” Eurasia Review News and Analysis, May 19, 2021, <https://www.eurasiareview.com/19052021-unmasking-chinas-maritime-militia-analysis/>.

⁴⁰² Haver and RFA.

⁴⁰³ Haver and RFA.

⁴⁰⁴ Luo and Panter, “China’s Maritime Militia and Fishing Fleets,” 16.

⁴⁰⁵ Luo and Panter, 16.

⁴⁰⁶ Sato, “China’s Maritime Militia: A Legal Point of View,” 3.

maritime force that projects a sort of “identity crisis” in the eyes of Beijing’s rival claimants, thus preserving its identity as purely seafarers indulge in fishing ventures. It is the CMM’s nature and characteristics. It is why it is a force exploited to conduct rights protection missions; a force expected not to escalate situations in confronting other rival claimant’s maritime forces.

3. Capability of Chinese Maritime Militia

The capability of CMM to perform its functions to support Beijing’s assertion of sovereignty over the nine-dash line territorial claims is crucial. CMM’s crucial responsibilities in the disputed area require assessing how this dual-personality maritime force is organized, trained, and equipped to operate. To do this, some scholarly works about the CMM’s organization, training, and equipment, to give an overall picture of how this militia force is ready for deployment in its area of operations in the contested region of the SCS.

Several senior Department of Defense (DOD) (U.S.) civilian and military officials have linked Title 10 obligations to readiness for decades.⁴⁰⁷ The organizing, training, and equipping tasks for armed forces are most often cited.⁴⁰⁸ These responsibilities have often been outlined as crucial to producing readiness in official doctrine and memos, legislative testimony, and other publicly accessible publications.⁴⁰⁹ The term “organize, train, and equip” or of the same version, has also been used often when explaining how to develop ready troops by a number of non-DOD groups in the defense field.⁴¹⁰

a. Organization

The CMM is organized through backing of pertinent domestic laws. Exploring how maritime militia is organized requires a basis of its constitution as a maritime force

⁴⁰⁷ G James Herrera, “The Fundamentals of Military Readiness,” *Congressional Research Service*, no. R46559 (October 2, 2020): 9.

⁴⁰⁸ Herrera, 9.

⁴⁰⁹ Herrera, 9.

⁴¹⁰ Herrera, 9.

since the Chinese government denies the existence of a maritime militia and there are no specific provisions in the Chinese Constitution that creates a maritime militia organization. However, the constitution provides a general mandate to Chinese citizens about which Koki Sato exemplifies Constitutional provision Article 55 stating that “...It is the sacred obligation of every citizen... to defend the motherland and resist aggression. It is the honorable duty of citizens...to perform military service and join the militia in accordance with the law.”⁴¹¹ Two crucial points are indicated in this provision; it is a mandate for every Chinese to protect the country and serve through joining the military. On the other hand, to connect the militia in its broad term as a possible formal organization in comparison with other commissioned armed forces of China, Sato provides the National Defense Law’s Article 22 specifying “...The armed forces of the People’s Republic of China are composed of the active and reserve forces of the Chinese People’s Liberation Army, the Chinese People’s Armed Police Force and the Militia”⁴¹² Sato categorically argues that China’s militia is segment of the country’s military. The militia, under military leadership, prepares for armed confrontation, defensive operations, and public order, based on the same National Defense Law Article.⁴¹³

Categorized as a reserve force, Erickson and Kennedy argue that the militia is different from the PLA services’ genuine reserves.⁴¹⁴ China simultaneously develops its militia and the PLA reserves, viewing them as two separate parts of its reserve force system.⁴¹⁵ It is crucial to understand that while the militia is deemed a backup force, it is not to be mistaken for the actual reserves of the PLA services.⁴¹⁶ They emphasize that “Authoritative Chinese writings typically refer to the militia as ‘China militia’

⁴¹¹ Sato, “China’s Maritime Militia: A Legal Point of View,” 3.

⁴¹² Sato, 3.

⁴¹³ Sato, 3.

⁴¹⁴ Conor M. Kennedy and Andrew S. Erickson, “China Maritime Report No. 1: China’s Third Sea Force, The People’s Armed Forces Maritime Militia: Tethered to the PLA,” China Maritime Report No. 1, no. 1 (March 2017): 2.

⁴¹⁵ Kennedy and Erickson, 2.

⁴¹⁶ Kennedy and Erickson, 2.

(中国民兵), essentially a reserve force that plays a parallel and supporting role to the PLA. This confers three responsibilities: first, to support the PLA in defending China from external threats, and second, to assist China’s domestic security forces to ensure social stability and engage in disaster relief.”⁴¹⁷

Crucial to China militia are these obligations as they may link to the maritime militia’s possible strategic and operational purpose. McDevitt states that in 2013, Director He Zhixiang, Guangdong Military Region (MR.) Headquarters Mobilization Department categorically identifies maritime militia’s three distinct roles:

- It forms a certain embodiment of national will (guojia yizhi) of the people in implementing maritime administrative control.⁴¹⁸
- It helps shape public opinion, as a group of ‘model’ mariners meant to inspire both enterprises and the masses to get involved in maritime development and travel out to China’s possessions (disputed islands and reefs).⁴¹⁹
- It is a guarantor of maritime safety, with its members often serving as the first responders in emergencies since they are already distributed out across the seas.⁴²⁰

In addition, Director He advocates for the presence of the maritime militia in all points within the nine-dash line, emphasizing their importance as a frontline force of rights protection and as a significant force in normalizing Beijing’s administrative control of seas.⁴²¹ From the stated militia’s roles, one particular task suggests to encompass all other specific and implied roles—presence across all points in China’s seas.

Based on the legal formation and categorization of a militia as a reserve force for external defense and internal security, coupled with its obligations and roles, a mission statement may be hypothetically derived therefrom – as a reserve force component for external and internal defense, conduct sustained presence operations as a frontline force

⁴¹⁷ Kennedy and Erickson, 2–3.

⁴¹⁸ McDevitt, “Becoming a Great ‘Maritime Power’: A Chinese Dream,” 66.

⁴¹⁹ McDevitt, 66.

⁴²⁰ McDevitt, 66.

⁴²¹ McDevitt, 66.

in all points within the nine-dash line and operate in parallel with and as a support role to the PLA in order to help in maritime administrative control, developing and monitoring claimed domains, and guarantee maritime safety.

CMM is organized not only as a force multiplier to PLA to other government-commissioned maritime forces but also to produce a more professional, elite group militia force. To give distinction to the blue-hulled PAFMM from the CMM, Robert McLaughlin points out that there are apparently two parts to the maritime militia: The first is the PAFMM—a part of China’s national militia recognized as having been legally constituted – an armed reserve force made up of people who may be mobilized and have connections to China’s military forces – adheres to militia rules, and the ships assist the CCG by serving as auxiliary, while the second maritime militia section is that vessels are obtained from the normal fishing fleet and are periodically called upon for particular missions.⁴²² Relatedly, the PAFMM was established as a response to its conflict with the nationalist Chinese fleet, and has since been a significant player in Chinese defense affairs, including the 1974 Paracel Islands operation.⁴²³

Extensive research by Connor M. Kennedy and Andrew S. Erickson has resulted in the availability of an organizational structure⁴²⁴ that provided the most needed linkages of the alleged “Chinese maritime militia” to other Chinese government and armed services. Therefore, with utmost credit to both experts, the organizational structure of the PAFMM is presented herein as Figure 1.⁴²⁵ The structure portrays three hierarchical, vertical, or horizontal, specifying the direct and situational command and control (C2) and coordination that may administratively or operationally manage the PAFMM, which can associate Kennedy and Erickson’s one of the key points in their

⁴²² Robert McLaughlin, “The Legal Status and Characterisation of Maritime Militia Vessels,” *EJIL: Talk!* (blog), June 18, 2019, <https://www.ejiltalk.org/the-legal-status-and-characterisation-of-maritime-militia-vessels/>.

⁴²³ Steeds, “Why Have the People’s Republic of China and the Socialist Republic of Vietnam Been Able to Create and Sustain Maritime Militias?,” 207.

⁴²⁴ Kennedy and Erickson, “China Maritime Report No. 1: China’s Third Sea Force, The People’s Armed Forces Maritime Militia: Tethered to the PLA,” 6.

⁴²⁵ Kennedy and Erickson, 6.

study of the force, stating that “The PAFMM is thus a state-organized, -developed, and -controlled force operating under a direct military chain of command to conduct Chinese state-sponsored activities.”⁴²⁶

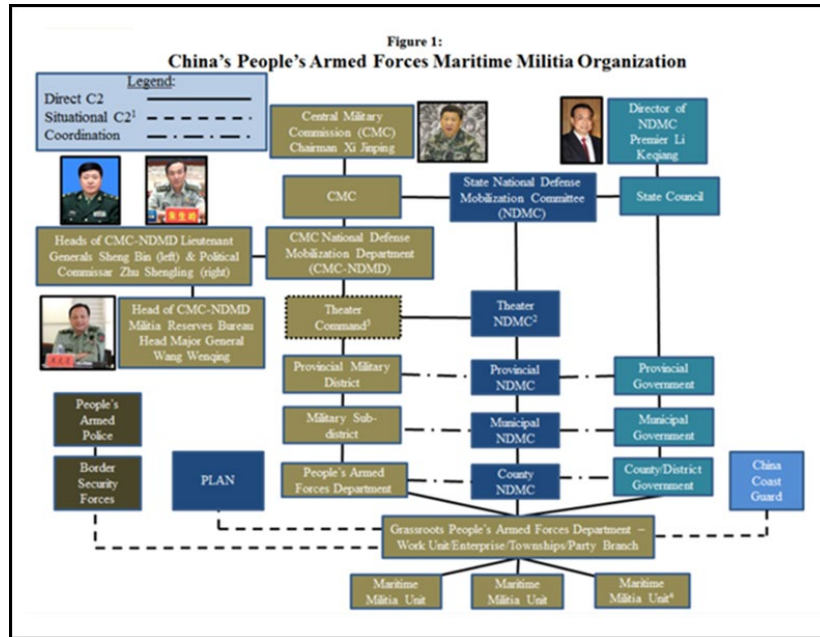


Figure 1. Organizational Structure of PAFMM.⁴²⁷

Steeds, adopting the same organizational structure from Andrew S. Erickson and Connor M. Kennedy in his study, describes that individual maritime militia units are at the lowest level of the hierarchy.⁴²⁸ For most part, these units are often organized around preexisting fishing villages, although they can be manned by professional PLAN veterans.⁴²⁹ Battalion-sized units are formed by the biggest communities while the most of localities generate company-sized units, subdivided into platoons where a squad

⁴²⁶ Kennedy and Erickson, 2.

⁴²⁷ Source: Kennedy and Erickson, 6.

⁴²⁸ Steeds, “Why Have the People’s Republic of China and the Socialist Republic of Vietnam Been Able to Create and Sustain Maritime Militias?,” 211.

⁴²⁹ Steeds, 211.

complements a single ship.⁴³⁰ The CMC and the National Defense Mobilization Department, the highest level and where the administration of militia starts, outline the regulations that apply to the entire militia.⁴³¹ The actual control of the militia actually starts at the level of the Provincial Military District and then extends downwards, with separate departments supervising the numerous People's Armed Forces Departments that exist at the county and local levels.⁴³²

Distinct to the maritime militia's creation and management is China's dual-node leadership link emphasizing the civilian-military hold of the force, which may provide oversight responsibility and accountability to their activities and performance. McDavitt states that the leadership of the maritime militia is primarily structured around the military-civilian system that is commonly used for most militia organizations in China.⁴³³ This system is responsible for both the military and civilian aspects of militia building and is led by both local military and government/Party leaders.⁴³⁴ The dual-leadership structure starts from Provincial Military District (MD) and extends down to People's Armed Forces Department (PAFD) at county/township level.⁴³⁵ While McDevitt provides who directly leads and supervises the militia in a civilian-military nature of the maritime militia, Steeds stresses the PRC ideology as inextricably vital to the PAFMM's survival since it guarantees militia upholding the party's supreme loyalty through direction and party monitoring.⁴³⁶ He emphasizes that the significance of the command lies in its dual leadership structure, in which the military and their government/

⁴³⁰ Steeds, 211.

⁴³¹ Steeds, 211.

⁴³² Steeds, "Why Have the People's Republic of China and the Socialist Republic of Vietnam Been Able to Create and Sustain Maritime Militias?"

⁴³³ McDevitt, "Becoming a Great 'Maritime Power': A Chinese Dream," 69.

⁴³⁴ McDevitt, 69.

⁴³⁵ McDevitt, 69.

⁴³⁶ Steeds, "Why Have the People's Republic of China and the Socialist Republic of Vietnam Been Able to Create and Sustain Maritime Militias?," 210.

party equivalents share responsibilities. He maintains that the Militia Regulations (1991) define this system:⁴³⁷

The local people's governments at all levels must strengthen their leadership over the work of the militia, coordinate the work of the militia, and organize and supervise the task of the militia. The relevant departments of local people's governments at various levels shall assist the military organs in carrying out the work of the militia and solve relevant problems. (Article 7)⁴³⁸

The CMM is organized with massive organizational strength in personnel and platforms structured to span a vast area of operations as an external and internal defense force. The rationale is that when given an area of operations to cover for rights protection, the organization's strength, supported by the training and equipment needed, must adapt to the magnitude of tasks. The number of fishermen and fishing vessels varies, trimming down to a possible number of CMM that can perform militia duties. Chock claims that "Fishing vessels are another source of maritime power for China, as it maintains the world's largest fishing fleet with 694,905 motorized vessels in 2013, in addition to employing 14.43 million workers."⁴³⁹ Similarly, Nguyen Hong Thao and Binh Ton-Nu Thanh describe that to boost fishing at sea, China established a unique program in 1995 that included fuel subsidies and financing for shipbuilding.⁴⁴⁰ As a result of this strategy, Thao and Ton-Nu claim that "...the number of Chinese fishing vessels has increased dramatically from merely 50,000 in 1979 to over 700,000 in 2014, 200,000 of which are offshore fishing vessels. Hundreds of these boats are equipped with steel-reinforced hulls and water cannons for ramming and sinking foreign fishing boats."⁴⁴¹ On the other hand, James Kraska and Michael claim that "... nearly two hundred thousand fishing vessels that comprise China's maritime militia are not formally

⁴³⁷ Steeds, 211.

⁴³⁸ Steeds, 211.

⁴³⁹ Chock, "China's Non-Military Maritime Assets as a Force Multiplier for Security," 2.

⁴⁴⁰ Nguyen Hong Thao and Binh Ton-Nu Thanh, "Maritime Militias in the South China Sea," *The National Bureau of Asian Research (NBR)* (blog), July 13, 2019, <https://www.nbr.org/publication/maritime-militias-in-the-south-china-sea/>.

⁴⁴¹ Thao and Thanh.

integrated into the PLAN, but they operate in conjunction with the armed forces to promote Beijing's strategic objectives in the South China Sea and East China Sea....Fishermen are assigned to collectives or attached to civilian companies and receive military training and political education in order to mobilize and promote China's interests in the oceans."⁴⁴² These descriptions from scholars about CMM number of workers, vessels, and type of training strongly suggest a huge CMM organizational construct. They show as well high probability that CMM vessels are capable boats for offshore operations, having a massive strength of about, 200,000 platforms.

The CMM is organized to perform two types of defense functions which may collaborate with Justin Chock's emphasis on the "dual-use purpose"⁴⁴³ of fishing fleet as part of the CMM. He writes that "...their primary role is an external defense, with a secondary dimension of domestic security force. Specific operations towards these ends include sovereignty missions, logistical operations for military assets, emergency response, cover and concealment of military units, and even light-arms defense and sabotage."⁴⁴⁴The fleet has been upgraded with advanced communication and surveillance capabilities, such as satellite phones and radios, which improve China's ability to monitor maritime activities.⁴⁴⁵ The Maritime Militia, though a local reserve unit, surpasses China's standard militias in terms of the regularity and intensity of more sophisticated strategies training they obtain.⁴⁴⁶

CMM is organized to collaborate with other maritime forces in the conduct of their state directed missions and it seem to draw its operational doctrine on the basis of what Kennedy and Erickson call the "military-police-civilian joint defense"⁴⁴⁷ for a

⁴⁴² Kraska and Monti, "The Law of Naval Warfare and China's Maritime Militia," 2015, 452.

⁴⁴³ Chock, "China's Non-Military Maritime Assets as a Force Multiplier for Security," 2.

⁴⁴⁴ Chock, 2.

⁴⁴⁵ Chock, 2.

⁴⁴⁶ Chock, 2.

⁴⁴⁷ Conor M. Kennedy and Andrew S. Erickson, "Riding a New Wave of Professionalization and Militarization: Sansha City's Maritime Militia," *Center for International Maritime Security*, September 1, 2016.

“three lines of defense for maritime rights protection.”⁴⁴⁸ Through their research on Sansha City’s defense arrangement, they write:

Joint military-police-civilian defense applies Mao Zedong’s People’s War concept to the peacetime security of border and coastal regions through combined use of the PLA, local security or law enforcement forces, and the militia. Sansha City organizes its border and coastal defense in the form of joint defense involving the Navy, Coast Guard, and Maritime Militia. Such efforts aim to improve coordination between the military and local forces to create three lines of operation for maritime rights protection—a ‘first line of militia, a second line of administrative law enforcement, supported by a third line of the military.’ Manning a first line to advance China’s objectives while limiting escalation, maritime militia forces can confront foreign vessels under support provided by China’s Navy and Coast Guard. Employment of this three-tiered structure of force demonstrates an official institutionalized approach to integrating China’s three sea forces.⁴⁴⁹

The line of formation suggests formality of CMM’s integration into the overall operational strategy of the China’s defense framework. The CMM, having the said position in formation, suggests a rules of engagement (ROE) to follow when mobilized to conduct fishing and perform state directed missions in contested maritime domains. While scholars suggest that CMM is the third sea force to the hierarchy of the commissioned government maritime forces, its ROE provides that CMM is at the forefront, a distinct operational approach, putting the civilian components in the frontline, which is normally protected and positioned at the rear of active military forces during battle.

CMM is organized to be a strategic weapon for protecting the integrity of maritime claims of China as they have the backing of statutes, an organizational structure to follow, roles and functions clearly stated to perform, and a ROE to follow.

⁴⁴⁸ Kennedy and Erickson.

⁴⁴⁹ Conor M. Kennedy and Andrew S. Erickson, “Riding A New Wave of Professionalization and Militarization: Sansha City’s Maritime Militia | Center for International Maritime Security,” September 1, 2016, <https://cimsec.org/riding-new-wave-professionalization-militarization-sansha-citys-maritime-militia/>.

b. Training

Acquiring skills and sustaining proficiency, both as an individual or as a unit may produce force capability. Therefore, most organizations see training as a top priority, providing training programs and support mechanisms to maximize the learning process. CMM serves a two-node hierarchy structure; thus, the more to double its effort in conducting training to carry out its roles competently and efficiently.

Andrew S. Ericson and Conor M. Kennedy state that the county and grassroots levels of the People's Armed Forces Department (PAFD) are overseen by a separate set of officials: the active PLA manned the county level, and government civilian cadres manned the grassroots levels.⁴⁵⁰ The training and education programs are aimed at a specialized set of militia cadres, including company commanders, platoon and squad leaders, and information personnel, who form the pillar of the maritime militia and are critical in implementing the party leadership, command and control, and maintaining unit cohesiveness.⁴⁵¹ Crucial to the maritime militia's effective command and control are the boat skippers and information personnel which offer specialized staff members for leadership, identification, and communication while on board.⁴⁵² With the fishing fleet's growing use of satellite communication technology, the maritime militia is also benefiting from this technological integration.⁴⁵³

CMMs are trained as individuals and as a unit in relation to their functions. Kraska and Monti claim that ship identification, light weaponry, and military organization are part of maritime militia training.⁴⁵⁴ While at sea, Communist Party officials indoctrinate and educate fishermen in civil defense.⁴⁵⁵ In contested seas, some

⁴⁵⁰ Andrew S. Erickson and Conor M. Kennedy, "Directing China's 'Little Blue Men': Uncovering the Maritime Militia Command Structure," Asia Maritime Transparency Initiative, September 11, 2015, <https://amti.csis.org/directing-chinas-little-blue-men-uncovering-the-maritime-militia-command-structure/>.

⁴⁵¹ Erickson and Kennedy.

⁴⁵² Erickson and Kennedy.

⁴⁵³ Erickson and Kennedy.

⁴⁵⁴ Kraska and Monti, "The Law of Naval Warfare and China's Maritime Militia," 2015, 453.

⁴⁵⁵ Kraska and Monti, 453.

fishermen are taught to engage with and challenge foreign boats.⁴⁵⁶ Relatedly, the Department of Defense reports that “A large number of PAFMM vessels train with and assist the PLAN and CCG in tasks such as safeguarding maritime claims, surveillance and reconnaissance, fishery protection, logistics support, and search and rescue.”⁴⁵⁷

CMM training appears mandatory and implementing a sort of a “No Training No Deployment” policy. Kennedy and Erickson argue that “A new fleet of vessels is only effective as its crew.”⁴⁵⁸ Improved training and discipline are required by Sansha’s Maritime Militia since it operates at the contested sea claims’ forefront.⁴⁵⁹ Citing Commander Cai, they write that “personnel receive training collectively and in smaller groups while stationed on islands, covering topics such [as] political education, reconnaissance, rescue, ‘assisting in rights protection’ and ‘shooting at sea.’”⁴⁶⁰ They claim that to obtain military training, Sansha Maritime Militiamen were dispatched to a Northern Hainan’s training station, citing Li Zhaofeng, the Chief of Staff, Sansha Garrison, as saying to journalists in January 2016.⁴⁶¹ Militiamen are deployed at sea only when the standards required on “navigation, communications, fishing practices, and legal regulations” courses are met.⁴⁶² Erickson and Kennedy claim that “for the maritime militia to be effective enough to integrate with PLAN and the CCG vessels to execute joint defense of China’s maritime claims,” such initiatives are essential.⁴⁶³

⁴⁵⁶ Kraska and Monti, 453.

⁴⁵⁷ Office of the Secretary of Defense, “Annual Report to Congress: Military and Security Developments Involving the People’s Republic of China 2018” (Washington, DC: Department of Defense, May 2018), 72, 8–0F67E5F, <https://media.defense.gov/2018/Aug/16/2001955282/-1/-1/1/2018-CHINA-MILITARY-POWER-REPORT.PDF>.

⁴⁵⁸ Kennedy and Erickson, “Riding A New Wave of Professionalization and Militarization.”

⁴⁵⁹ Kennedy and Erickson.

⁴⁶⁰ Kennedy and Erickson, “Riding a New Wave of Professionalization and Militarization: Sansha City’s Maritime Militia.”

⁴⁶¹ Kennedy and Erickson.

⁴⁶² Kennedy and Erickson.

⁴⁶³ Kennedy and Erickson.

Megha Rajagopalan claims that according to an advisor of the Hainan government, the branches of the People’s Armed Forces Department (PAFD) at the city level are responsible for giving fundamental military training to fishermen.⁴⁶⁴ She emphasizes that “the branches are overseen by both the military and local Communist Party authorities in charge of militia operations nationwide.”⁴⁶⁵ Similarly, Martinson writes the “Militia members are trained and managed by PLA officers assigned to People’s Armed Forces Departments (PAFDs) in the city, county, or town in which the militiamen reside.”⁴⁶⁶

According to McDevitt, routine “days job” of militia members limits militia training.⁴⁶⁷ As a result, McDevitt emphasizes that “To compensate, the PAFD active duty personnel, cadres, battalion/company militia unit commanders, and militia information personnel receive focused training.”⁴⁶⁸ It is an approach where PAFP trains competent militia to educate other militias.⁴⁶⁹ Since the whole militia force in single cluster seldom trains together in one training session, competent supervisors are important.⁴⁷⁰ For example, only a quarter of Mawei District’s emergency response militia were able to be trained during that particular drill.⁴⁷¹ McDevitt notes that “This reality of limited training availability is one reason that demobilized active duty soldiers and Party members are considered priority recruiting targets because of their exposure to

⁴⁶⁴ Megha Rajagopalan, “China Trains ‘fishing Militia’ to Sail into Disputed Waters | Reuters,” April 30, 2016, <https://www.reuters.com/article/us-southchinasea-china-fishingboats-idUSKCN0XS0RS>.

⁴⁶⁵ Rajagopalan.

⁴⁶⁶ Ryan D. Martinson, “No Ordinary Boats: Identifying China’s Maritime Militia,” *The Maritime Executive*, May 18, 2021, <https://maritime-executive.com/editorials/no-ordinary-boats-identifying-china-s-maritime-militia>.

⁴⁶⁷ McDevitt, “Becoming a Great ‘Maritime Power’: A Chinese Dream,” 76.

⁴⁶⁸ McDevitt, 76.

⁴⁶⁹ McDevitt, 76.

⁴⁷⁰ McDevitt, 76.

⁴⁷¹ McDevitt, 76.

following rules and regulations. If they can be recruited, they are often given positions of responsibility within the maritime militia units.”⁴⁷²

CMM training shows flexibility on venues, thus adapting to the very nature of members’ jobs as fishermen. However, Chinese authorities seem to be strict in prerequisite training prior to deploying personnel. If this is so, its organization is as formal as the regular government troopers, suggesting that CMM is a valued organization for economic and state functions. Training the CMM therefore can be seen as a serious business. There are many roles the CMM have, thus, by translating these roles into training courses, it is not surprising that they have a lot of training, individual and as a unit.

c. Equipment

Chinese government financial support for building ships is creating more new ships and recruiting more personnel to operate in the Spratly area. Ryan D. Martinson states that “Spratly backbone fleet” was established out of the newly built boats as a result the Chinese government’s financing program at countrywide and local level aimed to reward boat owners ready to build new ships for Spratly Island operations which hundreds of Chinese fishing boat owner took advantage of.⁴⁷³ Martinson emphasizes that “Subsidies for construction of the Spratly backbone fleet have been channeled both to existing members of the maritime militia and unaffiliated fishing boat owners that were willing to take the oath as a condition for the money.”⁴⁷⁴

The Department of Defense notes that “In the past, the PAFMM rented fishing vessels from companies or individual fishermen, but China has built a state-owned fishing fleet for at least part of its maritime militia force in the South China Sea.”⁴⁷⁵

⁴⁷² McDevitt, 76.

⁴⁷³ Ryan D. Martinson, “No Ordinary Boats: Cracking the Code on China’s Spratly Maritime Militias | Center for International Maritime Security,” May 17, 2021, <https://cimsec.org/no-ordinary-boats-cracking-the-code-on-chinas-spratly-maritime-militias/>.

⁴⁷⁴ Martinson.

⁴⁷⁵ Office of the Secretary of Defense, “Annual Report to Congress: Military and Security Developments Involving the People’s Republic of China 2018,” 72.

Right before 2017, 84 big fishing boats with strengthened hulls and weapons stores, and huge grants to promote regular Spratly Islands actions were accepted by the militia from the provincial government of Hainan, which borders the SCS.⁴⁷⁶ Similarly, Teddy Ng writes that the Chinese government was providing financial assistance to the boats that operate in the Spratly Islands which had a minimum length of 55 meters and an engine power of 1,200 kW or more, and to receive a daily subsidy of 24,125 yuan (equivalent to US\$3,700) for fuel expenses.⁴⁷⁷ To assess compliance as to whether fishing boat owners comply with the condition of subsidies, Ryan D. Martinson describes that in March (2021), the Philippine government revealed photos of Chinese fishing vessel nests on the disputed reef's lagoon. One is impressed by the size of individual boats as much as the quantity.⁴⁷⁸ Numerous 60-meter vessels were exposed through satellite photographs, overshadowing BRP Cabra, a Philippine Coast Guard ship, dispatched to observe them.⁴⁷⁹ Chinese fishing boat owners whose boats operate in the Spratly Islands are not only building just ships, they seem to follow minimum standards for ship design.

Integral to platforms for militia's presence mission in the contested region are the vessels' navigation and communication systems that are essential to move safely in the contested region and communicate with other units or forces in accordance with the C2 structure the militias are attached. There is sophistication on maritime militias navigation and communications systems. Andrew S. Ericson and Conor M. Kennedy state that thousands of boats owned by maritime militia can track other units, send quick notes, and even hand-write Chinese characters on tablet screens, results of having China's Beidou

⁴⁷⁶ Office of the Secretary of Defense, 72.

⁴⁷⁷ Teddy Ng, "South China Sea: 300 Chinese 'Maritime Militia' Vessels in Spratly Islands at Any Time, Says U.S. Report | South China Morning Post," accessed April 2, 2023, <https://www.scmp.com/news/china/diplomacy/article/3156720/south-china-sea-300-chinese-maritime-militia-vessels-spratly>.

⁴⁷⁸ Ryan D. Martinson, "Xi Likes Big Boats (Coming Soon to a Reef Near You)," War on the Rocks, April 28, 2021, <http://warontherocks.com/2021/04/xi-likes-big-boats-coming-soon-to-a-reef-near-you/>.

⁴⁷⁹ Martinson.

navigation satellite systems onboard.⁴⁸⁰ In a separate report, Andrew S. Erickson and Conor M. Kennedy point out that “The Sanya PAFD reportedly keeps track of and communicates with its maritime militia through 250-Watt Single-Side-Band Radio, satellite phones, and very likely the Beidou satellite navigation message transmitting service commonly installed on maritime militia vessels.”⁴⁸¹ Equipping with the Beidou system is Hainan’s move for trawlers having displacements of 80 tons or more.⁴⁸² Best choice for enlistment into maritime militia service are higher tonnage trawlers as they have broader range capability and the potential to threaten non-local fishing boats.⁴⁸³ Accordingly, Erickson and Kennedy point out that “Most vessels in Sanya’s maritime militia, similar to maritime militia in other locations, would be required to have the necessary electronic communications equipment to ensure command and control during operations. Larger trawlers were employed in events such as Sanya’s expedition to the Spratlys in 2012, wherein all participating trawlers displaced 140 tons or more.”⁴⁸⁴

Erickson and Kennedy state that implementing Beidou navigation satellite systems has enabled the maritime militia to participate in “informatized” warfare in the Information Age.⁴⁸⁵ An article in *National Defense*, featuring contributions from several military authorities, reported that the Chinese Navy Headquarters Military Affairs Department called for the development of a “maritime reconnaissance network” using civilian vessels and militias in 2007.⁴⁸⁶ Erickson and Kennedy emphasize that “The same article cited a census report of two anonymous provinces possessing almost 20,000 fishing and commercial vessels as well as ‘hundreds of thousands’ of militia, all available

⁴⁸⁰ Andrew S. Erickson and Conor M. Kennedy, “Meet the Chinese Maritime Militia Waging a ‘People’s War at Sea,’” *Wall Street Journal*, March 31, 2015, sec. China Real Time Report, <http://blogs.wsj.com/chinarealtime/2015/03/31/meet-the-chinese-maritime-militia-waging-a-peoples-war-at-sea/>.

⁴⁸¹ Andrew S. Erickson and Conor M. Kennedy, “China’s Daring Vanguard: Introducing Sanya City’s Maritime Militia,” 1st, November 5, 2015, 10.

⁴⁸² Erickson and Kennedy, 10.

⁴⁸³ Erickson and Kennedy, 10.

⁴⁸⁴ Erickson and Kennedy, 10.

⁴⁸⁵ Erickson and Kennedy, “Meet the Chinese Maritime Militia Waging a ‘People’s War at Sea.’”

⁴⁸⁶ Erickson and Kennedy.

to provide a vast pool of manpower for monitoring of the seas off China.”⁴⁸⁷ This suggests a vast magnitude of properly equipped monitoring platforms for deployment to operational areas.

Not only do policies require compliances to ship’s length, engine power, navigation and communication systems, but most importantly, the ability to establish a network that ensures militias’ reporting system according to their C2 structure and perform their mandates accordingly. Erickson and Kennedy stress that MD Command directs that a collaboration suite is onboard all militia boats as it is PLA’s link with PAFMM boats at sea.⁴⁸⁸ In addition, many are ineligible for PAFMM membership as it entails a Chinese fishing boat or entity qualifying “certain capability and reliability requirements.”⁴⁸⁹ To keep linked to PAFD and can react anywhere, boats are assessed and verified as to equipment availability on board.⁴⁹⁰ Distinct and autonomous from its operation and drill, being linked is crucial to PAFMM’s ISR routine reporting role.⁴⁹¹ Erickson and Kennedy emphasize that “While exact reporting protocol varies, it appears that PAFMM reporting follows the same channels that their mobilization orders originate from, the MD Command system and their PAFDs, which subsequently is shared with other agencies.”⁴⁹²

CMM ships are also equipped with an automatic identification system (AIS). Radio Free Asia has discovered 40 vessels named “Qiongsanshayu” that are associated with Sansha City Fisheries Development through analyzing AIS data from Marine Traffic.⁴⁹³ These vessels have been observed operating from one or more of Hainan mainland’s three harbors, namely: Sanya Yazhou, Wenchang Qinglan, and Danzhou

⁴⁸⁷ Erickson and Kennedy.

⁴⁸⁸ Kennedy and Erickson, “China Maritime Report No. 1: China’s Third Sea Force, The People’s Armed Forces Maritime Militia: Tethered to the PLA,” 9.

⁴⁸⁹ Kennedy and Erickson, 9.

⁴⁹⁰ Kennedy and Erickson, 9.

⁴⁹¹ Kennedy and Erickson, 9.

⁴⁹² Kennedy and Erickson, 9.

⁴⁹³ Haver and RFA, “Unmasking China’s Maritime Militia – Analysis.”

Baimajiang, over the last year.⁴⁹⁴ The satellite imagery corroborates the information obtained from AIS data, displaying systematic rows of identical 60-meter steel-hulled fishing boats at the aforementioned ports and at the Zhanjiang Haisheng Shipbuilding shipyard.⁴⁹⁵

While move and communicate equipment are ideally provided for fishing boats performing functions over contested domains, the “shoot” equipment may not do well when it comes to firearms of the ship’s battery for defense in view of its being a Gray Zone Force. However, the CMM is not only equipped with small arms for individual security but also the newly built platforms are designed for possible coercive or counter-coercive situations at sea. Kennedy and Erickson emphasize that the function of the militia within the Sansha City Fisheries Development Company is predominantly to serve as a professional military force, with fishing only considered as a possible secondary duty.⁴⁹⁶ In addition, militias have weapons in that “Sansha Maritime Militia have been captured in photos, transferring crates labeled as ‘light weapons’ onto one of their numerous freshly received large ships. Each of these vessels comes with features like mast-mounted water cannons, collision-resistant rails, and strengthened hulls—features that are extremely beneficial for forceful spraying and ramming operations.”⁴⁹⁷ In another different report of same authors, they show that Sansha Maritime Militia members are equipped with assault rifles Type-56.⁴⁹⁸

CMM is not just a simple maritime force. The Chinese government supports its construction of vessels through financial support. Imposing regulations to meet the minimum standard set for ship design seems effective giving more capability for CMM vessels to operate offshore. Navigation and communication equipment aboard vessels are typical, however, the interconnectivity of CMM units, and their ability to monitor other

⁴⁹⁴ Haver and RFA.

⁴⁹⁵ Haver and RFA.

⁴⁹⁶ Kennedy and Erickson, “China Maritime Report No. 1: China’s Third Sea Force, The People’s Armed Forces Maritime Militia: Tethered to the PLA,” 10.

⁴⁹⁷ Kennedy and Erickson, 10.

⁴⁹⁸ Kennedy and Erickson, “Riding A New Wave of Professionalization and Militarization.”

vessels and report situations with other maritime forces and to their headquarters show the sophistication of their equipment. Armaments are basically low profile, and it is understandable given their status as fishing vessels and not warships, indicative of maintaining their identity for gray zone operations.

E. CONCLUSION

China has officially established the CMM as a maritime force through regional civilian administration and supervision with operational link to the government's commissioned armed and civilian forces to further its maritime interests in the SCS. The CMM is created by law and supported by the government. The CMM organization, training, and equipment have all the basis of support from the government, making them a maritime force capable of performing their roles as fishermen and members of the maritime militia. They are overseen by a mix of civilian and military management suited to perform operations in the gray zone. Together with the CCG and the PLAN, it performs its presence functions and other state-directed missions. The organization's sustenance program through government subsidies is the strategy for constructing publicly funded platforms. The maritime militia is, therefore, a potent force in the SCS and can fulfill its mission of establishing China's sovereignty over the nine-dash line.

IV. FINDINGS, RECOMMENDATIONS, AND CONCLUSION

This thesis has examined how China protects its nine-dash line claim in the SCS and uses fishing vessels, dubbed the Chinese maritime militia (CMM), as primary actors along the corridors and peripheries of such claim. To this end, this thesis has closely reviewed the history and current status of the maritime claims of different states in the SCS, and examined several key maritime incidents that provide perspective on whether the CMM operate independently, or whether they operate within a broader defense system. It also incorporates China's government support scheme that builds CMM capability as a fishing entity and as a maritime militia force. This chapter provides the findings and recommendations of this research.

A. FINDINGS

The presence and use of CMM are pronounced based on some maritime incidents presented and how China could control maritime features such as the Paracel Islands, the Scarborough Shoal, the Johnson Reef, and the overlapped EEZ between China's nine dash-line and Jakarta's EEZ near the Natuna Islands. In addition, considering that the CMM is used for maritime rights protection, which is part of China's means of asserting sovereignty over the contested domain in the SCS, CMM has been examined the way it is organized, trained, and equipped and how it is utilized as a gray zone force in order to ascertain the force's capability to undertake its mission independently or operating with China's other maritime forces, specifically the People's Liberation Army (PLA) and the China Coast Guard (CCG). Ascertaining CMM's capability is also necessary as it is led by a distinct, as previous chapters suggest, dual-leadership structure, administratively by China's local government and operationally under PLA.

The degree the maritime militias are critical to advancing maritime claims in the South China Sea is significant. They can be considered effective weapons to assert maritime sovereignty, but exceptions exist. CMMs significance is based not only on seizing contested maritime features but also on how they cover their operational area where their presence is critical. Maritime incidents, as examined in Chapter II, show that

the CMM vessels are spread within the nine-dash line, primarily close to ASEAN rival claimants (not to mention China and Taiwan – the magnitude of claims is the same) immediate EEZ. The area of operations is within the nine-dash line, thus massive, as it covers almost all of the SCS. With such a magnitude of claim, however, it is arguable that the nine-dash line is the SCS. The presence of CMM is manifested in maritime incidents. It shows how CMM is widely dispersed in the contested region, reaching up to the vicinity EEZ of Natuna Islands of Indonesia in the southernmost part of the nine-dash line. Such CMM presence in most points of the SCS justifies their roles as first responders to emergencies.

The implications of the maritime incidents discussed in the thesis is whether maritime militias are significant if they operate independently, in tandem with the CCG or PLAN, or with both. This thesis finds that CMM are unlikely to assert maritime claims in a contested maritime domain by mere presence while operating independently. It has its limitations in that apprehension or arrest will likely happen to CMMs by other claimants' maritime forces implementing their jurisdiction over the contested domain. As discussed in Chapter II, the 2012 Scarborough Shoal and the 1974 Paracel Islands maritime incidents with militia involvement have been a success for China, eventually controlling those features in the SCS region. Distinct to both incidents was the presence of the Chinese fishing vessels believed to be maritime militias and with participation of official Chinese government's maritime forces.

The degree of aggressiveness by rival claimants matters as it carries the political will of their country to protect and preserve their claims; that is why the CMM, if it operates alone, may not be significant in asserting maritime sovereignty as rival claimants will likely apprehend them. However, CMM, when operating in tandem with at least the CCG or the PLAN, and joining them to perform kinetic operations, is significant enough in asserting sovereignty. This operational support relationship of CMM and the CCG may collaborate as to what Millet et al. say about “operational effectiveness”⁴⁹⁹ –

⁴⁹⁹ Allan R. Millett, Williamson Murray, and Kenneth H. Watman, “The Effectiveness of Military Organizations,” *International Security* 11, no. 1 (1986): 50, <https://doi.org/10.2307/2538875>.

posing one the category criteria questions like “To what degree are the military organization’s operational methods integrated? To what degree do organizations attempt to combine combat arms to take full advantage of their strengths while covering their weaknesses?”⁵⁰⁰ The literature emphasizes the categorization of the three maritime services – the PLAN – CCG and the CMM, dubbed by Erickson in Chapter III as – “China’s Maritime Militia is its Third Sea Force of ‘blue hulls,’ after its Navy of ‘gray hulls’ and its Coast Guard of ‘white hulls.”⁵⁰¹ These forces were able to show their ability to operate together as depicted in the Scarborough Shoal Incident and the Kway Fey Incident. Identified rules of engagement (ROE) may take the form of Erickson’s descriptive “first line of defense, a second line of administrative law enforcement, supported by a third line of the military.”⁵⁰² Both incidents are mere initial apprehension of Chinese fishing vessels in an area asserted by other claimants. The arrival of the CCG or the MLE vessels strongly indicates collaboration among the forces involved. It is basically an operation doctrine that patches up CMM’s weakness when operating independently in contested waters, conducting fishing while covering situational awareness in the area. The arrival and eventual presence of the CCG may not only cover the weakness of the fishing vessels but provides operational strength to the CCG given that it unusually operates in the EEZ, and China is doing it. As they combine their operational methods, it is highly likely that their operations will be successful. As Millet et al. write, “Taking full advantage of these military assets increases the likelihood that an armed force will fulfill its mission. Taken in aggregate, the operationally effective military organization is one that derives maximum benefit from its components and assets by linking them together for mutual support.”⁵⁰³ The operational effectiveness the CMM and the CCG or MLE suggests that collaboration is strong and that operational methods, combined or joint, when circumstances warrant, products of individual and unit skills which could be reflections on how these units (not only CMM) are organized, trained,

⁵⁰⁰ Millett, Murray, and Watman, 52.

⁵⁰¹ Erickson, “Testimony on the South China Sea’s Third Force,” 1.

⁵⁰² Erickson, 1.

⁵⁰³ Millett, Murray, and Watman, “The Effectiveness of Military Organizations,” 52.

and equipped as maritime forces for maritime rights protection mission in China's nine-dash line territorial claim.

On the other hand, if the confrontation is between rival claimants who both employ the maritime militia as it happened between Vietnam and China as to hydrocarbon exploration or seismic operations, it is highly likely that sabotage will occur. Fishing vessels from China and Vietnam were active in these resource exploration and seismic operations. Coercive acts were evident, indicating both nations were asserting sovereignty over the contested maritime domain "forcefully," but seemingly, to result in status quo. China and Vietnam had confronted each other without escalation to war, which most experts argue is a gray zone characteristic.

The maritime incidents such as those of Vietnam and China's face-off encounters during the exploration with the presence and involvement of fishing vessels are highly significant to the assertion of claims since both nations robustly responded to deter each other's exploration or survey activities. Moreover, it significantly impacted the assertion of maritime rights indicating sovereignty or sovereign rights over the contested maritime domain. Maritime militias participate in kinetic operations if and when other government maritime forces are within the area or operating together. These maritime incidents have shown the coercive capabilities of fishing boats that have something to do with how powerful their platforms are in conducting collision or ramming maneuvers and the crews' preparedness to conduct such activities.

Assessing their effectiveness as a militia organization is paramount to establishing their maintenance as an organization, capability build-up, and ability to operate with PLAN, the CCG, and other maritime law enforcement vessels. Therefore, the degree of effectiveness of CMM is based not only on how they are formed, trained, and equipped but also on how the force interacts with its government and its functional relationship with government forces operating in the contested region of the SCS.

The CMM draws its capability from the government support system as manifested in its organization, training, and equipment. Without government guidelines, the CMM may not have "standard vessels" such as those operating in the Spratly region. Based on

China government’s concept of support, the CMM possesses “political effectiveness.”⁵⁰⁴
Allan R Millet, Williamson Murray, and Kenneth H. Watman write that:

For a military organization to act strategically, operationally, or tactically, it must consistently secure the resources required to maintain, expand, and reconstitute itself. Almost always, this necessity requires the military to obtain the cooperation of the national political elite. Hence, the effort to obtain resources for military activity and the proficiency achieved in acquiring those resources constitute political effectiveness. Resources include reliable access to financial support, a sufficient military-industrial base, sufficient quantity and quality of manpower, and control over the conversion of those resources into military capabilities.⁵⁰⁵

The CMM’s political effectiveness is seen as a government support system itself. The CMM draws on that support system in order to perform its roles of navigating the SCS and fishing, while also performing its mission for the government. The system seems to be a typical administrative support framework for CMM that has been working for almost three decades: the framework where CMM sources out what it needs to operate – laws that legitimize its existence by joining the militia, the individual members, and policies for the enhancement of vessels and its related systems. If these three elements are present, coupled with compliance with training requirements, this support framework constitutes a militia unit capable of deployment. It is an ongoing system, and the scheme seems to collaborate with what Millet et al. say: “For a military organization to act strategically, operationally, or tactically, it must consistently secure the resources required to maintain, expand, and reconstitute itself.”⁵⁰⁶

B. RECOMMENDATIONS

The thesis finds that the CMM is a capable maritime force and is critical in asserting maritime sovereignty when operating with other government maritime forces. Given this, the following are the recommendations:

⁵⁰⁴ Millett, Murray, and Watman, 38–39.

⁵⁰⁵ Millett, Murray, and Watman, 38–39.

⁵⁰⁶ Millett, Murray, and Watman, 38–39.

1. International bodies should recognize maritime militia as a state maritime force. The CMM has become a capable maritime force that can perform state-directed missions. If maritime militia forces can operate like a navy or a coast guard and even conduct sabotage operations, then it is no longer an ordinary fishing fleet for economic ventures. Misuse of the maritime militia may bring instability in the region such that the need for its recognition by the international body as an official state maritime force is paramount. The recognition will provide transparency and accountability and thus may provide rules of engagement fitting to them, recognized by the Navy and Coast Guard of all coastal states in the SCS region. It will ensure that government maritime forces of concerned claimants know how to engage and identify maritime militia vessels.

2. Concerned states may integrate their fishing fleets into one big fishery command. This is not to challenge the China in an adage “If you cannot beat them, join them.” It is for the purpose to build awareness within legitimate economic fishing fleets about maritime militias operating in the SCS region. Information campaigns to educate members of the fishing fleet are necessary for them to know the behavior of maritime militias. In addition, conduct training programs for fishermen to help them recognize the activities of maritime militias and avoid potential confrontations. Also, should other rival claimants intend to model the CMM for organizing their own militia force, CMM is indeed a good model – supported by the government – and operates with other Chinese maritime forces. As reflected in the findings, they have the political and operational effectiveness. However, implications to other maritime forces and its impact on the region’s increasing gray forces must be studied in creating such a similar force. When mobilized as a reserve force, use of fishing fleet should adhere to international law-based order.

3. While this thesis is concentrated in the SCS region and at the tactical level of how CMM was formed, supported, and operates, finding the CMM as capable and critical in asserting sovereignty in the SCS region if operating with other government maritime forces, a further study on how diplomatic protests as a result of a lot of maritime incidents in the region has impact to claimants’ stand in a claimed maritime domain and how concern states is serious about supporting the international-based order.

C. CONCLUSION

Fishing fleets, both private and state-controlled, make up the CMM. The CMM operates in China's claimed nine-dash line in the SCS. However, through the Chinese government's policy intervention, it has become a capable maritime force, providing financial subsidies for shipbuilding and fuel to operate. Compliance with policies as the basis for subsidies has strengthened fishing vessels' design capability of performing their tasks in predetermined deployment areas. In addition, implementing mandatory training courses before deployment and integrating modern equipment at vessels that assist each CMM vessel to safely navigate, communicate, and network with other CMMs and state forces such as the CCG and the PLAN have revolutionized part of the fishing fleets into a capable maritime force.

The CMM establishes state presence over the overlapping maritime domain by performing its typical job of fishing. While China utilizes the CMM to advance its claims and strengthen its presence in the SCS, the CMM's presence alone does not guarantee China's assertion of sovereignty. CCG or PLAN support to CMM is vital when confronted by other rival claimants' maritime forces also exercising jurisdiction in a contested region. CMM's effectiveness in asserting control over contested water is limited compared to formal state forces, thus drawing its strength through legal impediments posed by other state forces perceiving them as civilians – an indication that rival claimants' state forces conform to international based order in treating civilians. As such, legal and diplomatic challenges arise due to confrontations between rival claimants' Navy or Coast Guard and China's CMMs, with CCG or PLAN aiding them to resist apprehension. As maritime incidents show, specifically in the Scarborough Shoal and in Jakarta's EEZ incidents, the role of the CCG is critical for the CMM to be an influential asset in China's assertion of sovereignty over contested domains within the nine-dash line.

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