

Law Enforcement in the South China Sea: The Role of Regional Coast Guards

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Outline

1. Overview of the Roles and Missions of Regional Coast Guards
2. Comparative Capacity of Regional Coast Guards
3. Current Operations of Regional Coast Guards
4. Intra- and Inter-regional Cooperation Among Coast Guards
5. Prospects for Multilateral Cooperation

1. Overview of the Roles and Missions of Regional Coast Guards

- Coast Guard used as generic term for maritime law enforcement agencies (MLE)
 - Philippine Coast Guard
 - Viet Nam Coast Guard - *Cảnh sát biển Việt Nam*
 - Malaysian Maritime Enforcement Agency MMEA*
 - Indonesia Maritime Security Board (*Badan Keamanan Laut Republik Indonesia*, BAKAMLA)
 - China, Japan, US and Republic of Korea Coast Guards

Traditional Law Enforcement Constabulary Roles

- Civilian police powers for law enforcement
- Illegal, unreported and unregulated (IUU) fishing within EEZ
- Smuggling, trafficking,
- Counter piracy and counter-terrorism
- Search and rescue
- Environmental protection

China Coast Guard - Roles

- Enhance protection of ocean resources
- Safeguard state's maritime rights and interests
- Maritime sovereignty rights protection and enforcement
- Supervise the management of maritime domain and maritime environmental protection

Constabulary Roles Plus Defenders of State Sovereignty

- “The trend toward greater utilization of coast guards as frontline defenders of maritime rights and sovereignty has been on display not only in Indonesia, but also in the Philippines, Malaysia and Vietnam over the last five years.”
 - Lyle Morris, “Indonesia-China Tensions in the Natuna Sea: Evidence of Naval Efficacy Over Coast Guards,” *The Diplomat*, June 28, 2016.

2. Comparative Capacity of Regional Coast Guards c. 2016

Country	Large > 1000 tons	Small 500- <1000 tons	Total
China	95-105	100-110	205-215
Japan	53	25	78
Vietnam	5	45-50	50-55
Indonesia	3	5	8
Malaysia	2	0	2
Philippines	1	4*	5

Office of Naval Intelligence, *The PLA Navy: New Capabilities and Missions for the 21st Century* (2015), p. 41 and Lyle J. Morris, "Blunt Defenders of Sovereignty," *Naval War College Review*, Spring 2017, 70(2)

Regional Coast Guards

Total Increase in Tonnage 2010-2016

Country	Total tonnage 2010	Est. total tonnage 2010-16	Total tonnage 2016	Total % Increase
China	110,000	80,000	190,000	+ 73%
Japan	70,500	35,000	105,500	+50%
Vietnam	20,500	15,000	35,500	+ 73%
Philippines	20,000	10,000	20,000	+ 100%
Malaysia	2,850	4,650	7,500	+62%*

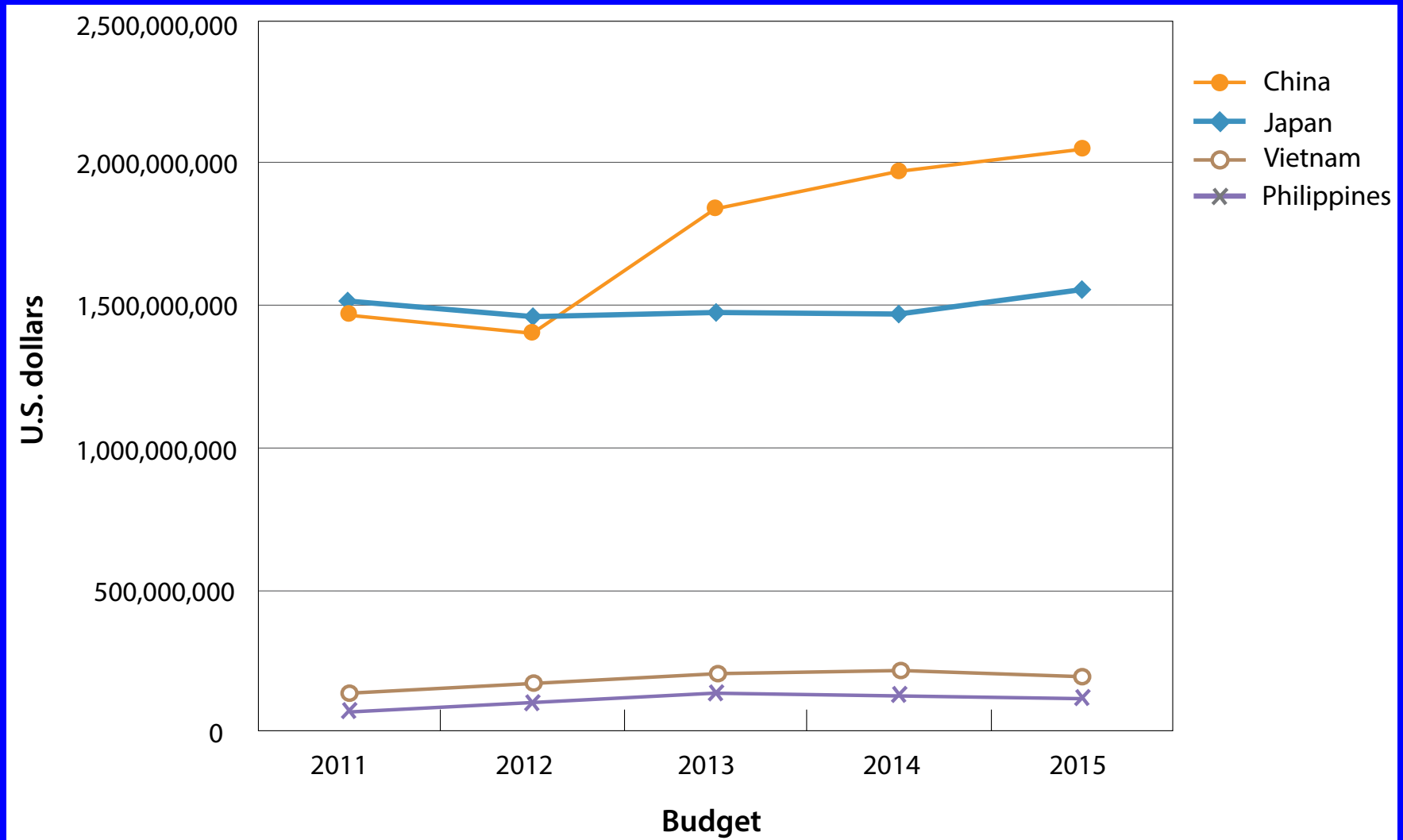
Lyle J. Morris, "Blunt Defenders of Sovereignty," *Naval War College Review*, Spring 2017, 70(2), p.2. *Author's calculation for 2009-2015.

Zhongguo Haijing 2901



China Coast Guard is the largest MLE agency in the world. This cutter displaces 12,000 tons, a second ship of same class 3901 began operations in 2016. "It has] the power to smash into a vessel weighing more than 20,000 tons and will not cause any damage to itself when confronting a vessel weighing under 9,000 tons. It can also destroy a 5,000-ton ship and sink it to the sea floor," *People's Daily*.

Regional Coast Guard Budgets, 2011-15



Source: Lyle J. Morris, "Blunt Defenders of Sovereignty," p. 84

3. Current Operations of Regional Coast Guards

- “Every day operations” - IUU fishing, SAR, smuggling, armed piracy, terrorism , illegal migration, humanitarian assistance
- Regional Coast Guards now involved in protection of territorial integrity and sovereignty assertion
- China Coast Guard is used as aggressive instrument of state power to assert territorial claims
 - CCG involved in 67% of maritime incidents recorded 2010-16

Illegal Unreported Unregulated Fishing

- Use of force in treatment of illegal fishermen
 - Philippine “free and thorough” investigation into deaths of two Vietnamese fishermen
- Intervention by CCG to prevent arrest/detention of Chinese fishermen in waters near Natuna Island (EEZ)
- Boat burnings
 - Indonesia and Malaysia
- Rescue of fishermen subject to pirate attack

4. Intra- and Inter-Regional Cooperation Among Coast Guards

- Philippines and Vietnam
 - CG mechanisms to improve maritime security
 - Rescue of 17 Vietnamese from pirates
 - Joint training
- Indonesia and Vietnam
 - Bilateral meeting of heads of coast guards (8/17)
 - Letter of Intent
 - leading to MOU, hot line
 - Speed up demarcation of EEZs
 - Education of fishermen

Inter-Regional China

- Philippines
 - Joint Committee on CG Cooperation (2/17)
 - Guidelines and Terms of Reference for Working Group
 - Law enforcement training in China (6.17)
 - Joint maritime law enforcement drill (8/17)
- Viet Nam
 - Two annual joint fishery patrols Tonkin Gulf
 - Law enforcement training and port visit to Haikou, Hainan Island

Inter-Regional Japan

Philippines

- Joint maritime training exercises since 2006
 - JCG *Echigo* large ship anti-piracy drills (5/2017)
- Maritime Safety Capability Improvement Project
 - Ten Multi-Role Response Vessels (2016)
- Two Ocean Patrol Vessels (2016)
- MOU CG Cooperation (1/17)
 - Maritime safety and marine environmental protection

Malaysia

- Donates two Ocean Patrol Vessels (2017)

Inter-Regional Japan

Viet Nam

- Training and information exchange since 2014
 - JCG *Echigo* IUU exercise with large vessels (6/17)
- MOU JCG and VCG (9/2015)
- Provision of 6 decommissioned vessels (2015)
 - 2 ex-Fishery Agency, 4 commercial fishing boats
- Provision of 6 new CG vessels

Philippines and Viet Nam

- \$500 m three-year security fund (2017-19)

Inter-Regional United States

- Southeast Asia Cooperation and Training 2012
 - 16th SEACAT – 11 countries participate 2017
 - Liaison officers: Brunei, Indonesia, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam
 - Ship Boarding workshop held in Manila
 - First involvement of PCG – 3 ships, 50 personnel
- Maritime Security Initiative (6/2015)
 - \$425m over five-years
 - \$41 m to Philippines in 2016 command/control

Inter-Regional United States

Viet Nam

- VCG Boat Maintenance Facility (10/16)
- Six Metal Shark small Patrol Boats and transfer of Hamilton-class CG Cutter (5/2017)
 - Second under consideration
- Maritime Security Initiative FY 2016
 - Malaysia (\$3m), Indonesia and Viet Nam \$2m each

Other Extra-Regional

- Republic of Korea
 - CG Academy training ship *Badaro* visits Da Nang
 - Marine environment pollution (2016) SAR at sea (2017)
 - Korea provides 3 decommissioned vessels to VCG
 - Personnel training
- Russia-Philippines
 - Russian Ambassador raises port visits & law enforcement training, marine environment protection (1/17)
- Canada-Viet Nam
 - Increase engagement with VCG, C-T and HA (9/17)

5. Prospects for Multilateral Cooperation

- Heads of Asian Coast Guard Agencies Meeting
 - 20 members (ASEAN ten, China, Japan, India, ROK, Australia...)
- ASEAN Maritime Forum/Expanded AMF
- **ASEAN Coast Guard Forum**
 - Proposed by Viet Nam in 2014
 - Along lines of ASEAN Chiefs of Navy Meeting?
- Japan 7-person cell promote SEA cooperation (4/17)
 - Training and workshops on maritime safety, ND and piracy (Myanmar and Thailand)

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