

As of May 31, 2024

**Statement of  
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***Enhancing America's Maritime Security:  
Countering China's Grey Zone Threat in  
American Waters***



Presented on June 4, 2024, in testimony before the Subcommittee on Transportation and Maritime Security of the Committee on Homeland Security hearing entitled, "Combating the Grey Zone: Examining Chinese Threats to the Maritime Domain."

# Enhancing America's Maritime Security

## Bottom Line Up Front:

China poses several threats to our nation's maritime sovereignty, most notably in the Pacific. The most insidious threats are termed "grey zone" because China's acts weaken the U.S. while avoiding conflict. Top of the threats – potential encroachment into and poaching of natural resources in our extensive Pacific waters. Backed by large Chinese Coast Guard cutters and paramilitary maritime militia craft, using tactics like water-cannoning, our fish stocks estimated worth more than \$6 billion annually are at increasing risk. At the same time, narcotics trafficking, to include fentanyl precursor chemicals overwhelmingly sourced from China, continue to enter our nation via a dynamic route over sea, through our too porous southern border, and even through ports of entry such as international airports. Unchecked these acts weaken confidence in the U.S. to protect its citizens, erode our society, and alienate the nation from allies. Finally, should these grey zone acts escalate, it exposes a Coast Guard of limited wartime utility in support of a too small Navy. These risks to the homeland are relatively new, and at a scale beyond the capacity of today's Coast Guard, which has performed admirably for decades in a range of important life-saving missions.

## Maritime Threats:

***Predatory Chinese distant-water fishing fleets are largely unregulated.*** China's distant-water fishing fleet is largely off-the-books, it has been estimated to consist of up to 17,000 ships by using location data (e.g., AIS location data) and unique vessel identifier databases (e.g., Krakken's FishSpektrum).<sup>1</sup> Attempts to regulate this fleet are hampered by opaque registration and ownership processes.<sup>2</sup> Even if regulated better, as seen in the South China Sea against the Philippines and Vietnam, these fleets infused with paramilitary maritime militia, escorted by Chinese Coast Guard and Navy have used a variety of tactics to impose Chinese will into others waters.

***Chinese fentanyl precursors chemicals and narcotics cartels are killing Americans.*** The United States is suffering from a pandemic of illicit narcotics, notably fentanyl, which killed over 73,000 Americans last year. Putting an end to this deadly trade will require strangling the narco-cartels' bottom line by cutting their illicit smuggling networks connecting Latin America and China with the United States. Critically, the cartels rely on several sea routes to move the vast majority percent of their drugs, e.g. cocaine, fentanyl enabled by Chinese chemicals. These illicit routes cross the Pacific with fentanyl precursor chemicals from China, and cocaine from

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<sup>1</sup> Brent D. Sadler, James DiPane and Chad Wolf, "Securing U.S. Maritime Rights in Our Unguarded Waters," The Heritage Foundation, March 14, 2022, pp. 3-4, <https://www.heritage.org/sites/default/files/2022-03/BG3692.pdf> (accessed May 30, 2024).

<sup>2</sup> Guillermo Gutierrez Almazor et al., "China's Distant Water Fishing Fleet: Scale, Impact and Governance," Overseas Development Institute, June 2020, pp. 15-27, [https://cdn.odi.org/media/documents/chinesedistantwaterfishing\\_web.pdf](https://cdn.odi.org/media/documents/chinesedistantwaterfishing_web.pdf) (accessed May 30, 2024).

South America to intermediary stops in Central America before moving into the United States, or via Western Africa onward to Europe.

***Chinese grey zone operations expose Pacific theater wartime vulnerability.*** The Coast Guard has a long history of fighting the nation's wars alongside the Navy, which is enshrined in law (14 USC ch.1 sec.103). A conflict with China be global, and certainly require defending U.S. coastlines and critical shipping lanes. Less certain is the readiness of the the Coast Guard to transition from a peacetime confrontation to wartime conditions.

#### Key Vulnerabilities:

***Limited Coast Guard capacity for Pacific conflict support and counter-grey-zone operations.*** The Defense Science Board has concluded the U.S. military is underperforming and ill-equipped for great-power competition, and recommends that the military build new capabilities for gray zone operations.<sup>3</sup> As the U.S. Coast Guard increasingly confronts Chinese and Russian naval and paramilitary forces, it will benefit from additional non-lethal options to compel harassing vessels to remain clear, and better control escalation. Like the Navy, the Coast Guard could look to the Marine Corps' efforts in crowd control by field testing non-lethal Active Denial Systems based on microwave and acoustic technologies.<sup>4</sup> Failing to control the grey zone either see U.S. maritime rights ceded to China or escalation.

The Navy expects the Coast Guard to be ready for nine specific wartime missions, which are detailed in a 2008 memorandum of agreement between the Department of Homeland Security (DHS) and the Department of Defense. The list, which includes theater security cooperation, combating terrorism, and environmental response, among other issues,<sup>5</sup> reflects the time period in which it was written and does not address the types of missions that would be required in a prolonged war with China today—notably anti-submarine warfare. A Government Accountability Office audit says that defense readiness is consistently a low priority. Between 2011 and 2020, the Coast Guard devoted only 4 percent of its operational hours to defense readiness, at an

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<sup>3</sup> U.S. Department of Defense, Defense Science Board, "2019 DSB Summer Study on: The Future of U.S. Military Superiority," Executive Summary, June 2020, [https://dsb.cto.mil/reports/2020s/2019\\_Future\\_of\\_U.S.\\_Military\\_Superiority\\_Executive\\_Summary.pdf](https://dsb.cto.mil/reports/2020s/2019_Future_of_U.S._Military_Superiority_Executive_Summary.pdf) (accessed May 30, 2024).

<sup>4</sup> U.S. Department of Defense Non-Lethal Weapons Program, "Active Denial Technology (ADT)," Fact Sheet, updated August 2020, [https://jnlwp.defense.gov/Portals/50/Documents/Press\\_Room/Fact\\_Sheets/FACT%20SHEET\\_ADT\\_AUG20.pdf](https://jnlwp.defense.gov/Portals/50/Documents/Press_Room/Fact_Sheets/FACT%20SHEET_ADT_AUG20.pdf) (accessed May 30, 2024). "The Department of Defense Non-Lethal Weapons Program stimulates and coordinates non-lethal weapons requirements of the U.S. Armed Services and allocates resources to help meet these requirements. The Commandant of the Marine Corps serves as the Department of Defense Non-Lethal Weapons Executive Agent. Located at Marine Corps Base Quantico, Va., the Joint Intermediate Force Capabilities Office serves as the Department of Defense Non-Lethal Weapons Program Executive Agent's day-to-day management office." Joint Intermediate Force Capabilities Office, "Organization," <https://jnlwp.defense.gov/About/Organization/> (accessed May 30, 2024).

<sup>5</sup> Heather MacLeod, "Coast Guard: Information on Defense Readiness Mission Deployments, Expenses, and Funding," Government Accountability Office, September 15, 2021, p. 12, <https://www.gao.gov/assets/gao-21-104741.pdf> (accessed May 30, 2024).

average of 7 percent of total operational expense.<sup>6</sup> Gauging whether this is adequate requires a closer look at the Coast Guard's wartime training regimen.

Moreover, given the paucity of U.S. merchant mariners and the fact that there are too few U.S. commercial ships, any loss to this fleet would imperil a long-term war effort. This reality places added importance on protecting every U.S.-crewed merchant ship, making convoy missions a potential deciding factor in the next major war.<sup>7</sup> However, the Navy has stated that it would not be able to fulfill this role, given its limited capacity to conduct wartime operations and defend critical shipping and sea lanes.<sup>8</sup> The U.S. would likely have no allies to turn to for help with escorting vital shipping, as most U.S. allies have similarly neglected this mission.<sup>9</sup> So, in this

## GAO's Summary of DHS and DOD Agreement

Operational Activity	Description
Maritime interception/interdiction operations	Stopping, boarding, searching, diverting, or redirecting vessel traffic to enforce certain sanctions
Military environmental response	Responding to incidents of pollution in and around the battle space
Port operations, security, and defense	Ensuring port and harbor areas are free of hostile threats, terrorist actions, and safety deficiencies that would be a threat to the deployment of military resources
Theater security cooperation	Conducting humanitarian assistance, professional exchanges, combined operations, training, exercises, and other diplomatic activities to foster international cooperation
Coastal sea-control operations	Ensuring the unimpeded use of designated offshore areas at home and abroad by U.S. and friendly forces and deny the use of those areas by enemy forces
Rotary wing air-intercept operations	Conducting national air defense activities
Combatting terrorism operations	Providing special capabilities, such as training host nation forces and building the capacity of foreign maritime security forces, that serve as a force multiplier to Defense Department forces
Maritime operational threat response	Supporting Defense Department response to maritime security threats, including terrorism, piracy, and other criminal or unlawful acts
Military cyberspace operations	Conducting offensive and defensive cyberspace operations to achieve military objectives and preserve system availability, integrity, and confidentiality

**SOURCE:** U.S. Government Accountability Office, "Coast Guard: Information on Defense Readiness Mission Deployments, Expenses, and Funding," September 15, 2021, <https://www.gao.gov/products/gao-21-104741> (accessed March 8, 2022).

<sup>6</sup> Ibid., pp. 7 and 14.

<sup>7</sup> Salvatore R. Mercogliano, "Suppose There Was a War and the Merchant Marine Didn't Come?" USNI Proceedings, Vol. 146, No. 1 (January 2020), <https://www.usni.org/magazines/proceedings/2020/january/suppose-there-was-war-and-merchant-marine-didnt-come> (accessed May 30, 2024).

<sup>8</sup> David B. Larter, "'You're on Your Own': US Sealift Can't Count on Navy Escorts in the Next Big War," *Defense News*, 10 October 2018, <https://www.defensenews.com/naval/2018/10/10/youre-on-your-own-us-sealift-cant-count-on-us-navy-escorts-in-the-next-big-war-forcing-changes/> (accessed May 31, 2024)..

<sup>9</sup> Matthijs Ooms, "It's a Navy's Job, Only No Navy Can Do It! Understanding and Addressing Western Neglect of Maritime Trade Protection," *International Journal of Naval History*, May 12, 2021, <https://www.ijnhonline.org/its-a-navys-job-only-no-navy-can-do-it-understanding-and-addressing-western-neglect-of-maritime-trade-protection/> (accessed May 30, 2024).

vacuum, the Coast Guard will need to be prepared to protect vital U.S. shipping against long-range aircraft that employ anti-ship cruise missiles, as well as against submarines.

***Too lightly patrolled U.S. Pacific waters.*** In an arc stretching over 1,400 miles from Wake Island to Johnston Atoll and south 1,900 miles to American Samoa are six U.S. exclusive economic zones (EEZ), rich in fish and untapped natural resources. Without improved U.S. maritime capacity and allied coordination these U.S. waters are at risk. Chinese distant fishing fleets are affecting American Samoa, Guam, and Hawaiian fisheries. Regionwide, the overall revenue loss to illegal fishing in the Pacific is estimated to be between \$4.3 billion to \$8.3 billion.<sup>10</sup> U.S. fish stocks in the Atlantic accounts for 39 percent, Alaskan waters 32 percent, and rest of the Pacific (i.e., American Samoa, Guam, and Hawaii, etc.) 12 percent of U.S. seafood by value.<sup>11</sup> To better protect these resources, the Coast Guard has increased its assets based in the Pacific. Today, the Coast Guard's District 14 patrols the South, Central, and Western Pacific with 11 cutters and maritime patrol aircraft.<sup>12</sup> To increase this fleet, in July 2021, the Coast Guard commissioned three new Guam-based Fast Response Cutters.<sup>13</sup> Due to the FRC's limited range (2500 nautical miles), the Coast Guard has had to use a buoy tender as a mother-ship for a deployment from Hawaii to American Samoa (2000 nautical miles) and Tahiti (3000 nautical miles).<sup>14</sup> These smaller cutters are helpful, but alone are inadequate to cover the vast spaces of U.S. Pacific EEZs. The challenge is made worse by poor recruiting results seeing cutters being idled like medium endurance cutter *Dependable* in March 2024 due to too few available sailors.<sup>15</sup>

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<sup>10</sup> Manaswita Konar et al., "The Scale of Illicit Trade in Pacific Ocean Marine Resources," World Resources Institute Working Paper, October 2019, <https://www.wri.org/research/scale-illicit-trade-pacific-ocean-marine-resources> (accessed May 30, 2024).

<sup>11</sup> National Oceanic and Atmospheric Administration, "Fisheries of the United States," <https://www.fisheries.noaa.gov/national/sustainable-fisheries/fisheries-united-states> (accessed May 30, 2024).

<sup>12</sup> U.S. Coast Guard, "History of the Fourteenth District," <https://www.pacificarea.uscg.mil/Our-Organization/District-14/> (accessed May 30, 2024).

<sup>13</sup> "U.S. Coast Guard Commissions Three Fast Response Cutters in Guam," Maritime Executive, July 29, 2021, <https://www.maritime-executive.com/article/u-s-coast-guard-commissions-three-fast-response-cutters-in-guam> (accessed May 30, 2024).

<sup>14</sup> Edward Lundquist, "USCG Report: Small Cutters Prove They Can Patrol a Big Ocean," Marine Link, June 14, 2022, <https://www.marinelink.com/news/uscg-report-small-cutters-prove-patrol-a-497335> (accessed May 16, 2024).

<sup>15</sup> "U.S. Coast Guard Takes 210-Foot Cutter Out of Service to Fill Manning Gaps," The Maritime Executive, April 10, 2024, <https://maritime-executive.com/article/u-s-coast-guard-takes-210-foot-cutter-out-of-service-to-fill-manning-gaps> (accessed May 31, 2024).



MAP 2

### Strategic Significance of the Compact of Free Association States

Being as close as 1,500 miles from Taiwan, the Freely Associated States (FAS) can serve as an important staging ground for the U.S. Armed Forces in the Indo-Pacific. Through the COFA agreements, the U.S. can also deny other countries military access to the FAS without explicit authorization.

**Exclusive Economic Zones**  
 ■ Freely Associated States  
 ■ United States



NOTE: Distances are approximate.  
 SOURCE: Heritage Foundation research.

BG3784 ■ heritage.org

**Limited consequence management of maritime incidents.** As of May 30, 2024, Baltimore Harbor has yet to resume normal operations following the March 26<sup>th</sup> collision of the containership *Dali* with the Key Bridge. Limited dredging and salvage capacity has hampered this recovery. Failing to rapidly reopen American ports in peacetime places the American economy at risk, while in wartime it can result in failure to sustain wartime operations. To potentially address this, the naval militia, like the better-known and larger National Guard, is a state entity that supports a range of state defense and disaster response missions. After the establishment of the naval reserve in 1915, the role of naval militias waned. However, after the attacks of September 11, 2001, New York and New Jersey naval militias returned to public awareness, ferrying people fleeing lower Manhattan and bringing in first responders. These state level units can assist federal agencies respond and recover from maritime incidents. Secondly, if conceived as an element of the National Guard -a naval guard- they can also support capacity building and training with key partner nations through the National Guard's State Partnership

Program (SPP), who can contribute to collective action that protects American waters.<sup>16</sup> Potentially freeing the Coast Guard for more distant maritime patrol missions.

***Incomplete maritime interdiction of narcotics flows.*** Established in 1989, the Joint Interagency Task Force South has had measured success interdicting this illicit trade. However, it has not been able to deliver a knockout blow to the cartels behind this scourge. In 2022, the Coast Guard overall removed over 212,000 pounds of cocaine and 54,000 pounds of marijuana with an approximate wholesale value of \$2.9 billion.<sup>17</sup> This is good but not good enough, given the global trade in cocaine alone was estimated at over \$652 billion in 2017.

Securing Americans from the scourge of illegal drugs will mean putting the cartels out of business, who are enabled by China with its lax control of key fentanyl precursors. Importantly, in recent years, the cartels have expanded their European operations, making it a significant part of their bottom line. Unfortunately, the establishing legislation for JIATF-S focuses only on routes from Latin America to the United States. This has prevented broader interdiction on a scale that would seriously threaten the cartels' bottom line. Today China benefits by operating on both sides of the narcotics trade: Chinese criminal gangs generate income and influence while weakening local governments that increasingly turn to China for assistance.

MAP 1

### Notional Deployment Sites for ESDs

Expeditionary Transfer Dock ships (ESDs) could be effectively deployed in areas around Central and South America known for narcotics trafficking. Using their existing radar systems augmented by drones, the ESDs would have a sensor coverage range of about 300 nautical miles.



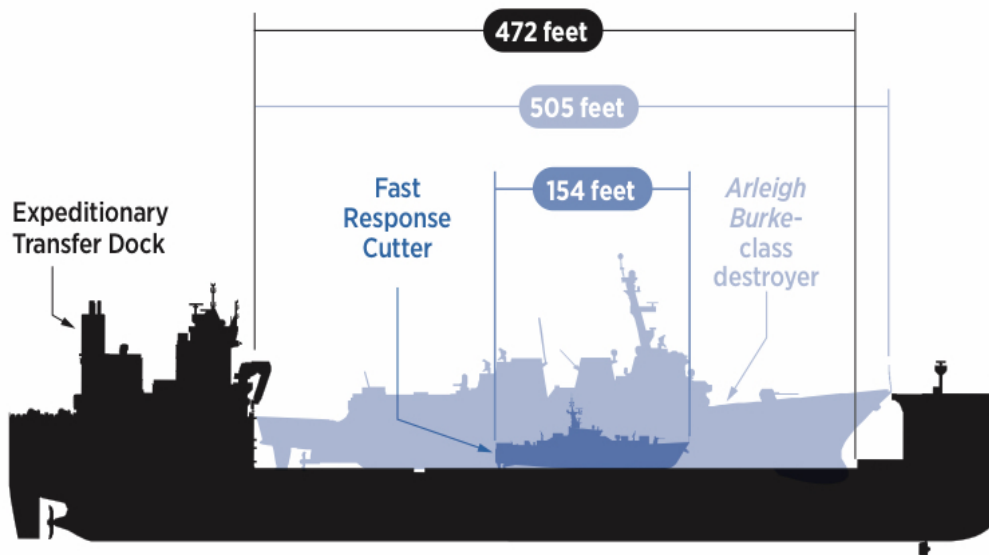
<sup>16</sup> Albert A. Nofi, *The Naval Militia: A Neglected Asset?* Center for Naval Analyses, July 2007, pp. 12–20, [https://www.cna.org/CNA\\_files/PDF/D0015586.A1.pdf](https://www.cna.org/CNA_files/PDF/D0015586.A1.pdf) (accessed May 30, 2024).

<sup>17</sup> TESTIMONY OF ADMIRAL LINDA L. FAGAN COMMANDANT, U.S. COAST GUARD ON “THE COAST GUARD’S FISCAL YEAR 2025 BUDGET REQUEST” BEFORE THE HOUSE TRANSPORTATION AND INFRASTRUCTURE SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION, MAY 23, 2024, pp. 1, [https://transportation.house.gov/uploadedfiles/05-23-24\\_cgmt\\_hearing\\_-\\_admiral\\_fagan\\_-\\_testimony.pdf](https://transportation.house.gov/uploadedfiles/05-23-24_cgmt_hearing_-_admiral_fagan_-_testimony.pdf) (accessed May 30, 2024).

Enabling effective counter-narcotic maritime operations, however, relies on sustaining forces at sea and providing wide-area maritime domain surveillance using drones and fixed wing aircraft. JIATF-S has been able to achieve modest improvement in this regard by contracting the ocean survey vessel *Kellie Chouest*.<sup>18</sup> Limited replenishment and surveillance from this ship has helped to sustain multinational counter-narcotics operations. According to JIATF-S, this has accounted for 80-percent of interdictions, but only 10-percent of the overall cocaine trade.

## Heavy Lift and Repair Ship

The 785-foot-long Expeditionary Transfer Dock ships have an open deck length of about 472 feet, which is long enough to hold and transport an *Arleigh Burke*-class destroyer.



SOURCE: Heritage Foundation research.

ArticleName  heritage.org

**Cyber capacity limited.** China is known to use cyber intrusions for intellectual property theft, market manipulations, surveillance, etc. Most recently, Chinese cyber group Mustang Panda has been accused of targeting shipping for the first time.<sup>19</sup> As such, potential cyber-intrusion must be adequately investigated and ruled out in maritime incidents. The December 2020 National Maritime Cybersecurity Plan was intended to address these vulnerabilities.<sup>20</sup> While terrorism was

<sup>18</sup> U.S. Naval Forces Southern Command, U.S. Fourth Fleet, “Image Gallery: 211024-N-KY668-1208 [USMV *Kellie Chouest*],” October 24, 2021, <https://www.fourthfleet.navy.mil/Press-Room/Image-Gallery/igphoto/2002885818/> (accessed May 23, 2024).

<sup>19</sup> Gary Dixon, “Chinese hackers ‘plant malware’ on Greek and Norwegian cargo ships,” TradeWinds, May 15, 2024, <https://www.tradewindsnews.com/technology/chinese-hackers-plant-malware-on-greek-and-norwegian-cargo-ships/2-1-1644278> (accessed May 31, 2024).

<sup>20</sup> Donald J. Trump, “The National Maritime Cybersecurity Plan,” The White House, December 2020, pg. 4-5, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2021/01/12.2.2020-National-Maritime-Cybersecurity-Plan.pdf> (accessed April 1, 2024).



ruled out quickly in the *Dali* allision, due diligence investigating the potential of cyber-intrusions or attacks contributing to the incident remain unclear. This, despite a month before the *Dali* allision, the White House issuing an executive order to bolster cybersecurity of U.S. ports that granted additional authorities to the U.S. Coast Guard.<sup>21</sup> Over two months have passed and a May 14, 2024 marine investigation preliminary report failed to mention cyber investigations.<sup>22</sup> Given that six people lost their lives on March 26th, and the port of Baltimore has yet returned to pre-allision shipping levels over two months later demands the fullest investigation.

### Next Steps.

The Coast Guard is the best tool for protecting U.S. rights in our exclusive economic zones (EEZ) that extend 200 outwards from land. In these waters, the U.S. reserves the right to exploring, exploiting, conserving, and managing its natural resources contained therein and on the sea floor. But underinvestment has left the Coast Guard poorly positioned to address growing challenges, principally from China. Actions to reverse this include:

1. ***Require annual public Coast Guard long-range shipbuilding plans.*** Unlike the Navy, who submits to Congress annual long-range shipbuilding plans, the Coast Guard relies on a Program of Record (POR) that dates from 2004 to convey its shipbuilding needs. A 2011 Coast Guard study estimated that its planned acquisitions would only provide 61 percent of the cutters needed to fulfill the Coast Guard's missions. A later analysis found it could take up to 57 Offshore Patrol Cutters (OPC) to meet mission demands - the first of these cutters is estimated to be delivered in late 2024. That said, the Coast Guard's POR calls for a force of 8 National Security Cutters (NSCs), 25 Offshore Patrol Cutters (OPCs), and up to 71 Fast Response Cutters (FRCs) as replacements for 90 aging Coast Guard high-endurance cutters, medium-endurance cutters, and patrol craft.<sup>23</sup> Today it has 8 NSCs, 2 high endurance cutters, 28 medium endurance cutters and 41 FRCs for distant shore patrols and operations.<sup>24</sup> A public POR updated for today's challenges is needed to explain how our expansive waters are being adequately patrolled and emerging threats prepared for.
2. ***Establish forward bases in south and central Pacific.*** Complicating the Coast Guard's and the Navy's efforts to improve presence in the south and central Pacific is the lack of any permanently based ships and ready airfields. The problem is amplified as the existing

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<sup>21</sup> Joseph R. Biden, "Executive Order on Amending Regulations Relating to the Safeguarding of Vessels, Harbors, Ports, and Waterfront Facilities of the United States," The White House, February 21, 2024, <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/02/21/executive-order-on-amending-regulations-relating-to-the-safeguarding-of-vessels-harbors-ports-and-waterfront-facilities-of-the-united-states/> (accessed April 1, 2024).

<sup>22</sup> "Contact of Containership *Dali* with the Francis Scott Key Bridge and Subsequent Bridge Collapse," NTSB, May 14, 2024, [https://www.nts.gov/investigations/Documents/DCA24MM031\\_PreliminaryReport 3.pdf](https://www.nts.gov/investigations/Documents/DCA24MM031_PreliminaryReport%203.pdf) (accessed May 30, 2024).

<sup>23</sup> Ronald O'Rourke, "Coast Guard Cutter Procurement: Background and Issues for Congress," Congressional Research Service Report for Congress, R42567, pp. 18-19, <https://sgp.fas.org/crs/weapons/R42567.pdf> (accessed May 30, 2024).

<sup>24</sup> "Coast Guard Operational Assets," U.S. Coast Guard, <https://www.uscg.mil/About/Assets/> (accessed May 31, 2024).

infrastructure (ports, airfields) is antiquated; most dating to World War II or to the nation's early space program, such as the airfield at Canton Island, Kiribati, which was shuttered in 1976. To increase and sustain adequate maritime forces in this region, facilities in American Samoa will be needed. Better sustaining fixed wing patrol aircraft in the region would require access to and refurbishment of Canton Island airfield.

3. ***Develop techniques for countering large-scale illegal fishing.*** Given the size of Chinese distant-waters fishing fleets, the U.S. Coast Guard's training and techniques need to be assed against this threat and appropriate countermeasures developed and practiced. Additionally, the Coast Guard should deploy additional non-lethal weapons on its major cutters, and co-develop new counter-gray-zone tactics, drawing from the experience of regional Coast Guards, especially regional responses to "shouldering"<sup>25</sup> and swarming tactics employed by the Chinese forces in the South China Sea.
4. ***Increase the Coast Guard's operational budget to enable increased wartime training, and ensure future cutters are equipped to support anticipated wartime operations.*** Should the grey zone turn into conflict, current deployment training with the Navy and cutter capabilities in support of wartime operations is questionable.<sup>26</sup> This weakness could result in a proclivity to avoid confrontation in the grey zone due to a lack of confidence of escalation control, ceding our maritime rights piecemeal.
5. ***Routinize cyber investigations in all maritime incidents involving loss of life or significant damage.*** Despite executive orders to do so, the May 14, 2024, preliminary maritime incident report's silence on cyber indicates closer scrutiny of the capacity to conduct such investigations is warranted.
6. ***Support activation and repurposing of Expeditionary Transfer Dock ships (ESDs).*** The Navy maintains two Expeditionary Transfer Dock ships (ESDs) with a decade of life left in an inactive reduced operating status, which in the case of these ships means that they can be brought back to service within five days.<sup>27</sup> These ships could greatly enhance counter-narcotics operations as well as patrols of American Pacific waters.
7. ***Encourage U.S. states to establish Naval Guards.*** Given the limited capacity of today's Coast Guard, Navy salvage capacities, civil engineering of the Army Corps of Engineers, and the need to patrol vast stretches of American waters, state involvement through a naval guard should be encouraged.

## Conclusion.

The United States has neglected a core element of its security and prosperity—its historic maritime strength for too long. This weakness is exposing Americans to new risks to their

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<sup>25</sup> Shouldering refers to a tactic where the aggressor ship pushes a target ship off its intended course, or slows it down, without the use of weapons. It is a tactic used by the Soviet naval forces during the Cold War and today by the Chinese maritime militia and Chinese coast guard.

<sup>26</sup> Brent Sadler, "A Conflict-Ready Coast Guard Is Vital to U.S. Success in a Long War with China," The Heritage Foundation, March 21, 2022, <https://www.heritage.org/defense/report/conflict-ready-coast-guard-vital-us-success-long-war-china>.

<sup>27</sup> U.S. Navy, Naval Sea Systems Command, "Navy Vessel Register: USNS Montford Point (ESD 1)," last updated May 10, 2022, [https://www.nvr.navy.mil/SHIPDETAILS/SHIPSDETAIL\\_ESD\\_1.HTML](https://www.nvr.navy.mil/SHIPDETAILS/SHIPSDETAIL_ESD_1.HTML) (accessed May 23, 2024), and U.S. Navy, Naval Sea Systems Command, "Navy Vessel Register: USNS John Glenn (ESD 2)," last updated May 10, 2022, [https://www.nvr.navy.mil/SHIPDETAILS/SHIPSDETAIL\\_ESD\\_2.HTML](https://www.nvr.navy.mil/SHIPDETAILS/SHIPSDETAIL_ESD_2.HTML) (accessed May 23, 2024).

livelihoods on and from the sea. Addressing the various maritime grey zone challenges from China, will require new approaches such as repurposing inactive warships, return to basics such as enhancing Coast Guard's ability to support the Navy in wartime, and new posture investments to achieve the sustained naval presence needed to guard our waters.



Testimony

ERIC COOPER

# Strengthening Cooperative International Maritime Law Enforcement in the Indo-Pacific

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Developing a Combined Maritime Force of Coast Guards

CT-A3386-1

Testimony presented before the U.S. House Committee on Homeland Security, Subcommittee on Transportation and Maritime Security on June 4, 2024

For more information on this publication, visit [www.rand.org/t/CTA3386-1](http://www.rand.org/t/CTA3386-1).

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*Strengthening Cooperative International Maritime Law Enforcement in the Indo-Pacific*  
*Developing a Combined Maritime Force of Coast Guards*

Testimony of Eric M. Cooper<sup>1</sup>  
RAND<sup>2</sup>

Before the Committee on Homeland Security  
Subcommittee on Transportation and Maritime Security  
United States House of Representatives

June 4, 2024

Good afternoon, and thank you for the honor of testifying today. I am a senior policy researcher at RAND, a nonprofit and nonpartisan research organization. Prior to joining RAND, I served in the U.S. Coast Guard for 30 years in multiple roles, including as Director for Maritime Security for the National Security Council; Commanding Officer of Maritime Security Response Team West, the Coast Guard's west coast counterterrorism team; Deputy Director of Operations at Coast Guard Pacific Area; a Crisis Action Planner in the Future Operations Division at U.S. Northern Command; and aboard several Coast Guard cutters conducting United Nations (UN) Security Council sanction enforcement, fisheries enforcement, security cooperation, and joint operations with partner countries. At RAND, I have been a contributing author on a number of projects associated with U.S. Coast Guard operations, strategy, policy, and acquisition programs, as well as projects involving uncrewed systems and Indo-Pacific operations. The opinions and recommendations in this testimony build on my own research and experience in the Coast Guard.

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<sup>1</sup> The opinions and conclusions expressed in this testimony are the author's alone and should not be interpreted as representing those of RAND or any of the sponsors of its research.

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My testimony today is focused on potential ways to improve cooperation and effectiveness in the Indo-Pacific using a combined maritime force that consists of coast guards and similar maritime law enforcement agencies. This structure can be useful in improving unity of effort and enforcing a rules-based order while simultaneously countering Chinese hegemony and coercion against U.S. allies and partners in the region. My comments apply to how gray zone tactics have eroded rule of law, how a Combined Maritime Force (CMF) can achieve U.S. objectives, and why the U.S. Coast Guard is the best positioned agency to lead this effort. I will discuss how a CMF of international coast guards and maritime law enforcement agencies, under the leadership of the U.S. Coast Guard, might institute a shared vision focused on the enforcement of maritime law and international norms.

## Gray Zone Activities in the Indo-Pacific

The Indo-Pacific is a critical region of the world. More than one-third of global shipping transits the South China Sea, it is the home of more than half the world's population, and the region will likely drive global growth in the next several decades.<sup>3</sup> U.S. strategy in the Indo-Pacific under the Biden, Trump, and Obama administrations has clearly outlined a commitment to a free and open international order upheld by partnerships and a shared vision.<sup>4</sup> Despite this renewed emphasis to defend democratic principles and protect the rules-based paradigm, there is evidence that international norms continue to slowly erode under China's ascending power.<sup>5</sup> For example, although China is a signatory to the UN Convention on the Law of the Sea (UNCLOS), it has ignored decisions by the UN arbitral tribunal that do not match China's preferred resolution of events.<sup>6</sup> Furthermore, in violation of UNCLOS, China passed legislation in 2021 that allows China's coast guard to use lethal force against foreign military ships operating in waters that China considers to be under its jurisdiction.<sup>7</sup> Moreover, China has empowered fishing vessels to operate as the People's Armed Forces Maritime Militia (PAFMM) and harass and forcefully coerce other vessels to comply with its wishes.<sup>8</sup> Along with these activities, China's enforcement efforts for its expansive nine-dash line, which claims most of the South China Sea,

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<sup>3</sup> China Power Project, "How Much Trade Transits the South China Sea?" webpage, Center for Strategic and International Studies, updated January 25, 2021, <https://chinapower.csis.org/much-trade-transits-south-china-sea/>; White House, "Fact Sheet: In Asia, President Biden and a Dozen Indo-Pacific Partners Launch the Indo-Pacific Economic Framework for Prosperity," press release, May 23, 2022.

<sup>4</sup> National Security Council, Executive Office of the President, *Indo-Pacific Strategy of the United States*, White House, February 2022.

<sup>5</sup> Lynn Kuok, *How China's Actions in the South China Sea Undermine the Rule of Law*, Global China Project, Brookings Institution, November 2019.

<sup>6</sup> Caitlin Campbell and Nargiza Salidjanova, "South China Sea Arbitration Ruling: What Happened and What's Next?" issue brief, U.S.-China Economic and Security Review Commission, July 12, 2016.

<sup>7</sup> Japan Ministry of Defense, "The Coast Guard Law of the People's Republic of China," webpage, undated, [https://www.mod.go.jp/en/d\\_act/sec\\_env/ch\\_ocn/index.html](https://www.mod.go.jp/en/d_act/sec_env/ch_ocn/index.html).

<sup>8</sup> Derek Grossman and Logan Ma, "A Short History of China's Fishing Militia and What It May Tell Us," *RAND Blog*, April 6, 2020, <https://www.rand.org/pubs/commentary/2020/04/a-short-history-of-chinas-fishing-militia-and-what.html>.

are clear examples of gray zone tactics—activities that are below armed conflict but above normal peacetime behaviors, designed to change the status quo without the use of lethal force.<sup>9</sup>

China's stance is misaligned with international norms—specifically, UNCLOS. In 2016, The Hague-based Permanent Court of Arbitration unanimously declared that China's nine-dash line claim was “contrary to the Convention and without lawful effect to the extent that they exceed the geographic and substantive limits of China's maritime entitlements” under the Convention.<sup>10</sup> Despite this ruling, China ignored the court—alleging that it was not relevant—and has continued to assert influence and defend its claim with the multipronged maritime forces of the People's Liberation Army Navy, China Coast Guard, and the PAFMM. Although China has officially claimed that the PAFMM is independent of the state, the militia is a key component of China's maritime strategy.<sup>11</sup> It consists of a conglomeration of fishing vessels staffed with crew members who are armed, trained, and loyal to the government. The PAFMM uses intimidation, harassment, and other unlawful actions—including blocking and ramming other countries' vessels—to impose China's illegal claims but with plausible deniability from the Chinese government: “In the view of some observers, the PAFMM—even more than China's navy or coast guard—is the leading component of China's maritime forces for asserting its maritime claims, particularly in the [South China Sea].” Evidence shows that there continues to be an increasing number of PAFMM vessels operating near disputed islands in the South China Sea as a method to assert influence over other nations.<sup>12</sup>

Such actions by China Coast Guard and the PAFMM are not only dangerous but are also in violation of global agreements, including UNCLOS and the Convention on the International Regulations for Preventing Collisions at Sea, which establishes the responsibilities of maritime vessels and how they should safely act when operating near other vessels. Recent examples of Chinese vessels ramming other ships and using water cannons go against the international rules-based order and specifically against the obligation outlined in UNCLOS to ensure safety at sea. China's use of gray zone tactics to intimidate other countries will continue unless checked by a unified and persuasive international approach.

Although gray zone tactics are below the threshold of what would constitute acts of war, they can and should be addressed through legal avenues. UNCLOS stipulates that warships and government ships will be immune from the jurisdiction of foreign countries while on the high seas, but this immunity does not apply to the PAFMM, which consists of vessels that are

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<sup>9</sup> “A gray zone is an operational space between peace and war, involving coercive actions to change the status quo below a threshold that, in most cases, would prompt a conventional military response, often blurring the line between military and nonmilitary actions and the attribution of events” (Lyle J. Morris, Michael J. Mazarr, Jeffrey W. Hornung, Stephanie Pezard, Anika Binnendijk, and Marta Kepe, *Gaining Competitive Advantage in the Gray Zone: Response Options for Coercive Aggression Below the Threshold of Major War*, RAND Corporation, RR-2942-OSD, 2019, p. 8, [https://www.rand.org/pubs/research\\_reports/RR2942.html](https://www.rand.org/pubs/research_reports/RR2942.html)).

<sup>10</sup> Permanent Court of Arbitration, “Arbitration Between the Republic of the Philippines and the People's Republic of China,” press release, October 29, 2015, p. 3.

<sup>11</sup> Micah McCartney, “China's Maritime Militia: The ‘Gray Zone’ Force in the South China Sea,” *Newsweek*, December 22, 2023, <https://www.newsweek.com/china-maritime-militia-gray-zone-tactics-1854766>.

<sup>12</sup> Asia Maritime Transparency Initiative, “The Ebb and Flow of Beijing's South China Sea Militia,” Center for Strategic and International Studies, November 9, 2022.

classified as commercial or private, including registration by China as fishing vessels.<sup>13</sup> When actions resulting in collision and death occur in the territorial seas of another country, Article 27 of UNCLOS stipulates that those actions fall under the criminal jurisdiction of that country's laws "if the consequences of the crime extend to the coastal State; [or] if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea."<sup>14</sup>

Therefore, if PAFMM vessels are conducting criminal activities, as defined in UNCLOS, while operating in waters already determined by the Permanent Court of Arbitration to be territorial waters under a country's (e.g., the Philippines) jurisdiction, PAFMM crew members are subject to law enforcement action by that country's law enforcement agency. A country's enforcement against these activities would likely also be supported under the right of self-defense and customary international law, which "permits a state to take reasonable measures to defend itself from aggressive threats to its political security or territorial integrity."<sup>15</sup> Furthermore, the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation provides another enforcement avenue against a vessel that commits violence against a person or damages another vessel.

As the United States strives for a free and open Indo-Pacific, the foundations of international law need to be reinforced as the bedrock of global relationships. In particular, sustained enforcement of established maritime legal principles offer critical means for the United States and its allies and partners to meet strategic objectives in the Indo-Pacific, especially given China's frequent use of nonmilitary actions to subvert international norms.<sup>16</sup> The establishment of a CMF that is focused on law enforcement and consists of international coast guards and maritime law enforcement agencies working together to address illegal activity is a potential solution to the continued degradation of the rules-based order and would underpin a free and open Indo-Pacific.

## Structure of a Combined Maritime Force

CMFs are not a new concept. International maritime coalitions have been in existence since the 19th century, when U.S., British, and French forces worked to eradicate piracy off the coasts

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<sup>13</sup> 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*, Vol. 27, No. 1, January 2020.

<sup>14</sup> United Nations Convention on the Law of the Sea, signed December 10, 1982, entered into force November 16, 1994, Part II, Section 3, Subsection B, Article 27(1).

<sup>15</sup> Robert C. F. Reuland, "Interference with Non-National Ships on the High Seas: Peacetime Exceptions to the Exclusivity Rule of Flag-State Jurisdiction," *Vanderbilt Journal of Transnational Law*, Vol. 22, No. 5, 1989, p. 1206.

<sup>16</sup> China uses primarily nonmilitary and financial sources to influence countries in the region. For a more in-depth discussion, see Christopher Paul, James Dobbins, Scott W. Harold, Howard J. Shatz, Rand Waltzman, and Lauren Skrabala, *A Guide to Extreme Competition with China*, RAND Corporation, RR-A1378-1, 2021, [https://www.rand.org/pubs/research\\_reports/RRA1378-1.html](https://www.rand.org/pubs/research_reports/RRA1378-1.html).

of Africa following the 1856 Paris Declaration Respecting Maritime Law.<sup>17</sup> Today, the U.S. Coast Guard and U.S. Navy routinely participate in international maritime coalitions on critical issues, including combating transnational criminal organizations under Joint Interagency Task Force (JIATF) South and JIATF West. The United States also leads the Bahrain-based CMF, which is made up of 38 member nations and exists to uphold “the International Rules Based Order . . . by countering illicit non-state actors on the high seas and promoting security, stability, and prosperity.”<sup>18</sup>

A significant advantage of the CMF concept is that the level of involvement is voluntary and the participation by each country “varies depending on its ability to contribute assets and the availability of those assets at any given time.”<sup>19</sup> Some countries might be able to provide only a single member to serve as a liaison officer, while others might be able to conduct training or provide ships and aircraft to support operations.

There is currently no equivalent CMF operating in the Indo-Pacific, although countries work together intermittently to address specific issues. Ongoing law enforcement initiatives in the region include the Oceania Maritime Security Initiative, the Southeast Asia Maritime Law Enforcement Initiative, and the Southeast Asia Cooperation and Training exercise, but each operates independently, without a common architecture or unifying organization. These independent initiatives and unilateral efforts are valuable, but such activities could be improved by operating under the umbrella of a dedicated CMF construct that aligns comprehensive objectives and incorporates more partners.

## Advantages of a Law Enforcement–Led Combined Maritime Force over a Military-Led Approach

International coalitions have repeatedly demonstrated the ability to enhance multinational partnerships and develop synergies to tackle global issues in the maritime commons. The Bahrain-based CMF has demonstrated impressive efficacy and has basically eradicated piracy off the Horn of Africa, enforced UN sanctions around the region, stopped the flow of hundreds of thousands of pounds of narcotics, and, in 2021 alone, seized more than 8,700 illegal weapon systems and rocket-propelled grenades.<sup>20</sup>

Although the U.S. Navy has been successful in promoting U.S. presence and developing partnerships in the Middle East through the CMF based in Bahrain, the gray zone threats in the Indo-Pacific require a different approach. The U.S. Navy is already fully engaged in the Indo-Pacific by providing forward presence, theater ballistic missile defense, and military-to-military cooperation. Adding the responsibility of maritime law enforcement, training, and support

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<sup>17</sup> Caitlin M. Gale, “Barbary’s Slow Death: European Attempts to Eradicate North African Piracy in the Early Nineteenth Century,” *Journal for Maritime Research*, Vol. 18, No. 2, 2016.

<sup>18</sup> Combined Maritime Forces, homepage, undated-b, <https://combinedmaritimeforces.com/>.

<sup>19</sup> Combined Maritime Forces, “About CMF,” webpage, undated-a, <https://combinedmaritimeforces.com/about>.

<sup>20</sup> NAVCENT Public Affairs, “Record Seizures in 2021 After NAVCENT and CMF Increase Patrols,” U.S. Naval Forces Central Command, U.S. 5<sup>th</sup> Fleet, January 18, 2022.



operations to the U.S. Navy's repertoire could divert its focus from its other missions and would likely heighten tensions between China and the United States, which is a key concern of regional countries. In addition, the creation of a CMF under the purview of the 7th Fleet has a high potential of receiving a negative response from China and could compound tensions because of a perceived increase of militarization in the region.

The situation in the Indo-Pacific today calls for the employment of softer power that reduces the risk of armed conflict. An international coalition of maritime law enforcement agencies would be poised to demonstrate appropriate conduct by applying international standards in the maritime domain. Moreover, the U.S. Coast Guard possesses authorities and several unique capabilities that make it ideally suited to support the U.S. contribution in a leadership role. The service maintains tactical skill sets through its expert boarding parties and training teams, conducts routine operational engagement with partners in the region through various conventions and shiprider agreements, and supports a strategic approach outlined in its own plans and in the current administration's goals for the Indo-Pacific.<sup>21</sup>

Although several countries possess dedicated coast guards, many have singular maritime services, which are more similar to the U.S. Coast Guard than to the U.S. Navy. Maritime forces often have limited regional reach and are focused more on sovereignty and coastal protection than on global force projection. For example, India, Japan, South Korea, Malaysia, Philippines, Singapore, Taiwan, and Vietnam maintain a coast guard (or a coast guard-like organization) that has law enforcement authority. Some countries, such as Indonesia and Thailand, have a coast guard but also provide law enforcement authority to their navy, while others, such as Australia, Brunei, and Cambodia, do not maintain a coast guard but provide law enforcement authority to their navy or a similar organization. Thus, concentrating on maritime law enforcement rather than on military competition makes sense. The U.S. Coast Guard also brings a mix of other types of authority and expertise that is important to Indo-Pacific partners, and the organization can easily operate alongside foreign militaries, coast guards, and maritime police, as evidenced in their robust cooperative interdiction operations in the Western Hemisphere.

Several U.S. strategies already support the development of an international maritime law enforcement coalition in the Indo-Pacific.<sup>22</sup> Moreover, the United States routinely conducts patrols in Oceania with regional partners, including through its permanently based U.S. Coast Guard cutters in Guam. Eleven Pacific Island countries have signed shiprider agreements with the United States to share resources when conducting boardings to enforce laws and treaties.<sup>23</sup> The U.S. Coast Guard has established a strong regimen of tailored training through its

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<sup>21</sup> National Security Council, 2022. Only one agency—the U.S. Coast Guard—is specifically mentioned in the entire strategy document.

<sup>22</sup> National Security Council, 2022; U.S. Department of Defense, *The Department of Defense Indo-Pacific Strategy Report: Preparedness, Partnerships, and Promoting a Networked Region*, June 1, 2019; White House, *Pacific Partnership Strategy of the United States*, September 2022.

<sup>23</sup> These countries are the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, the Marshall Islands, Nauru, Palau, Samoa, Tonga, Tuvalu, and Vanuatu (U.S. Mission China, "Pacific Islands Forum—U.S. Engagement in the Pacific Islands," U.S. Embassy and Consulates in China, August 20, 2019, <https://china.usembassy-china.org.cn/pacific-islands-forum-u-s-engagement-in-the-pacific-islands/>).

International Mobile Training Branch in support of the Pacific Partnership Strategy.<sup>24</sup> Additionally, Japan-based U.S. Coast Guard Activities Far East provides routine maritime security assistance across the Indo-Pacific and Oceania through the International Port Security Program.<sup>25</sup> In a show of trust and confidence in the U.S. Coast Guard, both Palau and the Federated States of Micronesia recently signed agreements that allow the United States to enforce maritime law on behalf of those countries without having a representative onboard.<sup>26</sup> With the help of U.S. leadership, these types of agreements could be expanded under a coalition of countries. Aligning these bilateral efforts under a single multinational organization is a sensible solution to challenges in the Indo-Pacific.

## The Potential Benefits of a Combined Maritime Force of Coast Guards and Law Enforcement Agencies

The establishment of a regional CMF coalition would have three distinct advantages: (1) It would create a cohesive structure for addressing critical issues in the Indo-Pacific, (2) it would enhance partnerships that focus on reinforcing a rules-based order, and (3) it would counterbalance China's hegemonic approach.

The development of a CMF would build a much-needed structure to consistently address critical issues in the Indo-Pacific. A cohesive organization would allow a more-efficient exchange of information and a more-effective distribution of resources to address challenges. The greatest current threat is illegal, unreported, and unregulated (IUU) fishing, as evidenced by the fact that 76 countries signed the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which prevents vessels engaged in IUU fishing from using signatory ports to land their catch.<sup>27</sup> In the 1980s and 1990s, a coalition of six countries joined together to enforce laws against illegal high seas driftnet fishing under Operation North Pacific Guard. The U.S. Coast Guard reported that "our collective efforts have been overwhelmingly successful in nearly eliminating illegal high seas driftnet fishing in the North Pacific Ocean."<sup>28</sup> The development of an international coalition of coast guard and law enforcement agencies built by like-minded countries that govern under a rules-based approach would also reinforce agreed-on international norms in the Indo-Pacific.

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<sup>24</sup> U.S. Coast Guard Forces Micronesia, Sector Guam, "U.S. Coast Guard Forces Micronesia Sector/Guam's Fast Response Cutters Bolster Pacific Partnership Strategy and Strengthen Pacific Island Country Relations," press release, U.S. Coast Guard News, August 18, 2023.

<sup>25</sup> U.S. Coast Guard—Pacific Area, "International Port Security Program," webpage, undated, <https://www.pacificarea.uscg.mil/Our-Organization/District-14/D14-Units/Activities-Far-East-FEACT/FEACT-Maritime-Security/>.

<sup>26</sup> "U.S. and Republic of Palau Sign Agreement to Strengthen Ties with New Chapter in Maritime Security and Stewardship in the Pacific," press release, U.S. Coast Guard News, August 29, 2023.

<sup>27</sup> Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, rev. ed., approved November 22, 2009, entered into force June 2016.

<sup>28</sup> U.S. Coast Guard, *Illegal, Unreported, and Unregulated Fishing Strategic Outlook*, September 2020, p. 2.

The creation of a CMF would not be easy nor guaranteed to be successful. There is always the challenge that countries would not want to participate for fear of retaliation by China or that their limited resources would strain other priorities. For example, in much of Oceania, Pacific Island countries, such as the Federated States of Micronesia, the Marshall Islands, Palau, Kiribati, Vanuatu, Nauru, and the Solomon Islands, do not maintain a military or a coast guard (with the exception of Fiji, Papua New Guinea, and Tonga, which have limited capacity). Moreover, China has already criticized a cooperative agreement between Taiwan and the U.S. Coast Guard, and further U.S. international engagement could be perceived as an encroachment and a threat to Chinese sovereignty and security.<sup>29</sup> An expanded U.S. presence could also increase the risk of miscommunication, accidents, or unplanned escalation by competing maritime forces. Despite these risks, investing in the region would demonstrate U.S. commitment and increased presence, which would allow the United States to provide more constructive operational support to partners. This would likely lead to more-robust participation by the United States in decisions about governance architecture rather than letting Beijing control the rules through coercion.

A benefit of a CMF structure is that countries are only required to provide assets at the level that they can contribute, which opens the door for more access to participation. For countries without a maritime capability, this could include providing liaison officers, executing shiprider agreements, or establishing logistics hubs for other participating countries. Countries with more resources are already conducting operations or activities in the region—albeit in an uncoordinated and sometimes ad hoc manner—and this provides an opportunity improve coordination among like-minded countries. For example, the United Kingdom has permanently stationed two Royal Navy ships in the Indo-Pacific to provide maritime security and combat illegal fishing and has conducted joint patrols with U.S. Coast Guard ships including signing a memorandum of agreement that allows U.S. Coast Guard shipriders aboard the vessels.<sup>30</sup> France has a vested interest with territories in the region and has permanently stationed Maritime Gendarmerie (French maritime law enforcement) patrol boats there. Australia, Japan, South Korea, and the Philippines regularly conduct operations with countries in the region. Additionally, 21 countries have signed on to the Singapore-based Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP) as a demonstration of “government-to-government agreement to promote and enhance cooperation” of maritime law enforcement in the region.<sup>31</sup> More than 20 countries have participated in the Southeast Asia Cooperation and Training Program, which focuses on multilateral cooperation in

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<sup>29</sup>“China Denounces US–Taiwan Coast Guard Cooperation Agreement,” Associated Press, March 26, 2021.

<sup>30</sup> Royal Navy, “Pacific Patrol Ships Begin Third Year Deployed Broadening Their Mission,” September 12, 2023, <https://www.royalnavy.mod.uk/news-and-latest-activity/news/2023/september/12/20230912-pacific-patrol-ships-begin-third-year-deployed-broadening-their-mission>.

<sup>31</sup> ReCAAP, “About ReCAAP Information Sharing Centre,” webpage, undated, [https://www.recaap.org/about\\_ReCAAP-ISC](https://www.recaap.org/about_ReCAAP-ISC).

support of maintaining rules and norms in the maritime domain across the Indo-Pacific.<sup>32</sup> Indonesia, Malaysia, the Philippines, and Vietnam have participated in the Southeast Maritime Law Enforcement Initiative alongside the U.S. Coast Guard and would likely be contributing partners to increase coordination and training to improve law enforcement capabilities. Organizing these disparate activities under a single construct, such as a CMF, would greatly enhance the coordination and unified understanding of maritime threats and law enforcement responses in the region. Although it is not anticipated that this approach will occur overnight or even in the next several years, the absence of a coordinated international maritime law enforcement approach will continue to cede influence and control to China.

The presence and influence of a multinational force will create a unified front against China's hegemonic activities. As previously noted, China has used gray zone tactics to advance its political and strategic agendas. The PAFMM currently creates an asymmetric advantage for China, but building capacity and coordination now and influencing the rules-based order through a CMF would provide a bulwark against this asymmetry: "Introducing a robust Coast Guard [and law enforcement force] would provide the U.S. with options for responding to Chinese tactics while still operating below the threshold of military conflict" and would simultaneously establish a precedent that would diminish China's illegal claims.<sup>33</sup>

## The Foundation of a Combined Maritime Force of Coast Guards and Law Enforcement Agencies

The CMF in Bahrain consists of five combined task forces (CTFs) that are geographic or mission driven.<sup>34</sup> The creation of a CMF should follow a similar structure of diverse CTFs, but focused on the most pressing threats to the Indo-Pacific.

The road to success for building strong international partnerships and an effective CMF includes establishing a solid foundation focused on the issues that are important to the region and developing agreement about how to address these challenges. Two key regional bodies in the Indo-Pacific are the Association of Southeast Asian Nations (ASEAN) and Asia-Pacific Economic Cooperation (APEC). ASEAN lists its priority maritime security areas of cooperation as follows:

- "Shared Awareness and Exchange of Information and Best Practices,

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<sup>32</sup> Rebecca Moore, "20 Indo-Pacific Maritime Forces Commence 22nd SEACAT Exercise," U.S. Pacific Fleet, August 15, 2023, <https://www.cpf.navy.mil/Newsroom/News/Article/3493679/20-indo-pacific-maritime-forces-commence-22nd-seacat-exercise/>.

<sup>33</sup> Blake Herzinger, "Reorienting the Coast Guard: A Case for Patrol Forces Indo-Pacific," War on the Rocks, November 5, 2019, <https://warontherocks.com/2019/11/reorienting-the-coast-guard-a-case-for-patrol-forces-indo-pacific/>.

<sup>34</sup> The five task forces are combined task force (CTF) 150, Maritime Security; CTF 151, Counter-Piracy; CTF 152, Gulf Maritime Security; CTF 153, Red Sea Maritime Security; and CTF 154, Maritime Security Training. CTF 154 was established in May 2023 and is based in and focuses on the Middle East. See Combined Maritime Forces, undated-b.

- Confidence Building Measures based on International and Regional Legal Frameworks, Arrangements and Cooperation including the 1982 UNCLOS, and
- Capacity Building and Enhancing Cooperation of Maritime Law Enforcement Agencies in the Region.”<sup>35</sup>

The APEC Ocean and Fisheries Working Group lists combating IUU fishing as its top priority.<sup>36</sup> Given the priorities of these regional organizations, the logical foundation for a CMF would center on the establishment of three dedicated CTFs focused on

- information and maritime domain awareness
- training, exercises, and capacity-building
- countering IUU fishing.

### *Information and Maritime Domain Awareness*

The development of comprehensive maritime domain awareness is critical when establishing a law enforcement presence. Understanding the type, location, and activities of maritime vessels is a critical step before applying limited enforcement resources across a vast ocean. The Indo-Pacific Partnership for Maritime Domain Awareness (IPMDA), which is focused on “maritime domain awareness and maritime security in South Asia, Southeast Asia, and the Pacific Islands using advanced commercial satellite data” can be a starting point for the development of this first task force.<sup>37</sup> In addition to providing data to the four fusion centers in India, Singapore, the Solomon Islands, and Vanuatu, IPMDA can be an opportunity to increase awareness by members that commit to abiding by the foundational principles and participating in the CMF. With additional intelligence provided by these international partners, this task force could provide a better picture and understanding of what is happening in the region to support operations by deployed assets and regional law enforcement agencies.

### *Training, Exercises, and Capacity-Building*

The second task force would focus on building the capacity of regional partners. Even when a country has the will, it might lack the background, expertise, or resources to fully enforce laws within its jurisdiction. A core tenet of maritime security is that all countries are interested primarily in protecting their own resources and territorial waters, which can add value to a joint regional approach. To enable success, the CMF could establish a dedicated arm focused on training and exercises to build capability, competency, and consistency for the least capable countries. Structured training programs and exercises are critical components of developing

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<sup>35</sup> Association of Southeast Asian Nations, “Priority Areas of Cooperation,” webpage, undated, <https://asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/maritime-security/>.

<sup>36</sup> Asia-Pacific Economic Cooperation, “Ocean and Fisheries,” webpage, last page update September 2023, <https://www.apec.org/groups/som-steering-committee-on-economic-and-technical-cooperation/working-groups/ocean-and-fisheries>

<sup>37</sup> Joseph R. Biden, Jr., “Combating Illegal, Unreported, and Unregulated Fishing and Associated Labor Abuses,” memorandum to cabinet-level secretaries et al., White House, National Security Memorandum 11, June 27, 2022.



capabilities. A systematic approach under a CMF would allow international partners to participate in a persistent training and exercise regimen that is coordinated, complementary, and concentrated on priority concerns. Classroom training can be reinforced through on-the-job operational training implemented through shiprider agreements on afloat resources performing duties under an operational CTF.

### *Countering Illegal, Unreported, and Unregulated Fishing*

The third task force of the CMF and the first component consisting of operational assets should focus on IUU-fishing enforcement and the creation of sustainable fisheries. In 2020, according to statistics from the Food and Agriculture Organization of the United Nations, 85 percent of the world's fishers and aquaculture workers are in Asia, and the waters around the continent account for more than 60 percent of the global catch.<sup>38</sup> The top locations for illegal fishing were in the western, central, and south Pacific.<sup>39</sup> Dwindling fish stocks in the Indo-Pacific are a global problem, and countries taking action independently is not enough. Commercial fishing activity is not expected to decrease, and fish stocks will continue to decline without a coordinated methodology. The development of a CMF would create the beginnings of a unified approach to address the IUU-fishing problem and the depletion of fish stocks.

The establishment of a CMF would do more than just build a coalition of countries to address IUU fishing. As highlighted in the National Oceanic and Atmospheric Administration's strategy, "addressing IUU fishing is not just about fish: it is a multi-faceted problem that covers other core policy concerns, including human rights, food security, and maritime security."<sup>40</sup> A CMF would create the foundation for addressing the core components of combating IUU fishing, including information-sharing, joint operations, and international prosecution. A cohesive and coordinated maritime force in the region could also serve to quickly transition to search-and-rescue service, environmental pollution response, or a natural disaster-relief response force. Moreover, such a force would establish the foundation for a robust law enforcement presence to respond to UNCLOS violations and enforce international norms.

## **Leadership and Membership of a Combined Maritime Force of Coast Guards and Law Enforcement Agencies**

Creating a CMF offers a key opportunity for the United States to show commitment and leadership while building partnerships that focus on the issues that matter most in the Indo-Pacific region. As I implied earlier, the United States should consider coordinating with regional

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<sup>38</sup> Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture: Towards Blue Transformation*, 2022.

<sup>39</sup> Derek Grossman, *Chinese Strategy in the Freely Associated States and American Territories in the Pacific: Implications for the United States*, RAND Corporation, CT-A2768-1, 2023, <https://www.rand.org/pubs/testimonies/CTA2768-1.html>.

<sup>40</sup> U.S. Interagency Working Group on Illegal, Unreported, and Unregulated Fishing, *National 5-Year Strategy for Combating Illegal, Unreported, and Unregulated Fishing: 2022–2026*, 2022, p. 7.

partners on establishing a U.S. Coast Guard admiral as the CMF leader.<sup>41</sup> The Coast Guard has already committed to supporting Indo-Pacific operations through its routine patrols with national security cutters, law enforcement detachment deployments, and home-porting fast response cutters in the region. Having the U.S. Coast Guard as the lead or as an executive agent would be a natural fit and would likely promote unity of effort among other countries that are already engaged in multilateral coast guard forums and multinational exercises, including through the Southeast Asia Maritime Law Enforcement Initiative and Southeast Asia Cooperation and Training programs. A combined multinational force with U.S. backing provides opportunities for countries without robust maritime law enforcement agencies to provide other contributions while reaping the benefits of CMF operations.

Although the CMF would be led by the United States, the task forces would be led by a rotating leadership of member countries. The Quad countries (Australia, India, Japan, and the United States) are already invested in the IPMDA and are natural partners.<sup>42</sup> Pacific Island countries already place a high priority on illegal fishing and would likely seek to become part of a coalition. Countries that are parties to existing international conventions—of which there are many—would also likely be interested in participating. In addition, the U.S. Coast Guard has already transferred ownership of former high endurance cutters to the Philippines, Vietnam, Bangladesh, and Sri Lanka. These ships provide the opportunity to participate and cooperate with the U.S. Coast Guard and U.S. Navy with significant capability, including serving as on-scene leaders supporting CMF missions. Moreover, in February 2023, the United States and the Philippines restarted joint patrols in the South China Sea, further enabling a coordinated approach to an operational arm of a CMF.

The eventual goal is to have Indo-Pacific countries participate in a CMF with the purpose of a free and transparent Indo-Pacific. Some countries might be concerned about upsetting China and hesitate to join a coalition, but I submit that a large majority of countries would support this approach. Moreover, focusing on a rules-based order through law enforcement with an emphasis on maritime domain awareness, training, and countering IUU fishing could temper that concern.

## Resource Contributions

Similar to other international coalitions, funding for a CMF should be spread across participating countries to the level that each country can afford. For the United States, Congress might have already provided an avenue for funding through the Maritime Security and Fisheries Enforcement Act as part of the 2020 National Defense Authorization Act.<sup>43</sup> This legislation

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<sup>41</sup> Although an analysis of this issue was beyond the scope of this testimony, this arrangement would be challenging for the U.S. Coast Guard in its current structure. A reorganization might be necessary, including revisiting the JIATF West organization, which is headed by a U.S. Coast Guard admiral but operates under the umbrella of U.S. Indo-Pacific Command.

<sup>42</sup> “The partnership is known formally as the ‘Quad,’ not the Quadrilateral Security Dialogue, noting its nature as a diplomatic, not security, partnership” (Department of Foreign Affairs and Trade, “The Quad,” webpage, Australian Government, undated, <https://www.dfat.gov.au/international-relations/regional-architecture/quad>).

<sup>43</sup> Public Law 116-92, National Defense Authorization Act for Fiscal Year 2020, December 20, 2019, Division C, Title XXXV, Subtitle C.

directs agencies to focus on combating IUU fishing, including assessing opportunities to use the CMF in Bahrain and to create partnerships in priority regions. Building on this legislation—potentially in coordination with the Pacific Deterrence Initiative—Congress has an opportunity to authorize and appropriate funds for the establishment of a CMF in support of the U.S. Indo-Pacific strategy.<sup>44</sup> Recognizing that smaller countries might not be able to marshal resources, discussion about the reinvestment of ship seizure sales, judicial proceeds, and profits from the captured biomass of participating countries should be considered to offset costs. This could help incentivize the involvement of these countries, particularly those “at high risk for IUU fishing activity . . . [and that] lack the capacity to fully address the illegal activity.”<sup>45</sup> If Congress decides to pursue this course of action, the U.S. Coast Guard would need authorization and additional appropriations, along with significant coordination with the Department of State and the Department of Defense, to fully resource a CMF.

## Conclusion

I’d like to thank the subcommittee for the opportunity to testify today and discuss one potential way to improve cooperation and effectiveness in the Indo-Pacific using a combined maritime force that consists of coast guards and similar maritime law enforcement agencies. China’s continued use of gray zone tactics have eroded international norms, and the United States should counter this coercion and illegal activity by increasing presence, partnerships, and unity of effort toward establishing rule of law in a free and open Indo-Pacific.

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<sup>44</sup> U.S. Department of Defense, *Pacific Deterrence Initiative: Department of Defense Budget Fiscal Year (FY) 2024*, March 2023.

<sup>45</sup> U.S. Interagency Working Group on Illegal, Unreported, and Unregulated Fishing, 2022, p. 5.

# **COMPETITION IN THE GRAY ZONE: HOW TO COUNTER PRC MILITARY MARITIME COERCION IN ASIA AND BEYOND**

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**Testimony at Hearing on “Combating the Gray Zone: Examining Chinese Threats to the  
Maritime Domain”**

**Committee on Homeland Security, U.S. House of Representatives  
Subcommittee on Transpiration and Maritime Security**

**Tuesday, June 4, 2024  
2:00 p.m.  
Cannon Office Building Room 310  
27 Independence Ave SE  
Washington, DC 20515-6128**

*The personal views expressed here and in all related remarks are solely those of the author. They do not necessarily represent the official policies or estimates of the United States Navy, the Department of Defense, or those of the United States Government.*

Chairman Gimenez, Ranking Member Thenedar, members of the subcommittee: thank you for devoting your time and attention to the topic of PRC gray zone threats in the maritime domain.

At the China Maritime Studies Institute (CMSI), I lead a team of prominent academics within the Naval War College's research arm - the Center for Naval Warfare Studies.

Broadly speaking, what we do in CMSI is to draw on original Chinese language open-source material to offer unique insights, particularly related to developments, capabilities, and the future trajectory of China in its military maritime domain. In doing so, we offer a feel and help to paint a picture where other sources and methodologies typically don't offer enough insights. At our best, we help to answer questions the U.S. Navy and the Department of Defense as a whole didn't know to ask. CMSI has published two conference volumes on China's maritime gray zone operations and I'd commend them as a resource to amplify my personal comments here today.

**Beijing is waging what some PRC sources refer to a “war without gun smoke” in the gray zone of maritime East Asia.**<sup>1</sup> China's coast guard and maritime militia are on the front lines of its seaward expansion, asserting China's maritime claims through non-lethal means, operating in the “gray zone” that falls below the threshold of war. They are supported in the distance by the People's Liberation Army Navy (PLAN), which compels foreign states to compete on China's terms.<sup>2</sup> Together, China's three maritime forces enable the PRC to leverage its national power, as part of a quest for China to “win without fighting.”<sup>3</sup>

The PRC's gray zone operations are designed to reshape the international order without triggering war; they are intentionally ambiguous, thereby complicating efforts to respond; and they pursue their aims in a gradual manner.<sup>4</sup> PRC authors and strategists refer to these operations as efforts to “safeguard China's maritime rights and interests” or in short, “rights protection law enforcement” missions.<sup>5</sup> These operations include actions to assert not only PRC sovereignty over waters adjacent to disputed land features, but also jurisdiction over other parts of the Indo-Pacific region, based on China's liberal interpretation of international law.<sup>6</sup>

**China has the world's largest coast guard by number of ships and operates more maritime law enforcement vessels than the coast guards of all its regional neighbors combined.**<sup>7</sup> In recent years, PRC Coast Guard vessels have improved qualitatively. They are larger, faster, more maneuverable, and physically imposing. **China's maritime militia possesses ships that resemble fishing trawlers but are ideally suited for gray zone operations.**<sup>8</sup> In some cases, China has relied on layered, multi-sea force “cabbage” tactics to achieve its objectives in which China deploys its maritime militia, coast guard, and navy in concentric rings around its target. More often, however, China employs its coast guard and maritime militia forces to engage in small-scale actions aimed at strengthening its administration of areas - particularly within Beijing's claimed nine-dash line in the South China Sea.<sup>9</sup>

**China's three sea forces are all part of China's armed forces.** They operate under a chain of command that leads up through the PLA's Central Military Commission (CMC), ultimately to China's paramount leader, Xi Jinping himself.<sup>10</sup> This allows the PLA to have a single entity empowered with the authority to prioritize and mediate inter-service competition. As such, the China Coast Guard and maritime militia are state-sponsored, and one should not consider them to be “civilian” vessels.<sup>11</sup>

**The PRC empowers its maritime forces with domestic laws that it imposes on international waters—the international maritime commons.** China's 2021 Coast Guard Law includes a provision that permits the coast guard to take all necessary measures, including the use of force within maritime areas under Chinese jurisdiction.<sup>12</sup> A careful reading of this law and Chinese commentary about it, suggests this law applies to all 3 million square kilometers of “blue national territory” that Beijing claims – much of which is contested by regional neighbors.<sup>13</sup> China recently

added “Regulation #3” to its 2021 Law. Effective as of June 15th of this year, China’s coast guard will possess authority under PRC law to detain foreigners for up to 60 days without trial, namely those who are suspected of “illegally” crossing into PRC claimed maritime boundaries.<sup>14</sup> This is another vehicle for the PRC to impose domestic jurisdiction on foreign flagged vessels, possibly across the entirety of its sweeping maritime claims.<sup>15</sup>

**PRC gray zone operations directed at Taiwan are escalating rapidly.** On February 14th, a speedboat from China’s Fujian Province capsized off the eastern coast of Kinmen as it was being chased by the Taiwan Coast Guard, resulting in the deaths of two of the four people on board.<sup>16</sup> The boat possessed no name, no paperwork, and no registration, but the mainland vessel had crossed into Taiwan’s claimed prohibited waters<sup>17</sup> and refused to be subjected to Taiwan’s Coast Guard inspections.<sup>18</sup> In response to the incident, China’s Taiwan Affairs Office took direct aim at Taiwan’s sovereignty and ability to police its own waters by announcing that there was no such thing as “prohibited or restricted waters.”<sup>19</sup>

Several days later PRC followed up on its rhetoric with actions by employing its coast guard to board and inspect the Taiwan sightseeing ship “Golden,” which was operating in the vicinity of Kinmen. This was the first time that the PRC Coast Guard inspected a Taiwan sightseeing ship and diverged from the status quo that has held since the 1990s, when Taipei established the concept of “restricted waters”<sup>20</sup>

China Coast Guard ships then began to regularly patrol waters around Kinmen. On February 26th, five China Coast Guard ships entered Kinmen’s prohibited or restricted waters.<sup>21</sup> Subsequently, the PRC has expanded its use of lawfare by ordering its coast guard to conduct regular incursions into the prohibited or restricted waters of several of Taiwan’s offshore islands. The PRC entered these waters four times in March, four times in April, and conducted at least eight incursions in May.<sup>22</sup> Of note, on May 9th, seven PRC government vessels including Chinese fishing vessels and those from the China Coast Guard, China Maritime Surveillance, and China’s Fishery Administration, conducted a fishery safety exercise in Kinmen’s Liaoluo Bay that simulated a collision at sea under harsh weather conditions and involved search and rescue operations. This was the first time that China Coast Guard ships and other PRC official vessels sailed into Kinmen’s prohibited or restricted waters simultaneously.<sup>23</sup> And most recently, last week, two small Chinese navy vessels penetrated Taiwan’s restricted waters south of Kinmen.<sup>24</sup> Through these incursions, the PRC has used gray zone tactics to eviscerate Taiwan’s sovereignty around its offshore islands and pressure Taipei. Yet, these gray zone operations receive little attention here in the United States.

**China’s gray zone operations target critical seams.** Taiwan’s offshore islands are not covered by the United States Taiwan Relations Act. Nor does the United States recognize Taiwan’s claims of “prohibited” and “restricted” waters. PRC law enforcement operations within Taiwan’s prohibited or restricted waters, therefore, aim to apply pressure on Taipei while minimizing the potential for a U.S. response.

**PRC maritime coercion around Taiwan’s offshore islands is part of a larger all domain pressure campaign to undermine Taiwan’s sovereignty and legitimacy.** Since the visit of former Speaker of the House Nancy Pelosi to Taipei in August 2022, the PRC has intensified diplomatic, economic, and cognitive pressure on Taiwan. Military pressure has included establishing a “new normal” of PRC Air Force flights across the Taiwan Strait centerline and into the Taiwan Air Defense Identification Zone as well as Naval patrols encroaching on Taiwan’s claimed 24nm contiguous zone. These military tactics have the effect of both undermining Taiwan’s sovereignty as well as Taiwanese people’s confidence in their democracy by demonstrating Taiwan’s inability to counter China’s overwhelming military superiority.<sup>25</sup>

As part of the PRC's ongoing pressure campaign, the PLA executed a pre-planned two-day military drill following the inauguration of Taiwan's new President. Advertised as "punishment" for separatist acts of Taiwan independence forces, the exercise consisted of combat readiness and law enforcement operations around Taiwan.<sup>26</sup> The exercise included several exercise areas surrounding Taiwan and its offshore islands, which appeared to signal PRC willingness to inhibit commercial ship access to Hualien, the Taiwan Strait, Taiwan's offshore islands, and Taiwan's Kaohsiung's commercial port, for example. During this exercise, a near record number of PRC navy vessels operated around Taiwan and included the unprecedented integration of China's Coast Guard operations east of Taiwan, a potential harbinger of PRC law enforcement operations in the western Pacific.<sup>27</sup>

**Our allies can teach us valuable lessons of how to counter PRC gray zone activity.** Japan routinely responds to China Coast Guard incursions into the contiguous zone and territorial waters of the Senkaku Islands, which Tokyo administers. As of late May, China's coast guard set a record of 158 consecutive days of coast guard operations in these waters.<sup>28</sup> China's goal is to force Japan to concede these islands are in dispute.<sup>29</sup> For each incursion, Japan's coast guard is present. Japan publicly disseminates information about each incursion and releases photographs demonstrating that its coast guard remains on the landward side of China Coast Guard vessels; thereby conveying administrative control.<sup>30</sup> Japan's maritime presence and law enforcement response to China's incursions underscore Japan's legal claims while pushing back against PRC gray zone tactics.

The Philippines employs a similar transparency tactic. China's maritime militia and coast guard vessels routinely interfere with Philippine attempts to resupply the grounded Sierra Madre vessel at Second Thomas Shoal in the Spratly Islands, which is located within the Philippine Exclusive Economic Zone – less than 200nm from the island of Palawan.<sup>31</sup> Nevertheless, China claims "indisputable sovereignty over the feature."<sup>32</sup> Manila's policy is to respond to PRC bad behavior with "measured transparency" by documenting and publicizing each incident.<sup>33</sup> This name and shame approach has drawn the world's attention to the plight of Philippine vessels and helped place the PRC on the defensive.<sup>34</sup>

### **Ensuring freedom of the seas requires Washington to take further steps.**

- **Recognize the PRC's triple maritime threat.** China's Navy, Coast Guard, and Maritime Militia all report to the CMC. The United States must deal with them holistically. As such, Washington should communicate both publicly and privately to Beijing that the United States expects all three PRC sea forces to abide at all times by the same internationally recognized standards of law, seamanship, and communication to which U.S. maritime forces adhere.
- **Name and shame.** Washington must develop a public relations narrative about PRC gray zone forces in partnership with our Indo-Pacific friends to ensure Washington and our partners are ahead of any PRC narrative at the time of a crisis. Washington can do this by publicly exposing dangerous actions of PRC gray zone forces – especially China's Coast Guard and maritime militia and providing information and imagery to our regional partners to enable them to do the same.
- **Sail wherever international law allows.** The United States must maintain a clear ability and resolve to deny China's gray zone forces the ability to impede U.S. operations that are of consistent with international law. American officials must clearly communicate the consequences of unacceptable Chinese behavior in the maritime domain.
- **Empower Friends and Allies.** U.S. forces must play a much more direct role in helping allies defend their own maritime rights and ensure that any settlement of disputes is by peaceful, legal means rather than through PRC coercion. This may take the form of training

to counter PRC gray zone operations or sharing intelligence about the disposition of PRC military maritime forces in the region.

- **Leverage the U.S. Coast Guard (USCG).** The U.S. government must establish a funding mechanism to provide the Coast Guard a reliable budget stream to fully support the increasing operational demands in distant waters. Deployments of the white-hulled USCG to the Indo-Pacific region are a force multiplier. The Coast Guard is a useful sentinel in theater engagement and freedom of navigation operations (FONOPS), that offers the INDOPACOM Commander with a less-escalatory asset than a warship. Coast Guard efforts enhance theater security cooperation with island nations and hard to access places where a larger navy just cannot go or might not be welcomed. USCG presence also arms the INDOPACOM Commander with an additional tool to help shape optics of interactions by employing a “white hulled” USCG ship to counter PRC “white hulled” coast guard gray zone tactics.

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<sup>1</sup> Erickson, Andrew S., and Ryan D. Martinson, eds. *China’s Maritime Gray Zone Operations*. Annapolis, Maryland: Naval Institute Press, 2019. Pg. 291

<sup>2</sup> Erickson, Andrew S., and Ryan D. Martinson, eds. *China’s Maritime Gray Zone Operations*. P.2.

<sup>3</sup> Mazarr, Michael J. *Mastering the Gray Zone : Understanding a Changing Era of Conflict*. Carlisle Barracks, PA: Strategic Studies Institute and U.S. Army War College Press, 2015. P. 2.

<sup>4</sup> Erickson, Andrew S., and Ryan D. Martinson, eds. *China’s Maritime Gray Zone Operations*., p. 3

<sup>5</sup> Ryan Martinson, “Early Warning Brief: Introducing the ‘New, New’ China Coast Guard” Jamestown Foundation, China Brief Volume 21 Issue 2, 25 January 2021. <https://jamestown.org/program/early-warning-brief-introducing-the-new-new-china-coast-guard/>

<sup>6</sup> Erickson, Andrew S., and Ryan D. Martinson, eds. *China’s Maritime Gray Zone Operations*., p. 2

<sup>7</sup> Erickson, Andrew S., and Ryan D. Martinson, eds. *China’s Maritime Gray Zone Operations*. P. 5.

<sup>8</sup> Erickson, Andrew S., and Ryan D. Martinson, eds. *China’s Maritime Gray Zone Operations*. P. 6.

<sup>9</sup> Erickson, Andrew S., and Ryan D. Martinson, eds. *China’s Maritime Gray Zone Operations*. P.7

<sup>10</sup> *Maritime Gray Zone Operations: Challenges and Countermeasures in the Indo-Pacific*. P. 56.

<sup>11</sup> *Maritime Gray Zone Operations: Challenges and Countermeasures in the Indo-Pacific*. P. 56.

<sup>12</sup> Ministry of Defense of the Government of Japan. [https://www.mod.go.jp/en/d\\_act/sec\\_env/ch\\_ocn/index.html](https://www.mod.go.jp/en/d_act/sec_env/ch_ocn/index.html)

<sup>13</sup> Ryan Martinson, “Gauging the real risks of China’s new coastguard law” *The Strategist*. 23 Feb 21. <https://www.aspistrategist.org.au/gauging-the-real-risks-of-chinas-new-coastguard-law/>

<sup>14</sup> Vanessa Cai . “Beijing clarifies coastguard’s detention powers as activists converge on Scarborough Shoal in the South China Sea”. *South China Morning Post*.com. 16 May 24.

<https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6C1W-NDK1-JC8V-1034-00000-00&context=1516831>; See also: Li Honglei and Sun Nanxiang, “China Coast Guard Procedures fully legitimate” *China Daily*, 31 May 24. <https://www.chinadailyhk.com/hk/article/584568>;

<sup>15</sup> This new regulation is the first known China Coast Guard policy that explicitly authorizes detention of foreign vessels and individuals for “trespass” in “waters under China’s jurisdiction.” See: “China Coast Guard Regulation No. 3”, INDOPACOM, 30 May 24.

[https://www.pacom.mil/Portals/55/Documents/Legal/J06%20TACAID%20-%20CCG%20Regulation%203%20\(FINAL\)%20-%20VER%202.pdf?ver=DbFQtB0oqN0I2NcJ\\_55HNA%3D%3D](https://www.pacom.mil/Portals/55/Documents/Legal/J06%20TACAID%20-%20CCG%20Regulation%203%20(FINAL)%20-%20VER%202.pdf?ver=DbFQtB0oqN0I2NcJ_55HNA%3D%3D)

<sup>16</sup> “After incident, Chinese boats patrol waters near Taiwan-held Kinmen” *Focus Taiwan*. 19 Feb 24. <https://focustaiwan.tw/cross-strait/202402190011>

<sup>17</sup> Taiwan originally declared “prohibited and restricted” waters in its 1992 “Cross-Strait Act,” and since then, these boundaries have served as a basis for maritime law enforcement and rescue operations by authorities on both sides of the Taiwan Strait. See: Mainland Affairs Council Republic of China (Taiwan), “MAC Press Release No. 012”, 18 Feb 24.



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[https://www.mac.gov.tw/en/News\\_Content.aspx?n=A921DFB2651FF92F&sms=37838322A6DA5E79&s=343ADEA7F444B698#:~:text=The%20MAC%20explained%20that%20the,versions%20since%20then%20duly%20announced.](https://www.mac.gov.tw/en/News_Content.aspx?n=A921DFB2651FF92F&sms=37838322A6DA5E79&s=343ADEA7F444B698#:~:text=The%20MAC%20explained%20that%20the,versions%20since%20then%20duly%20announced.)

<sup>18</sup> Kinmen, Matsu, Penghu Branch Coast Guard Administration, “Coast Guard News” 20 Feb 24.

<https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=159714&ctNode=8195&mp=9996>

<sup>19</sup> “China using ‘gray zone’ tactics after deadly Kinmen boat case: Experts” Focus Taiwan. 18 Feb 24.

<https://focustaiwan.tw/cross-strait/202402180013>

<sup>20</sup> Kinmen, Matsu, Penghu Branch Coast Guard Administration, “Coast Guard News” 20 Feb. 24.

<https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=159716&ctNode=8195&mp=9996>; Thompson Chau, “Taiwan and China spar over capsizing inspections near Kinmen islands”. Nikkei Asia

<https://asia.nikkei.com/Politics/International-relations/Taiwan-tensions/Taiwan-and-China-spar-over-capsizing-inspections-near-Kinmen-islands>

<sup>21</sup> Ben Blanchard and Yimou Lee, “Taiwan says 5 China coast guard ships entered waters near frontline islands” Reuters, 26 Feb 24. <https://www.reuters.com/world/asia-pacific/taiwan-minister-says-5-china-coast-guard-ships-entered-waters-around-kinmen-2024-02-27/>

<sup>22</sup> Li Chengyin and Cai Jiazhen, “The fifth formation of land and sea police ships sailed into Kinmen waters in May more frequently than in the previous two months”. United Daily News. 14 May 24.

<https://udn.com/news/story/10930/7963862>; Kinmen, Matsu, Penghu Branch Coast Guard Administration, “Coast Guard News” 24 May 24. <https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=160523&ctNode=8195&mp=9996>

<sup>23</sup> Kinmen, Matsu, Penghu Branch Coast Guard Administration, “Coast Guard News” 9 May 24.

<https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=160424&ctNode=8195&mp=9996>

<sup>24</sup> Wu Shu-Wei, Hung Hsueh-kuang and James Lo, “Taiwan’s Coast Guard expels two PLA vessels around Kinmen”, Focus Taiwan. 1 Jun 24. <https://focustaiwan.tw/cross-strait/202406010005>

<sup>25</sup> Thomas Shattuck, “One Year Later: How Has China’s Military Pressure on Taiwan Changed Since Nancy Pelosi’s Visit” Global Taiwan Institute 20 Sep 23. <https://globaltaiwan.org/2023/09/one-year-later-how-has-chinas-military-pressure-on-taiwan-changed-since-nancy-pelosis-visit/>; “Tracking China’s April 2023 Military Exercises Around Taiwan”, Center for Strategic and International Studies China Power. <https://chinapower.csis.org/tracking-chinas-april-2023-military-exercises-around-taiwan/>

<sup>26</sup> Kathrin Hille, “China starts military drills around Taiwan as ‘harsh punishment’” Financial Times, 22 May 24.

<https://www.ft.com/content/e64ca81b-c028-4204-a0b6-1b5182ee8bec>

<sup>27</sup> “How is China Responding to the Inauguration of Taiwan’s President William Lai?” Center for Strategic and International Studies China Power. <https://chinapower.csis.org/china-respond-inauguration-taiwan-william-lai-joint-sword-2024a-military-exercise/>

<sup>28</sup> “Japan spots China ships near Senkaku Islands for record 158<sup>th</sup> day” Kyodo News, 27 May 24.

<https://english.kyodonews.net/news/2024/05/a74760a3229a-urgent-japan-spots-china-ships-near-senkaku-islands-for-record-158th-day.html>

<sup>29</sup> Japan Coast Guard, “Movements of China’s Coast Guard vessels in the waters around the Senkaku Islands and Japan’s Response.” <https://www.kaiho.mlit.go.jp/mission/senkaku/senkaku.html>

<sup>30</sup> Japan Coast Guard, “Movements of China’s Coast Guard vessels in the waters around the Senkaku Islands and Japan’s Response.” <https://www.kaiho.mlit.go.jp/mission/senkaku/senkaku.html>; Japan Coast Guard, “Guarding TWs and EEZ” [https://www.kaiho.mlit.go.jp/e/mission/guarding\\_tws\\_and\\_eez.html](https://www.kaiho.mlit.go.jp/e/mission/guarding_tws_and_eez.html)

<sup>31</sup> Pham Ngoc Minh Trang, “Second Thomas Shoal: A Legal Perspective.” Asia Maritime Transparency Initiative 23 Jan 24. <https://amti.csis.org/second-thomas-shoal-a-legal-perspective/>

<sup>32</sup> <https://www.pbs.org/newshour/world/u-s-and-philippines-step-up-strategic-partnership-as-china-threats-loom-in-south-china-sea>

<sup>33</sup> Matthew Lee, “U.S. and Philippines step up strategic partnership as China threats loom in South China Sea”, Associated Press, 12 Apr 24. <https://tribune.net.ph/2024/02/02/no-changes-in-approach-to-china-nsc-says>

<sup>34</sup> Jim Gomez, “Philippines says it will forge security alliances and stage combat drills despite China’s opposition” Associated Press, 24 May 24. <https://apnews.com/article/philippines-defense-teodoro-south-china-sea-0bbf4abc858484395365c3ee217ab2c2>