

# South China Sea: Asymmetric Conflicts. The Role of Chinese Paramilitary Forces

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**Abstract:** A new way in which China has tried to expand its control over the South China Sea for the past decade has been to engage paramilitary forces in its territorial disputes. These forces acted as auxiliary devices for the People's Liberation Army, applying tactics specific to asymmetric conflicts, such as rapid and low-intensity attacks on foreign ships. The leading role was assumed by the People's Armed Forces Maritime Militia, a structure made up of civilian personnel with military training and fishing vessels equipped with surveillance technology. These actions are part of China's strategy to attribute its maritime aggression to civilian entities to hinder possible military responses from other countries and in particular from the United States. Using collective case studies, this article illustrated the dynamics of the coercive activities of the Chinese naval forces and the inability of affected states to deal with these unconventional threats.

**Keywords:** South China Sea, asymmetric conflicts, paramilitary forces, maritime aggression, People's Republic of China.

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## Introduction

Although the South China Sea has been an important geopolitical nexus for more than half a century, it has seen unprecedented conflict potential in the last decade. Maritime disputes have gained global reach as a result of the internationalization of territorial claims by the Philippines, Malaysia and Vietnam (United Nations, 2009a, 2009b). In turn, the United States has shown an interest in maintaining a regional security environment by increasing its maritime presence in the area (U.S.

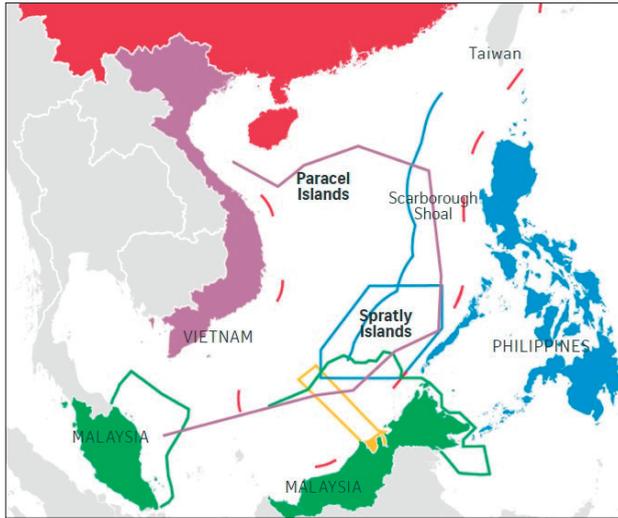
Department of State, 2011). The most spectacular moves, however, have been made by the People's Republic of China (PRC), which has embarked on an extensive process of effective naval occupation of the sea (Martinson, 2018; Yahuda, 2013).

The South China Sea is of strategic importance to both China and the other littoral states for many reasons. Firstly, it is a heavily trafficked sea route with an annual transit of around \$5.3 trillion. The Strait of Malacca, linking the sea to the Indian Ocean, accounts for no less than 40% of global maritime trade (Wong, 2016). This makes it a strategic dilemma for Chinese leaders, given the dependence of the Chinese economy on oil imports from Africa and the Middle East. Currently, 80% of the PRC's crude oil imports arrive via the South China Sea (Mohanty *et al.*, 2016). Secondly, the region is known for its vast underground resources. Experts have estimated between 25 and 130 billion barrels of oil and between 4 and 25 billion cubic meters of natural gas. These quantities would meet China's consumption needs for sixty years and thus change the current status-quo in the region (Haddick, 2014). Area fisheries are also an important economic sector, accounting for 10% of global business (Fisher, 2018).

There are five large archipelagos in the South China Sea (Spratly, Paracel, Pratas, Scarborough, Macclesfield), of which Spratly and Paracel are the most disputed due to their size and geographical position. Six of the eight littoral states (China, Vietnam, Philippines, Malaysia, Brunei and Taiwan) have issued territorial claims in the South China Sea (Yong, 2016, Parameswaran, 2016) (see Figure 1). These claims fall into two categories: sovereignty over islands (atolls, sandbanks or reefs) and delimitation of maritime rights under UNCLOS Treaty (territorial waters, contiguous zones, exclusive economic zones, continental shelves). At the same time, there are two types of arguments that states invoke in support of territorial claims: historical rights based on early evidence of occupation and control of the islands, and legal rights based on UNCLOS provisions.

China controls the Paracel and Scarborough islands, along with seven other islands in the Spratly. All of these were obtained as a result of military clashes: Paracel, along with six Spratly islands, were conquered after military conflicts with Vietnam in 1974 and 1988. The seventh Spratly Island and the Scarborough archipelago were taken from the Philippines in 1995 and 2012 respectively.

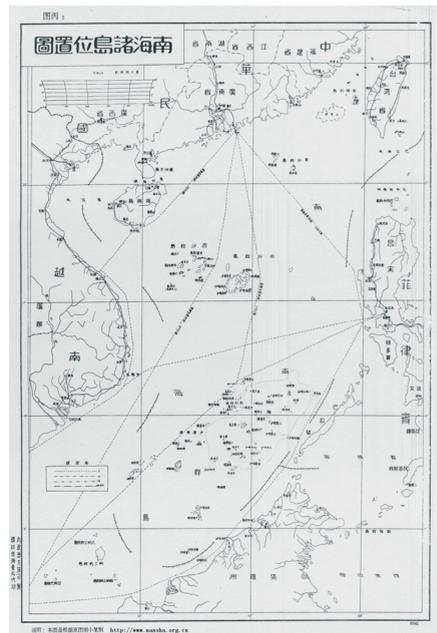
China is the country that predominantly uses the historical argument, citing the existence of numerous ancient written sources that illustrate how the Chinese people discovered, occupied and administered the territories of the South China Sea. This evidence confirms, according to Chinese leaders, the right of the state to exercise sovereignty over those archipelagos. To support its claim, the PRC has used a map since the post-war period to demarcate its territorial and maritime claims (see Figure 2). This was updated in 2009 in response to the other littoral states' request to regulate their legal



**Figure 1:** Overlapping territorial claims in the South China Sea  
**Source:** Strait Times (2016)

rights under UNCLOS (The Permanent Mission of the People’s Republic of China to the United Nations, 2009). A 2016 ruling by the International Court of Justice rejected the historical-legal basis invoked by the Chinese state (Permanent Court of Arbitration, 2016), but Beijing ignored it (Zhenmin, 2016) and increased its naval presence in the South China Sea (Phan & Nguyen, 2017).

The interconnection between military concerns and states’ political-economic interests in the South China Sea is, therefore, clear. As such, it can be argued that this part of South-East Asia is one of the most important geopolitical areas in the world.



**Figure 2:** Original version of The Nine-Dash Line map, produced by the Republic of China in 1947

**Source:** United States Department of State, (2014)

## **Conceptual and Evolutionary Delimitations in The Existing Literature**

Although asymmetric conflicts are not a recent topic in international relations, their dynamics are constantly being updated and are, therefore, a constant research subject for the scientific community. Conceptually, asymmetric conflicts depict confrontations in which combatants use unconventional tactics to increase their strategic advantages and exploit the weaknesses of their opponents (Berglund & Souleimanov, 2020). The terminology came into widespread use with the end of the Cold War, when centralized clashes between armies gradually gave way to guerrilla warfare, espionage, terrorism, cyber-attacks or economic sanctions (Berglund & Souleimanov, 2020). The main features associated with this type of dispute are its ability to be used in diverse geographical conditions, the flexibility of decision-making from the central to the local level, and the strong psychological impact on the adversary (Grant, 1991).

The wide range of phenomena associated with asymmetric conflict generated extensive debate in the Anglo-Saxon academia during the 1990s. Coming from the military sphere, Lind *et al.* (1989) have classified the new typology of disputes in the quaternary generation of warfare, characterized by state-of-the-art technology and artificial intelligence. The previous three generations were associated with battles involving infantry, artillery and tactical warfare. In turn, Colonel Howard Dixon (1989) has outlined in an unpublished report the US interest in asymmetric conflict typology. Since 1985, they have been classified as low-intensity disputes, in which unconventional means of combat are used to reduce the disproportionality of forces. Professors Beaumont (1995) and Olson (1990) have also taken similar theoretical approaches to asymmetric conflicts, classifying them as small wars. They saw the emergence of this new type of dispute as a natural consequence of the new political and economic constraints that emerged after the Second World War.

Professor Hammond (1990) took the opposite view, criticizing the tendency of American scholars to underestimate the destructive potential of such disputes. He argued that the circumstances, costs and consequences of a small-scale conflict can be similar to those of a conventional war. For this, he offered the examples of the Vietnam War and the Korean War, which caused significant repercussions for the American diplomacy.

During the 2000s asymmetric conflicts became more deeply embedded in academic language as a result of their association with the fight against terrorism and the development of cybercrime (Berglund & Souleimanov, 2020; Buffaloe, 2005). Gross (2009) has centered his approach around the hypothesis that unconventional means of warfare make up modern warfare, which is gradually replacing traditional warfare. The diffuse delineation between combatants and non-combatants or the state and non-state actors creates strategic benefits, so that entities involved in conflicts often resort to torture, assassinations, blackmail or even attacks against civilians. The question of the morality

and legality of these actions is therefore raised and, according to the author, they are violated even by Western nations. The ethical and normative dilemma of asymmetric conflicts has also been analyzed in various scientific studies, where it has been found that there is a causal relationship between this dilemma and the technical-tactical capabilities of the warring parties (Berglund & Souleimanov, 2020).

Another aspect of asymmetric conflicts noted by academics is that, although these wars are predominantly used by the militarily inferior entity, they can be also used by the superior actor. The United States, Russia and China have all resorted to unconventional means of warfare at some point and there are signs that the latter two continue to do so today (Ahrari, 2010; Crane, 2013; Jonsson & Seely, 2015; Wayne, 2009). To complement these findings, Melander, Moleler and Oberg (2009) have created a database of asymmetric conflicts over ten years to identify the sources of disputes and at the same time prevent or mitigate their geopolitical impact.

Regarding China's position on asymmetric conflicts, colonels Liang and Xiansui (1999) published a compendium of tactical means by which developing countries like China can compensate for military inferiority in a war against the US. The book was printed under the aegis of the People's Liberation Army (PLA) Publishing House, giving it a relatively formal character. At the same time, the book became a reference point for Chinese academia, as the number of scholarly publications on asymmetric conflict multiplied after its publication (Lee, 2002).

The prospect of an asymmetric conflict in the South China Sea was the subject of an extensive analysis by American Professor Andrew Erickson (Kennedy & Erickson, 2017, Heath & Erickson, 2015). His research focused on Chinese paramilitary forces engaged in territorial disputes in the South China Sea, which consists of the People's Armed Police (PAP) and the People's Armed Forces Maritime Militia (PAFMM). These forces are auxiliary fighting devices used by the Chinese state to support the PLA and, therefore, perform multiple tasks such as maritime surveillance or law enforcement. Erickson sees them as counter-intervention forces, as they seek to restrict the presence of other states in the South China Sea region. Of the two paramilitary groups, the authors deal extensively with the dynamics of the latter due to its extensive operational capabilities and decentralized administrative structure. Howarth (2006) also studied the asymmetric combat capabilities of China, analyzing the PRC's geopolitical ambitions through the naval strategic theory lens. The text focuses on China's naval capabilities and the multi-strategic prospects of unconventional maritime warfare.

The literature review has revealed that asymmetric warfare covers a wide range of definitions, concepts and experiences. Thus, this type of conflict includes all armed disputes in which tactics different from those of conventional warfare are used. Asymmetric conflicts can also be generated by states with superior military power against other

nations or non-state actors. However, the history of recent decades has shown that this type of warfare is preferred by small groups such as rebels, insurgents or terrorists, who do not have sufficient resources to withstand a major conflict. As a result, most disputes are short-lived and have a specific objective. Finally, China's interest in asymmetric conflicts has intensified over the past two decades, amidst the strategic considerations identified in the South China Sea.

### **Administrative Structure of The Chinese Naval Forces**

In order to understand how Chinese naval forces conduct their naval activities, it is necessary to have an overview of their administrative organization and their ability to dominate the sea. From a quantitative perspective, China's military capabilities rank second regionally if the United States is included, followed by Taiwan, Vietnam, Malaysia, the Philippines and Brunei (Global Fire Power, 2022a) (see Table 1). China's military outnumbers the combined military strength of the other littoral states. The most significant difference can be seen in submarines and destroyers, which are the most powerful attack devices in a country's fleet. The discrepancy is due to the massive investment made by the Chinese state in the defense sector over the last two decades (Congressional Research Service, 2022) (see Table 2).

In terms of quality however, Chinese manpower still has many shortcomings, especially when compared to its American counterparts. They range from a bureaucratic command structure to an oversaturated logistics sector and low professional quality (Congressional Research Service, 2022).

The PLA is the state structure in charge of maritime security, preservation of national sovereignty and territorial integrity. It is charged with a dual role: the operational role of protecting the country's interests and the political role of maintaining peace and contributing to the internal decision-making process. Under the last two presidents, the PLA received a more holistic role in the South China Sea, and it was prepared only for large-scale interventions where civilian naval intervention would be at a disadvantage. The PLA's political power has been gradually diminished, with its representatives removed from senior positions in the Central Political Bureau. There has also been a tendency to subordinate it to the party in decision-making, by extending the President's powers of control or by reducing defense funding (Nan, 2016).

The secondary maritime actors consist of regional administrations and law enforcement agencies, which provide advisory support in regional policy. Provincial leaders have at least the same hierarchical level as state ministers, as they represent the direct political extension of the party. Moreover, some of them are members of the Central Political Bureau, thus going beyond the status of ministerial office. The political power enjoyed by the provinces also implies a certain degree of decision-making autonomy. They can adopt their own laws and regulations that complement national legislation, as

**Tabel 1:** Military power of the South China Sea states (2022)

State	Global Ranking	South China Sea Ranking
United States	1	1
China	3	2
Taiwan	22	3
Vietnam	23	4
Malaysia	41	5
Philippines	64	6
Brunei	<137	7

**Source:** Global Fire Power. (2022a). 2022 Military Strength Ranking. *GFP Ranking*. Retrieved from <https://www.globalfirepower.com/countries-listing.asp>

**Tabel 2:** Main naval capabilities of the South China Sea states

State	Submarines	Destroyers	Frigates	Corvettes	Patrol Vessels	Aircraft Carriers
United States	68	92	0	22	10	11
China	79	33	49	70	152	2
Vietnam	6	0	9	14	54	0
Philippines	0	0	2	1	50	0
Taiwan	4	4	22	2	43	0
Malaysia	2	0	3	6	29	0
Brunei	0	0	0	3	42	0

**Source:** Global Fire Power. (2022b). Total Navy by Strength. *GFP Ranking*. Retrieved from <https://www.globalfirepower.com/navy-ships.asp>

long as they do not contradict the latter’s precepts. In the case of the South China Sea, Guangdong and Hainan provinces are responsible for the administration of maritime sovereignty (Jakobson, 2014).

Dubbed the “dragons stirring up the sea” (Goldstein, 2010, p. 2), the agencies in charge of maritime law enforcement underwent a major institutional reorganization in 2013 due to excessive bureaucratization, unbalanced professional training and modest technical facilities at agency level. Also, overlapping areas of authority did not ensure sufficient coherence in patrolling and protecting maritime areas of interest (Yamaguchi, 2016). The five agencies were:

- Chinese Maritime Police (Ministry of Public Security);
- China Maritime Surveillance (Ministry of Natural Resources);
- Fisheries Law Enforcement Command (Ministry of Agriculture);
- Anti-Smuggling Bureau (General Administration of Customs);
- Maritime Safety Administration (Ministry of Transport).

After the reorganization, the decision-making was centralized and military roles were assigned to the agencies. The Chinese Coast Guard (CGC) was established, merging all agencies except the Maritime Safety Administration. CGC thus became the main entity with a role in enforcing and respecting maritime laws in the South China Sea. In 2018 the CGC was transferred to the PAP, an organization under the Central Military Commission (Morris, 2017). As a result, it has undergone a process of militarization and can be placed operationally under the military in the event of war (see Figure 3).

Alongside the PLA and the PAP, China’s naval power also includes the PAFMM (Erickson, 2019). Emerging before the creation of the PRC, it has received little exposure compared to the other two entities. But it has re-emerged in the public eye under the last two presidents as an organization capable of mobilizing impressive human and material resources (Erickson & Kennedy, 2016). Over the past decade, Erickson and Kennedy (2016) could not identify any definition of the PAFMM or its role in China’s security architecture in official sources. But they have found that the organization is part of the naval defense system, tasked in particular with enforcing China’s maritime rights. In 2010 the number of primary (paramilitary-trained) members totaled eight million, drawn from local communities along the coast.

Enjoying the attention of the president, the organization has become a political and operational tool used to consolidate claims in the South China Sea. As evidence of this, it has been involved in all the maritime conflicts during the last two presidents. Like the



Figure 3: Hierarchical structure of the Chinese armed forces

Source: Office of the Secretary Defense of the United States of America, 2019

other two bodies, PAFMM is also under the Central Military Commission. At the same time, however, its human resources are predominantly civilian, made up of locals from the coastal region, so the organization has less political control (Erickson & Kennedy, 2016).

### **PLA, PAP and PAFMM: The Coercive Forces in The South China Sea**

The degree of involvement in the South China Sea of the three naval forces was analyzed through collective case studies focused on maritime incidents caused by the Chinese state between 1978 and 2020. The approach allowed us to identify both the Chinese maritime structures involved in the disputes and the nature of these incidents. For data restriction and control, we selected only case studies that involved the PRC's official maritime forces and received sufficient international media coverage to generate diplomatic echoes.

The results collected and systematized in the table below illustrate that over the past three decades the Chinese state has improved the cooperation between its civilian and military forces. This has been achieved by transferring some tasks from the military to paramilitary devices (PAP and PAFMM). They have increasingly appeared on the front-line of conflicts while the PLA has been directed towards a more proactive maritime policy (Yamaguchi, 2016). Armed conflicts were replaced by intimidation and physical aggression such as ramming foreign vessels and using water cannons or artificial smoke so as not to cause human casualties. Such incidents have intensified since 2009 and have been applied to all states in the South China Sea, including the United States.

Overall, China's strategy can be considered successful, because the PRC managed to secure 20 islands in Paracel and 7 in Spratly, plus the Scarborough Shoal. Also, it created around 3200 acres of artificial land, especially in the Paracels, that is currently being used for establishing new outposts for their troops. (Asia Maritime Transparency Initiative, 2022).

### **Geopolitical Considerations and Legal Implications**

The asymmetric warfare provoked by the PRC in the South China Sea is known in Western academia as belonging to "gray-zone" operations (Morris *et al.*, 2019, p. 8; Bunker, 2019, p. 20). They are defined as sets of psychological tactics, political subversion and paramilitary interventions designed to create legal and diplomatic obfuscation. The resulting ambiguity is then used as a deterrent against possible international repercussions, as it is difficult for other states to appreciate the source of the aggression and therefore the proper military response (Morris *et al.*, 2019; Bunker, 2019) (see Table 3).

In Chinese academia the "gray-zone" tactic has been called the "Huangyan model" (Zhang, 2017, p. 446; Wan, 2016, p. 181), which recommends the use of political pressure in conjunction with the gradual occupation of the South China Sea. Gradual control

**Table 3:** Summary of the main international maritime incidents caused by China

Year	Incident Name	Target	Chinese Forces Engaged	Incident Type	Official Cause	Casualties
<b>Deng Xiaoping (1979–1993)</b>						
1988	Johnson Reef	Vietnam	Army	Armed conflict	Resource exploitation	64
<b>Jiang Zemin (1993–2003)</b>						
1995	Mischief Reef	Philippines	Army + Paramilitary forces	Harassment	Fishing	0
2001	Hainan Island EP-3	USA	Army	Harassment	Military presence	1
<b>Hu Jintao (2003–2013)</b>						
2009	USNS Impeccable	USA	Army + Paramilitary forces	Harassment	Military presence	0
2011	Reed Bank	Philippines	Paramilitary forces	Harassment	Resource exploitation	0
2011–2012	Binh Minh 02, Viking II	Vietnam	Paramilitary forces	Ramming	Resource exploitation	0
2012	Scarborough Shoal	Philippines	Paramilitary forces	Harassment	Fishing	0
<b>Xi Jinping (2013–prezent)</b>						
2014	Second Thomas Shoal	Philippines	Army + Paramilitary forces	Harassment	Fishing	0
2014	HYSY-981	Vietnam	Army + Paramilitary forces	Ramming	Resource exploitation	0
2014	Top Gun	USA	Army	Harassment	Military presence	0
2016	Natuna Islands	Indonesia	Paramilitary forces	Ramming	Fishing	0
2018	USS Decatur FONOP	USA	Army	Harassment	Military presence	0
2019	Reed Bank 2	Philippines	Paramilitary forces	Ramming	Fishing	0
2019	Vanguard Reef	Vietnam	Army + Paramilitary forces	Ramming	Resource exploitation	0
2020	Woody Island	Vietnam	Paramilitary forces	Ramming	Fishing	0

**Source:** Compiled by the author from various press reports

begins with non-state or quasi-state actors (maritime surveillance organizations, fishing associations), who are closely monitored by military forces until the islands are de facto occupied (Au, 2018; Zhang, 2017; Wan, 2016). Once this step has been taken, it is virtually impossible for other states to recover the territories concerned, a phenomenon known as “fait accompli” (Waguri, 2015, p. 1).

China has stepped up its maritime aggression against other states by engaging paramilitary forces. A significant proportion of these (mainly the PAFMM) use vessels that do not comply with international rules on identifying their origin (United Nations, 1982; Gates, 2017). In this way, Chinese leaders manage to disassociate the state’s image from maritime incidents, which they attribute to civilian entities. At the same time, limiting maritime aggression to the level of intimidation or ramming mitigates the media impact of incidents and forces the adversary to seriously consider the consequences of an armed response (Morris *et al.*, 2019). In this way, diplomatic tensions are kept at a level that ensures Beijing an acceptable international image.

Another element through which China has been able to extend its control of the South China Sea has been the interpretability of international maritime law. According to Article 51 of the UN Charter, “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations...” (Charter of the United Nations, 1945, pp. 10–11). Article 2(4) also states that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations” (Charter of the United Nations, 1945, p. 3).

The two articles are crucial because they formed the basis of the 1986 trial between the United States and Nicaragua. At that time, the International Court of Justice held that the US had engaged in military operations directed against the Nicaraguan state without the conditions of Article 51 having been met. It was held that the self-defense argument invoked by the US State was not preceded by military aggression of severe intensity and consequences on the part of Nicaragua. Accordingly, the Court held that the US had violated Article 2(4) of international law (Case Concerning the Military and Paramilitary Activities in and Against Nicaragua, 1986).

If we extrapolate the Court’s decision to the asymmetric conflicts in the South China Sea, we see how Chinese paramilitary forces resort to moderate maritime offensives, aware that such incidents have been practically legalized by the ruling. In general, the Court’s decisions are widely regarded by experts as having the greatest authority and influence on the evolution of customary principles in international law (Rowles, 1986). As such, it can be argued that China is using this legal ambiguity to expand its maritime assertiveness and gain control of the South China Sea, while avoiding large-scale conflict.

## **International Reactions**

The most expected official reaction on the issue of asymmetric conflicts came from the US Department of Defense (2017), which noted the organizational reform started in 2015 by Chinese military leaders to improve short-duration maritime operations. It was only in 2018, however, when their annual report comprehensively addressed the issue of asymmetric conflict, looking at the diplomatic responses the US should offer to these forms of assertiveness. At the same time, the document exposed the fact that the PAFMM is directly under the Chinese president (United States of America Department of Defense, 2018). A year later, several US leaders warned that coercive actions would no longer be tolerated and paramilitary forces would be treated as entities belonging to the Chinese military (United States of America Department of Defense, 2019; Panda, 2019).

So far, no official details have emerged on how the US will counter China's actions. Moreover, organizational shortcomings have been identified as a result of individual strategies applied by Government agencies, lack of inter-agency coordination and an over-militarized national security structure (United States Special Operations Command, 2018). However, the RAND Corporation think-tank in collaboration with the US Government have identified multiple military, diplomatic, intelligence and economic levers through which the US can mitigate the expansion of China's paramilitary activities (Morris *et al.*, 2019).

As for the other countries bordering China, the Philippines has limited itself to diplomatic protests amid the current president's political rapprochement with Beijing (Senate of the Philippines, 2011; Department of Foreign Affairs, 2012, 2014). Vietnam, for its part, had a series of critical official positions which were correlated with low-intensity military responses (Embassy of the Socialist Republic of Vietnam in the United States of America, 2011a, Embassy of the Socialist Republic of Vietnam in the United States of America, 2011b, Embassy of the Socialist Republic of Vietnam in the United States of America, 2011c).

## **Conclusions**

This paper has illustrated how China has used asymmetric conflict to expand its control over the South China Sea. By enlisting paramilitary forces in maritime disputes, China has deliberately created legal and diplomatic ambiguity in its coercive actions. The aim has been to hinder possible military retaliation, particularly from the US side. The strategy has been successfully applied, as the low escalation of maritime incidents over the past decade and the lack of articulate responses from other states have allowed Beijing to expand its regional sphere of influence, without getting involved into a major conflict.

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