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China Maritime Report #48: Great Inspectations: PRC Maritime Law Enforcement Operations in the Taiwan Strait

Julia Famularo

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Main Findings

- People's Republic of China (PRC) law enforcement operations function as forms of cognitive and legal warfare. They represent a clear effort to undermine international maritime law as well as Taiwan's sovereignty.
- The PRC asserts that the Taiwan Strait comprises multiple "zones," to include "internal waters, territorial sea, [the] contiguous zone, and the Exclusive Economic Zone." While China does not explicitly claim that the waters of the Taiwan Strait wholly constitute PRC sovereign territory, it clearly implies that it has the self-defined right to exercise distinct forms of control over different zones of the Strait.
- While stressing that China "respects the lawful rights of other countries in relevant waters," the PRC exploits the absence of the term "international waters" in UNCLOS to assert non-existent sovereignty rights over the Taiwan Strait.
- China is using its Maritime Traffic Safety Law and Coast Guard Law to illegally enforce expansive maritime jurisdictional claims in the Taiwan Strait, East China Sea, and beyond.
- The overzealous execution of "law enforcement" operations in the waters surrounding Taiwan's outlying islands represents an effort to signal that the Taiwan Coast Guard Administration is incapable of conducting effective patrols. It also reinforces the narrative that the PRC possesses legal jurisdiction over waters within the First Island Chain, thereby undermining the lawful rights of Taiwan and neighboring states.
- The PRC very likely believes that employing China Coast Guard (CCG) and Maritime Safety Administration (MSA) assets to implement a sea-based quarantine would remain below the threshold of conflict, effectively mitigating the risk of escalation and preventing third-party intervention.
- As joint MSA and CCG operations grow in scope, scale, and complexity, China is gradually exercising the skills necessary to seize one of Taiwan's outlying islands and potentially seek to force Taiwan leaders to the negotiating table.
- Under China's revised maritime law enforcement legal framework, leaders in Beijing could authorize the establishment of exclusion zones to prevent foreign vessels from entering into and operating in PRC-claimed waters, as well as board and inspect ships within the exclusion zone. China could also potentially attempt to divert ships to regional PRC ports for customs inspection and clearance. Beijing furthermore could authorize the use of "all necessary means"—to include the use of force—to implement its quarantine and counter perceived threats to its national security and sovereignty.
- A PRC decision to implement a quarantine, rather than a full military blockade, would force the United States and its key allies and partners to decide how to react effectively while themselves also mitigating the risk of substantial military escalation. Response options could comprise targeted sanctions or military escorts for commercial vessels carrying critical supplies.

Introduction

Then-President Tsai Ing-wen touched down in Los Angeles on the evening of April 4, 2023; she would meet with then-U.S. Speaker of the House Kevin McCarthy the following day.¹ At roughly the same time in Beijing—the morning of 5 April—the Chinese Communist Party’s (CCP) flagship newspaper, *People’s Daily*, announced on its *Weibo* social media account that the Fujian Maritime Safety Administration (MSA) would execute a three-day “special joint patrol and inspection operation in the northern and central portions of the Taiwan Strait.”² The MSA would undertake the operation with support from the East China Sea Rescue Bureau and the East China Sea Navigation Support Center.³ The MSA—which falls under the PRC Ministry of Transport—stated that this law enforcement patrol would “exercise national sovereignty, and was a necessary action to protect maritime traffic and production activities.”⁴ Officials reportedly also tasked patrol vessel *Haixun 06* (海巡 06) with conducting “on-site inspections” on ferries, cargo ships, and barges in the vicinity of the Taiwan Strait in order “to ensure the safety of vessel navigation and ensure the safe and orderly operation of key projects on water.”⁵ These waters included shipping routes between Fujian’s Pingtan Island and Taiwan, the “little three links” passenger routes, and other customary shipping routes within the Taiwan Strait.⁶

This report will examine the April 2023 “special joint patrol and inspection” operation and address a number of critical questions that bear directly on PRC law enforcement operations in the vicinity of the Taiwan Strait and beyond. First, how does China characterize the legal status of the Taiwan Strait, and how has it changed over time? Second, how has recent domestic legislation redefined and expanded the powers of the Maritime Safety Administration? Third, how does the MSA use law enforcement operations, such as the April 2023 Special Joint Patrol and Inspection, to more forcefully assert its national sovereignty and maritime claims vis-à-vis Taiwan? Finally, how does

¹ “President Tsai transits in Los Angeles on return from diplomatic visit,” *Office of the President, Republic of China (Taiwan)*, April 5, 2023, <https://english.president.gov.tw/News/6486>; Bonny Lin, Brian Hart, Samantha Lu, Hannah Price, Matthew Slade, “Putting Taiwan President Tsai Ing-wen’s 2023 U.S. Transit in Context,” *Center for Strategic and International Studies*, January 31, 2024, <https://chinapower.csis.org/taiwan-president-tsai-ing-wen-transit-united-states/>.

² Weibo Account of *People’s Daily* (人民日报), posted April 5, 2023 (09:55), [https://weibo.com/2803301701/MACFSEnJX?refer_flag=1001030103_\[https://archive.ph/0LneC\]](https://weibo.com/2803301701/MACFSEnJX?refer_flag=1001030103_[https://archive.ph/0LneC]).

³ Liz Lee and Ben Blanchard, “China to inspect ships in Taiwan Strait, Taiwan says won’t cooperate,” *Reuters*, April 5, 2023, <https://www.reuters.com/world/asia-pacific/china-inspect-ships-taiwan-strait-taiwan-says-wont-cooperate-2023-04-06/>; “Mainland’s Taiwan Policy and Work in 2023,” *Mainland Affairs Council, Republic of China (Taiwan)*, Undated, https://www.mac.gov.tw/en/News_Content.aspx?n=EE8E4A0BF2004468&sms=3591176AC6FB66EF&s=13DE2291E012E5B6; Bonny Lin, Brian Hart, Samantha Lu, Hannah Price, Matthew Slade, “Tracking China’s April 2023 Military Exercises around Taiwan,” *Center for Strategic and International Studies*, November 8, 2023, <https://chinapower.csis.org/tracking-chinas-april-2023-military-exercises-around-taiwan/>.

⁴ 王金志 [Wang Jinzhi], “海巡 06”轮开始三天台海巡航 [“*Haixun 06* Begins Three Day Patrol of Taiwan Strait”], *Xinhua*, April 6, 2023, http://www.xinhuanet.com/mil/2023-04/06/c_1211964823.htm [https://archive.ph/4LT1N].

⁵ Lin et al., “Tracking China’s April 2023 Military Exercises around Taiwan”; Ben Blanchard and Yimou Lee, “Taiwan braces for new China pressure tactic in strait,” *Reuters*, April 6, 2023, <https://www.reuters.com/world/asia-pacific/taiwan-braces-new-china-pressure-tactic-disputed-strait-2023-04-06/>.

⁶ “針對陸方宣稱將對兩岸直航及小三通客船實施巡邏巡查，航港局已透過小三通及海運小兩會管道表達我方嚴正抗議” [“The Port Bureau has passed a solemn protest via three mini-link channels in response to mainland side’s declaration they will conduct inspections of ferries crossing the Taiwan Strait and traveling to outer islands”], *ROC Ministry of Transportation’s Port Bureau*, April 5, 2023, <https://www.motcmpb.gov.tw/Information/Detail/77644765-b312-43d6-a504-9674cbf3747b?SiteId=1&NodeId=15>.

the PRC's execution of non-war military activities enable maritime law enforcement assets to exercise the skills necessary to execute a "quarantine" of Taiwan's outlying islands?

PRC maritime law enforcement forces first and foremost include the China Coast Guard (CCG), a national-level law enforcement service branch of the People's Armed Police. Second, they comprise the portion of the China Marine Surveillance and Fisheries Law Enforcement vessels that are organized at the subnational level, which participate in gray zone operations but are distinct from the CCG. Third, they include MSA vessels, which operate independently from CCG control at both the national and subnational levels. And finally, they comprise China Rescue and Salvage vessels, which also operate independently from CCG control at both the national and subnational levels and typically act in supporting roles only.⁷

Haixun 06: Reporting for Duty in the Taiwan Strait

Haixun 06 is China's first large patrol vessel designated for service in the Taiwan Strait. Wuchang Shipbuilding Industry Group, a subsidiary of the China State Shipbuilding Corporation, constructed the vessel and transferred it to the Fujian MSA.⁸ *Haixun 06* bears responsibility for conducting patrols and law enforcement operations; monitoring maritime safety; performing maritime inspection and supervision; managing traffic accidents; and carrying out search and rescue operations in the Taiwan Strait.⁹ The vessel is approximately 128 meters long, its beam is 16 meters, its draft is 7.9 meters, and it displaces roughly 5,560 tons (6,600 tons fully loaded). Its diesel-electric propulsion system allows a maximum speed of 23 knots. According to the Fujian MSA, *Haixun 06* possesses a cruising range of 10,000 nautical miles, is capable of remaining at sea for up to 60 days without refueling or resupply, and can withstand strong winds and rough seas.¹⁰ Director Xu Zengfu claimed that the acquisition of *Haixun 06* brought Fujian MSA's total number of patrol boats to 60, rendering the regional MSA "capable of enforcing laws on the open sea."¹¹

⁷ Andrew S. Erickson, Joshua Hickey, and Henry Holst, "Surging Second Sea Force: China's Maritime Law-Enforcement Forces, Capabilities, and Future in the Gray Zone and Beyond," *Naval War College Review*, (Spring 2019), pp. 11-25, <https://digital-commons.usnwc.edu/cgi/viewcontent.cgi?article=7971&context=nwc-review>, endnote 1."

⁸ "Vessel Review | Haixun 06—Large Oceangoing Patrol and Rescue Vessel to Serve China's Fujian Province," *Baird Maritime*, April 27, 2022, at <https://www.bairdmaritime.com/security/emergency-services/firefighting/vessel-review-haixun-06-large-oceangoing-patrol-and-rescue-vessel-to-serve-chinas-fujian-province>; Hengyi Wan, "China's first large-scale patrol vessel in Taiwan Straits commissioned, 'enhances emergency response to accidents in region,'" *Global Times*, July 11, 2022, <https://www.globaltimes.cn/page/202207/1270265.shtml> [https://archive.ph/C6GfW].

⁹ Wan, "China's first large-scale patrol vessel in Taiwan Straits commissioned, 'enhances emergency response to accidents in region'"; "China's largest maritime patrol ship in Taiwan Straits launched," *Global Times*, February 9, 2021, <https://www.globaltimes.cn/page/202102/1215421.shtml> [https://archive.ph/RpRVt].

¹⁰ "Vessel Review | Haixun 06—Large Oceangoing Patrol and Rescue Vessel to Serve China's Fujian Province"; "China's first largest maritime patrol ship 'Haixun 06' in Taiwan Straits commissioned," *China Daily*, July 12, 2022, <https://www.xindemarinenews.com/m/view.php?aid=40040>.

¹¹ "China's first largest maritime patrol ship 'Haixun 06' in Taiwan Straits commissioned."



Figure 1: *Haixun 06*¹²

Following *Haixun 06*'s commissioning on July 11, 2022, its first maritime patrol and law enforcement activity began on 31 July.¹³ The vessel remained primarily in PRC territorial waters, transiting from Fujian's Pingtan Island down toward Dongshan Bay and back.¹⁴ It also appears, based on an examination of the vessel track, that *Haixun 06* very likely sailed into Kinmen's restricted/prohibited waters.¹⁵ The mission focused on combatting illegal sand dredging as well as inspecting maritime construction operations, "port industrial zones, and other maritime facilities."¹⁶ The vessel also purportedly conducted emergency drills and engaged in other tasks necessary to ensure the safety of critical shipping channels and the smooth transportation of goods along Fujian's coast.¹⁷

¹² "Vessel Review | Haixun 06—Large Oceangoing Patrol and Rescue Vessel to Serve China's Fujian Province."

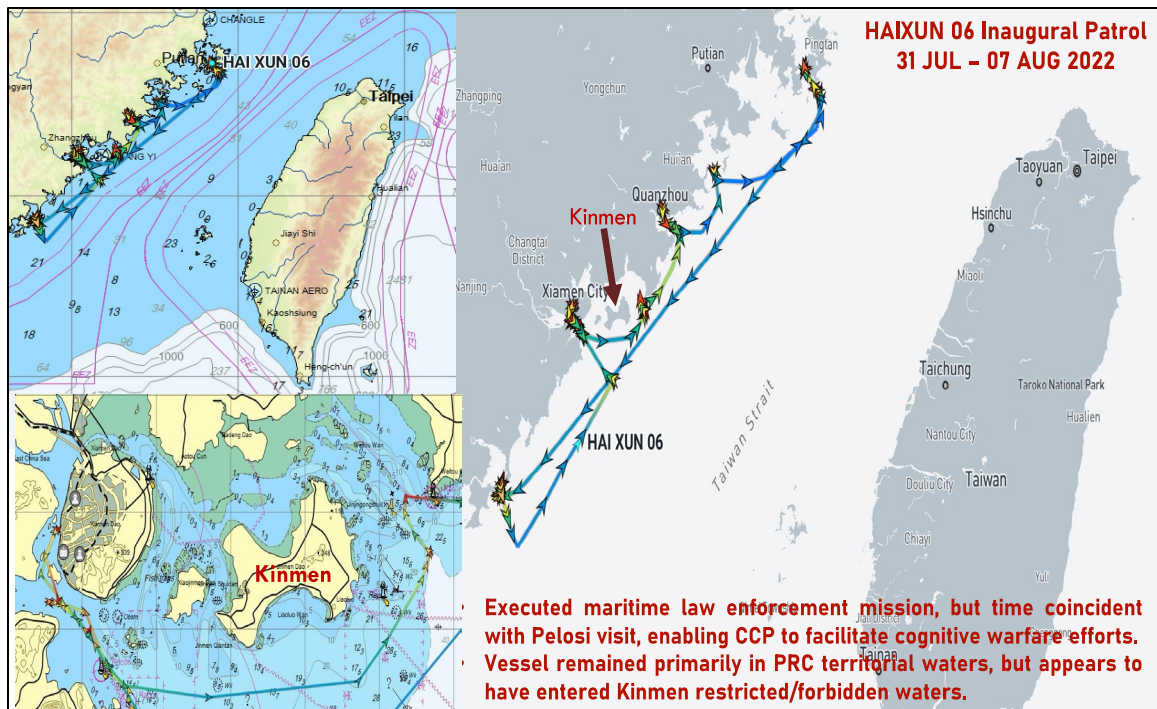
¹³ "海巡 06"轮开始首次海上巡航执法 ["*Haixun 06* Begins First Maritime Law Enforcement Patrol"], 福州日报 [*Fuzhou Daily*], August 2, 2022, http://www.fuzhou.gov.cn/zwgk/gzdt/rcyw/202208/t20220802_4408520.htm [https://archive.ph/bVFxL].

¹⁴ Ibid.

¹⁵ *Marine Traffic*, accessed May 15, 2024, <https://www.marinetraffic.com/>.

¹⁶ "*Haixun 06* Begins First Maritime Law Enforcement Patrol"; "China's large-size maritime patrol vessel Haixun-06 starts law enforcement activity in Taiwan Strait," *CCTV Video News Agency*, August 2, 2022, <https://xindemarineneews.com/en/market/2022/0802/40637.html> [https://archive.ph/rARVl].

¹⁷ "*Haixun 06* Begins First Maritime Law Enforcement Patrol"; "China's large-size maritime patrol vessel Haixun-06 starts law enforcement activity in Taiwan Strait."



Haixun 06's first mission began on July 31, 2022 and was clearly focused on PRC coastal maritime law enforcement. However, state media did not appear to publicize the *Haixun 06* patrol until 2 August, the same day that then-U.S. Speaker of the House Nancy Pelosi arrived in Taipei.¹⁹ The intentional decision to publicize a newly commissioned vessel's routine operational activity on the day of the Speaker's arrival was likely a component of broader cognitive warfare efforts. Given the tremendous volume of PLA activity directed against Taiwan that week, overwhelmed foreign observers were unlikely to examine the details of *Haixun 06*'s mission, and may have simply assumed that it was related to the military demonstrations.

China's Legal Framework for Law Enforcement Operations Around Taiwan

This report addresses two distinct legal questions that bear directly upon the discussion of the April 2023 “special joint patrol and inspection operation.” First, how does the PRC characterize the legal status of the Taiwan Strait? Second, how has recent legislation redefined and expanded the powers of the MSA?

A foundational PRC legal document is the Law on the Territorial Sea and the Contiguous Zone, which the National People's Congress Standing Committee promulgated in February 1992. The stated purpose of the law is to enable the PRC "to exercise its sovereignty over its territorial sea and its rights to exercise control over its contiguous zone, and to safeguard State security as well as its

¹⁸ Sourced from www.marinetraffic.com.

¹⁹ Wan, “China’s first large-scale patrol vessel in Taiwan Straits commissioned, ‘enhances emergency response to accidents in region’”; “China’s large-size maritime patrol vessel Haixun-06 starts law enforcement activity in Taiwan Strait”; “Haixun 06 Begins First Maritime Law Enforcement Patrol”; “海巡 06”轮启动首次巡航执法活动 [“*Haixun 06* Begins First Patrol and Law Enforcement Activity”], CCTV 中文国际 [CCTV Chinese International], August 2, 2022, <https://www.youtube.com/watch?v=0KIBv7erw7E>.

maritime rights and interests.”²⁰ The law includes relevant key terms and definitions in the following articles:

- Article 2: The PRC’s territorial sea refers to the waters adjacent to its territorial land, and includes the so-called “mainland and its offshore islands,” including Taiwan and various affiliated islands that the Republic of China (Taiwan) claims, such as the Senkakus, Penghu, Pratas, and Itu Aba.²¹
- Article 3: The PRC states that its territorial sea “measures 12 nautical miles from the baseline of the territorial sea. The PRC’s baseline of the territorial sea is designated with the method of straight baselines, formed by joining the various base points with straight lines. The outer limit of the PRC’s territorial sea refers to the line, every point of which is at a distance of 12 nautical miles from the nearest point of the baseline of the territorial sea.”²²
- Article 4: The PRC defines its contiguous zone as “waters outside of, but adjacent to, its territorial sea. The extent of the contiguous zone has a width of 12 nautical miles. The outer limit of the PRC’s contiguous zone is a line, every point of which has a nearest distance of 24 nautical miles from the baseline from which the territorial sea is measured.”²³
- Article 5: The PRC claims to “exercise sovereignty over its territorial sea and the airspace over the territorial sea, as well as its seabed and subsoil.”²⁴
- Article 15: The PRC government is responsible for establishing its territorial sea baseline.²⁵

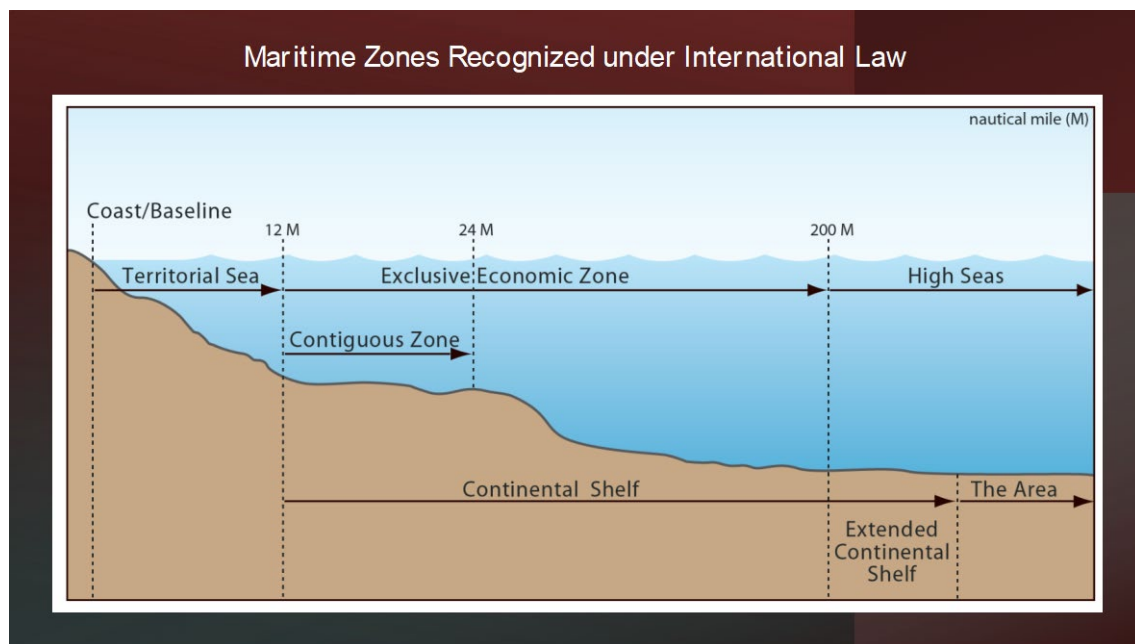


Figure 3: Maritime Zones Recognized under International Law.²⁶

²⁰ “Law on the Territorial Sea and the Contiguous Zone of 25 February 1992,” *United Nations*, accessed May 9, 2024, https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/CHN_1992_Law.pdf.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ “Maritime Zones and Boundaries,” *U.S. Department of Commerce, National Oceanic and Atmospheric Administration*, March 25, 2024, <https://www.noaa.gov/maritime-zones-and-boundaries>.

Even if one considers the PRC's (specious) claim that its territorial land includes Taiwan, customary international law maintains that it includes an international waterway, beyond the territorial waters of any state.²⁷ According to a U.S. Center for Naval Analyses review of official PRC statements, Ministry of Foreign Affairs (MFA) officials appeared to have acknowledged this fact publicly until mid-2022.²⁸ For example, when the aircraft carrier *Liaoning* transited the Taiwan Strait in January 2017, former PRC MFA Vice Minister and retired PLA General Liu Zhenhua remarked that it was perfectly "normal" for the PLA Navy aircraft carrier to pass through the Taiwan Strait, which constituted an "international waterway."²⁹ Similarly, the CCP-affiliated tabloid *Global Times* declared in October 2021 that "all countries' ships and warships have the right of innocent passage" through the Taiwan Strait, as the middle of the Strait constitutes an "international waterway."³⁰ Regardless, China has previously stated that the term "international waters" does not constitute a legal concept in the United Nations Convention on the Law of the Sea (UNCLOS), arguing that high seas lie beyond a given nation's exclusive economic zone (EEZ).³¹

The public PRC narrative on the Taiwan Strait began to shift in mid-2022. At a press conference on 13 June, MFA spokesman Wang Wenbin argued that according to both UNCLOS and PRC law, China possesses "sovereignty, sovereign rights and jurisdiction over the Taiwan Strait."³² He articulated that the PRC divides the waters of the Taiwan Strait into multiple "zones," including "internal waters, territorial sea, [the] contiguous zone, and the Exclusive Economic Zone."³³ This framing does not explicitly claim the waters of the Taiwan Strait as wholly constituting PRC sovereignty territory, but it clearly implies that it has the self-defined right to exercise distinct forms of control over different zones of the Strait.³⁴ While stressing that China "respects the lawful rights of other countries in relevant waters," Wang asserted that the concept of "international waters" has

²⁷ Note that in Article 36 of UNCLOS, when describing "high seas routes or routes through exclusive economic zones through straits used for international navigation," this portion of the law "does not apply to a strait used for international navigation if there exists through the strait a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics; in such routes, the other relevant Parts of this Convention, including the provisions regarding the freedoms of navigation and overflight, apply." See "United Nations Convention on the Law of the Sea," *United Nations* (1982), https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf.

²⁸ Indo-Pacific Defense Forum Staff, "PRC contradicts position on Taiwan Strait, definition of international waters," *Indo-Pacific Defense Forum*, July 6, 2022, <https://ipdefenseforum.com/2022/07/prc-contradicts-position-on-taiwan-strait-definition-of-international-waters/>.

²⁹ Ibid.; Michael Forsythe and Chris Buckley, "Taiwan Responds After China Sends Carrier to Taiwan Strait," *The New York Times*, January 10, 2017, <https://www.nytimes.com/2017/01/10/world/asia/china-taiwan-strait-aircraft-carrier-trump.html>;

³⁰ "Taiwan Straits is no Tsugaru Strait; US warship passage will never be legalized: Global Times editorial," *Global Times*, October 20, 2021, <https://www.globaltimes.cn/page/202110/1236831.shtml> [<https://archive.ph/FCI6f>].

³¹ David Lai and Jason Guo, "China's Taiwan Strait Provocations Need a U.S. Response," *Foreign Policy*, August 8, 2018, <https://foreignpolicy.com/2018/08/08/chinas-taiwan-strait-provocations-need-a-us-response/>; Lynn Kuok, "Narrowing the differences between China and the US over the Taiwan Strait," *International Institute for Strategic Studies*, July 13, 2022, <https://www.iiss.org/en/online-analysis/online-analysis/2022/07/narrowing-the-differences-between-china-and-the-us-over-the-taiwan-strait/>.

³² "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on June 13, 2022," PRC Foreign Ministry, June 13, 2022, https://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/202206/t20220613_10702460.html.

³³ Ibid.

³⁴ "America and China spar over the Taiwan Strait," *The Economist*, June 23, 2022, https://hollis.harvard.edu/permalink/f/1mdq5o5/TN_cdi_gale_infotrasmisc_A708062768.

“no legal basis” under UNCLOS and rebuked those who frame the Taiwan Strait as “international waters” in order to threaten “China’s sovereignty and security.”³⁵

A key point of contention is that the United States and many other nations treat both contiguous zones and EEZs as the high seas for purposes of navigation and overflight, with allowances for limited restrictions, such as fishing and mineral extraction rights. However, China routinely objects to military intelligence-gathering or exercises in its EEZ.³⁶ Put another way, all nations possess the right of navigation on the high seas, but China possesses a narrower definition of what constitutes lawful activity within a given nation’s contiguous zone or EEZ.³⁷ China cites the narrow geography of the Taiwan Strait, which is 86 NM (159 km) wide at its narrowest point and 220 NM (407 km) at its widest, to justify its requirement for foreign military vessels to obtain PRC permission prior to an innocent passage of the Strait.³⁸

One week after the MFA press conference, an article detailing the official PRC position on the Taiwan Strait appeared in *China-US Focus*, a CCP-linked online periodical.³⁹ The article restates Ministry of Foreign Affairs talking points that characterize the Taiwan Strait as comprising multiple “zones” while dismissing terms such as “international waterway” or “international waters” as inaccurate legal language.⁴⁰ However, the author notes that “because of the special situation of Taiwan, China has so far only announced the baselines of the territorial waters” of the PRC, the Paracel [Xisha] Islands, and the Senkaku [Diaoyu or Diaoyutai] Islands, “while the baselines of the territorial waters of the remaining places, including the island of Taiwan and the Penghu Islands, have not yet been announced.”⁴¹ Such deliberately vague, obtuse, PRC-referential language intentionally reinforces a PRC narrative that effectively negates Taiwan’s sovereignty and also disregards Taiwan’s maritime claims, as established in the Law on the Territorial Sea and Contiguous Zone of the Republic of China of 1998; the Law of the Exclusive Economic Zone and the Continental Shelf of the Republic of China of 1998; the Marine Pollution Control Act of 2000; and

³⁵ “Foreign Ministry Spokesperson Wang Wenbin’s Regular Press Conference on June 13, 2022”; Indo-Pacific Defense Forum Staff, “PRC contradicts position on Taiwan Strait, definition of international waters.”

³⁶ “America and China spar over the Taiwan Strait”; “Topic: Legal Status of the Taiwan Strait,” *USINDOPACOM SJA/J06*, July 5, 2022, [https://www.pacom.mil/Portals/55/Documents/pdf/J06%20TACAID%20-%20TAIWAN%20STRAIT.pdf?ver=Jquptm61jOabuHldAHkiA%3D%3D#:~:text=\(U\)%20The%20Taiwan%20Strait%20encompasses,lawful%20uses%20of%20the%20sea.](https://www.pacom.mil/Portals/55/Documents/pdf/J06%20TACAID%20-%20TAIWAN%20STRAIT.pdf?ver=Jquptm61jOabuHldAHkiA%3D%3D#:~:text=(U)%20The%20Taiwan%20Strait%20encompasses,lawful%20uses%20of%20the%20sea.)

³⁷ Kuok, “Narrowing the differences between China and the US over the Taiwan Strait”; Lai and Guo, “China’s Taiwan Strait Provocations Need a U.S. Response”; “Topic: Legal Status of the Taiwan Strait.”

³⁸ “America and China spar over the Taiwan Strait.”

³⁹ The China-United States Exchange Foundation—a United Front-affiliated organization—publishes the magazine. The author herself is the Deputy Director of the Institute of Hong Kong and Macao Studies at the China Institutes of Contemporary International Relations, which is actually the Ministry of State Security’s 11th Bureau. Please see the following books for more information about CICIR: Peter L. Mattis and Matthew J. Brazil, *Chinese Communist Espionage: An Intelligence Primer* (Annapolis, Maryland: Naval Institute Press, 2019), pp. 19, 56, and 67; and Alex Joske, *Spies and Lies: How China’s Greatest Covert Operations Fooled the World* (Richmond, Victoria: Hardie Grant Books, 2022). See also “Hearing on China’s Intelligence Services and Espionage Operations,” *U.S.-China Economic and Security Review Commission*, June 9, 2016, at <https://www.uscc.gov/hearings/hearing-chinese-intelligence-services-and-espionage-operations>.

⁴⁰ Huan Li, “Legal Status of the Taiwan Strait,” *China US Focus*, June 30, 2022, <https://www.chinausfocus.com/peace-security/legal-status-of-the-taiwan-strait> [https://archive.ph/UPm8R].

⁴¹ Li, “Legal Status of the Taiwan Strait.”

Having provided a baseline understanding on how the PRC has characterized the Taiwan Strait and how its public narratives have shifted in recent years, it is also important to examine relevant contemporary laws that China has promulgated or revised. The National People’s Congress Standing Committee approved revisions to the Maritime Traffic Safety Law in April 2021. The PRC first promulgated the law in 1986 and amended it in 2016.⁴³ Moreover, the Standing Committee also promulgated a new Coast Guard Law—sometimes known as the Maritime Police Law—in January 2021.⁴⁴ These new laws reflect ongoing PRC efforts to use legal warfare to undermine UNCLOS and other international norms and regulations, by seeking to compel foreign flagged vessels to abide by PRC domestic laws beyond its lawful territorial waters.⁴⁵

- Article 2 expands the jurisdiction of PRC law enforcement vessels responsible for maritime traffic safety from “coastal waters” to all “sea areas under the jurisdiction of the People’s Republic of China.” The PRC likely will apply this intentionally vague and broad language to all waters within its so-called “Ten Dash Line” and the East China Sea, enabling law enforcement vessels to dramatically expand their area of operations.⁴⁶
- Article 19 enables the PRC to “establish ship routing and reporting areas, traffic control areas, and restricted navigation areas,” which may impede the right of innocent passage as detailed in UNCLOS Article 22.⁴⁷
- Article 30 mandates pilotage requirements on a variety of foreign vessels, including nuclear-powered ships.⁴⁸ This article effectively restricts or denies the right of innocent passage for ships with no intention of entering a PRC port or internal waters.⁴⁹

⁴⁹ Ibid., p. 960. See also Article 32 of UNCLOS in “United Nations Convention on the Law of the Sea.”

- Article 44 “prohibits passage through restricted navigation zones established pursuant to Article 19,” which problematically allows the PRC to impose navigational restrictions for any reason, for any duration of time, and beyond territorial waters.⁵⁰
- Article 52 enables the PRC “to impose traffic control measures such as suspending navigation, limiting speed, or delimiting traffic control zones in circumstances that impact maritime traffic safety.”⁵¹ Such measures might include the execution of military training or exercises as well as related activities, which do not comport with international law regulating the high seas.⁵²
- Article 120 stipulates that the PRC will deal with “foreign warships and other government vessels used for non-commercial purposes that violate” its “laws and regulations while engaged in innocent passage” in accordance with “the relevant laws and administrative regulations.”⁵³ China does not define such laws and regulations, but under international law, such ships “enjoy complete immunity from coastal State jurisdiction.”⁵⁴

The Maritime Traffic Safety Law’s broad and unclear provisions “exceed the permissible jurisdictional limits of international law, as reflected in UNCLOS.”⁵⁵ According to retired U.S. Navy Captain and Naval War College legal scholar Raul “Pete” Pedrozo, “China will undoubtedly use the new law to engage in gray zone operations below the threshold of armed conflict to intimidate its neighbors and further erode the rule of law at sea in the Indo-Pacific region. By using white hulls to engage in malign activities to advance its expansionist objectives within the First Island Chain, China can further solidify” its control over claimed waters “while avoiding a kinetic response from weaker adversaries.”⁵⁶

Similarly, Pedrozo argues that the “scope of application” of both the Maritime Traffic Safety Law and the Coast Guard Law fit together well, enabling China to “illegally and unilaterally assert maritime law enforcement jurisdiction throughout the waters of the First Island Chain,” resulting in a curtailment or derailment of the rights of other states.⁵⁷ Under the Coast Guard Law, the CCG undertakes and maintains maritime safety, security, and order, among other responsibilities. Bearing in mind the scale of China’s excessive maritime claims, the Coast Guard Law represents an “expansive application of law enforcement jurisdiction” that is inconsistent with UNCLOS.⁵⁸

Under the Coast Guard Law, the CCG bears responsibility for tasks such as “guarding key islands and reefs, managing and protecting maritime boundaries, and preventing, stopping, and eliminating acts that endanger national sovereignty, security and maritime rights and interests.”⁵⁹ Article 25 “authorizes the establishment of temporary maritime security zones restricting or prohibiting the

⁵⁰ Pedrozo, “China’s Revised Maritime Traffic Safety Law,” p. 962.

⁵¹ *Ibid.*, p. 966.

⁵² *Ibid.*, p. 966-967.

⁵³ *Ibid.*, p. 967.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, p. 967-968.

⁵⁷ *Ibid.*, p. 957.

⁵⁸ *Ibid.*, p. 466; Sakamoto, “China’s New Coast Guard Law and Implications for Maritime Security in the East and South China Seas.”

⁵⁹ Pedrozo, “Maritime Police Law of the People’s Republic of China,” p. 467.

passage or stay of ships in waters subject to PRC jurisdiction.”⁶⁰ The PRC may establish these zones to perform a number of tasks, to include upholding maritime security; combating illegal and criminal activities; and managing maritime emergencies.⁶¹ Yet, as previously stated, under international law China cannot restrict freedom of navigation beyond its territorial sea.⁶² The China Coast Guard most recently promulgated CCG Regulation No. 3, which took effect on June 15, 2024 and authorizes their commanders to detain foreign vessels and personnel in waters under PRC jurisdiction for up to 60 days.⁶³ Possessing a baseline understanding of this legal framework will facilitate a deeper understanding of China’s law enforcement operations around Taiwan.

PRC Special Joint Patrol and Inspection Operation (April 2023)

As previously mentioned, the Fujian MSA, East China Sea Rescue Bureau, and East China Sea Navigation Support Center began to execute a three-day “special joint patrol and inspection operation in the northern and central portions of the Taiwan Strait” on April 5, 2023.⁶⁴ The China MSA framed the law enforcement patrol as a means to “exercise national sovereignty” while safeguarding “maritime traffic and production activities.”⁶⁵ Officials reportedly tasked *Haixun 06* with conducting “on-site inspections” on ferries, cargo ships, and barges in the vicinity of the Taiwan Strait in order “to ensure the safety of vessel navigation and ensure the safe and orderly operation of key projects on water.”⁶⁶ These waters included shipping routes between Fujian’s Pingtan Island and Taiwan, the “little three links” passenger routes, and other customary shipping routes within the Taiwan Strait.⁶⁷ The Taiwan Maritime and Port Bureau strongly protested the announcement and urged shipping operators to refuse any PRC boarding requests and immediately notify the Taiwan Coast Guard Administration (TCGA).⁶⁸

While PRC media outlets stated that *Haixun 06* would serve as the lead vessel in a self-proclaimed “fleet,” it is actually unclear how many ships officially comprised this “fleet.”⁶⁹ There were reportedly vessels from all three organizations participating in the joint operation, but the presence of specific ships went unpublicized.⁷⁰ The TCGA identified an accompanying ship, *Haixun 0805*, but the vessel had its Automatic Identification System (AIS) tracker turned off during the dates of the

⁶⁰ Ibid. p. 470.

⁶¹ Ibid., pp. 470-471.

⁶² Ibid., p. 471.

⁶³ USINDOPACOM Joint Operational Law Team, “TOPIC: China Coast Guard Regulation No. 3,” May 30, 2024, [https://www.pacom.mil/Portals/55/Documents/Legal/J06%20TACAIID%20-%20CCG%20Regulation%203%20\(FINAL\)%20-%20VER%202.pdf?ver=DbFQtB0oqN0I2NcJ_55HNA%3D%3D](https://www.pacom.mil/Portals/55/Documents/Legal/J06%20TACAIID%20-%20CCG%20Regulation%203%20(FINAL)%20-%20VER%202.pdf?ver=DbFQtB0oqN0I2NcJ_55HNA%3D%3D).

⁶⁴ Weibo Account of *People’s Daily* (人民日报)

⁶⁵ Wang Jinzhi, “Haixun 06 Begins Three Day Patrol of Taiwan Strait.”

⁶⁶ Lin et al., “Tracking China’s April 2023 Military Exercises around Taiwan”; Blanchard and Lee, “Taiwan braces for new China pressure tactic in strait.”

⁶⁷ ROC Ministry of Transportation’s Port Bureau, “The Port Bureau has passed a solemn protest.”

⁶⁸ Ibid.

⁶⁹ Weibo Account of CCTV Military Channel (中央军事), Posted April 7, 2023 (09:46), <https://weibo.com/6189120710/MAVtceeQb> [https://archive.ph/F0XCA]; Weibo Account of *People’s Daily* (人民日报); Wang Jinzhi, “Haixun 06 Begins Three Day Patrol of Taiwan Strait.”; and 赵汗青 [Zhao Hanqing], “海巡 06”轮编队巡查闽江口及马祖列岛周边海域 [“Haixun 06 Formation Patrols and Inspects Min River Delta and Waters Near Matsu Islands”], CCTV News, April 7, 2023, https://content-static.cctvnews.cctv.com/snow-book/index.html?toc_style_id=feeds_default&share_to=wechat&item_id=12952127385270001168&track_id=F29BFBF6-0150-413F-ACCC-7F173CEEDA36_702565023163 [https://archive.ph/TvIpe].

⁷⁰ Lin et al., “Tracking China’s April 2023 Military Exercises around Taiwan.”

patrol.⁷¹ It is thus not clear whether *Haixun 0805* participated in the entire patrol, or simply a portion of it. The obfuscation was likely intentional, as the PRC could use this uncertainty as a psychological warfare tool and also permits the PRC to invent facts and rewrite the historical record as it sees fit.

On 5 April, *Haixun 06* remained in the vicinity of Pingtan Island, sailing up and down its eastern coast. On 6 April, the patrol began in earnest. *Haixun 06* commenced an eastward track toward the Taiwan Strait centerline at 1000 local time, arriving at the centerline at 1226.⁷² TCGA Patrol Vessel *CG-5002 (Hsinchu)* shadowed *Haixun 06* as it transited the Taiwan Strait along the centerline. The Taiwan Coast Guard stated that *Haixun 06* briefly crossed the centerline at 1500, approximately 70 NM west of Pengjia Islet.⁷³ *Haixun 06* veered westward, departing from its track along the centerline at 1614. After passing Dongyin (part of the Matsu island group), *Haixun 06* turned off its AIS. *Haixun 06* conducted operations in the vicinity of Matsu's main islands overnight, and began to return to Pingtan mid-afternoon on 7 April. It turned its AIS back on at 1604 and arrived at Pingtan at 1941.

Within the context of the Maritime Traffic Safety Law, these operations almost certainly represent an effort to expand PRC jurisdiction to all “sea areas under the jurisdiction of the People’s Republic of China.”

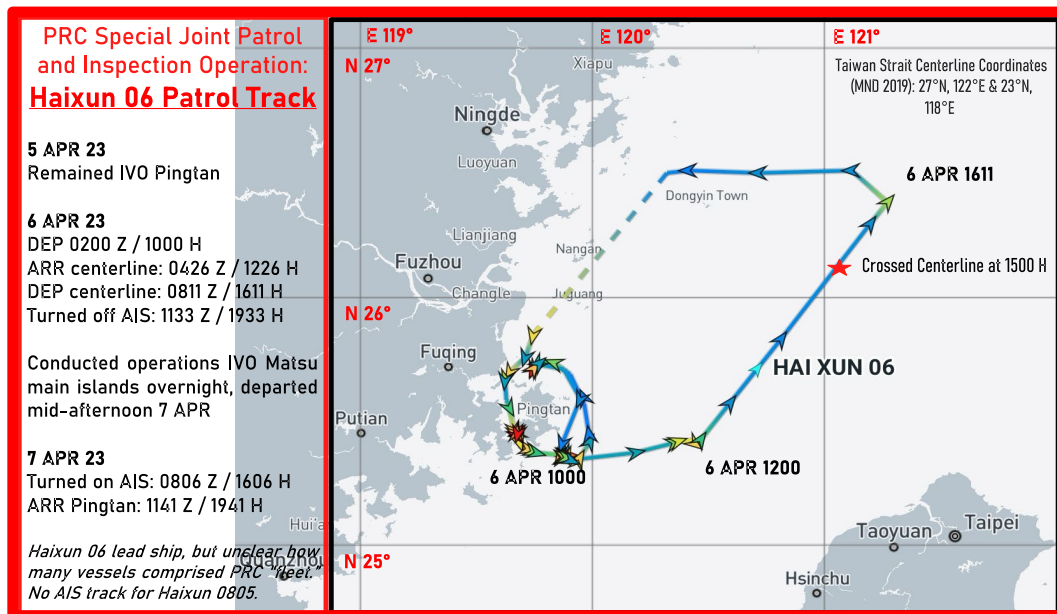


Figure 4: *Haixun 06* track⁷⁴

⁷¹ 杜冠霖 [Du Kuan-lin], 陸稱「海巡 06」對馬祖籍客船實施監護 管碧玲曝照片打臉：不符事實 [“Mainland Says *Haixun 06* Escorted Passenger Boats from Matsu, Kuan Bi-ling Claps Back With Photos: Says Not True”], *ETtoday*, April 8, 2023, <https://www.ettoday.net/news/20230408/2475222.htm#ixzz8ZE3AF9ZB>; 李依璇 [Lee Yi-Sheun], 中共軍演侵台！中國海事船傳「監護」小三通客船 海巡署：全程我方戒護 [“Chinese Communist Military Practices Attack on Taiwan! China’s Maritime Affairs Ship Reportedly ‘Escorted’ Passenger Boats Around Outer Islands, Coast Guard Says Our Side Was Watching Them the Whole Time”], 三立新聞網 [SETN], April 8, 2023, <https://www.setn.com/News.aspx?NewsID=1277256>.

⁷² Based on an examination of historic *Haixun 06* track on Marine Traffic website.

⁷³ 吳賜山 [Wu Tsi-shan], 中國「海巡 06」出現「新竹艦」930 公尺近距海上監控 [“China’s *Haixun 06* Appears, CG *Hsinchu* Approaches and Monitors at Distance of 930 Meters”], *Newtalk*, April 6, 2023, <https://newtalk.tw/news/view/2023-04-06/865332>.

⁷⁴ Sourced from www.marinetraffic.com.

Examining the track of *Haixun 06* raises two critical questions. First, how do we define and describe the geographic area in which *Haixun 06* conducted its operations? Was its patrol in the Taiwan Strait or the East China Sea? Did it actually cross the Taiwan Strait centerline? The answer actually depends on the audience assessing these operations. Second, which types of activities did *Haixun 06* and *Haixun 0805* (as well as any other PRC ships comprising the “fleet”) conduct in the vicinity of the main islands of Matsu?

According to the International Hydrographic Organization (IHO), the northernmost limit of the body of water comprising the Taiwan Strait lies between Fugui Cape, on the northern tip of the Taiwan mainland, on the eastern side, and Pingtan Island, off the coast of Fujian Province, on the western side.⁷⁵ Many IHO member states, to include the United States, may subsequently reach the conclusion that the Taiwan Strait centerline does not extend past the northernmost point of Taiwan.

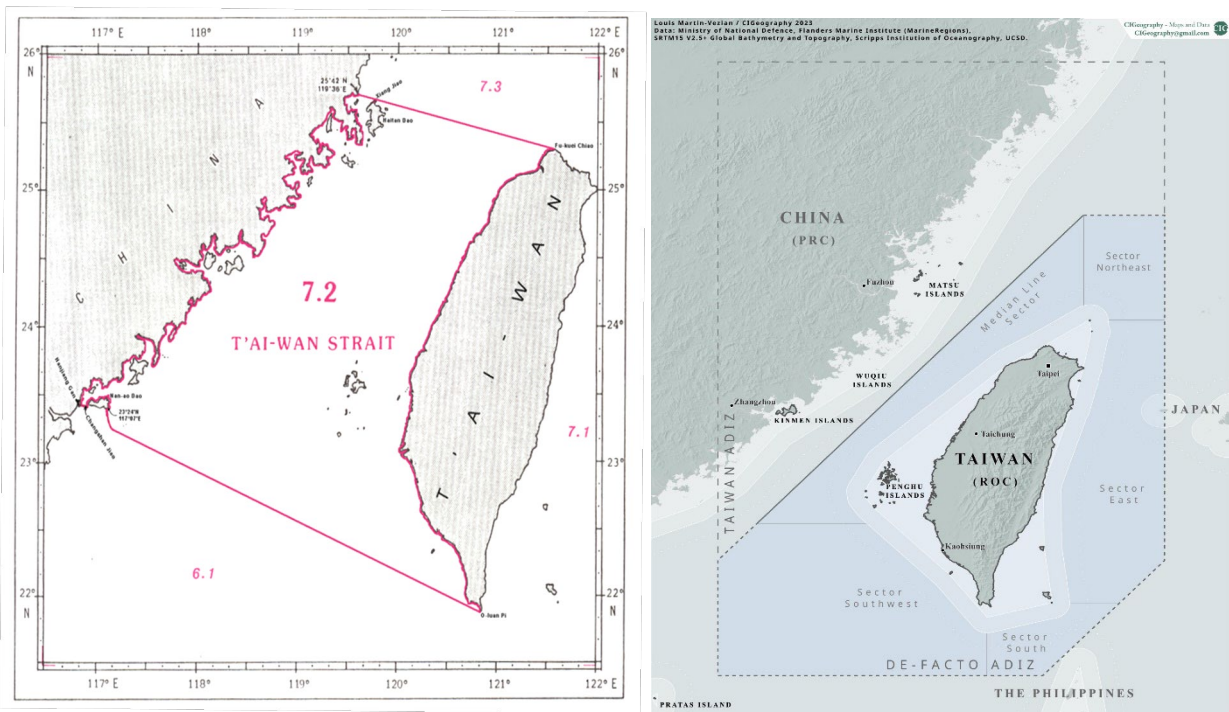


Figure 5: Comparison of International Hydrographic Organization characterization of the boundaries of Taiwan Strait (left) versus the official Taiwan characterization (right).⁷⁶

However, Taiwan’s Ministry of Defense (MND) has publicly asserted that the centerline extends further north, ending at roughly the latitude marking the northernmost point of Okinawa Island. One

⁷⁵ “IHO PUBLICATION S-23: Limits of Oceans and Seas,” (Draft 4th Edition, 2002), https://legacy.iho.int/mtg_docs/com_wg/S-23WG/S-23WG_Misc/Draft_2002/Draft_2002.htm.

⁷⁶ “Iho Publication S-23: Limits of Oceans and Seas”; Jean-Michel Cornu and Patricio Arana, “Taiwan and China,” *AFP News*, May 9, 2024, <https://www.barrons.com/news/taiwan-and-china-89b8a199>; and Kathleen Calderwood and Lucy Sweeney, “These charts show why there may be a spike in Chinese military planes flying over Taiwan’s airspace this week,” *ABC News* [Australia], August 11, 2023, <https://www.abc.net.au/news/2023-08-12/chinese-military-aircraft-flights-over-taiwan-adiz-may-increase/102711504>.

can observe on the map on the right-hand side how far the centerline—and by extension the Taiwan Strait—would extend past the northernmost point of Taiwan.⁷⁷

This discrepancy bears strongly upon the messaging aspect of this operation. As previously stated, the Fujian MSA announced that it would conduct its patrol in the *northern and central* portion of the Taiwan Strait.⁷⁸ When examining the track of *Haixun 06* on 6 April, Taiwanese and foreign audiences almost certainly would view the operating area differently. Many foreign observers might not notice that *Haixun 06* was intentionally sailing along—and even briefly crossing—what the Taiwan MND and other domestic audiences view as the centerline. In fact, they would likely argue that the operation did not take place in the Taiwan Strait at all, but rather in the East China Sea. As the PRC understands intimately how the MND defines the Taiwan Strait and its centerline, this act almost certainly constituted legal warfare against Taiwan. Casual observers likely would not recognize the strategic and operational significance of these waters to Taiwan, and would respond by dismissing the patrol as insignificant, particularly as *Haixun 06* did not board any vessels for inspection. It thus behooves Taiwan and its core international partners, especially the United States, to communicate clearly and frequently about how the PRC executes its all-domain pressure campaign against Taiwan.

Haixun 06 operated in the vicinity of Matsu during the 6-7 April timeframe. The vessel turned off its AIS tracker at approximately 1930 local time on 6 April, prior to veering south toward the main islands of the Matsu archipelago.⁷⁹ According to PRC official media reporting, *Haixun 06* and its “fleet” conducted overnight operations to combat illegal sand dredging, a common Strait activity.⁸⁰ *Haixun 06* also patrolled two of the “little three links” passenger transportation routes, namely between Baisha Port on Beigan, Matsu and Huangqi Port in Fuzhou, China as well as between Fu’ao Port on Nangan, Matsu and Langqu Port in Fuzhou, China.⁸¹

⁷⁷ Jean-Michel Cornu and Patricio Arana, “Taiwan and China”; Huang Tzi-ti, “Taiwan Strait median line coordinates revealed,” *Taiwan News*, July 30, 2019, <https://www.taiwannews.com.tw/news/3755034>; Thomas Shattuck, “The PLA Air Force Erases the Taiwan Strait Centerline,” *Global Taiwan Brief*, September 7, 2022, <https://globaltaiwan.org/2022/09/the-pla-air-force-erases-the-taiwan-strait-centerline/>.

⁷⁸ Weibo Account of *People’s Daily* (人民日报).

⁷⁹ Based on examination of *Haixun 06* track on Marine Traffic. Examined May 16, 2024.

⁸⁰ 岳川 [Yue Chuan], “海巡 06”轮编队巡查闽江口及马祖列岛周边海域” [“*Haixun 06* Formation Patrols Min River Delta and Waters Around Matsu Islands”], 中国新闻网 [China News Network], April 7, 2023, <http://www.chinanews.com.cn/gn/2023/04-07/9986186.shtml> [https://archive.ph/679UC]; Zhao Hanqing, “Haixun 06 Formation Patrols and Inspects Min River Delta and Waters Near Matsu Islands.”

⁸¹ “海巡 06”轮编队巡查闽江口及马祖列岛周边海域：夜间打击非法采运砂船” [“*Haixun 06* Formation Patrols the Minjiang Estuary and Surrounding Waters of the Matsu Islands: Cracking Down on Illegal Sand Mining and Transport Ships at Night”], 观察者网 [Guanchazhe Wang], April 7, 2023, https://www.sohu.com/a/664148422_115479; 馬祖小三通 [“Matsu Three Mini-Links”], <https://www.matsu-nsa.gov.tw/Articles.aspx?a=2625&l=1>.



Figure 6: Key Events around Matsu in April 2023.⁸²

As previously discussed, China is attempting to use its revised Maritime Traffic Safety Law to expand its area of maritime jurisdiction and subject foreign vessels to PRC domestic regulatory authority, which constitutes a form of lawfare.⁸³ On the afternoon of 7 April, *Haixun 06* and *Haixun 0805* attempted to “monitor and protect” (监护) a ferry transporting passengers from Beigan to Huangqi.⁸⁴ According to a social media post from the Minister of the Taiwan Ocean Affairs Council (which oversees the TCGA), Kuan Bi-ling, *Min Ju No. 8* (閩珠捌號) was preparing for departure from Baisha Port at 1410.⁸⁵ On board were seven Taiwanese passengers and four crew members, three of whom were Taiwanese and one of whom was Burmese.⁸⁶ The journey takes only half an hour.⁸⁷ At the same, TCGA patrol vessel *PP 10033* was attempting to expel *Haixun 06* and *Haixun 0805*, although it is unclear from Minister Kuan’s post whether the PRC vessels were specifically in

⁸² Weibo Account of CCTV Military Channel (中央军事).

⁸³ USINDOPACOM Joint Operational Law Team, “China’s Maritime Traffic Safety Law”; Pedrozo, “China’s Revised Maritime Traffic Safety Law.”

⁸⁴ Du, “Mainland Says *Haixun 06* Escorted Passenger Boats from Matsu”; 洪定宏 [Hung Ting-hung], 中國「海巡 06」逗留馬祖海域 仍無台灣船隻被登檢 [“China’s *Haixun 06* Stays in Matsu Waters But Not Taiwanese Ships Are Boarded and Inspected”], 自由時報 [Liberty Times], April 7, 2023, <https://news.ltn.com.tw/news/politics/breakingnews/4263590>; Lee, “Chinese Communist Military Practices Attack on Taiwan!”

⁸⁵ Facebook Page of Kuanbiling (管碧玲), Posted April 8, 2023, https://www.facebook.com/biling.kuan/posts/772959667520571?ref=embed_post.

⁸⁶ Ibid.

⁸⁷ “Matsu Three Mini-Links.”

Matsu's restricted or prohibited waters.⁸⁸ The TCGA subsequently received a radio notification from *Haixun 06*, announcing that the PRC vessel would escort the ferry to Huangqi Port.⁸⁹

According to Minister Kuan, the TCGA was completely aware that this was a routine trip for the ferry, and thus understood that the PRC deliberately approached *Min Ju No. 8* in order to “create the illusion” that it was “on duty” in Taiwan-administered waters.⁹⁰ The TCGA subsequently ensured the safety of *Min Ju No. 8* by dispatching a 100-ton and a 35-ton patrol vessel to guard the ferry as it departed. It subsequently arrived safely and without incident at Huangqi Port at 1440.⁹¹ PRC state media conversely reported that *Haixun 06* and *0805* “monitored and protected” *Min Ju No. 8* without any mention of the TCGA's presence or intervention.⁹² CCTV-7 even posted photos on its Weibo account of the two Fujian MSA vessels “escorting” *Min Ju No. 8*.⁹³ Minister Kuan also released a photo taken from the bow of TCGA patrol ship *PP 10033*, which appeared to show two personnel monitoring *Haixun 06* and *0805* at the same time that the ferry arrived safely at Huangqi Port.⁹⁴ Kuan stated that *Min Ju No. 8* subsequently departed China to return to Matsu at 1600, carrying 57 Taiwanese passengers. A TCG patrol boat was waiting for the ferry 1,000 yards outside of Matsu's restricted waters, and accompanied it back to Baisha port. It arrived safely at 1630.⁹⁵

⁸⁸ Facebook Page of Kuanbiling; 王韋婷 [Wang Wei-ting], 中國宣稱監護小三通船隻 海委會駁斥：製造在台灣海域執勤假象 [“China Claims to be Monitoring the Mini-Three Links Vessels Refuted by the Maritime Affairs Council: Creating the Illusion of Patrolling in Taiwan Waters”], 中央廣播電臺 [Radio Taiwan International], April 8, 2023, <https://www.rti.org.tw/news/view/id/2164325>.

⁸⁹ 莊隴宇 [Chuang Longyu], 大陸稱監護小三通客船 海委會：認知作戰操作 海巡派艇戒護航程未受干擾 [“Mainland China claims to be monitoring the passenger ship of the Mini-Three Links; Maritime Affairs Council: Cognitive combat operation; Coast Guard boats sent to escort the voyage without interruption”], Yahoo Taiwan, April 8, 2023, <https://tw.news.yahoo.com/大陸稱監護小三通客船-海委會：認知作戰操作-海巡派艇戒護航程未受干擾-073726857.html>; Du, “Mainland Says *Haixun 06* Escorted Passenger Boats from Matsu”; Wang, “China Claims to be Monitoring the Mini-Three Links Vessels Refuted by the Maritime Affairs Council”; Facebook Page of Kuanbiling.

⁹⁰ Facebook Page of Kuanbiling.

⁹¹ Ibid.

⁹² 陈诗文 [Liu Shiwen] and 刘亮 [Liu Liang], “海巡 06”轮编队巡查闽江口及马祖列岛周边海域 [“*Haixun 06* Formation Patrols the Minjiang Estuary and the Surrounding Waters of the Matsu Islands”], 中国新闻网 [China News Network], April 8, 2023, <https://news.cctv.com/2023/04/08/ARTIyyT1hv0jPDNQ1k36MqUP230408.shtml>. [https://archive.ph/Vijmg]; “*Haixun 06* Formation Patrols the Minjiang Estuary and Surrounding Waters of the Matsu Islands: Cracking Down on Illegal Sand Mining and Transport Ships at Night”; Chen Zhou, “Joint patrol operation further smooths shipping environment in Taiwan Straits,” *China Military Online*, April 10, 2023, http://eng.chinamil.com.cn/CHINA_209163/TopStories_209189/16215508.html [https://archive.ph/oTF3L].

⁹³ Weibo Account of CCTV Military Channel (中央军事).

⁹⁴ Facebook Page of Kuanbiling.

⁹⁵ Ibid.

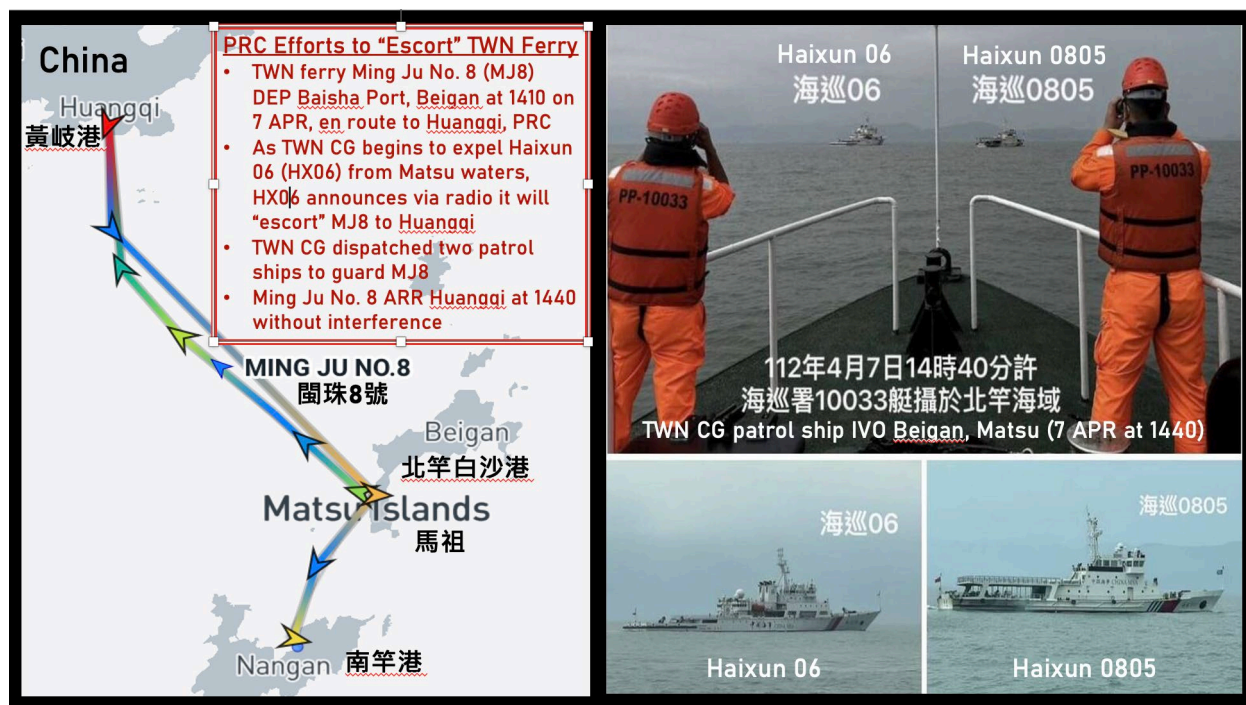


Figure 7: PRC Efforts to “Escort” Taiwan Ferry *Ming Ju No. 8*⁹⁶

Increased Maritime Law Enforcement Incursions in 2024

Since the April 2023 patrol of the *Haixun 06*, Beijing has greatly expanded its employment of maritime law enforcement forces against Taiwan. The CCG has replaced the MSA as the most active force around the Strait. In April 2024, for instance, the CCG conducted law enforcement patrols in the vicinity of Kinmen in order to bolster China’s “control of relevant waters and strongly protect the legitimate rights, interests and safety of Chinese fishermen, including those in the Taiwan region,” as well as “effectively safeguard” navigational safety and maritime operations in the waters of Xiamen (PRC) and Kinmen.⁹⁷ According to the TCGA, PRC law enforcement ships entered Kinmen

⁹⁶.Ibid.

⁹⁷ Cao Yin, "China's coast guard continues to patrol waters off Kinmen to ensure safety," *China Daily*, April 30, 2024. <http://www.chinadaily.com.cn/a/202404/30/WS663055afa31082fc043c4d90.html> [https://archive.ph/WGwjG].

restricted or prohibited waters nine times during the month of May 2024. By comparison, the monthly average for both March and April 2024 was four.⁹⁸

The increase in PRC law enforcement activity in Kinmen's waters came in the wake of the death of two PRC citizens on 14 February 2024, who perished when their speedboat capsized off of Kinmen's eastern coast as they fled TCGA pursuit.⁹⁹ As of 26 September 2024, the TCGA stated that the CCG had entered the restricted or prohibited waters of Taiwan's outer islands a total of 42 times in 2024.¹⁰⁰

⁹⁸ 吳正庭 [Wu Cheng-ting], 中國海警船 5 月第 9 度侵擾 金門海巡艇不畏惡浪全程一對一驅離 ["China Coast Guard Ships Intrude for the Ninth Time in May, Kinmen Patrol Boats Drive Them Away Despite Rough Seas"], 自由時報 [Liberty Times], May 28, 2024, <https://news.ltn.com.tw/news/politics/breakingnews/4687450>; 顏銀輝 [Yen Yin-hui], 又來了！海巡署本月第 8 度驅離中國海警船 ["Back Again! The Coast Guard Administration Drives Away a China Coast Guard Ship for the Eighth Time This Month"], 金馬澎分署 [Kinmen-Matsu-Penghu Branch of the Coast Guard Administration], May 24, 2024, <https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=160523&ctNode=8195&mp=9996>; 顏銀輝 [Yen Yin-hui], 中國海警船 5 月第 5 度編隊航入金門水域 臺灣海巡署全程對應驅離 ["China Coast Guard Ships Enter Kinmen Waters for the Fifth Time in May, Taiwan Coast Guard Administration Responds by Expelling Them"], 金馬澎分署 [Kinmen-Matsu-Penghu Branch of the Coast Guard Administration], May 14, 2024, <https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=160454&ctNode=8195&mp=9996>; 張己廉 [Chang I-lien], 中國海警船 5 月第 5 度闖金門水域 海巡 6 艇對應驅離 ["Chinese Coast Guard Ship Intrudes Into Kinmen Waters for the Fifth Time in May, Six Patrol Boats Respond By Expelling Them"], 中央社 [CNA], May 14, 2024, <https://www.cna.com.tw/news/alog/202405140354.aspx>; 5 月以來第 4 次！中國 5 海警船偕 7 公務船闖金門水域 我國海巡驅離 ["Fourth Time Since May! Five Chinese Coast Guard Ships and Seven Government Vessels Entered Kinmen Waters, Driven Away By Out Coast Guard"], SETN, May 10, 2024, <https://www.setn.com/News.aspx?NewsID=1466150>; 中國海警船闖金門水域 海巡 6 艇對應驅離 中國海警船 5 月第 5 度闖金門水域 海巡驅離 ["China Coast Guard Ship Enters Kinmen Waters for the Fifth Time in May, Six Patrol Boats Drive Them Away"], SETN, updated May 15, 2024, accessed May 20, 2024, <https://www.youtube.com/watch?v=i6P4PS0WL9M>; 李成蔭 [Li Cheng-yin] and 蔡家蓁 [Tsai Chia-chen], 陸海警船 5 月第 5 度編隊航入金門水域 頻率超過前兩個月 ["Mainland Coast Guard Ships Entered Kinmen Waters for the Fifth Time in May, Exceeding the Frequency of the Previous Two Months"], 聯合報 [United Daily News], May 14, 2024, <https://udn.com/news/story/10930/7963862>; 吳正庭 [Wu Cheng-ting], 本月第 5 次 中國海警船闖金門水域 海巡警告驅離 ["This is the Fifth Time This Month That a China Coast Guard Ship Entered Kinmen Waters, Our Coast Guard Warned and Expelled Them"], 自由時報 [Liberty Times], May 15, 2024, <https://news.ltn.com.tw/news/politics/paper/1646040>.

⁹⁹ Pei-chun Tang and Evelyn Kao, "After incident, Chinese boats patrol waters near Taiwan-held Kinmen," Focus Taiwan, February 19, 2024, <https://focustaiwan.tw/cross-strait/202402190011>; 李雅雯 [Li Ya-wen], 中國海警船闖金門禁止水域分析：有施壓賴政府目的 ["China Coast Guard Ship Enters Prohibited Waters of Kinmen, Analysis: The Purpose is to Put Pressure on Lai Government"], 中央通訊社版 [CNA], May 9, 2024, <https://www.cna.com.tw/news/acn/202405070146.aspx>; See also Brian Hioe, "China Seeks to Influence Taiwan Through Outlying Islands," New Bloom Magazine, May 10, 2024, <https://newbloommag.net/2024/05/10/tw-china-outlying-islands/>; Alan Lu, "Did China Coast Guard ships ignore 'prohibited waters' around Taiwan's Kinmen area?" RFA, April 2, 2024, <https://www.rfa.org/english/news/afcl/fact-check-kinmen-boundary-waters-04022024202027.html>.

¹⁰⁰ 中國海警今兩度侵擾金門海域，海巡艦艇全程對應拒止 ["China Coast Guard Intruded Twice into Kinmen Waters Today, Patrols Vessels Responded and Blocked Them"], 金馬澎分署 [Kinmen-Matsu-Penghu Branch of the Coast Guard Administration], September 26, 2024, <https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=162546&ctNode=8195&mp=9996>. As of June 2025, the total number of CCG incursions into Kinmen waters had reached 77 times. See 中國海警再擾金門水域 我海巡 4 艇嚴正對應 ["China Coast Guard Once Again Disturbs Waters Near Kinmen, Four of Our Patrol Boats Respond in Earnest"], 金馬澎分署 [Kinmen-Matsu-Penghu Branch of the Coast Guard Administration], June 23, 2025, <https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=165368&ctNode=650&mp=999>.

On 9 May 2024, PRC state media announced that the Fujian MSA held the “Safe Seas 2024” (安海 2024) fishery safety rescue exercise in Kinmen’s Liaoluo Bay.¹⁰¹ Twelve PRC vessels and over 210 personnel participated in the drill.¹⁰² There were four CCG cutters (14608, 14512, 14604, and 14603) and seven other ships, including two China Marine Surveillance cutters (8002 and 8027), a Fisheries Law Enforcement cutter (35501), and MSA’s *Haixun 01*, *Haixun 06*, and *Haixun 0802*. The ships collectively conducted a drill with three PRC fishing vessels.¹⁰³ See Figure 8 (below). The exercise simulated a collision at sea under harsh weather conditions, and involved a search and rescue operation.¹⁰⁴ It was the first time that multiple PRC law enforcement agencies conducted such a drill with multiple types of vessels in Kinmen waters.¹⁰⁵ Interestingly, a video montage broadcast on PRC state television highlighted the presence of a “vessel from [the] Coast Guard Administration of China’s Taiwan region,” without providing any context.¹⁰⁶

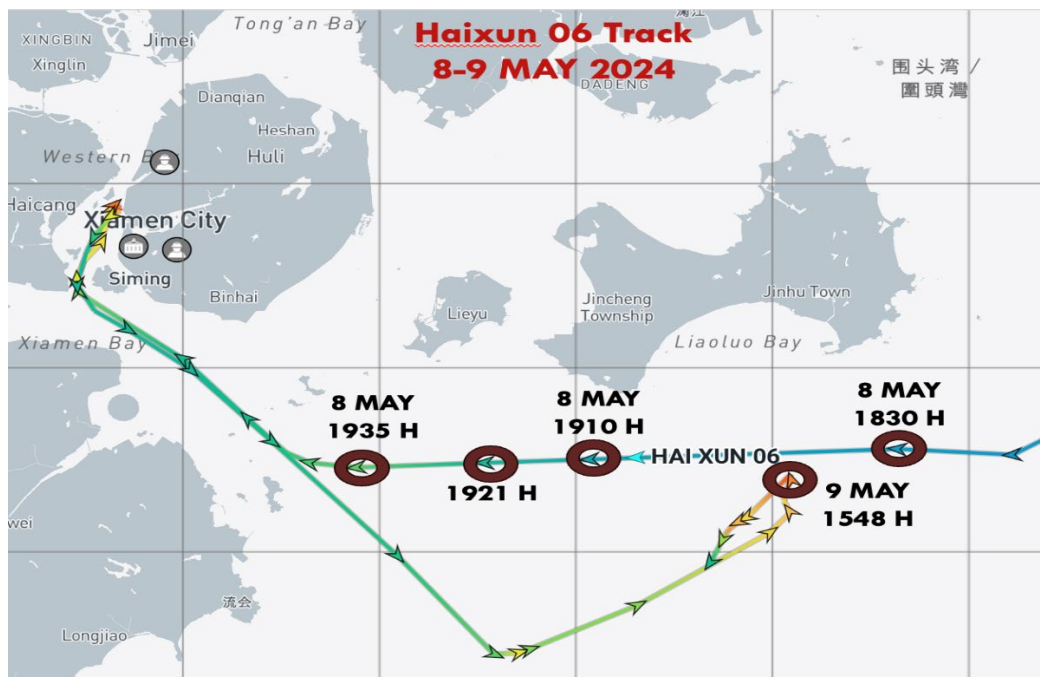


Figure 8: *Haixun 06* tracks near Kinmen, 8-9 May 2024.¹⁰⁷

¹⁰¹ "12 Chinese vessels conduct drills in waters off Kinmen," CGTN, May 11, 2024, <https://news.cgtn.com/news/2024-05-11/12-Chinese-vessels-conduct-drills-in-waters-off-Kinmen-1twV1nzJU4/p.html> [https://archive.ph/wip/gpwAM].

¹⁰² Ibid.; Jaime Ocon 歐海美 (@JaimeOcon1), X [Twitter], Posted May 9, 2024 (9:07 PM), <https://twitter.com/JaimeOcon1/status/1788737623927967912>.

¹⁰³ 針對中國海警及公務船編隊航行進入金門水域 海巡署呼籲中國大陸立即停止不理理性行為 共同維護兩岸和平與航行安全 ["In Response to the China Coast Guard and Government Vessels Entering Kinmen Waters, the Coast Guard Administration Calls on Mainland to Immediately Stop Its Irrational Behavior and Jointly Maintain Cross-Strait Peace and Navigational Safety"], 金馬澎分署 [Kinmen-Matsu-Penghu Branch of the Coast Guard Administration], May 9, 2024, <https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=160424&ctNode=8195&mp=9996>; Hsueh-kuang Hung and Sean Lin, "11 Chinese vessels detected in Taiwan-controlled waters off Kinmen," *Focus Taiwan*, May 9, 2024, <https://focustaiwan.tw/cross-strait/202405090019>; "12 Chinese vessels conduct drills in waters off Kinmen."

¹⁰⁴ "12 Chinese vessels conduct drills in waters off Kinmen."

¹⁰⁵ Ibid.; "In Response to the China Coast Guard and Government Vessels Entering Kinmen Waters, the Coast Guard Administration Calls on Mainland to Immediately Stop Its Irrational Behavior and Jointly Maintain Cross-Strait Peace and Navigational Safety."

¹⁰⁶ "12 Chinese vessels conduct drills in waters off Kinmen."

¹⁰⁷ Sourced from www.marinetraffic.com.

From 17-18 August 2024, *Haixun 06*, *Haixun 0802*, and *East China Sea Rescue Bureau 115* jointly conducted a 30.5-hour patrol of the Taiwan Strait, reportedly covering 413 NM (765 km).¹⁰⁸ See Figure 9 (below). The stated aim of the operation was to enhance “maritime traffic control and emergency rescue capabilities” in the Taiwan Strait and ensure “the safety of ships, facilities, and personnel involved in navigation and production activities.”¹⁰⁹ According to the Taiwan Coast Guard, the three PRC law enforcement vessels briefly crossed the Taiwan Strait centerline at 1225 local time on 17 August.¹¹⁰ The ships passed by Wuqiu Islet—part of Kinmen County—at approximately 1600 the following day.¹¹¹ According to the TCGA, the vessels did not enter into any portion of Taiwan’s restricted or territorial waters.¹¹² However, CCG vessels entered into Kinmen’s restricted waters twice on 16 August 2024—the same day the PRC fishing moratorium concluded—and twice on 21 August.¹¹³

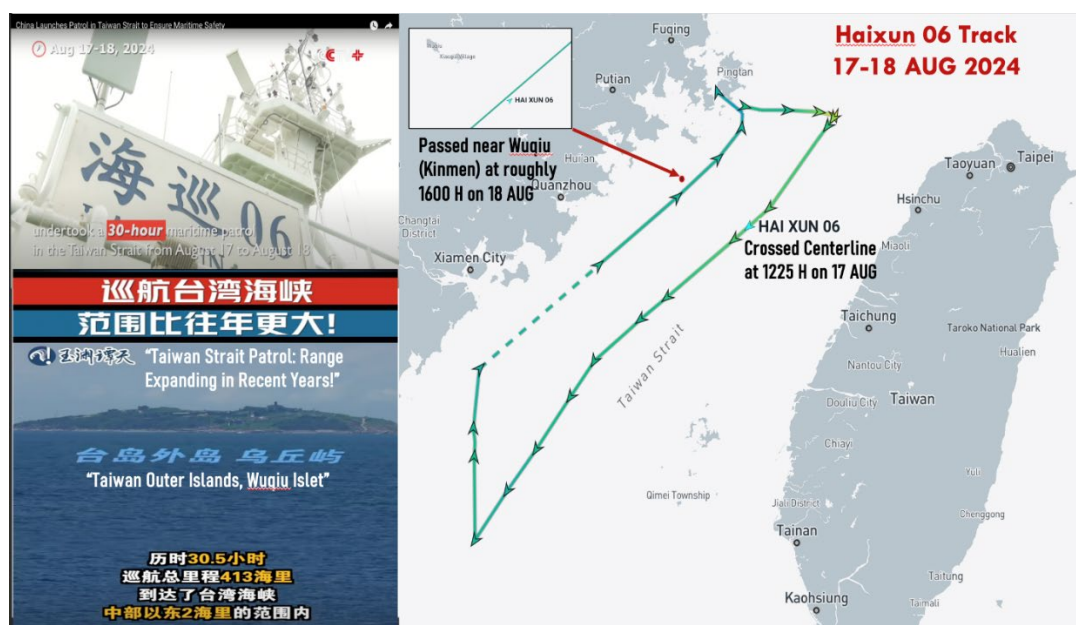


Figure 9: Media Coverage of *Haixun 06* activities in August 2024.¹¹⁴

¹⁰⁸ Matthew Sperzel, Daniel Shats, and Alexis Turek, "The China-Taiwan Weekly Update," August 23, 2024, <https://www.understandingwar.org/sites/default/files/China-Taiwan%20Weekly%20Update%2C%20August%2023%2C%202024%20%28PDF%29.pdf>.

¹⁰⁹ Zekun Yang, "Maritime patrol and law enforcement operation carried out in the Taiwan Strait," *China Daily*, August 18, 2024, www.chinadaily.com.cn/a/202408/18/WS66c1deada31060630b923a51.html [https://archive.ph/MXBjq]; "China Launches Patrol in Taiwan Strait to Ensure Maritime Safety," updated Aug 18, 2024, accessed September 14, 2024, <https://www.youtube.com/watch?v=0ssgbnrC-FE>.

¹¹⁰ 楊仁翔 [Yang Ren-xiang], 中國海警連兩天侵擾 金門海巡艇「1對1」平航對應 (影音) ["China Coast Guard Harassed Kinmen for Two Consecutive Days, Patrol Boats Responded with 'One-on-One' Navigation"], RTI, September 14, 2024, <https://www.rti.org.tw/news/view/id/2220223>.

¹¹¹ Based on examination of data from www.marinetraffic.com; accessed September 14, 2024.

¹¹² Yang, "China Coast Guard Harassed Kinmen for Two Consecutive Days."

¹¹³ Sperzel, Shats, and Turek, "The China-Taiwan Weekly Update."

¹¹⁴ 中國 5 海警船偕公務船闖金門水域 海巡驅離 5 月以來第 4 次! 中國海警船編隊闖金門水域 ["Five China Coast Guard Ships and Government Ships Entered Kinmen Waters and Were Expelled by Our Coast Guard, The fourth Time Since May That a Chinese Coast Guard Formation Entered Kinmen waters"], 三立 inews [SET iNews], YouTube, May 10, 2024, <https://www.youtube.com/watch?v=HitVLhDZZxg>; and CCTV Video News Agency, "China Launches Patrol in Taiwan Strait to Ensure Maritime Safety," YouTube, September 14, 2024, <https://www.youtube.com/watch?v=0ssgbnrC-FE>.

Multiple CCG vessels have conducted coordinated, simultaneous entrances into Kinmen's restricted waters from multiple locations. On 26 September 2024, for example, a formation of four CCG ships simultaneously entered into Kinmen's restricted waters from four different locations at precisely 0850 and subsequently departed at 1100; they returned at 1440 and departed again at 1640. Each time, the TCGA broadcast warnings in Mandarin Chinese and English.¹¹⁵ On 13 and 14 September 2024, a formation of four CCG ships simultaneously entered into Kinmen's restricted waters from four different locations at precisely 0850 and subsequently departed at 1100.¹¹⁶ Under the Coast Guard Law, such vessels claim responsibility for "guarding key islands and reefs" as well as "protecting maritime boundaries" within PRC jurisdictional waters.¹¹⁷ Current CCG operations almost certainly suggest nascent efforts to routinize coordinated law enforcement operations in the vicinity of Taiwan's outlying islands.

Beijing's Strategic Calculus

In the *Science of Military Strategy* (2013 edition), the PRC Academy of Military Sciences explicitly states that the three basic models of military strength within the People's Liberation Army comprise warfighting, deterrence, and "non-war military activities" (非战争军事行动).¹¹⁸ Specifically, in addition to building the "core capability" of "winning local wars under informatized conditions," the nation's "armed forces must also attach great importance to enhancing non-war military activities."¹¹⁹ Such activities "play an important and unique role in successfully conducting war preparations and enhancing armed forces operational capabilities in a relatively peaceful environment."¹²⁰ While war capabilities serve as the foundation for non-war military activities, there are unique laws—such as the Maritime Traffic Safety Law and Coast Guard Law—that facilitate the "generation and employment" of the latter.¹²¹ The *Science of Military Strategy* states that law enforcement activities comprise one of the four main categories of non-war military activities. These law enforcement activities "primarily include border and coastal sealing and control (or blockades), air alerts (or blockades), defense of rights at sea, convoying, security alerts, international

¹¹⁵ "China Coast Guard Intruded Twice into Kinmen Waters Today, Patrols Vessels Responded and Blocked Them."

¹¹⁶ Sperzel, Shats, and Turek, "The China-Taiwan Weekly Update"; 李明宗 [Lee Ming-zong], 4 艘中國海警船接近金門限制水域 海巡立即驅離 ["Four China Coast Guard Ships Approached Kinmen's Restricted Waters, Our Coast Guard Immediately Expelled Them"], 中央社 [CNA], September 13, 2024, <https://www.cna.com.tw/news/acn/202409130118.aspx>; Yang, "China Coast Guard Harassed Kinmen for Two Consecutive Days."; 中國海警秋節前夕侵擾 海巡即時對應驅離 ["China Coast Guard Harassed on the Eve of the Mid-Autumn Festival, Our Coast Guard Responded Immediately Driving Them Away"], 金馬澎分署 [Kinmen-Matsu-Penghu Branch of the Coast Guard Administration], September 13, 2024, <https://www.cga.gov.tw/GipOpen/wSite/ct?xItem=162472&ctNode=650&mp=999>.

¹¹⁷ Pedrozo, "Maritime Police Law of the People's Republic of China."

¹¹⁸ 寿晓松 [Shou Xiaosong], ed., 战略学 [*Science of Military Strategy*] (Beijing: Military Science Press, December 2013), p. 117, China Aerospace Studies Institute Translation, <https://www.airuniversity.af.edu/CASI/Display/Article/2485204/plas-science-of-military-strategy-2013/>; See also Kevin Bilms, "Beyond War and Peace: The PLA's 'Non-War Military Activities' Concept," Modern War Institute at West Point, January 26, 2022, <https://mwi.westpoint.edu/beyond-war-and-peace-the-plas-non-war-military-activities-concept/>.

¹¹⁹ Shou, *Science of Military Strategy*, p. 85; See also Dan Blumenthal, Frederick W. Kagan, Jonathan Baumel, Cindy Chen, Francis de Beixedon, Logan Rank, and Alexis Turek, "From Coercion to Capitulation: How China Can Take Taiwan Without a War," *American Enterprise Institute*, May 13, 2024, p. 18, <https://www.aei.org/research-products/report/from-coercion-to-capitulation-how-china-can-take-taiwan-without-a-war/>.

¹²⁰ Shou, ed., *Science of Military Strategy*, p. 85.

¹²¹ Ibid.

peacekeeping, and military patrols.”¹²² The document articulates that the PRC can use law enforcement operations to target “hostile” nations or blocs in “international hotspot regions,” among other circumstances.¹²³ Employing these types of non-war military activities can enable the PRC “to respond to fairly large-scale, organized, and provocative activities that endanger security and development, through rational, favorable, and restrained military law enforcement activities to uphold rights, thus restraining the escalation and growth of the situation, eliminating major factors for insecurity and instability, and restoring and maintaining a normal security environment and social order.”¹²⁴ In other words, the PRC may employ law enforcement activities in an attempt to achieve key political goals and uphold PRC sovereignty without resulting in strategic escalation.¹²⁵ The “peacetime employment of military force” (和平时期军事力量运用) is in fact a critical aspect of CCP General Secretary Xi Jinping’s national security strategy.¹²⁶

The PRC may consequently believe that employing CCG and MSA assets to implement a sea-based quarantine would remain below the threshold of conflict, effectively mitigating the risk of escalation and preventing third-party intervention.¹²⁷ As joint MSA and CCG operations grow in scope, scale, and complexity, China is gradually exercising the skills necessary to seize one of Taiwan’s outlying islands and potentially seek to force Taiwan leaders to the negotiating table. Under China’s revised maritime law enforcement legal framework, leaders in Beijing could authorize the establishment of exclusion zones to prevent foreign vessels from entering into and operating in PRC-claimed waters, as well as board and inspect ships within the exclusion zone.¹²⁸ China could also potentially attempt to divert ships to regional PRC ports for customs inspection and clearance.¹²⁹ Beijing furthermore could authorize the use of “all necessary means”—to include the use of force—to implement its quarantine and counter perceived threats to its national security and sovereignty.¹³⁰ A PRC decision to implement a limited quarantine, rather than a full military blockade, would force the United States and its key allies and partners to decide how to react while mitigating the risk of substantial military escalation. Response options could include targeted sanctions or military escorts for commercial vessels carrying critical supplies.¹³¹

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Bilms, “Beyond War and Peace: The PLA’s “Non-War Military Activities” Concept.”

¹²⁶ Blumenthal et al., *From Coercion to Capitulation: How China Can Take Taiwan Without a War*, p. 18.

¹²⁷ Ibid.

¹²⁸ Paul Wolfowitz, “The Quarantine Dilemma,” *American Enterprise Institute*, September 6, 2022, <https://www.aei.org/foreign-and-defense-policy/the-quarantine-dilemma/>.

¹²⁹ Robert D. Blackwill and Philip Zelikow, *The United States, China, and Taiwan: A Strategy to Prevent War* (Washington, D.C.: Council on Foreign Relations, February 2021), <https://www.cfr.org/report/united-states-china-and-taiwan-strategy-prevent-war>.

¹³⁰ Wolfowitz, “The Quarantine Dilemma.”

¹³¹ Blackwill and Zelikow, *The United States, China, and Taiwan: A Strategy to Prevent War*.

Conclusion

PRC law enforcement operations function as both cognitive and legal warfare, and represent a clear effort to undermine international maritime law as well as Taiwan's sovereignty. China is using its Maritime Traffic Safety Law and Coast Guard Law to justify its illegal enforcement of its expansive maritime jurisdictional claims in the Taiwan Strait, East China Sea, and beyond.¹³² However, while the PRC claims to jurisdiction within the Taiwan Strait include both sovereignty as well as sovereign rights, UNCLOS Articles 33 and 56 place strict limits on China's ability to restrict or impede the navigational rights of foreign flagged vessels that are transiting the Strait and have no intention of entering into a PRC port. The PRC also lacks the authority to board and inspect foreign flagged vessels that have not violated coastal state laws and regulations consistent with UNCLOS.¹³³ Furthermore, the overzealous execution of law enforcement operations in the waters surrounding Taiwan's outlying islands sends the signal that the TCGA is incapable of conducting effective patrols. Such operations also reinforce the narrative that the PRC possesses legal jurisdictional over waters within the First Island Chain, thereby undermining the lawful rights of Taiwan and neighboring states.¹³⁴

Taiwan and the United States should respond by continuing to expand and deepen cooperation under the framework of their bilateral Coast Guard Working Group, which seeks to "improve communications, build cooperation, and share information" as well as "coordinate on pressing maritime law enforcement and assistance concerns."¹³⁵ The Global Cooperation and Training Framework (GCTF)—led by the United States, Japan, Australia, and Taiwan—is also another potential mechanism through which government, academic, and civil society partners could hold workshops and develop a more coherent response to PRC attempts to undermine international law and erode Taiwan's sovereignty in the maritime domain.¹³⁶

Taiwan President William Lai Ching-te has expressed his staunch support for the Indo-Pacific Strategy concept. He stresses the importance of ensuring freedom of navigation and overflight; strengthening maritime domain awareness and security; enhancing maritime law enforcement and search and rescue capabilities; enhancing Taiwan's ability to conduct maritime patrols, including with international partners; and "establishing consultation mechanisms to jointly maintain maritime security."¹³⁷ It is now up to Taiwan's regional partners to collectively weigh anchor, chart a course, and set sail for the high seas. Together, we can navigate these turbulent waters.

¹³² Pedrozo, "China's Revised Maritime Traffic Safety Law"; Pedrozo, "Maritime Police Law of the People's Republic of China"; Sakamoto China's New Coast Guard Law and Implications for Maritime Security in the East and South China Seas; USINDOPACOM Joint Operational Law Team, "China's Maritime Traffic Safety Law."

¹³³ E-mail correspondence with Pete Pedrozo.

¹³⁴ Pedrozo, "China's Revised Maritime Traffic Safety Law."

¹³⁵ AIT, "U.S.-Taiwan Coast Guard Working Group Advances Joint Maritime Cooperation Goals," news release, August 11, 2021, <https://www.ait.org.tw/us-tw-cgwg-advances-joint-maritime-cooperation-goals/>.

¹³⁶ Global Cooperation & Training Framework, "Mission," (2020). <https://www.gctf.tw/en/IdeaPurpose.htm>.

¹³⁷ 賴清德 [William Lai], [政見願望] 國家希望工程：海洋國家，航向世界 [“[Political Vision] National Project of Hope: Maritime Nation Navigates toward the World”], 挺台灣 [Team Taiwan] 2024 Presidential Campaign Website, November 11, 2023, <https://taiwan2024.tw/policies/11>; William Lai, "National Project of Hope: Ocean Nation, Sailing to Join the World," Democratic Progressive Party Press Release, December 20, 2023, https://www.dpp.org.tw/en/press_releases/contents/105; See Julia Famularo, "Choose the Right Person, Choose the Right Path': Taiwan's Cross-Strait, National Security, and Defense Policies Under a Lai/Hsiao Administration," CMSI Note #3, China Maritime Studies Institute, January 22, 2024, <https://digital-commons.usnwc.edu/cmsi-notes/3/>.

About the Author

Dr. Julia Famularo is a U.S. Naval War College China Maritime Studies Institute Affiliate. During the 2023-24 academic year, she served as a Visiting Scholar at CMSI and Postdoctoral Fellow in Taiwan Studies at the Harvard University Fairbank Center. The views expressed here are hers alone, and do not necessarily represent the views, policies, or positions of the U.S. Department of Defense or its components, to include the Department of the Navy or the U.S. Naval War College. She is grateful to her Naval War College colleagues at CMSI and the Stockton Center for International Law as well as fellow Taiwan and China specialists who reviewed and provided constructive feedback on this report.