China’s Maritime Gray-Zone Operations in the East China Sea and Japan’s Response

Adam P. Liff

Assistant Professor of East Asian International Relations
Hamilton Lugar School of Global and International Studies
Indiana University

Suggested Citation:

Note to the reader:
This is an author’s accepted manuscript version of a forthcoming book chapter to be published in 2019 by Naval Institute Press. The book can be pre-ordered on Amazon here. Please do feel free to cite. But please also check back here for the final published version before doing so. Thank you!

1 The author thanks Andrew Erickson, Paul Giarra, Tetsuo Kotani, Ryan Martinson, Michael McDevitt, and Céline Pajon for feedback.
Early in the afternoon of August 5, 2016, between 200 and 300 Chinese fishing vessels abruptly descended on waters around the contested Senkaku Islands (Diaoyu/Diaoyutai Islands in China and Taiwan) in the East China Sea. According to the Japan Coast Guard (JCG), what followed was unprecedented. Over the next four days, a total of 28 China Coast Guard (CCG) vessels escorted the fishing boats into what the Government of Japan (GOJ) considers its undisputed territorial seas (0-12 nm from the Senkakus). By August 8, 15 CCG ships were observed gathered *en masse* in the contiguous zone (12-24 nm). Other reports claimed China’s maritime militia (MM) were also embarked upon some of the fishing vessels.

The events of early August 2016 ended peacefully, and with no landings on the disputed islands. But they also gave Japanese planners a concrete operational example of a long-feared, potentially escalatory gray-zone crisis. Japanese concerns can be traced to a significant increase in Chinese government vessel activity following GOJ’s “nationalization” of three of the uninhabited islets in September 2012. In one widely-discussed hypothetical scenario, hundreds of Chinese fishing vessels, possibly coordinating with CCG and backed by the PLA Navy (PLAN) over the horizon, would embark heavily-armed ‘fake fishermen’ (偽裝漁船; i.e., MM) on the islands. These armed individuals could then overpower Japanese police officers deployed from nearby islands to arrest them. Japan would be forced to choose between accepting a *fait accompli* or risking a military confrontation to restore the status quo.

This particular scenario may never occur. Yet a gray-zone challenge-induced political-military crisis between China and Japan is hardly fantastical. In the South China Sea, China has

---

2 To minimize confusion, this chapter follows U.S. Board of Geographic Names convention and refers to the contested islands as “the Senkakus.”

3 For GOJ’s authoritative after-action readout, see “平成 28 年 8 月上旬の中国公船及び中国漁船の活動状況について” [“Regarding early August 2016 activities of Chinese state-owned and fishing vessels”], 首相官邸 [Prime Minister of Japan and his Cabinet], October 18, 2016, http://www.kantei.go.jp/jp/headline/pdf/heiwa_anzen/senkaku_chugoku_katsudo.pdf. This report makes no reference to maritime militia.


5 The term “nationalization” can be misleading, since GOJ purchased the islands from their private Japanese owner. But it is widely used in China and Japan.

employed CCG and MM to assert control over disputed land features, while staying below the level of “armed attack.”

Especially since September 2012, the transformed operational dynamics in the East China Sea have raised the stakes. Political and military leaders on all sides, including the U.S. government, have warned of the surge in risky activity in the waters and airspace surrounding the Senkakus. Beyond the operational environment, remarkably weak ties and infrequent meetings between Chinese and Japanese political and military leaders, coupled with longstanding concerns about their respective crisis management capabilities, provide further grounds for concern.

Outside Japan the South China Sea has dominated international discourse on China’s territorial disputes since at least 2014; however, the operational picture in the East China Sea’s waters and airspace demands greater attention. Though both Japan and China benefit greatly from their enormous trading relationship and no leader seeks a kinetic conflict, contemporary realities call for the risks of a gray-zone contingency in the East China Sea to be taken seriously.

Accordingly, this chapter examines major drivers behind, trends concerning, and consequences of China’s maritime gray-zone operations in the area surrounding the Senkakus. Because these developments are not unfolding in a vacuum, it also analyzes Japan’s key responses to China’s gray-zone challenge.

This chapter is divided into two main parts. Part one examines how China’s maritime gray-zone operations have transformed the operational environment surrounding the Senkakus, especially since September 2012, and discusses their motivating logic. CCG vessels now regularly enter waters within 12nm of the contested islands to assert Beijing’s sovereignty claim, without firing (or provoking) a shot. Part two examines the oft-overlooked aspects of Japan’s own response to China’s challenge, with a primary focus on JCG. These developments carry

---

7 As shorthand, “CCG” refers to Chinese state-owned vessels belonging to the four entities subsumed under China Coast Guard in 2013, both before and after CCG’s formal establishment.
8 Daniel Russel, *Maritime Disputes in East Asia: Testimony before the House Committee on Foreign Affairs Subcommittee on Asia and the Pacific*, 5 February 2014, [http://www.state.gov/p/eap/rls/rm/2014/02/221293.htm](http://www.state.gov/p/eap/rls/rm/2014/02/221293.htm)
10 The international legal logic of Beijing’s apparent attempt to “strengthen” its sovereignty claim is dubious, thus its goals appear primarily political and coercive.
major implications for U.S. policymakers and the U.S. armed forces—both within and beyond a U.S.-Japan alliance context.

Flooding the Zone: China’s Gray-zone Operations around the Senkakus

Though its sovereignty claim dates back at least to the early 1970s, for decades Beijing did not challenge Japanese administration over the Senkakus operationally. This changed categorically in September 2012. The alleged catalyst for Beijing’s policy shift was GOJ’s purchase from a private Japanese citizen three of the contested islands to prevent their acquisition and expected subsequent development by the then governor of Tokyo—a nationalist firebrand. Ironically, the Democratic Party of Japan (DPJ) government’s stated objective was to avoid provoking Beijing. Regardless, Beijing apparently judged that it was no longer in its interest to “shelve” the decades-old dispute. It responded to Japan’s “nationalization” by dramatically increasing government ships’ presence near the disputed islets.

The Logic of China’s Gray-zone Challenge

The most prominent gray-zone features of China’s post-September 2012 operational surge in the waters and airspace surrounding the islands have been the almost daily visibility of increasingly capable CCG vessels in the Senkakus’ contiguous zone, and their regular “presence” missions in the islands’ territorial sea. For two years, operational pressure was coupled with a freeze of various Sino-Japanese dialogues and a propaganda effort aimed at convincing the world that Japan’s actions “undermined China’s territorial sovereignty” and even posed a threat to the post-war order.11

Taken in the larger strategic and political context, China’s maritime gray zone operations appear aimed primarily at compelling GOJ to recognize the existence of a territorial dispute, and

---

possibly to enter diplomatic negotiations. At least initially, Beijing also seemed to be probing the scope of U.S. defense commitments to Japan under the 1960 U.S.-Japan Security Treaty.

Beyond the obvious factor of the United Nations Charter, which gives all states manifold reasons to pursue strategic objectives using means short of war; there are several specific reasons for Beijing to limit its challenge to Japan’s administration of the islands to gray-zone operations.

First, China confronts a robust conventional deterrent. Though the very capable JCG—backed by Japan’s robust Self-defense Forces (JSDF)—is clearly on the front lines, deterrence is further bolstered by Japan’s U.S. ally, which has significant military assets forward-deployed in Japan—especially in the southwest (Okinawa). Although the U.S. government takes no official position on the disputants’ mutually exclusive sovereignty claims, the Obama administration, including the president himself, stated repeatedly that the U.S.-Japan Security Treaty’s Article V commits Washington to backing Tokyo in any military conflict over the Japan-administered islands.12 In early 2017, Trump administration principals, including the president, publicly reaffirmed this pledge.13

Second, Beijing’s regular CCG patrols within the 12nm zone appear designed to exploit—or at least to probe—a perceived “seam” in the U.S-Japan security treaty, allowing China to assert its claim beneath the deterrence threshold. Read literally, Article V applies only to an “armed attack”—something a gray-zone challenge is, by definition, not. After September 2012, Japanese officials reportedly expressed concerns to the U.S. government that Beijing’s incursions were intended to sideline the U.S. military by staying below “armed attack,” while its presence mission sought to weaken (or eliminate) Washington’s Article V obligations by undermining Japan’s claim to unilateral administrative control. In response to these concerns, a “Sense of Congress” attached to the U.S.’ 2013 National Defense Authorization bill declared “the unilateral action of a third party will not affect the United States’ acknowledgment of the administration of Japan over the Senkaku islands.” A declaration made by Secretary of State

---


Hillary Clinton and the first-ever presidential statement on the matter, in January 2013 and April 2014, respectively, stipulated clearly that the treaty’s applicability would not change despite the frequent presence of Chinese government vessels in the Senkakus’ territorial sea.

Third, China’s maritime gray-zone operations may also be designed to exploit legal constraints on JCG and JMSDF, as well as Japan’s general reluctance to respond kinetically or otherwise escalate (e.g., involve JSDF)—especially short of an armed attack. On the former, Article 25 of Japan’s Coast Guard Law explicitly prohibits JCG or its personnel “to be trained or organized as a military establishment or to function as such.” This strictly civilian law enforcement mandate limits its options for responding to CCG’s gray-zone challenges, especially from CCG’s paramilitary components. In 2012, JCG’s mission set was expanded to allow arrests on remote islands and to order foreign vessels to depart territorial seas without boarding. But it is authorized to act only against private boats or civilians. It cannot use force against foreign government or naval vessels. Meanwhile, the legal authority for JMSDF intervention in a gray-zone situation is limited. On the one hand, a “defense mobilization order” can be issued only if Japan is already under, or there is imminent danger of, armed attack. On the other hand, Article 82 of JSDF law allows JMSDF to conduct law enforcement activities in support of JCG ("maritime security operations"). Though considered noncombat activities under Japanese law, once JMSDF gray hulls are involved it is doubtful Beijing would—especially in a crisis—appreciate GOJ’s distinction between “use of weapons” and “use of force.” To the extent Japan remains unwilling to involve JMSDF directly given longstanding constitutional, legal, and normative obstacles to use force without first absorbing (or judging as imminent) an armed

---


16 JCG has, however, used weapons in the past: in 2001, it sank an “unidentified vessel”—later revealed to be a North Korean spy ship.


18 Pajon (2017), 122.
attack, Beijing seems to have judged it can assert its claim using sub-threshold gray-zone operations with relative impunity.\(^{19}\)

Finally, the developmental trajectory of China’s paranaval forces is such that Beijing may judge that if it chooses to escalate further—such as an island occupation—even without the PLA’s direct involvement CCG could conceivably overwhelm the very capable but legally constrained and thinly-stretched JCG. This would be even more likely if CCG were supported by hundreds of MM fishing boats.\(^{20}\) A potential gray-zone \textit{fait accompli} would force Japan to decide whether to be the first to employ kinetic force and/or its JSDF, an action its leaders have been extremely reluctant to take since 1945, and which Beijing may then attempt to exploit.

CCG’s Evolving “Presence” Operations: A Drama in Three Acts (so far)

Beijing deploys Chinese government vessels to waters around the Senkaku Islands to achieve its political and operational objectives. These ‘presence missions’ can be traced most directly to a major Sino-Japanese political dispute in 2010.

\textit{September 2010 Fishing Boat Collision and its Aftermath}\(^{21}\)

On September 7, 2010 a Chinese fishing boat collided with two JCG vessels near the Senkakus. In contrast to past incidents, Japan’s DPJ government transferred the fishing boat captain to the Naha District Public Prosecutor’s Office for prosecution under domestic law. In Japan, the collision was seen as an unprecedented, provocative ramming of Japanese government vessels. Yet the Chinese fishing boat captain was reportedly intoxicated, suggesting the incident

\(^{19}\) The complex reasons for Japan’s general reluctance to use force are beyond the scope of this chapter, but can be roughly captured in the concept of “exclusive defense” (専守防衛): a basic policy based on Japan’s “peace constitution” that effectively prohibits Japan from using force until an armed attack has occurred. For reference, see 防衛白書 [Defense of Japan] (Tokyo: Ministry of Defense, 2017), Section 2, Chapter 1, http://www.mod.go.jp/j/publication/wp/wp2017/html/n2110000.html.


was probably not orchestrated by Beijing. From China’s perspective, Japan’s actions were considered a violation of bilateral fisheries agreements and a 2004 understanding that any activists would be deported immediately. Prosecuting a Chinese fisherman under Japanese domestic law also led Beijing to suspect Japan’s new DPJ government was abandoning what China had long maintained was a 1978 agreement between the two governments to “shelve” the dispute.  

Beijing’s response to the captain’s arrest marked the first major inflection point in China’s maritime gray-zone operations near the Senkakus. Initially, China deployed a single Fisheries Law Enforcement (FLE) vessel. But it was soon joined by others, and three FLE patrol vessels conducted patrols in the contiguous zone from September 10-17. Two vessels then conducted patrols intermittently for several weeks thereafter. Over the next three months a total of 24 (September), 14 (October), and eight (November) Chinese state-owned vessels entered the contiguous zone, respectively. JCG data show no evidence, however, of entrance into the Senkakus’ territorial sea during this period (see Figure 1).

September 2012: “Nationalization” as a Game-changer

Regardless of Japan’s intent, Beijing’s reaction to GOJ’s September 2012 “nationalization” decision made it a political and operational game-changer. First, it elevated the dispute to be the major flashpoint in Sino-Japanese relations and a major focus of Japan’s defense planners and U.S.-Japan alliance handlers. The timing was also inopportune. It gave Xi Jinping and Abe Shinzo—two conservative leaders whose rises to power coincided almost perfectly with the diplomatic contretemps resulting from “nationalization”—strong political incentives to adopt hard lines. Second, it transformed the operational status quo, resulting in a surge of PLA and paramilitary activity in the waters and airspace surrounding the islands.

---

23 For a detailed overview of this incident and China’s response, see case study in Green, et al (2017), 124-147.
24 Xi became CCP General Secretary and CMC Chairman in November 2012; Abe was elected president of the Liberal Democratic Party (LDP) in September 2012 and prime minister following a landslide election victory that December.
(Figure 1, below). To meet this new challenge, half of JCG was reportedly deployed to the Senkakus by the end of September 2012,\(^{25}\) showing how thinly stretched JCG had become.

**Figure 1 Activity by official Chinese government vessels**

*Red = number of vessels identified within Japan-administered 12nm territorial waters; Blue = number of vessels identified within the contiguous zone (total/month)*\(^{26}\)

In contrast to what Japanese officials privately referred to as unprofessional, dangerous, and unpredictable maneuvers in the months immediately following September 2012, within a year CCG activities had become more professional and routine. By late 2013, a common though not universal pattern had emerged, which Japanese analysts refer to as “3-3-2”: 2-3 times per month three CCG vessels entered the 12nm zone around 10am and stayed for two hours.\(^{27}\)

---


\(^{27}\)防卫白书 (2017), 120.
distinguish their operations from innocent passage, Chinese vessels declare that they are conducting a law enforcement mission. In short, five years after “nationalization,” multiple CCG vessels’ near-daily presence in the contiguous zone and intermittent sailing inside the Senkakus’ territorial sea maintain Beijing’s original intention: to assert China’s sovereignty claim and challenge Japan’s unilateral administrative control, all while attempting to coerce Japan to the negotiating table without provoking a kinetic response.

August 2016: Inflection Point or One-off?

Theories abound concerning the motivations behind the unprecedented early August 2016 surge in CCG and Chinese fishing vessel activity in the territorial waters and contiguous zone introduced in this chapter’s opening paragraph. Explanations range from the banal (the fishing ban was lifted on August 1) to the diplomatic (expressing displeasure with Japan’s repeated criticism of China over South China Sea issues, especially immediately following the July 2016 arbitral tribunal ruling) or domestic political (Xi’s desire to solidify his domestic standing at the Beidaihe meeting that same week). Japanese officials feared a similar incident for August 2017, but this never occurred.

Regardless of Beijing’s intent, several aspects of this incident mark it as a third inflection point in China’s maritime gray-zone operations near the Senkakus. First, following the incident four CCG vessels began entering the 12nm zone, raising prospects of a lasting shift from the post-2013 pattern of 3-3-2 to 3-4-2 (or more). Second, it demonstrated both remarkably close coordination between CCG and fishing vessels, and China’s ability to surge CCG presence. JCG officially judged as unprecedented both CCG following Chinese fishing vessels into and out of Japan-administered territorial waters and, on August 8, the number of CCG vessels (15) gathered...
simultaneously in the contiguous zone.\textsuperscript{31} The number of confirmed CCG vessels also greatly exceeded numbers confirmed operating near the Senkakus theretofore.\textsuperscript{32} Third, JCG confirmed that some of these CCG vessels were armed.\textsuperscript{33}

The official takeaway of Japan’s Ministry of Defense (JMOD) was telling, “China demonstrated the ability to, as necessary, simultaneously put a large number of government vessels—including armed vessels—into the waters surrounding Senkaku.”\textsuperscript{34} JCG did not announce how many of its patrol ships responded, but its new, twelve-strong Ishigaki-based Senkaku task force was reportedly overwhelmed and required reinforcements from districts around Japan, totaling perhaps 30.\textsuperscript{35} The number and type of vessels deployed by Beijing raises questions about JCG’s ability to counter China in the East China Sea, to say nothing of effectively confronting a possible two-front challenge (e.g., Chinese coral-harvesting vessels in the Ogasawara Islands).\textsuperscript{36}

\textit{The Role of the Maritime Militia around the Senkakus: More Questions than Answers}

The existing literature on MM activity is focused almost exclusively on the militia’s role in the South China Sea. Reference to operations in the East China Sea—particularly the Senkakus—are limited, and generally vague and/or dubiously-sourced. As noted earlier, one of the (potentially) most salient data points concerning the events of August 5-9, 2016 was the widespread assertion that MM were embarked on the fishing vessels.

Nevertheless, reports claiming MM involvement in August 2016 raise more questions than answers about the extent of their presence and likely role (or lack thereof) around the Senkakus. Significantly, the authoritative JCG report on the incident makes no reference to MM involvement. An August 2016 article by the recently-retired JCG commandant, who served from

\textsuperscript{31} By mid-August 2016, however, CCG following after fishing vessels into the 12nm zone had ceased. 防衛白書 (2017), 120.
\textsuperscript{32} 平成28年8月上旬の中国公船及び中国漁船の活動状況について (2016), 2.
\textsuperscript{33} Ibid, 3.
\textsuperscript{34} 防衛白書 (2017), 120.
\textsuperscript{36} “Japan-China Relations,” Ministry of Foreign Affairs of Japan, http://www.mofa.go.jp/a_o/c_m2/ch/page3e_000274.html
2013 to June 2016, only refers vaguely to the possibility of MM aboard ships while expressing general concern that many of these fishing vessels are connected via satellite to China’s government, able to be tracked and receive central direction.\textsuperscript{37} Recent reporting suggests that fishing vessels rarely visit the area without Beijing’s permission (and seek CCG escort), but this does not necessarily mean those which do are militia.\textsuperscript{38} Discussions with leading Japanese experts on East China Sea matters provided insufficient data to either confirm or deny MM involvement.\textsuperscript{39} Most recently, Japan’s 2017 defense white paper briefly mentions MM but only in vague terms. It makes no reference to any MM operations in the East China Sea.\textsuperscript{40}

Meanwhile, claims of MM involvement widespread in Western and Japanese media are often thinly- or dubiously-sourced. There is also reason to be concerned about an echo chamber. For example, one Japanese article cites a single, unnamed “JCG official” of unknown rank or position reportedly claiming that over 100 MM personnel were involved. The article also claims MM are regularly involved in operations near the Senkakus, but cites no evidence and gives no indication of what kind of roles they play.\textsuperscript{41} At least one widely-read English-language analysis appears to base its associated claims entirely on this Japanese article.\textsuperscript{42}

Kennedy’s chapter provides the most compelling analysis to date, citing significant MM training in late July and early August, as well as a visit by Minister of Defense Chang Wangquan to MM units in Ningbo and Wenzhou—during which Chang called for China to “give full play to the power of Maritime People’s War.” A few days later, the August 2016 incident occurred.\textsuperscript{43} But this and other references to training in the East China Sea—but not explicitly the Senkakus—seem circumstantial.\textsuperscript{44}

\begin{flushleft}
\textsuperscript{37} Yuji Sato, “The Japan Coast Guard protects the Senkaku Islands to the last,” Discuss Japan, No. 35, October 18, 2016, \url{http://www.japanpolicyforum.jp/archives/diplomacy/pr20161018235004.html}
\textsuperscript{38} “Chinese fishing fleet only sails to Senkakus under order of Beijing,” Asahi Shimbun, September 10, 2017.
\textsuperscript{39} Author interviews in Tokyo, September 2017.
\textsuperscript{40} 防衛白書 (2017), 115.
\textsuperscript{41} Oda (2016).
\textsuperscript{43} Kennedy chapter (this volume).
\end{flushleft}

The argument here is not that these claims are necessarily incorrect, but to caution against decisive conclusions given the limited data available. This need not be surprising. Ambiguity is part of MM’s *raison d’etre*. GOJ, for its part, may judge that releasing any information on MM activity would be destabilizing, or could reveal sensitive sources and methods.

These caveats aside, if one adopts Kennedy’s typology a preliminary takeaway is that MM’s role in China’s maritime dispute strategy vis-à-vis the Senkakus appears a) far less important than in the South China Sea and b) *at most* limited to missions of presence and ISR. This is in stark contrast to its apparently widespread and multi-faceted operations in the South China Sea, which include escort and harassment/sabotage and entail MM deployments to most Chinese-claimed areas. Kennedy suggests the variation may be due in part to a Sino-Japanese fisheries agreement that covers the waters.\(^4^5\) Further research is needed to explain this disconnect, as well as empirically demonstrating what, if any, role MM may play in the East China Sea beyond the Senkakus (e.g., near oil and gas fields contested between China and Japan).

Additional Factors Shaping the Gray-zone Operational Environment
To understand the bigger picture of China’s gray-zone operations near the Senkakus, it is important to look beyond the quantitative trend lines concerning the frequency of CCG “presence” missions. As Hickey, Erickson, and Holst document in their chapter, China’s law enforcement fleet is far larger than it was in 2012, and the CCG vessels routinely sailing to the Senkakus are far more numerous and more capable than those that initiated routine patrols to the disputed features. Other trends likewise bear highlighting. For example, since August 2014, every time a group of CCG vessels enters the territorial sea at least one reportedly displaces 3000 tons or more. Since February 2015, on several occasions three vessels displacing 3,000 tons or more have entered simultaneously.\(^4^6\) Components of the CCG have also become increasingly militarized. Since December 2015, armed cutters—including some former PLAN surface combatants—now regularly patrol the Senkakus. These ships are crewed by members of the China Maritime Police (CMP), a component of China’s armed forces, albeit one now painted

\(^4^5\) Kennedy chapter (this volume)
\(^4^6\) *防衛白書* (2017), 120.
with CCG colors and assigned 5-digit CCG hull numbers. From new CCG ships purpose-built closer to military standards to apparent training for island landings, recent years have thus seen further blurring of the lines between what is military and what is truly civilian. Recent articles from the CMP Academy’s journal call for CCG to further improve “combat effectiveness” and to serve as a “maritime ‘dagger’ force” (海上 “尖刀” 部队)—a role normatively unthinkable (and presumably illegal) in the JCG’s case. In short, though the Chinese and Japanese vessels operating on the front lines are both nominally “coast guards,” in terms of respective capabilities and mandates they are increasingly qualitatively distinct in fundamental ways. In key aspects, CCG’s role near the Senkakus is increasingly best understood as that of a paramilitary force, while JCG’s composition, capabilities, and legal mandate reflect its civilian law enforcement identity, albeit one with a recently moderately expanded mandate to guard Japan’s territorial waters and EEZ. From Japan’s perspective, CCG’s recent activities constitute an attempt at “using might to change the status quo unilaterally.”

These trends have reshaped the effective Sino-Japanese “balance-of-power” in the East China Sea gray zone. They suggest CCG may be increasingly capable of overwhelming JCG quantitatively and qualitatively in the event Chinese leaders make a risky choice to further upset the status quo. Over the horizon, an increasingly powerful PLA also has implications for China’s maritime gray-zone operations and shapes the strategic environment in which other operations unfold. Although the PLA does not operate on the front line, its own warfighting capabilities, as well as its interoperability and joint training/exercises with the CCG and MM, have also expanded significantly since 2012. In short, this is not a simple quantitative competition between strictly civilian law enforcement vessels.

---


49 余华 [Yu Hua], “新形势下提高海警部队战斗力对策研究” [“Research on Raising CMP Combat Effectiveness under the New Conditions”], 公安海警学院学报 [Journal of China Maritime Police Academy], no. 03 (2017): 37–43.

50 防衛白書 (2017), 121.

51 刘章仁 [Liu Zhangren], “论海警海军协同配合提高海洋管控能力” [“Strengthening CCG-PLAN Coordination to Raise Maritime Control Capabilities”], 公安海警学院学报 [Journal of China Maritime Police Academy], no. 03 (September 2014): 51–54. A 2017 article similarly calls for strengthening CCG/PLAN harmonization (融合式发展)
Japan’s Response to China’s Maritime Gray-zone Challenge

In recent years, China has already demonstrated the force numbers and budgetary and political will to assert its sovereignty claim through expanded gray-zone operations near the Senkakus. In response, Tokyo is pursuing countermeasures of its own, even as it maintains a policy of non-escalation, deterrence, and denial focused on a JCG-centered law enforcement response. Despite significant legal and resource constraints, in terms of JCG and JSDF force structure and posture and across national security-relevant political institutions Japan has embarked on important reforms aimed at more effectively confronting China’s maritime gray-zone challenge.

Japan Discovers the “Gray Zone”

Gray-zone conflict is arguably “as old as war itself.” Yet the specific term “gray zone” did not appear in mainstream contemporary Japanese discourse until 2010. Its genesis and subsequent evolution have been directly linked to China’s gray-zone challenge in the East China Sea.

The first major GOJ document to introduce the “gray zone” to Japanese security discourse was the new 2010 National Defense Program Guidelines (NDPG). Released in 1978, 2004, 2010, and 2013, NDPGs set forth the basic policies for Japan’s security and JSDF development. The 2010 NDPG refers to “gray-zone disputes” (グレーゾーンの紛争), which it describes as an “increasing trend” and contrasts with the “declining probability of large-scale war between major powers.” It defines them as “confrontations or disputes over territory, and integration (一体化) as part of China’s strategy of military-police-civilian “harmonization” (军警民融合发展战略).  


sovereignty, or economic interests that do not to escalate to military conflict.”53 Not coincidentally, the NDPG was released just three months after the September 2010 fishing trawler incident.

In recent years, JMOD has highlighted the growth and persistence of “gray-zone situations” (グレーゾーン事態), which it defines as “situations related to territory, sovereignty, and economic interests that constitute neither a pure peacetime or emergency situation.”54 A major July 2014 Cabinet Decision more popularly associated with constitutional reinterpretation to allow limited exercise of collective self-defense does not actually use the term “gray-zone” but clearly engages the concept, focusing one (of three) sections entirely on “Response to an Infringement that Does Not Amount to an Armed Attack” (武力攻撃に至らない侵害への対処).55

Subsequently, due to widespread reporting on the 2014 Cabinet Decision, the major package of security legislation based off it the following year, and the incorporation of the concept into a major 2015 revision of the U.S.-Japan Guidelines for Defense Cooperation, by late 2015 the “gray-zone” concept had been effectively mainstreamed in Japan.56

54 防衛白書 (2017), 63.
55 国の存立を全うし、国民を守るための切れ目のない安全保障法制の整備について[Cabinet Decision on Development of Seamless Security Legislation to Ensure Japan’s Survival and Protect its People] (Tokyo: Cabinet Secretariat, July 1, 2014), http://www.cas.go.jp/jp/gaiyou/jimu/pdf/anpohosei.pdf Some scholars express concern that no Japanese statute explicitly defines “gray-zone situations,” leaving legal ambiguity concerning the term’s operationalization and inconsistent definitions across GOJ. 森川幸一[Morikawa Koichi], “グレーゾーン事態対処の射程とその法的性質” [“Range and Legal Properties of Coping with Gray-zone Situations”], 国際問題 [International Affairs], no. 648 (January 2016): 29–38. Political contestation has also arguably left key associated issues unaddressed, such as what to do when a civilian policing response is insufficient for resolving a situation. Pajon (2017), 116; Christopher W. Hughes, Japan’s Foreign and Security Policy under the ‘Abe Doctrine, (London: Palgrave, 2015), 55-56.
56 Annual mentions of “gray zone” and “Senkaku” in Japan’s largest newspaper, 読売新聞[Yomiuri Shimbun], were zero from 1997-2009, but surged to nearly 50 by 2014. Source: ヨミダス [Yomidasu] online database, https://database.yomiuri.co.jp
The discourse surrounding GOJ definitions of “gray zone” makes clear that a potential contingency around the Senkakus has been the major driver. Some version of the following basic scenario has figured prominently, though others have also been considered:57

- Phase 1) A massive fleet of unidentified (presumably Chinese) fishing vessels, perhaps supported by CCG, overwhelms JCG;

- Phase 2) Heavily armed Chinese “fake fishermen” (presumably MM) land and remain on the Senkakus;

- Phase 3) These “fake fishermen” overpower Japanese police officers deployed from nearby islands to arrest them, resulting in a fait accompli—or at least one that is irreversible without escalation, possibly to include JSDF use of kinetic force.58

Although Chinese forces did not attempt island landings in August 2016, for some Japanese observers what did occur validated theretofore hypothetical concerns about this possible scenario. Regardless, in Japan the contest over the Senkakus is widely seen as a contest of wills. Beijing is perceived to be attempting a gradual, sub-threshold change to the status quo, avoiding Japan’s red line until some unexpected development creates an opening for China to achieve a fait accompli politically and/or territorially.59 A recent article by Yuji Sato (JCG commandant, 2013-16) provides an authoritative perspective on how many in Japan interpret China’s maritime gray-zone operations near the Senkakus: Beijing’s “skillful exercise of non-military means” to “violate Japan’s maritime rights and interests” and attempt to “change the status quo by force.” In particular, he highlights “CCG incursions into [Japan’s] territorial waters”; “CCG maritime law enforcement [activities]”; and “fishing vessel incursions into territorial waters.”60 Elsewhere, Sato has also vaguely referenced concerns about possible involvement by maritime militia.61

57 For an example of some other scenarios, see “Senkaku Islands Tabletop Exercise Report” (2017).
58 “Security laws 1 year on”
60 Sato (2017), 159.
61 Sato (2016).
In response to these rapidly evolving challenges, especially since 2010 GOJ has undertaken extensive reforms to rationalize and enhance Japan’s ability to deter and, if necessary, expeditiously, effectively, and “seamlessly” respond to a gray-zone contingency. These efforts include strengthening force structure and posture to bolster deterrence around Japan’s remote southwestern islands; improving JCG-JMSDF coordination; and reforming domestic and U.S.-Japan institutions to more effectively anticipate and respond to gray-zone challenges.

Bolstering Deterrence around Japan’s Southwestern Islands

Since 2010, Japanese policymakers have come to see Japan’s remote southwestern islands (including the Senkakus) as particularly vulnerable. This is not only because of these islands’ proximity to China, but also due to their small land area (limiting options for development), population (most are uninhabited), and relative geographic isolation (distance from Japan’s four main islands and one another). Even the remote island of Ishigaki—which is part of the Yaeyama Islands, has jurisdiction over the Senkakus, and is home to the closest JCG patrol vessels—is roughly 170km from the Senkakus (~5 hours at 20 knots) and 400km from Okinawa’s capital city, Naha (~11 hours). The Senkakus themselves are also roughly 400 km from Naha and 1000 km from the closest of Japan’s four main islands (Kyushu). The entire Yaeyama Island group consists of 32 islands, only a dozen of which are inhabited, and 52,000 residents. Despite their proximity to potential flashpoints, these remote islands until very recently had no military presence. For instance, none of the islands hosted U.S. military installations during the period the U.S. administered Okinawa (1945-72). In fact, the first U.S. visit to these islands was not until 2007, at which time the only “armed” forces on Yonaguni were two police officers carrying handguns.62

As the East China Sea has grown increasingly tense, the GOJ has taken several steps to reorient its strategic focus to defense of these remote islands. In particular, it has identified this

---

shift as a priority in major government documents and deployed newer, more numerous, and more capable JSDF and JCG capabilities west and southwest.

\textit{The 2010 and 2013 NDPGs Lead the Charge}

Published just three months after the Chinese fishing trawler collision with two JCG vessels, the 2010 NDPG reflected a major shift in thinking about Japan’s post-Cold War threat environment and, accordingly, JSDF’s force posture and structure. In addition to introducing the gray-zone concept, the NDPG also called for developing “Dynamic Defense Force” aimed at maximizing efficiencies despite JSDF’s persistent resource limitations. Particular emphasis was placed on bolstering ISR and the mobility and flexibility of Japan’s forces, and shifting geographical emphasis away from an anachronistic Cold War posture focused on a potential Soviet invasion of the main islands from the north and toward a perceived need to address a “vacuum” and “surveillance gap” around Japan’s remote southwest islands, including the Senkakus.\textsuperscript{63} This reorientation accelerated as the tempo of China’s gray-zone operations surged after the September 2012 “nationalization.” JMOD’s most recent (2013) NDPG emphasizes the need to develop “Dynamic Joint Defense Force,” as well as “persistent ISR” and the ability to respond effectively to “an attack on remote islands,” including the ability to “recapture” them if invaded.\textsuperscript{64}

\textit{Bolstering Deterrence through New Acquisitions and Deployments Southwest}

In response to the top-down (political) push to reorient southwest, both JSDF and JCG have acquired new capabilities focused in large part on deterring a possible Senkakus’ contingency.

\textsuperscript{63} 新たな防衛大綱 (2010).
The first concrete step toward fortifying the southwest islands occurred on Yonaguni in April 2014, when construction began on the first new JSDF facility in Okinawa since 1972: a 150-man coastal surveillance unit operating two radar sites. Completed in spring 2016, the radar station now provides enhanced ISR of Chinese ship and aircraft activities in the East China Sea. Over the next several years 500 Ground Self-defense Force (JGSDF) personnel, including anti-ship missile and surface-to-air missile units, will deploy to Ishigaki Island. By FY 2018, JSDF will station additional security and missile units in Miyakojima (Okinawa) and Amami-Oshima (Kagoshima).

Meanwhile, at the JSDF’s major western hubs (e.g., Okinawa, Sasebo), GOJ has further bolstered JSDF proximity and presence, ISR, and deterrence capabilities, including procurement of drones, dozens of amphibious vehicles, V-22s, submarines, and F-35s; establishing a permanent squadron of E-2C Hawkeye and creating a new 9th Air Wing at Naha Air Base, doubling the number of F15Js stationed there to 40 aircraft; and standing up Japan’s first amphibious capability since 1945—a 2,100-strong “Amphibious Rapid Deployment Brigade” at Sasebo.

Although JCG has no document analogous to the NDPG, the 2013 National Security Strategy—Japan’s first-ever—stipulates the following: “To fully protect its territories, Japan will enhance the capabilities of the law enforcement agencies responsible for territorial patrol activities and reinforce its maritime surveillance capabilities.” Especially since 2012, when JCG officers were given the legal right of arrest in remote islands, recognition within GOJ that JCG is on the front lines in the Senkakus has led to major changes to JCG force structure and posture in Japan’s southwestern islands. In particular, JCG has sought to bolster its Naha-based

---

65 Williams (2015), 143.
69 “Japan Coast Guard beefing up fleet for patrol of Senkaku Islands,” Asahi Shimbun, October 5, 2014.
11th Regional Headquarters and its ability to respond flexibly to the rapidly evolving gray-zone challenge from China.

The measurable effects of this policy shift have been significant. Most importantly, record (albeit moderate) budget increases and internal reallocation of funds have enabled a roughly 50-percent increase in JCG’s total tonnage (from 70,500 to 105,500 tons) between 2010 and 2016. This investment has allowed for the creation of a 12-vessel dedicated Senkaku Territorial Waters Guard Unit based in front-line Ishigaki, enabling the Naha-based 11th Regional Headquarters to maintain 24/7 presence in the area surrounding the Senkakus. This marks a transformative shift: in September 2012, the 11th Region possessed only seven large cutters. By 2017 it had 19, including the 10 new 1,500-ton patrol boats and two 3,100-ton helicopter-carrying patrol ships dedicated exclusively to the Senkaku Guard Unit. The Ishigaki facility is now the largest JCG office in Japan, and has significantly reduced the need for long-term expeditions from other JCG regional HQs as far away as Hokkaido—previously a common practice.

122km east, JCG upgraded its Miyakojima Office to Miyakojima Department, doubled its patrol staff, and gave it three new patrol vessels. During FY 2018, the Miyako Coast Guard is to double in size to 12 patrol boats and a staff of 200.

More generally, JCG has invested significantly in improving situational awareness by bolstering aerial surveillance, increasing patrols, and introducing an independent maritime surveillance system relying on private satellites. To facilitate more rapid crisis response, it is also establishing real-time video transmissions directly to the prime minister’s office. No less

---

70 Morris, “Blunt Defenders” (2017), 78.
71 Iwao (2017).
72 Sato (2016).
73 “Three new patrol boats added to Miyako Coast Guard,” Japan Update, October 17, 2016.
75 “Japan Coast Guard to spend 27% of budget on boosting Senkaku surveillance in 2017,” Japan Times, December 22, 2016.
significant, in 2013 for the first time an officer—not a bureaucrat—and one with past Senkaku patrol experience was appointed as JCG commandant.\footnote{Previously, career bureaucrats always held the post. “海上保安庁長官に初の現場出身” [“First from the front lines to become JCG Commandant”], 日経新聞[Nikkei Shimbun], July 18, 2013; Sato (2016).}

Overcoming the JCG/JMSDF Divide

Despite recent progress addressing some of the aforementioned gaps, legal and technical issues still frustrate more robust coordination between the civilian (maritime law enforcement) JCG and its (de facto) military counterpart JMSDF. China’s evolving challenge in the maritime gray zone has arguably exploited these perceived gaps. In particular, JCG-JMSDF interoperability, joint training and exercises, and shared maritime domain awareness remain limited.\footnote{Pajon (2017), 112.} While two Cabinet decisions—in July 2014 and May 2015—called for closer JCG-JMSDF cooperation, the aforementioned 2015 package of major security legislation passed without directly addressing gray-zone situations, despite a major Abe-led campaign to do so.\footnote{Ibid, 114.}

Nevertheless, JCG and JMSDF have gradually improved cooperation in recent years. JCG personnel have deployed on JMSDF ships involved in anti-piracy operations overseas. Specific to a Senkaku-related contingency, in July 2015 the two services carried out their first joint training on a gray-zone scenario. It involved a foreign military vessel making suspicious movements. In November 2016, JCG, JMSDF, and Japan’s National Police Agency conducted their first drill involving a scenario in which armed fishermen landed illegally on a remote island.\footnote{“「グレーゾーン」初訓練 警察、海保、自衛隊の3機関連携” [“First ‘Gray-zone’ Training Linking Police, JCG, JSDF”], 東京新聞[Tokyo Shimbun], November 11, 2016.} Nevertheless, important gaps persist, despite the 2013 National Security Strategy (NSS)’s stipulation that “Japan will strengthen coordination among relevant ministries and agencies to be able to respond seamlessly to a variety of unexpected situations.”\footnote{National Security Strategy (2013), 6.}
Institutional Reforms to More Effectively Address Gray-zone Contingencies

Although often overlooked by security analysts focused on budgets and platforms, well-designed and flexible institutions are *sine qua non* for effective deterrence or crisis response in any gray-zone contingency—in the Senkakus or beyond. Especially since September 2012, the increasing perceived risk of such a contingency, coupled with deepening frustrations concerning existing institutions’ inability to effectively respond, has accelerated GOJ’s push for major reforms to enable more rapid, “seamless,” “whole-of-government” coordination both internally (GOJ) and bilaterally (U.S.-Japan). These reforms have been aimed in significant part at shrinking, if not eliminating, the gaps that were believed to make Japan particularly vulnerable to a gray-zone challenge.

The push to rapidly improve intra-GOJ (inter-agency) and U.S.-Japan alliance coordination is reflected most significantly in the 2013 establishment of Japan’s first-ever National Security Council (JNSC; 国家安全保障会議) and in the 2015 U.S.-Japan Guidelines for Defense Cooperation. Motivated in significant part by concern about a maritime gray-zone contingency and the very gaps China’s operations seemed designed to exploit, the legislation establishing JNSC and the 2015 U.S.-Japan Guidelines sought to address a perceived need to respond effectively to security threats “in all phases, seamlessly, from peacetime to contingencies, including situations when an armed attack against Japan is not involved.” Efficacy, policy-makers argued, hinged on “robust, flexible, and effective” responses, as well as “whole-of-government” approaches.81

Relevant characteristics of JNSC include the further centralization of foreign policy decision-making in the Cabinet, allowing for more rapid response, and “big picture” strategic planning; significantly enhanced inter-agency coordination and crisis management; and an enhanced intelligence cycle and more effective information sharing across Japan’s intelligence community. Japan’s new National Security Secretariat, which supports the JNSC, serves as a nexus for regular civil-military interaction, including expanded interactions among JCG, JSDF,  

---

and National Police Agency officers—all of whom have a potentially crucial role to play in a Senkakus gray-zone situation.82

Meanwhile, in April 2015 Tokyo and Washington fundamentally revised their 1997 bilateral “Guidelines for Defense Cooperation,” in significant part with a possible Senkakus scenario in mind. Recognizing a qualitatively new threat environment—not just gray-zone challenges but also the potential North Korean ballistic missile threat—the revised Guidelines emphasize “seamless, robust, flexible, and effective bilateral responses, synergy across the two governments’ national security policies, [and] a whole-of-government Alliance approach.” Significantly, they replaced the allies’ ineffective 1997 Bilateral Coordination Mechanism, which required an armed attack to be activated and was never used, with a standing “Alliance Coordination Mechanism” designed to “strengthen policy and operational coordination” and to “contribute to timely information sharing as well as the development and maintenance of common situational awareness” across the continuum from peacetime to gray-zone to wartime. The Guidelines also paved the way for legislation allowing JSDF to protect U.S. military assets “if engaged in activities that contribute to the defense of Japan,” even in situations short of an armed attack scenario.83

Conclusion

Over the past several years, Beijing’s use of maritime gray-zone forces to assert its vast disputed sovereignty claims below the threshold of armed attack has unnerved its neighbors and the United States, a security ally or partner of many of them. Specific to the Senkakus, Beijing’s post-2012 maritime gray-zone operations appear aimed at overturning the status quo of Japan’s administrative control in a manner tailored to exploit existing operational, legal, and alliance gaps—as well as Japan’s general reluctance to use force or otherwise escalate. CCG’s creeping militarization, expanding numbers, size, and capabilities, and expanded presence in the

Senkakus’ contiguous zone and territorial seas, coupled with the ever-present fear of “little blue men” occupying the islands, have challenged Japan’s leaders in unprecedented ways.

JCG is clearly on the front lines. Given Japan’s status as an archipelagic nation of some 6,800 islands with an enormous exclusive economic zone, JCG has long been one of the world’s largest and most robust coast guards. Its capabilities and mandate to guard territorial waters were expanding significantly even before September 2010, freeing up JMSDF to conduct operations further afield. Yet the significantly transformed post-2012 operational environment near the Senkakus presents new challenges in the gray zone. As China’s maritime gray-zone operations have become more frequent, numerous, provocative, and militarized, a qualitative transformation of the operational environment has occurred. The role of fishing boats—possibly with MM embarked upon them—further complicates Japan’s challenge.

Since September 2010, Japan has adopted numerous reforms to expand its ability to address gaps in its southwestern island defenses, monitor Chinese activities in the surrounding waters and airspace, deny island access, deter more egregious provocations, and ensure that JCG, JSDF, and the U.S.-Japan alliance can better respond—rapidly, flexibly, “seamlessly”—in the event any red-line is crossed. Significant progress has been achieved in a relatively short time.

Looking forward, however, recent developments have also exposed the legal, technical, budgetary, and capability obstacles to more robust, flexible deterrence and denial that GOJ faces. China’s likely advantage in a straightforward capabilities competition is still greater when one considers that only Japan bears the burden of maintaining constant, 24/7 presence. JCG is increasingly outgunned, figuratively and literally, heightening concerns in Tokyo about a fait accompli or armed clash if circumstances escalate. As a case-in-point, JCG’s brand new 12-ship Senkakus task force was reportedly overwhelmed in August 2016, and has already been forced to adopt “desperate measures” to meet normal mission requirements, such as a multiple crew swap system. A bolstering of China’s 3-4-2 deployment pattern, or a possible simultaneous two-front challenge (e.g., in the Senkakus and Ogasawaras), are additional concerns within Japan.

---

85 Iwao (2017).