

Law fare and Maritime Encirclement: China's Grey-Zone Strategy in the South China Sea

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Abstract: The synchronised exercise of China's maritime militia, coast guard, and naval assets along the rim and in a magnificently coordinated manner to switch disputed features is known as *Cabbage tactics*. This tactic characteristically seals the gaps and qualms in international oceanic law. The law of the sea pertains primarily to non-military or quasi-civilian forces that complicate legal arrangements and acknowledgement. Thus, this research analyses these tactics interconnect with norms of freedom of navigation, jurisdictional claims, and argument settlement frameworks for the past five years. The growth, devices, and normative penalties of China's *cabbage tactics* in the South China Sea will also be critically scrutinised in this study. Hence, the paper adds to a deeper understanding of how grey-zone manoeuvres shape contemporary oceanic disputes and the forecasts for normative reactions by petitioner states and global organisations.

Keywords: China's maritime militia, South China Sea, freedom of navigation, grey-zone, *cabbage tactics*

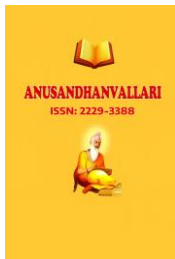
1.Introduction

The South China Sea is one of the most deliberately momentous and legally conflicting nautical regions globally, with intersecting regional prerogatives from China, the Philippines, Vietnam, Malaysia, and other coastal states. China's all-embracing historical claim, epitomised by the nine-dash line, was unambiguously dismissed by the 2016 Permanent Court of Arbitration (PCA) in The Hague as a deficient legal foundation¹. Notwithstanding this judgment, Beijing continues to support and enforce its prerogatives through a merger of national rule, reinterpretations of maritime law, and progressively assertive maritime implementation actions that halt short of traditional opposition and competition². This trick duplicates a broader grey-zone approach. A set of scary procedures aimed at gaining strategic control while consciously avoiding the point that could trigger full-scale military conflict or widespread international military reprisal³. Among these methods, cabbage tactics have

¹ The 2016 Permanent Court of Arbitration (PCA) ruling refers to the landmark South China Sea arbitration between the Philippines and China. The tribunal ruled that China's nine-dash line has no legal basis under UNCLOS, rejected claims of historic rights, and clarified the legal status of maritime features in the Spratly Islands.

² Ji, Y. (2013). *Deciphering Beijing's Maritime Security Policy and Strategy in Managing Sovereignty Disputes in the China Seas*. S. Rajaratnam School of International Studies.

³ Chang, S. J., Watson, T., & Phillips, I. (2025, June). Understanding the Dynamics of the Cyber Grey Zone: A Conceptual Framework. In *European Conference on Cyber Warfare and Security* (pp. 745-752). Academic Conferences International Limited.



appeared as a prominent feature of China's operational playbook in contested waters⁴. Cabbage tactics hence denotes 'systematic encirclement' and incremental control of disputed features, such as reefs, shoals, and outposts, through the coordinated deployment of multiple layers of maritime forces. These layers usually consist of apparently civilian or quasi-civilian elements, such as the maritime militia, followed by enforcement forces such as the CCG and, where essential, support from the PLAN⁵.

The enclosed demonstration, reminiscent of cabbage leaves surrounding its core, is employed to 'interdict, restrict access, and impose implicit control' over maritime areas without resorting to overt military actions. This layered approach effectively exploits gaps and ambiguities in international maritime law, especially UNCLOS⁶, by deploying services that complicate traditional legal classification and attribution. For example, oceanic military vessels may appear similar to regular fishing boats, yet they can be used by states to harass opponents or hinder resupply missions. Meanwhile, shoreline patrol vessels operate under the guise of 'law enforcement' rather than 'military action', allowing China to exercise prerogative legality under national laws without activating the same legal restrictions that apply to maritime conflict. This cautious legal ambiguity permits Beijing to assert its benefits while reducing the transparency of legal replies from other nations.

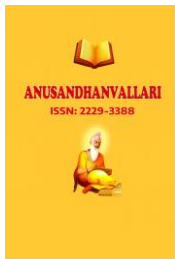
These grey-zone enactments have become predictable through a series of anticipated outlines and instances from 2021 to 2025. China's coast guard and militia forces have progressively been experiencing adjacent features like Second Thomas Shoal. At times, deploying water cannons, running into, or blocking resupply vessels bound for Philippine-controlled positions. To point a case in June 2024, China Coast Guard personnel affianced Philippine vessels near Second Thomas Shoal. China retaliated by injuring the mariners, resulting in damage and validating the rising physical connections that characterise grey-zone coincidental meetings. Similarly, complete strategic actions were taken by China, such as the security of settlements and the recurrent magnification of overseas vessels. This emphasises how tactics like these contribute to an inactive redefinition of the status quo in the maritime area, which has been adopted by China.

These developments not only enhance daily maritime transportation but also raise issues related to the rules on freedom of navigation, jurisdictional rights, and dispute settlement mechanisms in the contested waters. By operating through non-military navies and exploiting legal ambiguity, China's tactics blur the line between lawful presence and intimidating behaviour. This prompts complex questions about how international law defines implementation, the use of force, and legitimate maritime activities. At the same time, the incremental use of force suggests that these activities influence the strategic calculations of other claimants, encouraging states such as the Philippines and Vietnam to develop diplomatic, legal, and operational responses to protect their own rights and security.

⁴ Bunker, R. J. (2019). *China's Securing, Shaping, and Exploitation of Strategic Spaces: Gray Zone Response and Counter-Shi Strategies: A Small Wars Journal Pocket Book*. Xlibris Corporation.

⁵ PLAN is the naval conflict branch of China's armed forces and one of the largest navies in the world. It is tasked with defensive China's maritime interests, preservation sea lines of communication, and proud power in areas such as the South China Sea and Western Pacific. In current years, the PLAN has hastily modernised, increasing its aircraft carriers, submarines, and blue-water abilities, reproducing China's mounting strategic determinations.

⁶ UNCLOS is the international legal institution governing the world's oceans. It was adopted in 1982 and in force since 1994. It is for the maritime zones such as territorial seas, EEZs, and the continental shelf. UNCLOS sets rules for navigation, resource use, and dispute settlement. UNCLOS is often know as the constitution of the oceans, also referred as the law of the sea, shaping contemporary maritime governance and international law.



This paper examines the progression, instruments, and normative implications of cabbage tactics from 2021 to 2025, measuring how Chinese so-called heroic acts legitimise vagueness, challenge the dispute settlement system, and undermine both national security practices and recognised customs under international law. By engaging with tactical behaviour and legal contestation, the study contributes to a more widespread sympathetic of how grey-zone processes are redesigning modern maritime disputes and what this means for the future of normative rejoinders by claimant countries and international organisations.

1. Grey-Zone Operations in International Relations

Grey-zone routes denote strategic behaviour that occupies the indefinite space between peace and war, connecting actions that are deliberately designed to coerce or inspire an opponent without crossing the threshold that would elicit formal military conflict or direct war. These procedures normally employ a combination of non-kinetic and non-military tools, including economic coercion, cyber activity, information campaigns, proxies, law enforcement forces, and other eccentric agencies, to accomplish political or strategic objectives while avoiding clear attribution and avoiding traditional “red lines” of war⁷. The energetic feature of grey-zone accomplishments is their ambiguity. They deliberately fall below the level of large-scale armed conflict and exploit indecisiveness about intent, competency, and legal arrangement, making it difficult for stressed states to reply efficiently under current legal or military frameworks. Actors turn out to be complicated and get complex in grey-zone tactics, stimulated by this space to change the status quo, decline adversaries, and limit response options. Although maintenance is sensible, it keeps strains short of conflict. This strategic use of gravity in the interstitial zone between peace and conflict has become increasingly prominent in international relations, above all in maritime disputes such as the South China Sea, where states seek to advance territorial claims without aggravating open combat⁸.

2.1 Cabbage Tactics Defined

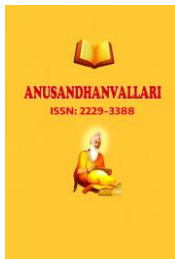
‘Cabbage tactics’ refers to a deliberate, multi-layered maritime strategy employed by China in the South China Sea. In this structure, consecutive rings of vessels, ranging from apparently civilian fishing flotillas to law enforcement shears and military units, are used to encompass doubtful topographies and apply ‘*de facto control*’⁹ without engaging in open combat. The term has been taken from the metaphor of a ‘*cabbage’s layered leaves*’, denoting how China encloses challenged reefs, shoals, or islands with succeeding layers of nautical presence that progressively restrict entry and strengthen its claims¹⁰. Underneath this tactic, the core layer often consists of organised fishing vessels and oceanic militia, civilian-appearing boats that are corresponding, financed, and concentrated by the state to patrol contested waters, threaten conflicting claimants’ vessels, and signal obstinate company. These militia fleets mist the line between civilian and state action. Making them difficult to classify legally and enabling China to claim they are independent actors even when they maintenance comprehensive strategic purposes.

⁷ Non-kinetic measures are central to grey-zone strategies, allowing states to influence outcomes while staying below the threshold of armed conflict.

⁸ Morton, K. (2016). China's ambition in the South China Sea: is a legitimate maritime order possible? *International Affairs*, 92(4), 909-940.

⁹ De facto control denotes that the actual control in practice, even without legal consent. It to what exists in reality, rather than what is officially or legally accepted.

¹⁰ Hiebert, M. (2015). *Examining the South China Sea Disputes: Papers from the Fifth Annual CSIS South China Sea Conference*. Bloomsbury Publishing PLC.



The middle layer involves the CCG and other law enforcement agencies¹¹. These shears purpose under the resemblance of maritime law implementation, carrying out patrols, blockade activities, and contact processes with extraneous vessels in conflicting waters. Since shoreline guard forces are not lawfully military and are often termed as '*law enforcement*'. Their use complicates replies by other states under international law, predominantly when they use water cannons or other non-lethal means that fall short of an armed force but still force and hinder challenging activities.

The chief layer regularly incorporates PLAN¹² ships and aerial surveillance, remains located just beyond the instant contact zone. Hence, providing discouragement and deterrence, acceleration control without directly engaging in conflicts. In the context of these advanced services, if kept, China would produce a layered implementation system that signals resolve and competence while minimising the legal and political implications that would accompany overt military confrontation¹³.

This layered obligation collects legal uncertainty and strategic benefit since numerous of the actors' complexes are either civilian or law-enforcement objects rather than military units. This muddies the acknowledgement and lowers the edge for what creates legal use of force under international law and ruling¹⁴. Civilian proprietary vessels and guerrilla actors make it inflexible for unpredictable states to protect military responses. While Coast Guard events are often enforced coast-to-coast as legitimate law enforcement under China's interpretation of its maritime jurisdiction. Such ambiguity allows China to exert control incrementally, obliging access to disputed features and challenging rival claimants' forbearance for hostility, all without activating the legal designations of armed conflict that would trigger stronger international legal or military responses¹⁵.

3. Institutional and Legal Foundations

China's transfer to more vigorous maritime implementation in the South China Sea has been underpinned by noteworthy official and legislative reforms, most notably the passage of the Coast Guard Law in January 2021¹⁶. This law formalised the role and authority of the CCG, which functions under the knowledge of China's Central Military Commission and was given a comprehensive mandate to conduct maritime rights fortification and implementation in what it terms '*waters under the jurisdiction of the People's Republic of China*'.¹⁷ Importantly, the statute does not describe this expression in a way that resembles established legal classifications under the UNCLOS, such as territorial sea, contiguous zone, exclusive economic zone, or continental shelf¹⁸. In its place,

¹¹ CCG is a paramilitary maritime law-enforcement force responsible for policing China's claimed waters. It plays a very important role in asserting maritime claims, specifically in the South China Sea and East China Sea. CCG conduct the operations through patrols, inspections, and presence operations. Since its transfer to the People's Armed Police in 2018. The CCG become more integrated with China's broader military and grey-zone strategy.

¹² PLAN refer to People's Liberation Army Navy, China's naval force. Maritime defence, naval operations, and projecting power at sea is responsible for PLAN. A key role in regions like the South China Sea through patrols and surveillance.

¹³ Yang, G. (2024). *Compass on the Ocean: Chinese Maritime Theory, History and Culture*. Springer.

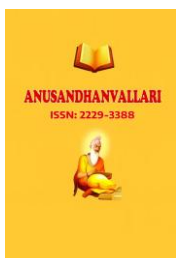
¹⁴ Ha, T. N. (2020). Neither Peace Nor War: China's Grey Zone Coercion in the South China Sea.

¹⁵ Dobbs, T., Fallon, G., Fouhy, S., Marsh, T., & Melville, M. (2020). Grey Zone. *The Forge*, 7.

¹⁶ Yang, P. (2025). Where Should China Coast Guard Go? Developments and Future of China Coast Guard Reform. *Asia-Pacific Journal of Ocean Law and Policy*, 10(1), 49-73.

¹⁷ Zhu, L. (2014). Chinese practice in public international Law: 2013. *Chinese Journal of International Law*, 13(2), 395-454.

¹⁸ Juda, L. (1986). The exclusive economic zone: Compatibility of national claims and the un convention on the law of the sea. *Ocean Development & International Law*, 16(1), 1-58.



the indefinite language delivers room for clarification that can spread enforcement authority into waters demanded by China based on historical or geopolitical assertions rather than internationally recognised maritime zones.

Below the law's requirements, the CCG, while supposedly a law enforcement form, is authorised to classify, track, verify, and take coercive actions against foreign vessels suspected of violating China's domestic maritime laws, including warships and administration containers. Article 3, for illustration, authorises the Coast Guard to carry out '*maritime rights enforcement activities in the waters under the jurisdiction of China*', yet does not refer to UNCLOS terms, leaving the choice of authority indeterminate and potentially expansive¹⁹. This vagueness has allowed China to claim that areas of the South China Sea encompassed by its *nine-dash line* fall within its jurisdiction, despite the 2016 Permanent Court of Arbitration ruling rejecting historic rights claims within that line²⁰.

Components within China, nevertheless, claim the law basically delivers legal inevitability for coast guard processes and brings domestic implementation in line with other countries' practices, fighting that it is necessary to safeguard China's sovereign rights and maritime welfare. Though the law's measured vagueness concerning jurisdictional boundaries and implementation powers has been widely understood outside China as a tool that can be used to justify coercive, *grey-zone* implementation measures, such as blocking, delaying, or unapproachable foreign vessels, in extensive areas of the South China Sea claimed by China²¹.

Similar to the CCG Law, connected legislation, such as amendments to maritime safety and traffic laws, has further expanded the scope of domestic legal authority by employing similarly vague terms like '*waters under Chinese jurisdiction*', replacing internationally recognised terms such as '*coastal waters*'.²² These legislative changes together create a legal framework that appears to deliberately blur the line between legitimate law implementation and extraterritorial proclamation of jurisdiction, confusing efforts by other states and international bodies to apply UNCLOS norms and stimulating the existing rules-based oceanic order.²³

3.1 Patterns of Maritime Enforcement

From 2021 to 2025, China's *cabbage tactics* have been demonstrated through increasingly assertive maritime implementation operations. This syndicates the use of maritime militia, coast guard vessels, and naval assets to create a sustained and layered presence around contested maritime structures. An important pattern has been the repeated use of water cannons and obstructive manoeuvres by the CCG and related militia vessels against the Philippine government, fisheries, and fishing boats²⁴. To exemplify, Chinese coast guard units have used high-

¹⁹ Gau, M. S. T. (2019). The interpretation of Article 121 (3) of UNCLOS by the Tribunal for the South China Sea Arbitration: A critique. *Ocean Development & International Law*, 50(1), 49-69.

²⁰ Wiehn, K. (2022). International Law and Historic Rights in the South China Sea. *Jus Gentium: J. Int'l Legal Hist.*, 7, 99.

²¹ Ha, T. N. (2020). Neither Peace Nor War: China's Grey Zone Coercion in the South China Sea.

²² Zhang, Y., Fu, G., Yu, T., Shen, M., Meng, W., & Ongley, E. D. (2011). Trans-jurisdictional pollution control options within an integrated water resources management framework in water-scarce north-eastern China. *Water Policy*, 13(5), 624-644.

²³ Chowdhury, M. R. K., Hamid, S. A., & Mohd Salleh, N. H. (2024). Maritime dispute resolution: understanding adequacy of UNCLOS: a systematic review. *Australian Journal of Maritime & Ocean Affairs*, 1-22.

²⁴ Nicchiarelli, P. (2023). *Maritime Grey Zone Operations in the South China Sea: Assessing China's naval strategy and its impact on regional security and stability* (Doctoral dissertation, Master Dissertation]. London: King's College London. Available on: https://www.researchgate.net/profile/PatrickNicchiarelli/publication/374591707_Maritime_Grey_Zone_Operations_in_the_S

pressure water cannons and piloted dangerous blocking actions against Philippine vessels near Scarborough Shoal. This is also crucial since it damaged deck structures and close-quarters hostilities, events pronounced by Manila as hazardous and contrary to established safety norms at sea.

Also, at Second Thomas Shoal, Chinese coast guard vessels have repeatedly intercepted and impeded Philippine resupply missions. Particularly, in August 2023, the CCG blocked a Philippine Coast Guard ship and deployed water cannons to stop supplies from reaching the grounded BRP *Sierra Madre*²⁵, representing an early instance of layered interdiction tactics. Chinese militaries have also engaged laser dazzlers against Philippine vessels in similar contexts, further illustrating the range of non-lethal events used to complicate rival processes without mounting to open warfare²⁶.

In 2025, compressions strengthened auxiliary. A described crash between a China Coast Guard and a PLAN warship happened near Scarborough Shoal during a high-speed manoeuvre as both vessels pursued a Philippine patrol boat. An incident that underscored the risk and intensity of these engagements, even absent conventional warfare. Moreover, Philippine authorities and administration which explains that Chinese forces used water cannons and aggressive blocking techniques against Philippine fishing boats near Sabina (*Escoda*) Shoal. Injuring civilians and destructive vessels, representative that coercive enforcement is not limited to government patrols but also affects citizen maritime activity²⁷.

Streamers of tenacious patrols and holds around strategic features have also been documented by independent tracking initiatives. Viewing that Chinese coast guard and militia vessels preserve a near-continuous attendance at key disputed localities such as Scarborough Shoal, Second Thomas Shoal, Luconia Shoals, and Thitu Island, often for hundreds of ship-days per year. This, hence, resourcefully originates a *de facto* layered control that forms nautical admission and behaviour.

Equally, these application decorations divulge an evolution from episodic conflicts to continued, multi-layered attendance, dependable with the cabbage metaphor. Chinese nautical armed forces use progressive coercive methods, law enforcement rhetoric, and non-lethal tools to limit access, motivate rival activities, and support territorial rights. This avoids traditional military collection limits. This continued, layered tactic validates China's grey-zone tactic in the South China Sea. The meeting of responding to threatening activities that sit below the control of open conflict, yet powerfully threaten regional security, instable physical attendance.²⁸

4. International Law and UNCLOS

According to the UNCLOS, coastal states are entitled to sovereign rights and territory over explicit maritime zones. Within a territorial sea out to 12 nautical miles from the baseline and an Exclusive Economic Zone up to

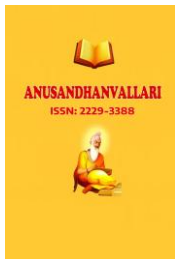
outh_China_Sea/links/6526930882fd2a6bab85516c/Maritime-Grey-Zone-Operations-in-the-South-China-Sea.
Pdf. (Accessed on 12th March 2026)

²⁵ The Philippine Navy's BRP *Sierra Madre* is a grounded vessel that serves as a military outpost to support Philippine claims in the South China Sea. Manned by marines, it was beached at Second Thomas Shoal in 1999 and continues to be a major source of conflict between the Philippines and China.

²⁶ Montemar, R. (2024). An Evaluation of the Philippine Coast Guard Comprehensive Strategy on Maritime Security: Towards an Enhanced Maritime Security Plan in the West Philippine Sea. *Aloysian Interdisciplinary Journal of Social Sciences, Education, and Allied Fields*, 1(2), 9-15.

²⁷ Erickson, A. S. (2025). China Maritime Report No. 47: The People of China's Navy and Other Maritime Forces: Extended Summary of Conference Findings.

²⁸ Dutton, P. A. (2022). Conceptualizing China's Maritime Gray Zone Operations. In *Maritime Gray Zone Operations* (pp. 19-34). Routledge.



200 nautical miles. Nevertheless, they cannot in isolation, spread jurisdiction further than these boundaries. The agreement also offers devices for maritime dispute determination, including necessary adjudication to comprehend and apply its necessities when gathering reason of the glitches²⁹.

An arbitral court of law shaped under UNCLOS in the case taken by the Philippines v. China in 2016. A dispute which was a radical award that unambiguously disallowed key basics of China's widespread "nine-dash line" prerogatives and claims in the South China Sea. The Tribunal decided that China's proclamation of historic rights within the nine-dash line had no legal basis under UNCLOS. e Those claims stretched beyond the limits permitted by the Convention, and none of the features occupied by China in the Spratly Islands. These islands were entitled to extended maritime zones such as an EEZ or continental shelf. Thus introduction those waters within the Philippines' prerogatives where appropriate³⁰.

Regardless of China's status as a signatory to UNCLOS, Beijing rejected the Tribunal's jurisdiction and ruling as "null and void". Hence, this gave an affirmation that the adjudication was procedurally improper and outside the Convention's scope for determining issues relating to territorial sovereignty. China's Ministry of Foreign Affairs maintained that disagreements over maritime rights and territory should be determined through bilateral negotiation and conference with directly concerned states rather than through third-party adjudication or compulsory settlement actions. The Chinese government also opposed that the arbitral award challenged previous bilateral identifications., The 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea, and surpassed the Tribunal's authority under the Convention³¹.

This practiced position reproduces Beijing's wider interpretation of international law. While China ratified UNCLOS and receives its general framework. It eliminates itself from compulsory disagreement settlement on matters it estimates unsuitable for third-party settlement, such as nautical limitation or sovereignty disagreements, citing its announcement under Article 298³² of the Convention. This means that China think through it is not bound by arbitration verdicts on these issues without its express consent. This ultimately limiting UNCLOS's applied implementation in clashes where China refuses to contribute.

China's refusal of the PCA ruling and prominence in bilateral negotiation have significant insinuations for the normative back ground foremost the South China Sea. By prioritising diplomacy and state-to-state discussion. Beijing edges dispute settlement as a matter of sovereign privilege, often invoking principles of territorial integrity and historical practice. This deportment has led to customs contestation, while many Southeast Asian states and parts of the intercontinental reign. Nevertheless, while emphasising UNCLOS as the crucial legal basis for deciding maritime disputes, China circumstances cooperation and consultative procedures as more authentic and

²⁹ Treves, T. (2015). Coastal States' rights in the maritime areas under UNCLOS. *Braz. J. Int'l L.*, 12, 40.

³⁰ Bautista, L. (2018). The South China Sea Arbitral Award amidst Shifting Philippine Foreign Policy. *The Korean Journal of International and Comparative Law*, 6(1), 47-65.

³¹ Hu, L. (2023). Examining ASEAN's effectiveness in managing South China Sea disputes. *The Pacific Review*, 36(1), 119-147.

³² Article 298 of the UNCLOS discuss on the State to adopt a compulsory dispute settlement measure for certain categories of disputes. This Article also looks after the disputes concerning maritime boundary delimitation. Further, it deals with the historic bays or titles, military activities, and law-enforcement activities related to sovereign rights. A State must make a formal declaration to exclude such matters from binding arbitration or adjudication. Hence, even with this exclusion, parties and actors are still encouraged to resolve disputes through negotiation or other peaceful measures.

stable means of managing differences. An opinion that both judgements, trials and confuses the main rules-based order in naval law³³.

The South China Sea disagreement remnants a location of ongoing legal and normative debate. Here are the stimulating explanations of international law and the point to which UNCLOS adjudication which is obligatory. This also outlines the strategic environment and inform that states reply to coercive activities, including grey-zone nautical tactics like cabbage tactics.

4.1 Attribution and Enforcement Challenges

One of the significant legal experiments in measuring China's *cabbage tactics* branches from the vague status of the maritime militia, civilian-labelled fishing vessels. This also give the impression to engage in corresponding state-oriented activities in disputed seawaters. Under international law, attributing demeanour to a state is central to determining state obligation for internationally unjust acts. Yet the militia's dual identity, operating as both ostensibly private civilian boats and as organised participants in state tactics, confuses this purpose.

Under the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) adopted by the International Law Commission, conduct that is on the guidelines of, or under the trend or control of a state or carried out by entities empowered to exercise elements of governmental authority may be credited to the state itself.³⁴ In the situation of China's maritime militia, researchers have distinguished that these vessels are often organised, underwritten, and absorbed by state authorities, including local government bodies and military elements, despite their civilian frontage. This proposes that, legally, their activities could be preserved as acts of the Chinese state under ARSIWA, activating potential state responsibility for breaches of international responsibilities such as undue intrusion with freedom of navigation or failure to exercise due respect in another state's EEZ³⁵.

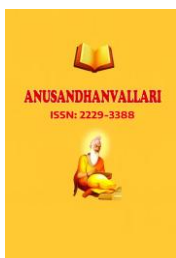
Although the legal arrangement is problematic and tricky, it has significant ruins. China regularly describes maritime militia vessels as isolated fishing boats engaged in ordinary economic activity rather than proxy state agents. It has not publicly disclosed any definitive list of militia vessels or their command structures. This rigidity helps a strategic determination and resolution. If the militia's activities are seen as inaccessible demeanour. They would not usually activate origin to the state under worldwide rules of international law. Therefore, weakening the basis for legal countermeasures or stresses for compensation.

This vagueness and the confuses reactions by the UNCLOS a governing institution international law. The sketch according to the international law would be, if a maritime militia vessel interferes with freedom of navigation or peaceful fishing. The other claimant states may hesitate to invoke strict countermeasures or legal remedies unless they can persuasively frame such conduct as attributable to China itself. In the absence of a clear position, the conduct might as an alternative be preserved as a private dispute or criminal matter. This typically falls outside

³³ Mukherjee, P. K., Liu, H., & Yu, M. (2021). The China-Philippines South China Sea Dispute: A Selective Critique of the PCA Award. *Beijing L. Rev.*, 12, 650.

³⁴ The ARSIWA were adopted by the International Law Commission in 2001 and later taken note of by the UN General Assembly. They codify the rules governing when a State is responsible for breaching an international obligation and the legal consequences of such wrongful acts. ARSIWA describes the key elements such as attribution of conduct to a State, breach of an international obligation, circumstances precluding wrongfulness, and forms of reparation restitution, compensation, and satisfaction.

³⁵ Vo, A. (2025). China's Maritime Militia Under the Law of The Sea and the Applicability of The State Responsibility Rules. *Asia-Pacific Journal of Ocean Law and Policy*, 10(2), 244-265.



the scope of state responsibility frameworks and limits the legal tools available to respond, such as reprisals, countermeasures, or judicial assertions³⁶.

The state of affairs is further complex by the fact that maritime militia units can blend roles on a day-to-day basis. A vessel may operate as a fishing boat on one occasion and coordinate with state forces on another. A raising questions about how to classify their status at the time of an incident arise. This variability makes it difficult for other states to decide whether to treat an incident as a violation of international law involving a state actor or as the claimant nation states misconduct³⁷.

Since of these encounters, legal vagueness directly reduces the scope for counter-legal actions under UNCLOS and other agendas. It leaves applicant states with constrained options. They may protest tactfully, file incidents with international bodies, or press for clarifying language in negotiated instruments such as the ASEAN-China Code of Conduct. Hence, it is clear that the legal recourse through decision or enforcement remains limited so long as attribution remains ambiguous³⁸. Hence, this 'grey zone' in legal classification, mirroring the broader strategic grey-zone tactics China employs at sea, underlines the struggle of using existing legal norms to check intimidating maritime behaviour that give the idea neither fully civilian nor obviously military³⁹.

5. Impact on Claimant States

China's rising dependence on grey-zone manoeuvres, exclusively techniques like *cabbage tactics* that combine maritime militia, coast guard, and naval support. This is to encircle topographies while staying below the threshold of conventional conflict. Hence having tangible belongings on regional security dynamic forces and the behaviour of claimant states. One of the unblemished cases is the Philippines, which has frequently described occurrences of harassment, interfering, and unsafe manoeuvres everywhere disputed features within its Exclusive Economic Zone (EEZ)⁴⁰. These occurrences have commonly complicated coast guard vessels using water cannons, violent navigational tactics, and close-quarters blocking to put off Philippine vessels leading lawful accomplishments.

This could be aimed by Chinese authorities' antagonistic attitude has disrupted scientific surveys and research missions in the waters around Scarborough Shoal. A historically rich fishing ground claimed by both the Philippines and China. Filipino fishermen and officials fear that China's plan to designate part of Scarborough Shoal as a *national nature reserve* could deepen harassment and restrict access. The Chinese coast guard vessels maintain an incessant presence and limit the Philippine boats' operations⁴¹.

Periodic conflicts at sea also raise the risk of unintentional acceleration. Even if Beijing's strategy is designed to remain below the level of armed conflict. On 11 August 2025. A Chinese coast guard cutter and PLAN destroyer collided while chasing a Philippine patrol boat near Scarborough Shoal. This emphasises that close maritime

³⁶ Sloane, R. D. (2012). On the use and abuse of necessity in the law of state responsibility. *American Journal of International Law*, 106(3), 447-508.

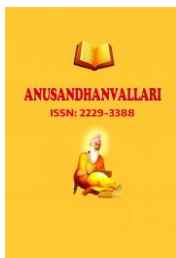
³⁷ Vego, M. (2017). *Operational warfare at sea: theory and practice*. Routledge.

³⁸ Ha, H. T. (2019). *From declaration to code: continuity and change in China's engagement with ASEAN on the South China Sea* (No. 5). ISEAS-Yusof Ishak Institute.

³⁹ Thayer, C. A. (2019). ASEAN, China, and the Code of Conduct. In *The South China Sea* (pp. 43-59). Routledge.

⁴⁰ Angeles, F. A. (2015). A legal analysis on the implementation and enforcement of fishery laws of the coastal state in its exclusive economic zone: A Philippine perspective.

⁴¹ De Castro, R. C. (2016). Facing up to China's realpolitik approach in the South China Sea dispute: The case of the 2012 Scarborough Shoal stand-off and its aftermath. *Journal of Asian Security and International Affairs*, 3(2), 157-182.



manoeuvres can produce adulterous circumstances⁴². Concerns regarding overflights in the South China Sea have been obvious since at least 2018. When a series of U.S. military flyovers over disputed features heightened tensions, with such concerns continuing and intensifying in subsequent years. In the same line, further, a Chinese navy helicopter flew within roughly 10 feet of a Philippine patrol aircraft over Scarborough Shoal during a routine surveillance mission in February 2025. This is prompting warnings from the Philippine pilot and highlighting how air and sea interactions can escalate strains⁴³.

These actions inaugurate China's *grey-zone logic*, using forced, high-pressure tactics to announce control while short of customary conflict. This persuasive other claimant must pilot a narrow space between asserting sovereignty and escaping broader conflict. Scholars and forecasters have predicted such approaches as part of a cautious strategy to test other states' preparation to respond. Henceforth, outlines the facts on the water, and inspirational insights of what establishes "*normal*" nautical presence in uncertain zones.

The financial and maintenance inspirations of these request patterns are also significant. Studies have shown that the increased presence of large CCG vessels compresses fishing space for smaller Filipino vessels. These guidelines in coercing fishermen to travel beyond, fish less competently, and incur higher effective costs, are causal to declines in catches over time. This economic component adds another layer to how grey-zone tactics affect local communities and local maritime customs.

Other claimants in the Southeast Asia, besides the Philippines, surface similar working and political pressures, although to varying degrees. To point an event, Vietnam has experienced Chinese patrol and militia activities that restrict with fishing and offshore energy exploration. Precisely, around the Spratly, comfort Hanoi to detailed approved hostility and reinforce its maritime presence in contested regions. It is also note that in the year 2019 significant incidence of manoeuvres in inconsistency of Vietnamese fishing. The reserve operations, creating economic stress and strategic dilemmas, where the tensions escalated when the Chinese survey vessel Haiyang Dizhi 8 pass in waters near Vietnam's Vanguard Bank, escorted by coast guard companions⁴⁴. Malaysia has seen Chinese valuation and patrol vessels near the coastal area such as the Luconia Shoals and offshore crude oil grounds. Kuala Lumpur has accepted a more restrained diplomatic stance, avoiding appreciation. Malaysian officials however protest interruptions and underline maritime investigation as a means to safeguard EEZ rights⁴⁵. Brunei and Indonesia have conveyed sporadic Chinese maritime activities in their maritime zones. Hence, leading to complaint notes and increased coast guard patrols, though these are commonly less intense than communications encompassing the Philippines or Vietnam⁴⁶.

In this context, some agreements arise among these claims. disturbance of regular maritime accomplishments. Chinese containers may trigger delays in scientific surveys, fishing operations, and the development of energy identifying the danger of error. The likelihood of mishaps or unforeseen expansion is increased by proximity, complex tactics, and mixed neutral coast guard naval encounters⁴⁷. Terminologies of protest and diplomatic

⁴² Croghan, S. C. (2021). *The Influence of Enemies and Friends: Explaining US Policy Changes in the South China Sea* (Doctoral dissertation, Monterey, CA; Naval Postgraduate School).

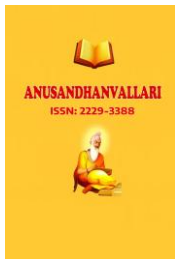
⁴³ Ross, R. S. (2025). Chinese coercion, wedge strategies, and the US-Philippine alliance. *Journal of Contemporary China*, 34(153), 451-471.

⁴⁴ Borton, J. (2022). *Dispatches from the South China Sea: navigating to common ground*. Universal-Publishers.

⁴⁵ Bentley, S. (2023). *The maritime fulcrum of the Indo-Pacific: Indonesia and Malaysia respond to China's creeping expansion in the South China Sea*. Naval War College Press.

⁴⁶ Bentley, S. (2023). *The maritime fulcrum of the Indo-Pacific: Indonesia and Malaysia respond to China's creeping expansion in the South China Sea*. Naval War College Press.

⁴⁷ Song, D. (2021). A literature review, container shipping supply chain: Planning problems and research opportunities. *Logistics*, 5(2), 41.



challenge. In reaction to apparent pressure at sea, affected governments file objections, make international declarations, and occasionally look for outside assistance, most notably the Philippines, which is fortifying defence links with allies like the United States. Sooner or later, China's grey-zone application strategies shape how claimant states organise their maritime safety strategies, corresponding sovereign declarations with broader nervousness about escalation, association commitments, and dedication to international law⁴⁸.

5.1 Normative Contestation

China's grey-zone if pushed into preparation procedures it is also make deep normative strains about how international law. Predominantly ruled by UNCLOS, events in marginal waters are controlled by a legal outline that defines and institutionalises acceptable marine behaviour. The most important matter lies in the twisting of civil and military roles. China's use of naval militia vessels, exclusively the fishing or auxiliary craft articulated for in state-orchestrated activities, complicates established legal arrangements⁴⁹. Likewise, the communication of law application militaries such as the China Coast Guard with military provision chance meeting widely approved norms about the variation between adjustable actions and autonomous control. Such ambiguity raises questions about how to interpret freedom of navigation, innocent passage, and enforcement authority under UNCLOS. Predominantly when states deliberately operate below beginnings that trigger clear legal responsibilities. This disputed legal territory challenges declaration in conservative norms of maritime behaviour and demonstrates the limits of existing frameworks to force state behaviour in ambiguous atmospheres⁵⁰.

The 2016 Permanent Court of Arbitration governing, which cancelled China's expansive *nine-dash line* claims and repeated Philippine rights within its EEZ zones. This serves as a principal point for normative discussion.⁵¹ China proscribed the ruling and emphasised bilateral negotiation over third-party resolution. The proclaiming of the disputes should be resolved outside obligatory dispute settlement mechanisms under UNCLOS. This posture highlights a broader contestation about the role of international law in dispute resolution. While many coastal states and international actors argue for a rules-based order. China validates negotiation and consultative mechanisms, infrequently understanding UNCLOS provisions in ways that prioritise historical or bilateral empathies⁵².

Normative expectations about safe operations at sea are further challenged by incidents like the regular use of water cannons, lasers, and close-quarters manoeuvres against Philippine resupply vessels and patrol planes, as reported near Second Thomas Shoal and Scarborough Shoal. The UN Convention on the International Regulations for Preventing Collisions at Sea COLREGs⁵³ and habitual international standards all aim to limit exactly these

⁴⁸ Green, M., Hicks, K., Cooper, Z., Schaus, J., & Douglas, J. (2017). Countering coercion in maritime Asia: The theory and practice of gray zone deterrence.

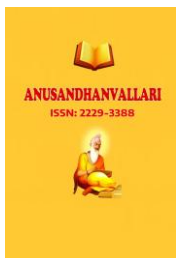
⁴⁹ Beatty, D. M. (2022). *'Somewhere to the West': Constructed Sovereignty and Everyday Geopolitics in Maritime Border Areas in the South China Sea* (Doctoral dissertation, University of Hawai'i at Manoa).

⁵⁰ Khan, A., Usman, M., & Amjad, S. (2020). Jurisdictional Challenges in Prosecuting Maritime Crimes: A Comparative Analysis. *International Review of Social Sciences*, 8(11), 376-382.

⁵¹ Klein, N. (2011). *Maritime Security and the Law of the Sea*. Oxford University Press, USA.

⁵² Hong, N. (2018). The South China Sea arbitration: A test for the efficacy of compulsory mechanism of UNCLOS and implications for dispute management in the region. *Asian Politics & Policy*, 10(2), 219-246.

⁵³ COLREGs are a set of internationally accepted rules that govern how ships and vessels must navigate to avoid collisions at sea. They establish clear guidelines on vessel movement, right of way, signalling, and safe conduct in different maritime situations.



types of behaviour, but when governments decide to function in legal grey areas, implementation techniques remain powerless. Theoretic inspection by academic scholars also points out that legal rules leading law application in grey zones are disputed not just in the South China Sea but more extensively. Therefore, given ambiguities in how UNCLOS and connected tools define application privileges. Some researchers contend for improved cooperation among claimants' coast guards and clearer expressive guidance to bridge gaps in implementation legitimacy. Nonetheless accomplishing consensus remains problematical in the face of competing strategic objectives⁵⁴.

Aspirant states increasingly entreat international public estimation and legal clarifications to reinforce obedience to UNCLOS and criticise coercive tactics. Outlying factors like that of the United States and members of the international community, emphasise Freedom of Navigation Operations (FONOPs)⁵⁵ and diplomatic support for devotion to rules-based conduct. ASEAN and other regional forums struggle with how to integrate legal values into negotiated tools such as a Code of Conduct (COC)⁵⁶ for the South China Sea. A process difficult by contradictory clarifications of key averages.

China's grey-zone tactics not only affect operating behaviour in disputed seas but also fuel continuing normative debates about the scope, understanding, and implementation of global law in maritime arguments, emphasising both the possible and the limitations of prevailing legal outlines in cooperative intimidating national behaviour⁵⁷.

6. Conclusion

China's use of *cabbage tactics* confirms the growth of chic grey-zone policies in maritime clashes. Controller in the South China Sea is moulded by the interchange of layered compulsion and legal as well as normative vagueness. Moderately than be contingent on traditional military force, this approach uses a synchronized presence of maritime militia, coast guard units, and naval support. To encompass disputed features and limit access without voyaging to the verge of open conflict. As an implication, from 2021 to 2025, Beijing's tactics have implemented considerable influence over regional maritime dynamic forces by increasingly altering the operative reality on the water while confusing legal reactions under existing international norms that has been outlined in the UNCLOS⁵⁸.

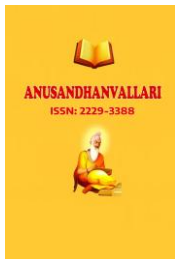
⁵⁴ Kim, S. K. (2020). *Coast guards and international maritime law enforcement*. Cambridge Scholars Publishing.

⁵⁵ They are most frequently associated with the United States Navy, which carries out FONOPs worldwide to demonstrate that certain restrictions on passage, military activities, or maritime zones are not legally valid. FONOPs are intended to be legal and non-provocative assertions of navigational rights, rather than military confrontations, although they can carry political and strategic implications in disputed regions such as the South China Sea.

⁵⁶ In the South China Sea, the COC denotes the proposed Code of Conduct between China and ASEAN member states, intended to manage tensions, prevent conflicts, and promote cooperation in disputed maritime areas. It builds on the 2002 Declaration on the Conduct of Parties in the South China Sea and aims to establish confidence-building measures, dispute-management mechanisms, and norms for activities such as navigation, resource use, and military presence. Although negotiations are ongoing, the COC is seen as a key diplomatic instrument for regional stability and maritime governance.

⁵⁷ Su, S., Tang, Y., Chang, B., Zhu, W., & Chen, Y. (2020). Evolution of marine fisheries management in China from 1949 to 2019: How did China get here and where does China go next?. *Fish and Fisheries*, 21(2), 435-452.

⁵⁸ Chen, X., & Wang, L. (2025). China's ratification of the agreement on port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing: driving factors, challenges and possible pathways. *Frontiers in Marine Science*, 12, 1690824.



The ambiguity accumulated into these tactics, chiefly the use of non-military or quasi-civilian performers to enforce claims. It made it problematic for other claimants and external actors to apply clear legal counter measures, allowing China to spread its interests in the dispute waters. While residual officially between peace and war in the grey zone region. This manoeuvre of legal inconclusiveness not only comes across conservative norms of maritime conduct. However, claimant states and external powers to reconsider their legal explanations and in operation arrogances. These evolutions reflect broader debates within international law about the adequacy of UNCLOS and associated international institutions in obliging state behaviour when vagueness is purposely shaped and sustained.

Intended for legislatures and scholars alike, understanding the logic and implications of such tactics is indispensable because they divulge how great powers can scheme influence without resorting to overt warfare or stimulating treaty-based enforcement tools. The South China Sea case emphasises that legal devices and diplomatic structures alone may be inadequate to address modern coercive. Particularly when norms are disputed and working realities on the ground, or at sea, evolve more rapidly than institutions can adapt⁵⁹.

Accordingly, the active replies to *cabbage tactics* and other grey-zone manoeuvres will need not only lawful precision and dynamic normative agendas. This cooperative is applied among regional and extra-regional stakeholders. Developed multilateral harmonisation, incident-management procedures, and shared examination competencies. A robust mechanism for peaceful difference resolution could help settle competing state interests while reducing the risks of imprecision and accidental escalation. Through such comprehensive tactics, can regional longevity be sustained, and the pressures caused by implicit strategies be managed beneficially rather than left to disintegrate the rules-based order? Hence, this makes for stronger, peaceful maritime cooperation in the disputed waters of the Asia Pacific.

⁵⁹ Han, D. G. X. (2017). China's normative power in managing South China Sea disputes. *The Chinese Journal of International Politics*, 10(3), 269-297.