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# The tragedy of Vietnamese fishermen: The forgotten faces of territorial disputes in the South China Sea

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## **The Tragedy of Vietnamese Fishermen: The Forgotten Faces of Territorial Disputes in the South China Sea<sup>1</sup>**

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### **ABSTRACT**

Territorial disputes in the South China Sea (SCS) have attracted significant attention in the international relations of the Asia-Pacific. Discourses often focus, however, on states as central actors, with sovereignty, national interests, and political and strategic calculations the key themes under discussion. Another tragic story is omitted in the process: the daily lives of millions of fishermen who face capture, death and property seizures in their traditional domains in the SCS. It is often not realized that states' rival claims in the SCS do not just affect diplomatic relations, but also have negative humanitarian impacts on their citizens. This paper tells the story of the SCS territorial dispute from the perspective of Vietnamese fishermen. It recommends that respective governments of littoral states cooperate with one another in order to protect their citizens from being trapped in politicized aggressive moves.

### **INTRODUCTION**

For observers of international relations in the South China Sea (SCS), national security, threatened by overlapping territorial claims in this vast maritime area, is the central issue. It is therefore logical that most of the literature in the field of international relations dealing with the SCS dispute has taken a traditional approach, considering states as the main subject of their analysis. Another important aspect of the dispute, the human security of fishermen in the region, is often overlooked.

The SCS is a semi-enclosed sea, bounded by China in the North, Vietnam in the West, Indonesia, Malaysia, and Brunei in the South, and the Philippines in the East. The sea, about 3.5 million sq km, is partly claimed by five states (China, Vietnam, Malaysia, the Philippines, and Brunei) plus Taiwan, creating complicated overlapping areas. Some disputes are bilateral by nature, but there are also areas that are claimed by more than two states. Due to the complexity of claims and the difference in claimants' explanations of their claims under the most important legal treaty, the United Nations Convention on the Law of the Sea (UNCLOS), the territorial disputes in the SCS have never been resolved. In recent years, as littoral states in the SCS, especially China, have undergone major economic growth, their needs for both increasing natural resources in the SCS and safeguarding maritime security have become obvious. Additionally, technological developments make the SCS accessible to a greater number of ships. The likelihood of collision among claimants as well as with other stakeholders has thus increased.

In the last few years, territorial disputes in the SCS have escalated to a higher level compared with the early 2000s. China, the largest claimant in the SCS, has shown its

\*The material presented by the authors does not necessarily portray the viewpoint of the editors and the management of the Asia Association for Global Studies (AAGS).

determination to strengthen its claim, which covers 80 percent of the region. In May 2009, Beijing officially submitted its nine-dash line map also known, for its shape, as the "cow tongue claim" in the media, to the United Nations. China has also applied bold measures to enforce its claim. The country's navy has been modernized and its five civilian authorities in charge of protecting its claims in the SCS have been rapidly expanded. As the country's military might and civilian control capabilities grow, China has developed a much harder position towards the dispute. Foreign petroleum companies were told to withdraw from their agreement with Southeast Asian claimants to drill for oil in the SCS. Southeast Asian petroleum exploration and fishing ships have been harassed and attacked in their respective Exclusive Economic Zones (EEZs). In this context, Southeast Asian claimants, most notably Vietnam and the Philippines, the two countries most affected by Chinese assertiveness, have strengthened their military capabilities by acquiring modern ships and submarines, and politically moving closer to the United States. This makes international relations in the SCS issue more complicated, threatening regional peace and stability.

One of the main reasons for the SCS becoming a potential flashpoint in the Asia-Pacific is its abundant natural resources, which enable regional countries to develop fishing industries. The SCS is a highly diversified ecosystem, providing high value aqua-products and other economic benefits for littoral states. With 2,500 marine fish species and 400 to 500 hard coral species, the eco-system in the SCS is far richer than that in the Great Barrier Reef of Australia or the Caribbean (Rosenberg, 2009, p. 62). Ten percent of all fish caught globally come from this region. A rough estimation suggests that around 500 million people from China, Vietnam, Malaysia, the Philippines, Indonesia, and Singapore are dependent on the SCS for their livelihood (Rosenberg, 2011, p.107). Against this backdrop, the escalation of tensions has negatively affected the daily life of fishermen from all littoral countries in the SCS.

This paper focuses on the deteriorating security environment for those Vietnamese fishermen in the SCS affected by Chinese assertiveness during the period of escalating tensions among claimants. The paper is divided into four sections with the first section discussing the concept of human security and its application to the context of Southeast Asia and particularly the SCS. Next, it analyzes how escalating tensions in the SCS negatively affect Vietnamese fishermen in the SCS. In the third section, Vietnamese policy encouraging fishermen to venture farther into the SCS, amid Chinese tightening enforcement of their claim, will be discussed. The final section argues that such encouragements by the Vietnamese government would pose more security risks to fishermen. As a solution, the paper concludes by suggesting that a regional mechanism for regional cooperation to better protect the security of fishermen in the SCS must be established.

It is necessary to clarify at the beginning that this study faces two major challenges. First, it is difficult to find officially published and updated statistics in Vietnam on fishery activities in the SCS at a national level, such as the total number of Vietnamese fishermen captured by foreign authorities. This may be because of the very new nature of the situation. Second, it is almost impossible to validate information provided by fishermen concerning what actually happens to them at sea. The reports of incidents could be correct, but could also be narrated in ways that benefit the storyteller (for example, to gain greater support from the government). While there is no solution to deal with the issue of information validity, the challenges can be minimized by combining information gathered with both observation and inference. For example, the increasing number of challenges reported in the SCS should logically correspond to the increasing number of well-observed incidents and the evidence that the fishermen provide.

*Thanh Nien*, one of the most popular and reliable newspapers in Vietnam, which is very active in carrying news on SCS-related issues, is employed as one major information source for this paper. Apart from that, the websites of government agencies are also used for official statistics of Vietnamese fishermen' activities in the SCS.

## THE CONCEPT OF HUMAN SECURITY

The concept of human security has risen to prominence following the *1994 Human Development Report* of the United Nations Development Program (UNDP) through three main features. First, it is a people-centric concept and therefore a universal concern. Second, its components are interdependent since the threats to human security do not stay within national borders. Third, it is easier to achieve through early rather than later intervention (UNDP, 1995, p. 22).

The UNDP proposes a broad concept for human security, as it outlines seven specific areas of security, namely: (1) economic, (2) food, (3) health, (4) environmental, (5) personal, (6) community, and (7) political. This broad approach to human security shifts from states to people to meet humanity's basic needs. Many, however, disagree with this broad approach to human security because it duplicates the data and analysis on poverty, disease, malnutrition, and so forth, which are covered in other fields. For that reason, it would be slightly unrealistic for policy analysis if the broad concept of human security were to be adopted. A narrow approach to human security proposes a relatively limited scope. It focuses solely on protecting human life in conflict situations and thus has concentrated on measures such as the ban of landmines and the creation of an international criminal court to try those responsible for war crimes.

There are three analytical frameworks for human security: (1) the government's role, (2) the role of regional and international institutions, and (3) the relationship between state and non-state actors in protecting and promoting such security. The government's role is apparently crucial because the government is the single most important actor in protecting and promoting the human security of its respective people. This is done through the adoption and enforcement of policies regulating issues related to human security, which includes protecting people from external threats, and is the main function of government in the development of society.

The second analytical approach concerns the responsibility of regional and international institutions in protecting human security. Human security, by any definition, has no borders. In many cases, it is seriously undermined by cross-border conflicts between states. In addition, governments are traditionally state-centric actors, and, in many cases, protecting human security requires the monitoring of the international community. In reality, however, governments, especially those of developing countries, are reluctant to accept a greater role of regional and international institutions in protecting the human security of their people. For example, in Southeast Asia, the ASEAN Intergovernmental Commission on Human Rights, a regional organization established in 2009 to deal with human right issues in Southeast Asia, is considered a consultative body and does not have the capacity to investigate and pinpoint human rights issues in member states (ASEAN, 2009).

The third research direction centers on the development of sub-state actors and the relationships and cooperation between governments and those non-state actors in fostering human security. As previously discussed, governments generally take a state-centric approach, concerning issues at a macro level in managing national affairs, which may overlook human security issues at the individual level. Consequently, many sub-state actors such as non-governmental organizations are encouraged to take part in the process of promoting human security. How such institutions handle their relationship with individuals as well as local and central authorities will be important in determining their success. This research direction therefore focuses on civil society at a grass-root level and the interaction between citizens and their respective governments.

### **Human Security in Southeast Asia and its Application in the Case of Territorial Disputes in the SCS**

Most Southeast Asian countries have long histories of being invaded by external powers

and they are currently in the early stages of independent development. Therefore, they often take a state-centric approach to the management of their societies and national security, and are sensitive towards sovereignty issues. Moreover, traditional cultures in Southeast Asia consider society and state as more important than individual wealth and security. Human security, therefore, did not receive sufficient attention from Southeast Asian governments during the state formation period after World War II until the end of the Cold War.

When the Cold War ended, the issue of human security gained increased attention among Southeast Asian governments for three reasons. First, external threats to state security and sovereignty declined significantly. After the collapse of the Soviet Union and the East Bloc, the US withdrew from Southeast Asia. The Cambodian conflict was politically and peacefully resolved. A direct confrontational environment between the Eastern and Western blocs in Southeast Asia no longer existed, and the region enjoyed a period of relative peace (Tuan, 2008, p. 36). Without a prominent danger for state security, Southeast Asian governments have been able to focus more on domestic issues, including those related to human security. Second, the link between state security and human security has strengthened. Research on the causes of terrorism and separatism in several Southeast Asian countries, for example, reveals that they are closely linked to the violation of human security (Tuan, 2007, p. 21). Likewise, poverty and the degradation of living standards often give rise to political chaos. Third, Southeast Asia's concern with human security reflects an increasing awareness of the world community on this issue. This has been coupled with the process of democratization in Southeast Asia, as well as the development of civil societies' rising influence on government policies.

Southeast Asia's approach to human security is reflected in its comprehensive conception of security. Comprehensive security, according to Alagappa (1998, p. 624), denotes the idea that security "goes beyond the military to embrace the political, economic and socio-cultural dimensions." Although comprehensive security is a state-centric approach, it is very important in the development of human security because it contends that safeguarding human security is critical for domestic stability, regime legitimacy, and overall state security.

In the case of human security in SCA territorial disputes, the first observation is that few people live on the islands in the SCS. The subjects of human security studies in the SCS issue, therefore, are those most affected by the disputes and conflicts in the region. Accordingly, the most affected group is fishermen and their families, whose lives are highly dependent on safe, stable and secure access to resources in the region. The current escalated tensions in the territorial disputes in the SCS, however, have undermined the basic security and wealth of fishermen as China's increasingly tight monitoring of the SCS has barred them from secure access to the region. The following section will demonstrate how escalating tensions in the SCS affect fishermen in the SCS. It focuses on the case of Vietnamese fishermen since the tension in the territorial disputes in the SCS escalated in 2009 with China's official submission of its nine-dash line claim.

### **ESCALATING TENSIONS IN THE SCS AND SECURITY CHALLENGES FOR VIETNAMESE FISHERMEN**

Being a littoral state with approximately 3,260 km of coastal border running along the country from the North to the South, Vietnam sees its fishery industry in the SCS as an important sector of its national economy. The country has four major fishing areas: the Gulf of Tonkin, the Central Vietnam area, and the Southeast and Southwest regions. Among these four localities, only the Gulf of Tonkin has been demarcated. The other three areas remain subjected to territorial disputes in the SCS. Around 10 percent of the Vietnamese population obtains its income from the fishery sector, which provides more than four million jobs (around five percent of the population). Of this number, around 430,000 people are directly involved in natural fish capturing. One hundred and twenty thousand

people fish offshore. Fishery exports in 2011 were valued at 6.1 billion USD, ranking fifth in the list of Vietnam's largest export commodities (Hung, M., 2012). The nation is currently the fifth largest fish exporter in the world (FAO, 2010, p. 52).

Fishing in the SCS plays an important part in the overall fishery industry in Vietnam. In recent years, the Vietnamese offshore fishing fleet (those with engines of more than 90 horsepower only) has gradually increased, from around 7,000 vessels in 2002 to over 21,000 in 2006 and over 22,500 in 2008 (FAO, 2010, p. 33). In 2008, Vietnam also had more than 130,000 powered vessels of under 50 horsepower, which mainly operate in coastal areas. In its master plan for the period from 2006-2010, Vietnam targeted a reduction of 40,000 of its total small fishing boats and encouraged larger and more modern fishing vessels in order to halt inshore over-exploitation and move fishing farther offshore (FAO, 2010, p. 34).

Vietnam's fishery strategy to advance into deeper waters, however, has been seriously challenged by China's increasing assertiveness since 2007, and especially after China's submission of its U-shape claim in the SCS in 2009, which escalated tensions in the region. In the last few years, China Marine Surveillance, one of China's main paramilitary authorities in charge of monitoring the SCS, has rapidly expanded and modernized. Beijing has dispatched more modern vessels to patrol the SCS (far beyond their EEZ) with higher frequency (Baviera, 2011, p. 2; Mière, 2011, p. 139). Subsequently, more foreign fishermen were captured and fishing ships were confiscated and as a result tensions over territorial disputes have seriously undermined the daily security of Vietnamese fishermen in a variety of ways.

From an economic standpoint, most Vietnamese fishing communities are poor. The wealth of fishing villages in the south central coastal provinces is heavily dependent on marine fishing because marine aquaculture in this region is underdeveloped. Given the expensive nature of fishing vessels, even rich fishermen have to borrow money from the government to buy or construct their own ships. Without a stable and non-disruptive fishing environment, their daily lives are critically affected and they may quickly fall into bankruptcy.

In addition, Vietnamese fishermen going to the SCS are now increasingly vulnerable to being captured, robbed, beaten, and even being shot by foreign authorities and ships (many of them from China), and all this because of the lack of cooperation between littoral states. In addition, fishermen face the danger of being killed by natural disasters. Unfortunately, the overall figures of Vietnamese fishermen and ships attacked in international waters and within Vietnamese EEZ have never been officially published, although separate cases are reported frequently in Vietnamese newspapers.

### **The Chinese Unilateral Fishing Ban and its Determined Enforcement**

From 1999, China unilaterally imposed annual fishing bans in the overlapping territorial claim area with Vietnam in the northern part of the SCS of approximately 128,000 sq km. Initially, the ban was set for two months, from 1 June to 1 August. Since 2009, however, the ban has been extended to 2.5 months, from 16 May to 1 August annually. This move was announced by the Chinese authority to conserve marine stocks. However for some international observers, it also has a deeper and more strategic objective: a claim for sovereignty (Torode, 2010).

Beijing's unilateral ban in the SCS, supported by its strong marine enforcement, puts the Vietnamese government in a dilemma and Vietnamese fishermen at risk. Hanoi, on the one hand, may see the need to protect the marine stocks in order to make its fishing industry a sustainable one. In addition, Hanoi is also concerned about Vietnamese fishermen's security because they may be captured and their vessels confiscated by Chinese authorities. On the other hand, should the Vietnamese government order fishermen to stay in port for their safety during the Chinese unilateral ban, this unintentionally signals that Hanoi

accepts Beijing's rules in the region, thus recognizing Chinese sovereignty. For that reason, since China launched its fishing ban in the SCS, Vietnam has strongly condemned this unilateral action, considering it a violation of Vietnamese sovereignty in the SCS (Vietnam Ministry of Foreign Affairs [MOFA], 2009, 2012). At the same time, the Vietnamese government has provided financial and technical support to encourage and assist fishermen to continue with their fishing in the SCS. This strategy was officially published in Joint Circular no. 11/2011/TTLT-BNN-BQP-BTC dated 14 March 2011 between the Ministry of Agriculture and Rural Development, the Ministry of National Defense, and the Ministry of Finance. This policy will be further discussed in the next section.

For Vietnamese fishermen, the problem is to decide whether to continue fishing in the SCS as usual, or to stay in port to avoid the risk of being captured and their ships being confiscated. Many of them do continue to fish in the SCS. This is not only because they have been encouraged by the Vietnamese government. More importantly, they have no alternative, as a large part of their household income comes from fishing activities. Many fishermen, however, feel reluctant to go, because if they are captured, their losses will be enormous and require years of hard work to replace. To avoid this outcome, some choose to fish only in nearby waters; however, these areas normally do not provide a sufficient income. The ban, therefore, directly affects the economic wealth of Vietnamese fishermen and their families.

### **"Strange Vessels"**

The term "strange vessels" (*tau la*) has become popular in the Vietnamese media in the last few years, denoting unidentified vessels that suddenly attack and sink Vietnamese fishing ships in the SCS and then speed away, leaving the victims in dangerous situations. These vessels, possessing high-speed capabilities, neither carry national flags nor have plate numbers, and, because they usually attack at night, fishermen can rarely identify where they come from.

Many cases of Vietnamese fishing ships being attacked by "strange vessels" have been reported in the Vietnamese media in the last few years. The following are only four examples.

On 24 October 2011, fishing ship no. QNg 9222TS, owned by Tran Ngoc Nga, was attacked by a "strange vessel." Mr. Nga reported to the coastguard of Quang Ngai province that the ship was attacked at 10:30 p.m. One fisherman was wounded and fell into the sea. The ship was severely damaged and the crew had to temporarily repair the ship and return to port before completing the fishing trip. A rough estimate (Thuy, T., 2011) showed that the incident cost the ship owner 150 million VND, equivalent to 7,500 USD.

On 2 January 2012, a Vietnamese fishing ship, no. CM99219TS, with 11 fishermen on board was sunk by a "strange vessel." Only one crewmember was lucky enough to be rescued by another fishing ship. The ten others on board have not been found (Bach, Dang, & Ha, 2012).

On 1 February 2012, it was reported to the coastguard in Song Doc district of Ca Mau province, by Mr. Nguyen Van Diem, that his ship had been sunk by a "strange vessel" the previous night. Rescue activities were immediately implemented and six fishermen were rescued after floating in the sea for the whole night. However, four others could not be found (Hang, 2012).

On 24 February 2012, a Vietnamese fishing ship, plate number BTh 85545TS, was sunk by a "strange vessel" in the SCS. The ship's captain, Nguyen Ngoc Cam, told reporters that the ship was sunk at 3:00 a.m., leaving nine fishermen floating in the sea for four hours until they were saved by the Vietnamese Marine Rescue Co-ordination Centre, Region 3, in Vung Tau province (Hung, P., 2012).

These incidents are only a few among the many cases being reported by Vietnamese newspapers since early 2011. Due to the fact that the "strange vessels" neither take anything from the targeted fishing ships nor capture people, the possibility that they are pirates has been ruled out. Therefore, whenever news of a "strange vessel" appears in the press, Vietnamese people often ask who owns these vessels and what their reasons are for attacking Vietnamese fishermen. These questions so far remain unanswered, as proof of the origins of the "strange vessels" is difficult to find. It is unlikely that Southeast Asian littoral states have either the capabilities or interests to send ships close to Vietnamese coastal areas, especially those in the central part of Vietnam.

Therefore, many Vietnamese believe, even without clear evidence, that the ships are employed by China to dissuade Vietnamese fishermen from going farther into the SCS, thus strengthening China's claim to the SCS. A group of fishing ship captains in Thanh Khe District, Da Nang province reportedly requested local authorities to make it public that the "strange vessels" came from China (Chau, 2011). However, there is no official confirmation from Vietnam concerning their request. While the investigation on the owners of "strange vessels" is still underway, Vietnamese fishermen continue to work with the high economic and personal security risks of being attacked by them.

### **Reduction of Fishing Grounds**

In recent years, with China's economic boom and technological development, the number of large Chinese fishing ships invading traditional Vietnamese fishing areas has increased significantly. They often sail in groups and use large vessels so that Vietnamese fishing ships cannot challenge them. Tran Van Ta, captain of fishing ship no. PY-92709TS, told reporters that on 9 March 2011 he saw around 150 Chinese fishing vessels in Vietnamese waters. From 30 April to 3 May 2011, approximately 200 Chinese fishing ships operated in the area 150 nautical miles from Vietnamese Tuy Hoa city, well within the EEZ of Vietnam (Huy, D., 2011).

Le Van Tuan, another captain of a Vietnamese fishing ship, told a reporter of *Thanh Nien* that when he found Chinese ships within the Vietnamese area, he and other fishermen requested these ships leave the region. "But their ships are much larger than ours, we cannot go close to them. So we have to leave our fishing grounds to them. That makes us really unhappy" (Huy, D., 2011, para. 3).

The Chinese fishing ships' intrusion into Vietnamese EEZ is also recognized by Vietnamese coastguard authorities. Colonel Nguyen Trong Huyen, Head of the Coastguard Post of Phu Yen province, confirmed that in late May 2011 (when the Chinese fishing ban was applied), each day, around 120 to 150 Chinese fishing ships operated in Vietnamese fishing grounds. As most of them have a large power capacity, Vietnamese fishing ships cannot force them to leave (Huy, D., 2011). Huyen's comments were substantiated by Senior Lieutenant Nguyen Ngoc Ry. According to Ry, Vietnamese fishing ships are smaller than those from China and, because they are the most valuable assets of fishermen, Vietnamese fishermen refrain from taking determined actions against the encroachment of their fishing grounds (Huy, D., 2011). According to *Thanh Nien*, in the period from 2006 to March 2011, Vietnamese coastguard authorities detected and captured Chinese fishing ships going deep inside the Vietnamese EEZ at least six times (Huy, D., 2011).

This encroachment of large Chinese fishing vessels leads to the reduction of Vietnamese fishing grounds in the SCS and increases the possibility of collisions among fishing ships. Moreover, being accompanied by armed ships of the Chinese authorities, these vessels sometimes steal fish and fuel from Vietnamese fishing ships. This will be analyzed in detail in the next section.

### **Attack, Capture, and Confiscation by Foreign Authorities**

As early as 1949, the Geneva Convention stressed the necessity to protect civilians in times of armed conflict. Article 3 of Convention IV states that "outrages upon personal dignity, in particular humiliating and degrading treatment" and "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" against persons "taking no active part in the hostilities" are strictly prohibited (International Committee of the Red Cross [ICRC], 1949). More than 60 years since the advent of the convention, Vietnamese fishermen, apparently unarmed, are occasionally attacked, shot, captured and poorly treated by foreign authorities in the disputed areas where tensions among claimant states have not yet escalated into armed conflict. By 16 January 2012, statistics from Quang Ngai province alone revealed that 26 ships and 138 fishermen were still detained by foreign authorities ("Tin van," 2012).

On 22 February 2012, Vietnamese fishing ship no. QNG90281, on its way to the Paracels Archipelago to avoid strong winds, was captured by Chinese patrol vessel no. 789. The patrol vessel fired repeatedly at the fishing ship and used its water cannon to attack fishermen. Members of the Chinese crew then jumped the ship, went to the cabin and unplugged all global positioning systems. All 11 Vietnamese fishermen were beaten and their property confiscated. The Chinese then destroyed the Vietnamese vessel's equipment and poured most of its fuel into the sea, leaving only enough for the ship to return to a Vietnamese port. This incident was strongly protested by the Vietnamese government. Representatives of the Vietnamese Ministry of Foreign Affairs met with representatives of the Chinese Embassy in Hanoi, requesting no recurrence of such an incident and compensation for the loss (Nam, 2012).

This is only one among many stories of the unfortunate fate of Vietnamese ships in the SCS reported in Vietnamese newspapers over the last few years. According to Le Nam, the captain of a fishing vessel in Da Nang province, Chinese fishing ships have been moving farther southwards to catch fish in Vietnamese fishing areas at increasing frequencies. They are often accompanied by maritime surveillance ships, and these vessels sometimes attack Vietnamese ships for fish, fuel, fishing equipment and communication facilities. Chau (2011, para. 3) quotes Nam as saying that, "Before, we were sometimes bullied in the international waters in the SCS, but recently we are attacked and driven away by Chinese ships when we catch fish within Vietnamese EEZ. It is unacceptable." According to Nam, Chinese attacks against, and capture of, Vietnamese fishing ships are not only for the purpose of accessing fishing areas. He believes they have a broader goal, as anytime he and his crew were seized they were forced to sign documents stating that they had violated Chinese waters.

### **Severe Weather Conditions**

For people going offshore to fish, the weather plays an important role in their activities and lives. The weather in the SCS is rough, especially in the stormy season. About 15 cyclones, typhoons, and storms occur annually in the SCS, and they claim hundreds of Vietnamese fishermen's lives. The Chanchu Storm in May 2006, for example, sank 18 boats and killed 246 people ("So nguoi chet," 2006). Unfortunately, among those people who have died due to the severe weather in the SCS, the majority are fishermen, the main income earners for their families. The consequences of severe weather to fishing villages and families, therefore, are devastating and long-term by nature.

The territorial disputes in the SCS, however, undermine regional cooperation for severe weather conditions and, therefore, put fishermen at risk. As tension in the SCS escalates, it is fishermen who are most affected. Le Van Chien, a captain of a Vietnamese fishing ship no. Na-90351 in Da Nang recalled an incident involving severe weather in late 2007. To avoid an approaching storm, he directed his ship to the Woodland Island of the Paracels archipelago. Initially, the ship was denied entry by Chinese soldiers; however, they were

eventually allowed to dock after the Vietnamese coastguard managed to contact his Chinese counterpart. The 14 fishermen were detained during the 7 days of the storm's duration. After the storm, the fishermen could only leave after they had signed a form claiming that they had intruded into Chinese waters. All fishermen were both filmed and their details filed (Chau, 2011).

Table 1, gathered by surveying articles in the *Thanh Nien* newspaper in 2011 and from January to March of 2012, shows the number of Vietnamese fishermen affected by different factors while operating in the SCS. The cells marked with "x" means no information is available. The newspaper survey was conducted in Vietnam National Library in Hanoi in April 2012. No archive for September 2011 was found in the library.

**Table 1.**  
SCS Incidents with Vietnamese Fishermen in 2012

	No. of incidents/ships		No. of fishermen rescued/released		No. of fishermen dead/missing	
	<i>2011 (excluding September)</i>	<i>Jan - Mar 2012</i>	<i>2011 (excluding September)</i>	<i>Jan - Mar 2012</i>	<i>2011 (excluding September)</i>	<i>Jan - Mar 2012</i>
Attacked by strange vessels	6	3	16	16	5	14
Captured by foreign authorities	13	21	190	209	x	X
Accidents (including those caused by severe weather)	34	2	228	2	32	3
Pirate	3	1	24	12	x	X
Missing without reasons found	1	x	x	X	8	X

#### VIETNAMESE POLICIES TO SUPPORT AND ENCOURAGE FISHERMEN

Due to the over-exploitation of Vietnamese coastal areas, fishermen are encouraged to travel farther out to sea to fish. It is important to note that supporting fishermen venturing deeper into the SCS not only has direct economic benefits, but also is considered by government officials as a way to assert Vietnamese claims to the territory and to reject those of China. This explains why the Vietnamese government and society, both practically and morally, support the fishermen.

In his meeting with the leaders of Quang Ngai province on 11 December 2011, Lieutenant General To Lam, Deputy Minister of Public Security, asserted that the fishermen are Vietnamese living border posts at sea; consequently, the government should introduce policies to protect their security and safety when they operate (Tin, 2011). This was repeated by the Head of the Coastguard no. 248 Ngo Thien Phan when he paid tribute to Le Van Chien, a captain of a fishing ship. Phan asserted that Chien "is not only a proficient fisherman ... but also a real soldier in the course of protecting Vietnamese islands and waters" (Hai, 2011, para. 13).

In the wake of escalating tensions in the SCS and the increasing threats that Vietnamese fishermen have faced, Hanoi has issued policies to support those fishermen who continue fishing in the SCS. In 2010, the Vietnamese Prime Minister signed Decision 48/2010 QD-

TTG dated 13 July on the principles and policies to support and encourage offshore activities. Then three ministries: the Ministry of Agriculture and Rural Development, the Ministry of National Defense, and the Ministry of Finance jointly issued Circular no. 11/2011 on 14 March 2011 to guide the implementation of this decision. The circular defines the conditions in which fishermen will receive financial support from the Vietnamese government. According to this document (Chapter II, articles 4, 5, 6, and 7), owners of large ships which can venture into the SCS will be financially supported and subsidized for insurance, fuel, and communication equipment, including satellite-positioning systems, for their vessels. Fishermen captured by foreign authorities and their income dependents will also receive financial support.

Decision 48 has been implemented at a provincial level, encouraging fishermen to travel farther offshore. For example, the Vietnamese Ministry of Agriculture and Rural Development [MARD], 2011a) reported that Khanh Hoa and Phu Yen provinces, respectively, approved support for 253 and 444 offshore fishing ships in 2011. Vietnam also signed a contract with France in a 2011-2013 three year project to provide 3,000 satellite communication systems for offshore fishing ships and patrol vessels (Thung, 2012). In a separate program, a pilot experiment to install a system providing long distance communication (up to 500 nautical miles) and GPS was conducted in Da Nang in four offshore fishing ships in February 2012. This will help those ships to better communicate with the authorities and their positions can be easily located for quick assistance. Fishermen are also encouraged to set up their trade unions and production teams to better cooperate in "protecting fishing grounds and sovereignty over islands and waters." The first fishery Trade Union was established in Quang Ngai province in September 2011, and so far roughly 2,000 production teams with 13,000 vessels have been formed nation-wide (MARD, 2011b).

As tensions in the SCS escalate, Vietnamese fishermen have also been encouraged by support from the whole society, and the dominant discourse of the Vietnamese media. On its foundation day, the first fishery Trade Union received some 12,000 USD, FM radio receivers, ICOM, mobile kits, bookshelves, and medicine from donators. A Fishery Support Fund was founded in Quang Ngai in August 2011 to help fishermen in difficulties (MARD, 2011c). Furthermore Vietnam's Petroleum Insurance Company established a Vietnamese Fishermen' Insurance Fund to support fishermen operating in the SCS (Van, 2011). The areas of insurance include collision with foreign ships, foreign confiscation, and pirate attacks. Viettel, one of the largest mobile service providers in Vietnam, offered a "Sea+" pack for fishermen operating in the SCS. This provides features such as weather forecasting, quick emergency SMS, and direct calls to coastguard posts along the coastal provinces and not only provides convenient utilities for fishermen but also shows the extent of Vietnamese society's efforts to support their fishermen.

### **The Media Discourse**

The power of the media in shaping social perceptions and attitudes has widely been recognized. Since 2010, stories of fishermen have been carried frequently in popular newspapers, television channels, and social media in Vietnam. The dominant trend is to applaud their courage and determination in protecting Vietnamese fishing grounds and sovereignty over its islands and waters, and report their difficulties when faced with severe weather and external threats.

An article by C. Thuy (2011, para. 1) noted: "For fishermen, each time they go to the open sea, they risk their lives on top of the waves. They are, however, not alone. The whole community is backing them with substantial support." Another article, carried in *Thanh Nien* (Cu et al., 2011), told the story of a family whose ships were attacked and captured by Chinese ships four times in the last six years. This has impoverished this once rich family and they are now under the burden of a heavy debt. The family and others with the same situation are eligible for financial assistance under the government policy, and they have been granted non-security loans with preferred interest rates to construct new fishing

ships. However, they will have to spend years to have their normal lives back after such grave losses.

During territorial disputes in the SCS in 2011 and early 2012, such articles were frequently reported in leading Vietnamese newspapers, fostering support for fishermen. Government policies and donation programs for fishermen and their families, organized by social and political groups, therefore, are strongly backed by ordinary people. At the same time, however, anti-Chinese sentiment has put more pressure on the Vietnamese government in its state-to-state relations with China.

## **SUBSTANTIALIZING REGIONAL FISHERY COOPERATION IN THE SCS**

The policy that supports and encourages fishermen to continue their fishing in the SCS is a hazardous one as there are currently no effective measures to protect the fishermen in place. For example, although the policy encourages and thereby enables more fishermen to continue with their jobs, the lack of prompt sea rescue in emergency cases, the unclear borders of the territorial disputes, and the assertiveness of the other claimants, most notably China, put Vietnamese fishermen at greater risk. In other words, their security is decreasing.

The recent decreased security of Vietnamese fishermen in the SCS can be viewed in terms of both the broad and narrow approaches to the concept of human security. In a broader sense, as their fishing grounds have decreased, the wealth of fishermen and their families has been challenged and their daily activities disturbed. In a narrower sense, Vietnamese fishermen are, in the face of escalating tensions and conflicts, more vulnerable to foreign authorities, other external threats, and natural disasters. They are exposed to aggressive acts. Immediate cooperative actions among all stakeholders, therefore, are required to halt this trend.

While the time to completely settle territorial disputes in the SCS is indefinite, the most urgent humanitarian task is to safeguard the security of all fishermen, including those from Vietnam. This cannot be achieved through continuous quarrels or unilaterally aggressive actions. Bilateral and multilateral cooperation, wherever applicable, must be promoted.

There are actually several cooperative mechanisms already in place regarding fishing in the SCS. These include the Sino-Vietnamese agreements on fishing in the Tonkin Gulf, the UNEP/GEF South China Sea project, the Marine Stewardship Council, the Sulu-Sulawesi marine ecosystem, and the State-market-NGO programs (Rosenberg, 2009, pp. 70-76). Almost all these mechanisms, however, are designed to protect marine bio-diversity, not the fishermen.

In the case of Vietnam, Hanoi reached an agreement with Beijing in December 2000 to protect the security of fishermen from both countries in the Tonkin Gulf. This agreement allowed reciprocal fishing access between China and Vietnam in each other's EEZ in the Tonkin Gulf. "Any violation is subjected to legal procedures of the country controlling the EEZ where the fishing takes place. In the case of seizure or detention, the fishing vessels and crew must be promptly released upon posting a bond or other form of security" (Rosenberg, 2009, p. 72).

This cooperative approach, however, is not easily applied to the broader region of the SCS. China has, since the early 1980s, proposed to set aside territorial quarrels to pursue joint development programs (not only limited to fishing) in the SCS (Ministry of Foreign Affairs of China [MOFA-PRC], 2000). It seems at first glance that this is a constructive strategy designed to promote regional peace and stability. A deeper study, however, reveals two major problems that make this proposal unacceptable for other claimants. First, the proposal asserts China's sovereignty over the contested areas and joint exploration only means that Beijing wants to share natural resources with neighboring countries. Acceptance of the

joint development proposal therefore means acceptance of Chinese sovereignty over the contested areas. Second, the areas to be jointly developed could not be agreed upon. In other words, the disputed regions are hard to define, as no states would want to put an area currently under its control into the category of a disputed area. For example, at an international conference in Hanoi in November 2009 on the SCS, organized by the Diplomatic Academy of Vietnam, Prof. Ji Guoxing of Jiaotong University proposed to include the Vanguard Bank (*bai Tu Chinh* in Vietnamese) in the joint development program between China and Vietnam (Huy, D. D., 2010). The proposal could only be seen as a disadvantage for Vietnam as the proposed region has long been under Vietnamese control.

There are solutions that could be considered to foster both the security of the fishermen and the preservation of the eco-system and natural resources in the SCS. First, any fishing ban in the SCS must be in the form of joint regulations of the relevant countries. In order to avoid the problem of undefined contested areas, an inclusive approach should be applied. This means that the ban should be applied in all areas claimed by relevant countries (bilateral or multilateral). However, the weakness of this solution is that the area could be very large, involving many countries. In addition, a long ban in a wide area may place families who depend on fishing in financial difficulties. Moreover, when the ban is removed, the catch could increase significantly over a short time period, thereby threatening the sustainability of the eco-system.

Another solution, proposed by a Vietnamese scholar, is to establish a network of marine protected areas, in the first stage, between China and Vietnam (Dang, 2011). By creating this network, China and Vietnam will create an opportunity to cooperate in the SCS without undermining their positions regarding their territorial claims in the region. This plan is a "compact" version of the first proposal. Instead of imposing fishing bans in all areas, it proposes to apply them in marine protected areas only. However, like the other proposal, it leaves unresolved the important problem of defining where the contested areas are. This is very important because unless those areas are clearly demarcated, it is unclear which country is in charge of enforcing the joint regulations.

From a human security perspective, it is necessary that all littoral states in the SCS reach an agreement in the form of a joint declaration that all fishermen and fishing ships in the SCS must be protected by all parties in any circumstance. Should fishermen be captured for any reason, they must be well treated and their property preserved while waiting for a legal procedure or direct negotiation between relevant governments. Such a declaration in the initial stage may be a more political than a practical one, but it shows a regional commitment to cooperate and protect human security, a common concern. In the longer run, littoral states may negotiate to establish a joint inter-governmental body, which would be in charge of dealing with issues involving the capturing and rescuing fishermen in the SCS to ensure that fishermen are better protected. The establishment of such a body would significantly reduce the detention time for fishermen if they are captured and would enhance regional cooperation in rescue activities in the SCS.

## NOTES

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