THE TRAGEDY OF VIETNAMESE FISHERMEN: THE FORGOTTEN FACES OF TERRITORIAL DISPUTES IN THE SOUTH CHINA SEA

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Abstract. The territorial disputes in the South China Sea (SCS) have attracted significant attention in the international relations of the Asia-Pacific. The main discourses, however, often focus on states as main actors. Sovereignty, national interests, and political and strategic calculations are the main themes under discussion. Another tragic story is omitted: the daily lives of millions of fishermen, who live by fishing in the SCS, are under severe threat because they can now be captured, or even killed, and their ships confiscated or destroyed at any time in their traditional fishing areas. States’ rival claims do have negative humanitarian impacts on their citizens. This paper tells the story of the dispute in the SCS through the humanitarian 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), traditional security concerns, involving the overlapping territorial claims of disputants in this vast maritime area, are the most important issues. It is, therefore, logical that the majority of literature in the field of international relations dealing with the SCS have taken traditional approaches, considering states as the main subject of their analysis. An important aspect of the dispute, the human security of fishers 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 the overlapping claims and the difference in claimants’ explanations of the most important legal regime, 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 gained significant economic achievements, their needs for both the 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, therefore, the likelihood of collision among claimants as well as with other stakeholders is, therefore, increased.

In the last few years, the territorial disputes in the SCS have escalated to a higher level comparing with the early years of the 2000s. China, the largest claimant in the SCS, has shown its determination to strengthen its claim, which covers 80% of the region. In May 2009, Beijing officially submitted its nine-dash line map (also known 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 dig for oil in the SCS. Southeast Asian petroleum exploration and fishing ships have been harassed and attacked in their respective exclusive economic zones (EEZ). 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 new, modern ships and submarines, and moving closer to the United States. This makes the 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 Great Barrier Reef of Australia or the Caribbean (Rosenberg, 2009, p. 62). Ten percent of global fish 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. Millions of fishers catch fish in the SCS daily. Against this context, the escalation of tensions has negatively affected the daily life of fishermen from all littoral countries in the SCS.

This research focuses on the deteriorating security environment for those Vietnamese fishers in the SCS, mostly affected by Chinese assertiveness during the period of escalating tensions.
among claimants. The paper is divided into four sections. The first section discusses the concept of human security and its application to the context of Southeast Asia and particularly the SCS. The second part analyses how the escalating tension in the SCS negatively affects Vietnamese fishermen in the SCS. In the third section, Vietnamese policy encouraging fishers 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 fishers. 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 updated statistics in Vietnam on the 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 so, as yet, no total statistics of these incidents have been officially calculated. Second, it is almost impossible to validate information provided by fishermen concerning what actually happened at sea. The incidents could be correct, but could also be narrated in ways that benefit the story teller (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 fishers provide.

Thanh Nien, one of the most popular and reliable newspaper in Vietnam, which is very active in carrying news on the SCS-related issues, is employed as one major information source for this research. Apart from that, the websites of government agencies are also scanned for official statistics of Vietnamese fishers’ 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).

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, supported by the Japanese government, shifts from states to people as a reference of security to meet humanity’s basic needs.

Many, however, disagree with this broad approach to human security because it overlaps and duplicates the data and analysis on poverty, disease, malnutrition, and so forth, which are covered by 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, proposed with a relatively limited scope, has been backed by the Canadian government. 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 trial 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 most important single 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 include protecting people from external threats. It is the main function of the 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.

The third research direction centres on the development of sub-state actors and the relationships and cooperation between governments and those non-state actors in fostering human security. This direction focuses on the civil societies at a grass-root level and the interaction between them and their respective governments.

**Human Security in Southeast Asia and its application in the case of territorial disputes in**
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 state-centric approach to the management of the society, and national security, and are significantly sensitive towards sovereignty issues. Moreover, the traditional cultures in Southeast Asia consider society and state as more important than individual wealth and security. Human security, therefore, does not receive sufficient attention from Southeast Asian governments, at least during the state formation period after the end of the World War II.

When the Cold War ended, the issue of human security has gained the increasing awareness of Southeast Asian governments. Three reasons are attributed to this trend. First, the external threats to a state’s security and sovereignty have significantly reduced. After the collapse of the Soviet Union and the socialist block the U.S. withdrew from Southeast Asia and the region has enjoyed a period of relatively peace. Without a prominent danger for state security, Southeast Asian governments have been able focus more on domestic issues, including those of human security. Second, the link between state security and human security is increasingly strong. 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). Likewise, poverty and the degradation of living standards of individuals are often causes of political chaos. Third, Southeast Asia’s concern with human security reflects the increasing awareness of the world community on the matter. This has been coupled with the process of democratization in Southeast Asia, as well as the development of civil societies’ increasing influence on governments’ 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 the territorial disputes in the SCS, the first observation is that few people live on the islands. The subjects of human security studies in the SCS issue, therefore, are those most affected by the disputes and conflicts in the region. The most affected group is fishermen and their families, whose lives are highly dependent on the safe, stable and secure access to the resources in the region. Current escalated tension in the territorial disputes
in the SCS, however, have been undermining the basic security, and wealth of fishermen as China’s increasingly tight monitoring of the SCS has barred them from secured access to the region.

The following section will demonstrate how escalating tension in the SCS affects fishers 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 TENSION 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% of the Vietnamese population obtains its income from the fishery sector, which provides more than four million jobs (around 5% of the population). Of this number, around 430 thousand people are directly involved in natural fish capturing. One hundred and twenty thousand people fish offshore. Fishery export is the third largest sector in Vietnam, only after garments and crude oil. The nation is currently the 5th largest fish exporter in the world.

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 horse power 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). In 2008, Vietnam also had more than 130,000 powered vessels of under 50 horse power, 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 farther offshore (FAO, 2010).

Vietnam’s fishery strategy to advance into the deeper sea, 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 caused escalated tensions in the region. In the last few years, Beijing has dispatched more modern vessels to patrol the SCS (far beyond their EEZ) with higher frequency. Subsequently, more foreign fishermen were captured and fishing ships were confiscated. The escalating tension over territorial disputes has seriously undermined the daily security of Vietnamese fishermen in a variety of ways.

From the economic aspect, most Vietnamese fishermen communities are poor. The wealth of fishery villages in the south central coastal provinces is heavily dependent on marine fishing (in which fishing is important because marine aquaculture in Vietnam is under developed). Given the expensive nature of fishing vessels, most 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 fishers 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), as well as being killed by natural disasters. All this because of the lack of cooperation between littoral states. 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 square kilometers. Initially, the ban was set for two months, from June 1 to August 1. Since 2009, however, the ban has been extended to 2.5 months, from May 16 to August 1 annually. This move was announced by the Chinese authority to conserve marine stocks. But 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 fishers 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 enforcement 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 regulation in the
region, thus recognizing Chinese sovereignty. For that reason, since China launched its fishing ban regulation in the SCS, Vietnam has always strongly condemned this unilateral action, considering it a violation of Vietnamese sovereignty in the SCS. 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 during the ban. 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 Vietnamese government. More importantly, they have no alternative, as a large part of their household income comes from fishing activities. Many fishers, however, feel reluctant to go, because if they are captured, their lost will be enormous and require years of hard-work to pay for the debt. To avoid this outcome, some choose to fish only in nearby waters; however, these normally do not provide a good 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 often suddenly attack and sink Vietnamese fishing ships, in the SCS and then run away, leaving the victims in dangerous situations. These vessels, possessing high speeds, neither carry national flags nor have plate numbers, and, because they usual attack in the night, fishermen can rarely clearly identify where the attack comes from.

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

On October 24, 2011, fishing ship no. QNg 9222TS of 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 22h30. One fisherman was wounded and fell into the sea. The ship was severely damaged. The crew had to temporarily repair the ship and went back to port before completing the fishing trip. A rough estimation (Thuy, 2011, October 26) showed that the incident cost the ship owner 150 million VND (equivalent to 7,500 USD).

On January 2, 2012, a Vietnamese fishing ship, no. CM99219TS, with 11 fishermen on board was sunk by a strange vessel. Only one crew member was lucky to be rescued by another
fishing ship. The ten others have not been found (Bach, 2012, January 07).

On February 1, 2012, it was reported to the coastguard in Song Doc (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, the four others could not be found (Hang, 2012).

On February 24, 2012, 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 3am by a strange vessel, 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, 2012).

These incidents are only a few among the many cases being reported by Vietnamese newspapers since early 2011. Because strange vessels neither take anything from the targeted fishing ships nor capture people, the possibility that they are pirates has been ruled out. Therefore, each time news of a “strange vessel” appears in the press, Vietnamese people often ask who owns these vessels and what are their reasons for attacking Vietnamese fishers. These questions may 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.

However, many Vietnamese, believe, even without clear evidence, that the strange 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 about their proposal.

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
Chinese large fishing ships invading traditional Vietnamese fishing areas has increased significantly. They often sail in big 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 March 09, 2011, he saw around 150 Chinese fishing vessels in Vietnamese waters. From April 30 to May 3, 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, 2011).

Le Van Tuan, another captain of a Vietnamese fishing ship told a reporter of Thanh Nien (Huy, 2011) 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.”

The Chinese fishing ships’ intrusion into Vietnamese EEZ is also recognised 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. Most of them have a large power capacity, so Vietnamese fishing ships cannot force them to leave. 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 fishers refrain from taking determined actions against the encroachment of their fishing grounds (Huy, Phu, Cu, 2011). According to Thanh Nien, in the period from 2006 to March 2011, Vietnamese coastguard authorities detected and captured, at least six times, Chinese fishing ships going deep inside the Vietnamese EEZ (Huy, 2011).

This encroachment of the 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 petrol from Vietnamese fishing ships. This will be analyzed in details in the next section.

**Attack, capture, and confiscation by foreign authorities**

As early as 1949, the Geneva Convention has made it clear the necessity to protect civilian persons in time of armed conflict. Article 3 of Convention IV states, the “outrages upon personal dignity, in particular humiliating and degrading treatment”, and the “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 (ICRC, 1949). More than 60 years since the signing of the convention, Vietnamese fishers, apparently unarmed, are occasionally attacked, beaten, shot, and captured and poorly treated by foreign authorities in the disputed areas where tensions among claimant states have not yet escalated into armed conflict. By January 16, 2012, statistics of Quang Ngai province alone revealed that 26 ships and 138 fishers were still detained by foreign authorities (Thanh Nien, January 16, 2012).

On February 22, 2012, Vietnamese fishing ship no. QNG90281, on its ways to the Paracels archipelago to avoid strong winds, was captured by Chinese patrol vessel no. 789. The patrol vessel fired fast and thick at the fishing ship and used 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 fishers were beaten and their property was stolen. The Chinese then destroyed the Vietnamese vessel’s equipment and poured most of its petrol into the sea, leaving only enough for the ship to return to a Vietnamese port. This case was strongly protested against 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, 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, petrol, fishing equipment and communication facilities. Chau (2011) 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 systematic approach for a broader goal, because, he notes, anytime he and his crew were seized, they were forced to sign prepared, Chinese documents, which stated 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 tough, 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 in May 2006, for example, sunk 18 boats and killed 246 people (Tien Phong, 2006). Among those people who have died due to the severe weather in the SCS, the majority are fishermen, the main income generators of 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. DN-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 rejected 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 seven days of the storm’s duration. After the storm, the fishermen could only leave after they had signed a form which claimed, that they intruded into Chinese waters. All fishermen were both filmed and their details filed (Quynh, 2011).

The table below, gathered by surveying articles in Thanh Nien newspaper in 2011 and from January to March, 2012, shows the number of Vietnamese fishers 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 archives for September 2011 was found in the library.

<table>
<thead>
<tr>
<th>No. of incidents/ships</th>
<th>No. of fishers rescued/released</th>
<th>No. of fishers died/missing</th>
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<tbody>
<tr>
<td></td>
<td>2011 (no September)</td>
<td>2011 (no September)</td>
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<tr>
<td>Attacked by strange vessels</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Captured by foreign authorities</td>
<td>13</td>
<td>21</td>
</tr>
<tr>
<td>Accidents (including those caused by severe weather)</td>
<td>34</td>
<td>2</td>
</tr>
<tr>
<td>Pirate</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>
VIETNAMESE POLICIES TO SUPPORT AND ENCOURAGE FISHERMEN

Due to the over-exploitation of Vietnamese coastal areas, fishers are encouraged to travel farther into the deep sea to fish. It is important to note that supporting fishermen venturing farther into the SCS not only has direct economic benefits, but also is considered by government officials as a way to assert the 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 fishers.

In his meeting with the leaders of Quang Ngai province on December 11, 2011, lieutenant general To Lam, Deputy Minister of Public Security asserted that the fishers are Vietnamese alive border posts at sea; consequently, the government should introduce policies to protect their security and safety when they operate at sea (Tin, 2011). This is repeated by the Head of 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).

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 July 13 on the principles and policies to support and encourage offshore capturing 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 March 14, 2011 to guideline the implementation this decision. The circular defines the conditions in which fishermen will receive financial support from the Vietnamese government. According to this document, owners of large ships which can venture into the SCS will be financially supported and subsidized for insurance, petrol, and communication equipment, including satellite positioning systems, for their vessels. Fishermen captured by foreign authorities and their income dependants 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 3000 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 2000 production teams with 13,000 vessels have been formed nation-wide (MARD, 2011b).

As the tensions in the SCS escalate, Vietnamese fishermen have also been encouraged by support from the whole society, and the dominant discourse of media. On its foundation day, the first fishery Trade Union received some dozen thousand dollars, FM radio receivers, ICOM, mobile kits, book shelves, and medicine from donators. A Fishery Support Fund was founded in Quang Ngai in August 2011 to help fishermen in difficulties (MARD, 2011c). Vietnam’s Petroleum Insurance Company established Vietnamese Fishers’ Insurance Fund to support fishers operating in the SCS. 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. This does not only provide 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 hail the contribution of fishermen; to applaud their courage and determination in protecting Vietnamese fishing grounds and sovereignty over islands and waters, and report their difficulties when faced with severe weather and external threats.

An article by Cam Thuy (2011) 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 6 years. This has impoverished this once rich family and they are now under the burden of a heavy debt.

During the high tension between Vietnam and China in the territorial disputes in the SCS in 2011 and early 2012, such articles were frequently reported in most popular Vietnamese newspapers, in both paper and online versions. Such discourse creates a united social attitude of support for fishermen. At the same time, however, anti-Chinese sentiment has also been unintentionally developed.

**SUBSTANTIALISING REGIONAL FISHERY COOPERATION IN THE SCS**

The support for and encouragement of fishermen to continue their fishing in the SCS is hazardous. Although the policy encourages and 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 risk.

The recent decreasing 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 fishers and their families has been challenged and their daily activities disturbed. In a narrower sense, Vietnamese fishers are, under the environment of escalating tension and conflicts, more vulnerable to foreign authorities, other external threats, and natural disasters. They are exposed to aggressive acts; they are attacked, beaten, shot, and robbed. Immediate cooperative actions among all stakeholders, therefore, are required to halt this trend.

While the time to completely settle the territorial disputes in the SCS is indefinite, 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 finishing 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). Almost all these mechanisms, however, are designed to protect marine bio-diversity not the fishers.

In the case of Vietnam, Hanoi reached an agreement with Beijing in December 2000 to protect the security of fishers 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 (MOFA-PRC, 2000). It seems, at the first sight, that this is a constructive strategy designed to promote regional peace and stability. A deeper study, nevertheless, reveals two major problems which make this proposal unacceptable for other claimants. First, the proposal asserts China’s sovereignty over the contested areas and the joint exploration only means that Beijing wants to share natural resources with neighboring countries. Acceptance of the joint development proposal thus means acceptance of Chinese sovereignty over the contested areas as well. 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 under its control into the category of a disputed area. For example, a Chinese scholar proposed in 2009 to include the Vanguard area (bai Tu Chinh – in Vietnamese) in the joint development program between China and Vietnam. 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 fishers 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 difficulty. 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.

NOTES

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