

East Asia's Maritime Disputes: Fishing in Troubled Waters

Few doubt that China's rise is this era's principal driver of strategic change, just as the United States' equally influential ascendancy shaped the last. But earlier optimism that the Middle Kingdom's re-emergence as a major power would be largely benign is fading as evidence mounts that Beijing is determined to press its territorial and resource claims in the vitally important seas of the Western Pacific. In barely the blink of a geopolitical eye, China's once lauded charm offensive has given way to exactly the kind of coercive behavior its critics have long predicted.¹ In a 3,000-mile maritime arc running from the East China Sea to the southern reaches of the South China Sea, Beijing is at loggerheads with many of its neighbors, including erstwhile friends, over several linked territorial and resource disputes. If not wisely managed, these disputes could bring East Asia's long peace to a premature and bloody end.

The need to protect vital maritime trade routes and secure energy resources that lie under the East and South China Seas goes some way to explaining China's assertive approach to off-shore territorial disputes, including its claim to most of the South China Sea.² But conventional narratives have largely ignored the significance of valuable marine living resources in catalyzing the dangerous mix of conflicts in the Western Pacific and the role of China's fishing and paramilitary fleets (the various Chinese fleets responsible for fisheries protection, customs, maritime surveillance, law enforcement, and border

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security, many of which are armed and of substantial tonnage). In Chinese eyes, the rich fishing grounds of the East and South China seas are as critical to China's future food security as oil and gas are to its energy future.³ With wild fish stocks in decline and demand rising, fish has become a strategic commodity to be protected and defended, if necessary, by force.

In this article, we argue that Beijing is using its fishing and paramilitary fleets for geopolitical purposes by pursuing a strategy of “fish, protect, contest, and occupy”—designed to reinforce its sovereignty and resource claims over contested islands in the Western Pacific and coerce other claimants into compliance, and acceptance, of China's position. If this policy does not reverse or moderate—and there are few signs that it will—the consequences could endanger regional stability and even China's own long-term security.

Fish as a Strategic Commodity

Nations have long fought for control of critical resources. People often think of gold, silver, and in more recent times, oil, gas, and precious metals. But fish has begun to assume comparable strategic significance for China because of both its scarcity and centrality to the economy, lifestyles, and diet of many Chinese people.

Of course, the depletion of fish stocks is not solely a Chinese problem. It is an emerging global security issue rooted in the burgeoning international demand

Increased demand comes at a time when the fishing industry faces a host of supply-side problems.

for food, coming at a time when the fishing industry faces a host of supply-side problems including chronic overfishing, the environmental destruction of fish habitats, a massive increase in world fishing fleets, and ill-directed state subsidies. Since 1950, the total annual catch of wild and farmed fish from aquaculture has grown five-fold (to 148 million tons with a market value of US\$217.5 billion).⁴ Far from being a triumph of post-industrial technology and farming practices, this unprecedented harvest has taken a severe toll on the wild fish population. Less than 15 percent of

all fisheries have room for growth, with the remaining 85 percent categorized by the UN Food and Agricultural Organization (FAO) as fully exploited, depleted, or recovering from depletion.⁵

These global trends are mirrored in the seas near China. Fish yields in the Yellow and East China Seas have fallen dramatically over the past 20 years. In the South China Sea, which produces about 10 percent of the annual global fisheries catch, overfishing has severely depleted fish stocks to the point where coastal areas are down to only 5-30 percent of their unexploited stocks.⁶ This worries Beijing because China is both the world's largest fish producer and consumer. More than nine million fishers—a quarter of the world's total—are Chinese, and the Chinese Ministry of Agriculture estimates that, if fisheries-related household income and value-added revenue is included, the fishing sector contributes \$330 billion (1.992 trillion yuan) to the Chinese economy annually, about 3.5 percent of GDP.⁷ However, despite impressive absolute and relative gains in supply that have allowed China to increase its proportion of world fish production from 7 percent to 34 percent since 1961, Chinese per capita consumption of fish (31.9 kg) is now more than double that of the rest of the world (15.4 kg) and threatens to outrun supply.⁸

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If this were not sufficient cause for concern, three other negative developments threaten a perfect storm for China's hard-pressed fishing industry. First, the country's booming population, fast growing middle-class, and rapid economic transition have forced millions of farmers and workers from the hinterland to coastal provinces, increasing demand for fish products and adding both to the pool of itinerant fishers as well as pressure on the supply of wild fish. At the same time, economies of scale favoring larger commercial operations have reduced incomes and food security for traditional fishing communities in a "complex, negative feedback cycle."⁹

Second, since more fishers seek to exploit the remaining reserves of fish, China has been at the forefront of a major expansion in the size and power of Asia's fishing fleets. While other regions stabilized the size of their fishing fleets in the last quarter of the 20th century, Asia's doubled in size during the same period and today makes up three quarters of the world's powered fishing fleet.¹⁰ China has the world's largest by number and tonnage if the inland fleet is included.¹¹ Regulating and reducing the size of the fleet to sustainable levels has been problematic, complicated by domestic political and economic pressures to support local fishing communities and by an unwillingness to impose license restrictions and catch limits.¹²

The Chinese government has not helped matters, providing subsidies to the fishing sector of over \$4 billion annually, roughly a quarter of all Asian subsidies and around 15 percent of the world total.¹³ Subsidies artificially prop up prices and encourage unprofitable fishers to stay in business when the money would be

better spent restructuring the industry and reducing the number of fishing vessels over time. In recent years, Beijing has made serious efforts to address the supply imbalance by attempting to downsize the national fishing fleet, accelerate investment in the fishing industry, retrain unemployed fishers, and impose fishing bans and catch caps, all with limited success.¹⁴ There are still too many fishing boats chasing too few fish, and it is difficult for traditional fishers to give up their trade which remains a lucrative occupation as prices continue their steady rise.

Third, international legal constraints as codified in the 1982 UN Convention on Law of the Sea (UNCLOS) have both reduced the area of open ocean for fishing and linked fishing rights to sovereignty issues, which has complicated the adjudication and settlement of both territorial and fishing disputes in the East and South China Seas. The declaration of Exclusive Economic Zones (EEZs)—a sea-zone extending 200 nautical miles from a state's coastline, islands, and other sovereign maritime features—is a further complication, allowing states to claim all the resources beneath the sea in the EEZ including fish, oil, gas, and valuable sea-bed minerals. As a result, Chinese and fishers from other countries face an unpalatable choice: either abide by the rules and see their catches and income severely reduced, or risk fishing illegally and face the possibility of arrest and impoundment of their catches.

Roots of Chinese Policy

The underlying drivers of China's fishing policy and broader maritime strategy remain a puzzle.

Establishing that fish is a high-value commodity and that Chinese fishers are engaging in increasingly risky behavior to bring home their catches does not, in

itself, tell us much about the underlying drivers of China's fishing policy and broader maritime strategy. These remain a puzzle, complicated by the opaqueness of policy formation and the profusion of competing bureaucracies with a stake in the Chinese fishing industry. It is not always clear, for example, how much independence a trawler captain exercises when deciding where to fish, or to what extent they inform Chinese maritime agencies of their whereabouts. Little is known about the policy

directives governing the operations of the Chinese fishing fleet and the agencies responsible for maritime border security and fisheries surveillance, protection, and enforcement. A further difficulty is Beijing's reluctance to clarify the extent of its territorial claims in the South China Sea or to discuss the specific nature of its objections to competing claims.

Although a mix of unsubstantiated assertions, ambit claims, and strident rhetoric, China's declaratory policy does shed some light on its maritime strategy. Since 2010, the tone of China's official pronouncements and press commentary has hardened considerably in support of its claims to contested islands and fishing rights in the East and South China Seas, and Beijing has adopted a tougher line on maritime territorial issues more generally.¹⁵ Official ministerial statements, as well as editorials and opinion pieces in the popular Chinese press, are liberally laced with phrases such as "indisputable sovereignty" and "inherent territory," reflecting an uncompromising mindset.¹⁶ Much press commentary seems deliberately inflammatory, especially when featuring representatives of the Chinese military.

During the 2012 stand-off with the Philippines over the Scarborough Shoal, Major General Xu Yan, from the National Defense University of the People's Liberation Army, (PLA) opined in the *China Daily* that if the Philippines "dares escalate the movements of maritime police into military operations, it will suffer a great calamity from China's strike in response to their attack."¹⁷ An earlier article in the *PLA Daily*, the official newspaper of the PLA, warned that "the Philippine side will drink as it brewed" if it attempted to arrest Chinese fishermen.¹⁸ In reviewing public reporting on Sino-Filipino diplomatic exchanges over their territorial and fishing disputes, one experienced Southeast Asia scholar could not find a single instance where China took the Philippines protests seriously or even offered to investigate the matter. In all instances, China rejected Filipino demarches out of hand.¹⁹

However, there are obvious risks in conflating declaratory and action policy. Despite its strident nature, Beijing is not alone in using harsh language to advance its geopolitical interests by giving the impression of resoluteness and conviction in order to persuade other states that opposition is futile. One can best infer China's real strategy from its actions at sea over an extended period of time. As a result of the upsurge in sovereignty disputes in the Western Pacific littoral, there are now sufficient case studies to illuminate the role that China's fishing and paramilitary fleets play in its overall maritime strategy. What emerges is a pattern of behavior which suggests a much higher level of coordination between China's fishing and paramilitary fleets than previously thought, extending in some cases to the PLA. This is evident not just in the hotly contested South China Sea, but also the East China Sea where China has clashed repeatedly with South Korea and Japan over fishing rights.

China's fishing and paramilitary fleets appear to coordinate much more than previously thought.

Echoes of the Past

The policy antecedents of China's contemporary strategy trace back to the Paracel Islands conflict in 1974, when China seized them from South Vietnam using tactics redolent of more recent disputes. (The archipelago, known as the Hoang Sa Islands by Vietnam and Xisha Qundao by China, is roughly equidistant from both countries. The northern part of the archipelago, the Amphitrite Group was occupied by China in 1950, and the southern part, the Crescent Group, was administratively controlled by South Vietnam until 1974.) Initially, Beijing claimed that it was only interested in protecting the right of its trawlers to access traditional fishing waters around the Paracels, having occupied the northern part of the archipelago in 1950. In the first sign that China had more strategic designs, the number of Chinese fishing vessels entering the waters around the island group suddenly surged in the second half of 1973. Given the presence of a small South Vietnamese garrison on one of the southern islands and regular South Vietnamese naval patrols, the influx of fishing boats is unlikely to have been spontaneous, since their captains would have been reluctant to risk their boats and catches unless they were confident of government support.

On the 16th of January, 1974, a small group of South Vietnamese marines discovered two Chinese fishing trawlers and a small contingent of PLA soldiers on one of the islands claimed by Saigon, and a second contingent on a neighboring island administered by South Vietnam, who had disembarked from a landing ship with two *Kronstadt* Guided Missile patrol boats in support. In the significant naval engagement that followed, Beijing dispatched naval vessels and armed troops to the area, sinking a Vietnamese corvette, evicting defending South Vietnamese forces, and taking control of the whole Paracel group.²⁰

Two decades later, there were striking parallels with China's tactics in its dispute with the Philippines over the Spratly/Kalayaan Island group. (The Spratlys are sometimes referred to as the Kalayaan Islands by the Philippines.) In 1995, Philippine naval vessels discovered and destroyed what China euphemistically referred to as "fisherman's structures" on an obscure coral reef in the eastern Spratlys, known as Mischief Reef and not previously known to be part of the Chinese claim.²¹ Mischief Reef is within the Philippine's EEZ but more than 1,000 kilometers from China's nearest coast. China reacted decisively by sending naval ships to the reef, which exchanged fire with the outgunned Philippine Navy. This sent shockwaves through the region and precipitated a serious rift in relations with Manila. After both countries agreed that only civilians would use the structures, China subsequently upgraded them to large, concrete platforms capable of garrisoning troops and helicopters.²² They are clearly not the fishermen's shelters Beijing claimed them to be.²³

To the chagrin and protests of Vietnam and the Philippines, Beijing has also imposed an annual three-month (within May–August) unilateral fishing ban since 1999 around the Paracel Islands and parts of the Spratlys, ostensibly to protect fish stocks. Chinese enforcement of this ban, which coincides with the peak of the Vietnamese fishing season and includes EEZs claimed by Vietnam and the Philippines, has included fines, imprisonment, loss of equipment, ramming, deliberate sinking of boats, shootings, and impoundment of the vessels.²⁴ One Vietnamese official said that “it’s hard to tell the difference sometimes between what the Chinese authorities are doing to our fishermen and piracy and armed robbery at sea.”²⁵

In April 2012, China’s fishing fleet was again the catalyst for a confrontation with the Philippines, this time over the Scarborough Shoal, 220 kilometers west of Zambales and also within the Philippine’s EEZ. (Scarborough Shoal is also known as Panatag Shoal and Bajo de Masinloc by the Philippines, and Huangyan Island by China.) A Philippine maritime surveillance plane discovered eight Chinese fishing vessels at anchor within the shoal on April 8. A naval ship, the *Gregorio del Pilar*, was dispatched to inspect the Chinese fishing vessels and discovered a large amount of coral, giant clams, and shark among their catch, which the Philippines condemned as illegal.²⁶ The Chinese counter-claimed that their fishing vessels were sheltering from a storm when the Philippine navy started harassing them. As the *Gregorio del Pilar* attempted to arrest the fishermen, two Chinese maritime surveillance ships intervened and placed themselves between the fishing vessels and the Filipino naval ship, preventing any arrests.²⁷ In order to defuse the situation, a small Philippine coast guard search-and-rescue craft replaced the *Gregorio del Pilar*—but rather than reciprocate, China sent one of a new class of armed fisheries patrol and law enforcement ships, the 2,589-ton *Yuzheng 310*.²⁸ The Philippines later withdrew its ships from the shoal, but China intensified its patrols, sending a clear message that it would not withdraw its claim to the shoal and its adjacent fishing grounds.²⁹

Chinese fishing boats are also appearing in unprecedented numbers around Indonesia’s Natuna Island group. This is a collection of 272 islands located at the southern end of the South China Sea in the province of Riau Islands, nearly 2000 kilometers from the Chinese mainland. This illustrates how far south the Chinese fishing fleet is now sailing and the extent of its fishing and territorial claims. In June 2009, the Indonesian Navy detained 75 Chinese fishermen in eight boats for illegally fishing in the EEZ of the Natunas, which provoked a typically blunt demand from Beijing for their immediate return.³⁰ The Chinese response raised fears in Jakarta that China’s expansive claim to the South China Sea might cut across the northern edge of the Natunas’ EEZ, even though Indonesia is not a claimant to any of the disputed features in the Spratly Island

group to the north and has never regarded China as a neighbor in maritime delimitation.³¹

A more serious incident a year later confirmed Jakarta's worst fears. An Indonesian naval ship detained ten Chinese fishing boats to the north of the Natunas, but well within the 200 nautical mile EEZ, which Indonesian officials maintain had encroached in a "deliberate and coordinated manner." Within a few hours of their detention, two frigate-sized ships "armed with heavy guns" arrived and engaged in a tense confrontation before the fishing vessels were released.³² Anxious to avoid any conflict with China, or to give substance to Chinese claims to the Natunas, the Indonesian government chose to play down the incident publicly, although officials privately voiced their misgivings about Chinese intentions and the obvious coordination between the intruding fishing vessels and Chinese maritime agencies.³³

If such behavior were confined to a single sea or country, one could make a case that China's assertiveness might be no more than oversensitivity to a particular area or an especially prickly bilateral relationship. However, China's equally uncompromising stance on territorial issues in the East China Sea and its aggressive use of its fishing and paramilitary fleets in disputes with multiple countries throughout the Western Pacific, irrespective of the strength of historical ties with China, suggests otherwise. Take the case of South Korea: in 2011, Seoul seized nearly 500 Chinese fishing vessels, up 20 percent from the previous year, with Chinese intrusions peaking during the crab season.³⁴ South Korean authorities claim that the sheer number of Chinese vessels fishing illegally, and their increasingly aggressive tactics, threatens to overwhelm their maritime law enforcement capabilities. In recent years, there have been several deaths at sea, including the December 2011 knifing of two South Korean coast guard officers by a Chinese trawler captain, resulting in the death of one ROK coast guard officer.³⁵ In one particular incident, Chinese trawlers, lashed together in groups of up to twelve, fought pitched battles with the South Korean coast guard using boathooks, metal bars and shovels, while coast guard officers responded with rubber bullets.³⁶

A Chinese fishing trawler also helped bring a simmering territorial dispute with Japan to the boil. In September 2010, a Japanese coast guard vessel was rammed by a Chinese fishing trawler while trying to detain the trawler for illegally fishing in the waters surrounding the Senkaku/Diaoyu islands. Although not the first time incidents involving the Chinese fishing fleet had precipitated terse Sino-Japanese diplomatic exchanges,³⁷ this incident was notable for two reasons. The confidence the Chinese trawler captain displayed and the sharpness and immediacy of Beijing's language in responding to his and his crew's arrest contrasts starkly with the more sober and measured tones adopted by other countries when China has detained their fishing boats.³⁸

China's official news agency, Xinhua News, accused Japan of creating a mock collision in "a severe violation and flagrant challenge of China's territorial sovereignty" and of "play[ing] tricks by deceiving the world and international public opinion."³⁹ The dispute continues to fester and is arguably the most dangerous in the region because it involves East Asia's two largest powers and risks drawing in the United States as Japan's ally and ultimate security guarantor.

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China's End-Game

Collectively, these incidents suggest an emerging Chinese strategy of "fish, protect, contest, and occupy," (FPCO) which is integral to the long-term game Beijing is playing in the Western Pacific to advance its territorial and resource claims. It is clear from the frequency, pattern, and wide geographical spread of Chinese fishing incursions that the fishing fleet has an unofficial green light to ignore the sovereignty claims of other regional states and fish in waters around the many contested features of the East and South China Seas. There is also strong circumstantial evidence that Beijing is deliberately using the fleet to test the resolve of other claimants and demonstrate the reach of China's maritime power. If other claimants diplomatically protest or physically challenge the presence of Chinese fishing vessels, Beijing curtly dismisses them and dispatches paramilitary ships from China's fisheries protection and maritime surveillance agencies to support the fishing fleet.

When Chinese fishing boats enter a contested area, one of two situations emerges. In the first, Chinese entry to the area provokes a rival's response, which China can then characterize as aggressive or illegitimate. This provides a pretext for Chinese paramilitary ships to "go to the rescue" of the fishing vessels, and gives a justification for an ongoing presence of Chinese ships where previously there had been none, effectively denying local fishers access to traditional fishing grounds. In the second scenario, a rival may not respond to a Chinese incursion—but effective Chinese occupation of the area then follows, often accompanied by the construction of military fortifications and the deployment of troops.⁴⁰

From a Chinese perspective, the FPCO strategy has two other virtues. The sheer size of China's fishing fleet, backed by an increasingly capable navy and maritime paramilitary force, gives China a decided edge in confrontations at sea with its littoral neighbors, a capability disparity that is only going to grow in the future as China continues to invest heavily in ships, surveillance, and

communication technology (with the notable exception of Japan which has a world-class navy and coast guard). Fishing, reinforced by a robust maritime presence on disputed islands and features, also strengthens China's territorial claims since demonstrated usage, occupation, and administration are all relevant to ownership under UNCLOS.⁴¹

This is not to argue that all Chinese fishing activities are centrally coordinated. Nor does it mean that the entire Chinese fishing fleet operates as the spearhead of a seamless paramilitary force expressly designed for geopolitical purposes. The reality is more complex and haphazard. Most Chinese fishers are no different from their regional counterparts in that they are simply trying to make a living in an increasingly competitive environment—their jobs and livelihoods depend on returning to their home ports with a decent catch. Nor are Chinese fishers always the antagonists: many examples demonstrate how other states exclude Chinese fishing vessels from traditional fishing grounds, or how other states' maritime enforcement agencies harshly treat Chinese fishermen.⁴² Moreover, China has a large area of ocean to police and a legitimate need for maritime surveillance and fisheries protection. What is clear, however, is that the Chinese fishing fleet is emboldened to fish in contested waters while in the proximity of paramilitary patrol vessels.

Unfortunately, the proliferation of agencies with responsibility for law enforcement and maritime security has had the unintended consequence of blurring responsibility for fisheries protection. This complicates decision-making and increases jurisdictional turf wars. "Nine dragons stirring up the sea"—an allusion to the mythical nine sons of the powerful dragon king at play in the sea often depicted in traditional Chinese artworks—is an expression in Chinese policy circles for the lack of coordination between the various government agencies responsible for the East and South China Seas.⁴³ Five of these latter-day dragons are the main national maritime agencies, and their overlapping mandates illustrate the problem. The China Coast Guard (CCG) is responsible for border protection and crime fighting; the Maritime Safety Administration (MSA) manages the inspection of ships, openness of sea lanes, and maritime transport; the Fisheries Law Enforcement Command (FLEC) oversees all fisheries activities; the China Marine Surveillance force (CMS) is responsible for protecting the environment, conducting marine surveys, and enforcing the Law of the EEZ; and the Customs Anti-Smuggling Bureau (CASB) is tasked with collecting customs duties and preventing smuggling, but it also has law enforcement authority over claimed territory and territorial waters.⁴⁴

Each agency has its own paramilitary vessels but the two most powerful dragons are undoubtedly the CMS and FLEC, which deploy extremely capable ships, including decommissioned navy frigates and supply ships.⁴⁵ Several are well-armed and of tonnages comparable to the larger ships in the PLA Navy's



The largest ship in the FLEC Fleet, the 15,000-ton *YuZheng-88*, a former naval replenishment ship.⁴⁷

inventory. These ships play an increasingly important ancillary role in support of Beijing's wider maritime security interests, which has as much to do with geopolitics as it does protecting China's commercial interests. Historically, it is FLEC ships that protect Chinese fishing vessels and disputed territories. In the first nine months of 2011 alone, FLEC patrol boats reportedly confronted 22 armed vessels from Vietnam, the Philippines, and Indonesia.⁴⁶ CMS ships, meanwhile, have patrolled the East and South China Seas on a regular basis since 2008, and have been involved in several fishing incidents with Vietnam as well as the stand-off with the Philippines over the Scarborough Shoal.

It is not only China's Asian neighbors who feel the dragon's breath. In March 2009, the U.S. Navy hydrographic survey vessel the USNS *Impeccable* was carrying out a surveillance mission in international waters 120 kilometers south of Hainan Island when it was accosted by five Chinese vessels (a naval ocean surveillance ship, a FLEC patrol boat, a CMS ship, and two naval trawlers).⁴⁸ In a game of "nautical chicken," the Chinese vessels dropped wooden planks in front of the *Impeccable*, forced it to stop, and then used poles to interfere with the surveillance instruments behind the ship.⁴⁹ This harassment continued until the unarmed *Impeccable* was forced to leave the area.

A similar incident took place in June 2011, this time involving a seismic survey ship off the coast of Vietnam. The *Viking II*, registered in Norway and leased to oil and gas giant PetroVietnam, was operating off the southeastern coast near the Vanguard Bank, far from the Paracels and well within Vietnam's claimed EEZ. In an action clearly unrelated to fishing, a Chinese fishing boat attempted to use a "cable cutting device" to sever delicate survey equipment being towed by the *Viking II*.⁵⁰ China later claimed that its fishing boat had become entangled in the *Viking's* equipment cable after being chased by armed Vietnamese boats, and therefore had no choice but to cut it after being dragged for over an hour.⁵¹ This fails to explain why the fishing boat had a cable-cutting

mechanism or the coincidental presence of the two CMS vessels. It also ignores earlier Chinese harassment of the *Viking II* and a second Vietnamese seismic survey ship, the *Binh Minh 02*, which had its cable cut in May 2011, in a confrontation with three CMS ships, described by Chinese authorities as “completely normal law-enforcement.”⁵²

The use of the civil maritime agencies for strategic purposes seems to be increasing in line with the new emphasis on the maritime domain. The 11th Five-Year Plan declared an intention to expand China’s maritime law enforcement agencies and equip them with a suite of modern aircraft and ships. By 2015, the CMS is expected to have 16 aircraft and 350 patrol vessels. Other agencies, notably the MSA and FLEC, will also receive new ships and aircraft, including 36 modern cutters and patrol boats by 2018.⁵³ This will give China the most powerful and modern paramilitary fleet in Asia by the end of this decade, surpassing Japan’s own highly capable coast guard by a substantial margin, with obvious implications for the Senkaku/Diaoyu conflict and other, equally contentious territorial disputes in the South China Sea.

Recognizing the increasing importance of fish, as well as energy and sea-borne trade to the nation’s economic development, China’s 12th Five-Year Plan, released in March 2011, called for even greater emphasis on the marine economy and has allocated additional funding to maritime border and fisheries protection.⁵⁴ Chinese authorities are also providing their fishing vessels with satellite navigation and modern communications systems so that they can remain in touch and notify the relevant government agencies should foreign countries seek to harass or arrest them.⁵⁵

In a little noticed, but highly significant, decision at the 2013 National People’s Congress, Beijing has also begun the process of establishing a larger and better equipped national coast guard by consolidating the main agencies responsible for maritime law enforcement and fisheries protection including the CMS, FLEC, CCG, and CASB. Merging these four dragons into one under the control of the State Oceanic Administration ought to improve the coordination problems which have plagued China’s maritime law enforcement agencies. But far from allaying neighbors’ anxieties, a powerful and centralized Chinese coast guard with more potent capabilities and Asia-wide responsibilities may have the reverse effect—exacerbating maritime tensions in the absence of accompanying policy changes.

And in a particularly controversial move, aimed at strengthening the legal basis for its claim to 2 million square miles of the South China Sea, China’s southern province of Hainan has passed legislation that came into force on January 1, 2014, requiring non-Chinese fishing vessels wanting to operate in the South China Sea to first obtain permission from the Hainan authorities. Failure

to do so will result in vessels being forcibly removed or impounded, with crews facing fines of up to 500,000 yuan (US\$83,000) and their catches confiscated.⁵⁶

The risk here is further blurring the lines between fisheries protection and maritime security. This could lead to the militarization of fishing disputes throughout the Western Pacific, especially in the South China Sea where China's territorial claims are both extensive and opaque. On several occasions, PLA Navy ships have shadowed sizeable Chinese fishing fleets and their supporting paramilitary vessels. In April 2011, a report prepared by the Armed Forces of the Philippines recorded a *Jianghu-V* class missile frigate warning three Philippine fishing vessels from Jackson Atoll, a rich fishing ground 140 nautical miles west of Palawan. The frigate threatened to open fire if the Filipino fishing boats did not immediately leave the area, then fired three warning shots, forcing the Filipino fishermen to cut their anchors. When one of the Filipino fishing vessels returned three days later to retrieve its anchor, the captain observed several Chinese fishing boats exploiting the marine living resources around the atoll.⁵⁷

Even if China were to maintain a separation between its civil maritime agencies and the PLA Navy, and were to reduce the number of agencies responsible for fisheries protection, the tactics of using paramilitary ships to enforce territorial claims and perceived fishing rights will continue to have a destabilizing effect throughout the region, provoking matching responses.⁵⁸ Taiwan has considered deploying tanks and missile-armed patrol boats to Itu Aba in the Spratlys.⁵⁹ And in response to the "illegal" incursions of Chinese fishing fleets, Seoul has announced that it will build new maritime police bases on Baeknyeong and Heuksan islands on the west coast of South Korea beginning in 2014.⁶⁰

Real Win-Win Solutions

The central conclusion to be drawn is that competition between China and its neighbors over marine living resources is complicating and aggravating sovereignty and other resource disputes throughout the Western Pacific littoral in ways that the academic or policy communities have not yet fully comprehended. Escalating demand for the rapidly dwindling stocks of wild fish has endowed this once plentiful natural resource with a hitherto unappreciated strategic value exceeding that of oil, gas, and precious metals. Fishing is a multi-billion dollar industry and essential source of protein for all littoral states in East Asia, but particularly for China, which is a voracious consumer of fish products. With demand continuing to rise, maintaining access to traditional fishing grounds will become an increasingly important driver of Chinese foreign and strategic policy in East Asia.

By virtue of its size, economic dynamism, and geopolitical weight, China plays a pivotal role in shaping the regional maritime security environment. Beijing's policy dispositions will prove crucial in determining whether fishing disputes in the Western Pacific are resolved cooperatively or become triggers for more serious conflict. While it is true that other Asian states face similar fish security challenges to those confronting China, there is a crucial difference. China has rapidly acquired the strategic weight and instruments of military power, law enforcement, and surveillance to protect its large fishing fleet and assert its sovereignty and resource claims in contested areas of the Western Pacific. Many fishing incidents are undoubtedly due to human error, genuine confusion over the status of maritime boundaries, and the maverick actions of individual ships' captains under pressure to sustain catches and livelihoods. But it is difficult to escape the conclusion that the Chinese fishing fleet has become an instrument of state policy and is being used to assert and defend territorial claims at sea.

While superficially appealing to a leadership convinced both of the legitimacy of its territorial claims and of its place at the apex of a new regional order, Beijing's unwillingness to genuinely consider "win-win" solutions in territorial and resource disputes with its neighbors is counterproductive to China's own security and that of the wider region. In the space of a few short years, China has become increasingly isolated in East Asia. Regional states are lining up to hedge against China's rise, which now appears more revisionist than benign. In Southeast Asia, five of ten ASEAN states (Vietnam, the Philippines, Indonesia, Malaysia, and Brunei) have serious or potentially serious fishing disputes with China. All three of its Northeast Asian neighbors (Japan, South Korea, and North Korea) have protested against Chinese illegal fishing and regard the issue as a growing problem for their respective bilateral relationships. Taiwan is concerned about the consequences of China's "muscular unilateralism" for its own territorial and fishing claims.⁶¹ More worrying for Beijing, criticism of China's perceived intransigence spans not only geographical but also ideological divides as fishing tensions with fraternal Vietnam and North Korea attest.⁶²

Beijing could arrest this reputational decline, defuse tensions over fishing rights, and help address the underlying causes by rethinking core elements of a maritime strategy that serves no one's long term security interests, least of all China's. First, it must send a clear signal to the neighborhood that it is willing to countenance multilateral solutions to what is clearly a transnational problem. A step in the right direction was the mid-2013 decision, by China and Vietnam, to establish a fishery 'hotline' requiring each country to inform the other of the detention of any of their fishers, or fishing vessels, within 48 hours.⁶³

A more substantial, region-wide initiative would be to quickly conclude negotiations over a Code of Conduct on the South China Sea, building on the momentum from the August 2013 ASEAN Ministerial Meeting in Brunei.⁶⁴ The Code of Conduct should extend to contested islands and features in the East China Sea and include negotiated fishing agreements that allow all claimants fishing access to disputed waters under a regional fisheries management scheme.⁶⁵ This scheme should promote sustainable fishing practices and include features such as catch limits, joint fisheries research, phased reductions in the size of regional fishing fleets, agreed fishing bans on threatened or depleted species, and the abolition of industry subsidies.

A region-wide fisheries management scheme, underpinned by bilateral fishing agreements, will not be easy, requiring a level of political maturity and willingness to make concessions on all sides that has so far been sadly lacking. But China has been prepared to show flexibility on territorial issues in the past, and there are compelling national interest reasons for doing so now. Like any other nation, China is perfectly entitled to develop and modernize its law enforcement, fisheries protection, and maritime surveillance capabilities—but it should not deploy or utilize its fishing and paramilitary fleets as a de facto naval militia.⁶⁶ This will only serve to heighten fears about China's long-term intentions in Asia, stimulate reciprocal responses, militarize fishing disputes, and worsen existing interstate rivalries. A change of rhetoric would help. Words are bullets in diplomacy, and the self-righteous and sometimes threatening tone of many official pronouncements on fishing and other maritime disputes reinforces the impression that China is prepared to ignore established norms, rules, and conventions in pursuit of a narrowly defined self-interest.

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A continuation of China's FPCO tactics is a recipe for confrontation with its neighbors and all but guarantees further fish-related conflict, which may prove more difficult to contain as competition for maritime resources intensifies. The successful conclusion of a Western Pacific fisheries management scheme could complement the parallel joint development of oil, gas, and other valuable resources, setting the tone for a broader resolution of the many linked territorial issues at sea. Such an approach would increase trust between China and its littoral neighbors, reduce tensions, and signal that China is prepared to take a constructive leadership role by building regional cooperation, in contrast to its current bilateral "divide and conquer" approach to fishing and territorial disputes.

Notes

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11. FAO, SOWFA 2012, 50–51, *op. cit.*
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