



Conflict Factsheet

Fishing Dispute in the South China Sea

Type of conflict

Main

Intensity

1.5

Conflict Locality

South Eastern Asia

Time

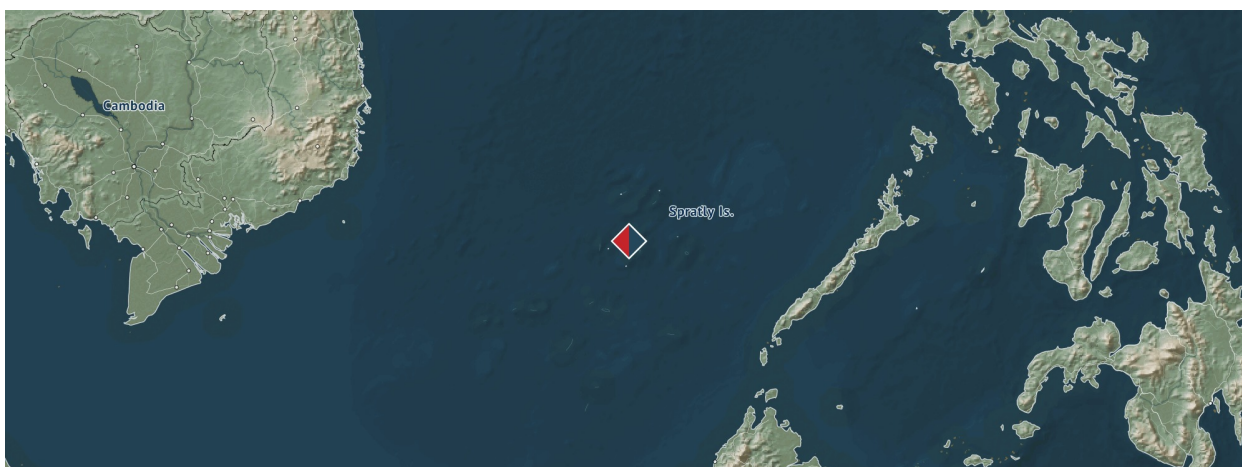
2010 –ongoing

Countries

Philippines, Vietnam, China

Resources

Fish



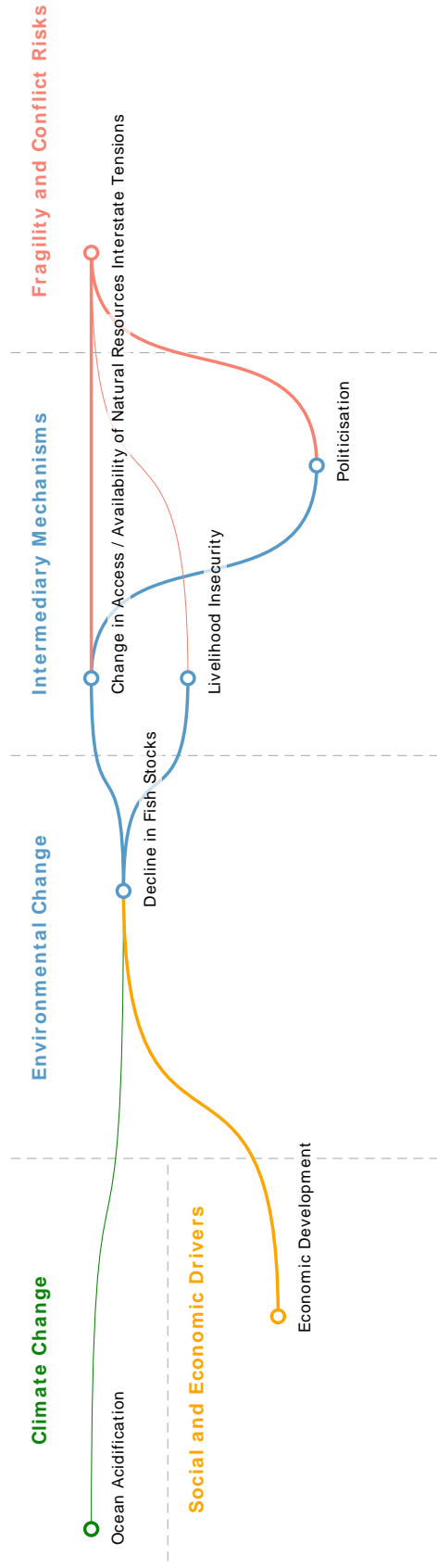
Local resource competition

Conflict Summary

Since the end of the Second World War, the South China Sea has been considered to be a major region of instability in Southeast Asia. Whilst territorial disputes over islands, and their associated waters, seem to be linked primarily to oil and gas resources, fisheries may well become the core of future conflict, as over-fishing has led to increased competition between the fishermen of Vietnam, the Philippines and China. The frequency and intensity of clashes between fishing vessels has escalated in recent years.



Conceptual Model



Context Factors



Fish

History of Conflict
Power Differential



Conflict History

The South China Sea is one of the main economic hubs worldwide. Bordered by China, Taiwan, Vietnam, Cambodia, the Philippines, Malaysia, Brunei, Indonesia and Singapore, it has long been considered as a major source of tension in the Southeast Asia region. The conflict, fuelled by sovereignty disputes over the waters and islands of the South China Sea, has intensified in recent years, due in part to ever increasing competition for resources. There is a belief that the South China Sea may have extensive oil and natural gas resources, although reliable data has yet to be published ([BBC, 2015](#)). Additionally, the South China Sea is one of the world's major fishing areas. Fishing disputes occur especially between China, Vietnam and the Philippines. According to some experts, the trigger for regional conflict in the future may well be fisheries rather than fossil fuels ([Pinto, 2013](#)).

Fisheries as a trigger for regional conflict

The argument for this is twofold. Firstly, it is unclear as to whether fossil fuel resources will catalyse regional conflict. Although China perceives the South China Sea to be a new "Persian Gulf" in terms of hydrocarbon resources, the US Energy Information Administration estimates this supply to be roughly comparable to European resources. Moreover, the fossil fuel resources would be situated in non-disputed zones, close to the coast. In addition, deep-water drilling involves huge costs, advanced technologies and seismic risks which might restrain further exploitation of fossil fuel resources. From 2010, the dispute escalated due to clashes between fishermen and concerns were raised that it may become a flashpoint with both regional and global impacts. Secondly, the role of the South China Sea for fishing is significant, as the sea accounts for nearly 10 percent of fish caught globally ([Rogers, 2012](#)). It is all the more crucial for Asia, as fish accounts for 22 percent of the protein intake in the region, compared to a global average of only 16 percent ([Rogers, 2012](#)). Additionally, large parts of the coastal populations of China, Vietnam and the Philippines rely on fishing for their livelihood, making it a potent source of conflict.

Intensified competition for fish

The buoyant economic growth characterizing the region since the beginning of the 21st century, especially the rise of China, intensified the competition for fishing resources in the South China Sea ([Council on Foreign Relations, 2014](#)). A rising demand, driven by population growth and economic development, led to overfishing. According to the Global International Waters Assessment (GIWA), overfishing has already caused extensive loss of income and employment among coastal populations, especially in the Philippines and Indonesia ([GIWA, 2006](#)). Declining catch rates in traditional fish grounds as well as coastal pollution therefore pushed fishermen to ship further from their coast where sovereignty over water is disputed ([EU Institute for Security Studies, 2014](#)). Warming ocean temperatures due to climate change further alter migration patterns of vital fish stock, for example causing northern migration of fish from Vietnamese waters into waters claimed by China ([Center for Climate Security, 2015](#)). Smaller-scale fishing incidents happen regularly between Vietnamese, Filipino and Chinese vessels, as historical fishing grounds of these countries overlap. The respective national authorities have reinforced their marine patrols to assert their sovereignty while protecting their fishermen, and now intervene when their fishing ships are arrested by another nation ([BBC, 2013](#); [EU Institute for Security Studies, 2014](#)).

Fisheries as a strategic commodity



The fishing dispute contributes to the complex conflict over natural resources already ongoing in the South China Sea. With fisheries being about to collapse, it is all the more crucial for China to secure the largest part of the remaining fish resources. However, fish are also considered a strategic commodity and perceived to be part of the expansionist's views of China. Fishing fleets are now used for geopolitical purposes as a part of the "fish, protect, contest and occupy" tactic of China to assert its sovereignty over the South China Sea. Fishermen from China, Vietnam and the Philippines form the "human front line" of the dispute, used as pawns by governments to assert their territorial claims, related to fishing interests but also to potentially vast fossil fuel resources ([The Diplomat, 2015a](#); [Financial Times, 2011](#)). This strategic use of fishing fleets for marking territorial claims makes it difficult to ascertain the degree to which the conflict is about fisheries rather than these fisheries simply being a stand-in for an underlying conflict mostly about fossil fuels (and regional hegemony).

China's "nine-dash line"

In 2014, the provincial government of Hainan (Southeast China) issued a new regulation requiring that foreign ships transiting through what is considered as Chinese waters in the South China Sea should be granted permission by the relevant authorities. China's mapping of the region does not comply with international law and goes well beyond its actual territory, along a "nine-dash line" which includes about 57 percent of the South China Sea. Given such a wide area, it is fair to assume that Chinese authorities will not be able to fully implement it ([cogitASIA, 2014a](#)). However, it now grants them a legal basis for compelling foreign fishing boats out of the disputed water, robbing their fish catch and fining their crew ([cogitASIA, 2014a](#)).

To summarise, fishing disputes escalated in recent years due to declining fish stocks and increasing demand, and further fuelled the territorial conflicts over the sovereignty in the South China Sea. Additionally, Southeast Asia has become a strategic region for both the U.S. and China in recent years, which has increased the prominence of the geopolitical situation in the South China Sea ([Center for Strategic and International Studies, 2012](#)).

Resolution Efforts

As the fisheries issues are deeply intertwined with broader territorial conflicts in the South China Sea, the conflict resolution efforts discussed here are not necessarily specific to fish resources, but address the broader territorial disputes instead.

ASEAN's attempt

The Association of the Southeast Asian Nations (ASEAN), which comprises Vietnam, the Philippines and eight other Southeast Asian countries, supported multilateral talks on disputed waters. In 2002, the ten ASEAN member states signed with China the [Declaration on the Conduct of Parties in the South China Sea](#), a non-binding political statement restating the freedom of navigation and asserting their common willingness to solve the disputes through peaceful means. However, none of the signatories have implemented the proposed confidence-building measures ([Council on Foreign Relations, 2015](#)). In 2013, after years of political deadlock, the China-ASEAN negotiations resumed over a binding code of conduct, thanks to the mediation of Thailand and Indonesia, and enhanced priority given to the issue within ASEAN



(Thayer, 2013). However, the achievement of a concrete agreement seems highly uncertain in a near future (The Diplomat, 2015b).

The Philippines legal action

In 2013, the Philippines took action against China in front of a UN Tribunal, without prior consultation with other ASEAN members (Thayer, 2013). The Philippines challenged Chinese territorial claims over the South China Sea, referring to the UN Convention on the Law of the Sea. This fostered great concerns among the ASEAN members that this complaint could jeopardize the negotiations on the code of conduct, which were about to resume. China might have tried to put pressure on them in order to have the complaint withdrawn (Thayer, 2013). These efforts being unsuccessful, China refused to officially participate in the case. Instead, in December 2014, China released a position paper rejecting the jurisdiction of the United Nations over the South China Sea dispute, stressing its willingness to resolve the dispute bilaterally. It also highlighted that the nine-dash line claim was not inconsistent with the UN Convention on the Law of the Sea, contrary to what the Philippines asserted. The same month, Vietnam filed a statement of interest before the UN Tribunal to have its interests and rights taken into consideration by the court when assessing the case. Vietnam also dismissed the nine-dash line mapped by China as having no legal basis. This legal move allows Vietnam to support the case brought by the Philippines “through the back door” (cogitASIA, 2014b). The Philippines answered China in front of the Court with a detailed argumentation and documentation in March 2015 (The Diplomat, 2015c).

On July 12, 2016, the international tribunal in The Hague delivered its verdict, which rebuked China’s behavior in the South China Sea, from the creation of artificial islands to interference with fishing. The ruling suggests that China’s expansive sovereignty claims have no legal basis. While China and other countries have historically used islands in the South China Sea, there is no evidence to support the Chinese claim to historic rights. Also, several rocks and reefs were found to be too small for China to use to make a claim to the surrounding waters. Thus, the tribunal concluded that China was engaged in unlawful behavior inside Philippine waters. China, which refused to participate in the tribunal’s proceedings, has rejected the decision as being invalid and not legally binding (The New York Times, 2016). Even in the event of Chinese non-compliance, however, the *Philippines v China* case can be expected to have important consequences for international law and future negotiations in the region (The Diplomat, 2016).

China-Vietnam hotline

Another initiative that is worth mentioning is the establishment of a hotline between the agricultural ministries of Vietnam and China in 2013, in order to cope with fishing incidents and avoid a possible escalation. Another hotline was established in 2014 between Defence Ministers, following months of tensions over territorial issues (Voice of America, 2014). Those diplomatic efforts, along with mutual visits and common dialog between Vietnam and China, illustrate China’s preference for bilateral cooperation rather than a multilateral framework with ASEAN or cooperation with the UN.

Enhanced cooperation between Vietnam and the Philippines

Responding to China’s growing aggressiveness and lack of commitment towards a binding code of conduct for the South China Sea, Vietnam and the Philippines also started to envisage an enhanced cooperation framework through a strategic partnership agreement (The Diplomat, 2015d). This political move is a landmark in the regional politics as it is the first time that Vietnam joins an US ally (The Diplomat, 2014d). Although the foreseen areas for cooperation are diverse, ranging from trade to education, one



major driver for the ongoing negotiations is the common concern regarding China's actions in the South China Sea. A clause on security and defence will probably be included in the agreement, which could entail information sharing and joint maritime patrols. This could have extensive consequences on the current conflict, by demonstrating to other ASEAN countries that cooperation on the South China Sea is achievable, and by limiting China's freedom of action on the sea ([The Diplomat, 2015d](#)). If successful, this strategic partnership could pave the way for a multilateral security cooperation framework aiming at countering Chinese claims on the South China Sea ([The Diplomat, 2015d](#)).

To conclude, disputes over fisheries are one of the main components of the regional South China Sea conflict. The fisheries issue is however deeply intertwined with historical resentment and lure for fossil fuels. Additionally, fishing fleets are used strategically by governments to assert their territorial claims. Increased competition for resources could impede the resolution efforts and cause serious threats for the region's security.



Intensities & Influences

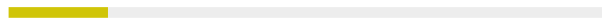


INTENSITIES

International / Geopolitical Intensity



Human Suffering



INFLUENCES

Environmental Influences



Societal Influences



Diplomatic Crisis

Diplomatic crisis involving non-violent tools such as economic sanctions



Violent Conflict

Yes



Salience with nation

National



Mass displacement

None



Cross Border Mass Displacement

No



Resolution Success

Reduction in Violence

There was no reduction in violence.



Reduction in geographical scope

There has been no reduction in geographical scope.



Increased capacity to address grievance in the future

The capacity to address grievances in the future has increased.



Grievance Resolution

Grievances have been mostly ignored.



Causal Attribution of Decrease in Conflict Intensity

There has been no reduction in intensity





Entry Points for Resilience and Peace Building

Dialogue

Vietnam and the Philippines have begun negotiations on a strategic partnership agreement for an enhanced cooperation framework that will address common concerns regarding China's actions in the South China Sea, among other things.

2

Cooperation

In order to cope with fishing incidents and avoid a possible escalation, a hotline was established between the agricultural ministries, and between the Defence Ministers of Vietnam and China.

2

Mediation & arbitration

The Association of the Southeast Asian Nations (ASEAN) supported multilateral talks on disputed waters. A binding code of conduct is currently under negotiation between ASEAN and China. Furthermore, the Philippines challenged Chinese territorial claims over the South China Sea in front of a UN Tribunal. In 2016, the international tribunal in The Hague delivered its verdict, which rebuked China's behaviour in the South China Sea.

3

Resources and Materials

References with URL

[BBC \(2013\). Fishing on the Frontline amid South China Sea Dispute.](#)

[BBC \(2015\). Q&A: South China Sea Dispute.](#)

[Center for Climate Security \(2015\). Climate Change and Vietnamese Fisheries: Opportunities for Conflict Prevention.](#)

[Center for Strategic and International Studies \(2012\). The South China Sea: Oil, Maritime Claims, and U.S. - China Strategic Rivalry, by Leszek Buszynski.](#)

[cogitASIA \(2014a\). China Escalates Fishing Disputes in the South China Sea.](#)

[cogitASIA \(2014b\). Vietnam Files Statement of Interest with the Permanent Court of Arbitration.](#)

[Council on Foreign Relations \(2014\). South China Sea Tensions.](#)

[Council on Foreign Relations \(2015\). China's Maritime Disputes.](#)

[Declaration on the Conduct of Parties in the South China Sea \(2002\).](#)

[EU Institute for Security Studies \(2014\). The South China Sea's commons: Behind and Beyond Sovereignty Disputes, by Eva Pejsova.](#)

[Financial Times \(2011\). Vietnam's Fishermen on Front Line in China Clash.](#)

[GIWA \(2006\). Challenges to International Waters: Regional Assessments in a Global Perspective.](#)

[Pilto, L. B. \(2013\). Fishing Wars: Competition for South China Sea's Fishery Resources.](#)

[Rogers, W. \(2012\). The Role of Natural Resources in the South China Sea, in Patrick M. Cronin, ed., Cooperation from Strength.](#)

[Thayer, C. A. \(2013\). ASEAN, China and the Code of Conduct in the South China Sea. AIS Review vol. XXXIII no. 2 \(Summer-Fall 2013\).](#)

[The Diplomat \(2014\). Philippines, Vietnam Reject Xi's Warning Against Military Alliances.](#)

[The Diplomat \(2015a\). China and the South China Sea Resource Grab.](#)

[The Diplomat \(2015b\). Will China Change its South China Sea Approach in 2015?](#)

[The Diplomat \(2015c\). Philippines Counters China in New South China Sea Case Submission.](#)



[The Diplomat \(2015d\). The Philippines and Vietnam Forge a Strategic Partnership.](#)
[The Diplomat \(2016\). Why the South China Sea Arbitration Case Matters \(Even if China Ignores It\).](#)
[The New York Times \(2016\). Beijing's South China Sea Claims Rejected by Hague Tribunal.](#)
[Voice of America \(2014\). Vietnam, China to Set Up Defense Hotline.](#)

Further information

<https://factbook.ecc-platform.org/conflicts/fishing-dispute-south-china-sea>