Six years have passed since the China-Vietnam Fishery Agreement came into effect. It is time to reflect on what has been happening in the fishing activities in the Gulf and how the fishing communities adjust to the new changes. This paper intends to examine the new mechanisms on fishery management in accordance with the related bilateral agreements as well as implementation practice bilaterally and within China.

Introduction

The Gulf of Tonkin is a shared semi-enclosed sea area, embraced by the Vietnamese and Chinese coasts at its western and northern sides and China’s Leizhou Peninsular and Hainan Island at its eastern side. Located in tropical and semi-tropical zones with a typical monsoon climate and a large amount of continuous discharge of nutritious substances from rivers, the Gulf is an ideal ecosystem for a variety of fish stocks to spawn, breed, feed and mature. The abundant fisheries resources of the Gulf of Tonkin have supported the livelihood of Vietnamese and Chinese fishermen for centuries. The fishing area and activities are influenced by the location of fishery resources as well as the development of international legal system over the seas. Meanwhile, other factors strongly influence the fishing scenario in the Gulf, such as the increasing demand for protein from fish among the fast growing coastal urban population and highly rising fishing capacity with great improvement of fishing technology. Fish catch rate began to decline in the 1970s with sharper decline registered in the min-1980s. With bottom trawlers coming into widespread use in the 1990s, many species are now threatened with collapse. The competition for fishery resources among the fishermen from both countries led to both the increase of fishery disputes between the two countries and the fast depletion of common resources.
It had been widely recognized at the renewal of China-Vietnam maritime delimitation negotiation in early 1990s that given the migratory pattern of many species and the common pool nature of the Gulf, no single country would be able to manage or conserve their common migratory fish stocks. United Nations Convention for the Law of the Sea (UNCLOS) and the 1995 United Nations Fishstocks Agreement in particular require collective action to avoid a collapse of regional fisheries. Negotiators of China and Vietnam took seriously into consideration the fishery issues from the beginning of the negotiation process. In December 2000, the governments of China and Vietnam signed two agreements, their first maritime boundary agreement with delimitation of their territorial sea (TS), the exclusive economic zone (EEZ) and continental shelf in the Gulf of Tonkin and the China-Vietnam Fishery Agreement in the Gulf of Tonkin with new fishery arrangements in three designated water areas.

The Gulf defined in the Delimitation Agreement covers an area of 128,000 square kilometers and its width ranges from 110 to 180 nautical miles. As Zou noted, the defined area is different from other sources such as one example of 44,238 square kilometers. The 2000 Fishery Agreement together with the 2004 Protocol and the following implementation regulations promulgated by joint China-Vietnam fishery authority functions to reach the aim of preservation of essential fish stocks and smooth development of mutual traditional friendly relationship between the two countries.

Six years have passed since the bilateral Fishery Agreement came into effect. It is time to reflect on what has been happening in the fishing activities in the Gulf and how the fishing communities adjust to the new changes. This paper intends to examine the new mechanisms on fishery management in accordance with the related bilateral agreements as well as implementation practice bilaterally and within China. By doing so the authors highlight the existing difficulties still facing both countries and concludes that to cherish the traditional friendship between the two neighbouring countries and for the long-term survival and prosperity of local communities around the Gulf further cooperation between the two governments are needed to coordinate the fishing activities and explore new measures in conservation and utilization of common fishery resources.

Features in Fishery Management Arrangements in the Gulf
Background

The key document designing the current fishery management arrangements in the Gulf of Tonkin is the China-Vietnam Fishery Agreement. It respects the sovereignty, sovereign and jurisdictional rights in their related maritime zones delimited by the Delimitation Agreement. Meanwhile it shows the mutual intention of both countries on “reasonable utilization and sustainable development of living resources” reflected in the Delimitation Agreement. The Fishery Agreement laid down the principles in relation to management of common fishery resources with the overarching objectives of maintaining and further developing “the traditional friendly neighbouring relations between the peoples of China and Vietnam” and of “conservation and sustainable utilization” of marine living resources in the Agreed Water Areas.

Three Agreed Water Areas—the Common Fishery Zone (CFZ), the Waters in Transitional Arrangements (TA) and the Buffer Zone for Small Fishing Boats (BZ)—are arranged in the delimited EEZ and part of the TS across the maritime boundary line in the Gulf (see Figure 1). Different specified management schemes are to be implemented in the three water areas. The Fishery Agreement only laid down the exact outer limits of the CFZ and BZ, while the TA is drawn by the Supplementary Protocol to the Fishery Agreement which was reached in February 2004 and formally signed two months later after over three years of negotiations. The Protocol is considered as an integral part of the Fishery Agreement. To effectively implement the Agreement the newly-formed joint fishery committee (JFC) promulgated the Regulations on Conservation and Management of the Fishery Resources in the Gulf of Tonkin.

The four bilaterally-binding documents—the Delimitation Agreement, the Fishery Agreement, the Protocol and the Regulations—conform to the same features in tandem over cooperation on managing the shared living resources between two coastal countries in their adjacent waters after maritime delimitation.

Figure 2 The three Agreed Water Areas in the Gulf of Tonkin
The Chinese central and local governments face big challenges in managing the resources of the China Seas. Article 7 of the Fishery Agreement, which would provide basic data for the Joint Fishery Commission (JFC) to decide the scale of fishing, was signed in 2002. The principle of equity is based on equality and mutual respect. This principle is shown in Article 7(1) of the Fishery Agreement. The CFZ covers an area of 33,500 square nautical miles.

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In September 2006 China and Vietnam signed several agreements, including the Agreement of Joint Patrol by Navies of People's Republic of China and the Socialist Republic of Vietnam. These mutual beneficial arrangements are in line with the five principles of peace and co-existence, but also on the principle of equity.

The implementation is based on the five principles of peace and co-existence, but also on the principle of equity. The CFZ covers an area of 33,500 square nautical miles. The JFC is responsible for the management of fisheries in the CFZ. The JFC is composed of representatives from China and Vietnam.

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