

US inflames row with China over fisheries regulations

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The Obama administration has seized upon fishing regulations adopted by the government of China's Hainan province to once again pressure Beijing over territorial disputes with its neighbours in the South China Sea. The regulations, which were passed in November and came into force on January 1, have provoked criticism from Vietnam and the Philippines.

The Philippine department of foreign affairs called for clarification, declaring that the policy "escalates tensions, unnecessarily complicates the situation in the South China Sea and threatens the peace and stability of the region." Vietnam's foreign ministry spokesman Luong Thanh Nghi reaffirmed his country's territorial claim, adding that "all foreign activities in these areas without Vietnamese acceptance are illegal and invalid."

Last Thursday, Washington further inflamed the diplomatic row. State Department spokeswoman Jen Psaki branded the new regulations as "a provocative and potentially dangerous act." She added: "Our longstanding position has been that all concerned should avoid any unilateral action that raises tensions and undermines the prospects for a diplomatic or other peaceful resolution of differences."

In reality, the US intervention into the South China Sea disputes is comparatively recent and stems from Obama's "pivot to Asia," a strategy aimed at undermining China's position throughout the region. For years, the various competing territorial claims were regarded as a regional matter in which Washington had no involvement and that Beijing proposed be settled through bilateral negotiations.

At the July 2010 Association of South East Asia Nations (ASEAN) summit, however, US Secretary of State Hillary Clinton announced that the US had "a national interest" in ensuring open access to the South China Sea and offered to engage in multilateral talks to establish a "regional code of conduct," cutting directly across China's bilateral approach. Chinese Foreign

Minister Yang Jiechi reacted by describing Clinton's actions as "virtually an attack on China."

While hypocritically maintaining that the US is "neutral" on the territorial disputes, the Obama administration has exploited the issue to try to drive a wedge between China and its neighbours. Washington has boosted the Philippine navy and forged closer military ties with Vietnam, thus encouraging both countries to more aggressively assert their claims against China.

Last Friday, China's foreign ministry spokeswoman Hua Chunying rejected the US criticism, saying the dispute was "not a problem of regulation ... but a problem of the mentality of the reader." If someone felt that technical amendments to local fisheries legislation posed a threat, she said, "then I can only say that if this does not stem from a lack of common sense, then it must be due to an ulterior motive."

Speaking to the *Wall Street Journal*, Wu Shicun, former head of Hainan province's foreign affairs office, said that in theory the regulations applied to all the territory claimed by China, but in practice would be focussed on waters near the Paracel Islands, not further away. "The regulation only applies to territorial waters for which we have announced baselines, and those waters we are practically able to control," he stated.

Wu said the Hainan authorities were particularly concerned about Vietnamese fishermen, accusing Hanoi of encouraging them to fish in water close to the Paracels. Last March, Vietnam accused China of shooting at a Vietnamese fishing boat in the area and setting fire to its cabin. China established de facto control over the island group, just south of Hainan, after a naval battle with Vietnam in 1974.

Writing in the *Diplomat*, MIT academic Taylor Fravel pointed out that the Hainan regulations "do not contain any new language regarding foreign fishing vessels in waters that China claims. In fact, the Hainan rules simply

repeat almost verbatim Section Two, Article 8 of China's 2004 fisheries law, which states that foreign fishing vessels operating in sea areas administered by China should receive approval from the relevant State Council departments. That is, the new Hainan rules affirmed the application of the 2004 national law to Hainan's waters (which were already covered by the 2004 law) ... Apart from Article 35, the other 40 articles in the newly issued rules discuss rather mundane fishing issues and not the policing of Hainan's waters."

Yesterday, Japan also criticised China over fisheries regulations. Defence Minister Itsunori Onodera linked the Hainan rules to Beijing's declaration of an Air Defence Identification Zone (ADIZ) last November that included disputed rocky East China Sea outcrops known as Senkaku in Japan and Diaoyu in China. The US and its allies, Japan and South Korea, reacted to the ADIZ by provocatively flying warplanes through the area without prior notification to Chinese authorities.

Onodera made his comments after observing the Japanese Self-Defence Forces' elite airborne brigade conduct airdrop exercises as part of training for defending and recapturing remote islands. "Setting something like this unilaterally ... and imposing certain restrictions on fishing boats is not something that is internationally tolerated," he said.

The aggressive reaction of the US and its allies to new provincial fisheries regulations is a deliberate attempt to further wind up tensions in a region that already contains a number of dangerous flashpoints. The real author of "provocative and potentially dangerous acts" in the South China Sea is US imperialism. It is engaged in a military build-up for war against China, including the stationing of US navy littoral vessels in Singapore, new basing arrangements with the Philippines and Australia, and the restructuring of permanent American military bases in Japan, South Korea and Guam.



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