

REGIONAL FOCUS & CONTROVERSIES

Illegal Chinese Fishing in the Yellow Sea: A Korean Officer's Perspective

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The problem of illegal Chinese fishing and Chinese fishermen's violent resistance to Korean law enforcement in the Yellow Sea have been a long-standing point at issue between Korea and China. It is not merely a problem of illegal fishing in Korean waters; this conflict could disrupt the integrity of the Exclusive Economic Zone and even undermine the friendly relations between the two countries. This article is to analyze the current status of the illegal Chinese fishing in the Yellow Sea and to provide a perspective on legal questions concerning the Korea-China Fishery Agreement to govern the fishery issue. This article suggests challenges ahead to solve the illegal fishing problem by examining factors causing the problem. It also provides a political perspective on the illegal fishing problem, which has become a highly newsworthy issue between Korea and China.

Keywords

Illegal Chinese Fishing, Korea-China Fishery Agreement, Korea Coast Guard, Yellow Sea

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1. Introduction

The illegal Chinese fishing and violent resistance against law enforcement have been a nagging issue between China and Korea since the early 2000s. Such an ever-worsening illegality has turned this maritime area into the “sea of unlawfulness.” Everyday hundreds of Chinese vessels are fishing illegally in the Korea’s Exclusive Economic Zone (“EEZ”) or in its territorial waters. Chasing, fleeing, and violent clashes between illegally operating Chinese fishermen and the Korean law enforcement officers have been common in the troubled waters.

Such large scale illegal fishing and violent clashes against law enforcement operations are quite unique in the world. The problem has reached a critical state with a tragic incident occurring on December 12, 2011 when a Korea Coast Guard (“KCG”) officer was fatally stabbed during a crackdown by the captain of a Chinese vessel fishing illegally.¹ A number of initiatives have been taken at the government level to solve this problem. Despite the efforts by both China and Korea, the problem of illegal fishing in the Yellow Sea has not been settled, but, in fact, poses a threat to undermine their friendly relations.

This article is thus to analyze the current status of the illegal Chinese fishing in the Yellow Sea under international law and to introduce the ways to unravel this problem. This article is composed of five parts including Introduction and Conclusion. Part two, while examining the development of illegal Chinese fishing in the Yellow Sea, will analyze the legal options to prevent and combat illegal fishing there and put forward some legal challenges to be addressed in the Korea-China Fishery Agreement. Part three will explain the current situation of the illegal Chinese Fishing in the Yellow Sea. Part four will discuss the international legal issues of the illegal fishing. The diplomatic environment between Korea and China around illegal fishing will be also dealt with in this part.

2. Development of the Fishery Regime in the Yellow Sea

A. Overview of the Fishery Agreements in Northeast Asia

Fishery disputes have been a long-held critical issue among Northeast Asian countries

¹ See Myung-kyoon Kim, *One Coast Guard Officer Killed in Raid on Illegal Chinese Fishing*, KOREA TIMES, Dec. 12, 2011, available at http://www.koreatimes.co.kr/www/news/special/2011/12/117_100587.html (last visited on Oct. 21, 2012.)