
The Present and Future of the Sino-South Korean Fisheries Dispute: A Chinese Lawyer's Perspective

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The Sino-South Korea fisheries dispute is becoming increasingly intensified in recent years with occasional violent conflicts. The factors leading to this present situation include unsettled maritime delimitation, diminishing fishery resources, difficult relocation of Chinese fishermen, and the Korean coastguard's rigidity, indifference, and even illegality in law enforcement. In order to solve the Sino-South Korean fisheries dispute, China should make efforts to improve its supporting measures applicable to the fishery industry, promote bilateral cooperation with South Korea, and establish a joint maritime enforcement mechanism.

Keywords

Sino-South Korea Fishery Agreement, Fisheries Dispute, Yellow Sea, South Korean Coastguard, Fisheries Industry, UNCLOS

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1. Introduction

The Yellow Sea is a turbulent maritime area in East Asia as shown by the warship *Cheonan* incident¹ and the Bombardment of Yeonpyeong Island,² which aroused international concerns. In particular, two occasions involving ships called Lu Wen Yu (鲁文渔)³ and Zhe Tai Yu Yun (浙台渔运),⁴ triggered civilian antagonism between China and South Korea. Although the Sino-South Korea Fishery Agreement was signed in 2000 and took effect in 2001, encouraging cooperative fisheries management in the Yellow Sea, this agreement has not effectively stopped fisheries dispute in this area.

This article aims to analyze the status of the Sino-South Korean fisheries dispute and proposes tentative suggestions that could lead to a peaceful settlement. This article is composed of five parts including Introduction and Conclusion. Part two will analyze the characteristics of Sino-South Korean fisheries dispute at present. Part three will probe into the causes of the dispute. Finally, Part four will make some tentative suggestions for a pacific settlement of the Sino-South Korean fisheries dispute.

¹ On the evening of March 26, 2010, The *Cheonan*, a South Korean warship, was sailing off Baengnyeong Island close to the disputed inter-Korean maritime border. An explosion split it in two and it sank. Fifty-eight sailors managed to escape, but 46 were killed. See *Chronology of Chonan Sinking*, KOREA TIMES, Apr. 29, 2010, available at http://www.koreatimes.co.kr/www/news/nation/2010/04/116_65091.html (last visited on Oct. 18, 2012).

² The Bombardment of Yeonpyeong Island was an artillery engagement between the North Korean military and South Korean forces stationed on Yeonpyeong Island on November 23, 2010. Following a South Korean artillery exercise in waters adjacent to Yeonpyeong Island, North Korean forces warned and fired artillery shells and rockets at Yeonpyeong Island at 14:00. South Korea retaliated by shelling North Korean gun positions. The North Koreans subsequently stated that they had responded to South Korean shells being fired into North Korean territorial waters. The shelling caused widespread damage on both sides and an escalation of the tension on the Korean Peninsula. See Sang-ho Song, *N.K. artillery strikes S. Korean island*, KOREA HERALD, Nov. 23, 2010, available at http://khnews.kheraldm.com/view.php?ud=20101123001048&md=20101123224940_AK (last visited on Oct. 18, 2012).

³ On December 12, 2011, a Chinese fishing boat, Lu Wen Yu, went for fishing in the disputed waters, and Captain Cheng Dawei, in what he alleged was a conditioned response, wielded a knife and killed an officer after abrupt flash bombs from the coast guard. Cheng and eight other fishermen were detained subsequently. Invoking the exclusive economic zone ("EEZ") Law of the Republic of South Korea ("ROK"), the local court of Incheon on April 19, 2012 sentenced captain Cheng to imprisonment for 30 years and a fine of 20 million Korean Won (USD 17,560) for stabbing an ROK coastguard officer to death. In response to this verdict, Ministry of the Foreign Affairs ("FM") spokesman Liu Weimin said at the regular FM press conference, "China has taken note of the verdict. China and the ROK have not demarcated the limits of their EEZs in the Yellow Sea, thus China does not accept the ROK's unilateral application of its law on EEZs to make such a verdict over Chinese fishermen." See Regular Press Conference on April 19, Ministry of the Foreign Affairs, available at <http://www.fmprc.gov.cn/chn/gxh/tyb/fyrbt/jzhsl/t924474.htm> (last visited on Oct. 27, 2012).

⁴ A Chinese fishing boat, Zhe Tai Yu Yun, went to purchase fish in the disputed waters on January 17, 2012. South Korean coastguards forcefully boarded the boat and brutally attacked its crew members. Later on, Captain Wang Xiaofu and others were taken to Jeju Island. On April 16, the court in Jeju Island granted summary judgment, holding that Wang impeded the South Korean officers' law enforcement action and he was fined 80 million ROK won (USD 72,000).