

RSIS Commentary is a platform to provide timely and, where appropriate, policy-relevant commentary and analysis of topical issues and contemporary developments. The views of the authors are their own and do not represent the official position of the S. Rajaratnam School of International Studies, NTU. These commentaries may be reproduced electronically or in print with prior permission from RSIS and due recognition to the author(s) and RSIS. Please email: RSISPublications@ntu.edu.sg for feedback to the Editor RSIS Commentaries, Mr Yang Razali Kassim.

Korea-China Maritime Boundary Talks: Implications for South China Sea

By Sukjoon Yoon

Synopsis

The January 2015 meeting between China and South Korea on boundary delimitation in the Yellow Sea offers a chance to improve bilateral relations and the prospect of extending agreement to other seas, in particular the South China Sea.

Commentary

THE LEADERS of China and South Korea agreed in July 2014 to launch a working-level group on boundary delimitation in the Yellow Sea. The first meeting took place on 29 January 2015, discussing Exclusive Economic Zones (EEZs) and continental shelves. Contentious issues, including fisheries, the environment, scientific research, and resource development need to be resolved in a way which secures the long-term interests of both countries, and further working meetings will be held this year.

Since the United Nations Convention on the Law of the Sea (UNCLOS) was ratified by China and South Korea in 1996, it has been clear that applying it to the semi-enclosed seas of the Yellow Sea would be impractical, but it does provide a legal framework which might be adapted. In November 2013, China included the leodo area in its unilaterally declared air defence identification zone. But both countries have agreed that the scientific research station established on leodo by South Korea should be considered as part of the maritime boundaries talks rather than as a territorial dispute.

Drivers for the delimitation talks

Illegal fishing in the Yellow Sea by Chinese vessels is not a misdeed by one party, but a bilateral issue resulting from the depletion of fishery resources and structural problems within the fisheries industry. To ensure stability, China and South Korea have agreed to create the China-South Korea Provisional Measure Zone at the overlap of their EEZs, since the maritime boundary has yet to be delimited, and also the South Korea-China Joint Fisheries Committee.

China and South Korea are continuing to build up their successful strategic cooperative partnership, with further economic integration and closer diplomatic cooperation; and the Yellow Sea represents an essential medium for the future development of their relationship. Unfortunately it is also subject to some serious historical baggage: China and Japan have fought sea battles adjacent to Chinese

territory, and there have been naval skirmishes between the two Koreas near the Northern Limit Line. There are also regular joint naval drills conducted by the South Korean and US Navies, to which China is very sensitive, since China's major cities, including Beijing, and military installations are concentrated in this area.

These historical and geopolitical legacies often impede the economic and social interactions between China and South Korea. For example, the possible US deployment of the Terminal High Altitude Area Defence (THAAD) system on South Korean soil has disrupted the pending ratification of the Free Trade Agreement (FTA) between China and South Korea. There is thus an urgent need to reach agreement on maritime cooperation, and this should preferably encompass all of Maritime East Asia, rather than being confined to China and South Korea.

China as a maritime power and implications

President Xi Jinping has declared his intention that China become a "true maritime power", and the realisation of his "21st century Maritime Silk Road" will require the Yellow Sea as its northern avenue. China therefore has an interest in demonstrating its good faith, by entering into comprehensive maritime cooperation with South Korea. For China then, the Yellow Sea represents an opportunity to be seen as playing a constructive role, in contrast to its over-assertive behaviour in the East China Sea (ECS) and the South China Sea (SCS).

For its part, South Korea is most concerned by illegal Chinese fishing activities in the Yellow Sea, which have led to a series of physical conflicts between the Korean coast guard and Chinese fishing vessels in recent years. South Korea sees a delimitation agreement for the Yellow Sea as a catalyst to encourage further development and to strengthen its strategic cooperative partnership with China; and an agreement might also usefully influence South Korea's maritime boundary delimitation negotiations with Japan.

The current talks should not simply deal with the long-term preservation of maritime peace and good order, but also address the concerns of China's neighbours. ASEAN is worried about the South China Sea, where it seems that China is seeking to make its own rules and ignore international norms. An agreement on maritime delimitation in the Yellow Sea would allow China to demonstrate its readiness to respect the international legal framework, which may prove reassuring for China's neighbours.

Way forward

China has numerous maritime disputes in the ECS and SCS, with Japan and ASEAN members respectively, but its only successful maritime boundary agreement is with Vietnam. China is also blocking agreement on a binding "Code of Conduct" applying to China-ASEAN maritime cooperation. Understandably, both ASEAN and Japan have interpreted Chinese claims to ECS and SCS territories as revealing an intention to restore the regional order which prevailed during the Middle Kingdom era.

The Chinese government acknowledges that the maritime territorial disputes of the South China Sea should be resolved bilaterally, without prejudicing the ultimate resolution of delimitation issues. Progress in the current meetings on the Yellow Sea would therefore imply that China may be willing to work towards compromises with its neighbours in other seas, which would be a very significant change.

China and South Korea must take this opportunity to agree a definitive delimitation of their maritime boundary. The obvious benefits over the longer term should convince them to act in good faith to secure a political settlement. China is currently taking a more assertive stance in the South China Sea, building up existing islands to create a helipad on one and an airfield on another.

These working meetings on the Yellow Sea are laying the foundations of a peaceful sub-region for many generations to come, and an agreement could potentially encourage a broader shift in Chinese maritime policy and lead to better maritime cooperation throughout the region, including in the South China Sea.

Dr. Sukjoon Yoon is a retired Captain of the Republic of Korea Navy. He is Senior Research Fellow at the Korea Institute for Maritime Strategy (KIMS), and a visiting professor at the Department of Defence System Engineering, Sejong University, Seoul, South Korea.

Nanyang Technological University

Block S4, Level B4, 50 Nanyang Avenue, Singapore 639798
Tel: +65 6790 6982 | Fax: +65 6794 0617 | www.rsis.edu.sg