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Time to End the Tragedy of the Commons: Establishing Regional Fisheries Management Mechanism in Northeast Asia

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Outline

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III. Three Step Approach to Establishing Regional Fishery Management Mechanism in Northeast Asia

IV. Concluding Remarks



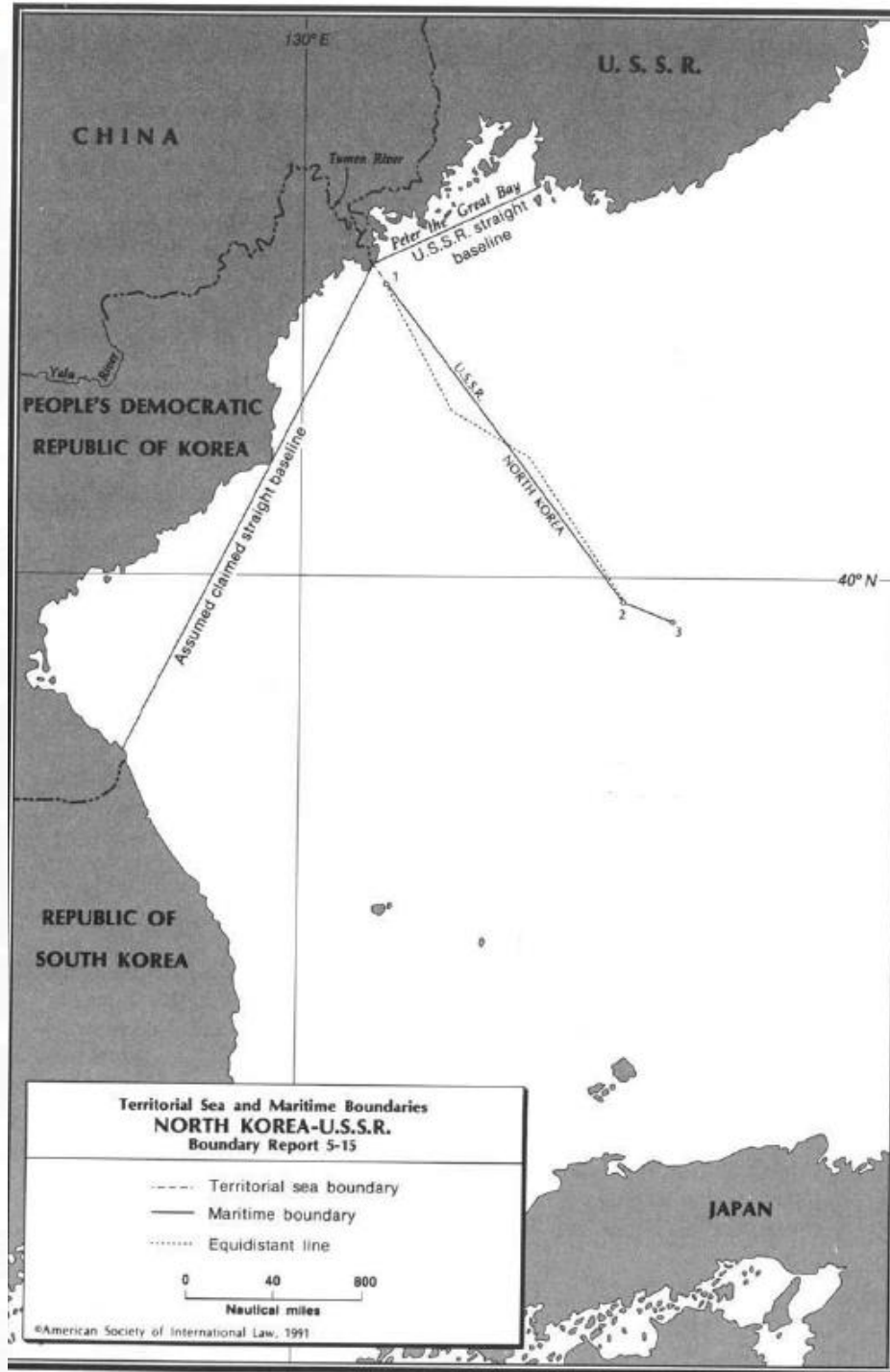
I. Current Situations of Fishery Regulation in Northeast Asia

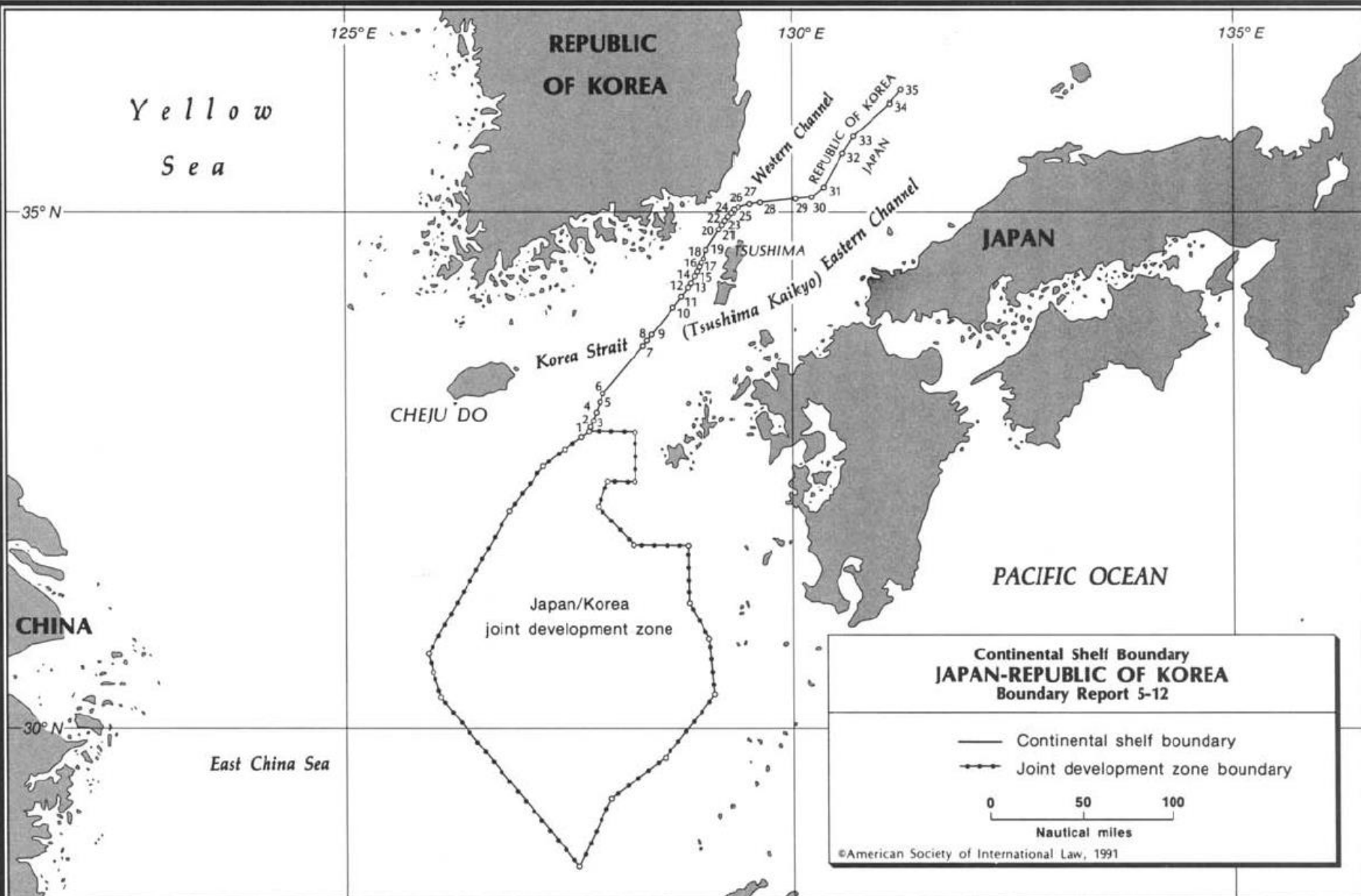


Current Situations

- No permanent maritime boundaries except the partial continental shelf boundary b/w ROK and Japan (1974) as well as maritime boundary b/w DPRK and Russia (1985, 1986, 1990)
- Bilateral Fisheries Agreements in Northeast Asia
 - Japan-Russia Fishery Agreement (1984, 1985 and 1998)
 - China-Japan Fishery Agreement (1997)
 - Japan-Korea Fishery Agreement (1998)
 - China-Korea Fishery Agreement (2000)
 - Japan-Taiwan Fishery Agreement (2013)

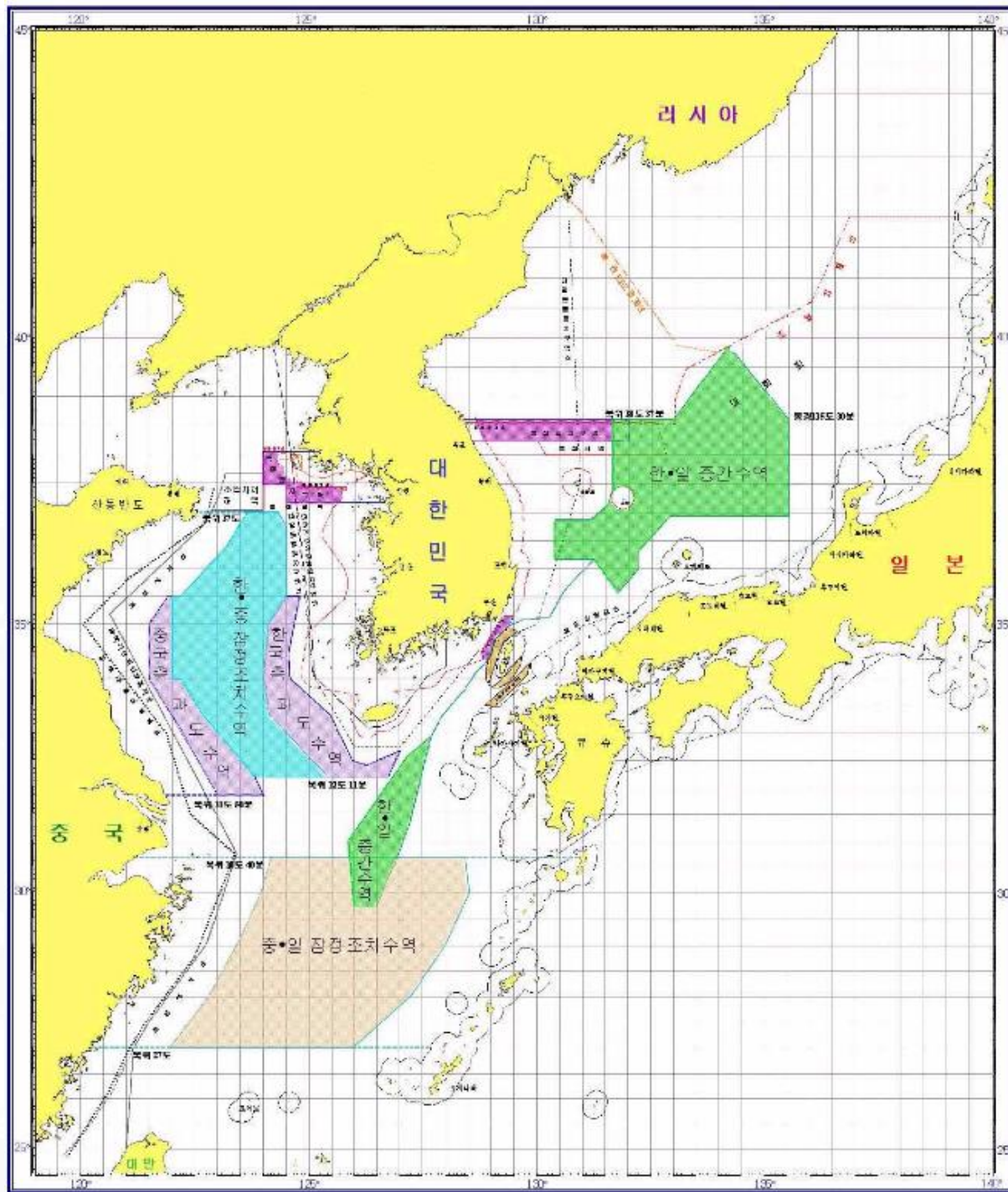






Current Situations

Fishery Agreement	Official name of joint fishing zone	Maritime Area	Power of the Joint Fishing Committee	Enforcement Jurisdiction
Japan-Korea	Not designated (so-called intermediate zone)	Interim Maritime Zone in the East Sea/Sea of Japan	Recommendation	Flag State
		Interim Maritime Zone in the South of Jeju Island	Decision	Flag State
China-Korea	Provisional Measure Zone	Yellow Sea	Decision	Flag State (Notice)
China-Japan	Provisional Measure Zone	27°N - 30°40'N	Decision	Flag State (Notice)
	Not designated	South of 27°N	Recommendation	Flag State
China-Korea	Free Fishing Pattern Zone (so-called White Zone)	5 Islands in the Yellow Sea and Yang	No regulation	Flag State
China-Japan	Not designated	North of 30°40'N	No regulation	Flag State



Current Situations

- Obligations under Arts. 74(3) and 83(3)
 - Pending the maritime boundary delimitation...
 - Obligations to enter into provisional arrangements of a practical nature and not to jeopardize or hamper the reaching of the final agreement
- Virginia Commentary
 - “the obligation does not exclude the conduct of some activities by the States concerned within the disputed area, so long as those activities would not have the effect of prejudicing the final agreement”



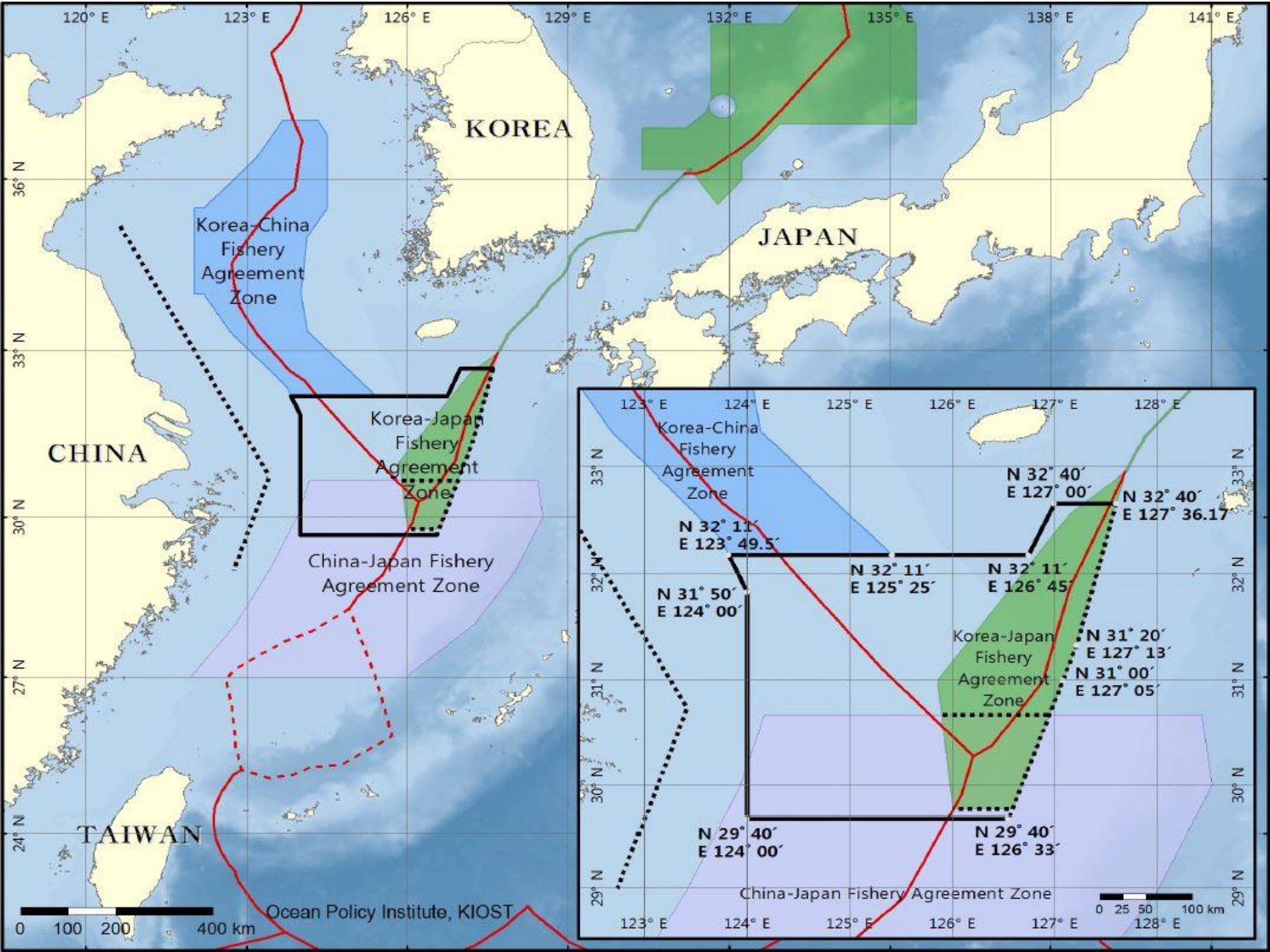
II. The Necessity for Establishing Regional Fishery Management Mechanism



Tragedy of Commons

- Overlapping fishing zone in the overlapping maritime area
- No regulation for Third State
 - No provisions on the rights for surplus and illegal fishing activities of third State in the interim measure zone or the EEZ of both Parties in both bilateral fishery agreements
- Stalemate from the failure to come to agreement on quota, fish stocks and fishing pattern by the JFC b/w Korea and Japan
 - No agreement b/w Korea and Japan in the past three years directly affects daily lives of people





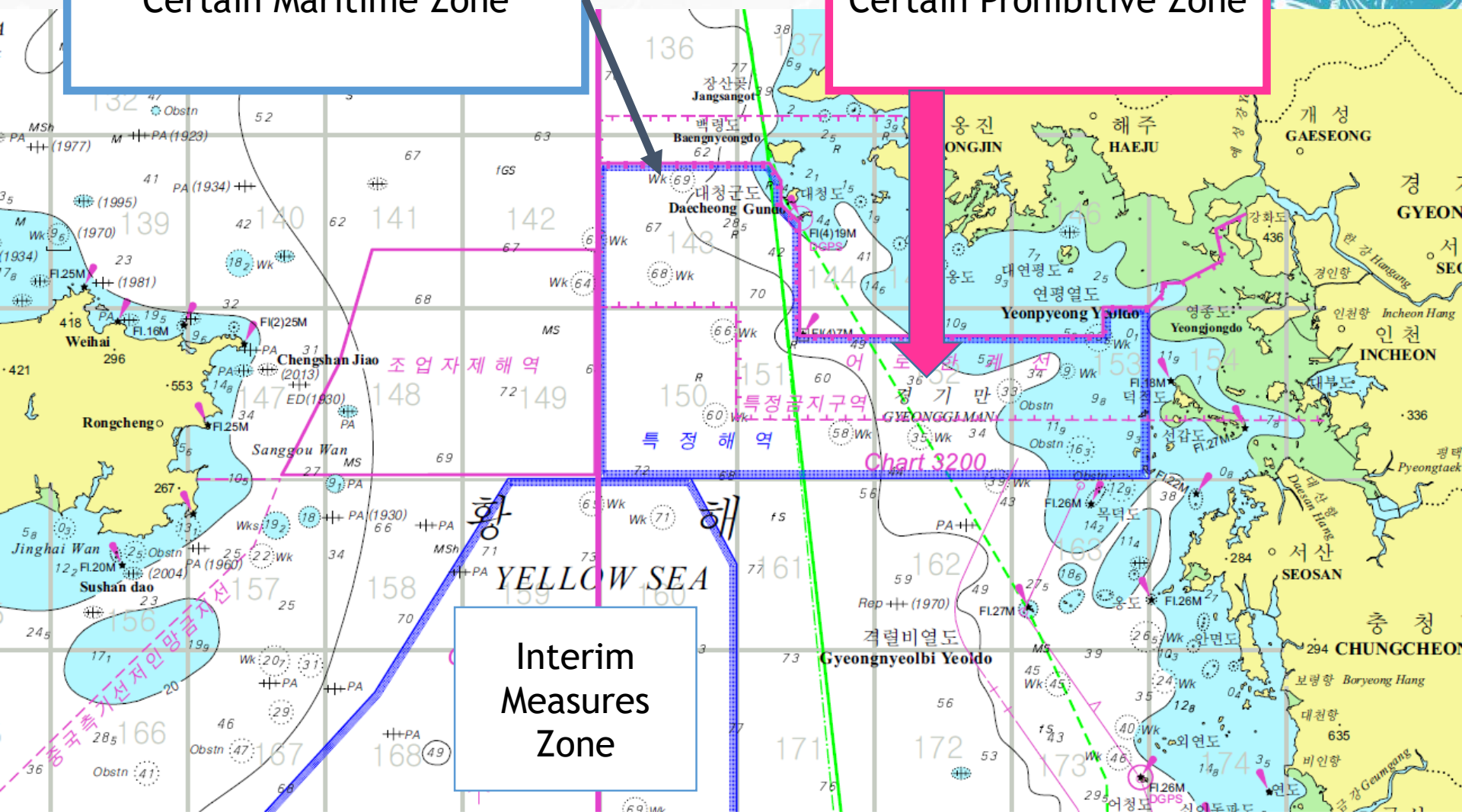
Tragedy of Commons

- Lack of regulation on preservation of marine living resources in the free fishing pattern zone (White Zone) b/w China and Korea
 - Duty to negotiate or cooperate for preserving marine living resources in the overlapping maritime area under Arts. 61-63 of the Convention
- Disagreement on the scope of the free fishing pattern zone according to MOU b/w China and Korea
 - Disagreement on the law enforcement at the maritime area near the Northern Limit Line



Certain Maritime Zone

Certain Prohibitive Zone



Tragedy of Commons

- Disparity on the quota, the number of fishing vessels and actual catch

Fishing Activities in the EEZ of China and Korea (2001-2012)

	Agreed scale		Fishery operation performance		Ratio(%)	
	Quota(A) (ton)	Accord fishing vessel(B) (Vessel)	Catch(C) (ton)	Operation fishing vessel(D) (Vessel)	C/A	D/B
Korea(a)	742,000	17,006	37,493	2,737	5.1%	16.1%
China(b)	898,730	22,328	449,023	17,331	50.0%	77.6%
b/a(%)	121.1%	131.3%	1,197.6%	633.2%	-	-

Tragedy of Commons

- No statistics, scientific data and information on fisheries available for both parties
 - No sharing of scientific data and information and lack of mutually reliable statistics on fishery
 - Joint marine scientific research on fisheries is required for optimum utilizations of living resources in Northeast Asia
- Vulnerable fisheries cooperation to a downward spiral in bilateral relations
 - Historical animosity among China, Japan and Korea
 - Escalation of tension over maritime territory
 - Unilateral declaration of ADIZ by China
 - THAAD Installation by Korea



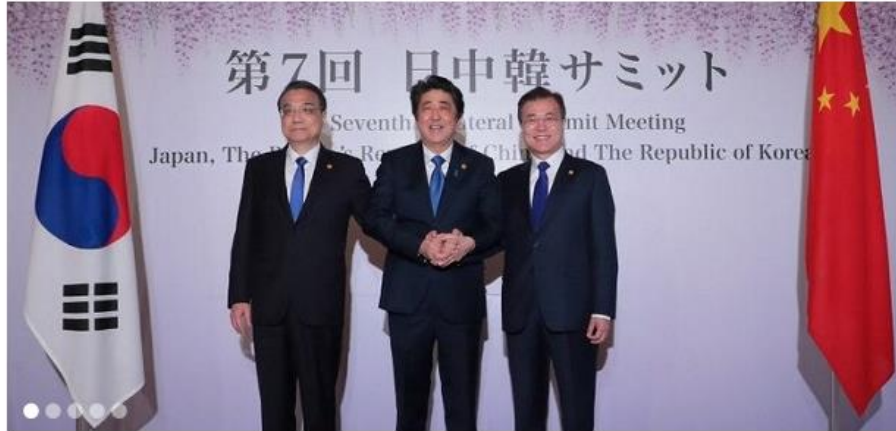
III. Three Step Approach to Establishing Regional Fishery Management Mechanism in Northeast Asia



First step: Using the Platform of the Trilateral Cooperation Secretariat

- TCS was Established with a vision to promote peace and common prosperity among China, Japan and Korea (CJK)
- Upon the agreement signed and ratified by each of the three governments, the TCS was officially inaugurated in Seoul, September 2011.
- On the basis of equal participation, each government shares 1/3 of total operational budget.





7th Trilateral Summit held in Tokyo, Japan - 2018....

The 7th Trilateral Summit among Japan, the People's Republic of China, and the Republic of Korea was held in Tokyo, Japan, on May 9, 2018. The Summit was chaired by Japanese Prime Minister Shinzo Abe,...

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PARTICIPATING COUNTRIES



TCS NEWS

TRILATERAL COOPERATION(TC) NEWS

NOTICE

3rd Directorial Meeting for the 7th CJK Ministerial Con...

2018-05-18

7th Trilateral Summit held in Tokyo, Japan - 2018.05.09

2018-05-10

Pre-TEMM20 Working Level Meeting was held in Beijing, C...

2018-04-02

2nd Trilateral Education Ministers' Meeting was held in...

2018-03-23

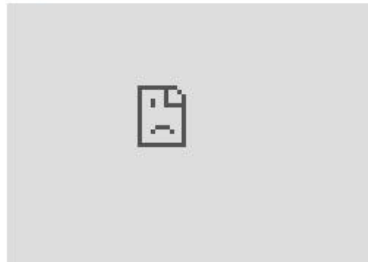
3rd Ministerial Meeting on Water Resources and Expert D...

2018-03-22

Post-TEMM19 Working Level Meeting was Held in Seoul, RO...

2017-12-27

TCS ON MEDIA



QUICK LINKS

- TC Mechanisms +
- Trilateral Statistics +
- TCS Activities +
- TCS Publications +
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- TCS Recruitment +
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History of TCS

> History

2009	Three leaders agreed to establish a permanent secretariat at the 2nd Trilateral Summit (Beijing, China)
2010	“Memorandum on the Establishment of the TCS” “Agreement on the Establishment of the TCS”
2011	Establishment of the TCS (Seoul, ROK)
2012	TCS Participation of the 5th Trilateral Summit (Beijing, China)
2013	Transition of the TCS Board TCS Participation of the 16th ASEAN+3 Summit (Bandar Seri Begawan, Brunei Darussalam)
2014	TCS Participation of the 17th ASEAN+3 Summit (Nay Pyi Taw, Myanmar)
2015	TCS Participation of the 6th Trilateral Summit (Seoul, ROK) TCS Participation of the 18th ASEAN+3 Summit (Kuala Lumpur, Malaysia)
2016	TCS Participation of the 19th ASEAN+3 Summit (Vientiane, Lao PDR)
2017	TCS Participation of the 20th ASEAN+3 Summit (Manila, Philippines)

Activities of TCS

DEPARTMENT OF POLITICAL AFFAIRS

- Politics
- International Issues
- Security
- Disaster Prevention and Management
- Regional Issues

DEPARTMENT OF ECONOMIC AFFAIRS

- Trade and Investment
- Intellectual Property Rights
- Science and Technology
- Consumers
- Water Resource
- Transport and Logistics
- ICT Industry
- Standards Cooperation
- Environmental Protection
- Forestry
- Customs
- Finance
- Energy
- Agriculture

DEPARTMENT OF SOCIO-CULTURAL AFFAIRS

- Culture
- Personnel Administration
- Education
- Public Diplomacy
- Health and Welfare
- Youth Exchanges
- Exchange among Research Institutes
- Tourism
- Sports
- Media

DEPARTMENT OF MANAGEMENT AND COORDINATION

- Planning and Coordination
- Administrative and Legal Support
- Public Relations
- Budget and Accounting
- Human Resources
- Archive

Role and Function of TCS

- Greater opportunities for improved bilateral relationships, providing a mechanism for CJK to keep talking about the regional issues
 - Areas of mutual cooperation
 - Areas of common interests
- TCS may prevent an all-out diplomatic freeze from occurring



Achievements of TCS

- Active cooperation in the area of Transportation and logistics, customs, science and technology, and water resource management
- Trilateral Tabletop Exercise for joint response to natural disasters continued despite the absence of the Trilateral Summit
- Technical Communication on nuclear safety resulted in the signing of trilateral investment agreement in May 2014
- Ongoing negotiation on the CJK free trade agreement



Using the platform of TCS for Fishery Management

- To prevent fishery issue from being politicized or provoking nationalistic sentiments
- Detachment of fishery cooperation from other maritime disputes
- Setting aside sensitive political and legal issues such as territorial and maritime disputes in Northeast Asia : “without prejudice to”



Using the platform of TCS for Fishery Management

- From soft cooperation to hard one
- Regularizing the trilateral meetings at the high-level or working level for sustainable fisheries
- Joint Scientific Research on fish stocks and living resources in Northeast Asia
- Joint patrol or cooperative law enforcement to cope with non-traditional security threats
- Keep discussing the ways to promote trilateral cooperation and to fill the trust vacuum in Northeast Asia



Second Step: Expanding the function and scope of TCS into that of RFMO in Northeast Asia

- Filling trust vacuum among CJK will contribute to strengthening the political will to cooperate
- Expanding the function of TCS into that of RFMO for preservation and optimum utilization of living resources in North East Asia
- Expanding the scope of participating countries including Russia, North Korea and Taiwan



Third Step: Establishing RFMO in Northeast Asia and Expanding Maritime Cooperation

- To establish Regional Fisheries Management Mechanism under the umbrella of TCS or to establish independent RFMO from TCS
- Taking the opportunity of regional fishery cooperation to expand other area of maritime cooperation such as marine environmental protection, maritime security and marine technology cooperation



V. Concluding Remarks

- Pending final maritime delimitation it is necessary to integrate fragmented bilateral fishery management into multilateral management system referring to the legal rights and obligation under the agreements and the UNCLOS
- Using the platform of TCS will be recommended to establish Regional Fisheries Management Mechanism or RFMO in Northeast Asia



V. Concluding Remarks

- Finding a way to set aside maritime disputes which may trigger nationalistic sentiments and to approach the lack of regulation on fisheries will be essential
- Participating States or entities may be limited to China, Japan and Korea first and then be extended to include Russia, North Korea and Taiwan
- The mandate of the RFMO should be focusing on possible maritime cooperation with regard to marine living resources management only without prejudice to other territorial and maritime disputes



Thank you for kind attention!

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