

The Rise of China: Expansion of Its Maritime Jurisdiction

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1. Introduction

The Korean Peninsula, along with the rest of Northeast Asia has begun to face a time of both challenge and opportunity, especially following the emergence of new leaders and governments in the US, China, Russia, Japan and the two Koreas back in 2013. President Barack Obama of the United States, by announcing his "Pivot to Asia"

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initiative, has expressed that the US foreign policy is prioritizing Asia. China, under the leadership of Xi Jinping, is in response, accelerating its efforts towards expanding its national power emphasizing “New Type of Great Powers”(新型大國主義) and “One Belt One Road”(一帶一路).¹⁾ Clearly at this point, the struggle for supremacy between the two G2 nations the United States and China seems inevitable.²⁾

Amidst such circumstances, the severity of tensions over maritime jurisdictions among the three Northeast Asian nations Korea, China and Japan are reaching new highs. China and Japan are at a brink of war over the Diaoyu/Senkaku Islands. Between Korea and Japan, the Dokdo /Takeshima conflict is inducing even the top leaders of the two nations to express their antagonism overtly, heating up the tension in the emotional dimension as well.³⁾ Though China seems to now have taken a step back from the conflict over Ieodo with Korea, there still remain a number of obstacles to overcome in order for the associated maritime jurisdictions to be officially established. These complicated sets of disputes derive from both nationalistic and historical aspects of the three countries involved. Therefore, the decision on the part of China—now clearly G2 along with the United States—to expand its

1) Visions and Actions on Jointly Building Silk Road Economic Belt and 21st Century Maritime Silk Road, issued by the National Development and Reform Commission, March 28, 2015, http://www.sdpc.gov.cn/gzdt/201503/t20150328_669091.html.; *Xinhua Net*. June 8, 2013, http://news.xinhuanet.com/world/2013-06/08/c_116092643.htm.; Speech of “One Belt” plan by President Xi Jinping. *Xinhua Net*. September 8, 2013, http://news.xinhuanet.com/world/2013-09/08/c_117273079.htm

2) Jeffrey A. Bader, *Obama and China's Rise: An Insider's Account of America's Asia Strategy* (Washington, D.C.: Brookings Institution Press, 2012)

3) James L. Schoff and Dyeon Kim, “Getting Japan–South Korea Relations Back on Track”, *Carnegie Endowment For International Peace*, November 9, 2015, <http://carnegieendowment.org/2015/11/09/getting-japan-south-korea-relations-back-on-track/ilbx>.

maritime jurisdiction can come across as a geopolitical malaise within Northeast Asia.

As the East Asian nations have increased their naval powers in the years following the Cold War, the seas of East Asia have come to be wrought with not only traditional security problems but also, non-traditional threats such as terrorism, shipping of weapons of mass destruction, piracy, drug smuggling, and destruction of marine ecosystems, to name a few. Moreover, with the increasing dependence on international trade along with economic development, establishment of safe and stable sea lanes has become indispensable and at the center of the resulting East Asian maritime dynamics, lies China.⁴⁾

Even as a continental state, China of the modern era, in light of the survival and prosperity of its people, has become deeply involved in maritime affairs. Especially after having undergone a period of several foreign invasions during the 19th century, China in the 21st century is aiming to launch a new era of prosperity by focusing its efforts on optimizing national interests around its maritime jurisdictions. Moreover, because the continuous economic growth in the recent years can only be maintained if China expands into the seas, as “core interests,” the Chinese leadership has come to relate the destiny of modern China with outward movement.⁵⁾

The fact that China is trying to expand its maritime jurisdiction for

4) AHN Yinhay, “China’s Maritime Silk Road: A Korean Perspective,” 21st Century Maritime Silk Road and Strategic Interaction within the Asian Community, China Foreign Affairs University, April 11, 2015, Beijing, China.

5) Andrew S. Erickson, “China’s Modernization of Its Naval and Air Power Capabilities,” Ashley J. Tellis and Travis Tanner, eds. *Strategic Asia 2012-13, China’s Military Challenge* (Seattle and Washington, D.C.: The National Bureau of Asian Research, 2012), pp. 61~126.

national security and economic development can be seen as a part of a larger global trend towards that end. China's ratification in May 15, 1996 of the UN Convention on the Law of the Sea testifies to that point. Incidentally, China's maritime jurisdiction is crucial to its national identity, as reflected by the manner in which it has been handling territorial disputes with Taiwan. Historically, China has recognized Taiwan not as an independent nation but as an island under its possession; and with the latter for long having refused to concede, China embarked on a strong naval buildup in order to settle the conflict in their favor. Another major reason behind the prioritization of the navy derives from the fact that the Chinese military power clearly lags behind that of the United States: China is turning towards maritime operations to make up for the differential.

Such move on the part of China is likely to amount to a significant challenge to the Korean Peninsula in the mid to long-term future.⁶⁾ Therefore, this paper will be investigating the geopolitical implications of the expansion of Chinese maritime jurisdiction. Second, it will be exploring the current state of China's naval power and the ultimate goal of its maritime policies. Next, it will be analyzing one, the scope of the influence of changes in Chinese maritime jurisdiction; two, the measures being taken in order to protect China's maritime interests; and three, any significant issues involved. Finally, it will look into some of implications for Korea in responding and reacting to the above Chinese measures.

6) Christopher W. Hughes, "China's Military Modernization: U.S. Allies and Partners in Northeast Asia," Ashley J. Tellis and Travis Tanner, eds. *Strategic Asia 2012-13, China's Military Challenge* (Seattle and Washington, D.C.: The National Bureau of Asian Research, 2012), pp. 197~240.

2. China's Maritime Policies

2.1 Legislation of the Chinese Maritime Law

Following the emergence of Deng Xiaoping in 1978, China has initiated the Open-door Policy, implementing a myriad of modifications to its state system. In China, under the leadership of the Communist Party that advocates Chinese socialism, the will and intention of the top leaders have played the most significant roles in policy-making.⁷⁾

Historically, China has rarely released any official documents or white papers that provide a clear overview of its maritime policies and strategies. Rather, these topics are mostly conveyed through the words of its top leaders, who have consistently expressed the necessity of a powerful navy for the purpose of achieving maritime sovereignty and territorial protection.

Mao Zedong, the founding father of the People's Republic of China, is a case in point. Claiming that the majority of the historical foreign invasions of China were brought about by China's weak navy, Mao called for a serious modification and strengthening in this respect. Such initiative on the part of Mao has essentially served as the indispensable foundation for the modern Chinese maritime policies. Then Deng, claiming to be a supporter of pragmatism, reinforced Mao's ideas by

7) Avery Goldstein, "China's Foreign Policy and the Leadership Transition: Prospects for Change under the 'Fifth Generation,'" Gilbert Rozman, eds., *China's Foreign Policy: Who Makes it, and How Is It Made?* (Seoul: The Asan Institute for Policy Studies, 2012), pp. 37~62.

clearly stating the importance of enhancing naval power.

In the late 1980s, General Secretary Jiang Zemin called for maritime strategies with an emphasis on naval reinforcement and modernization, continuing the trend amongst the Chinese leaders as outlined above, which advocates expansion into the seas in an attempt to protect maritime rights and interests in the course of China's developing into a major maritime power.⁸⁾ Moreover, Premier Wen Jiabao proclaimed that in order for China to achieve such a goal, it has to consistently make an effort to protect its maritime rights through the development of maritime management system, establishment of maritime law system and training of maritime personnel.

In this manner, China has modified and adopted various maritime policies across a number of generations. On September 4th, 1958, China first claimed straight baselines in the Declaration on the Territorial Sea. On February 25th, 1992, China enacted the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone, thereby preparing a legal basis over its territorial waters. On May 15, 1996, the People's Republic of China issued a declaration declaring two sets of straight baselines; the first comprises 49 base points starting from Shandonggaojia and ending at the west coast of Hainan Island, and the second encompasses the Paracel Islands, with 28 base points.

China incorporated the straight baseline system and the 12 nautical mile boundary in order to determine its territorial sea limit. The bodies of water on the landward side of the baseline such as Bo Hai Seas, are

8) Based on the speech given by the Vice Premier Huang Ju on Jul 11, 2006 during the Maritime Day celebration.

considered internal waters. The outer limit of the territorial sea of China is the line every point of which is at a distance equal to twelve nautical miles from the nearest point of the baseline of the territorial sea. All foreign aircrafts and military vessels shall be subject to approval by the Government of People's Republic of China for entering the territorial seas of China and the air space above. Although China grants the right of innocent passage through its territorial seas to foreign ships for non-military purposes, it still stipulates that such ships abide by the laws and regulations of the People's Republic of China.

By adopting People's Republic of China Exclusive Economic Zone and Continental Shelf Act on June 26, 1998, at the third session of the Standing Committee of the Ninth National People's Congress, China in essence established the legal foundation through which it can enjoy a set of extensive maritime rights and interests.

2.2 The Goals of Chinese Maritime Policies

The goals of Chinese maritime policies can be analyzed from four perspectives.

First, in the military context, China's long coastal line has a very special meaning. As Mao Zedong had pointed out, most foreign invasions on China were launched from the seas and incidentally, in modern warfare, naval power has become so significant as to being capable of bringing about victory otherwise unobtainable. Therefore, strengthening the Chinese navy will indubitably become an

indispensable component of the nation's maritime policies for protecting sovereignty and preventing foreign invasion.

Second, in East Asia, maritime disputes over territorial possessions and economic development remain unresolved. China's resolute stance over the Diaoyu Islands as a case in point. Therefore, China will be focusing its maritime policies on endowing itself with an upper-ground vis-à-vis other nations in the resolution of various conflicts in this region.

Third, with more than 50% of its territory infertile, the issue of rapid desertification resulting from economic development has become a great concern. Moreover, China's population exceeding 1.3 billion is expected to bring about a serious shortage in gas and natural resources. China will be targeting its maritime strategies on resolving such projected shortage through optimizing marine resources.

Fourth, the increase in international trade volume is not necessitating procurement of transportation routes by which goods can be safely and effectively delivered. Ever since reforming and opening up the country for economic development, China has accumulated wealth in significant proportions through international trade. Therefore, the fourth major component of China's maritime policy will be focused on securing quality import and export transportation routes.

2.3 Protection of Chinese Maritime Rights and Interests

In order to establish sovereignty over territorial waters and to exercise jurisdiction over contiguous zones, China promulgated the Law

of the People's Republic of China on the Territorial Sea and the Contiguous Zone in 1992 and the People's Republic of China Exclusive Economic Zone and Continental Shelf Act in 1998. Under this act, China will in the exclusive economic zone for instance, exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources of the waters superjacent to the seabed and of the seabed and its subsoil, and shall have jurisdiction in the exclusive economic zone with regard to the establishment and use of artificial islands, installations and structures; marine scientific research; and the protection and preservation of the marine environment.⁹⁾

By also adding that in the event of a violation of the laws and regulations of the People's Republic of China in the exclusive economic zone or the continental shelf, China shall have the right to take the necessary investigative measures in accordance with the law and may exercise the right of hot pursuit, China essentially demonstrated that is now capable of legally guaranteeing Chinese maritime interests and rights.¹⁰⁾

9) Committee Members Wang Gouguang and Zhang Dengmu, *Zhongguowang*, Mar 12, 2004. Maritime interests and rights signify the rights and interests of the seas as designated by the national law, with respect to every field including politics, economy and security. It adheres to *United Nations Convention on the Law of the Sea* promulgated in 1994 and Chinese basic legal regulation. Chinese maritime interests and rights encompass territorial sovereignty, sovereign rights, jurisdiction, associated ocean development, use, scientific research, protection and the rest of all the rights and interests with respect to China's internal waters, territorial waters, EEZ, continental shelves that lie within the jurisdictional sea area, and also maritime rights and interests in areas excluding international sea-bed and polar waters (which lie outside the range of national maritime jurisdiction).

10) Zhang Hui, *Maritime Management*. Jan 2005. According to the policies pertaining to EEZ and continental shelves as outlined by *Convention on the Laws of the Sea*

China has put forth the following reasons to argue for the necessity of mid-to-long term plans in order to effectively protect its maritime interests and rights.

First, China is vying for sovereignty against the peripheral nations over an area totaling approximately 1.5 million square kilometers, and more than 40 of its islands and rocks are being invaded. Such conflict over the delimitation of maritime boundaries and establishment of sovereignty over islands and rocks are becoming more acute by the day.

Second, Chinese marine resources are constantly being subject to despoilment. The nations near the South China Sea are pillaging nearly 10 million tons of oil and a significant amount of natural gas as well from the Chinese territorial waters yearly. Also, North Korea, South Korea, and Japan are strengthening their presence in the areas of the Yellow Sea, while the East Sea is under dispute in order to develop submarine resource. In addition, even fishery resources within the waters under the Chinese jurisdiction are subject to constant dispossession by other countries.

Third, because the frequency of unexpected accidents in the seas are on the rise, China regards to be under threat not only in terms of maritime interests and rights but also, in terms of national security, economy and social benefits as well.¹¹⁾ Since many neighboring nations are unilaterally exercising de facto jurisdiction over what are in fact

China possesses land area of 9.6 million km² and maritime jurisdiction of 3 million km².

11) Andrew Shearer, "Southeast Asia and Australia: Case Studies in Responding to China's Military Power," Ashley J. Tellis and Travis Tanner, eds. *Strategic Asia 2012-13, China's Military Challenge* (Seattle and Washington, D.C.: The National Bureau of Asian Research, 2012), pp. 241~76; Arun Sahgal, "China's Military Modernization: Responses from India," pp. 277-308.

Chinese waters, China is facing a difficult time carrying out normal maritime operations such as scientific experiments and investigations. Moreover, conflicts over fishing rights, which are not infrequent, often lead to accidents involving dynamites and collision of fishing vessels.

3. Expansion of Chinese Maritime Jurisdiction

China, which has surpassed Japan and is rising as a global economic power, has been focusing its efforts on maintaining a “food-neighbor policy” after having opened its doors in 1978. Through these efforts, China has made much progress in settling border issues with countries like Russia, Kazakhstan, Vietnam and India among others. With China prioritizing economic development foremost, mismatch in ideas in relation to other nations are bound to occur. However, by abiding by the principle of 求同存异 (qiutongcunyi, or setting differences aside for the moment and focusing first on the commonalities), China has continued to pursue pragmatic foreign policy.

As a result, China was able to decrease the number of conflicts on land, but it has by now come to the point where it has to expand into the ocean if it is to achieve any further economic and military growth. For example, the nation is importing more than half of all oil it consumes, and with the increasing dependence on exports, it came to be highly in need of procuring maritime transportation routes. Consequently, through defense white papers, China is calling for the need to strengthen its naval power—by launching aircraft carriers in

Liaoning, for example (June 2013).

China is becoming increasingly mired in conflicts over territorial seas in which issues such as the establishment of EEZ, the limits of continental shelves, and the rights over archipelagoes are intricately intertwined. The ambiguity in the international law that pertains to the establishment of maritime boundaries further complicates the situation. Keeping such situation in mind, the paper will now be exploring the major issues stemming from the expansion of China's maritime jurisdiction.

3.1 Relationship with Taiwan

Cross-Strait Relations, which refers to the relations between Mainland China and Taiwan with the Taiwan Strait at stake, has a significant implication for Chinese naval power. China, abiding by the One-China policy, has consistently claimed that Taiwan is a part of China, whereas Taiwan in response is trying to hold a referendum on the proposal to readmit Taiwan into the United Nations. At the same time, by successfully carrying out the test launch of the self-developed cruise missile Hsiung Feng-2E aimed at the Chinese mainland, Taiwan has demonstrated that it is gradually increasing its military power as well. It was in fact on October 10, 2007—Taiwan's Nation Day—that President Chen Shui-bian rolled out its top weaponry including Hsiung Feng-2E for the first time in 16 years. Such rather aggressive move on the part of Taiwan was enough to draw a sensitive response from Mainland China.

It is reported that China is starting to take actions in order to pressure Taiwan on military, political and economic dimensions.¹²⁾ For example, it has for the first time since 2005, reinitiated the People's Liberation Army's Dongshan Island Military Exercises, aimed at superiority over Taiwan.¹³⁾ Also, the National People's Congress passed the Anti-Secession law in 2005 to allow China to resort to non-peaceful means in the event of Taiwan's declaration of independence (i.e. granting PLA a blank check to attack Taiwan).

In addition, President Hu Jintao during his term had prioritized personnel from the Nanjing Military Region, which covers Taiwan.¹⁴⁾ One such example is Liang Guanglie. Before being appointed as the Minister of National Defense, in 2007 Liang—as a member of Central Military Commission and a military expert on Taiwan—had formulated a Taiwan invasion strategy. However, some experts claim that these firm measures on the part of China are likely to trigger rather than prevent the Taiwanese move towards independence.

Fortunately, following the election of President Ma Ying-jeou (who has displayed a pro-mainland tendency) in 2008, the cross-strait relations have started to become more stable. Mainland China realizes that unlike in the past, it has become more difficult to rely on military provocations to overtly warn against Taiwan's independence

12) *Mingbao* (Hong Kong). October 3, 2007.

13) Through the Dongshandao Training, the People's Liberation Army has run joint military exercises (of land, naval, and air forces) involving tens of thousands of men yearly at the seas of Dongshan Islands located southwards of the Fujian Province. Such training has been aimed for enabling Chinese forces to effectively land in Taiwan in emergency situations, and it is said that the scale and duration of the training will be expanded in the future.

14) Chen Bingde, PLA Chief of Staff, was also the former chief of the Nanjing Military Region.

movements. Unstable cross-strait relations will only disturb peace and stability in the region necessary for economic development. Therefore, China is expected to request nations like the United States and Japan to exert diplomatic pressure on the Taiwanese independence movement while it focuses on maintaining peaceful relations with Taiwan.

Currently, China has been actively promoting economic ties with Taiwan, despite the fact that the political relationship between both sides remains cold. From an economic point of view, China's low labor cost can benefit from Taiwan's capital and advanced technology. These, together with Hong Kong's trade cooperation network, have allowed for the two to maintain complimentary economic relationship despite the absence of encounters between their top leaders in the past. The first summit was held only recently in November 2015, after a 66-year separation, when Chinese president Xi Jinping and Taiwanese President Ma Ying-jeou forwarded their peaceful development of cross-strait relations.¹⁵⁾

During the summit, both parties used the term "mister," which alluded the inevitable conflict concerning the different interpretations of the term "One China."¹⁶⁾ It can be presumed that one of the main reasons of the first summit was for both China and Kuomintang - Taiwan's current ruling party, to show their continuous support for each other in anticipation of the next Taiwanese presidential election in 2016, since the Democratic Progressive Party is more likely to tilt

15) *New York Times*, November 7, 2015, http://www.nytimes.com/2015/11/08/world/asia/presidents-china-taiwan-meet-shake-hands-singapore.html?_r=0.

16) *Reuters*, Nov 7, 2015, <http://www.reuters.com/article/2015/11/07/china-taiwan-idUSL3N1316GJ20151107#QUIICE9A2zjwogus.97>; *MailOnline*, Nov 7, 2015, <http://www.dailymail.co.uk/news/article-3308232/Chinese-Taiwanese-leaders-meet-time-66-years-highly-choreographed-handshake.html>

towards Taiwanese independence.

3.2 Disputes Over Territorial Seas and Establishment of Maritime Boundaries

China has been involved in a myriad of territorial conflicts with neighboring countries. On July 13, 2006, China had unilaterally posted 418 maps online of what is supposed to be the 'correct' representation of its territories and argued that there are many errors in, for example, the Vietnamese, Taiwanese and Japanese versions of the territories in dispute (such as the Spratly and the Paracel Islands).¹⁷⁾ In response, the foreign ministries of those nations have issued statements criticizing China and claiming sovereignty over the lands in question. In essence, the intensity of territorial disputes among China, Taiwan, Vietnam, the Philippines, and more, have risen to a serious level.¹⁸⁾

However, unlike in the 1970s and 1980s when China engaged in actual armed clashes against countries like Vietnam and the Philippines, China has taken a more peaceful course in recent years (redrawing/modifying maps rather than resorting to arms): as it probably had no other choice, were it to fully concentrate its efforts on economic development. Nonetheless, regardless of the supposed change in strategy, China maintains a solid, unyielding stance on the territorial disputes.

17) *The Guardian*. October 27, 2015. <http://www.economist.com/news/asia/21659771-asian-coastguards-are-front-line-struggle-check-china-small-reefs-big-problems>

18) *The Economist*. July 25, 2015. <http://www.theguardian.com/world/2015/oct/27/tensions-and-territorial-claims-in-the-south-china-sea-the-guardian-briefing>

One of the more problematic of the conflicts is the one with Japan over the Diaoyu/Senkaku islands, which has been sustained over many years and shaped and heavily affected by outside influences as well. In the Diaoyu waters, there are for one, an area claimed for co-development of a sub-submarine station by the US and Japan and for the other, their military base. In 2012, Japan declared the nationalization of the islands, and both China and Japan have expressed their willingness to enter military conflict if necessary, thereby greatly heightening tension in East Asia.¹⁹⁾

Another China-Japan dispute concerns the sovereignty over Okinotori atoll. In 1988, Japan, in an attempt to maximize the boundaries of its EEZ, built a marine investigation facility there and has since claimed that it plans to convert the atoll into an island by culturing corals. A major issue complicating the conflict is the fact that under the international law, a rock, unlike an island, cannot be relied on as the grounds for establishing EEZ. China has claimed that Okinotori is only a rock, and therefore refusing to recognize Japanese sovereignty.

With China opening up the new Xi Jinping era and Japan aggressively moving to the right with the rise of Abe Shinzo, the two nations are taking an aggressive, unrelenting stance in entering their fight for hegemony over East Asia.

www.kci.go.kr

19) *Asahi Shinbun*, January 10, 2013.

3.3 China's development of Marine Resources

China and Vietnam are at a deadlock over the Spratly Islands, located at the south of China and southeast of Vietnam. China stated through its spokesperson for the foreign ministry that, "the series of measures that Vietnam has taken on the Spratly Islands amounts to a violation of Chinese sovereignty, interests and jurisdiction and that any such actions by any nation are to be made invalid."²⁰ Incidentally, prior to this proclamation, Vietnam has ratified its plan to develop oil and gas in the Spratly Islands—taking relevant actions like parceling out the area into smaller lots—and has agreed to create natural gas pipeline there in cooperation with the British firm BP.

The dispute over the Spratly Islands began in the 1960s, when the possibility of the existence of natural gas there was first raised, and has intensified ever since, leading even to an armed conflict between China and Vietnam in 1998. Although the two nations along with others involved entered an agreement to pursue peace in 2002, all the parties nonetheless have maintained the same level of interests and stake in the islands, for these lands and the waters around are known to abound with oil, natural gas and other natural resources like fishes and underground minerals.²¹

The East China Sea's oil and gas development area is located 350 kilometers to the east from the city of Ningbo, Zhejiang, and includes

20) Regular briefing by Zou Gang, spokesperson for China's Ministry of Foreign Affairs. April 10, 2007.

21) China's Ministry of Land and Resources reported that more than 100 billion m² of ocean floor natural gas field—largest ever in China—was discovered at the Northern part of South China Sea. July 2007.

the Chunxiao gas field under development by China. The size of the area totals approximately 22,000 square kilometers and includes four gas fields. Recently, China discovered seven new gas fields, thereby further increasing the value of the area. China and Japan dispute arises once again in this context as well, over the issues concerning oil and gas development. Their conflict began in February 2005, when China sent ships to East China for investigative purposes, after which Japan's Maritime Safety Agency requested to the Chinese government that China withdraw the ships and put an end to investigative activities in what they claim to be the Japanese areas of the East China Sea.²²⁾ Moreover, Japan has argued that it will be establishing prospecting rights at the 'Japanese waters' of the East China Sea—where according to Japan, China has unilaterally pursued gas field development—and thereby has intensified antagonistic relations between the two nations.

In 2005, China aggravated Japan by claiming that the Chinese decision to send planes and ships to the East China Sea was in response to the Japanese surveillance of petroleum resources from July 2004 to June 2005 in the waters in dispute with China.²³⁾ State Oceanic Administration (of China) argued that China's conduct of regular and extensive investigation of the East China Sea was indispensable for the nation in preserving its maritime rights and

22) According to Kong Qiuen, the spokesperson for Chinese Ministry of Foreign Affairs, negotiation between Japan and China over the drawing of maritime boundary of East China Sea has not made progress and China has not approved of Japan's unilateral move to draw such boundary. Therefore, China cannot accept Japan's request.

23) The representative of the Chinese Ocean Surveillance agency reported that the agency in 2006 ordered 172 planes to conduct aerial reconnaissance for 770 hours and 34 ships to monitor 57,875 nautical miles in East China Sea.

interests and in effectively administering the area.²⁴⁾

Such measures on the part of China indicate its strong desire to protect its maritime jurisdiction, as well as the nation's intention to prevent tension from escalating to an armed conflict.

3.4 Procurement of Maritime Transportation Routes

The post-Cold War period has seen a rather unexpected increase in non-traditional maritime threats such as terrorism, shipping of weapons of mass destruction, piracy, drug smuggling, and destruction of marine ecosystem, to name a few. If the administrative capabilities of the coastal nations cannot effectively reach maritime transportation routes (strategic locations, indeed), the areas nearby will be negatively impacted by an overflow of the above illegal activities. For this reason, countries recognize the importance of cooperative efforts in procuring safe and sound maritime transportation routes.

Along with economic development and increasing dependence on international trade, establishment of safe and stable sea-lanes has become indispensable for China. In particular, viewing the South China

24) State Oceanic Administration of China released *Enforcement of Chinese Marine Administrative Law* through its website. The document emphasized Chinese rights and interests in the East China Sea and argued that China will thoroughly monitor the sea to protect its rights and interests, thereby heightening tensions with the surrounding nations. The Chinese media reported that the US warships undergoing intelligence gathering in the East China Sea were expelled from the area by China. China claimed that 5 US sonar-detecting ships were exploring the East and South China Seas, alleging that such ships were attempting to monitor the transportation route of the North Korean vessels since the outbreak of the North Korean nuclear test. April 9, 2007.

Sea as one of the more crucial determinants of national security, China has concentrated its efforts to the area. The fact that the South China Sea paves way for the Strait of Malacca bespeaks to its significance.²⁵⁾

In particular, the reason why the Strait of Malacca serves as a strategic position of Asia stems from the fact that it is the only way for the African and Middle Eastern oil to be transported to Northeast Asia. However, due to the lack of ability and volition to administer it on the part of Indonesia and Malaysia, the strait has practically been in a state of anarchy. As a result, it has been exposed to frequent piracies, terrorism, and proliferation of weapons of mass destruction. Although the nations in the periphery are in response discussing ways to cooperate over the administration, the lack of legal binding force in the pertinent international law is rendering any progress difficult to make.

4. Implications to Korea

Despite the fact that the seas have traditionally been associated more with military and security issues in East Asia, they now have noticeably greater implications for the economic and environmental dimensions of national interest as well. In fact, the danger of military

25) Terashima Hiroshi, "Security Problems of the Strait of Malacca—the Reality and Necessity of Political Measures," Speech at the 26th Marine Forum, May 24, 2005. The Strait of Malacca is an international strait with a total length of 1,000 km located between the Malay Peninsula to the North and Sumatra Island to the South.

clash among nations arising from territorial disputes is only a part of the larger issue. Not only a variety of maritime crimes, but also tensions related to the procurement of economic resources and the preservation of environmental soundness are amounting to a considerable diplomatic headache. Under such circumstances, it is only natural that China's emphasis on "the protection of maritime rights and interests" through its white paper released in 2004, came to draw much attention worldwide. In this context, Korea must exert its utmost effort towards understanding both the current maritime problems and the maritime policies of its neighboring countries, especially China, in order to establish a sound, effective future-oriented maritime policies of its own.

It is true that the modernization of the Chinese navy resulting from the overall increase of its military might be triggering arms race throughout East Asia. Even though it is yet premature to conclude that such development in the short run will directly threaten Korea's maritime security, if China continues to improve its naval power over time, it would be difficult for Korea to remain secure in the longer run. Therefore, Korea must aim to keep pace with China and other nations in terms of naval enhancement.

With the Chinese navy already armed with nuclear power and aircraft carriers and the Japanese navy thoroughly equipped with modern technology, there exists a limit to which Korea can competitively strengthen its naval power. Also, as the smallest of the three in economic terms, Korea might face the possibility of encountering an economic downturn by investing heavily on naval defense, which in the end would ironically bring about a decline in its

defense capacity.

Such reality necessitates Korea to promote either bilateral or multilateral cooperative efforts in achieving maritime security. It has in fact already been advised that Korea should promote and develop a joint security system of the seas with China. For example, Korea could potentially consider establishing rules of engagement between the navies of the two nations or entering an agreement, for instance, that is designed to prevent marine accidents. Such system of joint security would not only contribute to the resolution of the traditional military and security issues, but also prepare the institutional foundation for enabling multilateral responses to maritime crimes. Other possible options include allowing mutual observations of naval training and seeking cooperation on naval strategy formulation. By doing so, Korea would be able to promote trust among different nations, thereby preventing the efforts that are intended to enhance military power from leading to instability in the region.

It is expected that these issues will be discussed in depth as Korea and China hold military talks on a more regular basis in the future. If a joint naval system between the two nations can indeed be established, Korea will be in a decisively advantageous position to prevent future North Korean threats and to resolve the nearly paralyzed relations with its northern neighbors. Neither Korea, nor the rest of the world wants to see crises like the Cheonan and Yeonpyung Incidents again. China must hereby play a significant, constructive role. Unfortunately, nothing has materialized yet.

In the globalized world, the procurement of a maritime transportation route is essential for trade expansion. This is especially

true for Korea, which has been and is relying predominantly on exports for economic growth. In Korea's case however, because its transportation routes are composed of a myriad of different types of sea-lanes, it is difficult for it to unilaterally guarantee security on its own. Instead, Korea must take an active diplomatic initiative seeking cooperation from the other nations concerned. In the event that a transportation route becomes disturbed militarily, the afflicted nation must not only rely on mobilizing the larger of the vessels but also request naval cooperation from other nations in order to effectively carry out military response throughout an extensive body of water. Korea participates in the US-led Container Security Initiative (CSI), but it should also be conceiving ways to establish other international regimes that are designed to protect maritime transportation routes.

With the shortage of natural resources emerging as a serious problem worldwide, countries like China are actively trying to secure resources necessary for their continued economic expansion. Korea also should follow suit, with a particular focus on the marine resources. Nevertheless, it does not seem advisable that Korea should go as far as drawing unnecessary antagonism from other nations by unilaterally establishing and promulgating the line of defense for its waters. Instead, it should be concentrating on building up its capacity in the seas; so that whenever the marine resources under its jurisdiction are violated, it can effectively rebuff such intrusions.

The assertiveness regarding the sovereignty claims in the South China Sea over the three archipelagos - the Spratly, Paracel, and Pratas islands are on the rise. Satellite images of Spratly Islands revealed continuing construction of stretched artificial territory, which

seems to carry military purpose.²⁶⁾ Being an area of which neighboring countries are claiming ownership, a U.S. warship entered the area by claiming “freedom of navigation” as a response to China’s conducted operation on the islands.²⁷⁾ Between the two stances of China and the U.S., South Korea sided with the U.S. supporting common interests and freedom of navigation and air.²⁸⁾ South Korean President Park also reaffirmed the freedom of navigation and air for the peace and stability in the South China Sea.²⁹⁾

The prominent issues of the maritime disputes in East Asia are sovereignty establishment, boundary settlement and marine resource development. A notable characteristic of the East Asian seas is that the intricate layout of continental shelves complicates the establishment of clear-cut zones and boundaries. Therefore, instead of trying to resolve the disputes at the strictly military, security dimension alone, nations must formulate ways to encourage and promote cooperation over the ocean at the economic level also. In such context, it is imperative that the nations of East Asia pursue multilateral, cooperative efforts to achieve peace and stability in the region.³⁰⁾

26) Mail Online. April 17, 2015, <http://www.dailymail.co.uk/news/article-3043227/Satellite-images-reveal-China-constructed-3km-runway-island-formed-disputed-ocean-territory.html>.

27) BBC News. October 27, 2015, <http://www.bbc.com/news/world-asia-china-34647651>.

28) Firstly spoken by Defense Minister Han Min-koo from the 3rd ADMM-Plus in Malaysia on November 2-4, 2015, and Secondly by Foreign Minister Yun Byung-se from the 12th ASEM Foreign Minister’s Meeting in Luxembourg on November 5-6, 2015. TV Chosun. November 17, 2015, http://news.tvchosun.com/site/data/html_dir/2015/11/07/2015110790023.html.

29) From East Asia Summit in Malaysia, November 22, 2015. Joongang Ilbo. November 23, 2015, <http://news.joins.com/article/19115485>.

30) AHN Yinhay, “Security Obstacles and a Cooperative Framework in Northeast Asia,” Keynote speech, 2015 Binhai Forum on Peace and Development in

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< 국문 초록 >

중국의 부상과 해양관할권 확대

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한반도를 둘러싸고 2013년 이후 미국, 중국, 러시아, 일본에서 새로운 지도자들의 등장은 우리의 대외정책에 도전과 기회가 되고 있다. 중국의 부상에 따른 주변국과의 협력과 견제가 이뤄지고 있다. 시진핑주석은 '신형대국주의' (新型大國主義)로 G2의 위상에 걸맞는 지위를 내세우면서 '일대일로'(一帶一路)정책으로 아시아와 유럽을 연결하는 육로와 해상의 실크로드를 건설하려는 원대한 구상을 펴고 있다. 동북아에서는 한국, 중국, 일본 간에 해양관할권을 둘러싼 긴장감이 고조되고 있다. 중·일간의 다투어 다오/센카쿠, 한·일 간의 독도/다케시마를 두고 민족감정을 동반한 영토분쟁으로 갈등이 표출되고 있는 상황이다. 본 논문은 중국의 해양관할권 확대를 위한 지정학적 함의를 면밀히 분석하고, 중국의 해양 정책의 궁극적인 목표와 핵심이익을 살펴보고, 이에 대한 한국의 대응방안을 연구해보고자 한다.

Key words: maritime policy(중국해양정책), maritime jurisdiction(해양관할권), maritime route(해상통로), territorial disputes(영토분쟁), "freedom of navigation"(항해자유권)

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