

Policy Recommendation for South Korea's Middle Power Diplomacy: Maritime Security Policy

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East Asia's maritime issues have evolved within a number of contexts including international politics, economics, and law. Specifically, they form a multi-layered structure of issues involving territorial sovereignty, resource development, delimitation of maritime boundaries, and protection of the environment. The danger of conflict escalation at sea has grown particularly large over the past couple of years. There seems to be no end in sight to the tensions, arising from maritime disputes in the region. A characteristic shared by recent maritime disputes in the region is that they have all occurred simultaneously and behind this phenomenon is the shifting regional balance of power.

The three most prominent bones of contention at sea include contested sovereignty over offshore islands, overlapping claims to exclusive economic zones (EEZ) and continental shelf boundaries, and resource development. A confluence of these issues has caused and escalated the latest maritime confrontations between China and its neighbors, including the U.S. The continued tensions reflect the limitations of global and regional maritime regimes.

In the past, East Asia's maritime disputes tended to occur sporadically. Recently, however, they seem to be occurring at the same time. At the center of this phenomenon is rising Sino-U.S. competition over the sea. China's renewed assertiveness has given the U.S. an opportunity to reassert itself in a region where its eclipse by China had been considered inevitable. A new rivalry between the U.S. and China over the Seas of East Asia is directly linked to the controversy concerning international law about the types of military activities a third party could undertake in the EEZ of a coastal state.

From more general and normative perspectives, East Asian maritime disputes have



been inextricably inter-related with the issue of boundary delimitation concerning territorial waters, EEZ, and continental shelves stipulated in the United Nations Convention on the Law of the Sea (UNCLOS). The global level serves an indispensable function in creating blueprints for action, and in defining general principles, but in many cases it requires gigantic collective energy to smoothly run global multilateral institutions.

In response to this problem, the region can play an important mediating role between broadly defined global regimes and narrowly implemented national responses. The relationship between the UNCLOS and regional maritime institutions would be better as a nested one rather than horizontal or overlapping. Yet, from a comparative regional perspective, East Asia has the most pronounced ‘institutional gap’ in maritime issue areas.

No regime-based regional solution can be found without the cooperation and concessions of China, the common denominator of many maritime disputes. China, however, has insisted on bilateral negotiations to resolve these disputes. However, resolution either by the unilateral efforts of a single state or bilateral efforts is nearly impossible because the maritime issues of East Asia are complexly interwoven.

Policy Recommendations

1. South Korea Should Seek a Multilateral, Regional Solution

Regional maritime regime building has been successful in Europe as seen in reasonably successful and comprehensive multilateral institutions for the Baltic, the North, and the Mediterranean Seas. In sharp contrast, no comprehensive, multilateral maritime regime has been initiated in East Asian Seas. Compared to Europe, the process of regional maritime dialogue in East Asia is indeed very young. As a result, there is much room for South Korea’s middle power diplomacy to build a new regional maritime order. In order to establish a mutually agreeable regional regime, the parties involved must decide to what extent their new institutional efforts will be nested within the global UNCLOS regime. Then, the issues of territorial sovereignty, maritime boundaries, and resource development should be tackled multilaterally rather than bilaterally. South Korea’s strategy should therefore focus on multilateral diplomacy rather than bilateral approaches.



2. South Korea Should Assume the Position of Safety Mechanism among Its Neighbors

Amidst the newly emerging dynamics and challenges, South Korea should have a stronger voice in maritime issues and assume the role of a safety mechanism among Japan, China and the U.S. As for Japan, it simply lacks the political will and credibility to serve as a leading goose in forming a multilateral maritime regime. On the other hand, China has successfully avoided appearing too dominant or assertive over the past decade, yet, it still has to make additional efforts to alleviate the concerns of its neighbors with respect to its irredentist ambition. The thrust of the U.S. Pivot to Asia has been on its military dimension. While the Obama administration has endeavored to project the ‘rebalance’ to Asia as a “whole-of-government” endeavor, it is the ‘maritime pivot’ that has received the lion’s share of official attention. This is partly the result of a perception of America’s ineffectiveness in dealing with Chinese aggression in East Asian seas. Therefore, it would not be wise for South Korea to depend excessively on the U.S. in the face of China’s rapid expansion of power so as to keep the balance between the two superpowers. Neither should South Korea be absorbed into China’s orbit.

3. South Korea Should be a Bearer of Regime

South Korea should become a ‘value state’ rather than a ‘hegemonic state’ such as the U.S., China, and Japan. Instead of finding itself in the midst of an exorbitant arms race, South Korea would need to strengthen its roles and capacity as a bearer of regime—because even though establishing a new maritime order which includes issues of maritime territory, resource development and boundary delimitation boils down to a highly refined political activity, it also consists of an immensely normative activity which should cover legal and fair foundations acceptable to all parties concerned. South Korea’s middle power diplomacy at sea should be something more than simple national egoism.

4. The Northeast Asian Peace and Cooperation Initiative Can Serve as a Useful Platform

President Park Geun-hye’s Northeast Asian Peace and Cooperation Initiative (NAPCI) can serve as a useful platform. The NAPCI is an extension of her *trustpolitik* that pursues comprehensive indirect cooperation in the region. The initiative still lacks detailed action plans in order for South Korea to become a maritime middle pivot and might potentially conflict



with America's pivot to Asia because its success depends on how to effectively accommodate China. However, it offers South Korea an important trust-building mechanism through agenda-setting in maritime disputes.

5. Individual Issues of Conflict Should be Approached Separately

In seeking to establish a sustainable maritime order in East Asia, the issues of territorial sovereignty, delimitation of the EEZ and continental shelf, resource development and protection of maritime environment should each be approached separately. It would be virtually impossible to establish a 'big deal' or a 'grand bargain' among the disputant countries because each of these issues has both symbolic and material values with different degrees. These tasks can be arranged into a sequence from easy to difficult. For instance, countries can first work together on a joint development zone for oil and gas exploration, while shelving the sovereignty disputes.

6. A Meta-Regime Should be Created to Deal with Overall Maritime Issues within the Region

Based on cooperation built in dealing with each issue, a multilateral consensus or a meta-regime should be created to deal with overall maritime issues within the region. South Korea as a value state should, and can, propose a roadmap for a new regional maritime order, which can be summarized as follows.

- (1) The regime should include a declaration of 'standstill' in the currently ongoing island disputes. This is a very basic measure taken to prevent any threats or interruptions from further aggravating the disputes during the transition period until the final agreement is reached. Parties concerned must put an end to citing new historical and legal evidence to claim their territorial sovereignty over the disputed islands. South Korea should convince its neighbors that regional maritime cooperation should not be hijacked by ultranationalists and opportunistic politicians. Of course, the standstill declaration cannot solve the sovereignty issue or the maritime delimitation issue, but it can certainly dampen the tensions in the disputed areas. Reduced political tensions and accumulated experiences of cooperation could eventually provide the cornerstone for resolving the broader issues.



- (2) Delimitation of the EEZ and continental shelf is more than simple bilateral negotiation games. In addressing East Asian maritime disputes, signing a multilateral agreement similar to the 2002 DOC concluded between China and the ASEAN states can be a first step toward enhancing multilateral understanding while maintaining the status quo at the same time. Unlike bilateralism, multilateral approaches can help policymakers overcome the potentially zero-sum nature of sovereignty and sovereign rights issues by allowing the balance of interests among multiple participants, if not maximizing the utility of individual actors at the expense of others. Multilateralism can also increase the reputational costs of norm violations.
- (3) The next step would be to work out an agreement on the principles regarding the base points and the baselines through multilateral negotiations. And then, the parties must work on the delimitation principles. The bottom line is that both the equitable solution and median line principles would create a zero-sum game, particularly between China and Japan. Therefore, it would be more desirable to apply the ‘equidistance-relevant-circumstances’ principle as proposed by South Korea. This idea suggests first drawing a tentative equidistance line and then making adjustments about the details where necessary. This principle can become a universally accepted delimitation standard in the East Asian region.
- (4) Parties concerned can proceed to fixing the tentative boundaries and zones beginning with relatively less contentious areas. The tentative boundaries and zones can be adjusted and revised in consideration of ‘historic title or other special circumstances’ through additional negotiations. In consideration of the sensitive political and social environment in the region, issues such as territorial waters and jurisdiction, joint development of natural resources and environmental protection would need to be governed in a loose form of agreement based on existing mechanisms such as provisional measures related to fisheries. For instance, South Korea has proposed a multilateral regime to govern fisheries and environment issues in the region.■



Author's Biography

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Min Gyo Koo is an Associate Professor in the Graduate School of Public Administration. Prior to obtaining his Ph.D. from the University of California, Berkeley, he received his B.A. and M.A. from Seoul National University. He also holds an M.A. from Johns Hopkins University. His research interests include East Asian political economy and maritime affairs. Among his many publications is *Island Disputes and Maritime Regime Building in East Asia: Between a Rock and a Hard Place* (2010, Springer).

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