CHAPTER 11

The Conceptualization and Construction of a Northeast Asian Maritime Security Architecture: Might Europe Serve as a Model?

Seokwoo Lee* and Hee Eun Lee**

Introduction

Northeast Asia (NEA) remains the last vestige of the Cold War. The Cold War balance of power paradigm in the region had the United States, Japan, and South Korea pitted against the Soviet Union, China, and North Korea. The divided Korean peninsula was the focus of tensions in the region. Yet, despite the fall of the Soviet Union and the subsequent end of the Cold War, security issues in NEA continue to endure around the Korean peninsula. The Demilitarized Zone (DMZ), still under UN Command on the southern side, remains a flashpoint for conflict and is a constant reminder of the enduring standoff between North and South Korea. Beyond just Korea, the situation has become immensely more complicated. The region has seen the realization of North Korea's nuclear weapons ambitions, the ascendancy of China as a legitimate global power, and Japan's determination to maintain its standing as a world leader, all while the Obama administration pivots the United States toward Asia. The security stakes in NEA have been raised as China has significantly increased its military budget, making it the second largest spender behind the United States.1 Japan appears intent on revising its “pacifist Constitution,” worrying both China and South Korea.2 North Korea has conducted more nuclear weapons tests and instigated armed conflict with South Korea along their border. Finally, South Korea pushes Japan to address the legacy of Japanese

* Professor, Inha University Law School; Co-Editor-in-Chief, Asia-Pacific Journal of Ocean Law and Policy (APJOLP).
** Professor, Handong International Law School.
colonialism from issues surrounding Korean “comfort women” and forced labor, and contentious territorial claims over the Dokdo islets.

Accordingly, in recent years the potential for conflict in the region has reached dangerous levels as the uneasy and relative stability experienced during the Cold War era has given way to an unsettling reconfiguration of power and influence. How the countries of NEA deal with security risks under these conditions is less clear than their approach during the Cold War bipolar balance of power system. Today, the old system has been replaced by a more complex set of political, economic, and military realities. The changed security dynamics of the region has resulted in sharper political rhetoric and the tendency for states in the region to take bolder stances over islands and islets that were muted during the Cold War.3

The disputes over these islands and islets also reveal the additional feature of the NEA security dilemma—geography. As large bodies of water separate the countries in the region, any concerted effort to manage regional security must take into account maritime issues. In this area, the countries of NEA have not made any meaningful collective effort to address this particular subject of concern. Though increased economic ties among China, Japan, and Korea are being pursued through the creation of a free trade agreement, politically, there is a mutual distrust that emanates from perceived historical injustices.4

The circumstances in NEA are strikingly similar to Europe right after World War II, which saw the creation of the European Coal and Steel Community in 1951 despite the destructive history experienced by the member states. While there are fundamental differences between NEA and Europe, the European experience in the creation and establishment of collective security mechanisms might prove to be instructive in highlighting the relevant issues to be dealt with when imagining the possible ways NEA states could constructively engage each other in the area of maritime security. Accordingly, the goal of this chapter is to highlight the Northeast Asian maritime security dilemma and the risks of military conflict between the states in the region with an emphasis on the Korean peninsula. Given the relative success of the North Atlantic Treaty Organization and collective security mechanisms in Europe, this chapter

3 For example, in April 2006, Japan and South Korea had a standoff in the waters around Dokdo with South Korea patrol ships intent on blocking two Japanese vessels that were attempting to conduct an underwater survey. Such an incident in NEA would have been difficult to imagine during the Cold War era when the relationships between the countries were more clearly defined.