



# TOWARD CRISIS MANAGEMENT IN EAST ASIA'S SEAS

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*Maritime disputes in the East and South China Seas escalated in 2013 and remain locked in a dangerous cycle of action and reaction with the attendant danger of a direct military confrontation between increasingly powerful naval forces. It is clear that there is an urgent need for a comprehensive political and diplomatic approach that can provide effective crisis management.*

Recent years have seen the escalation of tensions in both the East and South China Seas with the littoral countries having adopted aggressively self-interested postures. Indeed, there have been very few diplomatic efforts to resolve such dangerous situations, with all sides insisting on pursuing their “core interests” in the absence of comprehensive and binding mechanisms to defuse tensions. Furthermore, in spite of the 2002 Declaration on the Conduct of Parties in the South China Sea, a related Code of Conduct has yet to be agreed upon.

Not only this, but the disputed maritime areas have acquired a new dimension: the airspace above the high seas has become an important new theater of potential conflict after the Chinese declaration, last November, of an Air Defense Identification Zone over the East China Sea. Additionally, the maritime disputes and rivalries are likely to increasingly extend into the underwater domain, with many East Asian nations now in the process of acquiring submarines, most notably Vietnam, which has new Russian Kilo-class submarines.

The year ahead promises little change with there likely to be a continuation of the unhelpful trend toward imposing unilateral restrictions impeding freedom of navigation in the seas around disputed waters. Indeed, the Chinese province of Hainan has already implemented new fishing regulations, from January 1, 2014, requiring all foreign fishing vessels to apply for permission before entering areas of the South China Sea to which China claims jurisdiction.

What is more, China is increasingly asserting its maritime rights in both the East and South China Seas on the basis of “traditional historical rights.” In so doing, it is not fully adhering to the United Nations Convention on the

Law of the Sea; and the U.S. is offering only half-hearted resistance, failing to provide any firm commitments to its allies and partners.

Strategic competition between China and U.S. has an impact on regional maritime dynamics. The nations of the region are greatly disturbed by China's assertive posture, and have not been reassured by the unconvincing U.S. “rebalancing” policy: indeed, neither of the great powers seem ready for constructive negotiation. Without an improvement in strategic cooperation between China and the U.S., there seems little prospect for establishing a maritime security structure led by the middle powers of the region.

Indeed, the constructive resolution of the regional maritime disputes and conflicts will not come through relying on the two great powers, but through middle-power networking and cooperation to establish strategic partnerships and secure mutual interests; thus, while China would certainly reject U.S. intervention in any of its bilateral disputes, the involvement of middle powers might prove more constructive.

## Defusing Tensions

The existing decision-making apparatus concerning maritime issues is hindered by the current feebleness of maritime cooperation and various outdated perspectives which still linger. In China, South Korea, and Japan, new National Security Councils were recently established responsible for devising strategies and implementing policies pertaining to maritime security. In order to achieve a stable regional maritime security environment, they should develop maritime capacity-building as the best way to manage crises and



conflicts, and, ideally, to prevent them from arising.

Moreover, intelligence, surveillance, and reconnaissance (ISR) activities, especially operations in the air and underwater, can easily be interpreted as aggressive postures. Therefore ISR activities are potentially critical triggers in escalating peaceful situations toward conflict. In particular, if there is any involvement of third party assets in ISR activities, such as drones equipped with long-range tracking sensors, and with weapons, then serious miscalculations or misunderstandings become much more likely. The U.S. appears to have decided to deploy its sophisticated ISR assets, such as Global Hawk high-altitude UAVs, to bases in Japan and Korea, to monitor regional disputed waters and also North Korea. To avoid triggering unintended crises through ISR activities, then, the region must develop common doctrines and maritime operational procedures, such as Rules of Engagement. For the airspace above the disputed areas, this can be achieved through hotlines and navy-to-navy talks, and on the seas, meanwhile, there are existing management systems under the auspices of NATO—for example EXTAC, which provides concepts and instructions for units of different navies (non-NATO) that do not have agreed-on procedures—and the Western Pacific Naval Symposium and its Code for Unalerted Encounters at Sea, both of which could be adapted and extended.

Furthermore, when modernizing and augmenting the strength of maritime security forces, regional nations should exercise restraint, deploying only the minimal level of forces necessary. Maritime security should not be a military aim: naval forces should consider themselves to be on a diplomatic mission. Where confrontations occur in the disputed waters of the region, these should be addressed as an issue primarily of law enforcement between the disputants, focusing on maintaining good order at sea. All the nations of the region should strive for a safer maritime domain for all parties, seeking to create the conditions for a region without military purpose, and committing to provide predictability, transparency, and the necessary mechanisms to contain physical crises and reduce or eliminate destabilizing conflicts.

## Conclusions

Crises and conflicts in disputed maritime areas which historically were mostly extra-territorial, but for which modern nation-states make overlapping claims, represent the most

serious and direct threat to East Asian maritime security. Wherever possible and whenever necessary, the nations of the region should make every effort to prevent crises arising, and to manage such crises as they develop, with the primary motivation of maintaining a peaceful maritime security environment. It is therefore essential to establish an effective and comprehensive crisis management mechanism through which the regional nations can be actively involved in systems for managing maritime crises and conflicts before, during, and after their occurrence. All parties must engage in collaborative analysis, planning, and guiding the conduct of activities in the disputed waters: only thus will it be feasible to develop a coherent and efficacious approach to improving regional maritime security.

This can only happen if the political leaders of the region acknowledge the fundamental importance of dialogue on maritime issues, and if they broaden and intensify political consultations by reaching out to cooperate with neighbors with which they are in dispute, as well as with existing allies and partners. Thus, the current generation of leaders should seize the opportunity to make a profound contribution to consolidating maritime security in the East Asian region by establishing a crisis management mechanism fit for the twenty-first century.

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