
Counter-Piracy Cooperation to Strengthen New Southern Policy's "Peace": An Analysis of ROK and ASEAN's Counter-Piracy Practices

Boo, Yerin* · Kim, Sujin** · Yeo, Mathew Jie Sheng***

- I . Introduction
- II . Utilizing Counter-Piracy to Strengthen the Peace Pillar
- III . Counter-Piracy Efforts in ROK and ASEAN
- IV . Incorporating Counter-piracy Cooperation into NSP
- V . Conclusion

◀ Abstract ▶

The growing U.S.-China rivalry has placed the countries of Southeast Asia in exceedingly precarious positions. The Republic of Korea (ROK) likewise has been tasked with the challenge of “navigating the waters” between deepening geopolitical divides. It is in this context that the “New Southern Policy” (hereafter NSP) has become a key word in Korea’s foreign policy circles. Through NSP, ROK aims to diversify its economic and security interests by strengthening ties with its southern partners, focusing on three key areas (termed as the “3 Ps”): People, Prosperity, and Peace. At the same time, the NSP seeks cooperation with other key diplomatic agendas such as the U.S.’s “Free and Open Indo-Pacific,” rendering it crucial for the overall stability of the region. Considering such strategic significance, deeper analysis of the policy is more timely than ever.

A brief assessment of the policy’s outcome so far, however, reveals that

* Seoul National University - Graduate School of International Studies,
e-mail : arispay@snu.ac.kr

** Seoul National University - Graduate School of International Studies,
e-mail : samkim9412@snu.ac.kr

*** Seoul National University - Graduate School of International Studies,
e-mail : mathewyeo@snu.ac.kr

relatively, the “Peace” pillar has been insufficient in achieving satisfactory outcomes. Here, this paper asks the question of:

- 1) How can the “Peace” pillar of South Korea’s New Southern Policy be strengthened?

Based on an analysis on the causes of the “Peace” pillar’s weakness, this paper identifies counter-piracy cooperation as a solution. This paper then proceeds to answer the next question of:

- 2) How can ROK and ASEAN cooperate on counter-piracy, and how can these efforts be integrated into ROK’s NSP?

To answer the above question, this paper conducts in-depth case studies on ASEAN’s and ROK’s approaches to counter-piracy and identifies specific mechanisms of cooperation.

In Chapter I, the paper begins with an overview of the NSP’s strategic significance and an evaluation of its “Peace” pillar. Chapter II conducts a literature review on the causes of, and prescriptions for, the weakness of the “Peace” pillar. The paper then justifies why counter-piracy may be a solution. Chapter III examines ASEAN’s and ROK’s approaches to counter-piracy. By analyzing the general framework and each region’s cases, the paper displays the strengths and weaknesses of each region’s piracy responses. Based on this analysis, Chapter IV suggests ways to incorporate counter-piracy cooperation into the “Peace” pillar of the NSP.

This research bears significance in that it identifies a specific area of cooperation (counter-piracy) to strengthen the “Peace” pillar of ROK’s NSP. Such identification is based on a comprehensive study into the two parties’ past and current experience in counter-piracy, making it contextual in nature. Furthermore, the study suggests practical mechanisms of cooperation, and considers ways of incorporation into the existing framework of NSP. This approach differs from existing literature that failed to generate case-specific, policy-oriented solutions.

The COVID-19 pandemic has exacerbated piracy issues and deepened geopolitical divides. Turbulent seas such as these call for careful navigation. When it comes to promoting “peace,” the key lies in combating the pirates that sail those very waters.

Key Word : Counter-piracy, New Southern Policy (NSP), “Peace” Pillar, Maritime Cooperation

I . Introduction

In 2017, Republic of Korea (ROK) President Moon Jae-in announced a pioneering foreign policy initiative: The New Southern Policy.¹⁾ The New Southern Policy, (hereafter NSP) looks towards the expansion and development of ROK-ASEAN as well as ROK-India ties.²⁾ The policy sets out a comprehensive framework of goals for cooperation organized around three core themes known as the '3Ps': people, prosperity, and peace.³⁾ 'People' emphasizes people-to-people exchange in sociocultural cooperation. 'Prosperity' denotes economic cooperation and stresses mutual prosperity between ROK and ASEAN. Lastly, 'Peace' promotes ROK-ASEAN cooperation in both traditional and non-traditional security issue areas. As the first comprehensive foreign policy measure of its kind⁴⁾, surely the NSP bears significance in ROK's diplomatic history in and of itself. When placed within the broader geopolitical context of the region, however, the initiative acquires even more strategic importance.

For one, the NSP is a means for ROK to diversify its external relations. By reorienting its diplomatic overtures towards Southeast Asia and India, ROK can reduce the systemic pressure it faced as a result of the U.S.-China strategic competition⁵⁾. As the tension between the two powers continues to heighten, the strategic space of middle powers like

-
- 1) Whiteside, Darren, "South Korea's Moon unveils new focus on Southeast Asia," <https://www.reuters.com/article/us-indonesia-southkorea-idUSKBN1D90OC/> Accessed: 2021.12.02.
 - 2) Pak, Jung, "Trying to loosen the linchpin: China's approach to South Korea," https://www.brookings.edu/wp-content/uploads/2020/07/FP_20200606_china_south_korea_pak_v2.pdf/ Accessed: 2021.09.30.
 - 3) Presidential Committee on New Southern Policy, "New Southern Policy Plus," http://www.nsp.go.kr/assets/eng/pds/NSPplus_Policy%20Statement.pdf/ Accessed: 2021.06.12.
 - 4) Until now, Korea's diplomacy had been centered around great powers such as the U.S., China, Russia, and Japan. No specific policy existed to address, in isolation, South Korea's ties with ASEAN or other Southeast Asian countries.
 - 5) The current relationship between the US and China could be seen as a strategic competition, echoing definitions by Campbell and Sullivan. See Campbell, Kurt., & Sullivan, Jake. "Competition without catastrophe: How America can both challenge and coexist with China," <https://www.foreignaffairs.com/articles/china/competition-with-china-without-catastrophe/> Accessed: 2021.09.30.

ROK is gradually tightening. The general view is that explicitly committing to either side will be an onerous affair, as ROK stands to lose either its security or economic relations.⁶⁾ ROK has thus taken deliberate actions to diversify its economic and diplomatic alignments in search of greater strategic autonomy—the NSP being one of them. In a word, NSP bears geopolitical significance in that it allows ROK to generate extra strategic space and secure its diplomatic autonomy.

At the same time, however, the NSP does not conflict with other major diplomatic strategies concerning the region, most notably the United States’ “Free and Open Indo-Pacific’ (hereafter FOIP). The two policies share many of the same overarching principles and values, such as a commitment to a “rules-based order.” Such common ground confers more potential for the two policies to complement each other, rather than become conflicting agendas. Put simply, there exists much potential for a convergence of the two policies.⁷⁾ In fact, the potential for cooperation between the two countries’ regional policies was confirmed by the two leaders during the U.S.-ROK summit of 2019. President Moon, in a joint press conference after the summit, stated that the two countries “agreed to put forth harmonious cooperation between ROK’s New Southern Policy and the United States’ Indo-Pacific Strategy.”⁸⁾ Such a potential for coordination between the two foreign policy directives bears significance not only for ROK-U.S. relations but also for the long-term stability of the region. In any case, for both ROK’s diplomatic autonomy and the general

6) Snyder, Scott. "Joe Biden's Summit With South Korea's Moon Jae-In Poses A Question Of Shared Values." *Forbes*.

(<https://www.forbes.com/sites/scottasnyder/2021/05/20/joe-bidens-summit-with-south-korea-as-moon-jae-in-poses-a-question-of-shared-values/?sh=783f35f76c3c>). Accessed June 12, 2021.

7) Springer, Kyle et al. “Embracing the Indo-Pacific South Korea’s Progress Towards a Regional Strategy.” Perth USAsia Centre, 2020. See also Choi, Ina. “Exploring convergence between the New Southern Policy and U.S. Indo-Pacific Strategy: From Korea’s Perspective.” *World Economy Brief Vol 11, No. 19*(2021).

8) ROK Ministry of Foreign Affairs, “Opening Remarks by President Moon Jae-in at Joint Press Conference Following Korea-U.S. Summit June 30, 2019,”

http://www.mofa.go.kr/eng/brd/m_5674/view.do?seq=319902&srchFr=&srchTo=&srchWord=&srchTp=&multi_itm_seq=0&itm_seq_1=0&itm_seq_2=0&company_cd=&company_nm=/ Accessed: 2021.12.02.

regional geopolitical architecture, NSP bears much strategic implications.

Unfortunately, the successful implementation of NSP has proven to be difficult. While the NSP has achieved relative success in the 'People' and 'Prosperity' aspects, progress has been limited in 'Peace'.⁹⁾ The 'Peace' pillar remains inchoate vis-à-vis the 'People' and 'Prosperity' pillar, as regional security and strategic cooperation remains at a rudimentary level. This underdevelopment of inter-regional partnership on security matters is well reflected in public perception. A survey conducted by ISEAS revealed that ASEAN states lack trust towards ROK, preferring countries like the U.S. or Japan for partnership in security affairs.¹⁰⁾ ASEAN states do not prioritize ROK as a security ally. These perceptions reflect what has been the general consensus of the academic community as well.¹¹⁾ The simple fact of the matter is, the Peace pillar still has a long way to go to match its economic and sociocultural counterparts.

Then what can be done to strengthen the Peace pillar? Surely, considering the strategic significance of the NSP explored above, this is a question that is worth exploring. This paper does exactly such: It seeks a feasible solution to bridge the imbalance within NSP's pillars. Specifically, this paper explicitly calls for ROK to use counter-piracy cooperation with ASEAN as a means to build security ties between the two regions. Doing so generates two strategic advantages for ROK. Firstly, ROK could overcome its structural weakness of the Peace pillar, and thereby correct the imbalances within NSP, allowing for it to reap the strategic benefits outlined above. Not only so, it advances ROK's stature as a responsible middle power.

This paper is arranged as follows. In chapter II, the paper first conducts a literature review on previous diagnoses of, and prescriptions

9) Botto, Kathryn, "South Korea Beyond Northeast Asia: How Seoul Is Deepening Ties With India and ASEAN,"

<https://carnegieendowment.org/2021/10/19/south-korea-beyond-northeast-asia-how-seoul-is-deepening-ties-with-india-and-asean-pub-85572/> Accessed: 2021.12.01.

10) "The State of Southeast Asia: 2020 Survey Report." ISEAS-Yusof Ishak Institute(2020). p. 20.

11) Ha, Hoang Thi and Glenn Ong, "Assessing the ROK's New Southern Policy towards ASEAN," *ISEAS Perspective 2020*, No. 7, p. 2

for, the Peace pillar's weakness. Building on such literature, the paper makes a case for its selection of counter-piracy cooperation as a means to strengthen the Peace pillar. In chapter III, the paper examines current counter-piracy efforts and policies of ASEAN and ROK. Chapter IV provides suggestions on how joint efforts on counter-piracy could be incorporated into the Peace pillar of NSP.

II. Utilizing Counter-Piracy to Strengthen the Peace Pillar

This section aims to accomplish the following. First, through an examination of existing literature, the paper explores what has previously been suggested as ways to strengthen the Peace pillar. Afterwards, the paper justifies its selection of counter-piracy as a solution.

Previous literature has focused on an analysis of the causes of the Peace pillar's weakness. According to such analyses, the Peace pillar's weakness is attributable to largely two factors: differing security interests of ROK and ASEAN member states, and external geopolitical factors.¹²⁾ The first factor hindering the development of the Peace pillar is the differing security priorities of ROK and ASEAN member states. For ROK, North Korea and its nuclear weapons are the primary security concern. As such, ROK's security agendas center around the Korean Peninsula. According to Lee, "Korean governments have been more interested in ASEAN's unequivocal and unanimous support for ROK's position [on the Korean peninsula issue]."¹³⁾ In other words, ROK's objective in its security ties with ASEAN is to consolidate its support for South Korea's stance on issues involving its northern neighbor. Unfortunately, this is not the case with most ASEAN countries. North Korea is "not an immediate security concern for ASEAN"¹⁴⁾. Not only is the Korean peninsula issue a

12) Lee, Jaehyon. "Korea's New Southern Policy: Motivations of 'Peace Cooperation' and Implications for the Korean Peninsula." The Asan Institute for Policy Studies Issue Brief(2019).

13) *ibid.*, p. 11.

14) Tang, See Kit, "Facilitator or bystander: ASEAN's role in North Korean crisis."
<http://www.channelnewsasia.com/news/asiapacific/facilitator-or-bystander-asean-s-role-i>

second-tier priority, but ASEAN member states are oftentimes also reluctant to affirm their unequivocal support for ROK's position. In fact, the countries often prefer for their diplomatic, economic ties with North Korea to be maintained.¹⁵⁾ Subscribing to ROK's agenda entails a disruption to such ties, making it challenging for ASEAN countries' security interests to align with ROK's. More importantly, the South China Sea remains the priority security concern for ASEAN. In sum, the security interests of the two parties are not convergent, making cooperation in the traditional security realm difficult.

External geopolitical factors further complicate conditions for security cooperation between ROK and ASEAN countries. Lee points to "the power structure in the region" as one such geopolitical factor.¹⁶⁾ ROK, with its security interests tied closely with the U.S. and its economic interests tied largely with China, the power structure of the East Asian region continues to be a crucial point of consideration for ROK's foreign policy making process. ASEAN member states face similar structural challenges. Such geopolitical circumstances result in both ROK and ASEAN prioritizing relations with the two superpowers above all else. For ROK, most resources are diverted towards managing its precarious position between the U.S. and China. ASEAN member states likewise operate on a similar line of strategic thinking. In sum, geopolitical externalities lower the counterpart's strategic value on both ends, making it structurally difficult for ROK and ASEAN's relations to develop.

As such, literature has pointed to differing security interests and external geopolitical factors as the main factors hindering the development of the Peace pillar. Drawing from such analyses, exploration of solutions has focused on solutions that address the two causes. The general logic being that an effective solution must involve a convergence of each parties' interests, whilst being relatively detached from external

n-north-korean-crisis-8850226/ Accessed: 2021.09.29.

15) Lee, Jaehyon. "Korea's New Southern Policy: Motivations of 'Peace Cooperation' and Implications for the Korean Peninsula." The Asan Institute for Policy Studies Issue Brief(2019), p. 11.

16) *ibid.*, p. 12.

geopolitical factors. Here, previous literature has pointed to the importance of cooperating in non-traditional security areas—in particular, maritime cooperation.¹⁷⁾

Literature notes how maritime cooperation in non-traditional security matters allows for a convergence of the two parties' interests. Both the ROK and ASEAN have a vested interest in actualizing maritime cooperation. It is a matter that bears enough urgency and significance so as to induce states' proactive engagement, regardless of their political-security agenda. Indeed, the general literature posits that parties who may diverge in their specific traditional security concerns may nonetheless find common ground for cooperation in non-traditional security realms. Parameswaran's characterization of non-traditional security issues as "common security challenges" between ROK and ASEAN follows such a line of thought.¹⁸⁾ Botto writes that "nontraditional security issues that the NSP Plus emphasizes are also some of the most important ones to ASEAN members."¹⁹⁾ Likewise, Kim notes the increase of nontraditional threats in the region such as the "1997 economic crisis, haze phenomenon, SARS, refugees, and terrorism," pointing out that cooperation in human security is of mutual benefit to both sides.²⁰⁾ In fact, he even mentions that battling COVID-19 aligns with the intent of NSP's Peace pillar more so than promoting arms deals. Even on an

17) Some examples of non-traditional security cooperation, according to Lee and Bae (2019), include combined exercises to tackle disaster response, disease prevention, terrorism, and cybersecurity. Meanwhile, maritime cooperation is used as an umbrella term enveloping a wide range of issue areas, from marine economic development, marine environment preservation, to maritime safety. Some examples of forms of cooperation include strengthening port facilities and infrastructures, or maritime safety collaboration (for example, search and rescue operations and counter-piracy). See Tseng, Hui-Yi Katherine. "Maritime Security in Southeast Asia: Interfacing Regional and Extra-Regional Stakeholder." *Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia*(2014). pp. 88-89.

18) Parameswaran, Prashanth. "Advancing South Korea-Southeast Asia Security Ties: Between Opportunities and Challenges." *The Korea Economic Institute of America*(2021). pp. 2-3.

19) Botto, Kathryn. "South Korea Beyond Northeast Asia: How Seoul Is Deepening Ties With India and ASEAN," <https://carnegieendowment.org/2021/10/19/south-korea-beyond-northeast-asia-how-seoul-is-deepening-ties-with-india-and-asean-pub-85572/> Accessed: 2021.12.01.

20) 김형중, "코로나 19 감염병 사태와 신남방정책: 아세안을 중심으로," 『동남아시아연구』, 제30권 3호, 한국동남아학회, 2020, pp. 21-54.

international level, there is a general consensus among states that resolving maritime issues is a common interest for states. The 2008 Report of the UN Secretary-General to the UN General Assembly on Oceans and the Law of the Sea echoes this thought in its characterization of maritime security issues.²¹⁾ This view is reflected in the guidelines of the NSP Plus as well.²²⁾ As a renewed and updated version of the original NSP, the NSP Plus put significantly more emphasis on the importance and advantages of cooperation in non-traditional security. Lee and Bae also note the fact that the field of nontraditional threats is an important potential area of cooperation between ROK and ASEAN states.²³⁾ In other words, both academic literature and practice demonstrate how maritime cooperation is based on a convergence of interests.

Previous studies also note how maritime cooperation is an area that involves little influence from external factors. Traditional security issues, due to the convoluted geopolitical dynamics of the region, cannot be separated from external factors such as the U.S.-China competition. Maritime cooperation, and non-traditional security areas in general, are immune from such externalities. The power structures of a given region have little to undermine or influence efforts in maritime cooperation. Theoretically speaking, this separation is possible because "it does not target anyone or any specific country as an enemy or a security threat."²⁴⁾ Lee recognizes the potential of maritime cooperation as an area shielded from external geopolitical factors, noting how it "has the potential to reduce the sensitivity that ASEAN traditionally has had towards security cooperation with external powers."²⁵⁾ In other words, literature has characterized maritime cooperation as an arena where diplomatic efforts

21) Bateman, Sam, "Good Order at Sea," *Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia*(2014). pp. 79-80.

22) Presidential Committee on New Southern Policy, "New Southern Policy Plus," http://www.nsp.go.kr/assets/eng/pds/NSPplus_Policy%20Statement.pdf/Accessed: 2021.12.03.

23) 이기태 외, 『국제전략환경의 변화와 한국의 신남방정책』 (서울: 통일연구원, 2019), p.89.

24) Lee, Jaehyon. "Korea's New Southern Policy: Motivations of 'Peace Cooperation' and Implications for the Korean Peninsula." *The Asan Institute for Policy Studies Issue Brief*(2019), p. 11.

25) *ibid.*

can proceed, independent of the presence of two superpowers.

As demonstrated above, existing literature focuses on an analysis of the causes of Peace pillar's weakness, while pointing to non-traditional security—especially maritime cooperation—as a solution. In the ensuing section, the paper singles out counter-piracy and provides a justification for its utility in strengthening the Peace pillar.

First, both ROK and ASEAN are key stakeholders in piracy issues. This provides ample motive and political will for both sides to engage in cooperation. According to Kuik, “maritime connectivity and maritime security are central to both ROK and ASEAN states’ long-term geo-economic and geopolitical interests.”²⁶⁾ Lee and Bae assert that the issue of piracy is important to ROK as well as ASEAN states as it is related to the transport issues of important resources.²⁷⁾ For ASEAN, the urgency of counter-piracy efforts is easily identifiable. The Strait of Malacca is one of the most heavily-affected areas by piracy in the world. According to the 2019 Annual Report of the International Maritime Bureau (IMB), out of the global total of 193 incidents of piracy that occurred in 2019, 23% occurred in the Malacca Straits.²⁸⁾ Such acts of piracy have increased in recent years. In fact, the piracy in the region is so high that the area is now commonly referred to as a “piracy hotspot.”²⁹⁾ A report by Choi et al addresses how piracy activity has been increasing since 1993 and created a further increase as the states in the ASEAN region lacked the budget to deal with defense and border control issues due to COVID-19.³⁰⁾ The frequent occurrence of piracy attacks, as well as its heavy impact in the region clearly place ASEAN and its member states as key stakeholders to the issue.

26) 나용우 외, 『해외의시각으로본신남방·신북방정책의평가와과제』, (서울: 통일연구원, 2020). pp. 50-51.

27) 이기태 외, 『국제전략환경의 변화와 한국의 신남방정책』 (서울: 통일연구원, 2019), p.101.

28) International Maritime Bureau, “2019 Annual Report of the International Maritime Bureau,” https://www.icc-ccs.org/reports/2019_Annual_Piracy_Report.pdf/ Accessed: 2021.12.05

29) NBC News, “Strait of Malacca Is World's New Piracy Hotspot” <https://www.nbcnews.com/news/world/strait-malacca-worlds-new-piracy-hotspot-n63576/> Accessed: 2021.09.28.

30) 최인아 외, 『인도태평양 전략과 신남방정책의 협력 방향』 (세종시: 대외경제정책연구원, 2020), pp.268-269.

ROK is also a key stakeholder in piracy incidents in the Southeast Asian region. For ROK, counter-piracy efforts are crucial because of the effects piracy has and continues to have, on South Korean trade. Many of ROK's energy resources as well as its primary trade goods pass through Southeast Asian waters. The domestic literature has been calling for more attention on the issue, with authors such as Kim writing about how such threats pose a "long term, crucial shock to the government's development."³¹⁾ Kim notes that the Southwestern route has the most importance to ROK and that the country should therefore acquire the capability to be able to protect itself. In other words, because of the importance of the Southeast Asian maritime route for ROK's trade, the region's piracy problem is also a concern for ROK.

Second, being a transnational issue, counter-piracy requires a multilateral approach by nature. The United States' *Counter-piracy and Maritime Security Action Plan* emphasizes the need for cooperation in counter-piracy efforts, noting that "an effective response to piracy and related maritime crime requires coordinated and comprehensive multilateral and multi-sectoral cooperation on a global scale with regional focus."³²⁾ Lee and Bae also call for cooperation to address this issue by not only responding to such threats in the region with ASEAN states but also providing support to enhance capabilities and promote combined training.³³⁾ In fact, inter-state cooperation has been a key policy feature in many of the piracy-prone regions of the world.³⁴⁾ Considering that both ROK and ASEAN member states are either small or medium powers, this relative importance of multilateralism in achieving counter-piracy cooperation objectives is an important aspect to note. This is because, for small or medium countries, multilateralism is not

31) 김명성, "해상교통로(SLOC) 안보와 해적: 소말리아 해적퇴치작전 경험을 중심으로," 『Strategy 21』, 제36호, 한국해양전략연구소, 2015, p. 152.

32) United States Department of State, *The United States Counter-Piracy and Maritime Security Action Plan*, (United States Government, 2014), p. 7.

33) 이기태 외, 『국제전략환경의 변화와 한국의 신남방정책』 (서울: 통일연구원, 2019), p.102.

34) United States Department of State, *The United States Counter-Piracy and Maritime Security Action Plan*, (United States Government, 2014), p. 7.

only a relative strength but also a crucial element to their diplomacy styles.³⁵⁾ Furthermore, the fact that multilateralism goes hand in hand with norms and the rule of law gives ROK and ASEAN member states, as Lee puts it, “an ethical edge over superpowers.” Lee further notes that maritime cooperation has a “normative edge for small and medium power to cry for.”³⁶⁾ All such points are important to make in this context because of the way it enables ROK and ASEAN to draw from their lengthy experiences in multilateral engagement, making counter-piracy cooperation not only realistic, but also advantageous for both sides.

Lastly, counter-piracy cooperation is expandable. Counter-piracy cooperation is expandable in that it can be built on existing foundations. Choi and other authors claim that cooperation in the maritime sector is promising because it allows for the utilization of pre-existing organizations.³⁷⁾ Utilizing forums such as ARF, ADMM+, and AMF, ROK, with the help of the United States, can pursue multilateral cooperation. In other words, there are ample models of cooperation to build upon, making it easier for cooperation to be actualized between the ROK and ASEAN. Counter-piracy is also expandable in that efforts to promote counter-piracy cooperation can lead to cooperation in other security agendas. Parameswaran notes coordinated efforts in non-traditional security matters “have provided a catalyst for wider defense cooperation” and has “strengthened the case for collaboration.”³⁸⁾ In other words, counter-piracy cooperation can act as a catalyst for increased cooperation in other security areas. The two-fold ways in which counter-piracy cooperation is expandable is renders it a logical choice for strengthening the Peace pillar.

To summarize, this chapter provided an overview of existing literature

35) Lee, Jaehyon, “Korea’s New Southern Policy: Motivations of ‘Peace Cooperation’ and Implications for the Korean Peninsula,” *The Asan Institute for Policy Studies Issue Brief*(2019), p. 11.

36) Ibid.

37) 최인아 외, 『인도태평양 전략과 신남방정책의 협력 방향』 (세종시: 대외경제정책연구원, 2020), p.324.

38) Parameswaran, Prashanth. “Advancing South Korea-Southeast Asia Security Ties: Between Opportunities and Challenges.” *The Korea Economic Institute of America*(2021). p. 2.

on the Peace pillar of NSP. In particular, the paper has focused on previous analyses of the causes of the Peace pillar's weakness: diverging security interests and external geopolitical influences. Suggestions by previous studies on how to converge such security interests and seek insulation from external political factors focused on cooperation in non-traditional security matters, most notably maritime cooperation. Among the various proposed solutions, this paper focused on the utility of counter-piracy cooperation, based on three justifications. First, ROK and ASEAN are both key stakeholders in piracy; second, counter-piracy efforts are essentially based on multilateral and interstate cooperation; third, counter-piracy cooperation is expandable. The following chapters will assess the feasibility of counter-piracy cooperation between the two regions through case studies on existing counter-piracy practices.

III. Counter-Piracy Efforts in ROK and ASEAN

In order to seek ways to integrate counter-piracy efforts into ROK's NSP Peace pillar, an overall understanding of general counter-piracy practices is necessary. Drawing from documents issued from authoritative bodies on counter-piracy (including state governments, international agencies and institutions), this paper begins by providing an outline of how counter-piracy efforts are implemented. Based on such resources, this paper has categorized general counter-piracy practices into three groups. This three-tier categorization provides a template for analyzing ROK's and ASEAN's counter-piracy efforts, making it easier to identify weaknesses and areas of cooperation.

Counter-piracy measures typically include three types of actions: (1) Immediate Response (defense actions), (2) Incident Reporting and Information Sharing, and (3) Prosecution. Each stage requires the involvement of different actors with different schemes of engagement. <Table 1> provides a succinct summary.

〈Table 1〉 Types of Actions in Counter-Piracy Measures

	Key features	
Immediate Response	<ul style="list-style-type: none"> - Alerting mechanisms - Deployment of operational forces to rescue victim ships, detain assailants, etc. 	<ul style="list-style-type: none"> - Coastal guards, navy of coastal states, etc
Incident Reporting and Information Sharing	<ul style="list-style-type: none"> - Post-incident reporting - Archiving and sharing of information with neighboring states, relevant organizations, etc 	<ul style="list-style-type: none"> - government branches of coastal/flag states, relevant international organizations, and civil society organizations, etc.
Prosecution (Law Enforcement)	<ul style="list-style-type: none"> - investigations into piracy acts - trial, punishment of pirates 	<ul style="list-style-type: none"> - domestic courts

*Source: ReCAAP Information Sharing Centre³⁹⁾, rearranged by author.

First: immediate response. Once an act of piracy occurs, immediate action is taken to remove the physical threat, rescue victim ships, and detain assailants. In order for these series of defense actions to occur in a timely manner, alerting schemes that connect ships under attack with proximal authorities must be in place⁴⁰⁾. Coast guards and naval forces are key responders to piracy acts. The U.S. government lists some examples of the forms immediate response can take: “respond to reports of pirate attacks with the objective of disrupting such attacks, and, in appropriate circumstances, terminate the act of piracy and any resultant hostage situation with intent to deliver any surviving pirates ashore for prosecution.⁴¹⁾” Essentially, measures that fall under immediate response mechanisms center around operational capacities as well as alerting methods.

Second: incident reporting and information sharing. Post-incident reporting mechanisms are important aspects to counter-piracy efforts as well. Information sharing is another crucial process for the prevention of future attacks. Ships report happenings of incidents to relevant bodies

39) ReCAAP, *Regional Guide to Counter Piracy and Armed Robbery Against Ships in Asia*,” (ReCAAP Information Sharing Centre, 2016).

40) *ibid.* pp. 32-43.

41) United States Department of State, *The United States Counter-Piracy and Maritime Security Action Plan*,” (United States Government, 2014), p. 4.

(including, but not limited to, government branches of coastal/flag states, relevant international organizations, and civil society organizations, etc.). Ideally, regional and international counter-piracy regimes enable the sharing and conveying of information through a close-knit network of relevant parties⁴²).

Third: prosecution (law enforcement). Just like any other crime, prosecution of individuals who commit piracy is a key deterrent. As noted by the United States Counter-Piracy and Maritime Security Action Plan, "releasing a suspected pirate without investigation or trial is likely to have little deterrent value for other potential pirates⁴³." Therefore, investigations into piracy acts and enforcement of punishment is another important element to counter-piracy measures. The transnational nature of piracy acts, however, complicates this process, because of sovereignty and jurisdiction issues, as well as the general lack of international legal enforcement mechanisms⁴⁴. Effective counter-piracy measures must involve all three stages.

1. Counter-Piracy Efforts of ASEAN

Based on the previous overview of the general mechanisms of counter-piracy measures, this section of the paper examines specific measures implemented by ASEAN and its member states. The paper examines measures using three tiers of analysis: ASEAN-level efforts, multilateral efforts, and minilateral efforts.

1.1 ASEAN-level efforts

First, the paper examines counter-piracy efforts implemented on the

42) ReCAAP, *Regional Guide to Counter Piracy and Armed Robbery Against Ships in Asia*, (ReCAAP Information Sharing Centre, 2016). pp. 32-43.

43) United States Department of State, *The United States Counter-Piracy and Maritime Security Action Plan*, (United States Government, 2014), p. 6.

44) The prosecution stage centers around legal mechanisms, making it outside the scope of this paper. Furthermore, due to sovereignty and jurisdiction issues, prosecution of pirates is done according to each states' own domestic laws. Therefore, the paper focuses mostly on the first two categories of counter-policy measures in its assessment.

ASEAN level. Traditionally, ASEAN's focus within the domain of transnational issues has been on drug trafficking.⁴⁵⁾ However, such confined focus drastically changed in the late 1990s.⁴⁶⁾ This shift was best encapsulated during the 30th ASEAN Ministerial Meeting in July of 1997. During the meeting, the need for sustained and effective cooperation to manage transnational issues such as piracy, terrorism, human, arms, and drugs trafficking, and diseases was repeatedly emphasized.⁴⁷⁾ This renewed attention continued during a second informal meeting, just five months after the first meeting, which concluded that there is an explicit need within ASEAN for firm action to be undertaken against transnational crimes.⁴⁸⁾ Even though no explicit plan of actions or agreements were announced, the meetings demonstrated nascent attention and awareness by ASEAN to resolve transnational issues like piracy. In this sense, these meetings marked the beginnings of ASEAN-level dialogues and cooperative endeavors on counter-piracy.

The two meetings jolted a regional movement towards the working of a joint declaration. On the 20th of December 1997, the ASEAN Declaration on Transnational Crime was officiated. In essence, this joint declaration—the first of its kind in terms of managing Southeast Asia's transnational crimes—reflected ASEAN member states' intent to solve transnational crimes. As Emmers argued, even though the joint declaration was not legally binding, it was an effective starting point for member states'

45) Association of Southeast Asian Nations, "2016-2025 ASEAN Plan Of Action in Combating Transnational Crime,"

https://asean.org/wp-content/uploads/2012/05/ASEAN-Plan-of-Action-in-Combating-TC_Adopted-by-11th-AMMTC-on-20Sept17.pdf/ Accessed: 2021.12.03.

46) The late 1990s was when ASEAN incorporated the CLMB states - Cambodia, Laos, Myanmar, and Brunei - within the entity. Coinciding with the expansion of ASEAN, transboundary issues such as terrorism, illegal trafficking, arms smuggling, and piracy were on the rise and had emerged as new pressing regional problems. In this sense, the expansion and evolution of regional concerns prompted and necessitated a shift and securitization of other forms of transnational crimes within the region.

47) Association of Southeast Asian Nations, "ASEAN Plan of Action to Combat Transnational Crime," https://asean.org/?static_post=asean-plan-of-action-to-combat-transnational-crime/ Accessed: 2021.12.03.

48) Emmers, Ralf, "ASEAN and the securitization of transnational crime in Southeast Asia," *The Pacific Review*, Vol 16, No. 3(2003), pp 419-438.

continued cooperation.⁴⁹⁾ Indeed, this joint declaration would usher in more regional-level efforts for transnational issues. An important development would be the establishment of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) shortly after the declaration. The AMMTC, as a formalized institution to coordinate regional efforts stipulated in the joint declaration, soon came to be regarded as the highest policy-making body for transnational crimes in ASEAN.⁵⁰⁾ The AMMTC soon after conceptualized an ASEAN Plan of Action on Transnational Crime in 1999 to provide specific guidelines in dealing with transnational issues.⁵¹⁾ This incorporation of the ASEAN Plan of Action within AMMTC suggested that ASEAN, previously devoid of specificity, now possessed the necessary means and authority to resolve regional transnational issues like piracy.⁵²⁾ The thrust to resolve regional transnational issues also prompted the establishment of three forums—ASEAN Maritime Forum (AMF), ASEAN Regional Forum Inter-Sessional Meeting (ARF-ISM) on Maritime Security, and Maritime Security Expert Working Group (MSEWG).⁵³⁾ These forums aimed to further existing discussions on maritime security threats and foster maritime linkages among member states to better coordinate efforts in managing maritime security issues.

1.2 Multilateral Efforts

Beyond ASEAN-level initiatives, the Regional Cooperation Agreement on

49) *ibid.*

50) Association of Southeast Asian Nations, "Terms of Reference of the ASEAN Ministerial Meeting on Transnational Crime," <https://asean.org/wp-content/uploads/2012/05/ToR-of-the-AMMTC-endorsed-by-SOMTC-and-DGICM-adopted-by-11th-AMMTC.pdf/> Accessed: 2021.12.03.

51) Centre for International Law, "2016-2025 ASEAN Plan Of Action in Combating Transnational Crime," <https://cil.nus.edu.sg/wp-content/uploads/2019/02/2016-2025-ASEAN-POA-in-combating-transnational-crime.pdf/> Accessed: 2021.12.03.

52) Mulyono, Hersapta. "Yo Ho Ho and a Bucket of Cash: The Need to Enhance Regional Effort to Combat Piracy and Armed Robbery against Ships in Southeast Asia." *Indonesian Journal of International Law*, Vol 12, No. 1(2014), pp 60-83.

53) Bateman, Sam. "Solving the "Wicked Problems" of Maritime Security: Are Regional Forums up to the Task?" *Contemporary Southeast Asia*. Vol 33, No.1(2011). pp 1-28.

Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) is another multi-national institution that ensures maritime security in Asia. There are 14 signatory states to the agreement (both states within the Southeast Asian region and states in other regions). ReCAAP consists of information sharing platforms and alerting/reporting mechanisms. During an act of piracy, ReCAAP would immediately alert relevant maritime authorities for assistance and recovery operations. ReCAAP also connects various maritime agencies to enable information sharing, as well as capacity building⁵⁴).

Within this framework of ReCAAP, counter-piracy efforts in the region usually operate as follows: Once an act of piracy occurs, the general protocol for ships in the region is to first alert the nearest coastal state, through its Maritime Rescue Coordination Centre (MRCC) and the International Maritime Bureau (IMB). Once the alert is received, the MRCC will then relay the information to a “ReCAAP Focal Point.”⁵⁵) IMB in the meantime alerts local authorities and other proximal ships. Response forces are then deployed to contain the situation.

Once the immediate threat is removed, the incident reporting and information sharing process begins. Through the ReCAAP Focal Points, IMB, as well as bodies such as the Information Fusion Center (IFC), details of the incident are filed. These reports are then later shared with states in the region. Voluntary Community Reporting (VCR) schemes (an initiative of IFC) is one specific example of how the incident reporting process is initiated. Commercial ships in the region can choose to voluntarily report occurrences of attacks, for which the IFC provides maritime security advisories.⁵⁶)

Prosecution begins with investigation into the attacks, based on the

54) ReCAAP, “About Us,” https://www.recaap.org/recaap-isc_strategic_focus/ Accessed: 2021.09.30.

55) For non-signatory states to the ReCAAP, the domestic equivalent of the ReCAAP Focal Point is notified. In the case of Indonesia, it is the Badan Keamanan Laut Republic Indonesia (BAKAMLA), while for Malaysia, it is the Malaysian Maritime Enforcement Agency]

56) ReCAAP, “Piracy and Armed Robbery Against Ships in Asia Annual Report 2020,” [https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%202020%20v1\(1\).pdf/](https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%202020%20v1(1).pdf/) Accessed: 2021.09.30.

post-incident reports gathered. Here, coastal states with jurisdiction, as well as INTERPOL's Maritime Security Unit are key players. INTERPOL's Maritime Security Unit, for instance, assists in the gathering of evidence within the region. Prosecution of assailants usually unfolds according to the relevant states' own domestic laws.

1.3 Minilateral Approaches: Indonesia, Malaysia, and Singapore

Given that the piracy problems in the critical waterway of Malacca Straits present one of the most pressing challenges for Southeast Asia, this paper will focus on how the three ASEAN littoral states along the Malacca Straits—Indonesia, Malaysia, and Singapore—manage piracy.⁵⁷⁾

Why Indonesia, Malaysia, and Singapore specifically? The selection of the three countries was based on two lines of reasoning. First, these three states are three of the most heavily piracy-affected states, even within the Southeast Asian region. As mentioned above, due to the relative geographic proximity of Southeast Asian states along the Straits of Malacca and entry to the South China Sea, 85-90% of armed attacks usually take place within the 12 nautical miles of the maritime boundary of Indonesia, Malaysia, and Singapore⁵⁸⁾. A brief look at <Table 2>, obtained from the annual report by ReCAAP proves this point⁵⁹⁾. As can be seen in the table below, piracy tends to happen disproportionately in Indonesian, Malaysian, and Singaporean waters. The three states all border the Straits of Malacca and Singapore, the most piracy-prone straits in the region as well, worsening this effect. The first primary concern in the selection of this paper's research subjects was therefore

57) This approach does not mean that this paper examines the national measures towards piracy in isolation. Rather, the paper highlights some differences between the selected three countries' degree of participation and roles in the overarching regional cooperative frameworks. It also examines bilateral cooperation amongst the three selected countries.

58) Mulyono, Hersapta, "Yo Ho Ho and a Bucket of Cash: The Need to Enhance Regional Effort to Combat Piracy and Armed Robbery against Ships in Southeast Asia," *Indonesian Journal of International Law*, Vol 12, No. 1(2014), pp 60-83.

59) ReCAAP, "Piracy and Armed Robbery Against Ships in Asia Annual Report 2020," [https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%202020%20v1\(1\).pdf/](https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%202020%20v1(1).pdf/) Accessed: 2021.09.30.

based on the country's exposure to piracy acts.

<Table 2> Armed attacks in the Southeast Asian region, 2007–2020

	2007		2008		2009		2010		2011		2012		2013		2014		2015		2016		2017		2018		2019		2020	
	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att	Act	Att
Southeast Asia																												
Andaman Sea																				1								
Gulf of Thailand							1																					
Indian Ocean																	1											
Indonesia	33	7	20	1	14	6	36	10	47	2	66	6	83	7	42	5	22	1	32	30	3	21	6	18	5	21	1	
Malaysia	8	1	13		12	3	18		14	3	11		6		4	1	4		1		1	1	6		8		3	
Myanmar					1				1																			
Pacific Ocean																										1		
Philippines	5	1	6	2	4	1	5		4	2	3		5		5		7	1	3		19		8	1	5	2	13	
Singapore							2		3		2																	
South China Sea	1	5	6	2	11	2	18	8	12	6	7		8	1	40	2	10	1	4	1	11	1	3	1	1		3	1
SOMS	2	4	7	4	6	2	5	3	24	2	12	1	14		45	4	94	10	1	1	7	2	6	2	29	2	34	
Sri Lanka			1																									
Sulu-Celebes Seas																				12	6	3	4	2	1	2		1
Thailand	1				2		1												1									
Vietnam	5		11	1	8		13		8		3	1	8	1	6		27		9		2		4		2		6	
Sub-total	55	19	63	10	58	14	99	21	113	15	104	8	124	9	142	13	166	13	62	8	73	11	50	11	65	10	81	2
Overall total	77	23	83	13	82	20	134	33	135	22	124	9	141	9	171	16	190	13	78	9	90	12	62	14	72	11	95	2

* Source: ReCAAP

** Act and Att refers to Actual and Attempted respectively

The second point of consideration was the jurisdictional capacity of the states in dealing with piracy issues. The selected three countries, as bordering nations of the Malacca Strait, are the only states that have a claim to jurisdiction in the prosecution of pirates. The United Nations Convention on the Law of the Sea (UNCLOS) Article 3 states that a state maritime territory extends 12 nautical miles from its land border⁶⁰⁾. The state can only police and apprehend acts of piracy if it occurred within its maritime territory of 12 nautical miles. In this regard, the littoral states along the Malacca Straits —Singapore, Malaysia, and Indonesia—are the only countries that possess such authority over piracy acts along the Malacca Straits⁶¹⁾.

The littoral states have typically adopted a systematic approach towards

60) United Nations, “United Nations Convention on the Law of the Sea,” https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf/ Accessed: 2021.09.30.

61) Even though the Strait of Malacca is an often-used route for international navigation, the waters fall under Indonesia and Malaysia’s jurisdiction.

piracy. Their approach involves comprehensive employment of the measures introduced in the previous chapter. On the one hand, the three states adopt individual national measures to counteract piracy within their sovereign boundaries. At the same time, the three countries cooperate with each other through (a) "Hot Pursuit" agreements and (b) the MSP.

Each of the three states has a designated state commission overseeing national counter-piracy efforts. In Malaysia, the Malaysian Maritime Enforcement Agency, in Indonesia, the Indonesia Bakorkamla, and in Singapore, the Singapore Navy serve as such state commissions⁶²). These commissions maintain maritime law and order, deter and apprehend pirates, and collect intelligence⁶³). In a word, these bodies facilitate and coordinate anti-piracy efforts within each individual states' sovereign waters.⁶⁴

More significantly, the bilateral and multilateral arrangements between the three states should be examined. This paper investigates two examples of cooperation between the three countries.

One such example is the "Hot Pursuit" agreements established by Indonesia with Singapore and Malaysia respectively. These agreements provide the pursuing country a limited 'right to pursue' when pirates escape into the territorial waters of another state during a pursuit⁶⁵).

62) Djalal, Haskim. "Piracy in South east Asia: Indonesian & Regional Responses." *Indonesian Journal of International Law*, Vol 1. No. 3(2003), pp. 419-440

63) Bhar, S. Bhar. "How does Malaysian Law deal with Acts of Piracy at Sea?" <https://www.hg.org/legal-articles/how-does-malaysian-law-deal-with-acts-of-piracy-at-sea-32312/> Accessed: 2021.09.30.

64) Mo observed the effectiveness of individual commissions was often limited. Lim added that structural and material limitations of individual states further compound to the challenge. This is because the transnational nature of piracy hinders significant measures to be implemented within the boundaries of one single state. Such is especially true for the three littoral states, due to particularly convoluted maritime borders in the region. Roach elaborated that the convoluted, closely-knitted geographical nature of the region makes it easier for pirates to exploit maritime boundary loopholes to avoid apprehension. To overcome the limitations, the three states have increased their maritime cooperation to collectively counter the problem of piracy.

65) Djalal, Haskim, "Piracy in South east Asia: Indonesian & Regional Responses," *Indonesian Journal of International Law*, Vol 1. No. 3(2003), pp. 419-440.

These agreements make it permissible for a foreign warship to enter the territorial waters of another state during a pirate pursuit, provided that the host state is informed⁶⁶). Such endeavors reduce the maritime boundary loophole that pirates have been exploiting. As a result, not only were the transaction costs of cooperation reduced but also the immediate response capabilities of states increased significantly as well.

A second example is the Malacca Straits Patrol (MSP). Formed in 2005, the MSP is a joint effort between Indonesia, Malaysia, and Singapore to further collaborate on counter-piracy. The MSP incorporates a multifaceted approach, including within its scope joint operations and intelligence gathering. The MSP comprises the Malacca Straits Sea Patrol (MSSP), Eyes-in-the-Sky initiative (EiS), and the Intelligence Exchange Group (IEG)⁶⁷). The Malacca Straits Sea Patrol (MSSP) is an information and intelligence hub to coordinate such efforts. Under the MSSP, a joint patrol of around 20 naval vessels, operating under the auspices of their respective national command, would be conducted⁶⁸). To be sure, the MSSP is regarded as the main deterrent and policing force in the Malacca Straits.

The “Eyes-in-the-Sky” (EiS) initiative was created in 2005 to complement the MSSP. As the name suggests, EiS is a joint maritime air patrol for air surveillance and intelligence gathering. The information gathered through EiS is used to assist the MSSP during its patrols⁶⁹). The MSP Intelligence Exchange Group (IEG) was instituted in 2006 to coordinate and synthesize the efforts of MSSP and EiS. The IEG functions as an information-sharing entity. It enables the quick reporting, sharing, and dissemination of

66) Mulyono, Hersapta, “Yo Ho Ho and a Bucket of Cash: The Need to Enhance Regional Effort to Combat Piracy and Armed Robbery against Ships in Southeast Asia,” *Indonesian Journal of International Law*, Vol. 12, No. 1(2014), pp 60-83.

67) Singapore Ministry of Defence, “Fact Sheet: The Malacca Straits Patrol,” <https://www.mindef.gov.sg/web/portal/mindef/news-and-events/latest-releases/article-detail/2016/april/2016apr21-news/> Accessed: 2021.09.30.

68) Ali, Mushahid, & Chen, Jeffrey, “Maritime Security Cooperation in the Malacca Straits: Prospects and Limits,” <https://www.rsis.edu.sg/wp-content/uploads/2014/07/CO04023.pdf/>. Accessed: 2021.09.30.

69) *ibid.*

information amongst the three countries so that air and sea assets could be quickly deployed to counter-piracy activities⁷⁰).

1.4 Analysis of Counter-Piracy Measures of Southeast Asia

According to a report from the Asan Institute for policy studies, Coggins and Kim⁷¹) noted that relative to counter-piracy efforts undertaken in the Gulf of Aden and Somalia, current counter-piracy measures and operations in Southeast Asia do not appear to have much effect in combating piracy, as incidences of piracy attacks remains high. In other words, current efforts undertaken in Southeast Asia are merely enough to control, but not significantly reduce, the occurrence of piracy attacks in the region. This is attributable to a lack of a general regional framework (as a result of ASEAN's lack of leadership) and insufficient coordination.

First, ASEAN's role remains indirect and facilitatory. Despite ASEAN's institutional developments in handling transnational issues, ASEAN's impact in managing transnational issues like piracy remains questionable. Although ASEAN has established specific forums and institutions to manage maritime security, the meetings are largely discussion and dialogue-based, which is usually devoid of specific measures or action plans. As such, without a specific course of action, its effectiveness in counter-piracy or maintaining maritime security is largely diminished.

Such dynamics is observable in ASEAN's interactions with external agents as well. Granted, ASEAN is involved in numerous cooperative counter-piracy efforts with other countries, through which it has established critical maritime linkages and improved its capacity. However, as Mair maintained, there are no singular anti-piracy measures involving the *entire* ASEAN entity.⁷²) Hence, efforts undertaken amongst ASEAN

70) *ibid.*

71) Coggins, B. Leehy, & Kim, J. James, "How Korea Can Better Manage Maritime Piracy and Terror," <http://en.asaninst.org/contents/how-korea-can-better-manage-maritime-piracy-and-terror/> Accessed: 2021.09.30.

72) Mair, Stefan, *Piracy and Maritime Security: Regional Characteristics and political,*

states with other states are still confined within state-level interactions. For example, the Japanese Mission for Combating Piracy and Armed Robbery against Ships only involved the littoral states—Singapore, Malaysia, Indonesia, and the Philippines.⁷³⁾ In this regard, cooperative endeavors with other states are inherently still a state-driven effort rather than an ASEAN-level enterprise. As surmised by Ba, “ASEAN’s influence extends little beyond its ability to issue the invitations and to provide the “platform” for others to gather.” Indeed, ASEAN role is largely intermediary as the regional entity appears primarily to facilitate, not spearhead, individual member states’ efforts to counter piracy.⁷⁴⁾

To be fair, ASEAN has devised a Plan of Action which has outlined and recommended certain preferred courses of action in managing transnational issues. However, as the wordings under the Plan of Action remain largely ambiguous and vague - typical of ASEAN related documents- its impact is largely negated. For instance, as evinced by the Action Plan key term: “In order to achieve the general and specific objectives, the ASEAN Member States, subject to its national policies and legislation, are encouraged to ...”, ASEAN member states are not mandated or obligated, but merely *encouraged*, to adopt the terms under the Action Plan. Furthermore, the existence of an escape clause in “subject to its national policies and legislation” gives member states the freedom of interpretation and implementation of its terms. As such, the ASEAN Plan of Action is merely a reference or guideline for states to consider when dealing with transnational issues. ASEAN is merely an indirect facilitator, rather than an actor, in dealing with piracy.

Insufficient coordination between individual states is another key issue. Due to ASEAN’s indirect role, counter piracy efforts are still primarily

military, legal and economic implications (Munich: German Institute for International and Security Affairs, 2011), p. 46.

73) Ministry of Foreign Affairs of Japan, “Japan’s efforts to combat piracy and armed robbery against ships,” <https://www.mofa.go.jp/region/asia-paci/asean/relation/piracy.html/> Accessed: 2021.12.03.

74) Ba, Alice. “Regional Security in East Asia: ASEAN’s Value Added and Limitations” *Journal of Current Southeast Asian Affairs*. Vol 29, No. 3(2010), pp. 115-130.

dependent on the will and capacity of individual ASEAN states, specifically the three littoral states. Unfortunately, without effective direction or leadership from ASEAN, littoral states struggle in coordinating their efforts. This is worsened by the fact that both Malaysia and Indonesia are not contracting parties to ReCAAP.⁷⁵⁾ As noted before, coordination between actors is crucial for effective counter-piracy efforts. ReCAAP plays a central role in providing a framework for such coordination in the Southeast Asian region. The absence of the two most important players of the region in the most critical regional counter-piracy framework severely limits and binds the region's capacity in combating piracy. In fact, Panda⁷⁶⁾ notes that the two states' absence from ReCAAP has the effect of information sharing measures not being "well adhered to in the region," despite the availability of several measures. Essentially, the effective implementation of, and adherence to, existing counter-piracy measures depend on coordination between parties.

Interestingly, despite possessing a commonality of interests in resolving piracy, political reasons still precede in the decision to join/ form a counter-piracy institution. As observed by Panda⁷⁷⁾, both countries have nuanced reasons for not doing so. It was noted that Malaysia was put off by ReCAAP's headquarters' location in Singapore, while Indonesia has cited sovereignty concerns. In any case, owing to various reasons, even if the littoral states share a common agenda, they are still unable to unite under a formalized framework. In this regard, to significantly reduce the number of piracy attacks in Southeast Asia, more efforts must be undertaken to coordinate the regions' practices. At the same time, the scope of cooperation must be expanded, be it through a formalized counter-piracy institution or the introduction of external agents such as ROK.

75) Ironically, in practice, Indonesia and Malaysia often take part in ReCAAP operations due to the high occurrences of piracy attacks in the Malacca Straits.

76) Panda, Ankit, "ReCAAPing Asia's Fight Against Pirates", <https://thediplomat.com/2013/11/recaaping-asias-fight-against-pirates/> Accessed: 2021.09.30.

77) *ibid.*

The lack of a common framework and coordination directly affects the effectiveness of the regions' counter-piracy efforts. The under-reporting of piracy attacks due to uncoordinated categorization system is one example. The lack of compatibility in UNCLOS definition of a piracy attack to an actual act of piracy that occurred in Southeast Asia resulted in many piracy attacks being disregarded. To elaborate, based on Article 101 of UNCLOS, "piracy" refers to the unlawfulness in acts of violence, illegal detainment, or pillaging against a ship, aircraft, persons or property in the seas⁷⁸). Various scholars like Vagg⁷⁹), Collins & Hassan⁸⁰), and Mulyono⁸¹) have pointed out the convention's deficiency to fully encapsulate the meaning of "piracy." UNCLOS has stipulated that a "piracy" act must be committed in "international" waters, which is outside the jurisdiction of any state. As such, in the event that an attack was to occur in "territorial" waters, these attacks will not be classified as 'piracy' under international law.

More importantly, due to the relative geographic proximity of Southeast Asian states along the Straits of Malacca and entry to the South China Sea, 85-90% of armed attacks usually take place within the 12 nautical miles of the maritime boundary of Indonesia, Malaysia, and Singapore⁸²). Given that acts of piracy rarely happen on the high seas of Southeast Asia, the above-mentioned attacks would be disregarded as acts of "piracy" under the UNCLOS definition. This example illustrates the need for a more comprehensive and coordinated reporting system for the states in the region. In sum, counter-piracy efforts in Southeast Asia

78) United Nations, "United Nations Convention on the Law of the Sea," https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf/ Accessed: 2021.09.30.

79) Vagg, Jon, "Rough Seas? Contemporary Piracy in South East Asia." *The British Journal of Criminology*, Vol. 35, No.1(1995), pp. 63-80.

80) Collins, Rosemary, & Hassan, Daud, "Applications and Shortcomings of the Law of the Sea in Combating Piracy: A South East Asian Perspective.:" *Journal of Maritime Law & Commerce*, Vol. 40, No.1(2009), pp. 89-113.

81) Mulyono, Hersapta, "Yo Ho Ho and a Bucket of Cash: The Need to Enhance Regional Effort to Combat Piracy and Armed Robbery against Ships in Southeast Asia." *Indonesian Journal of International Law*, Vol 12, No. 1(2014), pp 60-83.

82) *ibid.* p. 67.

could be significantly more effective with a more coordinated policy framework.

2. Counter-Piracy Efforts of ROK

2.1 The General Framework

Being a country heavily reliant on trade, counter-piracy has persistently been on the ROK government's agenda. The country therefore not only has a comprehensive domestic legal framework for addressing the issue, but has also been a keen participant in multilateral efforts to combat piracy. This section begins by examining such overarching frameworks of counter-piracy efforts.

In terms of the domestic legal aspect, the South Korean government protects its ships against piracy through <Act on the Prevention of Damages to Ships, etc. on International Voyages from Piracy>, <Enforcement Decree of the Act on the Prevention of Damage to Ships, etc. on International Voyages from Piracy>, as well as the Article 340 of its Criminal Act which is written as the following⁸³).

1. A person who, through the threat of collective force in the sea, forcibly seizes a ship or forcibly takes another's property after intruding upon a ship, shall be punished by imprisonment for life or for at least seven years.
2. A person who commits the crime of paragraph (1), thereby inflicting or causing injury to another, shall be punished by imprisonment for life or for at least ten years.
3. A person who commits the crime of paragraph (1), thereby killing another or causing another person's death or committing rape, shall be punished by death or by imprisonment for life.

Choi, Lee, Hong, and Park emphasizes the act as the definition of

83) Korean Law Information Center, "Criminal Act" law.go.kr/ Accessed: 2021.09.30.

piracy is different from that of the 1982 United Nations Convention on the Law of the Sea. They claim that ROK's act has some advantages due to the fact that it does not differentiate international waters and territorial waters as well as not differentiating the specific place of the act of piracy. Their argument is that ROK's legal interpretation of the term has more freedom in application.⁸⁴⁾ More recently, the ROK government passed the amendment for a law in 2021 regarding the protection against piracy. The amendment made on the <Act on the Prevention of Damages to Ships, etc. on International Voyages from Piracy> now strengthens the penalties when ships enter highly dangerous waters. In a word, such domestic legal frameworks serve as a testament to ROK's own political will and comprehensive understanding of counter-piracy.

In the international aspect, ROK has participated in the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) since April of 2006 and has held the ReCAAP Information Sharing Centre, the Focal Point Senior Officers' Meeting (FPSOM) in 2018. ROK has been providing monetary support to the organization since 2008 and promotes cooperation by dispatching personnel to the headquarters. ROK is also closely related to the International Maritime Organization (IMO) to enhance its ability to counter-piracy activity. In addition to ReCAAP and IMO, ROK gathers information from the International Maritime Bureau (IMB) and the Piracy Reporting Center (PRC).

One of the most important activities that ROK partakes in is, however, the dispatch of its Cheonghae Unit to join the Combined Task Force. The ensuing section examines in detail the unit's operational capabilities and experience.

84) 최석윤 외, "해적행위에 대한 법적 책임과 대응방안," 『한국항해항만학회지』, 제29권 1호, 한국항해항만학회, 2005, p. 49.

2.2. Specific Cases: The Cheonghae Unit and Operation Gulf of Aden

ROK's naval forces first joined the American led Combined Task Force (CTF-151) in 2009. CTF-151 mainly deals with antipiracy missions in the areas of the Gulf of Aden and the Horn of Africa. As the waters near Somalia are important for ROK's commercial vessels (30% of ROK commercial vessels pass through near waters), it was crucial for ROK to be involved in the international efforts to secure the area. Son writes that the request for an antipiracy unit dispatch was increasing as repeated incidents of piracy was being committed to ROK commercial vessels such as the fishing vessel hijacking in 2006 and the cargo vessel hijacking in 2008.⁸⁵⁾ As a result of this request, following the ROK government's actions, the Cheonghae Unit was formed under the CTF-151, to focus on antipiracy tasks.

Alongside its primary objective of protecting ROK ships in the area of the Gulf of Aden, there are two specific roles that ROK's Cheonghae Unit plays regarding counter-piracy. The unit is first responsible for escort operations, which refers to protecting ships of its own nation as well as other nations on the Internationally Recommended Transit Corridor, or IRTC. Utilizing the dispatch of different destroyers, the ROK unit has successfully escorted multiple ships.⁸⁶⁾ The unit also partakes in open patrol missions when its vessels are not scheduled. If the unit were to encounter hostile activity, it notifies the ROK Joint Staff as well as its navy headquarters and the CTF-151 staff. The unit acquires authorization for action from the ROK chain of command.

The Cheonghae Unit is most well-known for Operation Dawn of Gulf of Aden. It refers to the rescue operation conducted by the unit in January of 2011 in regard to the Samho Jewelry chemical carrier that was seized by pirates in the region.

The Choi Young destroyer operated by the ROK was utilized in the operation to rescue the eight Koreans, two Indonesians, and 11

85) 손경호, "청해부대 대해적 작전의 분석과 개선 방안 연구," 『국방연구』, 제64권 3호, 안보문제연구소, 2012, p. 87.

86) One such escort mission was its infamous Operation Dawn of Gulf of Aden.

Myanmarese sailors on board. The operation was the second operation after it had retreated from the first attempt in order to refrain from casualties in the crossfire. At the dawn of January 21st, 2011, while Choi Young's Lynx helicopter was conducting its covering fire, SEALs on board the ROK destroyer infiltrated the chemical carrier, killing eight and capturing five of the pirates on board.

The successful mission conducted by the ROK navy was of great importance to both the people of ROK as well as its reputation internationally. Domestically, President Lee Myung-bak announced that the operation showed the government's intolerance towards illegal piracy. Internationally, this mission was key in establishing ROK's renowned reputation as a strong and credible partner in counter-piracy operations. In fact, the capability of the ROK navy in counter-piracy caught the attention of the United Arab Emirates who asked for assistance in training its own special forces.

2.3. Analysis of Counter-Piracy Measures of the Republic of Korea (ROK)

Two main points of analyses can be made about the counter-piracy measures of ROK. First, ROK shows relatively strong operational strength in its piracy response efforts. This capability of the ROK forces was evidenced, as previously mentioned, in its operations in the Gulf of Aden. The Cheonghae Unit's experience has given valuable experience to the ROK navy in this regard. Such operational strength has been recognized internationally as well, as witnessed in the joint training with the UEA. Roehrig writes that "participation in CTF-151 and other international security initiatives has elevated the Republic of Korea's status and reputation in the international community".⁸⁷⁾ He also writes that this participation provides "valuable operational experience for its navy as a sole operator and in missions with international partners."⁸⁸⁾ In any case, one primary strength of ROK's counter-piracy efforts lies in its strong

87) Terence Roehrig, *Global Korea: South Korea's Contributions to International Security* (Council on Foreign Relations, 2012), p.28.

88) *ibid.*, p.28.

operational capabilities and experience.

Secondly, ROK's counter-piracy efforts show its willingness to actively engage in multilateralism. Its participation in ReCAAP, as well as its contributions to IMB is a testament to such political will. This active engagement in multilateralism is even better understood in the context of recent emphasis on "middle power diplomacy." Soft power, agenda-setting, norm-building, as well as coalition building all are mechanisms in which middle power diplomacy is realized. ROK's counter-piracy efforts could be understood as an extension to such middle power diplomacy as well. What's more, proactive engagement in counter-piracy serves ROK's interest in becoming a stronger middle power nation. Through cooperation with other nations in keeping international order, ROK will be able to acquire a presence as a responsible global actor.

Meanwhile, there are also shortcomings in ROK's counter-piracy policies. Efforts on counter-piracy have been a low government priority. This is despite the public's favorable opinion to the dispatch of forces for the Cheonghae Unit. While the government acknowledges the fact that piracy activity can lead to threats on the people as well as the resources of ROK, it has not been prioritizing spendings in the related areas. This is exemplified when Choi writes that the efforts in the Gulf of Aden have been limited due to the lack of manpower and equipment.⁸⁹⁾ He asserts that this lack of support puts stress on the unit's ability to successfully complete its missions while severely limiting the boundaries of its mission capability. Despite the successful missions that the Cheonghae Unit has completed in the area and the recognition from the international community, the ROK government has been rather reluctant to provide proactive support. In a word, ROK has the experience and the capability, but lacks the political will to promote counter-piracy cooperation. For counter-piracy cooperation to be successfully used as a means to strengthen the Peace pillar, garnering enough policy support is therefore

89) 최형민, "최근 인도양 해적활동과 대해적작전 변화에 따른 한국 청해부대 역할 연구," 『Strategy 21』, 제 32호, 한국해양전략연구소, 2013, pp. 192-221.

crucial. Adequately integrating the cooperative measures into the NSP framework is the first step in doing so. The following section thus examines how counter-piracy cooperation can be incorporated into the NSP.

IV. Incorporating Counter-Piracy Cooperation into NSP

In the previous chapter, this paper examined the counter-piracy efforts that have been made on both sides. For ASEAN, the paper examined the demand. (Would ASEAN want to cooperate with ROK on counterpiracy measures?). For ROK, we examined the capability (Can ROK provide incentives and mechanisms of cooperation to ASEAN countries?). In this section, we examine the how. How can counter-piracy cooperation be integrated into the framework of ROK's NSP Peace pillar?

In order to answer the 'how' question, the paper brings back the three-tier distinction of counter-piracy measures, introduced in Chapter III-A. For an effective counter-piracy approach, the paper noted that three action items must be simultaneously pursued: Immediate response; incident reporting and information sharing; and prosecution. The paper identifies ways existing Southeast Asian measures pertaining to each category can be strengthened. At the same time, it identifies the roles ROK can play in the strengthening process. Afterwards, the paper notes how such newly identified roles can be incorporated into the existing framework of NSP.

The analysis of the current counter-piracy practices of Southeast Asia from the previous chapter yielded the following assessment. First, in terms of immediate response mechanisms, there are insufficient operations and deployed forces, compared to the amount of piracy attacks. Second, because two key stakeholders to piracy issues (Indonesia and Malaysia) are not parties to the overarching regional framework for counter-piracy (i.e., ReCAAP) it is extremely difficult for comprehensive coordination of measures. This is particularly problematic in facilitating

incident reporting and information sharing. Not only are the information sharing networks disrupted, the classifications of attacks in the reporting process are conflated as well. The paper noted that the reason for Indonesia's and Malaysia's reluctance to join ReCAAP was largely based on political and sovereignty concerns.

An overview of ROK's counter-piracy practices revealed two relative strengths of ROK in counter-piracy. First, with its successful experience in counter-piracy efforts in the Gulf of Aden, has proven its capabilities in operational strength. Not only so, its experience in conducting joint capability programs with the UAE can offer grounds for similar programs with other regions as well. This proves useful in the first category of counter-piracy measures--immediate response. Second, ROK has gained an international reputation for its counter-piracy efforts, in both its credibility as a partner and as a strong advocate for the rule of law. This soft power proves useful in the second and third category of counter-piracy measures--Reporting and Information Sharing, and Prosecution.

South Korea's two strengths complement Southeast Asia's relative weaknesses in counter-piracy measures perfectly. Southeast Asia's deficiency in operational strength for immediate response can be resolved through cooperation with ROK in joint operations and patrols. ROK can utilize its experience in the Gulf of Aden to facilitate the joint mobilization of its navies. Furthermore, joint capability and training programs can be initiated between the two parties as well. This approach draws directly from ROK's experience in conducting a similar program with UEA.

This potential role of ROK in assisting in the building of operational strength is not without basis. Several policy analyses on other regions' counter-piracy practices have recommended similar involvement for non-regional partners. For instance, the Bateman notes that "contributions from non-regional countries [can] assist in building the capacity of regional countries to provide security in ports, anchorages, and littoral waters.⁹⁰⁾" In fact, Indonesia and the U.S. have partnered previously to enhance littoral states' coastal surveillance capabilities. The

U.S. has helped Indonesia in establishing 12 radar stations to enhance surveillance in the Malacca Straits⁹¹⁾. More specifically, for the case of ROK, Kuik⁹²⁾ argues that ROK can partner with littoral states' Malacca Straits Patrol. In any case, ROK's potential role in the operational aspects--whether it be through physical assistance or educational cooperation is promising.

South Korea can also play a role in enhancing inter-regional cooperation amongst the Southeast Asian countries. This role draws upon the second strength of ROK in counter-piracy: its international reputation as an advocate for multilateralism and rule of law. As mentioned before, ROK is already a signatory to ReCAAP, whilst simultaneously being an active participant in other international counter-piracy bodies such as IMB. Using its strong foothold in such multilateral efforts, ROK can act as the connector, linking multilateral measures with individual littoral states (most importantly, the two non-signatories of ReCAAP, Indonesia and Malaysia). ROK's extra-regional position is an extreme advantage in realizing this goal. Previously, this paper noted that the sovereignty and political matters were the root cause of the underdevelopment of an all-encompassing regional framework. Being an external partner places ROK in a neutral position, allowing it to act as a 'mediator' of a sort between Southeast Asian countries. In fact, this "bridging" role is a key diplomatic strategy to ROK's own foreign policy as a middle power⁹³⁾. Some practical mechanisms of the mediating role ROK can play is, for example, increasing collaboration on information sharing with the IMB office located in Malaysia. Simply put, ROK's extra-regional position, as well as its own background in playing a "bridging" role, coupled with its international reputation as a credible counter-piracy partner allows it to further facilitate coordination between the littoral states.

90) Bateman et al, "Good Order at Sea." *Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia*. (Singapore: East Asian Institute, 2014), pp. 73-74.

91) *ibid.* p. 79.

92) 나용우 외, 『해외의시각으로본신남방·신북방정책의평가와과제』, 통일연구원(2020). p. 51.

93) 손열 외, 『한국의 중견국 외교: 역사, 이론, 실제』(서울: 명인문화사, 2016). p.15.

〈Table 3〉 Problems & Solutions in Counter-Piracy Efforts

	Problem	Solution and South Korea's Role
Immediate Response	- Insufficient operations and deployed forces, compared to the amount of piracy attacks.	- Draw upon operation experience to provide assistance - Joint Capability/training programs
Reporting and Information Sharing	- No coordinated framework for reporting and information sharing (Indonesia and Malaysia are not parties to ReCAAP.) - Under-reporting of piracy incidents due to conflation in legal definitions	- Perform mediating role to alleviate sovereignty/political concerns over joining ReCAAP - Draw upon its own active role in multilateralism on counter-piracy to promote inter-regional cooperation - Strengthen information sharing networks
Prosecution		- Promote rule of law and advocate for stronger legal enforcement mechanisms, using its strong reputation in counter-piracy efforts as source of soft power

* *Source*: Author

ASEAN is also well habituated with joint collaborative efforts. ASEAN has sought to augment its counter-piracy efforts through cooperative endeavors with states like China, Japan, and Australia. ASEAN and China have both affirmed commitments to cooperate in maintaining maritime security through its Declaration on the Conduct of Parties in the South China Sea.⁹⁴⁾ This was followed by a signing of a Memorandum of Understanding in 2004 that pledged further cooperation on non-traditional issues.⁹⁵⁾ Both ASEAN and Australia have underscored the importance of cooperation in maritime security as well. Within the ASEAN-Australia Strategic Partnership, a Plan of Action laid down the need to promote and establish maritime security as one of its goals for political and security cooperation.⁹⁶⁾ ASEAN and Japan have multiple

94) Association of Southeast Asian Nations, "Declaration on the Conduct of Parties in the South China Sea," <https://asean.org/declaration-on-the-conduct-of-parties-in-the-south-china-sea-2/> Accessed: 2021.12.03.

95) Association of Southeast Asian Nations, "Memorandum of Understanding pledging further cooperation on non-traditional issues," <https://asean.org/asean-china-sign-memorandum-of-understanding-on-cooperation-in-non-traditional-issues/> Accessed: 2021.12.03.

cooperative experiences as well. Since 2000, Japan has led the Mission for Combating Piracy and Armed Robbery against Ships to assist and cooperate with member states.⁹⁷⁾ Additionally, the Japanese government has hosted a conference on combating piracy and armed robbery against ships, with the hopes of devising a regional cooperative agreement. Such existing cooperative endeavors demonstrates the viability and plausibility of ROK's cooperation with ASEAN in countering piracy.

The next, more important question to ask is: What do these potential roles mean for ROK's NSP Peace pillar? An assessment of how the proposed roles align with the framework of NSP is necessary. The NSP Peace pillar initially included five issue areas of focus:⁹⁸⁾

- 1) increasing the number of summits and high-level exchanges;
- 2) boosting cooperation to bring security to the Korean Peninsula;
- 3) strengthening cooperation on defense and defense industry through exchanges, transfer of technology and localized production;
- 4) joint responses to terrorism, maritime security, and cyber as well as nontraditional security and environmental issues such as marine litter;
- 5) enhancing emergency response capabilities and resilience to natural disasters and climate change and advancing cooperation in infrastructure and climate technology.

The aforementioned involvement mechanisms for ROK in ASEAN's counter-piracy efforts largely correspond to the focus areas laid out in the Peace pillar. In particular, "strengthening cooperation on defense," "joint responses to [...] maritime security," "enhancing emergency response

96) Association of Southeast Asian Nations, "Plan of Action to Implement the ASEAN-Australia Strategic Partnership (2020-2024)," <https://asean.org/wp-content/uploads/2021/09/ASEAN-Australia-POA-2020-2024-FINAL.pdf>/ Accessed: 2021.12.03.

97) Ministry of Foreign Affairs of Japan, "Japan's efforts to combat piracy and armed robbery against ships," <https://www.mofa.go.jp/region/asia-paci/asean/relation/piracy.html>/Accessed: 2021.12.03.

98) "New Southern Policy Brochure," Presidential Committee on New Southern Policy(2019). p. 20.

capabilities” are all themes encompassing what has been discussed in this paper. What’s more, the recent revision of the original NSP—New Southern Policy PLUS—places an even stronger emphasis on collaboration in non-traditional security⁹⁹⁾. In other words, the recommendations laid out by this paper align with pre-existing foundations of the policy structure of NSP. This alignment of the measures proposed in this paper (for ROK to engage in cooperative efforts with ASEAN on counter-piracy) with ROK’s own NSP Peace pillar proves the paper’s final argument: ROK can use counter-piracy cooperation with ASEAN as an effective means to strengthen the NSP’s “Peace” pillar.

V. Conclusion

The New Southern Policy bears critical strategic implications. Recent events such as the establishment of AUKUS, along with rising tensions in the South China Sea places the East Asian region in the focal point of the U.S.-China competition. As geopolitical stakes continue to rise, so does NSP’s strategic significance: Claiming ROK’s strategic autonomy, while seeking harmony with initiatives such as FOIP is needed now more than ever. On paper, the NSP seeks to attempt just as much; but in reality, the weakness of its Peace pillar acts as a primary obstacle. It was with this sense of urgency that this paper asked the following question: How can ROK strengthen the Peace pillar?

To answer this question, this paper started with a scrutiny into previous studies on the Peace pillar’s weakness and their proposed solutions. The literature pointed to diverging security interests and external geopolitical pressures as the causes; while non-traditional security cooperation was viewed as a probable solution. The paper then justified its selection of counter-piracy cooperation to strengthen the

⁹⁹⁾ Do, Je-Hae, “Moon Announces ‘New Southern Policy Plus Strategy,’” https://www.koreatimes.co.kr/www/nation/2020/11/356_299218.html/Accessed: 2021.09.29.

Peace pillar.

The paper then examined existing counter-piracy measures in ASEAN and ROK, to attest the feasibility of cooperation. The paper categorized three groups of measures that are crucial for effective handling of piracy acts: immediate response, incident reporting and information sharing, and prosecution. Using this three-tier categorization of counter-piracy measures, the paper looked into the cases of ASEAN states and ROK, to assess areas of improvement. For ASEAN member states, insufficient operational capabilities and lack of overarching framework were key obstacles to successful counter-piracy policies. For ROK, its relative strength in maritime operations and active engagement in multilateralism were key strengths. The paper then argued that ROK's strengths could complement ASEAN's counter-piracy practices. This paper concluded that incorporating such methods of cooperation between the two regions into ROK's NSP would be able to not only strengthen counter-piracy efforts of ASEAN, but also ROK's own Peace pillar.

This paper holds significance in that it presents a method of enhancing the security ties between ROK and ASEAN states. Through cooperation in counter-piracy measures, ROK and ASEAN member states will be able to deepen their mutual trust with each other, providing grounds for future cooperation. Ultimately, such continued interactions have the potential to develop into more traditional security-related fields. It is especially noteworthy that studies on strengthening the NSP's Peace pillar is generally lacking. Combining counter-piracy with the Peace pillar all the more so. This paper hopes to urge more scholars to proceed with deeper research in the field.

This paper's proposition is not without its limitations. The main issue with the introduction of promoting cooperation in the 'Peace' pillar through counter-piracy measures is that it still remains in the sector of non-traditional security. Only with great political will on both ends can this cooperation lead to a spillover effect to more traditional security areas. Future research must therefore focus on developing ways to link non-traditional security cooperation with traditional security cooperation.

It is also important that ROK maintains its continuity of policies. As the Moon administration nears its end, the successors of the government should put the nation's interests before their own and continue to pursue the goal of increasing cooperation with the ASEAN states.

The world is at a critical juncture. Due to the COVID-19 pandemic, the lack of budgetary support on border control and counter-piracy efforts are exposing the Southeast Asian region to more threats. ROK and ASEAN states cannot afford to let the situation worsen. Furthermore, with rapidly changing geopolitical tides, it is vital that ROK strengthen its ties with ASEAN. Through cooperation in people, prosperity, and peace, ROK and ASEAN member states can not only find leverage in their relationships with surrounding nations, but also seek overall regional stability. Turbulent seas call for careful navigation. When it comes to promoting "peace," the key lies in combating the pirates that sail those very waters.

References

1. 저서

- Chung, Jae, *Between Ally and Partner*, New York: Columbia University Press, 2007.
- Roehrig, Terence, *Global Korea: South Korea's Contributions to International Security*, Council on Foreign Relations, 2012.

2. 논문

- 김명성, “해상교통로(SLOC) 안보와 해적: 소말리아 해적퇴치작전 경험을 중심으로,” 『Strategy 21』, 제36호, 한국해양전략연구소, 2015.
- 김형중, “코로나 19 감염병 사태와 신남방정책: 아세안을 중심으로,” 『동남아시아연구』, 제 30권 3호, 한국동남아학회, 2020.
- 나용우, Cheng-Chwee Kuik, Jagannath P. Panda, Artyom Lukin, Mirzokhid Rakhimov 『해외의시각으로본신남방·신북방정책의평가와과제』, 통일연구원, 2020.
- 손경호, “청해부대 대해적 작전의 분석과 개선 방안 연구,” 『국방연구』, 제64권 3호, 안보문제연구소, 2012.
- 손열, 김상배, 이승주. 『한국의 중견국 외교: 역사, 이론, 실제』, 서울: 명인문화사, 2016.
- 이기태, 배정호. 『국제전략환경의 변화와 한국의 신남방정책』, 서울: 통일연구원, 2019.
- 최석윤, 이윤철, 홍성화, 박정기. “해적행위에 대한 법적 책임과 대응방안,” 『한국항해항만학회지』, 제29권 1호, 한국항해항만학회, 2005.
- 최인아, 곽성일, 정재완, 이정미, 박나연, 김미림, 이재현, 조원득. 『인도태평양 전략과 신남방정책의 협력 방향』, 세종시: 대외경제정책연구원, 2020.
- 최형민, “최근 인도양 해적활동과 대해적작전 변화에 따른 한국 청해부대 역할 연구,” 『Strategy 21』, 제32호, 한국해양전략연구소, 2013.
- Ba, Alice. “Regional Security in East Asia: ASEAN's Value Added and Limitations” *Journal of Current Southeast Asian Affairs*. Vol 29, No. 3, 2010.
- Bateman, Sam. “Solving the “Wicked Problems” of Maritime Security: Are Regional Forums up to the Task?” *Contemporary Southeast Asia*. (2011) Vol 33, No. 1. 2011. pp 1-28
- Collins, Rosemary, and Hassan, Daud, “Applications and Shortcomings of the Law of the Sea in Combating Piracy: A South East Asian Perspective,” *Journal of Maritime Law & Commerce*, Vol. 40, No. 1, 2009.
- Djalal, Haskim, “Piracy in South east Asia: Indonesian & Regional Responses,” *Indonesian Journal of International Law*, Vol. 1, No. 3, 2003.
- Emmers, Ralf. “ASEAN and the securitization of transnational crime in Southeast Asia.” *The Pacific Review*, Vol 16, No. 3. 2003.

- Han, Sukhee, "From engagement to hedging: South Korea's new China policy," *The Korean Journal of Defense Analysis*, Vol. 20, No. 4, 2008.
- Mulyono, Hersapta, "Yo Ho Ho and a Bucket of Cash: The Need to Enhance Regional Effort to Combat Piracy and Armed Robbery against Ships in Southeast Asia." *Indonesian Journal of International Law*, Vol. 12, No. 1, 2014.
- Roach, J. Ashley, "Enhancing maritime security in the Straits of Malacca and Singapore," *Journal of International Affairs*, Vol. 59, No. 1, 2005.
- Vagg, Jon, "Rough Seas? Contemporary Piracy in South East Asia," *The British Journal of Criminology*, Vol. 35, No. 1, 1995.

3. 기타 자료

- Ali, Mushahid, and Chen, Jeffrey
(<https://www.rsis.edu.sg/rsis-publication/rsis/619-maritime-security-cooperation/#.YayWOtBBzIU>), "Maritime Security Cooperation in the Malacca Straits: Prospects and Limits" (Accessed: 2021. 09. 30.)
- Bhar, S. Bhar, (<https://www.hg.org/legal-articles/how-does-malaysian-law-deal-with-acts-of-piracy-at-sea-32312>), "How does Malaysian Law deal with Acts of Piracy at Sea?" (Accessed: 2021. 09. 30.)
- Botto, Kathryn, (<https://carnegieendowment.org/2021/10/19/south-korea-beyond-northeast-asia-how-seoul-is-deepening-ties-with-india-and-asean-pub-85572/>), "South Korea Beyond Northeast Asia: How Seoul Is Deepening Ties With India and ASEAN" (Accessed: 2021.12.01.)
- Campbell, Kurt, and Sullivan, Jake,
(<https://www.foreignaffairs.com/articles/china/competition-with-china-without-catastrophe>), "Competition without catastrophe: How America can both challenge and coexist with China" (Accessed: 2021. 09. 30.)
- Centre for International Law (<https://cil.nus.edu.sg/wp-content/uploads/2019/02/2016-2025-ASEAN-POA-in-combating-transnational-crime.pdf>), "2016-2025 ASEAN Plan Of Action in Combating Transnational Crime" (Accessed 2021.12.03.)
- Cha, Victor(<https://iia.snu.ac.kr/publication/en/60ab1badda75fc413e3f0986>), "Opting Out? Korea's Approach to U.S.-led Diplomacy" (Accessed: 2021. 06. 12.)
- Choe, Wongi (<https://www.ifri.org/en/publications/notes-de-lifri/asie-visions/new-southern-policy-koreas-newfound-ambition-search>), "New Southern Policy" (Accessed: 2021. 09. 30.)
- Coggins, B. Leehy, and Kim, J. James
(<http://en.asaninst.org/contents/how-korea-can-better-manage-mariti>

- me-piracy-and-terror/), "How Korea Can Better Manage Maritime Piracy and Terror" (Accessed: 2021. 09. 30.)
- Do, Je-Hae(https://www.koreatimes.co.kr/www/nation/2020/11/356_299218.html), "Moon Announces 'New Southern Policy Plus Strategy'" (Accessed: 2021. 09. 29.)
- International Maritime Bureau (https://www.icc-ccs.org/reports/2019_Annual_Piracy_Report.pdf), "2019 Annual Report of the International Maritime Bureau" (Accessed: 2021. 09. 30.)
- Korean Law Information Center(law.go.kr), "Criminal Act" (Accessed: 2021. 09. 30.)
- Lee, Jaehyon, "Korea's New Southern Policy: Motivations of 'Peace Cooperation' and Implications for the Korean Peninsula," The Asan Institute for Policy Studies Issue Brief, 2019
- Lim, M. Zheng (<https://www.straitstimes.com/singapore/more-piracy-robbery-cases-in-malacca-and-singapore-straits-in-2017-as-in-rest-of-asia>), "More piracy, robbery cases in Malacca and Singapore straits in 2017, as in rest of Asia" (Accessed: 2021. 09. 30.)
- Loewen, H. et al, *Maritime Security and Piracy: Common Challenges and Responses from Europe and Asia*, EU-Asia Dialogue, 2014.
- Mair, Stefan, *Piracy and Maritime Security: Regional Characteristics and political, military, legal and economic implications*, Munich: German Institute for International and Security Affairs, 2011.
- Ministry of Foreign Affairs of Japan (<https://www.mofa.go.jp/region/asia-pacific/asean/relation/piracy.html>), "Japan's efforts to combat piracy and armed robbery against ships". (Accessed 2021.12.03.)
- NBC News (<https://www.nbcnews.com/news/world/strait-malacca-worlds-new-piracy-hotspot-n63576>) "Strait of Malacca Is World's New Piracy Hotspot" (Accessed: 2021. 09. 28.)
- Pak, Jung (<https://www.brookings.edu/research/trying-to-loosen-the-linchpin-chinas-approach-to-south-korea/>), "Trying to loosen the linchpin: China's approach to South Korea" (Accessed: 2021. 09. 30.)
- Panda, Ankit (<https://thediplomat.com/2013/11/recaaping-asias-fight-against-pirates/#:~:text=ReCAAP%20is%20Asia's%20mechanism%20to,an%20example%20of%20successful%20multilateralism.&text=The%20Indo%2DPacific%20high%20seas,bring%20international%20cooperation%20to%20mind>), "ReCAAPing Asia's Fight Against Pirates" (Accessed: 2021. 09. 30.)
- Parameswaran, Prashanth, "Advancing South Korea-Southeast Asia Security Ties: Between Opportunities and Challenges," The Korea Economic Institute of America, 2021.
- Presidential Committee on New Southern Policy (<http://www.nsp.go.kr/assets/>

eng/pds/NSPplus_Brochure_ENG.pdf). "New Southern Policy Brochure" (Accessed: 2021. 09. 27.)

Presidential Committee on New Southern Policy

(http://www.nsp.go.kr/assets/eng/pds/NSPplus_Policy%20Statement.pdf), "New Southern Policy Plus" (Accessed: 2020. 06. 21.)

ReCAAP ([https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%202020%20v1\(1\).pdf](https://www.recaap.org/resources/ck/files/reports/annual/ReCAAP%20ISC%20Annual%20Report%202020%20v1(1).pdf)), "Piracy and Armed Robbery Against Ships in Asia Annual Report 2020" (Accessed: 2021. 09. 30.)

ReCAAP Information Sharing Centre (<https://www.piclub.or.jp/wp-content/uploads/2016/12/10135.pdf>), "Regional Guide to Counter Piracy and Armed Robbery Against Ships in Asia" (Accessed: 2021. 09. 30.)

Singapore Ministry of Defence (<https://www.mindef.gov.sg/web/portal/mindef/news-and-events/latest-releases/article-detail/2016/april/2016apr21-news-releases-00134/>), "Fact Sheet: The Malacca Straits Patrol" (Accessed: 2021. 09. 30.)

Snyder, Scott (<https://www.forbes.com/sites/scottasnyder/2021/05/20/joe-bidens-summit-with-south-koreas-moon-jae-in-poses-a-question-of-shared-values/?sh=11eadf36c3cf>), "Joe Biden's Summit with South Korea's Moon Jae-In Poses A Question Of Shared Values" (Accessed: 2021. 06. 12.)

Tang See Kit (<http://www.channelnewsasia.com/news/asiapacific/facilitator-or-bystander-asean-s-role-in-north-korean-crisis-8850226>), "Facilitator or bystander: ASEAN's role in North Korean crisis" (Accessed: 2021. 09. 29.)

The Freeman Spogli Institute For International Studies (<https://fsi.stanford.edu/news/white-house-top-asia-policy-officials-discuss-us-china-strategy-aparc-s-oksenberg-conference>), "White House Top Asia Policy Officials Discuss U.S. China Strategy at APARC's Oksenberg Conference" (Accessed: 2021. 09. 30.)

The White House (<https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/07/09/remarks-by-president-biden-at-signing-of-an-executive-order-promoting-competition-in-the-american-economy/>), "Remarks by President Biden at Signing of An Executive Order Promoting Competition in the American Economy" (Accessed: 2021. 09. 30.)

United Nations (https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf), "United Nations Convention on the Law of the Sea" (Accessed: 2021. 09. 30.)

United States Government, "The United States Counter-Piracy and Maritime Security Action Plan."

〈Abstract〉

**신남방정책의 “평화”를 강화하기 위한 해적행위 대응 협력:
한국과 아세안의 해적행위 대응 관행 분석**

부예린

(Seoul National University)

김수진

(Seoul National University)

Yeo, Mathew Jie Sheng

(Seoul National University)

미중 경쟁의 격화로 동남아 국가들의 입장이 매우 위태로워졌다. 한국도 지정학적 대결 구도가 심화되는 가운데 “물길을 헤쳐나가야 하는(navigating the water)” 도전과제에 직면해 있다. 바로 이러한 맥락 속에서, “신남방정책”(이하 NSP)이 한국 외교정책 부문의 핵심어가 되었다. 한국은 NSP를 통해 남방 파트너들과의 유대를 강화함으로써 경제 및 안보 이해관계를 다각화하고자 한다. 이를 위해 3대 주요 영역(3P), 즉 사람(People), 번영(Prosperity), 평화(Peace)에 초점을 맞춘다. 동시에 NSP는 미국의 “자유롭고 열린 인도 태평양(Free and Open Indo-Pacific)” [전략] 같은 다른 주요 외교 의제들과의 협력 역시 모색하며, 이러한 점에서 NSP는 이 지역의 전체적인 안정성에 있어 매우 중요하다. NSP가 갖는 이러한 전략적 중요성을 고려할 때, 이 정책에 대한 심층 분석은 과거 어느 때보다 더 시기적절하다.

하지만 이 정책의 현재까지 결과를 간략히 평가한 결과, “평화” 축은 만족스러운 결과를 달성하는 데 불충분했던 것으로 드러났다. 여기서 본 논문은 다음의 질문을 제기하고자 한다.

1) 한국 신남방정책의 “평화” 축을 강화하는 방법은?

“평화” 축이 약했던 원인에 대한 분석을 기초로 본 논문은 해적행위 대응에 관한 협력을 해법으로 식별한다. 더 나아가 본 논문은 다음의 질문에 대한 답을 구하고자 한다.

2) 한국과 아세안이 해적행위 대응에서 협력하는 방법은? 이러한 노력들을 한국의 NSP에 통합하는 방법은?

본 논문은 상기 질문에 답하기 위해, 아세안 및 한국의 해적행위 대응 접근법에 관한 심층적인 사례연구를 수행하여 구체적인 협력 메커니즘을 식별한다.

I장에서는 NSP의 전략적 중요성을 개관하고, “평화” 축을 평가한다. II장에서는 “평화” 축이 약했던 원인과 그 처방들을 검토한다. III장에서는 아세안 및 한국의 해적행위 대응 접근법을 조사한다. 본 논문은 전체적인 프레임워크와 지역별 사례들을 분석함으로써, 지역별 해적행위 대응의 장단점을 제시한다. 이러한 분석을 기초로, IV장에서는 해적행위 대

응 협력을 NSP의 “평화” 축에 통합하는 방법을 제안한다.

본 연구의 의의는, 한국 NSP의 “평화” 축을 강화하기 위한 구체적인 협력 분야(해적행위 대응)를 식별했다는 것에 있다. 두 당사자의 해적행위 대응 분야 과거 및 현재 경험에 관한 종합연구를 기초로 이를 식별함으로써, 맥락에 부합하도록 한다. 또한, 본 연구는 현실적인 협력 메커니즘을 제안하고, 기존 NSP 프레임워크에 그것을 통합하는 방법을 고찰한다. 이러한 접근법은 사례 특정한, 정책 지향적 해법을 도출하지 못한 기존 문헌들과는 다르다.

COVID-19 팬데믹으로 해적행위 문제는 악화되었고, 지정학적 갈등은 심화되었다. 이렇게 험한 바다는 조심스럽게 헤쳐나가야 한다. “평화” 증진의 열쇠는 이런 바다의 해적들을 퇴치하는 것에 있다.

주제어: 해적행위 대응, 신남방정책(NSP), “평화” 축, 해양 협력