

Dispute Resolution and Cross-border Cooperation in Northeast Asia: Reflections on the Nordic Experience

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Executive Summary

This paper examines cases of dispute resolution and cross-border cooperation in two regions: the Nordic region and Northeast Asia. The two regions are markedly different. The Nordic region is often described as an area where stable peace has been successfully consolidated, and where borders serve as positive interfaces for cooperation rather than as obstacles. The Norway–Iceland fishery dispute, Hässelö Island, Åland Island, Morokulien Peace Park, Haparanda–Tornio EuroCity, and Oulanka/Paanajärvi national park are examples in this context of peaceful resolution of territorial disputes and/or enhancing cross-border cooperation. In stark contrast, the countries of Northeast Asia continue to be locked in seemingly intractable territorial and maritime disputes that have defied resolution.

The aim of this paper is to reflect upon the Nordic experience of dispute resolution and cross-border cooperation and to focus attention on how similar mechanisms could potentially be applied in the case of different territorial disputes or points of tension in Northeast Asia: Dokdo/Takeshima, the Kuril Islands, the Senkaku/Diaoyu Islands, as well as the Demilitarized Zone and the Yellow Sea on the Korean Peninsula. In sum, in spite of significant limitations and differences, it is hoped that this paper may show how the Nordic countries and its experiences can prove both instructive and, above all, motivational in generating ideas for setting up similarly inspired regimes of peaceful resolution and cooperation in Northeast Asia in the future.

Introduction

The contemporary era of globalization has been witness to rapidly increasing cross-border cooperation between countries, not least in Northeast Asia, where bilateral ties in trade, investment, and human flows have grown significantly since the end of the Cold War. Furthermore, the governments in the region have developed tools of regional cooperation as a means of dealing with issues of mutual concern. Thus, the ideological and political obstacles to cross-border cooperation between countries in Northeast Asia have been reduced. In spite of this, China's rapid rise has contributed to changing power relations in the region and so triggered zero-sum behavior based on nationalism. The latter is not solely accountable to China's rise, however, for competing, deep-seated rivalries also exist among the other states of the region. This is reflected, for example, in territorial disputes over several small islands between these countries that have all spiked in recent years. These islands and rocks may hold considerable value for contending claims to Exclusive Economic Zones (EEZ) containing fish, oil, and gas. These disputes are not merely significant in economic terms, however: they have become powerful symbols for nationalist pride and politics. Indeed, there is a real danger that the disputes may escalate and trigger violent conflict.¹ Not only does this undermine cross-border cooperation, but it thwarts the improvement of relations in the region. Therefore, a solution to the disputes would appear to be pressing.

This paper takes as its case studies two regions: Northeast Asia comprising of China, Japan, North and South Korea, and Russia; and the Nordic countries, Sweden, Norway, Denmark, Iceland, and Finland.² The two regions are markedly different. The countries of Northeast Asia continue to be locked in seemingly intractable maritime – and territorial – disputes that have thus far defied resolution. While not always active or violent,

¹ Mark J. Valencia, "Domestic Politics Fuels Northeast Asian Maritime Disputes," East-West Center, Analysis, No. 43, April 2000, <http://www.eastwestcenter.org/fileadmin/stored/pdfs/api043.pdf>

² The Nordic region – or "Norden" to its inhabitants – is generally taken to include those countries represented in the Nordic Council – Denmark, Sweden, Finland, Iceland, Norway (as well as Åland, the Faroe Islands, and Greenland).

these latent conflicts continue to persist and serve to undermine peaceful development in the region. Cross-border cooperation – let alone dispute resolution – has, therefore, not been fully realized in a situation where territory and borders are regarded as “sacrosanct.” As Swanström and Ledberg point out, “few attempts have been made at the intergovernmental level to decrease tension, and efforts undertaken on other societal levels have been modest and often designed only with national interests in mind.”³ Not only this, but the region exhibits diversity in terms of asymmetries of population, economic development, political and social systems, as well as unresolved historical grievances among countries. These differences have not only undermined the creation of a common regional value and identity, but they have also served as real obstacles to regional cooperation. Moreover, a legacy of wars including the two Sino–Japanese Wars (1894–95, 1937–45), the Russo–Japanese War (1904–05), and the Korean War (1950–53) as well as the Cold War have sowed the seeds of a deep distrust, still harbored in each country to the present day.

In contrast, the Nordic region is often described as an area where stable peace has been successfully consolidated. Indeed, there has been no war between the Nordic states since 1815. However, it should not be forgotten that before this date there was a period of some three hundred years during which the Nordic countries were involved in several wars with each other, in particular Denmark and Sweden. Furthermore, there were also a number of “conflicts” between the Nordic countries in the first half of the twentieth century, such as the separation of Norway and Sweden in 1905, which brought briefly about the prospect of war when Swedish nationalists protested against secession. The 1921 disagreement between Finland and Sweden over the possession of Åland also harbored the potential for conflict. Similar to Northeast Asia, the Nordic region also displays a historical legacy of imperialism. Norway was under Danish rule between 1380 and 1814, and was forced into a union with Sweden that lasted from 1814 to 1905. Finland was incorporated as part of Sweden as early as the thirteenth century. It remained so until the Russian conquest of 1809, after which it became a grand duchy under the Russian czar; it finally achieved

³ Niklas Swanström and Sofia Ledberg, “Introduction,” in Niklas Swanström, Sofia Ledberg, and Alec Forss, eds., *Conflict Prevention and Management in Northeast Asia: The Korean Peninsula and Taiwan Strait in Comparison* (Newcastle: Cambridge Scholars Publishing, 2010), p. 1.

independence in 1917. Iceland came under Danish rule in the fourteenth century and gained full independence only in 1944. What is more, as the special interest of coastal states in the conservation and management of fisheries in adjacent waters was first recognized in the 1958 Convention, new possibilities after this date to grab vast economic zones (continental shelves and fishing waters) made for new or revived disputes over islands, such as over Jan Mayen, the archipelago of Svalbard, and the Barents Sea between Norway and Iceland.⁴

However, occasions in more recent times when the Nordic states might have gone to war with each other did not materialize; Norway successfully gaining independence in 1905 being the first Nordic “non-war.” The three Scandinavian states avoided war with each other during World War One, and in the inter-war period the Åland Islands dispute between Sweden and Finland, and the East Greenland case involving Denmark and Norway, were both settled peacefully. Fishing zones have also been a source of tension between the Nordic countries. Although there were Post-World War Two disagreements over their maritime boundaries and the utilization of maritime resources, these problems have been resolved peacefully by diplomatic means. Peaceful conflict resolution, moreover, has been accepted as the sole legitimate means of solving conflict in the region and where cross-border cooperation is the norm. Not only this, but there are myriad examples of cross-border cooperation (several of which are examined here) that have contributed to actually transforming borders from obstacles into assets that promote exchanges and mutual understanding. It should also be stated that the countries display many similarities in political, economic, and social systems – a fact which has aided the bolstering of peace and cooperation.⁵

Notwithstanding that both the Nordic and Northeast Asia regions display a history of war and conflict among competing powers – in addition to linguistic, cultural, and legal differences – the recent experiences of the two regions stand in sharp contrast to each other. Accordingly, it stimulates discussion and investigation into how the Nordic peace came about and whether there are lessons for other regions and, more generally, for security in the post-Cold War situation. The subject matter is vast and a detailed

⁴ Clive Archer and Pertti Joenniemi, eds., *The Nordic Peace* (Aldershot, Hampshire: Ashgate, 2005), p. 133.

⁵ Ibid.

examination of such would go beyond the scope of this paper. We argue, however, that the Nordic experience should and/or can serve as an inspiring example, albeit with important limitations, that other regions, such as Northeast Asia, could at least draw lessons from, if not emulate.

More specifically, this paper considers examples of territorial dispute resolution and cross-border cooperation in the Nordic region that may be useful when designing strategies or proposing ideas for Northeast Asia. Four potential sites of future conflict resolution/cross-border cooperation centering on four different territorial disputes or points of tension in Northeast Asia are identified in this paper: the Demilitarized Zone (DMZ) and Yellow Sea on the Korean Peninsula, the Dokdo (Takeshima) Islands, the Kuril Islands, and the Senkaku (Diaoyu) Islands. Three examples of peaceful resolution and three actual instances of cross-border cooperation in the Nordic region are then discussed. The cases of peaceful resolution are the Norway–Iceland maritime disputes, Åland, and Hässelö; cases of cross-border cooperation include Morokulien between Norway and Sweden, HaparandaTornio Eurocity between Sweden and Finland, and Oulanka–Paanajärvi transboundary park between Finland and Russia.⁶

⁶ While not strictly fully part of the Nordic region, the authors find it useful to study cooperation between Finland and Russia over the Oulanka–Paanajärvi transboundary park; especially where Russia is the principal actor in the dispute with Japan over sovereignty of the Kuril Islands.

Methods of Territorial Dispute Resolution and Cross-border Cooperation

Methods of Territorial Dispute Resolution

Narrowly conceived, territory is geographically a piece of land or water: states are separated from some other territory by a border. More broadly, territory has a wider value that encompasses a resident population, natural resources, and a strategic location. No state will voluntarily give up its sovereignty of territory with all those values which are directly connected with a state's economic and strategic benefits. Less tangible but just as potent is the link between a given territory and nationalist sentiment. Disputes over ownership of territory between states relate to disagreement over the location of the border and the ownership of all values within a given territory. Nevertheless, states have several options available to them in attempting to achieve a peaceful resolution of their territorial disputes with other states. Some of these are outlined below.

Bilateral Negotiation

Negotiation is a method most commonly used in dealing with territorial disputes and is one of the most important instruments for the settlement of territorial and boundary disputes.⁷ Whenever there is a dispute, the first reaction to it must necessarily be "negotiation" between the disputants, even if initially only in the form of recriminatory exchanges.⁸ In the case of bilateral negotiations, states basically attempt to settle their territorial disputes without any third-party involvement in order to maintain the status quo and stabilize the situation in the areas under dispute. However, the most important condition to a successful bilateral negotiation is that both parties need to be prepared to make concessions, if they exhibit the willingness to resolve disputes without a third party. In thus doing, the parties have greater control over both the dispute settlement process and outcome.

⁷ Junwu Pan, *Toward a new framework for peaceful settlement of China's territorial and boundary disputes* (Leiden: Martinus Nijhoff Publishers, 2008), p. 53.

⁸ Ibid.

Therefore, they are in the best position to develop a mutually acceptable solution. Furthermore, negotiations are likely to promote good and long-term cooperation between states if the disputing parties derive some benefit from the diplomatic exchange.⁹

Third Party Mediation

In the case of the failure of bilateral negotiation, third-party mediation could play a critical role in resolving many disputes.¹⁰ According to Christopher Honeyman and Nita Yawanarajah, "mediation is a process in which a third-party neutral assists in resolving a dispute between two or more other parties. The role of the mediator is to facilitate communication between the parties, assist them in focusing on the real issues of the dispute, and generate options that meet the interests or needs of all relevant parties in an effort to resolve the conflict."¹¹ An advantage for the parties is the fact that the mediator's suggestions are not binding and that no solution is imposed per se, but rather helping the parties to reach an agreement. During the process of conciliation, a third party considers all elements of the dispute and formally submits suggestions for a settlement.¹²

Arbitration and Jurisdiction

The method for arbitration and jurisdiction is to solve disputes by legal means. In other words, arbitration serves as a judicial mechanism of dispute settlement. Theoretically, the submission of the parties to arbitration implies that the parties agree to carry out the judicial process without delay. The implementation of international awards, however, can be more than difficult in cases where parties decide not to abide by the decision.¹³

⁹ Merrills, *International Dispute Settlement*, p. 279.

¹⁰ Rongxing Guo, *Cross-Border Resource Management: Theory and Practice* (Amsterdam: Elsevier Science, 2005), p. 123.

¹¹ Christopher Honeyman and Nita Yawanarajah, "Mediation," *Beyond Intractability.org*, September 2003, <http://www.beyondintractability.org/essay/mediation/>

¹² Emilia Justyna Powell and Krista E. Wiegand, "Legal Systems and Peaceful Attempts to Resolve Territorial Disputes," *Conflict Management and Peace Science*, Vol. 26, No. 5 (2009), p. 6, http://bama.ua.edu/~ejpowell1/Powell_Wiegand_09.pdf

¹³ Christina LeB, "Arbitration," *Beyond Intractability.org*, July 2003, <http://www.beyondintractability.org/essay/arbitration/?nid=1314>

There are many courts with specialized international jurisdiction,¹⁴ such as the International Court of Justice (ICJ) in the Hague. The ICJ's fairly strict adherence to international law, coupled together with the reality that the Court's procedure, membership, jurisdiction, and nature of disputes admitted are strictly regulated in its Statute, account for the fact that the Court's underlying rules are relatively formal.¹⁵ However, the Court may entertain two types of cases: legal disputes between states submitted to it by them (contentious cases) and requests for advisory opinions on legal questions referred to it by United Nations organs and specialized agencies (advisory proceedings).¹⁶ There are also specialized judicial bodies which can deal with particular disputes better than general courts such as the International Tribunal for the Law of the Sea. The Convention on the Law of the Sea from July 1996 has played a major role in instituting a relatively stable regime in regard to the oceans and has, in many cases, removed the causes for maritime disputes between states.¹⁷

Cross-border Cooperation

If a technical solution to a territorial dispute between countries can be achieved through an enforced peace agreement via the above methods, this on its own does not suffice to build genuine peace. It is, therefore, necessary to create conditions and practices which serve to facilitate cooperation over borders; this also entails strengthening the social and economic well-being of local people residing in border areas. It is no longer a hard and impermeable point where tensions and/or lack of interaction dominate – but has become more malleable and the site of various flows between not only states but also sub-national actors. Mechanisms of cross-border cooperation may

¹⁴ There are no significant differences between arbitration and judicial settlement, since the agreement to refer the dispute to the ICJ can be compared to the arbitral *compromise*, and it is the most commonly used method of consenting to the Court's jurisdiction.

¹⁵ Powell and Wiegand, "Legal Systems and Peaceful Attempts to Resolve Territorial Disputes," p. 6

¹⁶ "How the Court works," *International Court of Justice*, <http://www.icj-cij.org/court/index.php?p1=1&p2=6>

¹⁷ Judge Helmut Tuerk, "International Tribunal for The Law Of The Sea," presentation to the Seminar on Exploration and Exploitation of Deep Seabed Mineral Resources in the Area: Challenges for Africa, and Opportunities for Collaborative Research in the South Atlantic Ocean Abuja, Nigeria, March 24, 2009, p. 3, <http://www.itlos.org/news/statements/Jesus/T%FCrk%20Nigeria%20240309%20Statement.pdf>

facilitate the transforming of border areas into zones of nonmilitary interaction, which may, in turn, contribute to resolving conflict, or, where conflict is not present, turning a zone of negative peace into one of positive peace.¹⁸ Accordingly, the concept of cross-border cooperation implies that national and local governments, NGOs, businesses, etc., work together across a border to remove physical and psychological barriers to exchange and communication. The aim is to improve economic, social, and territorial cohesion in the region, whereby what previously had been seen as a zero-sum issue is transformed into a win-win solution, or, at any rate, one that is acceptable to both sides.¹⁹

Demilitarized and Neutralized Zones

The idea of a demilitarized zone (DMZ) is to create a buffer area. Usually established on the frontier or boundary between military powers, its rationale is to prevent military confrontation from taking place within the zone. Similarly, neutralization can be defined as “the situation of certain territories, areas or places, straits or international canals, or certain constructions or categories of people that, in the event of an armed conflict, have to be kept apart from the hostilities, or the act whereby such a regime is established.”²⁰ These both options would require, as essential preconditions, the prevention of any potential re-occurrence of armed conflict, usually by a peace treaty, armistice, or other bilateral or multilateral agreement. As Holger Rotkirch notes: “Earlier this method was frequently used to calm strategically important areas of high tension.”²¹ However, it is also possible for powers to

¹⁸ Introduced by Norwegian peace researcher Johan Galtung, the concept of negative versus positive peace recognizes that although there may be an absence of violent conflict, peace may include a range of relationships that may not necessarily entail collaboration and positive interaction between sides. There is therefore a need to remedy this to create a positive peace of enhanced mutual exchanges.

¹⁹ Kari Laitinen, “Reflecting the Security Border in the Post-Cold War Context,” *International Journal of Peace Studies*, Vol. 6, No. 2 (Autumn/Winter 2001).

²⁰ See Jean Salmon, “Neutralisation” [Neutralization], *Dictionnaire de droit international public* (Bruylant: Brussels, 2001), p. 737; Matthieu Chillaud, “Territorial Disarmament in Northern Europe: The Epilogue of a Success Story?” SIPRI Policy Paper No. 13 (August 2006), p. 6.

²¹ Holger Rotkirch, “The Demilitarization and Neutralization of the Åland Islands: A Regime ‘In European Interests’ Withstanding Changing Circumstances,” *Journal of Peace Research*, Vol. 23, No. 4 (1986), p. 1.

agree on the demilitarization or neutralization of a zone temporarily without formally settling their potential military conflicts or territorial claims.

Peace Parks

Climate change, natural disasters, and environmental degradation have increasingly become national security concerns. Whereas the link between the environment and conflict has been well expounded upon by environmental security theorists among others, rather less attention has been paid – by scholars and policymakers alike – to the linkage between the environment and peace. Termed as “environmental peacebuilding,” the concept of peace parks turns the traditional notion of causality on its head and instead embraces how cooperation or joint management of transboundary natural resources – whether land or maritime – can facilitate cooperation and peace; this is of particular relevance in sensitive or contested border regions. Cooperation may take many forms ranging from conservation activities, such as wildlife monitoring, to joint ranger patrols, cross-border educational programmes and ecotourism, not to mention the symbolism of a peace park and the potentiality of “neutralizing” contested territory. Accordingly, the peace parks concept seeks to construct an interface at which conservation, development, and conflict resolution can be addressed simultaneously. In transforming lines of confrontation and contestation into active zones of cooperation between conflicting parties, moreover, peace parks envision territory as an instrument for peace rather than conflict. Also, it can be argued that peace parks by definition do not only serve to protect ecosystems across borders, but may also include urban parks or non-wilderness areas of “neutral” territory where joint cooperative activities and/or peace symbolism are present. Today peace parks exist or have been proposed in many regions of the world. Critics have argued that peace parks cannot be established without a substantive peace settlement first having been put into place, and that they are therefore tools of *post*-conflict peace building. Advocates argue, on the other hand, that this does not preclude efforts that may “trickle up” into a more positive web of interactions between contending parties. While peace parks on their own cannot create peace, they have increasingly become to be seen as an important dimension of it.

Cross-border Economic Cooperation

Economic cooperation across a border area may comprise a number of activities in dealing with economic benefits between two neighboring states. In economic terms, this cooperation tends to manage transnational resources jointly as commonality even between hostile nations. However, the cross-border management of economic resources is complicated and difficult as there are different legal, political, administrative rules and structures, as well as traditions in the different countries involved. In particular, joint exploitation of strategic resources such as underground water, minerals, energy, etc. usually becomes more difficult in cross-border areas than in any other type of cooperation, as those resources have an impact on national security. Furthermore, each country has its own planning procedures, and often states with different perspectives are unable to continually assess options for appropriate reactions to cross-border resource management. Unnecessary conflict and inefficient outcomes then become inevitable.

Disputes in Northeast Asia

Although ongoing territorial disputes in Northeast Asia have not so far developed into overt military conflicts, they have flared up occasionally, often triggered by rising nationalist sentiment and antagonism. It can be said that the causes of disputes in Northeast Asia can be traced to relics of colonial history, the rise of nationalism, and a zero-sum mentality among competing powers.

DMZ on the Korean Peninsula

The most heavily militarized border in the world, the Demilitarized Zone (DMZ) is the most visible site of confrontation and hostility between North and South Korea. The DMZ runs along a line 213 km long and extends two kilometers on either side of the North–South Korean border along the 38th Parallel, which stretches across the middle of the Korean Peninsula. After the Korean War, through the 1953 armistice agreement, the DMZ was created as each side agreed to pull back their troops two kilometers from the front line, thus creating a buffer zone four kilometers wide. However, since the armistice agreement has not been followed up by a peace treaty, the two Koreas are still technically at war: large numbers of troops from both sides remain stationed facing each other across the divide. Gunfire is quite often exchanged across the zone. Yet, since 1998, pioneered by the DMZ Forum, an international NGO, there have been proposals to create a peace park in the DMZ, whose thin sliver of land has inadvertently been turned into a haven for wildlife, harboring endangered species untouched since the end of the Korean War. Surprisingly, numerous previously unreported species have been recorded and many that were thought to have been lost, along with a number of unique habitats, have been “re-discovered.”²²

The Yellow (West) Sea between North and South Korea

The West Sea has, in particular, become a hot spot in the region, as there have been frequent skirmishes around the Northern Limit Line (NLL)

²² Guo, *Cross-Border Resource Management*, p. 130.

between the two Koreas. The main problem is the validity of the maritime boundary of the NLL. The line was decided by the U.S.-led United Nations military forces on August 30, 1953, without the agreement of North Korea.

Five coastal islets in the Yellow Sea along the North Korean coast belong to South Korea according to the NLL division. However, North Korean fishermen often cross the line to exploit the abundant fishing resources, particularly the valuable blue crabs. Meanwhile, North and South Korea have clashed five times around the NLL in the Yellow Sea. The first NLL confrontation was in 1999: two North Korean patrol boats crossed the NLL line and exchanged gunfire with two South Korean patrol boats. As a result, thirty North Koreans were killed. The second battle was in June 2002 when North Korean and South Korean patrol boats exchanged gunfire along a disputed boundary near Yeonpyeong Island in the Yellow Sea. Both the North Korean and South Korean flotillas suffered casualties; thirteen North Koreans and four South Koreans were killed. The third battle was a skirmish between the North Korean and South Korean navies near Daecheong Island in the Yellow Sea in November 2009. A patrol boat from North Korea was seriously damaged with about ten North Korean sailors killed in the action, while the South Korean navy sustained no casualties.²³ The fourth one was on March 26, 2010, when the South Korea Navy corvette *Cheonan* was sunk in the Yellow Sea near Baengnyeong Island. Forty-six South Korean sailors died in the incident. South Korea's final report on the sinking of the warship *Cheonan* found that a North Korean torpedo was responsible for the deaths of the 46 sailors.²⁴ Most recently, in November 2010, two South Korean soldiers and two civilians were killed after North Korea fired dozens of artillery shells on Yeonpyeong Island in South Korea. After the artillery strikes on Yeonpyeong, the volatility of the political situation on the Korean Peninsula has increased dramatically.

Indeed, the conflict in the Yellow Sea between North and South Korea could have serious consequences beyond the Korean Peninsula, and as such, attention should now more than ever be focused on peace-building

²³ Peter Foster, "North and South Korea warships exchange fire," *The Telegraph*, November 10, 2009, <http://www.telegraph.co.uk/news/worldnews/asia/southkorea/6536557/North-and-South-Korea-warships-exchange-fire.html>

²⁴ "S. Korea's final report affirms Cheonan was sunk by N. Korean torpedo," *CNN News*, September 13, 2010, http://articles.cnn.com/2010-09-13/world/south.korea.cheonan.report_1_final-report-cheonan-full-report?_s=PM:WORLD

efforts between North and South Korea – this in a situation where trust and confidence between the two sides has reached a nadir.

Dokdo/Takeshima

The dispute between South Korea and Japan over Dokdo (in Korean) or Takeshima (in Japanese) is over two rocky islands that have historically been uninhabited. This dispute has increasingly become a main factor behind the worsening relations between South Korea and Japan. South Korea's claims over the islands go back to the sixth century, while Japan formally incorporated the islands as part of Japanese territory in 1905, which it held until the end of World War Two. Japan continues to insist that Dokdo/Takeshima is Japanese territory, while South Korea has reinforced its control. Tensions have risen in recent years with several incidents. On March 16, 2005, Shimane Prefectural Assembly declared February 22 as "Takeshima Day." This provocative move served to remind Korean people of their colonial history at the hands of the Japanese and exacerbated nationalist sentiment. When Japan announced its plans to conduct a maritime survey around Dokdo in May 2006, tensions increased more dramatically. In response to this, in July 2006, the South Korean government sent a research ship to collect data on Dokdo.²⁵ In a tit-for-tat exchange the Japanese government published, in July 2008, a new guideline for school textbooks to teach young Japanese students that Takeshima constitutes Japanese territory. As a result, a number of anti-Japanese demonstrations took place in South Korea. In fact, the Dokdo dispute has been the biggest issue arousing anti-Japanese sentiment in South Korea. In addition to this, the exchange of barbed rhetoric has been matched by South Korea strengthening its military forces on and around the island –all of this between two democratic countries. Therefore, both sides view of the other is marked by a sense of victimhood and justice – claims derivative of an exaggerated sense of symbolic nationalism. The Dokdo dispute will continue to undermine relations between two countries if they fail to find a resolution to the dispute.

²⁵ Kentaro Nakajima, "Is Japanese Maritime Strategy Changing? An Analysis Of The Takeshima/Dokdo Issue," USJP Occasional Paper 07-08 (2007), p. 2, <http://www.wcfia.harvard.edu/us-japan/research/pdf/07-08.Nakajima.pdf>

Senkaku/Diaoyu Islands

In the East China Sea, the group of eight uninhabited islands known as the Diaoyu Islands in Chinese or Senkaku Islands in Japanese is a hotspot of territorial dispute with Japan maintaining *de facto* control over the islands today. After being defeated by Japan in the Sino–Japanese War in 1894–95, China ceded Taiwan to Japan under the Shimonoseki Treaty. As a part of Taiwan, the Diaoyu Islands became Japanese territory at that time. Although Taiwan was returned to China at the end of World War Two in 1945, the United States took control of the Diaoyu Islands and later returned them to Japan. China, on its part, has claimed sovereignty over the Diaoyu Islands since the Qing Dynasty. Meanwhile, Japan claims that the Diaoyu islands are part of official Japanese territory based on the Shimonoseki Treaty in 1895. From 1885 on, thorough surveys of the Diaoyu Islands were conducted by the Government of Japan through the agencies of Okinawa Prefecture and by way of other methods.²⁶ However, the recent dispute is more related to the ownership of natural resources located close to the Diaoyu Islands. China has proven reserves of natural gas of about 53.3 trillion cubic feet (tcf).²⁷ In fact, the East China Sea issue came to a boil with China’s drilling in the Chunxiao gas field, which is three miles west of the median line. China’s development of natural gas resources in the disputed area, where the two countries Exclusive Economic Zone (EEZ) claims overlap based on the median line between the countries’ coastlines, has come in for criticism from Japan. China claims an EEZ based on the Chinese continental shelf, meanwhile Japan claims are based on the median line. On the Chinese side, the interest in the Chunxiao gas field has risen because of China’s need for energy. Although there has been agreement between the two governments on a joint exploration to share oil and gas resources around the Chunxiao Island area (part of the Diaoyu Islands), there remain problems on how to deal with the issue of the sovereignty of the islands and the border line in the East China Sea. In a recent incident, in September 2010, a Chinese ship collided (which may have been intentional) with a patrol boat of the Japan Coast Guard near the Diaoyu Islands. The ship’s captain was detained by Japan to be prosecuted under Japanese domestic law. It stimulated public

²⁶ “Senkaku/Diaoyutai Islands,” *GlobalSecurity.Org*, <http://www.globalsecurity.org/military/world/war/senkaku.htm>

²⁷ Ibid.

outrage as anti-Japanese demonstrations took place in various cities across China. The same occurred in Japan, where thousands of Japanese demonstrators protested in Yokohama as Chinese President Hu Jin Tao arrived in the city to attend an APEC meeting.²⁸ Although the Chinese ship's captain and crew were later released, the dispute remains a thorn in relations between China and Japan.

Kuril Islands

The territorial dispute between Japan and Russia over the sovereignty of the Kuril Islands, the four islands group of Kunashiri, Etorofu, Shikotan, and Habomais, is one of the major regional conflicts in Northeast Asia. The islands have fishing grounds, mineral deposits, and possibly also oil and gas reserves.²⁹ Both Russia and Japan have legitimate historical claims to sovereignty over the four islands. In the aftermath of World War Two, Japan ceded sovereignty over the island chain to the Soviet Union, only to reclaim sovereignty over the islands six years later under the 1951 San Francisco Peace Treaty, which failed, however, to demarcate a clear border. Russia claims that all the Kuril Islands legally belong to Russia, as according to the change of international boundaries following World War Two.³⁰ During the Cold War, the two countries were unable to make major progress on the issue of their territorial disputes. Therefore, Russia has continued to control the four disputed islands until today. More recently, hopes of a solution were burnished when, in February 2008, the then Russian president proposed returning two of the four islands (a solution originally put forward as early as 1956). The Japanese government refused Russia's proposal, however, and continues to insist on the return of all four islands. In Russia, meanwhile, there has been a hardening of public opinion strongly opposing any territorial concessions to Japan; the government has recently decided not to return any of the islands to Japan. Russian President Dmitry

²⁸ Noah Fangzhou Bian, "Diaoyu or Senkaku? The Volatile Sovereignty Dispute between China and Japan," *Legal Frontiers*, November 18, 2010, <http://www.legalfrontiers.ca/2010/11/diaoyu-or-senkaku-the-volatile-sovereignty-dispute-between-china-and-japan/>

²⁹ "Russian president visits disputed Kuril islands," *BBC News, Asia-Pacific*, November, 1, 2010, <http://www.bbc.co.uk/news/world-asia-pacific-11663241>

³⁰ Gregory Clark, "Northern Territories dispute highlights flawed diplomacy," *The Japan Times*, March 24, 2005, <http://search.japantimes.co.jp/print/opinion/eo2005/eo20050324gc.htm>

Medvedev paid the first visit by a Russian president to the disputed Kuril Islands in November 2010. Japanese Prime Minister Naoto Kan called Medvedev's visit regrettable, and Russia's envoy in Tokyo was summoned to give an explanation.³¹ In sum, the Kuril Islands remain the biggest obstacle to normalizing relations between Japan and Russia.

³¹ "Russian president visits disputed Kuril islands."

The Nordic Experience

In looking at the Nordic region today, it is hard to imagine that the region was for centuries a site of conflict between countries, especially over borders. As Arter notes, despite the peaceful image of the Nordic countries today, "conflict rather than co-operation has been the dominant motif of [the region]."³² Indeed, border disputes between the Nordic states have occurred as recently as in the twentieth century, although soon settled by peaceful means. Mechanisms of conflict resolution and cross-border cooperation taken from the Nordic experience, notwithstanding the limitations, could represent a peaceful vision for helping to address the territorial disputes besetting the improvement of relations between the Northeast Asian countries.

Peaceful Settlement of Disputes

The Icelandic–Norwegian Maritime Conflicts

The past disputes between Norway and Iceland centered on competition over exclusive fishing areas. There were several conflicts including over the island of Jan Mayen, the archipelago of Svalbard, the Adjoin coastal states, and the Barents Sea between Iceland and Norway in the 1970s.³³ In 1979, Norway claimed the right to establish a 200-mile EEZ around the island of Jan Mayen, which is situated less than 400 miles north of Iceland.³⁴ As fisheries are the most important industry for Iceland's economy, the Icelandic government strongly questioned the legitimacy of Norway's right to establish the EEZ, and also claimed Jan Mayen did not have a continental shelf of its own. Norway's claim would have entitled it to conserve and exploit fish stocks that also migrated into the Icelandic EEZ. The 200 mile Exclusive Economic Zone (EEZ) was formally decided upon in 1982 by the United

³² David Arter, *Scandinavian Politics Today* (Manchester and New York: Manchester University Press, 2009), p. 15.

³³ More recently, furthermore, in the early 1990s, a fishery for the North–East Arctic cod stock in the Barents Sea became a hot spot of dispute between Iceland and Norway.

³⁴ Tore Henriksen, "The Icelandic and Norwegian Conflicts," in Archer and Joenniemi, eds., *Nordic Peace*, p. 133.

Nations Convention on the Law of the Sea (UNCLOS) that led to the escalation of conflicts in the aforementioned areas. But while dispute over fishery territory between Norway and Iceland have been a major issue between the two countries, they have always been settled peacefully. Norway has been very wary not to act in a manner vis-à-vis Iceland that could destabilize the security of the region or jeopardize its image as a state seeking fair distribution of resources. Norway would neither win the international nor national public opinion in a conflict with a small state heavily dependent on fishing.³⁵ What otherwise would be considered as a weakness, Iceland has turned into a strength by insisting on its dependency and taking advantage of Norway's willingness to accommodate.³⁶ In addition, Norway and Iceland cannot afford to challenge international law, unless vital national interests are at stake. They obviously have complied with their legal obligation to cooperate, which reflects the need to reach agreements to conserve the marine living resources and avoid stalemates with depletion as a consequence.

Hässelö

Although a very small island, Hässelö was the subject of a dispute between Sweden and Denmark in the summer of 1983, when a Danish company started a test drill for oil in an area to the west of the island. Sweden considered that Denmark had made the unilateral decision to start drilling in a disputed area because the Swedish (state-owned) OPAB had abstained from drilling in disputed waters at the request of Danish minister in 1976. Furthermore, in Sweden's view the Danish act raised concern about delimitation itself as Sweden had rejected the Danish base line from the coast to the island in 1978, its position being that small islands far off the coast had territorial waters but could not be included in the base line for the midline.³⁷ Disregarding islands except for their own territorial waters would locate the drilling spot in Sweden's continental shelf; including Hässelö in the base line for the midline would connect it to the Danish side.³⁸ The Swedish reaction was strong and Sweden took the very unusual step in the Nordic

³⁵ Ibid, p. 132.

³⁶ Ibid.

³⁷ Håkan Wiberg, "The Hesselö Episode," in Archer and Joenniemi, eds., *Nordic Peace*, p. 106.

³⁸ Ibid., p. 108.

context of handing over a note of protest to Denmark.³⁹ The view of the Swedish government was that according to general principles of international law and the Law of the Sea, a state cannot unilaterally start exploration or exploitation of a disputed sea area.⁴⁰ Denmark replied that it was willing to negotiate but could not legally stop the drilling.⁴¹ Yet a compromise was made at the annual informal meeting of Nordic Prime Ministers in Finland on August 7–8, 1983, that Denmark and Sweden agreed to apply the median line in principle with regard to the delimitation of the continental shelf. An agreement in principle was reached on October 29, going beyond continental shelves, to which all islands were entitled, to cover fishing. By the former, Sweden accepted the drilling spot to be in Danish waters: by the latter, Sweden got a small strip of new fishing water north of Bornholm in the Baltic. After further technical negotiations, a treaty was agreed on November 9, 1984.⁴²

Åland

Åland is an archipelago between Sweden and Finland that was historically for a long time part of Sweden and has a predominantly Swedish-speaking population. When Finland became independent from Russia in 1917, a vigorous debate took place over whether the islands would revert to Sweden or should remain part of Finland. The status was somewhat ambiguous with the Finnish Senate viewing Åland as part of Finland, but with the Ålanders themselves expressing a dissenting view.⁴³ At the end of 1917, an address was signed with some 7,000 Ålanders requesting a reunion with Sweden.⁴⁴ The Ålanders feared strong Finnish domination and the possibility that Finland might become politically socialist.⁴⁵ Meanwhile, Sweden actively supported the movement with the aim of restoring ownership but above all because of the strategic value of the Islands. During the civil war in Finland

³⁹ Tullio Treves, ed., *The law of the sea: the European Union and its member states* (The Hague and Boston: M. Nijhoff Publishers, 1997), p. 510.

⁴⁰ Ibid.

⁴¹ Wiberg, "The Hesselö Episode," p. 106.

⁴² Bengt Sundelius, ed., *Foreign Policies of Northern Europe* (Boulder, Colo.: Westview Press, 1982), p. 178.

⁴³ Pertti Joenniemi, "The Åland Islands Issue," in Archer and Joenniemi, eds., *Nordic Peace*, p. 88.

⁴⁴ Ibid.

⁴⁵ Ibid.

in 1918, the Whites invaded Åland which precipitated Swedish troops to make an amphibious landing, labelled a humanitarian mission.⁴⁶ In 1920, the Finnish Government adopted a law on Åland's autonomy, though this did not calm down the rebellious mood that prevailed among the population of the islands.⁴⁷ Consequently, the Finnish Government sent troops to Åland and had some of the core figures of the movement arrested. Sweden reacted to such moves by recalling its diplomats from Finland and a diplomatic crisis emerged. The dispute was subsequently handed over to the League of Nations for arbitration, with Great Britain taking the initiative.⁴⁸ The League of Nations decreed in 1921 that Finland should retain sovereignty⁴⁹ albeit with many Swedish politicians protesting the decision. Notwithstanding, Åland was granted a high level of autonomy with provisions to uphold its new status as a demilitarized and neutralized zone. The solution also undertook to guarantee the inhabitants' Swedish culture and customs, and Swedish as the sole official language.⁵⁰ Nowadays, it is a popular tourist destination, especially for Swedish and Finnish tourists; though not totally forgotten, nationalist and emotional arguments used in the 1920s are now largely redundant.

Practical Tools for Cross-border cooperation

Morokulien Peace Park

Morokulien Peace Park represents the world's first example of a "peace park."⁵¹ The Nordic Peace Congress, in July 1910, in Stockholm decided that a peace monument should be built on the border at Eda between Sweden and Norway.⁵² The park was established in August 1914 when a large crowd

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid, p. 89.

⁴⁹ Kimie Hara, "Untying the Kurillian Knot: Toward an Åland-Inspired Solution for the Russo-Japanese Territorial Dispute," *The Asia-Pacific Journal*, Vol. 24-2-09, June 15, 2009, <http://japanfocus.org/site/view/3170>

⁵⁰ Ibid.

⁵¹ The park was presented as a "Kingdom of Peace," and a contest gave the kingdom a name: Morokulien. The name is a play on words: "moro" means fun in Norwegian and "kul" means fun in Swedish. See the Morokulien brochure published by Fredsplatsen, 2007.

⁵² Monument, the Morokulien website, <http://www.fredsmonumentet.com/monumentet.html>

of people from Sweden and Norway gathered to commemorate 100 years of peace between the two countries; Norway and Sweden had not fought a war since August 9, 1814, when Norway defeated Sweden in the Battle of Langnes Skanse. There had been lingering ill-feeling between the two nations, especially among conservatives and nationalists, since the union between Norway and Sweden had been dissolved in 1905. Three thousand visitors were expected to attend the inauguration party at the peace monument, but, in the end, some 12,000 people came from both countries. From the Norwegian side, a speech was given by the parliamentary president, while a bishop spoke for the Swedish side.⁵³ Morokulien, which is centered on a peace monument located exactly on the border of the two countries, has since 1914 been witness to a whole host of peace-related activities. After World War Two ended in 1945, a peace meeting gathered some 13,000 participants to hear about the exchange of war prisoners by Folke Bernadotte. In 1959 the Monument square was used to set up a radio show called "across all borders." A joint Swedish/Norwegian production, the prime ministers from both countries were present at the opening broadcast.⁵⁴

More recent activities have included joint Swedish-Norwegian marriage ceremonies, the issuing of Morokulien "passports" (it is possible to become a symbolic citizen and is open to people from all over the world), and symbolic tree-planting between ministers from both countries. It is also the location of a joint tourist office and conference rooms, which, among things, helps to find employment for people across both sides of the border and hosts meetings between representatives of local authorities. Having gained the name "republic of peace," it is visited by some 100,000 people each year.

HaparandaTornio EuroCity

The main objective of the EuroCity, which encompasses the border towns of Haparanda and Tornio in Sweden and Finland with a population of 34,000, has been to remove the border as an obstacle and turn it instead into a cooperative and positive interface by peoples on both sides of the border sharing a common vision and benefits. The two towns albeit belonging to different countries have pursued economic integration as well as the joint provision of public services, including schools and hospitals, joint management of

⁵³ Ibid.

⁵⁴ Ibid.

services, and the development of joint infrastructure projects, etc. It serves as an inspiration for sustainable economic development, joint management of resources, and the role of public and private sectors in such initiatives. Indeed, HaparandaTornio has become the fastest growing region in northern Sweden and Finland. Not only this, there is a joint tourist information office, with the joint city being promoted as an international meeting place with an emphasis on “boundless experiences.” What is more, this has been achieved in spite of the different languages, currencies, time zones, and legal systems between the two.

Oulanka–Paanajärvi Transboundary Park

Oulanka–Paanajärvi Transboundary Park (Oulanka national park is on the Finnish side of the border; Paanajärvi is on the Russian side) protects an ecosystem of pristine forests, rivers, and lakes in the far north of Europe. With management based on shared strategies, guidelines, and priorities – the directors from the two parks meet on a regular basis – it seeks to be a model for transboundary environmental cooperation worldwide. While the main goal of cooperation is to protect biodiversity, as well as support recreation and education – the park has not been labeled a “peace park” as such – it is clear that the transboundary park encompasses processes that serve to foster ties and cooperation over what is a “hard” border. The jewel of the park is the Oulanka–Paanajärvi River, which flows from Finland into Russia. A vision is that tourists will be able one day, starting in Finland, to canoe down the river across the border into Russia; at the moment this is not possible. There are also differences in the number of visitors, with Oulanka–Paanajärvi receiving 200,000 visitors annually compared to only 5,000 in Paanajärvi. This raises the issue of potentially conflicting goals in achieving a balance between conservation and tourist recreation. In spite of the obstacles, progress has been made. In 2006, a new border station closer to the site of the park was opened making border crossings easier. Tour packages to the Russian side of the park are also offered by various tourist companies. The largest, Rukapalvelu, also employs Russian guides, who are also based in Finland. There is also an annual school visit of Finnish school-children from the local area to Paanajärvi. Cross-border cooperation is also facilitated by EU funding through various projects including Interreg Karelia and the TACIS project, which in July 2005 amounted to 620,000 euros.

There has also been money provided for the joint publication of guide books to the area including its history.

Reflections on the Nordic Experience

Whether the Nordic or Northeast Asian region, most territorial disputes have an underlying similarity – they are primarily driven by domestic politics and/or the presence of natural resources such as oil, gas, and fish stocks in the areas of dispute. Furthermore, disputes have often been inflated and become entangled in each country's nationalist sentiments and ideology, which are exploited by politicians and pose obstacles to reaching compromises.⁵⁵ Nonetheless, all conflicts between the Nordic countries in the past century have been peacefully resolved, and the region is now often described as one of the most, if not the most, peaceful part of the world. Accordingly, an obvious question is why is it more difficult for the Northeast Asian countries to change their attitude and establish a peaceful mechanism for solving territorial disputes and to facilitate greater cross-border cooperation? In seeking an answer to this, it might be that existing behaviors have “abused” nationalist arguments in the name of competition. This is the case in Northeast Asia, where most governments have framed territorial issues in terms of national security rather than pursuing the economic and peace benefits. Since most territorial disputes in the case of Northeast Asia have historical origins, nationalist sentiments serve to exacerbate territorial disputes. The emergence of nationalism in Northeast Asia on the political front is related to the end of the Cold War with the disappearance of ideological confrontation. Under this new geo-political situation in Northeast Asia, hitherto oppressed nationalism reemerged to the surface. Therefore, both symbolic and provocative activities in this region undertaken by nationalists from both sides have been responsible for triggering diplomatic disputes over contested territory. It is therefore contended that it is worth studying how Nordic countries have performed in achieving peaceful regional cooperation mechanisms so as to reflect upon how the Northeast Asian countries could deal with their own territorial problems. Notwithstanding significant

⁵⁵ Michael Weinstein, “South Korea-Japan Dokdo/Takeshima Dispute: Toward Confrontation,” *The Japan Focus*, May 10, 2006, <http://www.japanfocus.org/-Michael-Weinstein/1685>

limitations, some reflections on lessons from the Nordic region and how they could be applied to Northeast Asia are discussed below.

During the Sweden–Finland spat over the Åland islands, too, the specter of nationalism reared its ugly head among the general public in the two countries. Eventually, international mediation in the form of the League of Nations provided a settlement to the Åland dispute. According to Kimie Hara, “[t]oday the International Court of Justice (ICJ) is available for dealing with international disputes, and its decisions are supposed to be internationally respected.”⁵⁶ Many have argued that the Northeast Asian states would regard it as a failure if they were not able to resolve their differences through negotiation and were “forced” to bring their issues to the ICJ. The main reason behind this thinking is that any settlement produced by an international court would likely be viewed as a win-lose situation. Rather than solving the problem, this could further damage relations in Northeast Asia and contribute to further increasing nationalism and raise the prospect of more disputes. Furthermore, an obvious difference from the Nordic experience is that most countries in Northeast Asia are political powers: Japan and Russia are currently members of the G8, and Russia and China are permanent members of the UN Security Council. This means that they would be loath to accept any external decision that did not rule in their favor. By comparison, due to their relatively small size and weak position, the Nordic countries cannot afford to challenge international law.

There are, however, important lessons in terms of the demilitarization and neutralization of disputed areas and associated international supervision and guarantees. Sia Spiliopoulou Åkermark of the Åland Peace Institute notes that international law rests on a “starkly binary approach to sovereignty and statehood.”⁵⁷ Therefore, the dominant assumption is that the Finnish state fully controls an entire well-defined territory. Yet, the example of how the issues concerning Åland were solved with well-defined provisions of extensive autonomy, in addition to its demilitarization and neutralization, challenges the above. In fact, it demonstrates that sovereignty is not a zero-sum game but is a more complex puzzle and that it does not substantively limit the sovereignty of Finland. While there are obvious limitations to applying such a settlement to the case of Dokdo/Takeshima Island

⁵⁶ Hara, “Untying the Kurillian Knot.”

⁵⁷ Authors’ interview, Åland Peace Institute, April 2009.

(as well as the Kurils), for example – South Korea would not likely accede to any decision that returned the island to Japan – in the future, it could be demilitarized and neutralized under international guarantees, remaining under South Korean jurisdiction.

There is a need for increasing mutual understanding and respect of the importance of a particular territory for another country. In this sense, processes of bilateral negotiation would be a better way to build long-term trust and confidence, as it would place responsibility for resolving the dispute on the parties themselves; therefore they would be in the best position to develop a mutually acceptable solution. This approach was often used by the countries of the Nordic region in the resolution of their territorial disputes. Further, an ability to accept compromises explains in large part why the latter have settled their differences peacefully. Notwithstanding significant exceptions, as in the Åland case, another important reason why the Nordic states have not resorted to international tribunals or other third parties is that they would not be in control of the outcome. This is probably the reason why Iceland has not brought the Svalbard zone conflict before the ICJ. A sensitive, well-measured balance of externalizing the issue, with the promise of international guarantees, while increasing bilateral negotiation could go some way toward dispute resolution.

Not only have conflicts in the past century been peacefully resolved – in the case of Åland with the help of external intervention by the League of Nations – but the whole Nordic region can be described as one of positive peace – where proactive measures are and have been taken to increase cross-border flows to enhance the contiguity of the region. Furthermore, building peace and cooperation is not only a top-down activity but involves a variety of subnational actors. This may include local governments, schools, national park authorities, and tourist companies, such as in Oulanka–Paanajärvi, pioneering contacts and working with local communities and organizations on both sides of the border. Peace research institutes may also be established such as in the case of Åland, or peace societies such as in case of Morokulien. In addition, less politically contentious activities, such as the joint training of nature guides and wildlife monitoring among other things, may prove to be building-blocks paving the way for more substantive negotiations. Peace-building activities may also embrace the employment of peace symbolism. A peace monument may act as a focal point for formal ceremonies

as well as a photo opportunity for visiting tourists. Purchasable items such as postcards, joint stamps, “peace passports,” and flags may also be utilized. While only symbolic, this nonetheless serves to promote a culture of peace – important in establishing positive peace. As the island is uninhabited, it could also become a symbolic site for Japan–South Korea meetings and the erection of a peace monument like in Morokulien.

Furthermore, pragmatic approaches to cooperation can also diminish nationalist sentiment in the country. The site of Paanajärvi national park in Russia, and the wider region of northern Karelia generally, is the setting for Finland’s national epic Kalevala, that was important in awakening Finnish national consciousness in the nineteenth century. This is comparable, at least to some extent, to the way in which the Kuril Islands hold a place in the hearts of many Japanese. While a sensitive issue – there exists potential for actually increasing rather than defusing tensions if not properly managed – increasing access to the region for tourism, school exchange visits, publishing joint history and guide books, and the establishment of museums, may, in the long term, also help defuse tensions. Peace education therefore has an important role to play.

Engagement in economic cooperation of interest to both sides is also a good way to build confidence. Most cases of dispute after World War Two between the Nordic countries over islands were related to competition for control over exclusive natural resource areas, in particular fishery and oil. Sweden and Denmark found themselves at odds when a Danish company planned to develop oil in Swedish territorial waters around Hässelö. Yet, at the time, they stated that the issue would be possible to resolve without any arbitrator or the Hague court. The two countries obviously complied with their legal obligation to cooperate, which reflects the need to reach agreements to conserve the marine living resources and avoid stalemates with depletion as a consequence. Iceland is a small country whose economy heavily depends on fishery, while Norway is not dependent on the latter to the same degree. In their disputes, Norway was willing to compromise and Iceland exhibited a strong will to negotiate; thus, the disputes between them have been settled peacefully in spite of the domestic pressures that the domestic leaderships of the two sides might have felt.

To some extent, Nordic countries recognized much earlier than others the importance of win-win notions of statehood. Cross-border cooperation

between China and Japan over the Senkaku–Diaoyu Islands would also deter rising competition for scarce energy resources by creating win-win notions for peace and cooperation – notions that would provide incentives for exploiting the island’s diversity and comparative advantage in energy resources and economic development. It is necessary that common rules be adopted that would open the way for joint exploitation, investment, and production of natural resources in the region. Additionally, lessons of cooperation from Haparanda/Tornio EuroCity in pursuing economic integration, as well as joint provision of public services may, in the future, prove instructive in creating joint industrial/economic zones across borders in Northeast Asia. For example, there have recently been serious tensions in inter-Korean relations in light of the sinking of a South Korean naval ship and North Korea’s attack on Yeonpyeong Island. The establishment of a marine economic cooperation zone could prove helpful in this regard. Steps towards such envisage the creation of a joint-fishing zone for North and South Korean fishermen, as well as setting up a coastal industrial complex, with South Korean business backing, encompassing the estuary of the Han River and North Korea’s Haeju port.⁵⁸

Additionally, the establishment of peace parks could serve as a solution to the status of disputed territories as well as tools for dealing with common problems, such as protecting the environment against pollution and promoting economic benefits through eco-tourism. In spite of their potential significance, peace parks have barely permeated the debate on cooperation and conflict resolution in the region of Northeast Asia, being the preserve more of advocacy groups (if at all) rather than influential decision-makers. It is clear that more needs to be done to promote understanding of the concept and how it could be implemented. While not set up with strictly environmental goals in mind, Morokulien between Norway and Sweden set the precedent for “peace parks” as early as 1914. Oulanka–Paanajärvi transboundary park meanwhile contains many of the mechanisms of cross-border environmental cooperation that could prove instructive in the case of Northeast Asia. The DMZ on the Korean Peninsula and the Kuril Islands exhibit a fragile nature that could easily be harmed by mass tourism and

⁵⁸ Sangsoo Lee and Alec Forss, “Whither a Marine Peace Park in the West Sea?,” World Security Network, April, 30, 2008, http://www.worldsecuritynetwork.com/showArticle3.cfm?article_id=15826

associated development; especially, in the case of the former, on an already overcrowded Korean Peninsula. One idea to contribute to facilitating inter-Korean cooperation in the fields of environmental protection, reducing hostilities between the two Koreas, would be through the establishment of a peace park in the DMZ. In fact, the establishment of peace parks could serve as a solution to the status of disputed territories as well as tools for dealing with the environment and promoting economic benefits through eco-tourism. In spite of this positive vision, transforming the DMZ into peace park faces major obstacles, not least the political and military tensions between North and South Korea. While some argue that peace parks can create peace, others argue that substantive peace is first needed for them to be established.⁵⁹ It is therefore clear that accordance between North and South Korea will be crucial in finding ways of implementation to turn the peace park in the DMZ from an inspiring concept into a concrete and sustainable reality. Resolving this problem therefore requires a foundation of underlying political cooperation. Encompassing beautiful landscapes, the Kuril Islands also hold special ecological importance. Now primarily inhabited by a small population of Russians, with poverty a particular problem (tourism could play an important role in boosting the local economy), the islands were until Russia's annexation inhabited by the indigenous Ainu population as well as Japanese islanders. Oulanka–Paanajärvi national park represents an area where infrastructure is in place with a large number of visitors but at the same time balances this with conservation needs. On the other hand, the Russian side sees far fewer visitors with an emphasis more on conservation rather than recreation. Worthy of further study, lessons from this park may prove useful in designing strategies for transboundary environmental management in Northeast Asia. Furthermore, the need for developing an effective transboundary mechanism to manage coastal and marine areas has been raised in recent years.⁶⁰ This is an issue that currently confronts the Baltic Sea which has its own significant transboundary marine concerns, such

⁵⁹ It is interesting to note in this context that North and South Korea have sent joint teams to the Olympics. While peace has been elusive, this fact should and has not precluded attempts, even if symbolic, to enhance understanding and cooperation between both sides.

⁶⁰ "Toward Establishing the Marine Peace Park in the Western Transboundary Coastal Area of the Korean Peninsula," comp. by Jungho Nam, Keunhyung Yook, Gusung Lee, Jong-Deog Kim, *Korea Maritime Institute*, Special Summary Report, 2007, p. 4, <http://depts.washington.edu/mpanews/mppkorea.pdf>

as environmental pollution, that has parallels with issues faced in Northeast Asia. While not studied here, lessons from the establishment of Kosterhavet between Norway and Sweden – Europe’s first marine national park –in 2009 could prove useful. Indeed, strategies for establishing a “Marine Peace Park” have already been developed by the Korea Maritime Institute since 2005 consisting of a strategic management tool to achieve the protection of biodiversity and cultural resources, and the establishment of a firm basis for peace promotion and economic development in the transboundary coastal areas of the Yellow Sea.⁶¹

In sum, lessons from the Nordic region come in many forms from demilitarization and neutralization, the setting up of international guarantees, enhanced bilateral negotiation, to challenging traditional concepts of statehood (Åland), envisaging politically divided territory as a single eco-system (Oulanka–Paanajärvi), peace symbolism and education (Morokulien), and through economic cooperation to create joint economic zones and resource/service distribution across borders (Haparanda Tornio EuroCity).

⁶¹ Ibid.

Concluding Remarks

The Nordic area is a region where stable peace has been successfully consolidated. While the countries in the Nordic region are also technically divided by a border, with territory ultimately belonging to one country, borders are seen as an instrument for peace and cooperation rather than conflict or as a barrier to interaction. Peaceful conflict resolution, moreover, has been accepted as the sole legitimate means of solving conflict in the region. Over time, this has had a marked effect on the foreign policies of the countries in the region. It thus serves as an inspiring example for other regions to emulate. Accordingly, this paper does not seek to put forward a “one-size fits all” model that can be applied to address the territorial disputes of Northeast Asia – the two regions are clearly very different. Nor does it suppose that lessons can be directly transferable from the Nordic region. However, the most important driving force for arriving at peaceful solutions is to build trust and confidence between countries. For example, a statement of the Foreign Minister of Iceland, Jón Baldvin Hannibalsson, in the early stages of the Barents Sea Loophole conflict in July, 1993, demonstrates that psychological factors also affected the peaceful settlement of the conflicts. He stated that “nothing like this has happened in 700 years but it doesn’t turn us into enemies. We are members of the same family, we think in the same way and we are prepared to negotiate.”⁶² His remark reflects the strong historical and cultural links between the Nordic countries, which have obviously contributed to creating a climate of peace and cooperation.⁶³

Building peace is a long-term multifaceted undertaking with many levels ranging from the cultural to the legal – one measure on its own cannot create it. Nevertheless, in flagging up some of the experiences of Nordic countries, it is hoped that they prove both instructive and, above all, motivational in generating ideas for setting up similarly inspired regimes of cooperation in Northeast Asia in the future. Who knows? Perhaps Northeast Asia in 2060 may resemble the Nordic region of 2011: one where the

⁶² Henriksen, “The Icelandic and Norwegian Conflicts,” p. 133.

⁶³ Ibid.

prospect of violent conflict would seem unimaginable. However idealistic, it is a vision worth striving for.