

Roles of International Law in East Asia



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— **WANG Jiangyu** East Asia has been familiar with the U.S.-led liberal international order, but now China's rise is creating tension in the region as new challenges emerge with the potential retrenchment of President Trump, the decline of the rule of law, and the seeming return of power politics. As the concept of the “power-based rule of law” is espoused by a stronger China, East Asian states need to focus on achieving prosperity by such means as economic integration, etc. In terms of security as well, countries in East Asia should strive to elevate the role of international law by establishing a mechanism to prevent conflict escalation.

— **LU Zhian** The importance of economic development in East Asia today cannot be overstated, for every country in the region considers economic development a key policy agenda. In turn, economic development and sustainable development are highly entwined with international law, which could and should ensure the rule of law by producing some concrete, visible results. All countries have the rights to pursue development, while the balance between sovereignty and international obligations carries

more weight than ever before. In terms of social inclusion, we should positively consider formulating and applying regional international laws that can guarantee individual as well as collective rights.

— **Hiroyuki BANZAI** International law forms the basis of sovereign equality, non-use of armed forces, and peaceful conflict resolution. Aside from these basic principles, international law can function as a means to achieve intermediate goals. Currently in East Asia, demand for natural resources and nationalism undermines the fundamentals of prosperity, with North Korea's nuclear-missile crisis destabilizing the region. What the rule of law means in international law is to deliberate on appropriate measures deduced from the basic principles of international law, while clarifying the shared insight and philosophy of diverse countries. Only after these conditions are met, will East Asia, despite its unique circumstances, including that of North Korea, be able to form a stable community of different voices.

— **HONG Seong-Phil** For all the continued efforts made by East Asian countries, a regional cooperative body is absent in the region. In the case of Europe,

only after two appalling wars, were the countries finally able to form a community based on collective security and a shared set of values. In resolving issues in East Asia, unilateralism is far less desirable than the free exchange of views as to determine the best policy course possible. A standing channel of communication befitting East Asia is necessary and it should function as not simply a talking shop, but a mechanism for promoting efforts to implement what was agreed on and establishing legal responsibility to assess the progress. The right path for interstate cooperation should begin with sharing basic values, and then proceed ultimately to reap tangible outcomes for integration and prosperity of East Asia.

— **SHIM Sangmin** The reason a regional cooperative body does not yet exist in East Asia is that the states in the region perceive the current circumstances as a zero-sum game, wherein cooperation is intrinsically impossible. Rather than designing a cooperative organization based on some lofty discourse, such an organization can be modeled after the Paris agreement regime, the result of climate change negotiations. In the arrangement, each country sets its own share of contribution while other countries help them fulfill its objectives. Once this mechanism is instituted where each country seeks the common good on a small scale before expanding and deepening cooperation, it will surely make the most of the bottom-up approach as well as accord with the rule of law in a broad sense.

Keywords

East Asia, Rule of law, Regional cooperative body, Social inclusion, Economic development, Prosperity, Sovereign equality, Non-use of force



Policy Implications

- In spite of divergent policy goals and orientations, all discussants were positive about the rule of law and the role of international law in the East Asian region. They also emphasized the importance of communicative rationality through the free exchange of views and creative thinking, not bound by narrowly defined national interests.
- The envisioned open, consistent dialogue channel for problem-solving justifies the Moon administration's two-track approach of both sanction and dialogue, which represents a shift from the sanction-only policy regarding the current North Korea nuclear crisis, indicating the viability of such an approach.