



## TOWARDS A NEW CONFLICT MANAGEMENT SYSTEM ON THE KOREAN PENINSULA: A MILITARY PERSPECTIVE

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In this essay, Major General (ret.) Mats Engman assesses the lack of a viable conflict management system on the Korean Peninsula. While the nearly seven decades-old Armistice Agreement and focus on deterrence have contributed to maintaining a “cold peace,” he argues that the evolving security environment on and around the Peninsula necessitates more than ever a greater focus on security building, not only to manage and contain growing risks and tensions but also to support a peace and denuclearization process. In addition to outlining Peninsula-specific CSBMs, he argues the need to adopt a more comprehensive regional approach by recognizing how the strategic situation in East Asia and the Korean Peninsula are intertwined.

### Series on Peacebuilding on the Korean Peninsula

*This essay is part of an ongoing series by ISDP's Korea Center to provide different perspectives on peacebuilding on the Korean Peninsula. In so doing, it recognizes that peacebuilding is a long-term process and involves different dimensions, from the diplomatic and military to economic and societal.*

### Introduction

U.S.-North Korea relations could have “derailed and fallen apart several times,” but have been maintained because of the “close personal relations” between President Trump and Chairman Kim Jong Un. So asserted Kim Yong Chol, the former North Korean nuclear envoy and spymaster, in a statement in 2019. He further stressed that continued “belligerent” relations could lead to an exchange of fire “at any moment.”<sup>1</sup> Even if much of this or similar official statements must be viewed as part of a diplomatic chess game, the possible realization that the

current conflict management system on the Korean Peninsula overly relies on two unpredictable leaders, is somewhat disturbing.

In a favorable scenario, complete and verifiable denuclearization and concluding a peace agreement will still take many years to finalize. In a less favorable scenario, we will possibly return to a situation characterized by tension and hostilities. Accordingly, there is a need to not only reduce, manage, and contain potential risks and tensions, but also to develop a modern conflict management system in support of a peace agreement and successful

denuclearization process.

This essay argues that a viable conflict management system, including much needed military confidence-building measures, must align with current and assessed future security challenges. Recognizing that the strategic situation in East Asia and the Korean Peninsula are intertwined, such a system should be based on the principles of multilateralism, collective security, transparency, and predictability rather than the current personality-based power politics. In so doing, it should address not only Peninsula-specific challenges but also adopt a more comprehensive regional approach.

## The Armistice Agreement and the “Cold Peace”

During the last century, three major wars (World War Two, the Vietnam War, and the Korean War) were fought, killing millions of people and devastating large areas in Asia. Unlike in Europe, however, none of these events spurred the creation of a comprehensive collective security arrangement.

The Korean War ended with an Armistice Agreement in July 1953. The Agreement was signed by the military commanders of the three main parties to military hostilities: the Korean People’s Army (KPA), the Chinese People’s Volunteers, and United Nations Command led by a U.S. general.<sup>2</sup> Even today it is still in force and has not yet been replaced with a formal peace agreement and/or a comprehensive conflict management system.

Its provisions and regulations stem from political and military realities and military thinking in the early 1950s. During the Korean War, infantry-style ground operations were the main tactics used. A key element of the Armistice Agreement was therefore to separate those forces. Less focus was put on agreeing a similar delineation/demilitarized zone at sea or in the air, or to regulate buffer zones where different types of weapons were to be restricted, such as longer-range weapons.

Nearly seventy years since its entry into force, the

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agreement has been violated several times (the Axe tree murder incident, the Sunken Garden incident, and more lately the shelling of the Yeonpyeong islands in the West Sea/Yellow Sea), but for the most part the parties have respected the Agreement. However, since 1995 North Korea no longer acknowledges parts of the Agreement,<sup>3</sup> for example the role of the Neutral Nations Supervisory Commission (NNSC) which helps to monitor compliance with the terms of the Armistice Agreement, among other tasks.

Through its various provisions the agreement has in fact to a degree functioned as a kind of conflict management system, broadly maintaining a “cold peace”: that is, being able to control and to a degree contain violent escalation, but not contributing to a peace agreement and building a sustainable peace, which was the hope and intent of the agreement. As stated in the document, it was aimed at a ceasefire “until a final peaceful settlement is achieved.”<sup>4</sup> However, such a settlement never came about, and a conference in Geneva in 1954 which was designed to thrash out a formal peace accord ended without agreement.<sup>5</sup>

In the absence of a formal peace treaty, security has been maintained through other forms of arrangements centered around deterrence (national defense), balance of power including the balance of nuclear power, and various forms of bi- or multilateral alliance agreements, notably between the U.S., South Korea, and Japan. While periodic thaws in relations

have seen attempts to institute military confidence and trust-building measures, and rhetorical commitments to building a sustainable peace regime on the Korean Peninsula and Northeast Asia, still to this day collective security arrangements remain largely absent.

## **Military Dynamics on the Korean Peninsula**

The period 2015-2017 witnessed a sharp increase in tensions on the Korean Peninsula as North Korea – in violation of UN resolutions – conducted three nuclear tests and approximately 50 missile tests.<sup>6</sup> In August 2015, moreover, two South Korean soldiers were gravely wounded in a mine accident in the DMZ.<sup>7</sup> This led to an increase in combat readiness on both sides and troop redeployments. In parallel, the United States Forces Korea (USFK) held several large-scale wargames and military exercises in conjunction with the South Korean military. U.S. nuclear-capable strategic assets were also temporarily deployed to the region. The risks for escalation were all too real. In September 2017, President Trump invoked the rhetoric of “fire and fury” at the UN General Assembly, threatening to destroy North Korea.<sup>8</sup>

Since the thaw in inter-Korean and U.S.-DPRK relations began in 2018, military tensions have reduced somewhat. Joint U.S.-ROK exercises have been cancelled or drastically reduced in size. Notably, the “Foal Eagle” exercises of 2018 were significantly reduced due to the advancements made in the inter-Korean peace process, and were called off in their entirety in 2019.<sup>9</sup> Moreover, the large-scale Air Exercise “Vigilant Ace” has been cancelled for two consecutive years.<sup>10</sup> Since the spring of 2018, only smaller-scale exercises have taken place.<sup>11</sup> In supporting the fragile negotiation process, there has been a refrain from deploying U.S. nuclear-capable strategic assets, a particular point of contention for North Korea which has branded such assets as preparations for an attack against it.<sup>12</sup>

Like their South Korean and U.S. counterparts, North Korea conducts a cycle of military exercises every winter, which usually run from December to March.

From 2018 these exercises also seem to have been slightly “scaled down” in comparison to their usual size.<sup>13</sup> This most likely resulted from a combination of maintaining a positive environment for talks around the then upcoming Pyeongchang Olympics in South Korea as well as the effect of sanctions. Significantly, North Korea also announced a moratorium on nuclear and long-range missile tests.<sup>14</sup>

***That the current conflict management system on the Korean Peninsula overly relies on two unpredictable leaders, is somewhat disturbing.***

Despite these positive developments, including the signing of the Comprehensive Military Agreement between North and South Korea in September 2018 (examined in the next section of this paper), the deadlock in political negotiations has put in question the sustainability of the military thaw in tensions.

Most importantly, unless denuclearization talks resume and make significant headway, we now face a situation of a nuclear-capable North Korea with an increased short to long-range missile capability. In early 2020 North Korea conducted a number of short-range rocket and missile tests.<sup>15</sup> It has furthermore announced that it is no longer beholden to its moratorium on nuclear and long-range missile tests, with Kim Jong Un announcing in his 2020 New Year’s Speech that North Korea would unveil a “new strategic weapon.”<sup>16</sup>

The reduction in joint U.S.-ROK military exercises has been calibrated to maintain the basic combat effectiveness of U.S. and ROK forces while trying not to provoke North Korea during the fragile negotiations. However, General Robert R. Abrams, the USFK commander, has voiced his concern over exercise reduction hindering the combat effectiveness of forces.<sup>17</sup> Increasingly, there will be pressure from

U.S. and ROK security and military officials to resume large-scale exercises, especially in the face of continued North Korean missile tests and other military actions.

***The deadlock in political negotiations has put in question the sustainability of the military thaw in tensions.***

A related military development on the Korean Peninsula is the possible transfer of operational war-time control from a U.S. general to a South Korean general, usually referred to as OPCON transfer. When President Moon Jae-in assumed the presidency in May 2017, he announced his intention to expedite the transfer by 2022 in line with a Conditions-based OPCON transition plan (COTP) agreed to with the U.S. by his predecessor Park Geun-hye.<sup>18</sup>

The transfer entails the acquisition of critical capabilities by the ROK military leadership to be able to utilize and coordinate ROK-U.S. alliance systems effectively, an important element for an effective deterrence and war-fighting capability.<sup>19</sup> As a part of these efforts, the Moon government has expanded the defense budget to improve national defense capabilities. While the plan is aimed at elevating South Korea's military role vis-à-vis the U.S. and its status as a security provider,<sup>20</sup> fulfilling the criteria of the plan, including the need for military exercises, has been criticized by North Korea, which views the South as being engaged in military build-up.<sup>21</sup>

**The Five Critical Capabilities required by the OPCON transition plan:<sup>22</sup>**

- Intelligence, surveillance, and reconnaissance (ISR)
- Command, control, communications, computers, and intelligence (C4I)
- Ballistic missile defense (modernized missile defense)
- Countering-WMD (warning, protection, decontamination capabilities)
- Critical munitions (increased munitions stockpiles)

## **Evolving Regional Security Environment**

Security dynamics on the Korean Peninsula cannot be separated from those in the wider East Asian region. China, the main military power in Asia, has been expanding its military capability over the last 15-20 years and is now capable of challenging U.S. military hegemony in large parts of Asia.<sup>23</sup> The South China Sea in particular is developing into a strategic area of rivalry between China and the U.S., having witnessed several military incidents over the last five years.

Military exercises in East Asia and in Asia in general are intensifying. This holds true for both U.S.-led exercises and exercises led by China and/or with Chinese participation. The U.S.-led exercises "Keen Sword" together with the Japanese Self Defense Forces in October 2018 witnessed approximately 57,000 participants.<sup>24</sup> Another exercise, Tsentr 2019, conducted in September last year brought together 130,000 soldiers from Russia, China, Pakistan, and others.<sup>25</sup>

At the same time, the global governance system and the rule-based order as we know it is being challenged. This is driven mainly by two different forces: a much more assertive China claiming global influence and a U.S. that is more inward looking and nationalistic. Developed mainly by the victorious Western democracies after the Second World War, these international norms and institutions are now being questioned. Illustrative of this was China's disregard for the ruling of the Permanent Court of Arbitration in the Hague in 2016, in a case brought forward by the Philippines, is a case in point.<sup>26</sup>

It also seems that the "firewall" system we have had for many years separating security and economic issues at the global level is now history. Many countries instead face difficult choices between choosing values or choosing sides (following either the U.S. or China). This also holds true for the traditional alliance systems in a situation where countries may increasingly need to re-calculate the "value" of the alliances when the United States is demanding not only a larger financial burden, but

also demanding “political obedience” to U.S. foreign policy priorities. The tensions between Washington and Seoul regarding the Trump administration’s demands for significantly higher payments for U.S. forces stationed in South Korea highlights this issue.<sup>27</sup>

Worryingly the current arms control regimes, one of the most important pillars for collective security, are being undermined. The decision by the United States to leave the Iran nuclear agreement as well as possibly withdrawing from the Open Skies Treaty, Russia’s alleged violation of the Intermediate Nuclear Forces (INF) treaty that led to the U.S. pulling out of the agreement, and impasses with the Non-Proliferation Treaty and new START, all signal huge challenges ahead.<sup>28</sup>

Without the INF Treaty or New START, there would be no legally binding, verifiable limits on U.S. or Russian nuclear arsenals for the first time since 1972. It would also set a dangerous precedent in terms of loosening constraints on other nuclear powers or aspiring nuclear states, including China and North Korea. Such a concern was outlined by the United Nations Secretary General Antonio Guterres in his opening remarks at the Conference of Disarmament in Geneva in February 2019, stating that: “Key components of the international arms control architecture are collapsing.” He continued by stating: “We need a new vision for arms control in the complex international security environment of today.”<sup>29</sup>

Furthermore, technology is developing rapidly offering new ways to exercise power and new ways of organising military forces. Technological advances in 5G, automation, artificial intelligence, bio synthetics, hyper-sonics, cyber and space and doctrinal developments (hybrid-tactics) will affect how military forces are organised, led, and deployed, as well as how we defend and protect, both sovereignty and national interests.

The evolving security environment demands new treaties and arrangements on regulating current nuclear and conventional realities, including the

new technologies available like cyber and space. The risks of failing to develop comprehensive global and regional arms control treaties is an uncontrolled arms race, including possible nuclear arms race, and, as a consequence, a more unpredictable future. This may be particularly important and relevant for East Asian security in general, where risks are multifaceted and collective security arrangements are less developed.

## **Security dynamics on the Korean Peninsula cannot be separated from those in the wider East Asian region.**

In sum, while the Armistice Agreement in parallel with deterrence and alliance arrangements has contributed to maintaining an uneasy peace, the military dynamics on the Korean Peninsula and the evolving Asian security environment more generally mean that the “traditional” system of conflict management is being challenged by rapid changes which urgently require new approaches – both Korea specific as well as embedding Korean Peninsula stakeholders and issues within regional structures.

## **Towards a New Conflict Management System**

Conflict management systems range from well-established comprehensive security architectures including various verification mechanisms to less ambitious arrangements (e.g. the ASEAN Regional Forum) without permanent security institutions and verification mechanisms to support non-binding provisions. As Nick Bisley asserts, “The complex array of institutions, rules and alliance agreements underwriting European security are regarded as the primary example of a security architecture in the contemporary international system.”<sup>30</sup>

The European security architecture is built around a combination of aspects from reducing risks through, for example, arms control agreements (e.g. CFE treaty), containing and managing risks (e.g. OSCE – Vienna Document 2011), as well as the

existence of institutions to discuss issues of common concern. Such institutions also provide a platform for transparency and, indirectly, trust-building. The European example is built on a shared or at least accepted consensus on the sources of insecurity and ways to mitigate those sources of insecurity. While the European example may be difficult to replicate in the case of the Korean Peninsula and East Asia, it nonetheless serves as a template for establishing a conflict management system.

Some of these “lessons” are apparent in South Korea’s National Security Strategy unveiled by President Moon in November 2018,<sup>31</sup> where he sets three national security objectives: the “peaceful resolution of the North Korean nuclear issue and the establishment of permanent peace”; “contribution to peace and prosperity across Northeast Asia and the world”; and “realization of a safer society that protects the safety and lives of the People.”

***The most probable cause of a serious military confrontation on the Korean Peninsula would be an accidental engagement that occurs in the DMZ.***

In his UN address on September 24, 2019, President Moon went further by proposing the establishment of a “peace economy” that should rest on three principles, one of which would be “mutual security guarantees.” In order to achieve this, Moon also proposed turning the DMZ into a “peace zone” in which various UN offices would be present.<sup>32</sup> The ideas presented are thus based more on collective and regional security thinking, including confidence building and arms control, than the balance of power system that exists today.

**Inter-Korean Comprehensive Military Agreement**

According to most experts, a “bolt out of the blue”

**As will be explored below, some of the key components of a new conflict management system could include the following:**

- A modernized Armistice Agreement
- Troop reductions and re-deployments in sensitive border areas
- Several CSBMs including exchanges, pre-notification of major exercises including inviting observers, some form of shared “situation awareness” information, sharing of certain annual national defense data, etc.
- A Maritime Code of Conduct
- Arms control treaties for both conventional and nuclear weapons
- Code of Conduct for new technologies like cyber and space

nuclear attack by North Korea is less likely and would be “suicidal for the Kim regime and his country.”<sup>33</sup> Instead, the most probable cause of a serious military confrontation or a large-scale conventional war on the Korean Peninsula would be an accidental engagement that occurs in the DMZ.

Some initial steps towards mitigating such risks have already been taken in the right direction. One of the key outcomes of the summits between President Moon and Chairman Kim was the historic Panmunjom Declaration, which was signed on April 27, 2018, which stipulated joint efforts to reduce military tensions.<sup>34</sup> The Panmunjom Declaration Military Domain, with its five detailed annexes, was subsequently released on September 19, 2018, which outlined military measures and agreements reached between North and South Korea.

The document, often referred to as the Inter-Korean Comprehensive Military Agreement (CMA), includes many CSBMs that seek to reduce risks as well as restore and improve trust between the two Koreas. These include ceasing all live-fire artillery drills within 5km of the DMZ, ceasing all live-fire maritime exercises in certain regions, and the creation of No-Fly Zones around the DMZ for military aircraft, among many others.<sup>35</sup>

**Table 1. Inter-Korean CMA: Selected Features**

<p><b>Cease Military Exercises along the Military Demarcation Line (MDL)</b></p>	<ul style="list-style-type: none"> <li>- Cease all live-fire drills and field training exercises at regiment level within 5km from the MDL.</li> <li>- Cease all live-fire and maritime manoeuvre exercises within the zone north of Deokjeok-do and south of Cho-do in the West Sea and within the zone north of Sokcho and south of Tongcheon in the East Sea.</li> <li>- Ban tactical live-fire drills involving fixed-wing aircraft and the firing of air-to-ground guided weapons within the designated No Fly Zones in the eastern and western regions of the MDL.</li> </ul>
<p><b>No Fly Zones for all aircraft types above the MDL</b></p>	<ul style="list-style-type: none"> <li>- For fixed-wing aircraft, No Fly Zones will be designated within 40km from the MDL in the East and within 20km from the MDL in the West.</li> <li>- Other No Fly Zones will be designated in the following way: for rotary-wing aircraft, within 10km from the MDL; for UAVs, within 15km from the MDL in the East and 10km from the MDL in the West; for hot-air balloons, within 25km from the MDL.</li> <li>- However, when the employment of aircraft becomes necessary such as in the cases involving fire-fighting, ground &amp; maritime rescue, medical evacuation, weather observation and farming support, aircraft will be permitted to fly subject to prior notification to the other side.</li> </ul>
<p><b>Measures to prevent any accidental military clash</b></p>	<ul style="list-style-type: none"> <li>- The two sides agreed to apply a five-step procedure (Initial warning broadcast › Secondary warning broadcast › Initial warning fire › Secondary warning fire › Military action) on ground and at sea, and a 4-step procedure (Warning radio &amp; signal › Interdiction flight › Warning fire › Military action) in the air.</li> </ul>

In addition, extensive measures are outlined regarding the prevention of engagements or misunderstandings along the DMZ itself – the de-militarization of the Joint Security Area, demining operations, and the removal of guard posts in sensitive areas being some supplementary actions. For each segment of the military agreement a review process was developed

to track the progress of these measures.<sup>36</sup> Indeed, the two nations rapidly established the aforementioned No Fly Zone, removed guard posts, disarmed troops in the Joint Security Area of Panmunjom, and created a neutral zone along the Northern Limit Line. These agreements, alongside the commitment of North Korea and South Korea to general tension reduction,

have been positive signs, and should form the baseline for additional CSBMs to be employed in the future.

The initial success of this agreement can be explained by essentially four factors: being an integral part of the then (2018) positive diplomatic and political momentum; a realization on both sides of the real risk of a serious military incident if policies and actions viewed as provocative by the other side continued; an understanding of the linkage between conventional risk reduction and denuclearization; and forming a key component of President Moon's engagement and trust-building policy.

***Momentum need to come from a realization that the current trajectory is too delicate and full of risks.***

### Obstacles

While the joint military agreement with its focus on de-escalation and prevention of skirmishes was hailed as a de facto "non-aggression pact," several points of contention have risen from both sides, who accuse one another of multiple violations.

Over time North Korea seems to have lost interest in implementing the provisions as denuclearization talks with the U.S. stalled. The country also criticized South Korea for not adhering to the "spirit" of the military agreement on several occasions, citing continued joint U.S.-South Korea military exercises and modernizing (including the introduction of F-35 fighter jets) of the ROK Armed Forces as two examples.<sup>37</sup> More recently the DPRK has threatened to completely withdraw from the CMA and other inter-Korean activities.<sup>38</sup> Meanwhile, South Korea claims that North Korea continued to maintain artillery positions along the West Sea, conducts missile tests, and disputes the Northern Limit Line neutral zone.<sup>39</sup> The pledge to open-up the Joint Security Area for visits has also been difficult to realize.

One reason for the difficulties in implementing the agreement has been the common syndrome of "the devil is in the details" but also the fact that anything in relation to the DMZ needs the full support of United Nations Command, in reality meaning Washington, which was not directly part of the Panmunjom talks and agreement. Another important reason for the lack of progress in implementation is probably attributable to the lack of traction in denuclearization talks and the difficulty of pursuing CSBMs despite the deadlock.

To create a conducive environment for continued talks, to counter further setbacks in such talks, and to mitigate risks over time on the Peninsula, a genuine new effort should be made to start deliberations on an updated peninsula conflict management system including efforts to implement the CMA, and, equally important, to establish a regional conflict management system/security architecture. Such an effort would potentially have the added benefit of incrementally changing the threat perception of North Korea, embedding it into a regional security system, and be part of much needed security guarantees to North Korea, which will be crucial to any success in denuclearization talks.

No magic formula exists or coercive power that can force the stakeholders to the negotiating table to design such a system. Momentum needs to come from a realization that the current trajectory is too delicate and full of risks. To support such a momentum the use of third parties should be encouraged where possible, regional agreements should be pursued in parallel to Korea-specific agreements, and there needs to be an acceptance that the U.S. is and will be an unavoidable stakeholder in any such efforts.

As the experience from a collective crisis management system including military CSBMs in East Asia and on the Korean Peninsula is limited, any introduction would need to be gradual and incremental. Nevertheless, the process – to negotiate and agree on specific measures – would constitute trust-building in itself. To be successful, such a process could benefit from having permanent multilateral institutions, to

encourage and foster military-to-military interaction and where issues of concern can openly be addressed.

## The Inter-Korean Dimension

### *Reasserting the Role of the NNSC*

On the Korean Peninsula the Armistice Agreement and the Inter-Korean Comprehensive Military Agreement (CMA) should constitute the baseline for initiatives. Continued efforts should be made to persuade North Korea to fully accept the Armistice Agreement including the role of the NNSC, which in itself would be an important trust-building measure.

Today, while both parties are generally respecting the provisions in the Agreement, the NNSC is for political reasons only allowed to operate on the southern side of the Military Demarcation Line (MDL), creating an unbalanced situation in the DMZ. Allowing the NNSC to carry out its duties according to the Armistice Agreement on the northern side would provide independent observation and verification that the DPRK may in fact be respecting the Agreement. Doing so would also constitute a gesture of good-will from North Korea.

Furthermore, allowing the NNSC to work on the northern side could also pave the way for other confidence-building tasks to be performed in the future. One task currently performed on the southern side of the DMZ is education of ROK military units in armistice-related issues.<sup>40</sup> Such activities are regularly performed together with the UNC and could easily be replicated for KPA units on the northern side of the MDL. Basic education could also include scenario-based discussions on typical security-related incidents and how they can be best handled.

As we have seen over the years, large military exercises are an area of friction. But military exercises are both natural and necessary for all militaries, and exercises on the Peninsula will most likely be resumed. Today the NNSC is normally invited to observe larger exercises in South Korea and is asked to submit a report to the UNC assessing the “defensive and deterrent

nature” of the exercise. The report is normally not made public, but one additional confidence-building measure would be to disseminate the report to the UN Security Council and/or to both the DPRK and ROK. The next logical step would be to allow the NNSC to observe large military exercises in the DPRK.

If for political reasons it would not be possible for the DPRK to accept the original role of NNSC outlined in this paper, the functions suggested could be performed by the establishment of a new organization, maybe even composed of officers from the NNSC countries of Sweden and Switzerland.

**“Another low-level confidence-building measure on the Peninsula would be to expedite the ongoing 'internationalization' of the United Nations Command.**

The CMA from 2018 is, as stated, also a valuable start for military trust-building related to the situation on the Korean Peninsula. Continued efforts for fully implementing the agreement are important including, where possible, delinking them from progress in denuclearization negotiations. Such a process could also benefit from the introduction of some form of independent actor to assist the parties in implementation efforts. This independent (external) actor could chair meetings, work as a “good office,” and assist in drafting compromises when the parties do not agree on implementation of the agreement. It could also be tasked to verify correct implementation of agreed measures. The NNSC could perform part of such an independent, external role. Again, through the Armistice Agreement,<sup>41</sup> it has the legal arrangement to work on both sides of the MDL (and in the DMZ) and has knowledge of the military situation in the area.

### **Other Measures**

An additional domain where external/third party support could be of value is in areas where the two Koreas are short of capabilities. One such example is mine-clearing. If President Moon's stated objective of transforming the DMZ into a peace zone is ever going to be realized, significant global mine clearing capabilities would be required. Estimates vary widely but the DMZ remains one of the most heavily mined areas in the world.<sup>42</sup>

Another low-level confidence-building measure on the Peninsula would be to expedite the ongoing "internationalization" of the United Nations Command. Currently, the UNC is dominated by U.S. and ROK officers, but there is a renewed effort to have more nations participate. One such example is the appointment of a non-U.S. officer as the Deputy Commander.<sup>43</sup> Canadian Lt. Gen Eyre was the first to be appointed to this role in 2018. This would give the UNC a more balanced composition and its activities would be more transparent. Such measures could also support a more active role for the UN in issues related to maintenance of the Armistice Agreement on the Korean Peninsula.

***A stronger focus on collective security, crisis management systems, arms control, and CSBMs is necessary.***

A more far-reaching and yet difficult measure would be an agreement on re-deploying the large number of forward deployed forces on both sides of the DMZ. The massive concentration of high readiness forces on both sides of the DMZ, probably the highest concentration in the world, is both a short and long-term challenge. Such an agreement may not currently be a priority but should be a mid-to long-term objective.

### **Building Regional Security: Key Components**

The strategic situation in East Asia and on the Peninsula are intertwined. Changes in the regional situation are of huge importance for the successful completion of a denuclearization and peace process on the Korean Peninsula and vice versa. As mentioned, the entire Asia region is undergoing a very dynamic and rapidly changing military development, moving towards an even more unpredictable and uncertain future. To manage these changes, a stronger focus on collective security, crisis management systems, arms control, and CSBMs is necessary – both for regional security and to support efforts related to the situation on the Korean Peninsula.

To initiate a regional diplomatic negotiating process, with the objective of formulating and agreeing on certain arms control measures/treaties and CSBMs, would be a particularly good start. As was the case when developing current arms control regimes in Europe, countries did so despite harboring deep suspicions towards each other and the process was long and difficult. Such an effort would also be in line with UN Secretary General Guterres' disarmament agenda "Securing Our Common Future."<sup>44</sup> With several of the Cold War-era nuclear treaties at risk, developing regional treaties could provide risk reduction for Asia and possibly also work as a model for other regions.

ASEAN in particular could assume a leading role in – or provide inspiration for – developing such regional processes and agreements. While some of the existing agreements within the framework of ASEAN are mostly of a declaratory status of intent rather than specific in military terms, lack follow-up or verification mechanisms and proper dedicated institutions, and are often non-binding, they nevertheless represent less politically sensitive and therefore more realistic starting-points for a conflict management architecture. Key components of such an architecture are outlined here.

**Table 2. Selected Vienna Document Provisions**

- I. Annual Exchange of Military Information (AEMI): exchanging information on command organization, location, personnel strength, and major conventional weapon and equipment systems of active “combat” (vice “support”) forces.
- II. Defense planning: exchanging information on defense policy, force planning, budgets, procurements, and calendars.
- III. Risk Reduction: mechanism for consultation and cooperation, through notifications and meetings, regarding unusual military activities.
- IV. Contacts: inviting all OSCE states to visits to air bases and demonstrations of new major weapon systems or equipment, and facilitating contacts (e.g., joint trainings, academic exchanges, etc.) between members of the armed forces.
- V. Prior Notification of Certain Military Activities (CMA): at least 42 days advance notice for CMA exceeding one of the following thresholds: 9,000 troops, 250 tanks, 500 ACVs, or 250 pieces of artillery.
- VI. Observation of Certain Military Activities: inviting all OSCE states to observe CMA exceeding one of the following thresholds: 13,000 troops, 300 tanks, 500 ACVs, or 250 pieces of artillery.
- VII. Annual calendars: exchanging information on certain military activities subject to prior notification planned for the subsequent calendar year.
- VIII. Constraining provisions: limits certain large-scale military activities, including limiting numbers of activities and levels.
- IX. Compliance and Verification: provisions for on-site inspections and evaluation visits (to confirm the accuracy of information exchanged).

### **Conventional Forces**

In terms of conventional forces, some of the Korean Peninsula measures listed in this paper could be reformulated and adapted to a regional setting. Inspiration could also come from the European experience. The Vienna Document (VD) adopted in 2011 (See Table 2 above)<sup>45</sup> is a catalogue of practical and tried-and-tested measures that could selectively also fit an East Asia context. The OSCE and/or individual European countries would most likely be willing to support such a regional effort.

Initiating a process to develop regional CSBMs would be a very important first step towards a more collective security mind-set. The VD measures are in general non-intrusive and do not interfere in national operational and defense planning, arms procurement, or force deployments.

### **Maritime Security**

As the conflict in and around the South China Sea would appear to be intensifying, and there are still unresolved territorial disputes closer to the Korean Peninsula, there is need for a stabilizing conflict management mechanism in contested waters to prevent incidents from escalating.

The Code for Unplanned Encounters at Sea (CUES), signed by 21 Pacific nations at the 14th Western Pacific Naval Symposium, encourages national authorities to provide “warnings” of dangerous activities. (China, the U.S., South Korea, Russia, and Japan are signatories; North Korea is not.)<sup>46</sup> It is non-binding, however, and applicable exclusively to naval forces. As maritime conflicts in the region often occur between coast guards and fishermen, to be effective the agreement must be broadened to include all ships.

Despite difficulties, the ongoing negotiations within ASEAN and China on a more ambitious maritime Code of Conduct (COC) in the South China Sea are promising efforts in this regard.<sup>47</sup> Such a COC could potentially be adapted or extended to include maritime areas around the Korean Peninsula.

### **Operational Air Safety**

An area in need of more clarification and regulation is the use of Air Defense Identification Zones (ADIZs). Several countries have announced national ADIZs and in East Asia some of these zones overlap with each other (China, Japan, and South Korea). As these zones lack any internationally agreed regulation and are not supported by any international treaties, they have become contested. To find ways to break this deadlock could be an important confidence-building measure.

Adopted by the ASEAN Defense Ministers' Meeting in 2018, the Guidelines for Air Military Encounters (GAME),<sup>48</sup> a voluntary, non-binding set of measures designed as a practical confidence-building measure for militaries to improve operational safety in the air, could be a starting point for such discussions.

### **Conventional and Nuclear Arms Control**

In light of the military build-up in and around the Korean Peninsula and East Asia in general, there is need for a conventional and nuclear arms control agenda. In terms of conventional weapons, as previously mentioned, focus could initially be put on improved transparency through e.g. annual reporting on certain military information and inviting observers to the exercises. In a mid-to-long-term perspective, focus needs to be put on agreeing upon restrictive measures.

Furthermore, the reliability and credibility of nuclear deterrence in the wider Asia-Pacific region has recently been put in question. As noted by Rublee, "For nuclear deterrence to prevent war, correct and comprehensive information is crucial. Without a deep understanding of priorities and perceptions,

miscalculations can lead to an underestimation of the likelihood of escalation and potential nuclear use."<sup>49</sup>

***Continued stability and security on the Korean Peninsula, and indeed the wider East Asia region, cannot be taken for granted.***

Given North Korea's withdrawal from the nuclear non-proliferation treaty and the breakdown of nuclear arms control agreements between the nuclear weapons states, the risks of nuclear proliferation and miscalculation in and around the Korean Peninsula have grown. In particular, our limited understanding on the particulars of decision-making procedures in the DPRK in times of crisis make the risk of miscalculation very real. In addition to putting limits on nuclear arsenals, focus needs to be put on nuclear safety, proliferation, information sharing, and a code of conduct including a pledge not to use or threaten to use nuclear weapons. The protocols of the South East Asian Nuclear Weapon-free Zone (SEANWFZ) could serve as a useful template in this regard.<sup>50</sup> Such an agenda or initiative could also support denuclearization efforts related to the Korean Peninsula.

### **New Technologies**

Last but not least, as technology develops and new ways of exerting influence changes, there is also a need to start thinking of ways to avoid these new technologies from becoming a new "battleground." These technologies are also blurring the lines between conventional and nuclear deterrence. Nations will always try to use these new technologies to improve their defensive and offensive capabilities, but what may be possible is to at least develop measures to reduce the risk of misunderstandings and accidental encounters. As an example, there have been developments in international air-traffic systems to regulate air-traffic and reduce risks in the air. In space,

with an increasing number of nations operating an increasing number of satellites, a similar “space-traffic management system” does not yet exist.<sup>51</sup> Such a system could potentially reduce some risks associated with space operations and would foster cooperation and possibly even trust.

## Conclusion

East Asia is probably the most dynamic military region in the world, and the Korean Peninsula is the world’s most militarized area, with over one million soldiers concentrated in a small geographic area. Both nuclear and conventional weapons play an important role in various aspects of stability, defense and deterrence. However, as illustrated, continued stability and security on the Korean Peninsula, and indeed the wider East Asia region, cannot be taken for granted. The current “cold peace” and the “balance of power strategies” including nuclear deterrence arrangements are inadequate for addressing challenges posed by both traditional and new security-related threats. There is a need to move to a more collective, inclusive, and comprehensive strategy. Such an effort needs to include addressing both the risks of military incidents in the DMZ on the Korean Peninsula as well as general security concerns in the region, both short-term and long-term.

Even in a positive scenario the time needed to complete denuclearization and agreeing a peace treaty will take many, many years. To manage and mitigate these challenges and risks every effort to increase trust and transparency is vital. This paper argues for a more collective security policy mindset and the introduction of a conflict management system including military CSBMs. It proposes and suggests concrete measures to manage the risks, both on the Peninsula and in the region as a whole. Some progress has been made in relation to the situation on the Korean Peninsula, but the region lags well behind. Initiating a regional process now while there is still a window of opportunity, much like the Conference on Security and Cooperation in Europe, would be an important first step. The alternative is a continued arms race, ongoing incidents in the South China

Sea, and severe risks associated with the situation on the Korean Peninsula, where misunderstanding and miscalculation is probably the biggest risk factor. ■

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## About ISDP Korea Center

The ISDP Korea Center seeks to promote informed understanding and constructive dialogue on issues of peace, security, and sustainable development on the Korean Peninsula. It also serves as a hub to advance knowledge, exchange, and cooperation between Korea and the Nordic region.

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