The Kim Jong-un regime has demonstrated that at some point in the near future, it likely will be able to target the continental United States with a high-yield nuclear weapon, which has increased tension and raised the prospect that a future war on the Korean peninsula could result in a nuclear strike on an American city. Unfortunately, there is no realistic way for the United States, South Korea, and Japan to disarm North Korea at an acceptable cost. Instead, the United States and its allies need to manage the problem by preventing a nuclear-armed North Korea from trampling on their interests. Improving combined military posture and tightening sanctions are necessary components of a U.S. and allied strategy, but equally important are measures designed to reduce the likelihood of localized and escalation-prone conflicts occurring in the first place. In this regard, the maritime territorial dispute between the two Koreas should be a priority.

This article begins by describing the broad strategic challenge that North Korea, once armed with an operational nuclear weapons capability, poses to the United States and its allies. It then reviews the history of maritime clashes between North and South Korea in the Yellow Sea (“West Sea” in Korean) and describes the ongoing risk of violent provocations and war. Finally, the article proposes measures that could reduce tension, arguing that they would be mutually beneficial to the United States, South Korea, North Korea, and

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China, and would contribute to, rather than detract from, an ideal U.S.-led strategy for deterring and containing a nuclear-armed North Korea.

The New (Old) Strategic Imperative

North Korea’s advancing nuclear weapons program adds a new wrinkle to an old problem. The primary objective of the U.S. alliance with South Korea is to preserve peace on the Korean peninsula, which it has done for over sixty years. Since the establishment of the Democratic People’s Republic of Korea (DPRK) in 1948, Pyongyang has prioritized two objectives: the survival of the Kim regime and the reunification of the Korean peninsula on North Korean terms. But since trying and failing to conquer the Republic of Korea (ROK) in 1950, North Korea has been deterred. North Korea’s conventional military has deteriorated as a result of economic stagnation, while U.S. and South Korean military capabilities have become more powerful and efficient. Pyongyang has come to understand that an all-out war would risk the end of the Kim regime and, as a result, has deprioritized reunification by force.

Nonetheless, the Kim regime has somewhat regularly brandished military threats and carried out violent provocations—including firing artillery shells and exchanging fire with ROK military and paramilitary vessels—around its border with South Korea. In the 1960s and 1970s, there were many of these incidents around the Demilitarized Zone (DMZ), often due to North Korean soldiers and spies attempting to infiltrate South Korea. More recently, from the late 1990s through 2010, low-level military confrontations between North and South Korea have concentrated around the disputed maritime boundary in the Yellow Sea.

North Korea’s motivations for initiating violent provocations are often unknown, unstated, or even unclaimed. In some instances, exchanges of fire are likely the result of genuine mistakes or overzealous soldiers. But in other instances, they appear to be directed from Pyongyang with specific aims in mind. Some provocations likely were aimed at an internal audience, in order for North Korean leaders to consolidate power, while others likely targeted foreign audiences, in order to raise tension, position North Korea to extract political and economic concessions, or bring international and U.S. diplomatic attention back to North Korea.

Because of the high level of distrust and low level of communication between Seoul and Pyongyang, there has been a persistent risk of misperception triggering...
confrontation or escalation. Yet historically, crises have remained local and limited because North Korea, South Korea, and the United States were unwilling to risk war. North Korea worried that an escalating conflict would lead to the end of its regime, while South Korea and the United States feared the catastrophic human and economic consequences.

There is some reason to believe North Korea’s acquisition of nuclear weapons will reinforce the incentives on both sides for restraint. The priorities for the United States and South Korea will remain deterring major war and limiting provocations. But the potential consequences of war will continue to grow as North Korea’s nuclear forces become larger and more sophisticated. The possibility of significant mutual destruction should induce caution and restraint on both sides, reducing the incentive for risk-taking. Moreover, North Korea may come to realize that nuclear weapons are far more useful for deterrence than coercion.

But there is also cause for pessimism: the constraints that prevented previous provocations from becoming wars may not be as strong as they once were. While it might not make rational sense for Pyongyang, Seoul, and Washington to escalate a conflict if they could foresee the outcome, there remains the possibility that accident, misperception, or miscalculation could cause a conflict to escalate further than any party initially intended. In the worst case, a low-level provocation could ignite a conflict spiral resulting in nuclear war.

With an operational nuclear weapons capability, Pyongyang may become overconfident in its ability to control escalation on favorable terms. If North Korea believes that it can use its nuclear forces to deter South Korea and the United States from pursuing regime change, then it may be more willing to run risks to achieve its revisionist objectives. As a result, North Korea might conduct aggressive provocations more frequently, act more steadfastly when disputes arise, or expand its ambitions by, for example, seeking to conquer territory. North Korea may attempt to use violent provocations to pressure South Korea and the United States to ease economic sanctions or reduce U.S. military presence on the Korean peninsula.

Seoul, for its part, may also be willing to run more risk for its own military and political objectives. After a series of North Korean provocations in the 2010s, there was a feeling among many in South Korea that the country needed to respond more resolutely. In his memoir, Defense Secretary Robert Gates wrote that, after the 2010 Yeonpyeong Island shelling, South Korean President Lee Myung-bak was ready to retaliate in a manner that was “disproportionately aggressive, involving both aircraft and artillery,” but was persuaded by U.S. leaders to hold back. President Lee faced intense public criticism for not responding promptly and forcefully. As a result, South Korea’s next President, Park Geun-hye, told her military in 2013 to retaliate “without political consideration” in the event of an attack similar to the 2010 Yeonpyeong Island shelling. South Korean defense
experts expressed a similar sentiment at a 2015 unofficial dialogue, indicating that “Seoul is itching to strike back at North Korea decisively (and disproportionately).” The political reaction to the Yeonpyeong Island shelling suggests that in the future Washington may be less able to restrain Seoul’s response.

The Yellow Sea and the Disputed Northern Limit Line

The disputed maritime border between North Korea and South Korea in the Yellow Sea has been a source of irritation since the Korean War and remains one of the most likely triggers for conflict today. The 1953 Korean Armistice Agreement (KAA) between North Korea, China and the UN Command signed after the Korean War named five islands—now called South Korea’s “Northwest Islands”—that would remain under UN Command control, largely for strategic reasons. These islands continue to be important for ROK surveillance of North Korean military bases in the region and aid defense of the South Korean mainland. This 1953 armistice additionally set the land-based Military Demarcation Line (MDL) and the DMZ. However, during KAA negotiations no agreement could be reached over the maritime boundary.

Following these negotiations, UN Command drew the current maritime boundary, the Northern Limit Line (NLL), in 1953, as a way to keep South Korean civilian vessels away from the North Korean coast. North Korea, however, maintains that the sea border lies farther south from the NLL, and since the 1970s, its diplomacy and media statements have regularly rejected the NLL’s legality and legitimacy. In 1999, North Korea unilaterally declared its own version of a demarcation line that crosses southward of the NLL but leaves control of the Northwest Islands to South Korea. Both lines are envisioned as an extension of the MDL.

In the words of a South Korean army colonel, the NLL has been a “practical sea demarcation line” after the KAA was unable to produce an agreement on the maritime boundary. Such a view is buttressed by U.S. and UN Command recognition that it helps to separate the military forces of the two Koreas. South Korea has additionally found strategic value historically in monitoring Korean People’s Army (KPA) activities, preventing the entry of North Korean spies and special forces through the West Sea at the NLL border, and deterring provocations. South Korean military planners also indicate the Northwest Islands will be important forward bases in the event of a contingency in North Korea.

North Korea began voicing its discontent with the line in the 1970s, after it had built up its military capacity. The NLL may be the most practical approach to managing the DMZ, but because North Korea has not signed onto it, U.S.-ROK military movement near the line often appears threatening to North Korea. Pyongyang’s strategic interests in the revised line are twofold. First,
moving the NLL further southward would facilitate weapons testing and the deployment of special operations forces off North Korea’s east coast in the Yellow Sea. Second, a revised NLL would grant Pyongyang international recognition and undercut U.S. and South Korean legitimacy in the region.

The issue is compounded by another layer of intersecting territorial claims: under the United Nations Convention on the Law of the Sea (UNCLOS), China can claim an Exclusive Economic Zone (EEZ) that crosses the NLL. The Yellow Sea is an important fishery for China and the two Koreas. Around 100 species are commercially fished, including commercially important ones such as yellow croaker, cod, herring, mackerel, anchovy, prawn, shrimp, blue crabs, and squid, serving a densely populated economy in China. Many of the commercial fishing enterprises on the Chinese and Korean sides have been part of the local economies for centuries, predating modern nation-state boundaries and UNCLOS declarations of EEZs. Overlapping EEZs have contributed to various maritime disputes arising between South Korea, North Korea, and China. From 2005 through 2015, the South Korean coast guard has also stopped nearly 5,000 Chinese fishing boats for illegal fishing in Korean waters. South Korea and China have held several rounds of discussions of their overlapping EEZs and have not been able to find a solution.

While Pyongyang may not officially accept the legality of the NLL, it does, for the most part, observe it as the de facto boundary. When KPA vessels do sometimes cross the boundary during patrolling or reconnaissance activities, South Korean naval vessels fire warning shots. North Korean vessels that perceive South Korean ships to be encroaching on their maritime territory do the same. Warning shots can be misinterpreted and have been blamed as the cause of naval skirmishes and dozens of military and civilian casualties.

The yearlong lead-up to North Korea’s shelling of Yeonpyeong Island in December 2010 is a key example of the risk of violence around the NLL and the extent to which it can bog down inter-Korean military and political efforts. A month after a naval clash between the ROK Navy and DPRK patrol vessels in November 2009, North Korea declared a “peacetime firing zone,” extended along the MDL into the waters of the Yellow Sea. North Korea emphasized it could not guarantee the safety of military or civilian vessels crossing into the waters. Then in March 2010, the sinking of the ROK’s Cheonan corvette in the Yellow Sea just south of the NLL led to a vitriolic series of accusations from both sides. An explosion near the ship caused it to break in half and sink, killing 46 South Korean personnel and injuring 56. Many South Koreans, including the Lee Myung-bak administration, quickly blamed North Korea (supported much later in 2010 by the results of an investigation led by South Korea). North Korea (buttressed by separate Chinese and Russian reports)
denied involvement. With heightened tension and no recourse for the violent incident, both sides were on high alert and rhetoric ratcheted up, culminating in a highly provocative and risky exchange of fire at Yeonpyeong Island later in 2010.

On November 23, 2010, South Korea and the United States conducted a scheduled joint military exercise involving 70,000 soldiers, 500 warplanes, and 50 warships on and around Yeonpyeong Island, which hugs the disputed inter-Korean maritime border. During the U.S.-ROK exercise, the allied forces fired 3,657 shells into contested waters near the NLL. According to the South Korean president’s spokesperson, on the morning of the scheduled U.S.-ROK drill, North Korea sent a wire message to Seoul asking if the exercise was an attack against the North. North Korea issued several warnings demanding the exercises cease, claiming it would not tolerate any firing into what it viewed as its territorial waters.

After receiving no response, the North Korean military fired artillery shells on Yeonpyeong Island, which hosts South Korean military and civilian populations, for one hour. North Korea blamed South Korean military drills along the disputed maritime border as the cause of the shelling and charged South Korea with using civilians around and within military facilities as a “human shield.” The incident caused the deaths of four South Koreans, two of whom were civilians. Following the attack, South Korean President Lee Myung-bak pledged in early December 2010 to create five “military fortresses” on the Northwest Islands. By May 2011, the military shelters were being rebuilt and reinforced using corrugated steel plates—which do not fragment as much as concrete materials in the case of enemy attack—and more weapons and troops were moved to the shelters.

The Yeonpyeong incident suggests the ongoing potential for not only low-level provocations but also escalating conflict in the Yellow Sea. As with other North Korean provocations, Pyongyang’s motivation for shelling the island is unclear. Several explanations have been suggested: the presence of North Korean fishing vessels during crab fishing season, retaliation for a clash at sea in 1999 (the First Battle of Yeonpyeong), or a domestic political need for a strong show of force. As long as North Korea continues to object to the NLL, similar motivations for future provocations will remain. But next time, with Pyongyang emboldened and Seoul fed up, mutual restraint might not prevail.

Pyongyang has alleged that U.S. postponement of resolving the dispute over the NLL indicates Washington’s hostility toward North Korea and even its designs for attack or invasion. North Korean broadcast media, for example, explicitly describe the Yellow Sea as a flash point and a microcosm of what it views as a

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The 2010 Yeonpyeong incident suggests the ongoing potential for escalating conflict in the Yellow Sea.
hostile U.S. policy toward North Korea. As one North Korean analyst reiterated, the KAA established South Korean jurisdiction over the Northwest Islands, but not the maritime military demarcation line. Meanwhile, North Korea continues to threaten crossing the inter-Korean maritime boundary, even suggesting that South Korean provocers should not forget the “bitter lesson” of the Yeonpyeong Island artillery battle.

**Practical Maritime Tension-Reduction Measures**

Maritime tension-reduction measures—if properly conceived—would play an important role in favorably shaping the competition between North Korea and the U.S.-South Korea alliance. Deterring a nuclear-armed North Korea will be difficult, and the United States and its allies need to take steps to make the problem more manageable and less risky. Critics charge that pursuing dialogue and confidence-building measures after North Korea has developed and deployed nuclear weapons would be an act of appeasement that would do little to slow North Korea’s nuclear weapons program and, instead, would invite aggression. On the nonproliferation point, they are no doubt correct. There are strong indications that North Korea would be unwilling to trade its nuclear weapons capabilities for even the most lucrative offer. It is unrealistic, therefore, to think that confidence-building measures will fundamentally transform the U.S.-North Korea relationship. But it would be just as fanciful to conclude that continued sanctions and isolation will cause North Korea to abandon its nuclear weapons program. Therefore, a nuclear-armed North Korea is realistically a problem to be managed rather than solved.

The primary goal of the U.S.-ROK alliance remains countering military coercion. To achieve that goal, the United States and South Korea must maintain a delicate balance between pressure and assurances. Pressure (in the form of a robust combined military posture and vigorous sanctions) is needed to deter aggression, limit the development of military capabilities, and gain leverage in negotiations. But too much pressure, combined with reckless bluster, raises tension and increases the risk that misunderstanding or miscalculation could turn a crisis into a conflict or a conflict into a nuclear war. Therefore, the United States and South Korea must be prepared to provide some assurances to North Korea, particularly during crisis and conflict, that they are not bent on either preventative war or regime change. Dialogue also is needed to reduce the potential for miscalculation and eliminate unnecessary friction. However, assurances and dialogue must provide a tangible benefit to the U.S.-ROK alliance.
To reduce the risk of conflict, the United States and South Korea should, at an appropriate time, propose a dialogue with North Korea and China aimed at developing mechanisms in the spirit of the KAA to reduce maritime tension in the Yellow Sea. Frustrated by the frenetic pace of North Korean nuclear weapons and missile tests in September 2017, South Korean President Moon Jae-in said, “Dialogue is impossible in a situation like this.” U.S. President Donald Trump has been even more definitive, exclaiming that “talking is not the answer!” But as the heightened sense of crisis fades, there will be openings to discreetly pursue targeted diplomacy. President Moon actually campaigned on opening diplomatic channels between Seoul and Pyongyang, and will likely prove amenable in cooler moments, particularly if the United States and South Korea have a common understanding of their interests and objectives. And despite President Trump’s resolute proclamations, senior U.S. officials have consistently left the door open for diplomacy.

For its part, North Korea has made clear its discontent with the NLL through media and diplomatic channels. Many North Korean statements have explicitly referenced specific events, most often the joint U.S.-ROK military drills, North-South naval clashes, or fishing disputes during the blue crab fishing season. While many dismiss North Korea’s rhetoric as attempting to justify provocative acts including missile tests and increased patrolling, Pyongyang also has been signaling its interest in (and potential terms for) settling the dispute. Indeed, North Korea has explicitly called for negotiations over the NLL itself. China may also support dialogue, depending on the timing and scope of negotiations. Beijing has a direct interest in resolving fishing disputes and a strong indirect interest in reducing tension between North Korea and the U.S.-ROK alliance.

From the perspective of South Korea and the United States, the goal of dialogue should be to explore ways to reduce tension in the Yellow Sea without improving North Korea’s political and military position relative to the U.S.-ROK alliance. Dialogue should initially focus on airing complaints and identifying key interests of the four parties, and build toward concrete policy proposals. The United States and South Korea should seek arrangements that would redress grievances, allow for peaceful economic activity, and promote crisis management without sacrificing territory that is rightfully South Korean or significantly limiting activities that enhance U.S.-ROK military posture and readiness. Washington and Seoul must remain in lockstep to ensure that Pyongyang is unable to use negotiations to divide the alliance. This process is sure to be frustrating, difficult, and painfully slow, but it will help build the mutual understanding and trust between Pyongyang, Beijing, Seoul, and Washington that is essential to successful implementation of maritime tension-reduction measures.

One area of focus should be to establish agreed upon rules and regulations for fishing in the Yellow Sea. If South Korea, China, and North Korea were able to
agree to standards and practices that ensured safe, sustainable fishing, then each would have an economic incentive to avoid provocations that could disrupt the arrangement. The desire for dialogue on joint fishery management has precedent. China and South Korea have engaged in numerous discussions to settle their EEZ dispute. Moreover, in fall 2007, the progressive Roh Moo-hyun administration in Seoul met with North Korea under Kim Jong-il, and the resulting summit declaration outlined plans for a “West Sea Special Zone of Peace and Cooperation” near the port of Haeju. Conservatives in South Korea balked at the idea, and President Roh—a lame duck at the time—lacked the requisite political capital to bring the agreement to fruition.

Recommitting to dialogue would position South Korea, North Korea, and China to better control fishing access in the tense maritime areas around the NLL. Due to the broader economic and ecological reality of overfishing in the area, limiting entry is necessary at both the top (the fishing industry) and the bottom (individual fisherman) level. China has already introduced a moratorium on trawling and stake net fishing in the Yellow Sea and East China Sea during the “hot season” of mid-June through early September. South Korea, China, and North Korea should consider similar initiatives that would bind fisherman in all three countries. In addition, dialogue should explore other ways of reducing overfishing, such as providing additional pathways for new livelihoods for fisherman in each country and discouraging new entry to the industry.

South Korea, China, and North Korea also should pursue measures that would improve safety and security when boats and vessels flying different flags interact. These measures would attempt to reduce confrontational, overlapping coast guard patrols and increase the likelihood that interactions that do occur (between adversarial coast guard cutters or coast guard vessels and civilian fish boats) are routine, with limited possibility of miscalculation, misperception, or escalation. To start, the three countries should coordinate their coast guard patrols and establish requirements for notifications of major patrols. Next, the three and the United States should negotiate procedures for unalerted encounters and law enforcement activities. In addition, each government should commit to providing more training for fisherman in a variety of areas: the laws and repercussions of illegal fishing outside their government’s territorial waters, techniques for safe response to boarding by another nation’s coast guard, and understanding their rights in the event of seizure. Despite China’s request to its fisherman “to operate in accordance with relevant laws, regulations and fishing agreements,” more can be done to ensure safety and security along these maritime fault lines.

Eventually, tension-reduction dialogue can focus on negotiations to legally resolve the maritime boundary between North and South Korea. Establishing a mutually agreed upon line would address a key North Korean grievance and
reduce the likelihood that North Korea pursues another violent provocation around the NLL. Agreeing to negotiations would undercut North Korean claims that the NLL serves the U.S. pursuit of sustaining military tensions on the Korean peninsula. As outlined above, North Korea has been asking for resolution on this issue, and accepting its offer would hold Pyongyang to account—thereby testing whether dialogue can be productive and potentially spill over to broader tension reduction.

After airing worries and complaints, the dialogue should explore concurrent reductions in arms deployments and drills along the border. North Korea, for its part, would need to scale back its drills as well as provocative rhetoric about attack and invasion. The United States and South Korea might need to make a similar commitment to restrict its military exercises around the NLL. The South Korean military conducts training exercises on the Northwest Islands, firing artillery rounds into the southern side of the NLL in order to review its readiness to respond to a North Korean attack. Therefore, the United States and South Korea should only accept limits on its own military drills if the agreement would improve the position of the U.S.-ROK alliance in the local military balance. To do so, restrictions on U.S. and ROK military activities would either have to be militarily inconsequential or accompanied by reciprocal restrictions on North Korean military activities. Domestically in South Korea, reassessing the NLL will be politically difficult, and protection of the Northwest Islands will be of central concern to the public and military planners alike. Negotiation of the NLL—whether in bilateral setting or via an international tribunal—would need to consider the safety of the islands.

Properly conceived maritime tension-reduction measures can effectively strike the balance between pressure and assurance and help manage the competition between the U.S.-ROK alliance and North Korea in a way that is favorable to U.S. interests. North Korea is likely to claim a victory following an agreement to settle the NLL, which would be difficult to stomach. But practically, resolving the line would improve the ability of South Korea and the United States to hold Pyongyang accountable for its cross-border acts of violence and to ensure that it takes responsibility for monitoring and policing the border. Part of coming to grips with North Korea as a nuclear-weapon state is accepting that the United States and South Korea will be deterred. In particular, the United States should accept that it will be hesitant to respond aggressively to low-level provocations whose costs, while serious, are relatively low compared to the consequences of a nuclear war. Therefore, the United States should promote steps to reduce tension in the Yellow Sea and elsewhere to reduce the likelihood that an altercation or provocation develops in the first place.

Unlike proposals that aim to limit North Korea’s nuclear weapons and ballistic missile programs, maritime tension-reduction measures would not
require the United States and South Korea to make concessions that would significantly enhance North Korea’s military capabilities or significantly degrade the military posture of the U.S.-ROK alliance. If the United States and South Korea, for example, offered lucrative sanctions relief or significantly scaled back military exercises, they might inadvertently improve North Korea’s relative military position. But in the case of maritime tension reduction, the most tangible benefit that North Korea would receive is increased access to fisheries, which would not provide Pyongyang with significant new resources to enhance its military capabilities. Furthermore, any change to U.S.-ROK military deployments and exercises would only be agreed upon if they were reciprocal and improved the relative military strength of the U.S.-ROK alliance.

Conclusion

Of the myriad security challenges that North Korea presents to the United States and its allies, the maritime territorial dispute in the Yellow Sea is one of the most pressing. As yet, the threat of escalation on both sides has served as a significant restraint for planners in capital cities as well as captains on the water. But the contingent nature of security along the border means strain, fatigue, uncertainty, and miscommunication contribute to increased risk.

With or without an agreement limiting North Korea’s nuclear weapons program, a multipronged approach that aims to resolve political, economic, and security disputes in the Yellow Sea would reduce the potential for provocation and conflict around a critical flashpoint. By looking at lower-level, mutually beneficial areas of risk to manage, the United States and South Korea can pursue a feasible sequence of tension reduction that is consistent with the short- and long-term goals of the U.S-ROK alliance. An approach that combines tension reduction and deterrence is the best bet for reducing the risk of provocation, conflict, and nuclear war on the Korean peninsula.

Notes


3. See, for example, Young Whan Kihl and Hong Nack Kim, North Korea: The Politics of Regime Survival (Armonk, NY: M.E. Sharpe, 2006).


30. Ibid.

