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# Building a Peace Regime for a Denuclearized Korean Peninsula

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As mandated by the 1954 U.S.-South Korea Mutual Defense Treaty and in support of the 1953 Korean Armistice Agreement, the United States and South Korea have shared the task of keeping the peace on the Korean Peninsula as part of an effort to protect South Korea (also known as the Republic of Korea, or ROK) from renewed North Korean aggression. The Korean Armistice Agreement was envisioned as a temporary arrangement until the envisioned political solution could be realized, and the 1954 Mutual Defense Treaty was designed to prevent the North and South from resorting to renewed hostilities. The armistice arrangements and the U.S.-ROK alliance have proven durable despite dramatic changes in both the international and South Korean domestic political context, but to what extent are they interdependent? Is it possible to transition from armistice to peace while retaining the alliance, and if so, what form should the U.S.-ROK alliance take in order to survive?

Despite its importance, this is not the central question in the current U.S. policy debate over whether and how to make peace with North Korea. In fact, the dominant conventional wisdom remains that the future of the alliance and that of the Korean Peninsula are not directly connected, and that the future of the alliance will be negotiated with the South Koreans, not the North Koreans. However, the prospective establishment of a permanent peace on the Korean Peninsula—if feasible—will have clear implications for the level and form of U.S. troop presence in the region, primarily due to its impact on South Korean threat perceptions and future security needs in a hypothetical post-North Korean threat environment. Likewise, South Korean threat perceptions will likely be shaped by how an inter-Korean peace process unfolds, which will affect both South Korean perceived needs and the willingness of the U.S. public to fulfill those needs.

U.S. policymakers, however, remain fixed on the question of the North Korean nuclear threat, and in particular on how it will be defused and how it is linked to a Korean peace process. In this respect, the June

12, 2018 Singapore Declaration reaffirms important elements of the September 19, 2005 Six-Party Joint Statement, chiefly in that denuclearization, normalization, and peace are linked with prospects for North Korea's future economic development. This has been part of the U.S. bottom line for over a decade.

Although the Singapore Declaration between the United States and DPRK frames a denuclearization-and-peace process, the April 27, 2018 Panmunjom Declaration between the two Korean governments has taken the lead in implementing a conventional tension-reduction and confidence-building process. This leads to an interrogation of the relationship between the conventional threat and the nuclear threat. Simply put, can a sustainable peace be achieved through conventional arms reductions alone, and if not, what is the relationship between a conventional arms-focused tension-reduction process and denuclearization? This question may add new significance to North Korea's differentiated treatment of South Korea and the United States over the past year, because it suggests that by separating the United States and South Korea, North Korea might apply different approaches to peace in the conventional realm and to the question of denuclearization.

The U.S. answer to this question is inevitably that a sustainable peace cannot occur without denuclearization, and that it is hard to discuss progress toward a permanent peace without incorporating a pathway toward denuclearization. On its face, a peace-and-denuclearization approach need not contradict the North Korean formulation: in the Singapore Declaration, North Korea states its commitment to new U.S.-North Korea relations, as well expressing as a willingness to work toward complete denuclearization alongside the goal of achieving a permanent peace.

Having addressed two important contextual factors of the establishment of permanent Korean peace arrangements, for the purposes of this paper I will assume that the goal of peace is the central objective driving a process that enfolds within it denuclearization and regional stability objectives. What are the likely characteristics of a successful and sustainable Korean peace process?

The final objective of a Korean peace process should be to ratify the normalization of relations between the two Koreas as neighbors committed to peaceful coexistence. The process should include steps toward tension-reduction and confidence-building, in order to normalize borders, address outstanding territorial disputes, establish effective ways to manage and defuse potential conflicts through non-military means, and provide necessary security and non-aggression guarantees. At the end of this process, the signing of a Korean Peace Treaty would certify that all actions necessary to achieve these objectives had been implemented. A Korean peace treaty would further formally ratify the two Koreas' commitment to mutual peaceful coexistence and thus would rely on commitments between the two Koreas themselves. But the nature of the Korean War, the historical involvement of external parties, and the nature of the parties that signed the armistice make it likely that any formal peace treaty would involve the United States and China, which are also the external parties most necessary in ensuring that Korean peace arrangements reinforce regional stability.

### *Establishing a Peace (and Denuclearization) Process*

There is merit to the idea of marking the beginning of a Korean peace process with an end-of-war declaration, particularly if it is tied to actions signifying the beginning of a sustained denuclearization process. A declaration of the intent to pursue peace (and denuclearization) represents a resolution to move toward reducing inter-Korean tension and to fulfill objectives contained in the Panmunjom and Singapore Declarations.

An end-of-war declaration could take a variety of forms. It could be inter-Korean or come in the context of a future Trump-Kim summit, but there is also value in considering a trilateral or even a quadrilateral declaration that clearly indicates U.S.-ROK cooperation on knitting together the conventional and nuclear dimensions of a peacemaking and peacebuilding process.

The declaration would be a non-binding statement of political intent with no immediate bearing on the disposition of existing forces, military, or diplomatic arrangements. It would simply express the formalization—and presumable commitment—of all parties to engage in a process of peacebuilding. That process would be ultimately consummated by the establishment of a permanent peace treaty involving the two Koreas, the United States, and China as signatories. The treaty would affirm the new conditions of peace on the peninsula that would have been achieved, marking the end point and formalizing the achievements of the Korean peace process.

### *Tension Reduction and Confidence Building*

The most important initial work to transform the demilitarized zone into a normal border lies in the conventional realm. This has already begun through efforts to implement the September 2018 Historic Panmunjom Declaration Between the Two Koreas in the Military Domain, otherwise known as the Comprehensive Military Agreement (CMA). The CMA outlined initial steps designed to ease tensions on the Korean Peninsula and to transform the demilitarized zone (DMZ) between North and South Korea from a military border into a standard one between two peaceful states. But the agreement was primarily limited to symbolic measures. It addressed expressions of intent, including the declaration of no-fly, no-sail, and no-ground exercise zones near the DMZ, the removal of a number of DMZ guard posts and the conduct of joint POW/MIA recovery operations within the DMZ, new rules of engagement at the Joint Security Area at Panmunjom, and envisioned inter-Korean commissions to defuse naval conflict and discuss further tension-reduction measures. But implementation of POW/MIA recovery operations within the DMZ turned into a unilateral South Korean operation, and North Korean rhetoric toward the South turned hostile within six months of signing the agreement.

On the longer term, sustained conventional military reductions and confidence-building would entail detailed and verified implementation of troop and equipment pullback from areas near the DMZ, the establishment of regular military exchanges and rules of interaction between the two neighbors, the actualization of more robust inter-Korean mechanisms for managing and defusing potential conflicts, and further steps to transform the border with normalized and civilianized customs and border control arrangements like any other international border in the world. An effective and robust confidence-building and tension-reduction process would involve mutual agreements, as well as the implementation of transparency and verification measures on the model of the Conventional Forces in Europe agreement, which addressed types and numbers of equipment on both sides of the Russia-Europe confrontation in great detail. The specificity and level of transparency of such an agreement would likely be a stretch for North Korea, but North Korea's willingness to engage in and implement such a process would be a step toward proving the sincerity of the country's commitment to peace. This would in and of itself provide powerful momentum toward the credibility of an inter-Korean peace process.

The inter-Korean tension reduction process, if it were to move from a symbolic to an operational phase, would require support and cooperation from U.S. forces in the Korean Peninsula. Such agreements would ideally incorporate U.S. representation, but could also be managed effectively to the extent that the United States and South Korea engage in prior consultations and coordination at every step in the agreement's implementation. A useful precedent in this regard is the supporting role the UN Command is already

playing in ironing out technical details involved in CMA implementation. Likewise, arms reduction should naturally follow from the conventional to the nuclear dimension, given that military planning and war-fighting on both sides now entail the need to maintain operations that take into account the risks of nuclear use. Progress in conventional arms reduction will at some point intersect with the need to implement the denuclearization process.

### *Nonaggression and Security Guarantees*

A peace process would develop exchanges and negotiations to build common understanding regarding the desirability of reduced aggression. It would also involve the modification of threat perceptions, as well as the provision of mutual security guarantees between the two Koreas and between the United States and North Korea. The first step in this latter measure would be the development of a common understanding regarding borders and jurisdictions and the establishment of a regime for managing potential conflicts over contested areas. This is another area where the conventional and nuclear dimensions of peacebuilding would inevitably intersect, given that conventional security guarantees alone will be perceived as having limited value without corresponding actions and pledges that address the nuclear threat on both sides.

Given the fixed nature of most border areas, it would be relatively easy to delimit borders and jurisdictions and to provide provision of assurances of respect and non-use of force toward jurisdictions controlled by the other side. However, clarification would be required for islands and maritime jurisdictions in the Yellow Sea adjacent to the current Northern Limit Line, as well as affirmation of air jurisdictions and no-fly zones for military aircraft and designation of areas the two sides might zone for joint use.

Establishment of a nonaggression declaration would likely also involve the provision of security and nonaggression assurances designed to address North Korean security concerns vis-à-vis South Korea and the United States. The peace process would likely be accompanied by steps to establish a more normal political and diplomatic relationship between the United States and North Korea, in tandem with inter-Korean tension reduction and nonaggression assurances. A nuclear North Korea would likely make strong demands around the scope and application of U.S. nuclear security guarantees and implications for the credibility of extended nuclear deterrence for South Korea.

### *Verification, Accountability, and Peace Management (the Role of Third Parties)*

Third parties may play a wide range of roles in peace-maintenance, peacekeeping, and peacebuilding or peace-verification roles during a transition from a declaration of intent to end the Korean War to the establishment of a permanent peace settlement. First, the armistice already encompasses a number of international roles, including a UN Command role in peace-maintenance and a Neutral Nations Supervisory Commission role in dispute investigation and dispute management. Decisions about transitional arrangements from armistice to permanent peace could modify, replace, or redefine these structures and roles, although the general sentiment in the United States is to not dismantle current peace-maintenance mechanisms unless or until it is clear that there are robust and viable mechanisms ready to replace them.

For instance, the Comprehensive Military Agreement has established an inter-Korean joint military committee for the purpose of consulting on exercises, but the only authoritative mechanism for effectively implementing tension-reduction measures in accordance with the armistice remains the UN Command-DPRK channel. The establishment of further interim arrangements to manage tensions between the two Koreas or to pursue verification between them will require clarity between the two sides and confidence that any replacement mechanism is sufficiently robust not to be short-circuited by either side.

From a U.S. perspective, there is comfort with a continued role for the UN Command (UNC) and current armistice arrangements to remain in place until the process of arms and tension-reductions has reached an advanced stage. During a tension-reduction process toward the establishment of a permanent peace, the value of having the UNC play a role that is structurally and institutionally differentiated from the roles of the Combined Forces Command (CFC) and U.S. Forces Korea (USFK) becomes clear, because the role of the UNC in a transition from armistice to peace becomes to work itself out of a job. But the roles of the USFK and U.S.-ROK CFC are distinct from the roles and authorities of the UNC, because their purpose is tied to the execution of commitments under the Mutual Defense Treaty rather than the Korean Armistice Agreement. Consequently, during the period of transition to permanent peace, the UNC could take on a peacekeeping role as a buffer between Northern and Southern forces. Alternately, the UN Security Council might provide a new mandate for a UN peacekeeping role on the Korean Peninsula.

Peacebuilding or peace-maintenance functions would primarily focus on verifying tension-reduction and on supporting the implementation of pledges to reduce arms and troops. These functions could, in theory, be managed bilaterally or trilaterally through arrangements that might approximate the U.S.-Russian experience with Cooperative Threat Reduction (CTR) arrangements post-Cold War, but the historically international character of verification on the Korean Peninsula suggests another possibility: for each side to invite trusted countries to establish a verification function to affirm the implementation of tension reduction. The main considerations would be to ensure mutually transparent methods of operation, along with making sure that a reservoir of technical expertise is available to carry out the necessary tasks. A UN-mandated multinational verification mechanism would be a viable option, especially alongside the likely need to combine conventional and nuclear arms-reduction and arms control functions: although there would be no restriction on international participation for such roles on the conventional side, denuclearization would require teams with specialized experience composed of individuals from nuclear states.

Formal negotiation of permanent peace arrangements would naturally involve the two Koreas, the United States, and China. This negotiating framework might also carry with it some special implications, capabilities, and responsibilities for playing supporting roles for those countries in the peacekeeping and peace-maintenance functions described above. Certainly, it would be plausible and even desirable that transparency and verification efforts involved in peacebuilding might mesh with verification requirements for denuclearization, although the understanding of the North Koreans would be necessary and desirable to achieve a smooth process.

### *A Korean Peace Treaty and Regional Security*

Envisioning a peace regime on the Korean Peninsula must take into account the task of ensuring that peninsular peace arrangements are conducive to regional stability in Northeast Asia. The geopolitical centrality of the Korean Peninsula in Northeast Asia means that arrangements to establish a permanent peace on peninsula might not be sustainable without buy-in from nearby major powers. Most significantly, China and the United States, as the most directly involved external actors associated with the armistice, will likely play sizable roles in influencing a Korean peace process.

But it will also be important to secure formal acquiescence to permanent Korean peace arrangements from Japan and Russia. The most effective way to do that might be to invite Japan and Russia to ratify permanent peace arrangements through the establishment of a six-party cooperative security mechanism. This would be designed to support the peninsular dimensions of the peace process while also providing a framework in support of regional stability in Northeast Asia. A standing-six (or seven-) party security regime designed to promote consultations on Northeast Asian transnational traditional and non-traditional security problems

would serve as an effective and possibly durable link to the consummation of a Korean Peninsula peace process. The establishment of meaningful consultations through this mechanism itself, if its establishment were to prove feasible, would constitute a step forward, compared to the current environment in which the establishment and maintenance of such a regime has consistently proven impossible.

## Conclusion

The Korean Armistice Agreement and the establishment of mutual deterrence on the Korean Peninsula have proven to be far more durable instruments for effectively maintaining peace and stability through managing existing tensions than anyone would have anticipated in the mid-1950s. But there is no question that if establishing a permanent peace on the Korean Peninsula were to prove to be feasible, and if such a peace were to develop in such a fashion that it served to reinforce regional stability rather than open the door to new or revived conflict, this would be an enormous success story—one that could catalyze a new phase of dramatic economic growth for the region. Nonetheless, it is unfortunately just as easy to imagine how transitions could go wrong, and the current stable regional security environment may be on the cusp of a slide toward renewed conflict, with wildly uncertain implications for any new regional order. It is these concerns that drive all but one of the parties involved to cling to the status quo—and the single revisionist player in Northeast Asia seems intent on holding out risks of a distinctly dystopian future for all concerned. It makes sense to plan for peace and denuclearization in order to provide a counterweight and an alternative to the dystopian North Korean future, in which nuclear weapons may be used for brinkmanship, extortion, and a disproportionate regional security role. Given the undesirability of such a future, we need to explore the potential for a better path rather than settling for the complacency and risk-aversion that inevitably will characterize an increasingly unsustainable status quo.

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