

**THE BROOKINGS INSTITUTION**  
**CENTER FOR NORTHEAST ASIAN POLICY STUDIES**

**TOWARD A PEACE REGIME ON THE**  
**KOREAN PENINSULA**  
**A WAY FORWARD FOR THE ROK-US ALLIANCE**

*by*

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## 1. Introduction

The current armistice regime on the Korean Peninsula was established on July 27, 1953, based on the Armistice Agreement of the Korean War. It ended the military operations, combat activities, and hostile actions between the participants of the Korean War. But the current state of peace has been “unstable” due to the hostile relationship and military confrontation between the two Koreas, as well as between the United States and North Korea. The Republic of Korea and the United States have made several attempts to transform this “temporary, unstable armistice regime” into a “permanent peace regime,” but achieved no significant progress. More than anything else, the deep mutual distrust between the two sides and unripe conditions for the establishment of a peace regime served as the major causes of failure. Furthermore, North Korea with regard to the peace regime continued to insist on their so-called peace offensive as well as propaganda to realize their strategic intents such as isolating and denying legitimacy of South Korea, justifying its socialist system, and dividing the ROK-US Alliance.

Recently, as Six Party Talks have made some progress on resolving the North Korean nuclear problem, discussions about a peace regime on the Korean Peninsula have resurfaced. This was due to the fact that on September 19, 2005, an agreement was made as part of the Joint Statement that “the directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum,” and 17 months later it was reaffirmed through “Initial Actions for the Implementation of the Joint Statement” on February 13, 2007. The White House spokesman stated after ROK-US summit meeting between President Bush and President Roh held in Hanoi, Vietnam on November 18, 2006, that the United States is “willing to do a whole series of things.....including a declaration of the end of the Korean War,” if North Korea renounces its nuclear program. Since then, a series of events which might bring major changes in the security situation on the Korean Peninsula have been occurring at a breathtaking pace. Whether it is a tactical change of North Korea or a fundamental shift based on a strategic decision made by Kim Jong Il is still not clear, but at this point it seems that the optimistic outlook is outnumbering the pessimistic on the issues of denuclearization of the Korean Peninsula and peace regime.

Establishment of peace regime on the Korean Peninsula entails a transition from the existing armistice regime to a peace regime in order to create a framework that secures mutual peace and security between the two Koreas. However, just because a peace agreement would be signed, it would not automatically lead to guaranteed peace. There are several obstacles that must be overcome. For transition toward a peace regime, North Korea should dismantle and renounce its nuclear program in advance, and military confidence building between the two Koreas<sup>1</sup> and normalization of US-North Korea relations must be

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<sup>1</sup> Referenced ROK MND and UNC/CFC research results regarding military confidence building and arms control on the Korean Peninsula (June 21, 2002).

premised. North Korea's renouncement of its nuclear program would ultimately lead to reduction of hostility between the two Koreas as well as between the United States and North Korea, and might indicate the first ultimate proof of the reliability of the North Korean regime.

Denuclearization on the Korean Peninsula might be the basic precondition for the establishment of a peace regime, but the denuclearization could be completed only when the transition from the armistice to a peace regime is made.<sup>2</sup> The permanent peace on the Korean Peninsula is a common goal of the United States and the Republic of Korea.

Here I will review the historical background and the existing state of the Korean armistice regime, identify the implications of the peace regime, suggest a way forward for that regime, and discuss how to make progress for the future Alliance between the Republic of Korea and the United States for the defense of the Peninsula and the regional stability of Northeast Asia.

## **2. Historical Background and State of the Korean Armistice Regime**

### **A. Historical Background**

The armistice regime is a vestige of the Korean War which broke out when North Korea launched an illegal, surprise attack to South Korea on June 25, 1950. On June 27, 1950, the UN Security Council asked the member nations to provide necessary assistance for repelling this armed attack on the Republic of Korea and restoring international peace and security. Thereafter, on July 7, the UN Security Council established a unified command under the United States control and passed the UN Security Council Resolution 84 that provided guidance to the nations providing assistance to follow the directions of this new command. In accordance with the Resolution, the UN Secretary General conferred a UN flag to the US Representative to the UN on July 8, and on that same day President Truman appointed General Douglas MacArthur as the Commander of the United Nations Command (UNC).

President Rhee Syngman agreed to the implementation of the Security Council Resolution by transferring operational control of the Korean forces to the UNC Commander. Sixteen nations joining the war (the United States, the UK, France, Australia, New Zealand, Canada, the Netherlands, Belgium, Turkey, the Philippines, Thailand, Colombia, Ethiopia, South Africa, Greece and Luxemburg) carried out the military operations under the UNC, established on July 25.

The UNC, led by the United States, commenced a counteroffensive in mid-September, 1950, restored the sovereign territory of the Republic of Korea, and by early October

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<sup>2</sup> The US DoS clarified in a written statement that the US signed the September 19, 2005 Joint Statement with the view that in order to solve the North Korean nuclear problem completely, a Korean peace regime should be established.

advanced north across the 38th parallel. However, as China joined the war in early October, fierce exchanges ensued for the year to come until a frontline emerged near the 38th parallel. In the mid of stationary warfare of two years, armistice talks were held and finally on July 27, 1953, an agreement establishing military armistice on the Peninsula were made between the commander of the UNC on the one hand and DPRK supreme commander and PRC supporting forces commander on the other hand.

In accordance with this Armistice Agreement, both sides identified Military Demarcation Line (MDL) that no soldier or civilian could cross without special permission, and established Demilitarized Zone (DMZ) ranging 2 km respectively from the MDL which forbade all hostile activities in the zone. Both sides agreed on the creation of the Military Armistice Commission (MAC) to supervise the implementation of the Armistice Agreement and the Neutral Nations Supervisory Commission (NNSC) to monitor troops and military materiel transported onto the Korean Peninsula or replaced thereof, as well as monitor and report any violations of the Armistice Agreement in the regions other than DMZ to the Military Armistice Commission..

The Armistice Agreement was supposed to be a temporary agreement between military authorities, and 3 months after its coming into effect, a political meeting was to be held to discuss withdrawal of the foreign troops from the Peninsula as well as peaceful solution of the Korean problem. The political talks in Geneva were held between April and July in 1954, but failed to produce a peace agreement. Therefore the armistice regime ended up assuming the role of managing armed confrontations and potential crises as a legal and institutional device.

## **B. Special Features of the Armistice Regime on the Korean Peninsula**

The Korean armistice regime has several unique features. First, the Korean armistice regime has a dual structure related to North-South issues as well as international issues. The armistice regime is an issue between the two Koreas because they are the major parties to the Korean War and the parties concerned in the implementation of the Armistice Agreement. On the other hand, it has an international dimension, because many nations, including the United States and China, were also involved in the Korean War, and representatives of the UN, Chinese and North Korean forces signed the Armistice Agreement. Furthermore, international organizations such as the UNC are participating in the implementation of the agreement. In reality, North Korea consistently demands a peace agreement with the United States because the United States, wearing the hat of the UNC, is perceived as a main party to the Armistice Agreement.

Second, the UNC plays a core function of the armistice regime as the executing organization of the UN. As a signer of the Armistice Agreement and as the main organization behind MAC as well as the UNC-North Korea General-level Talks, the UNC has the legal and institutional responsibilities associated with maintaining peace on the Korean Peninsula. The UNC, a unified command under the control of the US Joint Chiefs

of Staff, provides forces, materiel and provisions which are provided by the UNC members and other UN members to the Combined Forces Command in contingency through the seven UNC rear bases established in Japan. From this standpoint, UNC, USFK and CFC are playing the role of real war deterrent on the Korean Peninsula.

Third, the armistice regime on the Korean Peninsula is closely connected with the Northeast Asia security framework. The Korean armistice regime was a key factor in the Cold War era forming trilateral relationships, ROK-US-Japan to the south and North Korea-China-Russia to the north. Establishing diplomatic relations of the Republic of Korea with China and Russia contributed to reducing the nature of Cold War in Northeast Asia. But the Korean Peninsula as well as the Northeast Asia region remains a place of high risk of war, because the hostile relationships persist between the two Koreas and between the United States and North Korea. Therefore, the armistice regime is an important issue not only for the two Koreas as directly involved main parties, but also for other regional states in Northeast Asia as well.

### **C. Limitations of the Korean Armistice Regime**

There are some limitations in the Korean armistice regime. First, in the armistice agreement there are no clear stipulations of an institutional mechanism to determine the violations of the agreement, and to deter or rectify violations of the armistice. Due to this legal loophole, violations of the armistice agreement occurred frequently, and the UNC and North Korea differ on the actual number of cases of violations. For instance, the UNC side has claimed that the number of violations made by North Korea has been approximately 430,000, while the number that North Korea has admitted is only 3 or 4. The North Korean side claims that the number of violations made by the Republic of Korea and the UNC has been about 830,000 in total, but the actual number is 16.

Second, the Armistice Agreement might be clear about the military demarcation line on the ground, but the demarcation line at sea was not clearly stipulated; this has led to conditions susceptible to armed confrontations on the West Sea.<sup>3</sup> The UNC had drafted special provisions dictating that the control of the coastal islands and the sea surface should be based on the state of control prior to June 24, 1950, and the 5 western islands<sup>4</sup> are placed under the jurisdiction of the UNC. And also in order to prevent northern crossing of warships and aircrafts as well as hostile seizure of fishing and other sea vessels, the UNC regulated the Northern Limit Line (NLL) on August, 1953, along three nautical miles to the north of the 5 western islands and equidistant from those islands and North Korean territory. In response, North Korea refused to accept the UNC's naval military demarcation line for

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<sup>3</sup> Armistice Agreement Article 2 Paragraph 15: "This Armistice Agreement shall apply to all opposing forces, which naval forces shall respect the water contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea."

<sup>4</sup> The five western islands are: Pak Yong Do, Dae Cheong Do, So Cheong Do, Yun Pyung Do, and Woo Do.

the first time on December, 1973, at a MAC meeting and claimed its invalidity in February, 1999. Although the Armistice Agreement did not stipulate a naval military demarcation line, it should be established in accordance with the objective of the Armistice Agreement "to achieve complete cessation of all military activities." NLL should be that line of demarcation because it has had the practical effect and solidified as an established military boundary between the North and the South over a long period of time.

Third, the Korean armistice regime faces limitations in resolving all of the problems related to maintaining peace on the Korean Peninsula. Because it was made between the military commanders, it cannot exceed the military realm. The signers of the Armistice Agreement were then-UNC Commander Mark W. Clark, supreme commander of the Korean People's Army (KPA) Kim Il-Sung, and the People's Republic of China (PRC) supporting forces commander Peng Dehuai. Article 2, Paragraph 12 of the Armistice Agreement stipulates that "the commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control."

The "instability of the peace" on the Korean Peninsula is caused by these limitations of the armistice regime. Cases of intentional armed provocations of North Korea illustrate this point well. A surprise commando attack on the Blue House in 1968, the axe murder incident in 1976, the east coast commando infiltration by submarine in 1996, and the West Sea engagement in 2002 are the representative examples.

Since the beginning of 1990, North Korea has argued for non-use of the Military Armistice Commission (MAC) and Neutral Nations Supervisory Commission (NNSC), dissolution of the UNC, and a peace treaty between the United States and North Korea in the full-fledged attempts to neutralize the armistice regime. In March 1991, North Korea criticized the appointment of Major General Hwang Won-Tak as the UNC Representative to the MAC, claiming that a ROK general cannot be a contracting party in the Armistice Agreement. Thereafter, North Korea chose not to participate in the MAC meeting starting with its 460th meeting in May 1992, and on April 28, 1994, it unilaterally withdrew its MAC representatives from Panmunjom. North Korea then established in MAC's place KPA Panmunjom Representative under the direction of the Director of the General Political Bureau of KPA, and in December of the same year, China also recalled its MAC representatives.

And also North Korea notified that it would terminate official NNSC activities in 1991. North Korea forcefully pulled out the Czech representative team in April 1993, the Polish representative in February 1995, and soon thereafter closed down the NNSC office at Panmunjom in May 1995. Furthermore, North Korea stated in April 1995, that it would not recognize the status of Demilitarized Zone and thereafter has taken diverse actions intended to undermine the armistice regime.

The Republic of Korea and the United States hosted 4-party talks involving the ROK, the US, North Korea, and China on six occasions from 1997 to 1999 to discuss the issue of

transforming the armistice regime into a peace regime, but these talks ended with no substantial results because of remaining differences between the two Koreas.

It is the pervasive view at this point that due to such strategy to undermine the armistice by North Korea, the functions of the armistice regime were suspended or exist only in name. However, as a legal document, the Armistice Agreement has not been nullified, and its effectiveness continues to exist. In February, 1998, General-level UNC-North Korea Talks were held at the suggestion of the ROK Ministry of National Defense (MND) and the UNC to negotiate on the agreement made between the two Koreas on managing the areas around the Kaesung Industrial Complex line (November, 2000) and the Eastern line that accesses the Keumkang tourist facilities (September, 2002). The MAC itself has not lost all of its functionality. It investigated the cases involving live arms discharge and border crossings within the DMZ in April, 2005. These are the examples that demonstrate North Korea's recognition of the existing value of the Armistice Agreement.

As shown, the Armistice Agreement and the armistice regime have both instability and limitations, but we should not underestimate the fact that they, together with the ROK-US Mutual Defense Treaty and Alliance, contribute to prevention of another war and preservation of the unstable existing peace.

### **3. Strategic Implications of the Korean Peace Regime**

#### **A. Significance and Impact of Establishment of the Korean Peace Regime**

The strategic significance of a peace regime on the Korean Peninsula may be distinguished depending on how it is devised, but if it is conducted gradually and in stages, in step with denuclearization on the Korean Peninsula, we can anticipate the following expectations of and impacts from the regime.

First, it can serve as a framework for ameliorating the mutual distrust and the hostile relationship, and as a foundation for peaceful coexistence and mutual prosperity between the two Koreas. If the two Koreas sign a non-aggression pact and conclude a peace agreement, a military consultative organization can be created that resolves various security and military issues through direct dialogue and negotiates on the operational and structural arms control. Once the military stability on the Korean Peninsula is secured, then we can anticipate cooperation between the two Koreas to be institutionalized to form the basis for common prosperity. In other words, once North Korea changes its perception of the ROK-US Alliance and international society, more national resources and labor power of North Korea will be diverted into the economic development, and thereby a real North-South cooperation system will be developed as well as economic hub of Northeast Asia that links China and Russia through North Korea.

Second, once the Korean peace regime is established, the regional security structure would be more stable and multilateral cooperation in Northeast Asia would be facilitated.



Once the threats posed by North Korea such as nuclear problem, WMD proliferation and armed provocations would be removed, the hostile relationship between the two Koreas would be settled. It will also weaken the sources of interests and tensions for managing North Korea, the competition of influence on the Korean Peninsula and the rationale for arms race among the neighboring countries. Even if North Korea maintains Kim Jong Il's dictatorship and a political system based on its socialist ideology, once engagements in non-political sector become institutionalized, the transparency of the ROK-China and the ROK-Russia relationships vis-à-vis North Korea would be improved to strengthen their mutual assistance. Such a positive change, especially in light of the 6-party talks, will contribute to institutionalize a Northeast Asia security structure for the consultations of the regional security and cooperation.

Third, if the Armistice Agreement is replaced with a peace agreement, the basis for the responsibilities and authority of the UNC might be lost. It would be inevitable to bring the dissolution or the role adjustment of the UNC and adjustment of the status and role of the USFK. It will bring major changes to the ROK-US Alliance, defense organization and military structure of the Republic of Korea forces and ROK-US common cooperative system. Even if the Korean armistice regime would be transformed into a peace regime, there should not be any changes to the responsibilities of the ROK-US Alliance in maintaining and promoting permanent peace on the Korean Peninsula. The Republic of Korea supported by the US, its ally, should prepare for the potential armed conflicts inherent in the current state of North-South division, while supporting the stabilizing role of the United States in Northeast Asia in order to maintain strategic balance amongst the regional states.

## **B. Perspectives on the Peace Regime of the Two Koreas, US and China<sup>5</sup>**

The two Koreas share belief in the need of peace regime and peace agreement, yet hold diverging views on the principles of implementation and methodology. In the process of transition from the armistice to a peace regime, the Republic of Korea has the position to go ahead gradually and in stages considering comprehensively the changes in North Korea, the progress in North-South relations, the situation of Northeast Asia and the relationships between regional countries. In other words, in the first place it solves the North Korean nuclear problem and accelerates the environments for peace, then deepens the level of cooperation between the two Koreas and sets up the foundation for a peace regime, and ultimately concludes a peace treaty to establish the peace regime. The Republic of Korea also believes that the principle that both Koreas be recognized as contracting parties to a peace agreement should be maintained. While the two Koreas sign the agreement, the United States and China play the role of supporters and guarantors. But the existing Armistice Agreement should be abided strictly until transition to a peace regime is fully

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<sup>5</sup> Based on statements made by the four stated parties during the 4-party talks; changes in their official positions can now be assessed.

completed.

On the other hand, North Korea's supposed position has been that it is interested in a bilateral peace agreement with the United States due to its alleged constant threat of invasion by the United States. North Korea excludes the Republic of Korea based on its argument that the South is not a signing party of the Armistice Agreement and thus cannot be that of a peace agreement. And because the Commander of the UNC who is recognized as a signer of the Armistice Agreement is in fact an American general, the peace agreement should be made bilaterally between the United States and North Korea. North Korea further argues that political confidence should be built prior to military confidence. Therefore, the preconditions for US-North Korea peace agreement should be prohibition of bringing the military equipments into the Korean Peninsula, termination of ROK-US combined military exercises, pullout of the USFK, and dissolution of the UNC.

The United States is supposed to support the principle that the two Koreas lead the efforts to create the peace regime on the Korean Peninsula and sign the peace agreement as the contracting parties, while the regional countries guarantee that agreement. In the late 1990's, the United States chose a multilateral 4-party framework, considering the ROK position, the special nature of the North-South relations, and the historical relationship of the regional countries. The United States considered the 4-party framework as a diplomatic option to establish a peace regime on the Korean Peninsula and to bring out North Korea into the international society. The United States strategy of the multilateral framework was reaffirmed in the 6-party talks for resolving the North Korean nuclear issue. And it is assessed that on the extension of that strategy, discussion on the peace regime was suggested as a way to resolve the North Korean nuclear problem completely only under the condition that the discussion on the peace regime would not go in advance of the nuclear issue.

China's supposed perspective is believed that not only North Korea and the United States, but also the Republic of Korea and itself are the parties at concern regarding the establishment of the Korean peace regime. Therefore, it is believed that China prefers the ROK position that the two Koreas sign the peace agreement and the regional countries guarantee internationally. China is believed to be passive in the North Korean position of North Korea-US nonaggression pact and its version of peace agreement negotiation. China may emphasize the principle of direct parties at concern in negotiation of peace agreement considering its Taiwan problem.

#### **4. Appropriate Strategy toward the Korean Peace Regime**

##### **A. Desired State of the Korean Peace Regime**

What would be a desirable peace regime that legally ends the Korean War and eliminates the possibility of another conflict in the future on the Korean Peninsula? A Korean peace regime, in short, would be one that guarantees peaceful and friendly coexistence of the two

Koreas when the peace agreement is in place. In the process of establishing the Korean peace regime, military stability based on the military balance on the Peninsula should be maintained. On the spectrum from the armistice regime, to a peace regime and ultimately to a unified state, the peace regime would be the middle phase of the process aimed at peaceful coexistence.

Cooperation, even though it's difficult in the political field, in the non-political fields like economics, culture, arts and sciences, as well as sports should be institutionalized and a significant level of integration should be achieved. In the field of military, in accordance with the solution of the North Korean nuclear problem, military confidence-building measures should be advanced. And the ROK-US Alliance should be developed into a comprehensive, mutually beneficial, and proactive one. The military cooperation system should be materialized as the ROK-supported and US-supporting structure for the defense of Peninsula as well as US-supported and ROK-supporting structure for the regional stability.

## **B. Conditions for the Korean Peace Agreement**

If a peace agreement will be made when the conditions for the real peace have not been satisfied, it may lead to a situation “more unstable than the current existing unstable peace.” In order to create a solid peace regime, the following several conditions should be fulfilled in advance to the peace agreement.

First, North Korea should renounce its nuclear program and ensure its transparency. The shutdown and disablement of the North Korean nuclear facilities should be honestly done in accordance with the February 13 agreement. And a complete and verifiable removal of all North Korean nuclear facilities and materials should be followed without interruption. And also moratorium of long range missile test should be maintained.

Second, North Korea should observe and implement the Armistice Agreement as well as previously agreed documents between the two Koreas. In addition to the Armistice Agreement, North Korea has a history of tossing away the barely concluded agreements like an old pair of shoes, such as the “ROK-DPRK Basic Agreement,” “Non-Aggression Agreement Annex” and “Joint Declaration of Denuclearization on the Korean Peninsula.” As far as North Korea holds the mindset of ignoring already concluded agreements for its convenience, even a signed peace agreement could be a piece of paper and have no benefit to peace and stability on the Korean Peninsula.

Third, the Republic of Korea needs to ensure military stability on the Korean Peninsula by securing its sufficient deterrent capabilities with the support of the United States. Given that North Korea possesses diverse Weapons of Mass Destruction (WMD), including the NBC weapons, as well as long range ballistic missiles, it is unreasonable for the Republic of Korea alone to deter the threats of North Korea. For the Republic of Korea, to secure continuous deterrence capabilities against the North after a peace regime established, it

needs to enhance its self-defense capabilities, strengthen military cooperation in the ROK-US Alliance and retain an appropriate size of the USFK on the Peninsula.

Fourth, the meaningful progress needs to be made in terms of military confidence building between the two Koreas. Basic confidence building measures such as installing hotlines between the military authorities, exchanging military personnel, holding regular Minister-level and General-level Talks, exchanging exercise-related information and observers, and turning the DMZ into a region of peace should be conducted. And the forces of heavy weapons should be redeployed to the rear area from the MDL, and the reduction of WMD as well as conventional forces should be followed successively to secure the safety of the Greater Metropolitan Seoul Area.<sup>6</sup>

### **C. Principles and Methods for Transitioning into the Korean Peace Regime**

For the armistice regime to transition into a peace regime, the following principles and methods should be considered and applied.

First, the principle of the North and South Korea as contracting parties as well as the international aspects of the peace regime should be synchronized. As the September 19 Joint Statement states “the directly related parties will negotiate a permanent peace regime on the Korean Peninsula at a appropriate separate forum,” the main parties to a peace agreement in consideration of the current divided state must be the two Koreas, the parties directly involved in the Korean War, and the United States and China as co-signers of the Armistice Agreement should take on the role of ensuring it. Signing a peace agreement between the two Koreas and getting the United States and China to sign a peace ensuring agreement either simultaneously or successively will be the right course of actions. The key to success in the negotiations with North Korea will be close mutual support and coordination between the Republic of Korea and the United States.

In the peace agreement between the two Koreas, it is appropriate to include termination of the state of war, mutual respect for each other’s system, nonaggression and nonuse of armed forces, noninterference in domestic issues, establishment of demarcation lines and management of contact areas between the North and the South, prevention of incidental armed confrontations, and peaceful resolution of the struggle in accordance with international custom. Furthermore, the US-China peace ensuring agreement should include support and recommendation for honest implementation of the North-South peace agreement, respect for the efforts toward peaceful unification on the Peninsula, noninterference in domestic affairs, guarantee of nonaggression among other things.

There is an expectation for Russia and Japan to participate in the establishment of a peace regime on the Korean Peninsula, but because they were not parties directly involved

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<sup>6</sup> 70% of NK forces, which include 19 battalions of 336 LRAs that directly threaten the GSMA, are forward deployed below the Pyongyang-Wonsan Line.

in the Korean War, it is not appropriate for them to participate directly in the peace agreement negotiations. Their role should be actively supporting and backing the discussions on the peace regime in the interest of regional stability and peace.

Second, it should be pushed forward gradually and in stages. Because of deep distrust between the two Koreas and the state of military confrontation extended over a long period of time, a peace agreement alone cannot guarantee amicable and peaceful coexistence. As aforementioned, it is important to build mutually trusting relationship and conditions for a peace agreement. By gradual approach, the Republic of Korea can deepen North Korea's dependence on it, ensure initiative at the peace agreement negotiations, and prevent North Korea's provocation against the South for the compensation of its loss in ideological competition.

However, as shown in the recent February 13 negotiation process, such gradual approach has many limitations as long as North Korea's existing system is maintained, and thus a flexible strategy should be devised to account for the current political situation. On the way of the implementation process for the September 19 Joint Statement and the February 13 agreement, considering the facts that North Korea perceives the ROK-US Alliance as a threat to their regime, the initiative of negotiation is on the hand of nuclear developed North Korea and all of the involved nations desire a speedy resolution of the North Korean nuclear problem, the possibility of a declaration of peace or a peace-guaranteeing agreement of political nature cannot be excluded on the premise that the nuclear problem could be resolved. In such a case, an institutional framework should be created for meeting the preconditions for a peace agreement such as military transparency and confidence-building, which would be achieved through a gradual approach in stages.

Third, a mechanism for verifying implementation of a peace agreement should be installed. To maintain a Korean peace regime, we need a practical verification system that can verify and enforce honest implementation of the peace agreement. Such verification system must be ensured not only by the two Koreas but by the international community as well. For example, for an international endorsement of the two Koreas' friendly, peaceful coexistence, we could consider a program in which the peace agreement is entrusted to the UN Secretariat, and create a verification committee under the UN, a DPRK-ROK military joint committee dealing with military issues between the two Koreas, and the UN peacekeepers playing the neutral role of overseeing the process.

## **5. Way Forward for ROK-US Alliance vis-à-vis Korean Peace Regime**

### **A. Importance of Future ROK-US Alliance**

The ROK-US Alliance, founded through the 1953 ROK-US Mutual Defense Treaty, served as a pillar of national security strategy for the United States in Northeast Asia and Pacific region, but for the Republic of Korea it was a vital element of national survival. Thanks to the deterrence capability of the Alliance, the Republic of Korea is now the 12th

largest economy in the world and succeeded in establishing its free democracy<sup>7</sup>. The Republic of Korea forces joined the United States in wars beyond the Korean War, including wars in Vietnam, Iraq and Afghanistan, and thereby extended the blood relationship forged in the battle to a global alliance. If the Korean armistice regime is transitioned into a peace regime, North Korea would no longer be a common enemy but a partner of friendly, peaceful coexistence. However, even if the North Korean threat is significantly weakened through a peace regime, the ROK-US Alliance and their relationship of military cooperation should be continued to have their significant values for the following reasons.<sup>8</sup>

First, the ROK-US Alliance is critical for deterring the North until unification is achieved. A peace regime changes North Korea's position from a common enemy to a peaceful partner. As the common enemy disappears, new objectives and threats for the ROK-US Alliance should be identified. Even if a peace regime is in place, because military tensions and the state of confrontation have led to high mutual distrust between the two Koreas for more than five decades, there could be high possibility of armed conflicts due to small misunderstanding. If a war reoccurs on the Peninsula, it is not difficult to imagine mutual destruction and irreparable ruin of the two Koreas beyond identifying the victor or the loser. Because deterring war on the Peninsula is an absolute necessity, it is critical to maintain military capabilities as well as maintain war deterrence posture superior to North Korea. Therefore, the combined defense readiness<sup>9</sup> of the ROK-US Alliance should be maintained by improving the ROK military capabilities in contingency, ensured intelligence sharing and nuclear umbrella as well as overwhelming conventional military capabilities by the United States.

Second, the ROK-US Alliance is an absolutely vital factor for peace and stability on the Korean Peninsula. Even after a Korean peace regime is established, the possibility of internal instability within North Korea caused by reforms and opening of the country in the process of regime transition cannot be excluded. Instability in North Korea will lead to a large-scale refugee crisis, a humanitarian disaster, loss of control over WMD, and an internal conflict, or a combination of these scenarios. And if the possibilities of neighboring country's intervention and North Korea regime's external explosion (provocation against the South) were added to this list, the Republic of Korea or the United States alone would find it difficult to respond to such a situation. Therefore, only Alliance's diplomatic, informational, military and economic (DIME) measures prepared prior to such events in

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<sup>7</sup> Currently, the United States is the ROK's second largest trade partner, and the ROK is the United States' 7th largest trade partner.

<sup>8</sup> 77% of ROK citizens support US forces stationing in Korea. The ROK government declared officially on numerous occasions that it desires USFK to continue its deployment after unification..

<sup>9</sup> In the ROK-US Mutual Defense Treaty Article 2 Paragraph 3, the purpose of the ROK-US alliance is clearly stated to be mutual defense.

line with joint planning can be effective.

Third, the ROK-US Alliance will be a basic pillar of peace and stability of Northeast Asia along with the US-Japan Alliance. Considering ROK-Japan, ROK-China, and China-Japan's complicated historical relationships, as well as their territorial disputes, the only country that can play an honest mediating role among these three countries is the United States. For the peaceful coexistence of the two Koreas to contribute to the stability of Northeast Asia, genuine reconciliation and close cooperation in the ROK-Japan, DPRK-Japan relationships are necessary. The United States as an ally to the Republic of Korea and to Japan respectively should be the catalyst of that process. If the ROK-US Alliance stays strong, then the neighboring nations will not speak out loud its territorial designs.

Even in a peace regime, it will be beneficial for the United States in performing its regional stabilizer role to keep the Peninsula as a main base in a strategic sense. Entering the 21st century, the United States shifted the gravity of its national security strategy from Europe to Asia, recognizing rising China and its central position in managing North Korea's outwardly actions. If the United States is to manage China effectively so that its expanding capabilities and intent do not develop into a “disruptive challenge,”<sup>10</sup> working together only with the Japanese capabilities and cooperation will be insufficient. And because strengthening Japan's military role in the region will draw ire from the neighboring countries, maintaining the ROK-US Military Alliance would serve for the United States' interests.

Ultimately, it is necessary to create a multilateral cooperation system in Northeast Asia region akin to the Organization for Security and Cooperation of Europe (OSCE) to promote the security environment institutionally, based on the experience and achievements of the 6-party talks.

Fourth, the ROK-US Alliance is useful in promoting comprehensive interests of both countries in a global sense. In case that regional conflicts, as well as supernational and non-military threats occur at the same time in various parts around the world, despite the exclusive and dominating status of the United States, it will face limitations in responding to these crises on its own. Therefore, it is important for the United States to cooperate with allies and friends in a global sense for the strategic concept of “deterrence and defeat,” for maintaining the strategic flexibility and global defense readiness of the US forces,<sup>11</sup> as well as for reducing the burden of stationing costs. In this context, the United States will look forward the Republic of Korea as an ally to share the security burden of the United States itself.

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<sup>10</sup> In the US DoD 2006 QDR, China was stated to be at crossroads in developing into a "disruptive challenge."

<sup>11</sup> USFK is also being redeployed based on the Global Defense Posture Review and the strategic flexibility principle.

From the standpoint of the Republic of Korea, terrorism, access to resources, and protection of vital sea lanes are issues directly related to the survival and prosperity of the country. As the Republic of Korea is a state dependent on foreign trade and importation of key resources, protection of sea lanes becomes much more important. Therefore, it is crucial for the Republic of Korea to cooperate with the United States to enhance such national interests and to maintain foreign confidence on Korea. In this sense, continued development of the ROK-US Alliance and stationing of the US forces in Korea are important for both countries.

## **B. Way Forward for the ROK-US Alliance**

At the Security Consultative Meeting (SCM) in October, 2006, agreements on the Joint Vision Study, Comprehensive Security Assessment, and Command Relationship Study have been made and suggested a way forward for the ROK-US Alliance from the armistice regime to the process of peace regime. For such agreements to be implemented and the objectives of mutual defense<sup>12</sup> for the ROK-US Alliance to be achieved, the following basic conditions should be fulfilled.

First, the Republic of Korea and the United States should share on their threat perceptions. Both nations should identify common threats globally, in Northeast Asia as well as on the Peninsula. Common threats and perceptions thereof should be shared, and on this basis, discussions on the options for the cooperation in the ROK-US Alliance can be made. For instance, the two allies can discuss on common threats, terrorism and the proliferation of WMD at the global level, excessive arms race between China and Japan as well as possibilities of territorial disputes at the regional level, and nuclear problem, a sudden collapse, and limited local provocations of North Korea at the Peninsula level.

Second, the Republic of Korea and the United States should realize their common visions and values as allies. In other words, the ROK-US Alliance needs to develop into a comprehensive, mutually beneficial and proactive alliance. For structuring a future cooperative military relationship, the two allies should discuss how to share roles, missions, and capabilities.<sup>13</sup> Basically in defending the Peninsula, the Republic of Korea would have the leading role and the United States would adjust its role to be supporting on the basis of mutual defense, and against off-peninsula threats, the United States leads and the Republic of Korea continues to play supporting role.

Third, the two allies should share friendly relations through mutual confidence. To ensure

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<sup>12</sup> Mutual defense signifies not only US participation, but ROK participation in US defense.

<sup>13</sup> RMC (role-mission-capability) was the central issue during the talks between USFJ and Japanese SDF on adjusting the role of USFJ.



the unity of Alliance regardless of changes in internal and external environments, each partner of Alliance should have the belief that its ally would mobilize its national power for the safety of the other. There is no question that mutual confidence and close cooperation are more important than mere agreements and documents. Both allies need more active dialogue and coordination between political and military leaders of both countries. And at the same time they should ensure non-governmental multifarious cooperation in various sectors.

When the Republic of Korea and the United States have established robust confidence, the two states can maximize their national interests by role-sharing and role-synchronizing. It illustrates well the case that the United States played the bad cop and the Britain played the good cop to solve the Libya WMD problem in 2004. However, when there is the lack of confidence between the Republic of Korea and the United States, small differences can be seen as a rupture in the Alliance and it would be difficult to expect flexibility of the Alliance.

### **C. Agenda for Advancing ROK-US Alliance**

For the robust ROK-US Alliance in the future, the two allies should make sure the following agenda.

First, The Republic of Korea should increase self-defense capabilities and gradually take the leading role in defending the Peninsula, while reducing the United States defense costs related to the Peninsula. Once a peace regime is established, the two Koreas would be the main parties in resolving the security and military issues on the Peninsula. Here, it would be difficult for the Republic of Korea to lead in solving the security and military issues on the Peninsula without actual defense capabilities. Therefore, it is essential for the Republic of Korea to acquire its own deterrent capabilities necessary for responding effectively to the North Korean threat in a stable manner.

The basic framework of “Defense Reform 2020” of the Republic of Korea is structured to be applied even to a peace regime. At the time of peace regime overall threats would be reduced, the shape and structure of the forces should be adjusted to account for high-intensity conflicts and the small-scale, low-intensity conflicts at the same time.

Second, as agreed at the 2006 SCM and MCM the Alliance military structure and coordination system should be actualized based on the principle of ROK-supported and US-supporting role. It would be a ROK-US common defense system that activates after the wartime OPCON transfer. The North Korean nuclear problem should be solved before the war time OPCON transfer. Furthermore, this new common defense structure should be designed for not only defense of the Korean Peninsula but also ROK-US common operational readiness for regional stability and peace after the transition into a peace regime.

Third, the stable stationing conditions for the USFK in Korea should be guaranteed and

its roles and functions should be adjusted. If the USFK is redeployed into two hubs,<sup>14</sup> then the USFK would have the operational flexibility for the defense of the Republic of Korea and strategic flexibility for the off-peninsula deployment, while improving working and living conditions for the US servicemen and reducing stationing costs. Though the establishment of a peace regime and the USFK might be the separate issues, the Republic of Korea forces will play a leading role in managing peace and defending Peninsula as part of that regime and the role of the USFK in defending Peninsula would be reduced.

However, from the Republic of Korea's perspective, strategic value of the USFK will be beyond the symbolic significance of the Alliance itself. If North Korea invades the South after a peace treaty is agreed upon, then the United States can intervene in the war in accordance with the Mutual Defense Treaty. But whether the US Forces would station in Korea or not will affect the way of the US intervention. If the US Forces continue to station on-Peninsula, then that attack will constitute an attack on the US forces and will not require a Congressional approval in accordance with the War Powers Resolution.<sup>15</sup> On the other hand, if the US forces would pull out of the Peninsula, then the United States will not be able to participate in the war without Congressional approval.

For the United States, if the Peninsula were in a state of friendly, peaceful coexistence, it would expand the flexibility of the USFK according to its concept of strategic flexibility. The Republic of Korea will be able to secure the US forces augmentation onto the Korean Peninsula in contingency by guaranteeing flow-out and flow-in of the US forces under the condition of prior consultation. Furthermore, if some tensions in Northeast Asia and Pacific region develop into armed conflicts, decisions on the commitment or augmentation of the USFK should be carefully coordinated by the two allies.

Following the war time OPCON transfer, it could be an option to organize ROK-US combined maneuver unit. It can be expanded from a brigade-level to upper division-level which contains multiple types of combat groups. In contingency, it can respond to the common threats of the allies. The interoperability and the operational capabilities of both forces can be developed through this organization.

Fourth, the functions and roles of the United Nations Command should be adjusted. Signing a peace agreement, the Armistice Agreement will become ineffective, and the function of the UNC, which manages the implementation of the Armistice Agreement, would be naturally terminated. However, even in peace regime the two Koreas remain divided and the possibility of armed confrontation still remains. The status and functions of

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<sup>14</sup> One hub is centralized around Osan AB and the Pyengtaek Port, while the other is centralized around the Daegu AB and the Pusan

port

<sup>15</sup> If a forceful attack is conducted on US forces, the United States can enter into war without Congressional approval. Referenced the

War Powers Resolution Paragraph 2, C-3 (signed November 7, 1973).

the UNC should be adjusted through UN Security Council discussions to maintain activities for peace on the Korean Peninsula. Then the UNC, an organization controlled directly by the UN rather than the US Joint Chiefs of Staff, as supervisor and mediator for the peace regime, can investigate and collect evidences on violations and manage the peace agreement.

To retain the neutrality of the UNC, it can be composed of the USFK along with Swiss, Swedish, Polish, Czech, and Slovak troops which were the members of the NNSC. In case of armed conflicts, it would be necessary to make it clear in the peace agreement that the UN will respond militarily through the UNC.

## **6. Conclusion**

It is the hope of all that the agreements of the 6-party talks related to the peace on the Korean Peninsula and the efforts for their implementation would not be a mirage. If North Korea once again refuses to talk and let down the expectations of the international community by accelerating its WMD proliferation, then the United States and nations involved as well as the UN will lead to strong pressures and then to sanctions. However, if the agreements to solve the North Korean nuclear problem are earnestly implemented step-by-step, the goal of a peace regime on the Korean Peninsula will come closer.

A peace agreement is possible to its bare minimum, only when it has mechanisms for eliminating or reducing the threat posed by North Korea. This is because deterrence of war is more complicated than conducting one. If the ROK-US Alliance can combine all of their capabilities to avoid war on the Korean Peninsula, it will be more valuable than a victory in any other war and will be meaningful in the process toward a peace regime on the Korean Peninsula.

In this sense, the perception and management of common threat, visions sharing of the future, maintenance of deep confidence, and close cooperation are all essential between the allies. In the process of pursuing a peace regime, the ROK-US Alliance must strengthen defense capabilities of the Republic of Korea, develop the military structure and its cooperation system to optimize the mutual sharing of roles, missions and capabilities, and finally adjust the functions of the USFK and the UNC in accordance with the changes of the security environment.