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**Session 2: Regional Framework for a Comprehensive Security Settlement: Does It Work?** Presenter: James Goodby

The Halperin proposal suggests that some sections of the Comprehensive Treaty would be adhered to by some of the signatories while others would be adhered to by all the parties. For this reason, among others, it is useful to review the categories of security issues that need to be addressed, and by which states. As the Halperin proposal, and other analyses, define them, the three main categories are: (1) issues left over from the 1950-53 Korean War and the elements of a North-South peace regime, (2) issues related to North Korea’s nuclear weapons program, and (3) issues related to regional inter-state relations in Northeast Asia.

1. **The left-over issues from the Korean War and the elements of a North-South peace regime** involve primarily North and South Korea and the United States, with China a likely fourth party. Other nations in Northeast Asia and those nations elsewhere in the world that were involved in the Korea War probably should have roles that respect or guarantee the Korea peace settlement.

Examples of specific issues to be addressed in this category are:

- Terminating the state of war,
- Terminating armistice arrangements,
- Establishing the border between the DPRK and the ROK, including maritime boundaries,
- Renouncing the manufacture, possession, stationing, and control of weapons of mass destruction,
- Affirming the right to adhere to alliances and to accept the stationing of friendly forces on the territories of the DPRK or ROK, if requested by either of the Korean states,
- Renouncing the threat or use of force in relations among the signatories,
- Affirming the goal of unifying North and South Korea,
- Affirming the free movement of people, information, and ideas between the DPRK and ROK,
- Promoting economic relations between the DPRK and the ROK,
- Establishing a consultative organization that would include the DPRK and the ROK, and probably the United States and China.<sup>1</sup>

Ideally, a legal document of some kind should replace the armistice arrangements. It could resemble the treaty that surrendered quadripartite rights in Berlin and Germany as a whole in 1990, i.e., a “Treaty on the Final Settlement of the Korean War.”<sup>2</sup> If that could not be managed, an “Interim Agreement,” politically but not legally binding, might be considered. And, of course, the Comprehensive Treaty could include this set of agreements as a Protocol. A peace regime would also include cooperative DPRK-ROK agreements similar to those in the Basic Agreement of 1992, including those relating to human rights.

2. As regards **issues related to the DPRK’s nuclear weapons program**, both North and South Korea are essential parties. The three recognized nuclear weapon states of the Asia-Pacific Region, China, Russia, and the United States, should be involved. Japan’s nuclear potential also is a factor for all of the other states in the region. Obviously, this list resembles the composition of the Six-Party Talks; the agreements reached at various stages in those talks are still relevant.

The Halperin proposal includes the concept of nuclear weapon-free zones, which would be an important new agenda item for a forum like the Six-Party Talks. The Halperin proposal contains suggestions for injecting this into international conversations.

President Obama’s call for “a world without nuclear weapons” also could be a device for placing a *de facto* nuclear weapons-free zone on the agenda.<sup>3</sup> For example, each of the six nations of the former Six-Party Talks could pledge that it

<sup>1</sup> See Goodby, J.E. “The Emerging Architecture for Security and Cooperation in Northeast Asia,” *Issues and Insights* Pacific Forum, CSIS

<sup>2</sup> See Katzman, Kenneth “U.S. - North Korean Relations: An Analytic Compendium of U.S. Policies, Laws and Regulations,” the Atlantic Council of the United States

<sup>3</sup> See Goodby, J.E. “Achieving a Non-Nuclear Korean Peninsula: Options for Diplomacy in Northeast Asia,” Unpublished, presented at SIPRI, Stockholm, on October 21, 2009

intends to work to create the conditions for a world free of nuclear weapons. Each would declare the immediate steps that it might take, individually, in coordination with others. These could include:

- Ratification of the Comprehensive Test Ban Treaty (CTBT),
- Cessation of production of fissile material for use in weapons,
- Japan and the ROK pledge that they would not build or accept the stationing of nuclear weapons on their territories,
- The DPRK would agree to destroy its weapons-related nuclear facilities,
- China, Russia, and the United States would agree to limits on nuclear weapons deployments in Northeast Asia,
- Verification appropriate to these undertakings would be implemented among the Six Parties, with the assistance of the IAEA.
- Consultative mechanisms would be devised, similar to these in place in the case of New START.

The Agreed Framework is a possible model for expressing the several obligations of the parties to such a treaty, although the new agreement will be multilateral, not bilateral. A KEDO-like structure could serve as the vehicle for implementing the agreement, which would also require a mechanism for addressing issues of non-compliance.

3. *Regional inter-state relations in Northeast Asia* are what most people visualize when “regional framework” is the subject. In nearly every other region of the world there are organizations that provide a forum for consultation and sometimes to make collective decisions regarding their regional inter-state relations. Several regional organizations already are active in East Asia but none deal specifically with security and cooperation in Northeast Asia.<sup>4</sup>

An approach somewhat different from Halperin’s would be to organize something like the OSCE for Northeast Asia. A treaty would not be required. It could be established either by a Summit Meeting or a meeting of Foreign Ministers. It might not need a secretariat at the outset. And it would deal with enhancing cooperation, not just security issues. Its core would be the nations of the Six-Party Talks.

The founding document could contain both a set of principles and proposed implementing steps. The principles would define the scope of the regional framework for security and cooperation in Northeast Asia. Implementing steps, many of which could be negotiated later on, would provide the basis for measuring progress. As this implies, a critical part of the agreement would be periodic review conferences.

**Concluding observations.** Whether the Comprehensive Treaty is seen as a metaphor or as an actual document, the reality is that a security community in Northeast Asia can only be created through a comprehensive assault on all or most the issues that bedevil inter-state relations in that region of the world. Only a comprehensive approach offers the hope of ultimately eliminating North Korea’s nuclear weapons program. The image we should have in our minds was expressed this way in an article I wrote in 2008:

Three interrelated elements bear on bringing peace to divided Korea: an agreement to end the armistice arrangements, a larger cluster of agreements that create conditions for enduring peace in Korea, and a regional framework that provides a mechanism for resolving conflicts and promoting peace in a region where divided Korea is not the only bitter residue of the past. Thus, the future security architecture of Northeast Asia will have at its core the Korean Peninsula legally at peace after six decades, that peace supported by a set of cooperative understandings mainly between South and North Korea comprising a “peace regime,” all embedded in a multilateral mechanism for promoting peace and security in Northeast Asia.<sup>5</sup>

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<sup>4</sup> See Goodby, J.E. “The Six-Party Talks: Opportunity or Obstacle?” Appendix 1. 2005 Posted on the Woodrow Wilson Center website.

<sup>5</sup> See footnote 1.