Policy Forum 97-09 : DPRK Perspectives on Ending the Korean Armistice

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Northeast Asia Peace and Security Network

"DPRK Perspectives on Ending the Korean Armistice"

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The is intended to provide expert analysis of contemporary peace and security issues in Northeast Asia, and an opportunity to participate in discussion of the analysis. The Forum is open to all participants of theNortheast Asia Peace and Security Network (NAPSNet) . As always, NAPSNet invites your responses to this report. Please see "NAPSNet Invites Your Responses," below, and send your responses to the NAPSNet Coordinator at: napsnet-reply@nautilus.org .

DPRK PERSPECTIVES ON ENDING THE KOREAN ARMISTICE

Essays by Kim Myong Chol and Pak Chol Gu

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I. Introduction

The following two essays provide representative views, from the perspective of the Democratic People's Republic of Korea (DPRK), on the possibilities and prospects of replacing the Korean Armistice Agreement with a permanent peace treaty. The authors address issues at the center of recent debates over the terms for beginning this process, and argue forcefully for their positions.

The first essay, "DPRK Perspective on a Post-Armistice Regional Order," is by Kim Myong Chol, an ethnic Korean born and living permanently in Japan. Mr. Kim's studies include graduate work in US foreign policy at Tokyo University. Mr. Kim worked as a reporter and editor at "The People's Korea" and has written extensively on DPRK perspectives on Korean and international relations.

The second essay, "Replacement of the Korean Armistice Agreement: Prerequisite to a Lasting Peace in the Korean Peninsula," is by Pak Chol Gu, a researcher for the Korean Anti-Nuclear Peace Committee, based in Pyongyang in the DPRK.

Both essays contend directly with a number of the points made in Patrick M. Norton's essay, "Ending the Korean Armistice Agreement: The Legal Issues," distributed previously as Policy Forum Online #2. In particular, Kim Myong Chol's essay extends some of the arguments he made in his discussion of Mr. Norton's paper, distributed as part of the forum. (Click here for Forum #2.)

The views expressed and claims made in the following essays are those of the authors. NAPSNet presents these essays as received, except for minor grammatical editing. Following the essays, in the section"NAPSNet Invites Your Responses," is information on how you can respond to these essays and participate in the online forum.

II. Essay by Kim Myong Chol

DPRK PERSPECTIVE ON A POST-ARMISTICE REGIONAL ORDER

by Kim Myong Chol

1. Introduction

During the nuclear standoff with the United States, the DPRK's legendary founding father, the late President Kim Il Sung remarked: "An American attempt to fight a duel with us goes nowhere. An American defeat would prove a humiliating loss of face before the world audience. Improved relations with us would enhance the American position in Asia."[1]

The settlement of the Korean question has remained long elusive since a ceasefire accord was signed on July 27, 1953. However, North Korea's supreme leader, Marshal Kim Jong Il concludes that this is no longer the case. He is confident that he is now within striking distance of the reunification of Korea. Things have come to such a head that a negotiated Korean settlement is in sight, raising the issue of a post-armistice order.

It has become all too evident to all the parties concerned that the Korean Armistice Agreement has outgrown its original mission, making it imperative to replace it with a peace treaty. The Democratic People's Republic of Korea has long called for talks between the direct parties to the armistice agreement to negotiate a peace agreement. The United States also recognized the need for a peace treaty, which has yet to be defined clearly.[2] A landmark North and South Korean Agreement on Non-Aggression, Reconciliation and Exchange was signed in December, 1991.

The continuing presence of the Korean Armistice Agreement constitutes its most fundamental flout in that it was originally designed to be temporary in nature as it envisages withdrawal of all foreign forces from Korea, a political conference of a higher level, and a peaceful settlement of the Korean question.[3] Negotiating a peace agreement has become all the more necessary because the United States pledged to provide less weapons-prone two light-water nuclear reactors to the DPRK, not to make any nuclear threat or attack against the Korean country and upgrade bilateral relations to full diplomatic relations.

2. Military Solution Is Not A Viable Option

The Korean War and subsequent events have brought home to policy planners in Washington that a military solution has been no longer a viable option, bringing the United States to be responsive to the peace overtures from Pyongyang. The nuclear standoff with North Korea has provided the latest and most compelling evidence.

That is in part because the Korean Peninsula is the world's most heavily armed place, ready to

explode at any provocation, and in part because a North Korean retaliation would leave the Americans with a Pyrrhic and senseless victory.[1] South Korea and Japan would find themselves reduced to ruins but some major metropolitan areas of the United States would turn into a living inferno. In other words, the Americans would most likely find resumed hostilities in Korea another wrong war with the wrong enemy in the wrong place at the wrong time.

The Korean experience has been, is, and will be, a nightmare to the American policy planners: the Korean War, the January 1968 Pueblo incident, the April 15, 1969, the August 17, 1976 Poplar Tree Incident, the 1986-94 nuclear standoff, and the December 1994 Chopper Affair. Each time the Americans backed down.

The 1950-53 Korean War, which ended in the first wrong war with the wrong enemy in the wrong place at the wrong time.[2] The Americans, which had beat Nazi Germany and militarist Japan, had initially expected a push-over in punishing the North Koreans. North Korea and China were a joke not only to Germany and Japan but also to the Americans in terms of industry and war machine.

By the second year of what had been supposed to be a walk-over, the American public grew so hostile to the war effort in Korea that 'many people burst into profanity at the mere mention of Truman's name.'[3] Continuing war efforts in Korea meant more American casualties, higher taxation and runaway inflation. Half of the American casualties during the Korean War were sustained in the first year of the conflict. Public dissatisfaction with the Korean War was responsible for sending Gen. Eisenhower to the White House as he pledged to end the unpopular war.[4]

In his letter to Syngman Rhee, Eisenhower defended the American position: "It is my profound conviction that under these circumstances acceptance of the armistice is required of the United Nations and the Republic of Korea. We would not be justified in prolonging the war with all the misery that it involves in the hope of achieving, by force, the unification of Korea."[5]

However, the Sygnman Rhee regime in South Korea persisted in its stand: 'For anything less than re-unification to come out of these great sacrifices of Koreans and their powerful allies would be unthinkable.'[6] Syngman Rhee remained adamantly opposed to the ceasefire negotiations and stayed out of the Korean Armistice Agreement.

Syngman Rhee declared: "...to accept such an armistice is to accept a death warrant."[16] Overriding his objections, the Republic Administration of Gen. Eisenhower signed the armistice agreement, which the sixteen nations allies fully supported, stating: "The consequences of such a breach of the armistice would be so grave that, in all probability, it would not be possible to confine hostilities within the frontiers of Korea."[7]

After the ceasefire, the Americans found themselves repeatedly coming close to launching a major military strike on North Korea. However, each time the United States backed down, quietly withdrawing its task forces, including B52s and a naval flotilla. No explanation was given, however. The answer was the keen realization in Washington that the consequence of resumed hostilities would be too costly to be justified.

The January 21, 1968 capture of an armed spy ship USS Pueblo brought the American Administration of President Johnson to a near war situation with North Korea. A flight of B52s and a naval task force spearheaded by nuclear carrier USS Enterprise were ordered deployed into Korea. President Kim Il Sung ordered all the Korean People's Army forces and militia forces into DEFCON 5, putting the whole people and the whole country on a war footing.[19] Supreme Commander Kim Il Sung vowed "eye for eye, retaliation for retaliation, total war for total war."[8]

The Johnson Administration favored a reprisal air strike on selected military targets in North Korea but abandoned it and decided to withdraw all the American forces deployed to Korea for a possible punitive action against North Korea. Since the American gunboat diplomacy did not work, the Americans were left no other alternative but to sit idle and wait for one year and sign a letter of apology before the Pueblo crew members were released from captivity.

On April 15, 1969, an American spy plane EC121 with 31 men aboard was shot down by a North Korean Mig-21 interceptor while infiltrating deep in the territorial air of the DPRK. The Defense Secretary Laird and State Secretary Rogers questioned the wisdom of the proposed operations, citing an assessment of a possible American loss.[9] In the end the Americans refused to take any military action, though its pilot was killed. American responses to Libya, Iraq, and Bosnia were totally different. American warplanes were allowed to drop bombs and fire missiles in those countries at almost every opportunity.

Seven and a half years later, on August 18, 1976, American soldiers felled a poplar tree at Panmunjom on the ground it obstructed their view. In the ensuing melee with protesting North Korean soldiers, two American officers were killed and several wounded. The Republican Administration of Gerald Ford dispatched B52s and a 7th Fleet task force to Korea to force the North Koreans to cower. Again, Marshal Kim Il Sung ordered all the KPA units on a war posture, ready to strike back.

While nuclear-armed American forces were confronted with the North Korean forces, the North Koreans expressed a regret over the incident and suggested that the two sides take steps prevent the recurrence of a similar incident, proposing to demarcate the joint security area of Panmunjom into the northern and southern zones, prohibiting guards from one side from entering the other side. Unheeding the South Korean objection, the Americans promptly accepted it and the demarcation accord was signed on September 7, 1976, virtually removing the joint security area, though the name remained.[10]

Ten years had to pass before the nuclear crisis began to develop during two successive Republican administrations, but no action was taken by Washington to discourage the North Koreans from their reported clandestine nuclear weapons program. Instead Washington held at least 16 rounds of diplomatic contacts with Pyongyang during the 1988 to 1991.[11]

During the years that intervened, two major wars were fought. The Vietnam War, which turned out to be a second debacle for the Americans, ended in tearing down the economic and social fabrics of the United States and caused President Nixon to terminate the gold standard for good, setting the stage for the decline of the dollar. Constantly nightmared by Korea and Vietnam, the United States allowed the much-publicized high-tech Gulf War to end in a military and political stalemate. The United States depended on Saudi Arabia, Kuwait, and Japan for most of its war chest, but the U.S.-led allied forces stopped short of marching on Baghdad and toppling the regime of Hussein but settled for an ambiguously-worded ceasefire agreement. All the crack forces of Iraq remained intact, albeit temporarily shorn of its ABC warfare capability.

This accounts for the failure of the Bush Administration to take drastic action against Pyongyang over its alleged nuclear weapons development effort. Instead, President Bush gave the green light to a series of diplomatic contacts with North Korea and went the length of announcing that his Government withdrew tactical nuclear weapons from South Korea as part of his global withdrawal program.[12] The US went the length of considering giving the North Koreans access to American military bases in South Korea [13] in response to the North Korean demand.

These developments led to Pyongyang's talks with IAEA and produced the December 1991 North-

South Korean Agreement on Non-Aggression, Reconciliation and Exchange and the January 1992 Declaration on the Denuclearization of the Korean Peninsula. Bush OK'd upgrading the American-North Korean contacts to a higher level, leading to the January visit of North Korean ruling party official Kim Yong Sun to Washington for talks with Undersecretary of State Arnold Kantor.

In other words, the Gulf War served as another reminder of the futility of fighting a total war in Asia and in particular of the disastrous consequences of fighting the well-trained, well-equipped, well-motivated North Koreans. Wise enough to avoid the repeat of the Gulf War, Bush preferred to coax North Korea rather than to pursue the gunboat diplomacy.

Bush, however, was defeated by Clinton in the 1992 presidential election. In his first year at the White House, Clinton tried to pursue a different Korea policy than that of the Bush Administration and first tried to blackmail North Korea, which in turn responded by announcing its withdrawal from the non-proliferation treaty and vowing to fight an all-out war with the United States.[14] Aware of Bush's policy behavior and advice from the Pentagon, whose top leadership was a carryover from the Bush Administration, Clinton decided to follow the predecessor's example. Like Bush, Clinton did not order B-52s and a 7th Fleet carrier task force deployed to Korea.[15]

The Republican American perception of North Korea was once again vindicated in a review of the American military contingency plans in Korea, better known as USFK-OpPlan 502716, a scenario for a second Korean War which was officially presented to the Democratic President, Bill Clinton on December 10, 1993.The so-called US Forces Korea OpPlan 5027 is one of the standing contingency plans under the U.S. Pacific Command in Honolulu as the first two digits of the code number suggest. It was reportedly revamped on the basis of the American experience in the 1991 Gulf War.

Pentagon officials, U.S. generals in Honolulu and Seoul agreed that ultimately the U.S. would win the second Korean War but at astronomical costs to human lives, military and civilian.

Below are highlights of OpPlan 5027:

- Seoul and its adjacent areas, home to 40% of the South Korean population, would be immediately in a sea of fire under a lethal barrage from some 8,400 long-range artillery pieces and 2,400 rocket launchers deployed along the front line.

- Not less than 545,000 American troops would be committed to the Korean front.

- The war would be a very high-intensity conflict lasting 82 to 112 days, or up to four months

- The war would produce tens of thousands of American casualties and far more among the South Koreans.

- Radioactive pollution could escape into air as Japan and Hawaii lie on the east of the Korean Peninsula and on practically the same latitude with it.

- The South Korean economy and world trade would suffer disastrous consequences.

These estimates were apocalyptic enough for the Clinton Administration.

OpPlan 5027 is a historical watershed document in that it prompted a cautious, conciliatory policy behavior by the United States to the DPRK[15] and set the stage for the October 21, 1994 nuclear agreement. The latter specifically commits the United States not to attack North Korea and to establish ambassador-level diplomatic relations with Pyongyang. The American pledge not to threaten or launch a nuclear attack on the north needs to be in a legally binding form, namely, a

treaty form which requires ratification by American Congress and the Supreme People's Assembly.

This can be achieved by negotiating a peace treaty to replace the dangerously outdated Korean Armistice Agreement.

3. A Peace Treaty Is Inevitable

Since a military solution is no longer a viable option, despite their oft-reiterated objection to direct negotiations between the DPRK and the United States on a peace treaty, Marshal Kim Jong Il is confident the Americans will end up negotiating one with the North Koreans. It is only a matter of time, at least a matter of years. Currently, the Americans are dragging their feet, citing the South Korean protests, which will prove lost labor after all. The US's supreme national security interests are certain to prevail. South Korea is a second-class ally of the United States.

There are two major reasons to support the view that it is only a matter of time until the Americans will be talking with North Korea about replacing the armistice agreement with a peace treaty: (1) the October 21, 1994 nuclear agreement (2) the collapse of institutional systems to monitor and oversee the armistice, that is, the absence of direct communications between the Korean People's Army and US forces in South Korea.

A peace treaty would produce short-term and long-range fallout in two areas: First, it would give the North and South Koreans an attractive incentive to reduce conventional arms on the Korean Peninsula and minimize its potential as the world's most volatile flashpoint. Second, it would dramatically help foster dialogue and peace between North and South Korea.

Firstly, the two agreements envisage turnkey delivery to the DPRK of two light-water nuclear reactors by the target year of 2003 [1] and establishment of full diplomatic relations between the two former arch-enemies by that date. This will also mean a peace treaty between the two countries. Successful completion of the light water nuclear reactor project will produce normalized relations between Pyongyang and Washington, leaving behind them a half century of belligerency.

A key question here, however, is whether the Americans can meet the deadline of 2003. The answer is, Obviously No. Usually it takes at least ten years to build, install and test a nuclear reactor before it is ready for operations. It is an open secret that it will be a mission impossible to complete the reactor project on schedule. It may take twice the planned time to construct the LWRs.

The American failure to deliver the turnkey nuclear plants will tremendously strengthen the hand of the North Koreans, the toughest negotiators the Americans have ever faced. The Americans and the South Koreans will have no option but to work against time, but yet they will not be unable to complete the turnkey project on schedule as KEDO Secretary General Bosworth said.[2]

The American default will be most likely considered as a premeditated deception by the North Korean government, which will angrily react by jettisoning the whole agreement and resuming what the Americans suspect is the nuclear weapons program on a crash basis. Supply of heavy oil will prove far from sufficient to placate the disgruntled North Koreans.[3] The rapidly aggravating crisis will not be defused by any offer by the United States short of what they covet most, that is, earlier full diplomatic recognition of the DPRK, ending the state of war or a peace treaty. The North Koreans will never settle for less.

Besides, as things stand, the Americans will have to proceed with providing the LWR project in a highly tense situation where heavily armed combat troops are within striking distance of each other along the 38th Parallel. A small incident or miscalculation can quickly expand beyond control to abort the ongoing LWR project. This danger has been dramatized by the September 18 submarine incident, which almost torpedoed the light water nuclear reactor project. The resulting American delay in the scheduled commencement of work on the construction of reactors provoked the DPRK Foreign Ministry's threat to cancel their obligations under the nuclear agreements.[4]

Further progress in the light-water reactor project will inevitably involve the transportation into North Korea by air, sea and land of thousands -- perhaps tens of thousands -- of US and South Korean engineers and other personnel, heavy-duty and large-scale equipment, and construction materials. Large cargo ships, container ships, large cargo planes, and heavy-duty trailer vehicles will have to be used.

Such gigantic-scale transportation operations would be hampered by the DMZ. Once the reactor project shifts from designing a plant to its on-site construction, it is not so much the North Koreans as the Americans and the South Koreans that will find the Military Demarcation Line a barrier to their work on the construction of a nuclear reactor.

They will increasingly favor overland transportation and direct air flights across the Military Demarcation Line, which is controlled by the Korean People's Army and the American forces in South Korea. This requires political and military talks between Pyongyang and Washington, because the area along the Military Demarcation Line is the most heavily fortified area, a scene of constant war games. Repeated aerial, maritime and overland shuttle services across the DMZ would make history as they would mean a virtual opening of the DMZ. The visible American military presence would look increasingly awkward and irrelevant as hundreds of, thousands of KEDO officials and engineers pass by combat ready American forces on land, on the sea, and in the air.

Pyongyang is a two-hour drive from Seoul. A jet plane can shuttle between the two cities in less than an hour. At present, a direct air flight to Pyongyang takes two hours from Japan. An air trip to the North Korean capital can be reached by way of Beijing: four to five hours from Seoul or Tokyo to Beijing and two hours from Beijing to Pyongyang. Normally, a traveler from Seoul, Tokyo and the U.S. mainland have to stay overnight in Beijing to pick up a direct flight to the North Korean capital. A sea trip from Japan or South Korea is a 24-hour voyage.

While the Americans will have to race against time to design, manufacture, install, and test LWRs in an all-out bid to implement the October 21, 1994 framework agreement and the Kuala Lumpur agreement, the DPRK has only to keep the nuclear program frozen and closely monitor their work, watching out for any sign of deviation from the agreements. All the North Koreans will have to do is to roar out warnings or threats to abandon the agreements and nothing else.

Secondly, the American military in South Korea will soon be exasperated by the lack of direct communication with the North Korean military in a highly delicate situation. The American military will be left with no other alternative than to seek direct talks with the North Korean forces and consent to an interim agreement on forming a North Korean-US general-level military commission.

The Korean Armistice Commission almost was disbanded in March 1991 when a South Korean general was named to be senior member. Then the nuclear standoff arose with little room for the American military to play any role. On December 17, 1994, an American military chopper was shot down when it violated the northern territory. Again there was nothing the American military could do. It was settled through diplomatic negotiations between Pyongyang and Washington. Finally in May 1995 the American military agreed to hold military talks with the North Korean forces at

Panmunjom. A series of working-level meetings were held and some progress made, but the talks were scuttled in September by the Americans.[5]

An American irritation was such that Kurt Campbell, U.S. deputy assistant secretary of defense, on January 2, 1996 sent a letter to South Korean assistant defense minister Maj. Gen. Park Yong Ok, expressing the US concern about the absence of a reliable dialogue channel with the North Korean military.[6] He asked Park to drop the erstwhile opposition to a general-level meeting between the North Korean and US militaries. Park reportedly objected to the American overtures.

Given the explosive situation, how long can the United States go on without a working communication channel with the North Koreans? In the event of renewed hostilities, "no one doubts that many people, including US troops stationed along the border, would die from North Korean missiles in a matter of hours."[7] The outgoing US commander in Japan, Gen. Richard Myers, remarked that an astronomical number of people would die in a second Korean War. Gen. Gary Luck made a similar comment.

A miscalculation or an untoward incident, unless properly defused through a reliable channel of communication between the North Korean and the American military, would mean the alarming prospect of instant death for millions of people and tens of thousands of GIs. No operating nuclear power plant was in place in Korea when the Americans fought the three-year war. It was also the case in the Vietnam war. No nuclear power plant was in Europe or Japan during WWII. Ten nuclear power stations are operating in South Korea, while there are fifty operating nuclear power plants in Japan [8], half being on its East Sea (Japan Sea) coast within easy range of North Korean long-range ballistic missiles.

During the Korean War, the North Koreans had no capability to launch retaliatory massive air-raids on South Korea or any other parts of the Asia and Pacific region which house American military bases. Now, the North Koreans are capable of showering hundreds of ballistic missiles on the whole of South Korea. Their missiles can reach the whole of Japan and other parts of the Asia-Pacific rim. In a worst-case scenario, a second Korean War would produce tens of Chernobyl-like meltdowns and leave millions of lives lost and tens of thousands wounded with deadly radioactive fallout raining on all parts of the Asia Pacific region. The world's booming economies would end up in ruins.

A conclusion of a peace treaty would generate two remarkable immediate and lasting spin-offs. A steep cut would be made in the conventional armaments in the two parts of Korea, while Pyongyang and Seoul would find themselves in extensive and serious talks, which would eventually lead to a two-system confederal reunification of the Land of Morning Calm.

Firstly, it would not form any realistic agenda to call for significant cuts in the conventional capability of the DPRK without taking into account its security concerns. The most serious security threat to the DPRK comes not from South Korea, but from the United States, the largest and most powerful military power that has ever appeared in world history. The North Koreans fought a three-year war with the United States and has yet to end more than 40 years of state of war with her. With the Russians no longer a military ally and China remaining a lukewarm friend, the North Koreans are confronted with the nuclear forces of the United States allied with Japan and South Korea.

The North Korean security concern would never be alleviated unless North Korea clinches a peace treaty with the United States. The 1991 non-aggression agreement between North and South Korea would not address the security threat Pyongyang perceives in the American military presence in South Korea and its ceaseless military games around Korea. It is a matter of common knowledge that the South Korean armed forces are under operational control of the United States since the 1950 Taejon Agreement. No military talks with South Korea would go anywhere, unless the

Americans end their state of war with North Korea.

The North Koreans have built up a huge war machine, geared up for a nuclear shoot-out with the nuclear-armed forces of the United States. The ending of the state of belligerency with the United States would enable the DPRK to sharply reduce their armed forces and disengage most of its forward-deployed troops from the 38th Parallel. Otherwise, the North Koreans would keep building up its war machine even with their pants down.

In short, if Pyongyang and Washington should negotiate and agree on a peace treaty, it would go a long way toward demilitarizing the Korean Peninsula, stabilizing peace and security in Northeast Asia, and reinstating Korea as a reunified state into the world community. North and South Korea would find it very attractive to make mutual troop reductions and withdraw their front-line forces from the 38th Parallel. They would be free to release most of its resources into economic expansion and welfare programs.

Secondly, there is no better, more realistic way to induce South Korea to establish a full-fledged democracy, engage in reunification-oriented North-South talks, and agree to reduce their conventional arm forces. As past history demonstrates beyond question, how many beautiful agreements the North and South Koreans may hammer out, it does little to reduce tensions between two capitals and restore North-South Korean trust.

The June 1972 North-South Joint Communique led to the imposition of draconian rule dubbed Yushin (restoration) regime in October 1972.[9] The December 1991 North and South Korean Agreement on Non-Aggression, Reconciliation And Exchange produced the North-South Joint Military Commission, which was never convened for its working sessions. The denuclearization of the Korean Peninsula, agreed on by North and South Korean in January 1992, was never implemented.

Two reasons may account for this. (1) The successive South Korean rulers have been afraid that full and thorough implementation of the agreements would remove their raison d'etre -- the threat from the north invoked as an all-purpose justification for the rape of democracy in South Korea -- which would force the abolition or extensive rewriting of the National Security Law and make senseless the American military presence. (2) The South Koreans, a second-class ally of the United States, are in no position to be serious about North-South contact and exchange, which could challenge the presence of American troops in South Korea.

What deserves a special mention is that despite Kim Young Sam's initial agreement to meet with the late President Kim Il Sung through the good offices of former American President Jimmy Carter, the dissident-turned conservative leader showed outright hostility toward the regime of Kim Jong Il from the beginning. His lack of decency and decorum was such that he went the length of putting the South Korean forces on a special alert and branding the late North Korean leader as "a war criminal, " while clamping a sanguinary crackdown on any expression of condolences for the person he promised to talk with.[10] Thus he not only missed the golden opportunity to take the initiative in North-South dialogue but also defiled the time-honored Korean tradition of expressing respect to his opponent at the time of his death. His action constituted a slap on the face of the American leader. Clearly, the South Koreans proved more of a problem than the North Koreans.[11]

As a matter of fact, the past North-South contacts were in response to developments outside Korea or prodding from America. The 1972 North-South Joint Statement was prompted by the then American President Richard Nixon's visit to Beijing and recognition of its legitimacy as the sole government representative of the whole of China. The 1991 non-aggression pact was a byproduct of the then American President George Bush's announcement on the withdrawal of nuclear weapons from South Korea. The proposed North-South Korean summit, which never materialized, was

arranged by former American President Jimmy Carter. Those developments proved insufficient to keep the North-South contacts on a right track.

A peace treaty between Pyongyang and Washington would put the long-overdue end to a near-half century of state of war between the two and would bring a much needed fundamental change to the nature and role of American troops. Since their presence would be no longer targeted at North Korea, the American forces stationed in South Korea, whose presence constitutes a brazen violation of the current Korean Armistice Agreement, would be vested with a sort of mantle of legitimacy. Their new role would be to serve as a peace-keeping force with Pyongyang's blessing or at least tacit agreement. Then, the Americans would no longer feel their military presence in South Korea jeopardized by progress in North-South talks. A case in point is that with all their expressions of endorsement, the Americans were unhappy with the 1991 non-aggression pact.[12]

A North Korean-American peace treaty would reduce the National Security Law and the Agency for National Security Planning to history book status and create a favorable climate in South Korea for expanded contact with the North and the South. A similar effect would be brought about by the successful conclusion of the light water nuclear reactor project. South Korean people would no longer be afraid of being followed, picked up for investigations, and jailed for crossing into North Korea, meeting with North Koreans, exchanging correspondence with them, and getting access to North Korean literature, radio and TV broadcasts.

A sweeping democratic change would ensue in South Korea, as a more democratic and unification-oriented government would be elected by the South Korean people, finally ending nearly five decades of successive rulers toppled, disgraced and jailed. The current leader, Kim Young Sam is most afraid he would likely share the same disgrace with their predecessors Chon Dun Hwan and Roh Tae Woo were.[13]

Significantly, a substantial headway would be made in North-South talks. The North-South non-aggression treaty would be implemented for the first time.

History should be our guide in seeing whether the Americans will agree to talk on peace with North Korea. Past precedents overwhelmingly indicate that the United States will consent to negotiate a peace treaty with the DPRK.

(1) The then Republican Administration of General Eisenhower signed the 1953 Korean Armistice Agreement, undeterred by Syngman Rhee's determined opposition.

(2) The Ford Administration, accepting the oral North Korean expression of regret over the Poplar Tree incident, agreed to demarcate the joint security area at Panmunjom, despite Park Chung Hee's protests.

(3) With all his much-publicized Gulf War victory, President Bush refused to take any political and military sanctions on the budding nuclear crisis and instead instructed his Administration to expand diplomatic contact with North Korea.

(4) Regarding the nuclear issue, at first the Americans insisted that the North Koreans should talk with the IAEA -- but then the Americans found themselves signing the October 1994 agreement and the Kuala Lumpur agreement with the North Koreans.

(5) The North Koreans and the Americans held the first round of missile talks in Berlin recently without Chinese or South Korean or Japanese participation.

(6) The Americans provided $6.2 million worth of food assistance to North Korea, much to Kim

Young Sam's dissatisfaction.

(7) Five-day talks in New York recently ended successfully with the Americans offering $2 million in compensation for the North Korean efforts to recover remains of American MIAs.

(8) The Clinton Administration did not go with the South Korean demand for resumption of the Team Spirit series of large-scale war games over the submarine case.

(9) North Korean and American colonels met at Panmunjom for secretaries meetings to discuss the submarine case, since the Korean Military Armistice Commission has been incapacitated by the appointment of a South Korean general as senior member.

(10) American military aircraft repeatedly shuttle between Pyongyang and Washington, carrying American officials, including Democratic Congressman Bill Richardson on his November 25-27 visit.[15]

(11) Now American and North Korean official and unofficial delegations ply between the two capitals.

(12) The submarine affair did not deter the DPRK and the U.S. from agreeing to opening liaison offices in their respective capitals.[16] The Americans dropped their demand that American diplomats and their diplomatic pouches be allowed to ply through Panmunjom, the obstacle that stood in the way of establishing diplomatic missions.

4. A Post-Armistice Order

The most likely scenario is a three-stage approach to the issue of a peace treaty. Two principles will guide the North Koreans in this scenario. One is not to oust the American forces from South Korea but to make them neutral in or sympathetic or supportive of the eventual reintegration of the divided country. The other is not to make a reunified Korea a destabilizing factor in East Asia, including Japan.

The first stage is to establish liaison offices in Pyongyang and Washington. The second stage is to upgrade the current colonel-level contacts at Panmunjom to a general-level communication between the Korean People's Army and the U.S. forces. The third stage is to negotiate and sign a peace agreement ending the state of war between the DPRK and the U.S. for good.

The first stage is a matter of months, not years. With diplomats stationed in their capitals, the North Koreans and the Americans will feel the pressure to devise a formula to maintain the current unstable ceasefire in particular in the face of the virtual lack of a high-level military communication between the two countries. The North Koreans and the Americans will share a grave concern over a possible unexpected incident. This will set the stage for the second stage. The Japanese Government will hurriedly try to follow suit, giving up the previous policy of setting preconditions in resuming talks with North Korea.

The foremost element in the second stage is to work out an interim peace agreement [1] in the place of the virtually paralyzed armistice agreement, pending a peace agreement. As a DPRK Foreign Ministry spokesman put it, different from the armistice agreement, the interim accord addresses the

issues of policing the Military Demarcation Line and the Demilitarized Zone, ways and means of defusing any armed clashes and untoward incidents, formation, duties and powers of a bilateral military commission as a joint crisis management body, and amendment of the accord. What makes the interim agreement sexy to the Americans is that its foremost concern is to maintain security and order and nothing else: in short, the proposed interim agreement is an abridged version of the armistice agreement, not banning introduction of equipment from overseas and urging the withdrawal of foreign troops from Korea.

The bilateral crisis management committee is to be headed by two generals, one from the Korean People's Army and the other from the United States and will supplant the Korean Military Armistice Commission to oversee the execution of the interim agreement. This new body will serve as a direct channel of communication between the Korean People's Army and the U.S. forces. Its job is to fill a vacuum generated by the virtual breakdown of the Korean Military Armistice Commission.

The proposed provisional agreement can be negotiated at the present colonel-level contacts at Panmunjom, or in Pyongyang or in Washington, or in any appropriate venue mutually agreed upon.

The inauguration of the DPRK-US Joint Military Commission will produce a favorable climate for implementation of the December 1991 North-South Korean Non-aggression Agreement and activation of the North-South Military Commission. Once the North-South non-aggression pact goes into force, long-standing hostility and distrust will be gone and relations of reconciliation and mutual trust will be formed between North and South Korea. The National Security Law and the Agency for National Security Planning will have no place in South Korea. Formation of a one confederal state with two systems and two local governments will become a realistic agenda item.

The third stage will come with the end of North-South military hostility: the need to terminate the state of war between North Korea and America. When the North-South Military Commission discusses troop reductions and disengagement measures, North Korea will find them unacceptable as long as the American forces stay on in South Korea, ready to pounce upon Pyongyang. Continuing animosity between the DPRK and the US will jeopardize the ongoing North-South Korean relations.

This requires the U.S. to enter into negotiations with North Korea on ending the state of war: a peace treaty. By this time a significant headway will have been made in the project to provide two light water nuclear reactors to the DPRK. The North Koreans and the Americans will have built working relationships of mutual trust and confidence, while the North and the South Koreans will have come closer to a confederal system. In short, nobody will object to the Americans talking peace with North Korea. Things will have fallen into place.

The DPRK-US peace treaty proposed by Pyongyang will focus on ending the state of belligerency and safeguards against renewal of hostilities. It will not call for setting a military tribunal to punish the war criminals, nor will it urge payment of reparations or withdrawal of foreign forces from Korea. The American military forces in South Korea, whose presence has constituted a fundamental contravention of the Korean Armistice Agreement, will be accorded a mantle of legitimacy and be neutralized as a peace-keeping force if so agreed upon. They will be encouraged to leave South Korea in a phased and honorable fashion.

The peace treaty will enable the North and South Korean sides to undertake drastic force reductions to 100,000 men each according to their non-aggression pact and as specified by their military commission. The DMZ and the Military Demarcation will turn into a mere demarcation line, which North and South Korean people will be allowed to freely cross at any time. The DPRK will have full ambassadorial relations with the United States. Japan will again follow the example of the US.

North and South Korea will have a series of high-level talks, including summits, to work out the details of a two-system, two-government confederation with a central government and a confederal army. Its foreign policy will embrace neutrality and nonalignment.[2] The confederal army will have a force strength of approximately 200,000 [3] just needed to defend the sovereignty and independence of the Korean Peninsula. They will neither develop nor acquire nor introduce any nuclear weapons in accordance with the North-South non-aggression agreement and the declaration on the denuclearization of the Korean Peninsula.

Once the North Koreans have signed a peace treaty with the Americans, they will look the other way while the American troops are kept on South Korean soil [4], because they are no longer targeted at North Korea. Pyongyang favors a phased withdrawal of American troops from South Korea. For a certain period of time even after the confederation is achieved, Pyongyang will not object to the South Korean Autonomous Government keeping the American forces as a peace-keeping contingent on its soil and retaining the mutual defense treaty with the United States. How long the US forces will remain in South Korea will be a matter to be discussed between the South Koreans and the Americans, provided the Status of Forces Agreement is radically revised to grant the South Koreans the same degree of legal jurisdiction over American soldiers as the Germans have.

This will bring the long-overdue end to the unfortunate chapter of Korean history -- the end of the Second World War and the Cold War in that part of Asia -- and the beginning of extensive disarmament in the Far East. The picture will be different from the Southeast Asian situation, where economic prosperity has been financing the spiraling arms race.

Korea will no longer be considered a pretext for Japan to invoke to justify expanding its armed forces as it does now. Japan will be deprived of any further pretext to go nuclear. A successful KEDO project will produce North Korea without any nuclear weapons capability. A peace treaty will bring the long overdue end to the the state of war between the North Koreans and the Americans, reinforcing the non-aggression pact between Pyongyang and Seoul. A confederal Korea will be a nuclear-free zone.

To be more specific, a peace treaty between the DPRK and the USA will come almost simultaneously with full ambassadorial relations with the two countries certainly before 2003 and most probably during the second term of Clinton, with Kim Young Sam out of sight. A successor to Kim Young Sam will have no other choice but to follow the American initiative. If not, the countries concerned would be fighting a nuclear war, endangering the survival of Spaceship Earth. Western countries will immediately follow suit, sending foreign capital flowing into North Korea and in particular in the Northern Triangle.

China, Russia, and Japan will most certainly welcome the emergence of a non-aligned, non-nuclear, and neutral reunified Korea, which will serve as a new powerhouse behind regional economic growth and a sort of an effective buffer zone in the Far East where their vital interests converge. This means the complete end to the Second World War and the Cold War in Korea.

The DPRK-US peace treaty and normalized relationships will force a major change to the American-Japanese security system and the American security structure in the Asian-Pacific rim. With a phased American military disengagement from South Korea, the American force deployment in North East Asia will be halved from the current 100,000 men as most of the premises for the US Security Strategy for the East Asia-Pacific Region [6] will be gone. Given the Japanese, Chinese and Russian factors in East Asia and the Pacific rim, the DPRK will implicitly welcome the continuing but reduced American military presence in the region. In order to silence possible bursts of popular opposition to the American military bases and win over local residents, Tokyo and Seoul will be advised to significantly revise their Status of Force Agreements with the US to the same level as the

Germans.

Some critics may argue that the proposed four-way conference is the only course of action for Pyongyang to take. They are obviously misguided. First of all, the American commitment to it is lukewarm for four reasons. The April 17, 1996 joint statement issued by President Clinton and Premier Hashimoto, on the day following the that of the four-way talks proposal, has no reference to the proposal. Second, no high-powered emissary has ever been sent either to Pyongyang or Beijing. Third, Washington and Seoul revoked the proposal.[7] Fourth, the proposal is uncharacteristically un-American, ambiguous with little substance. To be blunt, it is quite unlikely that the April 16, 1996 proposal will be favorably received by Pyongyang.

As a matter of fact, an American congressman visited the DPRK in the wake of the submarine case, while a North Korean Foreign Ministry official flew into Washington for a series of talks. More significantly, the American and North Korean negotiators managed to remove the last remaining obstacle to the establishment of liaison offices in the two capitals.

Some critics, including the outgoing CIA director, John Deutch, may be prompted to predict the collapse of the DPRK in a few years.[8] They may be on the payroll of the intelligence community or the military or the defense industry, whose raison d'etre will be diminished by improved relations between Pyongyang and Washington. Otherwise, they may have little idea of what the DPRK is like, its leadership, its people, their history and culture.

At no time have any American or South Korean intelligence reports on the DPRK proved correct. For example, there were more serious allegations from dozens of low-level defectors. In 1993, alleged travelers from Pyongyang were quoted as reporting on widespread insurrection in the DPRK due to lack of food, water, and electricity [9], indicating that the North Koreans might be fighting a civil war. As it turned out, nothing happened. Hundreds of thousands of people fled from Cuba to the United States, which did not result in the collapse of the socialist system in Cuba. The Castro regime in Havana is now firmly in charge. At present, Latin American countries, West European countries and Canada are heavily investing in the island country.[10]

Marshal Kim Jong Il, his government and people will remain a source of continuing information debacles for American and South Korean intelligence Cold Warriors. For them silence is gold. Marshal Kim Jong Il is poised to get what he wants: peace, diplomatic relations with both Washington and Pyongyang, economic prosperity and reunification.

Major credit for all these developments will go to Marshal Kim Jong Il as architect of Korean peace with the US, restoration of democracy in South Korea, and the reunification of the divided country. A Nobel peace prize will be shared by Marshal Kim Jong Il and President Clinton, if the latter is determined to earn one.

5. Notes

Introduction

1. Kim Il Sung, "Every Member of the Korean Nation Must Subject All Things to National Reunification," A Talk with A Korean Journalist in the United States, April 21, 1994, Kim Il Sung Works, Vol. 44, Pyongyang, the Workers Party of Korea Press, June 21, 1996

2: Kyodo News Service, April 16, 1996

3. "Korean Armistice Agreement, July 27, 1953, " The United States and the Korean Problem: Documents 1943-1953, Washington, United States Government Printing Office

Military Solution Is Not a Viable Option

1. Tony Emerson, "American Nightmare," Newsweek, November 29, 1993

2. Rosemary Foot, The Wrong War: American Policy and the Dimensions of the Korean Conflict, 1950-1953, 23, Ithaca and London, Cornell University Press, 1985

3. David Rees, Korea: Limited War, 386, St. Martin Press, New York, 1964

4. Ibid, 399

5. "Exchange of Letters Between President Syngman Rhee, and President Eisenhower, May 30, June 6, and June 1953," The United States and the Korean Problem: Documents 1943-1953, Washington, United States Government Printing Office

6. Ibid,

7. "Declaration of the Sixteen Nations Relating to the Armistice, July 27, 1953," The United States and the Korean Problem: Documents 1943-1953, Washington, United States Government Printing Office

8. Kim Il Sung, "On the Occasion of the 20th Founding Anniversary of the Korean People's Army: An Address Delivered at the Reception for the 20th Founding Anniversary of the Koran People's Army, February 2, 1968," Kim Il Sung Works. Vol. 22, Pyongyang, the Workers Party of Korea Press, April 15, 1983

9. Richard Nixon, The Memoirs of Richard Nixon, 382-385, London, Arrow Books, 1979

10. "Future of the Korean Peninsula", NHK TV, December 5, 1996

11. Jugan Choson (Weekly Korea), June 16, 1991

12. The Asahi Shimbun, September 28, 1991

13. The Korea Herald, November 24, 1991

14. The New York Times, March 13, 1994

15. Bruce Cumings, "North Korean bomb Scare: It's Time to End The 40-Year War," The Nation, August 23/30, 1993

16. The Washington Post, December 12, 1991

17. The Los Angeles Times, February 22, 1994

A Peace Treaty Is Inevitable

1. The Kyodo News Service, October 22, 1994

2. The Jungang Ilbo, September 13, 1996

3. The Korean Central News Agency, November 15, 1996

4. The Korean Central News Agency, October 15, 1996

5. Rodong Sinmun, March 9, 1996

6. The Korea Times, March 30, 1996

7. The Washington Post, April 8, 1996

8. Yano Tsunetaro Kinenkai, '96/97 Sekai Kokusei Zue (World Nations Databook),220, Tokyo, Kokuseisha, September 1, 1996

9. The Asahi Shimbun, October 18, 1972

10. The Los Angeles Times, July 30, 1995

11. The New York Times, June 9, 1995

12. The Korea Herald, December 14, 1991

14. The Christian Science Monitor, November13, 1996

15. The Kyodo News Service, November 25, 1996

16. The Mainichi Shimbun, December 1, 1996

A Post-Armistice Order

1. Rodong Sinmun, February 23, 1996

2. Kim Il Sung, Report to the Sixth Congress of the Workers' Party of Korea on the Work of the Central Committee, 80, Tokyo, the Central Standing Committee of the General Association of Korean Residents in Japan, 1980

3. Kim Il Sung, "Every Member of the Korean Nation Must Subject All Things to National Reunification," A Talk with A Korean Journalist in the United States, April 21, 1994, Kim Il Sung Works, Vol. 44, Pyongyang, the Workers Party of Korea Press, June 21, 1996

4. Ibid

5. The Korean Central News Agency, May 7, 1996

6. The Daily Yomiuri, February 28, 1995

7. The Korean Central News Agency, November 11, 1996

8. AFP, December 12, 1996

9. The Washington Post, August 19, 1993

III. Essay by Pak Chol Gu

REPLACEMENT OF THE KOREAN ARMISTICE AGREEMENT: PREREQUISITE TO A LASTING PEACE IN THE KOREAN PENINSULA

by Pak Chol Gu

1. Introduction

Forty-four years have passed since the end of the Korean war, but there continues to be in this part of the world an unstable state of armistice instead of a durable peace. Armistice means, true to the letter, a temporary cease-fire, not peace.

The Korean Armistice Agreement (KAA) signed on 27 July 1953 was intended to be a tentative arrangement put in place to stop active hostilities between the belligerent parties, and to be replaced eventually with a peace agreement. In this respect, it was quite timely and right for the 30th UN General Assembly Session to adopt the Resolution 3390 (XXX) B on dissolution of the "UN Forces Command" and replacement of the KAA with a peace agreement; it opened up a bright prospect for a lasting peace in the Korean peninsula and an eventual solution to the Korean question.

This notwithstanding, the KAA, which defines the Democratic People's Republic of Korea (DPRK) and the United States of America (USA) as warring parties, remains in force to date even though the Cold War ended on the international arena and nearly half a century has elapsed since the Korean war. This is quite abnormal in all respects.

A close look at the Korean armistice system makes one feel the urgent need to replace the outdated KAA, a source of instability, with a peace agreement at an early date and arrange for a new peace mechanism in the peninsula.

2. Present state of the Korean armistice system

The KAA stipulates the necessary measures to prevent the recurrence of hostilities and armed conflict in the Korean peninsula until the Korean question is solved in a peaceful way. To abide by all paragraphs of the KAA is a precondition for guaranteeing peace and security there and bringing a peaceful solution to the Korean question. But the DPRK and the USA, real parties concerned with the KAA, followed different paths in its implementation.

The DPRK has invariably made sincere efforts to remain faithful to the KAA in any circumstance and turn the cease-fire into a durable peace. But no sooner had the United States signed the KAA than it

tried to abrogate it and, in the long run, took unilateral measures to do so.

The United States refused to implement the paragraphs of the KAA concerning the peaceful settlement of the Korean question. Paragraph 60, Article 4 of the KAA stipulates that, "within three months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc."

But the day after conclusion of the KAA, 28 July 1953, then US State Secretary Dulles said: "We shall withdraw from the political conference after the lapse of 90 days." A preliminary meeting for the political conference was held on the initiative of the DPRK in October 1953, when the United States put up an artificial obstacle to its progress and unilaterally left it as Dulles had said before. Later on, this brought to rupture a conference on the Korean question held in Geneva in April 1954. As a result, Paragraph 60 of the KAA remained unimplemented, closing down the way to the peaceful settlement of the Korean question at the political conference and placing Korea in the cease-fire state for 44 years.

To scrap the Paragraph 13 d, Article 2 of the KAA, which constitutes its nucleus, was the focus of the United States' abrogating efforts. The section, which calls on each side to "cease the introduction into Korea of reinforcing combat aircraft, armored vehicles, weapons and ammunition," and getting its observance to be monitored by the Neutral Nations Supervisory Commission (NNSC) and the Neutral Nations Inspection Teams (NNITs), is a key paragraph in preventing war and ensuring peace and security in the Korean peninsula.

The United States gave priority to nullifying this paragraph and illegally shipped huge quantities of combat material to South Korea in violation of it. It submitted to the NNSC a false report which recorded a smaller quantity of combat and operational equipment than was actually introduced to the south, and even stopped it halfway. To avoid the monitoring by NNIT, it disassembled big military equipment and brought it to South Korea as components or spare parts.

According to a report submitted to the NNSC by NNITs based in Pusan and Kunsan, the United States introduced to South Korea 38 "B-26" planes on 20 July 1955 and 106 mortars on 31 July 1953 by disassembling them and marking them as supplies to military shops. Other illegal introductions spotted by NNITs in the period from August 1953 to 15 April 1954 included, for example, 177 planes, 465 guns of different calibres, 6,400 rockets, 145 mortars and 1,365 machine-guns.

Upset by the continuous disclosure of illegal delivery of operational equipment, the United States notified the 70th meeting of the Military Armistice Commission (MAC) held on 31 May 1956, of its unilateral decision to prohibit the work of NNITs in South Korea and forced them to withdraw from there in June that year. As a result, NNITs which had been organized according to the KAA ceased to exist any longer.

At the 75th MAC meeting convened on 21 June 1957 the United States announced its unilateral abrogation of paragraph 13 d of the KAA and made public that it would no longer submit a report on replacement of old military equipment with new. The reason for this abrogation was explained afterwards by Remnichi who had served as the Chief of Staff of the US Army during the Korean War. At a hearing of the US House Appropriation Committee on 27 February 1960, he said, "through years-long efforts, we were successful in nullifying the Paragraph 13 d of the Armistice Agreement and introducing latest-type equipment there (into South Korea)."

At the 75th MAC meeting and others, the DPRK blamed the United States for such unfair acts,

insisting that none of the paragraphs of the KAA could be unilaterally scrapped. It urged the United States to withdraw its decision and continue to present reports on replacement of military equipment.

At eight rounds of meetings, including the 316th meeting on 25 June 1957, the NNSC admitted that the United States' annulment of the paragraph 13 d was a grave violation of the KAA. But the United States persisted in its unfair position. On the contrary, it officially notified Syngman Rhee of delivery of ultra-modern weapons to South Korea and converted the South into a big nuclear base by shipping to it, in an undisguised way, large quantities of atomic and guided weapons and other latest weapons.

Out of the desire to fully implement the KAA, the DPRK provided the MAC and NNSC with all reports concerning the replacement of operational equipment until the regular activities of the armistice system were completely paralyzed by the United States' appointment of a South Korean army general as a "senior member" of the UN forces' side to the MAC.

Now that the main paragraph aimed at preventing the recurrence of war was nullified, the KAA and the armistice system failed to exercise any influence in this regard. Many events that took place afterwards in the Korean peninsula were actually resolved not in the framework of the cease-fire system but through direct DPRK-US negotiation. Typical examples were the incidents of the "Pueblo" in 1968 and the US army helicopter in 1994 which brought the situation in Korea to the brink of war.

Since the Paragraph 13 d of the KAA was abrogated by the United States, the NNSC, formed to supervise the introduction of operational equipment, had, in actuality, nothing to do.

The United States' unilateral annulment of the KAA paragraphs is immediately an abrogation of the Paragraph 61, which provides that the KAA can be amended or supplemented only on the basis of a mutual agreement; it means an end to the legal basis of maintaining the KAA.

Of the 63 paragraphs in the 5 Articles of the KAA, Article 2 (Paragraphs 12, 14-17 re. specific measures of cease-fire and armistice) and Article 3 (Paragraphs 51-59 re. POWs) were already carried out, and the Paragraph 13 on introduction of operational equipment, Paragraphs 19-35 on composition and function of MAC and Paragraphs 36-50 on composition and authority of NNSC were made null and void by the United States. What remains unscrapped are nine paragraphs in Article 1 (Military Demarcation Line and Demilitarized Zone). These paragraphs are also reduced to the ones recorded only in the agreement, and in actuality they play no effective role. As a result, the KAA has become a mere scrap of paper, useless in preserving peace on the Korean peninsula.

The United States destroyed the function and role of the armistice supervisory tool by appointing on 25 March 1991 a South Korean army general, a man without qualifications or competence, as a senior member of the UN forces' side to the MAC. As to South Korea, it was not a member of the United Nations during the Korean war nor a concerned party of the KAA. The South Korean authorities opposed the cease-fire until the last moment and the South Korean military did not sign on the armistice agreement. Moreover, the South Korean authorities have no real power in maintaining the armistice as South Korea has virtually transferred their supreme prerogative of military command to the United States according to the Taejon Agreement of July 1950, and has not taken it back properly.

As a result of destruction of the KAA and the armistice supervisory tool, there is no military mechanism guaranteeing the cease-fire in the Korean peninsula. The United States, belligerent party to the DPRK, stages almost every day large-scale war exercises against the latter by mobilizing modern forces and arms it brought to the South, and it creates an acute touch-and-go situation in

this part of the world. Under these circumstances, it is easy to predict what a grave result will be cause by a small misunderstanding on either side.

3. US forces and the "UN forces"

The US forces in South Korea often behave as "UN forces," giving confusion to the world's public opinion. The "UN Forces Command" in South Korea was not organized by a resolution of the United Nations but is a product of the Cold War. The United States made an abuse of the United Nations' name in order to justify the Korean war.

At the time when the Korean war broke out on 25 June 1950, most permanent members of the UN Security Council (UNSC) were allies of the United States and a veto vacuum was prevailing at that time due to the Soviet Union's boycott of UNSC work because of the representation of the "Republic of China." The United States made best use of it to conceal its true colors as the provoker and to justify its acts of aggression. Under a detailed plan, it manipulated the UNSC to brand the DPRK as the "aggressor" on June 25 1950 and to adopt an unreasonable resolution on mobilizing multinational forces in the Korean war on 7 July that same year.

This runs counter to the fundamental principles of the UN Charter and its elementary procedures. Paragraph 3, Article 27 of the UN Charter provides that all resolutions of UNSC should be adopted by the unanimity of votes of all its permanent member states, and Article 32 stipulates that the UNSC is obliged to invite all parties concerned in a conflict to its meetings dealing with the conflict, whether a state is a member of the United Nations or not. However, the resolutions relating to the Korean war were illegally adopted at the UNSC in the absence of the Soviet Union, one of its permanent members. Moreover, the representative of the DPRK, the party concerned, was deliberately excluded while the representative of South Korea was invited to the UNSC meeting.

Despite this historical fact, the United States and South Korea hold that Resolution 84 (1950) of the UNSC, adopted on 7 July 1950, provides a legal basis for dispatch of the "UN forces" and organization of the "UN Forces Command." But, in fact, there are not such provisions in it. It only recommended that all members providing military forces make such forces available to a "unified command under the USA."

In this regard, UN Secretary General Boutros Boutros Ghali noted in his letter to the Foreign Minister of the DPRK, dated 24 June 1994: "I do not believe, though, that any principal organ of the United Nations, including the Secretary General, can be the proper instance to decide on the continued existence or the dissolution of the United Nations Command. However, allow me to recall that the Security Council, in operative paragraph 3 of resolution 84 (1950) of 7 July 1950, limited itself to recommending that all members providing military forces and other assistance to the Republic of Korea 'make such forces and other assistance available to a unified command under the United States of America.' It follows, accordingly, that the Security Council did not establish the unified command as a subsidiary organ under its control, but merely recommended the creation of such a command, specifying that it be under the authority of the United States. Therefore the dissolution of the unified command does not fall within the responsibility of any United Nations organ but is a matter within the competence of the Government of the United States."

This shows that, though the KAA referred to the DPRK-China and the UN forces as the legal parties to it, its real parties concerned are none other than the DPRK and the USA. It is these parties

themselves that have so far managed the armistice system.

The successive "UN Forces" commanders were appointed by the US Government and they were all American generals. Traditionally a US-South Korea combined forces commander who has the operational command over the US forces and South Korean army as whole, also assumes the post of the "UN Forces" commander.

The "UN Forces Command," organized without any UN resolution, has undergone a process of dissolution; governments of 15 countries that had dispatched their forces to it withdrew them without any notice to the United Nations: France on 23 October 1953, Canada in April 1956, Luxembourg on 30 December 1954, the Philippines and South Africa in October and November 1953, Belgium in 1956, Greece on 13 July 1955, Colombia in October 1954, the Netherlands in march 1956, Ethiopia in December 1954, Australia in July 1953, the United Kingdom in July 1957, New Zealand in October 1953, Turkey in July 1956 and Thailand in July 1955. In particular, Ethiopia, the Netherlands, Belgium, Greece, South Africa and others do not remain in contact with the "UN Forces Command." Left alone there, the United States could not but admit that there were less than 300 staff officers and guards of honor in the command.

Ever since the founding of the United Nations, such a command has existed only in South Korea. It is a demand of the times to dissolve the "UN Forces Command" that has become such a phantom body.

Reflecting such a demand, the 30th Session of the UN General Assembly held on 18 November 1975 adopted Resolution 3390 (XXX)B on dissolving the "UN Forces Command" as a measure to achieve a durable peace in the Korean peninsula. The US side's Resolution 3390 (XXX) A also made a reference saying that it would enter into negotiation for making a new arrangement to replace the armistice agreement and dissolve the "UN Forces Command" if there was an alternative.

In April 1994 the DPRK proposed to establish a new peace mechanism and in October 1994 the DPRK-US agreed framework was adopted and became effective. Therefore, such an alternative can be said to have been made.

4. The DPRK efforts for a lasting peace and security in the Korean peninsula.

A very dangerous security vacuum has been created in the Korean peninsula due to the United States' destruction of the armistice supervisory tool. The DPRK put forward various realistic proposals for making up for such a vacuum by all means and has made patient efforts to put it into effect.

With a view to maintaining the NNSC and restoring its function, the DPRK proposed, at the First Session of the 8th Supreme People's Assembly held on 30 December 1986 and in its proposal for phased arms reduction made public on 23 July 1987, to enhance the function of NNSC by involving it in verification of phased arms reduction in the Korean peninsula and stationing of neutral nations' supervisory forces in the DMZ. The DPRK also strove for over five years to hold negotiations in this regard with the United States and other parties concerned, but the US side refused.

In January 1984 the DPRK government advanced a proposal to conclude a peace agreement between the itself and the USA and adopt a non-aggression declaration between the North and South; on 19

February 1992 the "North-South Agreement on Reconciliation, Non-aggression, Co-operation and Exchange" was adopted and put in force and a North-South joint military commission was formed accordingly. Now that the North and South committed themselves to non-aggression, what remains to be done is to make an arrangement for a perfect, comprehensive and lasting peace in the Korean peninsula.

Under these circumstances, the DPRK government proposed to the United States on 29 April 1994 to replace the old armistice system with a new peace mechanism. Based on this proposal, the DPRK withdrew its members to the MAC in order to make up for the vacuum and set up the Panmunjom Mission of the Korean People's Army (KPA).

In accordance with the agreement between the two countries, the Chinese Government withdrew the delegation of the Chinese People's Voluntary Army from Panmunjom in December 1994, and the delegation of the NNSC based on the DPRK-China side also left the country.

The United States was obliged to agree to the DPRK-US military talks in Panmunjom in May 1995, and some progress was made at the general-level talks before they were brought to rupture in September that year.

Taking into consideration the United States' Korean policy and the present state of DPRK-US relations, the DPRK Government put forward on 22 February 1996 an expanded proposal designed to provide, at least, a mechanism aimed at preventing armed conflict and war in the Korean peninsula. This proposal makes the following three problems its key points: the conclusion of the DPRK-US tentative agreement, the organization and operation of a DPRK-US joint military body replacing the MAC, and the holding of negotiations at a concerned level to discuss these issues. The tentative agreement may include the management of the MDL and the DMZ, the method for settling armed conflicts or accidents, the formation, duties and authority of a joint military body, the amendment and supplement of the agreement, and other issues concerning the maintenance of security. It shall replace the KAA until a complete peace agreement is concluded.

This proposal fully reflects the interests of both the parties to the KAA and other parties concerned. Since the North and South adopted a non-aggression declaration and formed a joint military body, this specific proposal, once applied, will contribute to easing tensions and ensure peace in the Korean peninsula, and create a precondition for its confederal reunification.

5. Conclusion

A thaw is visible these days in abnormal relations between the DPRK and the USA. They signed the 11 June 1993 Joint Statement and the 21 October 1994 agreement committing themselves to making joint endeavors for denuclearization, peace and security in the Korean peninsula. Heavy oil is delivered to the DPRK and protocols regarding the building of light water reactors were concluded, in conformity with the DPRK-US agreed framework.

In the light of the developments of the present international situation, which show signs of detente and reconciliation, it is an urgent requirement of the times to end a half a century-long armistice and make a new peace mechanism in the region. The DPRK made specific proposals to the United States in this respect. Now the ball is in the United States' court. How it responds to those proposals will be decisive in accelerating the process of peace, détente and peaceful reunification in Korea.

IV. NAPSNet Invites Your Responses

The Northeast Asia Peace and Security Network invites your responses to these essays. Below are some questions that some readers may find useful in putting the issues raised by the essays into a critical light. Please send responses to: napsnet-reply@nautilus.org (preferably using "response to forum #4" as the subject). Responses will be considered for redistribution to the network only if they include the author's name, affiliation, and explicit consent.

* Kim Myong Chol argues that the US is unlikely to complete the light water reactors on schedule while the DPRK is obliged simply to wait. Do such claims serve to play into the hands of US opponents of the Agreed Framework?

* Why does Kim consider the proposed four-party peace talks format untenable?

* Why does Kim believe that that a US-DPRK treaty is the best way to promote "full-fledged democracy" in the ROK?

* Considering the intensely ideological nature of the Korean conflict, how realistic is Kim's suggestion of "one confederal state with two systems and two local governments"? Given the ROK's opposition to the DPRK position, how realistic is the hope for a negotiated, peaceful Korean reunification?

* Although Kim views US forces in Korea, rather than ROK forces, as the primary threat to DPRK security, he also advocates retention of a US military presence to support Korean reunification. Is this scenario practical from the DPRK point of view? Does it offer a potential compromise position that the ROK could, in some form, accept?

* Pak Chol Gu argues that unilateral US actions have undermined the legal standing of the Korean Armistice Agreement. How does this analysis differ from Patrick Norton's? Does Pak's position provide a workable basis to negotiate replacing the Armistice?

* How does Pak's interpretation of the status of the "UN Forces Command" differ from Norton's?

* How valid is Pak's argument that the US-DPRK Agreed Framework has now displaced the Armistice Agreement as the operative basis for negotiating a permanent Korean peace settlement?

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