

A Korean Peace Process

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In the September 2005 Joint Statement, the six parties agreed, "The directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum." That was elaborated at the October 2007 North-South summit meeting, where the Koreas shared a commitment to "terminate the existing armistice regime and to build a permanent peace regime." A four-party working group chaired by China was intended to commence work soon afterwards, perhaps kicked off by a meeting of the six-party foreign ministers. Assistant Secretary of State Christopher Hill put it just right when he told reporters in Seoul, "Our position, which we've had for a long time and continue to have, is that upon substantial disablement ... we would hope we could begin a peace negotiation process that would conclude, and that we could reach a final peace arrangement when the North finally abandons its nuclear weapons and nuclear programs pursuant to the September 2005 agreement."

The object of those talks would be a peace treaty formally ending the Korean War. Yet a treaty has to come at the end of the peace process for two reasons. First, the North has long expressed a desire for a peace treaty with the United States. That makes it a major bargaining chip to withhold in exchange for its nuclear arms and fissile material. As a result, Presidents Clinton and Bush have held out the possibility of signing a peace treaty but only as the North eliminates its nuclear programs. The second reason is that a peace treaty, if it is to be more than mere formality, would have to resolve a number of tough issues like permanent borders between North and South Korea and the disposition of armed forces on both sides of the DMZ.

More fundamentally, the United States and South Korea would also benefit from a peace process that reduced the risk of inadvertent war. That risk was palpable in 1994 when the United States and South Korea almost stumbled into war with North Korea after it abruptly unloaded plutonium-laden spent fuel from its nuclear reactor at Yongbyon. Yet, a peace treaty could significantly reduce the risk of inadvertent war on the peninsula only by getting rid of the North's forward-deployed artillery and short-range missiles or redeploy them out of range of Seoul. That is unlikely if the North were to give up its nuclear arms because nuclear elimination would leave its forward-deployed artillery and short-range missiles as its ultimate deterrent.

As steps to a peace treaty, a series of interim peace agreements, though militarily less meaningful, could be politically useful, stepping-stones to a treaty formally ending the Korean War. For it to move further toward nuclear elimination the North will seek a substantial improvement in relations with the United States, including full diplomatic relations. But U.S. policy dating back to the Clinton administration conditions that on resolution of other issues, among them the North's missile programs and human rights. In the meantime, formal agreements

between Pyongyang and Washington in a Korean peace process would constitute a token recognition of its sovereignty. A series of such agreements—which Seoul and Beijing might also sign-- will not end the toe-to-toe military standoff along the DMZ, but they would be steps towards U.S.-North Korean political normalization that Pyongyang would take seriously.

A first step could be what the North has called a "peace agreement" and what the South has called a "peace declaration." By peace agreement, the North does not mean a peace treaty, but a declared end to enmity and a pledge to respect each country's sovereignty. That concept was also the policy of former South Korean President Roh Moo-hyun. Such a declaration would commit the four parties to begin a peace process and to sign a peace treaty at the end of that process. It could also reiterate language in the October 12, 2000 joint communiqué stating, "Neither government would have hostile intent toward the other" and confirming "the commitment of both governments to make every effort in the future to build a new relationship free from past enmity." That declaration could be issued at a foreign ministers' meeting or a multilateral summit meeting.

Another agreement long sought by Pyongyang would be to establish a "peace mechanism" to replace the Military Armistice Commission set up to monitor the cease-fire at the end of the Korean War. This peace mechanism could serve as a forum for resolving disputes like the 1996 shooting down of a U.S. reconnaissance helicopter that strayed across the DMZ or incursions by North Korean spy submarines. The peace mechanism would include the United States, South Korea, and North Korea -- the three parties with forces on the ground in Korea. China, which would be a signatory to any peace treaty, may want to participate as well.

To avoid a recurrence of inadvertent clashes, the parties could use the new forum to negotiate confidence-building measures, such as hot lines to link military or naval commands, advance notification of military exercises, and an "open-skies" arrangement to allow reconnaissance flights across the DMZ. These CBMs could be the subject of subsequent peace agreements. The 2007 North-South summit creatively linked one such measure to the North's economic prosperity by agreeing to establish a joint fishing area. Crabbing boats from both North and South have strayed across the Northern Limit Line, occasionally provoking an exchange of fire between naval patrols. Those incidents may be averted by new arrangements including naval "rules of the road" and a navy-to-navy hot line that could involve the U.S. Navy as well.

Each of these steps – the peace declaration, the establishment of the peace mechanism, the various peace agreements, and the formal peace treaty – could be linked to North Korean steps to cap and then eliminate its nuclear weapons program.

A peace treaty, to be meaningful, will have to address a number of tough issues like permanent borders, territorial waters, and the force deployments on the peninsula. It also needs to **include practical military steps to reduce the risk of inadvertent war. The only step that would accomplish that aim is the elimination of the North's forward-deployed artillery and short-range missiles or their redeployment well to the rear, out of range of Seoul.** Proposals to thin out or pull back deployments of troops or tanks are of little military utility. That in turn might require building confidence in the North that no attack was impending, say, by **sharing real-time intelligence with the North**, which lacks satellites of its own or by launching satellites for it. As Europe's experience with MBFR and CFE suggests, **such far-reaching steps to reduce the risk of unintended war as well as settle border issues require a fundamental improvement in the political relationship between the two sides.** That is why a final peace treaty will require a prolonged peace process.