

Current Issues in Inter-Korean Arms Control and Disarmament Talks

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Changes in the international political-security system in the post-Cold War era have substantially contributed to the institutionalization of peaceful coexistence between the South and the North. The rapidly changing political-security environment in Northeast Asia and North and South Korea's UN entry in September 1991 will eventually lead to the normalization of relations between North Korea and the US and North Korea and Japan, thus creating essential conditions for peace and peaceful reunification of Korea in the 1990s.

Positive developments in inter-Korean relations in the last few years are extremely encouraging. North and South Korea signed the historic accord on North-South reconciliation, nonaggression, cooperation and exchange, and the joint declaration for a non-nuclear Korean peninsula in December 1991, and effectuated them in February 1992. Nevertheless, there are still basic issues, particularly arms control and disarmament issues, yet to be resolved.

It is essential for the two to implement the provisions of the two historic agreements in good faith. This paper attempts to (1) to reexamine the major efforts for arms control and disarmament by the North and the South; (2) to discuss problems pertaining to the implementation of arms control provisions

contained in the North-South Agreement on Reconciliation, Nonaggression, Cooperation and Exchange; and (3) to discuss the suspicion of North Korean nuclear weapons development and problems of implementing the joint declaration for a non-nuclear Korean peninsula.

Recent North and South Korea's Arms Control and Disarmament Proposals

The basic objective of arms control and disarmament between the South and the North is to establish a durable peace regime on the Korean peninsula, thus creating essential conditions for Korean reunification. The goals of arms control and disarmament are to eliminate a threat perception on the part of both sides, prevent accidental military clashes, and promote military cooperation between South and North Korea by limiting and reducing arms, and by realizing a denuclearization of the peninsula.

Let us take a brief look at both proposals for arms control and disarmament. In his address at the 43rd Session of the UN General Assembly on 18 October 1988, former President Roh Tae Woo proposed that South and North Korea "agree to a declaration of non-aggression or non-use of force in order to better construct a framework for mutual trust and security." He also stated that "the Republic of Korea will never use force first against the North." He proposed an agenda for discussion at a summit meeting by suggesting that "we discuss sincerely and resolve all the problems raised by either or both sides with regard to disarmament, arms control and other military matters."¹

In response to his proposal, DPRK President Kim Il Sung also made a proposal for a summit meeting in Pyongyang to discuss several issues, including US troop withdrawal, North Korea's confederation plan, and a joint declaration of non-aggression

1 *Korea and World Affairs*, Vol. XII, No. 4 (Winter 1988), p. 842.

between the South and the North. The DPRK has made a number of significant proposals among which the most significant was its 7 November 1988, proposal of a "comprehensive peace plan" for the reunification of the Korean peninsula in which it presented four steps to guarantee peace: (1) phased withdrawal of US armed forces from South Korea; (2) phased reduction of North and South Korean armed forces; (3) verification and inspection of (1) and (2); and (4) tripartite talks involving North Korea, South Korea and the United States. They also made a proposal for easing present the political and military confrontation between North and South Korea.²

In response to announcements by the US and South Korean governments of the US troop withdrawal plan for the 1990s in the changing international strategic environment, on 31 May 1990 North Korea made a new proposal for arms control and disarmament for peace on the peninsula.³ It contained new features for a peace process in which North Korea had substantially accepted previous South Korean proposals for military confidence-building measures. This new proposal included the following measures: (1) North-South Korean military confidence-building measures; (2) reduction of North and South Korean arms forces; (3) withdrawal of foreign forces; and (4) peace guarantee after disarmament. It is evident in this regard that North Korea had substantially changed its previous positions. It should be noted that both sides agreed to military confidence-building measures prior to reduction of arms forces or the withdrawal of US forces from Korea.

Both sides wanted a summit meeting, but the North set pre-conditions, wanting to hold prior high-level political-military talks. The South agreed to hold inter-Korean prime ministers' talks dealing with political-military issues, and in the fall and

2 Ibid., pp. 870-76.

3 *Rodong Shinmun*, 2 June 1990.

winter of 1990, three rounds of talks were held. There was a little progress, but no conclusion for a basic relations agreement, and no declaration of non-aggression, primarily due to conflicting approaches to a peace and unification process. In February 1991 the North unilaterally suspended the scheduled fourth round of inter-Korean prime ministers' talks over the annual joint ROK-US military exercise, Team Spirit.

The North declared the talks could not continue if Team Spirit were under way. According to South Korean authorities, Team Spirit is essential to South Korean military defensive training, and therefore could not be suspended. The 1989 joint military exercises were held for only ten days—a short period compared to the usual two months—probably to improve inter-Korean relations. Team Spirit '90 was also scaled down and short in duration. In February 1990 the North unilaterally suspended ongoing inter-Korean talks again, because of Team Spirit '90. The same pattern was repeated in the spring of 1991; North Korea suspended the scheduled inter-Korean prime ministers' meeting in February 1991 in Pyongyang.

Team Spirit '92 was temporarily canceled at the request of the DPRK government in order to continue the scheduled sixth round of inter-Korean prime ministers' talks in February 1992. In view of changing international security environments surrounding the peninsula, the ROK responded favorably to Pyongyang's arms reduction and disarmament proposals. In the spring of 1993, Team Spirit '93 was resumed, because South and North Korea failed to produce an agreement on the bilateral nuclear inspection regime.

Pyongyang has demanded time and again in its news media the withdrawal of US troops stationed in South Korea. The demand has never changed. In North Korea's view, the presence of American troops is the basic obstacle to inter-Korean dialogue and Korean reunification. However, Seoul has just as strongly insisted that they stay because their presence helps achieve a

military balance between South and North Korea and provides a credible and stable deterrence.

Let us turn to the arms control negotiations at the inter-Korean high-level talks in 1990. The Prime Ministers' talks in the fall of 1990 marked a historic milestone in the peace and unification process. The first round was held in Seoul on 4-7 September 1990, the second in Pyongyang on 16-19 October 1990, and the third in Seoul on 12-13 December 1990.⁴

At their first meeting in Seoul, each side presented its respective negotiation position on the conference agenda, "on defusing the political and military confrontation and realizing multifaceted cooperation and interchange between the North and the South."

DPRK Premier Yon Hyong-muk demanded that three issues be immediately resolved in order that the high-level inter-Korean talks proceed smoothly and productively: (1) the issue of UN admission as a single Korea, not as two separate memberships; (2) suspension of Team Spirit at least for two or three years; and (3) the release of dissident figures, Reverend Moon Ik-hwan, Lim Su-kyong, and Fr. Moon Kyu-hyun, who had been imprisoned for making unauthorized trips to Pyongyang in 1989. The ROK responded by stating that the demand was an act of interference in the internal affairs of South Korea.

Premier Yon presented a six-point proposal for easing the political confrontation, and a nine-point proposal for easing military confrontation in the broad context of four measures: (1) confidence-building between the North and the South; (2) North-South arms reduction; (3) withdrawal of foreign troops; and (4) disarmament and ensuring a "guarantee of peace."

4 For details of South and North Korean Prime Ministers' meetings and their proposals, see *Korea Newsreview*, 8 September and 20 October 1990; *Rodong Shinmun*, 8-9 September and 18-19 October 1990; *Pyongyang Times*, 8 September and 20 October 1990; *Korea and World Affairs*, Vol. XIV, No. 3 (Fall 1990), pp. 568-77; *Korea Newsreview*, 15 December 1990.

He maintained that a nonaggression declaration should be signed on the basis of these measures to remove the political and military confrontation in order to establish a durable peace in Korea. "If the political and military confrontation is removed," he said, "the North and the South will be able to realize wide-ranging cooperation and exchanges in all social spheres, including the economy and culture, on the basis of mutual confidence."

ROK Prime Minister Kang Young-hoon at the first meeting in Seoul made four proposals: (1) conclusion of a basic agreement on the improvement of inter-Korean relations; (2) measures for multifaceted exchanges and cooperation; (3) measures for building political and military trust between the South and the North; and (4) measures for implementing South-North arms reductions.

The South Korean approach to the inter-Korean peace process is different from that of the North. Seoul preferred the conclusion of a South-North Korean basic agreement and measures for promoting multifaceted inter-Korean exchanges and cooperation to the Northern proposals for removing political and military confrontation. Neither side could compromise.

At the second round of talks in Pyongyang on 16–19 October 1990 both sides again insisted on their own proposals. The South proposed a joint declaration on inter-Korean reconciliation and cooperation, while the North wanted a joint nonaggression declaration. Prime Minister Kang proposed an eight-point draft calling for mutual recognition, noninterference in internal affairs, and the renunciation of the use of force against each other, among others.

Premier Yon presented a seven-point proposal, including an end of the arms race, gradual reduction of armed forces and the establishment of a hot-line between high military authorities. He said his draft for a nonaggression declaration incorporated some elements proposed by the South.

They failed to produce a joint declaration at the second meeting due to an unwillingness to compromise on their differences,

but they did make some progress in substantial matters and their proposals had many ideas in common. These included the ideas and spirit of the July 4, 1972, joint statement, the end of the arms race, a hot line between military authorities, and other military cooperation regarding the US troop withdrawal issue.

The third round of Prime Ministers' talks was held as scheduled in Seoul on 12–13 December 1990. Prime Minister Kang Young-hoon put forward a ten-article draft basic agreement for improving inter-Korean relations,⁵ saying that it incorporated various demands North Korea had made during the past two rounds of talks. Kang again urged North Korea first to sign a basic accord for improving inter-Korean relations, and then he wanted both sides to discuss a nonaggression agreement *after* adopting the South-North basic agreement.

Kang made an eight-point draft nonaggression proposal to be discussed at a joint subcommittee on South-North political and military affairs, containing the following eight points:

1. Renunciation of the use of military force against each other, and non-aggression against each other.
2. Peaceful resolution of differences and disputes through dialogue and negotiation between the authorities of both sides.
3. Territories subject to nonaggression—those controlled by each side under the military Armistice Agreement of 27 July 1953.
4. Abandonment of policies to overthrow the other side.
5. Measures to end military confrontation and the arms race and to guarantee nonaggression.
 - (a) Exchange of military information, mutual visits and exchanges of military personnel.
 - (b) Notification in advance of all maneuvers or movements by military units and reciprocal invitation of observation teams.
 - (c) Installation and operation of a telephone hotline between the military authorities of each side.

5 For further details of South and North Korea's proposals, see the *Korea Herald*, 13 December 1990.

- (d) Correction of the military imbalance between the South and the North.
 - (e) Observance of the Military Armistice Agreement: the Demilitarized Zone turned into an effective buffer zone to be utilized for peaceful purposes.
 - (f) Exchange and operation of field verification teams and resident monitoring teams.
6. Establishment and operation of a South-North joint military committee.
 7. Measures for international guarantees of nonaggression.
 8. Non-influence of bilateral or multilateral treaties or agreements concluded by both sides.

In the meantime, DPRK Prime Minister Yon put forward a ten-article draft declaration, not much different in content from the South Korean draft. His proposal for a declaration of non-aggression, reconciliation and cooperation contains these ten points:

1. Recognition of and respect for each other's ideologies and social systems, non-interference in each other's internal affairs, peaceful settlement of any differences and disputes, and cessation of abuse and slander.
2. Renunciation of the use of arms against each other side and non-infringement upon the other by force of arms, a halt of the arms race, military confidence building and a step-by-step reduction of armed forces.
3. Demarcation line of nonaggression—the Military Demarcation Line in the 27 July 1953 Military Armistice Agreement. Conversion of the DMZ of the Military Demarcation Line into a peace zone.
4. Installation and operation of direct telephone links between the military authorities of each side to prevent the outbreak and escalation of accidental armed conflicts.
5. Realization of free travel and contacts between people from all walks of life of both sides.
6. Realization of economic cooperation and exchange of goods, and exchange and cooperation in all sectors of science,

technology, education, public health, sports, publication and the press.

7. Restoration of the severed network of transport and communications between the two sides.
8. Discontinuation of competition and confrontation and promotion of mutual cooperation in the international area.
9. Establishment of sub-committees under the framework of the present talks to discuss measures for the implementation and assurance of this declaration.
10. Validity of this declaration until unification unless one side abrogates.

The third Prime Ministers' talks also confirmed differences in their basic positions over which should be signed first by both sides: a basic agreement for improving South-North relations or a nonaggression declaration. The two governments were far apart in their basic positions on this issue. North Korea insisted that a nonaggression declaration be signed first, while South Korea wanted to sign a basic accord for improving inter-Korean relations before the conclusion of a nonaggression declaration. No progress in inter-Korean dialogue would be made unless compromise could be made on this issue.

The South made it clear that it could not sign a nonaggression accord with the North because despite the July 4, 1972, South-North Joint Communiqué, Pyongyang had provoked the South. The South insisted that the North adopt a basic agreement on improving bilateral relations and that both sides should restore mutual trust first, and then discuss the issue of nonaggression.

Prime Minister Yon said that the US troops in Korea must withdraw as soon as both sides adopt a nonaggression declaration, claiming that the South objected to the adoption of a nonaggression declaration because it wanted to keep the US troops on its territory. Yon also said that his side would have no discussions on any problems concerning peace on the Korean peninsula if the South continued to seek the protection of American

nuclear weapons, which "could drive the whole nation into a nuclear holocaust."⁶

The Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation between the South and the North, and the Joint Declaration on the Denuclearization of the Korean Peninsula

My earlier proposal in July 1991 was that to generate mutual trust both sides needed to reach an agreement on the declaration of a *Peace Charter* containing those points to which they had already agreed at three rounds of inter-Korean Prime Ministers' talks in 1990.⁷ In December 1991, South and North Korea dramatically signed the two historic agreements through mutual concessions and compromise, thus paving a new road to peaceful coexistence.

Let us now turn to the inter-Korean high-level political negotiation process. The fourth round of Prime Ministers' talks was held in Pyongyang on 22–25 October 1991, ten months after the conclusion of the third round of talks in December 1990. The South and the North unprecedentedly agreed to adopt a single accord on reconciliation, nonaggression, exchange and cooperation in an effort to ease four decades of hostility. The agreement to adopt a single document was the first visible sign of progress in the fourth round of inter-Korean premiers' talks.

The Pyongyang talks provided an important momentum to the inter-Korean talks. The North made concessions and compromise on several contentious issues.

First, Pyongyang accepted Seoul's proposal for adopting a comprehensive accord covering reconciliation, nonaggression and exchanges. In deciding the title of the accord, the North let

6 *Korea Newsreview*, 15, December 1990.

7 Tae-Hwan Kwak, "Designing a Peace Formula on the Korean Peninsula," Report on the Second International Conference of the Korean Political Science Association, 25–27 July 1991 (Seoul, Korea: The KPSA, 1991), pp. 581–99.

the word "reconciliation," which it had long disliked, to precede "nonaggression."

Second, Pyongyang withdrew its demand for abolishing the ROK National Security Law, which bans South Koreans from any contact with North Koreans unless they have government permission. Third, the North accepted the South's proposal to include the issue of ten million dispersed family members. This reconciliatory attitude surprised the South, and Pyongyang's new flexibility, derived perhaps from hopes for improving its relations with Japan and the US to improve its faltering economy.

While both sides agreed on the title of the proposed agreement, they were sharply divided on the contents of the non-aggression declaration and how to replace the 1953 Armistice Agreement with a new peace system. While South Korea called for a peace regime through negotiations between the two Koreas, North Korea maintained that a new form of agreement guaranteeing peace on the peninsula should be made between it and the United States.

Premier Yon proposed a nine-article draft declaration on de-nuclearization of the Korean peninsula, which surprised the South Korean delegates. It included the following major provisions: (1) neither North nor South Korea test, manufacture, introduce, possess or use nuclear arms, (2) both North and the South Korea prohibit the deployment of nuclear weapons in Korea and "the passage, landing and call of aircraft and warships that are or might be laden with nuclear weapons through or in its airspace or territorial waters," (3) neither North nor South Korea accept the offer of a "nuclear umbrella," (4) neither North nor South conduct any war exercises, (5) both North and South Korea "discharge the duty of simultaneous nuclear inspection as required by the international treaty."⁸

However, they failed to narrow their differences over the nuclear issue during the closed-door session. Seoul demanded

8 *Pyongyang Times*, 26 October 1991.

Pyongyang's immediate acceptance of international inspection of its nuclear facilities under the regulation of the Nuclear Non-proliferation Treaty and the International Atomic Energy Agency as South Korea had done. This nuclear issue became a hot issue in the talks.

In response to a US decision to withdraw tactical nuclear weapons from Korea, President Roh made a "declaration of non-nuclear Korean peninsula peace initiatives" on November 8, 1991. He strongly stated that the ROK "will faithfully carry out this non-nuclear, no chemical-biological weapons policy."⁹ However, the South Korean government would continue to be included under the US nuclear umbrella in the form of nuclear bombs not on Korean soil or of nuclear-tipped submarine-launched missiles, and the South would allow US nuclear-armed submarines to make port calls if necessary. The North Korean government maintained, however, that since South Korea was still under the US nuclear umbrella, Pyongyang did not feel its nuclear-free-zone plan for the peninsula could be realized.

The DPRK Ministry of Foreign Affairs on 25 November 1991 published a statement clarifying its stand on the question of signing the nuclear safeguards accord. North Korea stated that the North and the South "must not develop nuclear weapons, but accept nuclear inspection simultaneously."¹⁰

The fifth round of Prime Ministers' talks was held on Seoul in 10-13 December 1991. The Prime Ministers of South and North Korea on 13 December signed the historic "Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation between the South and the North," the most important agreement between the two Koreas since the division of Korea in 1945. This agreement indeed represented a historic milestone and opened a new chapter in inter-Korean relations. The agreement went into

9 *Choson Ilbo*, 9 November 1991, *New York Times*, 9 November 1991.

10 For the full text of the statement, see the *Pyongyang Times*, 30 November 1991; *Rodong Shinmun*, 26 November 1991.

effect at the sixth inter-Korean Prime Ministers' talks, on 19 February 1992 in Pyongyang.

It included the following provisions: (1) Both sides agree to respect each other's political and social systems, end slander and vilification, and pledge not to sabotage or subvert the other; (2) Both sides agree to work toward a peace system to replace the 1953 armistice agreement; (3) A South-North Liaison Office will be established at Panmunjom on the border within three months; (4) both sides agree to resolve dispute through dialogue; (5) A joint military committee and a telephone hotline will be established. Both sides agreed to exchange military information, give prior notification of major troop movements and work toward arms reduction, including weapons of mass destruction; (6) Both sides agree to economic cooperation, including joint development of resources, and joint industrial and commercial ventures; (7) The both sides will carry out exchanges of scientific, cultural, news and other information, will promote reunification of divided families and guarantee inter-Korean travel; and (8) Both sides will reestablish severed rail and road connections, and postal and telecommunications links will be set up.¹¹

It is most significant that the two Koreas also agreed to work toward replacing the present armistice with a formal peace treaty between the two. North Korea made a significant concession on this issue. At the Seoul talks, the nuclear issue became a key issue again. While Premier Yon repeated his earlier proposal for a nuclear-free Korean peninsula, Prime Minister Won-shik Chung made a draft proposal for "a Joint Declaration for a Non-nuclear Korean peninsula," in which he reiterated President Roh's 8 November 1991 proposal. Some important points of the ROK proposal included: (1) both sides will use nuclear energy solely for peaceful purposes and will not manufacture, possess, store, deploy or use nuclear weapons, (2) neither side will possess nuclear reprocessing nor uranium enrichment facilities, (3) both

11 For further details, see *Korea Newsreview*, 21 December 1991.

sides will actively participate in international efforts for total elimination of chemical and biological weapons, (4) separately from IAEA inspection of their nuclear facilities and materials, both sides will implement inspections of any military and any civilian facility, material or site in the South or the North in order to confirm compliance with the above items.¹²

Although they failed to deal with the North's nuclear arms development issue, including the safeguards agreement and international inspections of nuclear facilities and sites on both sides, they did issue a joint statement recognizing that there should be no nuclear weapons on the Korean peninsula.¹³

President Roh Tae Woo on 18 December 1991 announced that all US atomic weapons in South Korea had been removed. President Roh said in a televised address, "There is no reason or excuse for North Korea to develop nuclear weapons or refuse nuclear inspection,"¹⁴ and his declaration gave South Korea strong leverage in its campaign to force Pyongyang to renounce its nuclear arms development. Roh's declaration satisfied one of North Korea's conditions for allowing international inspections of its nuclear research complex, thereby putting additional pressure on North Korea to sign the safeguards agreement with the IAEA.

The South Korean government stated that if North Korea did not allow international inspection of its nuclear program in spite of the historic signing of the South-North non-aggression agreement, Team Spirit '92 would be conducted. The accord itself, however, had not dealt directly with North Korea's nuclear program.

North Korea's first official response to President Roh's declaration on the absence of nuclear weapons on the Korean penin-

12 *Choson Ilbo*, 12 December 1991. *Korea Herald*, 12 December 1991.

13 For further details, see *Choson Ilbo*, 13 December 1991; *New York Times*, 13 December 1991.

14 *Wall Street Journal*, 19 December 1991; *New York Times*, 19 December 1991.

sula, in its foreign ministry statement of 22 December 1991 was favorable. It welcomed Roh's declaration, but said Pyongyang would sign a nuclear safeguards accord under the NPT, thus opening the way for international inspection, only if the US confirmed that it had removed its nuclear weapons from the South.¹⁵ South and North delegates met to discuss the nuclear issue on 26, 28, and 31 December 1991. Each side made major concessions. On 26 December the North put forward a draft declaration containing a key clause stating that it had no nuclear-fuel reprocessing facilities, and pledging that it would not own facilities for nuclear reprocessing or uranium enrichment. The North denied that it was developing nuclear weapons. Inspections of nuclear facilities and sites became the single most important issue. The North proposed that North and South should jointly verify that all US nuclear weapons had been removed from South Korea prior to any inspections, but dropped its demand that the US itself confirm the absence of nuclear weapons in the South. The South proposed that the North sign the safeguards agreement with the IAEA by 15 January 1992, but the North rejected this, saying that the signing was strictly a matter between North Korea and the IAEA and that no other nation could set a deadline. The North told the South that it had begun the process of signing the safeguards accord, paving the way for international inspections, and promised to sign it "at an early date."

The North also made a concession on the US nuclear protection issue, no longer insisting that the South abandon altogether the protection of the US nuclear umbrella. The two sides had major differences over inspections of military bases. The North proposed that it be allowed into the South to verify the absence of nuclear weapons. The South, on the other hand, proposed reciprocal arrangements where the North could check military bases in the South, including US bases, while the South could

15 *Rodong Shinmun*, 23 December 1991.

check military bases and nuclear installations in the North. The inspection issue remained unresolved.

On 31 December 1991, without completely settling the issue of international inspection of nuclear facilities, North and South Korea initialed a joint declaration banning nuclear arms from the peninsula. Each side initialed a document titled the "Joint Declaration on the Denuclearization of the Korean Peninsula," major features of which include: (1) Both South and North Korea "will not test, manufacture, produce, receive, possess, stockpile, deploy or use nuclear weapons," (2) Both the South and the North will use their nuclear energy programs solely for peaceful purposes, (3) Neither the South and the North will "possess facilities for nuclear reprocessing or uranium enrichment," (4) "In order to verify the denuclearization of the Korean peninsula, the South and the North will conduct inspections of objects chosen by the other side and agreed to by both parties," and (5) These inspections will follow procedures determined by the South-North Joint Nuclear Control Committee, which will be formed within one month of the declaration's effective date. The declaration became effective on 19 February 1992.¹⁶

The non-nuclear Korean peninsula declaration certainly will pave a smooth way for peaceful Korean reunification so long as both sides observe the declaration in good faith. However, the declaration contains no enforcement measures to ensure compliance.

Problems of Implementing Arms Control and Disarmament Provisions Contained in the North-South Agreement

In the "Agreement on Reconciliation, Nonaggression, and Cooperation and Exchange between the North and the South" effectuated on 19 February 1992, Article Five is an important

16 For further details, *Choson Ilbo*, *Jung Ang Ilbo*, and *Hankuk Ilbo*, 26, 28, and 31 December 1991, and 1 January 1992; *Washington Post* and *New York Times*, 27 December 1991 and 1 January 1992.

provision for establishing a durable peace system in Korea. According to a North Korean translation:

The north and the south shall make concerted efforts to convert the present armistice into a lasting peace between the north and the south and observe the present Military Armistice Agreement until such peace has been achieved.¹⁷

A South Korean unofficial translation reads:

The two sides shall endeavor together to transform the present state of armistice into a solid state of peace between the South and the North and shall abide by the present Military Armistice Agreement (of 27 July 1953) until such a state of peace has been realized.¹⁸

As indicated earlier, it is most significant that both sides agreed to work together toward replacing the present armistice with a formal peace agreement between the two. Until then, North and South shall observe the 1953 Korean Armistice Agreement. Hence, North Korea made a significant concession. The question remains how to implement the provision. The issue could be a top priority for both sides.

In order to implement this provision, international cooperation is desirable, i.e., the United Nations can play an important role in converting the Armistice into a peace system. The real parties to the Korean Armistice agreement are undoubtedly South and North Korea, the US, and China. Since it was signed under UN auspices, the UN needs to play some role in it into a peace system. Hence, the author proposes a four-power conference be held soon involving the two Koreas, the US, and China

17 For the full text in English translated by the North Korean authorities, see the *Pyongyang Times*, 22 February 1992.

18 For the full text in English unofficially translated in the South, see *An Era of Reconciliation and Cooperation Begins* (Seoul, Korea: National Unification Board, ROK, 1992), pp. 35–43. To my best knowledge, there appears to be no official translation of these agreements.

in New York under the auspices of the UN Secretary General to discuss this critical issue. At a four-power conference, a peace system on the Korean peninsula replacing the Armistice could be discussed. Other issues may also be discussed including the dissolution of the United Nations Command in Korea, a peace treaty between China and the ROK, and a peace treaty between the US and the DPRK, formally ending the Korean war.

Chapter Two, North-South Nonaggression (Articles Nine through Fourteen), spelled out important provisions for North-South nonaggression. The issue emerged as a major one in the North-South High-level Talks since the North always considered a nonaggression declaration a top priority. Major contents related to non-aggression in the South-North agreement are:

- (1) No use of force and no armed aggression against each other side (Article 9)
- (2) Peaceful settlement of differences and disputes through dialogue and negotiation (Article 10)
- (3) Designation of the Military Demarcation Line in the 1953 Armistice Agreement as the demarcation line and zone of nonaggression (Article 11)
- (4) Establishment and operation of a North-South Joint Military Committee to implement and guarantee nonaggression, along with confidence-building matters to be dealt with by the committee (Article 12)
- (5) Installation of a telephone hotline between the military authorities of each side (Article 13)
- (6) Formation of a North-South military subcommittee to discuss concrete measures for the implementation and observance of the agreement on nonaggression and the removal of military confrontation between the two (Article 14).

Article Twelve in Chapter Two deserves special attention. The North-South Joint Military Committee will play important roles in implementing this provision. It shall discuss and promote the implementation of military confidence building and arms reduction (or disarmament), including: (1) mutual notification and control of large-scale movements of military units and major

military exercises, (2) peaceful use of the Demilitarized Zone, (3) exchanges of military personnel and information, and (4) realization of phased arms reductions including the elimination of weapons of mass destruction and attack capabilities, and verifications thereof. The North and the South had earlier agreed that weapons of mass destruction include nuclear, chemical, and biological weapons.

The process of implementing the agreement on North-South nonaggression will be very painful, but both sides need to work together to realize the nonaggression agreement. None of the military confidence-building and arms reduction issues can be solved easily in view of different approaches to those issues.

It should be pointed out that they need first to deal with less difficult issues in the nonaggression agreement, for example, the installation and operation of direct telephone hotlines between the military authorities of each side to prevent the outbreak of accidental armed conflicts. Still less difficult issues could include the use of the Demilitarized Zone for peaceful purposes and mutual exchange of military personnel. North Korea may be very sensitive to such issues as mutual exchange of information and verification problems.

The South-North Joint Military Commission was established in September 1992, but has produced not a single agreement on the implementation of the non-aggression declaration, primarily because of Pyongyang's nuclear weapons development issue.

Problems of Implementing the Joint Declaration on the Denuclearization of the Korean Peninsula

In accordance with the joint Denuclearization declaration, which went into effect on 19 February 1992, delegates met seven times from 19 February to 14 March 1992 to discuss and conclude the draft agreement on the formation and operation of North-South Joint Nuclear Control Commission. The joint communique on 14 March 1992 stated:

The north and the south reached an agreement on making joint efforts to adopt a document needed for verifying the denuclearization of the Korean peninsula within about two months after the first meeting of the North-South Nuclear Control Joint Committee and starting inspection within 20 days after the adoption of the document.¹⁹

The agreement on the formation and operation of North-South joint nuclear control commission went into effect on 19 March to implement the Joint Declaration on the Denuclearization of the Korean Peninsula.

The issue of nuclear weapons development in North Korea is a hot potato today, an obstacle to the peace building process in Korea. A North Korean nuclear arms development program would be a real threat to the security of the Korean peninsula and the Northeast Asian region. North Korea has at least two nuclear reactors in operation, and has almost finished building a nuclear reprocessing plant. They could make a bomb in two to three years. Despite wide publicity on its nuclear capability, North Korea officially denies intention or capability to produce nuclear arms.

In December 1985 North Korea signed the nuclear Non-proliferation Treaty (NPT). Within 18 months of signing, they were supposed to have signed a safeguards agreement with the International Atomic Energy Agency for international inspection of its nuclear facilities. The North finally signed this agreement on 30 January 1992, six years after signing the NPT. Why? If North Korea were developing nuclear weapons, it would not have signed the safeguards accord. A North Korean nuclear weapons development program certainly would contradict its declared policy of a nuclear-free Korean peninsula.

North Korea demanded three conditions for signing the safeguards agreement. These were: (1) the US must remove all nuclear weapons from South Korea, (2) the US and the South

19 For further details, see the *Pyongyang Times*, 21 March 1992.

must agree to allow international inspection of nuclear sites in the South simultaneously with inspections in the North, and (3) Seoul must abandon the US nuclear umbrella. If it is true that, as North Korea stated, it has neither intention nor capability to produce a nuclear bomb, why did they delay signing a safeguards accord? In my opinion, North Korea was using the safeguards agreement as a bargaining chip in the negotiations with the South and the US so that they would meet the three conditions. When the South and the US accepted two of North's three conditions, they finally signed.

Many believe that the North is developing nuclear weapons in an attempt to improve worldwide prestige and to protect the survival of its system. Some believe it will go to any means to protect its nuclear weapons development program. There are mounting pressures on North Korea. A worldwide trend is moving towards nuclear arms reduction. Nuclear proliferation will not be tolerated. The four major powers surrounding the Korean peninsula—the US, Russia, Japan, and China—do not want them to develop a nuclear bomb. They have been trying to improve relations with Japan, the US, and South Korea, for economic reasons and for the survival of the regime, and a nuclear arms development program would definitely jeopardize this relationship. Chinese leaders also advised President Kim Il Sung, during his visit to China in October 1991, to sign this long-awaited safeguards agreement.

It is of worldwide concern because nuclear weapons development in North Korea would destabilize the security of the entire Asian Pacific region. Due to mounting international pressures on the North, it finally signed the safeguards agreement on 30 January 1992. North Korea clearly stated that it would be ratified in April 1992 and that international inspection of nuclear facilities in North Korea would be conducted in June 1992.

Since North Korea finally did ratify the safeguards agreement with the IAEA in April 1992, the IAEA has conducted six international inspections of nuclear facilities in North Korea, and has

not found clear evidence that the North is making nuclear weapons. However, in February 1993 North Korea rebuffed the IAEA's request to inspect two sites believed to be storing nuclear waste from plutonium production. Earlier tests of samples given to the IAEA proved that the plutonium and the waste did not match, also suggesting that North Korea has a bigger reprocessing program. According to Western intelligence sources, North Korea has produced the seven to ten kilograms of plutonium needed to make a bomb.²⁰

In the meantime, the IAEA requested that North Korea open the two suspected sites for inspection by 25 March 1993. In response North Korea announced on 12 March 1993 that it would withdraw from the Nuclear Non-proliferation Treaty and its safeguard agreement with the IAEA. That decision will produce profound negative effects on the future of inter-Korean relations and its relations with the US, Japan, and other UN member states. What the UN Security Council will do about it remains to be seen.

Following the effectuation of the Joint Declaration of Denuclearization of the Korean Peninsula, the inter-Korean Joint Nuclear Control Commission (JNCC) was inaugurated on 19 March 1992. The two Koreas agreed to prepare rules on mutual inter-Korean nuclear inspections by the end of May 1993 at the latest, and conduct mutual inspections within twenty days thereafter. Since the first JNCC meeting of 19 March 1992 as of this writing thirteen commission meetings, nine commission chairmen's contacts and commission members contacts were held over more than a year, but they have failed to produce a bilateral inspection regime.

Let us look briefly at major issues over which the sides have negotiated at the JNCC meetings for a more than a year since March 1992.²¹

20 *US News and World Report*, 22 February 1993; *New York Times*, 11 February 1993.

The two Koreas could not produce a bilateral inspection regime because of their differences in three important issues. First, Seoul maintained the JNCC's major task was to verify the implementation of the denuclearization of the Korean peninsula and wanted to prepare rules on inter-Korean mutual inspections of nuclear facilities. In the meantime, North Korea demanded priority for discussion of an implementation agreement, and raised again the idea of a nuclear-free zone on the Korean peninsula calling for joint action against external nuclear threat and international guarantees for the denuclearization of the peninsula, issues which they had previously withdrawn. The South argued that unless mutual inspections were conducted, there could be no substantial progress in inter-Korean relations such as inter-Korean economic projects.

Second, the South and the North asserted different principles regarding inter-Korean nuclear inspections. The South maintained a mutual—the same number—inspection principle. Namely, the same numbers of the sites subject to nuclear inspections in the South and the North should be based on a principle of reciprocity, and all suspected nuclear sites should be inspected regardless of whether they are civilian or military facilities.

On the other hand, North Korea argued for a “suspicions-simultaneous elimination principle” under which the South could inspect the nuclear facilities of the Yongbyon area and the North would inspect all nuclear facilities, nuclear weapons and nuclear bases in the South at the same time. The North argued that since suspicion about the North's nuclear weapons development had been completely dispelled through international inspections by the IAEA, inter-Korean nuclear inspections should focus on looking for nuclear weapons on military bases in the South.

21 For further details, see *South-North Dialogue in Korea*, No. 55 (July 1992), pp. 87–96; *South-North Dialogue in Korea*, No. 56 (October 1992), pp. 91–102.

Seoul maintained that since nuclear facilities can exist anywhere in civilian or military areas, even military facilities suspected of once having been linked to nuclear arms development should naturally be included for mutual inspections. But Pyongyang insisted that since ordinary military facilities are one thing and nuclear facilities are another, no military facilities could be included in those areas subject to mutual inspections.

Third, the South also proposed special inspections or "challenge inspections" of military sites with twenty-four-hour notice whereby either of the two Koreas can inspect the places it designates at any time. The North, however, strongly rejected the proposal for special inspections, because it violates Article four provision of the Korean denuclearization declaration, which provides "inspections shall be conducted in places which the other side selects and on which both sides agree."

As discussed above, both sides want mutual nuclear inspections, but they propose different formulas. What should, what can, be done to achieve the nuclear-free zone on the Korean peninsula, sincerely implementing the joint declaration? Needless to say, it is essential for both Koreas to cooperate towards the realization of denuclearization. A nuclear-free zone could be realized, first, with the abandonment of the North's nuclear weapons development program including nuclear reprocessing and uranium enrichment facilities. In the long run, South Korea also needs to abandon the US nuclear umbrella protection and must eventually agree on the principle of non-transport of nuclear weapons into ports and air bases.

One can argue that the North's nuclear weapons development will not only accelerate the nuclear arms race between the two Koreas, but destabilize the security and peace in Northeast Asia. Therefore, it is in Pyongyang's best interest to abandon its nuclear development program.

The US could play an important role in the denuclearization process in cooperation with Russia, China, and Japan to induce North Korea to implement the safeguards agreement with the

IAEA in good faith. To lay a basic framework the ROK government needs to cooperate with the United States. The US and South Korea could take advantage of the newly emerging international security environment to improve their relations with North Korea.

In the long term the United States, China, and Russia all need to consider guaranteeing non-use of their nuclear weapons on the Korean peninsula. A Korean nuclear dilemma could be solved peacefully by Koreans themselves in cooperation with the four major powers concerned with the Korean problem.

To realize a nuclear-free peninsula, South and North Korea need first of all to implement sincerely the provisions of the Joint Declaration on the Denuclearization of the Korean Peninsula, by reaching an agreement on an inter-Korean bilateral inspection regime. It would be in the best interest of both North and South to carry out in good faith all the provisions.

Finally, I would like to propose a compromise formula for preparing inter-Korean nuclear inspection rules on the basis of both sides' principles of mutual inspections. The compromise plan could be called a "step-by-step inspections for mutual suspicious areas" formula. It is based on a principle under which first of all, all civilian facilities be opened for mutual inspections, and gradually all military facilities be inspected.

Step I: Mutual Inspection of Nuclear Facilities in the North and the South — Both sides will open non-military facilities and the areas of mutual suspicions to mutual inspections. Mutual suspicions of nuclear arms development could be dispelled at this stage, which will be a foundation for the implementation of the Korean peninsula denuclearization declaration.

Step II: South-North Korean Joint Development of Nuclear Energy — Both sides will make a joint effort to develop nuclear energy for peaceful use. Through inter-Korean mutual cooperation in the area of nuclear energy, South and North Korea could verify the compliance of the Korean denuclearization declaration and also verify the safety of North Korea's nuclear plants. In the long

run, inter-Korean nuclear energy development cooperation will contribute to the peaceful development of nuclear energy for a unified Korea in the twenty-first century.

Step III: *Realization of Denuclearization in Korea* — Both sides enter the stage of a peaceful coexistence and a North-South Commonwealth, where all military facilities will be open and inspected. South Korea will abandon the US nuclear umbrella. The US, China, and Russia will guarantee non-use of their nuclear weapons on the Korean peninsula.

If South and North Korea accept this formula, they could reach an agreement on the inter-Korean bilateral nuclear inspection regime. There will be no progress in inter-Korean relations without dispelling the suspicions of the North's nuclear arms development.

Conclusion

South and North Korea have fundamentally conflicting approaches to the peace building process on the Korean peninsula. North Korea has argued, first of all, for the adoption of a non-aggression declaration, maintaining that if it could be adopted then military confrontation between the South and the North would be automatically dissolved. On the other hand, the South cannot accept this because the North cannot be trusted. Seoul insists that there should first be an improvement in inter-Korean relations and confidence building through inter-Korean exchanges and cooperation, and *then* a non-aggression declaration can be adopted on the basis of mutual confidence. Otherwise the adoption of a nonaggression a declaration might endanger national security.²² These two approaches are incompatible and conflicting in the order of priority.

22 For further discussions on the South Korean approach to arms control on the Korean peninsula, see *Arms Control on the Korean Peninsula: What lessons can we learn from European experiences?* (Seoul, Korea: Institute of Foreign Affairs and National Security, 1990), especially Parts II and III. For an evaluation of military

Which approach would serve the best interest of the Korean nation? They were finally adjusted creatively through mutual concessions and compromise. Mutual concessions and compromise of both sides finally led to the effectuation of the North-South "basic" agreement and the joint declaration on a non-nuclear Korean peninsula in February 1992.

As discussed above, in order to implement both agreements in good faith, South and North Korea need to be patient and sincere in dealing with current issues in arms control and disarmament agreements, and could consider the following suggestions. First of all, a summit meeting between Presidents Kim Young Sam and Kim Il Sung should be held as soon as possible. There are still many hot issues to be discussed and resolved at a summit meeting. Second, in the North Korean view, Team Spirit is incompatible with the successful progress of inter-Korean relations. As long as Team Spirit was under way, there has been no inter-Korean dialogue. Thus, the South needs to consider permanently suspending the US-ROK joint military exercises to improve inter-Korean relations.

On the other hand, North Korea needs to reciprocate the South Korean initiatives. First, North Korea needs to understand clearly that a nuclear arms development program will not serve their best interest. Hence, if it is developing a nuclear bomb it must stop now. Second, North Korea needs to modify its "Southern" strategy. Now is the time for North Korea to promote its own interests by adopting a pragmatic policy in the new international politico-economic environment. Third, DPRK President Kim Il Sung should accept a summit conference with President Kim Young Sam without any conditions.

Now is the time for North and South Korea to implement the inter-Korean basic agreement, particularly a declaration of non-

capabilities of South and North Korea see Tae-Hwan Kwak, "Military capabilities of South and North Korea: A Comparative Study," *Asian Perspective*, Vol. 14, No. 1 (Spring-Summer 1990), pp. 113-43.

aggression between the South and the North, and to take into serious consideration the reduction of inter-Korean armed forces to a level of reasonable sufficiency in the post-inter-Korean "basic" agreement era. They both need to reduce their military force levels for economic reasons. They have yet to agree to an acceptable formula for arms reduction. Given the rapidly changing international security environment and positive developments in inter-Korean relations, this author argues that both sides need to consider at least a fifty-percent cut in their military forces.²³ Of course, each will maintain a credible, stable deterrence against the other but with reduced troop levels and qualitative improvement in modern weapons systems. Realistic arms reduction could better serve the common interests of South and North Korea. North Korea cannot afford over 20% of its entire GNP for defense. The ROK government spends about 30% of its own annual budget on national defense. Such spending on national defense is far too high in this post-Cold war era. A realistic approach to the South-North arms control would be: *political-military confidence building measures → arms freeze → arms limitations and reductions → disarmament → Korean reunification formula*. Both sides need to develop military cooperation in order to achieve peace and Korean reunification.

North and South Korea need seriously and sincerely to consider taking a step-by-step formula for the following specific arms reduction measures in implementing provisions of the non-aggression agreement:

1. The South and the North shall agree to withdraw forward-based offensive forces from the front line to a point where both sides shall agree to, and shall reduce offensive forces through, the mutual balanced force reduction principle.

23 For an evaluation of military capabilities of South and North Korea by comparison, see Tae-Hwan Kwak, "Military Capabilities of South and North Korea: A Comparative Study," *Asian Perspective*, Vol. 14, No. 1 (Spring-Summer 1990), pp. 113-43.

2. With successful verification measures, the South and the North shall reduce their forces to a level of reasonable sufficiency only for a "defensive defense" system. The South and the North shall maintain a minimum deterrence force by eliminating first-strike attack capabilities completely and keeping the "defensive capability" for self-defense purposes.

3. With successful implementation of arms reduction and verification measures, the South and the North shall agree to the complete withdrawal of US forces in Korea.

The new peace regime in Korea will emerge in the 1990s only by sincerely implementing the historic arms control and disarmament agreements as discussed above. The Korean people must work together to create essential conditions for achieving peaceful unification of Korea.