

Building a Peace Regime in Korea: An American View

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Abstract

Mutual deterrence makes the risk of deliberate aggression on the Korean Peninsula quite low, but the very steps that both sides have taken to deter pre-meditated war have increased the risk of inadvertent war. For a peace treaty to be militarily meaningful, the force postures and war plans on both sides that pose an excessive risk of pre-emptive war have to be altered. That will require mutual and reciprocal, though not necessarily identical steps by both sides to defuse the volatile standoff at the DMZ. That is a demanding task, and one that is unlikely to succeed without fostering a conducive political environment first. One way to foster that environment is a series of peace agreements, as distinct from a peace treaty, that establishes a new three-way peace mechanism and develops some politically useful, though militarily less meaningful, confidence-building measures. Such peace agreements, in which the United States is a signatory, are a way to give the DPRK a form of diplomatic recognition, thereby facilitating a resolution of the current nuclear crisis. The September 19, 2006 joint statement gives impetus to this effort when it says “the directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.”

Key Words: peace regime, peace agreement, peace mechanism, inadvertent war, Six-Party Talks

In 1994 the United States and South Korea almost stumbled into war with North Korea after North Korea abruptly unloaded plutonium-laden spent fuel from its nuclear reactor at Yongbyon. On June 16, in anticipation of a UN Security Council vote on sanctions, President Clinton convened his top advisers to discuss military precautions. For months the US commander in Korea, General Gary Luck, had been recommending reinforcements in such an eventuality. “He feels that sanctions are a dangerous option,” an administration official said. “As the commander of 37,000 men there he will want to try to increase deterrence if we go that route.”¹ Contrary to some South Korean accounts, the Pentagon did not propose a plan to attack the North’s nuclear sites, but it did recommend, and the president approved, deployment of 10,000 troops, mostly logistics units to prepare for 400,000 additional troops that General Luck said he would need in the event of war, the dispatch of 30-40 fighter planes and other aircraft to South Korea and F-117 stealth fighter-bombers and bombers to Guam, and stationing of a second aircraft carrier in the region, to be followed by a gradual buildup of Army and Marine combat troops.²

Yet these very precautions, the president was warned, risked provoking a war that neither side wanted. The dispatch of the reinforcements would trigger mobilization by the North, compelling counter-mobilization by the allies and raising the risk of preemptive attack. Luck and James Laney, US ambassador in Seoul, were well aware of that risk. “We were all worried. We were talking about evacuating all civilians, ratcheting it up, going on a wartime footing,” says a high-ranking US officer privy to their conversations.³ Given Pyongyang’s paranoia, it could well misread a large-scale American

¹Michael R. Gordon, “Pentagon Studies Plans to Bolster US-Korea Forces,” *New York Times*, December 2, 1993, p. A1.

²Michael R. Gordon, “Clinton May Add G.I.’s in Korea While Remaining Open to Talks,” *New York Times*, June 17, 1994, p. A1.

³Interview with senior military officer, May 2, 1997.

buildup in Korea as a signal that war was imminent, prompting it to mobilize or attack before the American troops could arrive. “We both agreed,” recalls Laney, “that if we started to bring in several divisions, the North Koreans would think they were about to be attacked.” Deterring North Korea put the allies in a predicament, in his view. “If one side is weaker and thinks the other side is building up, they would be tempted to preempt.”⁴

After 1994, Korea began to move away from being a flashpoint of war toward becoming a zone of peace. Yet US and South Korean armed forces still stand toe to toe with North Korean forces along the Demilitarized Zone, just as they have for over a half century. Moreover, a second nuclear crisis has been brewing since 2002, after the United States confronted North Korea over efforts to acquire the means to enrich uranium, used in nuclear weapons.

To put a permanent peace regime in place in Korea and prevent a recurrence of the June 1994 crisis, the force postures and war plans on both sides that pose an excessive risk of unintended war on the Peninsula have to be altered. That will require mutual and reciprocal, though not necessarily identical steps by both sides to defuse the volatile standoff at the DMZ. In short, *for South Korea and the United States to be more secure, they will have to take steps to make North Korea more secure, and vice versa.*

Stabilizing the military balance is a demanding task, and one that is unlikely to succeed without fostering a conducive political environment first. To build a permanent peace regime in Korea, some militarily less significant, but politically useful steps could help create that environment. Those steps, taken in parallel with negotiations in Six-Party Talks, could also help to defuse the nuclear crisis. This paper first examines the military balance, then examines its implications for concluding a peace treaty and concludes by suggesting that a series of

⁴Interview with James Laney, June 4, 1994.

peace agreements, not a peace treaty, could establish the political prerequisites for a peace regime in Korea. It could also help end the nuclear crisis.

Poised for War

North Korea's army of one million is the third largest in the world. Seventy percent of its active-duty force -- including some 8,000 artillery systems and 2,000 tanks -- is dug in within 100 miles of the DMZ. The inference that the allies have long drawn from this posture, at least in public statements, is that North Korea is poised for aggression and that the allies are so positioned in order to defend Seoul.

The military realities are somewhat at odds with that assessment. The North's vaunted million-man army is largely a fiction. Of the estimated 1.1 million North Koreans under arms, a half million of them are either soldier-workers engaged in civil construction, North Korea's equivalent of the US Army Corps of Engineers, or paramilitary troops, who train irregularly and are not combat-ready. North Korea has some 3,950 tanks, but most are obsolescent, and it lacks the logistical capacity to mount a sustained armored thrust deep into the south. It has conducted a few large-scale tank and artillery exercises in recent years, but its pilots still log little flying time and most of its artillery exercises are little more than punitive barrage attacks not associated with any large-scale armored and infantry movement southward. The North can field some 600 combat aircraft, but many are older models, no match for South Korea's modern fighters. That leaves the North's ground forces and lines of supply vulnerable to attack from the air.

Forward deployment, instead of demonstrating North Korea's aggressive intent, may be its way of compensating for qualitative

inferiority, putting it in a position to move south should war appear imminent and adopt “hugging tactics” -- close quickly with allied forces at the first sign of war before allied air power can blunt an attack and interdict its long lines of supply, as occurred during the Korean War. “They don’t want to be all strung out the way they were the last time,” says General James R. Clapper, Jr., director of the Defense Intelligence Agency from 1991 until 1994 and former chief of intelligence in Korea. “They think the best defense is a good offense.” So precarious is their position that every time a large-scale exercise takes place in South Korea, the North Koreans feel compelled to mobilize their forces, at considerable expense. “That’s why,” says Clapper, “they go nuts at Team Spirit.”⁵

US and ROK forces are similarly concentrated near the DMZ. The allies say that forward deployment is necessitated by Seoul’s proximity to the North Korean border. Yet, as a recently announced redeployment shows, it is due as much to their own choice of strategy as to geographic necessity.

For two decades after the 1953 armistice, US war plans had called for allied forces to fall back to the Han River in the event of a North Korean attack and assume a defensive posture until reinforcements arrived from the United States. Those plans were revised in 1974, a time of tense relations with South Korea. At the root of the disaffection in Seoul was the Nixon Doctrine, stating that the United States would “look to the nation directly threatened to assume primary responsibility of providing the manpower for its defense.” That doctrine, along with the withdrawal of 20,000 US troops from Korea and detente with China, seemed to portend US disengagement from the Peninsula. That alarmed South Korea’s military dictatorship under Park Chung Hee and prompted him to enter into talks with North Korea. It also led him to order the covert development of

⁵ Interview with General James Clapper, October 31, 1996.

nuclear arms.

In this uneasy climate, General James Hollingsworth took command of I Corps, responsible for the defense of Seoul, and drew up a new plan to take the war to the North in the event of aggression. Under Op Plan 5027, Hollingsworth had the US 3rd Marine Division and the ROK 1st Marine Division land at Wonsan and attack Pyongyang from the east. Redeploying most of his artillery far forward near the DMZ, he assigned two brigades of the US 2nd Infantry Division to march north and seize Kaesong, North Korea's southernmost city. That left a static line of allied forces to defend Seoul. To fortify that line, he relied heavily on air power, artillery, and landmines. To impede North Korean forces from massing for an offensive, he planned to have B-52s bomb potential axes of attack and lines of supply. That strategy, with some modifications, guides allied forces today.

North Korea's response emerged in the early 1980s: to rely less on mass infantry and more on mechanized forces. At the same time it repositioned more of its forces closer to the DMZ. Its ever increasing numbers of forward-deployed tanks and armored vehicles seemed to confirm the allied assessment that the North was poised for aggression. At the same time it was concentrating its artillery within range of Seoul. That artillery is not useful for rapid offensive maneuver, however, suggesting it had a different mission: a spoiling attack, aimed at wreaking havoc in Seoul, in order to deter attack from the South.

North Korea's security continued to erode as the South outpaced the North militarily. By the mid-1980s the North could no longer count on its sometime allies, the Soviet Union and China, to take its side. Ever since, some US intelligence assessments have given South Korea the edge, especially in the air, concluding that it could repulse a North Korean attack on its own even without throwing US forces

into the balance.⁶

Even as the likelihood of premeditated aggression by North Korea declined and Pyongyang renounced the aim of seizing the South by force in favor of an ideological struggle for the hearts and minds of Southerners, allied strategy did not change.⁷ Instead, as the North's military inferiority vis-a-vis the South worsened, Op Plan 5027 was revised to bolster the offensive and provide for pre-emptive strikes against North Korea's bombers and artillery in the event of unambiguous warning of preparations for attack. In 1992 the 2nd Division was pulled back from its front-line role and reassigned to new duties as a mobile mechanized reserve with the mission of pinching off breakthroughs and counterattacking locally -- "expanding the battle space" -- until reinforcements arrived from the United States. Then it would join the mechanized 3rd Corps in a counter-offensive that included an invasion of North Korea by amphibious and air mobile forces.

Today, even though a surprise attack by North Korea cannot be ruled out, the allies would defeat it decisively. In other words, allied deterrence is quite robust. For its part, the North can credibly threaten a devastating artillery and short-range missile barrage on parts of

⁶ Reflecting those assessments, Senators Sam Nunn and Richard Lugar carefully noted in a statement on the Korean Peninsula on February 23, 1994, "both US and South Korean forces maintain a qualitative edge over their North Korean counterparts in most force categories, especially in the air and at sea." These assessments make worst-case assumptions about the other side's capabilities to wage war against the United States. American analysts then engage in mirror-imaging and assume that the other side shares their conclusion, but what if the other side does a worst-case assessment of its own? Its military disadvantage may have seemed even greater in Pyongyang, given this fundamental asymmetry in net assessments.

⁷ Article V of the 1972 constitution of the DPRK says, "the DPRK strives to achieve the complete victory of socialism in the northern half, drive out foreign forces on a nationwide scale, reunify the country on a peaceful basis, and attain complete national independence." The phrase, "drive out foreign forces on a nationwide scale," was taken to mean communization of the entire Peninsula. This phrase was dropped from the 1992 constitution of the DPRK and replaced with "struggling for the realization of the unification of the fatherland on the principles of independence, peaceful unification, and grand national unity."

Seoul within range of its front lines, which should suffice to deter attack from the South. By this calculus, *mutual deterrence makes the risk of deliberate aggression on the Korean Peninsula quite low.*

The problem is that the interaction of the two sides' strategies and force postures give each side a compelling reason to mobilize quickly, triggering preemption by the other side. In other words, *the very steps that both sides have taken to deter pre-meditated war increase the risk of inadvertent war.*

From a War Posture to a Peace Regime

A number of unhappy conclusions flow from this analysis:

First, *a peace treaty would hardly be worth the paper it is written on unless it includes practical military steps to reduce the risk of inadvertent war.*

Second, *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.

Third, *in return, if the allies were to share real-time intelligence with the North, that could dispel dangerous misperceptions of impending attack.* It could help put an end to repeated spy submarine incursions and armed reconnaissance in the DMZ by the North, which lacks satellites of its own.

Fourth, as Europe's experience with MBFR and CFE suggests, *such far-reaching steps to reduce the risk of unintended war require a fundamental improvement in the political relationship between the two sides.* That change is already under way between North and South Korea, but the United States, which moved fitfully to reconcile with North Korea in the 1990s, has changed course since 2001. Pyongyang

has shown no sign of entering into serious conventional force negotiations and won't until it is convinced that Washington is cooperating to end enmity.

Fifth, *US willingness to end enmity is Pyongyang's sine qua non for defusing the armed standoff along the DMZ.* Why would the DPRK give up its artillery threat to Seoul if the United States remains its foe?

Sixth, *even if the United States moves to end enmity and the DPRK in return carries out its pledge in the September 19, 2005 six-party joint statement to eliminate its nuclear forces, that would leave the forward-deployed artillery and short-range missiles as North Korea's ultimate deterrent, making their elimination or withdrawal much less likely.* In other words, there is a trade-off between ending the North's nuclear program and eliminating its forward-deployed artillery.

In short, *negotiating a peace treaty does not make much military sense under current circumstances. However, peace agreements, as distinct from a peace treaty, though militarily less meaningful, may be a politically useful way to proceed at this time.* Such peace agreements may even facilitate a resolution of the current nuclear crisis.

Breaking the Nuclear Deadlock

One point of agreement among the United States, South and North Korea is that the critical first step on the path to peace is a negotiated resolution of the nuclear crisis. For five years the Bush Administration hesitated to embrace this conclusion and top officials are still divided about acting on it. That is clear from Washington's acceptance of the September 19, 2005 joint statement and its subsequent backtracking.

Believing North Korea will never abandon arming itself, a hard-

line cabal in Washington sees negotiations as an exercise in futility. They identify diplomatic give-and-take with “rewarding bad behavior.” This stance rests on a fiction that North Korea duped President Clinton by halting its plutonium program while starting a covert effort to enrich uranium for bombs, or as President Bush put it on March 6, 2003, “my predecessor, in a good-faith effort, entered into a framework agreement. The United States honored its side of the agreement; North Korea didn’t. While we felt the agreement was in force, North Korea was enriching uranium.”⁸

The trouble is, the United States reneged on the 1994 Agreed Framework first by failing to reward North Korea’s good behavior. Washington got what it most wanted up front -- a freeze of the North’s plutonium program. Had that program kept operating, it could have generated enough plutonium by now for at least fifty nuclear devices. Washington did not live up to its end of the bargain, however. When Republicans won control of Congress in elections just days after the October 1994 accord was signed, they denounced the deal as appeasement. Shying away from taking them on, President Clinton backpedaled on implementation. Washington did little to ease sanctions until 2000. Having pledged to provide two nuclear power plants “by a target date of 2003,” it did not pour the concrete for the first foundation until August 2002. It did deliver heavy fuel oil as promised but seldom on schedule. Above all, it did not live up to its promise in Article II of the Agreed Framework to “move toward full normalization of political and economic relations” -- end enmity and lift sanctions.

When Washington was slow to fulfill the terms of the accord, Pyongyang threatened in 1997 to break it. Its acquisition of gas centrifuges to enrich uranium from Pakistan began soon thereafter --

⁸White House Press Office, Transcript of President Bush’s Press Conference, March 6, 2003.

in 1998 according to Secretary of State Colin Powell. That was a pilot program, not the operational capability US intelligence says it moved to acquire in 2001 after the Bush Administration refused talks and instead disclosed that the North was a target for nuclear attack. The Administration retaliated in November 2002 by halting shipment of heavy fuel oil promised under the Agreed Framework. North Korea did not take long to respond. In January 2003, with US forces tied down preparing for the war in Iraq, it challenged Washington by lighting three nuclear fuses. It refueled and restarted its reactor at Yongbyon, which had been verifiably frozen under the Agreed Framework of October 1994. It resumed reprocessing to extract the five or six bombs' worth of plutonium from nuclear fuel rods that it had removed from its reactor in 1994 but had stored at Yongbyon under international inspection, as required by the October accord. It also stepped up acquisition of gas centrifuges to enrich uranium.

It has since resumed construction of two larger nuclear reactors that it had suspended under the Agreed Framework. When completed, in a few years from now, these reactors will have the capacity to produce thirty bombs' worth of plutonium a year. In early 2005 it shut down the reactor, removed spent fuel and reprocessed it to extract two more bombs' worth of plutonium. It also refueled and restarted the reactor.

Pyongyang's tactics convinced many in Washington it was determined to arm and should be punished for brazenly breaking its commitments. It convinced others it was trying to extort economic aid without giving up anything in return. It was doing neither. It was playing tit-for-tat -- cooperating whenever Washington cooperated and retaliating when Washington reneged, in an effort to end hostile relations. It still is.

Why has Pyongyang persisted in negotiations in the face of hostility from Washington? In October 2001 Kim Jong Il decided to reform North Korea's moribund economy, a policy he promulgated

formally in July 2002. The economy has begun to revive but reform cannot succeed without a political accommodation with the United States, South Korea, and Japan that facilitates reallocation of resources from military use and aid and investment from outside.

In the belief that North Korea was on the verge of collapse, however, the hard-line cabal in the Bush Administration pushed for an economic embargo and naval blockade to strangle it to death. All the North's neighbors know that an embargo and blockade will provoke it to arm sooner than collapse, which is why none of them were willing to proceed down this route in the first instance. Instead they pursued talks of their own with North Korea, which convinced them that Pyongyang was willing to deal.

By impeding a cooperative solution, hard-line unilateralists in the Administration put Washington on a collision course not just with Pyongyang, but more importantly with US allies in Asia. They have been eroding political support for the alliance in South Korea and Japan and jeopardizing the US troop presence in the region. Their intransigence has been a catalyst for unprecedented cooperation in Northeast Asia to rein in the United States. The 2003 Japan-Russia and two Japan-DPRK summit meetings should be seen in this light. So too should South Korea's warming relations with China. Given the history of antagonism and the resurgence of nationalism in the region, such cooperation would have seemed unthinkable just a few short years ago.

Awareness of the eroding US position in Northeast Asia finally led the Administration to show a newfound willingness to let US negotiator Christopher Hill meet directly with his North Korean counterpart Kim Gye-gwan in the fourth round of Six-Party Talks and discuss the North Korean concerns at length. Faced with isolation if it failed to go along, it accepted an agreement in principle drafted by China.

The agreed statement of September 19, 2005 incorporates the

main goal sought by Washington, a commitment by Pyongyang to abandon “all nuclear weapons and existing weapons programs.” The accord also commits the North to observe and implement the Joint Declaration of the Denuclearization of the Korean Peninsula, which prohibits all “enrichment facilities.” The United States, in return, “affirmed that it has no nuclear weapons on the Korean Peninsula and has no intention to attack or invade the DPRK with nuclear or conventional weapons.” It undertook to “respect [the DPRK’s] sovereignty.” Stopping short of what North Korea wants, it agreed only “to normalize ... relations in accord with [its] bilateral policies.” It committed itself, along with the other parties, “to promote economic cooperation in the fields of energy, trade, and investment bilaterally and/or multilaterally” and stated its “willingness to provide energy assistance to the DPRK.”

Pyongyang is not about to settle for fine words any more than Washington is. It insists on concrete signs that Washington is ending enmity as it dismantles its nuclear programs. One sure sign would be the provision of two nuclear reactors Washington promised under the 1994 Agreed Framework but never delivered.

Under the Faustian bargain at the core of the nuclear Non-Proliferation Treaty (NPT), members in good standing have the right to nuclear power. Pyongyang cannot exercise that right until it rejoins the NPT and eliminates any weapons and nuclear programs it now has to the satisfaction of the International Atomic Energy Agency. Washington balked at acknowledging this right, but under pressure from South Korea and Japan, as well as China, it “agreed to discuss at an appropriate time the subject of the provision of light-water reactors to the DPRK.”

Does Pyongyang mean what it says? The surest way to find out is sustained diplomatic give-and-take to implement that accord in phased reciprocal steps. That requires the Bush Administration to do something it had only just begun to do, decide what it wants most and

what it will offer in return.

Washington's initial response has not been reassuring. The ink on the September 19 accord was hardly dry when hard-liners led by Vice President Dick Cheney struck back, backtracking on the deal and hamstringing US negotiator Hill.

In a closing statement immediately after accepting the accord, Hill announced a decision, dictated by the hard-liners, to "terminate KEDO," the international consortium established to provide the nuclear reactors.⁹ Later that day, Secretary of State Condoleezza Rice implied that the "appropriate time" for discussing the provision of LWRs was when hell freezes over: "When the North Koreans have dismantled their nuclear weapons and other nuclear programs verifiably and are indeed nuclear-free ... I suppose we can discuss anything."¹⁰

Pyongyang reacted sharply. "The basis of finding a solution to the nuclear issue between the DPRK and the US is to wipe out the distrust historically created between the two countries and a physical groundwork for building bilateral confidence is none other than the US provision of LWRs to the DPRK," a Foreign Ministry spokesman said, "the US should not even dream of the issue of the DPRK's dismantlement of its nuclear deterrent before providing LWRs, a physical guarantee for confidence-building."¹¹ An alternative "physical groundwork for building bilateral confidence" or "physical guarantees" is conceivable, so whether Pyongyang will insist on Washington's commitment to provide reactors before it begins elimination remains to be seen.

⁹ Department of State, Text of Assistant Secretary of State Christopher R. Hill's Statement at the Closing Plenary of the Six-Party Talks, September 19, 2005.

¹⁰ Department of State, Transcript of Secretary of State Condoleezza Rice's Press Conference at the United Nations, September 19, 2005.

¹¹ *Korean Central News Agency (KCNA)*, "Spokesman for DPRK Foreign Ministry on Six-Party Talks," September 20, 2005.

Even worse, having declared in the September agreement that it had “no intention” of attacking the North “with conventional or nuclear weapons” and having pledged to “respect [DPRK] sovereignty,” diplomatic code words for renouncing military options and regime change, the Administration backed away. Under pressure from hard-liners, Hill undercut those commitments in Congressional testimony days later by sounding the hard-liners’ old refrain that “all options remain on the table.”

Worse yet, when Hill wanted to go to Pyongyang to jump-start negotiation of dismantlement, instead of giving Hill bargaining chips, the cabal set a precondition for the talks. Hill was instructed not to go unless the North shut down its Yongbyon reactor, assuring that no talks took place and that the fifth round of Six-Party Talks in November would go nowhere.

Worst of all, the Administration began to impose sanctions under the Illicit Activities Initiative. The United States is right to try to prevent counterfeiting of US currency and other illicit activities by North Korea. However, the irreconcilables’ idea of a deal is no deal at all. The North has to capitulate -- disarm first before the United States provides any political or economic inducements. They are exploiting sanctions to block diplomatic give-and-take while they wait for North Korea to collapse.

The most urgent need is to restore the inspectors’ control over the 1994 plutonium and shut down the reactor at Yongbyon which is generating more plutonium in its spent fuel. Satellites and other technical means can monitor a freeze of the Yongbyon reactor and reprocessing plant but not enrichment sites at unknown locations. Inspections of these sites, as desirable as they are, will take time to arrange. They can wait. US intelligence estimates the North cannot produce much highly enriched uranium for a decade, allowing time to arrange for access.

The North has offered to freeze the reactor and reprocessing

plant, including the return of all the reprocessed 1994 plutonium to inspection, but the hard-line cabal has blocked a deal by refusing to take any reciprocal US step. Their reasoning is as simple as ABC – anything but Clinton.

The cabal is also likely to keep Hill from amassing enough bargaining chips for an alternative first step that would give both sides something to show for their efforts -- what might be called freeze-plus -- which would involve token elimination of some of the 1994 plutonium or some gas centrifuges for enriching uranium.

That left Hill little choice but to seek an initial declaration in which Pyongyang lists all its plutonium and uranium facilities, fissile material, equipment and components, which can be cross-checked against what US intelligence has already ascertained. Negotiating that declaration will require reciprocity by Washington, for instance, its participation along with South Korea in supplying electricity to the North, further relaxation of sanctions, and a willingness to normalize relations sooner. The cabal opposes such steps. Hill will try to treat the initial declaration as part of a negotiating process in which any ambiguity can be cleared up over time, but hard-liners will surely try to use any omission as conclusive evidence of North Korean cheating and grounds for breaking off talks.

Hill does not have much leeway on diplomatic recognition, either. He can urge the North to accept an exchange of liaison offices, something the North has shown little interest in doing, but a longstanding US negotiating position, dating back to the Clinton Administration and endorsed in the June 6, 2001 Bush Administration statement of its North Korea policy, links full political normalization to North Korean action on human rights and other issues.

An alternative way to give the DPRK a form of diplomatic recognition is a series of peace agreements in which the United States is a signatory. The September 19 agreed statement gives impetus to this effort when it says, “the directly related parties will negotiate a

permanent peace regime on the Korean Peninsula at an appropriate separate forum.”

Peace Building with Peace Agreements, Not a Peace Treaty

The DPRK has long sought a peace agreement with the United States. A notable example came on June 16, 1998, when North Korea made public an offer to negotiate an end to its export, testing, and production of ballistic missiles. With that offer came a threat to resume tests, a threat the North carried out on August 31, 1998, when it launched a three-stage Taepodong 1 in a failed attempt to put a satellite into orbit. The June 16 statement said, “the discontinuation of our missile development is a matter which can be discussed after a peace agreement is signed between the DPRK and the United States and the US military threat [is] completely removed. If the US concern about our missiles is truly related to the peace and security of Northeast Asia, the United States should immediately accept the DPRK-proposed peace agreement for establishment of a durable peace mechanism on the Korean Peninsula.”¹²

By “peace agreement” the North did not mean a peace treaty, but a declared end to enmity and a pledge to respect each other’s sovereignty. Nor was “the US military threat” synonymous with the US military presence. Only a basic change in the political relationship with Washington -- reconciliation -- would remove the threat as Pyongyang perceives it; the withdrawal of US armed forces would not since the North would remain at risk from US armed forces based offshore. The “peace mechanism” is a military-to-military channel among the United States, South Korea, and North Korea that Pyongyang has sought to replace the Military Armistice Commission

¹²KCNA, June 16, 1998.

set up to monitor the cease-fire at the end of the Korean War. Involving all three parties with forces on the ground in Korea, the new channel would do more than resolve disputes like the shooting down of a US reconnaissance helicopter in 1996 after it strayed across the DMZ, the repeated incursions of North Korean spy submarines, or the firefight sparked after North Korean fishing boats ventured south in 1999 and were rammed by the South Korean navy. Pyongyang also saw the peace mechanism as a channel for negotiating various confidence-building measures. These could be the subject of other peace agreements.

Starting in 1996, the North Koreans privately expressed interest in CBMs. They soon underscored their words with deeds. After an armed clash in the DMZ on July 16, 1997, according to a South Korean military briefing, the North Korean armed forces began providing advance notice that “a certain number of their soldiers will go out for routine reconnaissance at a certain time and a certain location in the DMZ.”¹³ In the spring of 2000, the DPRK accompanied acceptance of a North-South summit with a pullback of FROG-7 rockets from the DMZ and Silkworm missiles from the Northern Limit Line, as well as a reduction in operating tempo of its naval patrols.¹⁴ All three acts were confidence-building gestures of sorts.

The venue for negotiations -- the shape of the negotiating table -- has long been a contentious issue. Article 12 of the December 13, 1991 Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation says the South-North Joint Military Committee “shall discuss and carry out steps to build military confidence and realize arms reductions.” An alternative venue for working out such arrangements was the now-moribund four-party talks, established to

¹³“N.K. Gives Prior Notice for DMZ Reconnaissance,” *Korea Herald*, September 8, 1997, p. 3.

¹⁴*Agence France Press*, “Two Koreas Set to Hold Crucial Talks for Summit, Military Tension Eases,” April 26, 2000.

write a formal end to the Korean War.¹⁵ In Pyongyang's view, would have been the venue for agreeing on the political principles for easing tensions. Seoul has preferred two-party talks, where the North and South have worked out confidence-building arrangements on their own, including a hot-line and partial de-mining of the DMZ, and are nearing agreement on "rules of the road" to avoid naval clashes as well as redrawing the Northern Limit Line. Other CBMs lend themselves to three-way talks that bring in the United States as well. They include advanced notification and mutual observation of military exercises, data exchanges, and military-to-military exchanges.

What does the North see in such peace agreements? Any formal document that it signs with the United States constitutes a modest token of recognition of its sovereignty. The DPRK has always taken such tokens seriously. In short, *modest confidence building measures, however reassuring they may be, cannot defuse the toe-to-toe standoff along the DMZ, but they may be useful first steps to US normalization with the DPRK.*

A first such step could be a peace agreement to replace the Military Armistice Commission with a three-way peace mechanism sought by Pyongyang.¹⁶ That military-to-military channel, involving

¹⁵The North first proposed three-party talks, with the United States and South Korea, on force reductions on July 23, 1987. The South preferred two-party talks on conventional forces, instead. To break the deadlock, the United States proposed four-party talks. President Kim Young Sam turned them down. He grudgingly came around to accepting four-party talks in 1996 only after President Clinton held up a planned visit to Seoul that April. South Korea wanted the United States and China to convene the talks and then leave it alone to deal with the North. The North is prepared to talk to the South, but only if the United States is a party to the talks as well. That makes sense since all three parties have forces on the ground in Korea and no party can make binding agreements on behalf of another.

¹⁶The DPRK first proposed the peace mechanism on April 29, 1994, in announcing its intention to withdraw from the M.A.C. The North at that point had in mind a bilateral forum that excluded the South. That was one way for it to get Washington committed to ending enmity as well as to gain a measure of US diplomatic recognition. Replacing the M.A.C. had another implication as well: that the United Nations was the North's enemy, not the United States. The DPRK renewed its demand for a peace mechanism in talks with the US after it shot down an

all three countries with armed forces on the Peninsula, would work out the details of a gradual pullback and drawdown of forces poised along the DMZ.¹⁷ On August 25, 2000, in the aftermath of the historic North-South summit, Kim Dae Jung took a half-step toward the North by publicly referring to the need for a new peace mechanism.¹⁸ That became South Korean policy.

US negotiator Christopher Hill wants to begin negotiations on a peace regime. Since North Korea has long been interested in that, it would give Hill a bargaining chip for Six-Party Talks. Whether the hard-liners in the Administration will let him do what he wants remains to be seen. Blocking him would again cast Washington in the role of impeding North-South reconciliation, which could further

American helicopter that strayed across the DMZ on December 18, 1994 when the US and DPRK held talks under M.A.C. auspices in which only a US general and a DPRK general took part. The US turned down a DPRK request to institutionalize that arrangement. The DPRK further elaborated the idea on February 22, 1996. An interim agreement would cover, among other matters, “the management of the Military Demarcation Line and the DMZ; ways to resolve armed conflict and accidents; the composition, duty, and authority of a joint military body.” To implement that agreement it called for “a DPRK-US joint military body to be organized and operated in Panmunjom in place of the M.A.C.”

¹⁷In the meantime, the North still participates in the M.A.C. On the eve of the four-party preparatory talks in 1996, the DPRK agreed officially to respect the Military Armistice Agreement “until a new institutional mechanism is established to replace the present armistice body.” In 1998, after Kim Dae Jung let an American general resume chairing the delegation, the North resumed participation. It showed that it meant what it said after a violent clash at sea on June 15, 1999 when some 20 North Korean boats fishing in crab-rich waters of the Yellow Sea crossed the Northern Limit Line, which South Korea claims as the boundary of its territorial waters. When ROK navy vessels attempted to ram the fishing boats, North Korean naval vessels crossed the line to escort them. After three of the North Korean ships were rammed, a North Korean patrol torpedo boat opened fire. In the ensuing exchange, one North Korean PT boat was sunk, and all 17 of crew drowned. A larger North Korean navy vessel heavily damaged was towed home. The North promptly raised the issue in the M.A.C. Later, South Korea’s foreign minister expressed willingness to discuss the legal status of what he referred to as the “de facto maritime boundary” [“Seoul to Open Talks on NLL Dispute: Hong,” *Korea Times*, June 18, 1999].

¹⁸Chon Shi-yong, “Kim Calls for Measures to Ease Military Tensions on Peninsula,” *Korea Herald*, August 25, 2000.

alienate South Koreans.

Force Reductions and the US Role in Korea

Much of the public discourse on defusing the armed standoff focuses on force reductions. In its June 6, 2001 statement of North Korea policy, the Bush Administration called for “a less threatening conventional military posture” in the North. Given its military inferiority, Pyongyang cannot do that on its own. Reciprocal military steps are required by Seoul and Washington. Similarly, a persistent feature of all the North’s troop reduction proposals has been its demand for all US troops to withdraw from Korea and the surrounding region. In its public propaganda as well, the DPRK still characterizes the American forces in the South as an army of “occupation” and calls for their withdrawal.

A drawdown of troops would have many political advantages for the North. Not the least, it would free up resources to put to work in its fields and factories. Similarly, US force cuts would have political consequences in South Korea and the region. Yet a withdrawal of US troops or even strike aircraft from Korea would be militarily inconsequential. As North Korea’s military is well aware, the United States has the capability of mounting air strikes from bases in Japan and beyond and South Korean forces are a match for their own. *Withdrawal of US strike aircraft from the Korean Peninsula would not reduce the reciprocal fear of surprise attack. Similarly, North Korean troop cuts would do little to reduce the risk of inadvertent war unless accompanied by the elimination of its artillery and missile threat to Seoul.* Indeed, the United States, North and South Korea have each made unilateral cuts in troop levels in recent years with no discernible effect. Without a fundamental change in political relations, the risk of inadvertent war remains.

Reflecting upon these military realities, at least some North Korean officials had begun to view the US military presence in a new light in the 1990s -- as a restraint on South Korea and Japan and a counter-weight against China. That stabilizing role for US troops made sense if the relationship between the DPRK and the United States was no longer adversarial.

There was mounting evidence for the North's change of view. In 1996, for instance, a North Korean broached the subject of the stabilizing role of US forces in unofficial discussions: "The DPRK believes the US troops have two missions: to protect the South against the North and the balance of power in Northeast Asia. The DPRK stresses the first reason but a peace treaty could change that and focus on the second." In anticipation of the start of four-party talks, a DPRK Foreign Ministry statement on July 31, 1997 sounded a new variation on an old theme: "At the preliminary talks, the issues of replacing the armistice agreement with a peace agreement in conformity with the purpose of the proposed four-party talks and of withdrawing the US troops from South Korea should be decided as the main agenda items to be deliberated at the four-party talks." The word "withdrawing" was crossed out and the words "disposition of" the US troops "stationed in" South Korea handwritten into the text.

Some North Koreans later spoke of Washington as a "harmonizer" of relations between North and South. They had in mind not Camp David, where the United States mediated between former enemies, but something more subtly supportive of reconciliation between North and South Korea. Other North Koreans spoke of Americans standing "in a neutral position on the DMZ, listening with one ear toward Pyongyang and the other ear toward Seoul." That may have been more than a metaphor. Another North Korean saw no incompatibility between a US role as peacekeeper and continuation of the US-ROK Security Treaty: "You can have two allies, why just one." Retaining the alliance preserves the prerogatives of the

combined forces commander, a US general. As Kim Jong Il told Kim Dae Jung at the June 2000 Summit, “American forces can prevent you from invading the North.”¹⁹

Another North Korean once talked about enlarging the DMZ and deploying peacekeepers there. If the DMZ were wide enough, US peacekeepers could be deployed amid the North Korean artillery within range of Seoul, obviating the need to relocate it.

That could be a better formula for defusing the DMZ than trying to draw down, thin out, or disengage forces deployed on both sides of the DMZ. Troop cuts would not necessarily reduce the risk of inadvertent war. Nor would disengagement -- pulling back or thinning out forward-deployed forces on both sides. Seoul’s proximity to the DMZ and allied strategy make it difficult to arrange a symmetrical or stabilizing withdrawal.

In effect, what Pyongyang has been telling Washington since 1990 is that so long as the United States is its enemy, US troops are a threat to it and must leave Korea, but once the hostile relationship ends, US troops would no longer be considered a threat and could remain. *Negotiations on force cuts are premature at this point, but once they begin in earnest, the withdrawal of US forces is not likely to be the issue; the US role will be.*

¹⁹ *Joongang Ilbo*, June 20, 2000.