

US's Viewpoint toward Peace Forum on the Korean Peninsula*

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Introduction

The difficulty of achieving “a final peace settlement” on the Korean Peninsula is exceeded only by the importance of doing so. Nearly 53 years have passed since the Armistice Agreement was signed on July 27, 1953. During that time, numerous proposals have been made for a permanent peace mechanism but none has even come close to realization. Only two efforts even made it to the stage of formal talks: the Geneva ministerial conference of 1954 and the Four-Party Talks of 1997-1999. Neither accomplished anything.

The consequences of this failure have been serious: a continuing risk of devastating military conflict on the Korean Peninsula, increased regional tension and arms build-ups, the proliferation of weapons of mass destruction and the long-range missiles to carry them, and unfavorable conditions for the development of the economic and political well-being of the Korean people. Today, the Korean Peninsula problem also prevents the establishment of a Northeast Asia leadership forum that could address the region's security, economic, and environmental issues.

It is against this backdrop that the Six Parties -- ROK, DPRK, U.S., PRC, Japan and Russia -- agreed in a Joint Statement of September 19, 2005, that “the directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.”

I have been asked to describe American views of the Peace Forum initiative. While I will include some comments on the particular approach of the Bush administration, my presentation will focus more broadly on American views in general of the Peace Forum. I do so because, even if a Peace Forum were convened during the Bush administration, negotiation of the extraordinarily difficult issues involved probably could not be concluded before the advent of a new U.S. administration in January 2009. Moreover, successful implementation of any agreement would require broad bipartisan support in the United States, which is not necessarily reflected in the North Korea policy of the Bush administration.

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Basic American Attitudes toward North Korea

Before addressing the initiative for a Peace Forum, I will briefly discuss basic American views about dealing with North Korea. The U.S. government, whether under the administration of President George W. Bush or a Republican or Democrat successor, will be profoundly skeptical about North Korean intentions and tactics.

The U.S. will continue to want to ensure that North Korea is not seeking to divide the U.S. and its allies the ROK and Japan, divert attention from issues of concern, and obtain benefits with little or no reciprocity involved or simply for stopping doing things that the U.S. believes North Korea should not have been doing in the first place.

Any U.S. administration will thus examine North Korean proposals extremely carefully and try to obtain maximum assurances that all provisions of an agreement will be implemented. Rather than “trust but verify,” the U.S. approach will likely be “don’t trust but verify and verify again.”

Such U.S. skepticism would also apply to negotiations for a peace regime. This absolutely does not mean that Americans do not wish for peace on the Korean Peninsula or do not support North-South reconciliation. Americans do, and the reason is simple. Americans believe that the Republic of Korea long ago won the competition with the North as a state, in all areas, including not only militarily but also economically and politically.

Americans are thus confident that North-South reconciliation and, eventually, unification will occur largely on South Korean terms. Moreover, most Americans believe that a unified Korea will wish to maintain close relations with the U.S., and probably an alliance relationship, due to the geo-strategic situation of the Korean Peninsula.

Establishing the Peace Forum

Let me turn now to a discussion of the Peace Forum itself. It needs to be said at the outset that prospects for the Peace Forum, as for the other provisions of the Six-Party Joint Statement, are not encouraging. In fact, despite the specific provision in the Joint Statement, there is no assurance that the Peace Forum will be convened.

The Joint Statement provides no detail about the Peace Forum, indicating that the parties either did not discuss the matter at length or that they were unable to reach further agreement. The statement indicates only that the Peace Forum will be established in the “context” of the denuclearization of the Korean Peninsula, with no definition of the word “context.” The subsequent decision by the DPRK not even to participate in the Six-Party Talks means there currently is no “context” in which to hold a Peace Forum.

This issue of the context and timing of the convening of the Peace Forum is the first that must be addressed by concerned parties. As mentioned, the Six-Party Joint Statement itself provides no further insight into what the views of the parties might be about the context. President Bush and President Roh, however, subsequently discussed this and issued a joint statement on November 17, 2005, that clarified their position. They agreed that “*the process of* [italics added] resolving the North Korean nuclear issue will provide an important basis to build a durable peace regime on the Korean Peninsula.”

President Bush and President Roh further agreed that “discussions on a peace regime should take place *following* [italics added] progress in those [Six-Party] talks...” This formulation undoubtedly reflects the concern that the DPRK might use an interminable negotiation to replace the Armistice Agreement as a means of diverting attention from what most Americans, at least, regard as the most pressing issue: ending North Korea’s nuclear programs.

The joint U.S.-South Korean position is at odds with the North Korean position, as stated by the DPRK foreign ministry spokesperson in July 2005. He said: “Replacing the armistice mechanism by a peace mechanism would lead to putting an end to the US hostile policy toward the DPRK, which spawned the nuclear issue and the former’s nuclear threat...” against the DPRK. In other words, while the position of the U.S. and the ROK is that work in the Peace Forum should follow progress in the Six-Party Talks on ending North Korea’s nuclear programs, the DPRK position is that the success of peace talks between it and the U.S. will allow resolution of the nuclear issue.

The difference could be bridged with goodwill on all sides, but it does indicate the difficulties that must be overcome before a Peace Forum can be convened. In the case of the Four-Party talks in the late 1990s, also aimed at replacing the Armistice Agreement with a permanent peace regime, twenty months elapsed between the announcement of the proposal and the opening of the first formal talks, even though circumstances then were considerably more propitious than they are now.

The Issue of Participation

As a practical matter, real negotiation about the establishment of a Peace Forum will probably begin with informal diplomatic discussions about which countries will participate and in what capacities. In the case of the Four-Party Talks, for example, the U.S. and the ROK bilaterally discussed and then announced their proposal for talks involving themselves and North Korea and China. In the case of the Six-Party Talks, then-Secretary of State Colin Powell initially sought Five-Party Talks -- in other words, the four parties that participated in the Four-Party talks, but including Japan, in view of the increasing closeness of the U.S.-Japan alliance and, in particular, of Japan’s concern about North Korea’s nuclear ambitions. The U.S. readily agreed, however, to the inclusion also of Russia when it became clear that such a step was feasible in terms of establishing a multilateral forum.

The issue of participation in a Korean Peninsula Peace Forum, however, is even more complex than that of participation in a multilateral forum for addressing the North Korean nuclear program was. Over the

decades, there have been numerous proposals for two-party, three-party, four-party, five-party, and six-party talks and beyond. However, the U.S. and most other countries regard North and South Korea as the two primary participants in Korean Peninsula peace talks. The major exception is North Korea itself. The DPRK has insisted for three decades that the main participants would be the DPRK and the U.S., although it has shown varying degrees of flexibility about the inclusion of the ROK in some capacity in peace talks, including the North-South talks that led to the Basic Agreement of 1992 and, to a lesser extent, the Four Party talks of 1997-1999.

The U.S. has been relatively flexible about its role in such peace talks. Based on past U.S. positions, I believe that, if the ROK and the DPRK were the only two primary participants, it is likely that the U.S. would not insist on being included as a primary participant. The U.S. would, of course, expect to be closely consulted by its South Korean ally if it were not included in the talks proper. On the other hand, if the DPRK demanded the inclusion of the U.S. as a primary participant, the U.S. would likely agree if that were necessary to establish the talks. Similarly, if any other country appeared likely to become a primary participant along with the ROK and the DPRK, the U.S. would almost certainly insist on its own inclusion as a primary party. If the U.S. is included as a primary party, the issue of the inclusion of China, whose forces participated in the Korean War, immediately arises.

Generally speaking, the inclusion of each additional country as a primary party to peace talks complicates the talks, but it must also be kept in mind that a country may be able to make particular contributions to such talks and to the implementation of resulting agreements. Also, it must not be forgotten that those excluded may respond by engaging in obstructionism, or at least may not be as supportive of the process or of the outcome as would otherwise be the case.

Other countries and international organizations may at least wish to be consulted closely in the course of peace talks, and some may seek to be included as full participants or formal observers. These include Japan and Russia, Australia, UK, France, the European Union, the UN, and nations that participated in the UN Command during the Korean War. A grouping of such countries and/or the UN could also endorse agreements resulting from Peace Forum talks. In any event, the Six Parties would also likely play such a role, given their authorship of the current initiative.

The permutations of possible primary and secondary participants in a Peace Forum are thus many, and the ultimate arrangement of participants, observers, and endorsers will probably not completely satisfy any country. But the implications of different configurations and of the total number of participants for the success or failure of peace talks are significant and so deserve careful consideration.

Choosing the Venue

After the issue of participants is resolved, the next major issue will probably be that of the venue for the talks, at least for the initial meeting. While the venue has often not been easy to decide in talks involving North Korea, it is distinctly a secondary matter and should be relatively easy to resolve if the main parties are truly

serious about seeking a permanent peace. From the American perspective, the most appropriate place for the talks would be on the Korean Peninsula itself, although the U.S. government has been fairly flexible on the issue of venue. U.S. administrations have often been sensitive to holding talks with the North Koreans in Washington, D.C., but have been more willing to consider New York, as the home of the United Nations. The North Koreans have been reluctant to discuss peace in the ROK, consistent with their position that a peace treaty is primarily a matter between the DPRK and the U.S.

International Law Considerations

Considerations of international law will also be matters of secondary importance. A peaceful settlement on the Korean Peninsula is above all a political and diplomatic matter. For example, most experts do not take seriously as a matter of international law the DPRK's insistence over the decades that the ROK could not be a participant, or at least not a full participant, in peace talks because only the UN Commander and not the ROK signed the Armistice Agreement for the southern side.

As for the form of a permanent peace settlement, the possibilities are almost endless. A permanent peace mechanism could be a single agreement, or it could be an interlocking series of agreements, as occurred in East-West negotiations regarding divided Germany in the early 1970s. It could consist of a treaty or treaties, or of an agreement or agreements none of which is called a treaty. (An actual treaty involving the U.S. would require Senate approval, which would be a perilous process but, if accomplished, would provide a firmer basis for its successful implementation.) What is important is that, whatever the form, the arrangements actually lay the basis for lasting peace on the Korean Peninsula.

This is of course not to say that international law and lawyers will not play an important role in the Peace Forum. They will. Each participant will employ a host of lawyers to examine each and every proposal and draft agreement for consistency with national interests, previous agreements, existing domestic and international law. But these are things that lawyers can make happen the way their political leadership wishes.

Setting the Agenda

Typically, the agenda has been the most difficult issue in conducting talks with North Korea. North Korea has a fairly simple -- and by now well-known -- negotiations playbook, but the experience and discipline of its negotiators have often resulted in tactical successes in talks with much more powerful states. As part of its playbook, the DPRK engages in determined and elaborate efforts to try to shape the outcome of negotiations well in advance of the convening of the first session of plenary talks. That often includes taking a tendentious approach to discussions about agenda.

The logical minimum aim of the United States would be to ensure that a final peaceful settlement would represent a major improvement on the Agreement. In that regard, the U.S. and other concerned parties would

want to consider both the text of the Armistice and its actual implementation -- which of course has been only partial -- in making proposals for the Peace Forum agenda.

The Armistice is almost entirely about military arrangements, and it aims to ensure “a complete cessation of hostilities and of all acts of armed force in Korea.” Concerned states will need to consider, among many other things, two key points:

- What will be the nature of the line and/or zone dividing the ROK and the DPRK, on land, at sea, and in the air?
- What will be the arrangements for minimizing the risk of military clashes along the dividing line or zone?

An issue of critical importance to the United States is the relationship between an eventual permanent peace regime and the U.S.-ROK alliance. In their Joint Statement of November 17, 2005, President Bush and President Roh “expressed the common understanding that U.S. Forces-Korea (USFK) is essential for the peace and stability of the Peninsula and Northeast Asia.” They agreed that “discussions [in the Peace Forum] should lead to a decreased military threat and increased confidence on the peninsula in a manner consistent with the peaceful intentions of the U.S.-ROK alliance.” Two months later, at the inaugural session of the U.S.-ROK Strategic Consultation for Allied Partnership meeting, the U.S. and ROK foreign ministers “reaffirmed that efforts to establish a peace regime on the Korean Peninsula will be based on the U.S.-ROK alliance.”

Such language indicates that, as in the Four-Party Talks in the late 1990s, the U.S. and the ROK will reject even any discussion of North Korean demands for the withdrawal of U.S. forces from Korea. It also indicates, again as in the case of the Four-Party Talks, that the U.S. and the ROK will initially seek implementation of wide-ranging tension-reduction and confidence-building measures to ensure that an ultimate peace mechanism will be worth more than the paper on which it is written. Unfortunately, there is no reason to believe that the DPRK would not reject such proposals and continue to insist on the withdrawal of U.S. forces from Korea as a first step, as it did at the Four-Party Talks. Another option, which the DPRK might be likelier to accept, would be to phase in provisions of the peace regime as tension-reduction and confidence-building measures are implemented.

Of course, some if not all of the parties to a Peace Forum presumably would want to accomplish much more than simply replace the Armistice Agreement and its military provisions. In the case of the U.S., the Bush administration came into office interested not only in addressing North Korea’s nuclear and missile programs, which were the focus of the Clinton administration, but also several other major issues. As stated in President Bush’s announcement on June 6, 2001, on the conclusion of his administration’s North Korea policy review, these include a “less threatening [North Korean] conventional military posture.” In the intervening years, the Bush administration has also placed increased emphasis on North Korea’s human rights situation and on its involvement in illicit activities such as currency counterfeiting and drug running. The Bush administration would probably want to see all of these issues satisfactorily addressed in connection with a Peace Forum, either at the Forum proper or on the margins.

In his policy review announcement of June 6, 2001, President Bush also stated that one of his goals was “progress toward North-South reconciliation.” The U.S. supports North-South reconciliation, but its analysis of North Korean intentions and its judgment about the best policies and tactics for promoting North-South reconciliation do not always coincide with South Korean views. At a Peace Forum or on its margins, the ROK would probably seek provisions laying the basis for improved North-South relations not only in the military sphere but also in the areas of economy, culture, and politics. Ideally, a permanent peace arrangement would also contribute concretely and specifically toward North-South reunification.

Recommendations

In lieu of a conclusion, I will end my remarks with some recommendations for what the United States, for its part, should do in the effort to bring lasting peace to the Korean Peninsula.

First, the President must genuinely desire a negotiated settlement and make that clear to his cabinet secretaries. With no other means offering a reasonable hope of resolving the Korean Peninsula problem, seeking a negotiated settlement is the responsible thing to do. That means not avoiding intensive bilateral negotiations with the DPRK as a complement to the Six-Party Talks and to the discussions in a multilateral Peace Forum. It does not exclude the possibility of carefully conceived and carefully implemented measures to put pressure on North Korea to move it in the right direction.

Second, the President must appoint a very senior and extremely capable negotiator able to devote himself or herself to the task full-time -- for years. The negotiator must command national stature to enjoy the maximum possible confidence of the President and the Congress. He or she must have the title of the President’s Personal Envoy and report in fact to the President, the National Security Adviser, and Cabinet-level officials. Otherwise, the concerned U.S. agencies will not cooperate and negotiations will have no chance of success.

Third, the U.S. administration, led by the chief negotiator, must strive to maintain a genuine partnership with the relevant Congressional leaders throughout the negotiating process to ensure the widest possible domestic support for the process and its outcome. In retrospect, the Agreed Framework was seriously flawed from the outset due to its lack of strong bipartisan support.

Fourth, the U.S. must do a better job of balancing ROK concerns about instability on the Korean Peninsula against American worries about North Korean behavior. Without the closest possible agreement between the U.S. and the ROK, negotiations for a peace mechanism will almost certainly fail. The U.S. must also continue close consultation and cooperation with Japan, and seek the revitalization of tripartite coordination on North Korea policy along with Japan and the ROK.

Finally, the U.S. must negotiate the North Korean problem with the big picture and the long view in mind. It is all too easy to say that the problem is too hard, the North Korean regime too unreliable, the domestic U.S. support lacking. As distasteful as the North Korean regime is for almost all Americans, there are too many

U.S. interests involved, including the security and well-being of American friends and allies, for the U.S. not to be a leader in this difficult but critically important endeavor.

I hasten to add that, even if these recommendations were fully implemented, they would not guarantee the success of the effort to establish permanent peace on the Korean Peninsula. The nature of the North Korean regime poses enormous challenges to any attempt to integrate it into the international community. But unless the United States makes efforts along the lines I have recommended, it is fairly safe to say that the situation involving North Korea will not improve, and could get worse -- perhaps much worse. In other words, such U.S. steps are a necessary but not sufficient condition for diplomatic progress.

The views expressed are entirely those of the author and do not necessarily reflect those of the U.S. government.