

# Efforts to Smoothly Construct the Peace System on the Korean Peninsula.

-Focused on the adoption of military-sector agreements to promote the end of the declaration and implement the Panmunjeom -

Yonsei University

## ABSTRACT

This article is intended to analyze the discussion plans for the declaration made at the end of the inter-Korean summit held in Panmunjeom on April 27th, 2018 and the significance and necessity of adopting a military agreement discussed at the North-South summit on September 19th. The declaration is a political declaration that calls for an end to the 65-year Korean War and dismantles hostility between the two Koreas and between the U.S. and North Korea. It should be noted that the armistice agreement was signed along with the previous declaration, which is a political, preliminary process to go to a peace treaty. Therefore, the absence of creating a new agreement for the end of the war would violate the most basic international legal nature of the armistice. It would be a political declaration that is not legally binding. It should be noted that the armistice agreement was signed along with the previous declaration, which is a political process, as a preliminary process to move forward to a peace treaty. Military agreements must be made to ease current military tensions between the two Koreas, which is a necessary step for the later agreement and for peace. The 9.19 military agreements would be more accurate to define as a joint declaration or 'general military agreement' and 'a virtual nonaggression pact' for the military authorities of both countries to take responsibility and implement it.

### 1. 1. Introduction

During the third round of inter-Korean summits on April 27th, 2018 President Moon Jae-in and Kim Jong Un, as well as the Committee through the 'Declaration of the Panmunjeom,' both declared "I'll make a Korean Peninsula without nuclear weapons". In regards of the war on the Korean Peninsula, and the goal of the 65th anniversary of this year it has been planned to declare a permanent ceasefire and armistice as a three way peace treaty, to build strong and permanent peace regime. Or through a third round of talks that actively promote the agreement. During the U.S.-North Korea summit on June 12th, through President Trump and his Secretary of State Mike Pompeo, Kim Jong Un agreed to "work to establish a stable peace regime on the Korean Peninsula." In addition, another summit was held in Pyongyang on September 19th, reaffirming the purpose of the Panmunjom declaration and adopting the annexes.

When comparing the characteristics of the previous summit with the third summit in 2018 it can be revealed are that the two sides created a military agreement that included detailed plans for the declaration of the Korean War, which lasted for 65 years, and practical measures to prevent military hostility. Critics of these new measures say that it is very dangerous to push ahead with the declaration and implement the military agreement without sufficient denuclearization first.

Moon Jae-in's administration is working on to address the visible threat of security through North Korea's and the Korean Peninsula's denuclearization by reaching a peace agreement in full resolution to the nuclear crisis stage, aiming to build a peace regime. Moon Jae-in's administration is pressing for negative peace which means 'the absence of war' in the government compared to the 'permanent and the realization of peace before' that is considered positive to the implementation of

peace. Only when the sides agree to sign a military agreement, according to the promotion and implementation of the declaration is there is ample room to evaluate the possibility of positive peace. Rather than negatively affecting the security of the Republic of Korea such as the dismantlement of U.N. history and the withdrawal of U.S. troops, it is correct to assume that the declaration will provide conditions for ending hostilities between the two Koreas. The previous declaration does not mean the dismantlement of U.N. forces and the withdrawal of U.S. troops from Korea. The U.N. envoy or U.S. Forces Korea should serve as a breakwater for transitional peace until the North's complete denuclearization and a comprehensive peace treaty is signed.

This article provides basic information on the previous declaration and military agreement, and stresses the need for declaration and South-North military unity in terms of the power to move toward active peace on the Korean Peninsula.

#### 종전선언

“남과 북은 정전협정체결이 65년이 되는 올해에 종전을 선언하고 정전협정을 평화협정으로 전환하며 항구적이고 공고한 평화체제 구축을 위한 남·북·미 3자 또는 남·북·미·중 4자회담을 적극 추진해 나가기로 했다.”

-4.27 판문점선언 제3

조 3항-

In order to discuss an official end to war on the Korean peninsula, one must delineate the difference between a simple “ceasefire” and an “armistice”. The former is meant to be a temporary agreement to cease hostilities that lasts until a formal treaty ending the conflict can be signed. The latter indicates an agreement between the two warring parties to stop fighting under the understanding that the competing interests between them are too broad for a formal treaty.

Given this, the agreement reached on July 27<sup>th</sup>, 1953 is an armistice. The original document was signed by military commanders, rather than heads of state, and does not contain a political

agreement to officially end the war.

The signing of the armistice was supposed to be followed up by a conference to bridge the gap between the two sides and come to a political agreement. The original document states that a conference should be held to bring an end to the war within three months. The process of signing an armistice as an intermediary agreement towards a peace treaty is the norm in diplomacy and international law. By signing the armistice, a consensus was reached between all parties that it would be quickly replaced by a treaty; the fact that this did not happen indicates that the armistice agreement contradicts the norms of international law. Thus, the signing of a treaty ending the war has legal legitimacy.

Formally ending the Korean War is not only the first step in the process of building a peace regime, but also a way to foster trust between the two sides. President Moon indicated that an agreement ending the Korean War will have significant symbolic and political consequences. Even after 65 years, the possibility of escalation on the Korean peninsula remains very high. Therefore, an agreement that officially ends the Korean War will signal to all parties mutual intent to foster permanent peace in the region.

A formal end to the Korean War will not result in the dismantlement of multilateral safeguards. In fact, the current demarcation line, UN command, and the Neutral Nations Supervisory Commission will be maintained and continue to facilitate stability until a substantive agreement on peace can be reached. Their future largely depends on North Korean policies regarding denuclearization rather than the presence of a treaty ending the Korean War.

In order for a treaty ending the Korean War to actually facilitate substantive peace in the region, military agreements to reduce tensions must be reached. These agreements will fill the gap between a treaty ending the Korean War and the establishment of a formal peace regime in the region. Military agreements will also expand the peace process beyond the denuclearization issue.

-9.19 군사 분야 합의서

전문

On September 19<sup>th</sup>, at the North South Summit an unprecedented agreement on limiting military activity was reached as part of the Pyongyang Declaration. This agreement is based on five principles: the cessation of hostile acts; the denunciation of the use of force; the denunciation of invasion; guaranteeing security; preventing accidental escalation. The specific terms of the agreement are as follows.



<판문점선언이행을 위한 군사 분야 합의 내용>

정전협정
정전협정→중전선언
정전협정→평화협정
정전협정→중전선언→평화협정
정전협정→평화협정→중전선언

<정전협정, 중전선언, 평화협정의 체결 순서>

3. 군사합의

첨예한 군사적 긴장 상태를 완화하고 전쟁위험을 실질적으로 해소하기 위해 남과 북은 지상과 해상, 공중을 비롯한 모든 공간에서 군사적 긴장과 충돌의 근원이 되는 일체의 적대행위를 전면 중지하기로 한다.

-4.27 판문점 선언

2항

남과 북은 한반도에서 군사적 긴장 상태를 완화하고 신뢰를 구축하는 것이 항구적이며 공고한 평화를 보장하는 데 필수적이라는 공통된 인식으로부터 한반도의 평화와 번영, 통일을 위한 판문점선언을 군사적으로 철저히 이행하기 위해 다음과 같이 포괄적으로 합의하였다.

Both sides agreed to stop live-fire artillery drills and regiment-level military exercises within 10 km of the military demarcation zone. In the West Sea an 80 km long buffer zone was established in which both sides would refrain from conducting military exercises. Moreover, a no fly zone was also established to prevent accidental collisions. In addition to this, both sides agreed to deactivate eleven GPs in the DMZ by the end of the year. Furthermore the Han Estuary is to become a zone in which both sides can cooperate on economic projects. Finally, both sides agreed to demilitarize the JSA and cooperate on recovering the remains of fallen soldiers.

This military agreement has come under harsh criticism from the political right in South Korea. The first major criticism is that the buffer zone at sea is disproportionately favorable to North Korea. From the NLL the buffer zone stretches 50 km into North Korean

waters and 85km into South Korean waters. The second criticism is that due to this buffer zone, the NLL itself has been made redundant and ceases to function as a maritime demarcation line. The third criticism is that the no-fly zone undermines the South Korean ability to take out North Korean artillery by preventing the use of advanced surveillance aircraft. This essay will address each of these points.

To begin with, the criticism that the maritime buffer zone is unfavorable to South Korea is invalid. This is because the actual coastline of North Korea and North Korean artillery pieces affected by the agreement, which stands at 270km and 108 pieces respectively, are far greater than the effect the agreement has on South Korea which gives up less than 100km of coastline and 30 artillery pieces.

The second criticism is also unfounded. This is because the new agreement is meant to prevent accidental escalation within the buffer zone. It does not affect already existent contingency plans regarding the NLL. Moreover, the fact that the agreement specifically refers to the NLL shows that it does not negate the NLLs value as a maritime demarcation line.

Lastly, the criticism that the no-fly zone compromises South Korean reconnaissance capabilities is dubious, given that several platforms will still be able to conduct surveillance operations

on North Korean positions and that the ROK military is developing the ability to conduct such operations independent of the US. Some low-flying aircraft will be affected by the no-fly zone, but medium and high altitude assets (such as military satellites, the U-2 spy plane, the Global Hawk, the RF-16, and the RC800) will remain unaffected by the new restrictions. Moreover, the ROK military is planning on acquiring the Global Hawk, a platform capable conducting reconnaissance operations at high altitude for 36 hours, by 2019. In addition to this, by 2021, the ROK military hopes to develop a fully networked information collection and distribution system that is not dependent on US capabilities.

Given the findings of this essay, it is clear that the military agreement does not significantly undermine South Korean security. It is a broad agreement that includes concessions from both sides that aims to reduce the threat each side poses to one another. It also prevents accidental escalation and builds trust between the two militaries. These effects are likely to make South Korea more secure. True national security encompasses not only traditional military superiority, but also the reduction of tensions through the development of trust. In other words, South Korean policy must aim to turn Pyongyang into a most responsible actor/stakeholder through fostering mutual trust. These agreements are conducive to this end.

One aspect of the agreement that

should not be overlooked is verification. As the history of arms control agreements in Europe between the US and USSR shows, successful disarmament was made possible only through a transparent verification process. An agreement that lacks this feature is likely to be ineffective.

#### 4. Conclusion

In order to secure peace on the Korean peninsula, cooperation based on trust must be pursued. Trust is based on upholding agreements and fostered through dialogue. In order for this dialogue to occur, uncertainty must be reduced. A formal end to the Korean War and the military agreements made in the Pyongyang declaration will achieve this and lay the capstone on which trust can develop, while not undermining South Korean security. Therefore, these two agreements are vital for securing permanent peace on the peninsula. By securing both, we will be able to produce a more substantive peace that transcends narrow dialogue on denuclearization.