thoughts on a ‘peace regime’
to end the Korean war
by Chung-in Moon

The Korean War is one of the longest wars in history, with 16 UN member states participating in the Korean War. It has been 60 years since the armistice that suspended — but did not end — the Korean War, which now counts as one of the longest wars in history. To remain so long at war with one’s own flesh and blood is a shameful reflection on our times. We must end this war and move toward peace if we are to secure a unified future for this divided nation. History demands that we go beyond the current armistice in Korea and establish a peace regime.

But what is a “peace regime”? Let us first clarify the concept of peace. In the study of international politics, peace is seen as having two faces, positive and negative. According to scholars such as Kenneth Boulding and Johan Galtung, “negative peace” refers to suppressing overt conflict, while “positive peace” eradicates the structural causes of war. Positive peace is seen as existing only in a society whose members live as equals, with peace and justice for all. This is an ideal that has rarely been achieved.

There are three steps to achieving peace: peace-keeping, peace-making and peace-building.

Peace-keeping refers to the suppression of provocations through military force. This is enabled by military deterrence and reinforcing alliances.

Peace-making is more active. At its core is confidence-building in the form of economic and socio-political exchanges and co-operation. Military confidence-building is later achieved with measures including mutual notification of military exercises, setting up of a direct hotline between antagonists, mutual exchange of intelligence and opening of a joint crisis-control center. Redeploying offensive weapons away from front-line areas is another important component. In addition, arms control and reduction may include bans on new cutting-edge weaponry. However, peace-making may only be a way to end overt hostilities and manage an unstable, or negative, peace.

Peace-building, eliminating the causes of war, is the final objective of this phased approach. Presuming that disputes arise between two parties due to incompatible goals, problems can be solved structurally if the parties form good relations or are unified into one nation, thus eliminating conflicts arising from pursuing opposite goals. In his book Perpetual Peace: A Philosophical Sketch, the German philosopher Immanuel Kant outlined three aspects of peace-building.

First is a “capitalist peace” predicated on the proposition that countries engaged in trade with each other are unlikely to go to war. Traders are powerful members of their respective countries with vested interests that can influence domestic policy and even prevent the outbreak of war.

Second, the “democratic peace” thesis postulates that democratic countries do not go to war with each other because arbitrary declarations of war can be prevented through basic democratic checks and balances. If both nations are democracies, there is a dual safety valve in operation. In fact, there has never been a war between OECD member countries.

Finally, countries that share the values of a market economy and democracy can easily create a security community. According to Kant, in order to avoid the dangers of war, such nations can build a “pacific federation” that makes perpetual peace possible. Peace-building would ultimately occur through the formation of a community based on “collective security.”

It should be noted that collective security is different from collective defense, which is based on an alliance formed against a common threat, a prime example being the North Atlantic Treaty Organization, which was formed to counter the Soviet Union. In contrast, collective security, as defined in the United Nations Charter, is based on the principle of a single community, and if one member is attacked, then the others ideally join forces to punish the attacker. To date, this has been activated only once, when 16 UN member states participated in the Korean War.

What is a peace regime?

Let us now move on to the term “peace regime.” The etymological origin of “regime” is the Latin regimen (rule, guidance, government). A regime is governed by a constitution that sets out principles, norms, rules and procedures related to governance. When the constitution is replaced so is the regime, as with the various régimes of France. A new constitution also may bring with it new regulations concerning the location of power, as evidenced in the difference between the Fourth and Fifth Republics of South Korea. As such, a peace regime can be defined as a set of norms, principles, rules, and procedures that keep, make and build peace.

Principles can be defined as general beliefs that govern the behavior of nation-states participating in a mutual agreement. The Helsinki Final Act (1975) offers 10 principles related to confidence-building and peace. They are sovereign equality, respect for the rights inherent in sovereignty; refraining from the threat or use of force; inviolability of frontiers; territorial integrity of states; peaceful settlement of disputes; non-intervention in internal affairs; respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief; equal rights and self-determination of peoples; cooperation among states; and fulfillment in good faith of obligations under international law. It is said that former Unification Minister Lim Dong-won was greatly inspired by the Helsinki Accords
when he was preparing the Basic Agreement between South and North Korea in 1991.

“Norms” are standards of behavior such as peaceful coexistence and respect for the rights of interested parties. “Rules” prescribe or prohibit specific acts such as an armistice agreement or a declaration to end a war. “Procedures” may be a series of regulations for the enforcement of agreed matters.

**THE ASPECTS OF A PEACE REGIME**

Discourses on a peace regime for the Korean Peninsula have so far focused on three distinctive aspects: modality, concerned parties and functional characteristics.

First, the modalities related to a peace regime on the Korean Peninsula include treaties, accords, agreements, declarations, communiqués, joint statements and press statements. Treaties, the highest form of inter-state agreement, include the DPRK-Russia Treaty on Friendship, Good neighborliness and Co-operation (February 9, 2000), the Sino-DPRK Treaty on Friendship, Co-operation and Mutual Aid (July 11, 1961), and the US-RoK Mutual Defense Treaty (October 1, 1953).

As for agreements and accords, there is the Korean Armistice Agreement that suspended the Korean War and the 1991 South-North Basic Agreement, while accords include the February 13 Accord and the 1994 Geneva Agreed Framework. Declarations include the June 15 South-North Joint Declaration, the October 4 Joint Declaration, the Japan-DPRK Pyongyang Declaration (Sept. 17, 2002), and the Joint Declaration on the Denuclearization of the Korean Peninsula (Jan. 20, 1992). Statements include the Joint Statement of Sept. 19, 2005, following the 4th round of the Six-Party Talks, the inter-Korean Joint Communique of July 4, 1972, and the US-DPRK Joint Communiqué (Oct. 12, 2000). Looking back, it is clear that most of the treaties were focused on maintaining an unstable peace by building alliances. Meaningful peace-making measures were mostly included in agreements and declarations.

Since it takes a minimum of two countries to form an agreement, the first format should be a two-party peace regime. In this case, South Korea has argued that such a regime should be between the two Koreas, while North Korea has insisted that the peace regime should involve itself and the US.

Next, a three-party peace regime could be among South Korea, North Korea and the US, a formula championed by the late Kim Il Sung, or the two Koreas could sign an agreement with the US serving as a third-party witness. This would be similar to the Camp David Accords between Egypt and Israel, which were witnessed by the US. North Korea has also alluded to the possibility of holding three-party talks involving North Korea, China and the US.

There is also a four-party format under which the parties to the 1953 armistice—the two Koreas, China and the US—could sign a peace agreement. In this case, however, the legal status of South Korea would become problematic because the late South Korean President Rhee Syngman, who hoped to achieve unification by advancing northward, refused to sign the Armistice Agreement. But, of course, South Korea is a directly concerned party and it is unreasonable to question its legal status. Strictly speaking, the only representative of a sovereign state to have signed the armistice was from North Korea. The American representative signed on behalf of the United Nations and Chinese General Peng Dehui signed as the commander of the People’s Volunteer Army, not as an official of the Chinese government.

Another possibility is a six-party configuration that involves the two Koreas, the US, Japan, China and Russia. One way forward would be for all parties to participate, as in the current Six-Party Talks; the late President Kim Dae-jung had argued, however, that the two Korean parties could sign an agreement with the four other countries acting as third-party witnesses. Others have argued that the problems between the North and South could be settled by integrating them within a multilateral security forum of six nations.

Thus opinions collide even over which countries should participate. Several scholars of international law have argued for 20-party talks: the two Koreas, the 16 countries that participated with the UN during the Korean War, plus China and Russia. The government of former President Lee Myung-bak wanted five-party talks that would exclude North Korea on the basis that it was too unco-operative.

Prospective peace regimes can also be categorized by function. A “conflict prevention” regime focuses on maintaining the status quo, which is a variant of managing a negative peace. A “conflict
The liberal governments of Kim Dae-jung and Roh Moo-hyun envisioned a peace regime in which de facto unification would come from or after North Korea’s disarmament and denuclearization. A “conflict settlement” regime refers to a variant of peace-making that would attempt to establish peace through confidence-building measures such as those outlined in the July 4 Joint Statement and the June 15 Declaration. However, this invites disagreement over whether confidence-building should come before or after North Korea’s disarmament and denuclearization. A “conflict resolution” regime would resolve the sources of dispute through which de facto unification would come from or, as some suggest, absorptive unification. Even declaring the end of war and signing a peace agreement. Lastly, a “conflict resolution” regime would resolve the sources of dispute through gradual national unification based on consent or, as some suggest, absorptive unification. Even in this type of regime, it is not clear whether the unified nation should take the form of a North-South union, a confederation, or a federation. Here, we can see that peaceful unification is the surest way to establish peace.

WHAT’S WRONG WITH THE DEBATE?
The liberal governments of Kim Dae-jung and Roh Moo-hyun envisioned a peace regime in which de facto unification would come from improved relations between the two Koreas through the implementation of the South-North Basic Agreement, the June 15 Joint Declaration and the October 4 Summit Declaration. At the same time, the leaders of both Koreas, the US and China would declare the war ended; on this basis, the armistice would be replaced by a peace regime. In addition, the dismantling of the Cold War structure on the Korean Peninsula and the normalization of North Korea-US and North Korea-Japan relations were regarded as another pillar of the peace regime. This was ultimately aimed at creating a new Korean Peninsula where people and goods might be able to travel in an atmosphere free of hostility.

The reform and opening of North Korea will be possible only if it feels secure. China finally began to open up after the normalization of Sino-US relations in 1979. Vietnam, too, was able to launch domestic economic reforms thanks largely to its improved diplomatic relations with the US. The same approach needs to be applied to North Korea.

This plan fell apart during the subsequent presidency of Lee Myung-bak. As a new framework for building a peace regime, the Lee government secured a strong military deterrent force by strengthening the South Korea-US alliance, and seeking “peace-keeping” rather than “peace-making.” This was intended to culminate in the absorption of the North into a unified country. After Lee took office, the word “peace” vanished altogether, including terms used by previous governments such as “peace games” to refer to “war games,” a common term for military exercises. Aggressive deterrence emerged as the dominant mode of discourse.

Moreover, during the Lee administration, scenarios involving North Korea’s sudden collapse and absorption into the South were used as the basis of policy toward the North. This was in violation of Article 1 of the South-North Basic Agreement and nothing less than a rejection of the Korean Peninsula peace regime. Even if the collapse of the North Korean political regime were to occur, the proper step would be for the United Nations to undertake a humanitarian intervention or to dispatch peace-keeping forces. The use of combined South Korea-US forces to stabilize North Korean territory could be tantamount to an invasion or occupation under international law. In addition, the American failure to stabilize Iraq and Afghanistan underscores the fundamental limitations of such military intervention.

Immediately after Pyongyang’s second nuclear test in May 2009, President Lee traveled to Washington and secured a US commitment to “extended deterrence,” including its nuclear umbrella. Contrary to what was intended, however, this had a negative impact on the Korean Peninsula peace regime and contributed to further justifying the North’s move to strengthening its nuclear weapons capability. North Korea had expressed its willingness to dismantle its nuclear facilities and materials in accordance with the February 13 Agreement of the Six-Party Talks, but stubbornly refused to give up the nuclear weapons it possessed unless the US removed its nuclear umbrella from South Korea and Japan.

The current Park Geun-hye government has put forth the “Korean Peninsula trust process” as its key North Korea policy. The rationale behind this approach is that, realistically, peace-building would be difficult without trust-building. I fully agree. Regrettably, however, there is neither a concrete picture of the trust process nor an explanation as to how it would proceed to a peace process. The trust process is a path to peace, not peace itself. President Park’s government declared it would abide by the existing inter-Korean agreements, but has not presented any realistic plan to establish a peace regime, a goal that would seem improbable given that the Park government has maintained a hard-line policy toward North Korea, including the closure of the Kaesong Industrial Complex following Pyongyang’s third nuclear test.

CHANGING THE WAY WE THINK
As President Park has rightly pointed out, the first prerequisite for peace is trust. Certainly a “secure state of mind” derived from trust is arguably the essence of peace. The preamble to the Constitution of UNESCO states that “since wars begin in the minds of men, it is in the minds of men that the defense of peace must be constructed.” Under what conditions would North Korea be in a secure state of mind? An important clue can be found in the recently disclosed transcript of the 2007 inter-Korean summit. The late North Korean leader Kim Jong-il said that “if DPRK-US relations are improved, there would be no place for the military to stand on,” implying that the normalization of North Korea-US relations is the key to peace on the Korean Peninsula.
In this sense, a treaty normalizing North Korea-US relations that included peace provisions, much like the 1965 normalization treaty between South Korea and Japan, could provide a framework. In other words, putting an end to hostile bilateral relations between Pyongyang and Washington is a precondition for peace-building. It is true that North Korea's violation of UN Security Council resolutions by conducting its third nuclear test and continuing its missile testing is gravely wrong. However, applying pressure on the North alone is not a viable alternative. It would be more desirable for the US to negotiate with North Korea, despite its nuclear ambitions.

As for inter-Korean relations, in my view, there is no better official document than the South-North Basic Agreement. Even though it has not been fully implemented, it contains all the main features of the Helsinki Accords. The implementation of the Basic Agreement, the June 15 Joint Declaration and the October 4 Summit Declaration would fulfill all requirements for achieving peace between South and North Korea. If the hostile relations between the two Koreas and between North Korea and the US are resolved in this way, the Armistice Agreement would almost become a mere scrap of paper.

What is needed is for the leaders of the nations involved to declare the end of war and celebrate the new peace. There would be no need to cling to the formality of a peace regime if both sides could trust each other and feel safe and secure.

On a broader level, a multilateral security system for Northeast Asia should be established, within which the North Korean nuclear issue can be addressed through the Six-Party Talks. In fact, if North Korea and the US can normalize bilateral relations, Pyongyang would have no reason to possess nuclear weapons.

Peace will come when all Koreans, North and South, can enjoy a decent quality of life with nothing left to fight over. Similarly, the reform and opening of North Korea will be possible only if it feels secure. China finally began to open up after the normalization of Sino-US relations in 1979. Vietnam, too, was able to launch domestic economic reforms thanks largely to its improved diplomatic relations with the US. The same approach needs to be applied to North Korea.

We must face reality. The sinking of the South Korean naval ship Cheonan and the shelling of Yeonpyeong Island by North Korea, as well as Pyongyang's nuclear posturing, clearly show how perilous the security situation remains. We must revive the missing discourse on peace and prevail over those who dream of war and call for preemptive attacks. Our peace and prosperity must never fall victim to military adventurists.

Now is the time. Improved inter-Korean relations, along with the resumption of the Six-Party Talks, are crucial steps toward the resolution of the North Korean nuclear issue. Normalization between Pyongyang and Washington (and Pyongyang and Tokyo) is another prerequisite for building a peace regime. Ultimately, peaceful reunification is the best way to end our national tragedy. We should not be obsessed with formalities, and we should seek the easiest way to achieve our aims. It is time for us to change our way of thinking.

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