

POLICY BRIEF



70 Years and Counting: The Path to Peace on the Korean Peninsula

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Cover Photo: Major General Blackshear M. Bryan, U.S. Army (2nd from left), Senior Member of the Military Armistice Commission, United Nations' Command, exchanges credentials with Major General Lee Sang Cho, North Korean Army (3rd from right), Senior Communist delegate, at the Conference Building at Panmunjom, Korea, 28 July 1953. This was the day after the Korean War Armistice went into effect. ([Army Signal Corps Collection in the U.S. National Archives.](#))

70 YEARS AND COUNTING: THE PATH TO PEACE ON THE KOREAN PENINSULA

EXECUTIVE SUMMARY

70 years after the signing of the Armistice Agreement, the Korean Peninsula remains in a state of war. With military provocations on the peninsula becoming increasingly frequent and dangerous, concerned parties – North Korea, the United States, China, and South Korea -- urgently need to negotiate an end-of-war declaration. These negotiations are complicated by the conflicting needs and concerns of the four parties. Chief among them is Washington’s insistence on the complete and verifiable denuclearization of North Korea, which remains the greatest obstacle in negotiating an end to the Korean War. If the US can adopt a more flexible stance on this issue and aim for a more moderate arms control strategy, it is much more likely that the parties can arrive at an end-of-war declaration. However, progress should not stop at an end-of-war declaration. It is important that countries seize the opportunity to take further steps to ensure long-term peace on the peninsula, such as through signing a legally-binding peace treaty.

THE WAR THAT NEVER ENDED

2023 marks 70 years since the signing of the Korean War Armistice Agreement on July 27, 1953. While the armistice agreement indicated a cessation in fighting, the Korean Peninsula still technically remains in a state of war given that the parties never signed a peace treaty. Although the international community has effectively shoved the Korea situation aside for decades, this is becoming increasingly risky and difficult due to North Korea's ever-growing nuclear weapons arsenal and increasingly frequent military provocations. While North and South Korea have managed to avoid active conflict, it is dangerous to assume that the status quo is stable and will not lead to the reoccurrence of armed conflict.

Making an end-of-war declaration, let alone signing a peace treaty, does not seem to be the priority for the actors involved. Instead, the diplomatic stalemate between the United States and North Korea continues, inter-Korean relations have soured, and multilateral cooperation aimed at engaging Pyongyang is almost non-existent. None of the key players are on the same page and prospects for peace on the Korean Peninsula seem increasingly elusive.

Since the Armistice Agreement was signed by representatives of the US, North Korea, and China, the involvement of these three players is crucial in order to ultimately get to a peace treaty. Although South Korea was not a signatory to the Armistice, it was a warring party directly involved in the Korean War. As such, Seoul's voice matters greatly and any process involving an end-of-war declaration or peace treaty must include the active participation and consensus among these four key players.

DIFFERENT NEEDS, DIFFERENT CONCERNS

The first step toward lasting peace would be to collectively announce an end-of-war declaration. This would be a political declaration that would signal the readiness of the parties to seriously begin the formal and legal process of signing a peace treaty.¹ The goal is ultimately to go from a state of negative peace (absence of fighting/violence) symbolized by an end-of-war declaration toward one of positive peace (characterized by harmony, well-being, cooperation, and long-term focus) created through an official peace treaty.² While a resumption of conflict on the Korean Peninsula would bring about negative consequences for all parties involved, each has different concerns and needs that must be addressed before they can agree to end the war.

¹ Hyongjoon Park, "A New Korean Peninsula Initiative and 'Korean Peninsula Type 'Peace: The Ideal and Reality of the Declaration of an End to the Korean War,'" *The Journal of Peace Studies*, vol. 23, no. 1, (2022), pp. 7-31. (*In Korean*)

² Cheol-Young Choi, "Legal Tasks of the End-of-War Declaration and the Peace Treaty in the Korean Peace Process." *Humanitäres Völkerrecht: Journal of International Law of Peace and Armed Conflict* 2, no. 1/2 (2019): 89–106. <https://www.jstor.org/stable/48540661>.

United States

For Washington, the key obstacle to ending the Korean War has long been the North Korean nuclear program. The US's longstanding policy towards North Korea has been to pursue denuclearization as a top priority before announcing the end of the war or signing a peace treaty. For example, in 2007, then-President Bush said that ending the war was up to North Korea and that a peace treaty would only be possible if the North gets rid of its weapons "in a verifiable fashion."³ Similarly, although President Trump gave his "blessing" to the Koreans to discuss ending the war in 2018, work on an end-of-war declaration quickly lost momentum when denuclearization negotiations failed in Hanoi the following year.⁴ The attitude has remained the same under the Biden Administration. Instead of considering ending the war, Biden has vowed to 'end' the North Korean regime in case it launches a nuclear attack against the US or its allies.⁵ Regarding the war issue specifically, Pentagon Press Secretary John Kirby said in 2021 that Washington is "open to a discussion about an end of war declaration. But we are also committed to diplomacy and dialogue with [North Korea] to achieve the denuclearization."⁶

However, chances of achieving denuclearization upfront are becoming increasingly slim. North Korean leader Kim Jong-un made it explicitly clear last year that his government has no intention of agreeing to denuclearization.⁷

In this sense, the United States and North Korea are at an impasse. If the US hopes to make progress toward positive peace on the Korean Peninsula, it needs to consider a new approach. Instead of complete denuclearization as a prerequisite for an end-of-war declaration, Washington could require transparency and verification measures regarding North Korea's nuclear program, a detailed plan towards arms reduction, a moratorium on nuclear and missile tests, and security assurances from Pyongyang regarding Japan and South Korea. Signed commitments from North Korea guaranteeing these points

³ White House Archives, "President Bush Meets with South Korean President Roh," September 7, 2007, <https://georgewbush-whitehouse.archives.gov/news/releases/2007/09/20070907-3.html>.

⁴ See Yonhap News, "Trump: Koreans have my 'blessing' to end war," April 18, 2018, <https://en.yna.co.kr/view/AEN20180418000351315>.

⁵ Junnosuke Kobara and Yukihiro Sakaguchi, "North Korean nuclear attack would result in 'end' of regime: Biden," *Nikkei Asia*, April 27, 2023 <https://asia.nikkei.com/Politics/International-relations/Biden-s-Asia-policy/North-Korean-nuclear-attack-would-result-in-end-of-regime-Biden>

⁶ US Department of Defense, "Deputy Secretary of Defense Dr. Kathleen Hicks and Pentagon Press Secretary John Kirby Hold a Press Briefing," September 22, 2021, <https://www.defense.gov/News/Transcripts/Transcript/Article/2785615/deputy-secretary-of-defense-dr-kathleen-hicks-and-pentagon-press-secretary-john/>.

⁷ Yi Wonju, "N. Korean leader says his country will never give up nuclear weapons," Yonhap News, September 9, 2022, <https://en.yna.co.kr/view/AEN20220909000651325>.

would be helpful, as well as clauses that would result in the reintroduction of sanctions or other punitive measures in case North Korea does not abide by such an agreement.

Another concern the US has relates to its troop presence in South Korea. Since the US military presence in the South currently serves to deter Pyongyang and protect South Korea from the North Korean threat, a peace treaty might call for their withdrawal. The withdrawal of US troops would have an impact on Washington's overall Indo-Pacific strategy and negatively affect US efforts at countering China's influence in the region.

North Korea (DPRK)

A little-known fact is that North Korea has been calling for a peace treaty with the US since the 1970s. For example, in 1973 North Korea signaled its intention to negotiate directly with the US to conclude a peace treaty to achieve unification with the South.⁸ Washington, however, was not interested in Pyongyang's overtures at the time. North Korea reiterated the same stance in 2015, arguing that a peace treaty would be the only way to permanently resolve the conflict on the Korean Peninsula.⁹

Progress in the Korean peace process was finally made in 2018, when Kim Jong-un and former South Korean President Moon Jae-in agreed to end the Korean War in the Panmunjom Declaration. However, failed negotiations the following year with the US soured the diplomatic mood and the negotiations once again lost momentum.

Pyongyang has consistently maintained that in order for it to come to the negotiating table, it first needs to see a shift in US and South Korean policy. In particular, it would like the US to withdraw its "hostile policy" toward North Korea, referring to the US's military buildup in South Korea and its restrictive sanctions directed at North Korea.¹⁰ North Korea has shown little interest in diplomatic engagement under Biden and Yoon, however. With both Washington and Seoul adopting a much less conciliatory tone to Pyongyang, Kim Jong-un doesn't see much to gain by engaging in talks at this point. On the other hand, the US and South Korea have also not prioritized resuming diplomacy with North Korea, instead adopting an increasingly hawkish military posture and expanding joint military drills, which even include the participation of Japan now.

⁸ Jong-dae Shin, "DPRK Perspectives on Korean Reunification after the July 4th Joint Communiqué," Wilson Center, July 2012, https://www.wilsoncenter.org/sites/default/files/media/documents/publication/NKIDP_eDossier_10_DPRK_Perspectives_on_Korean_Reunification_after_the_July_4th_Joint_Communique.pdf.

⁹ See Reuters, "North Korea rejects more nuclear talks, demands peace treaty with U.S.," October 18, 2015, <https://www.reuters.com/article/uk-northkorea-usa-nuclear-idUKKCN0SB0QP20151017>.

¹⁰ Cited in Lee Moo-chul, "North Korea's Stance on the 'End-of-the-War Declaration' and the Security Dilemma," Korea Institute for National Unification, October 1, 2021, <https://repo.kinu.or.kr/bitstream/2015.oak/12605/1/CO21-27%28e%29.pdf>.

If the US and South Korea want to coax the North Korean government into resuming negotiations, they will likely need to drop the requirement for complete, verifiable, irreversible, nuclear denuclearization (CVID) and openly offer to return to diplomacy to discuss arms control options in exchange for reciprocal and gradual concessions. In the longer term, Pyongyang wants a legally-binding security guarantee from the US, the easing and gradual lifting of sanctions, a halt in US-South Korea military drills and of the deployment of US strategic assets to the peninsula, the implementation of inter-Korean economic projects, and ultimately, the normalization of diplomatic relations with the US.⁶

China

Peace is in China's best interest given its close proximity to North Korea. The consequences of conflict resuming would result in a security crisis along its border with North Korea and likely have reverberating effects causing instability within China as well. Beijing has repeatedly expressed its support for ending the Korean War and for establishing lasting peace on the Korean Peninsula. Senior Chinese diplomats like Wang Yi and Yang Jiechi have openly called for parties to prioritize a peace process for the Korean War, with the latter saying that an end-of-war declaration "will contribute to promoting peace and stability on the Korean Peninsula."¹¹

Ultimately, China hopes to negotiate a peace treaty that would result in the withdrawal of US armed forces from the Peninsula, since removal of US forces would return South Korea to China's traditional sphere of influence.¹² Such conditions would alarm Washington, as it would result in a weakening of US influence in the region. A withdrawal of US troops is also not in Seoul's best interest as long as the nuclear threat from the North remains. While it waits for the withdrawal of US forces to be feasible, China is ready to accept an end-of-war declaration in hopes that it would bring stability to the region, bolster economic opportunities due to eased sanctions, possibly end of US-led military drills on the peninsula, eliminate the justification for the THAAD missile system in South Korea, and open up the possibility for closer ties with South Korea.

Like the United States and South Korea, China is interested in the long-term goal of North Korean denuclearization. However, unlike its counterparts, China supports parallel talks on establishing a peace treaty and resolving the North Korean nuclear

¹¹ Ron Chang, "China Throws Support Behind Seoul's End-Of-War Declaration Plan," TBS eFM News, December 3, 2021, http://tbs.seoul.kr/eFm/newsView.do?typ_800=N&idx_800=3456481&seq_800=20449068.

¹² Kang-nyeong Kim, "President Moon Jae-in's Proposal for the Declaration of the End of the War and the Positions of Related Countries : Analysis Evaluation and Direction of Promotion," *Korea and World Review*, vol. 4, no. 2, pp. 169-206, (2022). (In Korean)

issue.¹³ In addition, it is important to Beijing that it is not excluded from any diplomatic process to end the war or sign a peace treaty, as this would diminish its influence on the Peninsula.¹⁴ In short, to China, an end-of-war declaration is a smaller part of a larger ambition to sign a peace treaty and realize its goals on the Peninsula.¹⁵

South Korea (ROK)

For South Korea, support for an end-of-war declaration has seen ups and downs depending on the political administration in power. However, as a general rule, Seoul would want to build up to an end-of-war declaration by taking a few key measures.

The first step towards an end-of-war declaration would be to pursue trust and confidence-building measures between the two Koreas.¹⁶ These could include regular and expanded communication, more people-to-people exchanges, information-sharing on issues of mutual importance such as health crises and environmental issues, and humanitarian cooperation.

In terms of security, South Korea would want to establish crisis avoidance mechanisms to prevent the resumption of hostilities. These could include a non-aggression pact, regular joint military talks with the North, crisis hotlines between high-level military figures from both sides, and a monitoring body made up of neutral moderators (e.g. states that have diplomatic relations with both the ROK and DPRK).

Finally, any South Korean political administration would want to have discussions with the North to establish the practical meaning of an end-of-war declaration, specifically how war and peace are defined,¹⁷ and what exactly is expected from each actor throughout this process. To align its priorities with those of the other parties, it would be helpful for South Korea to encourage progress in US-North Korea relations, adopt a more engagement-driven approach instead of what the North sees as “hostile policy”, promote an arms control solution to the nuclear issue, and include China in peace planning efforts by maintaining close cooperation and communication.

The current Yoon Suk-yeol government, however, has shown little interest in ending the Korean War. On the contrary, Yoon’s recently-appointed Unification Minister, Kim

¹³ Kwanghyun Chang, “The Risks and Limitations of the Korean Peninsula End-of-war Declaration, which the War Parties have a different perspective on,” *Strategic Studies*, vol. 28, no. 3, pp. 119-150, (2021). (*In Korean*)

¹⁴ See Hyongjoon Park (2022).

¹⁵ Ho-Ryoung Lee, “The Possibility of an End-of-War Declaration and Prospects for Changes in the Security Landscape on the Korean Peninsula,” *KRINS Quarterly*, 7(1),83-104, (2022). (*In Korean*)

¹⁶ Kyunghwan Chung, “Conditions for the Establishment of End-of-War Declaration and Our Response Strategy,” *Unification Strategy*, vol. 21, no. 3, pp. 63-87, (2021). (*In Korean*)

¹⁷ Ibid.

Yung-ho, said in early August that the Yoon administration “will never pursue the end-of-war declaration,” arguing that “conditions for the end-of-war declaration have not been met.”¹⁸ Moreover, Yoon’s “Audacious Initiative” that promotes economic assistance to the North in exchange for denuclearization is also unlikely to result in an end to the war. In fact, North Korea was quick to dismiss the plan, with Kim Yo-jong calling it the “height of absurdity” and a copy of former president Lee Myung-bak’s Vision 3000 plan.¹⁹

To make matters worse, Yoon’s pick for Unification Minister has also called for the overthrow of the North Korean regime and promoted an independent nuclear weapons program for South Korea.²⁰ With such a figure at the helm of South Korea’s inter-Korean policy, peace efforts are unlikely to make significant progress under the current administration.

LIMITATIONS

There are various limitations regarding the different approaches of each stakeholder. Even though lasting peace is in the best interest of all parties, the differences in opinion and varying needs and demands make it difficult to reach a consensus. The seven-decade-long Armistice is a testament to how complex the issue is.

The most immediate concern is related to ongoing US demands for the complete and verifiable denuclearization of North Korea *before* any talks of ending the war can take place. Washington must accept the reality that this ship has long sailed and the only chance of denuclearizing North Korea is by adopting a gradual approach that begins with arms control. As long as the US remains committed to its policy of North Korean denuclearization, the diplomatic stalemate will continue and the Korean War will go on, with potentially disastrous consequences.

Regarding Washington’s concern about having to withdraw its troops from South Korea, this should not be an obstacle in ending the war as 1) an end-of-war declaration would be a political statement and not result in the withdrawal of US Forces Korea (USFK) and 2) the North Korean government has expressed in recent years that it would not demand the withdrawal of USFK even after a peace treaty is signed.²¹

¹⁸ Kim Soo-yeon, “Yoon gov’t will ‘never’ pursue end-of-war declaration: unification minister,” Yonhap News, August 3, 2023, <https://en.yna.co.kr/view/AEN20230803005300325?section=news>

¹⁹ Yonhap News, N. Korea rejects S. Korea’s ‘audacious initiative’ in statement by leader’s sister, August 19, 2022, <https://en.yna.co.kr/view/AEN20220819000353325>

²⁰ The Hankyoreh, Yoon seats N. Korea hawk at helm of Unification Ministry, June 30, 2023, https://english.hani.co.kr/arti/english_edition/e_national/1098244.html

²¹ For example, Newsis, “Kim Yong-chol promises Trump North Korea will not bring up the withdrawal of USFK,” February 7, 2019 https://newsis.com/view/?id=NISX20190207_0000550689&cID=10301&pID=10300

Nevertheless, the US should consider at least reducing the number of its forces in the South after a peace treaty as this would symbolize a goodwill gesture to Pyongyang and also positively affect relations with Beijing. The latter may, however, insist on the full withdrawal of USFK in case a peace treaty is signed, in which case the US must engage in direct bilateral diplomacy with China to come to an agreement that prioritizes the long-term stability of the wider region.

Another factor that complicates the peace process is the perceived closeness between the United States and the ROK. In particular, the April 2023 US-ROK Washington Declaration, with its emphasis on upping joint deterrence efforts against North Korea, is likely to have a negative impact on chances to resume diplomacy. The declaration has prompted the US and South Korea to increase their military cooperation through initiatives like the Nuclear Consultative Group (NCG), which had its first meeting in July.²² North Korea conducted various missile tests in response, even holding a simulated tactical nuclear attack drill on September 2 to “warn the enemies of the actual nuclear war danger.”²³ If the United States and South Korea continue expanding joint military drills and pursue stronger deterrence measures as prescribed by the Washington Declaration, North Korea will likely respond in kind, making the possibility of peace negotiations more remote.

Despite these limitations, there is an opportunity for South Korea to play a constructive role in brokering peace. Even though the South will not be a signatory to a peace treaty, it has the opportunity to play a crucial role in pushing the process forward and encouraging the other players, especially the US and North Korea, to come to a consensus. A good example of this was the former Moon Jae-in government, whose focus on dialogue with North Korea resulted in tangible results like the Panmunjom Declaration. Instead of further agitating tensions through increasingly frequent military drills and unnecessary tit-for-tat measures, the Yoon government must prioritize dialogue and diplomacy, as this is ultimately the only way out of the 70-year-long security dilemma the country has been stuck in.

Finally, there is the question of whether North Korea can really be trusted or whether all this diplomacy would just go to waste as Pyongyang manipulates the international community into getting rid of sanctions and acknowledging the DPRK as a nuclear power. While no one can answer this question with absolute certainty, over the past few decades the North Korean government has proven to be a rational entity that

²² The Korea Times, “S. Korea-US nuclear consulting group aims to curb N. Korea's nuclear threat,” July 18, 2023, https://www.koreatimes.co.kr/www/nation/2023/09/113_355139.html

²³ KCNA, “Counteraction Drill for Important Purpose Conducted in DPRK,” September 3, 2023, <http://kcnk.kp/en/article/q/cc2a0576487bddf951ec6b500d53b716.kcmsf>

understands its strengths, weaknesses, and the consequences of its actions.²⁴ Kim Jong-un does not want a war as he is well aware this would result in the end of his regime. In fact, North Korea has been trying to normalize relations with the US for decades to ensure its security. Ending the war and signing a peace treaty is in North Korea's best interest as it would mitigate its perceived threat of US hostility -- the reason it developed its nuclear weapons program in the first place. If the US (and to a lesser extent, South Korea) adopts a more flexible and gradual approach to the nuclear issue, both sides can get what they want and move towards positive peace.

Joseph Ditrani, former US Special Envoy for negotiations with North Korea, put it aptly when he said, "I'm guardedly optimistic we can get North Korea to denuclearize completely and verifiably if we can accept that North Korea will not give up its nuclear weapons until it receives, in an action-for-action, commitment-for-commitment process, the security assurances it needs and a path to normal ties with the US, with access to economic development assistance and foreign direct investment."²⁵

It must be a give-and-take process. Perpetuating the status quo is a much riskier option than trying a more flexible negotiating approach with Pyongyang.

PATH TOWARD PEACE

The path toward peace should be a step-by-step and gradual process based on a clear and detailed roadmap that will help achieve the transition from an end-of-war declaration to a legally-binding peace treaty.²⁶ In order for this to be possible, continuous communication and cooperation is necessary among all four parties. The first priority should be for the four parties to hold regular diplomatic talks regarding their aforementioned concerns and needs.

Once the parties have come to a consensus, an end-of-war declaration signed by all four governments should be announced. The end-of-war declaration should include a statement detailing the responsibilities of each actor, what actions are to be taken by each party, and consequences for violating the conditions of the agreement. This then marks the beginning of a crucial transition period— a trial period for peace.

The following measures should be implemented during this trial period: consistent arms reduction efforts in the North that set the foundation for the complete dismantlement of its nuclear program; the creation of a UN committee or other international monitoring body to ensure all parties act in accordance with the requirements to sign a peace

²⁴ See David W. Shin, *Rationality in the North Korean Regime: Understanding the Kims' Strategy of Provocation* (London: Lexington Books, 2018).

²⁵ Joseph R. Ditrani, "Denuclearization of North Korea Is Possible," *38 North*, February 1, 2021, <https://www.38north.org/2021/02/denuclearization-of-north-korea-is-possible/>

²⁶ See Kang-nyeong Kim (2022).

treaty;²⁷ consistent expansion of inter-Korean projects and cooperation; changing laws in the North and South to prepare for a peace treaty (e.g. South Korea's National Security Law); establishing domestic and international legal frameworks to enforce a peace treaty in the long-term²⁸; and the establishment of US-DPRK and DPRK-Japan diplomatic relations. The final measure mentioned is a crucial step toward ensuring lasting regional stability and multilateral cooperation once a peace treaty is signed.

CONCLUSION

With each year that passes without ending the Korean War, North Korea relentlessly expands its nuclear weapons program, tensions soar, and the risk of unintended military clashes escalating into full-scale conflict intensifies. The current situation is fraught with substantial risk and offers no benefits either in the short or long-term. Given these circumstances, it is imperative for the four parties involved to unite, set aside their differences, and engage in negotiations based on reciprocity, flexibility, and good faith. Only through decisive action will it be possible to take the first steps toward establishing a durable peace regime on the Korean Peninsula.

²⁷ For example, not conducting nuclear/missile tests, not deploying US military assets to the peninsula, no joint military drills involving ROK, US, Japan, etc.

²⁸ See Choi, "Legal Tasks of the End-of-War Declaration and the Peace Treaty in the Korean Peace Process."

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ABOUT APLN

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