

ISSUE BRIEF

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U.S. Should Not Sign a Peace Declaration with North Korea

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A positive letter from Kim Jong-un was sufficient to overcome President Donald Trump's displeasure at the lack of progress in denuclearization talks and induce him to agree to a second U.S.–North Korea summit. However, it is premature to hold another summit meeting without any evidence of North Korea's commitment to abandon its nuclear arsenal. Instead, newly appointed Special Envoy Stephen Biegun should first meet with North Korean counterparts to work toward a carefully crafted agreement that includes clearly delineated requirements and robust verification.

President Trump touts his strong personal relationship with Kim and likely sees it as a way to jumpstart stalled denuclearization negotiations. Secretary of State Mike Pompeo's meetings with North Korean counterparts have failed to bridge the chasm between the U.S. and North Korean negotiating positions. Trump cancelled Pompeo's scheduled trip to Pyongyang last month after the U.S. received a letter from the regime harshly criticizing the U.S. position.

North Korea has expressed a clear preference for dealing only with President Trump, trying to decouple Secretary Pompeo from the process. By praising Trump personally, Kim Jong-un seeks additional concessions from the President, whom

the regime sees as more eager to maintain the proclaimed success of the summit. In the first summit, Trump accepted a vague communique, unilaterally cancelled allied military exercises without gaining reciprocal gestures from North Korea, and strongly praised Kim Jong-un who is on the U.S. sanctions list for crimes against humanity.

Since the summit, North Korea has successfully shifted the narrative away from denuclearization toward improving relations and reducing regime security concerns. Pyongyang argues that both the Panmunjom and Singapore summit agreements accept that denuclearization will occur *after* allied gestures to alleviate military tensions and establish a permanent peace regime.

In the past, Pyongyang claimed that the greatest impediment to resolving the nuclear issue was U.S.–South Korean joint military exercises, which the regime argued reflected allied hostile intent. Having pocketed Trump's concession to cancel the exercises, the regime now argues that a peace declaration ending the Korean War is required to reduce tensions and improve relations before denuclearization.

In July, the North Korean Ministry of Foreign Affairs declared that “the issue of announcing the declaration of the end of the war¹ at an early date is the first process of defusing tension and establishing a lasting peace regime on the Korean Peninsula [and] constitutes a first factor in creating trust between [North Korea] and the U.S.”² Pyongyang warned in August that bilateral talks were “again at stake and may fall apart” due to the U.S. reluctance to move forward on the peace issue.³

After his Oval Office meeting with a senior North Korean official in June, Trump told reporters that

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“[w]e talked about ending the Korean War.”⁴ Trump commented after the Singapore summit that the Korean conflict “will soon end.”⁵ Pyongyang claims that Trump had already committed to signing a peace declaration during those meetings.⁶

Kim is expected to push for a peace declaration during a second summit with Trump, possibly in exchange for a data declaration with information on regime nuclear and missile programs. China predictably agrees, seeing it as a way to reduce tensions while deferring the more difficult task of getting North Korea to abandon its nuclear arsenal.

More troubling, however, is South Korea’s enthusiastic advocacy of Pyongyang’s strategy. The Moon Jae-in administration has accepted North Korea’s interpretation of the Panmunjom and Singapore summit agreements and even emphasizes that Seoul originally proposed a peace declaration last year.⁷ The South Korean proposal shares characteristics with North Korean pronouncements in placing denuclearization *after* a series of allied concessions.

South Korean officials downplay concerns over the ramifications of declaring an end to the Korean War by highlighting that the document would only be symbolic, without any real effect or consequences, but advocates have yet to identify any tangible benefits to signing a peace declaration, neither a specific quid pro quo that the regime will provide nor the expected change in North Korean policy or behavior resulting from the regime feeling “less threatened.”

North Korea argues that the U.S. must prove an end to its “hostile policy,” but it is North Korea that

has habitually threatened, attacked, and killed U.S. and South Korean personnel. The U.S. has already repeatedly provided non-hostility declarations and promises not to attack North Korea with either conventional or nuclear weapons. These documents had no impact on North Korea’s continued production of nuclear weapons.

Why would this piece of paper be expected to have greater impact than those previously provided pledges? Pyongyang could point to the Trump Administration’s withdrawal from the Joint Comprehensive Plan of Action (Iran nuclear deal) as an example of the non-permanency of U.S. commitments.

A peace declaration could have serious negative consequences for alliance security. Even a limited declaration can create a domino-effect advocacy for prematurely signing a peace treaty, reducing U.S. deterrence and defense capabilities, and abrogating the mutual defense treaty before reducing the North Korean threat that necessitated American involvement.

The U.S. Congress, concerned that President Trump might reduce U.S. military forces in South Korea, mandated in the National Defense Authorization Act that before any reductions, the Secretary of Defense must certify that it is in the “national security interest” and that the Secretary has “appropriately consulted” with regional allies.⁸

Beyond security ramifications, a peace declaration could also lead to advocacy of reduced U.N. and U.S. sanctions and provision of economic largesse to North Korea prior to significant steps toward regime denuclearization.

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1. Also referred to as a peace declaration. It would be a symbolic political document that, unlike a formal peace treaty, has no legal impact on the armistice ending the Korean War or the United Nations Command.
 2. Korea Ryugilo Editorial Bureau, “FM Spokesman on DPRK–U.S. High-level Talks,” September 15, 2018, <http://www.uriminzokkiri.com/index.php?lang=eng&ftype=document&no=12300> (accessed September 17, 2018).
 3. David Tweed, Isabel Reynolds, and Jihye Lee, “Rift Grows Between U.S. Allies over North Korea’s Nuclear Threat,” Bloomberg, August 28, 2018, <https://www.bloomberg.com/news/articles/2018-08-28/rift-grows-between-u-s-allies-over-north-korea-s-nuclear-threat> (accessed September 17, 2018).
 4. CNBC, “Trump on North Korea Meeting: We Talked About Ending the Korean War,” June 1, 2018, <https://www.cnbc.com/video/2018/06/01/trump-north-korea-meeting.html> (accessed September 17, 2018).
 5. Everett Rosenfeld and Nyshka Chandran, “Trump Says North Korea Will Keep Its Promises, and the US Will Stop War Games,” CNBC, June 12, 2018, <https://www.cnbc.com/2018/06/12/trump-and-kim-sign-agreement-document-after-summit-in-singapore.html> (accessed September 17, 2018).
 6. Alex Ward, “Exclusive: Trump Promised Kim Jong-un He’d Sign an Agreement to End the Korean War,” *Politico*, August 29, 2018, <https://www.vox.com/2018/8/29/17795452/trump-north-korea-war-summit-singapore-promise> (accessed September 17, 2018).
 7. Hwang joon-bum, “Moon Administration Seeks to End Korean War at UN General Assembly in September,” *Hankroyeh*, August 31, 2018; “Early Plan Prioritized Peace Over Nukes,” *JoongAng Daily*, August 31, 2018; and Uri Friedman, “Inside the Dispute Derailing Nuclear Talks With North Korea,” *The Atlantic*, August 29, 2018, <https://www.theatlantic.com/international/archive/2018/08/north-korea-war-declaration/568603/>.
 8. Kim Gamel, “Defense Act Restricts Efforts to Cut US Troop Numbers in South Korea,” *Stars and Stripes*, August 14, 2018, <https://www.stripes.com/news/pacific/defense-act-restricts-efforts-to-cut-us-troop-numbers-in-south-korea-1.542502> (accessed September 17, 2018).
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What Washington Should Do

During a second summit with North Korea, President Trump should neither sign a peace declaration nor agree to sign such a declaration in the foreseeable future. Instead, the U.S. should:

- Articulate the necessary conditions for a formal peace *treaty*, the linkages of required actions by all parties, and what is and is not included, these conditions to include significant progress toward North Korean denuclearization and reducing the conventional force threat to South Korea;
- Emphasize that a peace treaty should be the end point of conventional arms control negotiations, similar to the Conventional Armed Forces in Europe Treaty, rather than the opening gambit to improve relations with Pyongyang; and
- Clearly stipulate that a peace treaty has no impact on the presence or levels of U.S. forces in South Korea, the bilateral defense treaty, or the U.S. extended defense guarantee to its allies, or conduct and disposition of U.S. or allied military exercises. The disposition of U.S. forces in South Korea derives not from U.N. Resolutions 82–84 (1950), but exclusively from the authority of the 1953 Mutual Defense Treaty, which never mentions North Korea. Instead, the declared purpose was to protect against threats to the Pacific region.
- The U.S. should press North Korea to provide a data declaration of its nuclear, missile, and BCW programs that includes:
 - Names and geographic locations of nuclear, chemical, biological, and missile production, fabrication, test, and storage facilities and the production history and amount of fissile material and WMD arsenals;
 - Agreement to on-site inspections of declared *facilities* to verify the data declaration within a prescribed time limit as well as short-notice challenge inspections of non-declared facilities;
 - Pledge to immediately end production of nuclear, missile, and BCW weapons;
 - Commitment to dismantlement of those facilities and destruction of the regime’s WMD arsenals; and
 - Pledge to enter into conventional force reduction and confidence-building negotiations.

Conclusion

A peace declaration would be a historic but meaningless feel-good gesture that had no tangible benefits and did nothing to improve the security situation on the Korean Peninsula. It would not reduce the North Korean military threat to the allies or alleviate distrust and suspicion. It would only provide an amorphous hope that it would improve relations and lead Pyongyang to undertake positive but undefined actions.

The U.S. should not forget that the armistice that Pyongyang and Seoul are so eager to replace was necessitated by North Korea’s invasion of the South in 1950. The source of tensions is not an armistice versus a peace declaration, but rather North Korea’s post-war actions including threats, attacks, forward-deployed conventional forces, and development of nuclear weapons.

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