

# End-of-Korean-War Declaration Could Have Serious Consequences for Alliance Security

*Bruce Klingner*

## KEY TAKEAWAYS

South Korean President Moon is increasingly pushing for an end-of-war (EOW) declaration with North Korea despite Pyongyang's continuing provocations and threats.

A premature EOW declaration would be a feel-good gesture with no tangible benefits, and would do nothing to improve the security situation on the Korean Peninsula.

The U.S. recognizes that a declaration cannot be made as an inducement, and must be part of a comprehensive denuclearization agreement, and should stay the course.

South Korea continues to push for a declaration ending the Korean War despite U.S. resistance and North Korean rejection. With only a few months left in his administration, President Moon Jae-in is increasingly desperate to secure a legacy of improving inter-Korean relations despite Pyongyang's continuing provocations and threats.

Prevented by international sanctions from providing economic largesse to Pyongyang, Moon resurrected his proposal for an end-of-war (EOW) declaration in an effort to jumpstart dialogue with the recalcitrant regime. Washington countered that a declaration should not be offered as an upfront inducement but as a component of a comprehensive denuclearization agreement. North Korea continues to reject all allied attempts at dialogue, instead demanding significant concessions before considering Seoul's conciliatory offer.

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## President Moon Striving for Peace Legacy

During a September 2021 speech to the United Nations, President Moon stated that an EOW declaration could create “a new order of ‘reconciliation and cooperation’ on the Korean Peninsula [and] make irreversible progress in denuclearization.”<sup>1</sup> Noh Kyu-duk, South Korean Special Representative for Korean Peninsula Peace and Security Affairs, describes a declaration as a “symbolic” gesture to demonstrate that Seoul and Washington harbor no hostility against Pyongyang and to provide momentum to coercing Pyongyang to resume dialogue.<sup>2</sup>

Beyond the EOW declaration, Foreign Minister Chung Eui-yong urged that Washington “shouldn’t be timid on offering North Koreans incentives,” including humanitarian assistance and easing of sanctions.<sup>3</sup> The foreign minister highlights that Pyongyang has maintained its moratorium on nuclear weapon and long-range missile testing for four years, ignoring the more than 40 missile-launch violations since 2019.

Minister of Unification Lee In-young calls for cancelling allied military exercises and providing economic benefits to North Korea. Moon’s administration is willing to overlook the regime’s repeated violations of United Nations resolutions, including unveiling several new weapons systems whose sole purpose is to heighten the military risk to South Korea.

## U.S. Resists Hasty Action

The Biden Administration has repeatedly declared that it is willing to meet for discussions with North Korean diplomats “anywhere and at anytime” without preconditions.<sup>4</sup> But the Administration rejects Seoul’s proposed EOW declaration without the inclusion of reciprocal North Korean actions in a broad denuclearization accord.

Publicly, Biden Administration officials politely acknowledge discussing the EOW declaration with South Korean counterparts, though with differing priorities. National Security Advisor Jake Sullivan described the EOW proposal as “productive and constructive,” but says that the two allies have “different perspectives on the precise sequence or timing or conditions for different steps.”<sup>5</sup>

A recent Chicago Council survey indicated there is strong (76 percent) U.S. public support for negotiating a formal peace agreement—but *only* if North Korea agrees to suspend its nuclear weapons program. If North Korea keeps its nuclear weapons, public support for a formal peace agreement drops to 24 percent.<sup>6</sup>

## North Korea Blows Hot and Cold

Over the years, North Korea has asserted that the lack of an EOW declaration was both the greatest impediment to resolving the nuclear issue and a meaningless gesture. In 2018, the North Korean Ministry of Foreign Affairs declared that “the issue of announcing the declaration of the end of the war 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.”<sup>7</sup> Pyongyang warned that bilateral talks were “again at stake and may fall apart” due to the U.S. reluctance to move forward on the peace issue.<sup>8</sup> The regime emphasized, however, that an EOW declaration “can never be a bargaining chip for getting the DPRK [Democratic People’s Republic of North Korea] denuclearized.”<sup>9</sup>

North Korea rebuffed President Moon’s latest proposal outright, as well as demanding additional preconditions. Kim Yo-jong, the powerful sister of Kim Jong-un, commented that an EOW declaration was “an interesting and an admirable idea [but] premature.”<sup>10</sup> She dismissed its viability since the causes for tension remain intact, demanding that the United States first end its “hostile policy.” She referenced her earlier comments demanding the end of allied military exercises and the presence of U.S. forces in South Korea.<sup>11</sup>

In a signal to Seoul, Kim Yo-jong linked restoration of inter-Korean relations and Moon’s desired EOW declaration to the South acquiescing to Pyongyang’s preconditions, including ending any criticism of regime actions or provocations. Any South Korean “slander” of the regime, she warned, would push inter-Korean relations toward “complete destruction.”<sup>12</sup> Kim put the ball firmly in Seoul’s court as to whether it wants a “balmy breeze or a storm” to come from the North.<sup>13</sup>

North Korean Vice Foreign Minister Ri Thae-song struck a similar tone, stating it is too early to declare an end to the war and first required ending the presence of U.S. forces “on the Korean Peninsula and in its vicinity, including the ground, waters, air and underwater, and war drills annually held.” Signing an EOW declaration, Ri argued, would be “no help at all to stabilizing the situation on the Korean Peninsula” and instead could “entail disastrous consequences of upsetting the strategic balance in the region.”<sup>14</sup>

Kim Jong-un offered improved inter-Korean relations moving toward “reconciliation and cooperation” but called on Seoul to end its “excessive arms buildup and allied military activities.”<sup>15</sup> Pyongyang also demanded the lifting of sanctions on exports of North Korean minerals and the import of foreign refined oil.<sup>16</sup>

## Ramifications of a Premature End to the War

South Korean officials are seeking U.S. acceptance for an EOW document by emphasizing its uselessness. Advocates point out that the document would be only symbolic, non-binding, and without any real effect or consequences. However, they are unable to identify any tangible benefits—neither a quid pro quo that Pyongyang would provide, nor the expected change in North Korean policy or behavior.

An EOW declaration would not replace the armistice, bring about changes to North Korea's military forces, or have any legal impact on United Nations Command, the U.S.-South Korea Combined Forces Command, or the U.S. Forces Korea. U.S. military forces are in South Korea as the result of the 1953 Mutual Defense Treaty between the U.S. and South Korea,<sup>17</sup> not because of the United Nations Command charter.

However, an EOW declaration could still have serious negative consequences for alliance security by creating a false sense of security. Equating a simplistic peace declaration to actually securing peace could generate a domino-effect advocacy for prematurely signing a peace treaty, reducing U.S. deterrence and defense capabilities, ending combined U.S.–South Korean military exercises, removing U.S. forces from South Korea, and abrogating the Mutual Defense Treaty before reducing the North Korean threat that necessitated American involvement in the first place.

A document ending the Korean War that failed to reduce the North Korean conventional military threat would be an empty promise based on dangerous naïveté. A proper peace treaty should be the culmination, not the initiation, of a threat-reduction process. A peace agreement must create conditions that are more conducive to peace than the armistice, which it would replace. A viable peace agreement should not only conclude the existing hostilities, but also prevent the next war.

The threat that North Korea's conventional forces continue to pose to South Korea should be addressed before concluding a peace treaty. This could be accomplished by requiring reduction and redeployments of North Korea's massive array of artillery and maneuver units that are deployed near the border with South Korea, as well as by implementing confidence-building and security-building measures (CSBMs) and a comprehensive verification regime.

Without tangible progress toward denuclearization, an EOW declaration could endanger multilateral efforts to pressure Pyongyang to divest itself of its nuclear weapons.

## U.S. and South Korea Should Not Rush to a Bad Agreement

Pyongyang declares 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 declarations had no impact on North Korea’s aggressive behavior or production of nuclear weapons.

There is no evidence that an EOW declaration would have any greater effect on North Korean behavior than those previously provided pledges. Pyongyang repeatedly violated the Korean War armistice before asserting that it had abrogated its adherence to the armistice as well as all other inter-Korean agreements. That does not bode well for regime compliance to another agreement.

### What Washington Should Do

The U.S. should:

- **Continue to resist President Moon’s overeagerness for conciliatory gestures toward North Korea**, and insist that North Korea first resume dialogue and enter into negotiations before garnering any benefits or concessionary policy changes. An EOW declaration should not be a downpayment for inducing improved North Korean behavior;
- **Reject an EOW declaration in favor of negotiating a comprehensive peace treaty** as was being discussed in the Six Party Talks<sup>18</sup> during the George W. Bush Administration. Such an accord should be the endpoint of detailed conventional arms-control negotiations to reduce the conventional force threat on the Korean Peninsula. A precedent for negotiations would be the 1990 Conventional Armed Forces in Europe (CFE) Treaty between the North Atlantic Treaty Organization and the Warsaw Pact.
  - That agreement reduced forces and enhanced warning time by establishing overall limits on several categories of major conventional weapons systems, including tanks, artillery pieces, armored combat vehicles, combat aircraft, and attack helicopters. To constrain either side’s ability to conduct a surprise attack, there were additional geographically delineated sub-limits to reduce offensive weapons near the forward edge of the battlefield.

- The CFE Treaty also created a comprehensive and intrusive verification regime, including notification of unit movements, on-site inspections, challenge inspections for suspected cheating, and monitoring destruction of treaty-limited items.
- **Stipulate that a peace treaty will not affect U.S. forces stationed in South Korea.** The United States deploys military forces to South Korea under the Mutual Defense Treaty, not because of the U.N. Command charter.
- **Advocate initiation of CSBM negotiations to reduce the risk of surprise attacks and inadvertent escalation of hostilities.** The 1992 Inter-Korean Basic Agreement included provisions for “the mutual notification and control of large-scale movements of military units and major military exercises, the peaceful utilization of the Demilitarized Zone, exchanges of military personnel and information, phased reductions in armaments including the elimination of weapons of mass destruction [WMDs] and attack capabilities, and verifications thereof.”<sup>19</sup>
- **Link peace treaty negotiations to North Korean denuclearization.** U.N. resolutions require North Korea to refrain from conducting any nuclear or ballistic missile testing, as well as to abandon its WMD programs in a complete, verifiable, and irreversible manner. Negotiations must include a detailed, comprehensive road map to denuclearization, including an unambiguous and public North Korean commitment to the end state of eliminating its nuclear and missile-production capabilities and existing arsenals.
- **Require a robust verification protocol in any agreement,** including data declarations of North Korea’s nuclear and missile programs and arsenal, provisions for the dismantlement of those facilities, and destruction of the regime’s arsenals of WMDs. There should be international inspections and long-term monitoring of declared facilities, as well as the U.S. right to conduct short-notice challenge inspections of non-declared facilities. A data declaration should occur in the initial phase of implementation.

## Conclusion

An EOW declaration would be a historic feel-good and meaningless gesture without any tangible benefits, and would do 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 on either side. It would only provide an amorphous hope that it would improve relations and lead Pyongyang to undertake undefined positive actions.

The United States and its allies should be wary of initiating peace talks with North Korea without a thorough understanding of the complexity of such negotiations as well as the wide-ranging strategic ramifications of such an agreement. While the armistice has provided the framework for peace, it has been the presence of strong South Korean and U.S. military forces that has actually guaranteed the peace.

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