

# Towards a Working Peace System on the Korean Peninsula: *A Perspective on the Theory of Peace States*

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## Abstract

*Discussions on inter-Korean peace and unification under the armistice regime have followed one of two trajectories. Some believe that the sustenance of the armistice is equal to peace, drawing a direct connection between the armistice regime and unification. Other scholars include the establishment of a peace system as a precursor to unification. Additionally, there are two types of unification methodologies: unification by absorption, in which unification occurs through one side's absorption of the other, and consensus-based unification, which requires the equal participation of the South and the North in the unification process. A combination of a peace system and consensus-based unification is perhaps the most ideal method because a state of peace can be pursued by peaceful means. However, its realization is unlikely because establishing peace on the Korean peninsula is a complex process involving multiple actors including South Korea, North Korea, the United States, and China. This paper explores the conditions for a sustainable peace system on the Korean peninsula based on an exploration of existing debates on the establishment of peace systems.*

**Keywords:** peace system, peace regime, armistice regime, unification, Korean peninsula

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## Introduction

The history of inter-Korean relations can be simplified into competition between the peace and unification discourses of the North and the South amidst politico-military conflict. The two sides attempted to ensure that unification discourse progressed in each nation's favor while reflecting changes in political situations at the international and Korean peninsula levels. The two sides reached agreements through the July 4 Joint Communiqué of 1972, the Basic Agreement of 1991, the June 15 Joint Declaration of 2000, and the North-South Joint Declaration of October 4, 2007.<sup>1</sup> However, the implementation of such agreements was partial at best. According to international law, the 1953 Armistice Agreement<sup>2</sup> is a binding agreement signed by parties

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1. The two Koreas agreed to independence, peaceful unification, and great national unity as the principle and the method of unification in the July 4 Joint Communiqué of 1972. The June 15 Joint Declaration of 2000 advanced discussions of unification to take the form of more concrete methodologies. Both Koreas agreed that the South's concept of confederation and the North's vision of a loose federation shared similarities. However, the two documents make no mention of peace. On the other hand, the North-South Joint Declaration of October 4, 2007 began with the topic of unification and specifically indicates the need for peace and the establishment of a peace regime on the Korean peninsula. The Joint Declaration of 2007 includes: peaceful dispute resolution; non-aggression obligation; creation of peace zone on the West Sea; and a declaration to end the Korean War. According to the Joint Declaration of 2007, establishing a peace regime might be an important component of the unification process. However, the South and the North still argue over interpretation of the peace and unification clauses in these documents. For example, there is a stark contrast in how the two sides interpreted the unification method as stated in the June 15 Joint Declaration. South Korea's understanding was based on the Unification Formula for the Korean National Community, which begins with reconciliation and cooperation and progresses into a South-North confederation and finally a unified Korea. North Korea, however, does not agree to a transition from confederation to federation, although it agreed to the commonalities of two proposals. Pyongyang expressed concern that such transition would only lead to war (Jang 2002).
  2. The original agreement is titled, "Agreement between the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's volunteers, on the other hand, concerning a military armistice in Korea. For the text of the agree-

involved in the management of politico-military conflicts on the Korean peninsula. The armistice agreement is a *modus vivendi* that is effective until replaced by a new peace treaty.

Discussions on inter-Korean peace and unification under the armistice regime have followed one of two trajectories. Some believe that the sustenance of the armistice is equal to peace, drawing a direct connection between the armistice regime and unification. Other scholars include the establishment of a peace system as a precursor to unification. Additionally, there are two types of unification methodologies: unification by absorption, in which unification occurs through one side's absorption of the other, and consensus-based unification, which requires the equal participation of both sides in the unification process. Table 1 illustrates the relations between the armistice regime and different types of unification.

Table 1. The Armistice Regime and the Types of Unification

		Types of Unification	
		Unification by absorption	Consensus-based unification
Armistice Regime	Continued	I	III
	Replaced	II	IV

Absorption is the dominant form of unification in types I and II, whether it occurs under the armistice regime or peace system. Unification could be a threat to peace under these formats. Under types III and IV, unification would occur by consensus; the difference between the two types lies in institutionalization of peace, which is absent in type III and present in type IV. The odds are against bypassing a stage of institutionalizing peace when determining a unification method.

ment, go to: [http://www.ourdocuments.gov/print\\_friendly.php?flash=true&page=transcript&doc=85&title=Transcript+of+Armistice+Agreement+for+the+Restoration+of+the+South+Korean+State+\(1953\)](http://www.ourdocuments.gov/print_friendly.php?flash=true&page=transcript&doc=85&title=Transcript+of+Armistice+Agreement+for+the+Restoration+of+the+South+Korean+State+(1953)).

Type IV will build a peace system inducing internal change in the two Koreas, which will in turn lead to consensus-based unification. However, those who see unification as a power struggle can raise doubts about consensus being the fundamental premise of unification as peaceful, consensus-based unification has never occurred in history.

A combination of a peace system and consensus-based unification is perhaps the ideal option of the four unification methods shown in Table 1. This option is desirable because it advocates the pursuit of peace through peaceful means and can minimize the cost of conflicts. However, likelihood of its realization is low, for establishing a peace regime or system on the Korean peninsula is a complex game involving multiple actors such as South Korea, North Korea, the United States, and China. This paper explores the conditions for a sustainable peace system on the Korean peninsula based on an exploration of existing debates on the establishment of peace systems. Finally, this paper attempts to predict how the unification process will progress after the establishment of a system of peace.

## **A Review of the Theory and History of Peace Systems**

The Korean phrase “*pyeonghwa cheje*” can be translated into English in two ways: “peace regime” or “peace system.” A regime differs from a system in the context of international relations theory. A regime is a framework of rules, expectations, and prescriptions between actors and operates within a clearly defined issue area (Krasner 1983). A system is generally defined as a structure of which individual actors must take account (Waltz 1979). Although both concepts embody structural constraints on actors, a system is more comprehensive than a regime in terms of how many actors are involved and constrained. Accordingly, a peace system requiring a common perception to establish cooperative relations based on the principle of reciprocity includes a peace regime as part of its components. It should be noted that peace is the most politically contentious issue where a regime is not easily formed.

As David Mitrany (1943) pointed out, a working peace system contrasts sharply with protected peace. Mitrany's functionalist approach to peace is based upon the simple proposition that the provision of common needs can unite peoples across state boundaries; in contrast to the federalist approach, form follows function. On the Korean peninsula, the functionalist approach to peace called the reconciliation and cooperation policy toward North Korea has stopped since the conservative Lee Myung-bak administration. The reconciliation and cooperation policy has not produced spillover effects beyond functionalist cooperation between the two Koreas. In this context, a new dictum should be introduced in which function follows form. A peace regime as an institutionalization of peace can facilitate functional cooperation on the Korean peninsula. The Joint Statement of the Fourth Round of the Six-Party Talks of September 2005 (hereafter, the Joint Statement of September 2005) has already proposed a process in which denuclearization is tied to a peace regime on the Korean peninsula.

A peace regime does not necessarily guarantee sustainable peace. It can be argued that the armistice regime is still effective in avoiding the recurrence of war on the Korean peninsula. Some liken denouncing the armistice regime to opening a Pandora's Box, bringing about chaos on the Korean peninsula (K. Lee 2007; Choi 2005). A peace regime can function properly only when preceded by the confidence-building of relevant parties. Nevertheless, the institutionalization of peace through a treaty among relevant parties, including the two Koreas, will be able to contribute to sustainable peace on the Korean peninsula. The process of replacing the armistice regime with a peace system that includes components of both a peace regime and functional cooperation can be equated with building the confidence of relevant actors.

In the history of inter-Korean relations, the notion of establishing a peace regime has been proposed as an agenda mainly by North Korea. In 1972, North Korean leader Kim Il-sung proposed a peace treaty between the two Koreas at an interview with *Mainichi Shim-bun*, one of the leading newspapers in Japan. However, North Korea

changed its policy in 1974, arguing that a peace treaty should be signed between the United States and North Korea rather than between the two Koreas. In 1988, the South Korean government also proposed a permanent peace regime in an address to the United Nations. In the mid-1990s, North Korea dismantled the armistice regime by recalling its chief delegate in the Military Armistice Commission and devising a provisional peace agreement between North Korea and the United States to build a “new peace mechanism” on the Korean peninsula in 1996 (*Rodong Sinmun*, February 23, 1996). As a result, four-party talks including the two Koreas, the United States, and China were held from 1997 to 1999 to discuss loosening military tensions and establishing a peace regime on the Korean peninsula.

The first critical issue in establishing a peace regime is deciding who should take part in the process of drafting and signing a peace treaty. North Korea has continuously argued that North Korea and the United States should be the two parties to declare a peace treaty. In contrast, South Korea has shown preference for a direct peace agreement between the two Koreas. North Korea did not want China to be involved in the process of establishing a peace regime on the Korean peninsula, but China was not happy about being excluded from the process. The second issue is whether U.S. forces stationed in South Korea should be withdrawn. North Korea has adamantly insisted the withdrawal of the troops, although the intensity of such demands has weakened since the 1990s. During the 2000 summit, North Korean leader Kim Jong-il even told former South Korean president Kim Dae-jung that Kim Jong-il would be able to allow U.S. troops to be stationed in South Korea even in the wake of unification in order to maintain a balance of power in Northeast Asia (Chang et al. 2011). Again, the establishment of a peace regime was discussed in the six-party talks as a way for relevant parties to resolve nuclear problems on the Korean peninsula.

## Politics of the Peace System: A Peace State Theory Perspective

### *The Nuclear Issue and Inter-Korean Relations*

Despite the reconciliation and cooperation policies of the Kim Dae-jung and Roh Moo-hyun administrations, Pyongyang sought to secure deterrence through nuclear development. It declared possession of a nuclear bomb through a foreign ministry statement on February 10, 2005, evidencing this statement with a nuclear test on October 9, 2006.<sup>3</sup> North Korea's second test occurred on May 25, 2009, despite the Lee Myung-bak administration's coercive policies towards North Korea. Pyongyang reemphasized nuclear deterrence for self-defense. The two incidents indicated that the South's policy regarding the North may not necessarily be a major variable in Pyongyang's decision-making process regarding nuclear possession. Nevertheless, South Korea is a neighboring country to which the North's possession of nuclear arsenal can only be understood as a threat. Seoul's response to the nuclear bomb was to reaffirm its protection offered by the Korea-U.S. alliance. Deterrence offered by the U.S. nuclear umbrella was announced on October 20, 2006, at the Joint Communiqué of the 38th Korea-U.S. Security Consultative Meeting (SCM). Moreover, the United States committed extended deterrence for South Korea, using its full range of military capabilities,

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3. North Korea first announced its withdrawal from the Non-Proliferation Treaty (NPT) through a statement by the North Korean spokesperson dated January 10, 2003. Its foreign ministry spokesperson said that "tremendous military deterrent force" could avert war after the U.S. invasion of Iraq in March 2003 (*Rodong Shinmun*, March 28, 2003). The Chosun Central News Agency issued an editorial statement on August 18, 2003, to proclaim that North Korea will be "unwilling to give up its nuclear deterrent unless the United States expressed a resolve to overturn its North Korean policy." The statement was issued just before the first six-party talks in August 2003. Furthermore, the foreign ministry spokesperson issued a response on September 29, claiming that "actions are taken to strengthen nuclear deterrence in defense of a preemptive nuclear strike by the United States." North Korea's international statements should be weighed in the following order from greatest to least importance: statement of the government; statement of foreign ministry; statement of the foreign ministry spokesperson; talk of the foreign ministry; talk of the foreign ministry spokesperson; and response of the foreign ministry spokesperson.

to include the U.S. nuclear umbrella, conventional arms, and missile defense capabilities at the 41st Korea-U.S. SCM meeting. A committee for extended deterrence was institutionalized on October 2010 after the Cheonan Incident.

North Korea is a military state under siege by the “America-as-the-sole-threat” mentality.<sup>4</sup> Pyongyang’s primary choice is thus to achieve a balance of power through mobilization of its domestic resources. A reactionary choice will also be made by the security state, South Korea, through alliance with the United States. The two Koreas also made secondary choices. Seoul and Pyongyang chose to participate in the six-party talks in pursuit of an engagement policy to reduce perceived threats respective to each nation. The Kim Dae-jung and Roh Moo-hyun administrations implemented a defensive engagement policy intended to change North Korea by expanding functional cooperation. Internally, another policy choice that the Roh Moo-hyun government pursued was the 2020 Military Reform Plan.<sup>5</sup> The Lee Myung-bak administration is currently implementing a transcending policy to reduce security threats from North Korea by taking part in UN sanctions and the Proliferation Security Initiative (PSI), in which North Korea does not participate.<sup>6</sup>

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4. The quoted term is taken from a talk given by the spokesperson of North Korea foreign ministry on August 13, 2003 (*Yonhap News*, August 13, 2003). Moreover, North Korea conducted a nuclear test on July 5, 2006, and justified its balance of power policy at a press conference the next day. In response to a reporter from the Chosun Central News Agency, the foreign ministry spokesperson said, “History teaches us that instability, crisis and even war, rise out of a disruption in the power balance. The Iraqi crisis shows the harsh realities of international relations,” and added that “in the end, it is the development, testing, production and deployment of our missiles that provide power balance, peace and stability in the Northeast Asian region” (*Chosun Central News*, July 6, 2006).

5. For the contradictions evident in the policy lines of the Roh Moo-hyun administration, see Koo (2008).

6. Those who rely on international organizations or institutions where threatening states are not affiliated can transcend their security issues to international society. For other options of middle and small powers including hiding from security threats, accommodating demands from threatening states, engaging, and balancing, see Cho (2009). In contrast, great powers can opt for balancing, bandwagoning, appeasement, and buck-passing (Mearsheimer 2001).



According to the peace state theory, which pursues peace by peaceful means,<sup>7</sup> neither continued balance of power nor one side's absorption of the other based on ascendant power is a desirable option for peace. If war is the worst case scenario, the runner-up is the balance of power. Choosing this option would risk turning a blind eye to the challenges of denuclearizing the Korean peninsula, although such a process may be considered inevitable from a realist perspective (Niebuhr 1992). Equating peace with the balance of power means returning to the Cold War era during which the balance of terror by nuclear weapons was sustained. Some realists assert that nuclear proliferation will lead to negative peace (Sagan and Waltz 2003). Pursuing the balance of power is, however, an option which will only lead to a regressive path of deterioration of the security dilemma, further away from instating peace on the Korean peninsula.

There have been a number of meaningful agreements en route to peace-building, including the the Joint Statement of September 2005, and the Joint Declaration on the ROK-U.S. Alliance and Peace on the Korean peninsula of 2005. These documents contain the views on denuclearization of the parties most directly related to the nuclear issues of the Korean peninsula, namely South Korea, North Korea, and the United States. The 1992 Joint Declaration of the Denuclearization of the Korean peninsula states that the two Koreas shall not test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons. The statement also prohibits nuclear reprocessing and uranium enrichment facilities. While the Joint Statement of September 2005 accepted the 1992 Joint Declaration, it linked denuclearization to the establishment of a peace regime. The following is the first clause of

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7. The peace state as a process-structure is a new polity that rejects peace founded on violent and oppressive apparatuses of the state, pursuing instead peace by peaceful means. The basic principles constituting a peace state are as follows: First, a peace state maintains a legitimate monopoly of violence but keeps it to a reasonable size and minimized level, because it is also a state. Examples include nonprovocative and defensive defense policies. Second, a peace state requires a state mechanism that pursues peaceful and ethical diplomacy. Third, a peace state is founded on a regime of accumulation in economic terms in pursuit of positive peace in which structural violence is eliminated in politico-economic dimensions (Koo 2007).

the Joint Statement of September 2005, defining the roles of the two Koreas and the United States:

1. The Six Parties unanimously reaffirmed that the goal of the six-party talks is the verifiable denuclearization of the Korean peninsula in a peaceful manner.

The DPRK committed to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.

The United States affirmed that it has no nuclear weapons on the Korean peninsula and has no intention to attack or invade the DPRK with nuclear or conventional weapons.

The ROK reaffirmed its commitment not to receive or deploy nuclear weapons in accordance with the 1992 Joint Declaration of the Denuclearization of the Korean peninsula, while affirming that there exist no nuclear weapons within its territory.

The 1992 Joint Declaration of the Denuclearization of the Korean peninsula should be observed and implemented.

The DPRK stated that it has the right to peaceful uses of nuclear energy. The other parties expressed their respect and agreed to discuss, at an appropriate time, the subject of the provision of light water reactor to the DPRK.<sup>8</sup>

The second clause is concerned with normalizing North Korea-U.S. and North Korea-Japan relations, while the third clause commits to the promotion of economic cooperation in the fields of energy, trade, and investment. The fifth clause refers to taking steps in a phased manner, in reflection of the “commitment for commitment” and “action for action” principles as implementation methods of the joint statement. The fourth clause is related to the peace regime:

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8. Joint Statement of the Fourth Round of the Six-Party Talks, <http://www.state.gov/p/eap/regional/c15455.htm>.

4. The Six Parties committed to joint efforts for lasting peace and stability in Northeast Asia.

The directly related parties will negotiate a permanent peace regime on the Korean peninsula at an appropriate separate forum.

The Six Parties agreed to explore ways and means for promoting security cooperation in Northeast Asia.<sup>9</sup>

Denuclearization and the peace regime as contained in the Joint Statement of September 2005 were reaffirmed by Seoul and Washington. In the Joint Declaration on the ROK-U.S. Alliance and Peace on the Korean peninsula, the two presidents shared a common understanding that the process of resolving the North Korean nuclear issue will provide an important basis for a durable peace regime on the Korean peninsula, and expected that the discussions on a peace regime and the six party talks would be mutually reinforcing. The United States agreed to return wartime operational control to South Korea at a defense ministers' meeting on February 24, 2007. The decision came amidst perception that South Korea's exercise of wartime operational control was necessary for a peace regime on the Korean peninsula (S. Lee 2009). At the October 4 Joint Statement of the 2007 South-North Summit, the leaders of the two Koreas recognized the need for a permanent peace regime and agreed to cooperating in advancing the matter of convening with the leaders of the three or four directly involved parties to declare an end to war.

The agreements of February 13 and October 3, 2007 made progress on issues related to Pyongyang's nuclear disablement and North Korea's removal from Washington's list of terrorist sponsor states. U.S.-North Korea relations seemed to approach the final stages of diplomatic normalization. However, the Joint Statement of September 2005's principle of commitment for commitment and action for action was ignored once again, revealing the presence of groups opposed to

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9. Joint Statement of the Fourth Round of the Six-Party Talks, <http://www.state.gov/p/eap/regional/c15455.htm>.

resolution among the six-party countries. Pyongyang responded with a second nuclear test on May 25, 2009, which prompted Seoul's participation in the PSI on the following day. When the UN Security Council responded to North Korea's rocket launch test on April 5, 2009, with a statement by the chairman on April 14, North Korea issued a foreign ministry statement to reject the six-party talks. The UN Security Council resolution no. 1874 of June 12, 2009, was met with the North Korean foreign ministry's announcement weaponizing all of the newly extracted plutonium and the undertaking of uranium enrichment processes. However, Pyongyang did not shut itself off completely from negotiation, as exemplified by a letter to the UNSC chairman by its UN representative written in September 2009, displaying North Korea's readiness to respond to both dialogue and sanctions.

A U.S.-North Korea working-level meeting held on October 24, 2009 was another beginning for bilateral dialogue. North Korea's Chief of U.S. Affairs, Lee Geun, met with the U.S. State Department's special envoy, Sung Kim, in New York to resume the U.S.-North Korea dialogue, which had been intermittent for the past two decades. Stephen Bosworth, U.S. special envoy to North Korea, visited Pyongyang from December 8 to 10, followed by the Chinese Prime Minister Wen Jiabao on October 5, 2009, which was a new landmark in North Korea-China relations. According to Yang Jiechi, China's foreign minister, the summit made significant progress in the denuclearization of the Korean peninsula. After a series of contacts with China and the United States, North Korea decided to put peace back on the negotiation table.

At the 2010 New Year's Joint Editorial, Pyongyang announced its willingness to establish a solid peace regime and realize denuclearization, implying that a peace regime was to precede denuclearization. Previously, the spokesperson of North Korean foreign ministry made a statement on July 22, 2005, arguing that the sources of the nuclear issue—America's hostile policy and nuclear threats directed at North Korea—will disappear when the armistice regime is replaced by a peace regime, finally leading to a denuclearized Korean peninsula.

North Korea expressed a more flexible attitude on January 11, 2010. Calling for a peace treaty among the signatories of the armistice agreement, Pyongyang said that negotiations for denuclearization and a peace regime would take place separately as agreed upon in the Joint Statement of September 2005.

North Korea's strategy to link denuclearization to the establishment of a peace regime derives from its interpretation of President Obama's vision of a nuclear-free world. Since its nuclear test in May 2009, Pyongyang has insisted that nuclear disarmament and CTBT (Comprehensive Test-Ban Treaty) should apply to the Korean peninsula, relating its denuclearization to nuclear disarmament at the international and Northeast Asian levels. Although the United States issued the *Nuclear Posture Review Report* in April 2010 and classified North Korea as a potential adversary for having violated non-proliferation obligations, the main concern of the United States was to stop nuclear proliferation through controlling nuclear materials as shown in the *Nuclear Posture Review Report*: "The threat of global nuclear war has become remote, but the risk of nuclear attack has increased." The Nuclear Security Summit, held from April 12 to 13, 2010, regarded the safe management of nuclear materials as the highest priority, as the expression of "nuclear security" indicates. Hillary Clinton's statement on April 9, 2010, that Pyongyang was in possession of between one to six nuclear weapons can be interpreted as U.S. recognition of North Korea's nuclear status and its strong resolve to stop further proliferation. Therefore, if North Korea returns to the NPT regime, it can bring North Korea-U.S. nuclear conflict to a new dimension. North Korea's publication of a foreign ministry memorandum on April 21, 2010, stating that 1) there will be no overproduction of nuclear weapons, 2) contributions will be made for denuclearization, and 3) care should be given to safe management of denuclearization, could be interpreted as a gesture for further negotiation with the United States, reducing conflicts with neighboring countries.<sup>10</sup>

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10. Of the North Korean memorandum, Gary Seymour, the weapons of mass destruction coordinator at the White House, said that the United States did not recognize

In this context, it is likely that the South Korean government's choice may determine the future of the nuclear problem. The Lee Myung-bak administration has stopped all exchange and dialogue with the North by requiring North Korea to first and foremost give up its nuclear program. Moreover, President Lee's "Denuclearization-Opening-3000 Policy" is a typical developmentalist approach that views North Korea only as a development target. The Cheonan Incident in March 2010 strengthened the severe policies of the South Korean government. Unless Seoul changes its position, denuclearization and establishing peace may not be on the agenda of the six-party talks even if they are resumed. The South Korean government maintains an ambiguous position on the Joint Statement of September 2005. If consensus cannot be reached in the resumed six-party talks, the United States and China may implicitly consider North Korea's nuclear weapons as an existential deterrence and resort to a prolonged stopgap measure of comanagement against nuclear proliferation by North Korea. In other words, North Korea may pursue equidistance diplomacy between the United States and China by taking advantage of its geopolitical strengths (C. Kim 2000) and continue to distance itself from South Korea.

South Korea is a middle power in the six-party talks. While Seoul is not powerful enough to reinitiate the six-party talks, it can exercise a certain degree of influence when the talks are resumed. If South Korea intends to be a peace state, then it may play a leading role in the international context regarding issues such as nuclear disarmament in Northeast Asia and denuclearization of the Korean peninsula. North Korea might choose not to respond to South Korea's peace state initiative. However, as the South will have shown efforts to communicate with a predatory-military state, it will incur no losses. In the least, such a move will lead to progress within South Korea

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North Korea as a nuclear state and that the U.S. policy for complete denuclearization on the Korean peninsula was firm. Seymour also said that the United States was exercising strategic patience in pressing the North (*Hankyoreh*, April 23, 2010).

and enhance the possibility of peace. Although making the peace regime an agenda of the six-party talks is disputable, the benefits will outweigh the costs for Seoul if denuclearization and a peace regime are simultaneously pursued.

*Disputes in the Formation of a Peace Regime on the Korean Peninsula*

The peace regime, when established, will replace the 1953 armistice regime. Although Washington and Pyongyang are working on the agenda-setting of a peace regime on the Korean peninsula, the role of the Lee Myung-bak administration—which differs from the previous Roh Moo-hyun administration—in establishing the peace regime remains unclear. It is also unclear whether the Korean peninsula should transition into a new regime from a temporary ceasefire. Social and political factions that benefit from the armistice regime, or groups whose interests lie in the maintenance or consolidation of the Korea-U.S. alliance, will prefer to restabilize the system of division. They will choose to become strong opponents of the peace regime if the peace regime leads to a loose alliance between Seoul and Washington.

Some conservative right-wing groups wish to pursue unification by absorbing of a collapsed North Korea. Such a unification policy may conflict with the interests of the hegemon (the United States) and would-be hegemon (China), should they prefer the peaceful management of division. On the other hand, some progressive groups support the confederation approach, pursuing tectonic changes in the Korean peninsula and Northeast Asian order by building on the progress in inter-Korean cooperation (S. Park 2009; Paik 2009).

However, there are social and political forces from both the left and right wings that would benefit from transition into a new regime. Neither unification by absorption nor confederation qualifies as a realistic alternative to replace the armistice regime. Absorption of North Korea or the establishment of a confederation of the two Koreas requires an intermediate stage. For those who believe that a new regime to replace the armistice regime is necessary, the peace regime

could be a moderately progressive and realistic alternative. Moreover, the peace regime is a persuasive agenda not only for domestic leftist and rightist groups but also for relevant international actors at the current juncture. Achieving the peace regime, however, will only be realized once disputes at domestic and international levels are resolved. The resolution of such disputes will likely mirror the negotiations over the establishment of the peace regime. The following paragraphs will outline the major disputes that must be addressed.

First, a peace regime refers to a state of nonadversity in which the South and the North, as well as the North and the United States, are no longer threats to each other. Thus, the peace regime negotiation process requires change in the present security discourse, on the basis of which the two Koreas regard one another as enemies. The discussion is bound to transition from security discourse into a peace discourse or peace-seeking security discourse, based on which friendship and cooperation are pursued. In other words, relevant parties must at least rekindle the common-security engagement (S. Kim 2010). Legal frameworks that support security discourse, such as Article III (territorial clause) of the Constitution of the Republic of Korea, the National Security Law, and the Charter of the Workers' Party of North Korea, will have to be revised.

Second, the relationship between the establishment of a peace regime and denuclearization must be addressed. The Lee Myung-bak administration announced the "Denuclearization-Opening-3000 Policy" soon after inauguration as an initiative to provide large-scale economic assistance to the North in return for denuclearization. For Seoul, denuclearization must occur before establishing a peace regime. However, North Korea and the United States will be able to agree to a trajectory in which the two issues are pursued simultaneously, as indicated in the Joint Statement of September 2005. The biggest barrier to the establishment of a peace regime will be the South Korean government's refusal to concede to the approach advocated by North Korea and the United States.

Third, the content and form of the peace regime will also be disputed. A peace regime is a collective form of institutions concerned



with the issue of peace, composed of norms, rules, principles, and processes. A peace treaty declaring the end of war is its major component. Relevant parties will dispute whether the peace treaty will be a binding agreement requiring ratification by the signatory states. Another issue is deciding which states will be the signatories of the peace treaty. President Roh Moo-hyun and Chairman Kim Jong-il suggested talks to be attended by three or four states to declare the end of the Korean War. This caused much contention among the actual signatories of the 1953 Armistice Agreement: the United Nations, China, and North Korea. However, it would be inappropriate to claim that South Korea does not qualify as a directly involved party in declaring a peace treaty solely because it was not a signatory of the armistice, as it was then considered a part of the UN forces. As a general principle, the signatories of an armistice agreement and a peace treaty resolving said armistice do not necessarily have to overlap. There is a possibility that the peace agreement will be concluded by the three major parties of South Korea, North Korea, and the United States, including China as an additional party, although North Korea may not want China to be included as a signatory state. The agenda of the Joint Statement of September 2005 includes the establishment of a peace regime in the form of the Korean peninsula peace forum that will operate separately from the six-party talks. Pyongyang has always wanted the peace treaty to be a bilateral agreement between North Korea and the United States (Chang et al. 2011). However, the participation of more states might be necessary to resolve the dispute over defining the directly involved parties.

Fourth, there may be a dispute over the meaning of denuclearization when discussed in conjunction with the peace regime. After the Obama administration announced its nuclear-free world policy, Pyongyang has been expanding the concept of denuclearization from dismantlement of North Korea's nuclear weapons to include nuclear disarmament at the Northeast Asian level. If North Korea's nuclear development was a reactionary move to the military might of the Korea-U.S. alliance, the North's idea of denuclearization relates to turning the entire Korean peninsula into a nuclear-free zone where in-

and out-bound movement of nuclear weapons will be restricted.<sup>11</sup> Thus, the fundamental questioning of the nature of the Korea-U.S. alliance is inevitable.<sup>12</sup> Although the 1953 Korea-U.S. Mutual Defense Treaty does not directly define North Korea as a threat, the Korea-U.S. alliance has always regarded North Korea as an enemy and threat. U.S. forces are stationed in South Korea because of the perceived threats from North Korea. The peace regime discussion thus may necessitate the transformation or abolition of both South Korea-U.S. and North Korea-PRC alliances.

The right to peaceful use of nuclear energy is also an issue relevant to denuclearization. As can be seen in the Joint Statement of September 2005, North Korea requested provision of light-water nuclear reactors and made clear its position to utilize nuclear energy through uranium enrichment. South Korea is in the beginning stages of talks with the United States regarding the revision of the bilateral agreement for cooperation concerning civil uses of atomic energy. The agreement signed in 1974 and due to expire in 2014 places restrictions on South Korea's reprocessing of spent nuclear fuels. Seoul believes that, since pyro-processing is a powder-based dry process from which nuclear materials cannot be extracted, its spent-fuel treatment should be regarded as recycling and not reprocessing, aiming for a *de facto* reprocessing right recognized by Washington. Pyongyang's uranium enrichment and Seoul's spent-fuel reprocessing claims are both in

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11. Connecting the denuclearization of the Korean peninsula to the creation of a NEA nuclear-free zone is another challenge in building the peace regime. For discussions of nuclear-free zones in other regions, see Acharya and Boutin (1998) and Redick (1981).
  12. Article IV 60 of the Armistice Agreement: "In order to insure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc." For the text of the agreement, go to: [http://www.ourdocuments.gov/print\\_friendly.php?flash=true&page=transcript&doc=85&title=Transcript+of+Armistice+Agreement+for+the+Restoration+of+the+South+Korean+State+\(1953\)](http://www.ourdocuments.gov/print_friendly.php?flash=true&page=transcript&doc=85&title=Transcript+of+Armistice+Agreement+for+the+Restoration+of+the+South+Korean+State+(1953)).

violation of the 1992 Joint Declaration.

Fifth, the role of the United Nations Command (UNC), which currently oversees the armistice agreement, will also be an issue. Some regard the UNC as an auxiliary organization of the UN, while others believe that it is a multinational force led by the United States. In the case of the former view, the UNC can be dissolved by a UNSC resolution. However, if the UNC is regarded as a command of South Korea-U.S. combined forces, then it can be dissolved without a UN decision even before a peace treaty is signed.<sup>13</sup> There is an ongoing dispute regarding whether the UNC should be abolished and replaced by a new peace-keeping organization or whether it should be given a new peace-keeping role. The proposed peace-keeping institutions vary from a four-party (South and North Korea, the United States, and China) joint military commission and joint peace management council of the two Koreas to an international peace monitoring commission (Peace and Unification Institute 2010).

Sixth, the relation between a peace regime on the Korean peninsula and multilateral security cooperation in Northeast Asia is also an issue that must be resolved. Unlike in Europe, bilateral alliances are the dominant form of military cooperation in Northeast Asia as shown by the Korea-U.S., Japan-U.S., and Sino-North Korea alliances. Sustainability of the peace regime will be seriously undermined if the regime's pursuit of security on the Korean peninsula is not supported by multilateral cooperation for the security of Northeast Asia. The peace regime and multilateral security cooperation are not in a sequential relationship but are issues to be confronted simultaneously within the context of peace regime establishment.

### *The Path for a Peace System*

Other disputes that must be resolved before the establishment of a peace regime include the disarmament of the Korean peninsula and

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13. As pointed out by Jeong (2009), the UNC's official name is not the "United Nations Command" but "Unified Command" under the U.S. control.

the diplomatic relationships between the United States, Japan, and North Korea. The normalization of U.S.-North Korea relations might be a precondition for peace (K. Park 2009). However, normalization will not be a precondition but an end result together with a peace treaty, considering the history of conflicts between the United States and North Korea.

A balance of fear may return or a new peace process may begin on the Korean peninsula and in Northeast Asia. What can peace-seeking groups do in this context of significant political change? Following democratization and the Cold War, South Korea's domestic politics became a critical variable influencing Northeast Asian international politics. The issue of building a peace regime on the Korean peninsula is also influenced by South Korea's domestic politics. When the South Korean government can set realizable steps based on domestic consensus regarding the peace regime, international consensus will be reached as well. However, the Lee Myung-bak administration does not want the peace regime to be on the national or international agenda. Nevertheless, peace-seeking groups should question what needs to be done for the establishment of a peace regime on the Korean peninsula and persuade the Lee administration to set an agenda. Prior to developing an official national agenda for establishing a peace regime, two principles should be emphasized. One is the principle of antiwar, antinuclear, and peace. The other is the principle of peace by peaceful means. In addition, rather than passively accepting the absence of war as a form of peace, peace-seeking groups should search for more positive peacemaking methods that can improve citizen's quality of life.

Future objectives can be organized into global, Northeast Asian, and inter-Korean levels. First, the Obama administration's nuclear-free world initiative is an opportunity to reestablish a global peace discourse. The initiative stems from U.S. acknowledgment that nuclear arsenal is no longer beneficial to its national security. Still, the initiative provides momentum to the principle of antinuclear and peace at the global level. South Korean government and civil society should strive to include the right to peace within international human rights by establishing a network of peace-oriented states and through

the solidarity of peace-oriented social and political forces within civil societies around the world.

Second, South Korea's state and civil society should seek beyond autonomy or alliance—the two alternatives constrained by the realist theory of the balance of power—and pursue the dismantling of the Northeast Asian Cold War system in order to achieve multilateral security cooperation and Northeast Asian denuclearization. International security cooperation is essential for the establishment of a peace regime on the Korean peninsula. The resumed six-party talks may provide an opportunity through which such a mechanism can be established at the Northeast Asian level.

Third, the two Koreas must critically reflect upon the so-called June 15 discourse. Although inter-Korean economic cooperation can be the basis for a working peace system on the Korean peninsula, the functionalist approach may not result in politico-military cooperation as exemplified by Pyongyang's nuclear tests. The other reflection is related to a more fundamental issue that as the two Koreas delve deeper into processes of reconciliation and cooperation, South Korea must worry about incurring costs and North Korea about the collapse of its regime. The dilemmas of inter-Korean relations can only be overcome by establishing a peace regime on the Korean peninsula. Inter-Korean relations after the peace regime can become an open-ended issue, as the regime will mandate state-to-state participation by the two Koreas.

Last but not least, it must be reemphasized that regime transformation within the two Koreas is imperative for sustainable peace on the Korean peninsula. The main point of the peace state theory is that there should be no more arms races between the two Koreas and that positive peace should be achieved. North Korea's nuclear development is an act that degrades the quality of life of its people, and this is not a criticism merely against the allocation of available resources in North Korea. Nuclear development significantly undermines the North Korean people's perceptions of peace and environment. Moreover, heightened military tension through deterrence will strengthen military-industrial complexes and weaken peace-making forces on the Korean peninsula and in Northeast Asia. Above all, South Korean

politics must carefully consider and develop the values of peace, environment, and welfare so that they can be shared with the North in inter-Korean functionalist exchange and in the South's developmental assistance to the North.

### **Conclusion: The Peace System and Unification**

There are two different views regarding the relationship between the peace regime and unification. First, peace regime establishment can be regarded as a component of the unification process. Second, if a peace regime can be defined as an international regime in which the South and the North take part in a state-to-state relationship, the two Koreas may determine whether to pursue unification after the regime is founded. The relation may lead to either unification or co-existence. Unification by absorption of North Korea should reemerge as an alternative only when there is a sudden crisis in North Korea. However, if the Korean peninsula is stabilized after the establishment of the peace regime, the South and the North should work together to decide the future of the Korean peninsula.

If building the peace regime requires consent from the United States, China, and other neighboring Northeast Asian countries, unification within the peace regime will be determined by domestic and inter-Korean level variables. Unification is more likely to occur when the South and the North can agree and cooperate on a unification method at each nation's domestic level, regardless of whether the United States and China prefer a peaceful management of Korean division. In other words, increased public support for unification in South and North Korea,<sup>14</sup> followed by the formation of and coopera-

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14. According to a 2010 survey on public perceptions of unification by Seoul National University's Institute of Unification and Peace Studies, respondents felt a stronger need and had higher expectations for unification than before, but viewed the issue of unification with a strong realist approach. More than 50% of respondents said that unification is both necessary and beneficial to South Korea, but only 24% said that it would bring personal gains.

tion between social and political groups capable of generating unification discourse, will be the building blocks of a peace regime leading to unification. Consent to unification will not *a priori* determine the unification method. There will be a fierce competition among various options such as unitary nation-state, compound state, network knowledge-based state, and more (Chun 2009).

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