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## The “Termination” of the Korean War, the “Dissolution” of the United Nations Forces and Their Influence on Japan

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### Will the United Nations Forces in Korea Dissolve for the First Time in Approximately 70 Years?

There is a growing conciliatory mood over the situation in Northeast Asia, fueled by the first-ever United States-North Korea summit between President Donald Trump of the U.S. and Chairman of the Workers’ Party of Korea (WPK) Kim Jong-un of North Korea held in Singapore on June 12, 2018. The “Panmunjeom Declaration” signed by Chairman Kim and President Moon Jae-in of the Republic of Korea (ROK) on April 27, ahead of the summit, stated that a “termination” of the Korean War that is in a state of armistice would be declared as early as by the end of the year. President Trump, too, noted that the Korean War would “soon end” in his press conference following the U.S.-North Korea summit. The Korean War broke out in June 1950. The United Nations Forces in Korea (UNFK) established in accordance with U.N. Security Council Resolution 84 intervened in the war in July 1950, and the Chinese People’s Liberation Army (PLA) under the name of the People’s Volunteer Army entered the war in October 1950. Armistice negotiations began in July 1951, and the armistice was agreed in July 1953. Should the termination of the Korean War be declared by the end of 2018, the UNFK could be dissolved for the first time in approximately 70 years.

The UNFK (more precisely, a multinational force) is comprised of forces from 18 countries centered around

the U.S. forces. It monitors the implementation of the Armistice Agreement and, in the event that North Korea breaches the Armistice Agreement and engages in military provocations against the ROK, provides a scheme for calling in forces from various countries to the ROK to defend the country. The Commander of the ROK/U.S. Combined Forces Command (CFC) concurrently serves as the Commander of the UNFK.

Should the UNFK be dissolved, it could conceivably have an influence on Japan to some extent. This will be examined through the changes that have taken place since the 1970s, when the dissolution of the UNFK was previously given serious consideration.

### Relationship between the UNFK and Japan

The UNFK has strong ties to Japan. The U.N. Command (UNC) was initially established in Tokyo under allied occupation, following the outbreak of the Korean War. Even after the headquarters was relocated to Seoul in July 1957, UNC-Rear was located in Zama and is located in Yokota (since November 2007). UNC-Rear is small in scale, currently comprised of four personnel in total—1 Canadian personnel and 2 U.S. personnel under an Australian commander (Air Force Group Captain). In addition, military attachés from Australia, the United Kingdom, Canada, France, Turkey, New Zealand, the Philippines, and Thailand are stationed at their respective embassies in Tokyo as liaison officers of the UNFK (if the UNFK is dissolved, UNC-Rear in Japan would also be dissolved within 90

days in accordance with the Agreement Regarding the Status of the U.N. Forces in Japan (U.N. SOFA) that is discussed later). In September 1951, Prime Minister Shigeru Yoshida of Japan and Secretary of State Dean Acheson of the U.S. exchanged notes at the time of the signing of the former Japan-U.S. Security Treaty, in which the Government of Japan committed to supporting the actions of the UNFK through the provision of bases and services in Japan (the notes exchanged remain in effect to this day pursuant to the “Exchanged Notes, Regarding Exchanged Notes between Prime Minister Yoshida and Secretary of State Acheson” exchanged between the two governments in January 1960 at the time of the revision of the Japan-U.S. Security Treaty). In June 1954, following the restoration of Japan’s sovereignty, the U.N. SOFA was concluded between Japan and 11 of the 18 UNFK member countries (excluding Belgium, Colombia, Denmark, Greece, the Netherlands, Norway, and the ROK), in accordance with the notes exchanged between Yoshida and Acheson. The 11 countries are: the U.S.; Australia; Canada; France; Italy; New Zealand; the Philippines; South Africa; Thailand; Turkey; and the U.K. Based on U.N. SOFA, the bases of the U.S. forces in Japan (USFJ) in Zama, Yokosuka, Sasebo, Yokota, Kadena, Futenma, and White Beach are bases of the U.S. forces as well as bases of the U.N.

The UNFK’s presence has been thought to influence Japan on two fronts. First, direct combat operations on the Korean Peninsula undertaken by USFJ acting as the U.N. forces have been considered not subject to the “prior consultation system” of the Japan-U.S. Security Treaty. In accordance with the “Notes Exchanged between Prime Minister Nobusuke Kishi and Secretary of State Christian Herter” in January 1960 at the time of the revision of the Security Treaty, direct combat operations of USFJ are the subject of prior consultation with the Government of Japan, similar to introduction of nuclear weapons into Japan. However, in the

“Korean Minute” that was agreed upon between the two governments at the time and whose existence had long been concealed (its existence became known in 2010 by an inquiry of the Ministry of Foreign Affairs of Japan), it is stated that prior consultation with the Government of Japan would be unnecessary for the actions of USFJ, if the actions are undertaken not as those of the U.S. forces but as those of the U.N.

Secondly, the use of the U.N. bases in Japan is open to the U.S. forces as well as to non-U.S. forces. Forces of the aforementioned 11 countries may utilize the U.N. bases in Japan based on U.N. SOFA. If the Armistice Agreement is broken and the Korean War resumes, the bases would host the support forces from these countries. On a side note, prior consultation is an arrangement incidental to the Japan-U.S. Security Treaty and does not apply to the U.N. forces in Japan, aside from the U.S. forces. If the Korean War resumes, the role of the U.N. forces in Japan, aside from the U.S. forces, would be limited to logistics supports as provided for in the “Agreed Official Minutes Relating to U.N. SOFA”; direct combat operations are not envisioned as part of the role of U.N. forces.

### **A Look Back at the UNFK Dissolution Issue in the 1970s**

In fact, this is not the first time that the dissolution of the UNFK has become a realistic possibility. In February 1972, President Richard Nixon visited China, and reconciliation was achieved between the U.S. and China, two countries that fought each other in the Korean War and have long had a hostile relationship. The reconciliation between major warring parties of the Korean War (the U.S. forces fulfilled a central role in the U.N. forces that fought in the Korean War, while the Chinese People’s Volunteer Army de facto commanded the Korean People’s Army of North Korea during the war), coupled with the replacement of the Republic of China (Taiwan) by the People’s Republic of China as

the representative of China on the U.N. in the previous year in October 1971, gave rise to discussions in the international community on dissolving the UNFK. In November 1975, North Korea's Resolution 3390B requesting the unconditional dissolution of the UNFK was adopted at the U.N. General Assembly (however, the ROK's Resolution 3390A that opposed the dissolution was adopted at the same time, and the two resolutions offset each other's effects).

As far as Japan was concerned, the key question at the time relating to this issue was the handling of the Korean Minute. The Korean Minute of 1960 provided that direct combat operations on the Korean Peninsula undertaken by USFJ acting as the U.N. forces are not a subject of prior consultation. If the UNFK is dissolved, there may be no grounds for making such actions of USFJ not a subject of prior consultation.

Within the Nixon administration at the time, this matter was discussed behind-the-scenes at a meeting of the Senior Review Group of the National Security Council (NSC) held on June 15, 1973. At this meeting, Admiral Thomas Moorer, Chairman of the Joint Chiefs of Staff, viewing that the Korean Minute could potentially lose effect, expressed concern that, "That means we will have to renegotiate our treaty with the Japanese." In fact, prior to this meeting, in the "Joint Statement of Prime Minister Eisaku Sato and President Nixon" of November 1969, Japan vowed that the security of the ROK was "essential to Japan's own security." Furthermore, immediately thereafter, Prime Minister Sato, in an address delivered at the National Press Club in Washington, D.C., stated the position that "the policy of the Government of Japan towards prior consultation would be to decide its position positively and promptly" regarding USFJ's direct combat operations in a contingency on the Korean Peninsula. These were the culmination of the efforts made by the Government of Japan to overwrite the secret agreement, the Korean Minute, with public announcement.

Knowing this full well, at the Senior Review Group meeting, Japanese expert Richard Sneider, Deputy Assistant Secretary of State, explained in response to Moorer's concern that, "We have an agreement with the Japanese aside from the U.N. Command, which was confirmed just recently in the Nixon/Sato communiqué. There is a general statement by the Japanese on the public record that they will support us in any hostilities that may break out in Korea." According to an NSC document that recounts this meeting, however, one of the people attending the meeting, Henry Kissinger, Assistant to the President for National Security Affairs who tended to adopt a firm attitude towards Japan, responded bluntly to Sneider's explanation: "How much can you rely on that?"<sup>1</sup> In the following year, on March 29, 1974, the NSC formulated the "National Security Decision Memorandum (NSDM) 251." Reflecting such concerns of Kissinger, the U.S. oriented temporarily towards a policy of "seek[ing] an explicit agreement from the Japanese Government which would extend the secret 1961 [sic] Kishi Minute to the U.S.-Japan Mutual Security Treaty following termination of the UNC."<sup>2</sup>

In response, the U.S. Embassy in Japan offered the view that the U.S. should not touch the Korean Minute, from the viewpoint of political considerations for the Government of Japan.<sup>3</sup> In the end, on July 29 of the same year, the President himself made the following decision: "[D]uring discussion with the Japanese Government on the future of the U.N. Command, take the position that we are confident termination of the U.N. Command will not adversely affect our ability to deter a North Korean attack, even though the U.N. cover and the U.N. SOFA for Japan are terminated, and that no further formal U.S.-Japanese actions are required." In short, a conclusion was reached not to raise the amendment of the Korean Minute with Japan.<sup>4</sup>

In contrast, the use of the bases in Japan by non-U.S.

forces of the parties to U.N. SOFA never became a focal issue over and above the issues related to the Korean Minute. When it was still presumed that the U.S. would raise the amendment of the Korean Minute with Japan, the aforementioned NSDM/251 had already set out that the U.S. would “not seek any extension in Japan of third country basing rights under the U.N. Status of Forces Agreement following termination of the UNC.” It can be construed that the bases were hardly expected to function as hosts of support forces.

### The Multilateral Nature of U.S./U.N. Bases in Japan

As regards the influence of the UNFK’s dissolution on present-day Japan, one of the differences since the 1970s is that the Korean Minute has declined in importance. Even if USFJ does not have U.N. forces status, in the case that USFJ has a military need to engage in direct combat operations in a contingency on the Korean Peninsula, which is closely linked to the security of Japan, it is difficult to imagine, at least in the short-term, without even referring to Prime Minister Sato’s speech of 1969 or other sources, that the Government of Japan would say “No” to such USFJ operations in the prior consultation, leaving aside cases where the prior consultation is used as a forum for maintaining communication and sharing information between the two governments. Moreover, if the U.S. Government were to utilize the Korean Minute to override this position of the Japanese Government, it would likely cause irreparable harm to the relationship of trust of the Japan-U.S. Alliance that has continued to be fostered since the 1970s. Accordingly, it appears that even if the UNFK is dissolved, it would actually have little influence on the situation surrounding the use of USFJ bases in a contingency on the Korean Peninsula.

<sup>5</sup>

Meanwhile, there is now increasing attention being paid to cases of utilizing U.N. bases in Japan for uses

that were not imagined initially at the time of concluding U.N. SOFA and hardly imagined even in the 1970s—namely, utilizing the bases as hubs for multilateral security cooperation by non-U.S. forces of the parties to U.N. SOFA in situations other than a Korean Peninsula contingency. For example, in April 2018, patrol aircraft of the Australian and Canadian forces utilized the Kadena base to monitor North Korea’s “ship-to-ship transfers,” or smuggling at sea for the purpose of evading U.N. sanctions. U.N. SOFA was the basis by which the two forces were able to utilize the base in Japan.<sup>6</sup> Needless to say, the patrols were operations that contribute to Japan’s policy toward North Korea. On the other hand, observers note that some aspects are unclear regarding the use of the bases in Japan by non-U.S. foreign forces and that there is room for improvement.<sup>7</sup>

Against the backdrop of the deepening Japan-U.S. Alliance and advances in multilateral security cooperation, the potential influence of the UNFK’s dissolution on Japan has changed since the 1970s, albeit Japan will still be impacted to some extent. Even if the Korean War is terminated and the Armistice Agreement is replaced with a peace agreement, some view that the UNFK could continue to exist by shifting its duties from deterring North Korean aggression to maintaining peace on the Korean Peninsula.<sup>8</sup> In this regard, the UNFK’s functions may be flexible and ever-shifting. If the easing of tensions in Northeast Asia leads to a “termination” of the Korean War and results in the “dissolution” of the UNFK, discussions on the relationship between the UNFK and Japan, covering not only the aspects of the use of U.S./U.N. bases in Japan, in a Korean Peninsula contingency but also the multilateral nature of these bases that extend beyond the Japan-U.S. bilateral context, will likely become unavoidable. (Submitted on July 3, 2018)

<sup>1</sup> U.S. Department of State, *Foreign Relations of the United States, 1969-1976, Documents on East and Southeast Asia, 1973-1976* Vol. E-12 <<https://history.state.gov/historicaldocuments/frus1969-76ve12/d238>> (accessed on July 3, 2018).

<sup>2</sup> “National Security Decision Memorandum 251,” March 29, 1974, p. 2, Federation of American Scientists <[https://fas.org/irp/offdocs/nsdm-nixon/nsdm\\_251.pdf](https://fas.org/irp/offdocs/nsdm-nixon/nsdm_251.pdf)> (accessed on June 29, 2018).

<sup>3</sup> See “Japan-NSSM 172 6, Action Memorandum to the Secretary from Ingersoll,” April 24, 1974, National Security Adviser, Box 4, Gerald R. Ford Presidential Library (Ann Arbor, Michigan).

<sup>4</sup> “National Security Decision Memorandum 262,” July 29, 1974, p. 2, Federation of American Scientists <[https://fas.org/irp/offdocs/nsdm-nixon/nsdm\\_262.pdf](https://fas.org/irp/offdocs/nsdm-nixon/nsdm_262.pdf)> (accessed on June 29, 2018).

<sup>5</sup> However, the Korean Minute’s legal validity in a strict sense has not necessarily been clarified between Japan and the U.S. even now. See Yasuaki Chijiwa,

“Nichi-Bei ‘Mitsuyaku’ Yushikisha Iinkai Hokokusho wo Yomu [understanding the report of the Advisory Committee on Japan-U.S. ‘Secret Agreements’],” *NIDS Komentari* [NIDS Commentary], No. 8 (April 14, 2010) <<http://www.nids.mod.go.jp/publication/commentary/pdf/commentary008.pdf>> (accessed on June 26, 2018).

<sup>6</sup> See *Nihon Keizai Shimbun*, June 8, 2018.

<sup>7</sup> Hikaru Tomizawa, “Nik-kan Kankei to Kokurengun Chiikyotei: Chosen Hanto ni okeru Kokurengun (Takokusekigun) no Sonzai Igi to Wagakuni no Taio [Japan-ROK relations and the Agreement Regarding the Status of the United Nations Forces in Japan: The significance of the United Nations Forces (multinational force) on the Korean Peninsula and Japan’s responses],” *Boeigaku Kenkyu* [Defense Studies], No. 52 (March 2015), pp. 71-82.

<sup>8</sup> See Kim Doo-seung, “Kokurengun Shireibu Taisei to Nichi-Bei-Kan Kankei: Iwayuru Chosen Hanto Yuji ni Shoten wo Awasete [the regime of United Nation’s Command and Japan-US-Korea Relations],” *Rikkyo Hogaku* [St. Paul’s Review of Law and Politics], No. 86 (October 2012), p. 53.

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