

Chapter 3

The Korean Peninsula

Prospects of the “Denuclearization”
Negotiations

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Shortly before the South and North Korean leaders issued the Panmunjom Declaration on Peace, Prosperity and Reunification of the Korean Peninsula that enshrines its “complete denuclearization,” the Central Committee of the Workers’ Party of Korea (WPK) of the Democratic People’s Republic of Korea (DPRK, or North Korea) adopted a resolution, which confirms a doctrine that rests on maintaining nuclear weapons. According to the resolution, North Korea’s nuclear test ground will be dismantled towards “worldwide nuclear disarmament.” North Korea’s underlying view is likely that possession of nuclear weapons is permitted if and until “complete denuclearization” is realized in line with “worldwide nuclear disarmament.” In fact, the Party Central Committee confirmed that North Korea will not “transfer nuclear weapons or nuclear technology,” similar to the obligation of nuclear-weapon states under Article 1 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

In the Panmunjom Declaration and the Pyeongyang Joint Declaration of September 2018 (Pyeongyang Declaration), the DPRK strongly hinted that denuclearization of the Korean Peninsula would be deemed as establishment of a Nuclear-Weapon-Free Zone (NWFZ), precluding US extended nuclear deterrence. The DPRK approach is consistent with the “security guarantees” it defined in the past, and if the country follows through with it, could have impacts on the standing of the United States Forces Korea (USFK). Moreover, if “worldwide nuclear disarmament” is a requirement for North Korea’s nuclear abandonment, a NWFZ cannot be established until this requirement is fulfilled. North Korea’s requirement is not limited to the negative security assurance (NSA) that the United States will not carry out nuclear attacks. There is thus concern that North Korea may be trying to avoid its obligation of getting rid of nuclear weapons in exchange for NSA.

Furthermore, the possible establishment of a peace regime on the Korean Peninsula that excludes the People’s Republic of China (PRC, or China), as indicated in the Panmunjom Declaration, is similar to the content of the declaration of the second inter-Korean summit (2007). A few months following the declaration, North Korea succeeded in getting China to condemn the US-ROK alliance as a “leftover,” which had not been China’s conventional position. In addition, ever since Kim Jong Un, Chairman of the WPK and Chairman of the State Affairs Commission of the DPRK, held his first China-North Korea Summit prior to the release of the Panmunjom Declaration, North Korea continued

not to confirm China’s role in the establishment of a peace regime, and in the Declaration, encouraged China, a country interested in such a regime, to enhance its collaboration.

Meanwhile, the Moon Jae-in administration of the Republic of Korea (ROK, or South Korea), with a view to leading the establishment of a peace regime, communicated Chairman Kim Jong Un’s message to Donald Trump, President of the United States, and obtained his consent to hold a US-North Korea Summit. In order to end the “division system” and stabilize North-South relations, President Moon Jae-in, in the Panmunjom Declaration released with Chairman Kim Jong Un, enshrined denuclearization and agreed to stop loud-speaker broadcasting and scattering of leaflets in the areas along the Military Demarcation Line (MDL) and to turn the areas along the Northern Limit Line (NLL) in the Yellow Sea into a maritime peace zone for easing military tension between the two Koreas.

As regards the US-ROK alliance, the two countries announced they would suspend their regular US-ROK joint military exercise as a measure towards establishing the peace regime agreed upon at the US-North Korea Summit. If the exercises are suspended for a long time, however, it could adversely affect US-ROK joint operational capabilities. Furthermore, in response to changes in the situation surrounding the Korean Peninsula, the ROK updated “Defense Reform 2.0,” an initiative under consideration since the Moon administration was established—namely, the sections concerning an offensive operations scheme against North Korea, including preemptive attack and retaliation. As South Korea strives to establish a peace regime, attention will be paid to the arrangements resulting from US-ROK discussions on the deterrence posture and the role of their alliance, including negotiations on the transfer of wartime operational control (OPCON) and cost-sharing for the stationing of the US Forces.

1. North Korea: Nuclear Program and Negotiations

(1) “Denuclearization” that Sustains Nuclear Weapons

On April 27, 2018, at the third inter-Korean summit ever conducted, the two leaders agreed on the Panmunjom Declaration in which they confirmed “the common goal of realizing, through complete denuclearization, a nuclear-free Korean Peninsula.” However, shortly before this, the Plenary Meeting of the

Party Central Committee that was convened under the leadership of Chairman Kim Jong Un adopted a resolution (Party Central Committee resolution) that reaffirmed basically the existing doctrine necessary for the use of nuclear weapons. According to the resolution, “the DPRK will never use nuclear weapons...under any circumstances unless there are nuclear threat and nuclear provocation against the DPRK.”¹ Such North Korean policy which strongly suggests sustaining nuclear weapons may be to blame for the failure to agree on a denuclearization timetable in the subsequent US-North Korea Singapore joint statement (June 12). This view is explained more in the following.

Firstly, the Party Central Committee resolution states that North Korea’s discontinuance of nuclear tests is “an important process for the worldwide nuclear disarmament.” As this resolution strongly suggests, if “complete denuclearization” in the Panmunjom Declaration stands as a challenge to realizing “worldwide nuclear disarmament,” then a doctrine for the use of nuclear weapons will be necessary until such a future.

In the last decade or so, North Korea has had a noticeable tendency to provide such an explanation, which could be construed as meaning North Korea will not abandon its nuclear weapons until worldwide denuclearization is realized. Roughly half a year after President Barack Obama of the United States delivered an address on “a world without nuclear weapons” in Prague in 2009, North Korea’s representative to the United Nations (UN) stated to a meeting of the First Committee of the 64th UN General Assembly, “When the states with the largest nuclear arsenals take the lead in nuclear disarmament, it will positively influence the newly emerged nuclear weapons states in various parts of the world,” and noted North Korea’s position that this “also contribute[s] to total elimination of nuclear weapons on this globe.”²

If the obligation of “complete denuclearization” is defined as part of “worldwide nuclear disarmament” and it is understood that countries are entitled to possess nuclear weapons until “worldwide nuclear disarmament” is realized, then this could resemble the commitment of the nuclear-weapon states to negotiate a treaty for “general and complete disarmament” under the NPT.³ In fact, North Korea’s “position of nuclear-weapons state for self-defense” was made into law in 2013.⁴

Under this legislation, North Korea, a “nuclear-weapons state for self-defense,” is to “establish a mechanism and order for their safekeeping and management so that nukes and their technology, weapon-grade nuclear substance

may not leak out illegally,” similar to the obligation of nuclear-weapon states prescribed in Article 1 of the NPT. The Party Central Committee resolution of 2018 upholds this and reconfirms that North Korea will not “transfer nuclear weapons or nuclear technology.” It can be said that the resolution basically maintains North Korea’s previous claim to a similar standing as nuclear-weapon states under the NPT.

Secondly, the 2013 legislation states that until “the world is denuclearized,” North Korea will use nuclear weapons as a means to retaliate in the case of “invasion or attack from a hostile nuclear-weapons state.” The Party Central Committee resolution adopted prior to the Panmunjom Declaration seemingly introduced a stricter policy of nuclear use which limited nuclear retaliation to cases of “nuclear threat and nuclear provocation” (however, the text of the resolution does not rule out responses using nuclear weapons, even in cases where an adversary’s threat or provocation did not amount to nuclear attack).⁵

North Korea agreed to the Panmunjom Declaration of April 2018, including “complete denuclearization,” upon confirming this nuclear doctrine. North Korea also reconfirmed this position prior to the US-North Korea Summit in June. According to a statement by the Nuclear Weapons Institute of the DPRK regarding “dismantlement” of the northern nuclear testing site, “the discontinuance of the nuclear test is an important process moving towards global nuclear disarmament, and we will continue to join hands with the world peace-loving people in building a nuclear-free peaceful world.”⁶

Thirdly, on the same day as this statement, the Vice-Minister of Foreign Affairs of the DPRK issued a press statement. The statement condemns Mike Pence, US Vice President, and John Bolton, US National Security Advisor, noting that they who compare North Korea to Libya “have not yet woken up to [this] stark reality.”⁷ As a result, President Trump announced a temporary suspension of the US-North Korea Summit. If the dismantlement of the nuclear testing site is “an important process for the worldwide nuclear disarmament” and, as stated in a

Rodong Sinmun editorial a few days later, if North Korea advances “the path taken by itself according to its timetable,”⁸ the denuclearization timetable could be completed only with “worldwide nuclear disarmament.”

In other words, North Korea’s explanation stressing that it has taken steps towards “worldwide denuclearization” can be viewed as the country’s denial of the Libya model, which did not wait for completion of denuclearization. Indeed, the US-North Korea Singapore joint statement of June 12, while it does not disclose the details of the discussions that led to it, did not present a clear denuclearization timetable despite enshrining the “complete denuclearization” of the Korean Peninsula similar to the Panmunjom Declaration of the inter-Korean summit.

(2) Are “Security Guarantees” Consistent with Non-Proliferation?

President Trump committed to provide security guarantees to North Korea in the US-North Korea Singapore joint statement. North Korea has not explained publicly whether these security guarantees refer to guarantees that North Korea would not be subject to US nuclear attacks or nuclear threat, i.e., NSA. In the past, North Korea has underscored the United States’ failure to comply with NSA as a reason for its nuclear armament. In a statement released by the North Korean Ministry of Foreign Affairs (MFA) in 2002, it is noted that North Korea will pursue nuclear armament as the United States did not adhere to its commitment not to pose a nuclear threat or conduct a nuclear attack against North Korea and did not follow the “basic spirit” of the NPT.⁹

NSA distinguishes nations like the United States, which provide assurance and sustain their nuclear weaponry, and others, which have to refrain from acquiring nuclear weapons for receiving assurance. Unlike the concept of “worldwide nuclear disarmament,” NSA does not lead to denuclearizing both types of nations. If North Koreans demand “worldwide nuclear disarmament” instead of NSA, such an attitude suggests that they lack the will to return to the NPT, where the nation cannot receive legitimacy equal to the United States, China, and others in sustaining nuclear weapons.

A definition of “security guarantees,” which North Korea is believed to have last made public before beginning to avoid explaining it, can be found in a statement by a spokesperson of the North Korean government of July 6, 2016. According to this statement: (1) the United States will disclose nuclear weapons it brings into the ROK, (2) the nuclear weapons and “their bases” must be dismantled and

verified, (3) the United States will guarantee that it will never bring again nuclear strike means which are deployed rotationally on the Korean Peninsula and in “its vicinity,” (4) the United States will commit to neither intimidating the DPRK with nukes or through an act of nuclear war nor using nukes against the DPRK in any case, and (5) the United States must declare withdrawal of US Forces holding the “right to use nukes” from the ROK. The statement notes that if “such security guarantee” is made, North Korea will take corresponding measures which will open up a “breakthrough” in “denuclearization on the Korean Peninsula.”¹⁰

Among the above “security guarantees,” the fourth clause, which demands the United States to refrain from using nuclear weapons against North Korea, gives an impression like NSA. However, historical arguments exhibit that NSA must be provided to nations in exchange for their abstention from acquiring nuclear weaponry. The second and fifth clauses seemingly deny such a condition, because, even after the United States gives the guarantee to the DPRK against the threat or use of nuclear weapons, the remaining US troops or bases which North Koreans claim to be able to operate nuclear weapons would allow them to insist the legitimacy of sustaining nuclear capabilities. If so, the “security guarantees” in the statement of the spokesperson of the North Korean government differ from NSA in the general discourse. Furthermore, even if all of the requested items are met, it will no more than open up a breakthrough for denuclearization. The logic is not structured such that North Korea will denuclearize if there are security guarantees.

Additionally, in the third clause, the DPRK requests a ban on rotational deployment of strategic assets (a discussion that arose out of the US-ROK alliance in response to the increasing nuclear threat from North Korea¹¹). Coupled with the ban on nuclear attacks in the fourth clause, it can be observed that North Korea, as part of the “security guarantees,” demands a NWFZ where the United States can no longer provide extended nuclear deterrence, the promise of nuclear retaliation, to the ROK.¹²

In December, six months after the Singapore joint statement, North Korea’s state-run Korean Central News Agency (KCNA) reported that the United States regards the “partial concept” of “denuclearization of North Korea” as the same as “denuclearization of the Korean Peninsula,” and asserted that the agreement on “denuclearization of the Korean Peninsula” refers to “removing all elements of nuclear threats from the areas of both the north and the south of Korea and

also from surrounding areas from where the Korean Peninsula is targeted.”¹³ This stance was perhaps foreseeable from the Panmunjom Declaration of April.

The agreed common goal of realizing “*Haek onnun Hanbando* (a nuclear-free Korean Peninsula)” in the Panmunjom Declaration was translated into English as “turning the Korean Peninsula into a nuclear-free zone” by KCNA.¹⁴ The subsequent Pyeongyang Declaration of September stated that North Korea will make the Korean Peninsula “a land of peace free from nuclear weapons and nuclear threats.” It did not state North and South Korea as the parties that are banned from possessing nuclear weapons or posing a nuclear threat, further giving the impression of a NWFZ. The Joint Declaration on the Denuclearization of the Korean Peninsula explicitly prohibited only North and South Korea from conducting nuclear attacks, so it did not prevent US extended deterrence for South Korea. It is unlikely that North Korea fails to understand this point.

If North Korea, as it strongly hinted with regard to its suspension of nuclear tests in 2018, is to maintain its nuclear weaponry until there are moves to realize worldwide nuclear disarmament, it will likely mean a NWFZ cannot be established on the Korean Peninsula until the United States has significantly reduced its nuclear weaponry and the provision of extended nuclear deterrence to the ROK has terminated. Realizing a NWFZ under such terms is not easy to do in reality. North Korea’s rational objective in this case may not be establishment of NWFZs themselves but to deny the legitimacy of the presence of the US Forces that could interfere with the establishment of a NWFZ in Northeast Asia, and use this as a reason to continue to justify its own nuclear armament.

As for the peace treaty that the North and South agreed upon as a goal in the Panmunjom Declaration, the discourse repeated by North Korea in the past strongly implies that the conclusion of the peace treaty must be coupled with the dissolution of the UN Command and the withdrawal of the US Forces. North Korea describes that not being able to conclude a peace treaty translates into an ongoing state of instability that is “neither peace nor war.”¹⁵ If North Korea’s goal is to continue possessing nuclear weapons, not being able to conclude such a peace treaty does not necessarily constitute a failure. This is because in such a scenario, North Korea has the option to legitimize possession of nuclear weapons on the grounds of the non-peaceful situation. Some suggest that, if a peace treaty were concluded by separating it from security guarantees, North Korea may retrograde to denuclearization after concluding the treaty, utilizing

lack of security guarantees as the reason.¹⁶ In either case, as long as North Korea is no longer under military pressure due to the suspension of nuclear testing, the country could make use of this situation to stabilize its standing as a de facto nuclear-weapon state.

Meanwhile, it could be viewed that North Korea’s prioritization of the economy will advance denuclearization. When the Party Central Committee resolution was adopted ahead of the Panmunjom Declaration, Chairman Kim Jong Un, in response to the completion of the simultaneous development of nuclear force and the economy, indicated his intention of “prioritizing economic work in the overall work of the Party and the State.” However, because this is probably unlike Chinese-style economic reform based on large-scale foreign currency inflow, it does not contradict with sustaining nuclear weapons that severely narrows the chances of establishing diplomatic relations with the United States. The intention to prioritize the economy emphasized at the Plenary Meeting of the Party Central Committee represents not economic openness but closed “self-reliance.”¹⁷

Some further note that companies’ discretion, which is said to be increasing under the “socialist system of responsible business operation,” is turning into a method to achieve a growing quota issued from the Central Committee, rather than permitting the pursuit of companies’ autonomous targets and profits.¹⁸ If so, the “socialist system of responsible business operation” has not necessarily moved North Korea closer to market economy. It can be observed that North Korea has been unable to improve its relations with the United States to the extent of enabling a market economy and economic opening, or has yet to adopt a survival strategy which assumes enough denuclearization to allow for such an improved relationship with the United States.

(3) Peace Regime as an External Asset

Chairman Kim Jong Un set out to negotiate with the United States and South Korea. At the same time, he visited China on March 26, 2018 for the first time since taking office and held a meeting with Xi Jinping, General Secretary of the Communist Party of China and President of the PRC. Kim and Xi met again in May and June, holding a total of three meetings in a short timespan. Meanwhile, in the Panmunjom Declaration, North Korea indicated the possibility of holding “North-South-US tripartite” talks that exclude China for building a “peace regime” by “declar[ing] the end of war...replac[ing] the Armistice Agreement

with a peace accord.”

If a country is concerned about being abandoned unless it cooperates, the country is strongly incentivized to share the goals of the partner country.¹⁹ Should this be alliance politics, then North Korea’s aforementioned posture is not inconsistent. North Korea may have emphasized that China could miss out on an opportunity to engage in a peace regime on the Korean Peninsula, and thereby, incentivize China to collaborate with North Korea.

Looking back on history, North Korea began to advocate for a peace treaty with the United States that excludes China since 1974, a year after China reached a settlement with the United States to keep the UN Command following the rapprochement between China and the United States. Afterwards, China resumed efforts to dismantle the UN Command, albeit for a short period.²⁰ Such Chinese tendency is also found in the developments following the second inter-Korean summit (October 4, 2007), which served as a kind of template of the Panmunjom Declaration. The declaration from this summit enshrined for the first time that the heads of state of three countries would promote declaring an end to war. These three parties to the peace establishment process were the United States, North Korea, and the ROK, a party to the summit meeting. The declaration was a renewed attempt to exclude China. On May 27, 2008, several months after China was excluded, the Chinese Ministry of Foreign Affairs (MFA) made clear a much more negative posture towards USFK compared to before, referring to the US-ROK alliance as “something leftover from history.”²¹

The New Security Concept that China originally advocated to deny alliances overall did not give the US-ROK alliance as an example. Therefore, it was dissociated with North Korea’s peace regime theory, which asserts the dismantlement of the US-ROK alliance as a “leftover.” In contrast with such past assertions, the above US-ROK alliance “leftover” theory of the Chinese MFA touches upon the view that the “security framework in Northeast Asia” linked to the peace regime, as agreed upon at the Six-Party Talks (Paragraph 4 of the Joint Statement of the fourth round), should replace alliances,²² and strongly suggested China’s intention to adopt a position closer to North Korea’s. In short, China clarified its readiness to cooperate with North Korea after North Korea indicated it would cut off China from the process towards a peace regime.

Even amid North Korea’s repeated nuclear and missile tests in 2016–2017, the Chinese MFA advocated the “dual track approach” of denuclearization and

promotion of a peace treaty, similar in content to the US-ROK alliance “leftover” theory of 2008.²³ It is not unreasonable for North Korea to have looked for possibilities for further sharing common security objectives with China.

Chairman Kim Jong Un met with President Xi for the first time only after the holding of a third inter-Korean summit was agreed upon during the visit to North Korea by a special envoy of the ROK President. On the basis of the announcement regarding the China-North Korea foreign ministers’ meeting held after their summit meeting, it can be construed that North Korea consistently maintained a vague response to China’s request for engagement in the peace regime from which the possibility of China’s exclusion was indicated in the Panmunjom Declaration that followed.

According to China’s announcement, at the above foreign ministers’ meeting, China expressed its will to establish a “peace regime on the Korean Peninsula,” whereas the North Korean Foreign Minister did not touch upon this matter.²⁴ In official media reports of the DPRK, references to this foreign ministers’ meeting cannot be found, at least in the usual media. Chairman Kim Jong Un did not comment publicly on the peace regime during his visit to China, and stated only that he exchanged views with General Secretary Xi Jinping regarding “coordination of the pressing problems concerning the situation on the Korean Peninsula.”²⁵ It is possible that, prior to the inter-Korean summit, North Korea already intended to make the Panmunjom Declaration a tool for its China policy, and had planned to present the option of declaring an end to war, limited to the three parties of the United States, South Korea, and North Korea.

North Korea thereafter maintained its vague posture regarding China’s role in the peace regime, and in this context, expressed its will to strengthen collaboration with China. At the China-North Korea foreign ministers’ meeting held soon after the Panmunjom Declaration, the North Korean Foreign Minister stated that North Korea stands ready to maintain close communication with China on establishing a peace regime on the Korean Peninsula, according to China’s announcement.²⁶ However, this cannot be confirmed from official North Korean media reports.²⁷ Chairman Kim visited China again following the US-North Korea Summit in Singapore. Once again, without publicly confirming whether China is a party to the peace regime, Chairman Kim stated that North Korea “will cooperate with Chinese comrades in a single staff department” and “fulfill its duty and role” to “safeguard genuine peace”²⁸ and expressed that North

Korea will seek to ensure its security based on collaboration with China.

Meanwhile, the strengthening of North Korea-China collaboration has made partial achievements related to the lifting of sanctions. In his address to the UN General Assembly in September 2018, the DPRK Foreign Minister stated that the UN Security Council has taken a concerning stand against the proposal by some member state to issue a presidential statement that “welcomes” the Singapore joint statement.²⁹ The rejected presidential statement was likely promoted by China on June 28, soon after Chairman Kim revisited China. This Presidential proposed statement reportedly “welcomes” the Singapore joint statement, while stating the intentions of Security Council members that “coordinate” sanctions resolutions against North Korea.³⁰ The DPRK Foreign Minister’s address to the UN General Assembly encouraged China’s further cooperation by underscoring that the Security Council “get rid of the stigma that ‘UNSC=US’ as early as possible.”

At the same time, North Korea has excluded not only China but also South Korea from the US-North Korea peace treaty advocated by North Korea. North Korea’s agreement with South Korea to promote declaring an end to war, as was observed in the Panmunjom Declaration, raises expectations that North Korea will cease to exclude South Korea. One of North Korea’s choices is to move South Korea in a desirable direction in exchange for meeting such expectations.

Similar to declaring an end to war by three parties, it was also agreed in the Panmunjom Declaration to turn the areas around the NLL, claimed as a maritime boundary by the ROK, into a “maritime peace zone.” This, too, was in the declaration of the second inter-Korean summit of 2007. Some contend that this agreement was an outcome of North Korea hinting that it would acknowledge the ROK as a party to the peace regime if the NLL is invalidated.³¹ The ROK’s compromise on “maritime peace zone” and the agreement on promoting declaring an end to war by the three parties may have been a term of exchange. As it turns out, the ROK once again accepted the agreement on “maritime peace zone” in the Panmunjom Declaration.

The Panmunjom Declaration released by North Korea refers to the “Northern Limit Line” in quotation marks. Perhaps this could be interpreted as North Korea’s consent to the NLL. In North Korean official media reports, however, quotation marks are generally used to give emphasis to the fact that North Korea does not confirm the legitimacy of whatever is inside the quotation marks.³² In

the past, North Korean authorities have used quotation marks to refer to the “Northern Limit Line” in a statement to deny the legitimacy of the NLL.³³

In the Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain (see Table 3.1), which was reached at the time of the Pyeongyang Declaration, it is not made clear whether North Korea recognized the scope of the “buffer zone” (a term used by the ROK for the maritime zone defined in Article 1, Paragraph 2 of the Agreement;³⁴ the two sides agreed to install covers on the barrels of guns, cease maritime maneuver exercises, and block coastal artillery within the zone) using the NLL as a base line. On this point, the ROK National Defense Minister stated before the National Assembly that the “buffer zone” should be regarded as an area for “reducing threats” rather than as an area that establishes equal-size zones between the North and South on either side of the NLL.³⁵

Furthermore, the ROK Ministry of National Defense (MND) insisted the NLL’s legitimacy, citing the “principle of equal area on both sides of the NLL.”³⁶ With regard to the “pilot joint fishing zone” (Article 3, Paragraph 2 of the Agreement) which is to include equal areas between the North and South, the ROK National Defense Minister simply stated that the MND “will negotiate about it, utilizing the NLL as a base line,” and the boundary has yet to be defined in the Agreement.³⁷ Whether or not the scope of the zone can be demarcated depends on the Inter-Korean Joint Military Committee’s negotiations on border demarcation (Annex 4 of the Agreement).

From the viewpoint of North Korea, it is important to negotiate with the ROK to ensure that the NLL is not utilized as a base line of the boundary. Therefore, there is reason for North Korea to retain the option of excluding the ROK from the peace treaty, as a way to let the ROK make concessions. In fact, North Korea has yet to return to the Military Armistice Commission based on the Armistice Agreement, which North Korea boycotted when it advocated a US-North Korea peace treaty that excludes China and the ROK in 1994.³⁸

In the case of the preceding “maritime peace zone” agreed upon at the inter-Korean summit in 2007, ROK defense authorities subsequently reaffirmed its view that the NLL is a boundary, causing a stalemate in the relations between the two parties.³⁹ In October 2015, the DPRK MFA once again proposed concluding a bilateral United States-DPRK peace treaty which excluded the ROK, citing the reason that the US had control of the wartime operations of the ROK military.⁴⁰

North Korea's resumption of calls for a bilateral peace treaty with the United States comes only several years after the stalemate over the NLL, possibly due in part to the circumstances of North Korea-China relations. Following the Chinese MFA's comment that the US-ROK alliance was a "leftover" in May 2008, China, for several years, continued to share North Korea's view that the United States was a threat.⁴¹ In the meantime, North Korea did not advocate for a US-North Korea peace treaty. China's sharing of North Korea's threat perception peaked after the sinking of the ROK Navy corvette *Cheonan* in 2010. However, when China ceased to confirm its intention to share this view, North Korea once again advocated a peace treaty with the United States. Amid tensions since 2016, China began to assert a "dual track approach" that was close to North Korea's position, likely as a follow-up move in response to North Korea's re-proposal of a bilateral peace treaty with the United States.

The 2015 statement by the DPRK MFA that advocated a bilateral peace treaty with the United States also mentions the August incident with the ROK. The August incident refers to tensions with the ROK that emerged in areas along the MDL in August 2015, slightly more than a month prior the statement was released. To alleviate this situation, North Korea issued a North-South "joint press release" on August 24, which states that South Korea will terminate loud-speaker broadcasting, and "at that time," North Korea will "lift the semi-war state." The phrase "at that time," however, is not stated in the announcement released by the ROK.⁴² It is considered that North Korea sought to insert "at that time" to justify military retaliation against the ROK, which attempts to permeate liberal democracy that competes with the North Korean regime, but that the ROK rejected it.

About two and a half years since the August incident, the Panmunjom Declaration vowed to stop hostile acts in areas along the MDL, including "loud-speaker broadcasting and scattering of leaflets," the cause of "military tension and conflicts." "Loud-speaker broadcasting and scattering of leaflets" are effective tools only for the ROK. Pursuant to the Panmunjom Declaration, if the ROK commits to stopping such acts, "tension and conflicts" stemming from North Korea will be avoided for the first time. For North Korea, this could serve as a legal basis for militarily deterring the ROK's permeation of liberal democracy, something the North could not obtain in the August 2015 agreement.

2. South Korea: Efforts for Overcoming the “Division System”

(1) Three Inter-Korean Summits and Progress in North-South Relations

President Moon Jae-in was a chief presidential secretary during the second inter-Korean summit held in 2007 and sought to continue the legacy created as chairman of the Second Inter-Korean Summit Preparation Committee. Ever since his inauguration in May 2017, Moon reiterated that he would take an appeasing posture, stating that “pressure” toward the North and “dialogue” were needed.⁴³ Meanwhile, North Korea fired 40 ballistic missiles and conducted three nuclear tests from 2016 to 2017, heightening military tensions around the Korean Peninsula.

The situation took a turn when North Korea’s New Year Address was released on January 1, 2018. In the address read aloud by Chairman Kim Jong Un, he expressed his readiness to dispatch a delegation to the PyeongChang Winter Olympic Games in February 2018, and to this end, hold a meeting between the authorities of the North and South.⁴⁴ By the following day, South Korea responded by proposing to conduct inter-Korean high-level talks on January 9.⁴⁵ The North accepted this proposal, and at the inter-Korean high-level talks, agreed to send athletes and a cheering squad to the PyeongChang Olympics as well as hold an inter-Korean military dialogue.⁴⁶ A “moving” display of unity unfolded at the Olympic Games in February, including their joint entrance at the opening ceremony and the formation of North-South combined teams for some events. Furthermore, North Korea’s senior official delegation to the Games drew attention, with Chairman Kim’s younger sister, Kim Yo-jong, Vice Director of the Propaganda and Agitation Department of the WPK, attending among the likes of Kim Yong-nam, President of the Presidium of the Supreme People’s Assembly. North Korea’s national team also took part in the Paralympic Games following the Olympics. US-ROK military exercises usually held around this time (discussed later) were postponed until after the Paralympic Games, further accelerating the conciliatory mood.

In the following month, March, the ROK sent a delegation of presidential special envoys (“special envoy delegation”) to the DPRK, comprised of members such as director of the National Intelligence Service and chief of

the National Security Office, and the members held a meeting with Chairman Kim Jong Un and others. As an outcome of this meeting, North and South Korea agreed to hold an inter-Korean summit at the end of April and establish a hotline between the two leaders. The North stated that it would have no reason to possess nuclear weapons if military threats against the North were eliminated and the safety of its regime is guaranteed. North Korea also made clear that it stands ready to hold dialogues for normalizing US-North Korea relations and would not conduct nuclear and missile tests while the dialogues were in progress. The special envoy delegation then visited the United States with a “message” from North Korea and held a meeting with President Trump and others. While President Trump expressed reservations, noting that the United States would not make concessions in exchange for dialogue like past US administrations, the delegation succeeded in obtaining Trump’s consent to holding a US-North Korea Summit by May.⁴⁷

On April 27, 2018, for the third time, following on from 2000 and 2007, President Moon Jae-in of the ROK held an inter-Korean summit with Chairman Kim Jong Un of the DPRK in the Joint Security Area (JSA) at Panmunjom, along the MDL that separates the North and South on the Korean Peninsula. As an outcome of the summit, the leaders agreed on the Panmunjom Declaration which included easing North-South military tension, building a peace regime on the Korean Peninsula, and denuclearization.⁴⁸ This inter-Korean summit was a symbolic meeting that marked a step towards détente on the Korean Peninsula, which was in a state of military tension as described above.

Following the announcement on May 24 regarding cancellation of the US-North Korea Summit, scheduled to be held in June after agreeing on it during the ROK special envoy delegation’s US visit, a fourth inter-Korean summit was held on May 26 in the JSA at Panmunjom, same as the third inter-Korean summit, and it was announced after the summit.⁴⁹ President Moon announced that, at this summit, Chairman Kim affirmed his resolute commitment to denuclearization of the Korean Peninsula and the two leaders agreed to hold inter-Korean high-level talks on June 1.

At the inter-Korean high-level talks convened on June 1, the two sides agreed to hold inter-Korean general-level military talks, inter-Korean athletics talks, and inter-Korean Red Cross talks in the same month.⁵⁰ At the inter-Korean general-level military talks on June 14, a joint press announcement was

released regarding agreement on restoring military communication lines on the east and west coasts (the Sea of Japan and Yellow Sea), among other matters. At the inter-Korean athletics talks on June 18, the two countries agreed to hold a basketball match between the North and South. At the inter-Korean Red Cross talks on June 22, they agreed to hold a reunion of separated families in August.

In addition, at the Jakarta-Palembang Asian Games held in Indonesia from August to September, the North and South made a joint entrance and took part in the opening ceremony attended by Lee Nak-yeon, Prime Minister of the ROK, and Ri Ryong-nam, Vice Premier of the DPRK. North-South joint teams were also formed for women’s basketball, rowing, and other events.⁵¹

When reports began to come out that the United States and North Korea were locked in a stalemate over denuclearization following their summit meeting, South Korea dispatched a special envoy delegation to North Korea on September 5, comprised of the same members as its March delegation, including director of the National Intelligence Service and chief of the National Security Office. The two sides agreed to hold another inter-Korean summit in Pyeongyang, reaffirmed denuclearization of the Korean Peninsula, agreed to discuss practical measures to realize denuclearization as well as concrete plans to establish mutual trust and prevent military clashes at the inter-Korean summit, and agreed to open a joint liaison office prior to the inter-Korean summit.⁵² As per agreement, the Inter-Korean Joint Liaison Office was established in Gaeseong on September 14.

At the fifth inter-Korean summit held from September 18 to 20—the third inter-Korean summit in 2018, the Pyeongyang Declaration was unveiled in which the two leaders agreed to connect railways and roads between the North and South, resume the Gaeseong Industrial Complex and the Mt. Geumgang Tourism Project when conditions are met, dismantle a missile engine test site and launch platform in North Korea, dismantle the nuclear facilities in Yongbyon in accordance with US corresponding measures, and on Chairman Kim Jong Un’s visit to Seoul.⁵³ Furthermore, the Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain (“Military Domain Agreement”) discussed later was signed between Song Young-moo, Minister of National Defense, who accompanied President Moon Jae-in, and No Kwang-chol, Minister of People’s Armed Forces of North Korea, in which agreement was reached on the implementation of concrete measures for alleviating

military tensions.

During his visit to North Korea, President Moon watched the Mass Games at May Day Stadium in Pyongyang that seats 150,000 people. In his address in front of the spectators and others, President Moon extolled the “outstanding” Korean people, stating, “Our people are outstanding. Our people are resilient. Our people love peace. And our people must live together.”⁵⁴ On the second day of the summit, Moon and Chairman

Kim also visited Mt. Paektu, a mountain along the Chinese-North Korean border considered sacred by the Korean people. Moon poured water from Jeju Island in the southern part of the Korean Peninsula into Heaven Lake, or *Cheonji*, a caldera at the summit of Mt. Paektu, and raised the spirits of people from the same Korean race.⁵⁵

In the vicinity of the North-South MDL, work began on withdrawing Guard Posts (GPs) of the North and South that are adjacent to each other within the demilitarized zone (DMZ) and completely demilitarizing the JSA at Panmunjom, in accordance with the Military Domain Agreement.

(2) Building of Peace Regime and US-ROK Alliance

The Moon administration’s policy on the Korean Peninsula does not desire the North’s collapse, does not pursue unification by absorption, does not pursue unification through artificial means, is based on the spirit of mutual respect and trust, and calls for the resolution of the North Korean nuclear issue.⁵⁶ It can be analyzed that the policy attaches importance to establishing a détente between the North and South rather than containing North Korea to contribute to building a peace regime. The concept is not directly concerned with whether or not the North truly intends to denuclearize; its goal seems to be to alleviate tensions in order to decrease the North’s incentives to possess nuclear weapons.

Moon’s policy on US-ROK relations differs from the extreme notion held by

then presidential candidate Roh Moo-hyun in 2002, who commented that all that mattered were North-South relations.⁵⁷ In this regard, it appears Moon is conscious of the lesson that there cannot be progress in North-South relations without parallel improvements in US-North relations.

Additionally, at the third inter-Korean summit in April, President Moon gave Chairman Kim a USB drive containing “the new economic map of the Korean Peninsula” in an attempt to show improving North-South relations also has economic benefits for the DPRK. In his address on Liberation Day on August 15, President Moon stated, “‘Peace is the economy’; peace and the economy are synonymous,” in an effort to demonstrate that alleviating tensions and deepening North-South economic cooperation have benefits for both the North and the South.⁵⁸

The Panmunjom Declaration referred to in the previous section exemplifies such notions well. The Declaration states, “The two sides agreed to declare the end of war this year that marks the 65th anniversary of the Armistice Agreement and actively promote the holding of trilateral meetings involving the two sides and the United States, or quadrilateral meetings involving the two sides, the United States and China with a view to replacing the Armistice Agreement with a peace agreement and establishing a permanent and solid peace regime.” The Government of the ROK outlines this peace regime as, “a collective of procedures, principles, norms, and systems related to restoring and maintaining peace and a structure for their organic implementation.” It explains that a peace regime on the Korean Peninsula is “a regime in which South and North Korea coexist peacefully, founded on their political, military, and economic trust and elimination of hostile relations among relevant countries, with visible removal of the risk of war on the Korean Peninsula.”⁵⁹

Under the “security guarantees” provided to North Korea in exchange for the “denuclearization of the Korean Peninsula” agreed in the Panmunjom Declaration and the Pyeongyang Declaration, restrictions may apply to the US provision of extended nuclear deterrence to the ROK or to the USFK presence. If such possibilities cannot be ruled out, the issue of denuclearization will possibly become a dispute in the US-ROK alliance.

Moreover, progress in North-South relations and US-North Korea relations has been accompanied by a moratorium of annual US-ROK joint exercises, such as Key Resolve (KR), Foal Eagle (FE), Ulchi Freedom Guardian (UFG),

and Vigilant Ace. A prolonged suspension of such exercises could weaken cooperation between the ROK forces and the USFK, which is rotationally deployed for relatively short periods, raising concerns about decreases in the deterrence capability of ROK-US combined forces.

The Military Domain Agreement⁶⁰ referred to in the previous section, concluded at the same time as the Pyeongyang Declaration, also stated the need for inter-Korean consultations for the implementation of military exercises and designated No Fly Zones across the MDL between the North and South. As these measures interfere with the operation of the reconnaissance assets of the United States and the ROK, there is again concern over decreases in the South's deterrence capability.

Numerous incidents have shed light on the differences in views between the United States and South Korea over sanctions. Examples include the South Korean government's failure to notice smuggled shipments of North Korean coal to South Korean ports in July, the UN Command's blockage of inter-Korean rail and road joint inspection in August, and the South Korean government's attempt to ship 80 tons of oil to North Korea without sufficient consultation with the United States on the occasion of the opening of the joint liaison office in September.⁶¹ Accordingly, it seems the United States suspects South Korea of attempting to ease the sanctions gradually. During his visit to Europe in October, President Moon Jae-in drove the point to European leaders about alleviating sanctions on North Korea but was unsuccessful in obtaining an affirmative response.⁶²

In the Joint Communiqué of the 50th US-ROK Security Consultative Meeting (SCM) held on October 30, the ROK and the United States agreed to jointly evaluate whether the necessary conditions for OPCON transfer to the ROK are met, with the Moon administration hoping to realize the transfer at an early date.⁶³ For the transfer, evaluations are needed to confirm whether the ROK has the necessary capabilities in each of the four phases: pre-initial operational capability (pre-IOC), IOC, full operational capability (FOC), and full mission capability (FMC). The Joint Communiqué notes that the pre-IOC evaluation will be omitted and that IOC evaluation would be carried out from 2019.

With regard to the post-transfer command structure, in 2013 the United States and the ROK discussed assigning the chairman of the Joint Chiefs of Staff of the ROK (General) as commander of the combined command, and the USFK

Table 3.1. Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain (Excerpt)

| | |
|--|---|
| <ul style="list-style-type: none"> ○ The two sides agreed to have consultations on matters including large-scale military exercises and military buildup aimed at each other, various forms of refusal, interdiction and obstruction of navigation as well as reconnaissance activities against each other through the “Inter-Korean Joint Military Committee.” ○ The two sides agreed to cease various military exercises aimed at each other along the Military Demarcation Line from November 1, 2018. ○ On ground, the two sides agreed to cease all live-fire artillery drills and field training exercises at the regiment level and above within 5km from the MDL. ○ At sea, the two sides agreed to cease all live-fire and maritime maneuver exercises within the zone north of Deokjeok-do and south of Cho-do in the West Sea, and within the zone north of Sokcho and south of Tongcheon in the East Sea. The two sides also agreed to install covers on the barrels of coastal artilleries and ship guns and close all gunports within the zones. ○ The two sides agreed to designate No Fly Zones for all aircraft types above the MDL, effective from November 1, 2018, in the following way: <ul style="list-style-type: none"> • For fixed-wing aircraft, No Fly Zones will be designated within 40km from the MDL in the East and within 20km from the MDL in the West. • For rotary-wing aircraft, No Fly Zones will be designated within 10km from the MDL; for UAVs, within 15km from the MDL in the East and 10km from the MDL in the West; for hot-air balloons, within 25km from the MDL. ○ The two sides agreed to completely withdraw all GPs that lie within 1km of each other as a preliminary measure to withdrawing all GPs within the DMZ. ○ The two sides agreed to demilitarize the Joint Security Area. ○ The two sides agreed to proceed with a pilot project of an Inter-Korean Joint Operation to Recover Remains within the DMZ. ○ The two sides reaffirmed the agreement related to the “prevention of accidental military clashes in the West Sea”, signed during the 2nd Inter-Korean General-level Military Talks on June 4, 2004 and agreed to fully restore and implement it. ○ The two sides agreed to establish a maritime peace zone and a pilot joint fishing zone in the West Sea. | |
| <p>September 19, 2018</p> | |
| <p>Republic of Korea Minister of National Defense Song, Young Moo</p> | <p>Democratic People’s Republic of Korea Minister of People’s Armed Forces Korean People’s Army General No Kwang-chol</p> |

Source: Compiled by the author from media reports.

commander as the deputy commander.⁶⁴ In the “Guiding Principles Following the Transition of Wartime Operational Control” (released along with the SCM Joint Communiqué), which was likely based on the 2013 discussion, officially set out that a general of the ROK forces would serve as commander of the US-ROK Combined Forces Command and a general of the US forces would serve as deputy commander. The Guiding Principles values that the US-ROK alliance based on the Mutual Defense Treaty Between the United States and the Republic of Korea signed in 1953 has contributed to regional security and prosperity, and states that USFK would be stationed and the UN Command would be maintained even after the OPCON transfer.⁶⁵

The US-ROK alliance also faced difficult negotiations over host nation support of USFK, part of the revisions of the US-ROK Special Measures Agreement (SMA) conducted every five years.

In 2018, ten rounds of negotiations were held between the United States and the ROK. The United States demanded significant increases in the ROK’s contribution, and at the last round of negotiations in December, proposed to conduct revision negotiations every year instead of every five years. Consequently, an agreement could not be reached by the end of 2018.⁶⁶

(3) Prospects of “Defense Reform 2.0”

An overview of “Defense Reform 2.0” that succeeds President Roh Moo-hyun’s “Defense Reform 2020” was reported to President Moon Jae-in in July. It was then announced that the “Basic Plan for Defense Reform 2020” was completed at a briefing regarding the 2019 MND operations on December 20. According to such information, “Defense Reform 2.0” includes reducing the number of generals, increasing the ratio of women personnel who have non-commissioned officer status or higher, decreasing the number of active troops from 618,000 to 500,000 by 2022 (all reductions in the Army), and shortening the term of service for conscripted military personnel.⁶⁷

The July report maintained the policy of developing a “Korean three-axis system,” comprised of Kill Chain, Korean Air and Missile Defense (KAMD), and Korea Massive Punishment and Retaliation (KMPR). However, it did not include “a new operational concept which focuses on offensive measures” advanced by Defense Minister Song Young-moo since his appointment. In the National Assembly audit process, it was reported that the development of

the Korean three-axis system would be considered flexibly in connection with the progress made in the denuclearization of North Korea.⁶⁸ Subsequently, information regarding the development of the Korean three-axis system was not included in the materials from the MND operations report in December and the ROK’s new National Security Strategy unveiled around the same time.⁶⁹ These developments show that, as North-South relations made progress, South Korea hesitated to construct an operational concept focusing on offensive measures against North Korea as well as develop its equipment and units.

At the same time, it is noteworthy that the MND operations report mentions readiness against “omnidirectional security threats” other than North Korea, stating that MND would proactively deal with operational activities of neighboring countries in the ROK’s territorial waters or airspace within the scope of international law.⁷⁰ On the same day as the MND operations report, a P-1 patrol aircraft of the Japanese Maritime Self-Defense Force (JMSDF) flying above the Sea of Japan as part of its routine surveillance and intelligence collection was suddenly irradiated by a fire-control radar from an ROK naval vessel. As evidence of the irradiation, Japan disclosed materials including videos taken from the patrol aircraft. Although Japan-ROK talks were held in succession, the ROK not only denied the irradiation but also requested the Japanese Ministry of Defense (MOD) to cease “distortion of facts” as well as an apology for the “threateningly low-altitude flight” by the Self-Defense Force aircraft. Therefore, MOD released its final position on January 21 in which it strongly protests against the ROK destroyer’s fire-control radar irradiation, and strongly urges the ROK side to admit the facts of this incident and to take thorough measures to prevent its recurrence.⁷¹

Internally, efforts are underway to root out long-accumulated ills in the military. In September 2017, MND set up a committee on rooting out long-accumulated ills in the military to “ban the military’s intervention in politics and eradicate human rights violations and inhumane practices within the military.” The committee’s scope of investigation covers acts that result in “damage to constitutional and democratic values, human rights violations, and loss of trust in the military.” From 2017 to 2018, the committee released recommendation proposals four times. In the recommendations, it was proposed with regard to “the military’s intervention in politics” that severe penalties be prescribed for senior officers and others who instructed it, with regard to “abuse of power by

generals” that measures be strengthened to eradicate use of troops for personal purposes, and with regard to “violation of human rights of officers and troops” that improvements be made to unreasonable systems such as restrictions on going out. The recommendations also proposed setting up an independent management and supervisory body to combat “sexual violence in the military.”⁷²

“The military’s intervention in politics” has drawn the most attention among these items that the recommendations raised. According to the findings of a task force charged with investigating online comments posted by Cyber Command personnel—a separate body from the committee on long-accumulated ills, it is believed that a unit in the Defense Psychological Operation Group under the Cyber Command posted online comments before and after the South Korean presidential election in 2012, with the approval of then Minister of National Defense. The comments disadvantaged Moon Jae-in, a candidate from an opposition party, in order to secure victory for Park Geun-hye, a candidate from the ruling party.⁷³

Furthermore, it has been noted that the Defense Security Command (DSC) in charge of counter-intelligence in the ROK Armed Forces has interfered in politics in similar fashion to the Cyber Command. It is also suspected of monitoring civilians and attempting to institute martial law under its leadership should former President Park Geun-hye not be impeached and protests intensify, according to reports. For these reasons, DSC was reorganized into the Defense Security Support Command (DSSC) on September 1, 2018.

As regards the military’s involvement in the crackdown on the Gwangju Democratic Uprising in May 1980, an investigation found that there was helicopter gunfire on citizens and fighter aircraft equipped with bombs on standby, and that sexual violence was inflicted on female citizens. The Defense Minister has apologized for this matter.⁷⁴

For senior posts in the ROK military for which personnel from the Korea Military Academy were often appointed, Jeong Kyeong-doo, Chairman of the Joint Chiefs of Staff, from the Air force was appointed to replace Defense Minister Song Young-moo from the Navy,⁷⁵ while Park Han-ki, Commander of the 2nd Operation Command, who is from the Army but not a graduate of the Korea Military Academy, was appointed to replace the Chairman of the Joint Chiefs of Staff.⁷⁶ In such manner, personnel appointments in 2018 deviated from past trends, following on from 2017.

NOTES

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