

Northeast Asian End Picture Coming About
from 2018 US-DPRK and ROK-DPRK Summits Agreements

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A Korean Peninsula NWFZ

The ongoing process for the denuclearization of the Korean Peninsula is the implementation process of the two inter-Korean Summit declarations in 2018 and a US-DPRK Summit joint statement also in 2018. The two inter-Korean Declarations, made by President Moon Jae-In of the ROK and Chairman Kim Jong-Un of the DPRK, are the Panmunjom Declaration on April 27, 2018 and the September Pyongyang Declaration, appended with a Military Domain Agreement, on September 19, 2018. The US-DPRK joint statement was agreed at the first-ever US-DPRK summit, which was held between President Donald Trump of the United States and the Chairman Kim Jong-Un in Singapore on June 12, 2018.

The very start of this process began when Kim Jong-Un's official statement on his willingness for denuclearization was transmitted through an official report, dated March 6, 2018, of the ROK Presidential Special Delegation who had met Kim Jong-Un in Pyongyang. It reads in part, "It (the DPRK) made it clear that it would have no reason to keep nuclear weapons if the military threat to the North was eliminated and its security guaranteed." In fact, it is consistent with a long-standing position of the DPRK on its nuclear armament. The Singapore US-DPRK joint statement embraces this idea by the following passage. "President Trump committed to provide security guarantees to the DPRK, and Chairman Kim Jong Un reaffirmed his firm and unwavering commitment to complete denuclearization of the Korean Peninsula." This constitutes the core deal between the two states in the Singapore agreement.

In the terminology of international legal arrangement, a nuclear-weapon-free zone (NWFZ) treaty is a familiar and well-established legal system to simultaneously address denuclearization and security guarantees obligations among regional state parties. As was defined for the first time in

the UN General Assembly Resolution 3472 (XXX) in 1975, “In every case of a nuclear-weapon-free zone that has been recognized as such by the General Assembly, all nuclear-weapon States shall undertake or reaffirm, in a solemn international instrument having full legally binding force, ... the following obligations: ... (c) To refrain from using or threatening to use nuclear weapons against the States included in the zone.”

It may be worthwhile to note that the Korean language passage of the 2018 inter-Korean Panmunjom Declaration, whose English translation made by the Government of the DPRK reads “South and North Korea confirmed the common goal of realizing, through complete denuclearization, a nuclear-free Korean Peninsula.”, is translated by the DPRK Government to read, “The north and the south confirmed the joint target on turning the Korean peninsula into a nuclear-free zone through the complete denuclearization.” Although the DPRK’s intention on this translation is not known, “a nuclear-free zone” would be a right term to cover the two obligations of denuclearization and security guarantees posed upon the relevant state parties.

When the ongoing implementation process is successfully completed, what would a Korean Peninsula NWFZ (KP-NWFZ) look like? One of the significant features different from the traditional NWFZ treaties will be that nuclear weapon states are expected to be the state parties of the zone treaty itself, rather than joining the treaty protocol to provide security assurances. This happens because the provision of the security assurance by the US will be a core element of a KP-NWFZ treaty.

A KP-NWFZ will need to involve at least five states, two non-nuclear states, namely the ROK and the DPRK, and three nuclear weapon states, namely the US, China and Russia, because the ROK’s extended nuclear deterrence has been meant to function against not only the DPRK nuclear threat but also possible threats from Russia and China. Japan’s participation in this scheme will not be straightforward. But the absence of Japan will make it less effective, stable and sustainable, even unrealistic. There will be two major weak points in the arrangement lacking in Japan’s participation.

One is related to the US military forces based in Japan. As was reiterated in the PSNA co-chairs' statement in November 2016, the DPRK has been demanding the verified removal or dismantlement of the US nuclear weapons and their capabilities from the ROK and its vicinities, saying it is "the principled demand of the DPRK"¹. If such capabilities are considered to remain intact for the US Forces Japan, it could make a loophole for the denuclearization of the Korean Peninsula. The US Naval vessels based at Yokosuka and Sasebo, Japan and the US Marine Corps troops based on Okinawa, Japan have participated in most of the past major US-ROK joint military exercises. Even in July and September 2018 after the Singapore summit, jet fighters from Air Self Defense Force of Japan conducted joint exercises with the nuclear capable US bombers B52s from Guam over the Sea of Japan. It would not be surprising that the DPRK deems any nuclear-free arrangements on the Korean Peninsula to be unsatisfactory without restrictions posed upon the activities of the US forces around the Peninsula in cooperation with Japan.

The other is related to the possibility of Japan's future nuclear armament. A KP-NWFZ will make Japan perceive the weakening of the US extended nuclear deterrence posture to Northeast Asia as the security challenge on the Korean Peninsula will be fundamentally dispersed. Since Japan's alleged threat perception to China and Russia remain unchanged, this situation may strengthen the voices for its own nuclear armament in Japan. Obviously it will be more natural and beneficial for regional states to engage Japan to join a broader scheme of a Northeast Asia Nuclear Free Zone (NEA-NWFZ) as a non-nuclear state.

Japan has maintained for a long time its three non-nuclear principles, not possessing nuclear weapons, not producing them and not allowing them to be brought into Japan. Japan can contribute to expediting the process of establishing a NEA-NWFZ by making the three non-nuclear principles a verifiable international commitment and join the denuclearization efforts on the Korean Peninsula.

Time to Re-examine and Revise UN Sanctions Resolutions

In more-than-a-year long process to implement Summit agreements, there

have emerged several issues that have caused the standstill of the process. Today, two issues among them are identified to be critical and should be addressed promptly; the issue of the phased lift of economic sanctions imposed upon the DPRK by the United Nations Security Council (UNSC) resolutions and the issue of controlling military drills of both sides, including the recent firing of artilleries and short range missiles by the DPRK.

In fact, two issues seem to lead the international community to re-examining the adequateness of the more-than-a-decade-old UNSC sanctions at the time of ongoing diplomatic processes based upon the hard-woven summits agreements reached by the concerned states. Importantly, the framework of the UNSC sanction resolutions and that of the summits agreements are different.

From the first sanction resolution 1718 (2006) imposed upon the DPRK by the UNSC that acts under Chapter VII of the UN Charter and takes measures under its Article 41, to the latest resolution 2397 (2017), the UNSC has adopted ten such resolutions. While they have continued to evolve, they stipulates primarily that the DPRK shall abandon (nuclear and) all other existing weapons of mass destruction (WMD) and ballistic missile program in a complete, verifiable and irreversible manner, and demands that the DPRK not conduct any further nuclear tests and launches that use ballistic missile technology. Although the summits agreements are consistent with the sanction resolutions, however, the former provide obligations on both sides of the concerned states to realize the objectives agreed at the summits.

For example, the statement agreed at the Singapore summit between the US and the DPRK does not mention DPRK's WMD program but focuses on the nuclear weapons program. Addressing the DPRK's WMD programs other than the nuclear weapons in the negotiations to implement the Singapore summit agreement could be resisted by the DPRK and cause troubles when the mutual trust has not grown sufficiently matured. The US emphasis on the WMD at Hanoi summit and thereafter could have harmed the confidence building with the DPRK because it is regarded as an act to

move the goal post unilaterally.

Also in the military field, the ROK and the DPRK have attained remarkable agreements through two inter-Korean summit declarations, including the agreements “to completely cease all hostile acts against each other in every domain, including land, air, and sea that are the source of military tension and conflict” and “to have consultations on matters including large-scale military exercises and military buildup aimed at each other, various forms of blockade, interdiction and obstruction...through the ‘Inter-Korean Joint Military Committee’.” If these inter-Korean agreements are faithfully implemented, the recent military events such as the DPRK’s firing of artilleries and short range missiles will not constitute any threats that need to resort strengthened sanctions. The risks could be managed by international encouragement of the establishment of effective inter-Korean systems.

As long as bilateral or regional processes to implement summit agreements are taking process, the international community need not stick to the rigid application of the sanction resolutions. Rather it is time for the international community to re-examine and revise existing sanction resolutions so that they may facilitate the implementation process rather than punish the DPRK’s non-compliance with the letters of the resolutions. At the current situation, phased relaxation of the economic sanctions would help take forward the negotiations on the phased implementation of the summit agreements.

It is to be reminded that every sanction resolution has an operative paragraph to postulate such reexamination and revision as follows: “it (Security Council) shall keep the DPRK’s actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK’s compliance.”²

¹ Statement and Recommendation by the Co-Chairs on behalf of Panel on Peace and Security of Northeast Asia (PSNA), November 20, 2016
<http://www.recna.nagasaki-u.ac.jp/recna/psnaactivities/15329>

² OP 28, S/RES/23997 (2017)