



Opportunities and Pitfalls of an End of War Declaration for Korea

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After the first U.S.-North Korea summit held in Singapore in 2018, President Donald Trump and Chairman Kim Jong-un vowed to “establish new U.S.–DPRK relations in accordance with the desire of the peoples of the two countries for peace and prosperity.” Although an end of war declaration has been identified as one way for both sides to realize this goal, such a document has yet to be negotiated. While an end of war declaration poses some opportunities for cooperation between the U.S. and North Korea, there are also reasons why it may not accomplish its stated aims.

At its core, an end of war declaration would be a short document simply recognizing that there was no conflict on the Korean Peninsula. “It is a declaration of intent; that is, both sides affirm the war is over, war is not an alternative, and problems need to be resolved peacefully,” said Doug Bandow, a senior fellow at the Cato Institute. Although it would be negotiated between government representatives, it would not have the binding of a legal treaty. It would also not address other substantive issues related to North Korea, such as its abysmal human rights record, any of its conventional or nuclear weapons, or economic cooperation with other states.

Any proposed end of war declaration for Korea would be far less detailed than other political agreements such as the Iran Deal or the Paris Climate Accords. South Korea, which has been pushing for an end of war declaration under President Moon, likely does not envision “a specific roadmap or detailed plan” in an end of war declaration, says Minseon Ku, a PhD candidate at The Ohio University. In comparison with the aforementioned agreements, the lack of details in an end of war declaration “makes it even harder for us to say that the other party has broken it,” she said. “It actually gives less justification for either side to accuse each other of doing something.”

Thus an end of war declaration should be viewed as a tool to set the stage for a legal document that would end the threat of conflict in Korea. Jessica Lee, a senior fellow from the Quincy Institute, said that the armistice agreement signed in 1953, was never expected to hold for seven decades. “We need a permanent peace treaty to replace the temporary armistice that was...supposed to be a placeholder for a more permanent agreement,” she said during a webinar

in July for KEI. “Declaring peace with North Korea is a necessary first step in reducing the threat of its nuclear weapons, as well as advancing American interests in a more stable Korean Peninsula,” Ms. Lee also said.

To enhance the end of war declaration, the U.S. and South Korea should be packaged with other trust-building policies geared towards North Korea. Writing for Responsible Statecraft, Daniel Jasper of the American Friends Service Committee identified revising sanctions that obstruct humanitarian work in North Korea. “These regulations can and should be changed to allow humanitarian agencies the access they need when North Korea reopens its borders,” he says. Daniel Wertz, senior advisor to the National Committee on North Korea, says that there is also the repatriation of the remains of American servicemen, as well as reunions for Korean-Americans with family members in North Korea. Changes to joint military exercises by the U.S. and ROK would also fit in the theme of ending hostilities with the end of war document. “It’s got to be paired with actions that signify, on both sides, the desire to actually change the relationship,” he said.

On the allied side, a peace declaration could create political space for better relations with the North. Ms. Ku says South Koreans may change their mindset towards the North. “We can now face them as an equal, interacting just as how two equal states are interacting with each other,” she said. On the American side, it would reinvigorate the domestic conversation about Korea. Ms. Ku says that in her interactions with students, “very few of them were actually aware that the war has been on-going for seventy years.”

It is less clear how a peace declaration would be viewed in the North. But Pyongyang has shown flexibility in how it presents external threats, which it bases its domestic legitimacy. Ms. Ku recalls official North Korean coverage of the Singapore Summit. On that day, the Rodong Sinmun simultaneously published pictures of President Trump and Chairman Kim together, along with articles sharply critical of the United States. “I think Kim Jong-un...definitely has the monopoly power on the type of information that they want to reveal to the public, and how that message is being conveyed,” she said. Declaring peace with the U.S. thus may not undermine the North Korean government, a priority for the regime.

Critics of an end of war declaration point to a very long list of agreements that North Korea has broken previously. Even the armistice of 1953 has been violated by North Korea. “North Korea for its part, doesn’t even seem to acknowledge or even think that the war is really over,” said Markus Garlauskas, a nonresident senior fellow at the Atlantic Council, during the KEI webinar. Dr. Jeong-ho Roh, director of the Center for Korean Legal Studies at Columbia Law School, points also to the non-aggression pact signed between the two Koreas in 1991. “That was signed as kind of the closest thing to a peace treaty that you can get short of a peace treaty,” said Dr. Roh. “It got us nowhere.” Indeed, that agreement ended up being “nullified” in 2013.

But allowing the current situation to continue is also dangerous. “If sanctions aren’t enough, and if military action really isn’t an option, all you’re left with is diplomacy,” said Mr. Bandow. Declaring peace with North Korea would not mean that security concerns on the Korean Peninsula would suddenly disappear. “We have to act,” he said. “Just sitting around, hoping it doesn’t happen will not be helpful.”

Still, by putting off perhaps the most contentious issue at stake on the Korean Peninsula, an end of war declaration may end up precipitating the next conflict. Writing for *The National Interest*, Bruce Klingner of the Heritage Foundation argues that peace should come only after addressing the roots of conflict. “A peace agreement must create conditions more conducive to peace than the armistice which it would replace,” he writes.

An example of an insufficient peace is World War II. Dr. Roh points out that it was not the surrender of Japan in 1945 that ended the war, but rather the Treaty of San Francisco in 1951. And even that was not a comprehensive end, as the war with the Republic of China did not end until 1952, with the Treaty of Taipei. To this day, Tokyo has still not reached a treaty with Moscow to end the war with Russia, the successor state of the Soviet Union. “It’s the con of the century to expect the end of war declaration to really say that it’s the end of the war,” said Dr. Roh. “If you merely declare end of the Korean War even though the nature of North Korea has changed, that’s an incomplete answer.”