

End-of-war declaration: What are US conditions, sequence, timing?

December 22, 2021

Seoul has stressed time and again that its approach to North Korean issues are in sync with that of the US, but the allies appear far apart on Moon Jae-in administration's latest play -- declaring the end of the Korean War.

The Biden administration essentially prefers to discuss an end of war declaration as a part of a broad and comprehensive process toward complete denuclearization and permanent peacebuilding on the Korean Peninsula.

Washington also wants to see upfront steps toward denuclearization from Pyongyang.

Mistrust stemming from Pyongyang's repeated failure to implement agreements makes the Biden administration reluctant to issue an end-of-war declaration without any reciprocal measures by North Korea.

What are the US' preferences on sequence, timing and preconditions?

Timing: When conditions are more opportune

Washington and Seoul are in agreement that that an end-of-war declaration could be used as a means to achieve the end goal, complete denuclearization and permanent peacebuilding on the Korean Peninsula.

However, the process preferred by the US differs from that of Seoul, as admitted by US national security advisor Jake Sullivan in October.

The Moon Jae-in government wants to use an end-of-war declaration as a diplomatic vehicle to bring North Korea back to the negotiating table.

The Biden administration, however, sees the current circumstances to be inappropriate for such a move.

“The US still wants to see signs that North Korea is serious about peace and denuclearization. At the very least, there should be some assurance that North Korea has ceased expanding its nuclear program, and a process in place to reduce hostilities,” Andrew Yeo, SK-Korea Foundation Chair in Korea Studies at the Brookings Institution, told The Korea Herald.

Sequence: Parallel to denuclearization process

Unlike Seoul, which is pushing for a declaration-first-talks-later approach, the US appears to favor discussing the matter as part of a comprehensive negotiation package and to sequence a declaration with other steps toward the agreed end state.

“The US preference appears to be to link an end-of-war declaration to a broader process of denuclearization and peace-building with North Korea,” said Ankit Panda, a senior fellow at the Carnegie Endowment for International Peace.

This approach would be in line with the Biden administration’s repeated emphasis on their commitment to the framework laid out in the US-North Korea Joint Statement signed at the Singapore Summit in June 2018.

Washington and Pyongyang agree on peacebuilding on the Korean peninsula in the four-point statement, which also includes North Korea’s commitment to work toward complete denuclearization of the Korean Peninsula.

Conditions: Denuclearization steps accompanied

US experts say Washington’s stance is that an end-of-war declaration needs to be accompanied by denuclearization progress rather than other corresponding measures from North Korea.

“The United States will want strings attached to a declaration. These strings could take several forms,” Eric Gomez, Director of Defense Policy Studies at the Cato Institute, told The Korea Herald.

“The Biden administration is sticking to the goal of denuclearization, so any concessions or incentives the US might offer such as an end-of-war declaration would likely be tied to nuclear-relevant reciprocal steps on North Korea’s side.”

The Biden administration pursues a “step-by-step,” incremental approach toward the ultimate goal of denuclearization of the Korean Peninsula, in which both sides exchange partial compensation in return for a partial dismantlement of North Korea’s nuclear weapons program.

But at the same time, Washington would likely want Pyongyang to take tangible upfront steps toward denuclearization before issuing what the US labels as an “end-of-war statement,” in light of continued failure in implementing bilateral and multilateral agreements.

“Without concrete and verifiable concessions from North Korea on the nuclear portfolio, it seems unlikely that Washington will be fully supportive of a declaration,” Panda said.

Gomez said the Biden administration would want to avoid the risks that an end-of-war

declaration is issued without “North Korea doing anything beyond pocketing the move and asking for more.”

“Because of past US-North Korea mistrust and the way that previous agreements have faltered, I suspect that the Biden administration will want North Korea to do something first to show its seriousness rather than agreeing on a sequence where the US goes first but North Korea goes second.”

In Washington, there is widespread skepticism about end-of-war declaration leading to tangible progress toward denuclearization.

US experts point out that an end-of-war declaration must be tied to denuclearization efforts particularly in view of Pyongyang’s persistent pursuit of sophisticated nuclear weapons and international recognition as a de facto nuclear weapons state.

“Efforts to move toward ending the Korean War and achieving peace must be directly connected with the denuclearization of North Korea,” Evans Revere, a nonresident senior fellow at the Brookings Institution, said. Revere also served as acting assistant secretary of state for East Asian and Pacific affairs.

Conventional military threat reduction should precede

In general, Washington views that it is too early to declare an end to the Korean War, which would not reflect the realities on the ground.

The signing of the Korean Armistice Agreement resulted in a cessation of hostilities in 1953. But the two Koreas technically remain at war as the Armistice Agreement has never been followed by a peace treaty.

North Korea has continued to conduct hostilities, mainly against South Korea, in violation of the Armistice Agreement as well as the 1992 Inter-Korean Basic Agreement and the 2018 Inter-Korean Comprehensive Military Agreement.

Therefore, certain conditions should be met to declare an end to the Korean War.

One critical precondition would be to reduce inter-Korean conventional tensions in the heavily fortified Demilitarized Zone and North Korea’s mass artillery threats that can inflict significant damage on South Korea.

“My personal view is that it is necessary for the two Koreas to further reduce conventional tensions by turning the DMZ into a normal border and embracing mutually accepted conditions of peaceful coexistence before it would be appropriate to sign an end of war declaration,” said Scott Snyder, Director of the Program on US-Korea Policy at the Council on Foreign Relations.

In particular, North Korea maintains one of the world’s largest conventional forces, which poses a direct threat to South Korea, the US Defense Intelligence Agency said in a North Korea Military Power report.

The DIA assessed North Korea can “launch a high-intensity, short-duration attack” on South Korea with thousands of artillery and rocket systems deployed across the full length of the DMZ. The attack could cause thousands of casualties in South Korea.

“There should be no end of war declaration until the threat from the North is sufficiently reduced,” said David Maxwell, a senior fellow at the Foundation for Defense of Democracies and a retired US Army Special Forces Colonel.

Also noteworthy, Pyongyang maintains military readiness for a “surprise attack” by deploying around 70 percent of Korean People’s Army Ground Forces south of the Pyongyang-Wonsan line, according to the 2020 Defense White Paper published by South Korea’s Defense Ministry.

“The security of the ROK must be paramount. Before an end of war declaration is made, the North must have its offensive forces redeployed a sufficient distance north of the DMZ,” Maxwell said, pointing to the intensive force deployment between Pyongyang and the DMZ.

“Paper and words do not trump steel, and there is a lot of steel in the artillery and tanks in the North Korean People’s Army along the DMZ with their guns pointed at Seoul.”