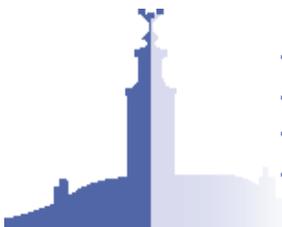


Toward a Roadmap for Peace and Stability on the Korean Peninsula: Steps and Perspectives

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Toward a Roadmap for Peace and Stability on the Korean Peninsula Steps and Perspectives

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Introduction

This paper attempts to illustrate steps and perspectives of a process that could go beyond the present gridlock between the key parties that have a stake in the current conflict situation on the Korean Peninsula. The primary goal of proposing such a preliminary roadmap is to link initial steps that all relevant parties can possibly agree on with a set framework for joint action to follow. It summarizes key steps that the negotiating parties will need to take into consideration when finding agreements on a comprehensive and mandatory multi-stage structure as part of an inclusive peace process. The clarification and specification of existing agreements in terms of reciprocity, sequencing, priorities, concepts, and language are at the center of any negotiations to come.

The purpose of this paper is to understand the potential milestones and issues involved in the rapprochement and peace process that exist independently of day-to-day politics or tactical maneuvering motivated by domestic and external needs and the constraints of individual parties involved. As such it lays the basis for future negotiations and puts forward items on the agenda that need to be clarified or improved in order to prevent repeated disruptions or the process stalling again. The framework outlined here reflects the views of the authorship at ISDP alone. The ideas presented here are based on past meetings and dialogues among the parties involving ISDP staff. Our intention is to review and update this paper in the future on a regular basis according to new insights and needs.

The paper is divided into two parts (A and B) with the first part outlining the structures of the process—the roadmap itself—while the second part provides further clarification of the key contents and concepts contained therein.

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Part A - Structures of a Process

§1. Why a roadmap?

This paper does not primarily target new goals, action plans, or a return to dialogue as an end in itself. Rather it builds on agreements already made (i.e. September 19, 2005 and February 29, 2012) and steps that have been previously taken. Additionally, it provides a toolbox for a possible roadmap in-the-making. A roadmap is necessary because previous attempts to install a peace process have stalled, and there is a need for all parties to recommit to a comprehensive, well-grounded, and long-term process.

Thus, the continuation of dialogues is important not only to support the implementation process, but also to enable the communication of possible hold-ups that might occur, and ideally to discuss further steps in order to facilitate peace and security on the Korean Peninsula in the long term.

In sum, the paper suggests the following **framework and principles**:

- Instead of re-implementing lengthy measures for confidence building, key parties implement basic moves that might make it easier for their counterparts to persuade their respective domestic audiences that a resumption of the process is worthwhile. This involves items that have been previously agreed upon.
- The principle of reciprocity or “action for action” is important in order to demonstrate and guarantee mutual commitments. Furthermore, all sides should mutually acknowledge their respective security dilemmas.
- Contested grand issues such as denuclearization and a peace treaty shall not precede all other steps in negotiations, but rather need to be regarded as end points for negotiations. Instead, initial steps that help to re-enter the process can be reversible (in order to not to preempt the process), but need to demonstrate full commitment.
- All parties need to agree on a sequencing of measures that would help to reinstate the process.

- The process builds on the implementation of previously made agreements of the Six-Party-Talks (6PT) as well as those made on a bilateral level.
- In order to guarantee peace and stability on the Korean Peninsula and, in the long run, to possibly achieve reconciliation and reunification, the prime negotiation partners are the governments of North and South Korea (DPRK and ROK). Thus, China and the U.S. should ideally assist the process without direct interference regarding the outcomes. Since direct issues between the U.S. and the DPRK also exist, however, agreements should be reached through bilateral and multilateral meetings; yet both sides should acknowledge that bilateral talks take into consideration the needs of the whole Korean Peninsula. The other parties, such as Russia and Japan, who are part of the 6PT format, should closely observe any bilateral advances and be prepared to lend support.

§2. Key questions and challenges

- a) What steps can help to overcome the current gridlock?
- b) Can the process be reinstated without absolute insistence on the priority of denuclearization, a peace treaty, and instantly introduced Confidence and Security Building Measures (CSBMs)?
- c) How can the process and existing agreements be improved? How can factors that in the past led to a standstill be avoided in the future? What can the 6PT deliver? What should be discussed in alternative frameworks for dialogue?
- d) What are the intermediate steps as well as mid- and long-term perspectives in terms of sequencing and reciprocity?

§3. Overall structure of process

The overall **structure** of the process that all relevant parties can possibly agree on is as follows:

- a) A resumption of mutual engagement with all sides demonstrating commitment by undertaking measures that convince the other parties that they can have confidence in the continuation of the process. This can ideally involve bilateral agreements between the U.S. and the DPRK and especially the February 29, 2012 Agreement, including mutual action involving the DPRK's moratorium on nuclear and long-range missile tests and reciprocal assistance and military restraint on the side of the U.S. and South Korea. Additionally a continuation of mutually undertaken measures between the North and South including family reunions and tourism at Mount Kumgang, among other things.

- b) Resumption of talks in order to improve previously made agreements on the practical implementation side of the overall peace process. In particular, this involves improvements of the following items:
 - **Improvement** of the **verification regime** in order to avoid misunderstandings and gain unmistakable standards in implementation.
 - Standards and terms for "**commitment for commitment, action for action**" need to be improved in terms of scheduling, reciprocity, and completion.
 - In addition to the moratorium, clear **standards** need to be communicated what exactly can be viewed as **provocative or hostile behavior** and should be avoided in order to guarantee the continuation of the process and so avoid additional **misunderstandings** and **mistrust**.

- c) Proceeding with processes that have already been agreed on during the 6PT. Resumption of talks on a regular basis in order to **support the implementation** of **agreed measures** and eventually **facilitate** a substantial **peace process** and **denuclearization** of the peninsula. Defining the formats of meetings on multi- and bilateral level and finding alternatives models of verification if necessary.

- d) Reconfirm already made commitments, submit **declarations of intent**, and support the bundling together of items that constitute a **peace regime**, and which would serve the security needs of all parties involved.

§4. Language principles

The process must be resumed based on the principles of mutuality and reciprocity. This involves correct language and agreed sequencing of action. In practice, this means:

- The process will **not** be reinstated on the basis of stated formal (**pre-conditions**) but agreed steps;
- In order to avoid suspicion and mistrust, **strong language** and **threats** should be avoided;
- The principle of **equality** should dominate negotiations and the definition of future action.

§5. Primary tasks: overcoming the gridlock, defining entry points

The primary task is to identify steps on all sides that make it possible to resume engagement and eventually continue with processes instituted in the past.

The 6PT have been deadlocked since 2009. China has since repeatedly proposed a resumption of the multilateral forum. Yet, sustained tensions on the Korean Peninsula have thwarted such an initiative. Particularly the U.S. and the ROK have steadfastly maintained the position that the DRPK must demonstrate serious steps toward denuclearization first before they would consider returning to the negotiation table.

Although an eventual resumption of some kind of format of talks is desirable, for the time being four main obstacles stand in the way of any progress and additional dialogues:

- *Denuclearization*. Particularly the U.S. and ROK argue that North Korea needs to take practical steps in the direction of denuclearization (based on their view that the DPRK has a record of violating

previously made agreements). Simultaneously the U.S. and ROK need to re-affirm their commitment to a denuclearization of the Peninsula. According to DPRK demands this would involve a lifting of the “nuclear umbrella,” or the presence of any other nuclear carrier systems on the Peninsula insofar that this has not happened already.

- The DPRK demands a resumption of talks without *preconditions*. It has requested more sincerity for talks on the sides of the U.S. and the ROK. Domestic discord on either side should not have an impact on the process. The DPRK itself envisions a *peace process* among equals.
- Security concerns deriving from military activities such as exercises on the Peninsula on both sides have led to additional mistrust and the perception of provocative behavior. Measures are needed that help to minimize these concerns.
- All parties agree that at the present stage *existing agreements* provide for all necessary measures that need to be undertaken. Thus from the U.S. side no need for additional dialogues is felt.

The current gridlock does not allow for any advances on any side. Substantive progress seems to be impossible. Thus, the question is how to set the hare running and achieve enough momentum for renewed progress in reducing tensions, reconciliation, and gradual rapprochement on the Peninsula.

Since the principal of reciprocity needs to be guaranteed, it is necessary that the parties agree on initial steps that help them to trust the sincerity of one another’s intentions. Thus all should be able to agree on a list of items that would demonstrate sufficient proof that re-engagement is worthwhile and understand what each party needs in order to move on.

The following items have been on the **inter-Korean agenda** that have different importance and weight in the process (selection):

- A moratorium on missile and nuclear tests;
- Moratorium/scaling down military exercises between the U.S. and ROK;

- Food assistance/humanitarian aid;
- Greater transparency about use of assistance;
- Family reunions and tourism at Mount Kumgang;
- Continued/extended exchanges and cooperation between the North and South, including inter-Korean railway cooperation or a peace park in the DMZ;
- Attracting third party investors to Kaesong Industrial Park;
- re-instatement of a Basic treaty between North and South;
- High-ranking meetings and summits including between respective militaries.

Additionally concrete steps (selection below) might improve the parameters for re-engagement on the **DPRK- U.S.-R.O.K. agenda** with an emphasis on bilateral relations between North and South Korea:

- The release of Kenneth Bae;
- A moratorium on missile and nuclear tests (including satellite launches);
- Moratorium/scaling down/geographically relocating military exercises between the U.S. and ROK;
- A **principled commitment** to denuclearization of the whole Korean Peninsula (in line with the September 19 Joint Statement)
- A **principled commitment** to the February 29 Agreement between the U.S. and the DPRK.
- A security guarantee for the DPRK and a format that needs to be specified including safeguards and observation within the 6PT framework or by an agreed trusted/neutral third party;
- Progress on the inter-Korean agenda, continuation of multi-level summits;
- Cultural, educational, and sport exchanges (people to people exchanges such as visits of symphony orchestras, sports team exchanges, education exchanges, visiting scholars)

- Pushing ahead with recovering the remains of soldiers Missing in Action (MIA) from the Korean War.
- Declaration of intent to support a peace process that will eventually lead to a peace treaty based on a **preliminary peace agreement**;
- Definition of security guarantees.

Some of the previous items can be part of a bundled document that constitutes a **Peace Regime** that backs up the overall peace process.

§6. Bundling tasks, sequencing stages

In order to make possible a process that guarantees for commitment, reciprocity, an agreed schedule, and gradual confidence building, a so-called Basket model is advisable. Such a model would specify a sequenced roadmap including concrete and binding measures for all. The several baskets bundle measures that serve the above mentioned purposes and provide them with a clear timeline and agenda. Altogether the baskets constitute a roadmap that serves the overall peace process and the achievement of final goals.

The baskets address all levels of engagement and provide clear measures such as questions of regional security and definition of common goals, economic and technological cooperation, as well as people to people exchanges. All in all, the basket model needs to be part of a binding agreement agreed on by all relevant parties.

Basket I - Intermediate tasks: toward joint action

The first basket is based on the initial steps taken on all sides in order to provide the ground for a resumption of the peace process and implementation of previous agreements. They also lay the basis for CSBMs to be defined within each basket.

The key process at a regional level is for a reengagement in the implementation of previously made agreements. Particularly the February 29 Agreement (2012) provides steps for the DPRK to implement a moratorium on nuclear and missile tests including International Atomic Energy Agency

(IAEA) inspectors resuming monitoring of activities at Yongbyon nuclear reactor. This move should be reciprocated by humanitarian assistance from the side of the U.S.

As a matter of reciprocity, furthermore, a preliminary soft “peace agreement” paving the way for a peace regime between the key four parties—DPRK, ROK, China, U.S.—can be signed as a basis for non-aggression toward the DPRK. Such an agreement would ideally involve a commitment to a final denuclearization of the Korean Peninsula.

A resumption of talks is necessary in order to **review and clarify** the parameters of reengagement and the process, especially in terms of sequencing and reciprocity. In particular, past items of contention that eventually led to the failure of past agreements need to be included. Thus the parties could define **Joint Action** in a reviewed **Plan** on the basis of previously made agreements and lessons learned from past failures.

At the same time, the ROK and DPRK can continue to bilaterally improve their relations and dialogue. One such possibility would be a **Third Summit Meeting** between the DPRK and ROK. During her election campaign, President Park Geun-hye mentioned the possibility of a third summit meeting with DPRK leader Kim Jong-Un. Such a meeting would be a significant development and in addition to its symbolism could be a starting point for a process of negotiations on more sensitive issues such as the Northern Limit Line and eventually broaching the issue of disarmament.

Additional measures in order to lay the basis for **confidence building** are the continuation of humanitarian cooperation, people to people exchanges, and the reinstatement of a North-South Basic treaty that lays out a model for relation, exchanges, and cooperation. It ideally paves the way for a joint commission for reunification affairs.

Basket II – Mid- to long-term steps: security and economic cooperation

With the parties having built a degree of confidence in the process and on the parameters for reengagement, the next steps require the practical implementation of measures for denuclearization. With clear sequencing and reciprocity, this can be conducted in parallel with the provision of economic and energy assistance as well as initiating multilateral talks on regional secu-

rity issues including steps toward normalization of relations and providing security guarantees to the DPRK.

a. Key steps toward denuclearization

- Regional negotiations involving IAEA involvement and the introduction of formal or informal measures and safeguards;
- The DPRK's declaration of nuclear programs including its Highly Enriched Uranium Program (HEU).

b. Economic compensation/cooperation

- Investments in and economic/energy assistance to DPRK as compensation;
- Partial lifting of sanctions (partly UN and unilaterally imposed sanctions);
- Inter-Korean railroad and Russia's gas pipeline project;
- Establishment of special economic zones.

c. Multilateral talks for regional security

- Steps toward normalization of relations including a **security guarantee** to the DPRK;
- Discussions on the **demilitarization** of the West Sea (establishment of a **zone of peace**);
- Regional nuclear safety and security;
- Discussion of Korean reunification;
- Institutional formalization of 6PT.

Basket III - End goals (long-term)

The end goals are what all sides have affirmed to be the main, long-term objectives: the signing of a peace treaty and completion of denuclearization

of the DPRK side and thus the Korean Peninsula as a whole. As such the content and definition of the end goals is important when defining Basket III.

a Peace process/treaty

- A previously made “soft” peace agreement should be developed into a full-fledged peace treaty between the relevant actors as an end step. Such a treaty would entail the full normalization of relations and lifting of all sanctions.

b. Denuclearization

- Parallel to the end goal of signing a peace treaty is the completion of the process of denuclearization including a verification regime according to IAEA standards, the dismantlement of Yongbyon, and abolishing the Highly Enriched Uranium Program (HEU) program.

c. Reunification (bilateral)

- The principles of North and South Korea mutual engagement are the cornerstone for eventual reunification and need to be jointly agreed on in an independent bilateral process.

Part B - Explanatory Notes

§1. Final goals of process

In principle the final goals of any process are the least contested matter; neither between North and South Korea nor other parties at the table such as the U.S. or China. Yet, a range of practical and definitional issues exists that are connected to each goal and demand clarification.

a) Denuclearization

There are different interpretations as to how the catchword of denuclearization at this stage translates into practical steps in the process. Demands differ as to whether denuclearization as a basic principle is the building block for any future negotiations or the ultimate goal of the process, with any common process leading to this end. In fact, there is no contradiction between these demands.

Firstly, a principled declaration of commitment, ideally backed up by concrete steps, is crucial for any continuation of a political process on the Peninsula. The 6PT participants commonly agreed on the principle of “commitment for commitment” in the **September 19 Joint Statement (2005)**. The DPRK committed itself to abandoning all nuclear weapons and existing nuclear programs and returning to the NPT and IAEA safeguards. In return, the U.S. affirmed that it had no intention of attacking or invading North Korea. The specifics of such a security guarantee still need to be clarified. From the perspective of Pyongyang, its nuclear posture is a reaction to its own security dilemma and is key to rebuilding relations with the U.S. and eventually signing a comprehensive peace treaty.

The advantage of such diplomatic normalization is that it helps to guarantee the continuation of the overall process. Indeed, issues such as North-South engagement, rapprochement, diplomatic normalization, reunification, and economic cooperation have become **inseparable** from the issue of denuclearization. In order to prevent the issue from becoming the **sticking point** for the success of both parallel processes **the re-affirmation of principles** is necessary.

Secondly, whereas mutual commitments lay the principle basis for future negotiations, the process as such and the implementation of previously agreed measures form the basis of gradual confidence and security building among the parties. The process of denuclearization demands specific verifiable measures that go beyond diplomatic guarantees. Thus, besides a political roadmap a separate **roadmap to denuclearization** needs to be agreed upon, including suitable measures that take into account each party's concerns and already agreed measures. Such a document involves specified details of the denuclearization process in a phased manner, in particular the role of the **IAEA in verification** and the possibility of interim or solutions such as **non-NPT safeguards**. The latter would preliminarily be a make-shift solution in case North Korea does not want to return to the NPT and a short-cut to the right to peaceful use of nuclear energy if no alternative possibility (light water reactor, etc.) is found.

Thirdly, projects and measures that compensate and replace the nuclear program including alternative energy sources and shipments need to accompany the denuclearization process. A similar program including oil shipments existed until 2008.

b) Peace treaty

A crucial goal of the diplomatic normalization process bilaterally between the ROK and DPRK (but also with the U.S. and Japan) is a final and comprehensive peace treaty. The North Korean leadership has repeatedly stated the importance of such a treaty for resolving the deadlock in overall negotiations. In fact, a comprehensive peace treaty could put to an end the **technical state of war** on the Korean Peninsula and replace the Armistice Agreement of July 27, 1953. Thus, it is an important step toward the **normalization** of the security situation on the Peninsula and provides the **groundwork for new initiatives** between the North and South that was not provided in the armistice treaty.

The targeting of instant negotiations on a peace treaty in a separate process, independent from resolving issues such as denuclearization and North-South engagement, is neither feasible nor advisable. Items on the common agenda that have led to the current deadlock, including the issue of denuclearization, need to be included in a peace process that will eventually

lead to a peace treaty. Any such process needs to encompass all relevant parties involved; and ideally the signatory states of the Armistice Agreement and the ROK.

Thus, in consideration of a lack of confidence among key parties, progress and implementation of previously made agreements (or improved versions) is **inseparable** from the **overall peace process** and the development of a final and comprehensive legal framework for sustainable peace on the Korean Peninsula.

Moreover, the implementation of agreed measures and development of new initiatives on the common agenda that help to broaden the spectrum of cooperation and confidence building in the fields of security, technology, energy, and economy are part of the peace process as such. In order to lend weight to the parties' willingness to engage in a meaningful process, a **preliminary multilateral peace agreement** that amends the existent Armistice Agreement should be considered. Such an agreement would be a **declaration of intent** and ideally bundle the following items, which constitute a *de facto* Peace Regime:

- **Declaration of Intent** to engage in a meaningful Peace Process;
- **Security guarantees**, including commitment to reversible steps in denuclearization and scaling down military exercises;
- Preliminary **definitions** of the final goals;
- **Key principles** that guide the conduct of the parties during the process and serve to reaffirm mutual concerns;
- An agreement to lay down a **Roadmap** based on (improved) previous agreements, commitment for commitment and commonly agreed goals;
- A set of clearly defined **CSBMs** based on sequential stages;
- **CSBMs** that deal with **provocative behavior** can be based on an agreement on acceptable and unacceptable military activities, particularly in the West Sea along the **Northern Limit Line (NLL)**, and setting limitations and notification procedures;
- Initial **soft measures** that help to promote desired outcomes.

Overall, the gradual development of a Peace Treaty by means of a comprehensive peace process and gradual enactment on agreed steps will provide larger legal scope for joint initiatives and cooperation particularly along the DMZ (Investment zones, Peace Park, technology cooperation centers etc.) as part of Basket II. In order to guarantee continuity, defining negotiations should take place within a multilateral framework such as provided by the 6PT or at least in an alternative 4- Party Format (involving U.S., China, DPRK, and ROK) and accompanied by Track 1.5 meetings where necessary.

c) Reunification

The matter of reunification is solely a **bilateral issue** between North and South Korea. Yet, there is suspicion about intentions on both sides and the role of third parties such as the U.S. or China. Thus, the process toward Korean reunification has become inseparable from mutual and regional security issues and the common demand for denuclearization. In addition to internal issues on both sides concerning leadership consolidation and setting the political course, the interplay of these factors has in part contributed to the current deadlock on all relevant levels of engagement.

Thus, progress on a multilateral level and on security issues stated by either side in particular are beneficial for bilateral talks. At the same time moves on a bilateral level are needed in order to provide incentives for the U.S. and ROK in particular to reengage on a multilateral level.

In consequence, albeit a separate process, steps in **bilateral relations** need to be **structured in parallel to multilateral processes**. A gradual formalization of relations for the purpose of reliability and consistency can help to build trust and opens up for new opportunities for cooperation and communication and, at the same time, to implement concrete CSBMs such as:

- **Early warning, emergency response, and direct communication channels** for preventing misunderstandings;
- **Notification and consultation mechanisms** (military-to-military, inter-intelligence) for the purpose of informing about planned military activities, maneuvers, and intentions;

- preparing for a **basic agreement** that helps to formalize relations and create a stepping stone for *de facto* (not *de jure*) mutual **recognition** (compare example of German *Grundlagenvertrag* of 1972 and the inter-Korean *Joint Agreement on Reconciliation, Nonaggression and Cooperation and Exchange* of 1991);
- Agreement and introduction of a bilateral **Joint Commission on Cooperation and Reunification**;
- High-ranking **military-to-military meetings** on a regular basis.

A joint commission would serve a range of purposes paving the way for peaceful reunification on the Korean Peninsula at an early stage. It provides a platform for joint modeling of normalization and reunification, inter-systemic communication, and cooperation and confidence building. At the same time it is an opportunity to lower suspicion about intentions, such as reunification by means of absorption by one “superior” system or a takeover by means of war. On the **intermediate level** cooperation can be improved in non-sensitive fields such as technology, food safety, the economy within agreed parameters, as well as environment and agriculture. This generally involves the resumption of all cooperative measures that were brought to a halt in 2010 with the so-called May 24 sanctions after the Cheonan incident.

§2. Hold-ups and obstacles

a) Domestic climate

In order for a peace process to succeed, all sides need to acknowledge the internal problems and constraints faced by the other parties. Particularly the ROK, U.S., and the DPRK have, due to their systemic peculiarities in their political systems, hold ups and constraints in adopting decisions on matters of national security and external engagement. Thus, formal or informal mechanisms for diplomatic communication need to be in place for early warning on action or failures to comply with agreements. This involves multi-track diplomacy including academic and non-official meetings among government representatives organized by non-governmental organizations and think tanks.

b) Language and narratives

Language that diminishes the role or status of the other party by **slandering, finger-pointing, or expressing inferiority** of the other party through expression or action, has led to suspicion and interrupted engagement. Similarly the suggestion that one party's action should precede the principles of "commitment for commitment, action for action" has raised suspicion of the conditionality of engagement. Additionally **narratives** about the other parties' intentions and (tactical) interpretations about hostile behavior have additionally burdened the confidence building agenda and brought mutual engagement to a halt.

c) Instant vs. procedural Confidence and Security Building

A key point of contestation is how to re-enter a peace process. The demand for measures that instantly build needed confidence and lower risks stand against the idea that confidence can only be built by means of joint action and during the implementation of agreed measures. The solution to the **vicious circle** of no action without trust, no trust without action can only lie in a common agreement about a **thoroughly sequenced roadmap for joint action**. Additionally preliminary declarations of intention and commitment, initial steps, and ideally shelving actions that are perceived as direct security threats, could prove helpful. Confidence can at the current stage, and under consideration of the current mutual and internal political realities, only be built on the basis of preliminary solutions that underscore intentions and give way to joint action.

The European East-West re-engagement on the basis of the Helsinki Process as part of the Final Act of the Conference on Security and Cooperation (CSCE, 1975) provides an example for a staged model of confidence building according to action for action, commitment for commitment and which was based on a basket system that bundled together concrete measures to be undertaken.

§3. Getting the process restarted

Under conditions of low political will to re-engage, due to a lack of trust, mutual perceptions about a lack of commitment, and with individual governments' hamstrung by domestic constraints, measures are necessary that help to **improve the atmosphere**. Since the deadlock on the Peninsula is **not based on a principled refusal** of mutual engagement but a lack of trust in the other parties' **reliability, commitment and intentions** must be declared on all sides in order to create an atmosphere of good faith. So called "baby steps" or "entry points" signal the readiness.

At the present stage of **deadlock** any initial steps need to be complemented by **declarations of intent** and **convincing attempts** at implementing **already agreed** soft-measures (or first steps in the direction of generally agreed measures) that might convince the other parties to reengage. Additionally a 4-Party meeting that helps to **bundle measures and principles** that constitute a **Peace Regime** should follow such steps.

Again, signaling readiness not only serves to convince governments but also their domestic constituencies, audiences, and the security sector, thus strengthening the hand of proponents of engagement endeavors on all sides. Non-governmental think tanks can continue to bring representatives and academics close to the governments to the table in order to provide a platform for debate and communication.

§4. Formats

A crucial question for the resumption of talks, resolution of issues, verification, and safeguards is, in what setting talks and negotiations should take place? China has in the past initiated and organized the 6-PT and thereby laid the ground for important agreements. In the future the **6PT** has great potential to be constitutive for a **sub-regional cooperative security organization in Northeast Asia** endowed with issue-focused mechanisms to improve the security situation as a whole. At the same time clear divisions and assignment of issues toward bilateral and multilateral agendas are necessary in order to **prevent misunderstandings** about **competences** and to create certainty about the **addressees** for individual matters on all sides.

a) Multilateral meetings, organization, and mechanisms

Negotiations about security should ideally continue on a multilateral level and the **6-PT framework** in particular. Although some security issues such as the formulation of a **preliminary peace agreement** need to be resolved **bi- to trilaterally** (DPRK-ROK and U.S.) such a process can be supervised on a multilateral level including China. The advantage of multilateral formats is that they provide a more **neutral space** and help to **dissipate direct tensions** between parties. In the mid-term, the introduction of formal multilateral mechanisms helps to safeguard agreements and makes meeting formats more durable and insulated from the general political climate. The institutionalization of regional security in a **cooperative security organization** would go beyond issues that exist on the Korean Peninsula and makes it possible to **integrate issues on a multilateral agenda** involving all states.

This includes mechanisms on (selection):

- Nuclear safety and verification;
- Maritime safety and security of sea-lines of communication;
- Security of communications infrastructure;
- Inter-institutional communication (government, home affairs, military and intelligence) and Eminent Person group for early warning and emergency response;
- Humanitarian issues.

Any multilateral process and institutionalization should be supported by informal **Track I-II** meetings where deemed necessary.

b) Bilateral agenda

Reunification remains an **issue** that needs to remain strictly on the **bilateral agenda**. Since **security issues** have time and again impeded progress on the bilateral agenda, it is impossible to ignore their relevance for bilateral engagement. Items on the security agenda that have generated mistrust involved third parties, particularly the U.S. as the ROK's key ally. Although

in South Korea the U.S. is considered a protective power in the case of **defense**, in view of a **lacking security arrangement** between the U.S. and the DPRK beyond the Armistice Agreement, a legally binding document that limits the U.S. role and leads to a normalization of relations does not exist.

Thus security issues need to be dealt with in **parallel but substantially unrelated processes**. A key question that remains is who should be the key addressee and negotiation partner for a peace agreement. Since security issues in question concern the two governments on the Korean Peninsula and determine their common future, they still need to be the key negotiation partner, with the U.S. being only party in the matter of security guarantees and a peace regime.

Bilateral negotiations and relations involve CSBMs such as people to people exchanges and technological and economic cooperation. They determine the next steps and the level of institutionalization during the process of normalization including the possibility of a joint commission as well as military-to-military or interagency liaison.

Annex - Key Points of Previous Agreements and Documents

September 19, 2005 Joint Statement (6-Party Talks)

The participants in the six-party talks concluded a **joint statement of principles to guide future negotiations.**

- North Korea commits “to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards.”
- It also calls for the 1992 Joint Declaration of the Denuclearization of the Korean Peninsula, which forbids the two Koreas from possessing uranium-enrichment and plutonium-separation facilities, to be “observed and implemented.” Washington affirms in the statement that it has no intention to attack or invade North Korea.
- The statement commits the participants to achieving “the verifiable denuclearization of the Korean Peninsula in a peaceful manner” and says that the parties agree “to take coordinated steps to implement” the agreed-upon obligations and rewards “in a phased manner in line with the principle of ‘commitment for commitment, action for action.’”
- The statement says that North Korea “stated that it has the right to peaceful uses of nuclear energy” and that the other parties “expressed their respect and agreed to discuss, at an appropriate time, the subject of the provision” of a light-water nuclear power reactor to Pyongyang, although this issue was controversial.

February 13, 2007 Agreement (6-Party Talks)

The six-party talks concludes its fifth round with an **agreed “action plan” of initial steps to implement the September 19, 2005 joint statement on North Korea’s denuclearization.**

- According to the action plan, North Korea is to halt the operation of its nuclear facilities at Yongbyon during a 60-day initial phase in return for an initial shipment of 50,000 tons of heavy-fuel oil.
- The action plan also establishes five working groups to “discuss and formulate specific plans” regarding: economic and energy cooperation; denuclearization; implementation of a “Northeast Asia Peace and Security Mechanism;” North Korean relations with the United States; and North Korean relations with Japan.
- The statement indicates that, following the shutdown of North Korea’s nuclear facilities at Yongbyon, Pyongyang is to provide a complete declaration of all of its nuclear programs and disable all of its existing nuclear facilities in return for an additional 950,000 tons of heavy-fuel oil or its equivalent.
- In addition to helping to provide energy aid to North Korea, the United States agrees to begin the process of removing Pyongyang from its list of state sponsors of terrorism and to stop the application of the Trading with the Enemy Act toward North Korea.

February 29, 2012 Agreement – Outcome of Bilateral discussion between the U.S. and DPRK

North Korea agreed to suspend Yongbyon, allow IAEA inspectors, and implement moratoriums on nuclear and long-range missile tests. U.S. in return would provide 240,000 metric tons of food aid under strict monitoring.

August 1, 1975, Final Act of the Conference on Security and Cooperation in Europe (CSCE)

Also known as the Helsinki Accords, the Final Act is not a treaty, but rather a politically binding agreement consisting of three main sections informally known as “baskets,” adopted on the basis of consensus. This comprehensive Act contains a broad range of measures designed to enhance security and cooperation in the region extending from Vancouver to Vladivostok.

Basket I contains a Declaration of Principles Guiding Relations between participating States, including the all-important Principle VII on human rights and fundamental freedoms. It also includes a section on confidence-building measures and other aspects of security and disarmament aimed at increasing military transparency.

Basket II covers economic, scientific, technological and environmental cooperation, as well as migrant labor, vocational training and the promotion of tourism.

Basket III is devoted to cooperation in humanitarian and other fields: freer movement of people; human contacts, including family reunification and visits; freedom of information, including working conditions for journalists; and cultural and educational exchanges. Principle VII and Basket III together have come to be known as "The Human Dimension."

Since 1975, the number of countries signing the Helsinki Accords has expanded to 57, reflecting changes such as the breakup of the Soviet Union, Czechoslovakia and Yugoslavia. Institutionalization of the Conference in the early 1990s led to its transformation to the Organization for Security and Cooperation in Europe, effective January 1995.

(Sources: www.armscontrol.org; OSCE).