

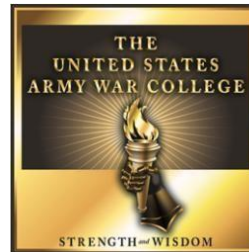
Answering the Korea Question: U.S. Government Policy toward the Unified Command and the Korean Armistice Agreement

by

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Abstract

Since the 1950 invasion of the Republic of Korea by the Democratic People's Republic of Korea, United States policy has been to provide leadership over the collective security commitment to the Republic of Korea by the International Community and to maintain friendly force compliance to the 1953 Armistice Agreement. The strategic geopolitical conditions of the 1950s have evolved, with the United States and Republic of Korea political, economic and security relationships advancing far beyond the imagination and aspirations of leaders in the 1940s and 1950s. This paper proposes that the United States Government conduct a formal review of its current and future national interests in both the unified command (United Nations Command) and the Armistice Agreement. In addition, this paper offers insights to United States Government decision makers on options and alternatives that are available so that a future policy change is nested within its wider Indo-Asia-Pacific national interests and policies. Change is both constant and inevitable, therefore, it is better for the United States Government to be active in designing and managing a conclusion in lieu of waiting for other stakeholders or inertia to drive an unmanaged end state.

Answering the Korea Question: U.S. Government Policy toward the Unified Command and the Korean Armistice Agreement

Introduction

An independent, unified Korean state existed from 668 A.D. until 1905. While there were periods during this time when the Korean state was in a tributary relationship with China, fractured, or was dominated by a foreign power, for the most part the nation remained unified and self-governing. However, since 1905 the Korean Peninsula has been dominated by foreign powers, or when independent and self-governing, remained divided. During the Second World War, the Allied Powers established a post-conflict objective at the 1943 Cairo Conference for a “free and independent” Korea.

Post-war politics served as a barrier to the Allied Powers, principally the United States (U.S.) and the Soviet Union (USSR), from realizing the stated objective regarding a unified and independent Korean state. The U.S. attempted to utilize the newly established United Nations (UN) and the UN General Assembly (UNGA) “Korean Question” agenda item as a mechanism to ultimately resolve this Korean issue. This ultimately failed, with the post-war occupation by the Allied Powers resulting in the bifurcation of the Korean Peninsula into rival claimant states. The Republic of Korea (ROK) was established in the U.S. occupied zone following UN monitored elections, and the USSR installed a Communist government in their northern zone, the Democratic People’s Republic of Korea (DPRK).

Once the ROK and DPRK states were formed the U.S. and USSR withdrew their occupation forces. In late June 1950 the DPRK invaded the ROK to forcibly unify the Peninsula. The U.S. militarily intervened on behalf of the ROK. Immediately the U.S.

marshalled support within the UN, gaining UN Security Council (UNSC) authorizations for a U.S. led, UN member state collective security intervention on behalf of the ROK. The U.S. Government (USG) established a unified command (United Nations Command or UNC) to lead the military force contributions provided by twenty UN member states and the ROK. The DPRK received third party support, primarily through a People's Republic of China (PRC) proxy force (Chinese People's Volunteers or CPV), along with intelligence, military supplies and clandestine military forces from the USSR.¹

The conflict's active hostilities lasted a little over three years, finally suspended via a military cease fire agreement between the respective commanders. This Armistice Agreement was intended as a temporary measure to halt the fighting, in order to allow for the two Koreas and the relevant stakeholders in the conflict to conclude a political solution with an enduring peace regimen. The attempts to reach a political solution collapsed in 1954, leaving the Armistice and a suspended state of hostilities in place for over six decades.

This paper will examine and focus on the U.S. national interest in resolving the six decade legacy of the suspended state of hostilities on the Korean Peninsula. The U.S. continues to lead the UNSC authorized UNC, underwriting the costs and risks of friendly compliance to the Armistice Agreement, even after primary responsibility for defending the ROK has been transferred to a bilateral U.S. / ROK Alliance command, the Combined Forces Command (CFC). Presently there is little momentum to change this state of affairs, even though the geopolitical environment within Northeast Asia and the Korean Peninsula is fundamentally different than it was when the command was established and the cease fire was instituted in the early 1950s.

The DPRK's Weapons of Mass Destruction (WMD) and Ballistic Missile (BM) programs are not addressed in this paper as considerations to be assessed by the USG regarding its future role and responsibilities toward the UNC and the Korean Armistice Agreement. The question of the DPRK WMD and BM programs is separate from, and outside the scope of the UNC and the Armistice Agreement.²

In many regards the U.S. national policy regarding these two instruments (UNC and the Armistice) remain trapped in early Cold War legacies. They are both a relic that correspondingly inhibits the evolution of the bilateral U.S. / ROK security relationship, yet in a broader sense might remain relevant for the U.S. in the contemporary world in that solving the Korea Question may weaken the U.S. regional position vis-a-vis other Northeast Asian powers such as the PRC. The seventieth anniversary of the UNC's founding is rapidly approaching, and almost forty years since the UNC divested all but its Armistice responsibilities to the U.S. / ROK Alliance. It is therefore appropriate for the USG to conduct a major reassessment of its continued national interest in both retaining leadership of the UNC and underwriting the costs and risks of maintaining friendly force compliance to the Armistice Agreement. Ultimately these present-day costs and risks must be balanced against the wider long-term U.S. national interests in the Indo-Asia-Pacific.

Background

Origin of the U.S. National Interest in the UNC.

Since the Cairo Declaration in 1943, the consistent U.S. national policy toward the Korean Peninsula has been an eventual unified, independent, and democratic Korea.³ The combined effects of the Cold War and Korean War, including their unresolved vestiges, have significantly complicated the realization of this USG policy for over sixty years. From 1945 through 1947 the USG focused on achieving this policy goal bilaterally with the USSR, namely through the December 1945 Moscow Agreement.⁴ When that failed the USG turned to the UN.

The USSR opposed handing over the Korea Question to the UN on legal grounds. Per the UN Charter, the governments primarily responsible for the defeat of an enemy power during the Second World War retained the responsibility for determining the terms of the peace settlement.⁵ When the UNGA took up the issue over USSR protests, the Soviet response was to bar the UN Temporary Commission on Korea from conducting activities within the USSR occupied Korean zone. Despite this barrier, elections were held on May 10, 1948 in the U.S. occupied half of the Korean Peninsula, south of the 38th Parallel.

Earlier in 1947, the USG concluded that the Korean Peninsula was not a vital national interest. While the U.S. occupied zone (officially the ROK after 1948) was to be supported, it would not be defended. This internal USG calculation was publicized later in January 1950 when the U.S. Secretary of State excluded the ROK from the U.S. defense perimeter in the Pacific.⁶ From 1947 to 1953, the U.S. deliberately utilized the

mechanisms of the UN to pursue the U.S. policy toward Korea, with the UNC as the preferred USG instrument within the ROK after 1950.

With approval by the USSR and the PRC, the DPRK invaded the ROK on June 25, 1950.⁷ The ROK Army quickly collapsed in the face of the DPRK Korean People's Army (KPA) assault.⁸ In a bold policy shift, the USG decided to intervene militarily in the conflict on behalf of the ROK.⁹ A dominant consideration at the time held by many free-world leaders, although not necessarily appreciated as much in the present day, was the "necessity of upholding the UN system of collective security."¹⁰

The UN was less than five years old and the failure of its predecessor, the League of Nations, to halt aggression in the 1930s was a major factor in the U.S. (and other nations) decision making calculus in 1950. Consequently, the USG aggressively advanced the issue of unprovoked aggression by the DPRK to the UNSC as a significant threat to international peace and security. The majority of the non-Communist UN member states readily accepted the proactive U.S. leadership on this collective security issue.

The UNSC was able to take up the issue of aggression against the ROK only because the USSR's representative had boycotted the UNSC forum since January 1950 over the issue of the Chinese seat with the UN. The USSR continued its boycott of the UNSC through the month of July, despite requests by the UN Secretary General to return. For a little over a month, 37 days in total, the U.S. and its supporters exercised unfettered domination of the UNSC during the initial UN response to the DPRK invasion. This non-participation by the USSR allowed for the UNSC to achieve, for a

brief time, the UN Charter aspiration for the UNSC to serve as a check on breaches of peace and acts of aggression.

The UNSC passed two resolutions (UNSCR) in rapid succession following the DPRK invasion. The first called for a cessation of hostilities and the second provided the authorization to individual UN member states for the use of military force in support of the ROK. The below tables provides key information on the first two UNSCRs passed.

UNSCR 82¹¹ June 25, 1950 ¹²	• Condemned the DPRK invasion of the ROK. • Called for: an “immediate cessation of hostilities,” the DPRK to “withdraw” its forces, and for UN member states to “render assistance.”
<i>UNSCR 82 called for a <u>cessation of hostilities</u> and branded the DPRK as the aggressor.</i>	

Source: Created by Author

UNSCR 83¹³ June 27, 1950	• Reaffirmed UNSCR 82. • Requested UN member states to provide assistance to the ROK "to repel the armed attack and to restore international peace and security to the area."
<i>UNSCR 83 called for UN member states to render <u>military</u> assistance to the ROK and for a <u>return to the status quo ante</u>.</i>	

Source: Created by Author

By early July 1950, the ROK military effectively collapsed and the ROK Government (ROKG) had evacuated its national capital. The UN Secretary General advanced the idea on July 3rd for UN member states to place their forces under a unified command in order to synchronize and control UN support being provided to the ROK. The U.S. already had a unified command in the field in support of the ROK, the U.S. Far East Command (FEC) under General of the Army Douglas MacArthur. Several UN member nations had already placed their air and sea forces under the control of the FEC after UNSCR 83 was passed.¹⁴

On July 7, 1950, the UNSC requested UN member nations to place their military forces under a U.S. led unified command and for the U.S. to designate a commander. The UNSC also authorized the use of the UN flag during the course of the unified command's operations. The unified command's guidance and direction remained the exclusive purview of the USG, with no direct linkage to the UN or the UNSC. The only nominal connection retained by the UNSC to the unified command, was through the USG and the request for reports on the activities of the command. The USG readily accepted the responsibility for the leading the unified command in the first UNSC authorized collective security operation. The below table provides additional key information on UNSCR 84, which authorized the U.S. leadership over the UN collective security mission in Korea.

UNSCR 84¹⁵ July 7, 1950	• Reaffirmed UNSCR 82 and 83. • Requested UN member states to “provide military forces and other assistance” “to a unified command under the U.S.”¹⁶ • Requested the U.S. to “appoint a commander of these forces” and to provide “reports” on the unified command’s activities.¹⁷ • Authorized the U.S. unified command to “fly the UN flag in the course of operations.”¹⁸
<i>The USG accepted the responsibility for leading UN member nation’s forces in Korea, but insisted that it <u>retain complete executive control</u> over the unified command. <u>Actions taken under UNSCR 84 were not taken under Article 42</u>, which is why the resolution requested action in lieu of directing action or appointing a unified commander. However, despite the action not being an Article 42 UN mission, the UNSC did bestow this unified command the <u>authority to use the UN flag as a symbol</u>. UNSCR 84 includes “<u>no provision for any continued UN supervision</u>” of the subsequent actions by the unified command, save the request for reports from the USG.</i>¹⁹	

Source: Created by Author

Following the July 7 UNSC request, the U.S. President designated General MacArthur as the commander of “UN forces” in Korea.²⁰ The ROK President then placed his entire armed forces under the unified command’s control.²¹ The USG established a separate and distinct unified command on July 24, 1950, designating it as the UNC.²² Despite its given name, this command largely remained a U.S. military command exclusively staffed by U.S. service members. Multinational equities within UNC Headquarters were represented by a Liaison Group from the contributing nations,²³ and one multinational officer appointed by the United Kingdom from 1952-1956.²⁴ Ultimately twenty UN and non-UN member nations, referred to as the UNC Sending States, placed their contributing force contingents under the operational control of the USG unified command during the course of the 1950-1953 war.²⁵

The DPRK invasion resulted in a terrible humanitarian crisis in the ROK. The UNSC members recognized that the unified command was on the ground, and best positioned to lead and implement civil relief efforts by the international community in lieu of creating a stand-alone UN mission.²⁶ UNSCR 85 was passed on July 31, 1950, and was ultimately the last action taken by the UNSC during the course of the war and final guidance to the UNC (USG) on the prosecution of its collective security mission.

The below table provides additional key information on UNSCR 85.

UNSCR 85²⁷ July 31, 1950	• Requested the U.S. unified command to “exercise responsibility for” and to “establish” “procedures” for providing relief to Korean civilians and to provide the UNSC with “reports, as appropriate, on its relief activities.” • Called on UN agencies and non-governmental organizations to provide assistance and relief per the request by the unified command.
<i>While the resolution did not specifically confine the authorization to the confines of the ROK, the unified command’s <u>authority was limited per UNSCR 82 and 83 to the pre-conflict ROK territory.</u> So despite some periodic assertions, UNSCR 85 did not extend the unified command’s authority north of the 38th Parallel. However, UNSCR 85 broadened of the unified command’s mission focus beyond military affairs, opening the door for the USG to utilize the unified command for wider purposes in a more whole of government approach within the ROK.</i>	

Source: Created by Author

The USSR continued its boycott of the UNSC over the UN Chinese membership issue until August 1, 1950.²⁸ When the USSR’s UN representative returned, the UNSC’s active participation in the Korean War and with the UNC ended. Thereafter all measurable action in the UN was conducted by the UNGA. The UNC’s organizational

underpinnings and its raison d'être are indelibly linked to this near open-ended UNSC guidance.

Throughout the UNC's existence the USG has provided all strategic guidance and conducted all decision-making for the UNC. The USG has been very protective of this role in the plans and operations of the command. However, relatively early in the war, the USG did reach out and attempt to incorporate UNC Sending State interests into its decision making process. At the end of November 1950, following the massive intervention by the CPV into the conflict, the U.S. Department of State initiated a series of informal conferences in Washington D.C. with several resident Sending State Ambassadors. The original purpose was to provide the USG perspective and insight on the Korean conflict. "Intelligence briefings" and "summaries of current operations" were provided. This informal forum grew in size, transitioning to regular meetings, later gaining the designation of the "Committee of Sixteen." This body also served as an opportunity for the Sending States to provide regularized Government to Government dialogue on the strategic direction of the war effort.²⁹

UN Bases in Japan.

When the Korean conflict started, the U.S. was still occupying Japan following the Second World War. Japan's proximity to the Korean Peninsula proved critical to the UNC war effort, both as a staging ground and a logistical base. By September 1951, Japan had negotiated to regain its sovereignty through the Treaty of San Francisco. Included in the treaty's notes, was an agreement that Japan would continue the basing and logistical arrangement in support of the UNC mission. On February 19, 1954, these notes were formalized into the "Agreement Regarding the Status of United Nations Forces in Japan," more commonly referred to as the UN-Government of Japan (GOJ) Status of Forces Agreement (SOFA).³⁰ This was a multilateral agreement facilitated by the USG with the GOJ. Individual UNC Sending State nations joined the agreement, but executive agent responsibility remained with the U.S.³¹

The GOJ continues to honor the 1954 UN-GOJ SOFA, which extends base access and legal protections to UNC Sending States signatories. These seven designated UNC bases remain essential to the multinational UNC force contributing expeditionary military forces and humanitarian aid to the ROK in times of crisis and hostilities.³² The UNC Rear command has included UNC Sending State service members on the residual staff since UNC headquarters displaced to Korea from Japan in 1957.³³

Under provisions of the UN-GOJ SOFA, the UNC is required to notify the Japanese Ministry of Foreign Affairs when activity falling under the UN-GOJ SOFA is taking place. If needed, additional UN bases can be requested through UN-GOJ Joint Board (SOFA Committee). Logistical support at the bases for visiting or transiting UNC Sending State forces are provided by U.S. Forces Japan (USFJ) through bilateral Acquisition and

Cross-servicing Support Agreements (ACSA), or through ship chandlers (private contracting) facilitated by USFJ.³⁴

Today, the UNC bases in Japan are hidden in plain sight, but remain a strategic resource to the USG and other friendly forces in any resumption of hostilities on the Korean Peninsula. In military terms, the UNC bases in Japan provide two significant benefits to the USG and its national interests in the region.

First and foremost, the UNC bases allow the USG to rapidly and easily leverage its existing U.S. base structure in Japan for use by other multinational coalition members in a Korea contingency. It does this by maintaining the required legal agreements and mechanisms to allow for immediate deployment by the multinational force in crisis. Furthermore, in strictly military terms it cannot be overstated just how important logistical and staging bases outside the immediate combat zone are to expeditionary operations, particularly by what are typically non-expeditionary forces (majority of UNC Sending States) that are deploying from outside the immediate region.

Secondly, and just as important as the first major point, the UN / GOJ SOFA and the UNC bases provide important linkage (justification) for the GOJ to support U.S. and multinational military operations in a Korean theater from Japan. This linkage is above and beyond what the “Treaty of Mutual Cooperation and Security Between Japan and the United States of America,” also referred to as the U.S. / GOJ MDT, provide to the GOJ as justification for supporting a military campaign that does not directly threaten Japanese interests. Without a doubt the GOJ has to deal with significant pacifist affinities within its domestic audience. The UN / GOJ SOFA provides the GOJ and the U.S. a narrative that the operations are in support of the UN and its 1950 UNSCRs.

While arguably this is a thin justification to some, this linkage will be critically important to the GOJ as it addresses legal constraints associated with Article IX of its Constitution and to continue Japanese support for the USG (UNC) effort in a Korea contingency.³⁵

The Korean Armistice Agreement.

When the Armistice Agreement was concluded the UNC Commander endorsed the cease fire on behalf of all friendly forces operating under the UNC's control. The USG provided all negotiating guidance to the UNC throughout the course of the negotiations.³⁶ The military commanders from the opposing side, the CPV and the KPA, co-signed for the Communist forces.³⁷

The Armistice Agreement established a four kilometer wide Demilitarized Zone (DMZ) to separate the opposing forces, and established three commissions to supervise, observe, inspect and/or investigate the cease fire agreement's terms. The three commissions include the Military Armistice Commission (MAC), the Neutral Nations Supervisory Commission (NNSC), and the Neutral Nations Repatriation Commission (NNRC).

The MAC was established to supervise the implementation of the Armistice terms within the DMZ, investigate violations, and report to their commanders.³⁸ The MAC consists of members from both sides and is not a neutral body. The UNC's MAC members work for the UNC Commander and ensure UNC's equities are represented and addressed in enforcing the Armistice. The KPA/CPV's MAC members perform the same tasks for the opposing side. Compliance is the responsibility of each party and the MAC serves as a forum to discuss issues between the two sides, similar to a standing crisis management system. UNC is responsible to the KPA and CPV for friendly compliance to the Armistice Agreement, and the KPA and CPV have the same responsibility to UNC for their force's compliance. UNC does not have neutral oversight over the Armistice Agreement.³⁹

The NNSC was established to carry out reciprocal supervision, observation, inspection, and investigation functions as stipulated in sub-paragraphs 13(c) and 13(d), and as requested by the MAC in paragraph 28 on both sides (outside) of the DMZ.⁴⁰ The UNC nominated representatives from Switzerland and Sweden to conduct NNSC duties in the DPRK, while the KPA and CPV nominated Poland and Czechoslovakia to conduct the NNSC duties in the ROK.⁴¹ Each respective side was limited to five declared ports of entry / exit for the NNSC to monitor compliance with paragraph 13(d) of the Armistice Agreement. Jointly manned mobile teams were also established to investigate allegations of violations to the Armistice Agreement upon joint decision by the NNSC, either independently determined by the NNSC members or per the MAC's request as authorized in paragraph 28.

The NNRC was established to supervise the terms of the exchange of prisoners. The NNRC consisted of the four aforementioned NNSC member nations, but also included a fifth neutral nation, India. India's active participatory and neutral role in the NNRC process served as a tie-breaker when the four other members deadlocked over an issue, ultimately resulting in the NNRC fulfilling its mission.⁴² The NNRC officially ended its duties successfully through its supervision of the prisoner exchange, disbanding on February 21, 1954.⁴³

No document or agreement is ever perfect, which is why the Armistice Agreement was designed to be a living document, responsive to the military commanders to address gaps as they were identified. The mechanism in place for the two sides to bilaterally implement changes is through negotiated supplementary agreements to the Armistice. Over the life of the cease fire, the Armistice Agreement has been clarified,

added to, and in some cases specific clauses have been abrogated. Changes require the consent of all active signatories for them to be valid. However, unilateral withdrawal, suspension or abrogation from specific paragraphs and sub-paragraphs has been established in multiple precedents since the mid-1950s. Typically changes have been negotiated and line-item withdrawal notification has occurred via the MAC forum, although in some cases it has occurred via an official letter.

One unique aspect of the Armistice Agreement, as a military-to-military accord, is that it affords direct Commander-to-Commander dialogue. This dialogue is doctrinally similar to the granting of direct liaison authority (DIRLAUTH), in which a Commander does not require approval from a higher authority to directly consult or coordinate action.⁴⁴ There are a multitude of examples throughout the post-Armistice period of Commander-to-Commander correspondence separate from or to reinforce dialogue within the MAC.⁴⁵

Evolution of the U.S. / ROK Relationship.

After the Armistice Agreement was concluded in 1953, the U.S. continued to utilize the UNC as its primary security instrument in Korea through 1978. However, 66 days following the implementation of the Armistice Agreement, the U.S. and ROK Governments concluded a Mutual Defense Treaty (MDT). This MDT established a bilateral frame of reference for the U.S. / ROK security relationship, setting in motion a distinct bilateral relationship separate from the UNSC-sanctioned, U.S.-led UNC mission.⁴⁶ The MDT is the capstone document for the U.S. / ROK security relationship and serves as the bilateral relationship's legal foundation.⁴⁷ The MDT provides linkage between the two countries and is intended to guide their security relationship by providing the overall conceptual framework, purpose, and scope.⁴⁸ In particular, the MDT provides the ROKG legal justification for continued stationing of U.S. forces in Korea.

The MDT was an aspirational document when it was drafted, reflecting an anticipated future security relationship envisioned by the U.S. strategy for prosecuting the Cold War, U.S. National Security Council Report 68 (NSC 68). NSC 68 envisioned the U.S. defending and facilitating the build-up of the political, economic and military strength of the free world.⁴⁹ While the ROK was a weak, dependent, junior security partner in the fall of 1953, the MDT was drafted not necessarily for the present, instead for a future reality where the ROK was an active contributing member of the free world. As such, the MDT was purposely drafted as a reciprocal, defensive, and Pacific oriented relationship.⁵⁰ The MDT entered into force on November 17, 1954 following ratification by both governments, an exchange of notes, and conclusion of "Agreed Minutes

Relating to Continued Cooperation in Economic and Military Matters.”⁵¹ The most significant outcome from the post-ratification agreements was the clarification of Article I, II, and III, along with retention of the ROK armed forces under the operational control of the UNC.

By the late 1960s the foundation of the U.S. / ROK relationship had materially changed. The ROK was economically on the rise, wanting to participate more in its defense, while the U.S. was looking for and expecting more from its security partners. From 1968 through 1978, the U.S. and ROK implemented a series of independent and inter-connected modifications to the operating construct in the ROK (Appendix A: Evolution from UNC to CFC). During this period the USG attempted to end the UNC mission by transferring the UNC responsibilities with the Armistice Agreement to a bilateral U.S. / ROK successor command (Appendix B: USG Effort to Disestablish UNC). Ultimately the USG effort failed, largely over the DPRK’s refusal to consider such an action absent a political solution to the Armistice Agreement.⁵²

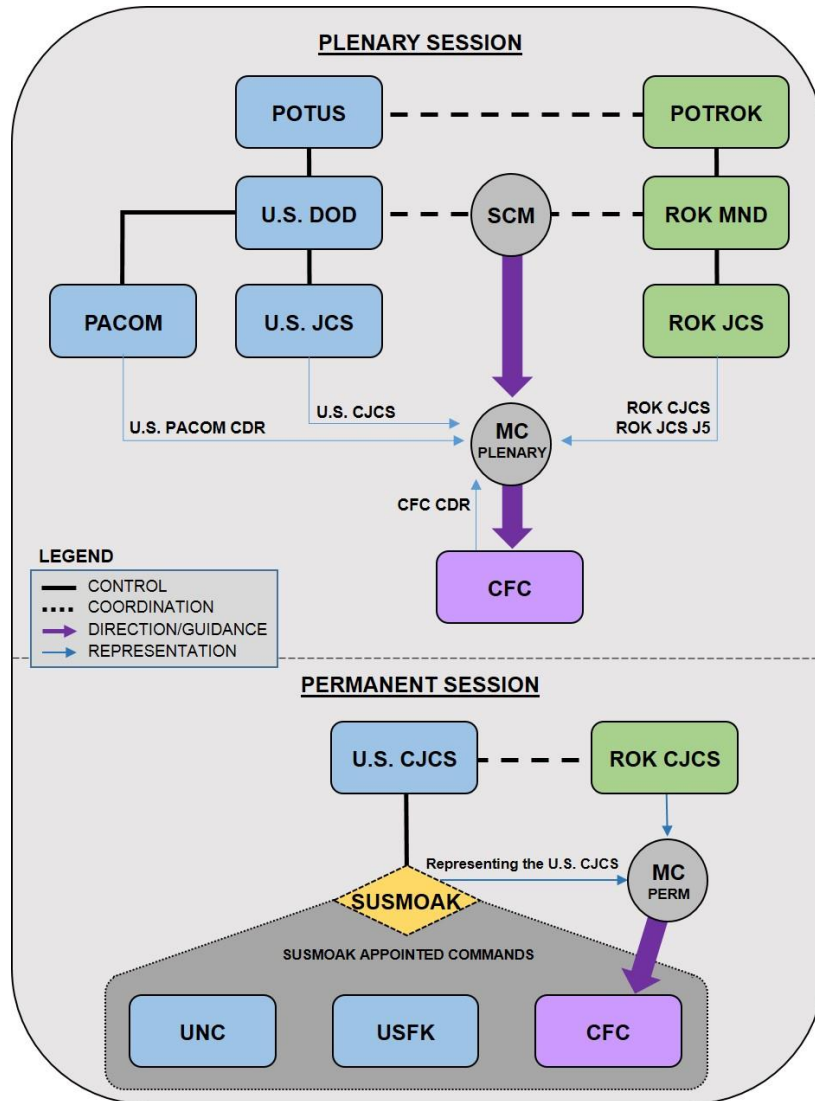
By 1978, the bilateral U.S. / ROK relationship had evolved from one of dependence to partnership. The two treaty Allies formally established an integrated defense command, the U.S. / ROK CFC, to assume the defense of Korea mission from the UNC.⁵³ While this change was significant, the most transformative issue within the relationship was the switch from unilateral U.S. decision making to bilateral decision making.

Bilateral decision making within the U.S. / ROK security relationship was manifested by the introduction of a Military Committee. This Military Committee serves as the higher authority for the U.S. / ROK Alliance Command, CFC. The Military Committee

performs the following five functions. First, it develops and transmit strategic direction and missions to Commander CFC from the ROK and U.S. Governments. Second, it provides a channel of communication between the two governments and Commander CFC. Next, it responds to guidance from the ROK and U.S. Governments for urgent matters. Fourth, it makes recommendations to the two governments concerning the military forces under the operational control of Commander CFC. Lastly, the Military Committee provides appropriate support for the strategic plans of both country's governments.⁵⁴

The Military Committee consists of two sessions, a plenary session and a permanent session. The Military Committee's plenary session generally meets annually, at a forum call the Military Committee Meeting (MCM). However, throughout its history it has on occasion skipped meeting yearly and in other cases formally met twice in the same calendar year. The Military Committee permanent session is a standing body that resides on the Korean Peninsula and consists of the Senior U.S. Military Officer Assigned to Korea (SUSMOAK) representing the U.S. Chairman of the Joint Chiefs of Staff (CJCS), and the ROK CJCS.⁵⁵ Both Military Committee sessions are equally empowered to make decisions and provide guidance and direction to CFC.⁵⁶ See below for a contemporary diagram on the U.S. / ROK Military Committee.

U.S. / ROK Alliance Military Committee



Source: Created by Author from multiple sources.⁵⁷

From 1978 to 1994, the UNC and CFC coexisted, with UNC responsible for friendly compliance to the Armistice Agreement, and CFC responsible for the deterrence and defense missions. The U.S. withdrew most of the personnel assigned for duty to the UNC and remissioned them for duty to the CFC staff, effectively leaving behind only the UNC Commander, the UNC MAC, and its supporting Secretariat. Recognizing that

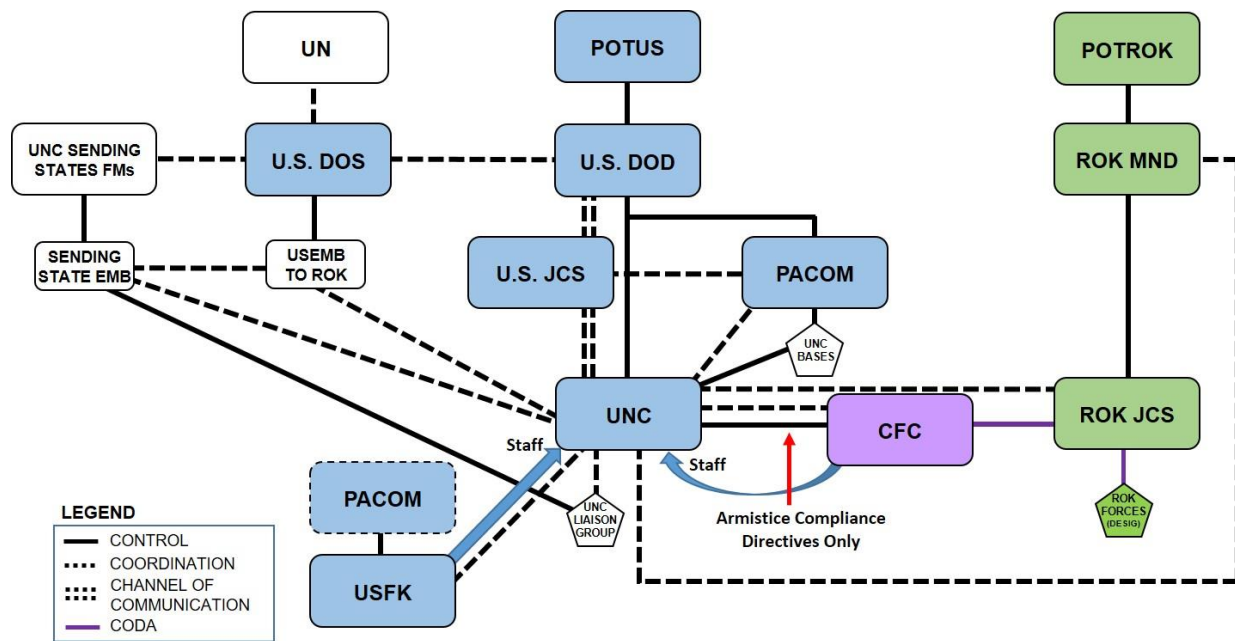
additional staff were required to adequately perform UNC Armistice functions, the CFC Commander appointed several U.S. and ROK members of the CFC staff to perform UNC duties.⁵⁸

As part of the 1978 transition, the ROKG withdrew operational control of its armed forces from UNC and placed them under CFC. A dichotomy then existed in that UNC had the responsibility to enforce the Armistice, but did not have direct authority to do so. Mechanisms were established to address this problem, however the simultaneous appointment of a single senior general officer to command both UNC and CFC allowed for a single individual to address both competing imperatives.

However, in 1994 the ROKG withdrew operational control over its armed forces from CFC and retained it under a ROK unified command, the ROK Joint Chiefs of Staff (JCS). Thereafter, ROK JCS became the responsible headquarters for the deterrence and initial defense of Korea during Armistice and early crisis periods. Despite this change, CFC remained the designated responsible headquarters for the defense of the ROK during hostilities and the prosecution of the combined defense campaign.

Recognizing that CFC needed linkages to ROK forces during Armistice, the ROKG delegated CFC Combined Delegated Authority (CODA), a nominal linkage to ensure the operational readiness of designated ROK Armed Forces.⁵⁹ See below for a post-1994 diagram on UNC relationships during Armistice to relevant higher and adjacent unified commands, departments and agencies.

Post-1994 UNC Relationships (Armistice)



Source: Created by Author from multiple sources.⁶⁰

The UNC, CFC and ROK JCS missions by and large complement each other, although there is a natural friction inherent in the relationship. The root of this friction emanates from the opposing sides (KPA / CPV) flagrant violations of the Armistice Agreement. For friendly powers the Armistice Agreement is a restraining mechanism, while for the opposing side it apparently is not.⁶¹ Over the course of the Armistice Agreement's sixty years, the DPRK in particular has apparently concluded that the threshold for U.S. and ROK military action was quite high, simply assuming that the U.S. and ROK did not want to resume active hostilities unless absolutely forced to. This has in many cases emboldened the DPRK leadership toward aggressive action and the tactical employment of "the rationality of irrationality."⁶² In this regard, the friendly force

friction is between compliance, deterrence, and response to DPRK provocations and attacks.

Prior to 1978, the USG decided unilaterally on actions to take or not to take. From 1978 to 1994, the decision calculus was predominantly bilateral, however the USG retained some unilateral controls via the UNC responsibility to the Armistice Agreement. After 1994, the ROKG also had a unilateral decision-making role in addition to the bilateral mechanisms for CFC. ROKG transition from a military government to a democratically elected civilian government in 1987 unleashed domestic audience passions into the post-1994 calculus that previously had been constrained by the military junta since 1961.

For the most part, the UNC and its legacies moved into the shadows after 1978, replaced by the bilateral U.S. / ROK Alliance and its mechanisms. In 1953 the ROKG agreed to comply with the terms of the Armistice, and does so to this day. However, the ROKG's reason for doing so is more tied to the U.S. national interest in the Armistice, than reminisces of a sixty year old decision made in the final days of the conflict prior to the Armistice. For the ROKG, continued compliance to the Armistice is the cost of an Alliance with the U.S. While the USG reserves the right to unilaterally act, it prefers to conduct military action with some semblance of internationally recognized justification for the use of force, particularly as it messages its own domestic audience. The Armistice Agreement provides the USG with such a justification, for whoever breaches the terms will be designated as the aggressor, constituting an internationally recognized breach of peace.⁶³

Starting in late 2002, first under the Future of the Alliance (FOTA) and then later under the Security Policy Initiative (SPI) rubrics, the U.S. and ROK embarked on a pathway to jointly develop a common framework to “modernize, strengthen and transform” the Alliance.⁶⁴ Beginning in 2006, the U.S. and ROK started on a path to transform their Alliance command and control construct following a bilateral Command Relations Study (CRS). The original plan was to proceed with a parallel command construct (separate and distinct ROK-supported / U.S.-supporting commands), but still operating under the bilateral Military Committee established in 1978.⁶⁵ The transformation was scheduled to take place in 2012, but was delayed in the aftermath of the 2010 attacks by the DPRK.⁶⁶

Ultimately, the U.S. and ROK were dissatisfied with the parallel command construct, opting in 2013 to retain an integrated Alliance command.⁶⁷ Despite the similarity of this new operating construct to the existing CFC, the two Allies decided to build a new command from the ground up in order to not be constrained by holdover interests within the CFC. Later in 2014 and 2015, the two Allies refined their ongoing transformation initiative, by pursuing a conditions-based vice time based approach.⁶⁸ While no timeline has been established, both parties involved have tacitly recognized that if executed according to plan and budget, will likely require until at least the mid-2020’s to implement.

One of the consequences of the UNC transitioning into the shadows after 1978 was organizational decay. Absent a dedicated workforce, combined with the primacy of the Alliance Command in senior leader considerations left the UNC adrift for extended periods of time. The post-2006 environment, when the U.S. and ROK pursued a

parallel command construct, exacerbated this circumstance. UNC (and CFC) ceded authority and organizational focus to USFK / Korea Command (KORCOM) and ROK JCS as they were the command vehicles of the future.⁶⁹ In order to address the organizational and operational gaps within the UNC, the command initiated a “revitalization” enterprise in spring 2015. This UNC Revitalization was intended to leverage the “untapped potential” of the command and the Sending States toward stability and security on the Korean Peninsula and Northeast Asia.⁷⁰ This venture was limited in scope, in that it did not seek to expand the command’s mission or responsibilities. Instead, the revitalization initiative was intended to shore up the command’s inadequacies by addressing the organizational and operational gaps in order to provide greater support to the CFC.⁷¹

FOTA, SPI and the ensuing post-2006 Alliance Transformation effort has been a conscious effort by the U.S. and ROK to modify their security relationship to reflect current realities and define the future relationship. Both countries recognized the underlying environmental conditions had changed, and it was necessary to adapt the relationship.⁷² While both countries agreed that change was necessary, they differ on certain aspects of the transformation and their relationship into the future.⁷³ Throughout the last decade the two Allies have achieved common ground in many areas, but still fundamentally disagree on extending the security relationship beyond the DPRK threat. At issue are competing visions of the future relationship – the U.S. desires to expand the relationship off the Korean Peninsula while the ROK prefers to keep the Alliance focused on the DPRK.⁷⁴ Yet, despite long-standing policy and vision divergences between the two Allies, these U.S. / ROK problems pale compared to other Alliances

the U.S. is engaged in.⁷⁵ Both nations find value in not only continuing, but expending significant organizational energy to transform the relationship for the post-2030 environment.⁷⁶

Key Periods in Inter-Korean and Diplomatic Relations.

Since their respective founding in 1948, both Koreas viewed the other as illegitimate. Outside of public statements and messages conveyed through surrogates, there was no direct dialogue between the two nations until 1960. In April 1960 a massive student uprising resulted in the removal of the increasingly autocratic ROK President Rhee. President Rhee was replaced by another democratic, civilian government. The DPRK and ROK held secret talks between October 1960 and August 1961, marking the first official Government-to-Government dialogue between the two Koreas.⁷⁷

On May 16, 1961, the ROK military executed a coup d'état against the new civilian ROKG. While the DPRK leadership was initially hopeful that the ROK military leaders might pursue a "progressive policy" that would be more agreeable and conciliatory to reunification of the Peninsula, their hopes were soon dashed. The ROK military government proved more autocratic (while holding similar anti-communist convictions) than the Rhee regime that was displaced the year prior.⁷⁸

After a series of official sub-ministerial government contacts in May and June 1972, representatives from the ROK and DPRK signed a "joint communique" on July 4, 1972. This communique established agreed upon principles of non-aggression and peaceful unification. These 1972 meetings were groundbreaking at the time in that they served as the first major bilateral agreement between the ROK and DPRK since their separate founding in 1948. However, within months the gains achieved through the dialogue stalled and then collapsed as each nation expressed differing interpretations of the agreement and the pathway forward. Notwithstanding, this dialogue serves as a foundational step toward normalization of the relationship between these two nations.

Major changes to the international system after 1989 led to several historic diplomatic events for the two Koreas. These events are often overshadowed by the collapse of the USSR and the Communist bloc. The first event occurred on September 30, 1990, with the USSR establishing diplomatic relations with the ROK. This groundbreaking move set the stage for the international recognition of the two Koreas on September 17, 1991, when the UNGA simultaneously admitted both the ROK and DPRK as UN member states.⁷⁹ The admittance of the ROK and DPRK created a paradox that is not often discussed – it left the UN, with a UN-flagged belligerent force (UNC), in a state of suspended hostilities (the Armistice Agreement) on behalf of one UN member state (ROK) against another UN member state (DPRK).⁸⁰

The diplomatic efforts within the UN body, were paralleled by a renewed diplomatic effort amongst the two Koreas, the first since their abortive 1972 effort. On December 13, 1991, the “Agreement on Reconciliation, Non-aggression, Exchange and Cooperation”, also referred to as the “Basic Agreement”, was signed between the ROK and DPRK. The Basic Agreement served as bilateral de jure recognition of each other’s system, internal affairs, and an agreement to transform the Armistice Agreement into a state of peace.⁸¹ A month later in January 1992, the two Koreas also concluded the “Joint Declaration of Denuclearization of the Korean Peninsula,” which was intended to keep both Korean state’s nuclear programs non-militarized / weaponized and for no weapons by third parties to be stationed on the Peninsula.⁸² These last flickers of hope for a lasting peace on the Korean peninsula stalled again, this time over the DPRK’s clandestine nuclear program aspirations, which resulted in a full-blown crisis by 1994.⁸³

Another major event in the early 1990s involved the normalization of relations on August 24, 1992 between the ROK and PRC. This action served as another significant shift of Korean War participants away from the legacy of the Korean War. In particular, this diplomatic act by the PRC continued its evolution away from the vestiges of the war and the Armistice Agreement. The final move by the PRC to close the book on that chapter in its history was taken in late 1994, when it assumed the national position that a peaceful settlement in Korea had been achieved by disbanding the CPV.⁸⁴

The U.S., ROK, and majority of UNC Sending States did not establish relations with the DPRK at the end of the Cold War. It wasn't until 2000 and 2001 that the majority of the UNC Sending States established diplomatic relations with the DPRK. Only the United Kingdom maintains a resident embassy in Pyongyang. The other Sending State Governments maintain non-resident missions within the DPRK, predominantly through their resident missions in Beijing, Seoul, or Hanoi. Of the 22 nations that fought with the UNC in 1950 to repel DPRK and CPV forces, only three (the U.S., ROK and France) have not established diplomatic relations with the DPRK.

In June 2000, the leaders for the ROK and DPRK met for the first time, when the two chief executives held an Inter-Korean Summit in Pyongyang. Prior to this, the governmental chief executives had only met with representatives. This ground-breaking summit resulted in a joint declaration consisting of four points, of which the agreement to conduct family reunions and the establishment of a foundation to achieve economic cooperation were perhaps the most important outcomes.⁸⁵ The summit later became a ROK domestic scandal when it came to light that the ROKG had secretly paid the DPRK \$200 million to participate in the summit.⁸⁶

In early October 2007, the ROK President and DPRK leader held a second Inter-Korean Summit. On October 4th, both leaders signed an eight-point declaration on peace and prosperity.⁸⁷ Similar to the past high-level meetings and agreements, this dialogue and the steps toward normalization between the ROK and DPRK stalled afterward. As late as the summer of 2010, following the investigation and conclusion that the DPRK had sunk the Cheonan earlier in the year, the ROKG was still extending an olive branch, hoping to ultimately reach a grand bargain for peace and an eventual reunification with its northern neighbor.⁸⁸ ROKG policy toward the DPRK hardened considerably following the DPRK's artillery bombardment of Yeonpyong-do in November 2010.

The economic recovery of the two Koreas was uneven for roughly the first decade following the implementation of the Armistice Agreement. Industrialization and economic progress within the DPRK far exceeded growth rates in the ROK. However, growth rates and development within the ROK dramatically accelerated in the latter 1960s, with the ROK Gross Domestic Product (GDP) surpassing the DPRK by 1969.⁸⁹ By 2015, the ROK has transformed itself into the world's #11 economy, while the DPRK slipped to 113th.⁹⁰ The Centre for Economic and Business Research estimates that the ROK will continue its economic rise, climbing to the world's #7 economy by 2030.⁹¹

Cracks within the Armistice Agreement Framework.

While the Armistice Agreement halted large scale active hostilities, it has left an uneasy peace for over sixty years. For the most part hostilities have been small engagements, skirmishes below the platoon level and not involving heavy weaponry. Most of the engagements have been initiated by the DPRK. Despite the routine flare-ups in hostilities, a steady state of affairs, has established itself on the Korean Peninsula. A de facto peace regimen has taken hold, in place of the de jure mechanisms established by the Armistice Agreement. Contrary to the public rhetoric, the majority of the Armistice Agreement mechanisms put in place in 1953 no longer function.

The NNRC completed its mission in 1954. The NNSC, the other neutral party mechanism, from the start never functioned as intended. The opposing side did not use their designated ports of entry and obstructed NNSC movements within the DPRK. By 1956, the NNSC was relegated to conducting internal meetings and reviewing reports provided by the respective parties.⁹²

Starting in May 1991, the KPA refused to accept further report submissions from the NNSC. The DPRK Ministry of Foreign Affairs notified the Czechoslovakian and Polish NNSC delegations in July 1991 that their NNSC mission had ended. The dissolution of the Czechoslovakia into the Czech Republic and Slovak Republic in 1993 resulted in the DPRK expelling the Czechoslovakian NNSC delegation despite an agreement by the Czech Republic and Slovakia that the Czech Republic would be the successor to the former Czechoslovakian NNSC Delegation. The Czech delegation abandoned their facilities in the DPRK because of KPA pressure and inability to travel within the DPRK.⁹³

The KPA then evicted the Polish NNSC delegation from Panmunjom in February 1995. While the Poles left their facilities within the DPRK under protest, they continue to send missions to the ROK since May 1995 to meet their Swiss and Swedish counterparts. Following the Polish delegation expulsion the KPA stopped recognizing the NNSC.⁹⁴

The NNSC remains today as a symbol only. By existing, they publicly telegraph that the Armistice Agreement visibly remains in effect. Absent a bona fide mission the Home Governments of the Swiss and Swedish missions began to question their continued support. In order to keep the NNSC engaged the UNC unilaterally expanded the NNSC mission tasks within the area under its control, first in 2005 and then again in 2010. However, this UNC / NNSC arrangement is not a genuine Armistice Agreement measure as it was done outside the framework of the Armistice Agreement and without opposing side concurrence. It is more appropriate to state that the expanded mission and tasks for the NNSC delegations are separate, multilateral agreements by the UNC, ROKG, and the NNSC delegations to better visibly demonstrate UNC's compliance with the terms of the Armistice Agreement.⁹⁵

Since 1953 the MAC has served as a useful, but tedious mechanism to maintain dialogue and reach agreements with the KPA and CPV. This was particularly important when the respective parties and their Home Governments did not maintain diplomatic relations nor any meaningful dialogue. At times the MAC was the only direct conduit available between the respective parties. However, the MAC has been broken since 1991. The KPA and CPV suspended their participation within the MAC body following the UNC appointment of a ROK general officer to the UNC MAC delegation senior

member position, never to return.⁹⁶ Lower level Secretariat (Colonel and below) dialogue channels did remain in usage.

The CPV withdrew from the MAC altogether in December 1994, departing the DPRK and purportedly disbanding. It is important to note that the 1994 withdrawal by the CPV was not the first time they absented themselves for an extended period from the MAC, only to return at a later date. The CPV was absent from the MAC for almost five years in 1966-1971 while the PRC was in the throes of their Cultural Revolution.⁹⁷ A CPV return to the MAC is often downplayed as no longer a possibility now that they have absented themselves for over 20 years. However, the PRC has been consistently pragmatic over the years, so a return at some point is a possibility should a compelling need arise that threatens their core interest. At least once since their 1994 departure the PRC has eluded to a resurrection of the MAC to address downward spiraling relations on the Korean Peninsula.⁹⁸

The KPA paralleled the CPV withdrawal by disbanding their MAC delegation, unilaterally appointing a successor agency, the KPA Panmunjom Mission, also referred to as the Panmunjom Representatives. Despite UNC assertions, the MAC no longer exists as a body. Instead, the UNC MAC delegation and the KPA Panmunjom Mission now meet via a “General Officer Talks” forum.⁹⁹ This forum is similar to the previously held MAC, however the KPA representatives largely ignore the ROK UNC MAC Senior Member, deferring to the senior U.S. member of the delegation.

The DPRK (and the KPA) have repeatedly stated that it has withdrawn or no longer recognizes the Korean Armistice Agreement at least seven times since 1976.¹⁰⁰ The majority of these statements by the DPRK have been for effect only. The DPRK / KPA

do utilize the framework of the Armistice, albeit not the mechanisms as codified, and only when they need to. As an example, the KPA Panmunjom Mission negotiated a subsequent agreement to the Armistice with the UNC MAC delegation in 2000 and 2006, to construct two transportation corridors between the ROK and DPRK.¹⁰¹

Contemporary U.S. and ROK National Interests.

USG decision-making calculus must ultimately synthesize its Korea interests with its wider Northeast Asian and Indo-Asia-Pacific interests and policies. Altering the unified command and the Armistice Agreement status quo will likely involve tradeoffs for the USG and some stakeholders. However, despite possible negative short-term repercussions from such change, the present circumstances are not optimized for long term U.S. interests in Korea or the region.

Below are a list of regionally-focused U.S. national interests and ROK national interests that the author developed during an East Asia-focused seminar at the Massachusetts Institute of Technology (MIT) in the fall of 2016.¹⁰²

U.S. National Interests in the Indo-Asia-Pacific

- Prevent regional hegemony; Preserve U.S. Primacy
- Preserve peace and stability in the Indo-Asia-Pacific
 - Defend Allies
 - Maintain or improve regional balance of power to thwart revisionist powers
 - Preserve stability of Sea Lines of Communication and maintain U.S. freedom of action
 - Retard further Weapons of Mass Destruction (WMD) proliferation
 - Support and facilitate the peaceful resolution of the divided Korean Peninsula (on ROK's terms) and other regional territorial disputes (Taiwan, East China Sea, South China Sea, etc.)
- Sustain and Improve U.S. and regional Economic Interdependence and Growth
- Sustain U.S. leadership in regional rule making
- Promulgate U.S. values into international norms

Source: Created by Author

ROK National Interests

- Preserve the Democratic Republic
- Enhance National Sovereignty
 - Balance and defend against remilitarization of Japan
 - Reduce dependence on U.S.
 - Cautiously improve relations with PRC
- Sustain and diversify Economic Growth
- Defend National Territory; ROK-led Re-Unification¹⁰³
 - Dokdo Islands
 - Northwest Islands / Northern Limit Line
 - Absorb DPRK
 - Yanbian (*possible post-unified Korea issue*)
- Avoid involvement in Great Power disputes

Source: Created by Author

Core Assumptions to Guide a USG Reassessment

1) The Armistice Agreement and its mechanisms no longer function as documented or intended. Yet, despite this circumstance, resumption of hostilities has not occurred. A rudimentary peace-like state of affairs exists under the remnants of an Armistice umbrella.

2) The USG continues to honor the Armistice Agreement and its mechanisms largely out of symbolism that the cease fire remains in effect. The international community also continues to recognize the Armistice Agreement as valid. Significantly, the majority of the 1950-era UNC Sending States remain involved in supporting the UNC and Armistice Agreement activities, providing a valuable Pol-Mil element to deterrence and a latent capability for conflict.

3) Historical precedents exist for unilateral actions within the context of the Armistice Agreement (including the Supplementary Agreements), for abrogation of individual paragraphs and sub-paragraphs, wholesale withdrawals, and declaration of successors in command as parties to the Armistice Agreement.

4) While the DPRK and ROK do not maintain diplomatic relations, they have met most objective standards of formal recognition – negotiations, trade, travel, etc. The DPRK and ROK have in effect recognized each other since 1972, and more formally since 1991 through the Basic Agreement and their accession into the UN as member states. The Military Demarcation Line (MDL) and DMZ have become the de facto, if not the internationally recognized de jure border.

5) Although tensions between the two Koreas have remain heightened, neither party (nor their patrons and supporters) wants to pay the high costs associated with a resumption of hostilities unless absolutely necessary.

6) The ROK has solidly entered middle power ranks and is on a trajectory to become the number seven economic power in the world. The UNC's continued oversight of friendly force (i.e. ROK) compliance to the Armistice Agreement is an anachronism within the contemporary and future world scenarios. Furthermore, continued UNC (USG) primacy over the Armistice Agreement is decidedly at odds with the U.S. / ROK Alliance transition narrative where the ROK will assume responsibility (and leadership) for its own defense. Yet, despite substantial ROK advancements since 1950, the ROKG still finds the present UNC / Armistice relationship beneficial for the time being.

7) The ROKG, regional and international stakeholders will want a role in or seek to influence U.S. decision making. While the USG does not require their consent in many regards, it behooves the U.S. to consult the interested parties throughout the decision-making process. However, unlike the aborted U.S. effort in 1973-1976 to disestablish the UNC, the USG needs to be prepared to act unilaterally as there are multiple stakeholders who will obstruct U.S. disengagement from the UNC or the Armistice for their own selfish interests.

8) The DPRK will most likely not be agreeable to any pathway the USG puts forward within a multilateral construct for transitioning from the status quo. More probably, the DPRK will seek to disrupt attempts by the USG to remove itself from the Armistice Agreement framework as the UNC and the Armistice Agreement serve as an

extremely useful tool with their domestic audience. For the DPRK, the UNC menace (as a proxy for the USG) justifies the harsh measures and the unrelenting revolutionary struggle advanced by the Kim family regime. Absent the existential threat posed by the UNC (USG) and the suspended state of hostilities visibly codified within the Armistice Agreement, the DPRK would have to directly engage its far more prosperous and successful ROK neighbor.

9) The U.S. and ROK will likely retain a Mutual Defense Treaty past 2030. However, the present U.S. / ROK security relationship will probably evolve significantly. The ROK will provide significantly more resources and control over its self-defense. Yet, absent a significant external shock or major paradigm shift in ROK political elite thinking, it is unlikely that the ROK will contribute more to the common defense outside the Korean Peninsula. Bilateral decision making will be retained in some fashion, however there will be considerably more autonomous decision making by the ROKG. The U.S. will most likely retain forward stationed forces on the Korean Peninsula, however, it will likely transition to more of an off-shore balancer role, providing niche, operational and strategic resources within the Alliance construct. While the above assumptions are likely or most likely over the next two decades, one major uncertainty is the scope of mechanisms the ROKG will agree to for the U.S. military to properly function in this more ROK-autonomous environment.

UNC: Opportunities and Alternatives

It is worth noting that UNC was created as a warfighter (belligerent). Additionally, the Armistice is an agreement with the KPA (formerly also with the CPV), that has had the effect of preserving the UNC role on the Korean Peninsula even as the U.S. / ROK Alliance has evolved. Presently the UNC performs two key mission sets for the USG on the Korean Peninsula – maintain the Armistice Agreement and serve as a standing U.S. led, multinational headquarters in support of the ROK. Despite its moniker, the command is a USG military command, with a very nominal connection to the UN. The UNC receives its guidance and direction exclusively from the USG, through the Secretary of Defense and his designated channel of communication, the U.S. CJCS. The UNC is headquartered in both the ROK and Japan, with the concurrence of both nations to perform its 1950-era UNSC authorized and endorsed missions.¹⁰⁴

Most importantly, UNC serves as the designated headquarters to execute USG responsibilities as the friendly force signatory to the Armistice Agreement. As the responsible command, the UNC maintains dialogue with the opposing side to communicate intentions, non-violently adjudicate violations of the Armistice, and conclude confidence building measures to reduce the threat of active hostilities resuming once again. One of the UNC's primary responsibilities is to oversee friendly force compliance to the Armistice Agreement, and when necessary, make recommendations or requests for friendly force actions to ensure compliance is maintained.

Currently, UNC retains the responsibility for friendly compliance, but lacks the authority and resources to fully perform this mission. Instead, it relies on CFC and ROK JCS compliance to its directives and requests to meet its obligations. As the ROK

continues to mature and develop, and while the U.S. / ROK Alliance evolves to a more autonomous ROK posture, this UNC position becomes increasingly tenuous.

The second key mission performed by UNC is as a standing U.S. led, multinational coalition headquarters of friendly nations. These friendly nations historically and presently maintain an interest in the welfare, if not the defense of the ROK. As significant, but distinctly outside of this coalition framework, is the standing commitment of Japanese logistical support for UNC activities in Korea. A contingency operation in Korea is one of the USG's major campaigns that it plans and resources for.

Historically the U.S. has had to build coalitions and seek endorsement by the international community, notably the UN, in a crisis or after hostilities have erupted. However, in this particular case the USG already has the UN authorization and standing coalition in place, although not all active coalition members would likely send forces in a resumption of hostilities. Furthermore, this standing coalition headquarters already has indispensable basing rights within the region to support expeditionary power projection by the multinational force.

Therefore, by acknowledging these two key mission sets, several opportunities and alternatives present themselves for consideration. The below list of opportunities or alternatives is not all-inclusive. Nor does it explore every possibility available to the USG. Instead, what they do provide, are a range of options to generate discussion and provide insight into both positive and negative implications of certain policy choices. For the purposes of this paper, four major alternative ideas are available, with one theme exploring two similar, but distinct avenues.

- Retain the Status Quo
- Transform the Headquarters
 - Internationalize the Command
 - Return UNC back into a Warfighter
- Retire the UNC, Return the UN Flag
- Mothball the UNC / Place the UNC into Cadre Status

Within each of these options, what we do with the Armistice Agreement is a separate decision, or alternatively, certain UNC opportunities are enabled through or predicated by separate dispositions to the Armistice Agreement.

Retain the Status Quo.

Maintaining the status quo has been the policy of the USG since 1978, when the USG and ROKG bilaterally agreed to transfer the UNC's responsibility for the defense of the ROK to the newly established CFC. Continued perpetuation of this position into the foreseeable future is possible. While many stakeholders may dislike the UNC in part or in total, the general consensus is that in the absence of a definitive peace regimen alternative, the UNC provides necessary stability. ROK / DPRK relations are by no means peaceful, with a near constant record of skirmishes since the cease fire in 1953.

It is probably justifiable to assert that the status quo has contributed to keeping a lid on the resumption of active hostilities. However, while it has contributed, it has not been the main driver of hostilities not resuming. ROK strength and the conventional

and nuclear extended deterrence provided by the U.S. has done more to act as a brake on hostilities resuming than the UNC's presence has.

Some members of the standing UNC coalition, the Sending States, are interested in increasing their participation within the headquarters. Others, the majority, are more comfortable with keeping the relationship how it is presently. Existing arrangements, including U.S. Department of Defense Foreign Exchange Officer (FEO) agreements, address the needs of those interested in more active participation. The scope of UNC's missions, are for the most part supported by the existing policies, although there are some gaps that have not been addressed. In particular, there is a clear-cut need for more dedicated U.S. and multinational staffing of the headquarters in the ROK, the UNC MAC Secretariat, and within the Japan-based Rear command post headquarters. Moreover, there is also a need to update past agreements or codify new bilateral / multilateral compacts to reflect the legalistic parlance of our times.

From a USG perspective, retention of the status quo continues U.S. responsibility to underwrite the cease fire arrangements, including the ownership risks that come with it. Despite the negative aspects that do come with proprietorship over the UNC, preserving U.S. responsibilities and involvement allows for the USG to better define how it would get involved in renewed hostilities on the Korean Peninsula. By ensuring friendly forces (notably its ROK Ally) comply with the Armistice Agreement, the USG in effect ensures friendly forces are viewed by the U.S. domestic audience and the international community as a reluctant victim should a major Korea conflict erupt again. Undoubtedly, a major theme of internal USG policy discussions, when confronted with the prospect of conducting major combat operations, is a sensitivity to generating and

maintaining political support. However, on the chance that friendly forces fail to comply with UNC directives regarding the Armistice Agreement, it would provide the USG justification for asserting that the resulting hostilities were outside the scope of its MDT and defense obligations to the ROK.¹⁰⁵

From a collective USG, ROKG and Sending State perspective, retention of the status quo does not threaten the continued access and use of the strategic UNC bases in Japan. This UNC basing arrangement has been in place since the early days of the UNC establishment. There is no guarantee the GOJ would concur with granting such a permissive arrangement if the UNC was deactivated or was materially modified beyond the GOJ's perception that the existing arrangements were justifiably being met. Loss of access to these UNC bases in times of crisis or hostilities would radically affect the deployment and staging of non-U.S. forces in support of the ROK.

The biggest risk associated with maintaining the status quo involves the ROK. The ROK is an advanced country, one of the world's leading nations, not the aid recipient nation of 1953. To assert that the ROKG still requires the USG and an international coalition to enforce a six decade old cease fire agreement with its northern neighbor is a little illogical. If anything, the UNC may no longer be the right "owner" for the friendly side. Not only do ROKG elites identify this contradiction, but the Korean people see it and have also come to question this continued infringement on Korean sovereignty.

That being said, the ROKG is also somewhat apprehensive about discarding the UNC, as it has proven convenient over the years to deflect and avoid responsibility for this sovereign security function. Moreover, the standing coalition mission of the UNC has continued value for the ROK into the future beyond the obvious military aspects the

Sending States provide. The diverse grouping of nations provide broad diplomatic support and in multiple cases the deep economic resources required for the prosecution of a renewed conflict and the post-conflict reconstruction and humanitarian support. However, the ROK is also uneasy about expanding the role of the UNC Sending States into its unilateral and bilateral security affairs with the USG, as it most likely invites more unsolicited advice (and pre-conditions for support) by these parties.

Transform the Headquarters.

The USG's preferred method of conducting military operations is within and under a U.S. led coalition umbrella.¹⁰⁶ While the U.S. has a deeply integrated bilateral Alliance with the ROK, it is in the U.S. national interest to bring more partners in. The UNC contextually provides this framework for the USG, however, this entity has regressed operationally from a multinational perspective since the mid-1950s when the Sending States by and large withdrew their forces. It remains operationally immature and hobbled, less by Sending State interest, but more from ROKG resistance to integrating the UNC and the Sending States more into the bilateral Alliance construct.

Even though USG officials routinely convey to ROKG officials this uniquely American feature of how it prefers to prosecute military campaigns, the ROK prefers to ignore or defer the discussion to another day. In many cases ROKG officials will also convey that bureaucratic and partisan party politics prevent this issue from being addressed at the moment, asserting that such ingrained integration of the multinational community will only come about when forced to at the start of a campaign.

One aspect that the ROKG overlooks, is that by postponing this discussion to the opening stages of a resumed major conflict, it will have much less leverage in protecting its interests in the resulting discussions. Negotiating this framework during peacetime conditions ensures that the resulting arrangements are not rushed. Furthermore, having these agreements in place also facilitates the expeditious deployment and integration by the multinational partners in a rapidly escalating crisis.

There are two avenues that the USG could pursue to increase the multinational character of the UNC within the bilateral Alliance construct. One pathway internationalizes the command, and another returns the UNC back to being a warfighter. Both options would most likely require separating the UNC architecture from operating within the Alliance command construct as it does today. Although, there are conditions which might also allow for the UNC headquarters staff to continue operations within the CFC footprint or the Alliance command that follows.

A. Internationalizing the Command. Since the UNC was established in 1950, it has been either staffed exclusively by U.S. service members, or included only token representation by the UNC Sending States. Internationalizing the command fundamentally changes the composition of the headquarters from an overwhelmingly U.S. staffed headquarters to one which has more ingrained UNC Sending State representation. Despite the inclusion of significantly more multinational partners into the staff, the USG would still retain executive decision making authority.¹⁰⁷ While the USG would retain executive decision-making, some higher level Government-to-Government policy coordination venue would likely need to be formed, similar to but more defined

than the “Committee of Sixteen” which operated in the early 1950s or a Korean Integrated Defense Dialogue (KIDD) forum the U.S. and ROK have operated since 2011.¹⁰⁸

This proposal involves transforming UNC from a unilateral command to a lead nation design (vice integrated command like CFC) per U.S. Joint Publication 3-16, Multinational Operations. To proceed down this path, the USG would need to pursue an overarching agreement with the prospective partners in lieu of the bilateral pathway currently being prosecuted via the FEO agreements.

Arguably, some of the current UNC Sending States might conclude that this pathway exceeds their commitment level, and may depart. While their loss to the UNC would largely impact the wider legitimacy of the command, but in real terms they probably couldn’t be materially counted upon in a contingency anyway outside the use of their flag and diplomatic support. However, this proposal could also include measures to retain the UNC Liaison Group as a method for these less committed nations to continue their limited participation.

Inherent in pursuing the option to internationalize the UNC is ROKG support. Optimally, the USG would need the ROKG to conclude an overarching multilateral SOFA similar to what the GOJ concluded in 1954 for the UNC bases in Japan. An alternative would be for the ROKG to conclude a less-than SOFA Visiting Forces Agreement (VFA) similar to what the USG currently has with the Republic of the Philippines. Regardless of the pathway chosen, a SOFA / VFA would provide the legal framework for these newly integrated UNC service members to operate from the Korea-based headquarters, for deployment of forces into the ROK to train, and if required,

conduct combat operations during hostilities. Expansion of existing information sharing agreements to facilitate UNC and U.S. / ROK Alliance planning and interoperability would also be necessary.

However, even if the ROKG vehemently opposes such an action the USG still has options. A more aggressive U.S. response might include displacing the bulk of the UNC Headquarters back to Japan to operate from one of the UNC bases, leaving behind a small command element and the UNC MAC and its Secretariat. From Japan, the U.S. and UN-GOJ SOFA Sending State signators already possess all the legal measures to conduct headquarters activities and operations. Furthermore, while UNC may not necessarily be integrated into the U.S. / ROK plans and operations, UNC could integrate into U.S. Pacific Command supporting plans and operations, which are not reliant on ROKG permission. While one might hope that the ROKG would be amenable to such a proposal, for it would be far better to be integrated on the Peninsula, the U.S. has options should the ROK stall or refuse such an overture to materially improve the UNC's support to the ROK defense.

B. UNC as the Multinational Warfighter. An aggressive and somewhat more controversial pathway for the USG to pursue would be a decision to transform the UNC back into the multinational warfighter by adding an operational mission profile to its present mission set. This operationalized UNC would function as a battlefield combatant, consisting of U.S. and multinational Sending State forces, fighting alongside and in support of the ROK Armed Forces.

This proposal is not a return to a UNC-led defense as was the case before 1978. Instead, it mirrors the 2006-2013 parallel design Alliance construct the U.S. and ROK previously pursued, but then abandoned. This earlier parallel designed Alliance construct included a ROK-led defense command (ROK JCS), supported by a U.S. command (a re-designated, re-missioned USFK called KORCOM).

Most importantly, this new proposal would still retain the ROKG remaining in the lead for the defense of their country. However, in place of KORCOM the international community, under USG leadership, would militarily support the ROKG using UNC as the supporting command vehicle. In this way U.S. and Sending State combat forces would augment the ROK defense, providing synchronized and unified international support for the ROKG during a resumption of active hostilities with the DPRK. Operationally this is beneficial as it removes unnecessary headquarters from the campaign, and it broadens the military effort by integrating niche, non-U.S. capabilities into the overall campaign plan. USFK would remain an active headquarters, but reduce its focus to limited joint administrative and logistical support activities much like it was originally established to perform in 1957. This pathway involves the integration of the UNC Sending States into the headquarters similar to the aforementioned internationalization of the UNC proposal.

Admittedly, the above two “Transform the Headquarters” proposals will likely induce friction within the U.S. / ROK relationship. While accommodation within a bilateral relationship is a cornerstone of an Alliance, pandering to the whims of an apprehensive partner in the face of operational realities only incurs higher risk should the Alliance relationship be tested in war.

The ROKG may push back hard on both such pathways. In particular, the UNC as an operational warfighter option would be tough for the ROKG to accept due to historical legacies and past negative impressions over UNC infringement on ROK sovereignty.¹⁰⁹ That being said, it is still a USG decision on what form and how it will meet its Alliance obligations and its international responsibilities it assumed in 1953 and 1950 respectively with respect to the defense of the ROK. Honest, open communication is key to any renewed or expansive role for UNC in the defense of the ROK. Bargaining and compromise will be necessary to successfully assuage ROKG concerns should the USG pursue an expanded mission for UNC.

Should the USG pursue one of the above pathways, it must be committed and prepared to see them through. The ROKG has the sovereign right to refuse USG support conditions should it so choose. However, should the ROKG conclude that U.S. conditions are non-negotiable, then it probably doesn't need the U.S. to provide active military support for its defense. In some respects, pursuing a UNC as a warfighter pathway might actually serve as motivation for the ROKG to more actively and deeply resource its defense and stop relying so much on the U.S.

Retire the UNC, Return the UN Flag.

There are several plausible reasons why the USG might consider an alternative future whereby the UNC headquarters would be disestablished and the U.S. could formally return the UN flag back to the UN Secretary General. UN legal opinions and policy documents have consistently asserted that the unified command can be

disestablished by only one of the two following methods. The USG either voluntarily elects to disestablish the command, or the U.S. is compelled to by the UNSC.¹¹⁰

Why would the USG elect to end this collective security mission it has led for nearly seven decades? The USG might determine that the conditions warrant transferring the mission to a more contemporary and relevant successor in command. The USG might also conclude that it no longer has an interest in underwriting the costs and risks of the command's missions. Such a decision might also arise because the USG might feel compelled to through international pressure, arising from a formal request by the ROKG to disestablish the command or through a non-binding majority vote within the UNGA.¹¹¹

Directive compellence by the UNSC to disestablish the UNC is extremely remote because such an action would ultimately require not only the U.S., but also the United Kingdom and France (both active UNC Sending States and UNSC Permanent Member states) to agree with or stand aside to such a directive action. Therefore, for the purposes of this paper, we will explore scenarios where the USG either decides it is time to end the UNC mission or feels compelled to by non-binding (non-UNSC) international pressure.

First and foremost, if the USG chose to unilaterally decide to transfer the UNC Armistice maintenance mission from UNC to a successor in command, it would be authorized per Paragraph 17 of the Armistice Agreement. There is the 1994 precedent established by the DPRK for unilaterally designating a successor in command for the KPA in the MAC, when it established the KPA Panmunjom Mission. While the USG could transfer the mission to USFK, U.S. Pacific Command or another U.S. command, this probably would not be appropriate considering the geopolitical conditions and the

ROKG vested interests in the defense of its country. The sole reason to transfer the mission to another USG command would be to end the nominal association with the UN by returning its flag and emblem.

Next, if by some chance the Armistice Agreement should be superseded by another peace regimen or is abrogated by either party, then the USG will need to decide what to do with the UNC. Regardless of how the UNC Armistice mission ends, if the USG did not immediately end the UNC mission, there will likely be intense international pressure, led by the PRC and Russian Federation (RF), for the USG to disestablish UNC. While U.S., United Kingdom and French permanent member veto powers within the UNSC would prevent UNSC action, if the Armistice Agreement was no longer retained, there would be little justification to utilize the veto just to protect the command if it no longer had a viable mission. Operating on the assumption that the USG elects to deactivate the UNC, it would merely need to declare to the UNSC that the requirements of the authorizing UNSCRs (82-85) have been fulfilled.

The loss of UNC would incur relatively low military risk to the U.S. or its ROK Ally. Operationally the U.S. / ROK Alliance command is already in place. The most significant military factor if the UNC is deactivated, would be the loss of the UNC bases in Japan. It is doubtful that the GOJ would grant an exemption to the basing arrangement after UNC disestablished, nor would it likely be as permissive in any attempted revision of a follow-on arrangement, should one be pursued. Despite the low likelihood under current conditions for the GOJ to extend basing rights to non-U.S. forces, ongoing heightened tensions within the greater East Asia might serve as justification for the GOJ to replace the UN-GOJ SOFA with another similar arrangement.

The next important military repercussion to the loss of UNC would be loss of a standing multinational headquarters that could rapidly integrate multinational forces in crisis in support of the ROK. Whereas this point is noteworthy, it is not strategically significant. While a standing headquarters, the UNC does not have all the necessary agreements in place to immediately perform this integration task. By and large most of the UNC stakeholders prefer to work through the details once a crisis compels such actions be taken. No single party is to blame for this shortcoming. While the ROKG is unwilling to extend SOFAs or VFAs to the UNC Sending States, the Sending States themselves have not offered dedicated force packages to the UNC mission should hostilities resume.

Should hostilities erupt at some point in the future, the international community could rally again to the ROK's aid just as it did in 1950. However, unlike 1950, there is no chance that the UNSC would grant such an accommodating or open-ended authorization as it did with UNSCR 84. It is just not how the Security Council operates anymore. Nor would the PRC (possibly supported by the RF), as a veto-wielding Permanent Member and Treaty Ally of the DPRK, allow such an open ended authorization to ever see the light of day. Post-UNC era multilateral actions would most likely have to occur outside of the UNSC framework, via a "Uniting for Peace" UNGA action or under the UN member nation's inherent right to self-defense and collective security afforded by Article 51 of the UN Charter.¹¹²

Mothball the UNC / Place the UNC into Cadre Status.

Similar to the conditions that would prompt the USG to deactivate the UNC, the USG has some options to temporarily justify retaining the UNC following a divestment of its Armistice Agreement responsibilities. Such an action might be appropriate as a confidence building measure during a transition from the Armistice Agreement framework to another peace regimen between the two Koreas over the near to mid-term. The regime in the DPRK has proven remarkably resilient, and therefore is unlikely to depart too far from its aggressive, intransigent, and rogue-like nature.

For the purposes of this paper, the DPRK regime, despite any follow-on post-Armistice peace regimen that might arise, will continue to be a latent threat to international peace and security within Northeast Asia. Operating on this assumption, the USG could justify placing the UNC into mothballs (inactive) or a cadre (small residual staff) status as a hedge against a future need.

Placing the UNC into a pure mothball status, where no personnel are dedicated to the UNC mission, does have obvious merits. These merits include the command remaining in existence for an emergency, but is absent from sight and therefore attract less scrutiny from opposing stakeholders such as the PRC and RF. Such a move is probably not the optimal solution when compared to placing the command into a reduced cadre status, unless absolutely necessary.

There are three important reasons why mothballing the organization completely would be a less optimal pathway. First, the command's institutional knowledge would rapidly atrophy. Attempting to reactivate the command in crisis would be problematic due to the highly nuanced nature of the command. It cannot be overstated how critical

subject matter experts are to the functioning of UNC. Second, absent some mechanism(s) to keep the UNC bases in Japan active, the GOJ might be inclined to abrogate the UN-GOJ SOFA. Lastly, these same mechanisms that would maintain the UNC bases would also facilitate continued UNC Sending State interest within the UNC. It is doubtful that one might reasonably expect UNC Sending States to continue their interest in a historical footnote if the command is mothballed.

If forced to choose between these two options, placing UNC into a cadre status probably better supports U.S. interests should hostilities resume between the two Koreas. Under a cadre status pathway, the UNC would still designate a Commander and retain a small residual staff to support him in the prosecution of his duties. The primary purpose for the cadre would be to act as a caretaker agency for the UNC bases in Japan. The UNC would divest the majority of its activities, such as disbanding the UNC MAC delegation, the supporting Secretariat, and cease accrediting UNC Sending State liaison officers in Korea (while still continuing the practice in Japan).

The military risk of this option would be low. The UNC bases in Japan would be retained and the coalition framework could still be periodically exercised in both Alliance and U.S. Pacific Command training plans. Annual and/or biennial exercises to train UNC reconstitution and multinational integration during a contingency would be obvious exercise objectives for the UNC cadre. Similar to the UNC deactivation measure articulated above, the U.S. / ROK Alliance has the capability necessary to deter the DPRK without a standing UNC.

This proposal likely incurs higher political risk than an outright deactivation, in that some stakeholders might oppose mothballing or placing the UNC into a cadre status

absent a clear and present threat to international peace and security. The USG absolutely could protect its decision within the UNSC. The USG could most probably justify a mothball / cadre proposal within the wider UNGA as an interim measure in a longer, safer pathway to disengage the unified command from the Korean Peninsula. One assumption is that the UNC disengagement from the Armistice Agreement would most likely not be fully supported by the DPRK. In such a case where the DPRK visibly expresses its displeasure, the mothball / cadre caretaker measures would possibly generate support from a majority of the international community.

Pathways and Options for the Armistice Agreement

The Korean Armistice Agreement was negotiated and implemented by the opposing military commanders in the conflict. The UNC Commander represented the forces under its operational control during the conflict (UN member nation forces and those of the ROK), and the KPA and CPV Commanders jointly represented their combined force. The USG provided negotiation guidance and direction to the UNC with regard to the cease fire terms and enforcement mechanisms the U.S. would underwrite. For the opposing military commanders, negotiation guidance and direction to the KPA / CPV was provided by the PRC and the USSR. The UN did not have a role in the Armistice Agreement other than encouraging the respective stakeholders to halt the hostilities and seek a political solution.

The post-Armistice Agreement attempt by the stakeholders to conclude a political solution failed in 1954. Since then, the respective parties to the Armistice Agreement have missed several opportunities to formally terminate the conflict. In particular, the respective sides failed twice in the 1970s to capitalize on opportunities afforded by the issuance of the 1972 North-South Joint Communique and the 1975/76 UNC termination discussion within the UNGA. Later in the early 1990s, the two sides did not capitalize on the conclusion of the Basic Agreement between the ROK and DPRK, nor did they take advantage of the simultaneous ROK and DPRK admission as member states to the UN. A suspended state of hostilities has persisted now for over six decades resulting in a “general stability” on the Korean Peninsula.¹¹³

While the conflict technically remains in effect, many of the involved parties and key stakeholders have reconciled their Korean War past. The PRC proxy force, the CPV, officially walked away from the Armistice in late 1994, departing the DPRK and for all

intents and purposes vanished. The USSR and PRC established diplomatic relations with the ROK in 1990 and 1992 respectively. All Sending States except France have likewise established diplomatic relations with the DPRK. The other diplomatic relations holdouts with the DPRK are the U.S. and ROK.

Almost seventy years of embittered tensions and outright hostilities between the ROK and DPRK have created an atmosphere that lessens the prospects of any meaningful progress toward a peaceful solution to the Korea Question. The inter-Korean relationship has been marked by caution and low levels of trust. For many decades the U.S. served as the patron state for the ROK, including as the responsible agent for the UNC, and as such has been pulled into the center of the inter-Korea conflict much like it has in the Israeli – Palestinian conflict.

While trust between the two sides has always been low, an argument can be made that whatever trust was present evaporated in the 2000s. The U.S. has had a visceral dislike of the DPRK since 1950, but was willing when necessary to work with the DPRK. The U.S. has probably completely lost any faith in the word (or signature) of the DPRK after the failure of the Agreed Framework in 2002.¹¹⁴ The ROKG aspired for peaceful reunification, but lost faith in a negotiated settlement after 2010 when the DPRK twice attacked the ROK in the West Sea (Yellow Sea) border region. Correspondingly, it is doubtful that the DPRK ever really had faith in the word of the U.S. or the ROK. However, the shocks from the 1990/1991 Gulf War, post-2001 Global War on Terrorism, and the 2011 North Atlantic Treaty Organization (NATO) intervention in Libya appear to have significantly shaped their contemporary negative opinions of the U.S., including official statements and underlying intentions regarding regime change.

Despite the poor state of contemporary inter-Korean affairs and dim prospects for marked improvement over the future, ROK / DPRK engagement is remarkably stable when compared to the 1960s or 1980s. South / North dialogue has occurred intermittently since the early 1970s, with bilateral de jure recognition of each other's system since 1991. Likewise, trade, ministerial exchanges, etc. were opened in the 2000s. While the sea boundary between the two Koreas remains heavily disputed, the land border has effectively been demarcated by the MDL and DMZ since the Armistice Agreement was implemented. The Basic Agreement stopped short of de jure diplomatic recognition, but events since 1972 point to de facto mutual recognition.

Several distinct and inter-related circumstances over the years, particularly since the late 1970s, have reduced the ability of the UNC Commander to honor his Armistice Agreement commitments. These include, but are not limited to separate South / North dialogue and agreements outside the scope of the Armistice, but influencing the state of affairs on the Peninsula; the evolution of the U.S. / ROK bilateral relationship; significant growth in unilateral ROK capability and autonomy; the withering of dedicated resources to UNC to utilize for its assigned mission set; and the unilateral departure from the Armistice framework by the opposing side in sum or in part over time.

The net effect has been two-fold: First, the UNC Commander retains the responsibility to maintain the Armistice Agreement and enforce friendly compliance, but he now does so without the requisite authority or resources. Second, the UNC Commander is for all intents and purposes unilaterally observing an agreement that the other parties have walked away from.

When truthfully recognizing the current state of affairs on the status and condition of the Armistice Agreement, the USG has three broad options that it can pursue. The easiest pathway available is to continue underwriting the Armistice for the time being and address the more assertive pathways later. Next, the U.S. can declare the Armistice a success, that the existing state of affairs have achieved a fragile, but peaceful inter-Korean settlement. Lastly, the USG can extract itself from peaceful settlement involvement (responsibility) by terminating the Armistice Agreement and leave the issue to the ROK and DPRK to address.

Continue the Armistice.

The USG can determine that it is in the U.S. national interest to continue underwriting the responsibility, costs and risks of the Korean Armistice Agreement. This decision might be made for any number of reasons, to include:

- a sense of obligation to the peace and security of Northeast Asia,
- desiring to retain a modicum of control over the fragile inter-Korean peace, including any events leading up to a resumption of active hostilities, or
- concluding that that U.S. leadership is required for the continued perpetuation of peace and security.

However, continuing the Armistice does not equate to maintaining the status quo either. If the USG decides to continue sponsoring the friendly side of the Armistice Agreement, it will need to invest more into this undertaking in order to ensure that resources and authorities match the responsibilities tasked to the UNC. Investments into Armistice maintenance responsibilities dwindled markedly after 1978, when the

UNC largely became an afterthought (including an atrophy in UNC resources and authorities) at the expense of the bilateral U.S. / ROK Alliance relationship.

For almost 40 years the absence of active hostilities has lulled USG decision makers into fallacious thinking that UNC and the Armistice are keeping a lid on a renewed war. While the UNC and the Armistice Agreement have proven their value over their six decade existence, they are not the exclusive reason why hostilities have remained suspended. Furthermore, past luck may not hold out in a future crisis situation, particularly as the ROKG is afforded more autonomy within Alliance security affairs over the coming decade while the UNC continues to operate in a degraded mode.

Continued USG maintenance of the Armistice Agreement on behalf of the friendly powers (the ROK) must be properly nested within future planned changes to the bilateral U.S. / ROK Alliance command construct. Arguably, and justifiably in many regards, the ROKG is concerned and extremely sensitive about its sovereignty in any UNC, Armistice and Alliance discussions. However, while sovereignty issues must always be both respected and delicately handled, the simple fact remains that sovereignty rhetoric is overplayed within these types of discussions. At the end of the day, the ROK is either asking for U.S. assistance or the USG is performing a security task on behalf of the ROKG. In such cases, the ROK has little room to stipulate the form or fashion that the U.S. elects how it will provide or perform a mission. That being said, sensitivity and mutual respect are paramount in such bilateral arrangements.

Therefore, the U.S. and ROK will need to consult and work through a mutually agreeable arrangement regarding Armistice authorities and resources. If the USG is to continue underwriting the costs and risks of the Armistice Agreement, then its

responsibilities must be synchronized with the correct (and proper) authorities and resources to execute this mission.

Declare the Armistice a Success.

The primary end state for this pathway would be to officially conclude the Korean War. There are several avenues to achieve such a state, ranging from full de jure peace treaties similar to the Treaty of San Francisco of 1951, to simple non-aggression pacts, or war termination agreements similar to the Soviet – Japanese Joint Declaration of 1956. Whereas any of these conduits would ultimately be agreeable to the USG as a measure to terminate the conflict, it is doubtful that the DPRK will willingly (or faithfully) enter in any such arrangement with the ROK.

USG objectives historically have been to encourage and facilitate a bilateral ROK / DPRK settlement. The primary purpose behind such efforts has been to Koreanize the ROK / DPRK security issue, removing the U.S. as much as possible. Meanwhile, the DPRK has insisted that a DPRK / U.S. settlement must be addressed first (due to the USG role in and responsibility over the UNC), before any DPRK / ROK agreement can take place. Multilateral unanimity to terminate the conflict is therefore extremely low in probability due to DPRK intransigence. Despite this virtual fact, it behooves the USG to make a good-faith attempt, if nothing else than to visibly demonstrate to the international community that an effort was made. However, it is assumed in this paper such that multilateral efforts to terminate the conflict officially with the DPRK will ultimately fail.

In the absence of a bilateral inter-Korea or multilateral three-party agreement, the USG could declare unilaterally or in concert with the ROKG that sixty-plus years of Armistice conditions have resulted in a de facto peaceful settlement to the conflict. Justification to the international community would reason that the situation was as stable as one could hope for, and that continued perpetuation of the Armistice Agreement framework was acting as a barrier to South / North bilateral relations.

Even though a situation involving a unilateral USG or bilateral USG / ROKG action would result in a heightened, ambiguous state of affairs, the likelihood that active hostilities would resume as a result is most probably very remote. However, uncertainty surrounding a unilateral declaration that the Armistice is a success, would likely serve as justification for placing the UNC into a cadre or temporary mothball status as a hedge against significant aggression by the DPRK. While a multilateral pathway would be preferred, the unilateral USG or bilateral U.S. / ROK pathway permits the U.S. to ignore DPRK attention seeking. Adopting a position that leaves the DPRK diplomatically, economically and militarily ignored and left to its own devices can help nudge them deeper into the PRC's sphere of influence, responsibility, and control.¹¹⁵

The DPRK has exploited the Armistice for sixty years, repeatedly striking at the ROK and U.S., all the while hiding behind the Armistice terms. Should the DPRK continue to persist with its aggressive posture of attacks and provocations, then the ROK and U.S. would no longer be constrained by the Armistice Agreement's terms. Appropriate retaliatory actions would be free to take place as a response, in accordance with international law, demonstrating to the DPRK that there are consequences to aggression.

On the other side of the coin, USG concerns over aggressive ROK behavior toward the DPRK absent the restraints imposed by the Armistice should be assuaged by the ingrained Alliance consultative mechanisms that are in place. Despite the narrative amongst some Alliance managers that the U.S. / ROK MDT automatically commits the U.S. to military action on behalf of its ROK Ally, the reality is much different. The MDT is defensive in nature and if the ROK is branded as an aggressor, then the U.S. is not bound to provide military assistance per the exchange of notes from January and February 1954.

Terminate the Armistice.

The Korean Armistice Agreement has been in place for over six decades, far longer than the original framers intended. The compliance mechanisms established in 1953, notably the MAC and the NNSC, have been broken for decades. They have long been recognized as most probably beyond repair, but retained largely for their symbolic value that the Armistice Agreement was still in place. One counterpart, the CPV, has completely walked away. The other party to the cease fire, the KPA, ignores the Agreement's terms unless absolutely necessary and only when it is convenient. The USG has for better or worse, been left holding the proverbial bag, unilaterally honoring the terms and utilizing the remnants of the aforementioned mechanisms as it tries to maintain peace and stability in the region.

The USG's continued deep engagement in the maintenance of the Armistice Agreement has also served as a barrier to the two Koreas reaching an accommodation. The USG (UNC) and the Armistice Agreement is convenient for both the DPRK and the

ROK to keep around. Despite periodic rhetoric to the contrary, including aspirational policy declarations, neither nation is actively working to resolve the current stasis to put the Armistice Agreement fully into the history books.

The DPRK uses the USG (UNC) and the Armistice Agreement as a screen to justify to their domestic audience that the USG is an existential threat. The USG (UNC) and the Armistice's suspended state of hostilities also justify their perpetual Socialist revolution, including the harsh measures the regime has implemented. Absent these foreign threats, the DPRK has to directly engage its far more prosperous and successful ROK neighbor, something which directly threatens the regimes legitimacy and survival. Therefore, the DPRK stays aggressive and hostile enough to justify continued U.S. engagement in the Peninsula, including its role in the maintenance of the Armistice Agreement, but below the threshold for the USG to pursue a regime change.

The ROKG also benefits from the existing arrangement. The Armistice Agreement serves as a compelling driver to keep the USG engaged in the Korean Peninsula. A proverbial fear of ROK elites is that absent a viable DPRK threat, the USG would withdraw its forces from the Peninsula like it did in 1949 and lose interest. A withdrawn and uninterested U.S. would leave the ROK to ultimately face its larger, more powerful Northeast Asian neighbors. An unaligned Korean has not historically worked out too well for the Korean people over the long term. Arguably, the U.S. has vacillated and not always been the best ally throughout the history of the U.S. / ROK (Korean) relationship, but despite its shortcomings the U.S. presence has been rather benign to Korean

independence and autonomy compared to past (and potentially future) regional hegemonic powers.

Secondly, the ROKG is able to defer complete ownership over and full responsibility for its defense. Lacking the protection afforded by the Armistice Agreement and the USG ownership over the costs and risks of its maintenance, would oblige the ROKG to more fully bear the costs and risks of a border with the DPRK. The combination of the USG ownership over the friendly compliance to the Armistice Agreement with the USG support provided via the Alliance combined defense operating construct, has allowed the ROK to defer many of the prohibitive costs and risks for its self-defense to the U.S. While the ROKG is capable of sustaining much higher defense spending, the ROK is also far from a cheap riding Ally especially when compared to other U.S. Treaty Allies.¹¹⁶ Moreover, the continued USG ownership over the Armistice Agreement also serves as a convenient patsy for the ROKG as a source of blame for failures or problems with the DPRK relationship.

While the ROK and DPRK have their reasons for keeping the Armistice in place, the USG is also a willing contributor to the sixty year status quo. Two factors have driven U.S. actions and decisions over the years. Meliorism and control. Combined, they ensure the USG has a prominent seat at the table in any inter-Korean dialogue, and also serves as a brake of sorts on any pathway that is counter to U.S. national interests.

U.S. meliorism is a powerful, significant factor in why the parties never transitioned away from the Armistice Agreement. Deep down U.S. elites believe active USG involvement is necessary to peace and security on the Korean Peninsula. This

underlying paternalistic dogma has repeatedly resulted in a refusal to let go of its status on the Peninsula.¹¹⁷

The U.S. has exercised unparalleled levels of control over ROK domestic and foreign affairs since 1945.¹¹⁸ This unique level of control has decreased immeasurably over the decades as the ROK has developed and the security relationship has evolved. However, despite the decreased levels of U.S. control and the corresponding increase in ROK autonomy, the Armistice Agreement remains an area of asymmetry in the U.S. / ROK security relationship. It is therefore reasonable that a case can be made that the U.S. has not aggressively advanced the issue of fundamentally altering the existing U.S. role in Armistice Agreement in order to retain a semblance of unilateral control over conflict escalation. This unique U.S. role complements and reinforces the bilateral security relationship by ensuring that friendly force behaviors are positively shaped to ensure (as much as possible) that the friendly forces are viewed as reluctant victims in a resumed conflict as previously articulated in the Retain the Status Quo option within the UNC section. In cold realist terms the Armistice Agreement framework acts as a brake on ROKG actions that might be taken prior to the Alliance consultative and decision making process occur.¹¹⁹

Terminating the Armistice Agreement, without a replacement peace regimen in place, acknowledges the reality of the operating environment. It forces the international community, the two Koreas in particular, to finally address the end of the conflict and the two state solution. The two state solution has already been endorsed by the international community in 1991, when both Koreas were simultaneously admitted to the UN as member nations. Furthermore, by voluntarily seeking UN membership and then

joining the UN as member states, both Koreas likewise sanctioned the two state solution.¹²⁰

Should the USG pursue a termination pathway, the process to abrogate the Armistice is relatively simple. The USG would issue an order to the UNC Commander to notify his counterpart on the opposing side that the UNC was abrogating the Armistice Agreement. Since the MAC no longer meets, notification would likely occur via the General Officer Talk forum or by an official letter passed through the KPA's Panmunjom Mission. The UNC would then extract its personnel from the vicinity of the DMZ and hand over their facilities to the ROKG. Similar formal letters would also be provided to the UNC Sending States and also to the NNSC notifying them that their services were no longer required.

There is ample justification to support USG abrogation of the Armistice. Likewise it is important to note that termination does not equal resumption of active hostilities. The DPRK has been non-compliant with the terms of the Armistice Agreement for decades, notably its non-participation with the MAC and expulsion of the NNSC delegations from DPRK territory. This pathway acknowledges the facts of life and informs the KPA that the UNC finally concurs with the seven past DPRK / KPA assertions that they had withdrawn from the terms of the Armistice Agreement. Active hostilities did not resume then, so why should it now? For hostilities to resume, a conscious choice would have to be made to go back to war. Such a choice has already been made decades ago, so the likelihood that abrogation would immediately result in hostilities is unfounded.

Termination of the Armistice Agreement, while generating a certain degree of opacity and uncertainty into a six decade status quo, removes the USG as a barrier to

inter-Korea relations and puts the onus directly on the ROK and DPRK. The USG extracts itself from any “final peace settlement” responsibility and transitions its focus to the U.S. / ROK bilateral relationship as a Treaty partner.

It is unlikely that the ROKG will warmly welcome suggestions by the U.S. to terminate the Armistice Agreement. Vacillating U.S. policy throughout the history of the U.S. / ROK relationship is a deep-seated worry for ROKG officials. Early, good-faith consultations with the ROKG on U.S. thinking is highly recommended as a confidence building and assurance measure. The U.S. / ROK security relationship has evolved significantly since the late 1970s, with another major transformation in the security relationship presently in development and planned for implementation sometime in the latter 2020s. However, the U.S. / ROK relationship cannot fully evolve in the 2020s if the Armistice remains in place. The Armistice will be over seventy years old by the time the U.S. / ROK Alliance transforms itself. The dichotomy between a ROK-led defense arrangement and a USG dominated cease fire mechanism can only induce a level of friction heretofore unknown in the seventy year contemporary relationship.

Conclusion

The USG has provided leadership to the international community's collective security mission in the ROK, and continued to provide oversight and management over friendly compliance to the Armistice Agreement for over six decades. The U.S. implemented one major change to the UNC in 1978, almost forty years ago, when it transferred the defense of Korea mission to the U.S. / ROK CFC. The Armistice Agreement, decayed and fractured almost from the day it was concluded, is today symbolically held together by the persistent will of the USG. The majority of the stakeholders in the region and in the wider international community have transitioned away from their Korean War era legacies.

At some point the USG needs to acknowledge the facts of the situation, and evolve its national position on both the unified command and the Armistice Agreement. Holding onto the comfortable status quo too long is just as bad a policy as rash, reckless behavior, both of which produce quick, embarrassing failures only separated by the time it takes for the result to be known. For too long the UNC and the Armistice Agreement have adapted to their geopolitical environment more by institutional inertia than by conscious design. It is therefore incumbent on the USG to change this and begin charting a deliberate, measured pathway toward eventually concluding U.S. interests in both matters. Movement in the direction of an inter-Korean solution to the security situation is required. Perhaps a bold shift is appropriate sooner than later, or maybe a longer pathway with interim steps along the way is best. Informed, honest, and constructive dialogue amongst the USG decision makers will produce a better

pathway than waking up in 2053 and celebrating the Armistice Agreement's centennial celebration.

The ROK has fundamentally transformed itself, no longer the broken backwater of the 1950s. It is a leading industrialized nation, one that is beyond ready to assume full leadership and control over its defense. While this is so, the ROK also lives in a very challenging neighborhood. The ROK is a loyal Treaty Ally, and should be extended the proper level of support from the USG as it assumes this responsibility. The ROKG and Korean elites may need some encouragement after seven decades of domineering U.S. influence. However, as long as the bilateral Alliance relationship remains strong, then the ROK will be more comfortable and self-assured as it moves further away from an asymmetric relationship with the U.S. and into one marked by balance and equal partnership.

Appendix A: Evolution from UNC to CFC

The genesis of the 1968-1978 evolutionary period was a 1965 UNC study to determine the form in which the ROK should be represented in UNC and/or USFK. This study recommended the formation of a bilateral planning staff, which later became known as the ROK / U.S. Operational Planning Staff, or OPS.¹²¹ The U.S. JCS approved the formation of the ROK / U.S. OPS concept in January 1966. The U.S. Pacific Command gave its concurrence in April 1966 and forwarded the concept to the Department of Defense for coordination with the ROKG.¹²²

Two senior level consultative forums between the USG and ROKG in 1968 initiated the decade long security relationship evolution from one dominated by the USG through UNC to a bilateral partnership that ultimately resulted in CFC being established in 1978. In February 1968, the ROK President and a U.S. Special Envoy agreed to transfer of the counter-infiltration mission authority and responsibility from UNC to the ROKG, and approved the establishment of a combined operational planning staff (ROK / U.S. OPS) as an accessory to the USFK Headquarters.¹²³

In April 1968, the two countries agreed to establish an annual consultative, high-level military meeting (between the U.S. Secretary of Defense and the ROK Minister of National Defense) to enhance the bilateral security cooperation. This forum was later named the Security Consultative Meeting (SCM) in 1971.¹²⁴

The ROK / U.S. OPS was established on October 15, 1968. The OPS consisted of seventeen ROK officers and seven U.S. officers. The OPS was the first formal inclusion of the ROK into theater level planning. When combined with the establishment of an integrated field army headquarters later in 1971, became foundational mechanisms for

the growing bilateral relationship, and served as the genesis of the Alliance command in 1978. The OPS was not officially a part of the UNC staff, instead it was attached to the USFK staff, with the USFK J3 serving as its director. While it was not officially part of the UNC, the work it performed did influence how the UNC planned for the defense of Korea.¹²⁵

In conjunction with and following the redeployment of ROK forces from Vietnam significant force structure changes occurred. A decision was made in early 1971 to transform the I U.S. Corps (Group), which was responsible for defending the western half of the ROK, into a temporary integrated headquarters by embedding ROK officers into the Corps Group staff. The ROK would replace this command with a ROK Field Army like they had in the eastern half of the country. The I Corps (ROK/U.S.) Group became operational on July 1, 1971. The ROK military organized another Field Army headquarters, the Third ROK Army (TROKA), on July 1, 1973. The ROKG was uncomfortable with this transition, preferring to keep the I Corps (ROK/U.S.) Group operational. In the end TROKA retained peacetime Title 10-like operational command, less operational control over three ROK Corps under the I Corps (ROK/U.S.) Group's direct operational control. I Corps (ROK/U.S.) Group remained operational until 1980 when it was redesignated and transformed (slightly) into the Combined Field Army (ROK/U.S.).¹²⁶

In 1975 the UNC and USFK staff initiated a research project for a future U.S. / ROK combined, joint headquarters to serve as a successor command to UNC. Simultaneously, the ROK and U.S. merged two separately held exercises in May 1975, the ROKG mobilization exercise ULCHI, and the UNC computer-assisted, Operation

Plan-oriented, command post exercise FOCUS-LENS. This combined exercise tested the proficiency of a U.S. / ROK combined battle staff. It was after this first test iteration that the UNC/USFK Commander recommended these two exercises remain combined, and also that the U.S. and ROK Governments pursue a “joint Korean-American command structure.” Thereafter the combined ULCHI-FOCUS LENS served as a vehicle to test out concepts envisioned for the future CFC, and remains an annual exercise to this day (albeit under a slightly modified name).¹²⁷ FOCUS LENS was an annual computer-assisted UNC exercise held since 1968 (replacing the COUNTERBLOW AND STRONG SHIED exercises held by the Far East Command and UNC since the 1950s). ULCHI was an annual mobilization exercise held by the ROK since 1969, following the attempted DPRK special forces raid on the ROK presidential palace in 1968.¹²⁸

Appendix B: USG Effort to Disestablish UNC

By the early 1970s significant negative momentum was building within the UNGA against the continued existence of the UNC. Friendly nations to the DPRK submitted draft agenda items in committees and draft resolutions within the UNGA calling for the UNC to dissolve itself and for the U.S. forces to withdraw from the ROK. On December 17, 1974, the UNGA passed resolution 3333 based on the results of the 1972 inter-Korean dialogue. UNGAR 3333 asked the UNSC to consider UNC dissolution in conjunction with separate arrangements to maintain the Armistice Agreement.¹²⁹ It is important to remember that at this point in time (1974), the UN consisted of 138 member states, which were virtually equally split into three camps - those that supported the ROK, those that supported the DPRK, and those who wished to remain neutral. In contrast, in 1950 when UNSCR's 82-85 were passed, the UN system was less than five years old and consisted of 59 member states, of which 40 member nations provided some form of support to the ROK.

In view of the serious challenge building within the UNGA the U.S. initiated a reassessment of the UNC and its position within the ROK.¹³⁰ The reassessment, which included consultation with the ROK and dialogue with relevant stakeholders, resulted in the USG submitting a letter to the President of the UNSC on June 27, 1975, which telegraphed that the U.S. was prepared to terminate the UNC on January 1, 1976. The U.S. stipulated that the ROK and U.S. would act as "successors in command as provided for in paragraph 17 of the Armistice Agreement," provided the KPA and CPV agree "that the Armistice Agreement will continue in force."¹³¹ Communication between the ROK and U.S. was positive, while UNC Sending State reactions or opinions to the

U.S. letter / proposal are scant – most dialogue between the USG and the Sending States was related to the ROK clandestine nuclear weapon program.¹³²

Endnotes

¹ In spite of its purported “neutral” stance, the USSR sent military detachments in Chinese uniforms into the DPRK and China. These Soviet operational forces included anti-aircraft units, pilots and warplanes using Chinese and DPRK markings. “The Armed Forces in the Korean War: North Korea, China and the USSR,” *Australian Government Department of Veterans’ Affairs Homepage*, <http://korean-war.commemoration.gov.au/armed-forces-in-korea/north-korea-china-ussr.php> (accessed January 3, 2017); Pavel Felgenhauer, “Russia’s Secret Operations,” *Perspective*, Vol XII, No 1 (September – October 2001), <http://www.bu.edu/iscip/vol12/felgenhauer.html> (accessed January 3, 2017).

² The USG divested the UNC of its responsibility for the defense of the ROK and transferred it to the U.S. / ROK Alliance command in 1978. Since 1978, the UNC has been a multinational integrator, supporting command to the U.S. / ROK Alliance, in addition to its Armistice Agreement responsibilities. The Armistice Agreement instituted in 1953 did preclude the introduction of new weapons and capabilities, which would have addressed the DPRK WMD and BM programs, however the USG (UNC) unilaterally abrogated that sub-paragraph (13d) in 1957, following extensive weapons introduction violations by the Communists. The UN has never bestowed any additional responsibilities to the UNC (to enforce or address recent UNSCRs), nor involved itself into the management of the Armistice Agreement.

Therefore, nonproliferation and other security related issues are outside the purview of the UNC and the Armistice Agreement, and should be addressed in other constructs / forums. These inter-Korean security issues are best addressed unilaterally by the ROK. However, multi-party venues may be necessary such as bilateral forums with the DPRK via U.S. / ROK Alliance or multilaterally through a resurrected Six Party talk framework or by the UNSC.

This paper will not offer serious discussion on unilateral USG options to negotiate directly with the DPRK as a first step toward inter-Korean reconciliation, as is posited and considered from time to time. Such proposals are quixotic, with such a remotely low probability for success that it should be removed from the pathways to be entertained. More importantly, such a pathway only ensnares the U.S. deeper into the inter-Korean peace process, similar to what has transpired in the Israeli / Palestine quandary. The U.S. doesn’t need to be the fulcrum in the inter-Korea peace dialogue anymore than it should be in the Middle East. To assert that the U.S. must or needs to be involved for the process to function is misplaced.

³ “1943 Cairo Declaration,” *The Avalon Project, Yale Law School Home Page*, <http://avalon.law.yale.edu/wwii/cairo.asp> (accessed January 10, 2017); Leland M. Goodrich, “Korea: A Study of U.S. Policy in the United Nations,” (NY, NY: Council on Foreign Relations, 1956), 10.

⁴ The Moscow Agreement governed the working arrangement for the occupation and unification of Korea by the USSR and U.S. James F. Byrnes, Ernest Bevin and V. Molotov, “Moscow Meeting of Council of Foreign Ministers, 1945: Communique and Report,” *U.S. Library of Congress Legal Home Page*, <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000003-1341.pdf> (accessed February 15, 2017).

⁵ In the case of Korea, as a former part of the Japanese Empire, it was governed by Article 107. United Nations Charter, “Chapter XVII: Transitional Security Arrangements, Article 107,” United Nations Homepage, <http://www.un.org/en/sections/un-charter/chapter-xvii-0/index.html>

(accessed December 30, 2016); Goodrich, "Korea: A Study of U.S. Policy in the UN," 36, 214-215.

⁶ Victor Cha, *Powerplay: The Origins of the American Alliance System in Asia* (Princeton, NJ: Princeton University Press, 2016), 40-55 and 94-97. Secretary of State Dean Acheson omitted Korea from the declared U.S. defense perimeter in the Pacific in his speech to the National Press Club on January 12, 1950. "Secretary Acheson and the Defense of Korea," *U.S. President Truman Library Home Page*, https://www.trumanlibrary.org/whistlestop/study_collections/korea/large/documents/pdfs/kr-3-13.pdf (accessed February 15, 2017); U.S. Secretary of State Sean Acheson, "Speech on the Far East," January 12, 1950, *U.S. Central Intelligence Agency Home Page*, <https://www.cia.gov/library/readingroom/docs/1950-01-12.pdf> (accessed February 15, 2017). However, internal deliberations within the USG concluded by early 1947 that "liabilities attaching to the continued American military occupation and government of South Korea appeared to be in excess of any advantages received." Goodrich, "Korea: A Study of U.S. Policy in the UN," 28.

⁷ There is some relatively recent scholarship, largely from declassified documents from within the Communist bloc archives, which have shed light onto the motives of the USSR (Stalin) at the time. Stalin was reportedly emboldened by the shift within the international environment, believing Communist momentum was at hand following the Soviet Union's development and testing of the Atomic Bomb, the Communist victory in the Chinese Civil War, and ambiguous statements by the U.S. on its commitment to the ROK. These reports assert that Stalin concluded that if the U.S. intervened, that China would enter the conflict, leaving the U.S. "entangled in the military intervention in Korea." Stalin's hope for a prolonged war in Korea would buy the USSR 15-20 years more time to prepare for the next world war, as the Korean conflict would "undermine American power and prestige." Agov, "North Korea's Alliances and the Unfinished Korea War," 231, 237-238; Shen Zhihua, "Sino-North Korean Conflict and its Resolution during the Korean War," *Wilson Center Cold War International History Project Bulletin, Issue 14/15*, translated by Dong Gil Kim and Jeffrey Becker, https://www.wilsoncenter.org/sites/default/files/CWIHP_Bulletin14_15.pdf (accessed January 16, 2017), 9; "Letter from Filipov (Stalin) to Soviet Ambassador in Prague, conveying message to CSSR leader Klement Gottwald," August 27, 1950, *History and Public Policy Program Digital Archive, Russian State Archive of Socio-Political History (RGASPI), fond 558, opis 11, delo 62, listy 71-72*, translated by Gary Goldberg. <http://digitalarchive.wilsoncenter.org/document/112225> (accessed January 14, 2017); Shen Zhihua, "Sino-Soviet Relations and the Origins of the Korean War: Stalin's Strategic Goals in the Far East," *Journal of Cold War Studies*, Vol 2, no. 2 (Spring 2000), <http://www.mitpressjournals.org/doi/pdf/10.1162/15203970051032309> (accessed January 17, 2017), 44-68.

⁸ The KPA is the naming convention for the DPRK's armed forces.

⁹ No other UN member state intervened into the conflict until after UNSCR 83 was enacted.

¹⁰ Goodrich, "Korea: A Study of U.S. Policy in the UN," 108.

¹¹ "UN Security Council Resolution 82, Complaint of aggression upon the Republic of Korea, S/RES/82," June 25, 1950, Lake Placid, NY, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/82\(1950\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/82(1950)) (accessed January 10, 2017).

¹² UNSCR effective dates are based on the date the resolution was passed when the UNSC body met, which in 1950 was Lake Placid, NY (U.S.). U.S. Eastern Standard Time (Greenwich - 5) was 14 hours ahead of Korea and Japan (Greenwich +9) so on occasion there can be a discrepancy in dates and times within the historical record, depending on where an action occurred in relation to other locations.

¹³ “UN Security Council Resolution 83, Complaint of aggression upon the Republic of Korea, S/RES/83,” June 27, 1950, Lake Placid, NY, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/83\(1950\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/83(1950)) (accessed January 10, 2017).

¹⁴ The first non-U.S. UN member state to offer military assistance was the United Kingdom on 28 June, however it did not offer it to the ROKG, instead opting to place its forces under the U.S. (FEC). Australia followed next on 2 July, following the pattern of its Commonwealth parent the United Kingdom, by placing its Japan-based (British Commonwealth Occupation Force or BCOF) air and sea forces in support of the ROK under FEC control. James F. Schnabel and Robert J. Watson, *The Joint Chiefs of Staff and National Policy, 1950-1951, The Korean War, Part One*, History of the Joint Chiefs of Staff series, Volume III (Washington, DC: Office of the Chairman of the Joint Chiefs of Staff, 1998), 44; “Australia’s involvement in the Korean War,” *Australian Government Department of Veteran’s Affairs Homepage*, <http://korean-war.commemoration.gov.au/> (accessed March 15, 2017).

¹⁵ “UN Security Council Resolution 84, Complaint of aggression upon the Republic of Korea, S/RES/84,” July 7, 1950, Lake Placid, NY, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/84\(1950\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/84(1950)) (accessed January 10, 2017).

¹⁶ Fifteen UN member nations provided combat forces to UNC during the conflict. They included Australia, Belgium, Canada, Columbia, *Ethiopia, France, Greece, *Luxembourg, Netherlands, New Zealand, Philippines, South Africa, Thailand, Turkey, and the United Kingdom. Four UN Member nations and one non-UN member nation provided non-combat (humanitarian) forces to UNC during the conflict. They included Denmark, *India, Italy (non-UN member), Norway, and *Sweden. *Presently not active Sending States.

¹⁷ “UNSCR 84;” United Nations, *United Nations Juridical Yearbook, 2003*, (New York, NY: United Nations Publication, 2006); Richard Baxter, *Humanizing the Laws of War: Selected Writings of Richard Baxter* (Oxford, UK: Oxford University Press, 2013), 80-84; Schnabel and Watson, *JCS and National Policy 1950-1951*, 55-59 and 63-67; Donald W. Boose Jr., “The United Nations Command in the Korean War: A Largely Nominal Connection,” paper presented to the 2000 Conference of Army Historians for “The U.S. Army in the Korean War, the Fiftieth Anniversary,” 12.

¹⁸ UN Secretary General Lie presented a UN flag to the U.S. representative to the UN, Warren R. Austin, when UNSCR 84 was passed. This flag was delivered by U.S. Army Chief of Staff General J. Lawton Collins to General MacArthur on July 14, 1950. Later, on July 17, 1950, the UN Secretary General’s personal representative to the unified command, Colonel Alfred G. Katzin of South Africa, presented a UN flag to the U.S. Eighth Army Commander, which had taken operational control of the ground fight in Korea. Both actions reinforced that the UN leadership knowingly bestowed the UN flag to the unified command and the action in UNSCR 84 was not a mistaken oversight.

¹⁹ Goodrich, "Korea: A Study of U.S. Policy in the UN," 119-120.

²⁰ The U.S. President appointed General of the Army MacArthur as the unified commander in a July 8, 1950 speech. Harry S. Truman, "Statement by the President Announcing the Designation of General MacArthur To Lead the Allied Military Forces in Korea.," July 8, 1950, linked from Gerhard Peters and John T. Woolley, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=13555> (accessed March 13, 2017). The U.S. Joint Chiefs of Staff dispatched the official appointment orders following the President's public designation on July 10, 1950. U.S. JCS message 85370 to CINCFE (MacArthur), Washington, DC, July 10, 1950; Schnabel and Watson, *JCS and National Policy 1950-1951*, 57. The use of "UN forces" during this period (1950) was an idiom in use since 1942. The phrase was developed and used during the Second World War (albeit limited during the war), following the Allied Power "Declaration of United Nations" on January 1, 1942. The phrase continued to be used to denote UN actions following its establishment in 1945. So it was not out of place nor inappropriate when the UN, U.S. and others used the term to denote the UNC collective security effort in Korea during this period. "1942: Declaration of the United Nations," *United Nations Homepage*, <http://www.un.org/en/sections/history-united-nations-charter/1942-declaration-united-nations/> (accessed March 16, 2017).

²¹ ROK President Syngman Rhee, "Operational Command Designation" letter for CINCFE and designated Commander of the Unified Command (General of the Army Douglas MacArthur), Busan, ROK, July 14, 1950. This letter is more commonly referred to as the "Pusan (Busan) Letter." While the ROK President did use the term "operational command" it is widely accepted (and corrected in 1954) that he meant "operational control (less operational command)" as a nation can never surrender or delegate to another body its lawful, sovereign national command authority over its military forces. The ROK President purportedly followed up his letter to MacArthur with an internal ROKG execution order to the ROK Army Chief of Staff through the ROK Ministry of National Defense. Walter Simmons, "Letter by Rhee Only Contract with 8th Army," *Chicago Tribune*, June 24, 1953, <http://archives.chicagotribune.com/1953/06/24/page/3/article/letter-by-rhee-only-contract-with-8th-army> (accessed March 13, 2017).

²² General of the Army Douglas MacArthur, UNC Commander-in-Chief, "UNC General Order No 1," Tokyo, Japan, GHQ UNC, July 24, 1950. Of note, some sources erroneously state the UNC was established on July 25th, which the author concludes is based on either the USG notification to the UNSC of the command's establishment, or the fact that the July 24 action in Japan was July 25th in the U.S.

²³ The UNC established a UNC Liaison Group within the headquarters in September 1950 for the UNC Sending States to post delegations, but was not formally authorized until UNC General Order #14 was published on October 11, 1950 (with an effective date of September 16, 1950). Throughout the history of this element, it has also been referred to as the UNC Liaison Section. The UNC LNO Group continues to perform duties with the UNC Headquarters. MG Doyle O. Hickey, UNC Chief of Staff, "UNC General Order 14: Designation of Component Commands and Establishment of Staff Sections," Tokyo, Japan, General Headquarters UNC, October, 11, 1950; Robert F. Kemp, *Combined Operations in the Korean War*, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, April 24, 1989) 19; Wayne Danzik, *Participation of Coalition Forces in the Korean War*, Strategy Research Project (Newport, RI: Naval War College, 1994), 19.

²⁴ One non-U.S. officer from the UNC Sending States was officially posted to the UNC staff from 1952-1954, followed by a replacement officer from 1954-1956. The first officer was Maj Gen Stephen N. Shoosmith from the British Army. Walter G. Hermes, *Truce Tent to Fighting Front*, (Washington, DC: U.S. Army Center for Military History, 1992) 321-324; Baxter, *Humanizing the Laws of War*, 83; "British Deputy in Korea," *Chicago Daily Tribune*, August 02, 1952, <http://archives.chicagotribune.com/1952/08/02/#page/8/article/a-british-deputy-in-korea> (accessed 20160204); Chester Wilmot, "Military Consultations Handicapped," *The Sydney Morning Herald*, August 12, 1952, <http://trove.nla.gov.au/ndp/del/article/18277178> (accessed 20160204). Maj Gen Shoosmith was replaced in June 1954 by Maj Gen C.E.R. Hirsh and based on available archives he remained in position until 1956. Australian War Memorial, "Photo # HOBJ5096 and Description," *Australian War Memorial Collection Homepage*, <https://www.awm.gov.au/collection/HOBJ5096/> (accessed 20160204); UNC Staff Officer LtCol Slepicka, "UNC Fact Sheet," command-internal historical background and current status of the command memorandum, Yongsan, ROK, January 30, 1975, Tab A-2.

²⁵ "Sending State" is the contemporary, generally accepted, naming convention used by UNC to identify the UN member states (and non-UN member states) that contributed combat, combat support, and combat service support forces to the UNC between 1950 through 1953 pursuant to UNSCR 84. Sending States have also been referred to as "contributing nations", "member nations" or "member states" throughout the UNC history. The earliest documented use of the term "Sending State" found is a February 19, 1954 reference in the "Agreement Regarding the Status of United Nations Forces in Japan," also known as the UN-GOJ SOFA. While UNSCR 84 (and 82 and 83 as well) called on "UN member states" to provide assistance, Italy, a non-UN member state at the time, offered and then after UNC (U.S.) accepted, provided non-combat, humanitarian support to UNC.

²⁶ Later, as the situation developed and the need for the UN to have organizations on the ground, the UNGA established two organizations to assist the unified command. UNGA Resolution (UNGAR) 376 established the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) on October 7, 1950, while UNGAR 410 established the United Nations Korean Reconstruction Agency (UNKRA) on December 1, 1950.

²⁷ "UN Security Council Resolution 85, Complaint of aggression upon the Republic of Korea, S/RES/85," July 31, 1950, Lake Placid, NY, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/85\(1950\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/85(1950)) (accessed January 10, 2017).

²⁸ While the USSR was voluntarily boycotting the UNSC, at no time was there a documented effort to hide UNSC meetings or agenda items. In particular, the UN Secretary General at the time did reach out to the USSR's representative to encourage his participation. The USSR has asserted that, being one of the five UNSC permanent members, that the UNSC could not act without its presence, in effect a standing veto for any UNSC action. However, by 1950 a precedent had already been fairly well established in the UN that a voluntary absence equated to an abstention, not a veto under Article 27 of the UN Charter. Despite the official Soviet narrative, the August 27 letter by Stalin to the Czechoslovakian leader offers insights into the Soviet Leader's thinking at the time. Agov, "North Korea's Alliances and the Unfinished Korea War," 237-238; "Letter from Stalin to CSSR leader Gottwald," August 27, 1950.

²⁹ Schnabel and Watson, *JCS and National Policy 1950-1951*, 155; Goodrich, "Korea: A Study of U.S. Policy in the UN," 146, 184.

³⁰ The U.S., Canada, New Zealand, United Kingdom, South Africa, Australia and the Philippines were the original UN-GOJ SOFA signatories. The current active signatories are Australia, Canada, France, New Zealand, Philippines, Thailand, Turkey, the United Kingdom, and the United States. Italy and South Africa are inactive signatories. Only active signatories to the UN-GOJ SOFA are authorized access to the UN bases and to transit their forces through Japan. Baxter, *Humanizing the Laws of War*, 82-83.

³¹ The UN-GOJ SOFA identified the "Government of the United States of America acting as the Unified Command" as a party to the agreement and defines a "Sending State" as "any State which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions..."

³² UNC (Rear) Headquarters, "Fact Sheet," *Yokota Air Base (AB) Homepage*, <http://www.yokota.af.mil/Portals/44/Documents/Units/AFD-150924-004.pdf> (accessed March 11, 2017). In 1957, the U.S. / Japan Joint Board designated five bases for UNC use: Camp Zama; Yokosuka AB; Sasebo Naval Base; Tachikawa AB; and Fuchu Air Station. Today there are seven bases: Sasebo Naval Base; Camp Zama; Yokota AB; Yokosuka Naval Base; Kadena AB; White Beach Naval Facility; and Futenma Marine Corps Air Station. The UNC Rear Command Post was located at Camp Zama from 1957 to late 2007, when it moved to Yokota AB.

³³ UNC Rear Command Post was established effective July 1, 1957. MG Albert Pierson, FEC and Eighth Army (Rear) Chief of Staff, "Headquarters U.S. Army Forces Far East and Eighth United States Army (Rear) General Order No 76", Tokyo, Japan, HQ FEC and Eighth Army (Rear), June 21, 1957. From 1957 to 2010 the UNC Rear detachment has been commanded by a U.S. officer, with UNC Sending State personnel from Australia, Canada, Thailand and the Philippines rotating through the Rear Command Post staff. Since 2010, the Australian Defence Forces have provided a Group Captain (O6 equivalent) to command the UNC Rear Command Post. "United Nations Command (Rear) change of command ceremony," February 8, 2010, *Yokota AB Homepage*, <http://www.yokota.af.mil/News/ArticleDisplay/tabid/2053/Article/412004/united-nations-command-rear-change-of-command-ceremony.aspx> (accessed March 13, 2017). The U.S. proposed this initiative in 2009 via an exchange of letters between the UNC Commander and Australian Chief of the Defence Force. UNC Commander Walter L. Sharp letter to Australian Chief of the Defence Force Air Chief Marshall Angus Houston, Yongsan, ROK, undated; Australian Chief of the Defence Force Air Chief Marshall Angus Houston response letter to UNC Commander Walter L. Sharp, Canberra, AUS, October 29, 2009.

³⁴ UNC (Rear) HQ, "Fact Sheet," Osakabe Yasuo, "UNC celebrates the 67th Anniversary of the United Nations in Japan," November 28, 2012, *Yokota AB Homepage*, <http://www.yokota.af.mil/News/ArticleDisplay/tabid/2053/Article/410942/unc-celebrates-the-67th-anniversary-of-the-united-nations-in-japan.aspx> (accessed March 11, 2017). The U.S. maintains Acquisition and Cross-Servicing Agreements (ACSA) with all active UNC Sending States, though the level of support provided vary by nation.

³⁵ Richard J. Samuels, *Securing Japan: Tokyo's Grand Strategy and the Future of East Asia* (Ithaca, NY: Cornell University Press, 2007), 38-59.

³⁶ James F. Schnabel and Robert J. Watson, *The Joint Chiefs of Staff and National Policy, 1951-1953, The Korean War, Part Two*, History of the Joint Chiefs of Staff series, Volume III (Washington, DC: Office of the Chairman of the Joint Chiefs of Staff, 1998); Joseph McMillan, *Talking to the Enemy: Negotiations in Wartime*, Strategy Research Project (Washington, DC:

National War College, April 27, 1992); Donald W. Boose, "The Korean War Truce Talks: A Study in Conflict Termination," *Parameters* (Spring 2000): 102-116; ADM (Ret) C. Turner Joy, *How Communists Negotiate*, (New York: The Macmillan Company, 1955); Walter G. Hermes, "Korean Truce Negotiations," *Military Review*, Vol XLIV, no 11 (November 1964); GEN (Ret) Bruce C. Clark, "Negotiations: Korean Lessons," *Military Review*, Vol XLVIII, no 6 (June 1968); MAJ Robert E. Scheidig, "A Comparison of Communist Negotiating Methods," *Military Review*, Vol LIV, no 12 (December 1974); Alfred D. Wilhelm, Jr., *The Chinese at the Negotiating Table: Style and Characteristics*, (Washington, DC: National Defense University Press, 1994).

³⁷ While the KPA Commander represented the DPRK, the DPRK had little influence over the Communist negotiating positions. Instead, Communist negotiating positions were jointly made by the USSR (Josef Stalin) and the PRC (Mao Tae Sung). Kathryn Weathersby, "Dependence and Mistrust: North Korea's Relations with Moscow and the Evolution of Juche," December 2008, US-Korea Institute at SAIS Working Paper Series, <http://uskoreainstitute.org/pdf/USKI-WP08-8.pdf> (accessed January 10, 2017), 9-10; Shen Zhihua, "Alliance of 'Tooth and Lips' or Marriage of Convenience? The Origins and Development of the Sino-North Korean Alliance, 1946-1958," December 2008, US-Korea Institute at SAIS Working Paper Series, <http://uskoreainstitute.org/wp-content/uploads/2010/09/USKI-WPS08-09.pdf> (accessed January 12, 2017), 14; Avram Agov, "North Korea's Alliances and the Unfinished Korea War," *Journal of Korean Studies* Vol 18, No. 2, (Fall 2013), 235-239.

³⁸ Shortly before the signing of the Armistice Agreement, the UNC Commander invited the ROK and the Senior Liaison Officer of the UNC Sending States that furnished combat forces, to name one officer, in the grade between a first lieutenant and a colonel, to serve with the Advisory Group to the UNC's MAC. The MAC consists of ten total members, five each from the UNC and the KPA/CPV. The UNC formally established its MAC delegation on June 20, 1953 so as to prepare the organization to be operational immediately upon conclusion of the Armistice. At the time the MAC organized as a major command of the UNC, with an Armistice Affairs Directorate in support. The UNC's MAC was later discontinued as a separate major command, and reorganized as an Armistice Secretariat staff directorate and an Armistice Section under the U-3. These two staff elements were consolidated later into an Armistice Affairs Division. Slepicka, "UNC Fact Sheet," Tab A. The Secretariat and the J-3 Armistice Affairs Branch were merged in 1957 into the Armistice Affairs Division as part of the UNC move from Japan to Korea. The Armistice Affairs Division was retitled as the UNC MAC Secretariat on January 21, 1980. UNC Deputy Commander Lt Gen Evan W. Rosecrans, designation memorandum to UNC, CFC, USFK and Eighth Army headquarters staffs, Seoul, ROK, January 21, 1980.

³⁹ A popular myth is that the UNC is a neutral party responsible for neutral oversight of the Armistice. This myth is largely forwarded by uninformed or wishful thinking parties that improperly associate the UNC naming convention with the UN and inappropriately conclude that UNC has a peacekeeping responsibility in Korea.

⁴⁰ Korean Armistice Agreement. Sub-paragraph 13(c) stipulates that both sides will cease the introduction of reinforcing military personnel into Korea except for those rotated to replace the forces currently in place; all rotational forces were required to enter/depart through designated ports of entry, to be monitored by the NNSC. Sub-paragraph 13(d) stipulates that both sides are prohibited from introducing (reinforcing) additional / new aircraft, armored vehicles, weapons or ammunition except for those requiring replacement on a piece-for-piece basis. Paragraph 28 stipulated that the MAC as a body or a MAC Senior Member could request the NNSC to conduct investigations at locations outside the DMZ and outside the designated ports of entry. The NNSC performed its functions outside of the DMZ and reported violations and issued its

reports to the MAC; the MAC was solely responsible for the “supervise, observe, inspect and investigate” functions within the DMZ.

⁴¹ The nominating side was expected to provide logistical support to the respective delegations per AA paragraph 18 and a 31 October 1953 subsequent agreement.

⁴² India was still considered at this time as a member of the British Commonwealth, having gained its independence in 1947. India did provide non-combat forces (medical units) to the Commonwealth Division, which saw service in the Korean War. India served at times as a interlocutor for the PRC, but was not viewed as reliable messenger by the USG. India also was involved in several UNGA initiatives to bring about a cease fire in the Korean War.

⁴³ Annex to the Korean Armistice Agreement, “Terms of Reference for Neutral Nations Repatriation Commission;” Swiss Armed Forces, “NNSC Presentation,” 6.

⁴⁴ The U.S. military defines DIRLAUTH as follows, “That authority granted by a commander (any level) to a subordinate to directly consult or coordinate an action with a command or agency within or outside of the granting command.” U.S. Joint Chiefs of Staff, *Department of Defense Dictionary of Military and Associated Terms*, Joint Publication 1-02 (Washington, DC: U.S. Joint Chiefs of Staff, November 8, 2010, as Amended through February 15, 2016), 68.

⁴⁵ Examples of Commander to Commander communication: Commander UNC General Mark W. Clark “Status of POWs” letter to Commander KPA Kim Il Sung and Commander CPV Peng The-Huai, Tokyo, Japan, September 24, 1953; Commander UNC General Carter B. MacGruder “Unprovoked attack on US Navy Plane in Sea of Japan on June 16, 1959” letter to Commander KPA and Commander CPV, Yongsan, ROK, August 19, 1959; Commander KPA Choe Kwang “U.S. Army OH-23 Helicopter Shoot-down” letter to Commander UNC, Pyongyang, DPRK, February 17, 1964.

⁴⁶ UNC remained under U.S. unilateral control, and retained operational control over ROK forces. The U.S. / ROK MDT was an improvement to the wartime relationship, but not close to the equal partnership of the CFC-era starting in 1978. Colonel Shawn P. Creamer, *Time to Reassess the U.S. / ROK Alliance and the Mutual Defense Treaty*, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, 2017), 1-2.

⁴⁷ “In 1953, at the conclusion of the Korean War, the United States and the Republic of Korea signed a Mutual Defense Treaty, the foundation of a comprehensive alliance that endures today.” Furthermore, the MDT is a ratified treaty by both parties, and therefore serves as the legal foundation for the U.S. / ROK security relationship. U.S. Department of State Bureau of East Asian Affairs, “U.S. Relations with South Korea Fact Sheet,” October 17, 2016, U.S. Department of State Homepage, <http://www.state.gov/r/pa/ei/bgn/2800.htm> (accessed November 4, 2016). Of note, “capstone” is a term used by the contemporary U.S. military to express an overarching framework, a vision or a description of broad ideas to drive or stimulate subordinate actions or behavior. U.S. Joint Chiefs of Staff, *Doctrine for the Armed Forces of the United States*, Joint Publication 1 (Washington DC: U.S. Joint Chiefs of Staff, March 25, 2013), i; U.S. Joint Chiefs of Staff, *Capstone Concept for Joint Operations v2.0* (Washington DC: U.S. Joint Chiefs of Staff, August 2005), 1; U.S. Department of the Army, *The Army*, Army Doctrinal Publication 1 (Washington DC: U.S. Department of the Army, November 2012), Forward.

⁴⁸ Creamer, *Time to Reassess the U.S. / ROK Alliance and MDT*, 1-2.

⁴⁹ President Harry S. Truman, *A Report to the National Security Council, NSC 68*, (Washington, DC: The White House, April 14, 1950), 54-56.

⁵⁰ “Desiring to declare publicly and formally their common determination to defend themselves against external armed attack so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area,” “Desiring further to strengthen their efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive and effective system of regional security in the Pacific area,” Preamble to the Mutual Defense Treaty Between the United States and the Republic of Korea: October 1, 1953. “Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.” Article III to the U.S. / ROK MDT; Creamer, *Time to Reassess the U.S. / ROK Alliance and MDT*, 1-2.

⁵¹ The ROK National Assembly ratified the MDT on January 15, 1954, while the U.S. Senate ratified the treaty on January 26, 1954. An exchange of notes between the U.S. and ROK occurred between January 28 and February 1, 1954 to clarify Article III; the exchange of notes resulted in a July 1954 summit that set in motion the conclusion of the “Agreed Minutes Relating to Continued Cooperation in Economic and Military Matters” later on November 17, 1954. The “Agreed Minutes” clarified the MDT’s Article I and II, and once signed, resulted in the MDT entering into force.

⁵² UN Legal Counsel, “The Question of Korea: Effect of the dissolution of the United Nations Command on the Armistice Agreement,” UN Interoffice Memorandum for the UN Secretary General, New York, NY, November 18, 1975.

⁵³ At the 10th SCM on July 25-26, 1977, the U.S. and ROK agreed to formally establish a Military Committee to address security and military relationship issues between the U.S. and ROK. ROK Ministry of National Defense, *The History of the ROK-US Alliance, 1953-2013* (Seoul, ROK: Ministry of National Defense Institute for Military History, 2013), 125-128 and 171; Kwang Sub Kwak, *The US-ROK Alliance, 1953-2004: Alliance Institutionalization* (Ann Arbor, MI: ProQuest Books, 2006), 132-134, 136-139; Donald A. Timm, “Chapter IX, Visiting Forces in Korea,” in *The Handbook of the Law of Visiting Forces*, ed. Dieter Fleck (New York, NY: Oxford University Press, 2001), 447; Jeongwon Yoon, “Recalibrating the US-ROK Alliance, Chapter 6, Alliance Activities: Meetings, Exercises and CFC’s Roles.” May 2003, <http://www.strategicstudiesinstitute.army.mil/pdf/files/PUB53.pdf> (accessed January 18, 2016), 91-92.

⁵⁴ CFC and UNC Chief Policy Operations Branch Glenn Rice, “CFC Command Relationship Orientation,” briefing slides and scripted commentary, Yongsan, ROK, U.S. / ROK CFC, circa-1986, *Nautilus Institute Freedom of Information Act (FOIA) document*, <http://nautilus.org/foia-document/cfc-command-relationships-orientation/> (accessed September 16, 2016); 3-4.

⁵⁵ The SUSMOAK is the ranking U.S. military officer in Korea and is simultaneously appointed by the USG as the Commander of USFK, CFC, and UNC. Documentation on the SUSMOAK and his authorities within the U.S. Armed Forces is sparse due to its unique disposition as a Korea-only entity. Interpretation is often determined by the leadership personalities for the threshold of decisions and work the U.S. Secretary of Defense and U.S. CJCS empower the SUSMOAK to perform. Kwak, *The US-ROK Alliance, 1953-2004: Alliance Institutionalization*,

131-139; ROK MND, *History of the ROK-US Alliance*, 167-168; Yoon, "Recalibrating the US-ROK Alliance," 92 and 106 (endnote #3); Combined Forces Command (CFC) Activation Press Briefing, briefing slides with scripted commentary, Yongsan Garrison, Seoul, ROK (document provided by the CFC Historian Office) November 1978; USFK Judge Advocate Colonel Marian Amrein, "Authorities of the Senior US Military Officer Assigned to Korea (SUSMOAK)," memorandum for the USFK Commander, Yongsan, ROK June 12, 2013.

⁵⁶ The Military Committee role and authorities with respect to the ROK / U.S. Alliance command were codified at the Security Consultative Meeting (SCM) in July 1978. ROK MND, *History of the ROK-US Alliance*, 125-128 and 171; Former CFC, USFK and UNC Commander GEN(Ret) BB Bell, "The Evolution of Combined Forces Command," June 9, 2012, <http://www.brookings.edu/~media/events/2012/6/08%20korea%20foundation%20global%20seminar/69%20bell%20evolution%20of%20combined%20forces%20command> (accessed January 18, 2016), 3; Kwak, "US-ROK Alliance," 132-134 and 136-139; Timm, "Chapter IX, Visiting Forces in Korea," 447; Yoon, "Recalibrating the US-ROK Alliance," 91-92; CFC Activation Press Briefing.

⁵⁷ Glenn Rice, "CFC Command Relationship Orientation," 2-4, 7-8; CFC Activation Press Briefing, 3, 9; USFK Assistant Chief of Staff J3 MG Richard L. Prillaman and ROK JCS Assistant Chief of Staff J5 MG Jang-Nai Sohn, "Joint Recommendation for the Activation of the Combined Forces Command," memorandum for the Commander USFK and ROK CJCS, Seoul, ROK, December 13, 1977, 7a-8; Timm, "Chapter IX, Visiting Forces in Korea," 447.

⁵⁸ In 1978 the U.S. began appointing ROK officers to the UNC via an exchange of letters between the CFC Commander and the ROK CJCS. The exchange of letters has never been formalized into an official agreement, although it has been confirmed as being in effect via additional letter correspondence at several points since 1979. Since 2004, approximately 47 ROK officers have been consistently appointed to the UNC staff, however there is little work for them to do as the requisite authorities have not been formally codified for them to act on behalf of the USG. In late 2014, the U.S. began concluding Foreign Exchange Officer (FEO) agreements under a U.S. Department of Defense program with a handful of UNC Sending States. Those nations that conclude one of these agreements have service members officially posted for duty to the UNC staff. The first officer, an Australian general officer, was posted in January 2015.

⁵⁹ ROK MND, *History of the ROK-US Alliance*, 171, 456 (endnote #15); Jang, *Role / Command Relationship of USFK*, 29-31 (1st Steering Committee Memorandum No 1). An internal U.S. document from the post-1994 OPCON Transfer is quite illuminating for its description of the nature of this eventual transition of authority from CFC to ROK JCS. The internal document affirmed that the ROKG withdrawal of OPCON from CFC was politically motivated, largely based upon the misperception within the ROK political body and public that OPCON equated to "command," which was in infringement on "national sovereignty." While this part of the document was not a surprise, the section whereby the author described how CODA was eventually developed was. The basic elements of what had up to 1994 been called OPCON (which he asserts never met the technical definition of OPCON per U.S. doctrine), were in effect, still in place after 1994, albeit under the "clean term" of CODA. The author concluded that the ROKG "got the term 'OPCON' for political purposes; CFC got the term CODA for mission accomplishment." CFC and UNC Chief Policy Operations Branch Glenn Rice, "Combined Delegated Authority (CODA)," internal U.S. memorandum documenting a short history and evaluation of why peacetime operational control was withdrawn by the ROK and

how CODA was developed, undated (provided by the USFK and CFC Command Historian Office).

⁶⁰ References used include: UNSCR 83; UNSCR 84; Memorandum, Joint Chiefs of Staff 9-83 (MJCS 9-83) September 1983, also referred more commonly as the UNC Terms of Reference (TOR); and The Agreement Regarding the Status of United Nations Forces in Japan, more commonly referred to as the UN / GOJ SOFA.

⁶¹ The below list of DPRK attacks on the U.S. and ROK over the last 50 years are not all inclusive, but highlight several very provocative attacks or provocations by the DPRK. The ROK maintains some resentment to this day that its U.S. partner / patron repeatedly “held them back” from responding and perceives that the U.S. responds as either non-existent or at best weak and ineffectual.

- 1966-1969 the DPRK initiated over 400 attacks on ROK and U.S. forces during a period known as the Second Korean War.
- January 23, 1968: DPRK seizure of the USS Pueblo and resulting 11 month detainment of the crew.
- January 21, 1968: DPRK special forces attack on the ROK Presidential Palace.
- April 15, 1969: DPRK aircraft shoots down a U.S. EC-121 operating over international waters in the East Sea / Sea of Japan, killing 31 Americans.
- August 18, 1976: DPRK killing of two U.S. officers at Panmunjom with axes.
- October 9, 1983: DPRK bombing in Rangoon, Burma that attempted to kill the ROK President, but killed three senior ROK officials and several other attendees.
- November 29, 1987: North Korean bombing of a ROK airliner that killed 115 people in an attempt to derail the 1988 Olympics held in Seoul.
- March 3, 1990: Fourth infiltration tunnel from the DPRK into the ROK is found. ROKG estimates that up to 17 tunnels likely exist based off information gained by debriefing defectors.
- September 18, 1996: DPRK submarine runs aground along the northeast coast of the ROK as part of an infiltration mission. All but one of the infiltrators are killed attempting to flee through the DMZ, killing four civilians and 12 ROK soldiers in the process.
- March 26, 2010. ROK Navy Corvette Cheonan sunk by torpedo fired by a DPRK submersible. 46 ROK Sailors died.
- November 23, 2010: DPRK shells the ROK island of Yeonpyong with artillery, killing four South Koreans, wounding 19.
- August 4, 2015: DPRK soldiers infiltrate south of the DMZ and place landmines on the southern side, wounding two ROK soldiers in two separate blasts.

⁶² Thomas Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960), 16-19 quoted in Robert Jervis, *The Meaning of the Nuclear Revolution: Statecraft and the Prospect of Armageddon*, (Ithaca, NY: Cornell University Press, 1989), 246. The continual DPRK feigning of irrationality in its bargaining tactics to extract concessions from the U.S. and the West has over the long run resulted in their collective view that the DPRK cannot be reasonably dealt with. This state of affairs is largely why there is such a very low probability that a negotiated, good-faith settlement to conclude the 1950-1953 war is possible.

⁶³ President Eisenhower stated this conceptual circumstance succinctly during the 1955 Taiwan Strait Crisis, “It is oftentimes necessary to take heavy liabilities from a purely military standpoint in order to avoid being ... an aggressor and the initiator of war.” U.S. Department of State,

Foreign Relations of the United States, 1955-1957, vol 2, China (Washington, DC: Government printing Office, 1986) 476 quoted in Robert Jervis, *The Meaning of the Nuclear Revolution: Statecraft and the Prospect of Armageddon*, (Ithaca, NY: Cornell University Press, 1989), 253.

⁶⁴ USFK Commander, GEN Leon LaPorte, quoted in T.D. Flack, "LaPorte: U.S., S. Korea to reaffirm military ties," February 24, 2003, Stars and Stripes <http://www.stripes.com/news/laporte-u-s-s-korea-to-reaffirm-military-ties-1.2312/comments-7.2621> (accessed August 11, 2016). On December 5, 2002 the U.S. Secretary of Defense and ROK Minister of National Defense agreed to establish the Future of the Alliance (FOTA) policy initiative to "modernize, strengthen and transform" the Alliance. FOTA consisted of four distinct, mutually supporting initiatives: the Yongsan Relocation Plan (YRP) and Land Partnership Plan (LPP) to relocate U.S. forces south of Seoul; a bilateral Comprehensive Security Assessment (CSA) to identify common long-term security threats; the development of a Joint Vision for the Alliance, known as the Joint Vision Study (JVS); and a Command Relations Study (CRS) to jointly assess the best command construct for the future. FOTA was superseded in late 2004 by the Security Policy Initiative (SPI). SPI consultations focused on "broader, long-term issues that alliances face" "including the future rationale for the alliance, strategic flexibility, and OPCON arrangements." U.S. Secretary of Defense Donald Rumsfeld and ROK Minister of National Defense Kwang-Ung Yoon, "Joint Communique, The 36th ROK-U.S. Security Consultative Meeting," October 22, 2005, Global Security Homepage, <http://archive.defense.gov/pubs/Joint%20Communique,%2045th%20ROK-U.S.%20Security%20Consultative%20Meeting.pdf> (accessed January 12, 2017); Scott Snyder, "Strengthening the U.S. – ROK Alliance," *Center for U.S. – Korea Policy and the Asia Foundation Korea Office*, February 2009, <https://asiafoundation.org/resources/pdfs/SnyderStrengtheningFeb09.pdf> (accessed October 19, 2016), 7-8.

⁶⁵ ROK MND, *History of the ROK-US Alliance*, 285. Of note, while it may be a matter of ROK pride and strategic communications to advance the narrative that the ROK is regaining "wartime operational control" as part of this latest evolution in the U.S. / ROK security relationship, there is in fact no change in the bilateral Alliance control (via the Military Committee) of ROK and U.S. forces in wartime (crisis and hostilities). Under both the earlier parallel command construct and the future integrated command construct each national military element was still to receive its guidance from the bilateral Military Committee vice their respective unilateral National Authorities. The planned Future Command headquarters is not a unilaterally controlled ROK headquarters any more than the current CFC is a U.S. headquarters.

⁶⁶ U.S. Secretary of Defense Leon E. Panetta and ROK Minister of National Defense Kwan-Jin Kim, "Full text of joint communique of (43rd) ROK-U.S. Security Consultative Meeting," October 28, 2011, Yonhap News Agency Home Page, <http://english.yonhapnews.co.kr/national/2011/10/28/60/0301000000AEN20111028002000315F.HTML> (accessed February 13, 2017).

⁶⁷ At the 2013 SCM (45th session), the U.S. and ROK agreed to adjust the Alliance command construct from the aforementioned parallel design and retain an integrated design similar to the existing CFC. Of note, the 45th SCM Joint Communique does not clearly articulate this decision. Han, *2014 Defense White Paper*, 126; U.S. Secretary of Defense Chuck Hagel and ROK Minister of National Defense Kwan-Jin Kim, "Joint Communique, The 45th ROK-U.S. Security Consultative Meeting," October 2, 2013, U.S. Department of Defense Homepage, <http://archive.defense.gov/pubs/Joint%20Communique,%2045th%20ROK-U.S.%20Security%20Consultative%20Meeting.pdf> (accessed January 12, 2017).

⁶⁸ The conditions based approach was codified in the "Memorandum of Understanding between the Ministry of National Defense of the Republic of Korea and the Department of Defense of the United States of America Regarding the Implementation of a Conditions-Based Approach to the Transition of Wartime Operational Control," at this SCM. U.S. Secretary of Defense Chuck Hagel and ROK Minister of National Defense Min-Koo Han, "Joint Communique, The 46th ROK-U.S. Security Consultative Meeting," October 23, 2014, U.S. Department of Defense Homepage, http://archive.defense.gov/pubs/46th_SCM_Joint_Communique.pdf (accessed January 10, 2017). U.S. Secretary of Defense Ashton Carter and ROK Minister of National Defense Min-Koo Han, "Full Text of the 47th Joint Communique," November 2, 2015, USFK Homepage, <http://www.usfk.mil/Media/News/Article/626859/full-text-of-47th-rok-us-joint-communique/> (accessed, January 12, 2017).

⁶⁹ KORCOM was a short-lived, decade-long concept (circa 2006 to 2016) to change the naming convention of USFK. KORCOM was to be the U.S. forces command in the ROK. The USFK to KORCOM naming convention change was driven by the command's conceptual change in focus from being an subordinate unified command with limited operational missions to one with operational primacy for U.S. forces in resumption of hostilities on the Korean Peninsula (to operate alongside and in support of a ROK Command, ROK JCS).

⁷⁰ Commander UNC, CFC, USFK GEN Curtis M. Scaparrotti, "House Armed Services Committee Testimony," February 24, 2016, <http://docs.house.gov/meetings/AS/AS00/20160224/104587/HHRG-114-AS00-Wstate-ScaparrottiC-20160224.pdf> (accessed November 7, 2016), 7-8; Commander UNC GEN Curtis M. Scaparrotti, "Revitalizing the United Nations Command," letter to the UNC Sending State Ambassadors, April 9, 2015.

⁷¹ Examples of areas that the UNC Revitalization initiative were envisioned to improve include: conducting a mission and functions review; reviewing existing responsibilities and authorities (ensuring they are properly nested); examining staffing options (U.S., Sending State, and ROK personnel) to optimize the performance of UNC duties; codifying ongoing practices into rules, regulations and agreements (where necessary); strengthening the relationship between the UNC, the UNC MAC delegation and UNC Rear Command Post in Japan; etc.

⁷² The changing environment included changes within ROK domestic politics and the demands by their domestic audience, the continued expansion and economic stature of the ROK, the geo-political situation in East Asia, decreased economic and military strength of NK, and U.S. global force posture realignment.

⁷³ Major features of the multi-decade transformation pathway have been resolved. However, there are latent U.S. and ROK concerns that have not been adequately addressed to each party's satisfaction. Ultimately they include the mechanisms to provide for greater autonomy by the ROKG in providing for its security, while respecting the USG role and position within the Alliance construct. The ROKG is very sensitive to issues of sovereignty, while the USG is concerned about the mechanisms for effectively integrating U.S. military forces into the Alliance's combined defense. Also at issue is the delicate question for the U.S. over delegating control of sizable military forces to a command led by a foreign officer. The U.S. has not been a junior partner or a supporting effort in a military relationship in a Century (since World War I). Compounding the aforementioned concerns is the projected Alliance linkages to the ROK JCS headquarters, whereby significant portions of the ROK JCS headquarters would be appointed to Alliance command positions. While the two Allies in concept agree on the Alliance framework,

the ROK must assuage U.S. apprehensions that Alliance decision making will remain bilateral and ROK JCS / Alliance dynamic will remain functionally separate.

⁷⁴ Creamer, *Time to Reassess the U.S. / ROK Alliance and the MDT*, 2, 4. This U.S. Army War College paper examines in detail the competing, divergent visions of the two Allies. In particular, some Alliance managers question whether the existing pathway is properly suited to address the post-2030 environment, or whether it reflects the original framing conducted when the two Allies embarked on their multi-decade transformation in the 2002-2006 timeframe.

⁷⁵ NATO, U.S. / GOJ Alliance, U.S. / Republic of Philippines Alliance, etc.

⁷⁶ The U.S. / ROK transformation is currently focused on the DPRK threat. However, as tensions arise over the coming decades in the strategic and regional U.S. / PRC competition, the ROK may have to ultimately one day choose a side. Remain aligned with the U.S. or realign itself with the PRC. Machiavelli perhaps said it clearest in Chapter XXI of his work, *The Prince*, when he admonished leaders to be resolute and chose sides when conflict comes, abhorring neutrality by quoting Livy, "nothing is more contrary to your interests than ... should you not intervene in the war; you will become the prize of the victor, without favor or dignity." Niccolo Machiavelli, *The Prince*, trans. George Bull (New York, NY: Penguin Books, 1995), 70-73.

⁷⁷ Dongjun Lee, "An Uneasy but Durable Brotherhood?: Revisiting China's Alliance Strategy and North Korea," *Gender Equality and Multicultural Conviviality in the Age of Globalization (GEMC) Journal (Tohoku University)*, no. 6 (March 2013), http://www.law.tohoku.ac.jp/gcoe/wp-content/uploads/2012/04/gemc_06_cate5_21.pdf (accessed January 16, 2017), 130.

⁷⁸ Ibid.

⁷⁹ The USSR had long been the barrier within the UNSC to ROK UN membership. Following the establishment of USSR/ROK diplomatic relations the writing was on the wall for ROK UN membership. The DPRK relented to its long-standing position that simultaneous UN membership was inappropriate (since both the ROK and DPRK national position is there is only one Korea), and submitted a membership packet. Neither the USSR nor the PRC exercised their Permanent Veto in the August 8, 1991 vote on UNSCR 702, which recommended to the UNGA for simultaneous admittance of both the ROK and DPRK. J.P. Kavanagh, "Note for the Secretary General: Korea," UN Headquarters, NY, April 29, 1991; J.P. Kavanagh, "Note to File: Korea," UN Headquarters, NY, May 2, 1991; J.P. Kavanagh, "Note for the Secretary General's Information: Korean membership of the United Nations," UN Headquarters, NY, May 28, 1991; Larry Johnson, "Note for the File: Visit of the Permanent Observer of the Democratic People's Republic of Korea to the United Nations," UN Headquarters, NY, June 5, 1991; J.P. Kavanagh, "Note to File: Korean Membership of the United Nations," UN Headquarters, NY, June 13, 1991; UN Chef de Cabinet Virendra Dayal, "Timing of forthcoming applications by DPRK and ROK to join the United Nations," interoffice memorandum to UN Under-Secretary General for Political and Security Council Affairs V.S. Safonchuk, UN Headquarters, NY, June 26, 1991; J.P. Kavanagh, "Note of the Secretary General's meeting with the Permanent Observer of the Democratic People's Republic of Korea , H.E. Mr. Pak Gil Yon, June 26, 1991," UN Headquarters, NY, June 26, 1991; UN Secretary General Javier Perez de Cuellar, "Application of the Democratic People's Republic of Korea for admission to membership in the United Nations," Note by the Secretary General to the UNGA and UNSC, UN Headquarters, NY, July 10, 1991; Neil Briscoe, "Notes of the Secretary General's meeting with the Permanent Observer of the Republic of Korea to the United Nations, August 5, 1991," UN Headquarters, NY, August 5, 1991; Neil Briscoe, "Notes of the Secretary General's meeting with the Permanent Observer

of the Democratic People's Republic of Korea to the United Nations, August 6, 1991," UN Headquarters, NY, August 6, 1991; UN Secretary General Javier Perez de Cuellar, "Application of the Republic of Korea for admission to membership in the United Nations," Note by the Secretary General to the UNGA and UNSC, UN Headquarters, NY, August 7, 1991; President of the UNSC, Jose Ayala Lasso (Ecuador), "Note by the President of the Security Council," UN Headquarters, NY, August 8, 1991; "UN Security Council Resolution 702, Admission of New Members to the United Nations, August 8, 1991, UN Headquarters, NY, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/UNMembers%20SRES702.pdf> (accessed February 16, 2017); "UN General Assembly Resolution 46/1, Admission of the Democratic people's Republic of Korea and the Republic of Korea to membership in the United Nations, September 17, 1991," UN Headquarters, NY, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/46/1 (accessed February 16, 2017).

⁸⁰ The UN does not necessarily see that there was a problem with the admission of the two Koreas without resolution of the Korea Question or the suspended state of hostilities. Within an internal UN memorandum, the Secretary General is reminded of an earlier opinion by the UN Legal Counsel (Mr. Fleischhauer) on the DPRK assertion that "a 'state of belligerency' existed between the UN and the DPRK." The UN Legal Counsel asserted, "a state of belligerency amounts to a state of war. Such a condition legally does not arise between the UN and a state against which Chapter VII enforcement action is being pursued. Moreover, a state of war infers legal equality and since the UN is not on the same footing as a sovereign state, logic too suggests that the DPRK is not in a state of belligerency with the Organization." J.P. Kavanagh, "Note for the Secretary General: Your meeting with the Deputy Foreign Minister of the Democratic people's Republic of Korea, 19 September 1990," UN Headquarters, NY, September 1990. A criticism of the UN line of thinking is what while they are correct that the UN is not in a state of war with the DPRK, and that the collective security action in Korea in support of the ROK since 1950 is a Chapter VII action, they do not properly address the fact that the UN has a legitimate UN-flagged belligerent force still in the field against a prospective state seeking admission to the UN.

⁸¹ "Key Points in the South-North Basic Agreement," *ROK Ministry of Unification Homepage*, <http://eng.unikorea.go.kr/content.do?cmsid=1806> (accessed January 12, 2017).

⁸² "Joint Declaration on the Denuclearization of the Korean Peninsula," January 20, 1992, *ROK Ministry of Foreign Affairs and Trade Homepage*, http://www.mofat.go.kr/webmodule/htsboard/template/read/korboardread.jsp?typeID=12&boardid=318&seqno=305870&c=&t=&pagenum=1&tableName=TYPE_ENGLISH&pc=&dc=&wc=&lu=&vu=&iu=&du= (accessed March 13, 2017); "Appendix: Joint Declaration of South and North Korea on the Denuclearization of the Korean Peninsula Text," February 19, 1992, *Nuclear Threat Initiative (NTI) Homepage*, http://www.nti.org/media/pdfs/aptkoreanuc.pdf?_id=1316555051 (accessed March 13, 2017); Jeffrey Lewis, "Why the 1992 Joint Declaration of Denuclearization of the Korean Peninsula Still Matters," March 18, 2011, 38North Homepage, <http://38north.org/2011/03/1992-joint-declaration/> (accessed March 13, 2017). Of note, the reader will identify a discrepancy in the dates listed for the agreement; the January date is when the agreement was signed, while the February date is when the agreement went into force.

⁸³ Juergen Kleiner, *Korea, A Century of Change*, (River Edge, NJ: World Scientific Publishing Co, 2001), 402-405. ROK and U.S. posturing as a result of the deteriorating relations surrounding the DPRK nuclear program, including its resumption of the Team Spirit exercise in

1993, served as a driver for the DPRK to call off South-North talks and the normalization process.

⁸⁴ When the PRC and ROK established relations, the PRC still maintained a token presence in Panmunjom and the MAC by its nominal proxy force, the CPV. This contradiction was resolved a little over two years later when the CPV departed the MAC and DPRK, purportedly dissolving upon their return to the PRC.

⁸⁵ “Key Points in the June 15 South-North Joint Declaration,” *ROK Ministry of Unification Homepage*, <http://eng.unikorea.go.kr/content.do?cmsid=1806> (accessed January 12, 2017).

⁸⁶ Rebecca MacKinnon, “S. Korean leader sorry for summit scandal,” February 14, 2003, *CNN Homepage*, <http://edition.cnn.com/2003/WORLD/asiapcf/east/02/13/kim.scandal/> (accessed March 20, 2017).

⁸⁷ “Key Points in the October 4 Declaration,” *ROK Ministry of Unification Homepage*, <http://eng.unikorea.go.kr/content.do?cmsid=1806> (accessed January 12, 2017).

⁸⁸ ROKG, *2010 White Paper on Korean Unification*, (Seoul, ROK: ROK Ministry of Unification, January 2011), 45-53.

⁸⁹ Bernd Schaefer, “Overconfidence Shattered: North Korean Unification Policy, 1971-1975,” *Wilson Center North Korea International Documentation Project*, Working Paper no. 2, (December 2010), https://www.wilsoncenter.org/sites/default/files/NKIDP_WP_2.pdf (accessed January 16, 2017), 10.

⁹⁰ 2015 GDP Rankings. “World Development Indicators,” *The World Bank Home Page*, <http://databank.worldbank.org/data/download/GDP.pdf> (accessed August 23, 2016). The DPRK is not listed on the World Banks rankings, however Trading Economics’ website stated the DPRK’s GDP in 2015 was \$16.12 Billion (USD), which would place it 113th on the World Banks rankings. North Korea GDP, 1970-2017, *Trading Economics Home Page*, <http://www.tradingeconomics.com/north-korea/gdp> (accessed February 8, 2017).

⁹¹ Mathew Burrows, “Global Risks 2035: The Search for a New Normal,” *Atlantic Council Strategy Paper*, September 2016, 65.

⁹² U.S. Department of State, Arms Control and Disarmament Agency, *Technical Report 10, The Neutral Nations Supervisory Commission in Korea (A Peacekeeping Operation)* (Washington, DC: U.S. Government Printing Office, August 1970) 4, 14, 41-42, 50, 59, 63-64.

⁹³ Gabriel Jonsson, “Peace-keeping in the Korean Peninsula: The Role of Commissions,” *Korean Institute for National Unification (KINU) Research Monograph 09-15*, <http://repo.kinu.or.kr/bitstream/2015.oak/1440/1/0001417928.pdf> (accessed January 17, 2017), 696-697; UNC MAC Point Paper, “Czechoslovakian NNSC Delegation Succession Issue”, June 3, 1993.

⁹⁴ UNC Staff Officer, LTC Shawn Creamer, “UNC (USG) Support to the Polish NNSC Delegation” information paper, Yongsan, ROK, May 24, 2016, Tab A, 2; Kim, Eun-jung, “Poland Promises to Continue Armistice Monitoring Mission,” *Yonhap News Agency Homepage*, July 27, 2013, <http://english.yonhapnews.co.kr/fullstory/2013/07/27/73/4500000000AEN20130727002100320F>

[.HTML](#) (accessed February 29, 2016); “Polish Observers Leave North Korea via Beijing.” *Associated Press*, March 9, 1995, <http://www.apnewsarchive.com/1995/Polish-Observers-Leave-North-Korea-Via-Beijing/id-5510aaf2b70c87d82d3de04f3969ee1c> (accessed February 29, 2016); Eun-jung Kim, “Poland Promises to Continue Armistice Monitoring Mission,” *Yonhap News Agency*, July 27, 2013, <http://english.yonhapnews.co.kr/fullstory/2013/07/27/73/4500000000AEN20130727002100320F.HTML> (accessed February 29, 2016); Ron Rabirot, “Uncollected Paperwork a sign of DMZ Battle of Wills,” *Stars and Stripes*, February 3, 2010, <http://www.stripes.com/news/uncollected-paperwork-a-sign-of-dmz-battle-of-wills-1.98578> (accessed February 29, 2016).

⁹⁵ In 2005 the UNC Commander expanded the NNSC task list to include support to four UNC MAC Armistice maintenance activities. Commander UNC GEN Leon LaPorte, “Utilization of NNSC” letter to the Swedish and Swiss Members of the NNSC, Seoul, ROK, July 13, 2005; Jonsson, “Peace-keeping in the Korean Peninsula: The Role of Commissions,” 486-488 and 489.

The NNSC’s tasks were further expanded in 2010 to include participation in UNC MAC inspections on the southern side of the DMZ and observation of UNC MAC special investigation teams, observation of ROK and U.S. military exercises, and giving training to ROK military forces on the duties and significance of the NNSC. Switzerland Armed Forces, “Swiss Armed Forces NNSC Presentation,” *Switzerland Armed Forces Home Page*, <http://www.vtg.admin.ch/internet/vtg/en/home/themen/einsaetze/peace/korea.html> (accessed February 16, 2016), 11-12; Switzerland Armed Forces, “NNSC Fact Sheet,” *Switzerland Armed Forces NNSC Home Page*, <http://www.vtg.admin.ch/internet/vtg/en/home/themen/einsaetze/peace/korea.html> (accessed March 1, 2016). Commander UNC GEN Walter Sharp, letter to the Polish, Swiss and Swedish NNSC Delegation Senior Members, proposing the NNSC Expanded Task List, Seoul, ROK, March 2010. Executive Committee (EXCOM) of the UNC and NNSC, “Recommendation to Approve 2010 NNSC Expanded Tasks,” letter to the Republic of Poland Ministry of Foreign Affairs, Seoul, ROK, March 13, 2010. Of note, the EXCOM membership consisted of the Swiss and Swedish NNSC Delegation Senior Members, the U.S. Member of the UNC MAC, and the ROK Senior Member of the UNC MAC.

What is not clear is what the UNC used as justification for unilaterally expanding the task of a neutral body authorized by and whose duties are prescribed in the Armistice, or how this was rationalized without the concurrence by the opposing side through an official subsequent agreement. Moreover, UNC’s unilateral participation in the development of an NNSC task list certainly allows for the questioning of the NNSC’s neutrality by the opposing side’s delegation.

While this document poses this question in a philosophical way, in legal terms the NNSC’s expanded tasks are not affiliated with the Armistice Agreement in any official capacity. Absent an official bilaterally agreed subsequent agreement with the KPA to the Armistice, the UNC’s actions have no authority or linkage to the Armistice Agreement or its mechanisms. Therefore, it is almost certainly inappropriate for the UNC to assert that the 2005 and 2010 expanded tasks for the NNSC are a bona fide subsequent agreements as stipulated in the Armistice Agreement.

⁹⁶ U.S. Representative to the UN Edward J. Perkins, “Report on the activities of the United Nations Command, 1991,” letter to the President of the UNSC, New York, NY, June 15, 1992; UN Legal Counsel Carl-August Fleischhauer, “Appointment by the UN Command of a Republic of Korea (ROK) army officer as a senior member of the Military Armistice Commission,” UN Interoffice Memorandum for the UN Secretary General, New York, NY, April 23, 1991;

Narushige Michishita, *North Korea's Military-Diplomatic Campaigns, 1996-2008*, (New York, NY: Routledge, 2010), 138-139.

⁹⁷ The last meeting the CPV attended was MAC Meeting 228 on August 5, 1966. The disappearance of the CPV following MAC 228 interestingly coincided with the August 8, 1966 passing of the "Decision Concerning the Great Proletarian Cultural Revolution," also known as the "16 Points" by the PRC's Central Committee. These "16 Points" served as the basis for the ensuing Cultural Revolution that followed. The CPV did not return to a MAC forum until they returned for MAC Meeting 318 on July 9, 1971, which also coincided with the curtailment of the Cultural Revolution. Steven Tharp, former member of the UNC MAC Secretariat, email exchange, January 20, 2017; UNC MAC Secretariat, "228th Meeting of the Military Armistice Commission: MG Joseph O. Butcher (UNC) and MG Chung Kuk Pak (KPA) co-presiding," August 5, 1966, Panmunjom, Korean DMZ; UNC MAC Secretariat, "318th Meeting of the Military Armistice Commission: MG Felix M. Rogers (UNC) and MG Yong Ok Han (KPA) co-presiding," July 9, 1971, Panmunjom, Korean DMZ; UNC MAC Secretary COL M.E. Jessup, "Summary 318th Military Armistice Commission Meeting," cable to the U.S. Joint Chiefs of Staff, Seoul, ROK, July 10, 1971.

⁹⁸ In 2010 a Chinese Foreign Ministry spokesman issued a statement that the MAC may need to meet to address the heightened tensions following the sinking of the ROK Navy Corvette Cheonan. "China proposes UN Military Armistice Commission convene for reinvestigation into Cheonan," *The Hankyoreh*, May 29, 2010, http://www.hani.co.kr/arti/english_edition/e_national/423148.html (accessed March 19, 2016).

⁹⁹ The practice of holding General Officer Talks began in 1998. The Associated Press, "U.S. and N. Korea in New Armistice Talks," June 9, 1998, *The New York Times*, <http://www.nytimes.com/1998/06/09/world/us-and-n-korea-in-new-armistice-talks.html> (accessed March 16, 2017); Jimmy Norris, "North Korea, U.N. slated to restart talks," March 7, 2009, *Stars and Stripes*, <http://www.stripes.com/news/north-korea-u-n-slated-to-restart-talks-1.88955#.WMqvLcszUW9> (accessed March 16, 2017);

¹⁰⁰ The seven DPRK / KPA withdrawal statements were in 1976, 1994, 1996, 2003, 2006, 2009, and 2013. Korean War Armistice Agreement, <http://www.cfr.org/north-korea/korean-war-armistice-agreement/p22481> (accessed August 8, 2016); Madison Park, "North Korea declares 1953 armistice invalid," March 13, 2013, <http://www.cnn.com/2013/03/11/world/asia/north-korea-armistice/> (accessed August 8, 2016); Robert F. Dorr, "North Korea Invalidates Armistice," March 11, 2013, <http://www.defensemedianetwork.com/stories/north-korea-declares-armistice-invalid/> (accessed August 8, 2016).

¹⁰¹ HQ UNC, *Compliance with the Korean Armistice Agreement*, UNC Regulation 551-4 (Yongsan, ROK, HQ UNC, June 4, 2015), 38.

¹⁰² The MIT seminar included students from Japan, Vietnam, the ROK and the U.S. The students included current and former members of government pursuing advanced degrees or taking part in fellowships. The author developed and refined these national interests following critiques by the seminar participants.

¹⁰³ Admittedly, the inclusion of ROK-led Reunification, the Northern Limit Line, and absorbing the DPRK into ROKG national interests might be contentious to some readers. However, the ROKG has provided ample evidence throughout the decades that these are core issues for the ROK. Furthermore, the inclusion of Yanbian (the autonomous prefecture in the PRC just north

of the DPRK / PRC border) is also provocative. The Chinese / Korean border has been effectively demarcated for centuries, however the almost two million ethnic Koreans living in this district may have long-term implications should the two Koreas unify. In the ROK, Yanbian is occasionally referred to (primarily by Korean nationalists) as the “Third Korea.” Andrei Lankov, “Yanbian: Korea-in-China,” October 21, 2007, *The Korea Times*, http://www.koreatimes.co.kr/www/news/opinion/2010/01/166_12290.html (Accessed March 11, 2017). The ethnic Korean diaspora numbers approximately 8.2% of the total ethnic Korean population (2001), making it one of the largest diaspora (as a percentage of total population) in the world. C. Fred Bergsten and Inbom Choi, eds., *The Korean Diaspora in the World Economy*, (Washington, DC: Institute for International Economics, 2003), 16. The diaspora population has reportedly grown from 5.7 million in 2001 to over 6.5 million today, with the largest shares in the PRC (2.3 million), the U.S. (1.8 million), and Japan (.9 million), depending on the source.

¹⁰⁴ The UNC Headquarters is stationed in Seoul, co-located within the U.S. / ROK CFC Headquarters footprint. The overwhelming majority of the UNC staff operates there and at their facilities vicinity of Panmunjom. The UNC’s Rear Command Post operates from Yokota AB in Japan, predominantly as the caretaker for the UNC bases in Japan. “Relocation of the United Nations Command (Rear) from Camp Zama to Yokota Air Base,” October 26, 2007, *Ministry of Foreign Affairs of Japan Homepage*, http://www.mofa.go.jp/announce/announce/2007/10/1176845_836.html (accessed March 11, 2017); UNC (Rear) HQ, “Fact Sheet.”

¹⁰⁵ Prior to the conclusion of the U.S. / ROK MDT, the Assistant Secretary of State for Far Eastern Affairs Walter Robertson communicated to ROK President Rhee that the USG would not support ROK violations of the Armistice Agreement. Cha, *Powerplay*, 111-113. “It is the understanding of the United States that neither party is obligated, under Article III of the above Treaty, to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present Treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea.” The USG communicated the above in a letter to the ROKG on January 28, 1954. The ROKG acknowledged this USG interpretation in a response provided on February 1, 1954. Together, these letters are known as the “exchange of notes.” “Mutual Defense Treaty Between the United States and the Republic of Korea; October 1, 1953,” *The Avalon Project, Yale Law School Home Page* http://avalon.law.yale.edu/20th_century/kor001.asp (accessed February 10, 2017).

¹⁰⁶ “Abroad, we are demonstrating that while we will act unilaterally against threats to our core interests, we are stronger when we mobilize collective action. That is why we are leading international coalitions to confront the acute challenges posed by aggression, terrorism, and disease.” Barack H. Obama, *National Security Strategy: 2015* (Washington DC: The White House, February 2015), preface. U.S. Joint Chiefs of Staff, *The National Military Strategy of the United States of America: 2015* (Washington, DC: U.S. Joint Chiefs of Staff, June 2015), 1 and 9-10.

¹⁰⁷ The USG would retain executive decision-making authority because the USG assumed the responsibility of the collective security effort in the ROK as requested in UNSCR 84. While the U.S. could bring UNC Sending States into the decision-making process, ultimately the command responsibility lies squarely with the USG.

¹⁰⁸ In 2011, 43rd SCM instituted the Korea-U.S. Integrated Defense Dialogue (KIDD) to serve as a “senior level policy consultative channel co-chaired by the ROK Deputy Minister of National Defense for Policy and the U.S. Under Secretary of Defense for Policy, as an umbrella framework that encompasses various defense dialogue mechanisms between the ROK and the United States to ensure high-level political oversight and synchronization of Alliance objectives.” U.S. Secretary of Defense Leon E. Panetta and ROK Minister of National Defense Kwan-Jin Kim, “Full text of joint communique of ROK-U.S. Security Consultative Meeting,” October 28, 2011, Yonhap News Agency Homepage, <http://english.yonhapnews.co.kr/national/2011/10/28/60/0301000000AEN20111028002000315F.HTML> (accessed January 12, 2017).

The KIDD meets biannually, alternating between the U.S. and ROK, and serves as a working level forum between SCM venues. Examples of policy consultative work conducted by the KIDD can be found in the Joint Statements following each venue or at: ROK MND, *History of the ROK-US Alliance*, 305 and 431. This KIDD consultative body subsumed several currently existing forums, with the aim to synchronize their activities. The KIDD oversees the SPI (which replaced FOTA), the Extended Deterrence Policy Committee (EDPC), and the Strategic Alliance 2015 Working Group (SAWG). ROK MND, *History of the ROK-US Alliance*, 305. The SAWG was replaced by the COT-PWG in 2016 following the conclusion of the COT-P.

When the KIDD was established in 2011, it was designed to function only in Armistice, with no specific measures to address how the body would consult during crisis or hostilities. Both Allies recognized that in a crisis and during hostilities, the need for policy consultations below the Secretary / Minister level were going to be crucial in order to ensure the forces in the field were properly issued bilaterally agreed policy guidance. This deficiency was addressed by the 48th SCM in October 2016. U.S. Secretary of Defense Ashton Carter and ROK Minister of National Defense Min-Koo Han, “Joint Communique, The 48th ROK-U.S. Security Consultative Meeting,” October 20, 2016, U.S. Department of Defense Homepage, <https://www.defense.gov/Portals/1/Documents/pubs/USROKSecurityJointCommunique2016.pdf> (accessed, January 12, 2017).

¹⁰⁹ Throughout the history of Korea, one feature stands out above all. The twelve hundred years of a unified Korean state has resulted in a cohesive, distinctive, and resilient national identity. However, history, geography and Great Power politics have not been kind to the Korean Peninsula or its people. Koreans are therefore very sensitive to perceptions of external manipulation and interference into Korean affairs. Yun-sik Kim, “Foreign Domination in Korea,” *The Korea Times*, March 19, 2009, http://www.koreatimes.co.kr/www/news/opinion/2009/03/137_41586.html (accessed January 16, 2017). This article was an opinion piece in *The Korea Times* and is a representative perspective by South Koreans on the Korean Peninsula’s domination by foreign powers. UNC and its deeply ingrained involvement in Korean affairs from 1950-1978 has left an adverse imprint of sorts on the Korean consciousness. ROKG officials are delicate to what they perceive might be back-sliding on the Alliance partnership and autonomy they have exercised since 1978.

¹¹⁰ Tamrat Samuel (UN East Asia-Pacific Division DPA) and Francese Vendrell (Director, UN East Asia-Pacific Division DPA), “The UN Command (unified command) in Korea” Addendum to the Briefing Note for the Secretary General meeting with the ROK Foreign Minister, August 30, 1995; UN Legal Counsel, “The Question of Korea: Effect of the dissolution of the United Nations Command on the Armistice Agreement,” November 18, 1975.

Chiefly, the UNSC can direct through a vote to end the mission by withdrawing its request to the USG to designate a Commander for the unified command and withdrawing its authorization for use of the UN flag. This is unlikely, because the USG can use its UNSC Permanent Member veto to block any attempt within the UNSC forum. In addition, two other Permanent Members, the United Kingdom and France, are not only also active members with the UNC, but they were the sponsors for the original authorization in 1950.

The other avenue to disestablish the UNC requires the USG to end the mission itself. While the USG can dissolve the UNC, it retains it is still a legal party to the Armistice until it is superseded by a “mutually acceptable amendments or by a new agreement agreed upon ‘between both sides’.” UN Legal Counsel, “The Question of Korea: Effect of the dissolution of the UNC on the Armistice,” memo for the UN Sec-Gen, 2.

¹¹¹ Even though a non-binding majority vote within the UNGA to disestablish the UNC has no authority to direct such an action, the USG would likely not retain the command against the will of the majority of the member nations wishes as it would be disastrous from a legitimacy perspective.

¹¹² The UNGA passed resolution 377 on November 3, 1950 in response to the Permanent Member paralysis present within the UNSC, and its failure to adequately address the threat to international peace and security in Korea. Resolution 377 asserted that the UNGA had the right and the responsibility to act when the UNSC “because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security, the General Assembly shall seize itself of the matter.” United Nations Office of Legal Affairs, “Uniting for Peace, General Assembly resolution 377 (V),” *UN Audiovisual Library of International Law Home Page*, <http://legal.un.org/avl/ha/ufp/ufp.html> (accessed February 9, 2017).

Article 51 of the UN Charter states, “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.” UN Charter, <http://www.un.org/en/sections/un-charter/chapter-vii/> (accessed February 9, 2017).

¹¹³ John Mueller, “The Essential Irrelevance of Nuclear Weapons,” *International Security*, 13 (Fall 1988), 55-79 quoted in Robert Jervis, *The Meaning of the Nuclear Revolution: Statecraft and the Prospect of Armageddon*, (Ithaca, NY: Cornell University Press, 1989), 228. John Mueller’s concept of “general stability” is produced when “each side has so much to lose in a war and so little to gain.”

¹¹⁴ Nuno P. Monteiro and Alexandre Debs, “The Strategic Logic of Nuclear Proliferation,” *International Security* 39, no. 2 (Fall 2014): 41.

¹¹⁵ Adopting such a position would be controversial. Sphere of influence discussion is not presently in vogue, but is perhaps appropriate as the world returns to multi-polarity. The PRC intervened in 1950 on behalf of the DPRK and continues to provide state support to the regime, preventing its collapse. Recognizing this, the U.S., ROK and other stakeholders have an

opportunity to squarely place the responsibility for the DPRK on the PRC. In some respects the U.S. and its stakeholders have allowed the PRC to shirk its responsibilities toward the DPRK and its behavior. To be fair, the PRC does not have firm control over the DPRK. However, the PRC does have significant leverage as the single most important trading partner and lone security guarantor for the DPRK. Should the PRC not constrain the DPRK, then the U.S. and the other stakeholders will have the casus belli to step in and decisively conclude the issue. If there is one thing the PRC does not want to see, it is resolute U.S. and ROK military action inside the DPRK.

¹¹⁶ U.S. Treaty Ally defense spending during at the end of the Cold War as a percent of GDP compared to contemporary spending.

<u>Country</u>	<u>1988</u>	<u>2015</u>
Australia	2.3	2.0
Belgium	2.5	0.9
Canada	2.0	1.0
France	3.5	2.1
Germany	2.5	1.2
Italy	2.2	1.3
Japan	0.9	1.0
Korea, South	3.8	2.6
Norway	2.8	1.5
Philippines	2.5	1.3
United Kingdom	3.8	1.9
United States	5.6	3.3

Source: Stockholm International Peace Research Institute (SIPRI), Yearbook: Armaments, Disarmament and International Security as reported by Military Expenditure (% of GDP), World Bank Homepage, <http://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS> (accessed October 20, 2016).

The ROK has routinely exceeded the North Atlantic Treaty Organization (NATO) goal for spending well over the 2.0% Gross Domestic Product (GDP) on defense throughout its history as a nation. As the ROK has developed economically, the quantity of funds allocated to defense has risen immeasurably, however as a percent of GDP it has decreased. ROK funding for defense over the preceding three decades: 1981-1990 (4.319%); 1991-2000 (2.694%); and 2001-2010 (2.295%). Min-Koo Han, *2014 Defense White Paper*, (Seoul, ROK: ROK Ministry of National Defense, December 31, 2014), 298 (Appendix 16: Annual Defense Budgets).

¹¹⁷ Creamer, *Time to Reassess the U.S. / ROK Alliance and MDT*, 3. "...organizations are poor self-evaluators; I argue here that states suffer the same syndrome. This failure to self-evaluate impeded national learning and allows misperceptions to flourish. Myths, false propaganda, and anachronist beliefs persist in the absence of strong evaluative institutions to test ideas against logic and evidence, weeding out those that fail. As a result national learning is slow and forgetting is quick." Stephen Van Evera, "Why States Believe Foolish Ideas: Non-self-Evaluation by States and Societies," in *Perspectives on Structural Realism*, ed. Andrew K. Hanami (New York, NY: Palgrave MacMillan, 2003), 163.

¹¹⁸ Cha, *Powerplay*, 104-105.

¹¹⁹ Ibid, 111-113, 119-120.

¹²⁰ When a nation state is admitted to the UN, it does so without any reservations to the existing UN Charter. While both Korea's retain some language within their constitutions to the contrary, by agreeing to join the UN, they recognized each other as a sovereign state.

¹²¹ UNC Command Historian Herman M. Katz, "Highlights of US Military Presence in Korea," memorandum for record, Yongsan Garrison, ROK, August 24, 1977.

¹²² GEN John W. Vessey Jr., *Headquarters United Nations Command / United States Forces Korea / Eighth United States Army Annual Historical Report, 1978*, (Yongsan Garrison, ROK: Command Historian Office), 6; Katz, "US Military Presence in Korea" memo, August 24, 1977, 5; Daniel P. Bolger, *Scenes from an Unfinished War: Low-Intensity Conflict in Korea, 1966-1969*, (Fort Leavenworth, KS: Combat Studies Institute, 1991), 78-79, 86-87.

¹²³ ROK President Park, Chung-Hee and Special Envoy of the U.S. Mr. Cyrus Vance, "Korean-U.S. Joint Communique," February 15, 1968; Sam Yeol Jang, *The Role and Command Relationship of the USFK in the Changing Security Environment*, Strategic Research Project (Carlisle Barracks, PA: U.S. Army War College, Class of 2001), 5; Bolger, *Scenes from an Unfinished War: Korea*, 77-86.

¹²⁴ For a description of the SCM see: Seong Tae Cho, *2000 Defense White Paper*, (Seoul, ROK: ROK Ministry of National Defense, December 31, 1999), 115-116; Yoon, "Recalibrating the US-ROK Alliance," 88-91. For post-1978 environment descriptions of the relationship between the permanent and plenary Military Committee sessions and the SCM see: Han, *2014 Defense White Paper*, 123-125. For a topical overview of Military Committee plenary session and SCM sessions and also to see the linkages between them, see ROK MND, *History of the ROK-US Alliance*, 120-128 and 418-422.

¹²⁵ GEN Richard G. Stilwell, *Headquarters United Nations Command / United States Forces Korea / Eighth United States Army Annual Historical Report, 1974*, (Yongsan Garrison, ROK: Command Historian Office), 56.

¹²⁶ C.M. Jackson, *Why the Combined Field Army*, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, 1990); GEN John H. Michaelis, Commander Eighth Army, "Letter of Instruction 3-1, Establishment of the I Corps (ROK/US) Group," Seoul, ROK, HQ Eighth Army, March 10, 1971; Commander UNC GEN Richard G. Stilwell, "I Corps (ROK/US) Group," message to CINCPAC, Seoul, ROK, August 16, 1976; ROK MND, *History of the ROK-US Alliance*, 197-201.

¹²⁷ Katz, "US Military Presence in Korea" memo, August 24, 1977, 5; Vessey, *HQ UNC / USFK / 8A Annual Historical Report, 1978*, 7; "Ulchi-Focus Lens," *Global Security.org Home Page*, <http://www.globalsecurity.org/military/ops/ulchi-focus-lens.htm> (accessed March 19, 2016); Robert Collins, "A Brief History of the US-ROK Combined Military Exercises," February 26, 2014, linked from the *John Hopkins School of Advanced International Studies, U.S.-Korea Institute Home Page* at "38 North.org," http://38north.org/2014/02/rcollins022714/#_ftn4 (accessed March 19, 2016).

¹²⁸ Yoon, "Recalibrating the US-ROK Alliance," 96.

¹²⁹ Chae-Jin Lee and Doo-Bok Park, *China and Korea: Dynamic Relations*, (Stanford, CA: Hoover Press, 1996), 102-105.

¹³⁰ National Security Council Advisor Henry A. Kissinger, "National Security Study Memorandum 190, Diplomatic Initiatives in Korea," memorandum for the Secretary of State, the Secretary of Defense, and the Director of the Central Intelligence Agency, Washington, DC, December 31, 1973.

¹³¹ U.S. Representative to the UN John Scali, "USG offer to Terminate the UNC," letter to the President of the UNSC dated June 27, 1975; National Security Council Advisor Henry A. Kissinger, "National Security Decision Memorandum 251, Termination of the U.N. Command in Korea," memorandum for the Secretary of Defense, the Deputy Secretary of State, and the Director Arms Control and Disarmament Agency, Washington, DC, March 29, 1974.

¹³² Lee and Park, *China and Korea: Dynamic Relations*, 102-105.

