

CSS STUDY

Confidence and security-building on the Korean Peninsula and the role of Switzerland

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Executive Summary

The Korean conflict is one of the oldest security flash-points with global implications. Among the directly involved parties, we find the world's most prosperous economies and largest militaries. North Korea's possession of nuclear weapons adds a global dimension. This study brings attention to some of the under-researched levels of the Korean conflict that are at the same time essential in view of its future resolution. It highlights the sketchy nature of the security architecture on the Korean Peninsula and reflects on how the architecture could develop in the future. More specifically, the study analyzes the inter-Korean dimension of the conflict with a special focus on military confidence-building. While recent efforts in this area are promising, they take place in a situation of growing tensions in the wider Asian region. In 2018 during a period of rapprochement, the two Koreas concluded a military agreement, in which they consented to a variety of military confidence-building measures. Some of the measures were swiftly implemented and helped stabilize the situation at the inter-Korean border. However, the renewed deterioration of inter-Korean relations, starting in 2019, has negatively affected the advances made under the agreement. Still, not all of the advances have been reversed, and some of the political conditions that were favorable to the recent inter-Korean rapprochement remain in place.

The study also makes an inquiry into the possibility of a future peace regime on the Korean Peninsula and the related role of third state parties in it. European countries, most of which have held a minor role in Asia's regional order in the post-World War II era, have started to seek ways of reengaging with the larger region, including with Northeast Asia. The study argues that Switzerland's decades-long presence on the Korean Peninsula (as a member of the Neutral Nations Supervisory Commission, NNSC) and its extensive, global experience as a neutral mediator in peace processes, puts it in a good position to play a constructive role in this world region whose geopolitical relevance is rapidly growing. NNSC states, including Switzerland, have a wealth of knowledge and experience in the field of military confidence-building, which they can share in a future peace process. Through their long-term institutional relations to the Korean Peninsula, they are well-positioned to facilitate such a process. The study also suggests that Switzerland has an interest in actively promoting discussions on the future of the NNSC and its own possible role in a future peace management system on the Korean Peninsula.

1 Introduction

Since the end of the Korean War in 1953, conflict parties appear to be locked in repeating conflict cycles. A complex conflict structure with multiple actors, interests, and levels has hindered the establishment of a permanent peace regime – or at least a more stable status quo. The four major countries involved are North Korea (officially the Democratic People’s Republic of Korea), South Korea (officially the Republic of Korea), the United States, and China. Two additional countries in the region have substantial stakes in the conflict and its resolution: Russia and Japan. Historical animosities among the conflict parties are deep and fueled by newly emerging opposing interests. North Korea’s nuclear weapons program adds to the complexity of the conflict, making its resolution even more difficult.

Since its beginning, the Korean conflict has been an internationalized conflict of global relevance. During the Korean War (1950–1953), the US fought along with South Korea under an international UN Command, whereas the Soviet Union and China supported North Korea. In the changing security environment of the post-Cold War period, North Korea acquired nuclear weapons, in breach of the Nuclear Non-Proliferation Treaty. This triggered extensive international sanctions. At the same time, South Korea continued to modernize its conventional military capabilities and invested in its military alliance with the US. Washington has maintained a continuous military presence in South Korea and provided its ally with security guarantees including an extended nuclear deterrence posture. Whereas nuclear issues dominate North Korea’s relations with the international community and specifically with the US, conventional military issues are an additional concern, which is of particular relevance in inter-Korean affairs.

Recurring attempts have been made to break repeating conflict cycles and to build confidence, and eventually peace, on the Korean Peninsula. Conflict parties and third states have participated in these efforts. Among the latter are Sweden and Switzerland. As members of the Neutral Nations Supervisory Commission, mandated by the 1953 armistice, the two countries have had a continued presence on the Korean Peninsula and form an integral part of its security architecture. They are knowledgeable about and experienced in military confidence-building work on the Korean Peninsula. Military confidence-building measures (CBMs) have gained new political attention and relevance in inter-Korean relations under the current South Korean government. Military CBMs will also play an essential role in future peace-building processes and could become key elements of a future peace regime.

The first part of this study examines, the current state of confidence and security building on the Ko-

rean Peninsula. The focus is on the security arrangements on the Korean Peninsula that were put in place in the early 1950s and the role of the recent Comprehensive Military Agreement that was concluded between the two Koreas in September 2018. Acknowledging the paramount importance of the larger strategic context of the Korean conflict, this study is based on the assumption that in the years to come, no disruptive events – positive or negative – will occur, such as a US attack on North Korean nuclear facilities, North Korean use of nuclear weapons, or a diplomatic breakthrough regarding the denuclearization of North Korea. The second part of the study addresses the role of confidence and security building as a pillar of a future peace process and peace regime. This includes a discussion of how Switzerland could position itself and strategically and realistically support an eventual peace process on the Korean Peninsula – primarily as a member of the Neutral Nations Supervisory Commission, but also in other ways.

2 Current state of confidence-building between the Koreas

The past four years have shown a wide spectrum of possible dynamics in the Korean conflict. After a period of high tension in 2016 and 2017, accompanied by war rhetoric, relations between conflict parties took a positive, and in many ways unexpected turn. 2018 became the year of historical high-level dialogue between the two Koreas on one hand and between North Korea and the US on the other. A crowning achievement in inter-Korean relations was the signing of a Comprehensive Military Agreement (CMA) in September 2018. The agreement contains military confidence-building measures, the (partial) implementation of which can be considered one of the signature achievements of South Korean president Moon Jae-in.

What has been achieved in 2018 and 2019, however, is about to collapse. Starting with the second summit between then-US President Donald Trump and North Korean Chairman Kim Jong-un in Hanoi in February 2019, which ended ahead of schedule and without any results, the rapprochement between conflict parties lost momentum. Channels of inter-Korean dialogue were then completely cut off in June 2020. North Korea openly threatened to bring down cooperation on military matters and destroyed the two countries' liaison office, located on its territory. In September 2020, the shooting of a South Korean fisheries official by North Korean troops added to the tensions. In both incidents, Kim Jong-un stepped in. He put actions reversing previous achievements on hold and apologized for the shooting of the official. But the situation remains fragile and tense.

In the current situation, South Korea attaches high importance to keeping the CMA in place and to preserving its achievements. If the agreement fails, the country fears a domino effect, undermining the improvements and progress made in inter-Korean relations since 2018. South Korea's president has made peace the highest priority on his political agenda and accords the CMA and military confidence-building measures an accordingly significant role.¹ For the Koreas, the CMA constitutes an initiative that provides them with the agency they are often lacking in the overall dynamics of the Korean conflict. The international sanctions regime against North Korea severely limits inter-Korean rapprochement activities, hindering for example the resumption of joint economic and infrastructure projects in the inter-Korean border region. This helps explain the focus on military confidence-building.

Confidence-building efforts on the Korean Peninsula are not new – nor are the actors involved in them. Early measures were already defined in the armistice and developed further in later agreements. Switzerland as a member of the Neutral Nations Supervisory Commission has participated in these efforts and made military confidence-building activities a main focus of NNSC's extended tasks that the Commission has assumed since 2010. While peace has not been achieved yet, applied measures and actors involved in them have helped prevent a renewed outbreak of war.

2.1 “[I]f CBMs won’t work, nothing else will”:² A quick backgrounder on military confidence-building measures

Originated in the European Cold War context, the concept of confidence-building measures today enjoys broad popularity among political and military leaders around the world. Its flexibility and adaptability are its strength, but also its weakness.

Confidence-building measures seek to “reduce tensions, misunderstandings and the danger of surprise attack through measures of restraint, transparency, and active contact and dialogue.”³ They are “negotiated, agreed and implemented by the conflict parties in order to build confidence, without specifically, focusing on the root causes of the conflict.”⁴ Examples of military CBMs include “communication hotlines, exchange of military maps, joint training programmes, information on troop movements, exchange of military personnel, establishment of a demilitarized zone, border tension reduction through joint patrolling, or no fly zones.”⁵

1 Chung-in Moon, “President Moon Jae-in and the Korea Peace Initiative”, in: *Global Asia* 14:2 (2019).

2 Marie-France Desjardins, *Rethinking Confidence-Building Measures* (Milton Park, Abingdon, Oxon: Routledge, 2014), p. 4.

3 Zdzislaw Lachowski / Martin Sjörgen / Alyson Bailes / John Hart / Shannon Kile / Simon Mason / Victor Mauer, *Tools for Building Confidence on the Korean Peninsula*, Stockholm International Peace Research Institute (SIPRI) / Center for Security Studies (CSS), ETH Zurich, 2007, p. 4.

4 Simon Mason / Matthias Siegfried, “Confidence Building Measures (CBMs) in Peace Processes” in: *Managing Peace Processes: Process related questions. A handbook for AU practitioners 1* (African Union and the Centre for Humanitarian Dialogue, 2013), p. 58.

5 *Ibid.*, p. 64.

The concept of CBMs, as it is known today, has its origins in the European Cold War context⁶ and became widely used in the post-Cold War era. The popularity of the concept is, at least partially, related to its ascribed success in improving East-West relations during the Cold War. The term “confidence-building measures” became part of diplomatic vocabulary in the mid-1970s after a number of measures were agreed at the 1975 CSCE Helsinki Conference. The Helsinki measures concerned the exchange of information on as well as the notification and observation of major military maneuvers. While complementary, the CBM approach – in contrast to the arms control approach – shifted the focus away from military input (men, missiles, etc.) to military output (e.g., surprise attack); hence, the focus on maneuvers and troop movements.⁷

The end of the Cold War period with its fast political changes (under the new reformist Soviet leader Gorbachev) and its aftermath were key phases for CBM development. Measures agreed at the 1986 Stockholm CSCE conference superseded the “first-generation” measures. CBMs, then renamed confidence- and security-building measures, were more comprehensive and included for the first time mandatory onsite verification mechanisms. Subsequent progress included improved implementation and the further development of new CBMs (e.g., the creation of a crisis prevention center and the acceptance of aerial surveillance). In the early 1990s, CBMs “gained unprecedented recognition” in the international security arena. The changing and uncertain circumstances of the post-Cold War period helped the concept’s rise in popularity. However, the acceptance of the “European model” elsewhere has remained limited – due to political sensitivities (“foreign influence”) and practical problems in translating the model to other contexts (in the absence of a security-oriented regional mechanism comparable to the one in Europe⁸).⁹

The concept of CBMs remains popular, but is, at the same time, also controversial. CBM advocates suggest that CBMs are useful instruments to facilitate conflict resolution, prevent wars, and bring about arms-control and disarmament agreements. CBMs are said to be, in principle, “applicable to all states”, “easily negotiable” and to “bring only benefits”.¹⁰ The strength of the concept lies in its flexibility and its adaptability to radically transformed or transforming security contexts. This strength is at the

same time its weakness. The term CBM is conceptually vague. Critical analysts have shown that examples are few, in which CBMs have actually constrained state behavior and thereby made a positive contribution to international security.¹¹ Moreover, CBMs can also bring negative results, e.g., sow more distrust when they fail – or when increased transparency (e.g. demonstration of a state’s superior military capabilities) leads to new insecurities. Lastly, CBMs are “only as strong as the fundamental political will for compromise in any successful negotiations.”¹²

Still, CBMs are today a worldwide phenomenon and continue to be seen as a useful toolbox by political and military leaders.¹³ Governments in many regions are engaged in CBM work. South Asia and the Middle East are conflict-prone regions where negotiating and implementing CBMs – in the absence of political reconciliation – “helped maintain the absence of hostilities.”¹⁴ Conflict parties to the Korean conflict also developed ambitious CBM agendas in the past. Until the most recent efforts, implementation and achievements have been limited, though.¹⁵

2.2 Past confidence-building efforts on the Korean Peninsula

Systematic efforts in military confidence-building between Korean conflict parties started in the 1990s, after the Cold War ended. The Comprehensive Military Agreement, which the two Koreas concluded in 2018, can be seen as a continuation or even a high point of this process. At the same time, the agreement also constitutes a more immediate reaction to tensions and instability, which are notoriously present on the Korean Peninsula and grew throughout the 2010s, becoming particularly acute in the second half of 2017.

Contrary to its name and the provisions in the armistice that created it, the Demilitarized Zone, representing the de facto border between the Koreas, is the

6 See Johan Jørgen Holst / Karen Alette Melander, “European security and confidence-building measures”, *Survival* 19:4 (July 1977), pp.146–154 and Johan Jørgen Holst, “Confidence-building measures a conceptual framework”, *Survival* 25:1 (January 1983), pp.2–15.

7 Desjardins, *Rethinking Confidence-Building Measures*, pp.7–10.

8 See the Conference on Security and Co-operation in Europe / Organization for Security and Co-operation in Europe.

9 Desjardins, *Rethinking Confidence-Building Measures*, pp.16–17. See also Organization for Security and Co-operation in Europe, “Applicability of OSCE CSBMs in Northeast Asia”, *Consolidated Summary of the OSCE-Korea Conference held from 19 to 21 March 2001* (Vienna: OSCE, 2001).

10 Desjardins, *Rethinking Confidence-Building Measures*, p.4.

11 *Ibid.*, p.5.

12 *Ibid.*

13 See UN Office for Disarmament, *Repository of military confidence-building measures*, un.org, 2020.

14 Michael Krepon, “Conflict Avoidance, Confidence-Building, and Peacemaking,” in: Michael Krepon / Khurshid Khoja / Michael Newbill / Jenny S. Drezin (eds.), *A Handbook of Confidence-Building Measures for Regional Security* (3rd edition) (Washington, DC: The Stimson Center, 1998), p.1.

15 For an overview, past assessments, and recommendations regarding inter-Korean military confidence building, see: Michael Vannoni / John Olsen / Jenny Koelm / Adriane Littlefield / Tae-woo Kim / Sung-tack Shin / Myong-jin Kim / Sang-beom Kim, *Inter-Korean Military Confidence Building After 2003*, Sandia National Laboratories / Korea Institute for Defense Analyses, 2003; see also Lachowski et al., *Tools for Building Confidence on the Korean Peninsula*.

The inter-Korean border region



world's most militarized geographic area. A considerable portion of the North Korean armed forces (being the fourth-largest military in the world with 1.2 million military personnel in active duty) are forward-deployed near this 250 km-long and 4 km-wide strip of land. South Korea's 599,000 professional soldiers¹⁶ possess more advanced arms, technology and systems than their North Korean counterparts and can rely on their combined defense posture with US forces – 28,500 are permanently deployed in South Korea.¹⁷ Furthermore, the border area between the Koreas is also one of the most heavily mined areas in the world. It is still contaminated with landmines and unexploded ordnance from the extensive aerial bombardment and ground battles during the Korean War (1950–1953).¹⁸

Over the past seven decades, numerous security incidents have marked the notoriously unstable situation at the inter-Korean border. Most military clashes occurred near the Demilitarized Zone or the countries' disputed western maritime boundary, the so-called Northern Limit Line (see map).¹⁹ Battles fought near the NLL in 1999, 2002, and 2009 resulted in the sinking of

warships and dozens of casualties. Two of the most severe border incidents occurred in the disputed waters in 2010, leading to an escalation in inter-Korean tensions: North Korea torpedoed a South Korean warship, the Cheonan, killing 46 sailors. A couple of months later, it fired artillery shells at Yeonpyeong island (see map), including a civilian location, in reaction to a firing drill by South Korea in the area. On land, critical border incidents observed over the past decade include artillery fire and a landmine blast that injured two South Korean soldiers. Defectors or North Korean drones crossing the border also recurrently led to critical situations. Military activities in the border region, such as military exercises, add to the instability.

In this "explosive setting," the need, but also the ambition, for confidence- and security-building work have always been high. The end of the Cold War marked a new phase in the Korean conflict. Parties to the conflict began to engage systematically in confidence-building work. This engagement reflected the new uncertainties in international security, directly affecting the parameters of the Korean conflict,²⁰ as well as the related rise in the international popularity of CBMs. Starting in 1991, around ten major CBM agreements were concluded, some involving only the two Koreas and some involving only the US and North Korea. In addition, the 1990s were also the period during which North Korea's nuclear ambi-

16 "S. Korea to reduce troop numbers to 500,000 by 2022," *The Korea Herald*, 06.11.2019.

17 United States Forces Korea, *USFK holds change of command*, usfk.mil, 02.10.2013.

18 See Guy Rhodes, "Confidence-Building Through Mine Action on the Korean Peninsula," *The Journal of Conventional Weapons Destruction* 24:1 (July 2020).

19 The US-led UN Command established the line after the end of the Korean War to prevent military clashes between the conflict parties. North Korea declared it invalid.

20 North Korea had heavily relied on the Soviet Union for economic aid and integration into the international system. The collapse of the latter left North Korea in an economically difficult and politically isolated position.

tions became apparent in the course of its violations of the Nuclear Non-Proliferation Treaty, to which it had acceded in 1985.²¹ This added an additional layer of complexity to the conflict.²²

The 1991 Basic Agreement²³ concluded between the Koreas already defined basic principles and concrete measures for risk reduction, reconciliation and cooperation in inter-Korean relations. It mentions the 1953 armistice as well as a previous Joint Communiqué agreed on in 1972 (see Table 1 below).²⁴ While the measures it defined were not implemented, the content and spirit of the 1991 agreement has served as a reference and foundation for subsequent inter-Korean agreements. Among other things, it delineated far-reaching military confidence-building measures. They included a telephone hotline between military authorities, arms reduction and verification mechanisms, the peaceful utilization of the Demilitarized Zone, and exchanges of military personnel and information. The 1991 agreement also foresaw the establishment of bodies further developing and supervising the agreed measures, such as the South-North Joint Military Commission. The 2018 CMA has taken up many of the ideas outlined in 1991.

After this first political push for confidence-building on the Korean Peninsula in the 1990s, a second important push occurred in the 2000s. It resulted from developments in South Korean domestic politics. In 1998, the conservative camp, the political heir of South Korea's military dictatorship, for the first time had to cede power to the progressive camp. The first progressive president of the country, Kim Dae-jung (1998–2003), started cooperative inter-Korean initiatives that became known as Sunshine policy. Under this policy framework, South Korea unilaterally offered cooperation and investment to North Korea. Prominent flagship projects, such as the joint industrial region in Kaesong and the tourist site at Mount Keumgang, both located in North Korea, were non-military confidence-building efforts offered by South Korea, signaling good intention toward North Korea.²⁵ Kim Dae-jung's progressive successor Roh Moo-hyun (2003–2008) continued this policy line. Both progressive presidents

met their North Korean counterpart, Kim Jong-il, and issued joint declarations.

The Korean conflict illustrates both the necessity and the difficulty of engaging in confidence- and security-building work. Especially after North Korea conducted its first nuclear tests in 2006 and 2009 and after the breakdown of the multilateral nuclear negotiations (Six-Party Talks) in 2009, South Koreans started to perceive CBMs as not being sufficiently reciprocated.²⁶ Concessions between conflict parties that are premature and not reciprocated can have this effect of increasing mistrust. Under conservative leadership (Lee Myung-bak during 2008–2013 and Park Geun-hye during 2013–2017), South Korea subsequently opted for a harder line towards the North, stopping and reversing CBMs in place. A key principle in designing CBMs is equality, which was not applied under the Sunshine policy framework of progressive leaders. For confidence-building to progress, unilateral signals of good intention would have to develop into reciprocal CBMs and become balanced between the parties, which was not the case during inter-Korean rapprochement.²⁷

The years leading up to 2018 witnessed some of the most difficult and unstable situations on the Korean Peninsula for decades. In 2010, two deadly North Korean attacks on South Korea (the Cheonan warship sinking and the Yeongpyong island shelling) almost risked getting out of hand; they were attributed to Kim Jong-un's desire to demonstrate his leadership and military qualifications in anticipation of his succession to power.²⁸ In reaction, South Korea overhauled its defense approach to a "proactive deterrence" concept, implying disproportionate retaliation in response to North Korean "small-scale" "tactical provocations."²⁹ Since Kim Jong-un became North Korea's leader following the death of his father, Kim Jong-il, at the end of 2011, North Korea has substantively advanced its nuclear and missile capabilities (four nuclear tests and over 80 missile tests). The situation grew acute in the second half of 2017. In September, North Korea tested what was most likely a thermonuclear bomb that is multiple times more powerful than previous North Korean nuclear devices. In November, North Korea tested long-range missiles that could deliver nuclear warheads to major US cities.³⁰ This led to a new strategic dynamic.³¹

21 The first nuclear crisis started in 1993. North Korea announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons and rejected inspections by the International Atomic Energy Agency (IAEA).

22 Council on Foreign Relations, *North Korean Nuclear Negotiations: A Brief History*, cfr.org, 2019; various interviews, see Appendix.

23 *Agreement on Reconciliation, Non-Aggression, and Exchanges and Cooperation between South and North Korea*, Democratic People's Republic of Korea-Republic of Korea, peacemaker.un.org, 13.12.1991.

24 The Communiqué was a first failed attempt to overcome the lack of communication between the countries. It was signed after "talks were held in Pyongyang and Seoul to discuss the problems of improving South-North relations and of unifying the divided country." Source: *The July 4 South-North Joint Communiqué*, Democratic People's Republic of Korea-Republic of Korea, peacemaker.un.org, 04.07.1972.

25 See International Crisis Group, *The Case for Kaesong: Fostering Korean Peace through Economic Ties*, 24.06.2019.

26 These developments illustrate how the international, nuclear dimension of the conflict and its inter-Korean dimension affect each other.

27 Mason / Siegfried, *Confidence Building Measures (CBMs) in Peace Processes*, pp. 71–74.

28 Scott A. Snyder, "North Korea's Loyalty Test and the Demolition of Inter-Korean Relations," Council on Foreign Relations, 18.06.2020.

29 Toby Dalton, "From Deterrence to Cooperative Security on the Korean Peninsula," *Journal for Peace and Nuclear Disarmament* 3:1, 2020, p. 150.

30 "North Korean nuclear and missile tests in 2017," *South China Morning Post*, 29.11.2017.

31 Scott D. Sagan, "The Korean Missile Crisis: Why Deterrence Is Still the Best Option", *Foreign Affairs*, November/December 2017.

Table 1. Selection of key agreements and declarations between Korean conflict parties

Between the Koreans	Between the US and North Korea
<p>JULY 1972 <u>South-North Joint Communique</u></p> <p>Aims at removing misunderstandings and mistrust and mitigating heightened tensions. Defines principles for (peaceful) unification.</p>	
<p>DECEMBER 1991 <u>Agreement on Reconciliation, Non-Aggression, and Exchanges and Cooperation between the South and North</u></p> <p>Defines basic principles and concrete measures for risk reduction, reconciliation and cooperation in inter-Korean relations. Makes reference to a peace treaty.</p>	
<p>JANUARY 1992 <u>Joint Declaration of the Denuclearization of the Korean Peninsula</u></p> <p>Makes a connection between a formal resolution of the Korean War and denuclearization.</p>	
<p>JUNE 2000 <u>North-South Joint Declaration</u></p> <p>Joint declaration from the first inter-Korean summit. The two sides agree to consolidate mutual trust by enhanced cooperation, exchanges, and dialogue.</p>	
<p>OCTOBER 2007 <u>Declaration on the Advancement of South-North Korean Relations, Peace and Prosperity</u></p> <p>Joint declaration from the second inter-Korean summit. Mentions future discussions of measures to build military confidence. Makes reference to a permanent peace regime.</p>	<p>OCTOBER 2000 <u>US-DPRK Joint Communique</u></p> <p>Seeks to work to remove mistrust, build mutual confidence, and maintain an atmosphere in which the two sides can deal constructively with issues of central concern. Makes reference to possible permanent peace arrangements.</p>
	<p>JUNE 2018 <u>Singapore Statement</u></p> <p>Recognizes that “mutual confidence building can promote the denuclearization of the Korean Peninsula.” States that the two sides “will join their efforts to build a lasting and stable peace regime on the Korean Peninsula.”</p>
<p>SEPTEMBER 2018 <u>Comprehensive Military Agreement</u></p> <p>Military agreement following the Panmunjom Declaration for Peace, Prosperity and Reunification of the Korean Peninsula from one of the inter-Korean summits in 2018. Understands the “easing military tension and building confidence on the Korean Peninsula” as “integral to securing lasting and stable peace.”</p>	

2.3 The Comprehensive Military Agreement of 2018: What's new?

While only partially implemented at this point, the Comprehensive Military Agreement has brought improvements to the highly fragile and unstable situation at the inter-Korean border. The agreement has overhauled some of the security regulations put in place by the 1953 armistice and adjusted them to present-day conditions. The CMA and the process leading to its conclusion illustrate 1) the priority that South Korean President Moon Jae-in accords to military CBMs as key elements of his peace initiative, 2) the political will of both Koreas to explore cooperation in areas that are not subject to international sanctions, but also 3) the trade-off that exists between security- and cooperation-enhancing measures that are contained in the agreement, 4) the reluctance of both Koreas to engage in transparency-promoting measures, and 5) the importance of organizing high-level summits and identifying shared interests, in the absence of which implementation of some aspects of the agreement has proven difficult.

On 19 September 2018, the North Korean and South Korean Ministers of Defense signed the Comprehensive Military Agreement.³² The agreement was a key outcome of the summit meeting between Moon Jae-in and Kim Jong-un in Pyongyang. The Pyongyang summit was the third inter-Korean summit between the two heads of state. They had previously met in Panmunjom in April and in May of the same year. Military confidence-building measures (CBMs) are the centerpiece of the CMA. The agreement defines measures with the goal of building confidence and easing military tension between the two countries in order to secure lasting and stable peace eventually. The CMA constitutes an active political effort to bring old military confidence-building arrangements, such as those defined in the 1953 armistice, onto a new footing that reflects contemporary conditions.

Among the measures defined in the CMA of 2018 (see Table 2 below), some measures have *security* enhancement as their main goal, while others have *cooperation* enhancement as their main goal.³³ Among the security enhancement measures, we can again distinguish between two categories: risk reduction-measures and crisis management-measures.³⁴ In the cooperation dimension, we find measures fostering joint actions, but also

measures seeking to promote regular, institutionalized contact and dialogue between conflict parties. This distinction between security- and cooperation-enhancing measures is not clear-cut. A specific measure can directly target both dimensions. A case in point is the measure to establish a maritime peace zone and a pilot joint fishing zone in the West Sea.³⁵

A key achievement of the CMA is the establishment and enforcement of buffer zones in the border region between the Koreas – on land, at sea, and in the air. The CMA bans artillery live-fire exercises in a 5km zone on each side of the MDL, complementing the 2 km-zone, defined by the 1953 Armistice Agreement (see measure [1] in Table 2). At sea, the CMA introduces a zone in the West Sea where no live-fire exercises and maritime maneuver exercises may take place [8]. In the air, the CMA establishes a no-fly zone above the MDL [2]. The size of the zone varies according to air system type. It extends over 40 to 80 km for fixed wing aircraft, 10 km for helicopters and 10 to 15 km for Unmanned Air Vehicles.³⁶

These measures fall into the category of risk reduction measures. They reduce risks by restraining military operation and readiness and can include the definition of “rules of the road” for certain military operations. Risk reduction measures defined in the CMA include restraints in terms of not only military practice, but also infrastructure. The agreement provides the withdrawal of guard posts in the DMZ [3], as well as the disarmament of military personnel and the removal of landmines in the Joint Security Area (JSA)³⁷ [4]. Through minimizing contact and physically separating the militaries, these measures seek to reduce accidental encounters as well as to avoid unwanted conflict and escalation that could result from a misinterpretation of a situation.

Crisis management measures take security enhancement one step further. They apply in crisis situations. Should an incident occur, these measures should help manage the crisis. The 2018 CMA defines a warning system, i.e. a 5-step procedure (Initial warning broadcast → Secondary warning broadcast → Initial warning fire → Secondary warning fire → Military action) on the ground and at sea, and a 4-step procedure (Warning radio and signal → Interdiction flight → Warning fire → Military action) in the air [5]. In addition, the Koreas agreed to “solve all military issues through peaceful consultations by maintaining permanent communication channels ... and by immediately notifying each other when an abnormal situation arises” [6].

32 *Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain*, Democratic People's Republic of Korea–Republic of Korea, nckn.org, 19.09.2018.

33 Desjardins, *Rethinking Confidence-Building Measures*, pp. 18–23.

34 On crisis management and military confidence-building, see: Fred Tanner, “Arms Control in Times of Crisis,” in: Dan Plesch / Kevin Miletic / Tariq Rauf (eds.), *Reintroducing Disarmament and Cooperative Security to the Toolbox of 21st Century Leaders* (Stockholm: SIPRI, 2017).

35 For a categorization and analysis of the measures defined in the CMA, see also Mats Engman, *The Inter-Korean Military Agreement: Risk of War Diminished?* (Stockholm: Institute for Security & Development Policy, 2018).

36 See also Engman, *The Inter-Korean Military Agreement*, pp. 2–3.

37 The Joint Security Area (or “Panmunjom truce village”) is an area located in the Demilitarized Zone. More specifically, it is “an 800-meter wide enclave, circular in shape and bisected by the Military Demarcation Line which has separated the two Koreas since the end of the war in 1953.” Source: Engman, *The Inter-Korean Military Agreement*, pp. 1–2.

Table 2. Measures defined in the Comprehensive Military Agreement of 2018

SECURITY ↓ ↑ COOPERATION	Risk reduction
	Stop military exercises along the Military Demarcation Line (MDL) [1]
	Establish no-fly zones above the MDL [2]
	Withdraw all frontline guard posts in the Demilitarized Zone (DMZ) [3]
	Demilitarize the Joint Security Area (JSA): disarming guards, demining the sector [4]
	Crisis management
	Put in place a warning system to prevent accidental military clashes [5]
	Maintain permanent communication channels to prevent accidental military clashes [6]
	Joint actions
	Conduct joint remains recovery (pilot project and continued consultation) [7]
Establish a maritime peace zone and a pilot joint fishing zone in the West Sea (including ensuring safe fishing activities) [8]	
Contact and dialogue	
Consult for direct communication lines between military officials, for the operation of an Inter-Korean Joint Military Committee, for regular examination and assessment of implementation progress [9]	
Devise military assurance for exchange, cooperation, contacts and visits, such as rail and road connections, the shared use of Han River Estuary, freedom of movement for visitors and tourists in the JSA [10]	

The CMA also introduces a number of joint actions. Joint actions allow parties to identify topics on which they can collaborate. If successfully implemented, they may lead to an environment conducive to broader cooperation. The CMA has established a joint project for the recovery of war remains [7], a joint maritime patrol team to ensure safe fishing activities [8], and a joint survey team for the Han River Estuary. In addition to these inter-Korean actions, the CMA provides a trilateral joint function: It has tasked a body composed of South Korea, North Korea, and the US-led United Nations Command to consult and implement measures to demilitarize the JSA.

The CMA also contains provisions that seek to promote active dialogue and regular consultation between the Koreans. The goal of such cooperation measures is to exchange information and raise the level of communication between parties. A key element in these efforts is the establishment of the Inter-Korean Military Committee [9] – a consultative body tasked with further specifying and overseeing the implementation of other parts of the agreement. The two Koreas agreed to have consultations through the body on matters including large-scale military exercises and military buildups aimed at each other. Furthermore, the CMA provides and prepares for confidence-building measures beyond the military realm. These measures include free movement for visitors and tourists in the JSA in Panmunjom and military assurance for exchange, cooperation, contacts and visits, such as

through rail and road connections and the shared use of the Han River Estuary [10].

The CMA includes five annexes further specifying some of the agreed CBMs, including timelines, actors, review and reporting mechanisms, and a joint commission. More specifically, the annexes cover detailed agreements on measures: [3] guard posts withdrawal, [4] demilitarization of the DMZ, [5] remains recovery, [6] measures in the West Sea, and aspects of measure [10], i.e. the joint use of the Han River Estuary. If CBMs are clearly specified and verifiable, chances for successful implementation are higher.³⁸

State of implementation of the CMA

As of today, the CMA has been partially implemented. After the CMA was signed, some of its provisions saw a swift implementation. At the end of 2018 and the beginning of 2019, the Koreas each dismantled ten of their guard posts in the DMZ that had lain within 1km of each other; leaving the number of remaining guard posts in the border region at roughly 200.³⁹ To date, no efforts have

38 On this issue, see Mason / Siegfried, *Confidence Building Measures (CBMs) in Peace Processes*, p. 75.

39 North Korea is now estimated to have around 150 guard posts stretched across the DMZ, whereas South Korea is reported to have around 50. See: "Complete dismantlement of 20 guard posts in DMZ underway," *The Korea Herald*, 12.11.2018.

been made to rebuild the removed guard posts. The disarmament of military personnel in the JSA was completed. Landmines were cleared in specific areas in the JSA and another site in the DMZ (see map). The recovery of remains in the DMZ, originally planned as a joint team effort, is currently being carried out only by South Korea. Certain affirmative steps were also taken in the non-military realm. The process to allow tourists to move freely in the JSA started in 2018 but stalled in 2019. The project for shared use of the Han River Estuary came (temporarily) to a halt after a joint survey.⁴⁰

The CBMs in the “risk reduction” category have been well specified and, given the nature of the measures, their implementation is easy to verify; this is particularly true for “infrastructural” CBMs. The withdrawal of guard posts [3] and the demilitarization of the DMZ [4] were one-time efforts that were verified by both militaries, the UNC, and the NNSC. The measures concerning the establishment of buffer zones [1, 2] were also well specified. Since these measures concern restraint in military *practice*, they need constant monitoring. The state of implementation of CBMs in the “crisis management” category, such as the specified warning system [5], will be actually tested when incidents occur.

The CBMs in the “joint actions” category, such as the joint remains recovery [8], were also well specified. This is also true for CMA measures regarding joint demining operations (subsumed under demilitarization efforts in the DMZ [3]). But compared to the risk-reducing CBMs, they require more preparation, know-how, and commitment from the parties, leaving more room for interpretation. Implementation here thus occurs on a recurrent, not on a one-off, basis.

As provided in the agreement, the North, South, and the UNC cleared landmines in the Joint Security Area in Panmunjom in October 2018. North Korea reportedly cleared 636 mines. South Korea, supported by the UNC, released 36,461 m² of land, but did not find any mines. The joint operations were complicated by differences in countries’ operation standards, military doctrines, and demining equipment. The CMA also initiated the first joint remains recovery operations, carried out at the former battleground Arrowhead Hill (“Hill 281”), supported by mine clearance operations. Joint operations did not continue, though. When South Korea and the UNC resumed demining operations at Arrowhead Hill (in the southern half of the DMZ) in April 2019, North Korea did

not continue its demining activities; relations between conflict parties had suffered a downturn in early 2019.⁴¹

The CBMs in the “contact and dialogue” category are the most difficult ones to achieve. Parties first need to establish and develop them. For example, the efforts regarding the shared use of the Han River Estuary [see 10] stopped after a first joint survey.⁴² How successfully “contact and dialogue” measures have been implemented can only be assessed in the long run. The essential “contact and dialogue” element in the CMA is the Inter-Korean Joint Military Committee. The 1991 Agreement already provided its establishment. Under the agreement, the Committee is tasked to supervise and/or finalize some of the other measures contained in the CMA, such as those concerning the West Sea [8]. The activation of the Committee, however, is still pending.⁴³

Factors explaining the success, or lack thereof, in implementing the CMA

Generally speaking, those CBMs have been implemented (and agreed upon in the first place) that represent a *shared interest* of both Koreas. The tense months and years preceding the 2018 rapprochement had left their marks. They had nurtured a long-standing concern about conflict on the Korean Peninsula, namely that small-scale “tactical provocations”⁴⁴ could lead to escalation and even to war, which could then even result in nuclear escalation. Consequently, enhancing security, or more specifically reducing the risk of unwanted collision at the heavily weaponized border, where incidents had occurred before, was a common priority of the Koreas. Hence, within a couple of months into the CMA, “risk-reduction” measures were implemented (see above). To enhance security and reduce the risk of miscalculation, both Koreas seem also interested in jointly specifying operational procedures, such as the outlined warning system.

Overall and particularly under the current government, South Korea has a great interest in enhancing cooperation, which is not shared (to the same extent) by North Korea. South Korea has been pushing to open up communication channels, such as hotlines between (military) leaders and to having regular consultation mechanisms. Activating the Inter-Korean Joint Military Committee is on the top of the South Korean agenda, especially in the current, tense situation between the Koreas with

40 Various interviews; Mats Engman, *Towards a New Conflict Management System on the Korean Peninsula: A Military Perspective* (Stockholm: Institute for Security & Development Policy, 2020); Rhodes, *Confidence-Building Through Mine Action on the Korean Peninsula*; “S. Korea to launch 10-month ecological survey on Han River estuary this week,” *The Korea Herald*, 01.11.2020.

41 See Rhodes, *Confidence-Building Through Mine Action on the Korean Peninsula*; and see Mine Action Review, *Clearing the Mines 2019* (Oslo: Norwegian People’s Aid, 2019).

42 But see “S. Korea to launch 10-month ecological survey on Han River estuary this week,” *The Korea Herald*, 01.11.2020.

43 “One year on, inter-Korean military pact remains unfulfilled promise,” *The Korea Herald*, 11.12.2020.

44 Examples include missile tests by North Korea. See <https://beyondparalel.csis.org/database-north-korean-provocations>.

some of the CMA projects being halted or reversed.⁴⁵ Measures (be it from the “crisis management,” “joint actions,” or “contact and dialogue” categories) that require continuing commitment of parties and involve regular contact and exchange, including between the militaries, have not been equally supported by North Korea as they have by South Korea.⁴⁶

North Korea seems unwilling to tie itself into a denser regulatory and institutional framework with South Korea. As a consequence, CBMs that involve regular contact and consultation have difficulties in getting started, and some have even been stopped early on (see above). Even temporary joint actions, such as joint demining or remains recovery efforts, were not sustained and are now unilaterally pursued by South Korea. Furthermore, when discrepancies on issues are too marked, as is the case with regard to the use of the West Sea and the joint management of the Northern Limit Line (NLL), a topic which North Korea has been keen on addressing, implementation fails.⁴⁷

In addition to (dis-)agreement in substance, procedural and formal aspects help explain why some CBMs are more successful than others. The CMA, which is a military document, was signed during a summit meeting, i.e. in the presence of the countries’ top leaders. This was a novelty. The countries’ willingness to engage in military CBMs received the highest political backing possible. The details of the measures and their implementation were prepared and specified in meetings between the militaries during the period leading up to the summit meeting. Once signed, the pre-discussed measures could be quickly implemented. Some other measures that had not been specified in terms of content, procedures or responsibilities, remain pending.

Summit meetings between the Koreas potentially create important momentum for stronger engagement regarding military confidence-building or the larger peace process. The reason is that summit meetings resonate well with the top-down, “leaderist” nature⁴⁸ of the North Korean regime. Summits in the recent past have shown that high-level talks with North Korean participation are the drivers and pillars of change in the relationship between conflict parties.⁴⁹ Working-level meetings

are important for preparation and follow-up purposes, but, by themselves, will not achieve the same results as summit meetings. The actors behind the CMA, i.e. the militaries and the defense ministries, last met and talked in October 2018. Some of the CBMs could not be discussed more in detail due to time pressure. For the CMA to make progress, further consultation would be important. In this light, South Korea has been pushing for a joint military committee, but so far in vain.

In addition, other, external circumstances exist that hinder the implementation of CBMs contained in the CMA. In October 2019, the South Korean government asked to suspend tours of the JSA to prevent the spread of the African swine flu. It feared that the virus, damaging to the pork industry, would make its way to the South via the wild boars in the DMZ. In February 2020, COVID-19 made the closing of borders more permanent.⁵⁰

Achievements and limitations of the CMA

In its current state, the CMA already serves its intended purposes. The CMA has reduced the risk of unintentional collision, misunderstandings, and escalation at the inter-Korean border. The withdrawal of guard posts, the reduction of troops and military operations and overflights, and the creation of buffer zones in the border region physically separate and minimize contact between the militaries. When, for example, fewer aircraft cross the region, the risk for incidents, such as the shooting of an aircraft as well as the military reaction that this could provoke, is lowered. Today, it would not be possible anymore for North Korean guards to shoot a defector in the JSA, as happened back in September 2017. CBMs, such as the ceasing of various military exercises, reduce tensions. In 2017, no contact existed between the militaries. Under the CMA, the militaries have had various exchanges and interactions.⁵¹

At the same time, critical voices said early on that while some of the literal prescriptions of the CMA were kept, the spirit of the agreement was not. According to the text of the agreement, “South and North Korea agreed to completely cease all hostile acts against each other.”⁵² Within the defined border areas, the Koreas have refrained from conducting exercises. Outside, however, military exercises have continued, including the joint exercises between South Korea and the US, as have North Korean missile tests. But they were reduced in numbers

45 Scott A. Snyder, “Back to Square One for Inter-Korean Relations,” Council on Foreign Relations, 26.06.2020.

46 Various interviews.

47 While North Korea has been contesting the NLL since the early 1970s, South Korea today still has little interest in changing it. South Korea sees the NLL as a de facto maritime boundary, in which North Korea had acquiesced for a period of 20 years. However, South Korea is aware that the disputes surrounding the NLL will eventually have to be settled in the course of a peace process. The territorial and maritime disputes in this area have a security, but also an economic dimension due to existing fishing grounds and sea routes. See: Aum et al., *A Peace Regime for the Korean Peninsula*, p. 26.

48 Stephan Haggard, “Kim Jong Un Doubles Down I: The Opening Speech and the Central Committee Report,” PIIE, 09.05.2016.

49 At the same time, involvement in high-level negotiations represents a political risk for states – in case of failure. See 3.4 (further below).

50 S. Nathan Park, “North Korea Isn’t Ready for Coronavirus Devastation,” *Foreign Policy*, 22.02.2020.

51 See Engman, *The Inter-Korean Military Agreement*; various interviews.

52 *Agreement on the Implementation of the Historic Panmunjom Declaration in the Military Domain*, 2018.

and size.⁵³ Such military exercises and missile tests have been referred to as hostile acts by the respective other side, before and importantly after the conclusion of the CMA. In late 2019, South Korea, for the first time, officially condemned North Korea for breaching the CMA, over fire drills along the coast. Previously, North Korea had already frequently accused South Korea of not respecting the agreement.⁵⁴

An essential element in CBM work that is almost missing in the CMA is transparency enhancing measures. Earlier, we defined CBMs as measures seeking to “reduce tensions, misunderstandings and the danger of surprise attack through measures of restraint, transparency, and active contact and dialogue.”⁵⁵ The CMA contains a significant number of well-specified measures of restraint (see above) and suggests various mechanisms to establish and maintain active contact and dialogue between the parties. The transparency dimension is, however, underdeveloped. Typical transparency-enhancing measures would be the exchange of observers, for example at maneuvers, and/or the conduct of mutual visits and inspections. The Koreans, however, have very little practical experience in this subfield of CBM work.⁵⁶

The lack of transparency measures in the CMA reveals the deep mistrust that exists between the countries and reflects the resulting general skepticism of both Koreans towards such measures. Political conditions in North Korea are widely known to be inhospitable to transparency. The North Korean regime is one of the most closed and inaccessible regimes in the world.⁵⁷ However, the South Korean side has also been very cautious in opening up to transparency measures. Its interest in greater transparency has generally remained at a theoretical level: Openness and knowledge regarding transparency-enhancing CBMs are high at a political and academic level, but they are not met by the same openness and a practical knowledge at an operational military level where such measures would have to be implemented. The question of how easily such measures can be transferred into the Korean context also arouses skepticism.⁵⁸

Further limitations of the agreement are related to the ambiguity of the CBM concept itself. The current view of CBMs has shifted the emphasis from enhancing military security to enhancing cooperation. Relatedly, CBMs are today mainly associated with a confidence-building *process*, i.e. the emphasis has shifted from “simple measures to address specific security/military concerns” to these measures being part of a larger process, whereby the process is seen as being more significant than the application of the measures.⁵⁹ According to this predominant view, the process promotes mutual understanding, interdependence, and cooperation as parties transform their thinking and redefine their goals by discussing and negotiating. During inter-Korean rapprochement, South Korea has strongly emphasized and pushed the cooperation- and process-dimension of CBMs.

However, inter-Korean relations illustrate the trade-off that exists between CBMs’ security-enhancement and cooperation-enhancement purposes.⁶⁰ If the main purpose is to develop working relationships (cooperation-enhancement), parties will refrain from insisting on strict implementation of agreements. South Korea’s unilateral pursuit of some CMA measures might be an indication of this. The opposite is the case if the main purpose is to reassure mistrustful parties about the absence of a military threat (security-enhancement); here, strict demands would be essential. Furthermore, the Korean conflict environment illustrates the challenge of ensuring the effectiveness of CBMs in the face of recurring crises and instability. To remain effective in crisis situations, risk reduction measures should be closely linked with crisis management measures.⁶¹ However, “crisis management” measures contained in the CMA are limited and rudimentary. The further specification of concrete steps to take in crisis and post-crisis situations, including rehabilitation measures, would help increase continuing commitment to agreed CBMs.

Significance of the CMA in peace and stability building efforts on the Korean Peninsula

South Korean president Moon understands the military CBMs as key components of his peace initiative. He assumed office in 2017, which was a moment of particularly high tension and insecurity, with North Korea conducting nuclear and missile tests and then-US President Donald

53 This is a consequence of the US-North Korea rapprochement at the 2018 Singapore Summit. See Tarun Chhabra, “A slushy “freeze-for-freeze”: The deal China and North Korea always wanted,” *The Brookings Institution*, 2018.

54 South Korea sees the coastal artillery drills and forward-deployment of artillery by North Korea, as reported in the disputed western maritime boundary, as provocations that go beyond only violating the spirit of the CMA. At the same time, North Korea considers South Korea’s joint military exercises with the U.S. and the acquisition of high-technology weapons as violations of the CMA. See: Dagyum Ji, “North Korean artillery drills violated inter-Korean military agreement, MND says,” *NK News*, 25.11.2019.

55 Lachowski et al., *Tools for Building Confidence on the Korean Peninsula*, p. 4.

56 Various interviews.

57 North Korea is the “blackest of black boxes” according to Victor Cha, “The Rationale for ‘Enhanced’ Engagement of North Korea: After the Perry Policy Review,” *Asian Survey* 39:6 (1999), p. 847.

58 Various interviews.

59 Desjardins, *Rethinking Confidence-Building Measures*, pp.18–23.

60 Ibid.

61 The Ukraine crisis is an example from the European context that shows what happens if this is not the case. See Tanner, *Arms Control in Times of Crisis*.

Trump responding by threatening “fire and fury.”⁶² War was perceived by many as growing increasingly likely. In such a setting, CBMs are low-cost instruments to show that parties are willing to engage and that something is being done in terms of tension reduction. They have the potential to improve relations and to initiate and deepen negotiations. In the context of the Korean conflict, this may also mean nuclear negotiations.⁶³ If effective, military CBMs allow parties to promote dialogue and to prepare and cement a long-lasting agreement, even peace, which became Moon’s top priority.⁶⁴

In addition to their teleological use, military CBMs simply reflect what is feasible for the two Koreas at this stage. It is telling that the only document that was signed during inter-Korean rapprochement in 2018 was a military document. The CMA was put in place because this is what was possible under current circumstances. The international sanctions regime imposed on North Korea does not apply to activities agreed on under the CMA – differently from other CBMs involving meeting of people, crossing of borders by civilians, building of train connections, and all activities that involve trade and the flow of money. The advantage of military CBMs is thus that they can be put in place immediately without other states interfering.

Military CBMs in inter-Korean relations are situated at a tactical and operational level and critically depend on developments at a higher strategic level, which involve additional conflict parties in addition to the two Koreas. Strategic-level issues include nuclear questions, such as the issue of an eventual denuclearization of North Korea – which North Korea wants to discuss exclusively with the US, and questions regarding the international sanctions regime that applies to North Korea. Problems and setbacks at the strategic level limit the advances at the military and operational level. In a scenario in which nuclear negotiations between the US (and other partners such as during the Six-Party Talks) and North Korea break down or North Korean acts of aggression rise above a certain threshold, the South Korean government, even under progressive leadership, would have to react. In such a scenario, the CMA could collapse.⁶⁵

The CMA is an ambitious agreement. It is even more ambitious than previous inter-Korean CBM efforts. Its achievements include the overhaul of the existing regulatory framework on the Korean Peninsula and its adaptation to present-day conditions. Provisions in the Armistice Agreement were still mainly ground forces-based,

reflecting the realities of the 1950s.⁶⁶ Regulations in the CMA concern security conditions on land and in the air, and also include maritime issues, which is essential in this part of the world. The signing of the agreement is already an achievement in itself, as it has not come easily. Frictions between the parties accompanied negotiations, and even discussions over small technical issues advanced only slowly.⁶⁷ The CMA needs to be understood as one element in the broader Korean conflict dynamics. It followed the June 2018 Singapore meeting between Donald Trump and Kim Jong-un, which pushed open a “window of opportunity” and temporarily eased tensions between all parties to the Korean conflict.⁶⁸

62 US President Trump threatened “fire and fury” against North Korea if it endangered the US. Source: “Donald Trump threatens ‘fury’ against N Korea”, *BBC*, 08.08.2017.

63 Matt Korda, “Building Trust on the Korean Peninsula: The Role of CBMs in Nuclear Negotiations,” *38north.org*, 06.07.2018.

64 See Moon, *President Moon Jae-in and the Korea Peace Initiative*.

65 Various interviews.

66 Engman, *Towards a New Conflict Management System on the Korean Peninsula*, p. 2.

67 Various interviews.

68 See International Crisis Group, *After the Trump-Kim Summit: Now Comes the Hard Part*, 18.06.2018.

3 The security architecture on the Korean Peninsula and the role of Switzerland

In contrast to the complexity of the conflict structure and the geopolitical significance of the Korean conflict, existing security arrangements on the Korean Peninsula are rudimentary. Key rules and institutions that make up the peninsula's security architecture were defined in the Armistice Agreement of 1953.⁶⁹ Military leaders agreed on temporary military arrangements, such as the Military Demarcation Line (the de facto border),⁷⁰ the Demilitarized Zone (the buffer zone around the MDL),⁷¹ the Military Armistice Commission, and the Neutral Nations Supervisory Commission. The aim was to give policymakers the time and space to formulate a peace agreement. Unintentionally, these time- and situation-specific arrangements have become the institutional framework of the past 68 years. They regulate the coexistence of conflict parties on the Korean Peninsula.

While international law and efforts in peace-keeping (research) have moved on and focus today on newer types of conflict,⁷² the structure of the Korean conflict – a classic Cold War conflict – and the institutional arrangements surrounding it, have essentially remained the same since the 1950s. In the absence of a peace treaty replacing the 1953 armistice, conflict parties (formally) remain stuck in a state of war. The current security regime is both a reflection and a root cause of the ongoing conflict on the Korean Peninsula.⁷³ Given the circumstances of its creation, the regime is strongly focused on stabilizing the frontline and regulating activities and interactions in the border region.

Comparatively little scholarly and political attention has been given to the question of how to structure and institutionalize a future peace regime on the Korean Peninsula – or on how to define a peace process in the first place; other aspects have dominated research

and policy-making efforts in regards to the Korean conflict. Looking back, official, multilateral attempts to achieve a comprehensive peace regime on the Korean Peninsula were also few.⁷⁴ Studying and discussing elements of a peace process and peace regime would, however, be important since “[a]ll parties interested in Korean Peninsula security accept in principle the necessity of a peace regime to ensure a permanent end to conflict”.⁷⁵ Such research and political preparatory work remains important even against the backdrop of the difficult path toward diplomatic normalization and negotiations progress toward peace resulting from North Korea's nuclear weapons programs, its human rights abuses, and the extensive international sanctions regime that it faces.⁷⁶

When events in inter-Korean and US-North Korean relations started to move quickly in 2018, policymakers suddenly faced the question of what a future peace and security regime on the Korean Peninsula could look like and what it would imply for third party involvement. This included the question of how current institutional arrangements could be used and transformed during a transition phase and potentially also under a new permanent arrangement. The mandate of the Neutral Nations Supervisory Commission, and, thus, Switzerland's presence on the Korean Peninsula, is based on the 1953 Armistice Agreement. If the agreement was replaced by a peace treaty, the NNSC would be dissolved if not decided otherwise by the conflict parties. It is in Switzerland's interest to position itself in and promote ongoing discussions on the future of the NNSC and the need for third party involvement in a future peace process on the Korean Peninsula.

The past few years brought not only deep fear, but also high hopes with regard to the future of the Korean conflict and its possible resolution. From today's perspective, the “détente” and rapprochement between conflict parties in 2018 and early 2019 seem ephemeral. Trump's efforts to reach a “big deal” with Kim Jong-un, i.e. complete denuclearization of North Korea in exchange for complete sanctions relief, failed. North Korea remains determined to expand its nuclear weapons arsenal. According to experts, the new US administration under President Joe Biden is likely to return to US North Korea policy as practiced before the Trump presidency – a policy often dubbed “kicking the can down the road.” If and when directly engaging with North Korea at all, the US is

69 *Agreement Concerning a Military Armistice in Korea*, Democratic People's Republic of Korea-Republic of Korea, [peacemaker.un.org](https://www.peacemaker.un.org), 27.07.1953.

70 The Military Demarcation Line is 241 km-long and located roughly along the 38th parallel.

71 The DMZ is a 4 km-wide strip of land physically separating the two Koreas: It stretches 2 km to the north and 2 km to the south of the MDL.

72 They include intra-state conflicts, rebellions, etc.

73 Eun-Jeung Lee / Michael Staack / Hartmut Koschyk / Eric J. Ballbach. “Gastkommentar: Ist Frieden mit Nordkorea wirklich unmöglich?” *Die Welt*, 19.07.2020.

74 Frank Aum / Jacob Stokes / Patricia M. Kim / Atman M. Trivedi / Rachel Vandenbrink / Jennifer Staats / Joseph Y. Yun. “A Peace Regime for the Korean Peninsula.” *Peaceworks* (Washington, DC: United States Institute of Peace, February 2020), p. 5.

75 *Ibid.*

76 See Emma Chanlett-Avery / Susan V Lawrence / Mark E Manyin / Mary Beth D Nikitin, “A Peace Treaty with North Korea?,” *US Congressional Research Service*, 19.04.2018, pp. 8–10; Eric J. Ballbach, “Das ‘window of opportunity’ in Korea schließt sich: Zum Stand der US-Nordkorea-Beziehungen und zu den Herausforderungen für die EU,” *SWP Aktuell* (Berlin: Stiftung Wissenschaft und Politik, December 2019), p. 5.

likely to favor working-level talks over summits and consultation with US allies over unilateral actions – with the focus of negotiations being on giving small concessions in exchange for small steps in North Korea’s nuclear dismantlement. It is also likely that the Biden administration’s approach will again be more principled, putting human rights back on the North Korea agenda. The strained and deteriorating relations between the US and China – both key actors in the Korean conflict – will make cooperation among conflict parties, and thus a negotiated resolution, more difficult. Against this backdrop, current prospects for a breakthrough in the Korean conflict, as most strongly aspired to by South Korea under Moon Jae-in, are rather bleak.

3.1 Key institutions and third-party involvement in the current security architecture

The Neutral Nations Supervisory Commission is one of the bodies involved in managing the security regime on the Korean Peninsula with a focus on the inter-Korean border region. Established in 1953, the NNSC has seen significant shifts in composition and mandate and is today represented by five Swedish and five Swiss officers stationed at the border. Since 2010, the NNSC has taken on new tasks, reinforcing efforts to promote transparency and build confidence on the Korean Peninsula.

Two key institutions under the current security architecture on the Korean Peninsula are the Military Armistice Commission (MAC) and the Neutral Nations Supervisory Commission (NNSC). The Armistice Agreement mandated the MAC with the implementation of the armistice and the NNSC with the monitoring of the armistice implementation outside the DMZ.⁷⁷ These institutions helped enforce compliance by both sides’ armed forces with the provisions of the agreement. The MAC was composed of senior officers of conflict parties (respectively appointed by the US-led UN Command and the Korean People’s Army/Chinese People’s Volunteers, KPA/CPV), whereas the NNSC was composed of senior officers from neutral third states: Sweden and Switzerland (proposed by the UNC for the South), and Poland and Czechoslovakia (proposed by the KPA/CPV for the North) were considered neutral as they had not contributed combat forces to the Korean War. Both Commissions be-

came partially defunct in the mid-1990s when North Korea cancelled its participation.

The UN Command is another provisional-turned-permanent institution within the existing framework on the Korean Peninsula. It was established in July 1950 when the UN Security Council (UNSC) recognized the armed attack on South Korea by North Korean forces and recommended the creation of a US-led unified command of UN member forces to repel the armed attack and restore international security and peace in the area.⁷⁸ At peak strength, states other than the US and South Korea made up only four percent of the total UN Command forces.⁷⁹ Importantly, the UNC is not a subsidiary organ of the UN; no institutional ties exist between the two entities. The UN sees the eventual dissolution of the UNC as “a matter within the competence of the Government of the United States;”⁸⁰ In reaction to a North Korean request in 1994, the then UN Secretary-General Boutros Boutros-Ghali recalled that the UNSC in 1950 did recommend, but not create a US-led unified command.⁸¹

In the period following the war, the US-led UN Command remained nominally responsible for South Korea’s defense. Most of the states other than the US and South Korea withdrew most of their troops by 1956. In 1978, the South Korean-US Combined Forces Command (CFC) was created, further reducing the role of the UNC.⁸² The US commander of the CFC had full operational control of the South Korean forces until 1994, when Washington handed over operational control to Seoul, but kept wartime operational control. The Commander of the UNC is at the same time the Commander of the CFC and the South Korean-based US Forces Korea. The US military presence (in the form of the UNC, the wartime operational control of the CFC, and the USFK) has been subject to criticism and ongoing political discussion in South Korea.⁸³

⁷⁸ See [UN Security Council Resolutions 83 and 84](#).

⁷⁹ Aum et al., *A Peace Regime for the Korean Peninsula*, p.41.

⁸⁰ This is how the UN Secretary-General Boutros Boutros Ghali put it in a letter to North Korea in 1994. Source: Andrew Salmon, “In South Korea, a UN Command that isn’t,” [asiatimes.com](#), 08.05.2019.

⁸¹ For more details, see Selig S. Harrison, *Korean Endgame: A Strategy for Reunification and U.S. Disengagement* (Princeton, NJ: Princeton University Press, 2009), pp.163–165.

⁸² Aum et al., *A Peace Regime for the Korean Peninsula*, p.41.

⁸³ See Richard L. Armitage / Victor Cha, “The 66-year alliance between the U.S. and South Korea is in deep trouble”, [CSIS](#), 2019; Kathryn Botto, “Why Doesn’t South Korea Have Full Control Over Its Military?” [carnegieendowment.org](#), 19.08.2019; Jina Kim, “Military Considerations for OPCON Transfer on the Korean Peninsula,” [cfr.org](#), 20.03.2020.

⁷⁷ See *Agreement Concerning a Military Armistice in Korea*, 1953.

Role and evolution of the NNSC and Swiss involvement on the Korean Peninsula

Since 1953, Switzerland has had a permanent presence on the Korean Peninsula as a member of the NNSC.⁸⁴ The NNSC is partly funded by the UNC (as defined in the armistice) and partly by the participating states, i.e. the respective defense ministries; while the political responsibility for the Swiss and Swedish missions lies with the respective foreign ministries. Formally, the NNSC was tasked with supervising compliance with the Armistice Agreement by both conflict parties – with the ultimate goal of preventing rearmament. According to the Armistice Agreement of 1953, these duties would have included observation and supervision activities as well as inspection and investigation tasks.⁸⁵ Practically, however, the NNSC's mission was, from the start, reduced to supervising the exchange of military personnel and war material.⁸⁶

As the Korean conflict evolved over the years, the composition and mandate of the NNSC changed. Changes reflect geopolitical shifts⁸⁷ and changing operational realities on the ground.⁸⁸ When Switzerland's first military peace-supporting mission started in 1953, the NNSC consisted of 96 members. Today, five Swiss officers are working jointly with five Swedish officers directly south of the Demarcation Line in Panmunjom. For decades starting in 1956, the NNSC presence on the Korean Peninsula mainly had a symbolic-institutional character.⁸⁹ North Korea started cutting ties with the NNSC after the end of the Cold War, further reducing the institution's role. In 1991, it announced it would no longer formally recognize the Military Armistice Commission. When Czechoslovakia dissolved in 1993, it was expelled from the NNSC. In 1994, the North Korean People's Army issued a memorandum considering the NNSC dissolved. On North Korea's request, Poland left the Korean Peninsula in 1995, but remained a formal NNSC member.⁹⁰

In an interesting recent development, the NNSC has assumed a broader range of tasks in the southern part of the Korean Peninsula, with the goal of promoting

transparency and building confidence on the Korean Peninsula at large.⁹¹ These extended tasks, carried out since 2010, were revised and officially confirmed in 2016 by the involved states. The new NNSC tasks include on-site inspections and the conduct of special investigations in cases of suspected violations of the armistice. For example, the NNSC officers participate in inspection and observation activities by the Military Armistice Commission of the South (the UNCMAC). They verify and report on whether they are carried out correctly and as previously defined. These activities cover inspections of guard and observance posts along the MDL and monthly observance flights in a helicopter. More recently, the NNSC engaged in verifying that specific US military bases in South Korea had been vacated, as officially communicated.⁹²

The new NNSC tasks go beyond the typical responsibilities of military observers to also include actual confidence-building work with/in the southern part. NNSC officers started to participate as observers in joint US-South Korean military exercises in the South. These exercises are of highest political sensitivity and have triggered strong reactions by the North in the past.⁹³ NNSC officers checked that the exercises remained geared to defense. Another main task, among these newly defined ones, is the training that the NNSC offers to South Korean armed forces on rules of engagement under the armistice. In about 40 lectures annually, NNSC officers explain their tasks to South Korean armed forces, engage in a dialogue with them, and familiarize them with aspects of military confidence-building.⁹⁴

Based on decades-long experience, NNSC states have an unmatched knowledge of the military conditions on site as well as of the actors involved in the conflict. Such know-how will be needed in a potential future peace process. As the experience of the past few years shows, NNSC states have managed to expand the Commission's profile and further strengthened working relations with the US and South Korean armed forces. Today, they engage more strongly in confidence-building work than in previous decades. While it is true that a resolution of the conflict critically hinges on higher-level strategic developments, such as nuclear negotiations, on-the-ground-realities in the most militarized (border) region of the world, which is where the NNSC has been active and holds first-hand knowledge, are no less important in view of the establishment of a lasting peace.

84 Christian Birchmeier / Jean-Jacques Joss / Dario Kuster / Bruno Rösl (eds.), "60 Jahre Schweizer Militärdelegation in der NNSC, Panmunjom, Korea, 1953–2013," *Allgemeine Schweizerische Militärzeitschrift*, 179:9 (Suppl.) (2013).

85 *Agreement Concerning a Military Armistice in Korea*, 1953.

86 The Swiss Armed Forces, *Operation of the Swiss Armed Forces in the NNSC: Neutral Nations Supervisory Commission*, Presentation available at: vtg.admin.ch, p. 7.

87 Janick Marina Schaufelbuehl / Marco Wyss / Sandra Bott, "Choosing Sides in the Global Cold War: Switzerland, Neutrality, and the Divided States of Korea and Vietnam," *The International History Review* 37:5 (2015), pp. 1014–1036. <https://doi.org/10.1080/07075332.2015.1046386>.

88 Urs Gerber, "Die Neutrale Überwachungskommission (NNSC) an der letzten Konfrontationslinie des Kalten Krieges: Herausforderungen in einem komplexen Umfeld," *Military Power Revue of the Swiss Armed Forces* 1 (2016), pp. 15–26.

89 *Ibid.*, p. 8.

90 See Marek Hańderek, *North Korea Revelations from the Polish Archives: Nukes, Succession and Security*, *Wilson Center*, 08.04.2019.

91 The expansion of the NNSC tasks were the result of a number of factors. Among them, we find personal initiative and strengthened military competence within the Swedish and Swiss delegations since the 2000s. From the perspective of the US-led Military Armistice Commission of the South, the extended NNSC tasks were a welcome development as they provided for additional international legitimacy and credibility of its work. Source: various interviews.

92 Various interviews; The Swiss Armed Forces, *Factsheet*, vtg.admin.ch.

93 James Dobbins, "Joint Military Exercise Can Be a Bargaining Chip with North Korea," *rand.org*, 23.02.2018.

94 Various interviews; The Swiss Armed Forces, *Factsheet*, vtg.admin.ch.

3.2 Open questions and key issues regarding the future security architecture

In view of a future peace regime, options for third-party involvement seem limited. Such a regime will most likely be directly negotiated among the two Koreas, China, and the US. But conflict parties seem open to efforts by third states to facilitate and support an eventual peace process and help manage the transition phase, which analysts expect to last for many years. As an NNSC member, Switzerland has an interest in actively engaging in discussions about a future peace management system on the Korean Peninsula.

Even in a favorable scenario, achieving peace will be a long and complicated process. Not only the time-frame, but also the end state of a peace process is open. The process that will likely last many years will have to address a number of issues. Issues of relevance in the military and security domain include the “future of the US-ROK Alliance, the strategic orientation of and relations between the two Koreas, the role of the United States and China on the Korean Peninsula, and the overall security architecture in the Northeast Asian region.”⁹⁵ A peace regime would not only have to settle multilateral, but also normalize bilateral relations: between the Koreas (including territorial conflicts and the unification issue⁹⁶), between North Korea and the US, and between North Korea and Japan.⁹⁷

Actor-related and procedural aspects of a peace process

A peace treaty is usually seen as “the appropriate instrument for replacing the 1953 Armistice Agreement and codifying a permanent peace on the Korean Peninsula.”⁹⁸ North Korea, South Korea, the US, and China are considered the “modern representatives of the Korean War belligerents.”⁹⁹ These four countries could, as legal experts suggest, justifiably sign an agreement to replace the armistice. Before engaging in a process aimed at signing a peace treaty, the four countries could issue an end-of-war declaration, which would – in comparison to a peace treaty – be a less binding and a political (rather

than a legal) act. Such a step has been suggested by South Korea¹⁰⁰ but has not been pursued as a concrete policy option by the US so far.¹⁰¹ A possible end-of-war declaration could also provide that existing arrangements like the NNSC, as delineated in the armistice, remain in place until a more permanent peace regime is negotiated.

In the past, Korean conflict parties have tried varied negotiations formats. Parties engaged in bilateral and four-party talks in the 1990s.¹⁰² They were joined by Japan and Russia for six-party talks during the 2000s.¹⁰³ During recent high-level contacts starting in 2018, talks once again took a predominantly bilateral form, i.e. North Korea held talks with all other major conflict parties (except Japan).¹⁰⁴ It is conceivable that all these formats could be used in the scope of a peace process. Even a final peace regime could consist of multiple layers of bi- and multilateral agreements. Because of the geostrategic implications for the region, the US and China will both want to be part of an end-of-war declaration and a formal peace treaty.¹⁰⁵ The current South Korean government has shown support for the idea of a multilayered peace regime.¹⁰⁶

Another option would be to include third state parties from outside the region to facilitate the peace process. Currently, both Koreas seem, in principle, open to third countries facilitating and promoting dialogue that involves North Korea.¹⁰⁷ South Korea will welcome any effort by a third country that keeps the dialogue with North Korea going, i.e. with the US and with South Korea. At the moment, inter-Korean dialogue is cut off, and North Korean-US dialogue is suspended. In such situations, third countries could step in by offering government negotiations, track 1.5 or 2.0 dialogues, by providing venue, or by generally facilitating and promoting talks. Various countries in Asia and Europe, including Switzerland, have engaged in these types of activities in the past decade.¹⁰⁸ The two 2019 working-level talks between North Korea and the US were, for example, hosted by Sweden.¹⁰⁹

100 See Moon, *President Moon Jae-in and the Korea Peace Initiative*.

101 See Lee et al., *Ist Frieden mit Nordkorea wirklich unmöglich?*

102 During this period, the EU also started its active engagement with Korean conflict parties by supporting and then formally joining in 1997 the Korean Peninsula Energy Development Organisation (KEDO) through the European Atomic Energy Community. KEDO was established to “increase nuclear safety and reduce the threat of nuclear weapons proliferation in North Korea.” Source: European Commission, *European Union joins North Korean nuclear security body*, cordis.europa.eu, 1997. See also Mario Esteban, *The EU’s Role in Stabilising the Korean Peninsula* (Madrid: Real Instituto Elcano, January 2019), p. 9.

103 Chanlett-Avery et al., *A Peace Treaty with North Korea?*, pp. 4–6.

104 See e.g. “Xi Jinping and Kim Jong-un reboot alliance with talks and mausoleum visit,” *The Guardian*, 20.06.2019.

105 See Aum et al., *A Peace Regime for the Korean Peninsula*, and Chanlett-Avery, *A Peace Treaty with North Korea?*

106 Various interviews.

107 Various interviews.

108 They include Sweden, Norway, Finland, and Spain. See Ballbach, *Das “window of opportunity” in Korea schließt sich*, p. 7.

109 Ballbach, *Das “window of opportunity” in Korea schließt sich*, p. 6.

95 Aum et al., *A Peace Regime for the Korean Peninsula*, p. 5.

96 See Seongho Sheen. “To Be or Not To Be: South Korea’s East Asia Security Strategy and the Unification Quandary,” *The International Spectator* 44:2 (2009), pp. 41–58.

97 See Ballbach, *Das “window of opportunity” in Korea schließt sich*, p. 5.

98 Aum et al., *A Peace Regime for the Korean Peninsula*, p. 24.

99 Ibid.

However, both Koreas want as little foreign influence as possible when negotiating the substantial terms of the future security or peace regime on the Korean Peninsula.¹¹⁰ Chances of substantial involvement of third parties in peace negotiations and the establishment of the peace regime therefore appear rather limited. However, a crucial challenge in the peace process will consist of providing both Koreas with security guarantees that are acceptable to all conflict parties. Against this backdrop, framing a wider security process with international participation seems a particularly promising policy option.¹¹¹ Some analysts have, for example, suggested that confidence-building mechanisms, like those with which the NNSC is familiar, may serve as a pillar of a broader regional security regime.¹¹²

Institutional aspects of an eventual peace regime

The structure of a future peace regime is certain to contain a military and security dimension, complementing the diplomatic dimension.¹¹³ Tension-reducing and security-enhancing measures will have to accompany diplomatic achievements in the peace-building process. This process also touches on the question of how to revise existing security arrangements and build a new framework, with new mechanisms, procedures, and institutions, to sustain peace. For the NNSC states, Sweden and Switzerland, as well as for Poland, the question is what the NNSC engagement, the respective country's individual participation, or a joint post-NNSC forum,¹¹⁴ could look like in a future security architecture of the Korean Peninsula.

Once parties have negotiated a peace agreement, an independent entity to supervise details of the peace agreement will be necessary, at least for some time.¹¹⁵ South Korea will want to push the inter-Korean joint military committee as a key actor in a future security system, responsible for addressing military and security issues. Such a body was already specified in the 1991 basic agreement between the two Koreas and again in the current CMA (see above). Parties could also agree to a solution involving third parties. One option would be to es-

tablish a formal UN peacekeeping operation.¹¹⁶ However, an extended or transformed role for the NNSC is also an option worth considering.

The NNSC and Swiss involvement in view of a future peace process

Switzerland, like Sweden, seems in a natural position to contribute to a peace process and the establishment of a peace regime on the Korean Peninsula. Switzerland has extensive context-specific knowledge and experience as a member of the NNSC. Through its decades-long presence on the peninsula, Switzerland has long-term relations to stakeholders and has gained familiarity with local conditions. More specifically, Switzerland, as an NNSC state, has engaged in and is knowledgeable about military confidence-building on the Korean Peninsula. A binding peace process in the future will also involve comprehensive military confidence-building efforts.

A comprehensive study carried out by SIPRI and the CSS ETHZ in 2007 identified roles and options for the NNSC states in a CBM process. Many of their recommendations are still valid today although the international political context has markedly changed. Suggestions included “to offer help in setting up a Group of Friends to a peace and CBM process, organize CBM training workshops, and support processes seeking to implement specific CBMs”.¹¹⁷ The latter could include financial, material, and technical assistance, for example, to DMZ-specific CBMs. Over the past decade, Switzerland engaged in some CBM training and capacity building activities involving South and North Korean researchers, government officials, and military officers.

It is not only their firsthand experience on the Korean Peninsula that qualifies Switzerland and Sweden as partners in a future peace process and potentially also in a peace regime. It is also their status as neutral, small third-party states – a position they hold and promote on the Korean Peninsula, but also in international politics more generally. Small states have a number of ascribed qualities that give them a comparative advantage over other mediating entities like the UN, IGOs, NGOs, larger states, or individuals: They are generally considered to be non-threatening, impartial, and flexible, and their efforts are seen as legitimate and sustainable.¹¹⁸ In a peace process, stakeholders will discuss a potential role for the UN, but possibly also for the US-led UNC, in a future security architecture. However, these entities have heavy histori-

110 Various interviews; Aum et al., *A Peace Regime for the Korean Peninsula*, pp. 24, 43.

111 On this issue, see e.g. Dalton, *From Deterrence to Cooperative Security on the Korean Peninsula*.

112 See Engman, *Towards a New Conflict Management System on the Korean Peninsula*; see also Dalton, *From Deterrence to Cooperative Security on the Korean Peninsula*.

113 An economic and humanitarian dimension will also have to be an integral part of the structure. See Aum et al., *A Peace Regime for the Korean Peninsula*.

114 On this, see Lachowski et al., *Tools for Building Confidence on the Korean Peninsula*.

115 See Aum et al., *A Peace Regime for the Korean Peninsula*, p. 43.

116 Ibid.; various interviews.

117 Lachowski et al., *Tools for Building Confidence on the Korean Peninsula*, p. 34.

118 Simon Mason / Damiano A. Sguaitamatti, “Mapping Mediators: A Comparison of Third Parties and Implications for Switzerland” (Zürich: CSS/ETH, 2015), p. 5.

cal baggage as warring parties in the Korean War, which the NNSC and its members do not have. Whether North Korea will accept their involvement remains to be seen.

3.3 The NNSC in Swiss foreign-policy making

Over time, Switzerland's engagement with North Korea has become more cautious and less direct, taking a regional rather than a country-focused approach. By contrast, Sweden's approach towards the Korean Peninsula is more proactive. This includes a stronger institutional presence in the Koreas and their neighboring countries, as well as an active positioning as a go-between third party, willing to facilitate meetings between Korean conflict parties.

While events, ideas, and projects with regard to North Korea are occasionally discussed and started within the Swiss government, today no systematic process or strategy towards North Korea and the Korean conflict more generally are in place. This is related to the fact that the North Korea dossier is considered delicate within the Swiss administration, as is the case in other government organizations, including UN institutions.¹¹⁹ The issue is highly politicized and delicate in domestic, as well as in international politics. As a consequence, only rarely is it possible to deal with these issues at a working level, and among technical experts only. Every effort and discussion quickly makes its way up to the highest political level. In reaction to domestic political pressure, Switzerland reduced its activities in North Korea in 2012.¹²⁰ Today, the cooperation of the Swiss Agency for Development and Cooperation focuses exclusively on humanitarian aid.

Switzerland's current position towards the Korean conflict is that it would act as a mediator and provider of good offices at the request of the conflicting parties. Mediation is one of Switzerland's foreign policy priorities.¹²¹ In other contexts, Switzerland has also proactively offered its mediation efforts. However, political conditions on the Korean Peninsula are considered inhospitable terrain for mediation efforts. Approaches and instruments that have been successfully employed elsewhere have proven ineffective in the Korean conflict.

¹¹⁹ Various interviews.

¹²⁰ A parliamentary motion in 2008 asked the Swiss government to stop economic development cooperation projects in North Korea, a totalitarian state, disrespecting human rights. Source: "Schweiz-Nordkorea: Das Ende einer Ära," swissinfo.ch, 07.01.2010.

¹²¹ In the recent past, Switzerland has mediated in 30 peace processes in more than 20 countries and deployed mediation experts to the UN and the OSCE. Source: Federal Department of Foreign Affairs, *Mediation*, eda.admin.ch, 2020.

Efforts to build up a basic level of trust among conflict parties have failed.¹²²

For these various reasons, Switzerland's engagement with North Korea has become less direct and less country-focused. Today, it supports diplomatic initiatives and research activities that are multi-issue, funded by multiple donors, and/or take a regional approach. In an effort to promote stability and dialogue in Northeast Asia, the Swiss foreign ministry jointly with the Geneva Centre for Security Policy (GCSP) organizes the Zermatt Roundtable on Security Challenges in Northeast Asia. Held for the first time in 2012, North Korea has become a focus of the high-level track 1.5 international conference, where participants from Northeast Asian countries, including North Korea, can engage in informal, but substantive discussions on the security situation in their region. Jointly with the Institute for Disarmament and Peace of the North Korean foreign ministry, the GCSP, supported by the Swiss foreign ministry, also organizes a (1.5-track) CBM seminar. The fourth round took place in April 2019.

Switzerland has been actively supporting efforts to develop new approaches, fresh ideas, and allow for creativity on a technical rather than on a high-policy level to stepwise leave the deadlock and zero-sum-thinking that has dominated the Korean conflict for decades.¹²³ While it is politically sensible to support smaller-scale, innovative projects, it could also be useful to invest in developing a broader strategic approach towards North Korea integrating various views and know-how present in the government (international law, humanitarian aid, defense etc.). Northeast Asia, and Asia more generally, will gain in global importance in the future due to its growing economic weight and its fast-changing security environment, giving rise to some of the most urgent global security flashpoints. Hence, the importance of gaining strategic clarity towards the region.

If Switzerland wants to play an active role in a future peace process on the Korean Peninsula, its activities, including within the NNSC, will have to be well communicated to potential stakeholders of such a process, such as the two Koreas, the US, and China, but also better coordinated and consolidated internally. Sweden may serve as an example here. Sweden's policy with regard to the Korean conflict has been more proactive than Switzerland's. In Sweden, a broad political consensus exists

¹²² Various interviews.

¹²³ The Swiss foreign ministry co-funds, for example, the [UN Programme to Support Cooperation in Northeast Asia](#). It is a program of the UN Department of Political and Peacebuilding Affairs (DPPA), in charge of UN Special Political Missions and Good Offices Engagements. The program allows the UN system, among other things, to facilitate UN initiatives in Northeast Asia and to facilitate the participation of regional representatives in UN fora. The DPPA organizes workshops in the region and UN headquarters in which North Korean representatives participate and meet their counterparts from other countries as well as UN officials. Furthermore, the Swiss foreign ministry also funds the [UN Sanctions and Mediation Project](#), which examines the nexus between two key policy instruments used in UN conflict prevention and resolution efforts: sanctions and mediation. Both are of direct concern to North Korea.

with regard to the merits and values of the NNSC. The country has utilized its rather extensive knowledge as a member of the NNSC to position itself as a go-between third party. Sweden's commitment to North Korea and the Northeast Asian region is also institutionalized. Sweden has embassies in both Pyongyang and Seoul, and it also has military attachés in both Korean capitals, as well as in Beijing and Tokyo. Sweden was one of the first countries to diplomatically recognize the People's Republic of China in 1950. In the past, Sweden managed to bring together North Korea, the US, and countries in Europe and to promote and organize a dialogue between the US and Pyongyang. In 2019, Sweden hosted both working-level meetings of US and North Korean negotiators, illustrating the positive role third states (in Europe) can play in the conflict.¹²⁴

3.4 Achievements and challenges of the NNSC and future scenarios of Swiss engagement

While various scenarios are possible for Switzerland's future NNSC engagement, the most realistic scenario at this point is one in which the country continues its current engagement on the Korean Peninsula. This should also include engaging in active discussions on the potential role that NNSC members may play in a future peace process. While Switzerland may independently decide to step up its activities and presence in individual countries in the Asian region, changes in its NNSC engagement will have to be closely coordinated with its long-time partners on the Korean Peninsula, namely Sweden, the US, and South Korea.

How Switzerland will engage on the Korean Peninsula in the future will critically depend on how the country assesses its own past, present, and possible future role in the conflict. But how to assess an individual actor's engagement in such a complex conflict structure? The Korean conflict is seven decades old, involving many conflict parties and layers. Importantly, geopolitics have fundamentally shifted since the conflict started. Who are the key actors? What are the main dimensions of the conflict? How could peace come about? What is the role of third state parties? Depending on the analyst and the

(time) perspective taken, the answer will vary. The below scenarios aim to provide some criteria for assessing Switzerland's past engagement and, in addition, offer some ideas for the country's possible future engagement. Both a disengagement and an expansion of Switzerland's role on the Korean Peninsula are discussed, as well as a continuation of its current engagement.

Scenario 1: Switzerland discontinues its engagement on the Korean Peninsula

Critics would say that the NNSC, including Switzerland's presence at the inter-Korean border, has had only a symbolic value, especially since North Korea withdrew its support in the mid-1990s. The withdrawal from the NNSC by North Korea clearly constitutes the NNSC's biggest limitation today. Critics see the NNSC's role as limited to border region issues, which they consider, in turn, to be a minor aspect in the overall conflict. At the extreme, such a view denies any relevance or influence to the NNSC over the state and course of the Korean conflict. From such a perspective, the dissolution of the NNSC – either now or in the future – would not change much and would, consequently, not negatively affect the stability of the status-quo.

Furthermore, it is politically risky for a state to engage with North Korea. Hosting high-level talks that include North Korea, especially when they fail, or even engaging in development cooperation in the country can cause strong international and domestic political backlash. Past experience shows that during periods of high tensions, for example triggered by North Korean nuclear and missile testing, criticism will flare up and calls to end any engagement with North Korea will be made. Influential countries, such as the US and Japan, are not supportive of, or even openly oppose, efforts by the international community to enter into dialogue and engagement with North Korea even within international organizations, such as the UN, of which North Korea is a member. Engaging with North Korea thus carries a reputational risk.

One scenario for Switzerland could therefore be to stop its NNSC engagement on the Korean Peninsula and to withdraw its five officers from the originally 96-person strong Swiss delegation. This would leave Sweden as the only NNSC state present on the Korean Peninsula. This would also involve a disengagement from cooperation activities with Sweden, the US, and South Korea on NNSC-related matters. This way, Switzerland could focus on newer types of engagement with North Korea, which are more multilateral and low-key in nature (see 3.3 above).

¹²⁴ See Ballbach, *Das "window of opportunity" in Korea schließt sich*. For an assessment of the role Europe could play with regard to the Korean conflict, see also Esteban, *The EU's Role in Stabilising the Korean Peninsula*.

Reflections on Scenario 1

Withdrawing from the Korean Peninsula would send the wrong political signals – not only to the international community at large, but also to long-term partners on the Korean Peninsula, such as Sweden, South Korea, and the US. The latter substantially co-finances the Swiss mission on the Korean Peninsula. Through a withdrawal, Switzerland would give up a position and an activity which it specializes in and for which it is internationally recognized. In addition, it would risk losing a wealth of knowledge and expertise that it has gained through its long-time presence in the region – a region whose political and economic relevance is going to increase in the future. With Asia's increasing geopolitical importance, the relevance of conflicts in the region, including the Korean conflict, is also set to grow. This larger geopolitical context should be taken into account in Switzerland's positioning and decision-making with regard to the Korean conflict. Resignation, narrow financial considerations, or fears related to reputational risks should not motivate Switzerland's approach to the Korean Peninsula. Hence, a disengagement on the Korean Peninsula is not recommended at this point in time.

Scenario 2: Switzerland substantially expands its engagement on the Korean Peninsula

The NNSC's role and achievements cannot be analyzed in isolation. The NNSC is a key institutional feature of the existing security architecture on the Korean Peninsula, which is the only system in place. Establishing a UN peacekeeping mission has never been considered a viable option on the Korean Peninsula due to the UN's active role in the Korean War. All the more important are the various institutional features of the existing security architecture that are often perceived as useful in preventing the outbreak of another war and that have managed to maintain high-level strategic stability between conflict parties since the early 1950s. As neutral states and third parties to the conflict, Switzerland and Sweden have successfully and continuously represented the international community on the Korean Peninsula and, thereby, decisively added to the credibility and strength of the existing security arrangements. The NNSC states are an impartial and well-informed voice in a highly fragile, hostile, and often opaque security environment.

Political analysts see the world's geopolitical center of gravity shifting towards Asia – a region that encompasses some of the “hot conflicts” in international politics. In East Asia, these internationalized disputes in-

clude not only the Korean conflict, but also the “Taiwan question” and competing claims in the South China Sea. North Korea's isolation, which is both self-imposed and a consequence of international sanctions in reaction to its illegal nuclear program, is growing, adding to the fragility of the conflict situation. The country keeps multiplying its nuclear weapons arsenal, and its humanitarian situation has remained critical and is worsening in the current COVID-19 pandemic. Moreover, the accelerating US-China rivalry is likely to harm the prospects for a peaceful resolution of the Korean conflict.

While US attention has markedly shifted towards Asia, Europe, including Switzerland, has been slow at readjusting its foreign and security policy priorities and engaging with Asia beyond deepening trade relations. Currently, the EU and individual European countries are trying to position themselves in and towards Asia, increasingly also in security matters. As a result of the growing US-China rivalry, European countries will be confronted with political choices in the future. Some of them will be related to political developments in the Asian region. Finding ways to engage with Asian countries to strengthen their international position is in European countries' interest. Switzerland and Sweden are in a good position to do so based on their experience in Northeast Asia.

Against this backdrop, a second scenario for Switzerland could be to expand its mission on the Korean Peninsula. This could include a significant increase in devoted financial means and/or an increase in terms of manpower, i.e. Switzerland could think of increasing its presence at the inter-Korean border. Some practical limitations exist with regard to the size of the delegation, though.¹²⁵ Additionally or alternatively, Switzerland could raise its international profile as a mediating actor for Korean conflict parties and for this purpose also streamline its policies towards the Koreas and towards Northeast Asia more broadly, similar to what Sweden has been doing. Switzerland's North Korea policy could become a focal point within the country's larger approach towards Asia. Switzerland could invest in increasing its institutional presence in Asia, including in North Korea, and play a more proactive role in organizing meetings among Korean conflict parties; in contrast to its specific engagement on the Korean Peninsula, a strengthening of Switzerland's presence in various Asian capitals more generally would not require close consultation with other actors.

¹²⁵ The 1953 armistice formally only defines the role of the delegation head (“principal member”) and his/her deputy (“alternate member”). Theoretically, it is at the sending state's discretion how many members its delegation consists of. Sweden and Switzerland have, in the past, tried to have delegations of similar sizes. Practically, the most important limiting factor for a substantial increase in delegation size is likely to be the infrastructure in Panmunjom, which is financed with US and indirectly with South Korean money.

Reflections on Scenario 2

Since 2010, the NNSC has assumed additional tasks within its mandate given by the 1953 armistice. Examples include the regular NNSC training offered to South Korean armed forces on aspects of military confidence-building. This expansion of tasks constitutes a small adjustment in the NNSC's engagement in response to specific, evolving needs on the ground. It shows the continuously constructive and active role Switzerland can play in the Korean conflict. More fundamental changes in Switzerland's role on the Korean Peninsula would need to be justified by changes in the conflict situation, which is currently not given. If Switzerland wanted to substantially step up its efforts on the Korean Peninsula, this should be well communicated and decisions will have to be taken in close consultation with Swedish, US, and South Korean partners to have an impact. In the context of a conflict with many moving parts, a unilaterally decided policy may well fail to have the expected (positive) impact; what this intended effect ideally is should be clarified in the first place. Coordinating with other actors, such as Sweden, the US, and South Korea, will be essential for Switzerland in any future scenario regarding the Korean Peninsula.

Scenario 3: Switzerland continues its current engagement on the Korean Peninsula

The necessity of some independent, international entity supervising the highly fragile conflict situation on the Korean Peninsula is internationally well-accepted. Switzerland and Sweden have played a crucial role here, for which they have received international credit. Through their decades-long engagement, they have collected rich experience that can be valuable for facilitating activities among Korean conflict parties in the future. In contrast to Switzerland's engagement in *development* cooperation, its *security* engagement has not been a major target of domestic or international political criticism in the past. Given the present circumstances, a continuation of the current engagement seems a realistic middle scenario that is likely to receive domestic and international support.

Reflections on Scenario 3

Importantly, a continuation of Switzerland's current NNSC engagement, which from today's perspective seems the most realistic and recommendable scenario, should not be equated with stasis. The conflict continues to evolve. When the two Koreas and the US engaged in high-level talks in 2018 with the prospect of permanently altering the dynamics of the Korean conflict, the rest of the world was unprepared. Such a situation should be avoided in the future.

It is in Switzerland's interest to clearly define its interests and priorities, as well as the means that it is willing to invest with regard to the Korean conflict now and in the future. This will have to be done against the backdrop of the political pitfalls that one might face when playing an active role in the Korean conflict. Having strategic clarity and communicating accordingly with international partners will help Switzerland to position itself as a potential mediating actor and act quickly when opportunities arise.

A more consolidated approach towards North Korea, which would be advisable, would also require various Swiss government agencies to coordinate more closely and engage in some sort of regular exchange in order to benefit from each other's North Korea-related know-how, be it in military issues – an area in which Swiss NNSC delegates are knowledgeable – or humanitarian aid or other issues.

4 Concluding discussion

International political attention and geopolitical weight are increasingly shifting towards Asia. The Korean conflict is one among several global security flashpoints in Asia that will keep the world busy in the years to come. The unfolding US-China rivalry is only one among several regional and international political trends that will increase pressure on Korean conflict parties and make a peaceful resolution of the conflict more difficult. For Switzerland and other European countries, defining their roles and options in Asia is a challenge that will play an important role in determining their future positioning in the international system. Switzerland is in a position to carve out a unique role, building on its decades-long experience in the Northeast Asian region.

As a member of the Neutral Nations Supervisory Commission, Switzerland – like Sweden – has been part of the existing security architecture on the Korean Peninsula for almost seven decades and, with its presence in the most militarized border region in the world, it has contributed to maintaining stability and peace among the Korean conflict parties. The NNSC has continuously operated in a highly fragile security environment and has proven resilient and flexible in the face of major geopolitical changes. Its biggest limitation to this day remains North Korea's withdrawal from the Commission in the mid-1990s. Still, the NNSC has managed to adjust and further expand its mandate in the southern part of the Korean Peninsula in recent years and has more strongly engaged in confidence-building and transparency-promoting activities.

While a lot of political attention and research regarding the Korean conflict have been devoted to high-level international strategic questions, the question of addressing conventional military issues and related confidence- and security-building measures between the two Koreas is equally important in the effort to achieve an eventual peaceful resolution of the Korean conflict. The two Koreas defined such measures in the Comprehensive Military Agreement, which they concluded during their rapprochement in 2018. While they managed to successfully implement some of the security-enhancing measures, they failed to implement most of the cooperation-enhancing measures. Moreover, transparency-promoting measures are also widely absent from the CMA. The agreement illustrates the potential of inter-Korean cooperation, including both sides' interest in and openness to engagement in bilateral confidence-building activities, but also its limitations.

Many uncertainties surround a future peace process on the Korean Peninsula and the peace regime that it would require. Opportunities for third-party in-

volvement are generally seen as limited, a consequence of the complex conflict structure involving many conflict parties. Under these circumstances, it is particularly important for Switzerland to have a clear strategic vision for its current and future involvement on the Korean Peninsula. To develop such a vision, Switzerland should try to consolidate its efforts towards the Koreas and the region and try to embed the NNSC into a broader strategy. To be able to play a more active role in a future peace process, Switzerland will have to enter into a consultative dialogue with involved stakeholders and communicate its interest to be part of such a process. Past experience shows that both optimism and pessimism in the context of the Korean conflict need to be tempered and that small contributions, including by third parties, can make a difference for the Korean conflict parties.

5 Appendix: List of interview partners

Colonel Christian Bühlmann *Head of Diplomatic Dialogue, Geneva Center for Security Policy*

Major General (ret.) Mats Engman *Former Head of the Swedish Delegation, Neutral Nations Supervisory Commission*

Major General Patrick Gauchat *Head of the Swiss Delegation, Neutral Nations Supervisory Commission*

Major General (ret.) Urs Gerber *Former Head of the Swiss Delegation, Neutral Nations Supervisory Commission*

Dr. Myong-Hyun Go *Research Fellow, The Asan Institute for Policy Studies*

Professor Ildo Hwang *Assistant Professor, Korea National Diplomatic Academy*

Dr. Jina Kim *Research Fellow, Korea Institute for Defense Analyses*

Dr. Sang-sin Lee *Research Fellow, Korea Institute for National Unification*

Samuel Martell *Political Affairs Officer, United Nations Asia and the Pacific Division*

Chad O'Carroll *Chief Executive Officer, Korea Risk Group*

Professor Seong-ho Sheen *Professor of International Security and East Asia, Seoul National University*

Matthias Siegfried *Mediation Advisor, Swiss Federal Department of Foreign Affairs*

Ambassador (ret.) Sung-lac Wi *Ambassador (ret.) of the Republic of Korea*

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