



## The Signing of a Peace Treaty and the Future of US Forces in Korea

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South Korea aims to sign a peace treaty as well as achieve the denuclearization of the Korean Peninsula. In the event a peace treaty is signed, the future of US forces in Korea will become an issue between South Korea and the US. At the press conference held just after the South-North Korea summit, US Secretary of Defense James N. Mattis was asked about the possible withdrawal of US troops from Korea. He responded, “That’s part of the issues that we’ll be discussing in negotiations with our allies firstly, and of course with North Korea.” Professor Moon Chung-In, special advisor to the president on unification, foreign affairs and security, published an article in the April 30<sup>th</sup> edition of *Foreign Affairs* entitled “What will happen to US forces in South Korea if a peace treaty is signed?” In this article, he stated that it would be difficult to justify the continued presence of US forces in South Korea after the adoption of a peace treaty. However, he also noted that “there will be strong conservative opposition to the reduction and withdrawal of US forces, posing a major political dilemma for President Moon.”

US President Donald J. Trump has ordered the Pentagon to prepare options for reducing the number of American troops in South Korea, according to the May 3<sup>rd</sup> edition of *the New York Times*. President Trump held a press conference just after signing a joint statement with Chairman Kim Jong-un on June 12<sup>th</sup> during the Singapore summit, where he said “I want to get our soldiers out. I would like to be able to bring them back home. That’s not part of the equation. At some point, I hope it would be.” The July 5 *Asahi Shimbun* reported that Kim Jong-un and Chinese President Xi Jinping agreed to cooperate strategically on the shared objective of the removal of the 28,500 US soldiers in South Korea. These messages indicate that US troop withdrawal is on table if a solid Korean peace treaty is made.

President Moon Jae-in calmed down the sensitive issue, “The US forces in the South are an issue that is solely between South Korea and the US, entirely unrelated to a peace treaty.” He reiterated this position in an interview on July 12<sup>th</sup> with *The Straits Times* in Singapore, stating “US troops in Korea are not a subject for discussion in negotiations between the US and North Korea for denuclearization.” The White House denied that a review of the US troop reduction was conducted at all. However, it is likely that US forces in Korea will not be excluded as an issue in the process of building a peace regime on the Korean Peninsula.

This paper will discuss international law related to the presence of US forces in South Korea and review cases of US troops stationed in foreign countries. It will then explore the position of different countries on the presence of US troops if a peace treaty is signed on the Korean Peninsula. This paper also analyzes the intent behind North Korea’s dual strategy of officially insisting on US troop withdrawal but allowing the continued presence of US forces if US-DPRK relations are normalized. The paper will conduct an in-depth analysis of whether US troops

should remain on the Peninsula if a peace treaty is signed by examining domestic politics, economic impact, military security, regional power politics, lessons learned from the Paris Peace Accords, the national strategy of a unified Korea, and regional stability. Finally, the paper will make policy recommendations for the status of US forces and United Nations Command in the event of the conclusion of a peace treaty and transition of wartime operational control.

### **International Legal Basis for the Presence of US Forces in Korea and Additional Foreign Cases**

The international legal basis for the presence of US forces in Korea lies in the Mutual Defense Treaty between the Republic of Korea and the United States of America, which took effect on November 18, 1954. Article 4 of the treaty is as follows: “The Republic of Korea grants, and the United States of America accepts, the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement.” Article 2 dictates that “Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.”

The objective of the ROK-US Mutual Defense Treaty is to jointly handle an armed attack in the Pacific region, and is not specifically limited to addressing the threat posed by North Korea. This implies that even if a peace treaty is signed with North Korea and hostile relations with the North cease to be an issue, the rationale for the US presence in Korea does not disappear.

US forces are also stationed overseas in Japan and Germany. 44,000 US troops remain in Japan in accordance with the US-Japan Security Treaty signed in 1951, which was adopted at the same time as the San Francisco Peace Treaty. Article 1 of the Security Treaty is as follows: “Such forces may be utilized to contribute to the security of Japan against armed attack by an outside power or powers.”

The four victors of the Second World War terminated the German occupation system through the 1955 Paris Treaty. The US, U.K., and France felt the need to station their forces in Germany as member states of the North Atlantic Treaty Organization (NATO). The three nations collectively signed the Convention on the Presence of Foreign Forces in the Federal Republic of Germany in 1954, and 34,000 US troops remain stationed in Germany to ensure regional stability even after the end of the Cold War and German unification.

### **Potential Perspectives from Countries Impacted by the Future of USFK Following a Peace Treaty**

If a peace treaty is adopted, what position will other stakeholder countries take regarding the future of USFK? From a US perspective, the strategic importance of the USFK has only grown as they play a crucial role in driving America’s Indo-Pacific strategy and targeting China’s strategic centers of gravity including Beijing, Qingdao and Dalian. USFK also plays a key role in blockading China’s Anti-Access & Area Denial Strategy and Island Chain Strategy. Camp Humphreys, Osan and Kunsan airbases, and Pyeongtaek naval port will be stepping stones for the redeployment of USFK to contingency areas. USFK is crucial for containing the revisionist powers, China and

Russia, who are working to challenge the current international order and norms through force and coercion in pursuit of their own world.

North Korea has typically taken a dual strategy toward US forces in Korea. Even as North Korea has privately taken the position that they will not push for the withdrawal of USFK if US-DPRK diplomatic ties can be established, the regime has simultaneously and strenuously insisted that US forces must be withdrawn from the Peninsula.

At a 1992 meeting between Arnold Kanter, the American Under Secretary of State for Political Affairs, and Kim Yong-soon, Director of International Relations for North Korea's Workers Party, Mr. Kim said, "North Korea will not make US withdrawal of its forces from Korea a condition of normalizing relations between the two countries."

At the June 15, 2000 inter-Korean summit between South Korean President Kim Dae-jung and DPRK Chairman Kim Jong-il, President Kim pointed out that US forces should remain stationed on the Korean Peninsula to ensure peace and stability in Northeast Asia even after unification. President Kim's autobiography revealed that Chairman Kim's response was "If it can be assured that USFK will remain as peacekeeping forces and not adversary forces against the DPRK, then they should remain on the Korean Peninsula."

US Secretary of State Madeleine Albright visited North Korea on Oct 24, 2000. Chairman Kim Jong-il told her, "The North Korean regime's view has changed since the Cold War. American troops now play a stabilizing role."

At a meeting with mass media CEO corps on April 19, 2018, President Moon Jae-in clearly stated, "Chairman Kim Jong-un did not request the withdrawal of US forces as a condition for denuclearization. North Korea has only requested the termination of the US hostile policy toward the North and security assurance." At the Panmunjom summit, he reiterated this position, stating "North Korea does not hold any hostility towards USFK. North Korea does not perceive the US forces as its main enemy. Geopolitically, neighboring countries pose a greater threat than countries that are far away. There is no need or reason for the US to become North Korea's main adversary."

However, North Korea has constantly made ongoing official requests for the withdrawal of US forces from South Korea. Kim Il-sung insisted, "The withdrawal of USFK is the Workers Party's solid position" at the 6<sup>th</sup> Workers Party Convention in 1980. Kim Jong-un also referenced the withdrawal of US forces from Korea during his New Year's Address in 2012. The documents "Economic Development in Parallel with Nuclear Armament" and "Preamble of the Revised Workers Party Regulations" presented at the 7<sup>th</sup> Chosun Workers Party Convention on May 10, 2016, state, "The Chosun Worker's Party attempts to strengthen the unification front of the patriotic national capacity of all of Korea...we must expel the American imperialist armed forces from the South."

North Korea perceives the presence of US forces in Korea as its biggest stumbling block to achieving its strategic objective of 'communizing' the South. North Korea believes that the intervention of American forces into their occupied territory on the Nakdong Perimeter during the Korean War prevented them from succeeding in their mission to bring the whole Peninsula under the communist system. North Korea retains as a basic premise the idea that in order to eventually achieve the regime's goal of bringing the entire Korean Peninsula under communism, US forces must be withdrawn from Korea and the ROK-US alliance must be dissolved. We should be aware that the Workers Party's Regulation explicitly states that North Korea aims to "spread Kim Il-sungism and Kim Jong-ilism throughout all of society."

China does not want a peace regime to be established on the Korean Peninsula that allows for the continued presence of US troops in Korea. China's siege mentality and perception of being surrounded by the US is strong,

and sees USFK as high likely to encroach upon China's core interests. The reason that China is sensitive to closer US-North Korea relations may be due to what occurred after the Paris Peace Treaty. After China provided North Vietnam with military support during the Vietnam War and it unified, the unified Vietnam maintained conflicting relations with China. Vietnam eventually fell under the US sphere of influence and became another restraint against China's rise. Because of this, China, which lost 136,000 troops during the Korea War, aims to proactively participate in the creation of a peace regime on the Korean Peninsula.

China's government proposition for a dual suspension of North Korea's nuclear testing and ROK-US combined military exercises as well as a parallel path of denuclearization and a peace treaty derives from China's understanding of the frequent deployment exercises by augmented US forces along with USFK as a threat. If US troops are withdrawn from the South, it will be possible to rapidly shift the whole Peninsula to China's order, and China will welcome the withdrawal as the clue of the dissolution of the US-driven regional hub-spoke structure in Indo-Pacific region.

On the other hand, Japan will perceive the withdrawal of US troops from Korea as an imminent security threat against the Japanese archipelago from the Chinese continent. On May 3, 2018, Prime Minister Shinzo Abe announced that the Japan Pacifist Constitution would be revised, effective in 2020, ensuring the legality of the Japan Self-Defense Forces which number 225,000 soldiers. If US troop reduction or withdrawal occurs, Japan will substantially increase its own defense expenditures. This will result in an arms race between Japan and China and facilitate further regional hegemonic rivalry.

#### **Previous ROK governments:**

##### **ROK-US Alliance as an Axis of National Security and the Continuing Presence of US Troops after Unification**

Under both conservative and progressive administrations, previous ROK governments have maintained a consistent stance in terms of the importance of the ROK-US alliance and the continued presence of US troops on the Peninsula even after unification.

During the Roh Moo-hyun administration, a 2006 mutual consultation regarding the future of the ROK-US alliance established unification led by the ROK as its objective. They agreed that a unified Korea should be a democratic country with respect for the rule of law and human rights, and that the US and a unified Korea should maintain a security alliance including the presence of US troops in Korea. In consideration of the security situation on the Korean Peninsula, the progress of South-North relations are categorized into the three stages of reconciliation and cooperation, and peaceful co-existence and unification. Normalization of relations between US-North Korea will be the starting point of the peaceful co-existence stage, and unification will replace the armistice agreement with a peace treaty. During the peaceful co-existence stage, the alliance's joint objective is the dismantlement of North Korea's nuclear program and missiles, and during the unification stage, US forces will remain stationed in Korea as a regional stabilizer.

The Lee Myung-bak administration agreed with this joint vision of the ROK-US alliance in 2009, stating "Through our alliance we aim to build a better future for all people on the Korean Peninsula, establish a durable peace on the Peninsula that leads to peaceful reunification under the principles of free democracy and a market economy."

Through the 2013 joint declaration made in commemoration of the 60<sup>th</sup> anniversary of the alliance, the Park Geun-hye administration pledged to continue fostering enduring peace and stability on the Korean Peninsula and working towards peaceful reunification based on the principles of denuclearization, democracy and a free market economy.

The June 30, 2017 joint statement made by President Moon Jae-in and President Donald J. Trump emphasized, “Since its founding, the alliance has served as a linchpin for security, stability, and prosperity on the Korean Peninsula, in the Asia Pacific region, and increasingly around the world. The commitment of the United States to the ROK’s defense remains ironclad.”

On November 8, 2017, Presidents Moon Jae-in and Donald J. Trump held a joint press conference in Seoul. President Moon stated that “Camp Humphreys is symbolic of the future of the ROK-US alliance and Korea’s contribution to the alliance.” President Trump remarked, “The Republic of Korea is more than a longstanding ally of the United States. We are partners and friends who have fought side-by-side in a war and, really, worked very hard and prospered toward a great and lasting peace...Our alliance is more important than ever to peace and security on the Korean Peninsula and across the Indo-Pacific region.”

Successive ROK and US administrations have viewed the ROK-US alliance as the pillar of the Republic of Korea’s national security and indicated that they believe that US troops should remain on the Peninsula even after unification has been achieved.

### **A Review of the Presence of US Troops if a Peace Treaty is Signed**

This article will examine the following issues relating to whether or not American troops will continue to be stationed in Korea following the conclusion of a peace treaty: domestic politics, the economic value provided by USFK and economic impact expected in the event of a withdrawal, responses to China’s global strategy and blockade of maritime supremacy in the event of the Korean Peninsula contingency, lessons from the Paris Peace Accords, the security strategy of a unified Korea, and regional stability in Northeast Asia.

First, in terms of domestic politics, the South Korean people perceive the ROK-US alliance as the basic axis of their national security. The American troops are a symbol of the alliance. US forces participated in the Korean War when the North invaded, were able to protect South Korea’s territory and free democracy, and provided a sufficient deterrent that allowed the South to industrialize and democratize by maintaining peace and stability. One of the reasons that South Koreans is sensitive to even the possibility of a reduction of US troops may be the public perception that North Korea’s threat can only be dealt with via the combined power of alliance forces. There is a perception that a withdrawal of US troops will leave the South exposed to North Korea’s military threat. The moment that the presence of US troops becomes a point of controversy, it will create a political conflict between conservatives and progressives, opening up the possibility of governance challenges for the ROK administration.

Furthermore, the economic value of the US forces means that their withdrawal will have a severe economic impact. The value of the weapons and equipment retained by the 28,500 US troops currently stationed on the Peninsula is equivalent to 17-31 trillion KRW (approximately 15- 27 billion USD). The estimated value of US augmentation forces is 120 trillion KRW (approximately 1.15 trillion USD), and the estimated value of the wartime reserve ammunition that the US retains as an essential contingency requirement is 5 trillion KRW (approximately 4.2 billion USD).



If US troops withdraw, how much should the South increase its defense expenditures in order to maintain the current level of war deterrence? A KODEM-II analysis conducted by the Korea Institute for Defense Analyses revealed that the South would have to approximately double its 2018 defense budget of 43.1581 trillion KRW (37.53 billion USD).

Cho Dong-geun's Hedonic price model predicts that GDP will endure a growth rate of negative 1.2% following USFK withdrawal. The economic impact of US soldiers in Korea, their dependents, and the 10,000 Korean nationals employed by USFK on the local economy must also be taken into account, not to mention the enhancement of national sovereign ratings due to the provision of war deterrence by USFK.

The impact of USFK withdrawal and subsequent dissolution of the alliance would have a severe impact on the Korean economy. 38% of stock market holdings in Korea are owned by foreigners and 35% by domestic institutional stockholders. Of the 38% of the market held by foreign investors, more than 80% are American. If the US withdraws its investment money from Korea, the Korean stock market will crash, and the economic activities of financial institutions and industry will be severely impacted. In addition, if the US places pressure on oil-producing Middle Eastern countries and sanctions oil exports to South Korea, Korean industry may become paralyzed.

From a military security perspective, the presence of USFK is essential to prevent adversary from seizing maritime supremacy in West Sea or Yellow Sea and East Sea on the Korean Peninsula from fighter strikes and missile attacks. The seizure of maritime supremacy in West Sea has in the past been a decisive factor in military victories in this region. Countries that secured maritime supremacy in West Sea throughout wars on the Korean Peninsula, including the Japanese invasion of Korea (1592-1598), the Sino-Japanese War (1894-1895), the Sino-Russian War (1904-1905), and the Korean War (1950-1953) were victorious. US forces in Korea will play a crucial role in defeating any potential adversaries by contributing to the advancement of the ROK navy toward West Sea. The US Forces in Korea and US 7<sup>th</sup> Fleet will provide additional air supremacy and missile defense with US augmentation forces.

Finally, even if North Korea disposes of its nuclear arsenal and a peace treaty is concluded, North Korea's special operational forces, long range artillery, submarines, and cyber threats still exist, and a military balance between South and North Korea will not be achieved unless USFK remains stationed in Korea.

What happened to South Vietnam after the Paris Peace Accords, which officially ended the Vietnam War, were signed can be a valuable reference for the Koreans. On January 25, 1973, the US declared the end of the Vietnam War. On January 27, the US, South Vietnam, North Vietnam and the Vietcong adopted the Paris Peace Treaty. Within sixty days, all foreign troops including those from the US and two South Korean divisions were completely withdrawn in accordance with the agreement.

On April 30, 1975, North Vietnamese tanks penetrated the iron fence of the South Vietnamese Independence Palace (the presidential residence) and raised the national flag of North Vietnam. Just like that, South Vietnam disappeared from the map. It took two years to communize Vietnam after the peace treaty was signed and US troops were pulled out. South Vietnam, which lacked the national will and strategy to defend itself and suffered from terrible corruption, eventually collapsed.

Finally, from the national strategy perspective of a unified Korea, US forces in Korea will be necessary to block any hegemonic rivalry from erupting on the Korean Peninsula and play the role of a stabilizer in Northeast Asia. The Korean Peninsula has, for most of its history, been a critical strategic location between continental and

maritime powers. If a power vacuum were to emerge on the Peninsula due to the withdrawal of US troops, neighboring countries will militarily intervene in Korea to regain hegemony. USFK will be essential as a stabilizer on the Peninsula in order to prevent this from occurring.

### **The Status of USFK and the Future of UNC if a Peace Treaty is Signed and the Wartime Operation Control is Transitioned**

Once a peace treaty is concluded, the role of the ROK-US alliance and USFK must change. Since neighboring countries have reservations regarding the necessity of USFK following a peace treaty, the role of USFK must be clearly spelled out. Prior to the unification of the Peninsula, the alliance and USFK will play a deterrent role to prevent military provocations from North Korea. Throughout the process of unification, this role will shift to manager and coordinator, and post-unification, USFK will serve as the regional balancer in Northeast Asia's security structure.

The role and mission of USFK could be adjusted to contribute to maintain stability and peace on the Korean Peninsula as well as in the region. It will be preferable if USFK establishes a coordinating network within the regional multilateral security arrangement. Negative perceptions regarding the USFK and its use of strategy should be resolved by engaging in proactive strategic communication and achieving consensus.

The scope of the role of USFK within the region could be expanded to include humanitarian assistance and disaster relief operations in the event of regional disasters; maritime search and rescue operations; the protection of sea lines of communication (SLOC); and transnational threat operations to address crimes such as piracy, human trafficking, and drug and arms smuggling. In addition, USFK can engage in operations against countries that support terrorists, detect terrorist groups, attack their power base; and conduct military blockade operations against rogue states working to acquire weapons of mass destruction.

At the June 30, 2017 ROK-US summit the two leaders agreed to continue the alliance's work to expeditiously enable the conditions-based transfer of wartime operational control of ROK forces. USFK Commander General Vincent K. Brooks testified before the US House Armed Forces Committee on Feb 14, 2018, stating "A US general officer will change roles to serve as the deputy commander of the Future Combined Command and remain as commander of the UNC and USFK. US forces will continue to operate under US national authorities."

The transition of wartime operational control is to ensure the continuing presence of US forces in Korea and establish a mechanism for US augmentation forces in any contingencies. In addition, it will establish a new alliance system led by the ROK and supported by the US.

In 2018, the Combined Forces Command headquarters will be relocated from the Yongsan compound to the vicinity of the Ministry of National Defense Garrison to prepare for the transition of wartime OPCON. On June 29, 2018, USFK HQs held an opening ceremony to celebrate its relocation to Camp Humphreys (4.44 million Pyung, or 3,627 AC), which is one of the largest camps among overseas US bases in the world. This relocation of USFK means the end of the Yongsan era, and the beginning of the Pyeongtaek era where USFK can be reborn as the Peninsula stabilizer and regional balancer.

There are two ambivalent positions on the issue of what will happen to the United Nations Command if there is a transition from the armistice agreement to a peace treaty. The first is that UNC will have no reason to exist any

longer, and the second is that as the UNC was established through a UN mandate, a declaration of the end of the Korean War or a peace treaty will not have any impact on it. The UNC was activated in the accordance with UNSCR 84, which recommended that member states of the United Nations furnish assistance to the Republic of Korea to repel the armed attack of North Koreans, and UNSCR 85, which recommended that member states provide available military forces to a unified command under the US and requested that the US designate the commander of such forces. If peace treaty is signed, a South-North joint military management commission could be established. However, it is worth noting that North Vietnam communized South Vietnam through military action after the Paris Peace Treaty and North Yemen unified Yemen through an armed attack despite political negotiation between the two Yemens that had paved the way to achieve a unified Yemen.

If the UNC is dissolved, the July 27, 1953 resolution made by the sixteen nations that participated in the Korean War which included a pledge to participate in another Korean War if it were to break out will be nullified. The Status of Forces Agreement (SOFA) between the UNC and Japanese government will be no longer effective, and the right to engage the UNC's rear command, including seven US air and sea bases in Japan, will also vanish. If another war breaks out on the Korean Peninsula, we can assume that another UNSC resolution will be proposed recommending that members send troops to the Korean theater: however, the possibility that it will pass is less likely because of China and Russia's veto. Subsequently, if a peace treaty is signed, the ROK government should propose the continued existence of the UNC to the US government. If the UNSC moves to dissolve the UNC, the US can use its veto power to prevent this from occurring and ensure that the UNC continues to exist.

However, the status of the UNC should be altered if a peace agreement is reached. Currently, the UNC manages the armistice agreement, but if a peace treaty were signed, the UNC should take on the role of peacekeepers. If wartime operational control is transitioned, the UNC will play the role of force provider and transfer tactical control of combat troops from third countries that are members of the UNC to the commander of the Future Combined Command. The Future Combined Command commander will conduct military operations under the unity of command.

If, as indicated in the April 27 Panmunjom Declaration and the June 12 Joint Statement, sequential denuclearization negotiations occur and North Korea's nuclear warheads be successfully eliminated, peace talks will be convened. This will be an epochal turning point for the national security of the ROK. On the other hand, if the US and North Korea reach a compromise, such as agreeing on a freeze for North Korea's nuclear program or non-proliferation and ICBM disposal, or if denuclearization negotiations break down, the ROK will likely encounter a severe national security challenge. We should prepare a contingency plan, including a preemptive strike, in order to prevent a catastrophic nuclear war from occurring.

It is time for South Korea to reinforce the ROK-US alliance and develop a rationale for the continued presence of US forces in Korea.

The withdrawal of US troops will have a number of negative consequences, including domestic political instability due to the controversial argument between the conservatives and progressives, severe economic impacts, loss of the linchpin that is key to implementing the Indo-Pacific Strategy, an increased possibility that North Korea will launch an armed attack to communize the Peninsula, constraints in pursuing a unified Korea national security strategy, external military intervention aimed at seizing hegemony on the Korean Peninsula, and the facilitation of a rivalry over regional hegemony. US forces in Korea should remain on the Peninsula even if a peace treaty is signed and Korea is unified. ■



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