

What Path for the UN Security Council to Resolve the Conflict on the Korean Peninsula?

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Global Research, March 21, 2016
[taz.blogs](#) 17 March 2016

Region: [Asia](#)

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Recently a Chinese commentator, observing the relationship between the need for a peace treaty to end the Korean War and North Korea's four nuclear tests wrote:

"North Korea, in a statement after its nuclear test, has made it clear that if it could sign a peace treaty with the United States, and if the United States could stop holding joint military exercises with South Korea, it would not conduct further nuclear tests. This proved that the North Korean nuclear issue is, in essence, an issue between the United States and North Korea...."(1)

The Armistice Agreement that ended the fighting of the Korean War was signed on July 27, 1953. While the Armistice Agreement provided for a cease fire, it did not end the Korean War.

The Armistice Agreement that the US and North Korea signed states that a political agreement is needed by the parties to end the war. A political conference was to be held to set the terms for an agreement among the parties to provide for a peace regime on the Korean Peninsula. Such a political conference was to provide the means to "settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question," etc. (See Article IV of the Armistice Agreement.)

Though a political conference was eventually held, the parties did not succeed in drafting a treaty to end the war.

It is now more than 60 years later. There still is no political agreement to end the Korean War. Nor is there a political agreement to withdraw foreign troops from the Korean Peninsula. Korea continues to be divided into the Republic of Korea, more commonly known as South Korea, and the Democratic People's Republic of Korea, more commonly known as North Korea.

There are 28,000 US troops permanently stationed in South Korea. US troops take part in exercises along with South Korean troops to simulate war activities against North Korea. In the event of a war, the US and South Korea have agreed that the US will have wartime operational command over the South Korean troops.

Moreover, there is a formal agreement between the US and South Korea that includes the US commitment to provide nuclear weapon protection for South Korea. This is referred to as a nuclear umbrella.

Recently, China proposed that the UN Security Council find a way to engage North Korea in political negotiations toward a peace regime for the Korean Peninsula. China supported the need for a peace treaty which at long last would end the Korean War. But then the US and South Korea agreed to negotiate for the positioning of the US THAAD (Terminal High Altitude Area Defense) system in South Korea under the command of the US troops stationed there. The THAAD is a system that China explained would represent a stepped up use of foreign military equipment on the peninsula, a process forbidden under the terms of the 1953 Armistice Agreement. (See Article 13A2d)

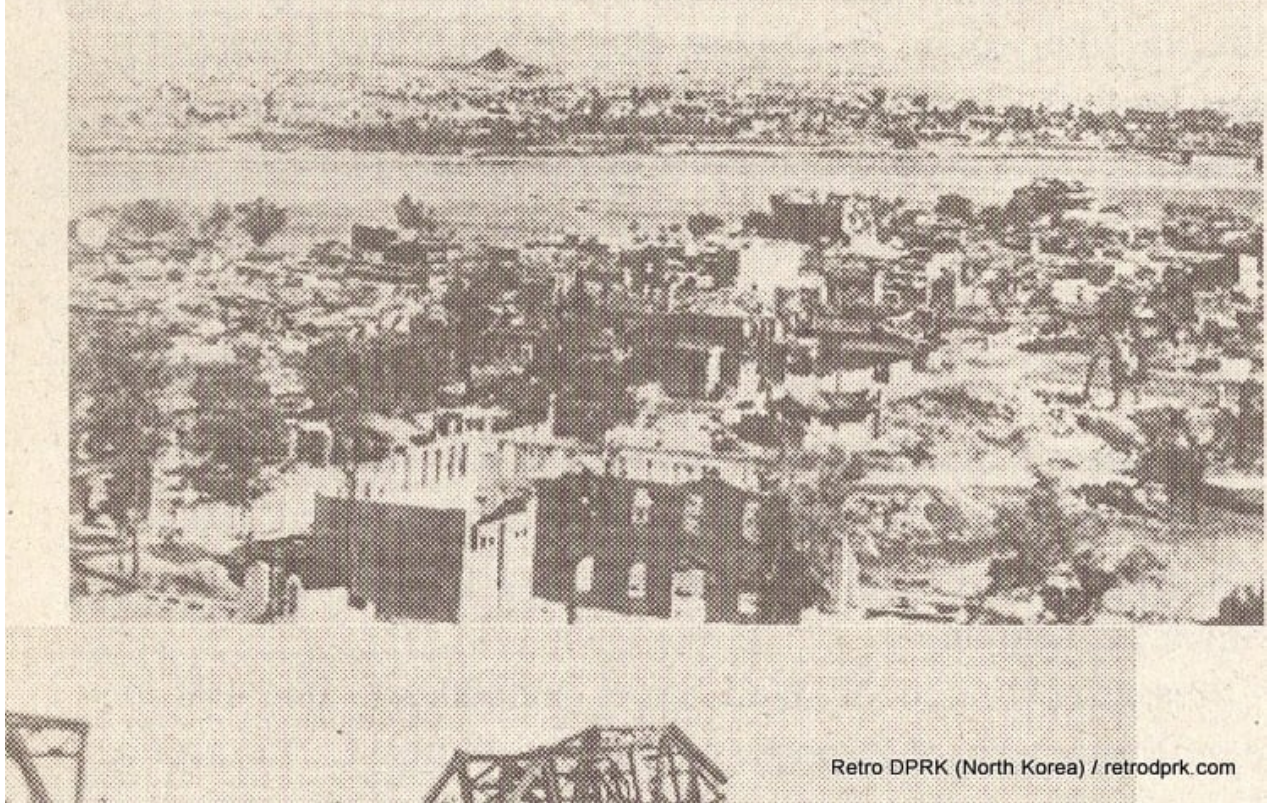
In response to the proposed deployment of THAAD on the Korean Peninsula, China expressed its opposition to the increased militarization that THAAD would represent to the region. Once the US and South Korea added the possibility of their agreement to deploy THAAD in South Korea, the discussion between the US and China appeared to focus on THAAD and China appeared to subordinate its focus on the need for dialogue with North Korea to resolve the conflict situation to its opposition to THAAD.

There is also opposition to the placement of THAAD in South Korea among South Koreans who have offered their critiques of how it will be used. For example, according to a public statement by one South Korean NGO “a multitude of experts” contend it is easy to use THAAD to put “most of Chinese territory under detectable range, regardless of THAAD’s location in South Korea.”(2)

The sanctions in the Security Council resolution drawn up by the US require nations to search any cargo from or to North Korea in their territory. The sanctions include the restriction on the sale by North Korea of its gold, its coal and other minerals. Also the resolution restricts countries from providing fuel for planes to North Korea.

The 1953 Armistice Agreement forbids any naval blockade of Korea. In her comments about the sanctions, the US UN Ambassador bragged that the resolution restricts North Korean cargo “whether by land, sea or air.” Hence, the Security Council resolution replaces what little remains of the 1953 Armistice regime with a previously forbidden form of blockade of North Korea, intensifying the war-provoking situation on the Korean Peninsula.

**La ville de Pyongyang a été totalement détruite en mai 1951,
lors de la guerre de Corée.**



Retro DPRK (North Korea) / retrodprk.com

The Total Destruction of Pyongyang, May 1951



With China agreeing to a minimal reference to negotiations in the Security Council Resolution against North Korea, the US and China bilaterally agreed to a US draft resolution. Then the US brought the resolution to the other members of the Security Council, pressuring them to quickly adopt it.

The UN Charter calls for the UN Security Council to consider issues it deems violations of international peace and security, and to investigate the conflict situation toward finding a peaceful resolution.

Also, Chapter V, Article 32 of the UN Charter mandates that any state which is not a member of the Security Council, "if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute."

There is no indication that the Security Council made any effort to invite North Korea to the minimal discussion of the US draft that was held by Security Council members. During the explanations made by member nations after the vote in favor of the resolution, some nations commented about the lack of a proper period of time for the Security Council to consider and discuss the resolution and its implications. The US, by rushing the adoption of the resolution by the Security Council denied not only North Korea, but even the Security Council members themselves, the time needed for responsible discussion about the resolution and whether it could contribute to a peaceful settlement of the conflict.

In their statements after passing by unanimous consent Security Council Resolution S/RES/2270(2016) imposing these new sanctions on North Korea, both Russia and China explained their opposition to the installation of THAAD on the Korean Peninsula. Japan, however, welcomed such an increased militarization.

In a statement after the resolution was approved by the Security Council, the South Korean Ambassador to the UN, directed his comments to North Korea, though it was not at the meeting. He said(3):

"I would like to say a few words in appeal to those who are ruling North Korea. I would say in Korean, 'please stop it now'. I would ask them: Why do you need these weapons? In South Korea we do not have a nuclear bomb. As we border each other, you do not need an intercontinental missile if you are targeting us. Why do you need these weapons? You say the United States is a threat to you. Why would the United States threaten you? Why would the strongest military Power in the world threaten a small country far across the Pacific? There is no threat. It is a figment of your imagination. If you continue in this way, the only people who will suffer from what you are doing are your own people, and our people as well. So please, wake up, open your eyes, look out at what is happening in the world. Give up the nukes. Join the rest of us in the world and we can live together in safety and peace."

The problem with such a statement is that the US and South Korea have a formal agreement for the US to protect South Korea under the US nuclear umbrella. It is dishonest to hide that nuclear weapon protection is indeed part of the military assurance provided to South Korea by the US. Similarly, North Korea notes that US troops remain in South Korea and in the case of a war not only will these troops be used, but the US military will exercise operational command over the South Korean military. The US and South Korea and at times other nations join in military maneuvers several times a year that directly threaten the security of

North Korea. For example, as of March 7 this year, the US and South Korea are carrying out military maneuvers involving 17,000 US troops and 300,000 South Korean troops. These maneuvers are practicing for a war with North Korea.(4)

The fact that there is no peace treaty after more than 60 years despite the provisions in the Armistice Agreement calling for the political negotiations to officially end the war demonstrates that the Korean War is not over. Similarly, the statement by South Korea that there is no security threat facing North Korea, is but a demonstration of the belittling attitude of the South Korean government toward North Korea.

While in other situations, Russia and China have recognized that North Korea has serious and legitimate security concerns, at this Security Council meeting, neither of them nor any other member of the Security Council objected to the inaccuracy of the South Korean Ambassador's statement.(5)

That the South Korean Ambassador could make such a statement at a Security Council meeting, with not one Security Council member objecting that it is an inaccurate statement, demonstrates the failure of the UN Security Council to provide a process to understand and resolve a serious and dangerous conflict threatening international peace and security.

Notes

1. Wu Zhenglong, "Create Conditions to Restart North Korean Nuclear Talks"
<http://m.chinausfocus.com/article/4327.html>
2. See for example the PSPD Statement "We Oppose THAAD System Deployment in South Korea-PSPD in English." PSPD is a South Korean NGO. See:
http://www.peoplepower21.org/index.php?mid=English&document_srl=1393339&listStyle=list
3. UN Security Council Meeting, Wednesday, March 2, 2016, S/PV.7638, p.14.
http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.7638
4. The US is a party to the conflict that involves North Korea's claim that it needs nuclear weapons for self defense because the US continues to be at war with North Korea. Yet in the actions of the Security Council on this dispute not only is the US the pen holder drafting the resolution, but it also pressured other members for a quick vote on its proposed resolution. A party to a conflict is permitted to dominate the process by which the Security Council acts on the conflict. Such actions are contrary to the spirit and provisions of the UN Charter.
5. In other circumstances, at least Russia and China have recognized the serious security threat facing North Korea. For example on March 7, 2016, the Russian Foreign Ministry wrote: "Naturally, as a state, which is directly named as an object of this kind of military activities, the Democratic People's Republic of Korea (DPRK) cannot but feel reasonably concerned for its security. Russia has many times stated its openly negative attitude to such manifestations of military and political pressure on Pyongyang," the Russian Foreign Ministry said. <http://tass.ru/en/politics/860974>

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