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APPEALS PANEL ACTION: ADDITIONAL  
INFORMATION RELEASED 1.4(B),B1,1.4(D)THE FOUR PARTY TALKS ON KOREA:  
BACKGROUND PAPER

On April 16, 1996, the Presidents of the United States and the Republic of Korea proposed Four Party Talks to reduce tensions and initiate a process aimed at achieving a permanent peace agreement on the Korean peninsula. We have made it clear to North Korea that we are interested in a process that could ultimately lead to a replacement of the Armistice Agreement by a peace agreement and to normal economic, political, and cultural interchange between North and South and between the DPRK and the United States. This paper provides background and seeks to delineate U.S. interests in the talks.

The Four Party Talks are intended to promote stability on the Korean peninsula during a time of rapid change in the relative prosperity and power of the two sides and uncertainties of the North's decline. Ultimately, of course, both we and the ROK would like to see a peaceful, democratic, and united Korea. The steady decline in the North's economy (in particular, its inability to feed its people) and the ascendance of the South raise the possibility for the first time that the DPRK might collapse, with either a dangerous military spasm or a flood of starving refugees, or move toward peaceful unification. [redacted] we cannot forecast internal events in the North with any level of confidence, any more than we can bring about the DPRK's collapse or ensure the status quo. Our approach to the Four Party Talks must therefore be flexible enough to encompass a wide range of options, including a collapse of the North, an extended period of "muddling through", or even -- although this seems less likely -- the adoption of meaningful reforms which would give the DPRK regime renewed vitality. The talks must help us manage the dynamic events underway, contributing to our ultimate aim of peaceful change at each point along the way.

**Background**

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Despite the passage of forty-four years, the Korean War has not yet formally ended. The 1953 Armistice Agreement ("purely military in character" by its own definition) envisioned a follow-on political act that would achieve a final peace settlement on the Korean Peninsula. The 1954 Geneva Conference failed (to no one's surprise) to produce a permanent peace, and steps by the two sides in the early 1970s and the mid-1980s to ease tensions also came to naught. The North has pressed for over thirty years to replace the Armistice with a new agreement, but the U.S. and South Korea traditionally opposed a change. This opposition resulted from the North's conditions for peace--a treaty with the U.S., not the ROK, and withdrawal of U.S. forces--which contradicted fundamental U.S. policy in support of a North-South peace. In 1988, ROK President Roh Tae Woo adopted a new approach toward North-South ties, proposing

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REVIEW AUTHORITY: Charles Lahiguera, Senior Reviewer

B1  
1.4(D)

~~SECRET/SENSITIVE~~

- 2 -

inter-Korean talks to lower tensions. The North reciprocated Roh's gesture, and there followed a series of talks between the Prime Ministers of the two sides leading to signature of a "Basic Agreement" between them on December 13, 1991. (The document was formally entitled "Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation Between the South and the North" and took effect in February 1992.)

In the "Basic Agreement" the two sides pledged to respect each other's political and social systems; abjured armed aggression, interference, sabotage, or slander against the other; promised to "endeavor together to transform the present armistice regime into a firm state of peace" while observing it in the meantime; and agreed to set up liaison offices at Panmunjom and to cooperate internationally. They also announced a group of confidence building measures, including notification and control of major military movements and exercises, peaceful use of the DMZ, exchanges of military personnel and information, a telephone hotline, and a phased reduction (with verification) in armaments, especially weapons of mass destruction or surprise attack capabilities. The document also called for economic cooperation, cultural exchanges, free travel, communications links, and cooperation on the international stage. Implementation of the agreements were to be overseen by subcommittees dealing with military, trade, and exchange issues.

The Basic Agreement was fleshed out by a series of protocols in the following months and a Joint Declaration for a Non-Nuclear Korean Peninsula agreed to on December 31, 1991 and adopted in February 1992, but the entire structure was never completed and was only minimally implemented (e.g. liaison offices were set up). Indeed, the process had run its course by the autumn of 1992 amid growing recriminations. The agreements, nevertheless, remain on the table as fundamental documents of North-South relations. They might well have been revitalized in the summer of 1994 during a North-South summit if Kim Il Sung had not died. After Kim's death, North-South relations became increasingly strained. Pyongyang was intent on keeping the South out of the nuclear settlement and focused on developing bilateral relations with the U.S., something it knew was unnerving to Seoul. Nevertheless, the North continued to refer back to the North-South agreements of 1992 as the basis for reengagement with the ROK as part of a larger peace settlement on the Peninsula. One of its main goals was not to exclude the South but to ensure that the U.S. was included in discussion of such a settlement.

To get North-South negotiations back on track and provide some international cover for the DPRK, Presidents Clinton and Kim proposed the Four Party Talks between the ROK, the DPRK, China, and the U.S. In the months following the April 1996 proposal, China informally agreed to take part. North Korea

~~SECRET/SENSITIVE~~B1  
1.4(D)

~~SECRET/SENSITIVE~~

- 3 -

delayed its response to the ROK/US proposal [redacted]

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U.S. and South Korea countered with an offer of a Joint Briefing on the Four Party Talks, but the North continued to stall and the atmosphere after the September submarine incident made progress impossible. Following the DPRK's December expression of regret, agreement was reached to hold the Joint Briefing and following further delay, the briefing occurred on March 5, 1997. The ROK and U.S. presentations were limited to a general outline of our plans and the potential for North Korea if talks moved forward and progress made toward a peace settlement. Following several weeks of working-level talks, on June 30 the North met with the U.S. and ROK in New York and agreed to participate in a Four Party preparatory meeting (with all four sides) in New York on August 5. This meeting would mark China's formal entry into the Four Party process.

B1  
1.4(D)

The Four Parties' Approaches to the Talks

The United States. U.S. equities in the Four Party Talks are straightforward: the Talks will provide a mechanism to help manage tensions on the peninsula by engaging the North in dialogue on fundamental issues. The process will assist us in shaping events if the North moves toward collapse, promoting a "soft landing" if that appears feasible, or (if the DPRK proves to have staying power) establishing a peace structure that promises greater long-term stability on the peninsula. Our role is critical because [redacted]

[redacted] we are the only party with sufficient influence in all capitals to move the process forward. At present, the North and the South recognize they need us to facilitate a dialogue. Although we will neither act as a mediator nor play the central negotiating role, our participation remains essential to make the process work. We should aim for a leading ROK role to the extent possible and, if necessary, should make efforts in support of that goal. We also need to be involved to protect long-term U.S. equities on the peninsula, to maintain our integrity as an ally in the region and the world, and to promote our interests throughout the region. We will, of course, continue to provide political and military support to the South in order to maintain peace and stability on the peninsula.

B1  
1.4(D)

The United States must also take the lead in coordinating a supportive international posture for the talks, possibly including organization of a group ("guarantors" or "friends") of other interested powers, such as Japan and Russia, or at least ensuring they are well-briefed as the process moves forward. (To avoid antagonizing Korean nationalist sensitivities in both South and North, it is critical to make the point repeatedly that the Koreans themselves, not outside powers, will primarily determine the peninsula's fate. The

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- 4 -

outsiders' role is thus to support, not to dictate, a settlement.) We may also need to activate the UN Security Council on the issue when appropriate and encourage others to (or discourage them from) providing aid, trade, or investment to the DPRK or to meet restructuring costs associated with unification.

South Korea. The ROK sees the talks as a means to enhance its security,

[Redacted]

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The South Koreans

believe strongly that core decisions can be made only by the ROK and the DPRK

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North Korea.

After losing the ability to play off its two traditional supporters -- the PRC and the USSR -- in the early 1990's, and with the former Soviet Union and East European allies moving from a barter to cash basis for trade in 1991, the North's economy has been in a tailspin and its effort to secure international support largely unsuccessful. The death of Kim Il-Sung, the slow pace of revamping the regime, natural disasters, and serious food shortages have added to a sense of desperation in Pyongyang in a period when the South has been on the rise both politically and economically.

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It is unclear how far the North is willing to go toward relaxation of tensions and a genuine peace settlement.

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Regardless of the DPRK's ultimate aims, negotiations will be difficult and slow at best. The experiences of [redacted] our negotiators demonstrate that any talks that may get underway will be tedious and subject to constant tensions.

China

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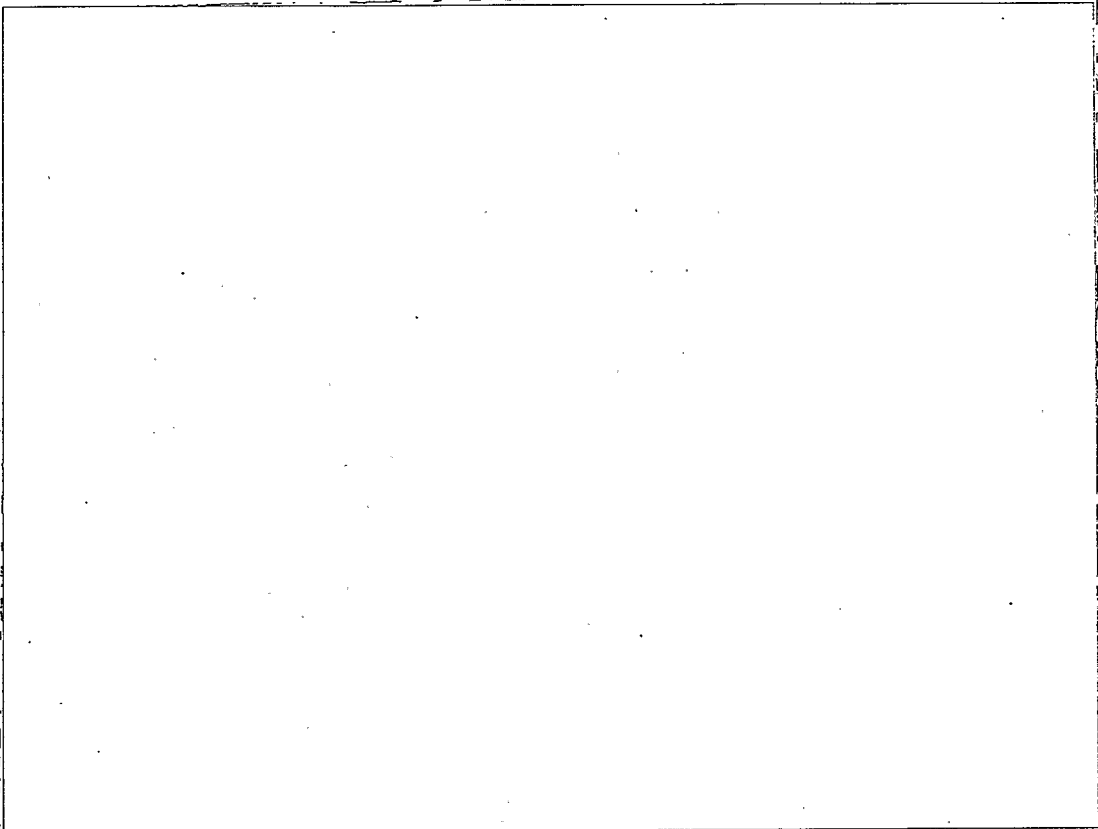
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- 7 -



1.4(B)  
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Since 1962 the North had promoted a North-South treaty, but in 1974 began to argue that a peace agreement could only be signed between the U.S. and the DPRK since the ROK did not sign the Armistice and that there were two distinct issues involved and different parties for each--the North and the U.S. to negotiate on security issues, and the North and the South to negotiate on reunification. (The Armistice was signed by General Mark Clark as CINCUNC, General Peng Teh-huai as Commander, Chinese People's Volunteers, and Kim Il-sung as Supreme Commander of the KPA. The ROK's refusal to sign in 1953 is not a valid reason to exclude it, because South Korea was an obvious belligerent and participated in the 1954 Geneva Conference.) By 1984 the North's position began to shift, and it again accepted the South's right to participate in talks on security issues.

Over the next several years, the North fleshed out that position, and by 1988

Pyongyang proposed bilateral DPRK-ROK talks on military tension reduction measures. DPRK policy since then has consistently recognized the importance of North-South discussions in establishing new peace arrangements. In the Basic Agreement, the DPRK agreed to

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- 8 -

negotiate a replacement for the Armistice with the ROK, although the language represented a compromise between the two sides and was sufficiently vague for the North to argue that it had agreed that the South could be a party to such negotiations--but not that the North and the South were to be the sole parties involved.

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131

1.4(B)  
1.4(D)  
B1

Building Blocks of an Agreement

The issues involved in the Four Party Talks can be divided into the legal aspects of a Peace Treaty and the Armistice, political agreements, military confidence building measures, and economic elements. The economic issues involve trade, investment, sanctions, and humanitarian and general aid. U.S.-DPRK bilateral issues are also involved to the extent that steps we take in the Agreed Framework context must be coordinated with progress in the Four Party context (e.g., lifting economic sanctions), but we need to keep the two areas clearly separate in order to maintain the integrity of the Agreed Framework, increase our own maneuverability in the talks, and close off the possibility of renegotiating DPRK Agreed Framework commitments in the Four Party talks.

While the political, economic, and military elements of the talks are intertwined, the North's continuing military threat to South Korea and its capability to develop weapons of mass destruction makes a concrete reduction of that threat as early as possible critical to U.S. and South Korean interests. DPRK priorities will be to maximize economic assistance and investment from the South while minimizing its military concessions. Their past proposals for CBMs have leaned heavily on sweeping promises that later can be ignored.

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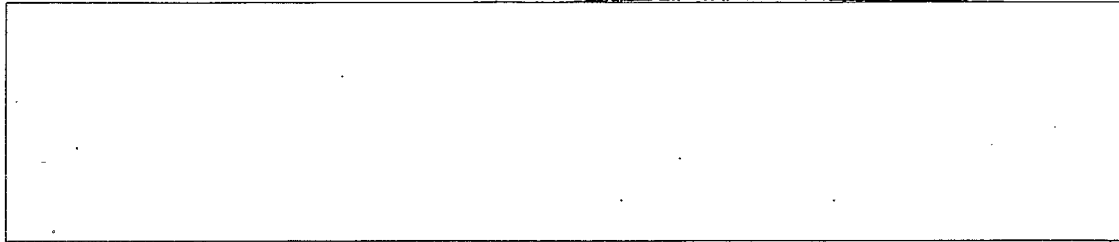
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- 15 -



B1  
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U.S.- DPRK Bilateral Issues

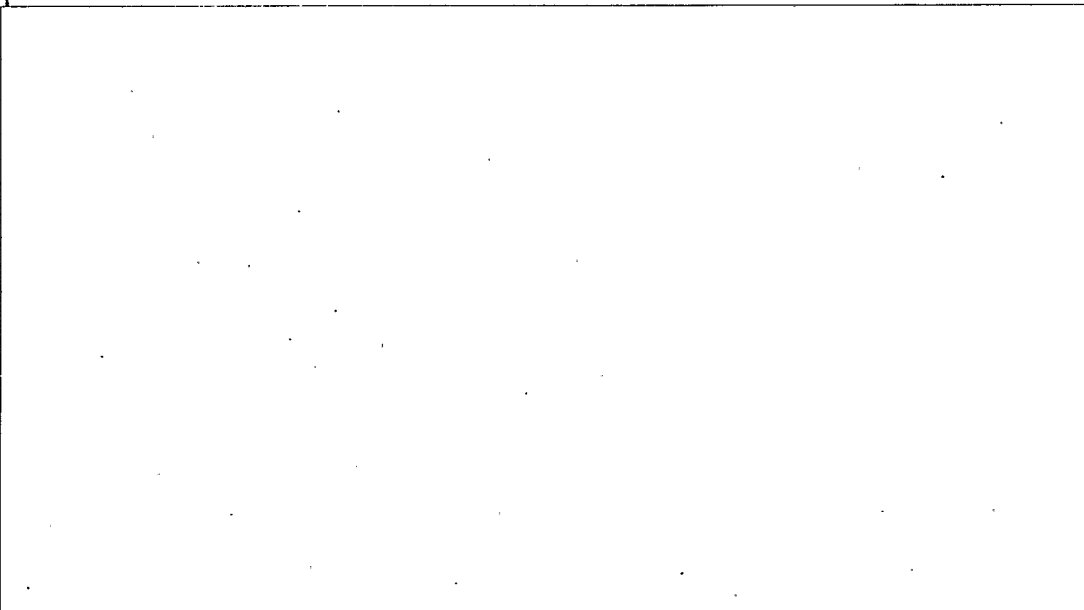
There is no conflict between steps we have taken or are planning to take on U.S.-DPRK bilateral issues under the Agreed Framework and the Four Party Talks. KEDO, cooperation with the IAEA on the DPRK nuclear program, opening of liaison offices, MIA searches, missile proliferation discussions, relaxation of sanctions, etc. all can and do help promote the process of easing of tensions and North-South reconciliation that we seek for the Korean peninsula. And until we see if and how the Four Party Talks proceed, we should avoid making linkages between the two processes. However, it is equally obvious that we must maintain a carefully nuanced policy that promotes progress in both areas

31



B1  
1.4(D)

Modalities of the Talks



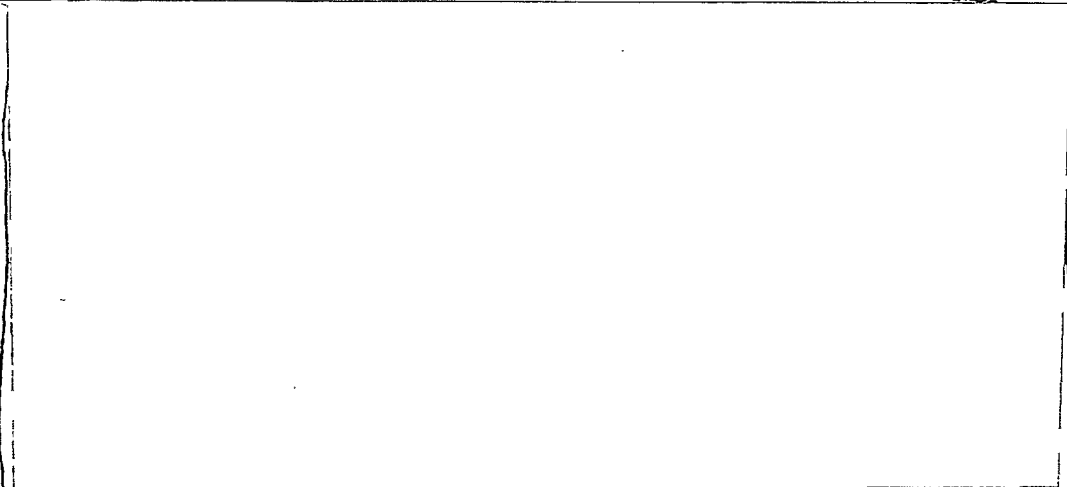
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- 16 -



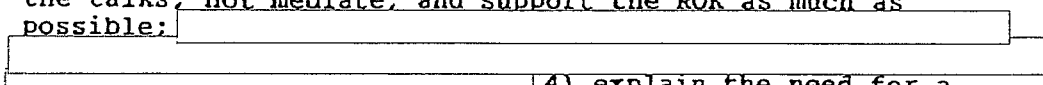
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Although rotation between the four capitals might increase exposure for the talks and help build public support in Korea that would sustain the process, the generous Swiss offer to provide facilities and other support makes the Geneva option the most attractive from a logistical and financial point of view. In addition, Geneva was the site of the successful U.S.-DPRK negotiation of the Agreed Framework in 1994, and of the last international conference to discuss the Korean War Armistice, in 1954.

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Negotiating Strategy

Close coordination with the ROK is essential to our overall strategy for the talks, and our negotiating plans will need to be developed in conjunction with the South. It is, however, possible to outline a general approach for discussion with the South that promotes U.S. goals in the talks: 1) the ROK should take the lead whenever possible; 2) our role is to facilitate the talks, not mediate, and support the ROK as much as possible;



4) explain the need for a process to build confidence and cooperation that will eventually allow the achievement of genuine peace on the peninsula; 5) propose modest communication/transparency proposals as first step to be followed later by more meaningful agreements on reducing the threat; and 6) be prepared for the long haul and keep expectations low.

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