

Peace Agreement for the Korean Peninsula (proposed draft)

: Version as of 2008.3.15 /4월 26일 검토

The Republic of Korea, the Democratic People's Republic of Korea, the United States of America, and the People's Republic of China, (hereinafter referred to as the "Contracting Parties"),

In accordance with article 4, paragraph 60 in the "Agreement between the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, concerning a military armistice in Korea" (hereinafter referred to as the "Armistice Agreement"), which provides for the peaceful settlement of the Korean question and the withdrawal of all foreign military forces,

In order to terminate the armistice state which has lasted for more than half a century; to prevent the recurrence of war; and to guarantee permanent peace on the Korean Peninsula,

Have concluded this Peace Agreement.

The Contracting Parties confirm that this Agreement will aid the Korean people, who have suffered the anguish of being forcibly separated by foreign powers for such a long time, to act as one nation to peacefully reunify their divided country.

Further, hoping to contribute to the peace and security of Northeast Asia, and to world peace, the Contracting Parties undertake to comply with this Agreement and to implement it.

Chapter 1 The Fundamental Rights of the Korean People

Article 1

The Korean people possess the right to independence, sovereignty, territorial integrity, and the right to reunification, and the United States of America and the People's Republic of China recognize and respect this.

Chapter 2 Terminating the War and Abolishing the United Nations Command, the Withdrawal of Foreign Military Forces

Article 2

The Contracting Parties confirm that the Korean War, which began on 25 June 1950, and which was suspended provisionally with the conclusion of the Armistice Agreement, on 27 July 1953, is over. The Armistice Agreement shall be annulled as soon as this Peace Agreement shall come into effect.

Article 3

(1) At the same time that this Peace Agreement comes into effect, the United States of America shall at once abolish the United Nations Command, which is entrusted with the mission of enforcing the cease-fire south of the military demarcation line, in accordance with the Armistice Agreement.

(2) The Contracting Parties shall affirm that the United Nations Security Council's resolution 83 (S/1511), of 27 June 1950, and resolution 84 (S/1588), of 7 July 1950, and the United Nations General Assembly's resolution 376 (V), of 7 October 1950, have become null and void.

Article 4

Within 3 years of the time when this Peace Agreement comes into effect, all foreign military forces that are stationed in the area of the Republic of Korea shall remove all of their personnel and equipment completely, in stages, and all foreign military bases shall also be evacuated.

Article 5

Starting from the time when this Peace Agreement comes into effect, the United States of America shall not bring any kind of personnel or equipment whatsoever into the area of South Korea. However, until the time when the United States Forces Korea shall have been withdrawn, it shall be permitted to rotate military personnel on a 1:1 ratio.

Article 6

The Chinese People's Volunteers have been withdrawn from the area of North Korea and it shall be confirmed that there are no foreign military forces in the area of North Korea.

Article 7

Both sides, that were hostile opponents in the Korean War, shall now, in accordance with the spirit of mutual understanding and reconciliation, refrain from introducing either legal or political issues at the national or international level with reference to the harm inflicted on human and material resources during the period of the war and at the time of the armistice. The Contracting Parties shall continuously endeavor to reach a resolution of humanitarian problems that arose either during the Korean War or at the time of the cease-fire.

Chapter 3 Normalization of Relations and Nonaggression between the Democratic People's Republic of Korea and the United States of America

Article 8

The Democratic People's Republic of Korea and the United States of America shall take the necessary reciprocal steps to terminate their hostile relationship and to establish diplomatic relations. Both the Democratic People's Republic of Korea and the United States of America shall change or abrogate the domestic laws that designate the other side as a hostile country.

Article 9

The Democratic People's Republic of Korea and the United States of America shall refrain from the use or the threat of any type of force against the other side under any circumstances whatsoever.

Article 10

The Democratic People's Republic of Korea and the United States of America shall recognize and respect one another's sovereignty and shall not interfere in one another's internal affairs.

Article 11

The Democratic People's Republic of Korea and the United States of America shall abide by the 6-Party Talks' 9.19 Joint Communique and the 2.13 and 10.3 Agreements concerning the denuclearization of the Korean Peninsula.

Article 12

"In accordance with the principle of action for action", at the same time that the United States of America shall withdraw its military forces that have been stationed in the Republic of Korea, the Democratic Republic of Korea shall dismantle its nuclear weapons.

Article 13

The Democratic People's Republic of Korea and the United States of America shall settle disputes by means of dialogue and negotiation, on the basis of equality and justice.

Chapter 4 Nonaggression between South and North Korea and Reunification of Korea

Article 14

(1) South and North (North and South) Korea shall terminate their hostile relations and recognize and respect one another's systems. Neither South Korea nor North Korea shall undertake any action which is intended to destroy and overthrow the other side.

(2) The Republic of Korea and the Democratic People's Republic of Korea shall change or abolish laws or regulations designating the other side as an enemy.

Article 15

South and North (North and South) Korea shall refrain from the use or the threat of any type of force against the other side under any circumstances whatsoever.

Article 16

South and North (North and South) Korea shall resolve disputes peacefully, by way of dialogue and negotiation. The United States of America and the People's Republic of China shall not undertake any actions intended to hinder the peaceful resolution of disputes between South and North (North and South) Korea.

Article 17

(1) The ground nonaggression boundary line and area between South and North (North and South) Korea shall be set along the military demarcation line, as stipulated in the Armistice Agreement, and shall be the same boundaries and areas over which South and North (North and South) Korea have respectively exercised jurisdiction until the present time.

(2) South and North (North and South) Korea shall determine the sea nonaggression boundary line and area on the basis of mutual understanding and reconciliation, promotion of peace, and respect for the international law of the sea. The particulars shall be in conformity with a supplementary agreement between South and North (North and South) Korea.

(3) The air boundary and area between South and North (North and South) Korea shall be above the same ground and sea boundaries and areas over which South and North (North and South) Korea have respectively exercised jurisdiction until the present time.

(4) Until the transition to reunification, the aforementioned ground, sea, and air boundaries and areas shall be temporary nonaggression boundaries and areas.

Article 18

(1) Neither South Korea nor North Korea shall conclude bilateral military alliances or participate in multilateral military alliances. Within 3 years of the time when this Peace Agreement comes into effect, South and North Korea shall each dissolve existing military alliances and abrogate any treaties or agreements related to them.

(2) The abrogation mentioned in provision (1) above includes any treaty or agreement which would permit the interference of foreign powers in the question of reunification or lead to reunification of the Korean Peninsula by force.

Article 19

After the foreign military forces shall have been withdrawn from the Korean Peninsula, and the foreign military bases shall have been evacuated, South and North (North and South) Korea shall not permit the stationing of any foreign military forces or the installation of any foreign military bases.

Article 20

South and North (North and South) Korea shall bring about the reunification of the Korean Peninsula by mutual agreement in accordance with the 7.4 Joint Communique, the South-North Basic Agreement, the 6.15 Joint Declaration, and the 10.4 "Declaration concerning the development of South-North (North-South) relations and promotion of peace and prosperity", in an independent and peaceful manner, without any interference from foreign countries.

Chapter 5 Establishment of a Zone of Peace and Confidence-Building Measures and Disarmament

Article 21

In order to eliminate completely the concern that war might break out on the Korean Peninsula, the Republic of Korea, the Democratic People's Republic of Korea, and the United States of America shall undertake mutual Confidence-Building Measures and Disarmament.

Article 22

(1) The Demilitarized Zone (DMZ) established by the Armistice Agreement shall be transformed into a Zone of Peace, and all military facilities and equipment that have been installed in the Demilitarized Zone before the conclusion of this Peace Agreement shall be removed and scrapped. Also, in the Zone of Peace, the stationing of military personnel and the installation of military equipment and structures shall be prohibited and civilian passage through the Zone shall be guaranteed.

(2) The Zone of Peace shall be jointly controlled by South and North Korea. The particulars of the joint control and civilian traffic shall be in conformity **with an annex to this Peace Agreement** between South and North (North and South) Korea.

Article 23

South and North (North and South) Korea shall establish the West Sea Zone of Peace and Joint Fishery Areas and shall jointly control them; these particulars shall be in conformity **with an annex to this Peace Agreement**. The United States of America and the People's Republic of China shall recognize and respect the agreements between South and North (North and South) Korea concerning the West Sea Zone of Peace and Joint Fishery Areas.

Article 24

Neither South Korea (North Korea) nor North Korea (South Korea) shall have any kind of combined military exercise or training with foreign military forces on the Korean Peninsula.

Article 25

In order to eliminate the other side's concern about surprise attacks, and in order to prevent accidental armed clashes, South and North (North and South) Korea shall put into effect Confidence-Building Measures, including reports and controls of large-scale troops movement and military exercise or training, installation and operation of direct telephone lines between the military authorities, exchanges of military personnel and information, etc. Particulars concerning Military Confidence-Building Measures shall be in conformity **with an annex to this Peace Agreement.**

Article 26

In order to terminate the arms race and to guarantee permanent peace on the Korean Peninsula, South and North (North and South) Korea shall implement mutual disarmament measures, in stages, from the time that this Peace Agreement comes into effect, linked to the withdrawal of the United States Forces Korea. The introduction of weapons from foreign countries shall be prohibited, and the particulars of the elimination of weapons of mass destruction and offensive capabilities, and mutual disarmament, shall be in conformity **with an annex to this Peace Agreement.**

Article 27

Neither South (North) Korea nor North (South) Korea shall manufacture, receive, or deploy nuclear weapons. Furthermore, South and North (North and South) Korea shall not accept the offer of the nuclear umbrella of another country. The United States of America and the People's Republic of China shall devote their efforts to the realization of a nuclear-free zone in Northeast Asia so that the denuclearization of the Korean Peninsula can be safeguarded and firmly established.

**Chapter 6 A Joint Commission for the Implementation of
this Peace Agreement**

Article 28

(1) Representatives of South and North Korea, the United States of America, and the People's Republic of China shall form and operate a Four-Party Joint Military Commission for the purpose of implementing this Peace Agreement.

(2) The Four-Party Joint Military Commission shall verify and inspect the implementation of each of the following provisions of this Agreement.

1. Abolition of the United Nations Command (article 3)
2. Withdrawal of foreign military forces and evacuation of foreign military bases (article 4)
3. Rotation of United States military forces until the time of the withdrawal of the United States Forces Korea (article 5)
4. Compliance with the denuclearization of the Korean peninsula (article 11)
5. Withdrawal of the United States Forces Korea and the dismantling of the Democratic People's Republic of Korea's nuclear weapons (article 12)
6. Suspension of combined exercise or training with foreign military forces by both South and North Korea (article 24).
7. The implementation of, and consultation on, disarmament between South and North Korea (article 26)

(3) The Republic of Korea, the Democratic People's Republic of Korea, the United States of America, and the People's Republic of China shall agree immediately on the organization, the working procedures, means of implementation, expenditures, and location of the Four-Party Joint Military Commission. The Four-Party Joint Military Commission shall be disbanded when the withdrawal of the United States Forces Korea shall have been completed and the Democratic People's Republic of Korea's nuclear weapons shall have been dismantled.

Article 29

(1) A South-North (North-South) Joint Peace Control Commission shall be established, consisting of representatives of South and North Korea, for the purpose of implementing this Peace Agreement.

(2) The South-North (North-South) Joint Peace Control Commission shall verify and inspect the implementation of each of the following provisions of this Peace Agreement.

1. The transformation of the Demilitarized Zone into the Zone of Peace, and the control of this (article 22)
2. Joint control of the West Sea Zone of Peace and Joint Fishery Areas (article 23)
3. Suspension of combined exercise or training with foreign military forces (article 24)
4. Military Confidence-Building Measures between South and North (North and South) Korea (article 25)
5. Implementation of, and consultation on, disarmament between South and North (North and South) Korea (article 26)

(3) South and North (North and South) Korea shall agree immediately on the organization, the working procedures, means of implementation, expenditures, and location of South-North (North-South) Joint Peace Control Commission,

Article 30

The Four-Party Joint Military Commission and the South-North (North-South) Joint Peace Control Commission shall operate in accordance with the principle of consultation and consensus. In the event that differences of opinion arise, these shall be referred to the International Peace Monitoring Team for mediation and resolution.

Chapter 7 International Peace Monitoring Team

Article 31

(1) This International Peace Monitoring Team shall be established for the purpose of overseeing the implementation of this Peace Agreement and arbitrating differences of opinion among the countries concerned, such as may occur during the implementation process.

(2) The International Peace Monitoring Team shall be composed of representatives of five countries: Switzerland, India, Malaysia, Sweden, and Brazil.

Article 32

(1) The International Peace Monitoring Team shall watch over and supervise each of the following provisions of this Agreement and shall present an account of this to the contracting parties.

1. Abolition of the United Nations Command (article 3)
2. Withdrawal of foreign military forces and evacuation of foreign military bases (article 4)
3. Rotation of United States military personnel until the time of the evacuation of the United States Forces Korea (article 5)
4. Compliance with denuclearization of the Korean Peninsula (article 11)
5. Withdrawal of the United States Forces Korea and dismantling of the Democratic People's Republic of Korea's nuclear weapons (article 12)
6. Transformation of the Demilitarized Zone into a Zone of Peace and control of this (article 23)
7. Joint control of the West Sea Zone of Peace and Joint Fishery Areas (article 24)
8. Suspension of combined exercise or training with foreign military forces by both South and North (North and South) Korea (article 24)
9. Military Confidence-Building Measures between South and North (North and

South) Korea (article 25)

10. Implementation of, and consultation on, disarmament between South and North (North and South) Korea (article 26)

(2) The position of the president of the International Peace Monitoring Team shall be rotated periodically among the representatives of each of the countries, for a period of time, and according to a schedule, to be determined by this Team.

(3) The main office of International Peace Monitoring Team shall be located in Panmunjeom.

Article 33

The International Peace Monitoring Team shall form an oversight group for the purpose of carrying out its task. The Contracting Parties shall provide the facilities for the work of the oversight group.

Article 34

The International Peace Monitoring Team shall operate on the principle of consultation and consensus. When the operations of oversight and supervision related to the implementation of this Peace Agreement shall have been completed, the International Peace Monitoring Team shall be dissolved.

Chapter 8 Additional Articles

Article 35

This Peace Agreement shall come into effect as soon as it is signed.

Article 36

This Peace Agreement shall be in effect until the time when the reunification of Korea shall have been completed.

Article 37

This Peace Agreement can be modified and supplemented by the mutual agreement of the Contracting Parties.

Article 38

This Peace Agreement shall be drawn up in the Korean, English, and Chinese languages, each of which shall have equal validity.

2008.

Representing the Republic of Korea

Representing the Democratic People's Republic of Korea

Representing the United States of America
Representing the People's Republic of China