

"Exit Strategies for the Illegality of the ROK-US Military Alliance"

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- * Time: September 12th, 2025 (Fri.)09:00 am~11:300 AM(US Pacific Time)
- * Place: Zoom "Seminar H: The Korean War: Unresolved Ongoing Conflicts and US Involvement?."
- * Organizer: IADL COLAP Conference

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I. The Changing Concept of th ROK-US Alliance

- **The alliance is a "potential war community" based on military concepts. As long as the alliance exists, weapons procurement and support, military exercises, and operational planning for war preparations are carried out continuously and aggressively.**
- **1. The outbreak of the Korean War on June 25, 1950,**
- **2. 1954 Signing of the ROK-US Mutual Defense Treaty:**
 - 3. After China's GDP surpassed Japan's in 2010**
 - 4. In 2025, the USFK's role in containing China would be expanded to include defense of the Pacific region**

II. Issues with the Illegality of the ROK-US Military Alliance

- 1. Structural problems: dependency, inequality, and violation of South Korea's independent military sovereignty.**
- 2. Violation of the nation's military sovereignty:**
- 3. Violation of the territorial sovereignty of the Republic of Korea (Article 66, Paragraph 2 of the Constitution)**
- 4. Violation of the people's right to pursue happiness (Article 10) as stipulated in the ROK Constitution:**
- 5. Annual ROK-US-Japan joint military exercises violate the ROK Constitution's policy of peaceful unification (Article 4 of the Constitution) and significantly provoke North Korea militarily.**

6. Violation of the people's right to an environment (Article 35)

- the ROK Constitution: responsibility for remediating environmental pollution within US military bases in South Korea.**
- The US has turned a blind eye. Claims based on the US Known Imminent Substantial (KISE) standard.**
- German supplementary agreement/German environmental law directly applies to environmental pollution within US military bases.**

7. The introduction of weapons and annual military exercises for war preparations

-the ROK-US military alliance violate Article 60 of the Armistice Agreement.

Article 60 of the Armistice Agreement: "For the peaceful settlement of the Korean question, the military commanders of both sides...shall consult on the withdrawal of all foreign forces from Korea and the peaceful settlement of the Korean question..."

(site confirmed April 2017).

- **-US nuclear missile force to contain China.**
- **-At the time, China strongly opposed the deployment of THAAD,**

8. The Hemprey US military base in Pyeongtaek

- Noise pollution could impact residents.
- A target for China's tactical nuclear strikes in the event of a Taiwanese emergency.

9. "Alliance modernization"

- -a risk of entangling US forces in Korea and implicated in international regional conflicts outside of Korea, including the ROK military.
- -"Alliance modernization" enhances the "strategic flexibility" of the Japan Self-Defense Forces, enabling them to enter the Korean Peninsula in the event of a Korean crisis, along with the rear units of the UN Command in Japan

III. Issues with the ROK-US Mutual Defense Treaty (1954),

- the legal foundation of the ROK-US military alliance: Recognition of the right to station troops without compensation.
- Article 4 of the Treaty: Korea grants the US the right to deploy troops within and outside Korean territory without compensation. South Korea does not temporarily lease US military bases and facilities to the United States, but grants them the right to deploy them at any time and without restriction. From then on, the United States has the right to deploy US nuclear weapons anywhere on South Korean territory, at any time, without South Korean permission. The Ministry of National Defense asserts that the US deployment of THAAD in Seongju does not require the ratification of the South Korean National Assembly.

V. Core Issues in the ROK-US Alliance:.

- Dependency on Military Sovereignty.
- Loss of Independent Military Sovereignty
- **If South Korea, lacking wartime operational control, loses even independent military sovereignty through the ROK-US Alliance, resolving the issues of security, peace, and overcoming national division will be nearly impossible.**

V. Exit Strategies for the Legal Illegality of the ROK-US Alliance

- **1. Amendment and Revocation of the 1954 ROK-US Mutual Defense Treaty**
- **- Elimination of unequal provisions between the two sides**
- **- Insertion of legal and institutional controls into the subordinate ROK-US Status of Forces Agreement (SOFA). Provisions for consultation were added regarding changes in US troop levels, domestic and international deployments, and the pre-importation of dangerous weapons.**

2. Transfer of Wartime Operational Control (OPC)

- - Under international law, the ROK government only needs to notify the US of its intention to exercise wartime OPC and its timing.
- The Transfer of OPC (July 14, 1950) was not an unconditional transfer to then-Commander of the UN Forces General Douglas MacArthur, but rather a conditional transfer ("for the duration of this conflict"). Since this condition was met with the 1953 Korean Armistice Agreement, wartime operational control (OPCON) should have been automatically restored to South

3. The exercise of Strategic Flexibility (2006) violates Article 3 of the ROK-US Mutual Defense Treaty

The US military strategy is to allow US forces stationed in Korea to operate freely, regardless of the global security situation, rather than being confined to a specific region. Specifically, the US seeks to utilize USFK for its containment of China and its Indo-Pacific strategy. This undermines South Korea's security and sovereignty. Therefore, Article 3 of the Mutual Defense Treaty strictly limits its scope and trigger conditions to the defense of South Korea, in accordance with the US Senate's unde

ii. "Alliance Modernization" (August 6, 2023) Revision of the ROK-US SOFA is necessary as an institutional control mechanism.

- **"Alliance modernization" refers to the USFK's efforts to secure regional security and deterrence on the Korean Peninsula and beyond.**
- **Amendments to the ROK-US SOFA require prior consultation with the host country, South Korea, regarding the conversion of US forces and overseas deployments.**
- **SOFA agreements with the US, including the Philippines, Germany, and Japan, all stipulate this.**

5. Establish a Northeast Asia multilateral peace conference involving four parties:.

- **—North and South Korea, the United States, and China—in addition to the bilateral ROK-US alliance.**

5. Alliance Modernization (2023), Revision of the ROK-US
SOFA is necessary as an institutional control mechanism.



6. Abolishment of the Washington Resolution (1953).

- The 16 participating countries of the UN Command (UNC) automatically intervened in the event of a recurrence of armed conflict on the Korean Peninsula without a UN Security Council (UNSC) resolution, repealing the Washington Resolution (1953). This violates the UN Charter and the Armistice Agreement. Furthermore, the entry of foreign troops into South Korea violates Article 60, Paragraph 2 of the Constitution of the Republic of Korea, which stipulates that the National Assembly must ratify the military.**

7. The suspension of annual ROK-US joint military exercises

- **This is a significant preemptive measure to build military trust between the two Koreas.**
- **This will foster military tensions between the two Koreas.**

8. Transform into comprehensive strategic alliance

- **-The ROK-US alliance must transform from a military-centric alliance into a comprehensive strategic alliance encompassing diverse areas of cooperation, including the economy, supply chains, and semiconductors.**

9. Balanced diplomacy and multilateral diplomacy.

- **- The ROK-US-centered diplomacy must be expanded to include ROK-China, ROK-Russia, ROK-Middle East, and ROK-BRICS. A peaceful diplomatic relationship centered on national interests, based on balanced diplomacy and multilateral diplomacy.**

10.Support North Korea for establishment of diplomatic relations with the US .

- The need to support North Korea's responsible activities in the international community through the establishment of diplomatic relations between the US and North Korea, and between North Korea and Japan.**

11. To prepare for the gradual transition of the 1953 Korean Armistice Agreement to a peace treaty.

- **- A quadrilateral working-level consultative body (South Korea, North Korea, the US, and China) is needed to transfer the name of the United Nations Command (UNC), the South Korean signatory to the Armistice Agreement, and its functions to the Republic of Korea.**

VI. General Conclusion

- 1. The bilateral ROK-US military alliance, which originated in the Korean War on June 25, 1950, is gradually becoming unequal. It is now moving beyond its deterrence function and is now entangled in US-led international conflicts outside of Korea, putting the ROK military at risk of being implicated.**

2. The pressure from the United States to provide artillery support to Ukraine during the Russo-Ukraine War is illegal.

- - Yuri Kim, US State Department Eurasian Affairs Officer, held a press conference on “South Korea to Provide More Defense Aid to Ukraine” (February 26, 2024). South Korea is one of a coalition of approximately 50 countries supporting Ukraine. The provision of lethal weapons remains uncertain. The US's indirect encouragement of participation in a third international conflict and its support of weapons constitutes a violation of the Korean Armistice Agreement and the Korean Constitution.**
- The above pressure from the United States to provide artillery support to Ukraine during the Russo-Ukraine War is a clear violation of the Korean Armistice Agreement(Art. 62)and the UN Charter Art.33 (peaceful settlement of international disputes).**

3. NO: "strategic flexibility" and "alliance modernization."

- **The US is shifting USFK to contain China and pursue its Pacific hegemony, using cunning terminology like "strategic flexibility" and "alliance modernization."**
- **- The problem is a significant burden for South Korea, which must strive for peace on the Korean Peninsula and overcome the division of North and South Korea.**

4. The ROK-US alliance is illegal.

- **- The ROK-US alliance, founded on the ROK-US Mutual Defense Treaty, engages in illegal acts that violate the Armistice Agreement, the Constitution, and international law.**

5. the rectification of the subordinate ROK-US alliance and the exercise of independent military sovereignty.

- - A true 80th anniversary of national liberation must begin with the rectification of the subordinate ROK-US alliance and the exercise of independent military sovereignty.**
- - To this end, a government-level task force team must be established to meticulously prepare for the revision of the 1954 ROK-US Mutual Defense Treaty and the notification of the US's exercise of wartime operational control over South Korea.**

1. 한국전쟁(Korean War, 1950.6.25.)



3. 군사분계선(Military Demarcation Line: MDL)



4. 한국 정전협정 체결 (Korean Armistice, 1953.7.27)



2. 유엔군사령부 창설과 법적 문제

(United Nations Command:UNC, 1950.7.24,동경)



유엔군사령부(UNC) 개요

한국전쟁 발발 후 유엔 안전보장이사회가 대북한 군사제재와 통합사령부 설치 결의에 따라 창설한 군사기구



지휘부



부사령관



사령관

로버트 에이브럼스(미국)
주한미군사령관이 한미연합사령관,
유엔군사령관 겸직



웨이 에어 (캐나다)

회원국 총 18개국

6·25 전투지원국

한국	미국	호주	벨기에	캐나다	콜롬비아
프랑스	그리스	네덜란드	뉴질랜드	필리핀	남아프리카 공화국

6·25 의료지원국

태국	터키	영국	덴마크	노르웨이	이탈리아
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독일

6·25전쟁 직후 의료 지원단을 파견.
정부는 독일을 6·25전쟁
의료지원국에 공식 포함

일본

6·25전쟁 당시 미국의
요청으로 기뢰 제거하는 소해함과
인천상륙작전 때 인력을 지원

유엔사 역사

1950년 7월 24일 일본 도쿄에 있던 유엔군사령부 창설	1957년 7월 1일 일본 도쿄에 있던 유엔군사령부가 서울 용산기지로 이전	1978년 한미연합사령부에 한국군과 주한미군에 대한 지휘권 이양	2018년 6월 서울 용산에서 경기 평택시 캠프 험프리스로 이전
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5.UNC 관할권(Jurisdiction)에 있는 DMZ 라는 표지판.



7. 제2차 남북정상회담(2007.10.4.)



8. 천안함사건(2010.3.26.)



9. 제6차 북한 핵실험(2017.9.)



10. 평창올림픽(2018.2.)



11. 판문점선언(2018.4.27. 판문점)



12. 북미정상회담(2018.6.12.싱가폴)

#새로운 북미관계: *북한요구:체제보장/경제협력,
*미국요구:완전한 비핵화(적대관계 종식,북미외교관계 정상화)



15. 평양공동선언(2018.9.19. 평양)



14.남북 유소년 축구대회 (2018.10.29.강원도 춘천)



15. 남북 철도·도로연결착공식(2018.12.26.)



16. 베트남 하노이 NO Deal(2019.2.28)

1. 트럼프 미국대통령/김정은 북한 국무 위원장
2. 완전한 비핵화(미국요구)와 완전한 제재해제(북한 요구)에 합의할 것이라는 당초 기대감에 한치도 못나감.



13. 방탄소년단 대표 UN총회연설(2018.9.25.)



17. 남북관계 교착



개성 남북공동연락사무소 폭파(2020.6.16.)

19. 평화체제 외국사례: 쿠릴열도, 북방영토 논의 -1956년 일-소 평화공동선언이후, 본격적 평화협정 논의



한. 유엔사 회원국 국방장관회의(2023.11.4.)

한·유엔사회원국 국방장관회의 ROK-UNCMS Defense Ministerial Meeting



20. 평화체제 독일사례

:1972년 기본조약, 1975년 헬싱키협정 접근을 통한 변화, o 무력 포기.

서독 동방정책: 설계자(Egon Bahr), 시공자(Willy Brandt)





Thank You!