



# **The Trend of Strengthened UNC and its Role After the Transition of Wartime Operational Control**

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In the latter half of 2019, a combined command post exercise was held between the ROK-U.S. Combined Forces Command (CFC) as part of the assessment of the initial operation capability for the transition of wartime Operational Control Authority (OPCON). During this time, a report emerged on the controversy between the ROK and U.S. over the role of the UN Command (UNC) following the transition of wartime OPCON, and since then, such controversy has been amplified.

The issue with the UNC is not limited to its role following the transition of wartime OPCON. There is a need to comprehensively approach the role of the UNC within the armistice structure and in the future under a peace treaty. This article aims at a historical review of the UNC and reinforcement of its capabilities and the meaning and background of the pursuit to transition wartime OPCON following the implied drawdown, and discusses the role and command relations between the UNC and the future CFC during the armistice and wartime after the transition. It then explores the role of the UNC in implementing inter-Korean comprehensive military agreement and driving future arms control as well as signing a peace treaty, followed by policy recommendations.

## **The Strengthening of UNC Capabilities and its Implications**

When North Korea invaded the south on June 25, 1950, the UN Security Council (UNSC) called for an immediate cessation of hostilities on June 26 and adopted a resolution to demand that all forces be moved north of the 38th parallel. The North Korean regime did not cease its attack and on June 27, the UNSC adopted UNSCR No. 83, requiring its member states to offer assistance in

restoring international peace and security. In response to this, on July 6, a unified command was established under the United States and its commander was appointed by the U.S. government. UNSCR 84 was passed requiring periodic reports be made to the UNSC on the status of operations. The Truman administration appointed General Douglas MacArthur, commander of the United States Army Forces in the Far East, as the UNC Commander.

On July 14, 1950, President Syngman Rhee sent an official letter to General MacArthur stating that “I am happy to assign to you command authority over all land, sea, and air forces of the Republic of Korea during the period of the continuation of the present state of hostilities,” and on October 7, 1950, the UN General Assembly recommended the “establishment of a unified independent, and democratic government of Korea” and the resolution (A/RES/376(V)) was passed.

On July 27, 1953 when the armistice agreement was signed, the member states of UNC made a declaration that in the event of outbreak of war again on the Peninsula, the nations who had joined the UNC would once again fight, in an announcement titled “Declaration of the sixteen nations participating in the Korean War.” On February 19, 1954, the UNC and the Japanese government signed the SOFA agreement, and it was made so that the UNC forces use United States Navy and Air Force Base in Japan. On November 17, 1954, in accordance with the Agreed Minutes which stated “The UNC continues to exercise operational control over the ROK forces as far as the UN forces remain to defend the Republic of Korea.” On July 1, 1957, the UNC moved from Tokyo to Seoul, and the UNC commander doubled as the USFK commander.

On November 7, 1978, in accordance with Strategic Directive No. 1, the ROK-U.S. CFC was established and the operational control over the ROK forces, which had prior to this date been conducted by the UNC, was transferred over to the CFC while the UNC capacity to enforce the armistice continued under the direction of the UNSC and the U.S. Joint Chiefs of Staff. The CFC should carry out its mission by the strategic directive and operational guidance of the Security Consultative Meeting (SCM) and Military Committee Meeting (MCM) to deter war, and should this deterrence fail, to win the war. On December 1, 1994, in accordance with Strategic Directive No. 2, peacetime operational control was transferred from the CFC to the ROK Joint Chiefs of Staff, while the CFC retained responsibility for Combined Delegated Authority (CODA) such as crisis management, intelligence surveillance, wartime operational plan development and combined exercises, and interoperability during peacetime.

With regard to the capacity strengthening of UN forces, in 1983 the U.S. Joint Chiefs of Staff maintained a separate legal and military system from the UNC in the case of war breaking out again on the Korean Peninsula and the UNC issued Terms of Reference (TOR) regarding the use of

forces, which was later issued as General Order No. 1 by U.S. JCS in 1998. Further, in January of 2003 Donald Rumsfeld, then-US Secretary of Defense, instructed Leon J. Laporte, UNC Commander, to include additional force providers in addition to the UNC member states. Accordingly, in 2008 the UNC organized a Multinational Coordination Center (MNCC) for UN forces as a reference of the U.S. Central Command Multinational Coordination Center. In 2009, UNC MNCC members including Australia, France, and others participated in the combined military exercise Ulgi Freedom Guardian. In 2014, UNC Commander Curtis M. Scaparrotti instituted a revitalization program and pushed to expand the role of the UNC. Vincent K. Brooks, who assumed command of the UNC in 2016, appointed the first non-American Lieutenant General Wayne D. Eyre (a Canadian) deputy commander of the UNC. The UNC carried out measures to reduce the concurrent staff appointment of the UNC and CFC for the operation of the UNC independent from the USFK and ROK-US CFC while pursuing dialogue with North Korea and carrying out the armistice intelligence operations, expanding the appointment to third country UN officers. They also asked South Korea for UNC staff personnel, but they have not yet sent anyone. Further, in line with the trend of the increasingly independent role of the UNC, these forces have increased their participation in ROK-US combined exercises and the UNC Commander has hosted monthly meeting from the ambassador corps of member states of the UNC. Australia, France, and eight other countries have sent staff personnel each to serve at the UNC, increasing its total staff by two to three times and thereby reinforcing and expanding its capacity. In particular, when tensions on the Korean Peninsula were at their height on January 16, 2018, a foreign ministerial meeting in Vancouver supporting talks between the two Koreas had participants from 20 countries, including the U.S. and foreign ministers from the sixteen member states of the UNC. During the meeting, participants also devised additional countermeasures to contingencies on the Korean Peninsula.

During the 50th SCM in 2018, the ROK Minister of Defense and the US Secretary of Defense agreed on a new command structure for the future CFC along with the transition of wartime OPCON with a four-star general from the ROK forces as the commander and a four-star general from the U.S. as the deputy commander. It was also reconfirmed that following the transition of wartime OPCON, the UNC and USFK would remain. On July 27, 2019, Australian Vice Admiral Stuart Mayer was appointed as the second deputy commander as non-U.S. General of the UNC

Strengthening the capacity of the UNC in these ways takes into consideration the lessons learned from the Iraq War, where decisive action was taken without a UNSC resolution and limited alliance forces entered into a difficult battle. Wartime on the Korean Peninsula already has an

established UNSC resolution, with multinational coalition forces led by the current UNC likely to be more effective than the ROK-U.S. CFC. There is a current push to expand the role of the UNC as well. The role of strengthened UNC is clear within the Korean Peninsula under the current armistice, and would be one of deterrence in the event of a war. Were a peace treaty to be signed, the UNC would likely develop their capacity to supervise a peace treaty and act as peacekeeping forces, containing China and other such tasks as part of the Indo-Pacific strategy of a Northeast Asian version of NATO, and therefore could not be eliminated.

What was the background and motivation behind the U.S. agreement to make the deputy commander of the future ROK-U.S. CFC a four-star American general? Together with a forward-thinking assessment of the ability of ROK forces to conduct theater operations on the Korean Peninsula, as deputy commander of the CFC, the USFK commander can smoothly demand reinforced deployment off the Peninsula. If a three-star general performs the duties of the deputy commander of the CFC, the UNC commander or, and USFK commander has authority to give guidance to and demand troublesome reports from the USFK commander as well as authority gap between commanding and deputy commanding officers due to the nature of the structure of the military. If it is organized such that the rank command structure is flat rather than hierarchical, these limitations can be overcome. The UNC commander will be part of the future CFC command structure and will be capable of enacting deterrence through combined exercises under the armistice. If a war occurs, the UNC's authority for occupying North Korea also cannot be excluded. If this assessment becomes reality, we also cannot eliminate the possibility that either the CFC will conduct operations in the event of a war in parallel with the UNC or that wartime operational control will be retransferred from the CFC to the UNC so that they can engage in war under a unified command system. Should this occur, it will be nothing but a justification for the transition of war operational control and the entire architecture of the ROK military will be challenged.

### **The Background and Meaning of Transition of Wartime Operational Control**

Here, it is necessary to conduct a critical examination of why there is a pursuit for the transition of wartime operational control and what the objectives and meaning of such a transition would be. The pursuit for the transition of operational control in the early 1970s was part of a drive for self-reliant national defense and evolved into a symbol of the Koreanization of South Korean defense. After the transition of peacetime operational control in 1994, as the 21st century approached, the ROK military grew to world-class, with overwhelming national power surpassing that of North Korea, an enhanced international status as well as high degree of national pride such

that it became able to lead the ROK-U.S. combined defense system. Meanwhile, the US pursued a realignment of its overseas military bases in accordance with the Global Posture Review (GPR) to cope with terrorism and the latent threat posed by China. The push for the new CFC system led by South Korea with American support varies in accordance with the strategic flexibility of the USFK to handle the North Korea threat and others in the Indo-Pacific region simultaneously, and this is realized through the transition of wartime operational control.

In June 2017, the Moon Jae-in administration agreed through the ROK-U.S. summit that “cooperation between the allies must continue to ensure that the condition-based transition of wartime operational control proceeds as early as possible.” One of the items on the list of the 100 policy tasks announced by the Moon administration on July 9, 2017 was the pursuit to “take the earlier step to transition wartime operational control on the steadfast basis of the ROK-US alliance.” Further, at a memorial event on Armed Forces Day on October 1, 2018, President Moon emphasized “Our military must first and foremost protect the lives and safety of our people no matter what risks they face, and we must prepare ourselves to take the lead in the operational control of our land, our skies, and our seas.”

If the transition of wartime operational control is a symbol of an independent country, then naturally it is a goal that must be attained. It is the determination to lessen the dependence of the owners of this land of South Korea on the alliance and lead the souls and spirit of the Korean people, their home soil and democracy, through their own will, capacity, and strategy. The exercise of wartime operational control by the ROK military means the restoration of the country’s national defense identity and the autonomy of military power employment authority. When we face the reality that North Korea’s nuclear arsenal might be a measure taken for the purpose of forcible reunification, the transition of wartime operational control establishes a country that can defend itself in the event of war and deter against the calamity of a nuclear war.

In addition, the transition of wartime operational control would be an opportunity to boost the spirits of the ROK military and raise the self-esteem of the nation, and it would also restore the trust of the nation in the military. There is a need to pursue the exercise of wartime operational control as a unification strategy in both war and peacetime, and when the transition occurs it can perform the function of a peace making role. Further, in the event of a war on the Korean Peninsula, ROK-led wartime operational control will block the entry justification of China and can achieve reunification. The transition of wartime operational control refers to the historical meaning behind the phrase, “Koreanization of Korean defense,” which has been emphasized since the end of the Cold War. In addition, OPCON transition to ROK is something that the North Korean military fears.

The North Korean military cannot but recognize that in war and peacetime, under a unified system of command, the ROK military will have the authority to enact retaliation, and because it is clear that ROK forces will be able to respond immediately to North Korean military provocations, they will not dare to make such challenges. It is because the ROK military will conduct immediate and resolute retaliation against the origin of such provocations, which may even mean retaliation North Korea's command and support forces.

Further, with the transition of wartime operational control, South Korea, which is indebted to the ROK-US alliance for its 11<sup>th</sup> largest economic power and political democratization, will be praised as a model alliance once it achieves the Koreanization of its defense. The transition will also grant diplomatic autonomy, allowing South Korea the opportunity to expand its horizons on the international stage. It will also spur development of a doctrine that is unique to the Korean Peninsula's area of operations and military strategy, and naturally contribute a great deal to the promotion of the national interest through developing weapons to fight and win; advance the defense industry and create numerous jobs; and stimulate the export of defense weapons.

### **The Role of UNC After the Transition of Wartime Operational Control**

Let us now turn to the relationship between the UNC, the Joint Chiefs of Staff, and the future CFC following the transition of wartime OPCON, both under the armistice and in wartime. Even after the transition, the UNC will continue to play the key role in managing the armistice structure in accordance with the armistice rules of engagement. This will be done so that the UNC commander can fulfill his responsibility to abide by the armistice agreement in accordance with Article 17 of the agreement, which states that "Responsibility for compliance with and enforcement of the terms and provisions of this Armistice Agreement is that of the signatories hereto and their successors in command." The Joint Chiefs of Staff argue that they should also maintain the authority to respond to local provocations during peacetime even after the transition of wartime operational control has been completed.

The UNC has decisively contributed to deterrence on the Korean Peninsula, but they have failed in their efforts to deter local provocations. South Korea's rights to manage its military power have been restricted, and it has not had the freedom to criticize the fact that the ROK military has been unable to fulfill its natural role of protecting its national sovereignty, territory, and the lives of the Korean people. During this time, one reason that the South Korean military has failed to deter provocations from the North Korean military is that under the armistice rules of engagement for UNC, the ROK army must get approval from upward headquarters to respond against weapons that



have a high fatality rate under the proportion principle. As a result, they have missed the opportunity to fire back, and North Korea, sensing this vulnerability, has engaged in tremendous provocations and terrorism since the armistice agreement was signed in 1953. Robert M. Gates, the former US Secretary of Defense, wrote in his autobiography *Duty: Memoirs of a Secretary at War* “We had to deal with a very dangerous crisis beginning on November 23, 2010 when the North Koreans unleashed an artillery barrage at the South Korean island of Yeonpyeong. South Korea’s original plans for retaliation were, we thought, disproportionately aggressive, involving both aircraft and artillery. We were worried the exchanges could escalate dangerously. The president, Clinton, Mullen, and I were all on the phone often with our South Korean counterparts over a period of days, and ultimately South Korea simply returned artillery fire on the location of the North Koreans’ batteries that had started the whole affair.” Although he said this was done in consideration of the potential for conflict to spill over into a war, the North Korean military should have been drastically punished for its attack and invasion on South Korean territory made in broad daylight, and we should have stood resolute in the face of battle.

In March of 2013, it was announced that General Chung Seung-jo, Chairman of the Joint Chiefs of Staff and General James D. Thurman, UNC commander, had signed a Joint Counter-local provocations plan. It stated that in the event of local provocations from the North Korean military, the ROK army naturally has the right of self-defense to conduct immediate and resolute retaliation against the origin of such provocations, and the UNC needed to devise measures to prevent escalation such as allowing supplemental forces to be rapidly deployed from the U.S. side.

As discussed above, in the event of another war on the Korean Peninsula, the UNC and CFC maintain a separate legal and military system, and including supplemental forces from the US, in accordance with the agreement and the UNC general order for the UNC under the UNC commander, when the high command is appointed to lead UNC combat operations, a conflict will arise with the position of the ROK that naturally the future CFC should become the singular wartime command for the Korean Peninsula’s theater of operations. In the rare event that this baseless fear comes to pass, warfare execution will not be sufficient and the results will be a mess.

During the Korean War, the lessons learned from the dual command structure of land operations were severe. During the counteroffensive operations, land operations were transferred over to the Eighth U.S. Army, which had been in charge of the Western zone. At this stage, the main body of 10<sup>th</sup> U.S. Corps, which had landed in Incheon, moved toward Wonsan by sea. It was also a separate command system from the land troops in the eastern zone. Both 8<sup>th</sup> Army and 10<sup>th</sup> Corps were under the direct command of General MacArthur. When the Chinese army entered the war by

breaching the boundary held by the two U.S. troops, they did not engage in joint, coordinated operations, and the resulting military operation was such a disaster that the dual command system has never been repeated. Accordingly, in the event of a war on the Korean Peninsula, the future CFC will have to be a single Korean Peninsula theater HQs, and the UNC will play the role of providing forces. The CFC will achieve a unity of command by hand-over of UNC fighting units in the manner of tactical control.

Further, if a natural disaster such as the eruption of Mt. Baekdu occurs and a UNSC resolution is passed or North Korea requests assistance, the future CFC should conduct humanitarian assistance and disaster relief (HA/DR). North Korea is not a foreign country, and HA/DR or peace enforcement operations should be conducted through a singular command structure of the future CFC in consideration of the principle of national self-determination, the special relationship between the two Koreas under the Basic Agreement as two Koreas working towards reunification, Article 3 of the Constitution, which states “The territory of the Republic of Korea shall consist of the Korean Peninsula and its adjacent islands.” New CFC commander will also have deep understanding of the North Korean military, the operational area, language, and so on.

### **The Role of the UN under an Inter-Korean Peace Accord**

The September 19 comprehensive military agreement between the two Koreas was reached under the close consultation of the UNC, and maintained the spirit of the armistice agreement touching on subjects such as the demilitarization of the DMZ. In particular, as it is managed by a three-party consultative body consisting of the two Koreas and the UNC, the role of the UNC is meaningful in implementing demilitarization by reaching an agreement to carry out the demilitarization of Panmunjom.

The UNC, along with recovered Neutral Nations Supervisory Commission, personnel from Poland and the Czech Republic with Switzerland and Sweden, will be able to play the role of overseeing the implementation of inter-Korean comprehensive military agreement. In the future, the UNC can closely cooperate with this body to push for an inter-Korean arms control agreement and the UNC will be able to perform oversight on arms control.

The role of UNC in inter-Korean cooperation has been ongoing as they maintain jurisdiction authority in accordance with the agreement signed on October 3, 2010 with the ROK Ministry of Defense, entitled “Memorandum of Understanding between the ROK Ministry of Defense and UNC regarding a railway passage through the DMZ connecting North and South



Korea.” In accordance with the agreement, the ROK military retains administrative authority and by providing military support to inter-Korean military cooperation, can contribute to the settlement of peace on the Korean Peninsula.

Let us now turn to the role of the UNC in signing a peace treaty. The future of the UNC could be controversial. Because North Korea would no longer be considered a hostile nation with a peace treaty in place, the threat would disappear and there will be no reason for the UNC’s existence. In the meantime, the UNC was established in accordance with UNSCR 83 and 84. Transformation of the armistice agreement into a peace treaty would have no particular impact on its existence. The UN General Assembly’s resolution would still be effective in “the establishment of an independent, unified, democratic Korean government on October 7, 1950.” These two positions are in conflict with one another.

When we look at the opinions of the future of the UNC held by countries which have a stake in the matter, we see that the US believes that the UNC should continue to exist in order to manage peace on the Korean Peninsula and maintain order in Northeast Asia; the North Korean perception that the UNC is nothing but a stumbling block on the path to unification in their manner and must be dissolved when a peace agreement has been achieved; China’s argument that the UNC is the main force of Western containment against it and their siege mentality that it must be dissolved; and Japan’s position that the UNC should continue to exist, and in the event that the South Korean government decides otherwise, the UNC should return to Tokyo to strengthen Japan’s security.

The anticipated problems of the dissolution of the UNC upon the signing of a peace treaty include the fact that its authority to operate a rear command will cease to exist, and also implies that the resolution adopted by the countries that fought during the Korean War to fight again should another war break out on the Korean Peninsula will also vanish, and further, the veto power of China and Russia means that it is highly unlikely that a UNSC resolution for sending combat troops from member states of the UN would be able to pass. In addition, there are no organizations with any binding power which exist to oversee the implementation of the peace treaty. Finally, when it comes to efforts, the roles and missions of the ROK-U.S. Alliance, UNC and USFK should be agreed on by our two allies, prior to peace talks.

An important part of this conversation is to pay close attention to the lessons learned from the Paris Peace Accord at the end of the Vietnam War. First, all parties should have been equal in status. However, the U.S and North Vietnam were the primary parties: South Vietnam and the National Liberation Front were supplementary parties. Second, legislative ratification should have taken

place. However, the U.S. Congress did not ratify the Paris Peace Accord. Third, the various parties should have established a binding mechanism in the event of violation. However, that didn't happen as all foreign troops were withdrawn.

## **Conclusions and Policy Recommendations**

The recent strengthening of the capacity of the UNC may be increasingly effective in the armistice system, but also has the potential to prepare for the signing of a peace treaty and to play a peacekeeping role. Further, in the event of a war on the Korean Peninsula, we cannot disregard the possibility that the UNC will take on the role of war-fighting HQs and sub-regional collective security arrangement for the purpose of containing the revisionist power of China and others as part of the Indo-Pacific strategy, or develop into a Northeast Asian NATO-type alliance. No matter what happens, South Korean and the UNC need to establish the role and capacity of the UNC in a win-win manner.

As a change to the fundamental frame of national security, the transition of wartime operational control must maintain respect for the role of the UNC during the peacetime as the overseer of the armistice agreement. Further, the UNC must supplement the armistice rules of engagement to restore the right of the ROK military to manage its own military strength and exercise self-defense and retaliate immediately against any North Korean provocations. The future command structure between the CFC and the UNC should be coordination and support relations, not subordinate relations, but one wherein the UNC play force provider for the future CFC which will exercise singular wartime command in the theater of operations of the Korean Peninsula in the event of a war. The combat troops of the UNC should transfer tactical control to the future CFC and unify the command structure.

Prior to signing a peace treaty on the Korean Peninsula, it will demand in-depth negotiations between the ROK and the US on the future of the UNC. As the oversight organization of the peace agreement, they may consider different measures such as an inter-Korean joint military committee, the UNC, a reorganized UNC, a Peace Maintenance Organization, and others. When comprehensively analyzing international support, the likelihood of adoption, the real capacity of oversight, national interest, and other such factors, making the DMZ a peace zone and the five permanent members of the UNSC, the two Koreas, the member states of the UNC are reorganized and when the reorganized UNC performs its function of overseeing the peace treaty there will be no bleeding and it will perform the role of guiding the path towards reunification.

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