

# Time for a Helsinki-Style Negotiation

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Situations in which two countries are in dispute, or have been at war with each other, are always very hard to resolve. There is a complex legacy of hatreds, family losses and divisions, and catastrophic episodes that can never be fully erased. But throughout history there have been cases in which bitter conflicts have been settled peacefully. The challenge for negotiators who are seeking peace is to identify both the motivation of each of the conflicting parties to find a peaceful solution, and also the elements which may satisfy the parties and permit them to agree to a solution. Of course the passage of time can also help — it is easier to discuss peace when the generations which did the actual fighting have passed away. And sometimes reaching conclusions simply requires a lot of talk, reflection, and adjustment of positions.

I have participated in — and in one case created — a number of negotiating processes which were aimed at resolving an international dispute but did not lead to agreement, nor even to a peaceful solution. These have included negotiations on the Cyprus dispute, the war between Armenia and Azerbaijan over the disputed territory of Nagorno-Karabakh, and the dispute between the central government of Afghanistan and the Taliban movement.

None of these conflicts or disputes has yet been successfully resolved, and the hatreds they have engendered continue to dominate the societies involved. These few examples from my personal experience have shown me how complicated it is to find peace after conflict.

In contrast, the dispute between the Soviet and the West over the division which was imposed on

Germany at the end of the Second World War, and the key question of whether Germany could eventually be reunited, was resolved successfully and peacefully. This happened partly through a negotiating process and the evolution of history, partly because of the realism and discipline of the governments concerned, and also partly because of the foresighted and creative negotiating skills of a few key negotiators. Years later their creative work furnished an existing, agreed legal basis for Germany's reunification.

It is this German example, — the peaceful reunification of East and West Germany — accomplished partly within the negotiation of the Helsinki Final Act, which offers some possible lessons for the situation of the two Korean states. And it suggests that there could one day be some form of reunification, or re-association, or process, between them. And those famous and situation-changing words which were included in the Helsinki Final Act apply universally: “frontiers can be changed, in accordance with international law, by peaceful means and by agreement.”

Thus an interesting question, at this time in history, here in Korea, is whether there are lessons in the experience of the German reunification process, and the way it was universally permitted by the Helsinki Final Act, which may be usefully applied to the situation of the two Koreas.

Many experts and observers will of course respond with profound skepticism, since the possible reunification, or association, of the two Koreas has always looked extremely difficult, not to say unlikely, or impossible. Even with the recent improvements in the atmosphere between the two independent Koreas, and the many political gestures which have been made, the notion of some sort of full - or even partial — reunification, or association, or just openness between the two countries still looks pretty unlikely.

At the same time, there are now many areas of cooperation between the two countries, there have been some genuinely moving and symbolic cooperative gestures, and there are other elements which suggest that we might foresee a new phase in the relationship. Skeptics will no doubt sneer at such an observation, and certainly the development by North Korea of nuclear weapons and long-distance missiles undercuts the notion that North Korea might somehow be motivated to develop peaceful cooperation with Seoul. These major developments reflect a huge investment of money and political will, while wasting resources that could be used for the real economic and societal development which is so badly needed in the North.

But peace is not found through skepticism it is found through active and enthusiastic searching, experimentation, and efforts which are immune to disappointment. I can assure you of this from my own experience in the Helsinki negotiations. The world was deeply skeptical about that elaborate and complicated affair of words. No one believed the words, and many in the West thought the effort was

completely wasted, and naive. The Wall Street Journal's front-page headline read "Gerry, Don't Go," an appeal to President Gerald Ford not to go to Helsinki to sign the CSCE's Final Act. Many academicians, journalists and politicians mocked the Helsinki Final Act, which, it was argued, accepted and sealed the division of Germany for the foreseeable future.

But years later things changed, largely because the peoples of the Eastern half of Europe agitated for their rights, and there was a growing clamor for change, inspired partly by the much-ridiculed Helsinki Final Act. And ultimately the Wall Street Journal apologized for that headline addressed to Gerry Ford — one of the very few occasions in its history when the Wall Street Journal has apologized.

And now the situation in Europe, including the fully-unified German nation, is back to a "normal" existence, cooperating positively in the framework of the European (minus, of course, the UK, which is negotiating a special relationship with the EU — but that is another story).

For those who are focused on Korea, all of this should be very interesting, as a potential model, and as a source of ideas for application in this part of the world. No two international situations are the same, of course, so one must be careful about drawing parallels, or trying to transfer elements from one situation to another. And the form, procedures, participation and agenda of one negotiation will likely be different from those followed in other negotiations. Nonetheless, the "Helsinki Model" may well be the most relevant for the situation in this region.

And, after all, what would be lost if there were to be a broad, multilateral negotiating forum to address a range of issues and possibilities for cooperation among countries in this region of the world? There are many subjects that could usefully be discussed in such a multilateral setting, and there is also the potential — even if it may be small — for increased understanding and some positive results.

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