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LETTER DATED 15 JUNE 1994 FROM THE PERMANENT REPRESENTATIVE OF
THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

Addendum

I have the honour to forward herewith a special report to the Security Council prepared by the Commander-in-Chief, United Nations Command. The report is submitted in accordance with Security Council resolution 84 (1950) of 7 July 1950 and informs the Council of North Korean violations of the Armistice Agreement.

I would be grateful if you could kindly arrange to have this report circulated as a document of the Security Council.

(Signed) Madeleine K. ALBRIGHT

Annex

Special report of the United Nations Command to the
Security Council dated 3 June 1994 on the attempt
by the Korean People's Army to dismantle the Korean
War Armistice Agreement

1. On 28 April 1994, the Korean People's Army (KPA) Military Armistice Commission (MAC) representative notified the United Nations Command (UNC) MAC representative that KPA intended to withdraw from MAC and expel the Polish delegation to the Neutral Nations Supervisory Commission (NNSC), in effect dissolving that organization. These actions constitute serious violations of both the spirit and the letter of the Armistice Agreement which brought about the current cease-fire in Korea. MAC, along with NNSC, provide a previously agreed means of communication dedicated to the prevention of incidents which might rupture the cease-fire and, failing that, for crisis management. The KPA action to unilaterally dissolve the Armistice maintenance mechanism constitutes a threat to the ability of the Commander-in-Chief, the United Nations Command, to maintain the military status quo pending a diplomatic resolution of the problem. This matter is significant enough to cause grave concern about the commitment of KPA to continued implementation and maintenance of the Armistice.

2. According to paragraph 17 of the Korean Armistice Agreement (see appendix I), the opposing commanders, successors to the signatories to the Armistice, are responsible for enforcing the cease-fire and establishing measures and procedures to ensure compliance. In this connection they must maintain the armistice mechanism, including MAC, under the provisions of paragraphs 19 through 30, and NNSC, under the provisions of paragraph 37. These agencies provide the means of maintaining communications, assisting in precluding possible incidents, and attempting to de-escalate incidents if they occur. Paragraphs 61 and 62 of the Agreement stipulate that amendments and additions to the Armistice Agreement must be agreed to by the opposing commanders. The events described below illustrate the KPA refusal to abide by the terms of the Armistice or to meet their obligations under its provisions.

3. On 28 April 1994 the KPA MAC Secretary delivered a message to UNC that KPA had decided the following:

(a) To call all remaining KPA MAC members and MAC staff personnel, cease participation in MAC activities and no longer recognize the UNC MAC as a counterpart;

(b) That it intended to withdraw the Polish NNSC delegation;

(c) To send a "new team" appointed by the Supreme Commander to contact the "U.S. Military" to discuss pending military issues including a new "durable peace ensuring system" to replace the MAC.

4. On 6 May 1994, the UNC MAC Secretary replied by signed letter to the 28 April 1994 KPA message indicating that:

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(a) UNC rejected the KPA attempt to dismantle MAC and the NNSC unilaterally;

(b) UNC welcomed KPA verbal confirmation of its commitment to maintain the cease-fire provisions of the Armistice.

5. The KPA Secretary responded that the rejection by UNC would not change their decision and that they had already notified the Polish NNSC delegation to withdraw from North Korea. KPA further threatened to terminate contact and communication at Panmunjom if UNC refused to meet with the new representatives of the KPA Supreme Command. The KPA Secretary concluded with reaffirming that KPA would abide by all non-MAC related provisions of the Armistice Agreement.

6. This irresponsible unilateral action of the KPA component of MAC is but the latest in a series of attempts on their part to dismantle the Armistice Agreement maintenance mechanism. It is a clear violation of paragraphs 19 through 30 of the provisions of the Armistice Agreement pertaining to the composition and function of the MAC. The breach of the Armistice Agreement will deprive the Commander-in-Chief, United Nations Command (CINCUNC), of existing channels of communication with his North Korean counterpart without having any agreed replacement mechanism in place. The extremely serious nature of this latest action by KPA prompts CINCUNC to submit this report in accordance with the Security Council resolution 84 (1950) of 7 July 1950 (see appendix II).

7. There have been other violations. Besides attempting to dismantle MAC, KPA also intends to dissolve NNSC. Paragraph 37 of the Armistice Agreement clearly obligates both parties to maintain two "neutral" delegations to NNSC. The ejection of the Polish NNSC delegation without the appointment of a replacement is a clear violation of the provisions of that paragraph, as was the ejection of the Czech delegation in April 1993. Although NNSC activities have been curtailed over the years by their inability to perform their supervisory functions, the presence of these neutral representatives has continued to provide a stabilizing influence on the activities of the opposing sides. Actions to dismantle NNSC undermine the structure that has prevented a resumption of hostilities on the Korean peninsula for over forty years. These attempts must be prevented to preserve and maintain the Armistice until it is replaced by a true and lasting peace.

8. For further information on the role of the United Nations Command and the Republic of Korea involving the Armistice, see the report of CINCUNC to the Security Council (S/1994/713). That report and the present one show the importance of communication between the two sides being maintained through a system and structure agreed to by both sides until there is a political solution to the problem. In this regard, UNC will continue to carry out its functions and fulfil its obligations under the provisions of the Armistice Agreement.

9. There can be no peaceful resolution of the situation in Korea until the world has some faith that the North Koreans will abide by their agreements. MAC and NNSC can, of course, be changed or done away with, but this should be by mutual agreement rather than unilateral action. The issue of our faith in each other is the basis for the Armistice Agreement. UNC only asks that KPA continue to abide by its past word. Without resolution of the existing Armistice

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problems, the possibility exists of a confrontation between the conventional forces still in contact for which there will be no mechanism immediately available to the on-scene commander to seek peaceful resolution.

Appendix IPertinent Armistice Agreement provisions

ARTICLE II

Concrete arrangements for cease-fire and armisticeA. General

Paragraph 12: The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See paragraph 63 hereof for the effective date and hour of the remaining provisions of this Armistice Agreement).

Paragraph 13 (d): Cease the introduction into Korea of reinforcing combat aircraft, armoured vehicles, weapons, and ammunition; provided, however, that combat aircraft, armoured vehicles, weapons and ammunition which are destroyed, damaged, worn out or used up during the period of the armistice may be replaced on the basis of piece-for-piece of the same effectiveness and the same type. Such combat aircraft, armoured vehicles, weapons and ammunition shall be introduced into Korea only through the ports of entry enumerated in paragraph 43 hereof. In order to justify the requirement for combat aircraft, armoured vehicles, weapons and ammunition to be introduced into Korea for replacement purposes, reports concerning every incoming shipment of these items shall be made to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include statements regarding the disposition of the items being replaced. Items to be replaced which are removed from Korea shall be removed only through the ports of entry enumerated in paragraph 43 hereof. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the replacement of combat aircraft, armoured vehicles, weapons and ammunition authorized above, at the ports of entry enumerated in paragraph 43 hereof.

Paragraph 14: This Armistice Agreement shall apply to all opposing ground forces under the military control of either sides, which ground forces shall respect the demilitarized zone and the area of Korea under the military control of the opposing side.

Paragraph 15: This Armistice Agreement shall apply to all opposing naval forces, which naval forces shall respect the waters contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea.

Paragraph 16: This Armistice Agreement shall apply to all opposing air forces, which air forces shall respect the air space over the Demilitarized Zone and over the area of Korea under the military control of the opposing side, and over the waters contiguous to both.

Paragraph 17: 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 Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to ensure complete compliance with all the provisions hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

B. Military Armistice Commission

1. Composition

Paragraph 19: A Military Armistice Commission is hereby established.

Paragraph 20: The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major-generals, brigadier generals, colonels or their equivalents.

Paragraph 22: The Military Armistice Commission shall be provided with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing record-keeping, secretarial, interpreting and such other functions as the Commission may assign to it. Each side shall appoint to the Secretariat a Secretary and an Assistant Secretary and such clerical and specialized personnel as required by the Secretariat. Records shall be kept in English, Korean and Chinese, all of which shall be equally authentic.

2. Functions and authority

Paragraph 24: The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement.

Paragraph 25: The Military Armistice Commission shall:

a. Locate its headquarters in the vicinity of Panmunjom (37°57'29"N, 126°40'00"E). The Military Armistice Commission may re-locate its headquarters at another point within the Demilitarized Zone by agreement of the senior members of both sides on the Commission.

b. Operate as a joint organization without a chairman.

c. Adopt such rules of procedure as it may, from time to time, deem necessary.

d. Supervise the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

e. Direct the operations of the Joint Observer Teams.

f. Settle through negotiations any violations of this Armistice Agreement.

g. Transmit immediately to the Commanders of the opposing sides all reports of investigations of violations of this Armistice Agreement and all other reports and records of proceedings received from the Neutral Nations Supervisory Commission.

h. Give general supervision and direction to the activities of the Committee for Repatriation of Prisoners of War and the Committee for Assisting the Return of Displaced Civilians, hereinafter established.

i. Act as an intermediary in transmitting communications between the Commanders of the opposing sides; provided, however, that the foregoing shall not be construed to preclude the Commanders of both sides from communicating with each other by any other means which they may desire to employ.

j. Provide credentials and distinctive insignia for its staff and its Joint Observer Teams, and a distinctive marking for all vehicles, aircraft and vessels used in the performance of its mission.

Paragraph 26: The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of this Armistice Agreement pertaining to the demilitarized zone and to the Han River Estuary.

Paragraph 27: The Military Armistice Commission, or the senior member of either side thereof, is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement reported to have occurred in the demilitarized zone or in the Han River Estuary; provided, however, that not more than one half of the Joint Observer Teams which have not been dispatched by the Military Armistice Commission may be dispatched at any one time by the Senior Member of either side on the Commission.

Paragraph 28: The Military Armistice Commission, or the senior member of either side thereof, is authorized to request the Neutral Nations Supervisory Commission to conduct special observations and inspections at places outside the Demilitarized Zone where violations of this Armistice Agreement have been reported to have occurred.

Paragraph 29: When the Military Armistice Commission determines that a violation of this Armistice Agreement has occurred, it shall immediately report such violation to the Commanders of the opposing sides.

Paragraph 30: When the Military Armistice Commission determines that a violation of this Armistice Agreement has been corrected to its satisfaction, it shall so report to the Commanders of the opposing sides.

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3. General

Paragraph 31: The Military Armistice Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the senior members of both sides provided that such recesses may be terminated on twenty-four (24) hour notice by the senior member of either side.

Paragraph 35: The Military Armistice Commission may make recommendations to the Commanders of the opposing sides with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to ensure a more effective armistice.

C. Neutral Nations Supervisory Commission

Paragraph 37: The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely, Sweden and Switzerland, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, Poland and Czechoslovakia. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

ARTICLE V

Miscellaneous

Paragraph 61: Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

Paragraph 62: The articles and paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provisions in an appropriate agreement for a peaceful settlement at a political level between both sides.

Appendix II

Security Council resolution 84 (1950) of 7 July 1950

The Security Council,

Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace,

Having recommended that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

1. Welcomes the prompt and vigorous support which Governments and peoples of the United Nations have given to its resolutions 82 (1950) and 83 (1950) of 25 and 27 June 1950 to assist the Republic of Korea in defending itself against armed attack and thus to restore international peace and security in the area;

2. Notes that Members of the United Nations have transmitted to the United Nations offers of assistance for the Republic of Korea;

3. Recommends that all Members providing military forces and other assistance pursuant to the aforesaid Security Council resolutions make such forces and other assistance available to a unified command under the United States of America;

4. Requests the United States to designate the commander of such forces;

5. Authorizes the unified command at its discretion to use the United Nations flag in the course of operations against North Korean forces concurrently with the flags of the various nations participating;

6. Requests the United States to provide the Security Council with reports as appropriate on the course of action taken under the unified command.
