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LETTER DATED 21 APRIL 1982 FROM THE PERMANENT REPRESENTATIVE OF THE
UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

On behalf of the unified command established pursuant to Security Council
resolution 84 (1950) of 7 July 1950, I have the honour to submit a report of the
United Nations Command concerning the maintenance of the Armistice Agreement of
1953 during the period 16 December 1980 through 16 December 1981.

I request that this letter, together with the enclosed report of the United
Nations Command, be circulated as a document of the Security Council.

(Signed) Jeane J. KIRKPATRICK
Ambassador
Permanent Representative



Annex

Report of the United Nations Command concerning the maintenance of the
Armistice Agreement of 1953 during the period 16 December 1980 through
16 December 1981

1. Background

The United Nations Command (UNC) was created pursuant to United Nations Security Council resolution 84 (1950) of 8 July 1959 (S/1588). In that resolution, the Council recommended establishment of a unified command for United Nations forces in Korea, under the United States, and also requested that the latter "provide the Security Council with reports, as appropriate, on the course of action taken under the unified command." The Commander-in-Chief, United Nations Command (CINCUNC), signed the 27 July 1953 Korean Armistice Agreement. Pursuant to paragraph 17 of the Armistice Agreement, his successors in command are responsible for compliance with the enforcement of the terms and provisions of the Armistice Agreement. The UNC continues to carry out its functions and fulfill its obligations in accordance with the Armistice Agreement. This includes participating in the activities of the Military Armistice Commission (MAC). The Korean People's Army/Chinese People's Volunteers (KPA/CPV) side continues to conduct hostile acts directed against UNC and Republic of Korea (ROK) armed forces in gross violation of that Agreement. This report covers significant incidents involving KPA/CPV violations of the Armistice Agreement during the period from 16 December 1980 to 16 December 1981. The last report of UNC to the Security Council (S/14499) was submitted on 28 July 1981.

2. Armistice Mechanism and Procedures

The Korean Armistice Agreement is designed to ensure a "complete cessation of all hostilities in Korea by all armed forces of the opposing sides until a final peaceful settlement is achieved". "Opposing" forces include all ground, naval and air units of both sides. CINCUNC signed the Armistice Agreement on behalf of all nations, including ROK, which contributed forces to the unified command. The Commanders of KPA and CPV signed the Agreement on behalf of the KPA/CPV forces.

(a) Military Armistice Commission (MAC)

The purposes of MAC in Korea, as established pursuant to the Armistice Agreement, is "to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of any Armistice Agreement". The Commission is a joint international organization and is composed of 10 members: 5 senior officers from the UNC and 5 senior officers from the KPA/CPV. CINCUNC has appointed 1 member from the United States, 2 from ROK, 1 from the United Kingdom, and 1 designated on a rotational basis from among the other four United Nations Member nations represented on UNC (Australia, Canada, Philippines and Thailand). Meetings of MAC are held at the request of either side in the Joint Security Area (JSA), commonly known as Panmunjom, in the Demilitarized Zone. To assist MAC in fulfilling its functions, the Armistice Agreement provides for a joint secretariat, which maintains 24-hour contact through telephone communication between the joint

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duty officers of each side. The joint duty officers also meet daily and serve as the basic channel of communications between the two opposing sides. There have been 408 plenary sessions of the Commission and 464 of the secretariat since the Armistice Agreement was signed. MAC, or the senior member of either side, is authorized by the Armistice Agreement to dispatch joint observer teams to investigate reported violations of the Armistice Agreement that occur within the Demilitarized Zone. KPA/CPV, however, has frustrated this function of the Commission by refusing to join in joint investigations as proposed by UNC since April 1967. At the 408th meeting of MAC, held on 9 November 1981, the UNC senior member again proposed that both parties to the Armistice Agreement form joint observer teams. These teams would investigate major incidents involving the two sides to determine facts. The UNC senior member stated that such a positive action would reduce tension and promote peace. The KPA/CPV side, however, failed to respond to this constructive proposal by UNC.

(b) Neutral Nations Supervisory Commission (NNSC)

NNSC, established by the Korean Armistice Agreement, is composed of four members representing Sweden, Switzerland, Czechoslovakia and Poland. The Commission's primary function is to conduct independent inspections and investigations of Armistice-related developments and violations outside the Demilitarized Zone and to report its findings to MAC. The Commission holds weekly meetings in JSA, Panmunjom, to discuss and evaluate reports submitted by either side of MAC. Although its essential functions have been drastically curtailed, owing to KPA/CPV obduracy, the Commission does provide a very worthwhile and stabilizing influence, as well as a means for indirect communication.

(c) Role of the Republic of Korea (ROK)

A unique feature of the Korean Armistice Agreement is that no nation is a signatory to the Agreement. CINCUNC signed the Armistice Agreement on behalf of the unified command consisting of the military forces from 16 United Nations Member nations and the Republic of Korea. During the Armistice negotiations and afterwards, the ROK Government furnished assurances that it would abide by the Armistice Agreement. ROK provides most of the "civil police", who are charged with the mission of maintaining security and order in the UNC portion of the Demilitarized Zone. The ROK armed forces have complied with the provisions of the Armistice Agreement since it was concluded in 1953, and ROK senior military officers have served on MAC throughout the years.

3. United Nations Command Military Armistice Commission (UNCMAC) Activities

Meetings of MAC are called to discuss serious violations of the Armistice Agreement and significant Armistice-related issues. These meetings, as well as 24-hour telephone communication between both sides, serve to prevent escalation of incidents based upon possible miscalculations. The Commission is a valued means of communication, as demonstrated by its continued use by both sides. Four MAC meetings and two secretaries' meetings were held during the reporting period. At the Commission meetings during the period covered by this report, UNC presented proof of and protested one KPA/CPV armed infiltration through the Demilitarized Zone and an unprovoked surface-to-air missile attack on an unarmed UNC

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reconnaissance aircraft in international airspace. (The appendix to this report contains the details of those KPA/CPV violations of the Armistice Agreement.) The other two MAC meetings were alleged routine Armistice Agreement violations. UNC returned the remains of two CPV soldiers who had been killed during the Korean conflict, through the two secretaries' meetings held during the reporting period. During the reporting period, UNC charged the KPA/CPV side with more than 3,680 violations. Those charges were passed expeditiously, either telephonically or through the daily joint duty officers' meeting in JSA, to provide the KPA/CPV an opportunity to stop ongoing violations or to conduct timely investigations and take corrective measures.

4. Conclusions

For more than 28 years, MAC has been the primary mechanism for the reduction of tensions, prevention of misunderstandings and avoidance of renewed hostilities in Korea. The Commission also has been used effectively by both sides to facilitate negotiation of delicate issues, such as the repatriation of military and civilian personnel who have fallen into the hands of the other side. UNC will continue to fulfill its obligations under the mandate of the Armistice Agreement and the Security Council resolution of 7 July 1950, until the parties directly concerned are able to arrive at a more permanent arrangement for peace in Korea.

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Appendix

Major incidents discussed by the Military Armistice Commission
(16 December 1980 to 16 December 1981)

1. North Korean armed infiltration into the Republic of Korea

On 29 June 1981, UNC soldiers sighted a North Korean infiltrator in the Imjin River, 450 metres south of the southern boundary of the Demilitarized Zone. An intense search operation was initiated along the Imjin River to the south, south-east and east of the location where the infiltrator initially was sighted. The search party found a diving suit and a 500 mm telephoto lens (serial number 22592) along the river bank at a point about 2,100 metres south of the location where the infiltrator was sighted. As a result of discovering that evidence, search operations were expanded, and additional forces were alerted. An area of approximately 12 square kilometres south of the location where the equipment was recovered was cordoned off, and all likely escape routes were placed under surveillance. The search operations continued for the next two-and-a-half days. On 2 July 1981, the search party discovered one North Korean-manufactured fragmentation hand grenade in the search area. This grenade was exactly the same as those carried by North Korean armed personnel who infiltrated into ROK on 5 October 1979. (The evidence from the October 1979 incident was presented at the 397th MAC meeting.) The search party also discovered two swim fins at the bottom of the Imjin River, approximately 500 metres downstream from the location where the infiltrator was first sighted. Finally, on 4 July 1981, UNC soldiers sighted a North Korean armed infiltrator near a small fishing village, 6-and-one-half kilometres south of the location where he was sighted initially. When challenged, the North Korean armed intruder opened fire on the UNC search party, wounding two UNC soldiers. In the ensuing fire-fight, the North Korean armed infiltrator was killed. The weapons and equipment discovered included one carbine (serial number 807623); one 35 mm camera (serial number 329678) with 14 rolls of film; one radio receiver; a radio transmitter with two crystals and antennas, which were pre-cut to match specific frequencies; two code-books and two code-sheets; and, one North Korean-made map, which covered a 1,600-square-kilometre area and included the entire length of the Imjin River as it enters the DMZ and flows south-west into the Han River Estuary. The remains of the armed infiltrator and the equipment recovered showed conclusively that he had been sent by North Korea. UNC called the 406th meeting of MAC, held on 17 July 1981, and charged the KPA/CPV side with violating paragraphs 6, 12, and 17 of the Armistice Agreement by infiltrating into ROK an armed individual who committed hostile acts against the UNC defence forces. To substantiate his charge, the UNC senior member displayed the equipment recovered after the fire-fight.

2. North Korean missile attack on SR-71 aircraft in international airspace

On 26 August 1981, North Korea fired at an unarmed UNC SR-71 aircraft on a routine mission. A North Korean surface-to-air missile was fired from a site located near Chokta-ri on the west coast. The SR-71 aircraft clearly was in international airspace well south of the UNC-controlled five island groups in the Western Sea. At no time during its flight did the SR-71 aircraft enter North

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Korean airspace. The crew of the SR-71 clearly saw a missile contrail rising from below its aircraft and, about 30 seconds later, it observed the missile detonate above and to the west of the aircraft. The accurate and precise information available to UNC and the absence of any other aircraft in the vicinity clearly established the fact, beyond any doubt, that the North Korean missile was directed deliberately at the UNC aircraft. CINCUNC directed the UNC senior member to call the 407th meeting of MAC to charge the KPA/CPV side with a premeditated and unprovoked attack on an unarmed UNC aircraft in international airspace. At that meeting, the UNC senior member warned the KPA/CPV side that UNC would take, henceforth, whatever measures were necessary to ensure the safety of its aircraft and crews from such hostile acts committed by the KPA/CPV side.
