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LETTER DATED 14 JUNE 1990 FROM THE CHARGE D'AFFAIRES A.I. OF
THE UNITED STATES MISSION 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 1/ during the period from 1 January to 31 December 1989. I also submit a special report of the United Nations Command on the North Korean construction of another infiltration tunnel across the Military Demarcation Line in the Demilitarized Zone.

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

(Signed) M. James WILKINSON
Chargé d'affaires a.i.

Notes

1/ Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953, document S/3079, appendix A.

Annex I

Report on the activities of the United Nations Command, 1989

I. UNITED NATIONS COMMAND AND ITS MISSION

1. United Nations Security Council resolution 83 (1950) of 27 June 1950 determined that the armed attack upon the Republic of Korea by the North Korean forces constituted a breach of peace and recommended that "the 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". In order to better utilize the various offers of assistance and to unify the military operations, the Security Council adopted resolution 84 (1950) of 7 July 1950 requesting Member States providing military forces and other assistance to put them under a unified command headed by the United States of America. Besides the United States, 15 other States Members of the United Nations subsequently provided military forces to the unified command, which was later named the United Nations Command (UNC). Resolution 84 (1950) also requested that the United States provide the Security Council with reports pertaining to the course of action taken by the UNC.

The authority of the UNC under the above Security Council resolutions to conduct military operations in Korea to repel the North Korean armed aggression included the authority to negotiate a military armistice to end the fighting on the basis of United Nations objectives and principles. The Commander-in-Chief, UNC, (CINCUNC) signed the 27 July 1953 Korean Armistice Agreement on behalf of all the forces of the 16 States Members of the United Nations and the Republic of Korea, which fought under the United Nations banner. Pursuant to paragraph 17 of the Armistice Agreement, all CINCUNC 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 fulfil its obligations under the mandate of the Armistice Agreement, including enforcement of a complete cessation of all hostilities in Korea by all armed forces, and maintaining peace and security on the Korean peninsula until a more permanent peace is achieved by the parties directly concerned. In view of the continued North Korean threat to international peace and stability in the region, UNC confidence-building measures presented at the Military Armistice Commission meetings to reduce military tension, and other significant Armistice-related issues before the Commission, the UNC considers it appropriate to submit the present report to the United Nations Security Council as required by Security Council resolution 84 (1950).

II. ARMISTICE MECHANISM AND PROCEDURES

2. The Korean Armistice Agreement, a purely military agreement between the opposing military commanders, is to ensure a complete cessation of all hostilities in Korea by all armed forces of the opposing sides until an enduring bilateral peace-keeping mechanism is established by the two parts of Korea - the two parties directly concerned - to attain a final peaceful settlement of the Korean question.

The term, "opposing forces" includes all ground, naval and air units of both sides. No individual nation or Government is a signatory to the Armistice Agreement. CINCUNC signed the Armistice Agreement on behalf of the entire military forces under the unified command, consisting of the forces from 16 United Nations Member States, as well as the Republic of Korea. The Commanders of the Korean People's Army (KPA) and the Chinese People's Volunteers (CPV) signed the Agreement on behalf of the KPA/CPV forces.

A. Military Armistice Commission

3. The general mission of the Military Armistice Commission (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 this Armistice Agreement". The Commission is a joint international organization and is composed of 10 military members: 5 senior officers from the UNC and 5 senior officers from KPA/CPV. CINCUNC has appointed one member from the United States, two from the Republic of Korea, one from the United Kingdom and one designated on a rotational basis from among the other States Members of the United Nations represented in the UNC by representatives of the rank of Colonel (currently Canada, Colombia, the Philippines and Thailand). MAC meetings are held at the request of either side in the Joint Security Area (JSA), more commonly known as Panmunjom, in the Demilitarized Zone (DMZ). To assist the MAC in fulfilling its functions, the Armistice Agreement provides for a joint secretariat to maintain 24-hour telephone communications between the joint duty officers of each side located in the JSA. The joint duty officers also meet daily, except Sundays and holidays, and serve as the basic channel of communications between the two opposing sides. There have been 453 plenary sessions of the MAC and 497 meetings of the MAC Secretaries since the Armistice Agreement was signed. The MAC, or the Senior Member of either side, is authorized by paragraph 27 of the Armistice Agreement to dispatch joint observer teams to investigate reported violations of the Armistice Agreement that occur within the DMZ. The KPA/CPV, however, have frustrated this important investigative function by refusing to participate in more than 170 joint investigations proposed by the UNC since April 1967.

B. Neutral Nations Supervisory Commission

4. The Neutral Nations Supervisory Commission (NNSC), established by the Korean Armistice Agreement, is composed of four delegations from Sweden, Switzerland, Czechoslovakia and Poland. The term "neutral nations" in the Armistice Agreement is defined as nations whose combatant forces did not participate in the Korean conflict. The primary function of NNSC is to conduct independent inspections and investigations of armistice-related developments and violations outside the DMZ and to report its findings to the Commission. Although its basic mission and function of inspection and investigation have been almost completely curtailed owing to KPA/CPV obstruction, NNSC does provide a useful and stabilizing influence in the JSA, as well as a means for indirect communication between the two opposing sides of the MAC. The NNSC holds weekly meetings at Panmunjom.

C. Role of the Republic of Korea

5. A unique feature of the Korean Armistice Agreements is that no nation or Government 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 States and the Republic of Korea. During the Armistice negotiations and afterwards, at the request of the KPA/CPV side, the Government of the Republic of Korea, through the UNC, furnished assurances that it would abide by the Armistice Agreement. Today, the Republic of Korea provides almost all of the "DMZ police" force that maintains security and order in the UNC portion of the DMZ in compliance with the Armistice Agreement. The Republic of Korea's armed forces have complied with the provisions of the Armistice Agreement. In addition, Republic of Korea senior military officers have served on the Military Armistice Commission as UNC members over the last 36 years.

III. UNITED NATIONS COMMAND MILITARY ARMISTICE COMMISSION ACTIVITIES

6. MAC meetings are normally called to discuss serious violations of the Armistice Agreement and other significant Armistice Agreement-related issues. These meetings, as well as 24-hour telephone communication facilities between the two sides, serve to prevent further escalation of military tension from accidental incidents and possible misunderstanding. Serious charges of Armistice violations are passed telephonically through the Joint Duty Office at Panmunjom. This provides the other side an opportunity to stop ongoing violations. The Commission is a proven means of essential communication between the opposing military commanders, as demonstrated by its continued use by both sides.

7. Eight MAC meetings were held during 1989. The more serious KPA/CPV violations of the Armistice Agreement during the period are described in the appendix to the present report.

Three MAC Secretaries' meetings were held during 1989. Nineteen Chinese war remains as well as five North Korean drowning victims were returned through three MAC Secretaries' meetings. The North Korean side has continued to misuse the MAC as a forum for disseminating distorted political propaganda and for presenting non-Armistice-related political overtures clearly outside the purview of MAC and the Korean Armistice Agreement, thereby subverting the true purpose of the Commission and converting it into a propaganda forum.

8. During 1989, KPA/CPV reiterated its usual demand that the UNC cease its annual training exercise "Team Spirit" and presented non-Armistice-related proposals such as establishment of a nuclear-free zone, cessation of all major military exercises, and tripartite talks. These North Korean political overtures are completely outside the purview of the Armistice Agreement and the MAC. However, the UNC continued its search for measures, acceptable to both sides, which would help build mutual confidence, thereby easing military tension on the Korean peninsula. The most noteworthy are proposals for mutual prior notification of major military exercises and exchange of observers. The UNC has taken unilateral actions in this

regard for the past eight years by notifying the North Koreans of its annual training exercise "Team Spirit" and extending the Republic of Korea government invitations to North Korean, Chinese, and Neutral Nations Supervisory Commission military officers to come to observe these training exercises. Unfortunately, the North Koreans rejected these invitations, while expressing their concern that these exercises are offensive in nature and are liable to lead to actual war. (The appendix to the present report discusses in detail more serious KPA/CPV violations of the Armistice Agreement, as well as specific UNC confidence-building measures designed to reduce military tensions.)

IV. CONCLUSIONS

9. For more than 36 years, the MAC has served as the only official channel of communication between the opposing military commanders in Korea. Its most positive aspect is that it is still operative and used by the two opposing military commanders to defuse serious incidents and prevent the resumption of hostilities as required by the Armistice Agreement. The opposing military commanders, however, have no mandate to resolve political issues, such as the question of the withdrawal of foreign forces from Korea or turning the Korean Armistice Agreement into a peace treaty. Therefore, the UNC will continue to perform its important peace-keeping role in the Republic of Korea, particularly in maintaining the Armistice, until an effective and enduring mechanism is established through political dialogue between the two parties directly concerned - the two parts of Korea - to ensure a more durable peace on the Korean peninsula.

Appendix

Major incidents/issues discussed by the Military Armistice Commission (1 January to 31 December 1989)

1. North Korean misuse of the Joint Security Area for political rallies and illegal transit by unauthorized individuals

1. Throughout the months of July and August 1989, the Joint Security Area, Panmunjom - the conference area for the Military Armistice Commission, Neutral Nations Supervisory Commission and south-north dialogue - was deliberately and repeatedly misused by the North Korean side for political demonstrations. Several hundred visitors sponsored by the North Koreans conducted unruly political rallies on several occasions while North Korean staff officers stood by and, at times, actually participated in the demonstrations. Despite repeated UNC protests, the North Korean side continued to encourage this abuse of the sensitive conference area. Then, on 15 August 1989, in complete disregard of several major provisions of the Armistice Agreement, the North Koreans set a potentially dangerous precedent by unilaterally using the Joint Security Area, Panmunjom, as a crossing point from which to send two unauthorized South Korean dissidents across the Military Demarcation Line. The plain language of paragraph 7 of the Armistice Agreement stipulates, "No person, military or civilian, shall be permitted to cross the Military Demarcation Line unless specifically authorized to do so by the [Joint] Military Armistice Commission". There is no exception to this basic rule, which is designed to preclude any trespassing on or incursions through the DMZ, except when a crossing is agreed to by the Governments of the Republic of Korea and North Korea. This unilateral action was taken by the North Koreans despite repeated UNC objections. This type of disruptive and unlawful activity completely disregards past precedent and agreements, seriously raises the potential for confrontation and even violence in the Joint Security Area, Panmunjom, and jeopardizes the ability of the Military Armistice Commission and Neutral Nations Supervisory Commission to maintain the Korean Armistice. UNC protested against these illegal North Korean activities in the Military Armistice Commission conference area through numerous telephone messages, and at the 450th and 451st MAC meetings, respectively, held on 9 August and 12 September 1989.

2. United Nations Command initiatives

2. Despite the continuing North Korean threat and their use of MAC for distorted political propaganda purposes, the UNC continues to approach meetings of MAC and its subordinate agencies in the positive manner intended by the Armistice Agreement. The UNC has proposed a number of confidence-building measures that would assist in reducing military tensions if taken seriously by the North Koreans. So far, the North Koreans have not responded positively to most of these UNC initiatives.

(a) Mutual notification of and invitation to observe major training exercises

3. Contrary to North Korean accusations, military training exercises per se are not addressed by the Armistice Agreement and, therefore, cannot constitute a violation of that Agreement. In contrast, however, secret exercises, such as those routinely conducted by North Korea, cause genuine concern. The UNC has repeatedly proposed mutual prior notification of major military training exercises and the exchange of observers to preclude possible misunderstandings. To demonstrate its good faith, the UNC provided a prior notification to North Korea on 3 March 1989 that exercise "Team Spirit '89" would be conducted for about two weeks beginning in mid-March 1989. At the same time, the Government of the Republic of Korea invited North Korean and Chinese military representatives and NNSC delegates to come to observe the exercise for themselves, to illustrate that it does not pose a threat to North Korea or heighten tensions on the Korean peninsula. At the 447th MAC meeting, on 18 March 1989, the UNC pointed out that military forces throughout the world regularly conduct training exercises, and that there is nothing in the Armistice Agreement about training exercises and, furthermore, that our annual training exercise "Team Spirit", being conducted for the fourteenth consecutive year, well south of the DMZ, on an east-west axis, poses absolutely no threat to North Korea or anyone else. North Korea again rejected this year the Republic of Korea government invitation to come to observe the training exercise. North Korea's continued military build-up, forward deployment of offensively oriented forces, and secret major military manoeuvres all directed against the Republic of Korea, cause serious concern that North Korea may be preparing for another act of armed aggression - all of which serves to make the UNC and the Republic of Korea training exercise even more important as a deterrent to war. The UNC has reminded the North Koreans of unilateral notification of exercise "Team Spirit" for the past seven years to preclude unnecessary misunderstanding. The UNC pointed out that prior notification and invitation to observe military exercises are widely recognized throughout the world as signs of good faith and confidence building. Such positive measures are practised today in Europe between NATO and Warsaw Pact countries with great success, and Czechoslovakia has provided its 1989 military exercise calendar to the Stockholm Conference on Confidence and Security Building Measures and Disarmament in Europe. It would certainly contribute to the reduction of tensions on the Korean peninsula if North Korea were to adopt the practice of the UNC and the Republic of Korea and provide prior notification of major military exercises that they conduct.

(b) Confidence-building measures

4. Throughout 1989, the Senior Member, UNCMAC, addressed important Armistice-related confidence-building measures, such as restoration of the Joint Observer Team to investigate serious Armistice violations, establishment of mutual confidence-building measures for exercises including prior notification and observation, removal of propaganda signs in the DMZ, returning the DMZ into a true buffer zone and establishment of a viable verification system for Armistice compliance in both the DMZ and the Joint Security Area, Panmunjom. At every MAC meeting held during 1989, the Senior Member, UNCMAC, repeatedly called upon the North Korean side to take actions to reduce military tension by responding to UNC confidence-building measures as outlined above.

3. UNC remains issue

5. Paragraph 20 of the "Understanding" on the return of Korean War military remains - a 1954 subsequent agreement - stipulates "in the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination of this understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of the Military Armistice Commission". Each side is, therefore, legally obligated to return all military remains that are discovered in accordance with the aforesaid subsequent agreement.

6. On 2 February 1988, the North Korean MAC Secretary officially informed the UNC that North Korea had the remains of two UNC soldiers, specifically Jack J. Sanders and Arthur L. Seaton, both members of the United States Army "among the remains of the United States Army men" in their possession. On the same date, North Korea also publicly admitted through a Korean Central News Agency radio broadcast that North Korea had these remains in its possession. However, with complete disregard for its obligations under the subsequent understanding on the return of Korean War remains, North Korea has not delivered these UNC (United States) remains, citing reasons totally unrelated to North Korean obligations under the Armistice Agreement.

7. At four MAC meetings held during 1989, the UNC reminded the North Korean side of its humanitarian and Armistice Agreement obligations to return these UNC Korean War remains that it has publicly admitted it is holding, and stated this would be a very easy, unilateral confidence-building measure on their part.

Annex II

Special report of the United Nations Command to the United Nations Security Council on the North Korean construction of another infiltration tunnel across the Military Demarcation Line in the DMZ

1. The United Nations Command (UNC) was created in response to United Nations Security Council resolution 84 (1950) of 7 July 1950. In that resolution, the Security Council recommended the establishment of a unified command, under the United States of America, in order to repel North Korean aggression against the Republic of Korea and to restore peace and security. It also requested the UNC "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 this Agreement, all UNC successors in command are responsible for compliance with, and enforcement of, the terms and provisions of the Agreement. Your attention is invited to the 10 May 1989 CINCUNC report to the United Nations Security Council (S/20622) for further information on the role of the unified command involving the Korean Armistice. The UNC continues to carry out its functions and fulfil its obligations under the mandate of the Armistice Agreement to maintain peace and security on the Korean peninsula until a more permanent peace is achieved by the parties directly concerned.

2. This report summarizes North Korean intransigence on the investigation of a major, serious Armistice violation, i.e., a fourth infiltration tunnel within the Demilitarized Zone (DMZ) in Korea. The lack of progress on joint investigations of Armistice violations is due solely to the North's refusal to co-operate or even discuss such investigations.

(a) On 3 March 1990, an illegal North Korean infiltration tunnel, the fourth one, constructed across the Military Demarcation Line under the DMZ was intercepted by the United Nations Command/Republic of Korea at 38 19'10" north latitude and 128 06'50" east longitude. Apparently, the entrance to the tunnel is within the North Korean portion of the Demilitarized Zone. The tunnel is about two metres high and two metres wide, and more than 145 metres below the surface in solid granite. It extends over 1,000 metres into the UNC portion of the DMZ. This is the fourth time that North Korea has been exposed constructing illegal infiltration tunnels under the DMZ, in violation of paragraphs 1, 6, 13a, 14 and 17 of the Armistice Agreement. (Regarding the first and second North Korean infiltration tunnels, discovered in 1974 and 1975, see the 1975 UNC report (S/11861), and regarding the third North Korean infiltration tunnel, discovered in 1978, see the 1979 UNC report (S/13113).)

(b) The UNC proposed, on three occasions, that a Joint Observer Team (JOT), composed of the UNC and Korean People's Army/Chinese People's Volunteers members, meet to investigate jointly the fourth North Korean infiltration tunnel, as provided for by paragraphs 26 and 27 of the Armistice Agreement. The UNC proposals for a joint investigation were completely ignored by the North Korean side,

however, in a gross violation of paragraph 27 of the Armistice Agreement. At the 455th Military Armistice Commission (MAC) meeting, held on 14 March 1990, the UNC Senior Member charged the North Koreans with the construction of the fourth infiltration tunnel in serious violation of the Armistice Agreement and presented compelling evidence against the North Koreans that had been gathered by a UNC multinational investigative team. The UNC also pointed out the North Korean failure to abide by the Armistice Agreement when they repeatedly failed to respond to the UNC proposals to dispatch a Joint Observer Team to investigate the fourth North Korean infiltration tunnel.

(c) After denying it existed, and after ignoring three previous UNC proposals to investigate jointly the fourth North Korean infiltration tunnel, the North Korean Senior Member abruptly made a unilateral demand concerning the tunnel at the 455th MAC meeting. The North demanded that the UNC Senior Member sign a "safety guarantee paper" for a 60-man North Korean team that would travel immediately by four North Korean helicopters, flying across the Military Demarcation Line into the UNC portion of the DMZ to conduct an investigation of the tunnel. The North also demanded the UNC Senior Member accompany the North Korean delegation, but made no mention of UNC participation in the investigation. Such an abrupt and unilateral demand is completely contrary to the existing rules and procedures for joint investigations established by the Armistice Agreement and its subsequent agreements. The Armistice Agreement calls for the MAC Secretaries to arrange the dispatch of a Joint Observer Team to conduct a joint investigation of violations reported to have occurred in the DMZ. (See the appendix to the present report on the Armistice Agreement provisions pertaining to the Joint Observer Team investigations.) Nevertheless, UNC welcomed the North Korean counterproposal as "encouraging", agreed to it "in principle", and promised to respond promptly.

(d) On 17 March 1990, the UNC reaffirmed its agreement with the 14 March 1990 North Korean counterproposal, at the same time proposing the 498th MAC Secretaries' meeting be held on 21 March 1990 to arrange the dispatch of a Joint Observer Team to investigate the tunnel. However, on 20 March 1990, the North Koreans rejected the UNC proposal, and simply reiterated their unilateral demands that were first presented at the 455th MAC Secretaries' meeting.

(e) On 26 March 1990, the UNCMAC Senior Member wrote the enclosed letter to his North Korean counterpart. It thoroughly refutes North Korean distortions involving a joint investigation of Armistice Agreement violations, and urges North Korea once more to join the UNC in making the MAC more productive by adhering to Armistice Agreement provisions for Joint Observer Team investigations. On 27 March 1990, the North Korean Senior Member responded, insisting that the UNC must agree to all their unilateral demands presented at the 455th MAC meeting on 14 March 1990 before coming to the Secretaries' meeting proposed by the UNC. In his 27 March response, the North Korean Senior Member dropped any reference to the terms "Joint Observer Team" or a "joint investigation" as defined in the Armistice Agreement, and instead started emphasizing the need for a unilateral investigation by a "large-scale" North Korean "fact-finding group" consisting of 60 North Koreans. They know that if a joint investigation of the fourth tunnel is conducted by a Joint Observer Team in the UNC portion of the DMZ they will have to open up the North Korean portion of the DMZ for reciprocal joint investigations.

(f) On 10 April 1990, the UNC again proposed the 498th MAC Secretaries' meeting be held, and provided an agenda for the meeting. We stated that the UNC would discuss the administrative and technical details involving investigation of the fourth North Korean tunnel. The North Koreans again rejected the UNC's proposal by deliberately imposing unilateral and unacceptable conditions to the convocation of the Secretaries' meeting.

3. Of 16 United Nations Member States that provided military forces to UNC, eight United Nations Member States are still represented in the UNC today. They are Australia, Canada, Colombia, France, the Philippines, Thailand, the United Kingdom and the United States. Officers from these United Nations Member States not only participate in the meetings of the MAC, but also participate in multinational investigations of Armistice violations, such as was the case in the fourth North Korean infiltration tunnel violation.

4. The UNC reaffirms its readiness, consistent with the provisions of the relevant United Nations Security Council resolutions, to maintain the Korean Armistice and preserve peace and security on the Korean peninsula until a more durable peace is achieved by the parties directly involved in the Korean question.

Appendix I

HEADQUARTERS, UNITED NATIONS COMMAND
MILITARY ARMISTICE COMMISSION
APO SAN FRANCISCO 96301-0032

26 March 1990

Major General Choe Ui Ung
Korean People's Army
Senior Member
Korean People's Army and
Chinese People's Volunteers Side
Military Armistice Commission

This letter is to again propose that your side join the United Nations Command in making the Military Armistice Commission and its subordinate agencies more productive in preserving and implementing the Korean truce, as intended by the Armistice Agreement.

Following our breakthrough into your infiltration tunnel No. 4 on 3 March 1990, the United Nations Command proposed that Joint Observer Team No. 5 meet in the vicinity of MDL Marker No. 1074 at 1100 hours, 6 March, to conduct a joint investigation, in accordance with paragraphs 26 and 27 of the Armistice Agreement. The evidence gathered by a UNC multinational investigative team indicated that your side was responsible for the construction of the tunnel under the DMZ. The United Nations Command's request for a joint investigation was to ensure that a proper report of a serious truce violation would be provided to the Commission. Your side, however, in gross violation of paragraph 27 of the Armistice Agreement, totally ignored three written proposals for a joint investigation.

Then an incredible series of actions occurred. First, on 6 March 1990, your Armed Forces Ministry made an outright denial that you built and maintained tunnel No. 4.

Secondly, after ignoring three proposals to jointly investigate tunnel No. 4, and denying it existed, you abruptly counterproposed an investigation at the 455th MAC meeting, on 14 March 1990, making unilateral demands that the UNCMAC Senior Member sign a "safety guarantee paper" to ensure the safety of four North Korean helicopters and 60 North Korean personnel, including yourself, your Joint Observer Team (JOT) members, other assistants, as well as the press representatives, so that they could immediately cross the MDL into our portion of the DMZ and proceed to the tunnel site. Despite the obvious complexity and perplexing logic of your counterproposal, we welcomed it as "very encouraging", agreed to it "in principle", and promised to respond in a timely way.

Thirdly, following the MAC meeting, your Government deliberately and completely distorted the truth by stating: "The United States side, however, refused to accept our proposal, making it impossible to make an overall investigation into the tunnel" Of course, at no time has the United Nations Command rejected your counterproposal, even though it contains a unilateral demand that is outside the framework of the Korean truce.

On 17 March 1990, after careful study of your counterproposal, we responded favourably. The United Nations Command reconfirmed its agreement with your 14 March counterproposal, at the same time proposing the 498th MAC Secretaries' meeting be held on 21 March to discuss the execution of the investigation and the details involving the composition of the Joint Observer Team, technical experts, security personnel, personal safety, transportation, and other necessary arrangements, as described in the agreed-upon JOT rules. Our intent was, and is, to restore the JOT function as prescribed in the Armistice Agreement.

Your side, however, on 20 March rejected our proposal for the 498th MAC Secretaries' meeting, and continued misstating and distorting the issue by again insisting the UNC had refused your counterproposal.

The damage you have done to the MAC mechanism is serious. Not only have you refused to participate in JOT investigations as called for by the Armistice Agreement and its subsequent agreements, but you have also refused to attend a numbered MAC Secretaries' meeting to discuss the details involving your counterproposal to dispatch a Joint Observer Team.

Let me cite a precedent where your side proposed that the MAC Secretaries arrange the dispatch of a JOT to conduct a joint investigation. At the 11th MAC meeting, on 13 August 1953, the United Nations Command Senior Member proposed that the Military Armistice Commission dispatch Joint Observer Team No. Nine "to make a complete investigation" of the KPA construction of a fortification in the DMZ. Your side's Senior Member responded: "With reference to the specific joint investigation, I propose it will be arranged by the secretaries of both sides." The UNC Senior Member agreed, the investigation took place, and a report was subsequently filed. A week later, at the 12th MAC meeting on 19 August, the KPA/CPV Senior Member remarked that according to the joint report, the UNC allegation was not proven and, therefore, the case was closed. The UNC Senior Member agreed to that, too.

If your interest in pursuing a joint investigation is genuine, your side should have accepted our call for a MAC Secretaries' meeting, in accordance with the 18 July 1955 subsequent agreement on JOT operations. Instead, you complained that our proposal did not address the size of a joint investigative team, the question of employing appropriate experts, procedures to ensure safety, and the use of four helicopters to transport 60 personnel from your side into the southern portion of the DMZ.

We still consider a MAC Secretaries' meeting to be the best forum to reach necessary agreements in the following areas:

- Number of personnel. Each side provides a number of personnel, which will include two to three accredited JOT members, technical personnel necessary to the operation of the Joint Observer Team, such as explosive ordinance disposal personnel "investigation experts", and press representatives to report on the JOT investigation. (Your proposal was for 60 from your side. The 18 July 1955 subsequent agreement on JOT operations provides for as many as 30 necessary assistants to support a JOT investigation; and the 16 September 1953 subsequent agreement authorizes 100 accredited press representatives from each side to cover such activities.)

- Transportation. Your side requested transport of your personnel by properly marked helicopters flying across the MDL from the north to the south into the UNC portion of the DMZ, to get to the southern side of the tunnel site. For operational and safety reasons, radio frequencies, altitude, direction of flights, and time of flights in and out of the DMZ need to be determined and agreed to.

- Safety. The UNC will provide assurances, in writing if necessary, for the safety of all KPA/CPV personnel and helicopters entering the UNC portion of the DMZ in conjunction with the investigation.

- Senior Members. If desired, the UNC Senior Member will meet the KPA/CPV Senior Member at the tunnel site.

In sum, your side should not reject meetings of Military Armistice Commission subordinate agencies, such as the JOT and numbered MAC Secretaries meetings; to do so fractures the MAC mechanism itself, which is vital to the maintenance of the Korean Armistice. If you are serious about conducting a joint investigation of the infiltration tunnel, it is not too late for your side to agree to a MAC secretaries' meeting to negotiate possible agreements to the areas outlined above. We await your positive response.

Larry G. VOGT
Rear Admiral, U.S. Navy
Senior Member
United Nations Command
Military Armistice Commission

Appendix II

APPENDIX TO SPECIAL REPORT OF THE UNITED NATIONS COMMAND
TO THE UNITED NATIONS

GLOSSARY OF TERMS AND PERTINENT EXTRACTS FROM THE
MILITARY ARMISTICE AGREEMENT

1. Glossary of terms. The following definitions are provided to facilitate an understanding of the UNC report.

(a) MILITARY DEMARCATION LINE (MDL). A line extending for 151 miles across the Korean peninsula which separates North and South Korea. This was the actual line of contact between opposing forces at the cessation of hostilities on 27 July 1953. It is marked by 1,292 intermittently spaced MDL markers printed in Korean and English on the side facing south and Korean and Chinese on the side facing north.

(b) DEMILITARIZED ZONE (DMZ). The Demilitarized Zone winds 151 miles across the Korean peninsula from the Han River Estuary in the west to a point just below the 39th parallel on the east coast. Down the centre of the 4,000 metre-wide strip is the MDL. The Armistice Agreement created the "DMZ" as a buffer zone and required withdrawal of all military equipment and forces.

(c) JOINT OBSERVER TEAM (JOT). A team composed of not less than four nor more than six officers of field grade rank, half of whom shall be appointed by the Commander-in-Chief, UNC, and half of whom shall be appointed by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Additional personnel such as explosive ordnance disposal personnel, ammunition experts, surveying personnel, drivers etc., shall be furnished by each side as required for the functioning of the Joint Observer Teams. The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of the Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

2. Pertinent paragraphs and extracts from the "Agreement between the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, concerning a Military Armistice in Korea" (signed at Panmunjom, Korea, 27 July 1953).

PARAGRAPH 1 "A Military Demarcation Line shall be fixed and both sides shall withdraw two (2) kilometers from this line so as to establish a Demilitarized Zone between the opposing forces. A Demilitarized Zone shall be established as a buffer zone to prevent the occurrence of incidents which might lead to a resumption of hostilities.

PARAGRAPH 6 "Neither side shall execute any hostile act within, from, or against the Demilitarized Zone.

- PARAGRAPH 7 "No person, military or civilian, shall be permitted to cross the Military Demarcation Line unless specifically authorized to do so by the Military Armistice Commission.
- PARAGRAPH 8 "No person, military or civilian, in the Demilitarized Zone shall be permitted to enter the territory under the military control of either side unless specifically authorized to do so by the Commander into whose territory entry is sought.
- PARAGRAPH 9 "No person, military or civilian, shall be permitted to enter the Demilitarized Zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Military Armistice Commission.
- PARAGRAPH 11 "Nothing contained in this Article shall be construed to prevent the complete freedom of movement to, from, and within the Demilitarized Zone by the Military Armistice Commission, its assistants, its Joint Observer Teams with their assistants, the Neutral Nations Supervisory Commission hereinafter established, its assistants, its Neutral Nations Inspection Teams with their assistants, and of any other persons, materials, and equipment specifically authorized to enter the Demilitarized Zone by the Military Armistice Commission ...
- 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.
- PARAGRAPH 13 "In order to insure the stability of the Military Armistice so as to facilitate the attainment of a peaceful settlement through the holding by both sides of a political conference of a higher level, the Commanders of the opposing sides shall:
- "a. Within seventy-two (72) hours after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the Demilitarized Zone except as otherwise provided herein. All demolitions, minefields, wire entanglements, and other hazards to the safe movement of personnel of the Military Armistice Commission or its Joint Observer Teams, known to exist within the Demilitarized Zone after the withdrawal of military forces therefrom, together with lanes known to be free of all such hazards, shall be reported to the Military Armistice Commission by the Commander of the side whose forces emplaced such hazards. Subsequently, additional safe lanes shall be cleared; and eventually, within forty-five (45) days after the termination of the seventy-two (72) hour period, all such hazards shall be removed from the Demilitarized Zone as directed by and under the supervision of the Military Armistice Commission ...

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."

Appendix III

REVISED GENERAL RULES FOR THE CONTROL, ORGANIZATION,
OPERATION AND SUPPORT OF THE JOINT OBSERVER TEAMS*

1. Control

- a. Operational control of the Joint Observer Team shall be exercised by the Military Armistice Commission through the Secretaries appointed by both sides.
- b. The Military Armistice Commission, or the Senior Member of each side, shall dispatch Joint Observer Teams through the Secretaries appointed by both sides.

2. Organization

- a. Five (5) Joint Observer Teams shall be established and the teams separately numbered from ONE to FIVE.
- b. Each side shall furnish, to each of such teams, two (2) or three (3) field grade officers and not more than thirty (30) necessary staff assistants and working personnel.
- c. Technical personnel necessary to the operation of each Joint Observer Team, such as explosive ordnance disposal personnel, ammunition experts, surveying personnel, photographers, drivers, etc., shall be provided respectively by each side within the total number of staff assistants and working personnel as provided for in the above paragraph.

3. Deployment

- a. The Han River Estuary shall constitute area number ONE. The Demilitarized Zone shall be divided into four (4) areas, numbered from TWO through FIVE. Each Joint Observer Team shall perform the mission as provided for in paragraph 26 of the Armistice Agreement in the correspondingly numbered area.
- b. Upon the suggestion of the Secretary of either side, boundaries of the numbered area, both in the Han River Estuary and in the Demilitarized Zone, may be adjusted through negotiation as accessibility, terrain features and other considerations of operational conveniences may require.
- c. The two components of the Joint Observer Teams shall billet in the territory under the military control of their respective sides, but at locations from which they can readily reach their respective areas in the Han River Estuary

* Revised rules agreed to by UNC and KPA/CPV at the 135th Secretaries' meeting, 18 July 1955, and approved language versions exchanged via Joint Duty Officers, 26 July 1955.

or the Demilitarized Zone. The teams may be dispatched from the billeting locations to the specific areas of their assignment or to any other areas in the Han River Estuary or the Demilitarized Zone. Teams billeted in or adjacent to assigned areas are not to be considered as dispatched.

4. Methods and procedure of operation

a. The functions of the Teams shall be performed jointly by the team members of both sides.

b. Teams shall meet at times and places mutually agreed upon by the senior team members of both sides, or at times and places directed by the Military Armistice Commission.

c. Teams are not to be considered as dispatched when they perform routine duties.

d. While investigating reported violations of any provisions of the Armistice Agreement pertaining to the Demilitarized Zone and the Han River Estuary, team members of the two sides shall have equal opportunity to collect facts and listen to the testimonies of the witnesses.

5. Reports

a. Reports shall be made after a Joint Observer Team has been dispatched to investigate violations of the Armistice Agreement, in accordance with paragraph 27 of the Armistice Agreement, after directed to participation in any joint activity, or when deemed necessary by the individual teams. Reports shall be made in the appropriate forms indicated in Annex 1 and Annex 2.

b. Reports of a Joint Observer Team shall be made in accordance with the following procedure:

(1) Prior to the preparation of a report, personnel from the two components of the Team shall meet and, through discussion, ascertain fully and clearly all the facts and points upon which the two components are in agreement and those with respect to which disagreement exists.

(2) Each of the components shall then separately draft, in the one of the three (3) official languages with which it is most familiar, its report in which it shall set forth:

(a) All the facts and points upon which agreement has been reached.

(b) The component's view upon the facts and points not agreed upon.

(3) Each component shall next transmit promptly to the Military Armistice Commission, by telephone, radio, telegraph or other means of rapid communication, the material contents of its report.

(4) Reports of each component will be prepared in four (4) copies, each of which will be signed by its senior member and distributed as follows:

Two (2) forwarded promptly to the Military Armistice Commission, one (1) delivered to the other component of the Team and one (1) retained in the files of the originating component.

(5) Each component shall also retain in its files the one (1) copy received of the report of the other component upon the same subject.

6. Logistic support

a. Members of both sides on a Joint Observer Team shall be logistically supported by their own side at their billeting locations.

b. In addition to billeting and logistically supporting his members of the Joint Observer Teams, each Commander shall furnish all equipment and supplies required by them, including transportation means and communication services.

7. Amendment

Provisions herein, if found to be inappropriate after tentative application, may, upon the suggestion of the Secretary of either side, be amended through negotiation between the Secretaries of the two sides.

