



MANAGING THE JOINT SECURITY AREA AND THE RISK OF WAR IN KOREA



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I. INTRODUCTION

In this essay, Peter Hayes argues: “In short, sudden surprise events, the use of weapons, and subsequent escalation remain all too possible at the JSA. It is essential that the tension be reduced and underlying conditions that lead to defections be addressed while the Korean conflict is resolved in a comprehensive manner. This future management structure must address all the matters referred to in the Subsequent Agreements, not just the original Armistice.”

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Banner Images: KPA soldier crosses the MDL, JSA, November 21, 2017, UNC video, [here](#).

II. NAPSNET BLUE PETER ESSAY BY PETER HAYES

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The 1953 Armistice remains a live document and defines the framework in which military forces are to be managed in the Korean Peninsula. In many respects, it has been surpassed on the ground by the disposition and types of forces that both sides have introduced into Korea, and specifically in and around the Demilitarized Zone over the last six and a half decades. The Korean Peninsula is now in a state of non-war under international law, a kind of limbo of Cold Peace rather than Hot War. All parties to the conflict would have to renew their political and military obligations to start war anew.

Meanwhile, the Armistice is the primary institutional framework for ensuring that the signatories to the Armistice, the United States, China, and the DPRK, and the ROK and other US allies via their commitments under UN Command or by virtue of an alliance relationship with the United States (most importantly Japan) do not come to blows inadvertently.

There are multiple pathways to ending the Armistice in a political and legal manner as part of a “peace regime” in Northeast Asia.^[1] Thus, the Armistice remains highly salient and bears careful reading.^[2]

What is less well known is that in addition to the Armistice with its array of live (UN Command or UNC), part-alive (Military Armistice Commission), and part-moribund organizations such as the Neutral Nations Supervisory Commissions, a set of post-Armistice also exist that define some of the most important aspects of day-to-day practices aimed at reducing the risk of collision between US, ROK, and DPRK soldiers.

These are known as the “Subsequent Agreements.” They are listed below, and the full texts may be found [here](#).

INDEX TO AGREEMENTS SUBSEQUENT
TO THE SIGNED OF THE
ARMISTICE AGREEMENT

(Revised 22 March 2017)

Rules for Civil Shipping in the Han River Estuary and Related Matters	TAB "W"
Definition of the term "Combat Aircraft"	TAB "W"
Understanding on Administrative Details for the Delivery and Reception of Bodies of Military Personnel of Both Sides	TAB "O"
Agreement on the MAC Headquarters Area, its Security and its Construction	TAB "O" (1)
Use of Public Address System in the Headquarters Area	TAB "O" (2)
Understanding on Administrative Details for Assisting the return of displaced Civilians and the Processing of Citizens of Foreign Nationality to Territory under the Control of the other side	TAB "P"
Amendment to Agreement on Entry into and Departure from the Demilitarized Zone by Citizens	TAB "P"
Agreement on Credentials, Distinctive Insignia and Markings for the MAC, its Agencies and the Personnel of such Organizations	TAB "Q"
Revised General Rules for the Control, Organization, Operation and Support of the Joint Observer Teams	TAB "W" (1)
Chronology of Negotiation for Reduction of Joint Observer Teams and Revised General Rules for Joint Observer Teams	TAB "W" (2)
Understanding concerning the Repair and Maintenance of the MDL Markers on both banks of the Imjin River, North Han River and Kumsong River Where the MDL runs close the center of the Rivers	TAB "W" (3)
Designation of "A" and "B" Sectors of MDL and Numbering System and Marker Designs	TAB "W" (4)
Agreement on Chinese Linguists in JCT Meetings	TAB "W" (5)
Agreement on Intermision of MAC & Jct Meetings Every Three Hours	TAB "T"
Agreement concerning the Logistical Support and Expense of the MAC, the MDL, and NARL, their Respective Subordinate bodies and other personnel	TAB "J"

INDEX TO AGREEMENTS (CONT'D)

Provisions regarding the attendance of news media Representatives in the Demilitarized Zone	TAB "G"
Procedures for supervising and reporting the arrival in and departures from Rules of Military Personnel and Replacement Items	TAB "L"
Operating Procedure for Joint Duty Office	TAB "M"
Tentative Rules of Procedure of the Military Armistice Commission	TAB "W"
Appendix to Tentative Rules of Procedure of the Military Armistice Commission	TAB "W" (1)
Agreement on Calling Military Armistice Commission Meetings	TAB "W" (2)
Agreement on reduction of MDC's	TAB "O"
Agreements on use of Chinese Linguists at Secretary Meetings	TAB "P"
Agreement on use of Military Police as Civil Police in the DMZ and Use of Types of Weapons	TAB "Q"
Agreement on Number of Copies of Communications to be Passed between Senior Members of Both Sides	TAB "R"
Agreement that the MCL Has Been Marked	TAB "S"
Agreement on Calling Secretariat Meetings	TAB "T"
Agreement on Remains-related Matters (Registration of Unilaterally Recovered UNIC Remains from DPRK to UNIC in Panmunjom)	TAB "U"
Procedures for UNIC-RFA General Officer-Level Dialogue on Armistice Issues	TAB "V"
Agreement Between the United Nations Command and the Korean Peoples Army on Opening Some Area of the DMZ (West Side – 17 September 2000)	TAB "W"
Agreement Between the United Nations Command and the Korean Peoples Army on Opening Some Area of the DMZ (East Side – 12 September 2002)	TAB "X"
Distribution List	TAB "Y"

Source: United Nations Command, "INDEX TO AGREEMENTS SUBSEQUENT TO THE SIGNING OF THE ARMISTICE AGREEMENT (Revised 23 March 2017)

As the Subsequent Agreements are part and parcel of the Armistice itself, it is important that they be included in any consideration of post-Armistice arrangements to manage the Demilitarized Zone and other related security concerns.

Partitioning of the Joint Security Area

Of these, none is more important than that which redefined the physical arrangements of the Joint Security Area (JSA) at Panmunjon. This rearrangement took place in 1976 after the near-war that took place after the altercation between North Korean soldiers and a US-ROK team sent to cut down a poplar tree blocking the view to the North in the JSA. Before this collision, soldiers from the United States and the two Koreas regularly engaged in provocative behavior such as "stare-downs" and spitting that led to physical fighting on occasion, but it took the 1976 incident to force the changes which were made after North Korea proposed on August 25, 1976 the JSA's partition to avoid future such incidents (as recorded in the US history of the MAC meeting below).[\[3\]](#)

EXCERPT FROM 1976 Annual Historical Report USFK/EUSA

380th MAC Meeting
23 Aug 76

The UNC opened with these remarks: (1) The UNC considered the KPA Supreme Commander's expression of "regret" and his remarks on joint efforts in the JSA to preclude future incidents a positive step; but (2) the fact that two UNC officers were brutally beaten to death without provocation calls for punishment of those KPA personnel responsible for the murders; and (3) the UNC continues to insist on assurances that safety of UNC personnel in the JSA be preserved. The KPA Senior Member responded that the KPA position on the issue was already expressed in the KPA Supreme Commander's message of 21 Aug to the CDMCUNC, but then offered a proposal for changing the security arrangements in the JSA. He called for physical

18. Operation PAUL BUNYAN, see Ch 2, p. 18.

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separation of UNC and KPA military personnel in the JSA by means of the MDL and stated that details could be worked out by the respective Secretaries.

Source: 1976 Annual Historical Report USFK/EUSA, p. 7, released to Nautilus Institute under a US Freedom of Information Act request, at: <https://nautilus.org/foia-document/1976-annual-historical-report-usfkeusa/>

North Korea made this proposal and implemented even though they gave up four guard posts in the southern part of the original JSA, and UNC forces gave up none (having none north of the MDL in the original JSA).[4]

A copy of the September 6, 1976 "Agreement on Supplement to the "Agreement on the Military Armistice Commission Headquarters Area, Its Security and Its Construction," to partition the JSA is found in Appendix 3 to the 1976 Annual Historical Report of US Forces Korea/Eighth US Army.[5]

However, this document did not include the layout diagrams and maps pertaining to the JSA that were part of this Agreement. It did summarize these changes as outlined in the following excerpt from the 1976 Annual Historical Report USFK/EUSA:

EXCERPT FROM 1976 Annual Historical Report USFK/EUSA

The 4 Sep 74 Supplemental Agreement to the "Agreement of the Military Armistice Commission Headquarters Area, Its Security and Its Construction" brought about partitioning of the JMA as shown in Appendix 3, plus the following physical changes:

Revisions:

--Four CPA CPs located on UNC side of the JMA were removed by 13 Sep 74.

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--CPA dismantled old Joint Army Office building located west of conference building site. A small utility building nearby which resembled the MCL was also removed.

--CPA CP 3 was relocated.

--UNC guard force near hall east of conference building site was dismantled.

Additions:

--CPA built a new primary access road and a reinforced concrete bridge across the Naeson River leading to CPA CP 3.

--CPA erected two new guard posts and a new barracks building within their portion of the JMA.

--CPA constructed a new guard post west of their new bridge immediately outside the JMA.

--CPA built a small addition to the north side of their Joint Army Office building and put up a small building immediately north of their new barracks.

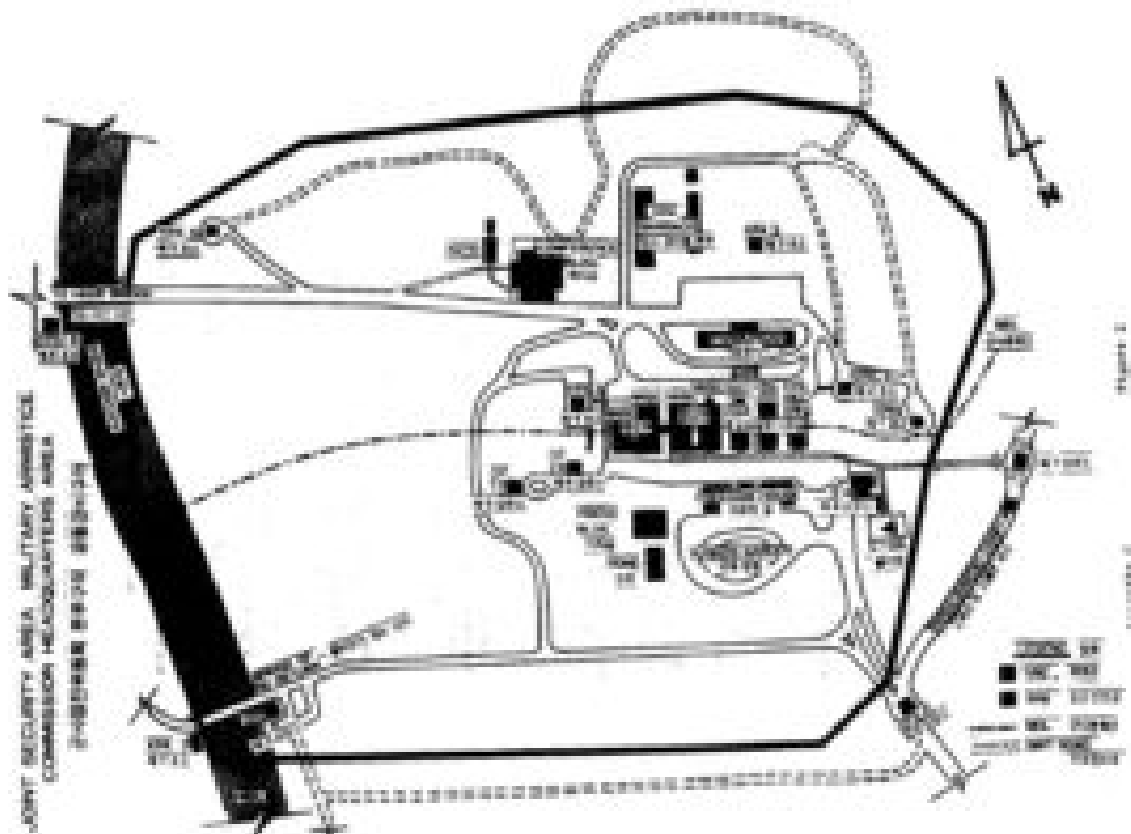
--CPA added a third story to their guard post located southeast of their Joint Army Office.

--UNC reconstructed an access to the guard post located east of Freedom House.

--UNC paved and improved access roads to UNC check points and the road leading to the Swiss/Swedish UNC Camp.

Source: 1976 Annual Historical Report USFK/EUSA, pp. 29-30, released to Nautilus Institute under a US Freedom of Information Act request, at: <https://nautilus.org/foia-document/1976-annual-historical-report-usfkeusa/>

In 1986, UNC issued "Compliance with the Armistice Agreement"[i] which included the revised layout, shown below.[6]



Source: United Nations Command, "Compliance with the Armistice Agreement," UNC Regulation 551-4 (in Korean and English), April 25, 1986, released to Nautilus Institute under US Freedom of Information Act, at: <https://nautilus.org/foia-document/armistice-affairs-compliance-with-the-armistice-agreement/>

Continuing Risk at JSA

The defection of a North Korean soldier on November 13, 2017 by driving a vehicle to the northern side of the Military Demarcation Line in the partitioned JSA culminated in North Korean hot pursuit, crossing over the MDL (even if for only a moment before retreating), and firing from the northern side into the south at the North Korean defector who was hit while already across the MDL in the southern part of the divided JSA.^[7] Prudently, US-ROK soldiers in the JSA did not fire back but waited and then sent soldiers to retrieve the wounded North Korean.

This event highlighted yet again the risks that forces that are directly arrayed against each other in closest proximity at the JSA is a site that could lead to exchange of fire, casualties, and escalation with almost no warning. Not only do tourists and other visitors constantly enter the JSA; but there is an ever-present risk of defection. Although uncommon, US soldiers in Korea have crossed the DMZ to defect to the DPRK in the past (although never through the JSA); and other North Korean defectors have crossed the DMZ minefields in the past to defect to the ROK. Moreover, scores of North Korean defectors have returned to the DPRK (although none via the DMZ or the JSA so far).

In short, sudden surprise events, the use of weapons, and subsequent escalation remain all too possible at the JSA. It is essential that the tension be reduced and underlying conditions that lead to defections be addressed while the Korean conflict is resolved in a comprehensive manner. This future management structure must address all the matters referred to in the Subsequent Agreements, not just the original Armistice.

III. ENDNOTES

[1] See Patrick M. Norton, "NAPSNet Policy Forum Online #2 — Norton, "Ending the Korean Armistice"", *NAPSNet Policy Forum*, March 29, 1997, <https://nautilus.org/napsnet/napsnet-policy-forum/napsnet-policy-forum-online-2-norton-ending-the-korean-armistice/> and North Korean views at "DPRK Perspectives on Ending the Korean Armistice," *NAPSNet Policy Forum*, #4 -- May 7, 1997 at: http://www2.law.columbia.edu/course_00S_L9436_001/North%20Korea%20materials/4a_DPRKonKA.html

[2] The full text of the Korean Armistice may be found here: <https://nautilus.org/publications/books/dprkbb/armistice/dprk-briefing-book-the-korean-war-armistice-agreement/>

[3] *1976 Annual Historical Report USFK/EUSA*, p. 7, released to Nautilus Institute under a US Freedom of Information Act request, at: <https://nautilus.org/foia-document/1976-annual-historical-report-usfkeusa/>

[4] See R. Probst, "Negotiating with North Koreans: The U.S. Experience at Panmunjom," *US Army War College*, May 16, 1977, p. 11, released to Nautilus Institute under a US Freedom of Information Act request, at: <https://nautilus.org/projects/by-name/foia/negotiating-with-north-koreans--he-u-s-experience-at-panmunjom/>

[5] *1976 Annual Historical Report USFK/EUSA*, released to Nautilus Institute under a US Freedom of Information Act request, at: <https://nautilus.org/foia-document/1976-annual-historical-report-usfkeusa/>

[6] United Nations Command, "Compliance with the Armistice Agreement," UNC Regulation 551-4 (in Korean and English), April 25, 1986, released to Nautilus Institute under US Freedom of Information Act, at: <https://nautilus.org/foia-document/armistice-affairs-compliance-with-the-armistice-agreement/> More recent versions of this regulation are found one line: HEADQUARTERS, UNITED NATIONS COMMAND, "COMPLIANCE WITH THE KOREAN ARMISTICE AGREEMENT," UNC Regulation NO. 551-4

22 September 2003, p. B8, at: [http://8tharmy.korea.army.mil/g1_ag/programs_policy/PublicationsRecords/Regulations/Unc_Cfc_Usfk/UNC%20Reg%20551-4%20Compliance%20with%20the%20Korean%20Armistice%20Agreement\(1\).pdf](http://8tharmy.korea.army.mil/g1_ag/programs_policy/PublicationsRecords/Regulations/Unc_Cfc_Usfk/UNC%20Reg%20551-4%20Compliance%20with%20the%20Korean%20Armistice%20Agreement(1).pdf) This regulation was superseded in September 5, 2014, at: http://8tharmy.korea.army.mil/g1_ag/Programs_Policy/PublicationsRecords/Regulations/Unc_Cfc_Usfk/UNC%20Reg%20551-4%20Compliance%20with%20the%20Korean%20Armistice%20Agreement%20English.pdf

[7] A. Fifield, "Dramatic video shows North Korean soldier making a run for freedom," *Washington Post*, November 22, 2017, at: https://www.washingtonpost.com/world/dramatic-video-shows-north-korean-soldier-making-a-run-for-freedom/2017/11/21/3a7f1fdc-cf2d-11e7-8447-3d80b84bebad_story.html?utm_term=.fb44f0345cf5

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