


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

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Recommended Citation

Peter Hayes, "MANAGING THE JOINT SECURITY AREA AND THE RISK OF WAR IN KOREA", NAPSNet Policy Forum, February 13, 2018, <https://nautilus.org/napsnet/napsnet-policy-forum/managing-the-joint-security-area-and-the-risk-of-war-in-korea/>

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FEBRUARY 13, 2018

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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Acknowledgment: This report was funded by MacArthur Foundation.

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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 (ISSUING) OF THE
ARMISTICE AGREEMENT**

(Revised 23 March 2017)

Rules for Civil Shipping in the Han River Estuary and Related Matters	TAB "A"
Definition of the term "Combat Aircraft"	TAB "B"
Understanding on Administrative Details for the Delivery and Reception of Bodies of Military Personnel of Both Sides	TAB "C"
Agreement on the MAC Headquarters Area, its Security and its Construction	TAB "D" (1)
Use of Public Address System in the Headquarters Area	TAB "D" (2)
Understanding on Administrative Details for Assisting the return of displaced Civilians and the Processing of Civilians of Foreign Nationality to Territory Under the Control of the other side	TAB "E"
Amendment to Agreement on Entry into and Departure from the Demilitarized Zone by Civilians	TAB "F"
Agreement on Uniforms, Distinctive Insignia and Markings for the MAC, its Agencies and the Personnel of Joint Organizations	TAB "G"
Revised General Rules for the Control, Organization, Operation and Support of the Joint Observer Teams	TAB "H" (1)
Chronology of Negotiation for Reduction of Joint Observer Teams and Revised General Rules for Joint Observer Teams	TAB "H" (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 about the center of the Rivers	TAB "H" (3)
Designation of "A" and "B" Sectors of MDL and Numbering System and Marker Design	TAB "H" (4)
Agreement on Chinese Linguists in JCF Meetings	TAB "H" (5)
Agreement on Intermission of MAC & JAC Meetings Every Three Hours	TAB "I"
Agreement concerning the Logistical Support and Expense of the MAC, the MDC, and MRC, their respective subordinate bodies and other personnel	TAB "J"

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Provisions regarding the attendance of news media Representatives in the Demilitarized Zone	TAB 10*
Procedures for supervising and reporting the arrivals in and departures from Rules of Military Personnel and Replacement Items	TAB 10*
Operating Procedure for Joint Duty Office	TAB 10*
Tentative Rules of Procedure of the Military Armistice Commission	TAB 10*
Appendix to Tentative Rules of Procedure of the Military Armistice Commission	TAB 10* (1)
Agreement on Calling Military Armistice Commission Meetings	TAB 10* (2)
Agreement on reduction of MACTS	TAB 10*
Agreements on use of Chinese Linguists at Secretary Meetings	TAB 10*
Agreement on use of Military Police as Civil Police in the DMZ and Use of Types of Weapons	TAB 10*
Agreement on Number of Copies of Communications to be Passed between Senior Members of Both Sides	TAB 10*
Agreement that the MDL Has Been Marked	TAB 10*
Agreement on Calling Secretaries' Meetings	TAB 11*
Agreement on Remains-related Matters (Resubmission of Unilaterally Recovered UNAC Remains from DPRK to UNAC in Panmunjom)	TAB 12*
Procedures for UNAC-RFA General Officer-Level Dialogue on Armistice Issues	TAB 13*
Agreement between the United Nations Command and the Korean Peoples Army on Opening Some Area of the DMZ (West Side - 17 November 2000)	TAB 16*
Agreement between the United Nations Command and the Korean Peoples Army on Opening Some Area of the DMZ (East Side - 12 September 2002)	TAB 16*
Distribution List	TAB 17*

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
22 Aug 76

The UNC opened with these remarks: (1) The UNC considered the EPA 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 EPA 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 EPA Senior Member responded that the EPA position on the issue was already expressed in the EPA Supreme Commander's message of 21 Aug to the CDCUSC, but then offered a proposal for changing the security arrangements in the JSA. He called for physical

10. Operation BUL DOG, see Ch 2, p. 14.

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separation of UNC and EPA 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 modification of the JMA as shown in Appendix 3, plus the following physical changes:

Modifications:

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

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

--CPA CP 3 was relocated.

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

Modifications:

--CPA built a new primary access road and a reinforced concrete bridge across the Berlin 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.

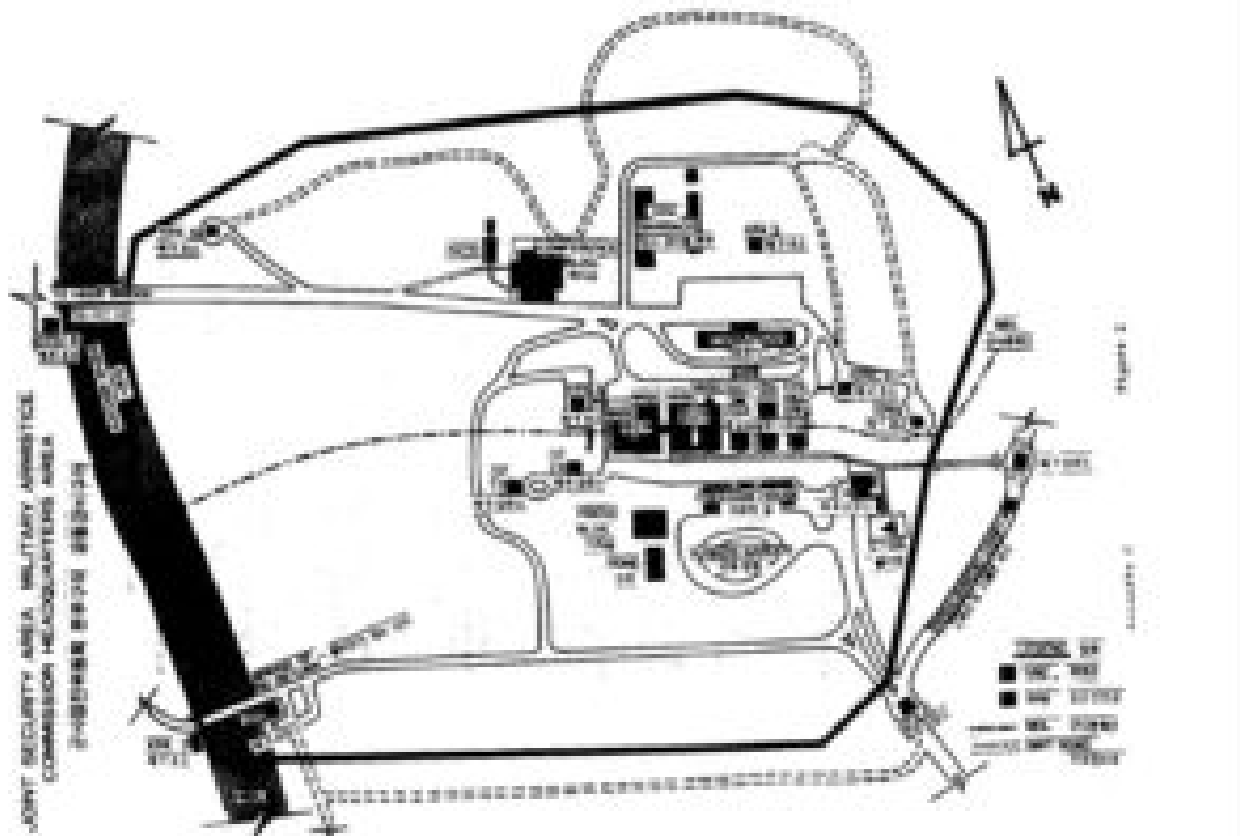
--CPA added a third story to their guard post located southeast of their Joint Army Office.

--UNC constructed 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 UNCC 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-](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)

[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-](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)

[4%20Compliance%20with%20the%20Korean%20Armistice%20Agreement%20English.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%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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