

THE KOREAN ARMISTICE AND THE ISLANDS

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ABSTRACT

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This paper focuses on one aspect of the negotiation process and the outcome of the Korean War Armistice Agreement (KWAA). The KWAA was signed on 27 July 1953 between the military commanders of the United Nations Command (UNC), the Chinese People's Volunteer Army (CPVA), and the Korean People's Army (KPA) of the Democratic People's of Republic of Korea (DPRK). Under the provisions of the KWAA, five Northwest Islands are specifically designated to remain under the control of the Commander-in-Chief, UNC. Because of the islands' unique strategic location, the surrounding area of the five islands became one of the primary potential sources of conflict between the Republic of Korea (ROK) and the DPRK. There have been two recent violent naval engagements between the two Koreas, on 15 June 1999 and 29 June 2002, near those islands. Four key strategic issues this paper will focus on are as follows: why the UNC decided to retain those island groups among the many islands it held north of the military demarcation line prior to the Armistice Agreement; the strategic consequence of the negotiation and establishment of the Northern Limit Line (NLL); the lessons we can learn from the negotiations; and recommendations to policy makers.

THE KOREAN ARMISTICE AND THE ISLANDS

At 09:54 on June 29, 2002, a Democratic People's of Republic of Korea (DPRK, also referred to as North Korea, NK) patrol boat crossed the Northern Limit Line (NLL) in the West Sea (Yellow Sea) near the island of Yonpyong-do. A Republic of Korea (ROK) naval squadron sailed for the spot and warned the patrol ship to go back to the north several times. Ignoring the warning, the DPRK patrol boat continued to sail south. At 10:25 after traveling three miles south of the NLL, the DPRK vessel opened fire with its 85 mm gun against the ROK patrol boats causing 24 casualties (6 killed and 18 wounded) and sinking one of the ROK boats. The ROK vessels were reinforced by two patrol corvettes and severely damaged the DPRK craft, forcing it to retreat. It is estimated that the DPRK sailors also suffered more than 30 casualties. Both sides laid blame on each other and both the ROK and the United Nations Command (UNC) demanded an apology from the DPRK. The DPRK officials apologized later for the occurrence and promised to take steps to prevent such incidents from occurring.

However, that was not the DPRK's first provocation. The ROK and the DPRK naval forces had also engaged violently on 15 June 1999 near those islands. In fact, the DPRK has continuously tried to nullify the NLL, claiming that the line was unilaterally drawn by the UNC commander. What was the source of all those disputes?

The Korean War Armistice Agreement (KWAA) was signed on 27 July 1953 between the military commanders of United Nations Command (UNC), the Chinese People's Volunteer Army (CPVA) and the Korean People's Army (KPA) of the DPRK. According to KWAA Article II, Para A, Sub Para 13 (C), several islands of the west coast of Korea, Paengyong-do, Taechong-do, Sochong-do, Yonpyong-do, and U-do,

also known as the Five Northwest Islands (hereafter “the five islands”) are specifically designated to remain under the control of the Commander-in-Chief, UNC (CINCUNC).¹ Because of the islands’ unique strategic location, the surrounding area of the five islands became one of the primary potential sources of conflict between the two Koreas.

The strategic issues this paper will focus on are as follows: why the UNC decided to retain the five islands among many islands it had held north of the military demarcation line prior to the KWAA; the strategic consequences of the agreement on the five islands and establishment of the NLL; the lessons we can learn from the negotiations; and recommendations to policy makers.

Historical Background

The five islands groups are part of Ongjin-gun (county), Incheon City. One of the islands, Paengyong-do, is the biggest and the northwest-most point of the ROK. (See Figure 1)² It lies at 37° 58’ N, 124° 39’ E, about 190km northwest of Incheon City and 16 km from Jangsan-got peninsula, DPRK.³ From Incheon City, it takes about four hours to get there by ferry. On a fine day, Jangsan-got is visible from the island.

Paengyong-do has historically been a gateway to the West Sea for the Korea-China trade. Boats sailing to and from Korea and China stopped at the islands to get water and food. It has also been a key point in defending Korea from pirate attack and protecting fisheries because the sea near the islands is a rich fishing and crabbing ground. The crab fisheries are of particular importance for they are one of the main sources of income for the fishermen and the clashes in the West Sea often seem to coincide with the crab fishing season.



Figure 1. Korean Peninsula & Five Islands

The islands have remained as a ROK territory for several reasons. First, the five islands and their surrounding waters were under ROK jurisdiction when the Korean War broke out because they lie south of the 38th parallel (the pre-Korean War boundary imposed on Korea by the Allies at the end of World War II). The islands never fell under the Communists' control throughout the Korean War, because the North did not have strong enough naval forces to transport landing forces and the islands were strongly defended by the ROK military forces. The UN navies maintained maritime superiority, which prevented the Communists from using the sea and also allowed allied vessels to move about in relative freedom.⁴ In fact, the UNC was practically in control of all of the North Korean coastal waters, but decided at the end of the war to withdraw from all coastal islands above the 38th parallel, such as Cho-do west of Nampo, and Daehwado west of the Chungchun River. The UNC even handed over several islands near the DPRK coastline and below the 38th parallel, which arguably could have been retained under ROK control.⁵ Had they done so, the UNC would have been able to completely block access to Haeju, one of the major ports in the DPRK.

Second, the islands played an important role as a base for special operations during the war. In February 1951, a special operations unit composed of anti-communist partisans from North Korea was established on these islands.⁶ Originally called “Task Force William Able,” it was renamed “Task Force Leopard” in March 1951. Taking advantage of their maritime superiority and their proximity to the west coast, UN naval forces landed the ROK partisan commandos along the west coast to conduct special operations behind enemy lines. In a major effort from 16 February 1951 to the end of the Korean War, these ROK special operations, along with the UNC naval forces, diverted 80,000 North Korean troops away from frontline duty.⁷

Third, the islands did not get much attention during the KWAA negotiations, apparently because the Communists did not recognize the strategic importance of the islands. The status of the islands was discussed as a sub item of the negotiations regarding the military demarcation line (MDL). According to the diary of Admiral C. Turner Joy, the senior UNC negotiator, the islands issue was brought up for the first time on 30 October 1951. The UNC delegation proposed to the Communists that they relinquish a reasonable amount of ground they held in return for withdrawal of UN forces from the islands north of the proposed ground demarcation line.⁸ He also argued that since the UN side maintained air and maritime superiority over all Korea and the seas around the peninsula, it should be awarded additional territory on the ground.⁹ The UNC delegation wanted to gain the old Korean capital of Kaesong in the west and was willing to give up the islands and some territory in the east to do so.¹⁰ The Communists refused the proposal, insisting that under no circumstances would they give up any of the areas they physically occupied in return for withdrawal of UN forces from the islands

and for the UN's air and naval superiority.¹¹ Major General Hsieh Fang, the Chinese Communist delegate, consistently argued that the UNC should withdraw from all islands north of an extension of the ground demarcation line into the West Sea.¹² However, the UNC was also determined to hold the islands unless there was a suitable adjustment elsewhere.¹³ On 3 February 1952, after months of negotiation, the Communists agreed to UNC retention of the five named islands.¹⁴ On 22 February 1951, the UNC and the Communists delegation agreed to insert a new paragraph in the KWAA about withdrawal of the UNC forces from coastal islands with an accompanying map showing the islands remaining under UNC control: Paengyong-do, Taechong-do, Sochong-do, Yonpyong-do, and U-do.¹⁵

For the Communists, the old capital city of Kaesong had political and symbolic importance, while they failed to recognize the strategic importance of the five islands since they did not have a viable naval force at that time.¹⁶ Had they decided to trade some portion of the mainland for the five islands, the dynamic would have changed significantly.

The Strategic Consequences of the Agreement

The agreement to retain the five islands under UNC control has shaped many aspects of the security environment of the Korean Peninsula. The most obvious and prominent consequence is the establishment of the Northern Limit Line (NLL). The NLL has served as a practical maritime borderline and an effective means to separate the forces and thus prevent military clashes between the two Koreas. The perspective of the belligerents on the NLL will be examined in detail later in this paper.

Additionally, the location of the five islands has provided the ROK several strategic advantages. First, the islands are ideal places for monitoring and providing early warning of the suspicious activities of the DPRK military in the west coast area.

The DPRK major combat units consist of 153 divisions and brigades, including 60 infantry brigades, 25 mechanized infantry brigades, 13 tank brigades, 30 artillery brigades, and 25 special operations force brigades. It has deployed 10 corps including 60 divisions/brigades in the forward area south of the Pyongyang-Wonsan line, which would allow it to launch an attack against the ROK with little preparation.¹⁷ The DPRK may launch provocations against the ROK as a way of resolving the sense of crisis or dissatisfaction within its system, or to gain international attention.¹⁸ KPA doctrines emphasize reconnaissance, infiltration, surprise, annihilation, mobility and overwhelming firepower to achieve objectives.¹⁹ Since the armistice was signed, the DPRK has continuously sent intelligence agents and special operations units to the ROK by ground and sea in order to collect information, hijack an airplane, kidnap or assassinate political leaders, and sabotage critical infrastructures. From 1954 to 1992, the DPRK sent a total of 3,963 armed agents into the ROK.²⁰ The KPA has one of the largest special operations forces in the world, approximately 122,000 personnel. This special operations force is organized into 25 brigades (14 light infantry, 3 airborne, 2-3 air force sniper, 2 navy sniper and 3-4 army sniper) and 5 to 7 reconnaissance battalions. Two additional squadrons are involved in seaborne infiltration.²¹ The primary missions of these forces include reconnaissance, establishing a “second front” within the rear area of the ROK, and facilities destruction and disruption of ROK and U.S. air bases and key infrastructure.

The KPA Navy with 40,000 to 60,000 personnel and about 700 ships is capable of conducting inshore defensive operations, submarine operations, offensive and defensive mining operations, and a limited sea control or denial operations. The West Sea Fleet, made up of six squadrons and approximately 300 vessels, is headquartered at Nampo, with major bases at Pipa-got and Sa-got. Approximately 60 percent of the North Korean naval force is deployed close to the front line area. The primary offensive mission is supporting army actions against the ROK by inserting special operation forces along the coast. The KPA Navy has the capability to transport approximately 15,000 commandos by sea at once.²²

It is imperative for the ROK to monitor and identify suspicious KPA activities in preparation for a possible attack or provocation. It is especially important in the west to protect Seoul from being attacked. In this regard, the five islands have played an important role in monitoring KPA activities in the Whanghae area and in the West Sea to prevent and, if necessary, interdict the infiltration of DPRK spies and special units by way of the West Sea.

Second, the islands can be used as a base for special operations and as forward bases for amphibious operations. As was discussed earlier, the five islands were used as bases for special operations units during the Korean War. During the retreat out of North Korea from December 1950 to January 1951, thousands of anti-communist North Koreans were left behind to fend for themselves. Facing threat of death by the Communists, they fought their way to the west coast and sailed to offshore islands with the help of UNC naval forces.²³ To utilize these assets, Task Force (TF) William Able (later called TF Leopard) was organized under Eighth Army command on 15 February

1951 on Paengyong-do. By mid-March 1951, all individual guerrilla groups were under TF Leopard control and bore the designation of “Donkey” plus a unit number.²⁴ The area of responsibility of TF Leopard was from the Amrok River (Yalu River in Chinese) to Ongjin-gun. The islands were home base for these ROK commando units.

TF Leopard’s strength increased daily and by June 1951, the total number was over eight thousand. In addition to this, the vast distance of its operational area and poor communications required its reorganization. TF Wolfpack was established on Yonpyong-do (later it moved to Kangwha-do) to command partisan operations on the south coast of Whanghae Province, while TF Leopard moved its forward headquarters north to Cho-do and commanded west coast operations from the 38th Parallel north to the Amrok River.

With the provision of better arms, ammunition, communications equipment, food, and other supplies, the advantage of maritime superiority, and their close proximity to the west coast, the Leopard teams were able to infiltrate to collect information, establish contact, and supply partisans already operating within NK, and to conduct small scale attacks to disrupt the enemy rear area.²⁵ They blew bridges and railroads, attacked small KPA and CPVA detachments, and established reliable agent nets. These activities forced the CPVA and the KPA commands to divert two full critically needed corps from frontline units to rear area security operations in Whanghae Province.²⁶ Today, due to fear of the past experiences, the DPRK still employs a significant portion of its ground forces to defend the west coast.

Third, the islands can be used as a forward base for humanitarian support operations in the DPRK when the situation dictates. During the Korean War, especially

from December 1950 to January 1951 when the UNC was forced to withdraw because of Chinese intervention, the islands provided temporary refuge for many refugees and guerrilla forces from the southwest coast of Whanghae Province who could not escape over land and who therefore escaped from NK via the sea. In January 1951, there were 62,082 refugees in the islands around Paengyong-do while the total number of island dwellers was only 17,813.²⁷ Since the KWAA was signed, numerous defectors also have come to the ROK by way of the islands. The latest example was a North Korean family of four who arrived on Yonpyong Island on 30 December 2008. The family had traveled about three hours in a 2-ton wooden boat from Haeju on the North's west coast and was discovered by the ROK Navy near the waters off Yonpyong Island.²⁸

Establishment of the NLL

The NLL was established on 30 August 1953 unilaterally by the U.N Commander as an operational control measure to prevent accidental armed clashes between the two Koreas in the waters around the five islands after the UNC and the communists failed to produce an agreement on a maritime border. They were unable to agree on a maritime equivalent of the MDL on land due to differences in understanding of the term "coastal waters." The UNC claimed that territorial waters extended for 3 nautical miles off the coast while the Communists claimed 12 nautical miles.

The equivalent of the NLL in the East Sea was drawn as an extension of the Military Demarcation Line (MDL) on land. In the West Sea, it connected the Han River Estuary (HRE) to 12 coordinates that delineated a line midway between the five-island groups and the DPRK shoreline using the era's international standard of three nautical miles of territorial water. Neither the NLL in the west nor the "MDL extended" in the east

were set forth in the KWAA. Both were purely operational control lines established by the UNC to deal with NK maritime incursions.

United Nations Command's Perspective. As it is discussed above, the current NLL was established by the then UNC commander, General Mark W. Clark, on 30 August 1953 in order to prevent accidental clashes at sea between the two Koreas.²⁹ As the signatory of the KWAA and responsible for supervising and maintaining the armistice agreement, the UNC has conducted various talks with the DPRK at various levels on matters of KWAA violations. It has been the same with the NLL violations.

Although the NLL is not a part of the KWAA, the UNC has urged the DPRK to respect the NLL numerous times. On 15 June 1999, General Officers (GO) from the UNC and the KPA met at Panmunjom to discuss the series of incidents involving SK and NK naval vessels off the west coast. At the meeting, the UNC stressed to the NK delegates that “the NLL has existed for many decades and both South and NK have acknowledged that a practical separation line exists in the waters off the east and west coasts of the Korean Peninsula,” and recommended that “both sides withdraw their naval forces to their respective side of the NLL.”³⁰

The UNC again emphasized its position on the border issue during a GO-level meeting held at the truce village of Panmunjom on 23 August 1999. The UNC side stated that the NLL issue was nonnegotiable, because the demarcation line had been recognized as the de facto maritime border for 46 years by both Koreas.³¹ The UNC insisted that the NLL must be maintained until a new maritime MDL could be established through the Joint Military Commission on the armistice agreement.³²

The United States also supported the UNC's position. When the DPRK declared the so-called "Chosun West Sea Military Demarcation Line" on 2 September 1999, James Rubin, chief spokesperson of the U.S. State Department, briefed the press on 3 September, stating, "The Northern Limit Line was, and still is, demarcated by the UN Command to serve as a practical way to separate forces. It's been an effective means of preventing military tension between North and South Korean military forces for 46 years. We urge the DPRK to recognize the practicality of the Northern Limit Line by keeping its craft north of the line." The representative of the United States at the 829th Disarmament Conference, Ambassador Robert T. Grey, also associated himself with the remarks made by the ROK representative.³³ Former U.S. Secretary of Defense Donald Rumsfeld also stated that he believed that the DPRK had violated the KWAA and initiated the engagement.³⁴

After the West Sea naval clash in June 2002, the then Commander of the UNC, General Leon La Porte, said "this provocative act by the DPRK is a serious violation of the KWAA and could have serious implications in many areas."³⁵

Therefore, the UNC and the United States both recognize that the NLL has served as a practical measure to separate forces and an effective means to prevent military tension between the two Koreas for a long time. They also share the view with the ROK that a new maritime non-aggression demarcation line is a subject to be discussed and resolved between the two Koreas.

DPRK Perspective. The DPRK refused to recognize the NLL and unilaterally declared a new maritime boundary line, the so called Chosun West Sea Military Demarcation Line.³⁶ The DPRK makes several arguments for a new sea boundary in

the West Sea. First, the DPRK insists that the NLL is an illegal “ghost line,” since it was unilaterally drawn inside the DPRK’s territorial waters by General Clark, the then commander of the UN forces, to prevent ROK fishermen from crossing to the north while also checking Syngman Rhee’s attempt at an independent expedition to the north. Therefore, the NLL was a final line for stopping defectors to the north and a boundary line banning the trespassing of ships.³⁷ The DPRK claims that under customary international law, a 12 nautical mile territorial sea exists off its coast and the 12 mile limit extends well south of the NLL.

Second, the DPRK argues that it has never recognized the NLL. The DPRK insists that not raising an objection for a long time does not mean that it agrees with the UNC.³⁸ It also says that a 50-year old DPRK government document, on which the NLL is marked clearly, cannot be used as a proof that the DPRK indeed recognized the NLL. The DPRK argues that the five islands are located in the territorial waters of the DPRK, citing KWAA paragraph B of Article 11.³⁹

Third, the DPRK insists that since The NLL is illegal and also is the cause of armed clashes, it is vital to establish a new maritime demarcation line for a fundamental resolution of the West Sea problem. On 23 March 2000, the DPRK declared an “Order of Navigation to and from the Five Islands in the West Sea.” In the declaration, the DPRK designated two passages for vessels traveling to and from the islands. (See Figure 2)⁴⁰ The DPRK claimed that all U.S. and ROK military and commercial vessels should navigate only through the passes, or it would take action without any warning. The DPRK further warned that its navy was fully ready to mercilessly strike the intruders using all means in any event.⁴¹ In addition, the DPRK insisted on discussing the sea

demarcation line at the general officer level talks and called for a ROK-US-DPRK working-level meeting that would include experts and military personnel. ⁴²

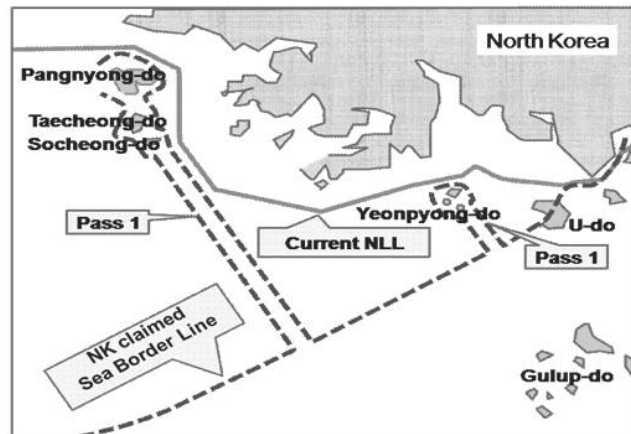


Figure 2. Current NLL and DPRK Claimed Sea Borderline

ROK Perspective. The ROK regards the NLL as the practical sea demarcation line between the two Koreas, and until a new non-aggression demarcation line is agreed upon in accordance with the Armistice Agreement and Inter-Korean Basic Agreement, the NLL must be observed by both Koreas. The ROK's position is based on the following arguments.

First, the NLL was unilaterally imposed by the UNC Commander, General Mark W. Clark, on 30 August 1953 in order to prevent the possibility of an accidental armed clash between the two Koreas in the peninsula's surrounding waters by limiting patrol activities of the UNC naval and air forces in the East and West Sea, which was appropriate to the spirit of the Armistice Agreement and its management. Had the NLL not been established, many clashes and disputes would have occurred between the two sides.

Second, the five islands and the waters surrounding the NLL are geographically below the 38th Parallel and were under the ROK's jurisdiction before and throughout the

Korean War. The UNC returned all the islands above the 38th parallel and several islands below the 38th Parallel that were located near the DPRK coastline, and which could have been kept under the ROK control. Therefore, the waters that were under the UNC's control at the time of the KWAA undoubtedly remain under ROK jurisdiction.

Third, the NLL in the West Sea was established in accordance with the international standard of three nautical miles of territorial water in effect at the time the line was established.⁴³ The current NLL that connects the median points between the five islands and the coast of the DPRK is in accordance with international law. Article 15 of the United Nations Convention on the Law of the Sea recognizes the median line as the demarcation line unless there is a special agreement between two opposite coasts.⁴⁴

Fourth, after the NLL was established on 30 August 1953, the DPRK did not object to the NLL until October 1973 because it benefited the DPRK by serving as a protective fence for a country that did not have a viable naval force. During the 346th Military Armistice Commission held in December 1973, the DPRK claimed for the first time that the waters to the north of the extension of the provincial boundary line were its territorial waters, and that ships arriving at and departing from the five islands required the approval from the DPRK. Even though the DPRK did not *officially* recognize the NLL, it *implicitly* recognized the NLL and has abided by it. But only when the DPRK needed to raise tension did it deliberately violate the NLL. DPRK vessels crossed the NLL approximately 200 times during four months from November 1973 to February 1974 in order to protest the NLL for the first time since it had been established.⁴⁵ The June 1999 incident took place about 30 minutes before a GO level meeting at the truce village of

Panmunjom and about two weeks before the start of inter-Korean vice-minister level talks in Beijing. The second naval clash in June 2002 took place just before the semi-final 2002 World Cup game, when almost all Koreans were at the highest pitch of excitement because the ROK team had advanced to the semi-final, effectively uniting all the Koreans. However, the incident diverted attention from the World Cup game to the NLL and divided public opinion in the ROK. The DPRK could bring up its claim on the NLL to the world through the incident because it was a time when the world was paying special attention to Korea due to the game.

Lastly, The Sea Military Demarcation Line issue was resolved through both the South-North Basic Agreement in December 1991 and the Protocol on Non-aggression in September 1992. Article 9 of the Protocol on Non-aggression states that “the South-North demarcation line and areas of non-aggression shall be identical with the Military Demarcation Line specified in the Military Armistice Agreement of 27 July 1953, and with the areas that have been under the jurisdiction of each side until the present time.”⁴⁶ Article 10 of the Protocol on the two side's jurisdiction area stipulates that “the South-North sea non-aggression demarcation line shall continue to be discussed in the future. Until the sea non-aggression demarcation line has been settled, the sea non-aggression zones shall be identical with those that have been under the jurisdiction of each side until the present time.”⁴⁷

Therefore, even though negotiation of a final maritime boundary is left open, the ROK's position is as Kim Jang-soo, then the minister of the ROK Ministry of National Defense stated to the ROK National Assembly In October 2007, “the NLL is a de facto sea border and territorial concept” and the NLL must be observed by both Koreas.⁴⁸

Lessons Learned and Recommendation

This paper examined the reasons why the UNC decided to retain the five islands among the many islands it had controlled north of the military demarcation line prior to the signing of the KWAA and the strategic consequences of the five islands agreement and the establishment of the NLL.

The reasons why the five islands remained as ROK territory were: they were ROK territory prior to and throughout the Korean War; the islands played an important role in the conduct of special operations during the war; and during the armistice negotiations, neither side recognized the strategic importance of the islands. At an early stage of the armistice negotiations, the UNC delegation proposed to the Communists to trade the islands for the land around Kaesong city. The Communists refused the proposal because the old capital city of Kaesong had political and symbolic importance for them and they could not envision the strategic importance of the islands.

However, the decision to retain the five islands under UNC control has shaped many aspects of the strategic security environment of the Korean Peninsula. The NLL was established as a means to prevent naval clashes and it has been the practical maritime borderline between the two Koreas. Even though the NLL was unilaterally set by CINUNC in August 1953 after the UNC and the Communists failed to reach an agreement, and the DPRK denies recognizing it from time to time, the two Koreas have respected and mutually benefited from it. The DPRK has raised the NLL issue whenever it needed to increase tension in the region as a mean of political leverage.

The five islands have also played important roles in deterring KPA's provocations and preventing the infiltration of DPRK spies and special forces through the West Sea by providing ideal places to monitor KPA activities in Whanghae Province and the west

coast area, which is critical for early warning. In a contingency, the islands can provide forward bases for special operations, amphibious operations and humanitarian support operations.

Some lessons learned from this research and recommendations for the policy makers include;

First, the policy makers and negotiators at the strategic level must envision the consequence of their decisions. Considering the strategic importance of the five islands today, it was fortunate that the ROK was able to retain the islands. During the armistice negotiations, the five islands appeared trivial compared to the Kaesong area, because Kaesong is located on the main avenue of approach to Seoul, while the UNC could control the seas surrounding the DPRK area whenever it wanted with its supreme naval power. However, had the DPRK accepted Admiral Joy's proposal, the islands would have fallen under its control and the DPRK would now have full control of the West Sea north of the ground demarcation line.

Second, leaders at the strategic level must be able to act proactively to shape the strategic environment when there is no proper guidance from higher authorities or when they identify a source of conflict. General Clarke's decision to establish the NLL was a timely and proactive measure at the strategic level that has contributed significantly to ROK security and has helped to prevent military conflict between the two Koreas.

Lastly, it is important to notice that the NLL has been an effective means of separating the two sides' forces and thus preventing military conflict between the two Koreas. Since the conclusion of the Armistice Agreement, the DPRK has carried out numerous provocations in the East and West Seas, always managing to gain something

from them. The DPRK violated the NLL only when it needed to raise tension. The DPRK will continuously try to nullify the NLL. Therefore, the ROK should be vigilant to maintain the NLL until a mutually agreed maritime demarcation line between the two Koreas is set.

Endnotes

¹ Sometimes the spelling of the islands names vary. For example some article spells Paengyong-do as Baengyong-do, Baekryong-do. For the consistency with the KWAA, the spelling used in KWAA is used in this research. Also even though the KWAA recognize 5 islands, there are six islands in the island groups because Yonpyong-do is consisted with Taeyonpyong-do (bigger Yongpyong-do), and Soyonpyong-do (smaller Yonpyong-do).

² The map is taken from http://www.asianinfo.org/asianinfo/countries_map/korea-map.htm and modified to emphasize area around the five islands.

³ Paengyong-do Homepage, <http://www.baengnyeongdo.com>, (accessed November 24, 2008)

⁴ The State of New Jersey, "US Naval Operations In The Korean War," <http://www.state.nj.us/military/korea/factsheets/navy.html>, (accessed November 24, 2008)

⁵ Donald W. Boose Jr., *Over the Beach: U.S. Army Amphibious Operations in the Korean War*, (Fort Leavenworth, KS, Combat Studies Institute Press, 2008), 319.

⁶ Ibid., 256-259.

⁷ The State of New Jersey, "US Naval Operations In The Korean War"

⁸ Allan E. Goodman, *Negotiating While Fighting: The Diary of Admiral C. Turner Joy at the Korean Armistice Conference*, (Stanford, CA, Hoover Institution Press, 1978), 66-67.

⁹ Foreign Relations of the United States (hereafter FRUS) 1951, Vol. 7. Korea (Washington D.C. Government Printing Office, 1983), 1951, 7:735-37, July 7:739-45, Jul 27, esp. 743.

¹⁰ The UNC wanted to regain Kaesong because it was militarily important as the main route into the south (main avenue of approach to Seoul : Pyongyang-Sariwon-Kaesong-Munsan-Seoul) and because ROK President Syngman Rhee wanted to gain control of Kaesong as the symbolically important former capital of Korea. See Walter G. Hermes, *United States Army in the Korean War: Truce Tent and Fighting Front* (Washington D.C.: Office of the Chief of Military History, 1966, pp. 114-119; James F. Schnabel and Robert J. Watson, *History of the Joint Chiefs of Staff and National Policy 1951-1953, The Korean War, Part Two* (Washington, DC: Office of the Chairman of the Joint Chiefs of Staff, 1998), 27-31; Message between CINCUNC (Ridgway) and JCS in U.S. Department of State, FRUS, pp. 1075-1076.

¹¹ Goodman, *Negotiating While Fighting*, 102.

¹² *Ibid.*, 127.

¹³ *Ibid.*, 102.

¹⁴ *Ibid.*, 232.

¹⁵ *Ibid.*, 267.

¹⁶ *Ibid.*, 131. The Communists tried to retain Kaesong because it was militarily important as the main route into Pyongyang and politically and symbolically important as a basis to claim victory because it lies south of the 38th Parallel.

¹⁷ Global Security, "Korean People's Army-Introduction," <http://www.globalsecurity.org/military/world/dprk/army.htm>, (accessed November 12, 2008)

¹⁸ Global Security, "The Overview of the ROK Military," <http://www.globalsecurity.org/military/world/rok/intro.htm>, (accessed November 12, 2008)

¹⁹ Jane's Sentinel Security Assessment , Armed Forces, Korea, North, http://www4.janes.com/K2/doc.jsp?t=B&K2DocKey=/content1/janesdata/sent/cnasu/nkors100.htm@current&Prod_Name=CNAS&, (accessed November 12, 2008)

²⁰ Dick K. Nanto, *North Korea: Chronology of Provocations, 1950-2003*, Report for Congress (Washington D.C.: U.S. Library of Congress, Congressional Research Service, March 18, 2003)

²¹ Jane's, "Sentinel Security Assessment – North Korea."

²² *Ibid.*

²³ Boose Jr., *Over the Beach*, 257-259, also Ed Evanhoe, "UNITED NATIONS PARTISAN INFANTRY KOREA, 8240TH AU," <http://www.korean-war.com/specops.html>, (accessed November 24, 2008)

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ Michael E. Haas, *In the Devil's Shadow: UN Special Operations During the Korean War*, (Annapolis, MD, Naval Institute Press, 2000), 209.

²⁷ Military History Compilation Institute of the ROKMND, "Hankukjeonjaengui Yukyekjeonsa [The Guerrilla Warfare in the Korean War], (Seoul, Korea, Military History Compilation Institute, 2003), 49.

²⁸ Yonhap News, "N. Korean family defects to South on wooden boat," December 31, 2008, <http://english.yonhapnews.co.kr/northkorea/2008/12/31/0401000000AEN20081231002900315.HTML>, (accessed December 31, 2008)

²⁹ The author was unable to locate the firsthand sources on the establishment of the NLL. Secondary hand sources from the UNC, ROK and even DPRK support that the NLL was established in August 1951. However, James M. Lee, former Special Advisor to the Senior Member of the UNC Component of the Military Armistice Commission, insists that the NLL was established in 1958, by the Commander, U.S. Naval Forces Korea (CNFK). See James M. Lee, *Panmunjom Korea* (Baltimore, MD: American Literary Press, 2004), 92, and James M. Lee, "Restoration of Korea's 'DMZ' to a True Buffer Zone for Peaceful Resolution of the Korean Question," unpublished paper, 10-11. However, he does not provide documentary support for this contention.

³⁰ UNC Public Affair Office News Release, "UN Command and North Korean Generals Discuss Naval Incidents", <http://www.globalsecurity.org/wmd/library/news/dprk/1999/990611-dprk-usfk.htm>, (accessed February 15, 2009)

³¹ Asian Political News. FindArticles.com. November 29, 2008. http://findarticles.com/articles/mi_m0WDQ/is_1999_August_23/ai_55619988, (accessed November 25, 2008)

³² Peopledaily.com, "NLL - Controversial Sea Border Between S. Korea, DPRK," November 21, 2002, http://english.peopledaily.com.cn/200211/21/eng20021121_107188.shtml, (accessed November 24, 2008)

³³ Conference on Disarmament, FINAL RECORD OF THE 829th PLENARY MEETING Held at the Palais des Nations, Geneva, on Thursday, 24 June 1999, at 10.15 a.m.

³⁴ JungangIlbo, "Rumsfeld Says the DPRK is Responsible for the Sea Clash," July 3, 2002.

³⁵ Suk-joo, Sohn, "Navy Steps to Salvage Sunk Vessel", *The Korea Times* July 2, 2002, <http://www4.hankooki.com/times/200207/t2002070118084840110.htm>, (accessed November 25, 2008)

³⁶ Stratfor, "DPRK Tactic May Have Global Effect," September 2, 1999, <http://stratfor.com/node/552>, (accessed October 15, 2008)

³⁷ Rodong Sinmun, "Truth behind the Northern Limit Line," June 25, 2007, <http://www.kcna.co.jp/today-rodong/rodong.htm>, (accessed October 15, 2008)

³⁸ Ibid.

³⁹ Conference on Disarmament.

⁴⁰ Picture is taken from <http://www.dprkstudies.org/2008/05/26/the-northern-limit-line-nll/> site (accessed November 24, 2008) and Korean is translated into English by Author.

⁴¹ Ibid.

⁴² Ibid.

⁴³ It is believed that on the basis of the so-called cannon-shot rule the traditional three-mile territorial sea limit was developed during the 18th century. The 12-mile territorial sea concept had gradually emerged and gained universal acceptance at the Third *United Nations*

Conference on the Law of the Sea in November 1967. United Nations, "The United Nations Convention on the Law of the Sea; A historical perspective," http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm#Setting%20Limits, (accessed November 25, 2008)

⁴⁴ Ibid.

⁴⁵ Tae-seo, Kim, "An Unexpected Exchange: North Korea's NLL Provocation", *East Asian Review* 11 No. 4 (Winter 1999), http://ieas.or.kr/vol11_3/kimtaeseo.html, (accessed November 12, 2008).

⁴⁶ Ministry of Unification, "Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation between South and DPRK," December 13, 1991, <http://dialogue.unikorea.go.kr>, (accessed November 25, 2008)

⁴⁷ Ibid.

⁴⁸ Sang-ho, Yoon, "A Showdown for NLL", http://www.donga.com/docs/magazine/weekly/2007/10/24/200710240500015/200710240500015_1.html, (accessed August 10, 2008).

