

January 25, 1978

**Letter, James F. Leonard to Leslie O. Harriman
containing "Report on the Activities of the United
Nations Command (UNC) (December 21, 1976 -
December 16, 1977)"**

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Summary:

James F. Leonard sends a report of the United Nations Commance concerning the maintenance of the Armistice Agreement.

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THE REPRESENTATIVE
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS

January 25, 1978

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RECORDS CONTROL

His Excellency
Mr. Leslie O. Harriman
President of the Security Council
The United Nations

PO 240 Korea (2-2-1)

Dear Mr. President:

On behalf of the Unified Command established pursuant to Security Council Resolution 84 of July 7, 1950, I have the honor to submit a report of the United Nations Command concerning the maintenance of the Armistice Agreement of 1953 during the period December 21, 1976 through December 16, 1977.

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

Sincerely yours,

James F. Leonard
James F. Leonard
Acting

Enclosure: Report on the Activities of the
United Nations Command (UNC)
(December 21, 1976 - December 16, 1977)

REPORT OF THE ACTIVITIES
OF THE UNITED NATIONS COMMAND (UNC)

1. Background. The United Nations Command was established pursuant to United Nations Security Council Resolution 84 of 7 July 1950 and was based on the Charter's assignment of primary authority to the Security Council under Article 39 to take appropriate measures to maintain or restore international peace and security. The Resolution of 7 July called for the establishment of a unified command under the United States for United Nations forces in Korea, and requested the United States "to provide the Security Council with reports, as appropriate, on the course of action taken under the unified command". This report summarizes the activities of the UNC involving the maintenance of the Korean Armistice during the period between 21 December 1976 and 16 December 1977. The last report (United Nations Document, S/12263) of the Unified Command to the United Nations Security Council was submitted on 23 December 1976.

2. Armistice Structure and Procedures.

A. Armistice Agreement and Military Armistice Commission. The Korean Armistice Agreement which was concluded on 27 July 1953 is "to insure a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved". The Commander-in-Chief, United Nations Command alone signed the Armistice Agreement on behalf of all the nations, including the Republic of Korea, who contributed forces to the Unified Command. The focus of United Nations Command activities in Korea is the implementation of the Korean Armistice Agreement. The Military Armistice was established by the Armistice Agreement "to supervise the implementation of this Armistice Agreement and to settle through negotiation any violations of this Armistice Agreement". The Commission is a joint organization without a chairman and is composed of ten members, five senior military officers from the United Nations Command, and five from the North Korean-Chinese side. The United Nations Command has appointed one member from the United States, two from the Republic of Korea, one from the United

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Kingdom and one designated on a rotating basis from among the five other UN member nations (Australia, Canada, the Philippines, Thailand, and Turkey) which still maintain representatives to the United Nations Command. The Military Armistice Commission is assisted by a Secretariat which provides the necessary administrative staff assistance to the Commission and carries out such other functions as may be assigned by the Commission. Meetings of the Commission and its secretaries are held at the request of either side. There have been 385 sessions of the Commission and 449 of the Secretariat since the Armistice was signed. These meetings are held in the Joint Security Area, more commonly known as Panmunjom, within the Military Armistice Commission Headquarters area, a portion of the Demilitarized Zone. The Military Armistice Commission, or the senior member of either side, is authorized to dispatch joint observer teams to investigate reported violations of the Armistice Agreement within the Demilitarized Zone. These teams are the primary investigative arm of the Commission. The respective secretaries maintain telephone hotlines in the Joint Security Area which provide a 24-hour communication link. In addition, joint duty officers from the two sides meet daily except Sundays and holidays to exchange routine charges of violations and correspondence.

B. Neutral Nations Supervisory Commission (NNSC). This Commission was also established by the Armistice Agreement and is composed of four members, one each from Sweden, Switzerland, Czechoslovakia, and Poland. The NNSC is an independent fact-finding body but reports to the Military Armistice Commission. The NNSC holds routine weekly meetings in the Joint Security Area, Panmunjom, and reports to the Military Armistice Commission on its activities, which principally concern the movement of military personnel and equipment to and from Korea.

C. Role of the Republic of Korea. A unique feature of the Korean Armistice Agreement is that neither the United States, nor the Republic of Korea is a signatory to the Agreement. As mentioned earlier, Commander-in-Chief, United Nations Command alone signed the Armistice Agreement on behalf of a Unified Command consisting of the Military Forces from 16 United Nations member nations and the Republic of Korea. During the Armistice negotiations, the Republic of Korea Government gave assurances that it would adhere to the Armistice Agreement. These assurances

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were reiterated by the United Nations Command negotiators. The Republic of Korea forces have complied with the provisions of the Armistice Agreement since it was concluded in 1953, and Republic of Korea senior military officers have been accredited to the Military Armistice Commission and have served regularly on the Commission.

3. Military Armistice Commission Activities.

Meetings of the Military Armistice Commission are used to discuss serious violations of the Armistice Agreement and significant Armistice-related topics. These meetings serve not only to prevent possible miscalculations and escalation of incidents but provide a forum in which the United Nations Command attempts to make the Military Armistice Commission machinery more productive. The Commission has continued to serve as a valued means of communication as demonstrated by its continued use by both sides. During the period covered by this report (21 December 1976-16 December 1977), there have been three meetings of the Commission and two meetings of the Secretariat. Two of these meetings, one Commission meeting and one Secretaries' meeting, concerned the return of the survivor and bodies of three crew members of a CH-47 helicopter which was shot down by North Korean forces near the Demilitarized Zone, 14 July 1977. The other meetings were held to discuss a North Korean attack on United Nations Command defense personnel on 3 May 1977 and the apparent abduction of two United Nations Command personnel in the Demilitarized Zone on 20 October 1977. (The appendix to this report contains details regarding these Armistice-connected incidents.) Throughout the reporting period, the United Nations Command transmitted more than 2,900 charges of violations committed by the North Korean side. These charges were passed expeditiously at the daily joint duty officers' meeting in the Joint Security Area to enable the North Koreans to conduct timely investigation and to take necessary corrective measures.

4. Developments.

On 29 June 1977, United States Secretary of State Cyrus Vance reiterated an earlier US proposal that the parties most immediately concerned with Korea; i.e., the United States, the Republic of Korea, the Democratic People's Republic of Korea, and the People's Republic of China, enter into negotiations to replace the existing Armistice with more permanent arrangements.

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This proposal is in furtherance of the Resolution adopted by the 30th Session of the United Nations General Assembly which called for all the parties directly concerned to enter into negotiations on new arrangements designed to replace the Armistice Agreement, reduce tensions, and ensure lasting peace in Korea. Both the United States and the Republic of Korea are prepared to participate in such negotiations with other parties directly concerned.

5. Conclusion.

The Korean Armistice Agreement stipulates that it will remain in effect "until expressly superseded either by mutually acceptable amendments and additions or by provisions in an appropriate agreement for a peaceful settlement at a political level between both sides". The Armistice Agreement remains the only document available for the preservation of the Armistice. Preservation of the Agreement is particularly pressing at present because the North-South dialogue has made very little progress in the past several years and because in August 1976 the North Koreans cut off the hotline between the South and North which was installed after the 4 July 1972 North-South Joint Announcement. Under the current circumstances, the United Nations Command must continue its mission of maintaining the Armistice in Korea until alternate or more permanent arrangements are concluded by the parties directly concerned with Korea.

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Appendix*underline* { MAJOR INCIDENTS DISCUSSED BY
THE MILITARY ARMISTICE COMMISSION AND ITS SECRETARIES
(DECEMBER 1976 TO DECEMBER 1977)1. North Korean Intruders Killing and Wounding UNC Soldiers.

On 3 May 1977, two United Nations Command (UNC) soldiers checking a fence located about 800 meters south of the Demilitarized Zone in the central sector of Korea (vicinity of 38 Degrees 16' 30"N/127 Degrees 9' 10"E), discovered a hole in the fence. As they started to investigate the hole, North Korean intruders north of the fence shot and killed one UNC soldier and wounded another. The UNC called the 383rd meeting of the Military Armistice Commission, held on 9 May 1977, and charged the North Koreans with this unprovoked attack. The UNC presented at this meeting eight expended AK-4 cartridges and one unfired cartridge which were recovered in the area where the shots came from. The North Koreans responded by saying that none of their soldiers crossed the Demilitarized Zone and fired at the UNC personnel. The UNC stressed the seriousness of the killing and told the North Koreans that such incidents reduce the credibility of their statements of peaceful intentions.

2. North Korea Shot Down an Unarmed UNC Helicopter. On 14 July 1977, an unarmed UNC helicopter with four crew members inadvertently flew over the east coast of North Korea, due to navigational error, and was shot down by the North Korean anti-aircraft. The pilot was killed when he was hit by the North Korean ground fire, and two crew members were also killed when the helicopter crashed. The co-pilot was injured but survived. A few hours later, the UNC called for the 385th meeting of the Military Armistice Commission to request the return of the crew and helicopter. The UNC senior member, through a message, informed his counter part that this was an unintentional intrusion, the incident was regrettable, and requested an immediate return of the crew and helicopter. The North Koreans counterproposed that the 385th meeting proposed by the UNC be postponed until 16 July 1977 because the incident was still under investigation. At the 385th Military Armistice Commission meeting, held on 16 July 1977, the UNC senior member referred to his earlier message concerning the "regrettable incident" and stated he was prepared to receive the crew and helicopter. The North

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Korean senior member responded that they were ready to deliver the survivor and the bodies of crew members after considering the UNC admission of an air intrusion into North Korea by its military helicopter and expression of regret over the incident. He requested a receipt be provided for acknowledging the receipt of the crew and the bodies, and suggested that the Military Armistice Commission Secretaries meet following the conclusion of the Commission meeting to transfer the crew member and the bodies. The crew member and the bodies were returned in the evening of that day. The UNC senior member made the following remarks in his press interview following the release of the crew: "We welcome the prompt North Korean response to our request for the return of the crew of our helicopter which unintentionally entered North Korean territory, but we deplore the loss of life and the use of force against an unarmed and inadvertent intrusion. However, it is encouraging that the matter was handled by both sides in a manner consistent with the Armistice Agreement." The rapid settlement of this incident through the Military Armistice Commission machinery demonstrated that the Armistice mechanism is providing a medium for communication and the importance of a dialogue to prevent a serious incident from escalating into a confrontation.

3. North Korean Abduction of UNC Personnel in DMZ. Evidence available to the United Nations Command indicates that two UNC personnel, one officer and one enlisted man, may have been abducted on 20 October 1977 by the North Koreans from the UNC portion of the Demilitarized Zone in the vicinity of 38 Degrees 17' 00"N/127 Degrees 10' 05"E, in the central sector of Korea. The UNC called the 449th meeting of the Military Armistice Commission Secretaries, held on 2 October 1977, and requested the return of these UNC personnel. The UNC Secretary stated he had been directed by his senior Military Armistice Commission member to work out the details of their return. The UNC proposed that the North Koreans bring them to a joint observer team meeting in the middle of the "Bridge of No Return" located astride the Military Demarcation Line in the Joint Security Area at 1100 hours, 27 October 1977, where these individuals could make their real desires known by walking to either side. The North Koreans responded that the men were "defectors" and the issue of defection was not germane to the mission of the Military Armistice Commission. The UNC remarked that abduction was a proper topic for discussion before the Commission and requested that the North Koreans bring them

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to a meeting of the Secretaries the next day where they could freely walk to either side. The North Koreans, however, rejected both proposals submitted by the UNC. The UNC stated the North Korean rejection of the two proposals to give the men free choice indicated that the North Korean claim of defection was fabricated.