

April 29, 1980

Letter, Donald F. McHenry to Sr. Porfirio Munoz Ledo containing 'Report on the Activities of the United Nations Command (UNC) (December 18, 1978 - December 15, 1979)'

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Summary:

McHenry sends a report of the United Nations Command concerning the maintenance of the Armistice Agreement.

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

RECORDS CONTROL
SEP 24 1980

April 29, 1980

PO 240 KOREA

His Excellency
Sr. Porfirio Munoz Ledo
President of the Security Council
The United Nations

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 18, 1978 through December 15, 1979.

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,

Donald F. McHenry

Donald F. McHenry

Enclosure: Report on the Activities of the United Nations Command (UNC) (December 18, 1978 - December 15, 1979)

UN-3666/9

April 1, 1980

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 (S/1588). The Resolution called for establishment of a unified command for United Nations forces in Korea, under the United States, and also requested that the latter "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, signed the 27 July 1953 Korean Armistice Agreement, and the United Nations Command continues to fulfill its obligations under the Armistice Agreement, which include participating in the activities of the Military Armistice Commission. This report summarizes the United Nations Command activities involving the maintenance of the armistice in Korea during the period between 18 December 1978 and 15 December 1979. The last report of the United Nations Command to the United Nations Security Council (S/13113) was submitted on 22 February 1979.

2. ARMISTICE MECHANISM AND PROCEDURES

The Korean Armistice Agreement, which was concluded on 27 July 1953, is intended 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, signed the Armistice Agreement on behalf of all the nations, including the Republic of Korea, which contributed forces to the Unified Command. The focus of United Nations Command activities in Korea is the implementation of the Korean Armistice Agreement.

a. Military Armistice Commission. The Military Armistice Commission in Korea was established pursuant to the Korean Armistice Agreement "to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement." The Commission is a joint organization composed of ten members, five senior officers from the United Nations Command and five senior officers from the North Korean-Chinese side. The Commander-in-Chief, United Nations Command, 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 four other United Nations members represented on the UN Command (Australia, Canada, Philippines and Thailand). The Military Armistice Commission meetings are held at the request of either side in the Joint Security Area, commonly known as Panmunjom, in the Demilitarized Zone. In order to assist the Military Armistice Commission in fulfilling its mission,

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the Armistice Agreement provides for a joint Secretariat which maintains 24-hour contact through telephone communication between the Joint Duty Officers of each side. Meetings of the Military Armistice Commission and its Secretaries are held at the request of either side. The Joint Duty Officers also meet daily and serve as the basic channel of communications between the two opposing sides. There have been 397 sessions of the Commission and 461 of the Secretariat since the Armistice was signed.

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 that occur within the Demilitarized Zone. North Korea, however, has frustrated the mission of this primary investigative arm of the Commission by refusing the last 79 investigations proposed by the United Nations Command.

b. Neutral Nations Supervisory Commission (NNSC). The Neutral Nations Supervisory Commission established by the Armistice Agreement is composed of four members, one each from Sweden, Switzerland, Czechoslovakia and Poland. The Commission conducts independent inspections and investigations of Armistice-related developments outside the Demilitarized Zone and reports its findings to the Military Armistice Commission. The Commission holds weekly meetings in the Joint Security Area, Panmunjom, to discuss and evaluate reports submitted by both sides of the Military Armistice Commission.

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. The Commander-in-Chief, United Nations Command, signed the Armistice Agreement on behalf of a unified command consisting of 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 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 senior military officers have been accredited to the Military Armistice Commission and have served regularly on the Commission.

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3. UNITED NATIONS COMMAND 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 is a valued means of communication, as demonstrated by its continued use by both sides.

At these Commission meetings, during the period covered by this report, the United Nations Command protested the construction of illegal North Korean barriers and obstacles in the Demilitarized Zone, a North Korean naval intrusion and attack, the construction of an illegal North Korean electrified fence along the Military Demarcation Line within the Demilitarized Zone, and a North Korean armed intrusion through the Demilitarized Zone into the Republic of Korea. Four Secretaries' meetings dealt with return of the remains of four North Koreans who had drowned and were recovered from the rivers south of the Demilitarized Zone (in the Republic of Korea). One Secretaries' meeting dealt with return of the remains of a United Nations Command soldier who was killed as a result of an explosion in the Demilitarized Zone. (The annex to this report contains the details of these North Korean violations of the Armistice Agreement and Armistice-connected incidents.) During the reporting period, the United Nations Command charged the North Korean side with more than 5,700 violations. These charges were passed expeditiously either telephonically or through the daily Joint Duty Officer meeting in the Joint Security Area to provide the North Koreans an opportunity to stop ongoing violations or to conduct timely investigations and to take corrective measures.

4. CONCLUSIONS.

For twenty-six years, the Military Armistice Commission has been the primary mechanism for the reduction of tensions, prevention of misunderstandings and avoidance of renewed hostilities in Korea. The Commission has also been effectively used by both sides to facilitate the repatriation of military and civilian personnel who have fallen into the hands of the other side. The United Nations Command will continue to fulfill its obligations under the mandate of the Armistice Agreement until the parties directly concerned are able to arrive at more permanent arrangements.

ANNEXMajor incidents discussed by the Military Armistice Commission and its Secretaries (December 1978 to December 1979)1. North Korean naval intrusion.

a. On 21 July 1979, a Republic of Korea fishing boat discovered an unidentified suspicious boat in the waters contiguous to the Republic of Korea, off the island of Ch'u-do. The Republic of Korea fishing boat reported the suspicious boat to the Republic of Korea national police. When a Republic of Korea national police boat approached the unidentified ship, the crew of the latter signalled the police boat it was having engine trouble. When the Republic of Korea national police boat approached within 15 meters of the unidentified boat, members of the crew hiding below the gunwale rose up and fired Type 68 North Korean assault rifles. The unidentified boat then sped away. As a result, two Republic of Korea national policemen were killed and a third was critically wounded. When a Republic of Korea naval patrol boat subsequently approached the intruder vessel, the latter opened fire with rockets and automatic weapons. The Republic of Korea naval patrol craft returned fire in self-defense. In the ensuing exchange of fire, the hostile vessel burned and sank in the waters between the Republic of Korea islands of Namhae and Mijo. The remains of six crew members from the hostile vessel and the equipment recovered showed conclusively that it was in fact an armed North Korean boat. The equipment recovered included six Type 68 North Korean manufactured assault rifles, one 7.62 mm North Korean manufactured light-machinegun, one North Korean manufactured RPG-2 and RPG-7 rocket launchers, four North Korean manufactured grenades, one North Korean manufactured Model 69 pistol, 1,081 rounds of ammunition with North Korean markings, 276 other items of clothing and supply, various communication and navigational equipment, including a long range radio and a small underwater delivery vehicle. A notebook recovered from the vessel clearly indicated its mission was to land North Korean forces on the territory of the Republic of Korea. The United Nations Command called the 394th meeting of the Military Armistice Commission, held on 31 July 1979, and charged the North Koreans with violating paragraphs 12 and 15 of the Armistice Agreement by infiltrating an armed vessel into the waters contiguous to the Republic of Korea, with launching an unprovoked attack on a Republic of Korea national police boat and Republic of Korea naval patrol craft, and with conducting a clandestine mission to insert hostile forces into the land area of the Republic of Korea. The United Nations Command Senior Member presented the North Korean armed boat and equipment recovered to support his charge against the North Koreans.

2. North Korean armed intrusion.

On 5 October 1979, a United Nations Command patrol discovered that a fence along the southern boundary of the Demilitarized Zone had been cut, and found footprints leading into the Republic of Korea south of Military Demarcation Line Marker 1048. On 9 October 1979, United Nations Command forces discovered and challenged three North Korean armed intruders at a position 38 degrees 13'15"N/128 degrees 06'30"E. The North Korean intruders opened fire on the United Nations Command forces and fled. They abandoned three rucksacks filled with North Korean weapons, equipment and ammunition, including five North Korean fragmentation grenades, five 30-round magazines for the North Korean manufactured Type 68 assault rifle, 596 rounds of 7.62mm rifle ammunition manufactured in North Korea, 94 rounds of 7.62mm ammunition used in North Korean manufactured pistols, one camera with a 500mm telephoto lens, 66 rolls of film, and communication equipment and maps printed in North Korea which had been used by the armed intruders in their target area. On 11 October 1969, the North Korean armed intruders were again discovered at a position 38 degrees 12'05"N/128 degrees 07'00"E. One of these North Korean intruders was killed while attempting to flee. The equipment discovered on the remains of the intruder included a North Korean manufactured Type 68 assault rifle with two magazines with 30 rounds of ammunition and one TT pistol with two magazines. At the 397th meeting of the Military Armistice Commission, held on 22 October 1979, the United Nations Command charged the North Koreans with violating paragraphs 6, 7, 8, 12, 14 and 17 of the Armistice Agreement by infiltrating armed intruders into the Republic of Korea across the Demilitarized Zone, and launching an unprovoked attack on the United Nations Command forces when challenged.

3. North Korean barrier fences/obstacles in the DMZ.

Beginning in late June 1979, North Korea constructed, in violation of the Armistice Agreement, a barrier wall extending about 1600 meters in the general vicinity of Military Demarcation Line markers 0029 and 0030 and connecting fortified positions in the western sector of the Demilitarized Zone. North Korea also emplaced 750 mines within ten meters of the Military Demarcation Line in the same area. At the 393rd meeting of the Military Armistice Commission, held on 26 June 1979, the United Nations Command charged the North Koreans with the construction of these obstacles and emplacing hazards in violation of paragraph 13a of the Armistice Agreement. In July 1979, the North Koreans extended the same barrier from 37 degrees 52'15"N/126 degrees 40'59"E to 37 degrees 53'50"N/126 degrees 40'59"E.

It now extends more than three kilometers. At the 395th meeting of the MAC, held on 31 August 1979, the United Nations Command charged the North Koreans with continued construction of the illegal wall in disregard of the Armistice Agreement. At the 396th meeting of the Military Armistice Commission, held on 2 October 1979, the United Nations Command charged the North Koreans with constructing a barrier system within the Demilitarized Zone which included more than 130 kilometers of new electrified fence completed and more than ten kilometers under construction. These electrified fences are more than two meters high with 14 strands of electric wire capable of carrying 3300 volt charge of electricity and are in violation of para 13a of the Armistice Agreement. In some locations they are located behind a previously built North Korean barrier fence, also two meters high, constructed in the Demilitarized Zone in 1972. In other locations both fences are new. The North Korean barrier system was constructed in the Demilitarized Zone in violation of paragraph 13a of the Armistice Agreement and includes earthen walls, mine fields, and electrified wire fencing.

4. North Korean guards pointing pistols at UNC guards in the Joint Security Area (MAC Conference Area).

At 1750 hours, 8 March 1979, a North Korean security guard, without provocation, pulled his pistol and pointed it at a United Nations Command security guard performing his duty in the Joint Security Area. This was not only a serious violation of the Armistice Agreement, but an extremely dangerous act which could have resulted in a violent and undesirable incident in the Military Armistice Commission conference area. In spite of a strong protest by the United Nations Command against this serious violation, North Korean guards repeated similar dangerous provocations in the Joint Security Area on 3 July 1979 and on 16 November 1979.