



THE INTER-KOREAN MILITARY AGREEMENT: RISK OF WAR DIMINISHED?

Mats Engman

As of November 01, 2018, many of the provisions in the Inter-Korean military agreement, came into force. This policy brief explains what the agreement means and how it will practically change measures on the ground, particularly along the Joint Security Area of Panmunjom. Taking into account pre-existing peace agreements between the two Koreas, this paper provides an analysis on how this new agreement will contribute to the overall peace process.

One key outcome of the summit meeting between President Moon and Chairman Kim Jong Un in Pyongyang on September 19, was an Inter-Korean military agreement. This forms a separate annex to the Pyongyang Joint Declaration. The agreement takes important steps to control, scale down, and eventually eliminate risks associated with the huge concentration of military fire power in the area along the Military Demarcation Line (MDL) and attempts to rebuild trust between the parties. Compared to the 65-year-old Armistice Agreement which regulates arms control mechanisms in the de-militarized zone (DMZ), this agreement goes much further and includes provisions relating not only to land, but also to air, and the disputed Northern Limit Line in the West Sea. The two sides have even agreed to de-militarize the Joint Security Area (Panmunjeon), turn the DMZ into a peace zone, implement measures to prevent accidental military clashes, and to establish an inter-Korean joint military committee to oversee implementation of these agreements.

The agreement is a welcome step in efforts to curb and control military conventional risks on the Korean Peninsula and can also serve as a pre-courser to an “end-of-war” declaration and more importantly, a new and comprehensive peace agreement.

A Divisive Stance

The agreement has been well received by many of those who have up to now been concerned by the lack of practical and concrete progress in building stability and reducing military risks on the Korean Peninsula. However, there are some critics who argue that President Moon is going too far in lowering allied defenses before having verifiable confirmation that North Korea’s conventional threat to South Korea (ROK) has been reduced. Others contend that the agreement may indirectly be used as an argument to reduce the amount of U.S. troops stationed in the ROK. Another point is that Moon’s pledge to turn the DMZ and the maritime Northern Limit Line into peace zones could run afoul of UN Command responsibilities to uphold the armistice.

Looking closer at the agreement and its total six chapters and five annexes, most of which comes into effect November 01, this Policy Brief tries to analyze the outcomes, but also highlights some challenges in implementing the agreement.

The Joint Security Area - A Highly Symbolic and Sensitive Location

The Joint Security Area (JSA), or the Panmunjom truce village as the area is also referred to, is an 800-meter wide enclave, circular in shape and bisected by the Military



Demarcation Line which has separated the two Koreas since the end of the war in 1953. The area was created as a neutral area where there could be free movement of both sides. The Military Armistice Commission established to supervise the implementation of the Armistice Agreement held its meetings in the JSA. The area also houses the famous three blue buildings, that basically sit on the MDL.

Over the years, the area has witnessed some serious incidents (the axe murder in 1976, the Sunken Garden incident in 1984, and most recently, the defecting KPA soldier who was shot several times while escaping to South Korea in 2017) but it has also been used for numerous working level meetings and several assemblies by senior representatives of the parties. In April this year, the first summit meeting between President Moon and Chairman Kim Jong Un was held in the JSA.

Every year both sides allow large groups of tourists to visit the area as well as several very high-ranking delegations. The area is currently being guarded by armed soldiers on both sides, but no physical fences or barriers restrict movements.

One part of the “Inter-Korea military agreement” includes a clause to withdraw all guard-posts in the JSA, to disarm soldiers serving there and to de-mine the area. It also calls for the withdrawal of unnecessary surveillance equipment. In the future the area will be controlled by unarmed civilian police guards and patrols. Free movement, on both sides of the MDL, for visitors and tourists will also be introduced. The measures related to the JSA will be controlled and administered by a three-party consultative body, consisting of North and South Korea and the United Nations Command. These measures seem to suggest the parties want to turn the location, once again, into a true Joint Security Area. By implementing these measures, the risks of unintended incidents would most likely be reduced. If all sides honor the agreement it is difficult to envisage long-term negative effects on stability and risks in the JSA, as well as the broader DMZ.

Risk-Reduction and Consultations

A second significant area in the agreement is the establishment of several joint functions. For instance, through an “Inter-Korean Military Committee” the two parties have agreed to have consultations on matters relating to large-scale military exercises and military buildup focused against

each other. The Military Committee have also been tasked to oversee the implementation of other parts of the agreement. In addition, a joint operation for the recovery of war remains has been established, as well as joint maritime patrol teams, and a joint survey team for the Han River Estuary.

Another “joint” function being introduced, is a trilateral consultative body between South Korea, North Korea and the United Nations Command (UNC), tasked to consult and implement measures to demilitarize the JSA in Panmunjom. In addition, new more restrictive measures for the use of warning shots to prevent accidental clashes at all times and in every domain, have been agreed.

All of the above functions are partly designed as military confidence building measures and will force a close daily interaction between militaries from the two, sometimes three sides, something that has been more or less non-existent for many years. This will hopefully offset the risks of misunderstanding and if honored, over time, build trust between all the concerned parties.

Buffer Zones and the De-Militarized Zone

Several of the provisions in the agreement refer to different types of “buffer zone” arrangements at land, air and sea. These are designed to reduce the risks of unintended encounters, mitigate risks of misinterpretation, and also reduce and/or stop activities like live-fire exercises in close proximity of the MDL which are considered unnecessarily provocative in nature.

On land, a 5km zone on each side of the MDL, where certain artillery live-fire exercises are banned, has also been agreed. This will complement the already existing 2km zone, established by the Armistice Agreement from 1953, where by military deployment and activity is limited. Going beyond the Armistice Agreement, the parties have also agreed to withdraw all guard posts within the 1953 de-militarized zone, starting with 11 guard posts on each side.

At sea, several new measures have been introduced to reduce the risks associated with the disputed Northern Limit Line (NLL). The NLL, originally decided unilaterally by then Commander of the UNC, entered into force shortly after the signing of the Armistice Agreement but it has remained an issue of conflict over many years. Not recognized by North Korea as a formal border and considered by South Korea as a state border, the area has seen several serious incidents, including fatal ones. The area is rich in



natural resources and has over the last couple of years witnessed disputes over fishing rights and exploration of maritime resources between the parties (as well as third parties such as China).

The agreement now introduces an area in the West Sea, where all live-fire exercises and maritime maneuver exercises will cease. It also establishes a joint fishing zone in the West Sea, designed to allow fishermen from both sides to use the area. This zone is to be controlled by joint patrol teams.

In the air, a no-fly zone has been set. This area is divided into several sub zones for different types of air systems. For fixed wing aircraft a 20 to 40km area on each side of the MDL has been agreed, for helicopters a 10km zone, and for UAV (Unmanned Air Vehicles) a 10 to 15km zone. However, very little specifics are mentioned in the agreement on how these different zones will be monitored and controlled.

Impact of the New Agreement

These new agreed measures will create an additional layer of arms-control provisions, on top of the existing Armistice Agreement. Considering the fact that military technology and capability, as well as tactical and operational concepts have developed significantly since 1953, these new measures are a logical adaptation to the current situation. Even if this general update to the armistice regime is a welcome first step, it still falls short of a more comprehensive conventional arms control regime, like the Conventional Forces Treaty in Europe (CFE). For example, North Korean artillery will still be in ready range of major populations centers in northern South Korea.

Implementing these new measures will pose a challenge when it comes to independent supervision as well as command and control, in particular for the United Nations Command. For instance, some of the new agreed measures overlap provisions in the Armistice Agreement in which the UNC has clear oversight and responsibility. The exact role of the UNC in the new consultative body, to oversee implementation related to the JSA, is however, somewhat unclear. The Commander of the UNC, who is also the Commander of the U.S. Forces Korea and, maybe more importantly, Commander of the Joint Forces Command (the U.S.-ROK war-fighting command), will have the delicate task of striking a balance between these three or maybe now even four different roles. Even after transferring the Command of the

UNC to a senior ROK officer, recently agreed between the U.S. and the ROK, this precarious balancing act remains.

The UNC as well as the Neutral Nations Supervisory Commission, could play a significant and valuable role in supporting and implementing these agreements. However, as the task for UNC originates from a Security Council resolution from 1950 and the mission of the NNSC from the Armistice Agreement from 1953, a statement clarifying the roles and responsibility for the UNC and, if applicable, the NNSC, in relation to the new agreement would be welcome.

With the introduction of a no-fly zone, one possible aerial surveillance option will be reduced. This may negatively impact on developing a comprehensive situation awareness in the DMZ, and possibly lead to a misinterpretation of the situation at hand. To mitigate this, some form of joint surveillance could be introduced, possibly building on the experiences from the Open Skies treaty in Europe. This treaty allows for aerial surveillance using pre-certified aircraft and sensors as well as the sharing of collected sensor data, to all parties.

Possible Drawbacks

One argument against the Inter-Korean military agreement is that it may weaken the South Korean-U.S. security agreement and the alliance. It will inevitably create a need to adjust deployment, review the way in which the alliance conducts exercises and update operational plans. Such reviews are routine, and the negative impact of these new “restrictions” should not be exaggerated. The alliance which has been developed over many years, is very capable and solid so the deterrent effect should be possible to maintain. One area that could somewhat negatively impact on the alliance is the current negotiations on a new formula for cost-sharing, where the U.S. is demanding a larger part being shouldered by South Korea. As some of the military threats are perceived to being reduced, public pressure on President Moon to maintain the old cost-sharing agreement may lead to difficulties in the U.S.-Korean negotiations.

A second argument against the agreement is that it would support arguments for reducing the American military presence in South Korea. This argument is often voiced by DPRK. If the overall objective with the agreement is to “... resolve all matters that may lead to military conflict in a



peaceful way and preclude the use of military force under any circumstance”, then adjustment in the U.S. military presence may be both likely and logical, as would changes to DPRK and ROK deployments.

The current number of U.S. personnel (approximately 28,000) and the military capabilities they represent should not be an objective in itself. Moreover, the presence of U.S. Forces stationed in South Korea is not purely dependent on the security situation on the Korean Peninsula. It also serves broader strategic objectives for regional stability. Over the last 10-20 years the number of troops stationed in the South Korea has varied significantly reflecting the security situation, military doctrine and capabilities, as well as basic political agreements at that time. So, if the Inter-Korean military agreement would lead to an improvement in the overall security situation (as envisaged) changes to U.S. force presence may happen, much thanks to this agreement.

This Inter-Korean Military Agreement must be viewed in its context. In the long run the sustainability of the agreement will be dependent on further progress on North Korea’s denuclearization. If the advancement of denuclearization is slow and/or very limited, this may lead to frictions in the U.S.-ROK alliance and the military agreement could be reversed, thereby once more escalating the risk of political and military tension.

Summary

The Inter-Korean military agreement is a welcome and important step on the road to peace on the Korean Peninsula. The measures agreed will reduce the risks of conventional military incidents in the demilitarized zone and along the Northern Limit Line as well as serving as confidence and transparency building blocks between the two Koreas. One important element of the agreement is its many “joint” functions to implement and supervise the agreement. This will further contribute to the establishment of working-level relationships between militaries from the two sides.

The United Nations Command as well as the Neutral Nations Supervisory Commission, could play a significant and valuable role in supporting and implementing the agreement. To assume such a role, a statement clarifying the roles and responsibility for the UNC and, if applicable, for the NNSC in relation to this new agreement, would be welcome. This is par-

ticularly important for the still U.S. dominant United Nations Command, which could find itself being asked to perform a very delicate balancing act.

A comprehensive implementation of the agreement will also be dependent on progress in denuclearization talks. If denuclearization fails, the military agreement could be questioned. When implemented, the agreement will likely result in an adjustment of U.S. force deployment, a review of the way the alliance conduct exercises and an update of operational plans. If the agreement leads to an improvement in the overall security situation on the Korean Peninsula, a reduction in U.S. military presence may also happen.

Major General (ret.) Mats Engman is former Head of the Swedish delegation to the Neutral Nations Supervisory Commission (NNSC). He is Distinguished Military Fellow at ISDP.

The opinions expressed in this Policy Brief do not necessarily reflect the views of the Institute for Security and Development Policy or its sponsors.

© The Institute for Security and Development Policy, 2018. This Policy Brief can be freely reproduced provided that ISDP is informed.

ABOUT ISDP

The Institute for Security and Development Policy is a Stockholm-based independent and non-profit research and policy institute. The Institute is dedicated to expanding understanding of international affairs, particularly the inter-relationship between the issue areas of conflict, security and development. The Institute’s primary areas of geographic focus are Asia and Europe’s neighborhood.

WEBSITE: WWW.ISDP.EU