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# Diplomarbeit

Titel der Diplomarbeit

Troubled Waters

– Exploring the Northern Limit Line –

An analysis of the conflict's past reasons, present  
state and future solutions.

Verfasser

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To my beloved wife Yayun,  
without whose support and understanding  
this would not have been possible



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## **1. Introduction**

26 March 2010, 21:22 – the South Korean Pohang-class corvette *Cheonan* patrolled along its usual route near *Baengnyeongdo*, in the coastal waters to the west of the Korean Peninsula. A fair evening, the calm sea was betrayed only by the cruising warships, bearing witness of the explosive situation that had been developing in this area for almost 60 years. Suddenly, the sound of an explosion ripped through the dusk. In a blast that sailors aboard the *Cheonan* would later describe as a feeling of being lifted in the air, the 88 metre ship was blown in half. Within an hour<sup>1</sup>, the *Cheonan* sank to the ground 24 metres beneath the surface, killing 46 members of its crew.<sup>2</sup> In times of overall high tensions between the two nations claiming the peninsula as their own, the sinking of a warship near a disputed border could only mean a further deterioration of relations. The situation threatened to escalate, fuelling fears of a full-scale war between the two Koreas, a war that, given the recent nuclear endeavours undertaken by the North, could very likely have consequences for the whole planet.

A year after the sinking of the *Cheonan*, the situation on the peninsula remains tense. The world has been spared an all out war, but recurring acts of aggression along the inter-Korean maritime border are a constant reminder of the tinderbox that the Northern Limit Line (NLL), as the delimitation between North and South Korean in the Western Sea came to be called, presents to the world.

The sinking was neither the first, nor the last incident surrounding this maritime delimitation. Ever since 1973, when the North first began questioning the validity of the NLL as a true maritime boundary, ships from both sides, both military and civilian, clashed in the Western Sea in an effort to prove their respective country's claims over the territory in question. However, the *Cheonan* incident stands exemplary of the mixture of uncertainty, violence and propaganda that have shrouded the NLL ever since its inception in 1953, after the end of the Korean War. While the majority of the international community applauded the findings of an Independent Commission requested by South Korea on the incident,

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<sup>1</sup> Yonhap News Agency(2010): “S. Korean Navy ship sinking in the Yellow Sea”, Yonhap News Agency, on <http://english.yonhapnews.co.kr/national/2010/03/26/18/0301000000AEN20100326008600320F.HTML>, 04.12.2011

<sup>2</sup> International Crisis Group (2010): “North Korea: The Risks of War in the Yellow Sea” (=Crisis Group Asia Report No. 198) p22

putting the blame solely on Pyongyang, the North continues to dispute its complicity, backed by a second group of experts led by the Russian Federation.<sup>3</sup> And reasons for doubt remain.<sup>4</sup> As such, the incident is emblematic of inter-Korean relations as a whole. After decades of warming and cooling of relationships, a number of joint initiatives and declarations, border skirmishes and nuclear weapons tests, the two Koreas, states sharing a common history and culture, have yet to find measures that would support the climate of trust and confidence needed for a resolution of the conflict. Technically still at war since the signing of the Armistice Agreement in 1953, the two sides have over the years engaged in numerous confrontations that brought the peninsula to the brink of a full scale war. Both sides engage in extensive propaganda exercises, ranging from a self-righteous interpretation of history to large military manoeuvres involving international partners. Similar to such propaganda, the NLL is but one of a number of issues igniting open hostilities between the two sides. However, the NLL stands out among these issues as having, uncommonly often, caused particularly severe situations in recent years.

### **1.1 The particularities of the NLL among other issues**

As mentioned, a number of issues, historic or present, have caused the two Koreas to exchange hostilities. Nevertheless, the NLL has proven to be a particularly long-standing issue, repeatedly leading the two sides to an exchange of deadly force.<sup>5</sup> The main reasons for this lie in its nature as a geographical issue. While other instances such as allegations over historic wrongs, propagandistic advances or accusations of warmongering can be disregarded by one side or the other and eventually dissolve in a change to more friendly language, the issue of the NLL, as a geographic dispute, targets a major cornerstone of each state's legitimacy – their territorial sovereignty. While one side stepping back from a propagandistic exchange of words would usually eventually prove beneficiary for both parties by ending in a more positive climate enabling substantive discussions, giving way in a territorial dispute holds much further and – particularly discouraging – irrevocable

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<sup>3</sup> Snyder, Scott/Byun, See-Won (2011): "Cheonan and Yeonpyeong: The Northeast Asian Response to North Korea's Provocations", in *RUSI Journal* 156, No. 2 (April 2011) p78

<sup>4</sup> International Crisis Group (2010): "North Korea: The Risks of War in the Yellow Sea" (=Crisis Group Asia Report No. 198) p34

<sup>5</sup> While only a few of many, particularly severe incidents were the June 1999 first battle of Yeonpyeongdo, the June 2002 second battle of Yeonpyeongdo, the November 2009 battle of Daecheongdo and the 2010 shelling of Yeonpyeongdo. Ibid. pp6-11, 16-22, 26-28. See also Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): "The North/South Korea Boundary Dispute in the Yellow (West) Sea", in *Marine Policy* 27, No. 2 (March 2003) pp143-146



implications for the acting side. In addition to the prospect of an irretrievable loss of claimed territory, the legitimacy of a country unable to defend sovereignty over parts of its area may be at question, especially when considering the unclear legal situation and generally fierce contest for legitimacy between the two Koreas.

The question remains however why the territorial dispute in the West Sea has proven so much more contentious than other geographical issues, such as the sea border off the Eastern coast of the peninsula or indeed the Demilitarized Zone (DMZ), separating the land forces of the two countries and marking the cease fire line decided upon in the 1953 Armistice Agreement. One reason is its definition, or rather its lack of definition, as a sea border. Possibly not of much interest to Northern negotiators at the end of the war<sup>6</sup>, the sea borders were hardly given the same degree of attention as the establishment of the DMZ, thereby being open to contests of their legitimacy. In addition, even established sea borders remain difficult to fully control, presenting a stark contrast to the DMZ with its rigorous control regime on behalf of both sides. The Western Sea is also fundamentally different from the Eastern sea border. The territory in question, holding islands controlled by the South, access routes to *Haeju* bay as a strategically important port area as well as rich fishing grounds, is central to both sides' economic interests, making a renouncement of claims by either side even less probable.

The NLL will continue to play an important role in inter-Korean relations, and chances are high that any solution to the Korean question, be it peaceful or violent, will be influenced by decisions concerning the future of that maritime border delimitation, just as these decisions are influenced by the wider scope of issues on the peninsula. To evaluate and understand the importance the NLL may reach in the future it is necessary to understand the line itself, beginning from its historic origins during the Korean war, over politics and ideologies surrounding it today, to its implications in the regional and international dimensions. While no person can predict the future of the NLL or the Korean peninsula at large, a thorough analysis may still allow for an outlook on possible scenarios for the years to come. And if nothing else, it will shed some light on one of today's international relations' most inscrutable and most immediate issues – the last theatre of the cold war.

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<sup>6</sup> International Crisis Group (2010): "North Korea: The Risks of War in the Yellow Sea" (=Crisis Group Asia Report No. 198) p2

## **1.2 A few words of explanation**

As this paper will attempt a historical, theoretical, legal and political analysis of the situation in the Korean Western Sea, it largely relies on both primary and secondary sources. As for the former, these mostly include historic and legal documents, news articles and official government communication. The latter include all kind of previously undertaken relevant scientific research focusing, amongst others, on history and politics of the Korean peninsula as a whole and the NLL in particular. This may be in the form of monographs, commenting articles or online sources. Maps are provided in Annex I to help conveying to the reader the geographic aspects of the theatre of the conflict, and also in underlining in detail certain ideas or conclusions.

Both primary and secondary sources, however, need to be regarded with special care when employed for argumentation. As pointed out, the NLL, just like the whole issue of the Korean partition, is subject to a war of information, resulting in propaganda being issued by both sides and being reproduced and strengthened by authors either sympathetic to one side or the other or simply unaware of these circumstances. A holistic analysis of the issue at hand will hardly be possible without considering information provided by the parties to the conflict or representing a partisan stand on the conflict. Therefore, it is all the more important for the Reader to be conscious of these conditions, as it will enhance ones understanding of the issue.

Such a balanced approach shall however not only apply to the sources utilized in argumentation for this study. In a region as contested as the Korean peninsula, the use of names and designation presents an equally complex challenge. As an example, this paper will refer to the parties to the conflict by their official designations, the Democratic People's Republic of Korea (DPRK) and the Republic of Korea (ROK), by their widely used designations North Korea and South Korea, or simply as the North or the South. It should be noted that the latter will all be used in capitals, owing to the fact that though the author accepts that both the DPRK and the ROK claim the whole of the Korean peninsula as their sovereign territory, and reunification of the Korean nation is the declared goal of both parties – as will be discussed in the chapters to follow – both have established sovereign Governments within the areas designated in the 1953 Armistice Agreement, notwithstanding certain unclarified issues such as the NLL. This also reflects international

practice after the simultaneous accession of both Governments as Member States to the United Nations. Other similar issues include, among others, reference to the waters penetrated by the NLL, which will be referred to, corresponding to international practice, as the Yellow Sea (instead of the term West Sea often employed by Koreans). Also, the island group situated adjacent to the NLL in the Yellow Sea will either be referred to by their names or as Northwest Islands, mirroring their geographic location as related to the South Korean mainland. In general the author tries to be coherent in the utilization of names and designations, and any instance of failure therein is of course the fault of the author only.

As a consequence of the actuality of the topic, an impressive number of research papers have been published on issues pertaining to the peninsula, and also with particular focus on the NLL. Many of them provide very accurate descriptions of the major incidents which have catapulted the demarcation line into the general public's consciousness. It is not the author's intention to repeat these descriptions, for two reasons. First, many research papers on the issue are strikingly similar to each other. While of course every single piece of research helps to form a more complete understanding of the issue, it doesn't seem necessary to repeat in such details what others have already described wider in scope and more in-depth than this present paper could offer. Instead, this paper should rather serve as a means to understand the circumstances, processes, and the interconnectedness of different elements pertaining to the NLL, and the Korean peninsula at large.

## **2. Historical Origins of the NLL**

As with any other issue of geopolitical importance, to analyse the situation and conflict around the NLL, its present political ramifications and its possible future, it is of utmost importance to understand its origins and the developments which have taken place since then. This is easily explained, for the origin of a situation, the decisions that led to its emergence and the historical context they were taken in more often than not provides an explanation for the way actors involved view the very same issue at present. And even if it fails to do so, if present constellations run contrary to what would be expected from examining a situation's origin, the answer is most likely to be found in past developments emerging since the issue's onset. Common wisdom has it that mankind does not learn any lessons from history, but without doubt it is constantly influenced by it.

However, as historian Arthur Schlesinger Jr. pointed out, “the present ... re-creates the past. This is partly because, once we know how things have come out, we tend to rewrite the past in terms of historical inevitability.”<sup>7</sup> This circular reasoning describes a profound problem faced when attempting to understand the present through the observation of history, most profoundly so in a case where different entities compete to promote history as a legitimating factor. This can be clearly observed in issues of disputed territory when, in its simplest form, two entities compete for sovereignty over a limited area of land or sea, not necessarily by violent means but rather through the attempted establishment of legitimacy to their respective claim. Propaganda is then the weapon of choice, and given the prominence of historic representations and interpretation traditionally taken in a propaganda fight between parties to a territorial conflict<sup>8</sup>, a clear understanding of historical developments is unfortunately not easily achieved. Representations of historic events have to be weighed against each other, bearing in mind that the truth may or may not lie somewhere in between and might not be found in any traditional narrative. Yet, careful weighing of accounts and sources can help attain an idea of developments beyond the question of truth and impact of single historic events.

As for the NLL, no person with just a slight knowledge of the issue would contest that its origin is to be found towards the end of the Korean war as an open armed conflict, originating from a lack of compromise during the phase of negotiations between North Korea, its Chinese allies and the United Nations Command (UNC) when sovereignty over the coastal islands was determined but no maritime demarcation line agreed upon, and brought to geopolitical reality in the aftermath of the 1953 armistice agreement. However, understanding of the importance each Korea attaches to the NLL – as much as of the idea of a separated Korea itself – requires a look further back into the history of the greater Northeast Asian region as a whole.

Ever since its existence Korea had functioned as a punching ball between the powers surrounding it.<sup>9</sup> However, it was not until the beginning of the twentieth century that the

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<sup>7</sup> Schlesinger, Arthur Jr. (1971): “The Historian as Participant”, in *Daedalus* 100, No. 2 (Spring 1971) p350

<sup>8</sup> One rather curious – yet not uncommon – form of propagandizing historical claims to sovereignty over a territory is the issuing of postal stamps with related geographical depictions. See Pierce, Todd (1996): “Philatelic Propaganda: Stamps in Territorial Disputes”, in *IBRU Boundary and Security Bulletin* 4, No. 2 (Summer 1996) pp62-64

<sup>9</sup> “The Korean people know war. One bit of their lore is that the country has been invaded at least six hundred times in the last three millennia....Koreans compare themselves to a school of shrimp caught between two

way towards eventual partition was beginning to be laid. Following the end of the Russo-Japanese War in 1905, the Treaty of Portsmouth designated the Japanese Meiji Empire, amongst other rights on the East Asian mainland, as protector over the Korean peninsula. Only five years later, Japan formerly annexed Korea into its empire, which thereupon served as Japan's military stepping stone towards the East Asian continent.<sup>10</sup> From there Japan was not only to use World War One as a pretext to strengthen its presence in Manchuria and gain territorial concessions in China, but also used it – together with the Manchurian puppet state Manchukuo – as a bridgehead in its eventual invasion of China, in what would become the Sino-Japanese War and Japan's entrance into World War II.<sup>11</sup>

The Korean population however, bereaved of their freedom and identity, suffered dearly under Japanese occupation, circumstances under which anger against the occupying force kept fermenting amongst the populace.<sup>12</sup> Thus, different groups of ultimately different agenda fanned armed resistance throughout the peninsula, resistance that for some years sometimes took the form of open war. Only the increase of Japanese influence in Manchuria from 1925 on could stop this kind of open warfare, as it took away from these groups their base of operations.<sup>13</sup> The groups keeping up the fight were doomed to exile, with some taking refuge with the Nationalist Government of the Republic of China, some setting up base in the United States,<sup>14</sup> and others opting to head for the Soviet Union or engage in guerrilla warfare in the Chinese Northeast, often uniting with Chinese Communist forces.<sup>15</sup> As Japan strengthened its war efforts on the Chinese mainland, Korean resistance fighters took their fight there, with a large number of them even

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whales. Whether the whales are fighting or making love – not to mention feeding – the shrimp have a short life expectancy” Millet, Allan R. (2001): “Introduction to the Korean War”, in *The Journal of Military History* 65 (Oct. 2001) pp921-922

<sup>10</sup> Cotterell, Arthur (2002): *East Asia. From Chinese Predominance to the Rise of the Pacific Rim*. Pimlico, London p200

<sup>11</sup> Ibid. pp200-200

<sup>12</sup> Ibid. p200. See also: Schnabel, James F. (1992) [1972]: *Policy and Direction. The first year*. United States Army Center of Military History, Washington D.C. pp3, 4-6

<sup>13</sup> Cotterell, Arthur (2002): *East Asia. From Chinese Predominance to the Rise of the Pacific Rim*. Pimlico, London. pp270-271

<sup>14</sup> Ibid. p270

<sup>15</sup> An account of Mao Zedong's meeting and discussion with Kim Il, Political Commissar of the Korean People's Army transmitted in a telegram to Stalin in May 1949, identifies Kim Il-song as a former guerrilla in Manchuria. A translation of the telegram can be found in Kim, Jin Kyung(1996): *The evolution of the Korean War and the dynamics of Chinese entry*. Dissertation, University of Hawaii p190. The same publication, though not in said telegram, mentions that Kim Il was a comrade-in-arms of Kim Il-song in Manchuria. Ibid. p188. Other evidence on North Korean involvement in the Chinese revolution is found in Chen, Jian (1994): *China's road to the Korean War: the making of the Sino-American confrontation*. Columbia University Press, New York pp106-108

integrating into the Chinese Red Army, which would later be known as the People's Liberation Army (PLA).<sup>16</sup>

Near the closing of World War II, with the surrender of the Japanese Empire imminent, Korea's plights finally seemed to be coming to an end as well. However, history once more held another fate for it in hands, as the peninsula was again to be transferred into a pawn between great powers. On the eve of Japanese surrender in August 1945, U.S. President Truman saw it necessary to find a solution on how Korea, the only territory in East Asia still outside more or less consolidated spheres of influence, could be liberated without giving it all up to the Soviet Union. Ever since he had assumed office after Roosevelt's death in 1945, Truman had grown more and more worried about Soviet expansionism in Eastern Europe. Thus, a solution had to be found which would keep the USSR from taking the same road as it had in Europe.<sup>17</sup> For the time being however, Truman's fears seemed to be coming true. While the United States were still bogged down on Japan's islands in the Pacific, Soviet troops, right after the decision to intervene against Japan, fought their way into Manchuria and towards the Korean peninsula.<sup>18</sup> The situation seemed to have been decided, when the sudden end of the war – Japan surrendered unconditionally six days after the second atomic bomb had been dropped on Nagasaki<sup>19</sup> – changed the outset. Suddenly, the way to Korea was open to the United States as well.<sup>20</sup> As the USSR was continuing its march southwards, however, a quick solution had to be found to give the United States time to redeploy its troops – the closest ones still stationed on the island of Okinawa.<sup>21</sup> Thus General Order No. 1 was issued, an order regulating the surrender of Japanese troops.

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<sup>16</sup> Kim, Jin Kyung(1996): *The evolution of the Korean War and the dynamics of Chinese entry*. Dissertation, University of Hawaii pp42-46, p189

<sup>17</sup> Matray, James I. (1981): "Captive of the Cold War: The Decision to Divide Korea at the 38th Parallel", in *Pacific Historical Review* 50, No. 2 (May 1981) p150

<sup>18</sup> Soviet troops surpassed their Japanese counterparts both in terms of numbers and heavy equipment, thus progressing quickly. Wilson, Ward (2007): "The Winning Weapon? Rethinking Nuclear Weapons in Light of Hiroshima", in *International Security* 31, No. 4 (Spring 2007) p166

<sup>19</sup> After the atomic bombs had exploded in Hiroshima and Nagasaki on August 6 and August 9 respectively, Emperor Hirohito proclaimed Japanese surrender on August 15. The only condition uttered was the continuation of the imperial house. Cotterell, Arthur (2002): *East Asia. From Chinese Predominance to the Rise of the Pacific Rim*. Pimlico, London. p245. Some authors dispute this account, crediting the Soviet Union's opening of a second front against Japan rather than the nuclear explosions with eventually persuading Japan to surrender. Wilson, Ward (2007): "The Winning Weapon? Rethinking Nuclear Weapons in Light of Hiroshima", in *International Security* 31, No. 4 (Spring 2007) pp164, 167-175

<sup>20</sup> Matray, James I. (2001): "Revisiting Korea. Exposing Myths of the Forgotten War", entrance to the *Korean War Teachers Conference: The Korean War +50* (9 February 2001), on <http://www.archives.gov/publications/prologue/2002/summer/korean-myths-1.html>, 04 December 2011

<sup>21</sup> Schnabel, James F. (1992) [1972]: *Policy and Direction. The first year*. United States Army Center of Military History, Washington D.C. p9

Amongst its provisions, General Order No.1 directed the Imperial Army troops in Korea to surrender to Soviet troops if north of, and to American troops if south the 38<sup>th</sup> parallel<sup>22</sup> – a demarcation chosen, seemingly because of lack of time, rather arbitrarily.<sup>23</sup>

## **2.1 The first division - the 1945 partition along the 38th parallel**

Briefly examining the circumstance of the drawing of the partition line is important as it resonates until the present in any considerations of today's partition of the peninsula, including the NLL. One would certainly expect that an issue as influential in 20<sup>th</sup> century history as the decision on how Korea should be divided would have been based on careful and lengthy analysis of recommendations from a small army of experts on the subject. But unfortunately, circumstances at the time did not allow for such processes. Even Dean Rusk, later Secretary of State under Presidents Kennedy and Johnson but at the time Colonel with the Operations Division of the US War Department General Staff, who was personally involved in recommending to propose the 38<sup>th</sup> parallel as partition line, later observed that “the choice of the thirty-eighth parallel, recommended by two tired colonels working late at night, proved fateful.”<sup>24</sup> Rusk and a fellow Colonel, Charles H. Bonesteel<sup>25</sup>, were tasked – under severe time constrictions in the face of Soviet intervention in East Asia – with drawing up a scenario for accepting surrender of Japanese troops in the region, with special regards to the Korean peninsula, which would ultimately be formulated in General Order No. 1. Given that neither of them was an expert on Korean issues, and the absence of obvious geographical elements to be used as reference points, they settled for the 38<sup>th</sup> parallel most obvious line of division on their map. This they considered the northernmost line possibly acceptable to the USSR, with Seoul and a nearby prisoner-of-war camp remaining in US controlled territory.<sup>26</sup> As the recommendations of the Colonels Rusk and Bonesteel were largely accepted and translated into US foreign policy, the question whether

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<sup>22</sup> The full text of General Order No.1 can be found in United States Department of State: *Diplomatic Papers, 1945. The British Commonwealth, the Far East* (=Foreign Relations of the United States 1945 Volume IV) Department of State, Washington D.C. pp 658-660

<sup>23</sup> Schnabel, James F. (1992) [1972]: *Policy and Direction. The first year*. United States Army Center of Military History, Washington D.C. pp8-10

<sup>24</sup> Rusk, Dean/Papp, Daniel (Ed.) (1990): *As I saw it*. Norton, New York p124

<sup>25</sup> Bonesteel would later, after the Korean War, serve as Commander-in-Chief of the United Nations unified command.

<sup>26</sup> Schnabel, James F. (1992) [1972]: *Policy and Direction. The first year*. United States Army Center of Military History, Washington D.C. pp8-10. See also Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills pp37-38

a more resourceful consideration of option might have led to a more favourable outcome, possibly avoiding or at least minimizing the effects of partition, will remain unanswered.

However, blaming short-sightedness of the American analysis for the ensuing partition would do neither the situation nor the persons involved justice, as it would disregard two important elements. First, while Europe had for several months already been pacified, World War II was still raging in East Asia. With the United States at war, its foreign policy was largely dictated by military necessity, often resulting in decisions based on immediate military requirements and capabilities rather than long-term diplomatic efforts.<sup>27</sup> As George M. McCune, then chief of the Korean Section, Office of Far Eastern Affairs in State Department later somewhat grudgingly noted, “the division ... was an arbitrary line, chosen by staff officers for military purposes without political or other considerations. The State Department ... was presented with a *fait accompli* by the military staffs.”<sup>28</sup> It is therefore not surprising that two military officers would settle for a line of division logical in the absence of alternative geographic features, given the limited commitment of the armed forces to Korea, both in terms of strategic interest and ability to provide troops.<sup>29</sup> Second, while definitely aimed at preventing the communization of the whole peninsula through Soviet occupation, the partition of the Korean peninsula was never envisioned as a long-term institutionalized settlement but rather as a provisional emergency measure to enable Japanese surrender, until a medium-term centrally administered trusteeship would be established to prepare the peninsula for eventual independence.<sup>30</sup> Thus, the decision for the 38<sup>th</sup> parallel to function as partition at that time did not seem to effect such long-term implications as it eventually would. Expectations most probably were that, should the Red Army indeed halt their progress at the 38<sup>th</sup>, ensuing negotiations would lead to the establishment of a unified trusteeship. Should it not intend stop the advance, however, the

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<sup>27</sup> Ibid. pp38-39

<sup>28</sup> McCune, George M. (1947): “Korea: The First Year of Liberation”, in *Pacific Affairs* 20, No. 1 (March 1947) p5

<sup>29</sup> While, as noted, President Truman did presumably see Soviet expansionism as seen in Eastern Europe as a threat in East Asia, this does not necessarily translate to the army leadership in the Pacific theatre, which saw Japan proper as its main point of strategic interest in the region. Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills p39

<sup>30</sup> Korean Independence had been identified as the long-term target by the United States, United Kingdom and China in the 1943 Cairo Declaration, which was later subscribed to by the USSR. Zonal partition of Korea into North and South on the other hand was intended as an emergency measure only, to be “superseded at the earliest possible date by a trusteeship for Korea”, a measure initially agreed upon by the USSR and China. United States Department of State: *Diplomatic Papers, 1945. The British Commonwealth, the Far East* (=Foreign Relations of the United States 1945 Volume IV) Department of State, Washington D.C. pp1093-1096



choice of dividing line would be rendered irrelevant in the first place. The only negative choice could therefore be the proposal for a line so unacceptable to Moscow that the Red Army would be ordered to advance while it would not have done so had a line further south been proposed. From this point of view, Rusk and Bonesteel's approach to identify a line as far north as probably acceptable to the USSR made perfect sense. As Shannon McCune, in an 1946 article otherwise highly critical of what she considers an arbitrary drawing of the partition line, points out, "a provincial-based line might have made more lasting the baneful separation of north and south Korea."<sup>31</sup>

Nevertheless, the military approach to drawing the demarcation line cut a deep trench into the socio-economic patterns on the peninsula. Partition along 38<sup>th</sup> parallel cut through more than 75 streams, 12 rivers, 181 small cart roads, 104 country roads, 15 all-weather provincial roads, 8 better class roads and industrial areas such as the Haeju Bay area, all the while running along an elevation profile entirely foreign to traditional Korean approaches to setting provincial boundaries.<sup>32</sup> While the northern zone was larger in terms of area, the southern zone was home to a significant majority of people.<sup>33</sup> Of particular importance is the notion that even though the total area of cultivated land was larger in the northern zone, even then differences in agricultural quality of the arable land pointed to a significant advantage in productivity on behalf of the southern zone, leading contemporary commentators to speak of the "industrial north and the agricultural south".<sup>34</sup> While the division of two such mutually complementing economic areas was probably not anticipated to elicit major negative effects in the short run, the ensuing long-term partition of North and South Korea increased the importance of this imbalance, which contributes until today to North Korea's food shortage problems.

Partition along the 38<sup>th</sup> parallel would not only prove fateful for the future of the peninsula in general, but also had far-reaching implications for the specific issue of today's maritime delimitation in the Yellow Sea. All of the Northwest Islands, including the northernmost *Baengnyeongdo*, were situated south of the 38<sup>th</sup> parallel, as were large parts of the Ongjin

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<sup>31</sup> McCune, Shannon (1946): "Physical Basis for Korean Boundaries", in *The Far Eastern Quarterly* 5, No. 3 (May 1946) p286

<sup>32</sup> Ibid. pp282-283, 286-288

<sup>33</sup> Andrew J. Grajdanzev suggests a relation in populations of 40:60 in north and south respectively. Grajdanzev, Andrew J. (1945): "Korea Divided", in *Far Eastern Survey* 14, No. 20 (October 1945) pp281-282

<sup>34</sup> Ibid. pp282-283

peninsula, which was however cut off from the rest of the southern zone, causing it to be temporarily occupied by Soviet forces.<sup>35</sup> It was also on Ongjin Peninsula that fighting broke out at the onset of the Korean War, and as the armistice after the war would leave the peninsula under Northern control, while the Northwest islands would be controlled by the South, the location chosen for the demarcation line in 1945 still resonates in today's dispute regarding maritime delimitation in the area.

General Order No. 1 was eventually relayed to Stalin for approval, who did not object to the partition of Korea into zones (He did however object to the establishment of an American zone in Manchuria, around what is today the Chinese port city of Dalian – just as the US leadership objected to his request to partition the main islands of Japan).<sup>36</sup> As Soviet troops really did stop their advance at the 38<sup>th</sup> parallel<sup>37</sup>, Korea was separated straight through its middle, practically along the same demarcation line that even today still separates North and South Korea. Thus the setting for the Korean War was laid.

## **2.2 A Country Divided**

Treatment of Japanese occupying forces in the areas north and south of the 38<sup>th</sup> parallel was substantially different from each other. While Soviet forces arrested colonial officials and dismantled not only the Japanese military but also the colonial police<sup>38</sup>, the United States missed this opportunity of getting to terms with the local population by entrusting control to the very same elements which had collaborated with Japan before.<sup>39</sup> Voicing of objections

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<sup>35</sup> Stueck, William Whitney (2002): *Rethinking the Korean War: a new diplomatic and strategic history*. Princeton University Press, Princeton p27

<sup>36</sup> Schnabel, James F. (1992) [1972]: *Policy and Direction. The first year*. United States Army Center of Military History, Washington D.C. p11

<sup>37</sup> Ibid. p16. Lee Jongsoo offers various explanations as to why Stalin agreed to the United States' proposal of the 38<sup>th</sup> parallel, including his wariness about the United States' nuclear monopoly, the notion that Korea as a buffer in a land war would possibly no longer be relevant given the onset of the nuclear age, the hope for a trade-off to eventually lead to a partly Soviet occupation of Japan, the projected inability of the Red Army to occupy the whole of the peninsula given it had been rushed into the intervention only days ago, and possible consideration of a partition along the 38<sup>th</sup> as validation of traditional spheres of influence as agreed upon earlier between tsarist Russia and Japan. Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills pp43-45

<sup>38</sup> The Soviet occupational forces even allowed for elements of self-government which had come to existence after Japanese surrender to continue their functions. Cotterell, Arthur (2002): *East Asia. From Chinese Predominance to the Rise of the Pacific Rim*. Pimlico, London. p271. See also Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills pp133-136. While these and other measures such as beginning land reform helped to elicit support from the population, other aspects of Soviet occupation, especially violent atrocities committed by Soviet troops, led to widespread resentment among Koreans. Ibid. pp136-137

<sup>39</sup> Ibid. pp45-48

was marked as dangerous subversion, as were calls for a quick unification of the country.<sup>40</sup> The plans to turn Korea into a centrally administered trusteeship failed as well.<sup>41</sup> Partition hardened, and while a formerly provisionally established government under Kim Il-sung assumed control of the North, a national council – excluding Korean communist elements – under the presidency of the conservative Rhee Syngman was established in the South.<sup>42</sup> While both the United States and the Soviet Union continued to strongly influence political developments on the peninsula, different commentators suggest that US policies exerted a particularly negative influence on ambitions for unification.<sup>43</sup> At the heart of these policies lay the belief heeded by parts of the US leadership that negotiations with the Soviet Union, such as the trusteeship negotiations, could not possibly lead to an outcome acceptable to the United States.<sup>44</sup> In September 1947, the US therefore unilaterally brought the issue before the United Nations General Assembly (UNGA)<sup>45</sup>, a move strongly rejected by the USSR both because it considered it illegal and conducive to permanent partition and because it (correctly) perceived a disadvantage in the balance of political forces in the post-war UN.<sup>46</sup> As an alternative, Stalin called for non-interference and withdrawal of troops from the peninsula to leave the issue to Korean self-determination, a move which would have clearly favoured the northern regime due to its relative strength at the time.<sup>47</sup> It is therefore important to note that while the United States' policy of promoting a separate election in the south was pursued as an anti-communization measure in disregard of widespread disagreement from the southern zone's political landscape and under acceptance of a permanent partition, the Soviet Union, though definitely more committed to the trusteeship

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<sup>40</sup> Cotterell, Arthur (2002): *East Asia. From Chinese Predominance to the Rise of the Pacific Rim*. Pimlico, London. p272

<sup>41</sup> Ibid. p272. In a climate of severe disagreement among Korean domestic fractions and progressing deterioration of US-Soviet relations regarding Korea, the US-Soviet Joint Commission tasked with clarifying the terms of transforming Korea into a trusteeship ended in failure. Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills pp105, 107-109

<sup>42</sup> Cotterell, Arthur (2002): *East Asia. From Chinese Predominance to the Rise of the Pacific Rim*. Pimlico, London. p272

<sup>43</sup> Gills, B. K. (1996): *Korea versus Korea. A case of contested legitimacy*. Routledge, London/New York pp42-43. See also Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills p163

<sup>44</sup> Ibid. p154

<sup>45</sup> UNGA Resolution 112 provided called for the election of a legitimate Korean government as representative of the independent Korean nation, and the establishment of the United Nations Temporary Commission on Korea (UNTCOK) to ensure such an election. UNGA Resolution 112 (II) A-B (14 November 1947): The problem of the Independence of Korea, on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/19/IMG/NR003819.pdf?OpenElement>, 04.12.2011

<sup>46</sup> Gills, B. K. (1996): *Korea versus Korea. A case of contested legitimacy*. Routledge, London/New York pp41-42. See also Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills pp124-126

<sup>47</sup> Ibid. p163

approach, equally pursued alternative routes by pushing for sovietisation of the north, preparing the ground for ensuring some sort of leftist government for a unified Korea, be it through international arbitration or domestic power struggle.<sup>48</sup> While US officials suspected Soviet support for the trusteeship model as a “ploy to use the trusteeship in order to create a united Korea that would fall within Moscow’s sphere of influence”, Soviet officials branded any US initiative to promote a coalition government in the south as “a classic ‘divide and conquer’ strategy” aimed at bringing such a coalition under rightist domination at a later stage.<sup>49</sup> Arguing strongly for or against either power’s main responsibility in the continued partition of the peninsula therefore most probably depends on the observer’s ideological predisposition, as a neutral observation will provide one with plenty evidence for both. It rather makes sense to view the evolving situation as part of the further-reaching beginning antagonisation between the United States and the Soviet Union at the time – the accelerated commencement of the Cold War.

Universal elections<sup>50</sup> held in the southern zone in May 1948 were accompanied by severe violence and fighting – both by left guerrillas and the established right-wing security forces – but were nevertheless accepted by the United States and – notwithstanding substantial objections by members of the observer mission UNTCOK<sup>51</sup> – the United Nations<sup>52</sup>, formally installing Rhee Syngman’s rightist party as government of South Korea.<sup>53</sup> On 15 August 1948 the Republic of Korea was formally established in the south. Not longer than a month later, on 9 September, the Democratic People’s Republic of Korea followed suit.<sup>54</sup>

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<sup>48</sup> Ibid. pp162-163, 139-140. See also Gills, B. K. (1996): *Korea versus Korea. A case of contested legitimacy*. Routledge, London/New York p43

<sup>49</sup> Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills pp150, 156

<sup>50</sup> The north Korean administration called southern communist leaders to a conference in Pyongyang and pursued them to boycott the elections. This however contributed to paving the way for Rhee Syngman’s victory. Merrill, John Rosc (1982): *Internal Warfare in Korea, 1948-1950: The Local Setting of the Korean War*. Dissertation, University of Delaware pp145-146

<sup>51</sup> Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills pp123-124

<sup>52</sup> UNGA Resolution 195 declares that a lawful government had been elected (that of the Republic of Korea) which effectively controlled “that part of Korea ... in which the great majority of the people of Korea reside” which was the only government “based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the [UNTCOK].” UNGA Resolution 195 (III) (12 December 1948): The problem of the Independence of Korea, on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/66/IMG/NR004366.pdf?OpenElement>, 04.12.2011

<sup>53</sup> Merrill, John Rosc (1982): *Internal Warfare in Korea, 1948-1950: The Local Setting of the Korean War*. Dissertation, University of Delaware p148-156

<sup>54</sup> Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills p124

### **2.3 An imminent war**

Both sides were pushing and planning for reunification on the terms favourable and logical to them under their respective self-conception.<sup>55</sup> The South was struggling with internal rivalries within its security forces, while instigation from the North and left elements in the South continued to put the government under pressure.<sup>56</sup> The only issues uniting the two sides were their demand for a withdrawal of all foreign troops from the peninsula and their rejection of a permanent partition of the country.<sup>57</sup> When the former was realized, Korea was left with two governments, facing each other and both claiming to be the sole representative of the country.<sup>58</sup> Thus numerous clashes and skirmishes evolved at the 38<sup>th</sup> parallel<sup>59</sup>, an evolution that would keep the conflict simmering, with neither side gaining the upper hand, until it would one day eventually lead into open warfare.

### **2.4 The Korean War**

This day eventually came, when at dawn of 25 June 1950 the North Korean army made a decisive push south, overrunning South Korean defence lines and thus the 38<sup>th</sup> parallel.<sup>60</sup> The attack south advanced rapidly, as South Korean forces had to give way to their Soviet-equipped Northern counterparts.<sup>61</sup> Within days after the attack Truman sent air and naval forces to support the South, and redeployed ground troops to Korea. Nevertheless, little more than a month had passed when all that was left for the Korean People's Army to assault was a comparatively small area around the port city of Pusan at the southernmost tip of the peninsula. This little tip of Korea, however, was what eventually should doom all aspirations of the Democratic People's Republic of Korea to unify the peninsula under their flag to failure. Steadfastly held by what remained of South Korean and United States forces in Korea, the city of Pusan and the heavily fortified area around it proved impenetrable for the North Korean army. By then however, the United Nations Security Council (UNSC), in

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<sup>55</sup> Kim, Hak-Joon (1977): *The Unification Policy of South and North Korea. A Comparative study*. Seoul National University Press, Seoul pp69-88

<sup>56</sup> Besides the ongoing violence, the North also cooperated with the South Korean Labour Party in facilitating underground elections in the South in August 1948 Ibid. pp171, 190-197

<sup>57</sup> Ibid. pp196-197. See also Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills p157

<sup>58</sup> Steininger, Rolf (2006): *Der vergessene Krieg. Korea 1950-1953*. Olzog, München. pp26-27

<sup>59</sup> Ibid. p349

<sup>60</sup> Chen, Jian (1994): *China's road to the Korean War: the making of the Sino-American confrontation*. Columbia University Press, New York p125

<sup>61</sup> Schnabel, James F. (1992) [1972]: *Policy and Direction. The first year*. United States Army Center of Military History, Washington D.C. p61

absence of the Soviet representative<sup>62</sup>, had already passed a resolution<sup>63</sup> approving and establishing a unified command, better known as the UN Command (UNC), under US leadership, which was on its way to reinforce the defending forces.<sup>64</sup> Supported by air strikes on North Korean reinforcement routes, the United States succeeded in landing at Pusan, thus drastically changing the numerical ratio of troops at that phase of the war.<sup>65</sup>

Gradually the UN and South Korean forces gained hold and started to push the North Korean troops – exhausted and weakened from weeks of fruitless attacks – northwards. Not taking chances however, the UN Commander General Douglas MacArthur planned and enacted an unexpectedly but overwhelmingly successful amphibious landing of American troops at Inchon, just slightly south of the 38<sup>th</sup> parallel on the Yellow Sea, thus cutting North Korean forces still in the south off from their bases at home. With supply routes cut, Northern resistance in South Korea quickly broke down, making way for a northward advance of the UN forces. In a matter of months, the momentum of the whole war had shifted, this time to the advantage of the South.<sup>66</sup>

Now it was for South's forces to on their part cross the 38<sup>th</sup> parallel. Former Secretary of State Henry Kissinger argues that out of the three choices to either halt the advance at the 38<sup>th</sup> parallel and restore the *status quo ante*, invade the North up to a certain point where

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<sup>62</sup> On 7 January 1950 Andrey Y. Vishinsky, Foreign Minister of the Soviet Union, had suggested to Mao Zedong that if the People's Republic of China would repudiate the legal status of the then Representative of the Republic of China (Taiwan) – which was at the time representing China in the United Nations – the Soviet Union would refuse to attend Security Council meetings. Mao, Zedong (1998): *On Diplomacy*. Foreign Languages Press, Beijing p95

<sup>63</sup> Four consequent resolutions on Korea were passed by the Security Council from 25 June to 31 July 1950. While Resolution 82 of 25 June called for the North to cease hostilities and withdraw its troops and for the international community to withhold support for the North, Resolution 83 of 27 June recommended UN member states to “furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack ...”. Resolution 84 of 7 July and Resolution 85 of 31 July established the unified command under US leadership and determined provisions for its deployment. UNSC Resolutions 82 (1950) and 83 (1950), on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/064/95/IMG/NR006495.pdf?OpenElement>, 04.12.2011; UNSC Resolution 84 (1950), on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/064/97/IMG/NR006497.pdf?OpenElement>, 04.12.2011; and UNSC Resolution 85 (1950), on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/064/98/IMG/NR006498.pdf?OpenElement>, 04.12.2011

<sup>64</sup> Kissinger, Henry A. (1994): *Diplomacy*. Simon & Schuster, New York p477

<sup>65</sup> A descriptive veteran's recollection of the battle around Pusan can be found online. It should be noted, however, that the paper solely represents the author's personal subjective memories and opinions. No scientific evidence on his remarks is provided. Kortegaard, P.L.: “The Battle of the Pusan Perimeter”, on <http://www.rt66.com/~korteng/SmallArms/pusan.htm>, 04.12.2011. A short, but significantly more scientific approach to describing the battle of the Pusan Perimeter can be found in Zabecki, David T. (2000): “Pusan Perimeter and Breakout”, in Tucker, Spencer T. et al. (Ed.): *Encyclopedia of the Korean War. A Political, Social, and Military History. Vol II N-Z*. ABC-CLIO, Santa Barbara pp540-545 See also: Cotterell, Arthur (2002): *East Asia. From Chinese Predominance to the Rise of the Pacific Rim*. Pimlico, London p274

<sup>66</sup> Kissinger, Henry A. (1994): *Diplomacy*. Simon & Schuster, New York pp480-481

geographical advantages would allow for a more stable line of defence and retention of a negligible but strategically important buffer between US troops and the Chinese<sup>67</sup> border (Kissinger suggests the narrow neck of the peninsula just north of Pyongyang), and a drive for full unification up to the Yalu river, Truman was convinced by UNC Commander General of the Army Douglas MacArthur to opt for the third and probably least advantageous.<sup>68</sup> At first, however, MacArthur's plan seemed to progress well. With mainly American military support<sup>69</sup> and under American leadership, the South Korean Army managed to push back Northern troops, rapidly advancing northward. Occupying the whole of Korea seemed within reach as by the end of October, UNC troops had at some points almost reached the river Yalu. A month later, however, they were surprised. Since the beginning of October the Chinese leadership had made the decision to redeploy troops to Korea<sup>70</sup> and by mid-October the Chinese People's Volunteers (CPV) had begun to secretly cross the Yalu.<sup>71</sup> On November 26 1950, with strength assembled, the attack was launched. Yet again the war was about to change its tide.<sup>72</sup>

Hitting American and UN forces hard and unexpectedly, the Chinese advance won ground fast, as it had happened so often in this war. Again the whole momentum was reversed, and within little more than a month, the frontline had been pushed back to south of Seoul. Beijing could have negotiated for a ceasefire then and there, emerging from the conflict as a major victor, as the country that had opposed and defeated the presumably greatest military power in the world. A ceasefire near the 38<sup>th</sup> parallel would also have served Chinese

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<sup>67</sup> Following victory in the Chinese Civil War, the Chinese mainland was at that time already ruled by the Chinese Communist Party under Mao Zedong, which had long denounced the United States as an imperialistic power and viewed American intervention in Korea as proof of its strategic interests in Asia and prelude to reintervention in China's efforts to reclaim Taiwan. Hao, Yufan/Zhai, Zhihai (1990): "China's decision to Enter the Korean War: History Revisited", in *The China Quarterly* No. 121 (March 1990) pp97, 100

<sup>68</sup> Kissinger, Henry A. (1994): *Diplomacy*. Simon & Schuster, New York p480

<sup>69</sup> Throughout the war, about 50% of all troops mobilized under the United Nations Command were provided by the United States, followed by the Republic of Korea with 40%. 10% were provided by 19 other nations. Tucker, Spencer T. (2000): "United Nations Command Ground Forces, Contributions to", in Tucker, Spencer T. et al. (Ed.): *Encyclopedia of the Korean War. A Political, Social, and Military History. Vol II N-Z*. ABC-CLIO, Santa Barbara p681. An even more elaborate listing of military units taking part in the campaign on both sides can be found in Tucker, Spencer T. et al. (Ed.): *Encyclopedia of the Korean War. A Political, Social, and Military History. Vol III Documents*. ABC-CLIO, Santa Barbara pp 771-782

<sup>70</sup> On 2 October 1950 Mao informed Stalin of the decision "to send part of [Chinese] troops, in the name of volunteers, to Korea to fight against the armed forces of the United States and its lackey Syngman Rhee and to aid the Korean comrades." Mao, Zedong (1998): *On Diplomacy*. Foreign Languages Press, Beijing p107

<sup>71</sup> Whiting, Allen S. (1968): *China crosses the Yalu. The Decision To Enter the Korean War*. Stanford University Press, Stanford p116

<sup>72</sup> Cotterell, Arthur (2002): *East Asia. From Chinese Predominance to the Rise of the Pacific Rim*. Pimlico, London. p275

interests in retaining North Korea as a buffer zone between their own border and the South. However, the Chinese leadership made the same mistake that every single side of the conflict had committed before – it overestimated its advantage of momentum, and blinded by the prospect of entirely expelling the United States from Korea, drove on southwards.<sup>73</sup>

The United Nations force gradually recovered however, and eventually the Chinese troops had to give in to American firepower and halt their advance, finally drawing back to around the 38<sup>th</sup> parallel. What followed was a bloody and costly stalemate of both sides, with neither of them taking action decisive enough to gain considerable territory.<sup>74</sup> Fighting was accompanied by long negotiations in the village of Panmunjom<sup>75</sup>, which finally lead to an armistice agreement, signed between the Commander of the CPV and the Supreme Commander of the Korean People's Army on the one hand, and the Commander of the UNC (but, notably, not the Republic of Korea) on the other.<sup>76</sup>

As far as naval aspects are concerned, the Korean War was in some ways quite unusual. Geographical properties and location of the peninsula as a stretched piece of land largely surrounded by water rendered the use of naval forces as support both in terms of active combat support and supply channels an irreplaceable element of warfare. However, classical surface to surface engagements only rarely took place. At the outset of the war, both North and South Korea commanded functioning naval services, based on training and equipment either left behind by Soviet and US occupying forces or later provided by these nations to their allied regimes respectively. With around 7,000 men, the ROK Navy was somewhat stronger than its Northern counterpart, and was equipped with larger ships than the DPRK's about 45 small craft.<sup>77</sup> Northern ships played an important role in facilitating the North's initial drive south by quickly transporting troops southwards. On the other side, the ROK Navy ventured to intercept and disturb such transports, most notably in an incident east of Pusan where an ROK ship succeeded in sinking a fully loaded North Korean troop transport, a decisive action in retaining the ability to land troops in Pusan, the

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<sup>73</sup> Kissinger, Henry A. (1994): *Diplomacy*. Simon & Schuster, New York pp482-483

<sup>74</sup> Ibid. pp488-489

<sup>75</sup> After American troops had crossed the 38th parallel again, China proposed armistice negotiations. Ibid. p488

<sup>76</sup> "Text of the Korean War Armistice Agreement. July 27, 1963", on <http://news.findlaw.com/hdocs/docs/korea/kwarmagr072753.html>, 04.12.2010

<sup>77</sup> Field, James A. Jr. (2000) [1962]: *History of United States Naval Operations: Korea*. Naval History Center, on <http://www.history.navy.mil/books/field/index.htm>, 04.12.2011 Chapter 2 Part 3



last gate for UN reinforcements.<sup>78</sup> Soon however, following President Truman's order to provide naval and air support to the South, the ROK Navy was reinforced by numerous American and British naval groups, shifting the balance on the seas decisively. Following a one-sided engagement in early July, when UNC ships destroyed the armed escort of a North Korean ammunition transport, the North practically abandoned the idea of contesting for control of the sea, instead concentrating on supplying the land forces in their advance where possible.<sup>79</sup> This left the UN navies in definite control of the sea, but as no one could be sure of this fact during the first months of engagement, naval troop commitment remained high.<sup>80</sup> As a result, the UNC retained control of the sea throughout the war, enabling naval units to concentrate on intercepting Northern supply transports, providing artillery in support of land forces and landing operations such as the decisive landing at Inchon.<sup>81</sup>

While the study of naval engagement during the Korean War might not actually bring exhaustive information about the history of inter-Korean naval relations, much less so for an analysis not primarily focused on naval history, it should nevertheless not be disregarded when attempting to understand today's dispute on the NLL from a historical perspective. The reason for this lies in three distinct insights which the above observations provide. First, the notion that both North and South obviously attributed great importance to supporting ground forces through naval action is an important element still valid when considering today's policy formulation on both sides. As was the case in 1950, the Korean peninsula is still surrounded by water, and any military activity, whatever its scale, would have to rely on some kind of naval support. From this point of view, the NLL conflict goes beyond the realm of territory disputes focused simply on assertion of sovereignty and legitimacy – which can at times resemble more a matter of principle than of practical considerations – by reflecting realistic strategic requirements and apprehensions of the two sides. Terence Roehrig points to very real security concerns connected with a possible movement of the NLL, such as, amongst others, the increased ability of North Korea to rapidly deploy Special Forces to the South should the line move any closer to the cities of Inchon and

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<sup>78</sup> Marolda, Edward J. (2000): "Naval Battles", in Tucker, Spencer T. et al. (Ed.): *Encyclopedia of the Korean War. A Political, Social, and Military History. Vol II N-Z*. ABC-CLIO, Santa Barbara

<sup>79</sup> Ibid.

<sup>80</sup> Field, James A. Jr. (2000) [1962]: *History of United States Naval Operations: Korea*. Naval History Center, on <http://www.history.navy.mil/books/field/index.htm>, 04.12.2011 Chapter 4 Part 3

<sup>81</sup> Hermes, Walter G. (1992) [1966]: *Truce Tent and Fighting Front*. States Army Center of Military History, Washington D.C. p328

Seoul.<sup>82</sup> As during the hot phase of the Korean War, naval warfare today still presents an important element in strategic considerations on the Korean peninsula, rendering the NLL, with its location close the South's capital, an especially contentious aspect of such considerations.

Second, it is important to note that due to the continuous retention of superiority at sea, it was for the UNC to concede territorial waters to the North once the war had cooled off. As far as maritime areas are concerned, the UNC therefore had an advantage over its Northern counterparts in the truce talks at Panmunjom. The same can of course be said about the numerous coastal islands surrounding the peninsula. While in the early days of the war there had been – often wrong – reports of Northern forces taking coastal islands<sup>83</sup>, the North's focus on its troops' advance on the main body of the peninsula and early cession to the UNC of control of the sea does not point to large scale occupation of coastal islands by the DPRK. As a result, the Northwest Islands, situated slightly south of the 38<sup>th</sup> parallel and therefore at the outset already in the southern zone, they were at the end of the hot phase as much controlled by the UNC as the waters around them.<sup>84</sup> This is particularly relevant in understanding the particular role the islands played in the armistice agreement and the negotiations leading up to it. As will be discussed in the pages to follow, the Northwest Islands were singled out as an exceptionally remaining under UNC control in the text of the armistice agreement. This only makes sense in conjunction with the notion that due to its naval superiority, the UNC could decide which islands to cede to the North's control, and which not.

Third, and closely related to the above considerations, the analysis of naval warfare during the war helps to understand North Korea's ambivalent attitude to the NLL. Throughout the first years following the armistice agreement, the North did not contest the NLL and did not state its disagreement of the line *per se*. Only since the early 1970s has the issue evolved to a major hot spot in inter-Korean relations.<sup>85</sup> As will be shown in the chapters to follow, the NLL was originally intended to restrain Southern vessels from entering Northern water,

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<sup>82</sup> Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) p517

<sup>83</sup> Field, James A. Jr. (2000) [1962]: *History of United States Naval Operations: Korea*. Naval History Center, on <http://www.history.navy.mil/books/field/index.htm>, 04.12.2011 Chapter 3 Part 3

<sup>84</sup> Boose, Donald W. Jr. (2008): *Over the Beach. US Army Amphibious Operations in the Korean War*. Combat Studies Institute Press, Fort Leavenworth p319

<sup>85</sup> Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) pp512-515

possibly reigniting the war, and the DPRK maintains it was not even informed at the time of drawing and never acknowledged the line.<sup>86</sup> However, given that during the war the North relatively quickly abandoned the idea of naval superiority and rather concentrated its entire forces on its campaign on land, control of the coastal waters would probably have been of only secondary importance to the DPRK's considerations. After all, what was at stake in the negotiations was to secure a strategically advantageous position on the ground. The North's naval forces had not come close to being match for the UN navy during the war, and it would not do so any time soon after it. An advantageous position on the sea would thus have been only relative given the lack of ability to defend it, whereas a favourable position on land must have been a central security concern. North Korean strategy during the Panmunjom negotiations revealed as much when its negotiators "maintained UNC withdrawal from islands should not be considered in settlement to be made along main battle position."<sup>87</sup> If the DPRK did not have a stake in the Northwest Islands area during the war, and considered it strategically less important than control over territory on the peninsula itself, it would make sense not to comment on the unilateral establishment by the other side of a line originally intended to keep that other side's vessels in reign. Only at a later stage, when economic interests increasingly led to conflicts between Northern fishing vessels and the NLL seemed the North's interest in the line and the area revived.<sup>88</sup> This does of course not entirely explain why the DPRK did not at the time formally protest the unilateral designation by a foreign military entity of a *de facto* demarcation line within its claimed territorial waters. Nevertheless, it might provide a good starting point for such considerations.

The Armistice Agreement, signed on 27 July 1953, factually – though not *de jure* – ended the Korean War. Until this day, it is the basis for the separation of the Korean peninsula, and largely dictates the circumstances under which the two sides interact. As an armistice agreement, military in nature, its main objective was to establish rules and safeguards for the ending of hostilities and disengagement of all actors, pending a final peaceful settlement. At its heart lay the agreement of a Military Demarcation Line (MDL), which, determined

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<sup>86</sup> Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): "The North/South Korea Boundary Dispute in the Yellow (West) Sea", in *Marine Policy* 27, No. 2 (March 2003) p149

<sup>87</sup> United States Department of State: *1951. China and Korea* (=Foreign Relations of the United States 1951 Volume VII) Department of State, Washington D.C. pp1075

<sup>88</sup> Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): "The North/South Korea Boundary Dispute in the Yellow (West) Sea", in *Marine Policy* 27, No. 2 (March 2003) p149

on military grounds, reflected the actual line of contact between the opposing forces at the time.<sup>89</sup> In addition, it established the Demilitarized Zone (DMZ), which required both sides to withdraw their troops to any point at least two kilometres from the MDL.<sup>90</sup> The agreement also set out provisions for the distribution of territorial waters surrounding the peninsula. While any naval area and coastal islands north and west of the designated demarcation line were pronounced to be territorial waters of the North, the five Northwest Islands – *Baengnyeongdo*, *Daecheongdo*, *Socheongdo*, *Yeonpyeongdo* and *Udo* – were explicitly designated under UNC control.<sup>91</sup>

While the two sides had been able to agree on the status of the coastal islands, negotiations failed on the issue of control of the surrounding waters, as the counterparts could not find common ground on the breadth of territorial waters in the area.<sup>92</sup> In order to prevent naval clashes, UNC Commander General Mark W. Clarke on 30 August 1953 unilaterally designated a line restricting UN and South Korean ships' northward movement, thereby establishing the NLL.<sup>93</sup> As mentioned before, though the DPRK government did pronounce its territorial waters to generally extend to a 12 Nautical Mile (NM) boundary repeatedly since 1953<sup>94</sup>, it did not contest the NLL *per se* until 1973, twenty years after its establishment.<sup>95</sup> From then on, however, the NLL evolved to become an issue of great contention between the parties, giving rise to security concerns not only on the peninsula and Northeast Asia, but in the international community at large.

A thorough analysis of the NLL from different angles is not possible without understanding its historical origins. As discussed, due consideration has to be given to the fact that

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<sup>89</sup> United Nations Security Council: "Letter dated 7 August 1953 from the acting United States Representative to the United Nations, addressed to the Secretary-General, Transmitting a Special Report of the Unified Command on the Armistice in Korea in Accordance with the Security Council Resolution of 7 July 1950 (S/1588)", UN Document S/3097 p11

<sup>90</sup> Ibid. p11. Provisions for the establishment of the DMZ are prescribed in Art. I of the Armistice Agreement. "Agreement between the Commander-in-Chief, United Nations Command, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, Concerning a Military Armistice in Korea. Signed at Panmunjom, Korea, July 27, 1953", in *International Organization* 7, No. 4 (November 1953) pp612-614

<sup>91</sup> Armistice Agreement Art. II Paragraph 13b). Ibid. pp614-615

<sup>92</sup> Morita, Keiko (2004): "Northern Limit Line: Demarcation Issues in the Yellow Sea", in National Institute for Defense Studies Security Reports No. 5 (March 2004) p30

<sup>93</sup> Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): "The North/South Korea Boundary Dispute in the Yellow (West) Sea", in *Marine Policy* 27, No. 2 (March 2003) p149

<sup>94</sup> International Crisis Group (2010): "North Korea: The Risks of War in the Yellow Sea" (=Crisis Group Asia Report No. 198) p3

<sup>95</sup> Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) p521

different points of view and interpretations exist. However, six decades of accumulated deliberations on the Korean War, its origins and consequences, have allowed today's observer to identify a comparatively clear, or rather balanced, picture of the events leading to the eventual establishment of the NLL. However, the insights gained from a historical analysis go well beyond simply chronicling the origins of the NLL. It also helps to lift the fog on several questions which still define the quest for a solution to the conflict today: How come two nations with common culture, language and historical heritage regularly find themselves on the brink of war over a maritime border in an area where the control over the adjacent landmasses is practically uncontested? Why does the 1953 Armistice Agreement not present a viable solution for the conflict? How come the NLL evolved into a long-term political question instead of an easily negotiated technical issue?

At the same time however, a historical analysis presents a new set of questions. As discussed, the question why North Korea waited for twenty years to formally challenge the validity of the NLL, though partly explored, remains open. What are the positions of the actors involved today, and what role do international actors with a historical part in the conflict assume today? To what extent do economic interests influence actors' perspectives and decisions? Does the NLL, having seen its historical perspective, have a realistic future as the border delimiting North and South Korea? While the historical analysis shows that these and other questions are central to the dispute on the NLL, it cannot provide answers to them in a comprehensive manner. Other means of analysis are therefore required.

However the historical analysis offers valuable insights beyond the origins of the NLL. The probably most salient factor in the history of inter-Korean relations at large is clearly the constant influence of foreign powers on the peninsula's fate. The ancient allegory of Korea as a shrimp caught between two whales, mentioned at the beginning of this chapter, has seemingly not lost any of its validity. Throughout the 20<sup>th</sup> century, Korean affairs have largely been dictated by international actors. And the whales are not getting less. In today's global community, and with growing stakes on the peninsula, more actors see their interests concerned than ever. The question is, given the developments, such as increased institutionalization and economic integration, which transformed the international community in the post-Cold War era, whether or not the implications of international involvement have transformed as well. As the historical analysis has shown, foreign powers' involvement, whether it influenced the situation for the better or for worse, tended

to serve these powers national interests more than anything else. The question whether this is still valid for the 21<sup>st</sup> century, or whether alternative approaches to interaction will prevail, and how the two Koreas view the world and their situation, can only be explored by analysing the theoretical dimension of the NLL dispute and the situation on the peninsula as a whole.

### **3. A theoretical approach**

Having gained insights into the historical developments in last century East Asia, on the Korean peninsula and with a view to the NLL in particular, a major question must be whether upcoming developments can be predicted just as past ones were examined in the preceding chapter. The answer must of course be, clear and simple, no, given that the tools of historical analysis – accounts of events and facts – is not at hand when it comes to predicting and analysing future developments. While a historical analysis can reveal certain patterns which allow for deliberations on future developments, and also, as an important point, lays bare the setting which present and future leaders and governments tend to base their decisions on, only the classification of past events and present constellations within a comprehensive theoretical framework enables the analyst to focus the accumulated information and draw from it certain conclusions on future behaviour of actors. As Stephen M. Walt put it, “Those who conduct foreign policy often dismiss academic theorists ... but there is an inescapable link between the abstract world of theory and the real word of policy. Even policymakers who are contemptuous of “theory” must rely on their own (often unstated) ideas about how the world works in order to decide what to do”.<sup>96</sup>

Pursuing this argument, one should equally not forget the possible normative character of international relations theory – as *The Oxford Handbook of International Relations* notes, “all theories of international relations and global politics have important empirical and

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<sup>96</sup> Walt, Stephen M. (1998): “International Relations: One World, Many Theories” in *Foreign Policy* No. 110, Special Edition (Spring 1998), p 29

normative dimensions”<sup>97</sup> – which makes it useful beyond the mere scientific analysis of events, as practical instructions for political action.<sup>98</sup>

These aspects of international relations theory shed light on a number of questions with regards to the issue at hand. Given the variety of schools of thought and approaches to the field, which theoretical approach is best suited to describe and analyse the current constellation on the Korean peninsula? Does the same approach apply to an analysis of the NLL dispute? To what extent can its application provide any indication of future developments? Which approach describes best the world view of the actors involved, and to what extent does it influence their behaviour?

These questions can provide important insights in the analysis of the situation surrounding the NLL, and the constellation of actors involved. To gain these insights in their full scope, however, and to take into account the historical and present international dimension of the conflict, the NLL as well as the theoretical framework for the dispute have to be viewed within the wider scope of interest of the actors involved, not only encompassing the Korean peninsula, but also the theoretical debate on East Asia in general.<sup>99</sup>

### **3.1 Setting the Wider Stage – The East Asian Security Framework**

Modern East Asia has, as far as international relations scholars are concerned, long been a battleground between the traditional great schools of thoughts. While on the one hand Neo-realists perceive Asia as an area characterized by a balance of power between the states achieved through deterrence, balancing and alliances, with a worried look at China’s economic and military rise as a catalyst for heightened tensions and conflict, on the other hand scholars adhering to liberalist thought see the integration in international institutions and economic interdependence among Asian States as factors substantially mitigating the

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<sup>97</sup> Reus-Smit, Christian/Snidal, Duncan (2008): “Between Utopia and Reality: The Practical Discourse of International Relations”, in Reus-Smit, Christian/Snidal, Duncan (Ed.): *The Oxford Handbook of International Relations*. Oxford University Press, Oxford, p 6 – Emphasis in the original

<sup>98</sup> Spindler, Manuela/Schieder, Sigfried (2010): “Theorien in der Lehre von den internationalen Beziehungen”, in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills, pp 26f

<sup>99</sup> Kim, Ki-Jung (2005): “Establishing Peace on the Korean Peninsula”, in *Korea Observer* 36, No. 3 (Autumn 2005) pp494-495

likelihood of conflict on the continent.<sup>100</sup> Both approaches merit a closer analysis, and both sides have a point in referring to historic and present developments in the wider region.

### **3.2 A Neo-realist Approach**

Neorealism is, as its name suggests, rooted in the school of thought of classical realism. Classical realism, developed from the rubbles of the political idealism and historical optimism of the 1930s, shattered by the catastrophe of World War II<sup>101</sup>, sees its origins in the writings of Greek historian Thucydides, Niccolo Machiavelli's *Il Principe*, and is most often connected to Thomas Hobbe's characterization of man as a wolf to man. It portrays this very pessimistic image of human nature on nations in the theatre of international politics, which are therefore on their turn, like man itself, engaged in an eternal struggle for power, a concept which is viewed as a universal principle unalterable as man's and nations' ultimate objective.<sup>102</sup> In an international environment characterized by anarchy and the absence of a regulating element, the occurrence of conflict and war is considered not only very likely, but unavoidable among certain constellation of states.<sup>103</sup> States act in pursuit of their own interest – which is, in its most basic form, often equated with survival – and with their interest as their only goal, and international cooperation is viewed, if at all, as a by-product of that striving for one's own interests. These interests are however, according to political realists, always to be understood as constituted by the concept of power.<sup>104</sup> As

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<sup>100</sup> This constellation, or some elements of it, is examined or reflected in a number of scholarly examinations, including: Glaser, Charles (2011): "Will China's Rise Lead to War? Why Realism Does Not Mean Pessimism", in *Foreign Affairs* 90, No. 2 (March/April 2011) p81; Kang, David C. (2003): "Getting Asia Wrong. The Need for New Analytical Frameworks", in *International Security* 27, No. 4 (Spring 2003) pp58, 61-66; Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) pp510-511, 530; Ross, Robert S. (1999): "The Geography of Peace: East Asia in the Twenty-First Century", in *International Security* 23, No. 4 (Spring 1999) p8; Mansourov, Alexandre Y. (2005): "Northeast Asian Vortex: Regional Change, Global Implications", in *Korea Observer* 36, No. 3 (Autumn 2005) p532; Kim, Ki-Jung (2005): "Establishing Peace on the Korean Peninsula", in *Korea Observer* 36, No. 3 (Autumn 2005) pp491-492

<sup>101</sup> Siedschlag, Alexander (1997): *Neorealismus, Neoliberalismus und postinternationale Politik. Beispiel internationale Sicherheit – Theoretische Bestandsaufnahme und Evaluation*. Westdeutscher Verlag, Opladen p44 See also Jacobs, Andreas (2010): "Realismus", in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills pp47f, 50

<sup>102</sup> Siedschlag, Alexander (1997): *Neorealismus, Neoliberalismus und postinternationale Politik. Beispiel internationale Sicherheit – Theoretische Bestandsaufnahme und Evaluation*. Westdeutscher Verlag, Opladen pp49, 50-54

<sup>103</sup> Oye, Kenneth A. (1985): "Explaining Cooperation under Anarchy: Hypotheses and Strategies" in *World Politics* 38, No. 1 (October 1985), pp1, 6-7

<sup>104</sup> "The concept of interest defined as power imposes intellectual discipline upon the observer, infuses rational order into the subject matter of politics, and thus makes the theoretical understanding of politics possible. On the side of the actor, it provides for rational discipline in action and creates the astounding continuity in foreign policy which makes ... foreign policy ... by and large consistent within itself, regardless



power is utilized to attain one's interests, which are themselves constituted by power, the concept of power tends to take a universal place as means and ends in classical realism, leaving no room for universal moral principles as basis for the assessment of a nation's behaviour.<sup>105</sup> These radical aspects of realist political thought – its radical view and overemphasis of human nature and the universality of its concept of power – were consequently employed by its critics to call for the development of a theory more applicable to actual international politics including international political processes, as compared to political realism as a theory based solely on nationally formulated foreign policy.<sup>106</sup>

Neorealism views the world in many ways similarly to its theoretical ancestor, as an environment characterized by anarchy and the absence of a sovereign institution providing norms and rules for relations between states.<sup>107</sup> It also considers man's nature in very much the same pessimistic way as does classical realism.<sup>108</sup> Nevertheless, these aspects central to classical realism and neorealism alike also constitute main differences between the two. As opposed to classical realism, the neorealist paradigm<sup>109</sup> sees the international system, though in anarchic state, as a structural phenomenon which allows for regularities in a state's behaviour and behaviour independent from the nation's interest as formulated in classical realism. The system still being anarchic without a central sovereign regulating element, the structure is defined by mutual relations between individual states.<sup>110</sup> On the other hand, man's nature, while viewed equally pessimistic by classical realists and neorealists, is not considered to be the major explanation for international relations in neorealist thought. As Kenneth N. Waltz, probably the most prominent exponent of neorealism put it, "While human nature no doubt plays a role in bringing about war, it

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of the different motives, preferences, and intellectual and moral qualities of successive statesmen." In Morgenthau, Hans J./Thompson, Kenneth W. (1985): *Politics Among Nations. The Struggle for Power and Peace*. Knopf, New York p 5. See also Siedschlag, Alexander (1997): *Neorealismus, Neoliberalismus und postinternationale Politik. Beispiel internationale Sicherheit – Theoretische Bestandsaufnahme und Evaluation*. Westdeutscher Verlag, Opladen p49

<sup>105</sup> Ibid. pp 49f

<sup>106</sup> Waltz, Kenneth N. (1990): "Realist Thought and Neorealist Theory", in *Journal of International Affairs* 44, No. 1 (Spring/Summer 1990) p33

<sup>107</sup> Filzmaier, Peter/Höll, Otmar et al (2006): *Internationale Politik*. WUV, Wien p77

<sup>108</sup> Ibid. p76

<sup>109</sup> Paradigm, more than the term theory, seems to better fit neo-realist literature and thought, as a number of approaches adhering to neo-realist tradition were developed over time. Siedschlag, Alexander (1997): *Neorealismus, Neoliberalismus und postinternationale Politik. Beispiel internationale Sicherheit – Theoretische Bestandsaufnahme und Evaluation*. Westdeutscher Verlag, Opladen p67

<sup>110</sup> Filzmaier, Peter/Höll, Otmar et al (2006): *Internationale Politik*. WUV, Wien p77

cannot by itself explain both war and peace, except by the simple statement that man's nature is such that sometimes he fights and sometimes he does not.”<sup>111</sup>

Waltz's take on neorealism, also known as structural realism<sup>112</sup>, plays an important role in today's discourse between realist and liberal scholars in the study of conflict and cooperation through its emphasis on the concept of security as opposed to classical realism's concept of power as the central motif of state's mutual relations. While Waltz retains power as an important aspect of a nation's behaviour, he denies its quality as the ultimate goal of these acts. Instead, he defines security as the main measurable element in nations' struggle for survival in an anarchic system, with power as a means to attain the goal of security.<sup>113</sup>

As a consequence of his emphasis of security as the ultimate goal of *all* states, Waltz, in the formulation of the components of his structural approach – ordering principle, qualities and capabilities – neglects the specific nature of individual states. In the anarchic system of international relations, all states struggle for security to ensure survival<sup>114</sup>, therefore mitigating other aspects of their nature (which constitute the component of qualities).<sup>115</sup> This results in the irrelevance of major specific characteristics of nations, such as their form of government, in neorealists' understanding of the international system. Neorealists thus consider all states, while possibly pursuing other various interests (which are consequently considered irrelevant), to have survival as their main objective. In pursuing this goal neorealists view states as acting rationally as defined by acting based on a sound relation of means and ends in deciding how to act, a behaviour that is influenced only by the insecurity

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<sup>111</sup> Waltz, Kenneth N. (2001) [1959]: *Man, the State and War. A theoretical Analysis*. Columbia University Press, New York p29. According to Waltz, this conclusion has far-reaching consequences: “If human nature is the cause of war and if ... human nature is fixed, then we can never hope for peace. If human nature is but one of the causes of war, then, even on the assumption that human nature is fixed, we can properly carry on a search for the conditions of peace.” Ibid. pp29-28 – Emphasis in the original.

<sup>112</sup> While Waltz's structural realism is more often than not equated with neorealist thought in general, authors such as Siedschlag stress the latter's theoretical diversity. A thorough analysis of three neorealist approaches, including Waltz's, can be found in Ibid. pp66-113

<sup>113</sup> Siedschlag, Alexander (1997): *Neorealismus, Neoliberalismus und postinternationale Politik. Beispiel internationale Sicherheit – Theoretische Bestandsaufnahme und Evaluation*. Westdeutscher Verlag, Opladen pp93-94

<sup>114</sup> Survival is here mostly understood as the protection and preservation of a state's own sovereignty. Mearsheimer, John J. (2009): “Reckless States and Realism”, in *International Relations* 23, No. 2 (June 2009) p242. See also Schörnig, Niklas (2010): “Neorealismus”, in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills p72

<sup>115</sup> Siedschlag, Alexander (1997): *Neorealismus, Neoliberalismus und postinternationale Politik. Beispiel internationale Sicherheit – Theoretische Bestandsaufnahme und Evaluation*. Westdeutscher Verlag, Opladen p95

regarding the intentions and behaviour of other states.<sup>116</sup> As for Waltz's other components of the structural international system, the ordering principle describes the structure of the international system, which in neorealist school of thought is necessarily anarchic, while the component of capabilities refers to the relative abilities and the resulting relative power of states, which again shows the importance of power as means rather than an end in neorealist theory<sup>117</sup>, and serves as means to distinguish states from each other through their capability to project power.<sup>118</sup> These capabilities play a critical role when it comes to states balancing against potential aggressors. Facing a potential rival's ambitions to increase its share of power, a state is expected to rebalance – either internally, through the strengthening of capabilities, or externally, through joining in a coalition with other states.<sup>119</sup> Waltz contrasts the concept of balancing with the concept of bandwagoning, which he views as impractical given the anarchic state of the international system<sup>120</sup>. As bandwagoning would automatically endanger the security of the bandwagoning state, Waltz concludes that “balancing, not bandwagoning is the behaviour induced by the system”<sup>121</sup>

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<sup>116</sup> While in 1994, John Mearsheimer named the state thinking strategically about survival and acting “instrumentally rational” as one of the “realism’s five assumptions”, he rejected the idea of states necessarily acting rationally as a given principle of realist thought (of both realism in general and Waltz’s structural realism in particular) in 2009. See Mearsheimer, John J. (1994): “The False Promise of International Institutions” in *International Security* 19, No. 3 (Winter 1994/95), p10 and Mearsheimer, John J. (2009): “Reckless States and Realism”, in *International Relations* 23, No. 2 (June 2009) pp241-242. See also Schörnig, Niklas (2010): “Neorealismus”, in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills p72

<sup>117</sup> As opposed to security, which is the highest end. Waltz, Kenneth N. (1979): *Theory of International Politics*. Random House, Berkeley p126

<sup>118</sup> Schörnig, Niklas (2010): “Neorealismus”, in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills p72

<sup>119</sup> Mearsheimer, John J. (2009): “Reckless States and Realism”, in *International Relations* 23, No. 2 (June 2009) p243

<sup>120</sup> Mearsheimer formulates that “bandwagoning is where a threatened state joins forces with the threatening state to exploit other states, but allows its dangerous rival to gain a disproportionate share of the spoils that they conquer together.” Ibid. p234

<sup>121</sup> He provides an example of how the anarchic system and state’s pursuit of security promote balancing: “The goal the system encourages [states] to seek is security. Increased power may or may not serve that end. Given two coalitions, for example, the greater success of one in drawing members to it may tempt the other to risk preventive war, hoping for victory through surprise before disparities widen. If states wished to maximize power, they would join the stronger side, and we would see not balances forming but a world hegemony forged. This does not happen because balancing, not bandwagoning, is the behaviour induced by the system- The first concern of states is not to maximize power but to maintain their position in the system.” Waltz, Kenneth N. (1979): *Theory of International Politics*. Random House, Berkeley p126. Siedschlag sees Waltz’s concept of the balance of power, described as a “top-down-process” induced by the system, as a critique of classical realism’s assumption of a moral principle forming rational foreign policy as the cause for the balance-of-power phenomenon. Siedschlag, Alexander (1997): *Neorealismus, Neoliberalismus und postinternationale Politik. Beispiel internationale Sicherheit – Theoretische Bestandsaufnahme und Evaluation*. Westdeutscher Verlag, Opladen pp 96f. Stephen Walt suggests that states’ choices whether to engage in balancing or bandwagoning depend on a variety of issues, including ideological factors, the available options for alliances<sup>17</sup> and the dominant tendency in the international system at the time. Nevertheless he agrees with Waltz in concluding that “states form alliances to balance against threats rather

One important fragmentation within the neo-realist spectrum is the divide between offensive and defensive realists. This rift, occurring in the aftermath of Waltz's original deliberations on structural realism, evolved around the question whether states necessarily strive for power without restrictions or whether they may settle for a situation where both themselves and their rivals keep a level of security just high enough to guarantee for each side's security and sovereignty.<sup>122</sup> While offensive realists, visibly leaning towards classical realism's presumption of power as the ultimate and universal factor (albeit bypassing the latter's assumption of human nature as the reason for the pursuit of power)<sup>123</sup>, contend that major powers do not seek (or could not possibly attain) mutual security and therefore see an increase in their own relative power as the only way to attain security for themselves, defensive realists tend to argue that states would in many, indeed in most cases be willing to settle for mutual security, but are usually prevented to exploit this pattern by the uncertainty of their rival's intentions. As Robert Jervis aptly puts it, "often states would be willing to settle for the status quo and are driven more by fear than by the desire to make gains."<sup>124</sup>

Assuming that more cooperation between nations is possible than the anarchic state of the international system would suggest, defensive realist thought shares remarkable elements with the other school of thought traditionally involved in the debate on East Asia – the liberal approach to international relations in the region. Granted the liberal thought in international relations covers a wide array of theories and approaches, liberal institutionalism, with its history as a counterweight to (neo)-realism in debates on security and cooperation, seems well fit as the representative element for liberal thought in this study.

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than bandwagon with them." Walt, Stephen M. (1985): "Alliance Formation and the Balance of Power", in *International Security* 9, No. 4 (Spring 1985) pp13-14, 17, 18-26, 33. Randal Schweller, on the other hand, pleads for a revaluation of the question of balancing vs. bandwagoning, claiming that the motivations for states to engage in either one are fundamentally different and closely connected to the conditions of the international system: "Rather than being opposite behaviors, bandwagoning and balancing are associated with opposite systemic conditions." Schweller, Randall L. (1994): "Bandwagoning for Profit: Bringing the Revisionist State Back In", in *International Security* 19, No. 1 (Summer 1994) pp106-107

<sup>122</sup> Schörnig, Niklas (2010): "Neorealismus", in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills p82

<sup>123</sup> Ibid. p83

<sup>124</sup> Jervis, Robert (1999): "Realism, Neoliberalism, and Cooperation: Understanding the Debate" in *International Security* 24, No. 1 (Summer 1999), p 48-49

### **3.3 On the Necessity of Conflict – A Liberal Institutional Approach**

As a basis liberal institutionalists assume, much like their realist and neorealist counterparts, the world to be in anarchy by principle.<sup>125</sup> They also do not dispute the fact that power, or the distribution of capabilities<sup>126</sup>, play an important role in international relations. However, as the name tells, international institutions are much more central to their approach than they are to realism. Needless to say, the question does not revolve around whether or not international institutions exist, and not even whether or not institutions are found where cooperation is high.<sup>127</sup> Instead, in essence, while realist thinkers concede that institutions are a mere tool of statecraft to be employed when it serves the interest of a state in its anarchic environment, liberal institutionalists assume that an institution itself can influence the behaviour of states – and increase cooperation – be it through the assumption that states' behaviour is, besides its self-interest, equally based on the “anticipated positive effects of long term international cooperation”<sup>128</sup>, or the assumption that even a state's central self-interests would sooner or later lead it to develop an interest in the functional advantages of international institutionalisation.<sup>129</sup> As Charles Boehmer, Erik Gartzke and Timothy Nordstrom put it, “liberal institutional theory argues that [intergovernmental organizations] foster non-violent conflict resolution and constrain the advent of disputes. ... Realists, by contrast, have long argued that [intergovernmental organizations] reflect, rather than effect, world politics.”<sup>130</sup> Following the logic of the “Kantian tripod”<sup>131</sup>, liberal institutionalists, in attaching central importance to international institutions' ability to

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<sup>125</sup> Robert Axelrod and Robert Keohane are careful not to exclude the possible existence of a fragmented international society, embodied by continuing international relationships that engender stable expectations about behaviour. Nevertheless, they clearly state that “anarchy, defined as lack of common government [in world politics], remains a constant.” Axelrod, Robert/Keohane, Robert O. (1985): “Achieving Cooperation under Anarchy: Strategies and Institutions” in *World Politics* 38, No. 1 (Oct. 1985), p226. Kenneth A. Oye equally stresses the anarchic nature of the international system, while at the same time suggesting that the same system allows for different outcomes. Oye, Kenneth A. (1985): “Explaining Cooperation under Anarchy: Hypotheses and Strategies” in *World Politics* 38, No. 1 (October 1985) p1

<sup>126</sup> Keohane, Robert O./Martin, Lisa L. (1995): “The Promise of Institutional Theory” in *International Security* 20, No. 1 (Summer 1995) p47

<sup>127</sup> Jervis, Robert (1999): “Realism, Neoliberalism, and Cooperation: Understanding the Debate” in *International Security* 24, No. 1 (Summer 1999) p53-54

<sup>128</sup> Siedschlag, Alexander (1997): *Neorealismus, Neoliberalismus und postinternationale Politik. Beispiel internationale Sicherheit – Theoretische Bestandsaufnahme und Evaluation*. Westdeutscher Verlag, Opladen p 62 (translated from German)

<sup>129</sup> Ibid. p163

<sup>130</sup> Boehmer, Charles/Gratzke, Erik/Nordstrom, Timothy (2004): “Do Intergovernmental Organizations Promote Peace?”, in *World Politics* 57, No. 1 (October 2004) p1

<sup>131</sup> Democracy, cross-border trade and international organizations, which are widely held to be conducive to a peaceful international environment.

influence state behaviour, consider such institutions to promote peace and decrease violent confrontation in international relations.

However, despite liberal institutionalism's focus on international institutions, the realist-liberal dispute goes beyond the role of these, as it equally revolves around the direct cooperation between states itself.<sup>132</sup> With regards to this further-reaching dimension, common perception often points to a constellation where realists deny the possibility of international cooperation or at least see it hardly ever realized, whereas liberal scholars see a world full of opportunities for cooperation (mainly facilitated through international institutions). Contrary to this perception, or better put refining it, Robert Jervis made a strong case to view the realist-liberal disagreement on cooperation not as a question of whether cooperation exists in the world or its extent, but rather of "how much conflict in world politics is *unnecessary* or *avoidable* in the sense of actors failing to agree even though their preferences overlap."<sup>133</sup> Following this logic, he suggests that while realists think that cooperation between states has already gone so far that no decision could lead to mutual – or absolute – gains, liberal institutionalists see a lot of opportunities for cooperation – which are most often not realized due to mistrust and uncertainty among states<sup>134</sup>. Jervis further asserts that liberal analysis is not necessarily applicable to situations where distributional issues are to be understood<sup>135</sup>, echoing a traditional neorealist argument accusing international liberalism to exclusively focus on situations with possible absolute gains while ignoring issues where states face each other over relative gains – rendering it rather useless for understanding actual processes in international relations.<sup>136</sup> This goes hand in hand with the allegation that liberal institutionalists tend to see international relations as two separate dimensions – security and military issues on the one hand, and political economy on the other,<sup>137</sup> with military-security issues displaying "more

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<sup>132</sup> Even though these dimensions are of course closely intertwined.

<sup>133</sup> Jervis, Robert (1999): "Realism, Neoliberalism, and Cooperation: Understanding the Debate" in *International Security* 24, No. 1 (Summer 1999), p 47 – Emphasis in the original

<sup>134</sup> Mistrust which, Jervis goes on to argue, liberal institutionalists think could be alleviated by the employment of international institutions. Ibid. p 47f

<sup>135</sup> Ibid. p 48

<sup>136</sup> Mearsheimer, John J. (1994): "The False Promise of International Institutions" in *International Security* 19, No. 3 (Winter 1994/95), pp 19-21

<sup>137</sup> The argument is actually rooted in early liberal writings. Charles Lipson asserts that "significantly different institutional arrangements [are] associated with international economic and security issues." Lipson, Charles (1984): "International Cooperation in Economic and Security Affairs" in *World Politics* 37, No. 1 (Oct. 1984) p 12. Axelrod and Keohane pick up the very same argument in Axelrod, Robert/Keohane, Robert O. (1985): "Achieving Cooperation under Anarchy: Strategies and Institutions" in *World Politics* 38, No. 1 (Oct. 1985), p 226f

of the characteristics of anarchy than ... political economic ones”<sup>138</sup>, and liberal theory mainly, if not exclusively, applying to the latter.<sup>139</sup> However, while liberal institutionalists do stress the differences in security-related and political-economic issues, they reject the idea of a theory only applicable to one of them.<sup>140</sup> Equally, while they assert that institutions will not be significant when two states show perfectly conflicting interests<sup>141</sup>, and that distributional gains (which are an issue when conflicting interests meet) are under certain circumstances not necessarily as important as claimed to be<sup>142</sup>, Robert O. Keohane and Lisa L. Martin plead for a view of institutions, and thus institutional theory, as far more important in understanding distributional issues than realists suggest.<sup>143</sup>

As a result of these diametrically opposed postulates, neorealism and liberal institutionalism are, notwithstanding some of their protagonists sometimes harsh criticism of each other’s school of thoughts<sup>144</sup>, in many ways, especially when it comes the study of cooperation among nations, more closely related to each other than their equally opposed eventual findings on the influence of institutions on the causes for state behaviour would suggest. As Keohane and Martin put it at another point, “As we have emphasized, there is

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<sup>138</sup> Ibid. p 226f. However, after the end of the Cold War Waltz himself contended that “conflict grows all the more easily out of economic competition because economic comparisons are easier to make than military ones.” Waltz, Kenneth N. (1993): “The Emerging Structure of International Politics”, in *International Security* 18, No. 2 (Autumn 1993) p66

<sup>139</sup> Mearsheimer, John J. (1994): “The False Promise of International Institutions” in *International Security* 19, No. 3 (Winter 1994/95), p 15

<sup>140</sup> Axelrod, Robert/Keohane, Robert O. (1985): “Achieving Cooperation under Anarchy: Strategies and Institutions” in *World Politics* 38, No. 1 (Oct. 1985), p 227 and Keohane, Robert O./Martin, Lisa L. (1995): “The Promise of Institutional Theory” in *International Security* 20, No. 1 (Summer 1995), p 44

<sup>141</sup> Keohane, Robert O./Martin, Lisa L. (1995): “The Promise of Institutional Theory” in *International Security* 20, No. 1 (Summer 1995), p44

<sup>142</sup> Snidal, Duncan (1991): “Relative Gains and the Pattern of International Cooperation”, in *The American Political Science Review* 85, No. 3 (September 1991) pp701, 702, 722. See also Rousseau, David L. (1999): “Relative or Absolute Gains: Beliefs and Behavior in International Politics”, Unpublished Manuscript, University of Pennsylvania, on <http://www.albany.edu/~dr967231/papers/absrel5.pdf>, 04.12.2011 p3

<sup>143</sup> They argue that international institutions help in ameliorating states’ reluctance to cooperate in situations of uncertain outcome through providing both a coordination mechanism for the disclosure and clarification of preferences and a framework for disclosure of information on distributions of gains and settlement of related disputes. Keohane, Robert O./Martin, Lisa L. (1995): “The Promise of Institutional Theory” in *International Security* 20, No. 1 (Summer 1995), pp44-45

<sup>144</sup> A good example being Mearsheimer’s criticism of institutionalism per se and Keohane and Martin’s subsequent response, which fundamentally criticises realist scholars’ approach to international relations and science. Mearsheimer, John J. (1994): “The False Promise of International Institutions” in *International Security* 19, No. 3 (Winter 1994/95), pp 5-49 and Keohane, Robert O./Martin, Lisa L. (1995): “The Promise of Institutional Theory” in *International Security* 20, No. 1 (Summer 1995), pp 39-51

much in common between realism and institutional theory, particularly in its early years. ... for better or worse, institutional theory is a half-sibling of realism.”<sup>145</sup>

In this sense, it is not surprising that a major aspect in understanding the theoretical constellation on the Korean peninsula joins two assumptions each rooted in one of the two approaches respectively. The so-called Prisoner's Dilemma, originating in liberal view of international relations <sup>146</sup>, and the Security Dilemma, which reflects an important assumption in realist thought<sup>147</sup>, are crucial in formulating a theoretical analysis of inter-Korean relations, as will be shown in the concluding section of this chapter.

### **3.4 The Security Dilemma as an Aspect of the Prisoner's Dilemma**

Examining liberal institutionalists' contention that conflict is often unnecessary, one has to face the question why states nevertheless tend to engage in it, even as their interests might be congruent to a certain extent. Leaving aside the already examined dispute over institutional theories ability to grasp distributional issues as a source of conflict, liberal institutionalists tend to utilize a game-theory approach to show states' behaviour when facing one another. This again leads them to conclude a major assumption in liberal institutionalism, that being that states, out of fear of being cheated or even simple misinformation, will act rationally in defecting from possible cooperation with a counterpart rather than exploiting the mutual benefits which could be gained – the international relations version of a classical prisoner's dilemma. The prisoner's dilemma is most often introduced as a situation of two criminals in police custody and the choices they face. Jack Donnelly describes “two rational actors, each of whom has available two strategies on of which is fundamentally cooperative (“cooperate”) and the other of which is essentially competitive (“defect”). ... Two thieves are apprehended by the police and taken in, separately, for questioning. Each is offered a favourable plea bargain in return for a confession and testimony against the other. But without a confession the authorities can obtain a conviction only on a lesser charge. ... Giving in to temptation – defecting

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<sup>145</sup> Keohane, Robert O./Martin, Lisa L. (2003): “Institutional Theory as a Research Program”, in Elman, Colin/Elman, Miriam Fendius (Ed.): *Progress in International Relations Theory. Appraising the Field*. MIT Press, Cambridge/London, pp 80f

<sup>146</sup> Jervis, Robert (1999): “Realism, Neoliberalism, and Cooperation: Understanding the Debate” in *International Security* 24, No. 1 (Summer 1999), p47

<sup>147</sup> Herz, John H. (1950): “Idealist Internationalism and the Security Dilemma”, in *World Politics* 2, No. 2 (January 1950) pp157-158



(confessing), while one's partner cooperates (remains silent) ... provides the greatest gains. But above all else the players ... want to avoid ... sitting in prison, for a long time, due to the treachery of one's "partner" ... If they cooperate, each gets their second best outcome... . But cooperating risks getting suckered. Therefore ... each will choose to defect *even though both know that they both could be better off by cooperating.*"<sup>148</sup> While therefore defection is the rational option for both participants if the game is played only once (as it is then the only way of making sure to avoid being cheated, which is the least desirable outcome), the key to its further-reaching analysis is its continuous repetition, which allows for different rational choices depending on the respective counterpart's range of choices.<sup>149</sup>

Robert Jervis contends that the prisoner's dilemma is a liberal concept, however one which defensive realists such as himself would accept as an important element in international relations.<sup>150</sup> It is therefore not surprising that he should be the author of a most extensive analysis of the prisoner's dilemma's effects on states' behaviour, and equally of states' behaviour on the dilemma.<sup>151</sup> In it, he not only describes the "Stag Hunt"<sup>152</sup> as a parallel model to the prisoner's dilemma, but even more centrally shows the relation of a

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<sup>148</sup> Donnelly, Jack (2000): *Realism and International Relations*. Cambridge University Press, Cambridge pp19-20 – Emphasis in the original. A concise scientific discussion of the shortcomings of the traditional approach to the security dilemma, especially its restriction to two extreme choices (cooperate or defect), can be found in To, Theodore (1988): "More Realism in the Prisoner's Dilemma" in *Journal of Conflict Resolution* 32, No. 2 (June 1988), pp402-408. Indeed, criticism of the Prisoner's Dilemma model ranges from its assumption of an artificially sterile environment (which some conclude is not so far from the reality of the international environment states face) to the oversimplification of actors and its failure to acknowledge cognitive elements of strategic interventions and concomitant effects of interaction such as give-and-take dynamics. Nevertheless, while "such models cannot adequately describe the actual play of experimental subjects, much less the play of actors as complex as states, ... gaming models ... are useful, despite their limitations, for the analytic exposition of bargaining relationships. They can be used to explore (1) the pattern of structural constraints on players' choices; (2) the varied inducements and punishments they represent; (3) the role of environmental variables, including time horizons, in modifying the players' interactions; and (4) the relationship between the choice of each and the outcome for all." Lipson, Charles (1984): "International Cooperation in Economic and Security Affairs", in *World Politics* 37, No. 1 (Oct. 1984) pp3-4, 10-9

<sup>149</sup> Jervis, Robert (1978): "Cooperation Under the Security Dilemma" in *World Politics* 30, No. 2 (January 1978), p171

<sup>150</sup> Ibid. pp 47, 49

<sup>151</sup> The latter especially in terms of the offence-defence ratio in states' military build-up. Ibid. pp199-210

<sup>152</sup> The Stag Hunt refers to a scenario different from the prisoner's dilemma's: A group of men are hunting a stag, in which they can only succeed if each group member cooperates. If one person defects to chase a rabbit – which he could catch alone but likes less than stag – instead, the other persons will not get anything. Therefore, while all actor's first rational preference is to cooperate and catch a stag, an actor can, for whatever reason, pursue their second preference, chasing a rabbit, making him the only one to catch food. The third preference would be for all actors to go chasing the rabbit, making it harder to catch, while the last preference would no doubt be for one to continue hunting the stag while others chase the rabbit. Jervis suggests the same is true for states, who are influenced by the anarchic system to pursue their second preference of defecting, even if their first rational choice would be to cooperate. Ibid. p 167

traditionally realist concept, the security dilemma – which is characterized through the assumption that “many of the means by which a state tries to increase its security decrease the security of others”<sup>153</sup> – to the liberal prisoner’s dilemma. In doing so, he provides an important insight into the development process of a security dilemma between two states.

Realist scholar John H. Herz in 1950 described the security dilemma as an inevitable phenomenon arising from the anarchic nature of the system of international relations: “Wherever such anarchic society has existed – and it has existed in most periods of known history on some level – there has arisen what may be called the “security dilemma” of men, or groups, or their leaders. Groups or individuals living in such a constellation must be, and usually are, concerned about their security from being attacked, subjected, dominated, or annihilated by other groups and individuals. Striving to attain security from such attack, they are driven to acquire more and more power in order to escape the impact of the power of others. This, in turn, renders the other more insecure and compels them to prepare for the worst. Since none can ever feel entirely secure in such a world of competing units, power competition ensues, and the vicious circle of security and power accumulation is on.”<sup>154</sup> Jervis proposes that the security dilemma stems from a constellation present in the iterated prisoner’s dilemma, stating that “the fear of being exploited (that is, the cost of CD) most strongly drives the security dilemma.”<sup>155</sup> CD in this case refers to the constellation where one state cooperates while the other one defects, which is, as has been shown, the outcome deemed the most undesirable by far. As states engaging in interactions with others have to assume that they might be cheated by their counterpart at any time, they naturally see the need to increase their own security, therefore decreasing the costs of a possible defecting counterpart. Jervis argues that while large and powerful states can afford to be more relaxed when interacting with others, while small countries will find themselves threatened more

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<sup>153</sup> Ibid. p169. Charles L. Glaser deems this definition as incomplete, as it does not explain why the security dilemma would be a problem. As he puts it, “if states value their own security but not the security of others, why would an action that makes one’s adversary less secure necessarily be bad? The most obvious reason is that the adversary is likely to react to having its security reduced. And by the same logic the adversary’s reaction will in turn reduce the state’s security. But why does not this action-reaction process simply leave the state’s security unchanged ... ?” As a consequence, he identifies three ways in which the security dilemma, expressed as an attempt to reduce an adversary’s security, reduces a state’s own security: (1) initiation of a process which reduces the state’s ability to perform military operations; (2) the adversary might increase the value it places on expansion as a means to secure its security; and (3) waste of money. Glaser, Charles L. (1997): “The Security Dilemma Revisited”, in *World Politics* 50, No. 1 (October 1997) pp174-175

<sup>154</sup> Herz, John H. (1950): “Idealist Internationalism and the Security Dilemma”, in *World Politics* 2, No. 2 (January 1950) p157

<sup>155</sup> Jervis, Robert (1978): “Cooperation Under the Security Dilemma” in *World Politics* 30, No. 2 (January 1978), p172

easily. The higher the cost of the CD constellation, the more will the interaction be influenced by the security dilemma.<sup>156</sup> Equally, the security dilemma is stronger when a state sees itself threatened by many enemies, while it only sees few allies.<sup>157</sup> The security dilemma can be ameliorated through decreasing the perceived likelihood of defection (though the conviction that one has no choice but to cooperate provides another state with the opportunity to threaten to defect unless provided with benefits), either through reassurances or external mechanisms such as inspection devices.<sup>158</sup> Another factor Jervis deems important in determining the strength of the security dilemma is the offence-defence balance in a state's capabilities.<sup>159</sup> As mentioned above, Charles L. Glaser attempted to strengthen and refine Jervis' description of the security dilemma, especially in clarifying why a spiral of security increases, set in motion by one state's attempt in strengthening its own, would be undesirable instead of, simply speaking, meaningless as it would eventually leave the security balance between both states untouched.<sup>160</sup> Glaser also provides an examination as to whether the security dilemma is simply driven by misperceptions, or rather based on rational actions taken by the states involved. He argues that both is possible, but while the dilemma is usually based on a rational foundation, misperceptions cause it to be more severe than otherwise necessary. His argument is based that even in structural theory, which usually builds on the idea that state action is induced by the structure of system (instead of being based on knowledge about the – unobservable – motives of others), a state can observe from the outcomes of others' actions information about their intentions. This allows states to identify, in certain circumstances, whether their counterpart is a "greedy state" or a mere "security-seeker".<sup>161</sup>

Whether one sees the security dilemma as a phenomenon stemming from misconception or rational decision-making, its long-lasting presence in international relations discourse and acceptance – in one way or the other – by different schools of thoughts<sup>162</sup> has proven its value to understanding the relations governing certain constellations of states. Its strikingly

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<sup>156</sup> Lower cost could mean, as described, lower vulnerability of the state, but also compatible ideologies or social systems. Ibid. pp172-174

<sup>157</sup> Ibid. p176

<sup>158</sup> Ibid. pp180-181

<sup>159</sup> This is extensively discussed in ibid. pp186-214

<sup>160</sup> This would obviously not be the case if one of the states was not able to match its adversary's increases. For the other reasons identified by Glaser, see footnote 153. Glaser, Charles L. (1997): "The Security Dilemma Revisited", in *World Politics* 50, No. 1 (October 1997) pp174-175, 178

<sup>161</sup> Ibid. pp178-183

<sup>162</sup> As well as its application to a variety of important thematic issues. Ibid. pp172-173

simple logic renders it interesting for viewing under different theoretical approaches, and has therefore taken an important place in theoretical observations of the situation on the Korean peninsula.

### **3.5 The Korean Peninsula as a Part of Wider North East Asian Security**

As noted earlier, theoretical approaches to the East Asian<sup>163</sup> security constellation have long reflected one, or elements of both of the two paradigms described on the preceding pages. When asked about the future of the region, realists and neorealists traditionally tend to strike a pessimistic tone, interpreting China's growing economic, and especially military might<sup>164</sup>, and the ensuing emergence of a multipolar order<sup>165</sup> (as opposed to the foregoing *Pax Americana*<sup>166</sup>) as signs of a more belligerent East Asia prone to conflicts.<sup>167</sup> Military build-up by South East Asian countries and India, as well as the heightened attention paid by the countries in the region to issues of unresolved territorial disputes and maritime delimitation, are seen as beginning signs of balancing behaviour among these states and fuel such expectations.<sup>168</sup> These developments are deemed especially foreboding in conjunction with a perceived reduction of US military commitment to the region. Another argument resonating in realists' pessimist view of East Asia is an asserted relative lack of ties and linkages among the states in the region. The perceived low degree of

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<sup>163</sup> As years of scholarly research have brought forth a variety of geographical understandings of Asia, East Asia and North East Asia, it seems appropriate to offer at least a vaguely defining concept to be used as reference with regards to this study. For the purpose of the following observations, North East Asia shall refer to China, the Korean peninsula, Japan and the Russian Federation. East Asia, on the other hand, shall include that grouping plus the South East Asian countries. India shall be included only in the context of its role in relation to China's rise as an East Asian/North East Asian regional power.

<sup>164</sup> Discussing the issue of Japan, neo-realist champion Kenneth Waltz suggested that for an economic power not to become a great power is a "structural anomaly". Contending obvious historic reasons for Japan and Germany not to have done so, he nevertheless suggests that this would probably change in the near future. Consequently, neo-realists argue that for China not to become a full great power would amount to a structural anomaly. Waltz, Kenneth N. (1993): "The Emerging Structure of International Politics", in *International Security* 18, No. 2 (Autumn 1993) pp66-67

<sup>165</sup> Multipolar systems are considered to increase the likelihood of miscalculations and its negative consequences. Snyder, Glenn H./Diesing, Paul (1977): *Conflict Among Nations: Bargaining, Decision-Making, and System Structure in International Crises*. Princeton University Press, Princeton pp430-431

<sup>166</sup> Pempel, T.J. (2010): "More Pax, Less Americana in Asia", in *International Relations of the Asia Pacific* 10, No. 3 (September 2010) pp465-466

<sup>167</sup> Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) p510. See also Friedberg, Aaron L. (1993): "Ripe for Rivalry: Prospects for Peace in a Multipolar Asia", in *International Security* 18, No. 3 (Winter 1993-1994) pp28-30; and Glaser, Charles (2011): "Will China's Rise Lead to War? Why Realism Does Not Mean Pessimism", in *Foreign Affairs* 90, No. 2 (March/April 2011) p81

<sup>168</sup> Ibid. pp17-18. See also Acharya, Amitav (2003): "Will Asia's Past Be Its Future?", in *International Security* 28, No. 3 (Winter 2003-2004) pp150-152; and Li, Rex (2009): *A rising China and security in East Asia. Identity construction and security discourse*. Routledge, London p11

interconnectedness in the region in terms of economic integration, institutionalization and security cooperation leads realists such as Aaron L. Friedberg to assume that Asia is “ripe for rivalry”.<sup>169</sup> North East Asian regional cooperation in particular is not expected to incrementally increase in the near future.<sup>170</sup>

Interestingly, liberal commentators attach their main arguments for a more optimistic view of the region to the very same issues raised by their realist colleagues. Needless to say, however, their interpretation of conditions differs fundamentally from their colleagues’. While realists point to the weakness of East Asian institutions as a reason for future conflicts in the region, liberals see the development of organizations such as the Association of Southeast Asian Nations (ASEAN), the Asia-Pacific Economic Cooperation forum (APEC) and even the Six Party Talks as a “maturing institutional framework... [which] will provide the basis for a prosperous and peaceful Asia”.<sup>171</sup> Equally, increasing intensity of economic interdependence in the region and beyond is perceived as a decreasing factor in the likelihood of future conflict.<sup>172</sup> This is, among others, attributed to the very source of realism’s pessimism: China’s rise as a power in and its corollary investment in the international economic system are considered conducive to regional economic interdependence<sup>173</sup>, which in turn influences the implications of China’s rise for the region.<sup>174</sup> As Rex Li puts it, liberalists contend that “a China that is increasingly linked

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<sup>169</sup> Friedberg, Aaron L. (1993): “Ripe for Rivalry: Prospects for Peace in a Multipolar Asia“, in *International Security* 18, No. 3 (Winter 1993-1994) pp19-27. See also Kim, Ki-Jung (2005): “Establishing Peace on the Korean Peninsula“, in *Korea Observer* 36, No. 3 (Autumn 2005) p491; and <sup>169</sup> Roehrig, Terence (2008): “The Dispute over the Northern Limit Line: Towards a Negotiated Settlement“, in *Korea Observer* 39, No. 4 (Winter 2008) p510. Amitav Acharya finds this striking, given that “Northeast Asia appears to be a more culturally homogenous universe than South East Asia” where through ASEAN a certain degree of institutionalization was achieved. Acharya, Amitav (2003): “Regional Institutions and Asian Security Order. Norms, Power, and Prospects for Peaceful Change“, in Alagappa, Muthiah (Ed.): *Asian Security Order: instrumental and normative features*. Stanford University Press, Stanford p217. Realists would consider this probably less striking than rather obvious given the existing structural constraints.

<sup>170</sup> Rozman, Gilbert (2008): “Northeast Asian regionalism at a crossroads: Is an East Asian Community in sight?“, in Timmermann, Martina/Tsuchiyama, Jitsuo (Ed.): *Institutionalizing Northeast Asia: Regional steps towards global governance*. United Nations University Press, Tokyo p83

<sup>171</sup> Roehrig, Terence (2008): “The Dispute over the Northern Limit Line: Towards a Negotiated Settlement“, in *Korea Observer* 39, No. 4 (Winter 2008) p511. See also Snyder, Scott (2008): “Prospects for a Northeast Asia Security Framework“, entrance to the conference *Towards a Northeast Asian Security Community: Implications for Korea’s Growth and Economic Development* (15 October 2008), Washington D.C. pp5-6  
Roehrig, Terence (2008): “The Dispute over the Northern Limit Line: Towards a Negotiated Settlement“, in *Korea Observer* 39, No. 4 (Winter 2008) pp510-511. See also Acharya, Amitav (2003): “Will Asia’s Past Be Its Future?“, in *International Security* 28, No. 3 (Winter 2003-2004) pp157-158

<sup>173</sup> Roehrig, Terence (2008): “The Dispute over the Northern Limit Line: Towards a Negotiated Settlement“, in *Korea Observer* 39, No. 4 (Winter 2008) p511

<sup>174</sup> Acharya, Amitav (2003): “Regional Institutions and Asian Security Order. Norms, Power, and Prospects for Peaceful Change“, in Alagappa, Muthiah (Ed.): *Asian Security Order: instrumental and normative features*. Stanford University Press, Stanford pp230-231

to the world economy and has an interdependent relationship with its trading partners is less likely to take aggressive actions that will be detrimental to its own economic interests.”<sup>175</sup>

However, among the multitude of opinions and comments relating these two traditional approaches to East Asian security studies, other voices exist which deny the absolute applicability of the traditional international relations theories to the developments on the Asian continent in general.<sup>176</sup> They criticize the eurocentrist nature of these schools of thought, even questioning the comparability of Asian states to their European counterparts as far as internal development processes, historic and present, are concerned.<sup>177</sup> They argue that while economic and political institutions in Asia remain rather weak, South Asian states have not, as expected by realist scholars, countered the growing military potential of China with a military build-up of their own, instead bandwagoning in China’s wake.<sup>178</sup> Liberal expectations are equally questioned by scholars arguing for increased attention to the regional context of international relations. In a comprehensive empirical study of Asian international relations, Benjamin E. Goldsmith shows that while economic interdependence is a strong factor in peaceful relations in Asia, international organizations and, notably, democratic governance do not necessarily have a positive effect.<sup>179</sup> Needless to say, such argumentations are on their part equally vulnerable to criticism. While Kang’s assumptions concerning Asian states’ balancing behaviour may have seemed reasonably true at the turn

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<sup>175</sup> Li, Rex (2009): *A rising China and security in East Asia. Identity construction and security discourse*. Routledge, London pp12-13

<sup>176</sup> For prominent examples see Kang, David C. (2003): “Getting Asia Wrong. The Need for New Analytical Frameworks”, in *International Security* 27, No. 4 (Spring 2003) pp57-85; and Goldsmith, Benjamin E. (2007): “A Liberal Peace in Asia?”, in *Journal of Peace Research* 44, No. 1 (January 2007) pp5-27

<sup>177</sup> Kang, David C. (2003): “Getting Asia Wrong. The Need for New Analytical Frameworks”, in *International Security* 27, No. 4 (Spring 2003) pp57-58, 83-85

<sup>178</sup> Ibid. pp64, 70, 79-81, 82. Kang goes even further to suggest that historically, periods characterized by a strong China were more peaceful than those marked by a weakened China. Consequently he suggests one possible way of development might be for large parts of Asia to acquiesce to historically precedent Chinese leadership in a hierarchical system, echoing earlier arguments by, notably, Asian thinkers that Asians would “accept hierarchy”, a possible condition for peace in the region. Ibid. pp66-67, 70, 82-83; and Mahbubani, Kishore (1995): “The Pacific Impulse”, in Mahbubani, Kishore (Ed.): *Can Asians Think?*. Marshall Cavendish International, Singapore p173. These arguments are however largely refuted by Amitav Acharya. Acharya, Amitav (2003): “Will Asia’s Past Be Its Future?”, in *International Security* 28, No. 3 (Winter 2003-2004) pp150-157. Park Seo-Hyun provides an extensive analysis of Korea’s and Japan’s historical development in the context of the replacement of the traditional Sinocentric hierarchy with the Westphalian concept of sovereignty, concluding that “despite the demise of the traditional Sinocentric system in East Asia, the legacy of the hierarchical worldview can be found in the sensitivity towards ‘Great Powers’ shown in the political debates of contemporary Japan and Korea.” Park, Seo-Hyun (2008): “Security Strategies in Hierarchical Asia: A Comparison of Japan and Korea in the Sinocentric Order”, entrance to the 49<sup>th</sup> Annual Convention of the International Studies Association (26-29 March 2008), San Francisco

<sup>179</sup> Goldsmith, Benjamin E. (2007): “A Liberal Peace in Asia?”, in *Journal of Peace Research* 44, No. 1 (January 2007) pp11-18, 22. It should be noted however that for his purposes Goldsmith chooses the widest possible definition of Asia.

of the century, recent years have shown that the last word in these developments has not yet been spoken – to the contrary, as discussed, Southeast Asian countries are currently increasingly inclined to show military strength in order to counter China’s assertions of power, such as territorial claims in the South China Sea.<sup>180</sup> As for Goldsmith’s study, it could be argued that his findings on the impact of democracy on Asian relations largely depend on his wide interpretation of the term democracy as employed in connection with Kantian expectations for peace.<sup>181</sup> Nevertheless, the notion that Asia as such might require an innovative approach to international relations theory, allowing for the critical examination of some assumptions of the traditional schools of thought, should not be cast aside easily given that relations among Asian states are still developing following the end of the Cold War.

### **3.6 A Theoretical Approach to Inter-Korean Relations**

Having examined the major theoretical paradigms in East Asian international relations, the central question presenting itself is how these relate to the situation on the Korean Peninsula, which constitutes the setting for the NLL dispute. The answer is twofold: While on the one hand central aspects of the approaches discussed play an important role in understanding both Koreas’ behaviour when interacting with each other or third parties, it is, on the other hand, important to acknowledge that issues on the Korean peninsula are closely related to processes and constellations prevailing in the wider region.<sup>182</sup>

Theoretically analysing the behaviour of the central actors on the Korean peninsula, the DPRK and the ROK, requires a look at the constituting elements of inter-Korean relations. Two sovereign states<sup>183</sup>, geographically adjacent with few separating geographic elements

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<sup>180</sup> It might show that after all, Kang’s assertion that “a dozen years would seem to be long enough to detect at least some change” in the balancing behaviour of the states in the region, was too shortsighted. Kang, David C. (2003): “Getting Asia Wrong. The Need for New Analytical Frameworks”, in *International Security* 27, No. 4 (Spring 2003) p63

<sup>181</sup> While different conceptions of democracy exist, democratic peace theory often tends to employ a narrower definition. For example see Gaubatz, Kurt Taylor (1996): “Kant, Democracy, and History”, in *Journal of Democracy* 7, No. 4 (October 1996) p137. A critical alternative conception of liberal democracy can be found in Grayson, Kyle (2003): “Democratic Peace Theory as Practice: (Re)Reading the Significance of Liberal Representations of War and Peace” (= York Centre for International Security Studies Working Paper No. 22), on <http://www.yorku.ca/yciss/publications/WP22-Grayson.pdf>, 04.12.2011

<sup>182</sup> Kim Ki-Jung provides a concise discussion of this correlation Kim, Ki-Jung (2005): “Establishing Peace on the Korean Peninsula”, in *Korea Observer* 36, No. 3 (Autumn 2005) pp494-495

<sup>183</sup> Here, for the purpose of theoretically analyzing international relations in the region, the undisputed *de facto* existence of two separate sovereign states shall be interpreted as constituting two sovereign states in the sense of sovereign units of the international system.

offering constraint to possible military activities, face each other in a *de jure* state of war which promotes a climate of mistrust, keeping economic interdependence at a minimum. While, as will later be discussed, economic cooperation does exist and South Korea is actually an important trading partner of the North<sup>184</sup>, this cooperation remains highly politicized and is heavily dependent on certain pioneering projects promoted by the respective leaderships.<sup>185</sup> If one was to observe only these two states, and assume that they both constitute rational actors in a world of anarchy, defined by the lack of a superordinate power to enforce the adherence to any set of rules, one would find it hard not to describe them as epitomizing a practical example of realist worldview. Both states struggle for security and survival, with increased threat perceptions on both sides due to the high level of armament on the peninsula and the unclear status of their relation under the international law. As both sides are mistrustful and uncertain of each other's motives – to the contrary, given the lack of a regulatory framework and a superseding actor to enforce it, they constantly have to assume the worst – any move to increase one's security is interpreted by the other as a move to decrease its own, resulting in a classic security dilemma.

However, for some commentators the explanation of international relations on the Korean peninsula as a realist constellation of two units of similar characteristics struggling for security does not sufficiently capture the foreign policy behaviour on both sides. In general, they are dissatisfied with the notion that states are nothing but unitary actors invariably striving for security in the face of anarchy.<sup>186</sup> Instead, these constructivists stress a central element which according to their view not only defines states, but also the system they act in: identity.<sup>187</sup>

In his pioneering article *Anarchy is what States Make of it: The Social Construction of Power Politics*, Alexander Wendt does not criticize neorealists and, as he calls them, neoliberals for their assumption of anarchy as the structure of international relations, but

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<sup>184</sup> Inter-Korean economic cooperation is characterized by a stark imbalance, with the main flow running from South to North. In 2007 it constituted 61.2% of North Korean total trade. Hwang, Eui-Gak (2008): "Inter-Korean Economic Cooperation: The Need for Reciprocity" (= The International Centre for the Study of East Asian Development Working Paper Series No. 2008-19) pp2, 19, 24-25

<sup>185</sup> Ibid. p2

<sup>186</sup> Schörnig, Niklas (2010): "Neorealismus", in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills p91

<sup>187</sup> Filzmaier, Peter/Höll, Otmar et al (2006): *Internationale Politik*. WUV, Wien p98



rather for interpreting it wrongly.<sup>188</sup> He rejects the notion that due to the anarchic structure of the system, all states' interests should be restricted to self-help.<sup>189</sup> Instead, he argues, interests and identities are not fixed and can thus differ between individual states and even transform. As a consequence, the international system, which is constituted by interactions and social processes among the units (states), is not necessarily anarchic, but constructed. "If today we find ourselves in a self-help world, this is due to process, not nature".<sup>190</sup> At the core of Wendt's criticism therefore lies the contention that the traditional approaches in international relations theory were wrong to assume that both actors ("agents") and anarchy ("structure") are given units, making no effort to explain their properties and how they influence each other.<sup>191</sup>

Inter-Korean relations seem to be a particularly promising field for constructivist scholars to study. On the one hand, they point to the common identity of the two states as the Korean nation.<sup>192</sup> This is interpreted as the driving factor of two major determinants of their foreign policy, one being their contest for rightful political leadership on the peninsula<sup>193</sup>, the other one being cooperative engagement policies by the South, such as Kim Dae-jung's much quoted *sunshine policy*.<sup>194</sup> On the other hand, they see the need to include internal factors such as ideology and collective values into the analysis of states' behaviour, observable on the peninsula in the North's promotion of central ideologies, most notably *Juche*<sup>195</sup>, and its identity as a socialist country and the perception of so-called Western

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<sup>188</sup> Wendt, Alexander (1992): "Anarchy is what States Make of it: The Social Construction of Power Politics", in *International Organization* 46, No. 2 (Spring 1992) p396

<sup>189</sup> Ibid. p396

<sup>190</sup> Ibid. p394-395

<sup>191</sup> Wendt, Alexander (1987): "The Agent-Structure Problem in International Relations Theory", in *International Organization* 41, No. 3 (Summer 1987) p349

<sup>192</sup> Shin, Gi-Wook/Burke, Kristin C. (2009): "North Korea and Contending South Korean Identities: Analysis of the South Korean Media; Policy Implications for the United States", in *Korea Economic Institute of America Academic Papers Series On Korea* 1 (2009) pp152-153

<sup>193</sup> Ibid. p152

<sup>194</sup> Bluth, Christoph (2008): *Korea*. Polity Press, Cambridge/Malden p175. See also Kellogg, Anita Renda (2010): "From *Enemy* to *Brother*: The Reconstruction of North Korean Identity in the South Korean Imagination", entrance to the *51<sup>st</sup> Annual Convention of the International Studies Association* (17-20 February 2010), New Orleans p2; and Kemfelja, Beatrix (2006): *Das Verhältnis der Republik Korea zu seinem Nachbarn im Norden. Ein konstruktivistischer Ansatz*. Diploma Thesis, University of Vienna, Vienna p83

<sup>195</sup> Grace Lee describes the role *Juche* plays in dictating North Korean's foreign policy, intensifying the North's isolated position. Lee, Grace (2003): "The Political Philosophy of *Juche*", in *Stanford Journal of East Asian Affairs* 3 (Summer 2003) pp106, 112. See also Park, Jae Kyu (1987): "Introduction: A Basic Framework for Understanding North Korea's Foreign Policy", in Park, Jae Kyu (Ed.): *The Foreign Relations of North Korea: New Perspectives*. Kyungnam University Press, Seoul pp5, 20-21

values shared by the South.<sup>196</sup> Equally, reflecting constructivism's accommodation of individuals as constructors of state identity<sup>197</sup>, constructivists observe the degree to which North Korean foreign policy is influenced by individual leadership of the paramount leader Kim Jong-il.<sup>198</sup>

As a consequence of such consideration, Christoph Bluth attempts to redefine the security dilemma, which he does perceive as a decisive element on the peninsula but considers to be "of a different nature than the classic security dilemma".<sup>199</sup> Instead of a, as he quotes David Kang saying, "zero sum battle for the Korean nation" where "North and South Korea view each other as dangerous and illegitimate states, and each views compromise as tantamount to surrender"<sup>200</sup>, Bluth sees the Korean security dilemma as an internal dilemma of North Korea – the need for fundamental reform to ensure regime survival and avoid collapse colluding with the perception that fundamental reform would result in just that.<sup>201</sup>

While Bluth's argumentation does provide a number of valuable insights into inter-Korean relations, his conclusions on the security dilemma are unfortunately not as coherent as his obvious expertise on Korean issues would suggest. Without doubt his account accurately describes a dilemma posing a serious headache to the North Korean leadership. However, he is wrong in outrightly rejecting the notion of a classical security dilemma, reflecting external security perceptions, being the major driver of foreign policy behaviour on the peninsula. Bluth bases his analysis on two assumptions, one being that the threat perceived most imminent by the North, US support for South Korea, is in reality insubstantial given the obvious assurances by the US and the international community at large not to launch a military strike, and the other being that the North Korean leadership's dilemma on reform

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<sup>196</sup> Christoph Bluth illustrates this with the example of US-Soviet relations which according to him were characterized by ideology and values. Criticizing neorealism's structural explanations for the Cold War, he notes that "while this description ... is useful in some respects, it leaves out various other factors, such as Marxist-Leninist ideology, authoritarian or totalitarian governments and the shared values in the West including personal freedom, human rights and democracy. It can be argued that a theory that ignores the major salient factors that determine how the agents think about the power relationships that they are involved with, and how they define their interests and goals, is not complete." Bluth, Christoph (2008): *Korea*. Polity Press, Cambridge/Malden p176. An extensive study of the role of historically constructed identity in the Korean security dilemma can be found in Bleiker, Roland (2005): *Divided Korea. Toward a Culture of Reconciliation*. University of Minnesota Press, Minneapolis pp1-60

<sup>197</sup> Bozdağlıoğlu, Yücel (2007): "Constructivism and Identity Formation: An Interactive Approach", in *Review of International Law and Politics* 3, No. 11 (2007) p138

<sup>198</sup> Yong, Sub Choi (2005): "A Short Review on Pyongyang's Foreign-Policymaking Process" (= East-West Center Working Papers: International Graduate Student Conference Series No. 14) pp5-9, 13

<sup>199</sup> Bluth, Christoph (2008): *Korea*. Polity Press, Cambridge/Malden p169

<sup>200</sup> Cited in *ibid.* p182

<sup>201</sup> *Ibid.* pp183-185

and regime survival is an exclusively internal issue.<sup>202</sup> At the same time, he himself provides the arguments to dispute these assumptions. He clearly states that “Northern leaders articulate the threat as emanating from the ‘hostile attitude’ of the United States” in both military and political terms.<sup>203</sup> In claiming that these conceptions ought to be irrelevant due to assurances by the international community, Bluth resembles Charles L. Glaser’s statesmen “who do not understand the security dilemma and therefore do a poor job of appreciating the choices faced by their adversary”, making the key mistake for a state “to assume that others know it is interested only in security”.<sup>204</sup> At the same time, his description does not seem very appreciative of Robert Jervis’ deliberations on security perception in the security dilemma, expecting a high degree of mistrust and suspicion from a state which finds itself in a situation threatening its very existence.<sup>205</sup> If the North’s leadership sees the survival of its regime threatened, as Bluth repeatedly contends, this aspect does deserve some attention when considering threat perception on the peninsula. Bluth’s assumption on the North’s reform dilemma – which he describes as the true security dilemma – can be equally disputed in his own words. He suggests that the true security dilemma pertains to the need and danger of reform in the North, which he considers and inherently internal issue, while the classical security dilemma cannot explain situations such as the South’s *sunshine policy*. However, he does mention that the *sunshine policy* was planned as a specific measure aimed at bringing about unification on the South’s terms<sup>206</sup>, in line with the South’s and the Western world’s desire to “see North Korea disappear as an entity in the future.”<sup>207</sup> It seems as if Bluth either considers the security dilemma and threat perception in general as a strictly military element, or has not given these correlations any consideration, both of which do not strengthen his arguments’ coherence.

For the reasons shown in above discussion it makes sense to suggest that while valuable insights to the DPRK’s foreign policy might be gained from a constructivist perspective, purely North-South related issues show the important role realist approaches may still play

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<sup>202</sup> Ibid. pp173, 183, 185

<sup>203</sup> Ibid. p182

<sup>204</sup> Glaser, Charles L. (1997): “The Security Dilemma Revisited”, in *World Politics* 50, No. 1 (October 1997) p182

<sup>205</sup> Jervis, Robert (1978): “Cooperation Under the Security Dilemma” in *World Politics* 30, No. 2 (January 1978), p172

<sup>206</sup> Bluth, Christoph (2008): *Korea*. Polity Press, Cambridge/Malden pp92-93

<sup>207</sup> Ibid. p183

in the region. The two states face each other in a severe security dilemma, which is being increased by the cultural homogeneity of the Korean people and the absence of geographical barriers to conflict.<sup>208</sup> Either side's efforts to increase its security is perceived as an acute threat by the other side, which in turn responds by equal measures. The NLL, with its history of manoeuvres and firing drills, is an excellent example for this constellation.

Interestingly, it seems that the only factor actively moderating the Korean security dilemma is the internationalization of the issue. Within their realist standoff, they see themselves backed by a regional power, China for the North and the United States for the South respectively, but as soon as these and other regional actors are actually involved, most likely as they see their own interests endangered, economic integration creates a momentum most aptly described by liberal institutionalism. The prisoner's dilemma without doubt still plays a role in this constellation, but increasing economic interdependence and growing institutionalization continuously add to its decrease. This was particularly visible when, within hours of the announcement of Kim Jong-il's death in December 2011, both China and the United States in first reactions called for stability on the peninsula.<sup>209</sup> It also explains, for example, China's increasingly close relationship with the ROK, mainly based on trade, even at times when the North sees itself threatened by its Southern neighbour. In general, Sino-Korean relations are of particular importance to these assumptions, both in terms of South and North Korea. On the one hand, if China sees the ROK as an important regional trading partner instead of just a bridgehead for US forces in its vicinity, it is more likely to exert a moderating influence on North Korean foreign policy and inter-Korean relations. On the other hand, it is China's particular relation<sup>210</sup> to North Korea which make the assumption of regional interdependence as a moderating factor possible. As both the likely North Korean view of its surroundings and its reliance on *Juche* ideology do not

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<sup>208</sup> David Kang cited in *ibid.* p182

<sup>209</sup> BBC News (2011): "North Korean leader Kim Jong-il dies of heart attack", BBC News, on <http://www.bbc.co.uk/news/world-asia-16239693>, 03.01.2012. Michael Horowitz denies that China is the sole actor able to influence North Korea. However, he notes concedes that "although the presumption that China is the only actor with the ability to effectively leverage North Korea is incorrect, the significance of its influence is undeniable." Horowitz, Michael (2004): "Who's Behind That Curtain? Unveiling Potential Leverage over Pyongyang", in *The Washington Quarterly* 28, No. 1 (Winter 2004-2005) p41

<sup>210</sup> New York Times (2011): "China Exerts Influence Nurtured Over Decades", on [http://www.nytimes.com/2011/12/20/world/asia/china-moves-to-ensure-stability-in-north-korea.html?\\_r=1&scp=4&sq=north%20korea&st=cse](http://www.nytimes.com/2011/12/20/world/asia/china-moves-to-ensure-stability-in-north-korea.html?_r=1&scp=4&sq=north%20korea&st=cse), 21.12.2011

favour its integration into regional frameworks, China's influence is at times the only way to include the North in Northeast Asia's integration processes, economic or otherwise.

It is important to acknowledge the different approaches chosen to theoretically analyze international relations in modern Asia. It is equally important to understand that for the Korean peninsula, all these approaches may be applied, if at different levels, as such an understanding may eventually allow for a more reliable glimpse onto future developments. While the neorealist security dilemma makes it hard for either side to make concessions, prolonging and reinforcing the conflicts on issues such as the NLL, the liberal notion of economic interdependence and integration in international institutions as conducive to peace shows that moderating influence by other actors is possible, possibly allowing for solutions in issues where outside powers see their interests weakened.<sup>211</sup> To put these assumptions to the test however, and to see to what extent they may allow for conclusions on future developments, it is necessary to examine other constitutive factors to the conflict, such as the positions of the two sides directly involved, the stances of the other major actors with a stake in the region, the legal and economic frameworks they act in, and, as a starting point, the status quo of affairs on the Korean peninsula.

#### **4. The Korean Peninsula today**

Without doubt, two issues have dominated headlines concerning the Korean peninsula in recent years. On the one hand, naval clashes and incidents along the NLL and the mostly verbal sable-rattling following naval exercises in the region regularly elicit global concerns over inter-Korean relations and what an outbreak of open hostilities might mean for the world. On the other hand, usually highly publicised news of developments and progress in the DPRK's ambitions to acquire nuclear weapon capability remind the world that though the USSR might have dissolved at the end of the last century, the nuclear threat of the Cold War is hardly a thing of the past. Both issues share a common trait, in that they, especially for Western observers, serve as a reminder that disagreement between two small states, at

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<sup>211</sup> Terence Roehrig arrives at a similar conclusion, albeit slightly less optimistic, noting that "even if liberal-institutionalism becomes the dominant theoretical explanation, flash points such as the NLL will continue to make realism relevant. Moreover, it will require vigilance among the players in the region to ensure that disputes such as the NLL do not escalate and engulf East Asia in a larger conflict." Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) p512

the easternmost edge of the map, might under certain circumstances inevitably evolve into a war which would affect all.

However, these two issues are but facets of the wider subject of inter-Korean relations. While it is not wrong to say that relations are marked by partition, there is significantly more to it than the dispute over maritime delimitation and the North's continuous attempts to engineer nuclear weapons. Conventional military potential plays a more important role in inter-Korean relations than common focus on the North's nuclear weapons programme would suggest. Both sides' rhetoric ranges from bellicose accusations to affirmation of the allegedly ultimate objective of peaceful unification, notwithstanding their substantially different opinions about what such a unified Korea should look like. Legitimacy is a persistent question, with both sides asserting that they are the sole legitimate representatives of the Korean nation and accusing the other side of treachery. All the while both sides tend to promote economic cooperation, ostensibly for political reasons, though both sides arguably seem to increasingly appreciate the economic benefits. As discussed in the previous chapters, international actors have traditionally influenced the situation on the peninsula, and they continue to do so though possibly under different conditions than in the 20<sup>th</sup> century. All these conditions are part of the wider picture of inter-Korean relations, and as such greatly influence developments in the NLL dispute while at the same time being significantly influenced by it.

#### **4.1 Partition along the MDL**

Central characteristic of any inter-Korean contact is, needless to say, partition of the nation along the MDL as prescribed by the 1953 Armistice Agreement. As the parties to the conflict, both during the armistice negotiations and the following political consultations aimed at securing a final peace settlement<sup>212</sup>, could not come to mutual agreement on a

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<sup>212</sup> Regular meetings between the sides took place in the framework of the Military Armistice Commission (MAC) established in Art. IIB of the Armistice Agreement. Art. IV recommends to hold, within three months after the agreement was signed, a high-level political conference to negotiate questions in achieving lasting peace. A conference was held in 1954 in Geneva but ended without results. "Agreement between the Commander-in-Chief, United Nations Command, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, Concerning a Military Armistice in Korea. Signed at Panmunjom, Korea, July 27, 1953", in *International Organization* 7, No. 4 (November 1953) pp617-620, 628; and Smith, Raymond C. (???): *Peacekeeping without the Secretary-General: The Korean Armistice Arrangements*. Thesis presented in partial completion of the requirements of the Certificate-of-Training in United Nations Peace Support Operations, Peace Operations Training Institute, Williamsburg, on <http://www.peaceopstraining.org/theses/smith.pdf>, 04.12.2011 p9

demarcation line at sea<sup>213</sup>, the MDL as defined in the Armistice Agreement serves as demarcation line on land only. Commencing from the east coast of the peninsula, just south of the North Korean county of Kosong, the MDL traverses the whole peninsula in a southwest-ward direction, ending at the northeastern edge of the Han River estuary.<sup>214</sup> The line is flanked on both sides by a two kilometres wide strip of land, the DMZ. While the NLL has in recent years been a hotspot of inter-Korean violence, such events have continuously and significantly decreased along the MDL. In the late 1960s several skirmishes between North and South in and around the DMZ gave rise to the popular imagination of a ‘Quiet War’<sup>215</sup>, events which brought to the peninsula to the very brink of an all-out war, and up to 1978 incidents such as the 1976 Axe Murder Incident, when two US Army officers were killed while trimming a tree in the DMZ, and the discovery of various tunnels dug by the North underneath the DMZ, ostensibly intended as a way to infiltrate the South, significantly heightened tensions but remained short of escalating the conflict.<sup>216</sup> Since then, however, no major violent confrontation has taken place over the MDL, while the NLL was at the focus of numerous incidents.<sup>217</sup> There are a number of reasons for this discrepancy, the most important probably being that as a demarcation line on land, the MDL is simply much easier to fortify and physically control than a wide body of water such as the NLL area. While incidents at the NLL have often been triggered by fishing vessels crossing the line<sup>218</sup>, it is hard to imagine a civilian to get anywhere near the MDL on land without either noticing it or being noticed by someone. At the same time, while a demarcation line at sea leaves a certain ambiguity over its exact location resulting in room for actors to argue about their own position relative to the line<sup>219</sup>, both the MDL and the DMZ are required by the Armistice Agreement to be clearly marked.<sup>220</sup>

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<sup>213</sup> International Crisis Group (2010): “North Korea: The Risks of War in the Yellow Sea” (= Crisis Group Asia Report No. 198) p2

<sup>214</sup> United States Department of State (1963): “Korea ‘Military Demarcation Line’ Boundary” (= International Boundary Study No. 22) p2

<sup>215</sup> Sarantakes, Nicholas Evan (2000): “The Quiet War: Combat Operations along the Korean Demilitarized Zone, 1966-1969”, in *The Journal of Military History* 64, No. 2 (April 2000) p439

<sup>216</sup> Center for Strategic & International Studies (2010): “Record of North Korea’s Major Conventional Provocations since 1960s”, on [http://csis.org/files/publication/100525\\_North\\_Koreas\\_Provocations.pdf](http://csis.org/files/publication/100525_North_Koreas_Provocations.pdf), 04.12.2011 pp2-3

<sup>217</sup> Ibid. Pp3-5

<sup>218</sup> Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): “The North/South Korea Boundary Dispute in the Yellow (West) Sea”, in *Marine Policy* 27, No. 2 (March 2003) pp143-145; See also Roehrig, Terence (2008): “The Dispute over the Northern Limit Line: Towards a Negotiated Settlement”, in *Korea Observer* 39, No. 4 (Winter 2008) pp513-514. Roehrig infers as much when suggesting that “it is no coincidence that the two major naval clashes occurred in June, the height of the blue crab season.” Ibid. p515

<sup>219</sup> One such example was the 2007 case of British navy servicemen who were captured by Iranian forces on account of having illegally entered Iranian waters, which the servicemen rejected, maintaining they had been

A second reason is that, in contrast to the NLL, the MDL is an agreed-upon line clearly designated in the Armistice Agreement and accepted by all parties as the line of separation. There are no questions as to whether its presently observed geographical location corresponds to its actual position, and neither side's behaviour since the Korean War gave reason to doubt that they *de facto* accept the MDL as the demarcation line, though as a temporary military measure only. While both sides are engaged in a dispute of legitimacy, which undoubtedly has certain implications for the MDL with regards to its legal status as a boundary<sup>221</sup>, this does not necessarily translate into a territorial dispute. This is not to say that contested legitimacy and sovereignty are not a crucial aspect of the NLL dispute.<sup>222</sup> However, it does show that notwithstanding a severe case of disputed legitimacy of the two governments a demarcation line can, if properly institutionalized, serve as a stabilizing factor.

A third reason for the relative stability of the MDL in recent years is the DMZ itself. The DMZ, established as a "buffer zone to prevent the occurrence of incidents which might lead to a resumption of hostilities"<sup>223</sup>, has, notwithstanding aforementioned incidents within its vicinity, over the years proven to be an effective tool for preventing or containing confrontation between the two sides' military forces. This can be attributed to two factors. On the one hand, military strength within the DMZ is highly regulated, and originally any individual entering the zone was to be subject to approval by the Military Armistice Commission (MAC)<sup>224</sup>. The Armistice Agreement requires for the number of civilian or

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in Iraqi waters. BBC News (2007): "UK sailors captured at gunpoint", BBC News, on [http://news.bbc.co.uk/2/hi/uk\\_news/6484279.stm](http://news.bbc.co.uk/2/hi/uk_news/6484279.stm), 04.12.2011

<sup>220</sup> Art. I Paragraph 4 of the Armistice Agreement. "Agreement between the Commander-in-Chief, United Nations Command, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, Concerning a Military Armistice in Korea. Signed at Panmunjom, Korea, July 27, 1953", in *International Organization* 7, No. 4 (November 1953) pp612-613

<sup>221</sup> The parties' inability to conclude a final peace settlement prolongs the validity of the Armistice Agreement, preventing the MDL as a provisional demarcation line of military nature from becoming an international boundary. Nam, Ki-Whan (1975): *Völkerrechtliche und staatsrechtliche Probleme des zweigeteilten Korea und die Frage der Vereinigung der koreanischen Nation*. (= Europäische Hochschulschriften, Reihe II, No. 113) Herbert Lang/Peter Lang, Bern/Frankfurt M. pp110-111

<sup>222</sup> Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) p516

<sup>223</sup> Armistice Agreement Art. I Paragraph 1. "Agreement between the Commander-in-Chief, United Nations Command, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, Concerning a Military Armistice in Korea. Signed at Panmunjom, Korea, July 27, 1953", in *International Organization* 7, No. 4 (November 1953) p612

<sup>224</sup> The MAC originally consisted of high-level military officers from the United States, the ROK, the UK and the UNC on the one hand and the DPRK and China on the other. After cessation of activities in 1991 following North Korea's disagreement of an ROK General as senior delegate of the UNC side, meetings were



military personnel entering the DMZ in either side of the MDL not to exceed 1,000<sup>225</sup>, effectively barring either side from deploying large numbers of troops to the immediate vicinity of the boundary.

On the other hand, the DMZ is subject to effective international supervision. While the UNC, which as signatory to the Armistice Agreement was designated to administer the southern side of the DMZ, was at the time due to its participation in the conflict not viewed as an observer mission, the agreement provided for the establishment of a Neutral Nations Supervisory Commission (NNSC) charged with “functions of supervision, inspection and investigation” of adherence to the agreement by the parties.<sup>226</sup> However, the NNSC, originally made up of officers from Czechoslovakia, Poland, Sweden and Switzerland respectively, encountered numerous obstacles to its mission, such as its reduction to role of a mere relay for reports submitted by the two sides following the UNC’s expulsion of the Commission from South Korean port facilities in response to the North’s alleged non-compliance with control mechanism<sup>227</sup> and the withdrawal of nominations of Czechoslovakia and Poland by the DPRK following the dissolution of the Soviet bloc.<sup>228</sup> Although the DPRK now considers the NNSC as defunct<sup>229</sup>, Sweden and Switzerland continue to uphold a small presence of international observers in the DMZ.

At the same time, involvement of the UNC has taken on a very different form in recent years. With the increasing assumption of security duties on the southern side of the DMZ by ROK Army personnel, involvement of foreign UNC personnel has largely been reduced to political functions such as participation in the General Officers Talks. As such it

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resumed in 1998 under the designation of General Officer Talks (without Chinese participation). Smith, Smith, Raymond C. (????): *Peacekeeping without the Secretary-General: The Korean Armistice Arrangements*. Thesis presented in partial completion of the requirements of the Certificate-of-Training in United Nations Peace Support Operations, Peace Operations Training Institute, Williamsburg, on <http://www.peaceopstraining.org/theses/smith.pdf>, 04.12.2011 pp11-13

<sup>225</sup> Armistice Agreement Art. I Paragraph 10. “Agreement between the Commander-in-Chief, United Nations Command, and the Supreme Commander of the Korean People’s Army and the Commander of the Chinese People’s Volunteers, Concerning a Military Armistice in Korea. Signed at Panmunjom, Korea, July 27, 1953”, in *International Organization* 7, No. 4 (November 1953) p613

<sup>226</sup> Armistice Agreement Art. II C. Ibid. pp620-623

<sup>227</sup> United States Arms Control and Disarmament Agency (1970): “The Neutral Nations Supervisory Commission in Korea (A Peacekeeping Operation)”, US Document ACDA/WEC/FO-69-65 p5. See also Swiss Armed Forces International Command: “Factsheet”, on <http://www.vtg.admin.ch/internet/vtg/en/home/themen/einsaetze/peace/korea/factsheet.html>, 04.12.2011

<sup>228</sup> Pak, Chi Young (2000): *Korea and the United Nations*. Kluwer Law International, The Hague p230

<sup>229</sup> United Nations Security Council (2008): “Letter dated 11 August 2008 from the Permanent Representative of the Democratic People’s Republic of Korea to the United Nations addressed to the President of the Security Council”, UN Document S/2008/547 pp2-4

continues to conduct regular guard post inspections on the southern side of the DMZ, routinely including military liaison officers from countries which had provided troops to the UNC during the war. Notwithstanding the UNC's status as participant in the Korean War and party to the Armistice Agreement, the presence of such international unarmed missions does contribute significantly to the international supervision of activities in the DMZ.<sup>230</sup>

Ironically, as much as both North and South Korea maintain that the MDL is but a military measure, it has today more than ever rather political implications than military ones. It should not be mistakenly believed that the DMZ would provide some kind of insurmountable obstacle to one of the parties willing to engage the other in open conflict.

#### **4.2 The role of conventional forces along the MDL**

As Viktor D. Cha and David C. Kang point out, when US President Clinton ventured to say that the DMZ was “the scariest place in the world”, he was probably less thinking about dangers lurking within the DMZ than rather of the concentrated military deployment along both sides of it.<sup>231</sup> While the global availability of long-range weapons systems such as Intercontinental Ballistic Missiles (ICBM) able of carrying nuclear warheads from one corner of the planet to another, has since the Korean War generally relativised the notion of fortified boundaries, in the particular case of the Korean DMZ the positive effects of a non-militarized area separating opposing troops are easily offset by far more conventional classes of arms. A four kilometres wide stretch of land, be it heavily fortified or not, can hardly prevent even less-than-modern conventional weapons systems from reaching the other side of the line. On the Korean peninsula this is all the more drastic with regards to the location of the South Korean capital, Seoul, in relative vicinity to the DMZ, where the DPRK is suspected to have deployed the majority of its up to 8,500 artillery pieces.<sup>232</sup> Even though previous incidents have hinted at possible deficits in the North's artillery troops firing accuracy and effectiveness, possibly due to lack of proper training and poor quality of

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<sup>230</sup> Smith, Raymond C. (???): *Peacekeeping without the Secretary-General: The Korean Armistice Arrangements*. Thesis presented in partial completion of the requirements of the Certificate-of-Training in United Nations Peace Support Operations, Peace Operations Training Institute, Williamsburg, on <http://www.peaceopstraining.org/theses/smith.pdf>, 04.12.2011 p14

<sup>231</sup> Cha, Viktor D./Kang, David C. (2003): “The Korea Crisis”, in *Foreign Policy*, No. 136 (May/June 2003) p24

<sup>232</sup> Cordesman, Anthony H. (2011): *The Korean Military Balance. Comparative Korean Forces and the Forces of Key Neighboring States*. Center for Strategic & International Studies, Washington D.C. pp88-89

ammunition or storage thereof<sup>233</sup>, these forces would invariably inflict heavy damage to Seoul and other areas on the peninsula, leading some observers to conclude that this alone serves as a sufficient deterrent against possible attacks against the North.<sup>234</sup>

However, Northern artillery deployment is but one aspect of the North-South military balance. Both sides have deployed large concentrations of force along the MDL, with some sources suggesting that on the Northern side, the DPRK has deployed 70 per cent of total military units, corresponding to up to 80 per cent of its firepower in the relative vicinity of the DMZ.<sup>235</sup> Comparing both sides' conventional military strength to each other can be a complicated issue. While the North surpasses the South in almost any military category in terms of raw numbers, this is largely offset by the technical superiority of South Korean equipment and training.<sup>236</sup> Nevertheless, North Korea's quantitative superiority is at times staggering. Overall manpower available to the DPRK reaches up to 1.19 million personnel as compared to the ROK's 655,000. Relations are equally one-sided when it comes to tanks (3,900 as compared to 2,300), multiple launcher rocket systems which play an important part in the North's aforementioned artillery deployment (5,100 as compared to 200), naval vessels including submarines as well as fighter planes.<sup>237</sup> A particular imbalance applies to both side's Special Forces, which in the North consist of a staggering 200,000 men, ten times as many as in the South.<sup>238</sup> The North's Special Forces are made up of highly trained light units intended for quick, and possibly undetected infiltration of the South prior to or during conflict.<sup>239</sup> These are seen as crucial in any scenario of a possible North Korean invasion of the South, as analysts anticipate that due to the technology gap and US support for the South the ROK would quickly establish air superiority unless the necessary facilities

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<sup>233</sup> Ibid. p89

<sup>234</sup> Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C. p5

<sup>235</sup> Scobell, Andrew/Sanford, John M. (2007): *North Korea's Military Threat: Pyongyang's Conventional Forces, Weapons of Mass Destruction, and Ballistic Missiles*. Strategic Studies Institute, Carlisle p23. The ROK Ministry of National Defense's (MND) 2010 White Paper features a map originally intended to graphically represent South Korea's plans to restructure its military deployment as part of its modernization drive, which excellently reveals the concentration of South Korean military installations near the MDL. ROK Ministry of National Defense (2010): *2010 Defense White Paper*. p281

<sup>236</sup> The only categories where ROK forces exceed their counterparts in number are navy personnel, armoured vehicles and helicopters. Moon, Chung-in/Lee Sangkeun (2009): "Military Spending and the Arms Race on the Korean Peninsula", in *Asian Perspective* 33, No. 4 (2009) pp83-85

<sup>237</sup> Ibid. p83

<sup>238</sup> Cordesman, Anthony H. (2011): *The Korean Military Balance. Comparative Korean Forces and the Forces of Key Neighboring States*. Center for Strategic & International Studies, Washington D.C. p49

<sup>239</sup> Ibid. p84. See also Scobell, Andrew/Sanford, John M. (2007): *North Korea's Military Threat: Pyongyang's Conventional Forces, Weapons of Mass Destruction, and Ballistic Missiles*. Strategic Studies Institute, Carlisle pp38-41, 45-47

are destroyed prior to mobilization, a plan which could only be executed through extensive deployment of Special Forces by the DPRK.<sup>240</sup>

In an effort to account for South Korea's technological advantage and compile a clearer and more realistic picture of the actual military balance between the two sides, alternative models of analysis of overall military strength have been applied to the Korean situation, but the results did not necessarily reveal the great gaps that had been expected given the assumptions about South Korea's more advanced equipment and training.<sup>241</sup> Experts therefore continue to disagree over results and implications of a hypothetical attack by the North, with some maintaining that due to a variety of factors such as lack of progress in South Korea's efforts to modernize and restructure its armed forces and the North's offensive strategy, North Korea could possibly prevail in such an engagement<sup>242</sup>, whereas others maintain that the South could repeal such an attempt even without US support.<sup>243</sup>

Such scenarios, hypothetic as they may be, build of course on the assumption that the DPRK is deeply interested in bringing about unification under its terms, going so far as that it would risk a war to either fully overthrow the ROK government or, less ambitiously, achieve limited but key strategic goals to secure and strengthen its own positions. While some commentators, pointing amongst others to the North's promotion of *Seongun* policy<sup>244</sup>, view this as the obvious goal of North Korean strategic and political thinking<sup>245</sup>,

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<sup>240</sup> Krause, Troy P. (1999): *Countering North Korean Special Purpose Forces*. Research report submitted in partial fulfilment of the graduation requirements, Air University, Maxwell Air Force Base pp9-10

<sup>241</sup> Moon, Chung-in/Lee Sangkeun (2009): "Military Spending and the Arms Race on the Korean Peninsula", in *Asian Perspective* 33, No. 4 (2009) pp85-86

<sup>242</sup> Reuters (2012): "North Korea military strategy superior, says think-tank", on <http://www.reuters.com/article/2012/01/04/us-korea-north-military-idUSTRE8030C820120104>, 05.01.2012. See also Hodge, Homer T. (2003): "North Korea's Military Strategy", in *Parameters* 13 (Spring 2003) p78

<sup>243</sup> Moon, Chung-in/Lee Sangkeun (2009): "Military Spending and the Arms Race on the Korean Peninsula", in *Asian Perspective* 33, No. 4 (2009) p86. See also O'Hanlon, Michael (1998): "Stopping a North Korean Invasion: Why Defending South Korea is Easier than the Pentagon Thinks", in *International Security* 22, No. 4 (Spring 1998) pp134-144, 147

<sup>244</sup> Some experts see the *Seongun* or military-first policy, with its emphasis on channelling even scarce resources to military development, as a sign of the DPRK's aggressive ambitions. Hodge, Homer T. (2003): "North Korea's Military Strategy", in *Parameters* 13 (Spring 2003) p69. The DPRK, on the other hand, maintains that "the Songun policy is a sure guarantee that enables the DPRK to safeguard its sovereignty and security, and to ensure peace and stability on the Korean peninsula and the rest of the region as a whole, in the face of the ever hardening U.S. hostile policy toward the DPRK. Democratic People's Republic of Korea Permanent Mission to the United Nations (2006): "Statement by H.E. Mr. Choe Su Hon Chairman of the Delegation of the Democratic People's Republic of Korea at the General Debate of the Sixty-First Session of the United Nations General Assembly New York, 26 September, Juche 95 (2006)", Press Release, on <http://www.un.org/webcast/ga/61/pdfs/korea-e.pdf>, 04.12.2011 p1

<sup>245</sup> Homer T. Hodge argues that while some experts perceive an acceptance by the DPRK that unification through force is no longer possible, other factors such as the North's focus on military resources, ideological

others conclude that as bellicose as the DPRK's rhetoric might at times be, rhetoric is just what the idea of unification under the North's terms has come to be, and that the regime is too focused on its own security and survival to realistically contemplate the idea of a large scale attack on the South.<sup>246</sup>

### **4.3 Conflicting Ideas – Unification Policies**

In principle, both governments on the peninsula promote some sort of future unification of the Korean nation in the near future. Intensities varied over time, and so does the idea of how such unification should be brought about, but nevertheless does the paradigm of unification permeate all aspects of political life on both sides. Both the constitution of the DPRK and ROK provide for a unified Korea as a cornerstone of the very self-concept of legitimate governance for each regime respectively.<sup>247</sup> After all, the Korean War, fought

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requirements, anticipation of an US-led attack and the probable realization that prolongation of the status quo would lead to regime demise point to the continuation of unification, by force if necessary, as the “supreme national task.” Hodge, Homer T. (2003): “North Korea’s Military Strategy”, in *Parameters* 13 (Spring 2003) pp68-71. For point of views of experts on Korea such as Viktor Cha reaching similar conclusions, see Scobell, Andrew (2005): *North Korea’s Strategic Intentions*. Strategic Studies Institute, Carlisle pp6-8. See also Scobell, Andrew/Sanford, John M. (2007): *North Korea’s Military Threat: Pyongyang’s Conventional Forces, Weapons of Mass Destruction, and Ballistic Missiles*. Strategic Studies Institute, Carlisle pp24-26. See also Maxwell, David S. (2004): “A Strategy for the Korean Peninsula: Beyond the Nuclear Crisis”, in *Military Review* (September-October 2004) p105

<sup>246</sup> Hodge, Homer T. (2003): “North Korea’s Military Strategy”, in *Parameters* 13 (Spring 2003) pp68-69. Renowned experts on North Korea’s foreign policy such as David Kang and Bruce Cumings argue that while the DPRK would not easily give up the public rhetoric on unification as crucial to its legitimacy, it actually is, or is anticipated to so in the near future, approaching the South, making unification by force as a national goal unlikely. Ken E. Gause mentions an incident in 2005 when reportedly plans for a budget restructuring, including the diversion of resources which were previously appropriated to the military to other sectors, led to tensions between the Korean People’s Army and the Korean Workers’ Party, suggesting a possible inclination in the leadership to move away from wartime to peacetime budget spending. Gause, Ken E. (2006): *North Korean Civil-Military Trends: Military-First Politics to a Point*. Strategic Studies Institute, Carlisle pp45-46

<sup>247</sup> Article 1 of the Socialist Constitution of the DPRK states that “the Democratic People’s Republic of Korea is an independent socialist state which represents the interests of all Korean people”, while Article 5 emphasizes that the DPRK “strives to ... reunify the country peacefully on a democratic basis and complete national independence. Democratic People’s Republic of Korea (1972): *Socialist constitution of the Democratic People’s Republic of Korea*. Foreign Languages Publishing House, Pyongyang pp1, 2. Article 3 of the Constitution of the ROK states that “the territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands.” The Korean Legal Center (Ed.) (1964): *Laws of the Republic of Korea*. The Korean Legal Center, Seoul p2. It is important to realize that these aims as laid out in the constitutions are only contingently transferable to popular sentiments or actual policies of either side. For example, a 2010 Korea Times article suggests that while unification remains an important issue in the South, “it is becoming more and more like rhetoric on both sides of Korea” while many South Koreans would prefer peace and stability over unification. David Coghlan notes that while a majority of South Koreans believes the peninsula should be unified, almost as many consider it to have a negative impact on the country. Kim, Tong (2010): “Is peaceful unification possible?”, Korea Times Online, on [http://koreatimes.co.kr/www/news/opinion/2011/12/167\\_71807.html](http://koreatimes.co.kr/www/news/opinion/2011/12/167_71807.html), 04.12.2011; and Coghlan, David (2008): *Prospects from Korean Unification*. Strategic Studies Institute, Carlisle p6. As for the DPRK, Yoon Dae-Kyu points out that in general, “law in North Korea is naturally mobilized for political purposes” and as such insubordinate to the states’ power personified by the paramount leader, with the result that state action can

under the impression of foreign powers' involvement, was in essence begun as an effort to achieve unification, in a climate where both sides were more than willing to forcefully extend their rule over the whole peninsula with or without bloc support.

After the war, with the Armistice Agreement concluded, conditions had changed. The great powers had had enough of war in Korea, a war which had, despite the many lives lost, obviously not brought any visible changes either on the peninsula or within the international circumstances of the time, and were in favour of preserving, for the time being, the *status quo*. The South Korean regime under Rhee Syngman strongly rejected such a position, pushing for US support in an effort to forcefully unify the country and end the question of legitimate government once and for all.<sup>248</sup> Kim Il-sung on the other hand, obviously understanding the international climate at the time, formulated a different approach, calling for economic recuperation and development instead of continuation of hostilities. The paradigm of 'peaceful unification' would therefore allow the North to solidify its social system and strengthen its position *vis-à-vis* other actors, while playing to international realities at the time.<sup>249</sup> Needless to say such a proposal, including a call for withdrawal of foreign troops from Korea, would have provided the North with an opportunity to rehabilitate its forces and, once the United States had presumably unequivocally left, to persuade the USSR or China to support a renewed effort at complete unification, a scenario which already had repeatedly led the South to make compromises on its radical stance to ensure continued US commitment.<sup>250</sup>

While the two sides have since then repeatedly approached each other, with mixed results, and have both subscribed to a formula of peaceful unification, problems continue to persist. One of the most persistent obstacles remains the issue of the legitimate representation of the whole of Korea, claimed by both sides simultaneously<sup>251</sup>, adding a legalistic aspect to the already acute political quagmire. After all, the notion of one homogenous Korean people,

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and is legitimized without constitutional basis. Yoon, Dae-Kyu (2003): "The Constitution of North Korea: Its Changes and Implications", in *Fordham International Law Journal* 27, No. 4 (2003) p1291

<sup>248</sup> Kim, Hak-Joon (1977): *The Unification Policy of South and North Korea. A Comparative study*. Seoul National University Press, Seoul pp151-153

<sup>249</sup> Ibid. pp148, 150-151

<sup>250</sup> Ibid. pp134-136, 150-151

<sup>251</sup> McCormack, Gavan (1982): "The Reunification of Korea: Problems and Prospects", in *Pacific Affairs* 55, No. 1 (Spring 1982) p13

which both sides maintain exists, in conformity with international law practice<sup>252</sup>, entails the legal question of succession of state, meaning which government can legally claim to have succeeded the Korean Empire as the representative of the Korean people.<sup>253</sup> As Nam Ki-Whan points out, given the long history of the Korean people on the territory of the Korean state, it is questionable whether a few decades of *de facto* separation, which has not been legitimized but rather seems to be rejected by a majority of said Korean people, can suffice to legitimize the development of two distinct states.<sup>254</sup>

Over the years since the war, the two sides have attempted to accommodate these circumstances by promoting distinct models for reunification, both characterized by the emphasis on peaceful means to overcome the separation and the notion that this would have to be resolved as an internal Korean issue, and both clearly, though not necessarily directly, favouring the prevalence of one of the two sides' distinctive socio-political systems respectively. As early as 1960 the DPRK first proposed the establishment of a form of common government, termed the Democratic Confederal Republic of Korea to describe its federalistic<sup>255</sup> character, allowing for co-existence of both systems for as long as needed to eventually achieve full unification. In this sense, though the Confederal Republic was intended as the primary aim in terms of unification, it effectively represented only a transitional phase on the way to full unification under a single government.<sup>256</sup> The model itself provided for the establishment of a unified government representing both sides and a Supreme National Confederal Assembly bringing together, on an equal basis, delegates from both sides and overseas Koreans. However, these developments, while representing national unification and taking over national policies such as international representation and defence, were not to contradict the continuation of either side's socio-political system,

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<sup>252</sup> Nam, Ki-Whan (1975): *Völkerrechtliche und staatsrechtliche Probleme des zweigeteilten Korea und die Frage der Vereinigung der koreanischen Nation*. (= Europäische Hochschulschriften, Reihe II, No. 113) Herbert Lang/Peter Lang, Bern/Frankfurt M. pp114-123

<sup>253</sup> Kim, Ju Hyun (2008): *State Succession in the Case of a Unified Korea Resulting from the Collapse of North Korea*. Diploma Thesis, Naval Postgraduate School, Monterey p13

<sup>254</sup> Nam, Ki-Whan (1975): *Völkerrechtliche und staatsrechtliche Probleme des zweigeteilten Korea und die Frage der Vereinigung der koreanischen Nation*. (= Europäische Hochschulschriften, Reihe II, No. 113) Herbert Lang/Peter Lang, Bern/Frankfurt M. p119

<sup>255</sup> The term 'Confederal' turned out to be strongly controversial as it lacked clear definition and left room for interpretation due to the ambiguity of the term utilized in the Korean language designation. That term, while literally corresponding to an understanding of federation, was translated in the North's proposal as confederation, raising the question whether the North utilized the proposal as a strategy to pursue full unification while publicly promoting co-existence. Young Namkoong (2001): Similarities and Dissimilarities: The Inter-Korean Summit and Unification Formulae", in *East Asian Review* 13, No. 3 (Autumn 2001) pp76-77

<sup>256</sup> Ibid. pp72-73

which the local (North and South) governments could pursue at their own discretion. Notwithstanding that there are reasons to suspect that the North indeed proposed the confederation as a strategic step to eventually unify the peninsula on its terms, such as the continued promotion of revolutionary ambitions<sup>257</sup>, the Confederal Republic marked a definitive movement by the North towards the recognition of two co-existing systems, as opposed to the South which at the time promoted the cessation of the North's socialist system and its integration into the ROK as precondition in achieving any form of unification.<sup>258</sup> Over the years, positions remained steadfastly opposed, with only certain changes in attitude such as North Korea's insistence on the South's abolition of what it termed 'fascist' laws as precondition for negotiations at times of greater political tensions especially over the treatment of the leftist opposition in the South, leading Gavan McCormack to note that "in the long run, of course, what [the South] asks – the disavowal of communism – is almost precisely equivalent to what the North asks, only the North presents its demands as preconditions to negotiation, while the South presents its as objectives to be reached through negotiations."<sup>259</sup>

What all these observations show is the difficulty which the two sides faced over the entire span of their partition in finding ways to even start engaging each other, which, as tragic as it may be, is ironic given that both sides' pronounced aim was the unification of the peninsula. Only later did both sides, while still upholding the principle of peaceful unification, start showing signs of mutual consideration as substantial partners for dialogue, including a careful recognition of their separate political identities.<sup>260</sup> This approach lay at the heart of the ROK's 1989 proposal of a unification formula termed National Commonwealth Unification, which suggested the promotion of reconciliation through cooperation, providing for a peaceful development and co-prosperity on the peninsula, which, though eventually conducive to unification under a single government and system, would be held more important than the its long-term goal.<sup>261</sup>

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<sup>257</sup> McCormack, Gavan (1982): "The Reunification of Korea: Problems and Prospects", in *Pacific Affairs* 55, No. 1 (Spring 1982) p13-16

<sup>258</sup> Ibid. pp10, 11. McCormick even goes so far as to interpret the South's at the time stubborn adherence to this principle, which it must have understood to be highly unrealistic, as either resignation before or preference for the continuation of division. Ibid. p10

<sup>259</sup> Ibid. p17. On North Korea adjusting its position in response to domestic challenges in the South see Koh, B. C. (1971): "Dilemmas of Korean Reunification", in *Asian Survey* 11, No. 5 (May 1971) pp482-483

<sup>260</sup> Young Namkoong (2001): Similarities and Dissimilarities: The Inter-Korean Summit and Unification Formulae", in *East Asian Review* 13, No. 3 (Autumn 2001) p59

<sup>261</sup> Ibid. pp61-62, 62-65



The North however maintained its idea of a confederation to preserve the distinct state systems even as unification progresses, which was by then criticised by some observers as unrealistic, given its paradox legalistic approach by aiming to prevent the international recognition – i.e. its presumably irrevocable institutionalization – of the partition through establishment of a confederation which, to these observers, would by itself imply the existence of two separate Korean states.<sup>262</sup>

After the demise of communism in Eastern Europe, South Koreans turned to Germany to see the Berlin wall fall and a nation, long divided, united again in peace. In the years to follow, many an observer, from the South and abroad, contemplated the possibility of a similar development on the peninsula, and while South Koreans went to great length to study and learn about the German experience, the South Korean unification policy was equally influenced by it.<sup>263</sup> However, after the years of initial enthusiasm, and with the benefit of hindsight on the social developments in post-unification Germany, commentators take a more ambivalent approach to the issue, coming to novel conclusions not only about whether a German-style unification would be comparable when transferred to the Korean peninsula, but indeed whether or not that kind of unification is at all a desirable scenario.<sup>264</sup>

Most such arguments assess the situation from an economic point of view. While many agree that unification would necessarily lead to overall economic advantages in the long run, the German experience has shown the massive short and medium-term costs which would have to be borne by South in case of a quick unification as was the case in Germany.<sup>265</sup> Many experts examining the applicability of the German case to Korea therefore argue that once unification was taking place, the ROK would do better not to fully emulate the German example of coping with it, especially the speed at which the West German government at the time pulled down all barriers, physical as well as economic ones.<sup>266</sup> However, others see the issue even more problematic. They argue that the gap separating

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<sup>262</sup> Kang, Sung-Hack (2011): *Korea's Foreign Policy Dilemmas. Defining State Security and the Goal of National Unification*. Global Oriental, Folkestone pp316-317

<sup>263</sup> Rhee, Kang Suk (1993): "Korea's Unification: The Applicability of the German Experience", in *Asian Survey* 33, No. 4 (April 1993) pp360-361

<sup>264</sup> As a 2005 RAND Corporation report notes, "the dissimilarities between the two cases are so prominent as to limit the relevance of the German reunification experience for possible future reunification in Korea." Wolf, Charles Jr./Adramov, Kamil (2005): *North Korean Paradoxes. Circumstances, Costs, and Consequences of Korean Unification*. RAND Corporation, Santa Monica p51

<sup>265</sup> Ibid. p372

<sup>266</sup> Ibid. p373

the DPRK and the ROK in both economic and socio-political terms has by now grown way beyond the difference between the GDR and the FRG at the time, rendering the German experience only marginally useful for planning the Korean unification despite other factors which would suggest significant parallels between the two cases.<sup>267</sup> In addition, the smaller population gap between North and South as well as South Korea's weaker economic standing as compared to unification-time West Germany raise the question whether German-style unification would be feasible on the peninsula.<sup>268</sup> Apart from economic differences, some observers point to today's significantly different international constellation, arguing that while in the German case the US took a strong position in Europe as the Soviet Union needed to pull out, the situation in today's East Asia seems diametrically opposed, with China taking an assertive stance while the US show a tendency to withdraw their commitment from places such as Korea. Plus, in today's East Asia there does not seem to be no such international drive for change towards democracy as was prevalent in Eastern Europe of the time.<sup>269</sup>

Overall, the conclusions reached by these experts show that the South Korean government would do well to study the case of German unification, especially its effects and the lessons that can be learnt. They will have to ask themselves the question whether the German model is at all a scenario to be sought by the South. Twenty years after Germany was unified, the sentiment among the population is ambivalent, with a majority of East Germans reportedly defending their former country against criticism, while economic development in the East still lacking behind the West<sup>270</sup>. Studies show that while income equality has been achieved for those leaving the former East for the West, those that stayed in their home places still significantly lack behind their fellow countrymen as far as income is concerned<sup>271</sup>, an issue of particular importance given comparable predictions for a Korean

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<sup>267</sup> Kelly, Robert (2011): "The German-Korean Unification Parallel", in *The Korean Journal of Defense Analysis* 23, No. 4 (December 2011) pp461-462, 463-464

<sup>268</sup> Ibid. p466

<sup>269</sup> Ibid. p466

<sup>270</sup> Bonstein, Julia (2009): "Homesick for a Dictatorship. Majority of Eastern Germans Feel Life Better under Communism", Spiegel Online, on <http://www.spiegel.de/international/germany/0,1518,634122,00.html>, 04.12.2011. See also Kulish, Nicholas (2009): "In East Germany, a Decline as Stark as a Wall", New York Times Online, on <http://www.nytimes.com/2009/06/19/world/europe/19germany.html>, 04.12.2011

<sup>271</sup> Gernandt, Johannes/Pfeiffer, Friedhelm (2008): *Wage Convergence and Inequality after Unification: (East) Germany in Transition*. (=Centre for European Economic Research Discussion Paper No. 08-022) Centre for European Economic Research, Mannheim p17

scenario<sup>272</sup> and contemplations in the South to primarily prevent Northerners from uncontrollably migrating to the South until the income gap has been significantly closed.<sup>273</sup> However, all these aspects of South Korean deliberations on unification are superseded by the one question of whether or not the ROK government will actually have the chance to decide on the process of unification when faced with popular sentiments for quick change. If Southern leaders indeed contemplate such scenarios of unification under the South, they would do well to plan for such contingencies.

In the meantime, inter-Korean relations seem to have taken on at least one aspect of inter-German relations, that being the ‘Special Relation’ governing their interaction.<sup>274</sup> In 1991, both the DPRK and the ROK were separately admitted to membership in the UN.<sup>275</sup> This had been preceded by efforts by the DPRK to convince the South to seek UN membership not as separate entities but as one Korean nation, either through utilization of the confederal formula<sup>276</sup> or through sharing the seat in rotation.<sup>277</sup> In the face of a dramatic adjustment of South Korea’s foreign policy towards communist countries and the ensuing improvement of relations with China and the Soviet Union, the DPRK saw it necessary to equally reach out to the international community to avoid possible isolation. On 29 May 1991, the New York Times cited a statement of the Foreign Ministry of the DPRK issued on that day as saying, “as the South Korean authorities insist on their unilateral U.N. membership, if we leave this alone important issues related to the interests of the entire Korean nation would be dealt with in a biased manner on the U.N. rostrum. ... We cannot let it go that way.”<sup>278</sup>

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<sup>272</sup> Noland, Marcus/Robinson, Sherman/Liu Li-gang (1998): “The Costs and Benefits of Korean Unification: Alternate Scenarios”, in *Asian Survey* 38, No. 8 (August 1998) p814

<sup>273</sup> Rhee, Kang Suk (1993): “Korea’s Unification: The Applicability of the German Experience”, in *Asian Survey* 33, No. 4 (April 1993) p373

<sup>274</sup> Kim Ju Hyun attributes this term to former Chancellor of the FRG, Willy Brandt, who supposedly remarked that “even though there are two states in Germany, they are not foreign states to each other. They have just special relations.” Kim, Ju Hyun (2008): *State Succession in the Case of a Unified Korea Resulting from the Collapse of North Korea*. Diploma Thesis, Naval Postgraduate School, Monterey p15

<sup>275</sup> The UNGA, having “considered separately the application for membership” of the DPRK and the ROK respectively, adopted Resolution 46/1 on 17 September 1991. UNGA Resolution 46/1 (17 September 1991): Admission of the Democratic People’s Republic of Korea and the Republic of Korea to membership in the United Nations, on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/580/89/IMG/NR058089.pdf?OpenElement>, 04.12.2011

<sup>276</sup> Kang, Sung-Hack (2011): *Korea’s Foreign Policy Dilemmas. Defining State Security and the Goal of National Unification*. Global Oriental, Folkestone pp316-317

<sup>277</sup> Sanger, David E. (1991): “North Korea Reluctantly Seeks U.N. Seat”, New York Times Online, on <http://www.nytimes.com/1991/05/29/world/north-korea-reluctantly-seeks-un-seat.html>, 04.12.2011

<sup>278</sup> Ibid. See also Kang, Sung-Hack (2011): *Korea’s Foreign Policy Dilemmas. Defining State Security and the Goal of National Unification*. Global Oriental, Folkestone p316

In June 2000, President of the ROK Kim Dae-jung and paramount leader of the DPRK, Kim Jong-il, in an unprecedented move of mutual recognition, met in Pyongyang for a historic meeting marking the first time that the highest representatives from both sides met face-to-face since the partition. Among other things, they signed a five point agreement which provided for further rapprochement on the issue of unification, acknowledging each other's position as basis for future cooperation.<sup>279</sup> Article 2 of the agreement read, "The north and the south, recognizing that a proposal for federation of lower stage advanced by the north side and a proposal for confederation put forth by the south side for the unification of the country have elements in common, agreed to work for the reunification in this direction in the future."<sup>280</sup> Both Kim Dae-jung and his successor Roh Moo-hyun pursued what was to be known as the 'Sunshine Policy', which promoted engagement with the North – including nonreciprocal economic aid valuing billions of US Dollars<sup>281</sup> – on the assumptions that on the one hand, continued confrontation was both dangerous and incapable of changing North Korea's behaviour, while on the other hand economic engagement would lead to reconciliation and cooperation, persuading Pyongyang to change its confrontationist policies.<sup>282</sup>

More than a decade has passed since the 2000 Pyongyang meeting, and discussions on unification between the sides seem not to have progressed far since then. Inter-Korean relations have climbed new highs and plunged to lows repeatedly, spanning all kinds of events from the joint entrance to the 2000 Sydney Olympic Games<sup>283</sup>, to the DPRK's 2006 nuclear test<sup>284</sup> followed by the second senior-level summit in Pyongyang<sup>285</sup>, to the DPRK's

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<sup>279</sup> Young Namkoong (2001): Similarities and Dissimilarities: The Inter-Korean Summit and Unification Formulae", in *East Asian Review* 13, No. 3 (Autumn 2001) pp59-60

<sup>280</sup> Korean Central News Agency (KCNA) (2000): "North-south joint declaration published", KCNA, 15 June 2000

<sup>281</sup> Oh, Kongdan/Hassig, Ralph (2010): "North Korea in 2009: The Song Remains the Same", in *Asian Survey* 50, No. 1 (January-February 2010) p93

<sup>282</sup> Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C. p84

<sup>283</sup> Park, Han S. (2000): "North Korean Perceptions of Self and Others: Implications for Policy Choices", in *Pacific Affairs* 73, No. 4 (Winter 2000-2001) p503

<sup>284</sup> Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C. p101

<sup>285</sup> The 2007 meeting between Roh Moo-hyun and Kim Jong-il could not repair the reputation of the Sunshine Policy which had come under attack for its inefficacy following the DPRK's first nuclear test, nor could it sufficiently pull voter attention to the issue of peace on the peninsula in the run-up to the ROK's 2007 presidential election, which thus brought a transfer of power to the Grand National Party under Lee Myung-bak, marking the end of Sunshine Policy and a deterioration of inter-Korean relations. Ibid. pp101-102. See also Lie, John/Kim, Andrew Eungi (2008): "South Korea in 2007: Scandals and Summits", in *Asian Survey* 48, No. 1 (January-February 2008) pp121-123; and Moon, Chung-in (2009): "South Korea in 2008: From Crisis to Crisis", in *Asian Survey* 49, No. 1 (January/February 2009) pp127-128

second nuclear test<sup>286</sup> and an eventual low following the outbreak of hostilities over the NLL around Yeonpyeongdo.<sup>287</sup> While some see the future of inter-Korean relations in a long-term rapprochement of the two systems based on North Korea's implementation of economic reforms most likely based on China's example<sup>288</sup>, others suggest that the DPRK will continue uphold its strategy which it has followed resiliently over the last twenty years, braving economic hardships through continuously channelling resources to the cornerstones of the system and rejecting foreign efforts to restrain weapons programmes it sees as indispensable to its security requirements.<sup>289</sup> Again others observe the growing role of multilateralist institutions such as the Korean Peninsula Energy Development Organization (KEDO) in approximating the two sides' positions on a functional level, to which the political dimension might follow.<sup>290</sup> Another, most drastic scenario expects the sudden collapse amid food shortages and domestic infighting of either the DPRK as a state or the currently ruling regime as government, both entailing severe immediate implications for inter-Korean relations and the terms of unification.<sup>291</sup>

While all these scenarios are worthy of further deliberation, observations on the development of the two Korea's claims of legitimacy and the different ideas on unification closely connected to it do not reveal any evidence as to where inter-Korean relations might be headed. It does show however the volatility of these relations, and especially the up and down since the 2000 summit goes to show how easily an issue such as the NLL, as much as it may be influenced by the overall situation, can change the whole outset of relations and prospects for unification of the peninsula.

#### **4.4 Stabilizing factors – the economy**

The history of volatility in inter-Korean relations inevitably raises the question which factors and events drive these seemingly constant movements from cooperative climate to

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<sup>286</sup> Conducted on 25 May 2009. BBC News (2009): "North Korea conducts nuclear test", BBC News, on <http://news.bbc.co.uk/2/hi/8066615.stm>, 04.12.2011

<sup>287</sup> Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C. pp106-107

<sup>288</sup> Wolf, Charles Jr./Adramov, Kamil (2005): *North Korean Paradoxes. Circumstances, Costs, and Consequences of Korean Unification*. RAND Corporation, Santa Monica pp22-23. See also Coghlan, David (2008): *Prospects from Korean Unification*. Strategic Studies Institute, Carlisle p4

<sup>289</sup> Ibid. pp4-5

<sup>290</sup> Roh, Jeong-Ho (2004): "The Legal and Institutional Approach to Inter-Korean Relations", in Kim, Samuel S. (Ed.): *Inter-Korean relations. Problems and prospects*. Palgrave Macmillan, New York pp172-173

<sup>291</sup> Kim, Ju Hyun (2008): *State Succession in the Case of a Unified Korea Resulting from the Collapse of North Korea*. Diploma Thesis, Naval Postgraduate School, Monterey pp86-87

hostilities and back. While in the first case, as above argumentation shows, elements such as North Korea's at times provocative military actions and the South's abrupt suspension of engagement pursued under the Sunshine Policy have regularly plunged relations to the lower regions of the spectrum, the factors bringing them back above a limit of sustainable cooperation have not yet been sufficiently discussed.

A possible explanation is to be found in neo-realist security thinking on both sides, such as the – as discussed at an earlier point – possibility to interpret the South's promotion of Sunshine Policy as a means to increase its own security by decreasing the North's potential threat, or as a matter of fact the notion of the DPRK showing moderate behaviour to secure its security situation by decreasing tensions at times when it considers this no longer possible through military threat, for example when it considers US military engagement likely. However, given that it seems to be the most constant positive element in inter-Korea relations, it is worthwhile to consider economic cooperation as a major moderating factor.

When considering economic cooperation on the peninsula in its political ramification, it is important to note that development in this field has largely been driven by the North Korean economy. While of course both Koreas' economies are involved in inter-Korean trade and economic cooperation, and the South's economy is presently much more vibrant than its Northern counterpart, it is the North's relative isolation, in political as in economic terms, which renders Southern cooperation an economic asset in the eyes of the North. The ROK, on the other hand, with its far more diversified trading arrangements, stand to benefit from economic cooperation more in a political than in an economic sense, given the aforementioned deliberation that economic integration would lead to reform and long-term rapprochement of the two systems, eventually enabling unification. This view held by the South Korean leadership is most visible in the fact that even after turning its back on its predecessors' Sunshine Policy, the Lee Myung-bak administration upheld the idea of economically engaging the North, though with the difference to emphasize the aspect of conditionality.<sup>292</sup> This leads to two basic assumptions when examining North-South economic cooperation, being that on the one hand, such trade and other forms of economic cooperation are conducted on a heavily unbalanced basis. Inter-Korean cooperation is much

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<sup>292</sup> Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C. p102

more beneficial to the North's economy, both in absolute and relative terms.<sup>293</sup> The other assumption is that economic cooperation on the peninsula is a heavily politicised issue, especially when it comes to publicised showpiece projects such as the joint Kaesong Industrial Complex.

The gap separating the two sides' approaches to foreign trade had begun to open at the very beginning of partition and consolidation of the respective socio-economic models. The communist North adopted an inward-oriented socialist economy based on import substitution policies focused on heavy industry, while the South reached out to integrate into the international trade system, focusing on light industry for export purposes. This corresponded to the already discussed traditional Korean notion of the industrial north and agricultural south. While the North lay ahead for the first two decades of development, the South's economy surged due to export growth in the 1960s, and the North, which had intensified its inward-looking policies after the initial successes and in response to the emerging Sino-Soviet split, began to suffer from its trade imbalance caused by the focus on heavy industry and neglect of consumer goods industries. Amongst other factors, decrease in assistance from China and the USSR further slowed the North's economy, resulting in the South surpassing it in the early 1970s. In 1974 the DPRK defaulted on debts it had incurred in preceding years, increasing its economic isolation and practically cutting it off from Western technology.<sup>294</sup> From that point on the gap was to widen until the South in the 1990s achieved full dominance over its neighbour's declining economy, which suffered all the more from the end of Soviet assistance.<sup>295</sup> Consequences of the economic downturn not

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<sup>293</sup> Significantly more money flows from South to North, even while the South maintains a trade surplus. By relative terms means that South Korea is a more important trading partner for the North than the other way round relative to other third party trading partners: If all kind of cooperation is included – i.e. nonreciprocal items such as fertilizer aid and infrastructure support – inter-Korean cooperation made up 26% and 61.2% in 2005 and 2007 respectively, while it accounted for only 0.19% of South Korean exports in 2005. In connection with these numbers, however, it should be noted that in 2002, 80% of exports from the South were accounted for by aid goods. Hwang, Eui-Gak (2008): "Inter-Korean Economic Cooperation: The Need for Reciprocity" (= The International Centre for the Study of East Asian Development Working Paper Series No. 2008-19) pp19, 24-25; and Park, Soo-Bin (2003): "The North Korean Economy: Current Issues and Prospects", entrance to *the Conference of the Association of Korean Studies in Canada* (3-4 October 2003), Vancouver p11

<sup>294</sup> Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C. p68

<sup>295</sup> Christoph Bluth notes that "in 1990, South Korea's GDP was ten-fold that of the DPRK, and its annual increase in GDP exceeded the total of the North." Ibid. p68. See also Lee, Doowon (1995): "Inter-Korean Economic Relation: Rivalled Past, Unbalanced Present, and Integrated Future", in *Yonsei Economic Studies* 2, No. 1 (March 1995) pp132, 136, 139-141

only negatively influenced further economic development but also crippled central aspects of public life, such as food and energy security.<sup>296</sup>

Although the North's leadership attempted to counter such developments from the early 1980s on by the introduction of Joint Ventures to its legal system, it was not until the end of that decade that inter-Korean economic cooperation was officially agreed upon by the two sides, and only after the 2000 inter-Korean summit did substantial growth in investment in the North take place. A number of agreements entered in the wake of the 2000 summit allowed for institutionalization of trade relations, providing increased security and incentives for South Korean investments.<sup>297</sup> Favourable conditions were not limited to trade legislation when, in the political climate of the Kim Dae-jung administration's Sunshine Policy, South Korean private companies, supported by the South Korean government, reached out to the North to develop large infrastructure projects, most prominently the Mt. Geumgang tourist resort and the Kaesong Industrial Complex.<sup>298</sup>

Throughout the first decade of the twenty-first century, these projects supported growing economic development and integration between the two sides. Especially the Kaesong complex, located just north of the DMZ, became a symbol for beginning economic integration on the peninsula.<sup>299</sup> These showcase examples are especially interesting as their economic significance is quite unclear. While some suggest that the Kaesong Industrial Complex provides a valuable business opportunity for South Korean businesses, providing a viable alternative to outsourcing to other countries like China or Vietnam due to a combination of low labour costs and tax benefits<sup>300</sup>, others contend that due to considerably lower productivity compared to other production sites, most companies investing in Kaesong are in fact losing money.<sup>301</sup> Equally, Hyundai Asan, the South Korean company

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<sup>296</sup> Park, Soo-Bin (2003): "The North Korean Economy: Current Issues and Prospects", entrance to *the Conference of the Association of Korean Studies in Canada* (3-4 October 2003), Vancouver pp4-7. In the 1995-1996 the DPRK was hit by a severe famine, intensified by unfavourable weather conditions and torrential floods which resulted in widespread malnutrition and a high number of casualties. Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C. p70

<sup>297</sup> Kim, Eun Mee/Noh, Yooyeon (2009): "Business Advances to North Korea as Outward Foreign Direct Investment", in Kim, Sung Chull/Kang, David C. (Ed.): *Engagement with North Korea. A Viable Alternative*. State University of New York Press, Albany pp180-181, 183

<sup>298</sup> Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C. pp86-87

<sup>299</sup> Ibid. p100

<sup>300</sup> Manyin, Mark E./Nanto, Dick K. (2011): *The Kaesong North-South Korean Industrial Complex*. Congressional Research Service pp8-9

<sup>301</sup> Oh, Kongdan/Hassig, Ralph (2010): "North Korea in 2009: The Song Remains the Same", in *Asian Survey* 50, No. 1 (January-February 2010) p49



who had developed and was running the Mt. Geumgang resort, reported heavy losses and consequently received financial support from the government.<sup>302</sup> Considering that the ROK government is obviously not promoting the joint projects for their short-term economic profitability, and that long-term profitability would probably largely depend on a favourable development of inter-Korean relations, it can be inferred that the government supports these projects for their political value, including the possible deliberation that providing 50,000 North Koreans with a well-paid job could be a first, albeit small step to decreasing the income gap between North and South.

Motives of the DPRK government are more ambiguous. It is generally assumed that their main reason for continuously lending their support to the projects is that in the face of diminishing aids and widespread economic isolation, the projects are among the last remaining sources of foreign currency for the North, especially considering that wages paid to North Korean workers by the South Korean companies are first transmitted to the North's government, which distributes them after deducting a certain amount in fees. All in all, it is estimated that the DPRK government collects US\$ 2 million each month through the Kaesong complex alone, while a report by Hyundai suggested that if the complex was fully developed and operating at full capacity, North Korea could incur up to US\$9.55 billion over the course of nine years.<sup>303</sup> Other views exist though which suggest that more than short-term revenue, it is long-term economic development and stimulation to the domestic economy which the North sees as the main benefit of the projects.

Of course, economic cooperation is not immune to the volatility of inter-Korean relations. The Mt. Geumgang resort actually turned into a hotspot of tensions in its own right when in July 2008 a South Korean tourist was shot by a North Korean soldier when she had reportedly entered a fenced off military area. In the aftermath, economic cooperation in general suffered, and the resort had to be closed as South Korea prohibited its citizens from travelling there.<sup>304</sup> The situation has not yet been resolved and any contacts regarding the issue are highly tensed. As of 2011, North Korea seems to be attempting to find foreign investors for the resort, following an announcement that it would evict any remaining South

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<sup>302</sup> Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C. p87

<sup>303</sup> Manyin, Mark E./Nanto, Dick K. (2011): *The Kaesong North-South Korean Industrial Complex*. Congressional Research Service pp11-12

<sup>304</sup> Petrov, Leonid A. (2009): "The Politics of Inter-Korean Economic Cooperation: 1998-2009", on <http://www.japanfocus.org/-Leonid-Petrov/3190>, 04.12.2011

Korean employees and sell off the assets, in case of which South Korea has threatened sanctions.<sup>305</sup>

In general, however, showcase projects of economic cooperation, especially the Kaesong complex, have been relatively unharmed by the fluctuations in North-South relationships over the years. Even when in 2010 the ROK government suspended all contacts with the North in the aftermath of the Cheonan incident, the Kaesong complex remained open, along with an exception for the continuation humanitarian aid for infants and children. The South did however announce to stop further investing in the complex, and threatened to commence the broadcasting of propaganda messages over the MDL. As a reaction the DPRK government in turn threatened to shut down the Kaesong complex, but it remained open.<sup>306</sup> These events are indeed descriptive for the strange position which economic cooperation takes in inter-Korean relations. While they are largely considered as means to promote rapprochement of the two sides' socio-economic systems and unification, which predestines them as a pawn in the efforts to elicit concessions from the other side, they are at the same time an end in themselves, one which neither side seems to be willing to seriously risk.

#### **4.5 The wider setting – international actors' approach to Korea**

Another important factor with regards to inter-Korean relations and developments on the peninsula at large is the involvement of international actors. As discussed in the preceding chapters, Korea has traditionally been the object of foreign powers' interests which thus throughout its history attempted to influence conditions and events on the peninsula. Especially throughout its modern history, conditions for Korea have been largely dictated by such foreign powers, from Japanese occupation to partition under Soviet and American forces to its role as a borderline of the great international political rift during the Cold War. Today, Korea has to cope with the results of these processes, having to overcome a division along the very centre of the peninsula, marked by fences and barbed wire but even more dramatically marked by the stark difference between two different socio-economic models causing friction and tension as they interact. In today's world of long-distance weapons

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<sup>305</sup> Wong, Edward (2011): "A North Korean Resort Seeks to Draw Foreigners", New York Times Online, on <http://www.nytimes.com/2011/09/04/world/asia/04nkorea.html?pagewanted=all>, 04.12.2011

<sup>306</sup> Manyin, Mark E./Nanto, Dick K. (2011): *The Kaesong North-South Korean Industrial Complex*. Congressional Research Service pp2-3

which enable a relatively small nation to pose a disproportionate threat and of globally pursued security and economic interests, regional powers have ever more reason to influence the course of events according to their interests. While both Koreas stress the need for them to solve their differences alone<sup>307</sup>, they both continue to rely on outside actors to protect their security and economic wellbeing.

For the ROK, this role has traditionally been taken by the US, which continues to be the South's most important partner in security cooperation. After relations were somewhat strained at the beginning of the century as a consequence of Kim Dae-jung's 'Sunshine Policy' and its obvious inability to constrain Pyongyang's quest for nuclear weapons<sup>308</sup>, which in American eyes brought the South too close to its Northern neighbour, tensions have lessened as the South grows concerned about its ability to defend itself against the North's aggression should the US turn their back on the peninsula.<sup>309</sup> Following the more engaging approach of the Clinton administration, the Bush administration somewhat turned US strategy around, famously labelling North Korea as part of an 'axis of evil' and promoting its isolation.<sup>310</sup> In 2005 the Presidents of US and ROK agreed that the key to removing the North Korean security threat was inter-Korean reconciliation and peaceful unification<sup>311</sup>, even though some observers suggest that the US in the long run peaceful unification could result in a unified Korea much closer to the growing power China than to the US.<sup>312</sup> This in turn expected could lead to the establishment of two power blocs, a Chinese-led one on the mainland and the US-Japan alliance in the Pacific.<sup>313</sup> The drive for isolation and containment of North Korea is equally valid for Japan<sup>314</sup>, which sees itself threatened both existentially by the DPRK's missile development and nuclear programme

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<sup>307</sup> In article 1 of the North-South Joint Declaration signed at the 2000 inter-Korean summit the two sides agreed to "solve the question of the country's reunification independently by the concerted efforts of the Korean nation responsible for it." Korean Central News Agency (KCNA) (2000): "North-south joint declaration published", KCNA, 15 June 2000

<sup>308</sup> Which became obvious at the 2006 test explosion. Kim, Sung Chull/Kang, David C. (2009): "Introduction", in Kim, Sung Chull/Kang, David C. (Ed.): *Engagement with North Korea. A Viable Alternative*. State University of New York Press, Albany p2

<sup>309</sup> Bong, Youngshik D. (2009): "Waiting to Reap the Final Harvest. U.S. Engagement Policy to Denuclearize Korea", in Kim, Sung Chull/Kang, David C. (Ed.): *Engagement with North Korea. A Viable Alternative*. State University of New York Press, Albany pp32-35

<sup>310</sup> Coghlan, David (2008): *Prospects from Korean Unification*. Strategic Studies Institute, Carlisle p10. See also Bluth, Christoph (2008): *Korea*. Polity Press, Cambridge/Malden p6

<sup>311</sup> Kim, Joungwon Alexander/Hong, Myungshin (2006): "The Koreas, Unification, and the Great Powers", in *Current History* 105 (April 2006) p187

<sup>312</sup> Coghlan, David (2008): *Prospects from Korean Unification*. Strategic Studies Institute, Carlisle p10

<sup>313</sup> Ibid. p10

<sup>314</sup> Bluth, Christoph (2008): *Korea*. Polity Press, Cambridge/Malden p6

and politically as the North attempts to capitalize on differences in threat perceptions to undermine the traditional post-World War Japan-US alliance.<sup>315</sup> Closer relations between Japan and South Korea are likely to stumble over the past, as Koreans deeply resent the era of Japanese colonialism, a feeling only strengthened by Japan's refusal to issue an earnest apology and its at times revisionist view of history.<sup>316</sup> While Japan would prefer the continuation of the status quo with a partitioned, albeit denuclearized peninsula, to a unified Korea with close ties to China<sup>317</sup>, a common denominator of anti-Japanese feeling as a consequence of its historical role is contributing to bringing the two Koreas, as well as other Asian nations, closer to each other.<sup>318</sup>

A third actor with strong strategic interests in the region is the Russian Federation. Following the disintegration of the Soviet Union, the Russian Federation quickly exchanged its predecessor's political stakes in the peninsula with economic ones by a drastic revaluation of relationship with the ROK.<sup>319</sup> Under Boris Yeltsin Russia basically ignored Pyongyang, whereas the election of Vladimir Putin in 2000 led to a renewed rapprochement between the two countries.<sup>320</sup> As a consequence of its mainly economic interests, Russia seems to hope for a unified Korea undecided whether to lean to China or the US as a chance for it to extend its influence as laughing third, leading to the slightly ironic notion of Russia actually preferring US troops to remain on the peninsula, keeping Chinese influence at bay.<sup>321</sup> Some success in this strategy could be observed in late 2011 when after a visit of Kim Jong-il to Russia plans for an oil pipeline connecting the Russian Far East to South Korea, running over North Korean soil, surfaced, soliciting at least initial support from both Koreas under a Russian policy initiative.<sup>322</sup>

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<sup>315</sup> Hughes, Christopher P. (2009): "'Super-sizing' the DPRK Threat: Japan's Evolving Military Posture and North Korea", in *Asian Survey* 49, No. 2 (March-April 2009) p293

<sup>316</sup> Kim, Joungwon Alexander/Hong, Myungshin (2006): "The Koreas, Unification, and the Great Powers", in *Current History* 105 (April 2006) p189

<sup>317</sup> Coghlan, David (2008): *Prospects from Korean Unification*. Strategic Studies Institute, Carlisle p12

<sup>318</sup> Kim, Joungwon Alexander/Hong, Myungshin (2006): "The Koreas, Unification, and the Great Powers", in *Current History* 105 (April 2006) p189

<sup>319</sup> The Russian Federation began in the early 1990s to detach itself from the North as the Soviet Union's traditional ally and engage with South Korea in order to integrate its economy into the increasingly vibrant East Asian economic framework, thereby relinquishing its traditional role as counterpart to the US on the peninsula. Joo, Seung-Ho (1996): "Russian Policy on Korean Unification in the Post-Cold War Era", in *Pacific Affairs* 69, No. 1 (Spring 1996) p34

<sup>320</sup> Kwak, Tae-Hwan/Joo, Seung-Ho (2009): *North Korea's foreign policy under Kim Jong Il: new perspectives*. Ashgate Publishing Ltd., Farnham pp207-208

<sup>321</sup> Coghlan, David (2008): *Prospects from Korean Unification*. Strategic Studies Institute, Carlisle pp13-14

<sup>322</sup> While the project is still far from realization and South Korea has severe doubts over the involvement of the North in its energy supply, it is nevertheless an astonishing show of common inter-Korean interests given

Chances are high that China's emerging power will in near the future be the most influential factor with regards to international involvement and integration of the peninsula. This assumption is based on the quite simple logic that China is presently the only country wielding political influence in Pyongyang<sup>323</sup> while at the same time exerting economic influence in the South.<sup>324</sup> In the short term, China is pursuing two major policy goals with regards to the peninsula. On the one hand, it needs to consider avoiding the sudden collapse of North Korea a top priority, given that such a development is anticipated to trigger mass emigration of North Koreans into China, a scenario which was already observed, albeit on a smaller scale, during the 1990s famine.<sup>325</sup> Avoiding sudden collapse must be seen as one of the reasons for China to tentatively strengthen Pyongyang's back in the face of pressure. On the other hand China would prefer to see the peninsula remain nuclear weapons-free, as it fears North Korean successful acquisition of nuclear capabilities might trigger an arms race – nuclear or conventional – across the region, involving South Korea, Japan, and in the worst case Taiwan.<sup>326</sup> In general, China seems to the continuation of the status quo, with a relatively stable – economically supported by China – but non-nuclear North as buffer zone against US troops in South Korea, and a strong trading partner in the South,<sup>327</sup> though as China's growing influence on both Korea's makes a unified Korea more likely to lean towards China than the US, Beijing could eventually encourage unification processes. Other views exist, however, within the Beijing's policy making circles, which represent a traditionalist approach focused not only on North Korea as a strategic asset against US encroachment in Asia, but also on reflection of China's past relationship with the DPRK as

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the high tensions governing relations in the wake of the Cheonan and Yeonpyeongdo incidents a year earlier. Stangarone, Troy (2011): "Russia's North Korea Gas Deal", *The Diplomat Blogs*, on <http://the-diplomat.com/new-leaders-forum/2011/11/15/russias-north-korea-gas-deal/>, 27.12.2011

<sup>323</sup> New York Times (2011): "China Exerts Influence Nurtured Over Decades", on [http://www.nytimes.com/2011/12/20/world/asia/china-moves-to-ensure-stability-in-north-korea.html?\\_r=1&scp=4&sq=north%20korea&st=cse](http://www.nytimes.com/2011/12/20/world/asia/china-moves-to-ensure-stability-in-north-korea.html?_r=1&scp=4&sq=north%20korea&st=cse), 21.12.2011

<sup>324</sup> China is South Korea's largest trading partner, and Chinese policy makers have long called for a Free Trade Agreement to deepen economic ties between the two countries, negotiations on which are expected to commence within 2012. Zhou, Shengqi (2010): "Sino-South Korean Trade Relations: from Boom to Recession" (=National University of Singapore East Asian Institute Background Brief No. 508), on <http://www.eai.nus.edu.sg/BB598.pdf>, 04.12.2011 p14. See also The China Post (2012): "China, South Korea to negotiate toward FTA: communique", *The China Post Online*, on <http://www.chinapost.com.tw/china/business/2012/01/12/328736/China-South.htm>, 14.01.2012

<sup>325</sup> International Crisis Group (2010): "Shades of Red: China's Debate over North Korea" (=Crisis Group Asia Report No. 198) p17

<sup>326</sup> Ibid. pp18, 20

<sup>327</sup> Coghlan, David (2008): *Prospects from Korean Unification*. Strategic Studies Institute, Carlisle pp13-14

they fought side by side “to resist America”<sup>328</sup>.<sup>329</sup> This is a good example to show that indeed, though representing strong preferences, none of the policy goals described above can be seen as given, and that they might be influenced as easily by other actors’ policies as by other elements of inter-Korean relations, such as the ones described in this chapter.

As the framework of the UN, as related to the Korean case, is mainly utilised by the international community to condemn the DPRK and impose sanctions in response to what it considers armed provocation, different frameworks for engaging the North had to be found, leading to the inception in 2003 of the Six Party Talks which have recently been mainly promoted by China, which sees them as a way to keep nuclear weapons off the peninsula while at the same time keeping Pyongyang in the picture and upholding the *status quo*.<sup>330</sup> As the UNSC negotiations on the sanctions regime against North Korea, the Six Party Talks are marked by hard-line position on behalf of the US, while China and Russia attempt to exert a moderating influence to any degree possible.<sup>331</sup>

Given the growing importance of regional economic integration in determining international relations between East Asian nations, including in the case of Korea, regional frameworks will be needed to translate that economic momentum into increased political cooperation. While some observers had hoped for the Six Party Talks to develop into such a regional forum<sup>332</sup>, their actual record could not yet fulfil such expectations as the nuclear issue persists amidst mainly US-North Korean disagreement over when to remove the sanctions regime.<sup>333</sup> As mentioned before, some see KEDO or a similar functional cooperation mechanism as the future of international dialogue on the peninsula.

As can be seen, inter-Korean relations are influenced by a variety of aspects, including security concerns, complications due to the relatively unclear legal status of the two sides,

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<sup>328</sup> In China’s official terminology the historical account of the Korean War is referred to as “The History of the Chinese People’s Volunteers in the War to Resist America and Aid Korea”. Rawnsley, Gary D. (2009): “‘The Great Movement to Resist America and Assist Korea’: how Beijing sold the Korean War”, in *Media, War & Conflict* 2, No. 3 (December 2009) pp289-290

<sup>329</sup> International Crisis Group (2010): “Shades of Red: China’s Debate over North Korea” (=Crisis Group Asia Report No. 198) p7

<sup>330</sup> Kim, Joungwon Alexander/Hong, Myungshin (2006): “The Koreas, Unification, and the Great Powers”, in *Current History* 105 (April 2006) p189

<sup>331</sup> Kwak, Tae-Hwan/Joo, Seung-Ho (2009): *North Korea’s foreign policy under Kim Jong Il: new perspectives*. Ashgate Publishing Ltd., Farnham p208

<sup>332</sup> Kim, Joungwon Alexander/Hong, Myungshin (2006): “The Koreas, Unification, and the Great Powers”, in *Current History* 105 (April 2006) p187

<sup>333</sup> Snyder, Scott/Cossa, Ralph A./Glosserman, Brad (2006): “Whither the Six-Party Talks?”, on <http://www.stratad.net/downloads/May%2018.pdf>, 04.12.2011

economic cooperation and international involvement. While it may not be possible to explain all developments concerning the two Koreas through observation of these elements, the notion that they are profoundly interconnected can go a long way in helping to understand the often rigorous changes of conditions on the peninsula.

## **5. The NLL within the wider scope of inter-Korean relations**

If anything, the analysis of the main aspects of today's *status quo* of relations on and around the peninsula has revealed the inherent mutual interconnectedness of different aspects and indeed of different dimensions of interaction. In order to fully grasp the scope of interconnectedness between the NLL dispute and the wider arrangements on the peninsula, it is necessary to analyse it on similar terms reflecting the elements shaping the developments in today's Korea as a whole. In doing so it is not only possible to describe the degree to which the NLL dispute is influenced by developments taking place on the wider Korean level, but also discern elements which drive the maritime border conflict in its own right and thereby contribute to that wider dimension.

### **5.1 The MDL of the sea – naval forces on the NLL**

As on the MDL, the demarcation line separating the two Koreas on land, partition and decade-long anticipation of conflict has led both sides to build up considerable forces strategically placed along their coastlines. As was discussed in the previous chapters, one of the main lessons the countries took away from the Korean War was, given Korea's geographic nature as long-stretched body of land surrounded by water, the importance of the seas in transporting troops and supplies to any point on the peninsula. However, given the rise of prominence of the NLL area in inter-Korean tensions, other utilization than traditional combat support, such as effective patrolling of maritime territory, have risen in importance, and the importance of both side's navies seem to be accorded special attention by the respective leaderships.<sup>334</sup>

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<sup>334</sup> As far as the North is concerned this is indicated, amongst others, by rapid rise in rank and political importance in the early 2000s of General Kim Yun Sim who had, as Commander of the Navy, been in control over the DPRK naval units during the 1999 and 2002 clashes in the West Sea, and the increasingly publicised apparent interest the late paramount leader Kim Jong-il took in the navy. Gause, Ken E. (2006): *North Korean Civil-Military Trends: Military-First Politics to a Point*. Strategic Studies Institute, Carlisle p38. With regards to the ROK, rising attention to the Navy by Seoul can be inferred from the prominence the naval forces take

Reflecting the overall balance between the armed forces of both sides, the comparison of the two navies shows an advantage of the North over the South in terms of numbers of tactical vessels such as landing craft and coastal submarines.

Fig 1. Comparison of DPRK and ROK naval forces by number:<sup>335</sup>

| Type                          | DPRK   | ROK    |
|-------------------------------|--------|--------|
| Aircraft                      | 0      | 5      |
| Amphibious vessels            | 10     | 172    |
| Corvettes                     | 5      | 26     |
| Cruisers                      | 0      | 1      |
| Destroyers                    | 0      | 6      |
| Frigates                      | 3      | 12     |
| Helicopters                   | 0      | 29     |
| Landing Craft                 | 257    | 31     |
| Mine Warfare (Counter)        | 24     | 9      |
| Mine Warfare (Layer)          | 0      | 1      |
| Patrol and Coastal Combatants | 378    | 145    |
| Submarines                    | 70     | 23     |
| Tank                          | 0      | 100    |
| Manpower                      | 60,000 | 68,000 |

As with the forces of other military sectors, the numerical advantage is however limited to certain, mostly light categories of vessels, and in general largely offset by the progressed age of material and the lack of modern electronic equipment such as fire control systems.<sup>336</sup> Given the widespread suspicion as to the cause of the sinking of the Cheonan of a North Korean torpedo fired from a coastal submarine being involved, the North's advantage in submarines is especially noteworthy. Different estimates on their number exist, with some

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in the South's efforts to modernize its armed forces, especially in the aftermath of what was publicly received as a failed response to the Cheonan incident and the shelling of Yeonpyeongdo. Ministry of National Defense (2010): *2010 Defense White Paper*. p53

<sup>335</sup> Numbers based on Cordesman, Anthony H. (2011): *The Korean Military Balance. Comparative Korean Forces and the Forces of Key Neighboring States*. Center for Strategic & International Studies, Washington D.C. pp33-36

<sup>336</sup> Moon, Chung-in/Lee Sangkeun (2009): "Military Spending and the Arms Race on the Korean Peninsula", in *Asian Perspective* 33, No. 4 (2009) p85



sources pointing to up to a hundred submarines in service in the early 2000s<sup>337</sup>, though exact numbers based on official information are not easily, if at all, available.<sup>338</sup> In addition, it is assumed that only a certain number of them may be ready for active service duty at any given time, making it even harder to estimate their possible deployment. However, it is widely accepted that the submarines – mostly small coastal and infiltration submarines – enable the North to perform a number of activities including, in addition the sinking of enemy ships, the laying of mines and the undetected transport and insertion of Special Forces behind enemy lines<sup>339</sup>, thereby playing an important role in the North's likely strategy to open another front in the South's hinterland should open war break out.

In any case, besides their readiness for involvement should wider conflict break out, both the DPRK and the ROK navies serve in a more limited manner as measures to protect their respective side's claims to territorial waters, as is the case in the Yellow Sea area around the NLL, including the assertion of fishing rights in such areas. A number of incidents in the Yellow Sea, especially at the time before the NLL seemingly became a matter of principle connected to the wider range of tensions between the two Koreas, were brought about by military vessels crossing the line to escort friendly or chase out other fishing vessels<sup>340</sup>, raising the question of its economic significance to both North and South Korea.

## **5.2 Economic significance of the NLL**

Fishery has long been an important factor in governing relations in the Yellow Sea, and East Asia in general. A 2000 report of the Food and Agriculture Organization of the United Nations (FAO) noted that the East Asian sub-region was “one of the world's greatest fish producing areas. The East China Sea, the Yellow Sea, the Sea of Japan and the eastern offshore waters of Japan are among the most heavily exploited waters in the world.”<sup>341</sup> The

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<sup>337</sup> Toppan, Andrew (2001): “World Navies Today: North Korea”, on [www.hazegray.org/worldnav/asiapac/n\\_korea.htm](http://www.hazegray.org/worldnav/asiapac/n_korea.htm), 04.12.2011

<sup>338</sup> Cordesman, Anthony H. (2011): *The Korean Military Balance. Comparative Korean Forces and the Forces of Key Neighboring States*. Center for Strategic & International Studies, Washington D.C. pX

<sup>339</sup> Bechtol, Bruce E. Jr. (2009): “Understanding the North Korean Military Threat to the Security of the Korean Peninsula and Northeast Asia: Declined or Eveolved?”, in *Korea Observer* 40, No.1 (Spring 2009) p134

<sup>340</sup> Roehrig, Terence (2008): “The Dispute over the Northern Limit Line: Towards a Negotiated Settlement”, in *Korea Observer* 39, No. 4 (Winter 2008)

<sup>341</sup> Food and Agriculture Organization of the United Nations (2000): *Sustainable Contribution of Fisheries to Food Security*. FAO Report p3. See also Park, Seong-Kwae/Lee, Dong-Woo (2009): “Assessment of effectiveness of improved fisheries management techniques”, in *Korea Maritime Institute International Journal of Maritime Affairs and Fisheries* 1, No. 2 (December 2009) p50

domestic availability of such resources is especially important to a country like North Korea, which has been hit by famine in the past and which still has problems to provide food security for its entire population.<sup>342</sup> Currently, 4.9 per cent of the relatively low per capita amount of protein consumed in the DPRK is accounted for by fish.<sup>343</sup> Similarly, fish is an important component of nutrition in South Korea, accounting for a much higher percentage of the country's protein consumption than in the North.<sup>344</sup> While stagnating levels of domestic fish production, making increased imports necessary, and a growing diversity in other foodstuffs have in recent years reduced the prevalence of fish in South Koreans' diet, it still remains high and in 2007 the ROK was ranked eighth among the world's top fish-consuming countries.<sup>345</sup>

That said, it is clear that control over maritime resources is of utmost importance for both sides in terms of food security. However, setting the idea of securing these food resources as a matter of principle and precedent aside, this can hardly suffice to explain a decade-long stand-off over a relatively narrow corridor of water.<sup>346</sup> The answer lies in the fact that North Korea does not only catch fish for domestic consumption, but has over the year established a significant source of income by exporting certain maritime species to other countries, in particular China and Japan. Terence Roehrig maintains that in 2001, the DPRK exported US\$7.8 million worth of crabs, bringing much needed foreign currency to the cash-strapped North.<sup>347</sup> Of particular importance for fishery in the area are ocellate spot skate, butterfish and blue crab, the latter of which tend to migrate through the area in high numbers every spring, causing fishing vessels to follow them as they move around the area

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<sup>342</sup> The United Nations World Food Programme states that "current rations provided by the DPRK government can meet well less than half of the daily calorific needs for the 68% of the 16 million population receiving public food rations through the [public distribution system]." World Food Programme: "Korea, Democratic People's Republic (DPRK)", on <http://www.wfp.org/countries/Korea--Democratic-People-s-Republic--DPRK-/Overview>, 04.12.2004

<sup>343</sup> Food and Agriculture Organization of the United Nations (2010): *1961-2007. Fish and Fishery Products. World Apparent Consumption Statistics Based on Food Balance Sheets*. FAO Report p19

<sup>344</sup> Ibid. p19

<sup>345</sup> Ibid. p39

<sup>346</sup> North Korean claims would shift the NLL further to the South, based on a 12nm territorial sea instead of the presently roughly 3nm. While the designation of a new equidistant line would then result in a significant absolute area of sea falling under the North's control, that area's size would still be quite insignificant in relation to the North's overall territorial waters.

<sup>347</sup> Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) p515

without regard for manmade demarcation lines.<sup>348</sup> The coincidence of the blue crab fishing season, from June to September, with many major incidents along the line is indicative of the strong connection between the fishery sector and the enforceability of the NLL. While the source of additional income to North Korea is probably the most imminent economic cause for intrusions over the NLL, South Korean fishermen are equally eager to exploit the Yellow Sea's rich resources. As a consequence of continuous seizures of South Korean trawlers by the DPRK navy, the South to eventually in 1964 declared the so called Fishing Limit Line, aimed at restraining South Korean civilian vessels from approaching – or, as the DPRK would argue, entering – Northern waters. The line – established in both the Yellow and the East Sea – which was adjusted several times over the years in coherence with the rise and fall of tensions on the peninsula, moving either towards or away from the NLL, seems to have been quite effective as seizures of Southern vessels by the North have dramatically decreased since the 1960s.<sup>349</sup>

While fishery is a main economic factor which led to several clashes over the year, the NLL has further economic implications. The present location of the line, closely following the North Korean coast around the Ongjin peninsula and still further north, is a major obstacle to North Korean access to the Yellow Sea and further to international waters. As neither side's civilian ships may cross the NLL, ships travelling between North and South, especially on the route between Nampo and Incheon which accounts for over 90% of inter-Korean cargo trade have to take a detour to avoid the waters delimited by the NLL, resulting in higher shipping costs and in many cases in transshipment over China.<sup>350</sup> North Korea's Haeju port facility, tucked in in Haeju bay behind Ongjin peninsula is even more isolated, factually being blocked from the Yellow Sea and especially nearby Incheon.<sup>351</sup> In addition, as the Han River estuary near the NLL and the MDL remains blocked for civilian

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<sup>348</sup> Ibid. p515. See also Hong, Seong-Geol/Kim, Sun-Pyo/Lee, Hyung-Ki (2001): "Fisheries Cooperation and Maritime Delimitation Issues between North Korea and Its Neighboring Countries", in *Ocean Policy Research* 16, No. 1 (June 2001) p207

<sup>349</sup> Ibid. pp203-205

<sup>350</sup> Olsen, John/Cannoni, Mike/Koelm, Jenny (2003): "Martime Cooperation for the Koreas", Sandia National Laboratories, on <http://www.cmc.sandia.gov/cmc-papers/sand2003-1843p.pdf>, 04.12.2011. See also Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) pp515-516

<sup>351</sup> Ibid. p516

traffic<sup>352</sup>, the NLL also blocks the Kaesong Industrial Complex from shipping routes to the South.<sup>353</sup>

### **5.3 International Views**

Given that the international community perceives the NLL as an integral element of overall relations on the Korean peninsula at large, their approaches towards incidents along the line are largely congruent with their attitude toward other confrontational issues such as the North's nuclear programme. Following any incidents, the US is usually quick to show its support for their long-time ally South Korea, condemning the North and emphasizing its security commitment to the South, as was the case in the aftermath of the Cheonan incident.<sup>354</sup> However, as could be observed on the very same occasion when planned joint naval exercises were delayed and downscaled, the US seems slightly less willing than before to antagonize other regional powers such as China and actually deploy its military forces, even if for drill purposes only, to uphold South Korean deterrent potential.<sup>355</sup> Interestingly, despite its still strong involvement and support for the South in security questions with regards to the peninsula, it is relatively muted as to its position on the actual issue of the NLL, which might be indicative of a stance that the issue should be solved between the two Koreas.<sup>356</sup> Indeed, some observers suggest that while the NLL was originally drawn by the US in their capacity of leader of the UNC, it lacks any authority to negotiate a final agreement as such authority would only be vested in the ruling government.<sup>357</sup> The only indication of official US position on the NLL *per se* can be derived from formerly classified communication between the American embassy in Seoul and Washington recently made available, including a 1973 message from the State Department to the embassy stating that both State Department and Department of Defense had "reservations about [the South Korean Ministry of Foreign Affairs'] attempt to give

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<sup>352</sup> International Crisis Group (2010): "North Korea: The Risks of War in the Yellow Sea" (=Crisis Group Asia Report No. 198) p2

<sup>353</sup> Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) p516

<sup>354</sup> Snyder, Scott/Byun, See-Won (2011): "Cheonan and Yeonpyeong: The Northeast Asian Response to North Korea's Provocations", in *RUSI Journal* 156, No. 2 (April 2011) p78

<sup>355</sup> International Crisis Group (2010): "North Korea: The Risks of War in the Yellow Sea" (=Crisis Group Asia Report No. 198) p34

<sup>356</sup> Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) pp524-525

<sup>357</sup> Kotch, John Barry/Abbey, Michael (2003): "Ending Naval Clashes on the Northern Limit Line and the Quest for a West Sea Peace Regime", in *Asian Perspective* 27, No. 2 (Summer 2003) p187

NLL validity as a ‘respected’ element of ‘armistice regime’ which has developed over past 20 years. We are aware of no evidence that NLL has ever been officially presented to North Korea. We would be in an extremely vulnerable position of charging them with penetrations beyond a line they have never accepted or acknowledged.”<sup>358</sup>

In keeping with its general strategy to strengthen the DPRK’s back in the face of international pressure, China tends to refrain from reprimanding Pyongyang for incidents on the NLL, and rather seeks to exert a moderating influence in international fora. South Korea was especially alienated by this stance following the Cheonan and Yeonpyeong incidents, when it had expected China’s strategic priorities to favour its position over the North’s, but instead found China to criticise its attempts to internationalize the issue.<sup>359</sup> On the technical level, China, much like the US remains fairly muted, probably considering the NLL an internal Korean issue, while being more concerned about its own maritime delimitation with either Korea halfway into the Yellow Sea.<sup>360</sup>

Japanese and Russian stances towards the NLL dispute, especially regarding any incidents, equally tend to reflect their general perceptions and ambitions on the Korean situation in general. In the face of North Korean military actions, which it sees as an assertion of threat capabilities, Japan is usually quick to emphasize the importance of the strategic US-Japan alliance, which probably is a reaction to its already discussed perceptions of the DPRK aiming to undermine that relationship.<sup>361</sup> On the NLL demarcation issue in particular, however, it can be suspected that Japan will not take a particularly assertive stance, beyond its general support for the South and antagonism to the North, given its own history of island disputes with the countries in the region, including with Japan over Dokdo – or in Japanese terms, Takeshima – in the Sea of Japan.<sup>362</sup> Russia, which is – with exception of the US, of course – geographically the remotest of all regional powers to access to the

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<sup>358</sup> US Department of State: “ROKG legal memorandum on northwest coastal incidents”, State Department Cable (22 December 1973), on <http://aad.archives.gov/aad/createpdf?dt=2472&rid=107420&dl=1345>, 04.12.2011

<sup>359</sup> Snyder, Scott/Byun, See-Won (2011): “Cheonan and Yeonpyeong: The Northeast Asian Response to North Korea’s Provocations”, in *RUSI Journal* 156, No. 2 (April 2011) p76

<sup>360</sup> Roehrig, Terence (2008): “The Dispute over the Northern Limit Line: Towards a Negotiated Settlement”, in *Korea Observer* 39, No. 4 (Winter 2008) p525

<sup>361</sup> Snyder, Scott/Byun, See-Won (2011): “Cheonan and Yeonpyeong: The Northeast Asian Response to North Korea’s Provocations”, in *RUSI Journal* 156, No. 2 (April 2011) p79

<sup>362</sup> The uninhabited rocks in the Sea of Japan, in English known as Liancourt Rocks, are of major historic significance to Korea, while Japan which maintains it as its territory primarily sees economic interests vested in them. Fern, Sean (2005): “Tokdo or Takeshima? The International Law of Territorial Acquisition in the Japan-Korea Island Dispute”, in *Stanford Journal of East Asian Affairs* 5, No. 1 (Winter 2005) pp78, 88, 89

Yellow Sea, seems to mainly see the NLL dispute as a means to promote its strategy for the future Korean peninsula, reacting to incidents in the it considers manner most useful in keeping the Korean situation stable while aiming to increase its influence and cooperation with both sides at the same time. This was very well observable when, following the Cheonan incident, Russia supported the North by dispatching a second experts mission which reportedly refuted large parts of the findings of the ROK-led mission, while it differed from its usual stance in UNSC negotiations after the Yeonpyeongdo shelling incident by calling for a quick resolution, aimed at reassuring the South and preventing it from staging the joint naval exercises in the Yellow Sea.<sup>363</sup>

## **6. Legal frameworks for the NLL dispute and its solution**

The NLL presently being a political issue between the two Koreas, the question of its compatibility with and justification through international law is at the moment only of limited practical importance. While both Koreas do point at certain international instruments to underline their claims and positions, both interpret them to their liking in a purely political manner.<sup>364</sup> Nevertheless, for two reasons the question of a legal solution should not be cast aside lightly. On the one hand, it is not impossible that one day the two sides will come to an agreement on solving the dispute through true adjudication based on international instruments. On the other hand, international legal instruments can be important for third countries to define their position *vis-à-vis* the parties, which may as a consequence lead these countries on their part to urge for a legal solution.

Two instruments are of major importance for an analysis of the legal framework of the NLL. The first one is the already mentioned 1953 Armistice Agreement, which explicitly designates the five islands along the NLL as UNC territory, equivalent to today's South

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<sup>363</sup> Snyder, Scott/Byun, See-Won (2011): "Cheonan and Yeonpyeong: The Northeast Asian Response to North Korea's Provocations", in *RUSI Journal* 156, No. 2 (April 2011) p79. See also Lynch, Colum (2010): "Russian initiative to stop South Korean military exercise fails", Foreign Policy Turtle Bay Blog, on [http://turtlebay.foreignpolicy.com/posts/2010/12/19/russian\\_initiative\\_to\\_stop\\_south\\_korean\\_military\\_exercise\\_fails](http://turtlebay.foreignpolicy.com/posts/2010/12/19/russian_initiative_to_stop_south_korean_military_exercise_fails), 04.12.2011

<sup>364</sup> Such as the South's claim that the NLL was established, presumably in accordance with the 'median line principle' under international law of the sea, as a rough median line between the South's Northwest Islands and the North Korean coastline. While, as will be discussed on the pages to follow, this indeed arguably does not contradict international law, it fully ignores the fact that coastal islands can not necessarily always be equated with coastlines, as will be discussed by presenting relevant examples. For South Korea's claim see ROK Ministry of Defense (2002): "The Republic Korea Position Regarding the Northern Limit Line", on <http://www.military.co.kr/english/NLL/NLL.htm>, 04.12.2011

Korea. However, the DPRK maintains that the Armistice Agreement does not account for the establishment of the NLL, and can therefore not be the legal basis, as contended by the South.

The second major instrument is the United Nations Convention on the Law of the Sea (UNCLOS), adopted in 1982 after nine years of negotiations. The ROK signed the convention and ratified it in 1996, whereas the DPRK is a signatory state but has not yet ratified it.<sup>365</sup> It offers a legal framework for the solution of disputes regarding maritime border delimitations. Nevertheless, its provisions are open to political interpretation as long as the parties to a dispute do not agree on binding adjudication along its statutes, as is the case in Korea.

However, a number of cases sharing relevant similarities with the current NLL dispute have been adjudicated, under the application of the UNCLOS, by the International Court of Justice (ICJ). Analysis of such adjudication shall be the third basis on which the deliberations in this chapter rest.

## **6.1 The NLL and the Armistice Agreement**

There is little doubt that the 1953 Armistice Agreement, signed by UNC Commander-in-Chief General Mark W. Clark on the one hand, and by Peng Dehuai, Commander of the CPV and Kim Il Sung, Marshal of the DPRK on the other hand, laid the ground for the ensuing difficulties in the West Sea. As no consent could be attained on the issue of setting a maritime demarcation line, as had been decided on land, the parties settled for the more general designation of islands which were to be under either side's control. To this end, Armistice Agreement Article IIA, Paragraph 13b stipulates for the Commanders of the opposing sides to,

“Within ten (10) days after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies and equipment from the rear and the coastal islands and waters of Korea of the other side. ... The term ‘coastal islands’, as used above, refers to those islands which, though occupied by one side at the time when this

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<sup>365</sup> Notably, the US has neither signed nor ratified the convention. United Nations (2011): “Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. Table recapitulating the status of the Convention and of the related Agreements, as at 20 September 2011”, on [http://www.un.org/depts/los/reference\\_files/status2010.pdf](http://www.un.org/depts/los/reference_files/status2010.pdf), 04.12.2011 pp3, 6, 8

Armistice Agreement becomes effective, were controlled by the other side on 24 June 1950; provided, however, that all the islands lying to the north and west of the provincial boundary line between HWANGHAE-DO and KYONGGI-DO shall be under the military control of the [Korean People's Army] and the [CPV], except the island groups of PAENGYONG-DO ..., TAECHONG-DO ..., SOCHONG-DO ..., YONPYONG-DO..., and U-DO ..., which shall remain under the military control of the [UNC]. All the islands on the west coast of Korea lying south of the above mentioned boundary line shall remain under the military control of the [UNC].”<sup>366</sup>

While this paragraph clearly regulates the control of the Northwest Islands, it remains ambiguous as to whether or not the waters surrounding them would be attributed to the UNC along with the control over the islands. However, Paragraph 15 under the same article states,

“This Armistice Agreement shall apply to all opposing naval forces, which naval forces shall respect the waters contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea.”<sup>367</sup>

Paragraph 16 goes on to state,

“This Armistice Agreement shall apply to all opposing air forces, which air forces shall respect the air space over the Demilitarized Zone and over the area of Korea under military control of the opposing side, and over the waters contiguous to both.”<sup>368</sup>

One could possibly argue that by stipulating for the opposing naval and air forces to respect the water contiguous to the area under the opposite side's control, the above paragraphs 15 and 16 clarify to a certain extent the phrase *waters of Korea of the other side* utilized in paragraph 13b. To a certain extent, that is, as the two paragraphs themselves remain highly ambiguous. While paragraph 15 prescribes to respect the waters contiguous to the *land area* of Korea under the control of the opposing side, paragraph 16 refers to water contiguous to the *area* of Korea under military control. While one could, as already stated, superficially argue that these terms define *waters of Korea of the other side* as any water contiguous to

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<sup>366</sup> “Agreement between the Commander-in-Chief, United Nations Command, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, Concerning a Military Armistice in Korea. Signed at Panmunjom, Korea, July 27, 1953”, in *International Organization* 7, No. 4 (November 1953) pp614-615

<sup>367</sup> Ibid. p617

<sup>368</sup> Ibid. p617



any area held by one particular side, meaning that this would also include the waters surrounding the Northwest Islands, one could with similar ease counter that *land area* is a term clearly differentiated from the previously defined term *coastal islands*, implying the purpose to differentiate the two in meaning with regards to this provision which would render it inapplicable to *coastal islands* as defined in paragraph 13b. Even more confusing, the subsequent use of the term *area* is open to practically any interpretation as to its inclusion of what was before termed as *coastal islands*.

These deliberations are not necessarily helpful in the discerning the connection between the Armistice Agreement and the NLL – which probably explains why most commentators find it sufficient to note the provisions in paragraph 13b and the fact that no maritime boundary was agreed upon<sup>369</sup> – but they are quite useful in understanding that the Armistice Agreement was indeed intended as a temporary military instrument only, providing the basis for the prevention of a resumption of hostilities, but leaving the more cumbersome task of establishing clear rules and norms for a long-term peaceful Korea to future negotiations, as provisioned in Article IV, Paragraph 60:

“In order to insure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that ... a political conference of a higher level of both sides be held ... to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.”<sup>370</sup>

The above analysis of the Korean Armistice Agreement as it relates to has brought several findings. First, the agreement does not leave any doubt as to whether the Northwest Islands should be under control of the South. Second, it does not specify how exactly the waters surrounding the peninsula should be partitioned, i.e. it does not designate a maritime demarcation line. Third, as a consequence the agreement does not make clear whether or not the area surrounding the Northwest Islands were intentionally attributed to UNC control. And fourth, it is important to note that the Armistice Agreement was not incepted as a long-

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<sup>369</sup> For examples see Roehrig, Terence (2008): “The Dispute over the Northern Limit Line: Towards a Negotiated Settlement”, in *Korea Observer* 39, No. 4 (Winter 2008) p512; International Crisis Group (2010): “North Korea: The Risks of War in the Yellow Sea” (=Crisis Group Asia Report No. 198) p2; and Moo, Bong Ryo (2009): “The Korean Armistice and the Islands”, Strategy Research Report, US Army War College, Carlisle p5

<sup>370</sup> “Agreement between the Commander-in-Chief, United Nations Command, and the Supreme Commander of the Korean People’s Army and the Commander of the Chinese People’s Volunteers, Concerning a Military Armistice in Korea. Signed at Panmunjom, Korea, July 27, 1953”, in *International Organization* 7, No. 4 (November 1953) p628

term settlement, but envisioned subsequent negotiations negotiation to settle issues such as a maritime boundary.

The third finding is of particular importance, as it pertains to the very heart of the question whether the NLL cuts through water which would normally rightfully attributed to the North, or whether it could be argued that the Armistice Agreement provided a basis to demarcate waters rightfully under UNC control and territory under the North's control. If it is assumed, however, that the Northwest Islands are rightful territory of the ROK, then, regardless of possible but undefined intentions manifested in the Armistice Agreement, according to the 1982 UNCLOS these islands should, in principle, imply an extension of the territorial sea.<sup>371</sup>

## **6.2 The implications of the UNCLOS for the NLL**

In principle, the UNCLOS stipulates every state's right to establish a territorial sea of a breadth of up to 12nm. Article 3 states accordingly:

“Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.”<sup>372</sup>

As mentioned above, Article 121 (2) provides for this principle to be applied for islands as much as a State's mainland:

“Except as provided for in paragraph 3, the territorial sea ... of an island [is] determined in accordance with the provisions of this Convention applicable to other land territory.”<sup>373</sup>

However, before continuing, it is important to note that while the UNCLOS stipulates the right to a 12nm territorial sea for every state, this does not necessarily mean that every state has to insist on such a broad territorial sea. The 12nm are not at all a set value, but rather indicate the furthest length to which a state may extend its territorial waters under the UNCLOS. As Van Dyke, Valencia and Miller Garmendia point out, there are numerous examples of states voluntarily limiting their territorial sea as a whole or in certain areas.

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<sup>371</sup> UNCLOS Article 121 (2). United Nations (1982): *United Nations Convention on the Law of the Sea*. UN Document A/Conf.62/122

<sup>372</sup> UNCLOS Article 3. Ibid.

<sup>373</sup> UNCLOS Article 121 (2). Ibid.

The probably best known example being Greece and Turkey in the Aegean Sea, other cases exist where states limit their territorial sea around certain islands only, or at the mouth of a gulf to provide otherwise cut off states with access to the high seas.<sup>374</sup> States may therefore at any time unilaterally decide for themselves how to delimit their territorial sea – within the 12nm maximum defined by the UNCLOS – if they, for whatever reason, wish to do so. While such a move by either North or South Korea, or indeed on a mutual basis, would be the simplest way to diffuse the situation in the Yellow Sea, this is presently highly improbable due to the situation in inter-Korean relations and the their interconnectedness with the NLL dispute.

However, the UNCLOS provides a framework for the designation of a delimitating line in the absence of mutual (or unilateral) agreement between two states the coasts of which are adjacent to or facing each other. To this end Article 15 describes the principle of an equidistant median line:

“Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance herewith”<sup>375</sup>

Terence Roehrig suggests that the current location of the NLL contradicts this principle.<sup>376</sup> However, the accuracy of this observation depends on the basis – in above Article termed *baselines* – one utilizes to measure that median point from. If the Northwest Islands are assumed to be an integral part of South Korea, and the ROK suggests this to be the case, then a State – in this case the ROK – might be tempted to see such islands as part of its coastline upon which the territorial sea should be based.<sup>377</sup> In that sense, the NLL would

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<sup>374</sup> Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): “The North/South Korea Boundary Dispute in the Yellow (West) Sea”, in *Marine Policy* 27, No. 2 (March 2003) pp153-154

<sup>375</sup> UNCLOS Article 15. United Nations (1982): *United Nations Convention on the Law of the Sea*. UN Document A/Conf.62/122

<sup>376</sup> Roehrig, Terence (2008): “The Dispute over the Northern Limit Line: Towards a Negotiated Settlement”, in *Korea Observer* 39, No. 4 (Winter 2008) p526

<sup>377</sup> Indeed the ROK argues that “the NLL was relatively well established following ‘the median line principle’ under the international law of the sea.”

roughly correspond to the equidistant line between the islands and the North Korean coastline.

This invariably raises the question of how baselines are defined under the UNCLOS. As mentioned above, Article 3 determines that the territorial sea of a State shall be measured from its baseline, and Article 15 indicates the baseline as the element on which the equidistant line shall be based. Article 4 defines the baseline as follows:

“Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal state.”<sup>378</sup>

While this would result in a line very accurately following the coastal structure, such a degree of accuracy is hardly needed when it comes to delimitating ocean boundaries. Therefore, Article 7 introduces the straight baseline as a more practical basis for delimiting territorial sea and equidistant lines:

“(1) In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.”<sup>379</sup>

“(3) The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters.”<sup>380</sup>

“(6) The system of straight baselines may not be applied by a State in such a manner as to cut off the territorial sea of another State from the high seas or an exclusive economic zone.”<sup>381</sup>

The above Paragraphs offer important insights into the process of delimiting ocean boundaries in general and the NLL in case in particular. On the one hand, Paragraph (1) defines the matter of straight baselines, which are imperative in determining any maritime

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<sup>378</sup> UNCLOS Article 4. United Nations (1982): *United Nations Convention on the Law of the Sea*. UN Document A/Conf.62/122

<sup>379</sup> UNCLOS Article 7(1). Ibid.

<sup>380</sup> UNCLOS Article 7(3). Ibid.

<sup>381</sup> UNCLOS Article 7(6). Ibid.

delimitation, but especially when it comes to identifying an equidistant line, as it provides for the inclusion of geographic formations characteristic to a certain coast, including islands, into the process. On the other hand, it postulates that such islands which could be taken account of in establishing a straight baseline need to be in the immediate vicinity of the coast of the State the baseline of which is being determined.

Paragraph (3) is of equal interest, stipulating that the straight baseline should in principle not decisively deviate from the direction of a State's coast. A quick look at a map of the Yellow Sea, however, shows that the Northwest Islands are neither in the close vicinity of the Korean coast, which should be the subject of drawing the baseline, nor does the NLL, and therefore the straight baseline which, as a purported median line, it has to be based on in some way, seem to comply with the requirements of Paragraph (3).

Paragraph (6) suggests that, even if the NLL was based on a straight baseline in coherence with the UNCLOS, it could be argued that the line contradicts international law in so far as it cuts the North Korean coast off from both the high seas and the 200nm Exclusive Economic Zone claimed by the DPRK.<sup>382</sup>

Examining these findings, it is quite clear that the legality of the NLL in fact hinges on the question whether or not the Northwest Islands can or should be considered, as they are at the moment, when establishing a straight baseline, which can then in turn serve as the basis, in conjunction with the straight baseline established on the North Korean coast, of an equidistant median line to delimitate both sides' territorial seas. As discussed, the UNCLOS stipulates for islands to be accorded the same territorial sea as a mainland body. Furthermore, it provides certain criteria to base the decision whether or not a formation should be accounted for in establishing a straight baseline on. Nevertheless, in a contested case such as the NLL, where one side – South Korea – claims the straight baseline should be established in a manner which the other side – North Korea – claims to violate its territorial waters, the UNCLOS by its own will not be able to provide the parties with a satisfactory clarification, making judicial arbitration in interpreting the applicability of the convention necessary.

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<sup>382</sup> Van Dyke, Valencia and Miller Garmendia maintain that due to this “principle of non-encroachment” the NLL is in violation of international law. Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): “The North/South Korea Boundary Dispute in the Yellow (West) Sea”, in *Marine Policy* 27, No. 2 (March 2003) pp151, 153

### **6.3 Considering adjudication in accordance with international law**

If the two sides were to decide to consider a settlement of the dispute necessary but were unable to come to a mutually agreeable solution amongst themselves, the question could be referred by them to the ICJ for formal adjudication. The question what results such adjudication would lead to is indeed an interesting one, given that, as Van Dyke, Valencia, and Miller Garmendia correctly note that “although the Court has attempted to articulate consistent governing principles, its approach to each dispute submitted to it has, in fact, been more akin to the approach of an arbitrator than that of a judge.”<sup>383</sup> The ICJ seems to share this understanding of its role in bringing about solutions to delimitation disputes, as in 2009 in a judgement it noted, “the object of delimitation is to achieve a delimitation that is equitable, not an equal apportionment of maritime areas.”<sup>384</sup>

However, similarities between cases can be traced and a comparison of similar cases could lead to an idea on how adjudication of the NLL dispute by the ICJ might look like. In this context, one particularly interesting case is the ICJ’s 2009 decision on the Black Sea maritime delimitation between Romania and Ukraine.

In 2004, Romania had filed an application as to institute proceedings against Ukraine on the issue, as negotiations agreed upon in a bilateral treaty had not brought any conclusions.<sup>385</sup> The area in question was in the north-western portion of the Black Sea, near the Danube Delta, and the two parties had failed to come to an agreement as to the delimitation of their Exclusive Economic Zones and continental shelf. In general, the case would not share too many similarities with the Korean case, but one element made it a particularly good example of how the ICJ might evaluate conditions in the Yellow Sea: Serpents’ Island a relatively small uninhabited rock, about 20nm to the northeast of the Danube Delta, was considered a main point of disagreement between the parties.<sup>386</sup> While Romania had proposed a line running fairly close around the island and then continuing towards the central area of the sea, Ukraine had advocated a delimitation taking Serpents’ Island into

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<sup>383</sup> Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): “The North/South Korea Boundary Dispute in the Yellow (West) Sea”, in *Marine Policy* 27, No. 2 (March 2003) p152

<sup>384</sup> International Court of Justice (2009): “Maritime Delimitation in the Black Sea (Romania v. Ukraine). Summary of the Judgment of 3 February 2009”, on <http://www.icj-cij.org/docket/files/132/14989.pdf>, 04.12.2011 p11

<sup>385</sup> Ibid. p1

<sup>386</sup> Ibid. pp1, 2

consideration, resulting in a line running southwards significantly closer to the Romanian coast.

In the judgement, the Court outlined its approach to a delimitation issue such as the present case:

“First, the Court will establish a provisional delimitation line, using methods that are geometrically objective and also appropriate for the geography of the area in which the delimitation is to take place. ... So far as opposite coasts are concerned, the provisional delimitation line will consist of a median line between the two coasts. ... Equidistance and median lines are to be constructed from the most appropriate points on the coasts of the two States concerned, with particular attention being paid to those protuberant coastal points situated nearest to the area to be delimited.”<sup>387</sup>

The Court goes on to explain,

“The course of the final line should result in an equitable solution (Articles 74 and 83 of the UNCLOS). Therefore, the Court will at the next, second stage consider whether there are factors calling for the adjustment or shifting of the provisional equidistance line in order to achieve an equitable result. ... Finally, and at the third stage, the Court will verify that the line (a provisional equidistance line which may or may not have been adjusted by taking into account the relevant circumstances) does not, as it stands, lead to an inequitable result by reason of any marked disproportion between the ratio of the respective coastal lengths and the ratio between the relevant maritime area of each State by reference to the delimitation line. ... This is not to suggest that these respective areas should not be proportionate to coastal lengths – as the Court has said ‘the sharing out of the area is therefore the consequence of the delimitation, not vice versa’”<sup>388</sup>

This listing of proceedings is interesting in so far as it very well illustrates the steps the ICJ would take in an equally manner when adjudicating the Korean case. It should be noted, however, that the case *Romania vs. Ukraine* refers to the delimitation of the States’ Exclusive Economic Zones and continental shelf, as opposed to the territorial sea which would be the object of delimitation in the Yellow Sea. The Articles 74 and 83 of the

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<sup>387</sup> Ibid. p12. It should be noted that the ICJ here does not employ the term *straight baseline*, as prescribed by the UNCLOS, but rather uses *base points* as the basis of drawing the equidistant line. These base points however seem to be more or less congruent with points which would also be considered in the process of establishing a straight baseline. For the Court’s purpose it seems to suffice to factor in those points of a hypothetical straight baseline which are closest to the actual area of delimitation.

<sup>388</sup> Ibid. pp12-13

UNCLOS mentioned by the Court refer to the principle of equitable solution with regards to delimitation of Exclusive Economic Zones and continental shelf only. However, Article 15 discussed on the previous pages prescribes a similar option when considering two States' territorial seas.

For the purposes of observing similarities between the Romania vs. Ukraine case and a hypothetical Korea vs. Korea case, the most important decision of the court is to be found in the selection of base points. With regards to Serpents' Island, the ICJ noted,

“Serpents' Island calls for specific attention in the determination of the provisional equidistance line. ... the Court observes that there have been instances when coastal islands have been considered part of a State's coast, in particular when a coast is made up of a cluster of fringe islands. Thus in one maritime delimitation arbitration, an international tribunal placed base points lying on the low water line of certain fringe islands considered to constitute part of the very coastline of one of the parties.”<sup>389</sup>

These deliberations of the ICJ seem to strengthen the South Korean case that the ‘fringe’ of the Northwest Islands could be considered part of the South's coast and should thus be considered as base points/points of the straight baseline when establishing an equidistant line. Indeed the above citation proves that the ICJ finds such an arrangement possible. However, it should be noted that the case the Court referred to in above citation, Eritrea vs. Yemen, included a boundary dispute in a very narrow area of the Red Sea. The islands which were considered as part of the coastline were referred to as “‘carpet’ of some 350 islands and islets, which both Parties were agreed are an integral part of Eritrea's mainland coast.”<sup>390</sup> Therefore, the situation is hardly comparable to the Northwest Islands area. It is instead more helpful to see how the ICJ continues to qualify Serpents' Island in Romania vs. Ukraine,

“To count Serpents' Island as a relevant part of the coast would amount to grafting an extraneous element onto Ukraine's coastline; the consequence would be a judicial refashioning of geography, which neither the law nor practice of maritime delimitation

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<sup>389</sup> Ibid. p16

<sup>390</sup> Kwiatkowska, Barbara (2000): “The Eritrea/Yemen Arbitration: Landmark Progress in the Acquisition of Territorial Sovereignty and Equitable Maritime Boundary Delimitation”, in *IBRU Boundary and Security Bulletin* 8, No. 1 (2000) p74



authorizes. The Court is thus of the view that Serpents' Island cannot be taken to form part of Ukraine's coastal configuration."<sup>391</sup>

In the end, the ICJ decided that while the delimitation of the two States' Exclusive Economic Zones and continental shelf would have to be diverted in the waters near Serpents' Island in order not to violate the 12nm territorial sea which was attributed to the island, but that otherwise the island would not have any influence whatsoever on the drawing of the final delimitating line.

The above example shows how the Yellow Sea dispute between the ROK and DPRK would probably be treated by the ICJ if it was referred to it. South Korea's claim to utilize the Northwest Islands in drawing a delimitating line would probably not be upheld, given they more resemble part of the DPRK's coast than the South's. However, paying due to the principle of equitable solution, or as it would be referred to with regards to territorial seas being the subject, *other special circumstances* as referred to in Article 15 of the UNCLOS, the Court could very well agree with the South that the islands face special security requirements which the Court would probably consider in its ruling.

However, actual realization of such court procedures are not very probable to take place in the near future. As Terence Roehrig contends, "South Korea will never allow the dispute to go before an international tribunal until there were some improvements in the overall security environment."<sup>392</sup> Equally, as Kotch and Abbey point out, Pyongyang is also not too eager to even negotiate the issue with the South, "fearing that bilateral negotiations with Seoul would violate its longstanding strategy of resolving outstanding security issues on the peninsula only with the United States."<sup>393</sup> In addition, as long as the two Koreas adhere to their self-conception of existing under 'Special Relations', even while they are both full UN Member States, they are highly unlikely to consider bringing what they consider an internal issue before an international court. The most important difference, however, between the two Koreas and Romania and Ukraine in the example case, is the notion that Romania and Ukraine were in explicit agreement that they would consult the ICJ in case they could not

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<sup>391</sup> International Court of Justice (2009): "Maritime Delimitation in the Black Sea (Romania v. Ukraine). Summary of the Judgment of 3 February 2009", on <http://www.icj-cij.org/docket/files/132/14989.pdf>, 04.12.2011 p16

<sup>392</sup> Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) p527

<sup>393</sup> Kotch, John Barry/Abbey, Michael (2003): "Ending Naval Clashes on the Northern Limit Line and the Quest for a West Sea Peace Regime", in *Asian Perspective* 27, No. 2 (Summer 2003) p187

bring about a settlement themselves. In the meantime, North and South Korea don't even seem to be able to agree whether or not a settlement should at all be sought.

## **7. Position and justifications of the parties to the NLL**

As mentioned above, both North and South Korea invoke different legal provisions and instruments to emphasize and justify their claims. While the South points to the 1953 Armistice Agreement as legal basis of the NLL, which delimitates territory put under the South's control as part of the Armistice agreement, which it maintains the UNC at the time signed the agreement on behalf of all states participating under UNC including the ROK<sup>394</sup>, the DPRK refutes this and states that the NLL was drawn by US forces and is simply illegal.<sup>395</sup>

Instead, the North rather points to the 1992 Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation (Basic Agreement) which calls for settlement of disputes through mutual agreement. Article 10 states that,

“South and North Korea shall resolve peacefully, through dialogue and negotiation, any differences of views and disputes arising between them.”<sup>396</sup>

The Basic Agreement's Protocol on Implementation and Observance of Chapter 2: Nonaggression, which was developed along with other protocols following the Basic Agreement, explicitly stipulates,

“Discussions regarding the South-North sea demarcation line of nonaggression shall continue. Until the decision on the maritime demarcation line is final, the nonaggression areas of the sea shall be those that have been followed by each side until the present time.”<sup>397</sup>

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<sup>394</sup> ROK Ministry of Defense (2002): “The Republic Korea Position Regarding the Northern Limit Line”, on <http://www.military.co.kr/english/NLL/NLL.htm>, 04.12.2011

<sup>395</sup> Kotch, John Barry/Abbey, Michael (2003): “Ending Naval Clashes on the Northern Limit Line and the Quest for a West Sea Peace Regime”, in *Asian Perspective* 27, No. 2 (Summer 2003) p186. See also International Crisis Group (2010): “North Korea: The Risks of War in the Yellow Sea” (=Crisis Group Asia Report No. 198) p16

<sup>396</sup> “Agreement on Reconciliation, Nonaggression, and Exchanges and Cooperation Between South and North Korea, Effective February 19, 1992”, on <http://www.international.ucla.edu/article.asp?parentid=18444>, 04.12.2011

<sup>397</sup> Kim, Tae-seo (1999): “An Unexpected Exchange: North Korea's NLL Provocation”, in *East Asian Review* 11, No. 4 (Winter 1999)

While this would at last provide a legal basis on which to build at least inter-Korean negotiations on the NLL on, the Basic Agreements and its protocols never went into full effect, again leaving the Armistice Agreement as the only legal document really covering the relationship between the two sides.<sup>398</sup>

One argument heavily promoted by South Korea<sup>399</sup> and readily picked up by many observers<sup>400</sup> is that the North had tacitly accepted the NLL as a military demarcation for twenty years and as long as it served its purposes, thereby implicitly legitimizing it as the maritime border.<sup>401</sup> The ROK also alleges that in 1959, a DPRK yearbook contained a map of the Yellow Sea area which clearly depicted the NLL, which it maintains would show the North's explicit agreement of the NLL.<sup>402</sup>

The DPRK on the other hand maintains the NLL was unilaterally drawn by the UNC, and that it had originally declared a territorial sea breadth of 12nm.<sup>403</sup> Furthermore, the North argues it protested against the line at several occasions, including in 1955.<sup>404</sup> In 1999 it proposed an alternative line, drawn as a continuation of the MDL on land and largely corresponding to the hypothetical equidistant line if the Northwest Islands are disregarded.<sup>405</sup> In that model the Northwest Islands would have been connected to the South's waters through two corridors. (See Map 2 in Annex I) In response, the ROK claims that the UNCLOS would allow for severe security interests to be taken into account when

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<sup>398</sup> Seong-Geol/Kim, Sun-Pyo/Lee, Hyung-Ki (2001): "Fisheries Cooperation and Maritime Delimitation Issues between North Korea and Its Neighboring Countries", in *Ocean Policy Research* 16, No. 1 (June 2001) p213

<sup>399</sup> ROK Ministry of Defense (2002): "The Republic Korea Position Regarding the Northern Limit Line", on <http://www.military.co.kr/english/NLL/NLL.htm>, 04.12.2011

<sup>400</sup> For an example see Terence Roehrigs lengthy deliberations on the possibility of *acquiescence* of the NLL by the North. Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) pp521-522

<sup>401</sup> ROK Ministry of Defense (2002): "The Republic Korea Position Regarding the Northern Limit Line", on <http://www.military.co.kr/english/NLL/NLL.htm>, 04.12.2011

<sup>402</sup> Ibid. The map in question is most probably the one to be found on page 285 of 'Information from the 1959 North Korean Central Yearbook'. While the map of Hwanghae-Namdo is hardly legible due to document quality, the NLL is in certain places clearly visible. Joint Publications Research Service (1960): *Information from the 1959 North Korean Central Yearbook*. Joint Publications Research Service, Arlington p258

<sup>403</sup> International Crisis Group (2010): "North Korea: The Risks of War in the Yellow Sea" (=Crisis Group Asia Report No. 198) p2

<sup>404</sup> Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): "The North/South Korea Boundary Dispute in the Yellow (West) Sea", in *Marine Policy* 27, No. 2 (March 2003) p149

<sup>405</sup> International Crisis Group (2010): "North Korea: The Risks of War in the Yellow Sea" (=Crisis Group Asia Report No. 198) p37

drawing a maritime delimitation along on the basis of an equidistant line, thus rendering the North's proposal unusable and illegal.<sup>406</sup>

Both sides claim a number of justifications for their respective positions on the NLL. Largely contradicting each other, they show the complexity of the situation and suggest that hopes for a solution based on inter-Korean agreement are presently probably as far from reality as the possibility of formal adjudication. At the same time, however, by indicating the priorities of the parties, these justifications also provide an idea of how the two sides might eventually come to an arrangement and what such an agreement could possibly look like, the DPRK's proposal for a maritime boundary further to the south, but with the provision for the Northwest Islands to remain connected to the South through guaranteed channels, being a good example.

## **8. Proposals for a peaceful solution**

With both sides staunchly defending their own positions as unalterable principles, proposals for a solution have been few, often being restricted to individual concession such as the limited opening of train tracks across the DMZ. More successful were efforts in economic cooperation such as the Kaesong Industrial Complex. The idea of a 'peace zone' or 'economic cooperation zone' for the Yellow Sea had been floated from time to time, but it was a contentious issue not only in inter-Korean talks but especially in the South Korean domestic political landscape.<sup>407</sup> When President Roh and Kim Jong-il at the 2007 inter-Korean meeting agreed on a number of joint initiatives, including a 'special peace and cooperation zone in the West Sea' which would mean establishing a joint fishing zone and maritime peace zone and a special economic zone as well as promoting civilian traffic over the NLL and use of the Han river estuary<sup>408</sup>, this agglomeration of initiatives all in more or less adjacent areas had the potential to become a snowball-like momentum for more and more institutionalized cooperation. However, amidst domestic flack upon his return to the South which would not stop until he had handed over his office, Roh-Moo Hyun was unable to live up to the agreements made. Neither was the North though who took a more

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<sup>406</sup> ROK Ministry of Defense (2002): "The Republic Korea Position Regarding the Northern Limit Line", on <http://www.military.co.kr/english/NLL/NLL.htm>, 04.12.2011

<sup>407</sup> International Crisis Group (2010): "North Korea: The Risks of War in the Yellow Sea" (=Crisis Group Asia Report No. 198) pp12-14

<sup>408</sup> Ibid. p14

hard-line stance before the joint meetings which should have negotiated the technical details of the agreed initiatives. When the talks were over in the end of 2007, none of the initiatives had been brought any closer to realization.<sup>409</sup>

Joint projects on economic cooperation have good potential of surviving crises on the peninsula, as the Kaesong Industrial Complex shows. Because of their potential profitability, they also stand a better chance of actually being implemented than strictly political initiatives. However, they usually have a deficiency, which is the fact that the side reaching out further has in general more to lose, rendering threats and threat perceptions an almost insurmountable obstacle for both long-term functionality and, more important projection to areas outside the economic realm such as a political or social dimension.

For a number of reasons discussed in the earlier chapter, the DMZ has over the decades stood out as a relatively stable factor on the peninsula, despite several incidents coming close to escalating the tensed situation. While the DMZ is a very special institution shaped by long years of partition, one of its easier reproducible aspects is the internationalization of the area. As has been argued before, international observers, though largely reviled on the peninsula can play an important role in moderating threat perceptions, and it might be worth it to formulate a simplistic proposal for a peace zone which could, through international supervision, escape from the dilemma of threat and threat perception reigning on the peninsula.

This proposal is by no means be an accurate description of the steps likely to follow in actual terms, being rather based largely on assumptions. Nevertheless, it can be seen as a result of the preceding analyses and arguments, interpreting them in a way which shows what might be realistically possible in bringing the two sides to a settlement of the dispute.

This proposal is based on the following basic assumptions: The two sides are aware that without a solution to the NLL dispute open conflict is likely to happen which is not desirable; therefore, the two sides are willing to solve the dispute by peaceful means, but have so far been prevented by a lack of trust; and finally that the international community is willing to actively participate in bringing about a solution. In short, the proposal would involve a non-combat controlled zone, a 'Yellow Sea Maritime Demilitarized Zone

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<sup>409</sup> Ibid. p15

(YSMDZ)', which would include the area north and, to a larger part, south of the present NLL. This imbalance is necessitated by the closeness of the NLL to North Korea's coast. In the future, the YSMDZ could also include the Northwest Islands. The YSMDZ would very much correspond to the modalities, *mutatis mutandis*, of the DMZ, with strictly regulated troop strengths on both sides in certain areas controlled by an international force under UN mandate. However, as one major difference, it should be open to civilian economic activity, most likely fishery. While such an international mandate would have to be of strictly neutral and non-aggressive nature, it would require large resources in order to effectively patrol the area, including the sub-marine area. The YSMDZ can however not be a long- or medium-term solution. Instead, it is established to build trust between the parties and establish an effective non-combat zone around the islands, preventing incidents which have in the past lead to heightened tensions. In this new climate of trust, the two parties may find themselves able to sincerely negotiate for a solution including the cession of rights by either side, eventually coming to a long-term settlement without the need for large scale international control. Such a long-term solution could very likely be built on the North's proposed alternative demarcation line, but with a broader solution for Southern connection to its five islands.

Such a solution would probably be a breakthrough with wider implications for the Korean peninsula, bringing about a climate of trust and commitment conducive to a wider settlement. However, the obstacles are many. Amongst others, YSMDZ would have to overcome the facts that its model, the DMZ on land has often not been able to prevent clashes, and that in almost sixty years, it has been rather a point of tension than bringing additional trust conducive to a wider solution of conflict. Also, patrolling of the sea area would require heavy resources from the international community, with commitment from stakeholders such as China being questionable. Nevertheless, this solution represents a compromise which, after careful analysis of the situation, could under certain circumstances be a realistic scenario.

## **8 Conclusion**

The NLL remains a controversial issue, both for the two Koreas and among the international community. Stakes are high, as past and present clashes, including such with

loss of life, have shown. Besides security issues, economic interests repeatedly drive the countries in the region to violate the NLL and push for its alteration or perpetuation respectively. The above analysis shows that while historic reasons and wider issues of Korean partition played an important part in bringing about the situation, it is today largely based on the security dilemma the two states find themselves in. This is most vividly characterized by a fundamental lack of trust, preventing a settlement on the NLL and therefore a wider solution for the peninsula. Its potential as a catalyst for a wider settlement however also shows the dangers of the NLL leading to larger scale conflict if it remains unsolved in the years and decades to come.

The crucial question remains whether the two sides can overcome the fundamental lack of trust in a manner allowing for other differences and disputes to be put aside and concentrate on the first step of solving the NLL issue. Given the way the NLL dispute is connected to other aspects of the Korean situation, such a step would require much more than simply finding a solution which theoretically creates a win-win situation, benefiting both sides. It would require an act of reconsideration by both sides of the very issues which have shaped their mutual relations for the last sixty years, such as historical differences and ideological ones. It would also require strong and unified commitment by the international community, preventing the partisan involvement in inter-Korean affairs which for such a long time already has been wrought on the peninsula. Such commitment however, is not very likely given the different perceptions of major stakeholder about an ‘ideal’ future Korea. A strong and unified commitment including the provision of resources from the international community on the issue is less than certain.

On 19 December 2011, Korean state media announced the death of Kim Jong-il, who had led the Korean people since his father’s death in 1994.<sup>410</sup> While he himself as well as his policy-making apparatus had long been inaccessible and secretive to outside observers, his death, though not fully unexpected, only further thickens the fog of North Korean policy decisions. While in the days after Kim’s death, the countries powerful institutions seemed to put their weight behind the youngest son and chosen successor, Kim Jong-un, no one can

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<sup>410</sup> Choe, Sang-Hun, Sanger, David E. (2011): “Kim Jong-il, North Korean Dictator, Dies”, New York Times Online, on <http://www.nytimes.com/2011/12/19/world/asia/kim-jong-il-is-dead.html?pagewanted=all>, on 10.01.2012

predict whether he can keep such tight control over the country as his father had obviously been able to do.

A peaceful solution to the NLL dispute did not seem very probable in the months prior to this transfer in power, but now it seems even further out of reach. Unfortunately, the interconnectedness of NLL and inter-Korean relations in general suggests it is most probable that a final settlement on the NLL will not be achievable without a significant improvement of these wider relations. When this might happen, however, just got a bit harder to tell.

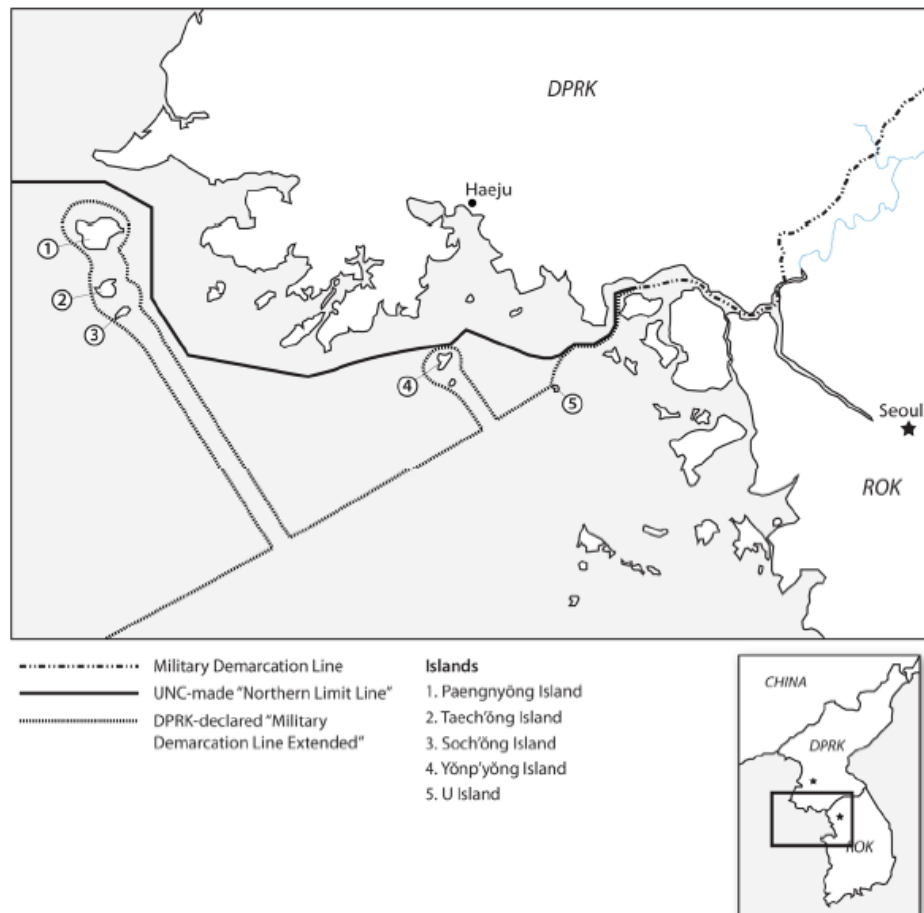


## Annex I: Maps



Map 1: Location of the 38<sup>th</sup> parallel on the Korean peninsula.

Source: Modified by author to emphasize 38<sup>th</sup> parallel, based on United Nations map.



Map 2: Yellow Sea, NLL, Northwest Islands

Source: International Crisis Group (2010): "Shades of Red: China's Debate over North Korea" (=Crisis Group Asia Report No. 198) p39

## **Annex II: Bibliography**

Acharya, Amitav (2003): "Regional Institutions and Asian Security Order. Norms, Power, and Prospects for Peaceful Change", in Alagappa, Muthiah (Ed.): *Asian Security Order: instrumental and normative features*. Stanford University Press, Stanford pp210-240

Axelrod, Robert/Keohane, Robert O. (1985): "Achieving Cooperation under Anarchy: Strategies and Institutions" in *World Politics* 38, No. 1 (Oct. 1985) pp 226-254

Bechtol, Bruce E. Jr. (2009): "Understanding the North Korean Military Threat to the Security of the Korean Peninsula and Northeast Asia: Declined or Evolved?", in *Korea Observer* 40, No.1 (Spring 2009) pp115-154

Bleiker, Roland (2005): *Divided Korea. Toward a Culture of Reconciliation*. University of Minnesota Press, Minneapolis

Bluth, Christoph (2008): *Korea*. Polity Press, Cambridge/Malden

Bluth, Christoph (2011): *Crisis on the Korean peninsula*. Potomac Books, Washington D.C.

Bong, Youngshik D. (2009): "Waiting to Reap the Final Harvest. U.S. Engagement Policy to Denuclearize Korea", in Kim, Sung Chull/Kang, David C. (Ed.): *Engagement with North Korea. A Viable Alternative*. State University of New York Press, Albany 23-45

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

Bozdağlıoğlu, Yücel (2007): "Constructivism and Identity Formation: An Interactive Approach", in *Review of International Law and Politics* 3, No. 11 (2007) pp121-144

Cha, Viktor D./Kang, David C. (2003): "The Korea Crisis", in *Foreign Policy*, No. 136 (May/June 2003) p24

Chen, Jian (1994): *China's road to the Korean War: the making of the Sino-American confrontation*. Columbia University Press, New York

Coghlan, David (2008): *Prospects from Korean Unification*. Strategic Studies Institute, Carlisle

Cordesman, Anthony H. (2011): *The Korean Military Balance. Comparative Korean Forces and the Forces of Key Neighboring States*. Center for Strategic & International Studies, Washington D.C.

Cotterell, Arthur (2002): *East Asia. From Chinese Predominance to the Rise of the Pacific Rim*. Pimlico, London

Donnelly, Jack (2000): *Realism and International Relations*. Cambridge University Press, Cambridge

Fern, Sean (2005): "Tokdo or Takeshima? The International Law of Territorial Acquisition in the Japan-Korea Island Dispute", in *Stanford Journal of East Asian Affairs* 5, No. 1 (Winter 2005) pp78-89

Filzmaier, Peter/Höll, Otmar et al (2006): *Internationale Politik*. WUV, Wien

Friedberg, Aaron L. (1993): "Ripe for Rivalry: Prospects for Peace in a Multipolar Asia", in *International Security* 18, No. 3 (Winter 1993-1994) pp5-33

Gaubatz, Kurt Taylor (1996): "Kant, Democracy, and History", in *Journal of Democracy* 7, No. 4 (October 1996) pp137-150

Gause, Ken E. (2006): *North Korean Civil-Military Trends: Military-First Politics to a Point*. Strategic Studies Institute, Carlisle

Gernandt, Johannes/Pfeiffer, Friedhelm (2008): *Wage Convergence and Inequality after Unification: (East) Germany in Transition*. (=Centre for European Economic Research Discussion Paper No. 08-022) Centre for European Economic Research, Mannheim

Gills, B. K. (1996): *Korea versus Korea. A case of contested legitimacy*. Routledge, London/New York

Glaser, Charles L. (1997): "The Security Dilemma Revisited", in *World Politics* 50, No. 1 (October 1997) pp171-201

Glaser, Charles (2011): "Will China's Rise Lead to War? Why Realism Does Not Mean Pessimism", in *Foreign Affairs* 90, No. 2 (March/April 2011) pp80-91

Goldsmith, Benjamin E. (2007): "A Liberal Peace in Asia?", in *Journal of Peace Research* 44, No. 1 (January 2007) pp5-27

Grajdanzev, Andrew J. (1945): "Korea Divided", in *Far Eastern Survey* 14, No. 20 (October 1945) pp281-283

Hao, Yufan/Zhai, Zhihai (1990): "China's decision to Enter the Korean War: History Revisited", in *The China Quarterly* No. 121 (March 1990) pp94-115

Hermes, Walter G. (1992) [1966]: *Truce Tent and Fighting Front*. States Army Center of Military History, Washington D.C.

Hodge, Homer T. (2003): "North Korea's Military Strategy", in *Parameters* 13 (Spring 2003) pp68-81

Hong, Seong-Geol/Kim, Sun-Pyo/Lee, Hyung-Ki (2001): "Fisheries Cooperation and Maritime Delimitation Issues between North Korea and Its Neighboring Countries", in *Ocean Policy Research* 16, No. 1 (June 2001) pp191-216

Horowitz, Michael (2004): "Who's Behind That Curtain? Unveiling Potential Leverage over Pyongyang", in *The Washington Quarterly* 28, No. 1 (Winter 2004-2005) pp21-44

Hughes, Christopher P. (2009): "'Super-sizing' the DPRK Threat: Japan's Evolving Military Posture and North Korea", in *Asian Survey* 49, No. 2 (March-April 2009) pp291-311

Hwang, Eui-Gak (2008): "Inter-Korean Economic Cooperation: The Need for Reciprocity" (= The International Centre for the Study of East Asian Development Working Paper Series No. 2008-19)

International Crisis Group (2010): "North Korea: The Risks of War in the Yellow Sea" (=Crisis Group Asia Report No. 198)

International Crisis Group (2010): "Shades of Red: China's Debate over North Korea" (=Crisis Group Asia Report No. 198)

Jacobs, Andreas (2010): "Realismus", in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills pp39-64

Jervis, Robert (1978): "Cooperation Under the Security Dilemma" in *World Politics* 30, No. 2 (January 1978), pp 167-214

Jervis, Robert (1999): "Realism, Neoliberalism, and Cooperation: Understanding the Debate", in *International Security* 24, No. 1 (Summer 1999) pp 42-63

Joo, Seung-Ho (1996): "Russian Policy on Korean Unification in the Post-Cold War Era", in *Pacific Affairs* 69, No. 1 (Spring 1996) pp32-48

Kang, Sung-Hack (2011): *Korea's Foreign Policy Dilemmas. Defining State Security and the Goal of National Unification*. Global Oriental, Folkestone

Kang, David C. (2003): "Getting Asia Wrong. The Need for New Analytical Frameworks", in *International Security* 27, No. 4 (Spring 2003) pp57-85

Kellogg, Anita Renda (2010): "From *Enemy* to *Brother*: The Reconstruction of North Korean Identity in the South Korean Imagination", entrance to the 51<sup>st</sup> Annual Convention of the International Studies Association (17-20 February 2010), New Orleans

Kelly, Robert (2011): "The German-Korean Unification Parallel", in *The Korean Journal of Defense Analysis* 23, No. 4 (December 2011) pp457-472

Kemfelja, Beatrix (2006): *Das Verhältnis der Republik Korea zu seinem Nachbarn im Norden. Ein konstruktivistischer Ansatz*. Diploma Thesis, University of Vienna, Vienna

Keohane, Robert O./Martin, Lisa L. (1995): "The Promise of Institutional Theory" in *International Security* 20, No. 1 (Summer 1995), pp 39-51

Keohane, Robert O./Martin, Lisa L. (2003): "Institutional Theory as a Research Program", in Elman, Colin/Elman, Miriam Fendius (Ed.): *Progress in International Relations Theory. Appraising the Field*. MIT Press, Cambridge/London, pp 71-107

Kim, Eun Mee/Noh, Yooyeon (2009): "Business Advances to North Korea as Outward Foreign Direct Investment", in Kim, Sung Chull/Kang, David C. (Ed.): *Engagement with North Korea. A Viable Alternative*. State University of New York Press, Albany pp173-223

Kim, Hak-Joon (1977): *The Unification Policy of South and North Korea. A Comparative study*. Seoul National University Press, Seoul

Kim, Jin Kyung(1996): *The evolution of the Korean War and the dynamics of Chinese entry*. Dissertation, University of Hawaii

Kim, Jounghwon Alexander/Hong, Myungshin (2006): "The Koreas, Unification, and the Great Powers", in *Current History* 105 (April 2006) p186-190

Kim, Ju Hyun (2008): *State Succession in the Case of a Unified Korea Resulting from the Collapse of North Korea*. Diploma Thesis, Naval Postgraduate School, Monterey

Kim, Ki-Jung (2005): "Establishing Peace on the Korean Peninsula", in *Korea Observer* 36, No. 3 (Autumn 2005) pp489-510

Kim, Sung Chull/Kang, David C. (2009): "Introduction", in Kim, Sung Chull/Kang, David C. (Ed.): *Engagement with North Korea. A Viable Alternative*. State University of New York Press, Albany pp1-19

Kim, Tae-seo (1999): "An Unexpected Exchange: North Korea's NLL Provocation", in *East Asian Review* 11, No. 4 (Winter 1999)

Kissinger, Henry A. (1994): *Diplomacy*. Simon & Schuster, New York

Koh, B. C. (1971): "Dilemmas of Korean Reunification", in *Asian Survey* 11, No. 5 (May 1971) pp475-495

Kotch, John Barry/Abbey, Michael (2003): "Ending Naval Clashes on the Northern Limit Line and the Quest for a West Sea Peace Regime", in *Asian Perspective* 27, No. 2 (Summer 2003) pp175-204

Krause, Troy P. (1999): *Countering North Korean Special Purpose Forces*. Research report submitted in partial fulfillment of the graduation requirements, Air University, Maxwell Air Force Base

Kwak, Tae-Hwan/Joo, Seung-Ho (2009): *North Korea's foreign policy under Kim Jong-il: new perspectives*. Ashgate Publishing Ltd., Farnham

Kwiatkowska, Barbara (2000): "The Eritrea/Yemen Arbitration: Landmark Progress in the Acquisition of Territorial Sovereignty and Equitable Maritime Boundary Delimitation", in *IBRU Boundary and Security Bulletin* 8, No. 1 (2000) pp66-86

- Lee, Grace (2003): "The Political Philosophy of *Juche*", in *Stanford Journal of East Asian Affairs* 3 (Summer 2003) pp105-112
- Lee, Doowon (1995): "Inter-Korean Economic Relation: Rivalled Past, Unbalanced Present, and Integrated Future", in *Yonsei Economic Studies* 2, No. 1 (March 1995)
- Lee, Jongsoo (2006): *The Partition of Korea after World War II. A Global History*. Palgrave Macmillan, New York/Houndmills
- Li, Rex (2009): *A rising China and security in East Asia. Identity construction and security discourse*. Routledge, London
- Lie, John/Kim, Andrew Eungi (2008): "South Korea in 2007: Scandals and Summits", in *Asian Survey* 48, No. 1 (January-February 2008) pp116-123
- Lipson, Charles (1984): "International Cooperation in Economic and Security Affairs" in *World Politics* 37, No. 1 (Oct. 1984) pp 1-23
- Mahbubani, Kishore (1995): "The Pacific Impulse", in Mahbubani, Kishore (Ed.): *Can Asians Think?*. Marshall Cavendish International, Singapore p173
- Mansourov, Alexandre Y. (2005): "Northeast Asian Vortex: Regional Change, Global Implications", in *Korea Observer* 36, No. 3 (Autumn 2005) pp511-552
- Manyin, Mark E./Nanto, Dick K. (2011): *The Kaesong North-South Korean Industrial Complex*. Congressional Research Service
- Mao, Zedong (1998): *On Diplomacy*. Foreign Languages Press, Beijing
- Marolda, Edward J. (2000): "Naval Battles", in Tucker, Spencer T. et al. (Ed.): *Encyclopedia of the Korean War. A Political, Social, and Military History. Vol II N-Z*. ABC-CLIO, Santa Barbara
- Matray, James I. (1981): "Captive of the Cold War: The Decision to Divide Korea at the 38th Parallel", in *Pacific Historical Review* 50, No. 2 (May 1981) pp145-168
- Maxwell, David S. (2004): "A Strategy for the Korean Peninsula: Beyond the Nuclear Crisis", in *Military Review* (September-October 2004) pp103-108
- McCormack, Gavan (1982): "The Reunification of Korea: Problems and Prospects", in *Pacific Affairs* 55, No. 1 (Spring 1982) pp5-31
- McCune, George M. (1947): "Korea: The First Year of Liberation", in *Pacific Affairs* 20, No. 1 (March 1947)
- McCune, Shannon (1946): "Physical Basis for Korean Boundaries", in *The Far Eastern Quarterly* 5, No. 3 (May 1946) pp272-288
- Merrill, John Rosc (1982): *Internal Warfare in Korea, 1948-1950: The Local Setting of the Korean War*. Dissertation, University of Delaware

- Mearsheimer, John J. (1994): "The False Promise of International Institutions" in *International Security* 19, No. 3 (Winter 1994/95), pp 5-49
- Mearsheimer, John J. (2009): "Reckless States and Realism", in *International Relations* 23, No. 2 (June 2009) pp241-256
- Millet, Allan R. (2001): "Introduction to the Korean War", in *The Journal of Military History* 65 (Oct. 2001) pp921-935
- Moo, Bong Ryo (2009): "The Korean Armistice and the Islands", Strategy Research Report, US Army War College, Carlisle
- Moon, Chung-in/Lee Sangkeun (2009): "Military Spending and the Arms Race on the Korean Peninsula", in *Asian Perspective* 33, No. 4 (2009) pp69-99
- Moon, Chung-in (2009): "South Korea in 2008: From Crisis to Crisis", in *Asian Survey* 49, No. 1 (January/February 2009) pp120-128
- Morgenthau, Hans J./Thompson, Kenneth W. (1985): *Politics Among Nations. The Struggle for Power and Peace*. Knopf, New York
- Morita, Keiko (2004): "Northern Limit Line: Demarcation Issues in the Yellow Sea", in National Institute for Defense Studies Security Reports No. 5 (March 2004) pp26-44
- Nam, Ki-Whan (1975): *Völkerrechtliche und staatsrechtliche Probleme des zweigeteilten Korea und die Frage der Vereinigung der koreanischen Nation*. (= Europäische Hochschulschriften, Reihe II, No. 113) Herbert Lang/Peter Lang, Bern/Frankfurt M.
- Noland, Marcus/Robinson, Sherman/Liu Li-gang (1998): "The Costs and Benefits of Korean Unification: Alternate Scenarios", in *Asian Survey* 38, No. 8 (August 1998) p801-814
- Oh, Kongdan/Hassig, Ralph (2010): "North Korea in 2009: The Song Remains the Same", in *Asian Survey* 50, No. 1 (January-February 2010) pp89-96
- O'Hanlon, Michael (1998): "Stopping a North Korean Invasion: Why Defending South Korea is Easier than the Pentagon Thinks", in *International Security* 22, No. 4 (Spring 1998) pp135-170
- Oye, Kenneth A. (1985): "Explaining Cooperation under Anarchy: Hypotheses and Strategies" in *World Politics* 38, No. 1 (October 1985) pp1-24
- Pak, Chi Young (2000): *Korea and the United Nations*. Kluwer Law International, The Hague
- Park, Han S. (2000): "North Korean Perceptions of Self and Others: Implications for Policy Choices", in *Pacific Affairs* 73, No. 4 (Winter 2000-2001) p503-516



Park, Jae Kyu (1987): "Introduction: A Basic Framework for Understanding North Korea's Foreign Policy", in Park, Jae Kyu (Ed.): *The Foreign Relations of North Korea: New Perspectives*. Kyungnam University Press, Seoul pp3-14

Park, Seo-Hyun (2008): "Security Strategies in Hierarchical Asia: A Comparison of Japan and Korea in the Sinocentric Order" entrance to the 49<sup>th</sup> Annual Convention of the International Studies Association (26-29 March 2008), San Francisco

Park, Soo-Bin (2003): "The North Korean Economy: Current Issues and Prospects), entrance to *the Conference of the Association of Korean Studies in Canada* (3-4 October 2003), Vancouver

Park, Seong-Kwae/Lee, Dong-Woo (2009): "Assessment of effectiveness of improved fisheries management techniques", in *Korea Maritime Institute International Journal of Maritime Affairs and Fisheries* 1, No. 2 (December 2009) pp49-78

Pempel, T.J. (2010): "More Pax, Less Americana in Asia", in *International Relations of the Asia Pacific* 10, No. 3 (September 2010) pp465-490

Pierce, Todd (1996): "Philatelic Propaganda: Stamps in Territorial Disputes", in *IBRU Boundary and Security Bulletin* 4, No. 2 (Summer 1996) pp62-64

Rawnsley, Gary D. (2009): "'The Great Movement to Resist America and Assist Korea': how Beijing sold the Korean War", in *Media, War & Conflict* 2, No. 3 (December 2009) pp285-315

Reus-Smit, Christian/Snidal, Duncan (2008): "Between Utopia and Reality: The Practical Discourse of International Relations", in Reus-Smit, Christian/Snidal, Duncan (Ed.): *The Oxford Handbook of International Relations*. Oxford University Press, Oxford, pp3-37

Rhee, Kang Suk (1993): "Korea's Unification: The Applicability of the German Experience", in *Asian Survey* 33, No. 4 (April 1993) pp360-375

Roehrig, Terence (2008): "The Dispute over the Northern Limit Line: Towards a Negotiated Settlement", in *Korea Observer* 39, No. 4 (Winter 2008) pp507-537

Roh, Jeong-Ho (2004): "The Legal and Institutional Approach to Inter-Korean Relations", in Kim, Samuel S. (Ed.): *Inter-Korean relations. Problems and prospects*. Palgrave Macmillan, New York pp159-174

Ross, Robert S. (1999): "The Geography of Peace: East Asia in the Twenty-First Century", in *International Security* 23, No. 4 (Spring 1999) p81-118

Rusk, Dean/Papp, Daniel (Ed.) (1990): *As I saw it*. Norton, New York

Schlesinger, Arthur Jr. (1971): "The Historian as Participant", in *Daedalus* 100, No. 2 (Spring 1979) pp339-358

Schnabel, James F. (1992) [1972]: *Policy and Direction. The first year*. United States Army Center of Military History, Washington D.C.

Sarantakes, Nicholas Evan (2000): "The Quiet War: Combat Operations along the Korean Demilitarized Zone, 1966-1969", in *The Journal of Military History* 64, No. 2 (April 2000) pp 439-457

Scobell, Andrew/Sanford, John M. (2007): *North Korea's Military Threat: Pyongyang's Conventional Forces, Weapons of Mass Destruction, and Ballistic Missiles*. Strategic Studies Institute, Carlisle

Scobell, Andrew (2005): *North Korea's Strategic Intentions*. Strategic Studies Institute, Carlisle

Schörnig, Niklas (2010): "Neorealismus", in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills pp65-96

Schweller, Randall L. (1994): "Bandwagoning for Profit: Bringing the Revisionist State Back In", in *International Security* 19, No. 1 (Summer 1994) pp72-107

Shin, Gi-Wook/Burke, Kristin C. (2009): "North Korea and Contending South Korean Identities: Analysis of the South Korean Media; Policy Implications for the United States", in *Korea Economic Institute of America Academic Papers Series On Korea* 1 (2009) pp150-167

Siedschlag, Alexander (1997): *Neorealismus, Neoliberalismus und postinternationale Politik. Beispiel internationale Sicherheit – Theoretische Bestandsaufnahme und Evaluation*. Westdeutscher Verlag, Opladen

Snidal, Duncan (1991): "Relative Gains and the Pattern of International Cooperation", in *The American Political Science Review* 85, No. 3 (September 1991) pp701-726

Snyder, Glenn H./Diesing, Paul (1977): *Conflict Among Nations: Bargaining, Decision-Making, and System Structure in International Crises*. Princeton University Press, Princeton

Snyder, Scott (2008): "Prospects for a Northeast Asia Security Framework", entrance to the conference *Towards a Northeast Asian Security Community: Implications for Korea's Growth and Economic Development* (15 October 2008), Washington D.C.

Snyder, Scott/Byun, See-Won (2011): "Cheonan and Yeonpyeong: The Northeast Asian Response to North Korea's Provocations", in *RUSI Journal* 156, No. 2 (April 2011) pp74-81

Spindler, Manuela/Schieder, Sigfried (2010): "Theorien in der Lehre von den internationalen Beziehungen", in Schieder, Sigfried/Spindler, Manuela (Ed.): *Theorien der Internationalen Beziehungen*. Verlag Barbara Budrich, Opladen/Farmington Hills pp9-38

Steininger, Rolf (2006): *Der vergessene Krieg. Korea 1950-1953*.

Stueck, William Whitney (2002): *Rethinking the Korean War: a new diplomatic and strategic history*. Princeton University Press

To, Theodore (1988): "More Realism in the Prisoner's Dilemma" in *Journal of Conflict Resolution* 32, No. 2 (June 1988), pp 402-408

Tucker, Spencer T. (2000): "United Nations Command Ground Forces, Contributions to", in Tucker, Spencer T. et al. (Ed.): *Encyclopedia of the Korean War. A Political, Social, and Military History. Vol II N-Z*. ABC-CLIO, Santa Barbara

Van Dyke, Jon M./Valencia, Mark J./Miller Garmendia, Jenny (2003): "The North/South Korea Boundary Dispute in the Yellow (West) Sea", in *Marine Policy* 27, No. 2 (March 2003) pp143-158

Walt, Stephen M. (1985): "Alliance Formation and the Balance of Power", in *International Security* 9, No. 4 (Spring 1985) pp3-43

Walt, Stephen M. (1998): "International Relations: One World, Many Theories" in *Foreign Policy* No. 110, Special Edition (Spring 1998), pp 29-46

Waltz, Kenneth N. (1979): *Theory of International Politics*. Random House, Berkeley

Waltz, Kenneth N. (1990): "Realist Thought and Neorealist Theory" in *Journal of International Affairs* 44, No. 1 (Spring/Summer 1990), p21-37

Waltz, Kenneth N. (1993): "The Emerging Structure of International Politics", in *International Security* 18, No. 2 (Autumn 1993) pp44-97

Waltz, Kenneth N. (2001) [1959]: *Man, the State and War. A theoretical Analysis*. Columbia University Press, New York

Wendt, Alexander (1992): "Anarchy is what States Make of it: The Social Construction of Power Politics", in *International Organization* 46, No. 2 (Spring 1992) p391-425

Wilson, Ward (2007): "The Winning Weapon? Rethinking Nuclear Weapons in Light of Hiroshima", in *International Security* 31, No. 4 (Spring 2007) p162-179

Whiting, Allen S. (1968): *China crosses the Yalu. The Decision To Enter the Korean War*. Stanford University Press, Stanford

Wolf, Charles Jr./Adramov, Kamil (2005): *North Korean Paradoxes. Circumstances, Costs, and Consequences of Korean Unification*. RAND Corporation, Santa Monica

Yong, Sub Choi (2005): "A Short Review on Pyongyang's Foreign-Policymaking Process" (= East-West Center Working Papers: International Graduate Student Conference Series No. 14)

Yoon, Dae-Kyu (2003): “The Constitution of North Korea: Its Changes and Implications”, in *Fordham International Law Journal* 27, No. 4 (2003) pp1289-1305

Young Namkoong (2001): Similarities and Dissimilarities: The Inter-Korean Summit and Unification Formulae”, in *East Asian Review* 13, No. 3 (Autumn 2001) pp59-80

Zabecki, David T. (2000): “Pusan Perimeter and Breakout”, in Tucker, Spencer T. et al. (Ed.): *Encyclopedia of the Korean War. A Political, Social, and Military History. Vol II N-Z*. ABC-CLIO, Santa Barbara pp540-545

#### Documents and Tables:

Armistice Agreement Art. II Paragraph 13b). “Agreement between the Commander-in-Chief, United Nations Command, and the Supreme Commander of the Korean People’s Army and the Commander of the Chinese People’s Volunteers, Concerning a Military Armistice in Korea. Signed at Panmunjom, Korea, July 27, 1953”, in *International Organization* 7, No. 4 (November 1953) pp612-643

Democratic People’s Republic of Korea (1972): *Socialist constitution of the Democratic People’s Republic of Korea*. Foreign Languages Publishing House, Pyongyang

Democratic People’s Republic of Korea Permanent Mission to the United Nations (2006): “Statement by H.E. Mr. Choe Su Hon Chairman of the Delegation of the Democratic People’s Republic of Korea at the General Debate of the Sixty-First Session of the United Nations General Assembly New York, 26 September, Juche 95 (2006)”, Press Release, on <http://www.un.org/webcast/ga/61/pdfs/korea-e.pdf>, 04.12.2011

Food and Agriculture Organization of the United Nations (2000): *Sustainable Contribution of Fisheries to Food Security*. FAO Report

Food and Agriculture Organization of the United Nations (2010): *1961-2007. Fish and Fishery Products. World Apparent Consumption Statistics Based on Food Balance Sheets*. FAO Report

International Court of Justice (2009): “Maritime Delimitation in the Black Sea (Romania v. Ukraine). Summary of the Judgment of 3 February 2009”, on <http://www.icj-cij.org/docket/files/132/14989.pdf>, 04.12.2011

Joint Publications Research Service (1960): *Information from the 1959 North Korean Central Yearbook*. Joint Publications Research Service, Arlington

The Korean Legal Center (Ed.) (1964): *Laws of the Republic of Korea*. The Korean Legal Center, Seoul

ROK Ministry of Defense (2002): “The Republic Korea Position Regarding the Northern Limit Line”, on <http://www.military.co.kr/english/NLL/NLL.htm>, 04.12.2011

United Nations (1982): *United Nations Convention on the Law of the Sea*. UN Document A/Conf.62/122

United Nations (2011): “Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the implementation of Part XI of the Convention and of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. Table recapitulating the status of the Convention and of the related Agreements, as at 20 September 2011”, on [http://www.un.org/depts/los/reference\\_files/status2010.pdf](http://www.un.org/depts/los/reference_files/status2010.pdf), 04.12.2011

UNGA Resolution 46/1 (17 September 1991): Admission of the Democratic People’s Republic of Korea and the Republic of Korea to membership in the United Nations, on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/580/89/IMG/NR058089.pdf?OpenElement>, 04.12.2011

UNGA Resolution 112 (II) A-B (14 November 1947): The problem of the Independence of Korea, on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/19/IMG/NR003819.pdf?OpenElement>, 04.12.2011

UNGA Resolution 195 (III) (12 December 1948): The problem of the Independence of Korea, on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/66/IMG/NR004366.pdf?OpenElement>, 04.12.2011

UNSC Resolutions 82 (1950) and 83 (1950), on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/064/95/IMG/NR006495.pdf?OpenElement>, 04.12.2011

UNSC Resolution 84 (1950), on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/064/97/IMG/NR006497.pdf?OpenElement>, 04.12.2011

UNSC Resolution 85 (1950), on <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/064/98/IMG/NR006498.pdf?OpenElement>, 04.12.2011

United Nations Security Council (1953): “Letter dated 7 August 1953 from the acting United States Representative to the United Nations, addressed to the Secretary-General, Transmitting a Special Report of the Unified Command on the Armistice in Korea in Accordance with the Security Council Resolution of 7 July 1950 (S/1588)”, UN Document S/3097

United Nations Security Council (2008): “Letter dated 11 August 2008 from the Permanent Representative of the Democratic People’s Republic of Korea to the United Nations addressed to the President of the Security Council”, UN Document S/2008/547

United States Arms Control and Disarmament Agency (1970): “The Neutral Nations Supervisory Commission in Korea (A Peacekeeping Operation)”, US Document ACDA/WEC/FO-69-65

United States Department of State: *Diplomatic Papers, 1945. The British Commonwealth, the Far East* (= Foreign Relations of the United States 1945 Volume IV) Department of State, Washington D.C.

United States Department of State: *1951. China and Korea* (=Foreign Relations of the United States 1951 Volume VII) Department of State, Washington D.C.

United States Department of State (1963): “Korea ‘Military Demarcation Line’ Boundary” (= International Boundary Study No. 22)

World Food Programme: “Korea, Democratic People’s Republic (DPRK)”, on <http://www.wfp.org/countries/Korea--Democratic-People-s-Republic--DPRK-/Overview>, 04.12.2004

#### Media Sources:

BBC News (2007): “UK sailors captured at gunpoint”, BBC News, on [http://news.bbc.co.uk/2/hi/uk\\_news/6484279.stm](http://news.bbc.co.uk/2/hi/uk_news/6484279.stm), 04.12.2011

BBC News (2011): “North Korean leader Kim Jong-il dies of heart attack”, BBC News, on <http://www.bbc.co.uk/news/world-asia-16239693>, 03.01.2012

BBC News (2009): “North Korea conducts nuclear test”, BBC News, on <http://news.bbc.co.uk/2/hi/8066615.stm>, 04.12.2011

The China Post (2012): “China, South Korea to negotiate toward FTA: communique”, The China Post Online, on <http://www.chinapost.com.tw/china/business/2012/01/12/328736/China-South.htm>, 14.01.2012

Korean Central News Agency (KCNA) (2000): “North-south joint declaration published”, KCNA, 15 June 2000

New York Times (2011): “China Exerts Influence Nurtured Over Decades”, on [http://www.nytimes.com/2011/12/20/world/asia/china-moves-to-ensure-stability-in-north-korea.html?\\_r=1&scp=4&sq=north%20korea&st=cse](http://www.nytimes.com/2011/12/20/world/asia/china-moves-to-ensure-stability-in-north-korea.html?_r=1&scp=4&sq=north%20korea&st=cse), 21.12.2011

Reuters (2012): “North Korea military strategy superior, says think-tank”, on <http://www.reuters.com/article/2012/01/04/us-korea-north-military-idUSTRE8030C820120104>, 05.01.2012

Yonhap News Agency(2010): “S. Korean Navy ship sinking in the Yellow Sea”, Yonhap News Agency, on <http://english.yonhapnews.co.kr/national/2010/03/26/18/0301000000AEN20100326008600320F.HTML>, 04.12.2011

### Other Internet Sources

Bonstein, Julia (2009): "Homesick for a Dictatorship. Majority of Eastern Germans Feel Life Better under Communism", Spiegel Online, on <http://www.spiegel.de/international/germany/0,1518,634122,00.html>, 04.12.2011

Choe, Sang-Hun, Sanger, David E. (2011): "Kim Jong-il, North Korean Dictator, Dies", New York Times Online, on <http://www.nytimes.com/2011/12/19/world/asia/kim-jong-il-is-dead.html?pagewanted=all>, on 10.01.2012

Field, James A. Jr. (2000) [1962]: *History of United States Naval Operations: Korea*. Naval History Center, on <http://www.history.navy.mil/books/field/index.htm>, 04.12.2011

Grayson, Kyle (2003): "Democratic Peace Theory as Practice: (Re)Reading the Significance of Liberal Representations of War and Peace" (= York Centre for International Security Studies Working Paper No. 22), on <http://www.yorku.ca/yciss/publications/WP22-Grayson.pdf>, 04.12.2011

Kim, Tong (2010): "Is peaceful unification possible?", Korea Times Online, on [http://koreatimes.co.kr/www/news/opinon/2011/12/167\\_71807.html](http://koreatimes.co.kr/www/news/opinon/2011/12/167_71807.html), 04.12.2011

Kortegaard, P.L.: "The Battle of the Pusan Perimeter", on <http://www.rt66.com/~korteng/SmallArms/pusan.htm>, 04.12.2011

Kulish, Nicholas (2009): "In East Germany, a Decline as Stark as a Wall", New York Times Online, on <http://www.nytimes.com/2009/06/19/world/europe/19germany.html>, 04.12.2011

Lynch, Colum (2010): "Russian initiative to stop South Korean military exercise fails", Foreign Policy Turtle Bay Blog, on [http://turtlebay.foreignpolicy.com/posts/2010/12/19/russian\\_initiative\\_to\\_stop\\_south\\_korean\\_military\\_exercise\\_fails](http://turtlebay.foreignpolicy.com/posts/2010/12/19/russian_initiative_to_stop_south_korean_military_exercise_fails), 04.12.2011

Matray, James I. (2001): "Revisiting Korea. Exposing Myths of the Forgotten War", entrance to the *Korean War Teachers Conference: The Korean War +50* (9 February 2001), on <http://www.archives.gov/publications/prologue/2002/summer/korean-myths-1.html>, 04 December 2011

Olsen, John/Cannoni, Mike/Koelm, Jenny (2003): "Martime Cooperation for the Koreas", Sandia National Laboratories, on <http://www.cmc.sandia.gov/cmc-papers/sand2003-1843p.pdf>, 04.12.2011

Rousseau, David L. (1999): "Relative or Absolute Gains: Beliefs and Behavior in International Politics", Unpublished Manuscript, University of Pennsylvania, on <http://www.albany.edu/~dr967231/papers/absrel5.pdf>, 04.12.2011

Sanger, David E. (1991): "North Korea Reluctantly Seeks U.N. Seat", New York Times Online, on <http://www.nytimes.com/1991/05/29/world/north-korea-reluctantly-seeks-un-seat.html>, 04.12.2011

Smith, Raymond C. (????): *Peacekeeping without the Secretary-General: The Korean Armistice Arrangements*. Thesis presented in partial completion of the requirements of the Certificate-of-Training in United Nations Peace Support Operations, Peace Operations Training Institute, Williamsburg, on <http://www.peaceopstraining.org/theses/smith.pdf>, 04.12.2011

Snyder, Scott/Cossa, Ralph A./Glosserman, Brad (2006): "Whither the Six-Party Talks?", on <http://www.stratad.net/downloads/May%2018.pdf>, 04.12.2011

Stangarone, Troy (2011): "Russia's North Korea Gas Deal", The Diplomat *Blogs*, on <http://the-diplomat.com/new-leaders-forum/2011/11/15/russias-north-korea-gas-deal/>, 27.12.2011

Toppan, Andrew (2001): "World Navies Today: North Korea", on [www.hazegray.org/worldnav/asiapac/n\\_korea.htm](http://www.hazegray.org/worldnav/asiapac/n_korea.htm), 04.12.2011

Swiss Armed Forces International Command: "Factsheet", on <http://www.vtg.admin.ch/internet/vtg/en/home/themen/einsaetze/peace/korea/factsheet.html>, 04.12.2011

Zhou, Shengqi (2010): "Sino-South Korean Trade Relations: from Boom to Recession" (=National University of Singapore East Asian Institute Background Brief No. 508), on <http://www.eai.nus.edu.sg/BB598.pdf>, 04.12.2011



## **Annex III: Abstracts**

### **English**

The Northern Limit Line (NLL) is a part of one of the world's most persistent, most dangerous, most actual and yet most interesting conflicts. Since World War II have the two Koreas been facing each other, separated by nothing but a four kilometre wide strip of land and, surprisingly, a still quite ambiguously defined maritime boundary. This boundary, the NLL is the subject of this study, which attempts to approach an analysis from different dimensions. First, the history of the NLL, as part of the wider Korean conflict is retraced in order to observe how historical factors have influenced both its development and the present wider Korean situation it is part of. Second, a theoretical approach tries to clarify the how certain actors are influenced by how they perceive the world around them, which finds its most explicit expression in the Security Dilemma present on the peninsula. Third, the present situation on the Korean peninsula is examined in to observe how different aspects, one of them the NLL, interrelate and mutually influence each other. Also, different factors influencing the NLL dispute itself are examined. The fourth dimension tries to establish a legal framework for a possible settlement of the NLL dispute. In the end, there is a simplified attempt to draw up a possible scenario for peaceful settlement of the dispute.

## **German**

Die Northern Limit Line (NLL) ist Teil eines der hartnäckigsten, gefährlichsten, aktuellsten und dennoch interessantesten Konflikten der heutigen Welt. Seit dem Zweiten Weltkrieg stehen sich die beiden Koreas feindlich gegenüber, getrennt voneinander durch nichts als eine vier Kilometer breite entmilitarisierte Zone, sowie einer überraschenderweise auch nach all den Jahren noch sehr ungenau definierten Seegrenze. Diese Seegrenze, die NLL, ist das Forschungsobjekt dieser Studie, welche versucht sich der Thematik auf verschiedenen Ebenen anzunähern. Zuerst wird die Geschichte der NLL als Teil des gesamten Koreanischen Konfliktes nachgezeichnet um zu beobachten wie geschichtliche Faktoren sowohl ihre eigene Entwicklung, wie auch die gegenwärtige Situation Koreas, deren Teil sie ist, beeinflussen. Zweitens wird versucht über einen theoretischen Ansatz zu klären, wie relevante Akteure durch ihre Sicht der Welt beeinflusst werden, was sich auf der Koreanischen Halbinsel am deutlichsten in Form eines akuten Sicherheitsdilemmas niederschlägt. Drittens wird die gegenwärtige Situation Koreas untersucht um zu beobachten wie verschiedene Faktoren, inklusive der NLL, in Verbindung stehen und sich gegenseitig beeinflussen. Zudem werden verschiedene Faktoren welche die NLL besonders beeinflussen beleuchtet. Die vierte Ebene versucht, ein rechtliches Rahmenwerk für eine mögliche Beilegung des Streits um die NLL zu erfassen. Schließlich findet sich noch der vereinfachte Versuch, ein mögliches Szenario für eine friedliche Beilegung zu erstellen.

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