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What's Happening On The Korean Peninsula?

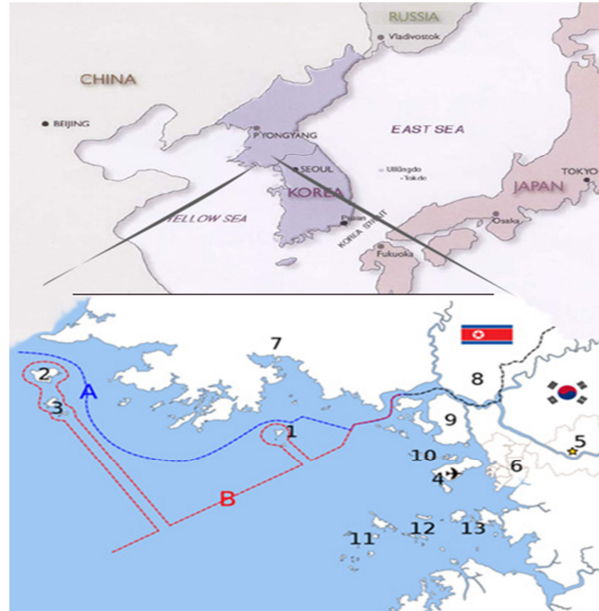
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*What's happening on the Korean peninsula? If you read the press or listen to the talking heads, your best guess would be that an insane **North Korean** regime is willing to risk war to manage its own internal political tensions. This conclusion would be hard to avoid because the media rarely provide any historical context or alternative explanations for North Korean actions. For example, much has been said about the March 2010 (alleged) North Korean torpedo attack on the Cheonan (a South Korean naval vessel) near Baengnyeong Island, and the November 2010 North Korean artillery attack on Yeonpyeong Island (which houses a South Korean military base). The conventional wisdom is that both attacks were motivated by North Korean elite efforts to smooth the leadership transition underway in their country. The take away: North Korea is an out-of-control country, definitely not to be trusted or engaged in negotiations.*

But is that an adequate explanation for these events? Before examining the facts surrounding them, let's introduce a bit of history. Take a look at the map below, which includes both Baengnyeong and Yeonpyeong Islands.

Demilitarized Zone

The armistice that ended the **Korean War** fighting established the Demilitarized Zone (DMZ) which separates North Korea from South Korea. At that time, the U.S. government unilaterally established another dividing line, one intended to create a sea border between the two Koreas. That border is illustrated on the map by line A, the blue Northern Limit Line (NLL).



Contested seas. The NLL is represented by the blue A line. The MDL is represented by the red B line.

1: Yeonpyeong Island (artillery clash); 2: Baengnyeong Island (Cheonan sinking); 3: Daecheong Island. [source]

As you can see, instead of extending the DMZ westward into the sea, the U.S. line runs northward, limiting North Korea's sea access. The line was drawn this way for two reasons: First, when the fighting stopped, South Korean forces were in control of the islands off the North Korean coast and the U.S. wanted to secure their position. Second, control over those islands enhanced the ability of U.S. forces to monitor and maintain military pressure on North Korea.

North Korea never accepted the NLL. It argued for an alternative border, illustrated by line B, the red West Sea Military Demarcation Line (MDL). Acknowledging the reality of Southern forces on the islands off its coast, North Korea sought recognition for a sea border that went around the islands but otherwise divided the sea by extending the DMZ line.

The critical point here is that the South Korean and U.S. promoted NLL is not recognized by international law; it has no legal standing. Don't take my word for it. The following is from [Bloomberg News](#):

“Then-Secretary of State Henry Kissinger wrote in a 1975 classified cable that the unilaterally drawn Northern Limit Line was ‘clearly contrary to international law.’ Two years before, the American ambassador said in another cable that many nations would view South Korea and its U.S. ally as ‘in the wrong’ if clashes occurred in disputed areas along the boundary. ...

“The line snakes around the Ongjin peninsula, creating a buffer for five island groups that South Korea kept under the armistice that ended the 1950-1953 Korean War, in which U.S.-led forces fought under a UN mandate against North Korean and Chinese troops. The agreement doesn't mention a sea border, which isn't on UN maps drawn up at the time.

“The 3-nautical mile (3.5-statute mile) territorial limit used to devise the line was standard then. Today almost all countries, including both Koreas, use a 12-mile rule, and the islands are within 12 miles of the North Korean mainland. The furthest is about 100 miles (160 kilometers) from the closest major South Korean port at Incheon.

“‘If it ever went to arbitration, the decision would likely move the line further south,’ said Mark J. Valencia, a maritime lawyer and senior research fellow with the National Bureau of Asian Research, who has written extensively on the dispute. ...

“North Korea, after spending two decades rebuilding its forces, sent vessels across the border 43 times between October and November 1973, sparking confrontations, according to the South Korean Navy's website. At a meeting with the UN Command, the North's claim that it was operating within its own waters because the NLL was invalid was rejected.

“Kissinger and other U.S. diplomats privately raised questions about the legality of the sea border and South Korea's policing of it in cables that have been declassified and are available to the public.

“‘The ROK and the U.S. might appear in the eyes of a significant number of other countries to be in the wrong’ if an incident occurred in disputed areas, U.S. Ambassador Francis Underhill wrote in a Dec. 18, 1973, cable to Washington, using the acronym for Republic of Korea.

“South Korea ‘is wrong in assuming we will join in attempt to impose NLL’ on North Korea, said a Dec. 22, 1973, ‘Joint State-Defense Message’ to the U.S. Embassy in Seoul. ...

“The line ‘was unilaterally established and not accepted by NK,’ Kissinger wrote in a confidential February 1975 cable. ‘Insofar as it purports unilaterally to divide international waters, it is clearly contrary to international law.’”

I doubt that discussions of the two events noted above mentioned this history.

Current Tensions

Tensions in the region are not just the result of past political decisions. Critical decisions continue to be made. For example, in October 2007, an inter-Korean summit meeting between Roh Moo-Hyun (the previous South Korean president) and Kim Jong Il (the North Korean leader) [produced a commitment by both sides](#) to negotiate a joint fishing area and create a “peace and cooperation zone” in the West Sea. This agreement could have greatly reduced tensions between the two countries and helped to promote a peaceful reunification process.

However, a few months after the summit, the newly elected and current South Korean president, Lee Myung-bak, rejected the agreements reached at that summit and the previous one held in 2000. Lee openly derided past South Korean efforts to improve relations with, and called for aggressive actions against, the North. The U.S. government supported Lee's position.

With this as background, let's now consider the first event, North Korea's alleged [sinking of the Cheonan](#). The Lee administration claims that a North Korean submarine was responsible for the sinking of the Cheonan and the deaths of 49 sailors. The Cheonan was an anti-submarine ship, participating in war games at the time of its sinking in the disputed waters surrounding Baengnyeong Island. Significantly, after weeks of official investigation into the cause of the sinking, Lee publicly blamed North Korea only one day before local elections were scheduled, elections that the ruling party was predicted to lose. In fact, Lee's party did take a beating at the polls.

But what about the evidence for North Korean responsibility? North Korea has denied any involvement in the sinking. In fact, there is good reason to believe that the Cheonan sank because it hit a reef; that is what its captain reported when he radioed the South Korean coast guard seeking help.

As I noted in a [previous posting](#), perhaps the most compelling evidence casting doubt on South Korean government claims that the Cheonan was torpedoed by a North Korean submarine is the fact that all the Cheonan victims died of drowning, nearly all of the 58 surviving crew members escaped serious injury, and the ship's internal instruments remained intact. According to several scientists, if the Cheonan had been hit by a torpedo, the entire crew would have been sent flying, leading to fractured bones and the destruction of instruments.

Aggressive War Games

What about the most recent incident involving the North Korean artillery attack on Yeonpyeong Island? The South Korean position is that its military was merely engaged in "routine" war games (involving over 70,000 troops), which also happened to include the firing of live ammunition into the sea from a military base on the island. It had done nothing to provoke a North Korean artillery attack on the base.

In reality, the South had been [strengthening its artillery on the island](#) for some time, engaging in ever more aggressive (non-live ammunition) artillery drills with the apparent aim of boosting its capacity to inhibit the movement of the North Korean navy even in its own waters. These drills were a direct threat to North Korean security given how close the island is to its coast.

Moreover, although the South claims that its war games and artillery fire were routine, it may be the first time that the South has staged major war games and simultaneously engaged in firing live ammunition into territory claimed by the North. The North fired on the South Korean artillery batteries located on Yeonpyeong Island only after its repeated demands that the South stop its live ammunition firing were rejected by the South.

Many unanswered questions remain about the Cheonan sinking and the Yeonpyeong attack. However, what does appear clear is that there are many complexities surrounding these events that are never made public here in North America, and that these omissions end up reinforcing a view of North Korean motivations and actions that is counterproductive to what should be our goal: achieving peace on the Korean peninsula.

What might help? How about encouraging the U.S. government to accept North Korean offers to engage in good faith negotiations aimed at signing a peace treaty to officially end the Korean War as a first step toward normalized relations. The fact that our government is reluctant to publicly acknowledge the contested nature of the NLL or pursue an end to the Korean War raises important questions about the motivations driving foreign policy. •