

## REGIONAL FOCUS & CONTROVERSIES

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# A Maritime Demarcation Dispute on the Yellow Sea *Republic of Korea\**

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### 1. What is the “Northern Limit Line”?

The Northern Limit Line (“NLL”) refers to the maritime demarcation line on the Yellow Sea between North and South Korea. As a unilateral act, the United Nations Command (“UNC”) set this line right after the end of the Korean War which took place from 1950 to 1953.

It was the critical cause of heated debates on setting the military demarcation line on the sea area in the course of armistice negotiation. Although the two sides could not come to a decision on the maritime ceasefire line, the parties agreed in Article 2, Section 15 of the Korean Armistice Agreement which states that: “[a] opposing naval forces shall respect the waters contiguous to the De-militarized Zone and to the land area of Korea under the military control of the opposing side.”<sup>1</sup> Accordingly, the sea demarcation would be delineated following the land demarcation line, virtually ignoring the prevailing authority of UN Forces in both air and sea. This can be seen as the result of the negotiation tactics put forward by the North. To implement the

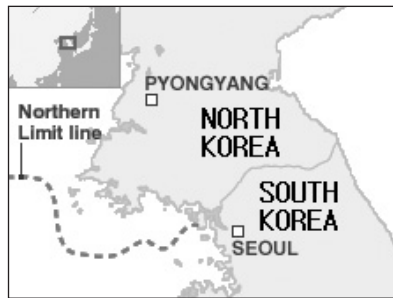
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<sup>1</sup> “Agreement between the Command-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People’s Army and the Commander of the Chinese People’s Volunteers, on the other hand, Concerning a Military Armistice in Korea on July 27, 1953.” (“The Korean Armistice Agreement”). UN Doc. S/3079. For the original text, see DOCUMENTS ON INTERNATIONAL AFFAIRS 1953, at 386-405.

abovementioned article, UNC had to retreat its forces from all islands and waters, which were under its control. The sea area controlled by UNC covered from the Estuary of *Yallu* River in the west: Latitude 41° 51' N, and that of *Tuman* River in the east; Latitude 39° 35' N, all the way down to the 38<sup>th</sup> parallel. Based on this agreement, the UN Commander-in-Chief designated NLL to the west and the Northern Boundary Line (“NBL”) to the east of the Korean peninsula as the geographical limit of the UN armed forces air and naval operation.

Map 1: The Northern Limit Line<sup>2</sup>



Among the general parts of the Armistice Agreement,<sup>3</sup> the cease-fire line is indispensable factor for the continuation of suspending on-going armed hostilities.<sup>4</sup> NLL and NBL were recognized as the *fait accompli* cease-fire lines to both sides of the Korean sea area. If a party to this agreement trespasses these lines, the party would denounce or recommence hostilities immediately.<sup>5</sup>

## 2. What is the validity of North Korean claim on NLL?

In October 1973, North Korea began to trespass NLL. North Korea crossed NLL more than 43 times between October and November of that year. Due to this violation of the

<sup>2</sup> Available at <http://www.google.com> (Modified by the editorial board)

<sup>3</sup> The general parts of armistice agreement are as follows: ① the suspension of hostilities; ② effective date and time; ③ duration; ④ demarcation line and neutral zone; ⑤ prohibited acts; ⑥ prisoners of war; ⑦ return of civilians and commercial intercourse; ⑧ consultative machinery; and ⑨ miscellaneous politico-military matters See THE LAW OF LAND WARFARE: U.S. ARMY BASIC FIELD MANUAL (1956), paras. 487-488; Howard S. Levie, *The Nature and Scope of the Armistice Agreement*, 50 AM. J. INT’ L L. 888-900 (1956). There is no rule or custom manifesting the provisions which should be included in an armistice. Clunet, *Suspension D’armes Armistice, Preliminaires de Paix*, 46 JOURNAL DU DROIT INTERNATIONAL PRIVE 173 (1919); FAUCHILLE, *TRAITÉ DE DROIT INTERNATIONAL PUBLIC* 326 (8th ed. 1921).

<sup>4</sup> THE HAGUE CONVENTION (IV) RESPECTING THE LAW AND CUSTOMS OF WAR ON LAND (1907), Annex Regulations, art. 40.

<sup>5</sup> The Korean Armistice Agreement, art.1, sec. 7 & art. 2. secs. 13, 15.

<sup>6</sup> They are as follows: Paengyong-do, Taechong-do, Sochong-do, Yonpyong-do and U-do.