

The Korean dispute over the Northern Limit Line (NLL): *Security, Economics, & International Law*

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**The views expressed here are the speaker's alone and do not
represent the views of the U.S. Government, the Department of
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Agenda

- **Origins and history of the NLL**
- **Economics**
- **International Law**
- **Security**
- **Solutions??**



Northern Limit Line (NLL)

- Korean War Armistice - July 27, 1953
 - * drew Milt Demarcation Line (MDL) but no sea boundary
 - * designated 5 Northwest Islands under UNC control



NLL drawn Aug 30, 1953??
-drawn by UN Command
-but origin is murky



Not the "Southern Limit Line"? Gen Mark Clark



For 20 yrs, North Korea said little about the NLL

1973 – 346th Military Armistice Commission mtg

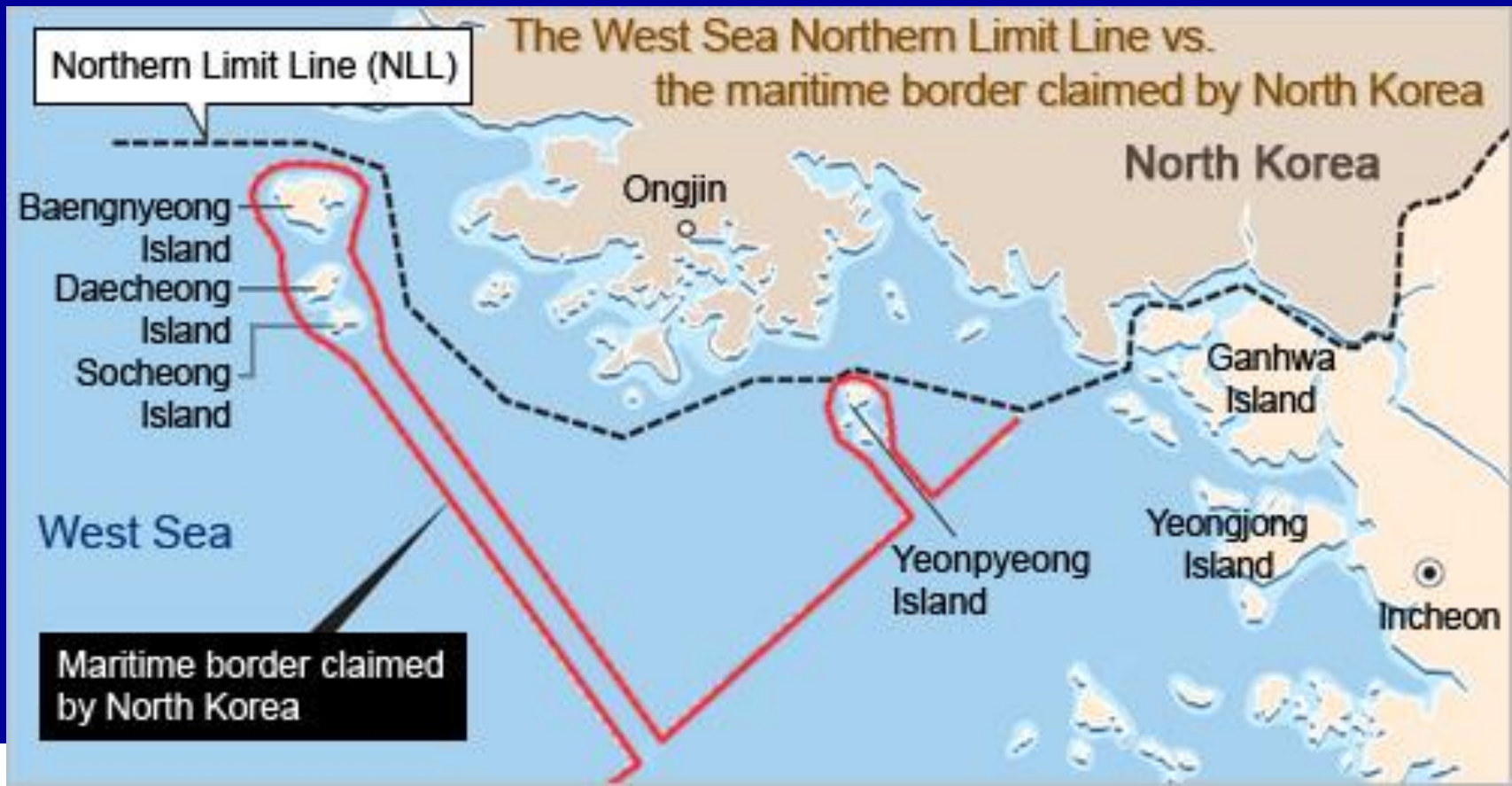
**** NK → 5 islands are in NK territorial sea;
need permission to travel there; consequences**



Clashes along the NLL

June 15, 1999

- 1 NK ship sunk, 30 killed
- SK: 7 minor injuries



June 29, 2002

-NK: 13 killed; 25 injured

-SK: 1 ship sunk, 6 dead, 18 wounded



Nov 10, 2009

-NK patrol ship crossed the NLL

-4 ROK ships responded

-NK: 1-10 killed?



Sinking of the Cheonan

March 26, 2010

- * 46 sailors killed
- * international investigation
- * NK torpedo



Shelling of Yeonpyeong-do

November 23, 2010

KOREAN ARTILLERY EXCHANGES ON NOV. 23



NK: 100+ rounds

SK: 80+ rounds

SK: 2 civilians, 2 Marines killed

NK: 5-10 killed?

What is at stake?

- 1) Fish & crabs
- 2) Port access
- 3) Security



Inter-Korean Summit

October 2007

Roh Moo-hyun



Kim Jong-il

Inter-Korean Summit Agreement

* establish a “peace zone” in the West Sea

- joint fishing zone
- joint use of Han river estuary
- civilian passage to Haeju



POSITIONS OF THE KEY PLAYERS

North Korea

- NLL is “bogus line unilaterally and illegally drawn”
- has not challenged SK control over 5 islands



South Korea

- NLL is de facto maritime boundary & legitimate
- Too dangerous to shift the line south
- NK has shown acceptance on several occasions
 - * 1953-1973 – acquiescence??
 - * 1992 North-South Agreement



United States

- low profile; Korean issue to solve
- concerned about stability
- UNC responsibility??



China

- little to say; Korean issue
- likely sympathy for NK but doesn't want to disrupt regional stability

Possible Solutions

Arbitration or legal ruling?

Military solution?

Negotiated settlement?

***Grand Bargain – Peace Treaty?**

***Settle the line first?**

***Gradual measures first?**



NORTHERN LIMIT LINE AND WEST SEA/YELLOW SEA AREA



NLL, international law, & UNCLOS

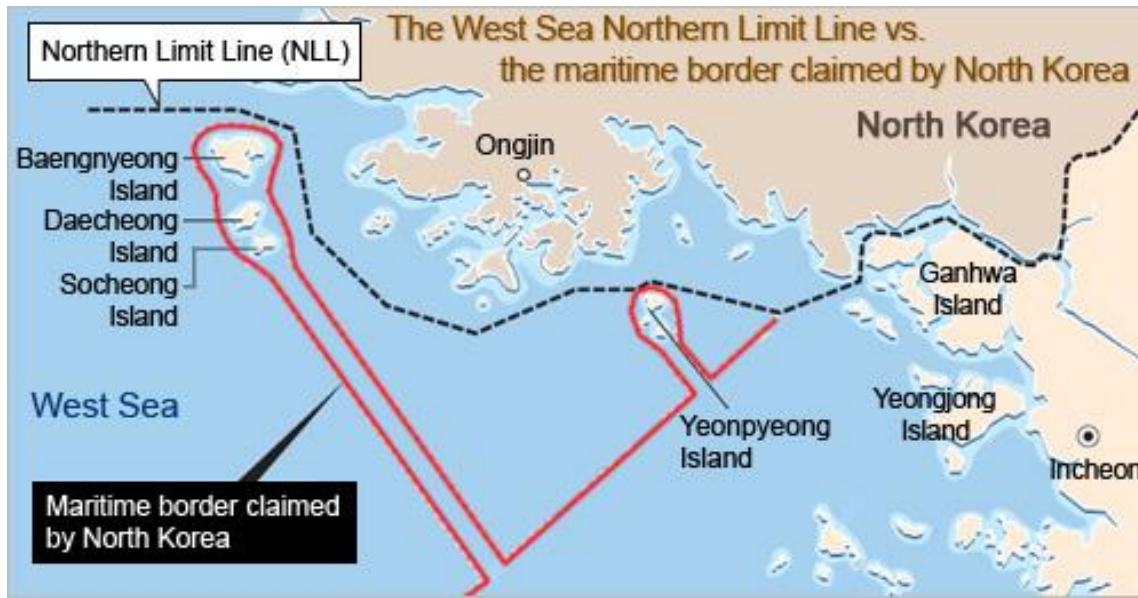
Territorial Sea: 12 nm

Exclusive Economic Zone (EEZ): 200 nm

Adjacent states: median line principle

Northwest Islands?

How might the International Court of Justice rule?



Future

-NLL likely to stay as is

-Tied to denuclearization of North Korea & the overall security environment.



For more details, see...

- ***The Northern Limit Line: The Disputed Maritime Boundary between the Two Koreas***, National Committee on North Korea Issue Brief, 2011
[<http://www.ncnk.org/resources/briefing-papers/all-briefing-papers/ncnk-issue-brief-the-northern-limit-line>]
- ***The Origins of the Northern Limit Line Dispute***, Wilson Center, North Korea International Documentation Project, 2012
[<http://www.wilsoncenter.org/publication/the-origins-the-northern-limit-line-dispute>]
- ***Korean Dispute over the Northern Limit Line: Security, Economics, or International Law***, University of Maryland School of Law, Series in Contemporary Asian Studies, 2008
[<http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1193&context=mscas>]