

28 mai 1952

MEMORANDUM

on the

Neutral Nations' Supervisory Commission
and its Inspection Teams under the Draft
Agreement of 28 April 1952 for an Armistice
in Korea.

From the geographical and functional point of view the implementation of the Armistice Agreement falls into two parts: joint supervision by the opposing parties in the Demilitarized zone and "neutral observation" in territory under military control of either side.

With regard to the Demilitarized Zone efficient machinery is provided for to enforce the provisions of the Armistice Agreement. In respect to the territory under the military control of either side only a symbolic control by a N.N.S.C. seems to have been intended.

The main task of the N.N.S.C. and its inspection teams is to check, within certain limits, the movements of personnel and war materiel in order to satisfy the parties that the existing balance of strength remains unchanged during the armistice.

The N.N.S.C. and its inspection teams, which for the purpose of current observation are restricted to 5 ports of entry on each side, will for all practical purposes have a physical control of movements of personnel and equipment amounting at best to 50 per cent, as incoming movements only are supposed to be regularly checked. There is no current observation fore-



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seen for outgoing movements or any movements outside the ports of entry listed in the agreement. Observation in such areas can, subject to the interpretation of paragraph 42f, only be undertaken at the request of the M.A.C. or of any member of it.

In addition, the N.N.S.C. has no power to determine whether a violation of the Armistice Agreement has taken place nor is it in a position to mediate between or negotiate with the parties. Its role is strictly to observe and report. It has no independent function of its own, but acts as an instrument of the M.A.C. From this point of view both the words "neutral" and "supervisory", which appear in the name of the organization, might prove misleading to the public mind. In any case it should therefore be made clear that the "neutrals" have no responsibility or means of independent action with regard to the Armistice Agreement.

The ancillary role of the N.N.S.C. is emphasized by its structure, which even in details corresponds to the set-up of the M.A.C. Just as the M.A.C. is split by a dividing line, the N.N.S.C. is cleaved from top to bottom, the "neutrals" nominated by each side standing apart. The inference is that the N.N.S.C. will be able to operate only to the extent the two parties in the M.A.C. are determined to implement the Armistice Agreement in good faith. In that case its activities might prove to be of some moral value. Any disagreement within the

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M.A.C. would, on the other hand, immediately be projected into the N.N.S.C. with the risk of a complete deadlock. Only by adding a fifth member to the N.N.S.C. could such a situation possibly be avoided. It should be noted, however, that under the circumstances the participation of "neutrals" hardly can be considered as strengthening the effectivity of armistice operations. It merely serves the purpose of making the agreement acceptable to both the opposing parties.

It is assumed that before the N.N.S.C. begins to operate in the field the opposing parties will have reached an understanding as to the implementation of the provisions of the Armistice Agreement. In particular, the nature and the volume of the logistic support pledged to the N.N.S.C., and other matters indispensable to an efficient operation will have to be considered at the earliest possible date by a joint meeting of all parties concerned.

The following comments are made with regard to specific paragraphs of the Draft Agreement.

Para. 5. Whereas the N.N.S.C. has no functions to perform in the Demilitarized Zone, except those related to the establishment of its Headquarters in that area (para. 42a), it could be called upon to "conduct special observations and inspections" in the Han River Estuary (para. 28.).

- Para. 6. The N.N.S.C. could be called upon to "conduct special observations and inspections" (para. 28.) on either side of the Demilitarized Zone in case a hostile act, for example, shelling, was executed from or against the Demilitarized Zone.
- Para. 7. A suitable permanent procedure should be established in order to facilitate free circulation between the area assigned to the N.N.S.C. within the Demilitarized Zone and the territory of the parties on both sides. Native witnesses in any operation of observation or inspection would, for example, have to be given free access to N.N.S.C. Headquarters without obstructing formalities.
- Para. 8. See para. 7.
- Para. 9. See para. 7.
- Para. 10. The advisability of establishing within the Demilitarized Zone a neutral and extraterritorial area for N.N.S.C. Headquarters should be considered.
- Para. 12. The provisions of this paragraph do not seem to apply to irregular or dissident forces, unless they can be proved to be under the military control of either side.

Para. 13. See para. 12.

- a) The personnel of the N.N.S.C. and of its "Neutral Inspection teams" is not listed in connection with "safe movement" in the Demilitarized Zone.
- c) The N.N.S.C. will have no direct control of the movements of personnel arriving in Korea on a temporary duty basis and of personnel returning to Korea after short periods of leave or temporary duty outside of Korea, as no provisions are made with regard to the ports of arrival and departure this personnel will use.

The N.N.S.C. will have no direct control of the rotation personnel leaving Korea, as no provisions are made with regard to the ports of departure this personnel will use.

The N.N.S.C. will have no direct control of the aggregate of military personnel in Korea.

No definition is given of the terms "short periods of leave" and "temporary duty".

- d) The N.N.S.C. will have no direct control of combat aircraft, armored vehicles, weapons, and ammunition destroyed, damaged, worn out or used up during the armistice, except possibly with regard to such items as may be shipped out from Korea through a port of

entry.

No definition is given of the term "weapons".

- e) The N.N.S.C. could be called upon to investigate non-compliance with the provisions of this sub-paragraph.
- f) The N.N.S.C. could be called upon to investigate incidents connected with the carrying out of the provisions of this sub-paragraph.
- h) In order to ensure the efficiency of its operations the N.N.S.C. should have the full and unimpeded control of all communications, transportation, and other facilities put at its disposal by the parties. Such facilities should be granted on a permanent basis for the duration of the N.N.S.C. mission.
- i) The N.N.S.C. should be granted the right to use the airfield provided for under this sub-paragraph.

Para. 14. See paragraph 12.

Para. 15. See paragraph 12.

Para. 16. See paragraph 12.

Para. 18. The term "costs of the operations" is subject to interpretation by the opposing parties, but seems to be covering salaries, allowances etc. while

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separate reference is made to "logistic support" in sub-paragraph 13h. In addition, the organization and the procedures of the N.N.S.C. have been calqued on those of the M.A.C., implying an over all division of responsibilities between the two opposing parties. The N.N.S.C. is for all practical purposes an agent of the M.A.C. with no independent functions. It therefore seems to be in the spirit of the agreement that its costs be divided in their entirety between the opposing parties.

- Para. 25.i) The inference of this sub-paragraph is that the Commanders of both sides could communicate with each other through the N.N.S.C.
- Para. 28. Under the provisions of this paragraph the N.N.S.C. may be called upon to conduct special observations and inspections at places outside the Demilitarized Zone where violations of the agreement have been reported to have occurred. It is assumed, however, that violations for which a special procedure has been established (see, for example, para. 56a.) are excluded from the competence of the N.N.S.C.
- Para. 29. It is assumed that the N.N.S.C. also will be informed of any violation of the Armistice Agreement established by the M.A.C.
- Para. 30. See paragraph 29.

- Para. 32. It is assumed that the N.N.S.C. also will receive the record of the proceedings of all meetings of the M.A.C.
- Para. 35. It is assumed that the N.N.S.C. will be informed of any amendments or additions of the Armistice Agreement resulting from recommendations made by the M.A.C. to the Commanders of both sides.
- Para. 36. The word "supervisory" goes beyond the functions of the N.N.S.C., which are of a purely observing nature. "Supervisory" could only apply internally to the relations of the N.N.S.C. and the Neutral Nations Inspection Teams.
- Para. 37. The inference of this paragraph is that any member of the N.N.S.C. and of its personnel can be either military or civilian.
- Para. 38. The term "staff assistant" is interpreted as being synonymous with "personnel".
- Para. 40.a) No provision is made for consultation with the N.N.S.C. in case the senior members of both sides on the M.A.C. should agree on the reduction of the number of Neutral Nations Inspection Teams.
- b) There seems to be a contradiction between the provision that each Neutral Nations Inspection Team

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shall be composed of officers, preferably of field grade, and the subsequent provision that members of these teams "may" be from the armed forces of the appointing nations.

With regard to "additional personnel" the parties might consider the advisability of authorizing the N.N.S.C. to provide itself with such personnel from other "neutral" countries.

Para. 41. See paragraph 36. The word "supervision" in this paragraph seems to be inappropriate with regard to the functions devolved upon the N.N.S.C.

Para. 42.a) See paragraph 10.

- c) Procedures for the inspection of combat aircraft, armored vehicles, weapons, and ammunition will have to be agreed upon by the parties. No definition is given of the term "weapons".
- e) It is assumed that the N.N.S.C. may decide on the location of its mobile Neutral Nations Inspection Teams.

No provision is made for consultation with the N.N.S.C. in case the senior members of both sides on the M.A.C. should agree on the reduction of the number of mobile Neutral Nations Inspection Teams in reserve.

f) The implications of the provision that the N.N.S.C. shall "conduct without delay investigations of reported violations, including such investigations of reported violations as may be requested by the Military Armistice Commission or by the senior member of either side of the Commission" does not seem to correspond to the principles underlying the Agreement, which exclude any initiative from the side of the N.N.S.C. Besides, it is not clear by whom else than the M.A.C. or its members a violation could be reported. Restriction of the functions of the N.N.S.C. to violations reported by M.A.C. or its members would preclude misunderstandings as to the competence of the N.N.S.C. (see also paragraph 46).

Para. 43. It is assumed that the provision according full convenience of movement within the areas and over the routes of communication includes a permanent and regular "air-lift" from N.N.S.C. Headquarters to the ten ports of entry where Neutral Nations Inspection Teams are assigned.

Para. 46. It is assumed that reports submitted by one or more individual members of a Neutral Nations Inspection Team will not be forwarded to the M.A.C.

It is not clear under what circumstances the Neutral Nations Inspection Teams are expected to make special

reports on their own initiative (see also paragraph 42).

Para. 47. In case the N.N.S.C. is authorized to initiate investigations of its own under sub-paragraph 42f it seems questionable whether reports from the Neutral Nations Inspection Teams on such investigations should fall under the provisions of this paragraph.

The term "evaluate" will have to be defined in agreement with the M.A.C.

The provisions of this paragraph seems to imply that if the N.N.S.C. is deadlocked and thus no report can be agreed upon by its members, the M.A.C. will not be in a position to take final action.

Para. 63. A date will have to be agreed upon with regard to the establishment of the N.N.S.C. and its Neutral Nations Inspection Teams and the commencement of its operations.

Washington, D.C., 28 May 1952.