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

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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

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 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?
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

• **The Origins of the Northern Limit Line Dispute**, Wilson Center, North Korea International Documentation Project, 2012

• **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]