

Chapter 7

Regional Security: The Case of the Korean Demilitarized Zone (DMZ)

7.1 Three Nations Cut in Two

One of the momentous outcomes of World War II was that the German Reich was in 1945 cut in two, with about one-third of its territory and population forming East Germany (the German Democratic Republic), and the remainder becoming West Germany (the Federal Republic of Germany). As we all know, for the subsequent 35 years the two States went their remarkably separate ways politically, socially, and economically. And it is important for me to stress that right up to the 11th hour essentially no one foresaw the rapid collapse of both the physical and psychological barriers that had so firmly separated the two German States for so long. And I am pleased to be able to note that one outcome of reunification has been that there now exists a movement to convert the former fortified strip of land

lightning speed. So, as with Germany, it must have been some mix of ethnic, linguistic, cultural, and geographical ties that in the end overcame the huge existing asymmetries.

I now come to the remarkably similar story—the basis of this presentation—of

For a region such as the Korean peninsula to offer an appropriate home both for its human inhabitants (with their necessary crops, livestock, and civil infrastructure) and for as many as possible of the remaining native plants and animals, requires a combination of (1) the sensitive use of all those lands sequestered for agriculture, industry, transportation, and so forth, and (2) the setting aside of some fraction of the peninsula as protected areas for the native flora and fauna. The first of those two requirements—the sensitive use of all lands—is now only inadequately met in both the North and South, and will thus require substantial educational efforts, legislation, and enforcement, but is not the subject of this presentation. The second of those two concerns—the *de jure* protection of some areas as nature reserves (bio-sanctuaries)—is even more seriously deficient in both the North and South, and leads me to what is to follow.

The present paucity of protected habitats on the Korean peninsula has deprived the peoples of the region of the many subtle continuing benefits deriving from adequate expanses of natural areas, the so-called ecosystem services. Among those often overlooked benefits of natural areas I might especially mention: purification of water and air, amelioration of local climate, limiting of erosion and protection of watersheds, making available wild medicinal plants, offering tranquility and inspiration, providing opportunities both for scientific research and eco-tourism, and offering somewhat of a counter-balance to the escalating environmental adversities to be expected as global warming continues. This substantial Korean paucity of bio-sanctuaries has also inexorably led to at least some extinctions and to the likelihood that others will follow suit. Indeed, listed among the wildlife currently known to be in danger of extinction on the Korean peninsula, primarily for lack of adequate habitat, are at least 29 species of birds, 6 of mammals, and even 1 each of a salamander and a dragonfly (cf. Appendix 7.1).

The 1953 Armistice Agreement that ended the North/South hostilities established a Military Demarcation Line (MDL) between the two States (which, as it happens, I helped to survey in 1952) flanked by a Demilitarized Zone—the DMZ—a roughly east-west green belt 9h5l2.5k35512.9.1524of952fund(great)-5 it

Thus the DMZ could become the centerpiece of any effort to work toward environmental sustainability for the peninsula. If the DMZ (or at least substantial portions of it; and perhaps together with some adjacent areas) were to be conserved in perpetuity it would serve the crucial function of helping to conserve the Korean peninsula's environment, at the same time serving as an inspiring memorial tribute to the many soldiers and civilians of both sides who had lost their lives during the hostilities. And, as is to be developed next, it is my hope that it could additionally

thereafter by South Korea. The task was given over to the Executive Director of the UN Environment Programme (Mostafa K. Tolba), a job that in turn was assigned to me. However, in short order I was to discover that whereas South Korea was maintaining its interest in this investigation, most regrettably North Korea soon (in 1992) drew back from it. The next relevant official statement came in December 1997 when the President of South Korea (Kim Young Sam), in addressing the UN General Assembly, specifically expressed his hope that the two Koreas would cooperate with each other to protect and preserve the DMZ in order to turn it into a zone of peace and ecological integrity. By contrast, North Korea's response to that initiative came about a year later (in August 1999) with the abrupt statement that existing political problems continued to prevent such a possibility. Gentle nudges from time to time from the UN Environment Programme, the UN

Fortunately, a solid legal basis for cross-border environmental cooperation is already in place for the two Koreas in that both are states parties especially to four enabling multilateral treaties: the 1945 Charter of the United Nations (UNTS unlisted); the 1972 World Heritage Convention (UNTS 15511); the 1977 Protocol I on International Armed Conflicts (UNTS 17512); and the 1992 Biological Diversity Convention (UNTS 30619). Details of the specific relevance of those four universal legal instruments (as well as of two additional ones) are appended (cf. Appendix 7.3.1). Additionally appended are specific details pertaining to a number of further quite instructive universal, regional, and bilateral legal instruments of indirect relevance to such cooperation (cf. Appendix 7.3.2), of which the existing bilateral ones might well be of particular interest as models (cf. Appendix 7.3.2.3). And compilations are also provided of intergovernmental agencies and nongovernmental organizations that could be turned to for assistance in this matter (cf. Appendix 7.2), as well as of relevant publications (cf. Appendix 7.4

guidance for the establishment of transfrontier reserves for peace and nature (cf. Appendix [7.4.2](#)). And, as also noted earlier, they are additionally fortunate in being able to turn to a number of international agencies and nongovernmental organizations for guidance and support. On the one hand, these include especially UNEP, UNESCO, UNDP, FAO, UN-REDD, and GEF; and on the other, IUCN, WWF, the International Crane Foundation, the Peace Parks Foundation, and the

Appendix 7.1.2 Mammals

Bear, Himalayan black (*Ursus thibetanus*), if

A partnership of UNDP, UNEP, and the International Bank for Reconstruction & Development (World Bank), established in 1991 for the purpose of helping developing countries fund projects and programs that protect the global environment.

International Crane Foundation
PO Box 447, Baraboo, WI 53913, USA.

UNEP: United Nations Environment Programme

PO Box 30552, Nairobi 00100, Kenya. www.unep.org

An intergovernmental agency established in 1972, as a subsidiary organ of the UN General Assembly for the purpose of providing leadership and encouraging partnerships in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations. UNEP's Regional Seas Programme information at: www.unep.org/regionalseas.

UNESCO: United Nations Educational, Scientific and Cultural Organization

7, Place de Fontenoy, F-75352 Paris 07SP, France. www.unesco.org

An intergovernmental agency established in 1945, as a program of the United Nations for the purpose of constructing the defenses of peace in the minds of men, contributing to peace and security by promoting collaboration between peoples through education, science, culture, and communication, this mission rooted in recognition of the fundamental unity of all members of the human family, based on the values of universal respect for justice, the rule of law, human rights, and fundamental freedoms. UNESCO's Man and the Biosphere Programme information at: www.unesco.org/mab

Article 1 commits the states parties to maintain international peace, develop friendly relations among nations, achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and be a center for harmonizing the actions of nations in the attainment of these common ends.

DPR of [North] Korea: A state party since 1991.

Rep of [South] Korea: A state party since 1991.

China: A state party since 1945.

Russia: A state party since 1945.

Japan: A state party since 1956.

Convention on Wetlands of International Importance especially as Waterfowl Habitat.

Ramsar, Iran, 2 February 1971; in force, 21 December 1975; depositary, UNESCO (Paris); secretariat ('bureau'), International Union for Conservation of Nature [IUCN] (Gland, Switzerland); UNTS 14583; states parties as of October 2010, 160 (82 %) of all 195.

Article 5 commits the states parties to consultation with respect to a trans-frontier wetland or water system. Article 2 provides for the establishment of Wetlands of International Importance.

DPR of [North] Korea: Not a state party [through to May 2013].

Rep of [South] Korea: A state party since 1997.

China: A state party since 1992.

Russia: A state party since 1977.

Japan: A state party since 1980.

Convention concerning the Protection of the World Cultural and Natural Heritage.

Paris, 23 November 1972; in force, 17 December 1975; depositary, UNESCO (Paris); secretariat UNESCO (Paris), utilizing the technical services of the International Union for Conservation of Nature [IUCN] (Gland, Switzerland) in reference to World Natural Heritages; UNTS 15511; states parties as of October 2010, 187 (96 %) of all 195.

Article 6 commits the states parties not to take any deliberate measures which might damage, directly or indirectly, a World Natural Heritage of outstanding universal value situated on the territory of other states parties, recognizing that such heritage constitutes a World Heritage for whose protection it is the duty of the international community as a whole to cooperate. Article 3 (in conjunction with Article 2) provides for the establishment of World Natural Heritages.

DPR of [North] Korea: A state party since 1998.

Rep of [South] Korea: A state party since 1988.

China: A state party since 1995.

Russia: A state party since 1988.

Japan: A state party since 1992.

[As a point of interest, a major reason stated by the USA for being alone among its NATO allies to not become a state party to this Convention is its felt need to use land mines in impeding a feared attack by North Korea on South Korea, a reason that would presumably evaporate at such time that reunification occurs.]

Appendix 7.3.2 Various Legal Instruments of Indirect Relevance

Appendix 7.3.2.1 Universal Supportive Instruments

Convention relative to the Preservation of Flora and Fauna in their Natural State.

London, 8 November 1933; in force, 14 January 1936; depositary (and secretariat), the United Kingdom (London); LNTS 3995; states parties as of October 2010, 11 (6 %) of all 195.

Article 6 commits the states parties to cooperation with respect to contiguous protected natural areas.

DPR of [North] Korea: Not a state party.

Rep of [South] Korea: Not a state party.

China: Not a state party.

Russia: Not a state party.

Japan: Not a state party.

Convention on the Conservation of Migratory Species of Wild Animals.

Bonn, 23 June 1979; in force, 1 November 1983; depositary, Germany (Bonn); secretariat, UN Environment Programme (Bonn); UNTS 28395; states parties as of October 2010, 114 (58 %) of all 195.

The treaty provides for the protection of wild animals that migrate across or outside national boundaries.

DPR of [North] Korea: Not a state party.

Rep of [South] Korea: Not a state party.

China: Not a state party.

Russia: Not a state party.

Japan: Not a state party.

Appendix 7.3.2.2 Regional Supportive Instruments

Scandinavian Convention on the Protection of the Environment.

Stockholm, 19 February 1974; in force, 5 October 1976; depositary (and secretariat), Sweden (Stockholm); UNTS 16770; states parties as of October 2010, 4 (100 %) of 4.

The treaty commits the states parties to cooperate in the mitigation of environmentally harmful transfrontier activities, in essence as if their national boundaries did not exist.

European Convention on the Conservation of Wildlife and Natural Habitats.
Bern, 19 September 1979; in force, 1 June 1982; depositary (and secretariat), Council of Europe (Strasbourg, France); UNTS 21159; states parties as of October 2010, 47 (92 %) of Europe's 51 (plus 4 African states parties).

Article 4.4 commits the states parties to coordination in protecting natural habitats in frontier areas.

European Convention on Transfrontier Co-operation.
Madrid, 21 May 1980; in force, 22 December 1981; depositary (and secretariat), Council of Europe (Strasbourg, France); UNTS 20967; states parties as of October 2010, 36 (71 %) of Europe's 51.

The treaty commits the states parties to facilitate and foster cooperation across their national frontiers.

Mediterranean Protocol concerning Specially Protected Areas.
Geneva, 3 April

The treaty commits the states parties to establish contiguous national reserves, and to cooperating via a Bi-national Technical Commission.

[This transfrontier endeavor has a convoluted history. Respective Executive decrees in May 1982 created La Amistad [= Friendship] International Park. The Costa Rican and Panamanian portions together became a UNESCO/MAB Biosphere Reserve in 1982 (the Panamanian portion confirmed in 2000). The two national portions together became a transboundary World Natural Heritage in 1983. The original Agreement of 3 March 1979 was confirmed by Costa Rica in February 1982, but could not enter into force until Panama did so as well, on 6 September 1988. Subsequently, the Presidents of Costa Rica and Panama met in Sixaola, Costa Rica on 3 May 1992 to sign an Agreement for generalized cooperation in frontier development. The originally called for La Amistad Bi-national Technical Commission was finally created by a joint Agreement on 23 January 1996, which then functioned for some years before becoming inactive.]

Agreement between Finland and Russia on the Friendship Nature Conservation Area.

Helsinki, 26 October 1989; in force, 14 November 1990; UNTS unlisted; states parties as of October 2010, 2 (100 %) of 2.

The treaty commits the states parties to establish contiguous 'Friendship Parks', as well as a Joint Commission to provide cooperation via exchange of information, joint research programs, and other coordination, but with protection, maintenance, and financing to remain separate.

[Global and Definitive Peace Agreement between Ecuador and Peru] (in Spanish).

Brasilia, 26 October 1998; in force, 26 October 1998; UNTS unlisted; states parties as of October 2010, 2 (100 %) of 2 (plus 4 guarantor states).

Article 7 commits the states parties to create two contiguous environmental protection areas, but which remain under the sovereignty and jurisdiction of the two respective states.

[These two protection areas are to be together known as the Cordillera del Condor Peace Park and to serve to commemorate the soldiers on both sides who had fallen in the war.]

Appendix 7.4 Select Bibliography (References)

Appendix 7.4.1 Of Direct Relevance to the DMZ

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- [Similar in: Environmental Awareness

Sandwith, T. et al. 2001. Transboundary Protected Areas for Peace and Co-operation. Gland, Switzerland: International Union for Conservation of Nature [IUCN], 111 pp.

[Useful for both theory and specific guidelines.]

United Nations. 1982. World Charter for Nature. New York: UN General Assembly Resolution No. 37/7, 28 October 1982, 5 pp.

[Useful as an overall conceptual and operational framework, and with Article 21 offering some specific guidance. 111 of the 156 UN members of the time (including China, Russia, and Japan) voted in favor; and at least 3 further states later formally advised the UN that they too supported the Charter. Neither Korea was a UN member at that time, but could now, of course, also endorse this epochal document.]

Westing, A.H. (ed.). 1993. Transfrontier Reserves for Peace and Nature: a Contribution to Human Security. Nairobi: UN Environment Programme [UNEP], 127 pp.

[Useful for both theory and specific guidelines.]

Appendix 7.5 The Memorandum of Understanding (MoU)

MEMORANDUM OF UNDERSTANDING (MoU) BETWEEN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK) AND THE REPUBLIC OF KOREA (ROK) REGARDING FUTURE PROTECTION OF BOTH NATURE AND CULTURE IN THE DEMILITARIZED ZONE (DMZ) PLUS ITS CONTIGUOUS NORTHERN BUFFER ZONE (NBZ)

- IV. Noting our affinity with the 1982 World Charter for Nature (UNGA Res 37/7) in providing an overall conceptual framework for our relationship with the natural world; and in particular with the general guidelines for cooperation offered by Article 21; and furthermore
- V. Understanding the obligation of all nations not only to respect the whole of nature within and beyond their national domains, but more specifically to also protect in perpetuity some fraction of their own flora, fauna, and associated habitats—doing so both on behalf of the biota per se and in order to ensure the long-term survival and well-being of their own human inhabitants; and,

International Importance especially as Waterfowl Habitat (UNTS 14583); and (d) a 'Regional Sea', as provided for by the UNEP Regional Seas Program.

Article 6. We express our intention of considering the possibility of acting jointly in working toward any special-area designation described in Article 5.

Article 7. We express our intention to permanently demilitarize any protected areas we establish within our half of the DMZ and its contiguous NBZ or SBZ, doing so within the framework of Article 60 of the 1977 Protocol [I] Additional to the 1949 Geneva Conventions and Relating to the Protection of Victims of

SIGNED:

On behalf of the **Democratic People's Republic of Korea (DPRK):**

Signature: _____

Name: _____ Title: _____

At: _____ On: _____

On behalf of the **Republic of Korea (ROK):**

- 2.a. The DPRK Mountain Protected Area in Kumgansan Province
- 2.b. The ROK Mountain Protected Area in Gangwon Province

These two contiguous largely temperate-forest upland areas under consideration for protection are situated ca 50 km southwest of the eastern terminus of the DMZ. They are important for the survival of a number of threatened mammalian species, including the Himalayan black bear (*Ursus thibetanus*; IUCN Vulnerable) and the Siberian musk deer (*Moschus moschiferus*; IUCN Vulnerable). Birds threatened with extinction that make use of these two areas include especially the red-crowned crane (*Grus japonensis*; IUCN Endangered). The area under consideration here by the DPRK already includes the Mount Kumgang National Park (60,000 ha; IUCN Category II), ca 30 km northwest of the Military Demarcation Line. The area under consideration here by the ROK already includes the Seoraksan National Park (39,800 ha; IUCN Category II), ca 40 km southeast of the Military Demarcation Line. Both of these existing protected areas are currently under consideration as World Heritage Sites. These two contiguous protected areas under consideration would in effect functionally connect those two existing national protected areas, thereby constituting a generally north-south mountainous

ecosystems for present and future generations, (2) exclude exploitation or occupation inimical to the purposes of designation of the area, and (3) provide a foundation for spiritual, scientific, educational, recreational, and visitor opportunities, all of which must be environmentally and culturally compatible.

IUCN Category III: 'Natural Monument', being a protected area managed mainly for conservation of specific natural features. This is an area containing one, or more, specific natural or natural/cultural feature which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities, or cultural significance.

IUCN Category IV: 'Habitat/Species Management Area', being a protected area managed mainly for conservation through management intervention. This is an area of land and/or sea subject to active intervention for management purposes so as to ensure the maintenance of habitats and/or to meet the requirements of specific species.

IUCN Category V: 'Protected Landscape/Seascape', being a protected area managed mainly for landscape/seascape conservation and recreation. This is an area of land, with coast and sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological, and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance, and evolution of such an area.

IUCN Category VI: 'Managed Resource Protection Area', being a protected area managed mainly for the sustainable use of natural ecosystems. This is an area containing predominantly unmodified natural systems, managed to ensure long-term protection and maintenance of biological diversity, while providing at the same time a sustainable flow of natural products and services to meet community needs.

Note: For more detailed IUCN definitions and guidelines, cf.:
www.unep-wcmc.org/protected_areas/categories/index.html