

VI. A Korean DMZ Park for Peace and Nature: Towards a Code of Conduct

Arthur H. Westing¹⁾

WESTING ASSOCIATES
134 FRED HOUGHTON RD
PUTNEY, VT 05346
USA

1. Introduction

The long-term national security of a state²⁾ ultimately derives in no small part from the satisfactory status of its native flora and fauna, in other words, from the well-being of its native biodiversity. An adequate system of protected natural areas, or bio-sanctuaries—the central focus of

-
- 1) The author's undergraduate training was in botany (Columbia, A. B., 1950). After two years in the United States Marine Corps (serving as an artillery officer in the Korean War) he became a forest ecologist (Yale, M. F., 1954; Ph. D., 1959). For eight years he directed the United Nations Environment Programme project on 'Peace, Security, and the Environment', a position which took him to South Korea and many other countries throughout the world; and is the author of numerous articles and several books in that subject area. He is on the faculty of the European Peace University, a member of the *World Conservation Union (IUCN) World Commission on Protected Areas*, and also a member of or advisor to a number of other international environmental nongovernmental organizations and scholarly journals. The author wishes to thank Carol E. Westing for her constructive criticism of this paper.
- 2) The term 'state' refers throughout the text to any one of the current 192 sovereign states (nations) to be found in the world today. The adjectival form used here is 'national'. The outer limit of a state is here referred to interchangeably as its

this presentation— contributes importantly to the maintenance of that biodiversity. Moreover, since political boundaries and ecological boundaries seldom coincide, the well-being of a state's biodiversity is most often inexorably linked to some greater or lesser extent to the well-being of the biodiversity of its neighboring and even near-neighboring states, that is to say, of the well-being of the biodiversity of its ecological region. Actually, the conservation of biodiversity requires a two-pronged approach: (a) sensitively managed rural areas (agricultural, forest, wetland, etc.) throughout a state's or ecological region's entire territorial extent, especially those adjacent to bio-sanctuaries, and (b) the strict protection of some modest fraction of that entire territory.

My major concern here is with the second of those two prongs of biodiversity conservation, the protection of an adequate system of bio-sanctuaries. I begin by suggesting the need for a substantial expansion of bio-sanctuaries for the Republic of Korea (South Korea); and, as it turns out, the need for an even greater expansion for those of the Democratic People's Republic of Korea (North Korea), the primary state with which South Korea shares its ecological region. And even a cursory examination of the current status of bio-sanctuaries on the Korean peninsula points to the indispensable role that could be played by the Korean Demilitarized Zone (DMZ) in ameliorating the present deficiencies.

After justifying the need for expanding the system of bio-sanctuaries on the Korean peninsula, and the critical role of the Korean DMZ

'boundary' or 'border' or 'frontier'. The prefix 'trans-' as used throughout the text with 'frontier' (or 'boundary' or 'border') could alternately have been given as 'cross-'. The term 'ecological region' is equivalent to 'ecogeographical region' (also sometimes referred to as 'biogeographical region'); an ecological region often coincides with a watershed (catchment area). The term 'war' refers throughout the text to an armed conflict, whether declared or undeclared; and whether international or non-international.

in that effort (here naming some of the key species threatened with extinction that depend at least in part upon the Korean DMZ for their very survival), I go on to point out a number of instances from around the world that might lend credence to the notion that North and South Korea could cooperate to their mutual environmental and political advantage on such a strategy. Various past and present efforts by intergovernmental agencies and nongovernmental organizations (NGOs) to set aside in perpetuity the Korean DMZ for peace and nature are touched upon, as are legal precedents for such cooperation from around the world.³⁾

In suggesting approaches to protecting in perpetuity at least portions of the Korean DMZ, I next provide some guidelines for preparing an environment-centered transfrontier code of conduct that the two Koreas might jointly embrace in order to facilitate their cooperation in the joint management of a Korean DMZ-based bio-sanctuary system. Finally I suggest that transfrontier protected-area cooperation between the two Koreas would serve not only nature, but should at the same time serve as a political confidence- and security-building measure between those two states.

2. Status of Biodiversity on the Korean Peninsula

At least two basic questions arise at once with regard to the adequacy of the necessary bio-sanctuaries: (a) their distribution, and (b)

3) All of the multilateral treaties (conventions, protocols, and other international legal instruments) referred to in the text are described in <Appendix VI-1>.

their areal extent.

As to the distribution (locations) of bio-sanctuaries, two types of determinant must be taken into consideration, the one biological and the other practical. Biological considerations demand a balance between including some fraction of each major habitat type (often disjunct, though sometimes with protected connecting corridors, where the larger migratory species are involved) and including those sites containing a large number of species of plants and animals (the so-called biodiversity hot-spots). Practical considerations demand that the sites being considered for protection are in fact potentially available and not already committed to important agricultural, urban, industrial, transportation, or other necessary human uses, whether private or public.

As to the areal extent (sizes, territorial proportion) of the bio-sanctuaries, the same two types of determinant—biological and practical—must again be taken into consideration. Biological considerations have led to a range of recommendations of what proportion of an ecological region's area must be set aside to essentially prevent (or prevent further) losses in biodiversity: indeed, anywhere from 25% to 75%.⁴⁾ This wide range of the necessary protected fraction derives from some combination of differing ecological needs for different species, differing scientific approaches to the question, and the extent and distribution of supporting sensitively managed rural areas outside the bio-sanctuaries themselves. Practical considerations suggest far more modest values based on the extent of sites that actually remain available for setting aside as bio-sanc-

4) R. F. Noss, "Protected Areas: How Much Is Enough?," R. G. Wright(ed), *National Parks and Protected Areas: Their Role in Environmental Protection*, Cambridge, USA: Blackwell Science, 1996, pp91~120; M. E. Soul and M. A. Sanjayan, "Conservation Targets: Do They Help?," *Science*, 279(5359), Washington, 1998, pp.2060~2061.

tuaries. Although the worldwide extent of proclaimed (formal) bio-sanctuaries has been rising throughout this century, the total fraction of land being protected seems to be leveling off (reaching an asymptote) in the neighborhood of 7% to 8%—indeed, the amount being added each year has been declining since about 1970.⁵⁾ Presumably with this reality in mind, two NGOs, the World Conservation Union (IUCN: Gland, Switzerland) and World Resources Institute (Washington), as well as other bodies, have been recommending that each state in the world strive for at least 10% to 12% of its territory as bio-sanctuaries⁶⁾—a value that has, in fact, already been achieved (at least on paper) by some 38(20%) of the current 192 states.

The current bio-sanctuary status on the Korean peninsula leaves much to be desired. North Korea now has 19 bio-sanctuaries. These total 315,000 hectares, therefore representing a mere 3% of North Korea's national territory of 12,054,000 hectares. The status of South Korea is somewhat more favorable, now having 26 bio-sanctuaries. These total 682,000 hectares, therefore representing a somewhat better 7% of South Korea's national territory of 9,848,000 hectares.

Combining the national data for the two Koreas in order to arrive at values for the entire Korean peninsula (the primary ecological region)

5) Data throughout the text on the bio-sanctuaries (nature reserves; protected natural areas) of the two Koreas and elsewhere in the world—as well as data on 'World Natural Heritage' sites, 'Biosphere Reserves', and 'Wetlands of International Importance'—are from the *1997 United Nations List of Protected Areas*. Data on plants threatened with extinction are from the *1997 IUCN Red List of Threatened Plants*. Data on mammals and birds threatened with extinction are from the *1996 IUCN Red List of Threatened Animals*. All three of those lists can be found on the web site of the World Conservation Monitoring Centre (Cambridge, UK) at: www.wcmc.org.uk.

6) M. E. Soul and M. A. Sanjayan, "Conservation Targets: Do They Help?," *Science* 279(5359), Washington, 1998, pp.2060~2061.

gives us 45 bio-sanctuaries totaling 997,000 hectares, therefore representing but 5% of the peninsula's total area of 21,902,000 hectares. Since the remaining rural areas of the Korean peninsula are for the most part intensively utilized (even over-utilized) for agricultural and other human purposes, it becomes clear that the protection of the peninsula's biodiversity demands at least a doubling of the areal extent of bio-sanctuaries—and, as can be seen, with the burden of such enlargement falling more on North Korea than on South Korea.

3. Value of the Korean DMZ for Biodiversity Protection

The 246-kilometer Military Demarcation Line that has separated the two Koreas since 1953 is surrounded by a Demilitarized Zone 4 kilometers in width (2 kilometers on either side of the Line), and thus with an area of 98,400 hectares.⁷⁾ The Korean DMZ has been left relatively undisturbed since 1953, the primary human interferences having been occasional circumscribed fires deliberately set for military purposes, as well as some use of herbicides. To the south of the Korean DMZ there exists an additional Civilian Control Zone (CCZ) of varying widths, averaging 5.4 kilometers, that has also remained relatively undeveloped and only

7) James M. Lee, "History of Korea's Military Demarcation Line and Reduction of Tension along the DMZ and Western Sea through Confidence Building Measures between North and South Korea," Presented on 'The 2000 DMZ International Conference' by the Hankyoreh Sinmun and the Hallym University, Chuncheon, ROK, 13 May 2000; A. H. Westing, "A Transfrontier Reserve for Peace and Nature on the Korean Peninsula," *International Environmental Affairs*, 10(1), Hanover, NH, USA, 1998~1999, pp.8~17.

modestly disturbed (although some agriculture is permitted in this informal zone); and a similar CCZ is said to exist to the north—for a combined area of ca 366 100 hectares. At present, the immediate surroundings of the Korean DMZ are heavily mined; the Korean DMZ itself is also mined, although to a far lesser extent.

The entire Korean peninsula now supports the following approximate numbers of selected biota⁸⁾: (a) 2,900 higher (vascular) plant species in 200 families, of which 11 in 9 families are currently threatened with extinction (9 IUCN 'endangered', 2 IUCN 'vulnerable'), (b) 70 terrestrial mammal species in 15 families, of which as many as 7 families are currently threatened with extinction (2 IUCN 'endangered', 5 IUCN 'vulnerable'), and (c) 320 bird species (55 resident, 265 migratory) in 17 families, of which 22 in 12 families are currently threatened with extinction (3 IUCN 'critically endangered', 4 IUCN 'endangered', 15 IUCN 'vulnerable').

Having been left to the whims of nature for almost half a century now, the Korean DMZ has become a flourishing de facto bio-sanctuary.⁹⁾ Together with its two associated CCZs, the Korean DMZ supports—that is, provides an all-important refuge for—a substantial fraction of the numerous

8) Athur H. Westing, "A Transfrontier Reserve for Peace and Nature on the Korean Peninsula," *International Environmental Affairs*, 10(1), Hanover, NH, USA, 1998~1999, pp.8~17.

9) To the extent that it is within the power of South Korea to do so, in 1997 its Ministry of Environment designated the Korean DMZ as a 'Natural Ecosystem Conservation Area'; and its Ministry of Culture & Tourism is working toward having the Korean DMZ designated as a 'Natural Heritage of Outstanding Universal Value' within the framework of the 1972 World Heritage Convention (regarding which see < Appendix VI-1 >). Jang-Hie Lee, "International Legal Issues of Converting 'Korean DMZ' into 'Peace Zone'," Presented on 'The 2000 DMZ International Conference' by the Hankyoreh Sinmun and the Hallym University, Chuncheon, ROK, 13 May 2000.

species of flora and fauna still indigenous to the Korean peninsula.¹⁰⁾ Indeed, roughly one-third of the 2,900 higher plant species of the Korean peninsula can be found in the Korean DMZ, as can roughly one-half of the peninsula's 70 mammal species, and roughly one-fifth of the peninsula's 320 bird species.

The fauna threatened with extinction that utilize the western reaches of the Korean DMZ and its two associated CCZs include :

- (a) Siberian musk deer (*Moschus moschiferus* ; IUCN 'vulnerable')
- (b) Red-crowned (or Manchurian or Japanese) crane (*Grus japonensis* ; IUCN 'vulnerable')
- (c) White-naped (or grey) crane (*Grus vipio* ; IUCN 'vulnerable')
- (d) Chinese egret (*Egretta eulophotes* ; IUCN 'endangered')
- (e) Black-footed spoonbill (*Platalea minor* ; IUCN 'critically endangered')
- (f) Oriental stork (*Ciconia boyciana* ; IUCN 'endangered')
- (g) Swan goose (*Anser cygnoides* ; IUCN 'vulnerable')
- (h) Nordmann's greenshank (*Tringa guttifer* ; IUCN 'endangered')
- (i) Steller's sea eagle (*Haliaeetus pelagicus* ; IUCN 'vulnerable')
- and
- (j) Crested ibis (*Nipponia nippon* ; IUCN 'critically endangered'),
if any remain there.

The fauna threatened with extinction that utilize the eastern reaches of the Korean DMZ and its two associated CCZs include :

10) K. C. Kim, "Preserving Biodiversity in Korea's Demilitarized Zone," *Science* 278(5336), Washington, 1997, pp.242~243 ; A. H. Westing, "A Transfrontier Reserve for Peace and Nature on the Korean Peninsula," *International Environmental Affairs* , 10(1), Hanover, NH, USA, 1998~1999, pp.8~17.

- (a) Red-crowned crane
- (b) Asiatic black bear (*Ursus thibetanus* ; IUCN 'vulnerable')
- (c) Tiger (*Panthera tigris* ; IUCN 'endangered'), if any remain there.

4. Precedents for Transfrontier Biodiversity Cooperation

The current 192 states share about 220,000 kilometers of land boundaries. And of the almost 10,000 bio-sanctuaries registered with the United Nations, of the order of 200—that is, roughly 100 pairs—happen to abut each other separated only by one of those national frontiers.¹¹⁾ In turn, some modest fraction of those 100 pairs of contiguous transfrontier bio-sanctuaries—about a dozen or so—have over the years become functionally linked to some greater or lesser degree of formality.¹²⁾ Two examples of such cooperation that have very recently come to fruition will be instructive here, as will a group of four that have recently been proposed for an ecological region just northeast of the Korean peninsula.

11) J. Thorsell and J. Harrison, "Parks that Promote Peace : A Global Inventory of Transfrontier Nature Reserves," J. Thorsell(ed), *Parks on the Borderline : Experience in Transfrontier Conservation*. Gland, Switzerland : World Conservation Union(IUCN), 1990, pp.3~20 ; D. C. Zbicz and M. J. B. "Green, Status of the World's Transfrontier Protected Areas," IUCN(ed), *Parks for Peace : Conference Proceedings*, Gland, Switzerland : World Conservation Union(IUCN), 1997, pp.207~228.

12) A. H. Westing, "Building Confidence with Transfrontier Reserves : The Global Potential," A. H. Westing(ed), *Transfrontier Reserves for Peace and Nature : a Contribution to Human Security*, Nairobi : UN Environment Programme, 1993, pp.1~15.

This third case is followed by a brief outline of relevant legal precedents.¹³⁾

(1) Southern Africa

One of the new transfrontier bio-sanctuaries I offer here as an instructive example for the two Koreas to help guide them toward establishing a Korean DMZ-based bio-sanctuary system was created in 1998 and concerns two pre-existing abutting bio-sanctuaries in southern Africa: the Botswanan Gemsbok National Park(2,766,000 hectares) and

13) Beyond their nature-protection function(A. H. Westing, "Biodiversity and the Challenge of National Borders," *Environmental Conservation*, 20(1), Cambridge, UK, 1993, pp.5~6), transfrontier bio-sanctuaries around the world could at the same time satisfy one of the following three political functions: (a) they might cement and further cultivate existing amicable relations between two contiguous states (J. Goldblat, "Confidence Building as an Approach to Regional Peace and Security," A. H. Westing(ed), *Transfrontier Reserves for Peace and Nature: a Contribution to Human Security*, Nairobi: UN Environment Programme, 1993, pp.17~20; J. Thorsell(ed), *Parks on the Borderline: Experience in Transfrontier Conservation*, Gland, Switzerland: World Conservation Union(IUCN), 1990; T. J. Weed, "Central America's 'Peace Parks' and Regional Conflict Resolution," *International Environmental Affairs*, 6(2), Hanover, NH, USA, 1993~1994, pp.175~190; A. H. Westing, "Building Confidence with Transfrontier Reserves: The Global Potential," A. H. Westing(ed), *Transfrontier Reserves for Peace and Nature: a Contribution to Human Security*, Nairobi: UN Environment Programme, 1993, pp.1~15); (b) they might obviate conflict between two states over a contested border region(J. W. McManus, "Spratly Islands: A Marine Park?," *Ambio*, 23(3), Stockholm, 1994, pp.181~186; R. J. McNeil, "Machias Seal Island International Park: A Proposed Resolution of a Territorial Conflict," F. W. Dykeman(ed), *Rural land management: perspectives from Canada and the United States*, Sackville, NB, Canada: Mount Allison University, 1991, pp.91~102; A. H. Westing, "Rare Chance for Egypt-Sudan Accord," *New York Times*, 144(50114), 1995, p.A20; A. H. Westing, "Eritrean-Yemeni Conflict over the Hanish Archipelago: Toward a Resolution Favoring Peace and Nature," *Security Dialogue* 27(2), Oslo, 1996,

the South African Kalahari Gemsbok National Park(959,000 hectares).¹⁴⁾ Renamed the Kgalagadi Transfrontier Peace Park, the two states have adopted for it a joint management plan that establishes unified administration, wildlife management, road maintenance, touristic activities (including shared income), and so forth. However, each of the two states retains complete sovereignty and ultimate responsibility for its portion of the combined bio-sanctuary. I should note here that this merger was facilitated by—would probably not have occurred without—an NGO, namely the Peace Parks Foundation(Somerset West, South Africa). Indeed, the Peace Parks Foundation intends to catalyze the creation of one or more

pp.201~206 ; or (c) they might help smooth the way for a pair of divided states eventually to reunite, as could be the case for the two Koreas(A. H. Westing, "Building Confidence with Transfrontier Reserves: the Global Potential," A. H. Westing(ed.), *Transfrontier Reserves for Peace and Nature: a Contribution to Human Security*, Nairobi : UN Environment Programme, 1993, pp.8~9 ; A. H. Westing, "A Transfrontier Reserve for Peace and Nature on the Korean Peninsula," *International Environmental Affairs*, 10(1), Hanover, NH, USA, 1998~1999, pp.8~17). It is also of interest to note here that transfrontier bio-sanctuaries are becoming a subject of growing interest in the international community, often under the heading of transfrontier peace parks (e. g., A. H. Westing "International Conference on Transboundary Protected Areas as a Vehicle for International Cooperation," *Environmental Conservation*, 25(1), Cambridge, UK, 1998, pp.78~79 ; A. H. Westing, "International Symposium on 'Parks for Peace' of the World Conservation Union(IUCN)," *Environmental Conservation*, 25(3), Cambridge, UK, pp.276 ; A. H. Westing, "Land-boundary Demarcation and Management: A Workshop of the International Boundaries Research Unit," *Environmental Conservation*, 26(2), Cambridge, UK, 1999, pp.147~148). Recently the World Conservation Union(IUCN)(Gland, Switzerland), the University for Peace(San Jos, Costa Rica), the World Wide Fund for Nature(Gland, Switzerland) and the United Nations Educational, Scientific, & Cultural Organization(UNESCO)(Paris) have each initiated relevant projects.

14) Personal communication with J. Hanks, Somerset West, South Africa : Peace Parks Foundation, 1997(John Hanks is Executive Director of the Foundation) ; J. Hanks, "Creating Peace Parks in Africa," *People & the Planet*, 7(4), London, 1998, pp.28~30.

such transfrontier peace parks (from either existing or newly created border bio-sanctuaries) between South Africa and each of its six neighbors (Botswana, Lesotho, Mozambique, Namibia, Swaziland, and Zimbabwe). The Foundation is doing so as a contribution not only to valuable biodiversity protection and as a boost to the economy of southern Africa, but importantly also as a contribution to the rebuilding of friendly political relations in that previously animosity-ridden part of the world.

(2) South America

Another of the transfrontier bio-sanctuaries being offered here as an example (or model) for the two Koreas was newly created in its entirety in 1999 and straddles the Ecuadorian-Peruvian boundary, the Cordillera del Condor Peace Park.¹⁵⁾ This bio-sanctuary (to begin with, 2,500 hectares in Ecuador plus 5,400 hectares in Peru) was established to celebrate the finally peaceful boundary settlement between those two states following a half century of periodic border wars over contested territory, and to commemorate the soldiers on both sides who had fallen in this protracted struggle. Each of the two portions, which are to be demilitarized, remains under the sovereignty and jurisdiction of the respective states. Moreover, work is currently in progress to augment by 863,300 hectares this very special Andean sandstone-mountain region with its unique flora and fauna. Here again it was NGOs—this time the

15) Personal communication with Jose M. Boza, Lima : Peruvian Ministry of Foreign Affairs, 1999 (Jose M. Bosa is Head of the Ministry's Boundary Section) ; WCPA, "A Mountain Peace Park for Ecuador-Peru and beyond," *WCPA(IUCN World Commission on Protected Areas) Newsletter*, 77(8), Gland, Switzerland, 1999.

World Conservation Union and Conservation International (Washington) — that were instrumental in the creation of this bio-sanctuary, having originally suggested the idea to the principals. In fact, Conservation International, hopes in time to be able to incorporate this new Peace Park into a chain of existing and proposed mountain bio-sanctuaries connected by protected corridors.

(3) Northeast Asia

The third example being offered here is still in a formative stage. The Ussuri River forms the border between China and Russia for a stretch of about 1,100 kilometers in an area just to the northeast of the Korean peninsula. A very ambitious joint plan is currently in the making by the two involved states for the sustainable development of that river's border-straddling 26.2 million hectare watershed (catchment area), of which 7.6 million hectares is situated in China and the remaining 18.6 million hectares is in Russia.¹⁶⁾ At present this environmentally rich watershed contains no formal bio-sanctuary. Among the bio-sanctuaries being recommended for implementation in the plan are four that straddle the border. Those proposed transfrontier bio-sanctuaries, which are referred to in the plan as 'peace parks', total 4.2 million hectares, thus representing a commendable 16% of the watershed. Again, it is noteworthy that this Chinese-Russian plan is being facilitated through the good offices of an

16) G. D. Davis, et al, *A Sustainable Land Use and Allocation Program for the Ussuri River Watershed and Adjacent Territories (northeastern China and the Russian Far East)*, Elizabethtown, NY, USA : Ecologically Sustainable Development, 1996 ; Personal communication with Douglas P. Murray, New York : National Committee on U.S.-China Relations, 1998 (Douglas P. Murray is a Board Member of the *Committee*).

NGO, namely the National Committee on U.S.-China Relations(New York).

(4) Legal Precedents and Foundations

A number of multilateral treaties are in force of direct or indirect relevance to transfrontier bio-sanctuaries. Referral to these existing and widely accepted international legal instruments should make the establishment of cooperation between the two Koreas a less forbidding challenge to the diplomats involved in drawing up any nature-protection focused bi-state agreement. And, of course, several of the international legal instruments are of central importance to global environmental protection irrespective of their transfrontier ramifications.

For example, with respect to bio-sanctuaries in general there is no doubt that every state in the world should become party to at least the following six international legal instruments :

- (a) 1971 Ramsar Wetlands Convention
- (b) 1972 World Heritage Convention
- (c) 1977 International Armed Conflict Protocol
- (d) 1979 Migratory Animal Convention
- (e) 1992 Biological Diversity Convention
- (f) 1997 Anti-personnel Mine Convention.

While all six of these multilateral treaties are of importance with respect to any bio-sanctuary on the Korean peninsula, three of them—the 1971 Ramsar Wetlands Convention, the 1979 Migratory Animal Convention, and the 1992 Biological Diversity Convention—stand out with special clarity

as being of particular relevance to transfrontier bio-sanctuaries.

With regard to all six of the multilateral treaties singled out above, it is a pleasure for me to note that both Koreas are already party to the 1972 World Heritage Convention, the 1992 Biological Diversity Convention, and the 1977 International Armed Conflict Protocol. On the other hand, neither Korea is as yet a party to the 1997 Anti-personnel Mine Convention. As to the two multilateral treaties among the six which are of central importance to cross-border migratory wildlife in the greater region (the extended ecological region)—the 1971 Ramsar Wetlands Convention and the 1979 Migratory Animal Convention—the greater regional record is mixed. South Korea is a party to the 1971 Ramsar Wetlands Convention, as are China and Russia, but regrettably not as yet North Korea. And none of the four regionally relevant states (the two Koreas, China, and Russia) is as yet a party to the 1979 Migratory Animal Convention. Those latter two international legal instruments would form a particularly fine basis for transfrontier cooperation of the sort being envisioned here.

5. Protecting the Korean DMZ for Peace and Nature

Establishing a Korean bi-state bio-sanctuary system based on the Korean DMZ and its two associated CCZs has been a hope and dream for some years now,¹⁷⁾ but remains a formidable challenge, indeed.¹⁸⁾

17) A. H. Westing, "Building Confidence with Transfrontier Reserves: The Global Potential," A. H. Westing(ed), *Transfrontier Reserves for Peace and Nature: a Contribution to Human Security*, Nairobi: UN Environment Programme, 1993, pp.8~9.

18) K. H. John, "Korean DMZ: A Fragile Ecosystem," *Science*, 280(5365), Washington,

Truly enormous pressures exist, emanating from both Koreas, to develop the Korean DMZ and its two associated CCZs for agriculture and industry (and to some extent also for tourism) as soon as they might become available for such civilian uses.¹⁹⁾ The legal hurdles are formidable as well, including the matter of reclaiming pre-war private property rights.²⁰⁾ Indeed, only about 15% of the Korean DMZ and its two associated CCZs is in pre-war public ownership, mostly toward the eastern end.²¹⁾

In principle, the entire Korean DMZ and its two associated CCZs should at this time be set aside as interim bio-sanctuaries, with any subsequent negotiations for more limited patterns of protection awaiting formal agreement between the two Koreas for such full permanent preservation.²²⁾ In fact, it seems quite unlikely to me that those three zones would ever be set aside in toto as bio-sanctuaries—this despite the great need to establish more such bio-sanctuaries on the Korean peninsula and the great paucity of potential sites available elsewhere in that ecological region. I suggest, therefore, that two primary transfrontier bio-sanctuaries be striven for, each perhaps 50,000 hectares or so in size. The first of these would be a largely low wetland toward the western end of the Korean DMZ, about 60 kilometers northeast of Panmunjeom. This west-

1998, pp.808~809; Chae-Han Kim, "DMZ Policies as Seeking for Mutual Interests," Presented on 'The 2000 DMZ International Conference' by the Hankyoreh Sinmun and the Hallym University, Chuncheon, ROK, 13 May 2000; Jae-Su Pack, *Statement of the Secretary General of the Korean Natural Conservation Union*, Pyeongyang: Korean Natural Conservation Union, 19 Aug. 1999.

19) K. H. John, "Korean DMZ: A Fragile Ecosystem," *Science*, 280(5365), Washington, 1998, pp.808~809.

20) Jang-Hie Lee, "International Legal Issues of Converting 'Korean DMZ' into 'Peace Zone'," Presented on 'The 2000 DMZ International Conference' by the Hankyoreh Sinmun and the Hallym University, Chuncheon, ROK, 13 May 2000.

21) Personal communication with Kwi-Gon Kim, 1999.

22) Personal communication with Ke-Chung Kim, 1999.

erly one would be of extreme importance as a wintering ground for migratory birds utilizing the Northeast Asian fly way (primarily involving China, Russia, and the two Koreas). The second of these would be a largely mountainous temperate-forest upland about 50 kilometers southwest of the eastern terminus of the Korean DMZ. This easterly one would be of great importance to large mammals and other wildlife. And both of the proposed areas, it should be added, would clearly have some potential for eco-tourism— and presumably also for some culturally based tourism.²³⁾

Creating the two suggested transfrontier bio-sanctuaries would by no means exclude the establishment of additional smaller bio-sanctuaries in and near the Korean DMZ enjoying varying levels of protection and management regimes (and perhaps including so-called 'Wetlands of International Importance' and 'Biosphere Reserves'). It is important to note here that the two bio-sanctuaries I propose—if each were 50,000 hectares in size—would leave approximately 73% of the Korean DMZ and its two associated CCZs for the development so ardently desired on both sides of the Line (those three zones having a combined area of *ca* 366,100 hectares). Moreover, ecological (habitat) considerations might suggest that the two proposed bio-sanctuaries each extend a bit beyond the Korean DMZ and CCZs. For example, my proposed eastern bio-sanctuary is situated on a generally north-south chain of mountains with existing bio-sanctuaries relatively nearby both to the north and to the south: North Korea's Mount Geumgang(Diamond) National Park(60,000 hectares) and South Korea's Seorak Mountain National Park(37,300 hectares). A protected corridor connecting all of these bio-sanctuaries

23) Young-Hee Choi, "The Historic Significance of DMZ," Presented on 'The 2000 DMZ International Conference' by the Hankyoreh Sinmun and the Hallym University, Chuncheon, ROK, 13 May 2000.

would be especially beneficial to the involved wildlife.

Various governmental, intergovernmental, and nongovernmental efforts towards this aim of protecting the Korean DMZ for nature are alluded to below. And at such time as the principals are ready to establish such bio-sanctuaries, they would have at their disposal by way of models a draft 'Interim Memorandum of Understanding for a Transfrontier Reserve'²⁴⁾ as well as a draft 'Agreement for a Transfrontier Reserve'.²⁵⁾ Guidelines for developing a suitable 'Code of Conduct for a Transfrontier Bio-sanctuary' are dealt with below.

(1) Governmental and Intergovernmental Actions

Both Koreas have at one time or another supported the notion of setting aside at least a portion of the Korean DMZ as a bio-sanctuary.²⁶⁾ North Korea approached the United Nations Secretary-General(New York) in early 1991, asking that he explore the possibility of a Korean DMZ-centered bio-sanctuary, a step soon thereafter supported in like manner by South Korea. The task was given over to the Executive Director of the United Nations Environment Programme(UNEP)(Nairobi),

24) A. H. Westing, "From Hope to Reality : Establishing an Indochina Tri-state Reserve for Peace and Nature," A. H. Westing(ed), *Transfrontier Reserves for Peace and Nature : a Contribution to Human Security*, Nairobi : UN Environment Programme, 1993, pp.101~102.

25) A. H. Westing, "From Hope to Reality : Establishing an Indochina Tri-state Reserve for Peace and Nature," A. H. Westing(ed), *Transfrontier Reserves for Peace and Nature : a Contribution to Human Security*, Nairobi : UN Environment Programme, 1993, pp.103~109.

26) A. H. Westing, "A Transfrontier Reserve for Peace and Nature on the Korean Peninsula," *International Environmental Affairs*, 10(1), Hanover, NH, USA, 1998 ~1999, pp.8~17.

who immediately initiated appropriate arrangements. However, North Korea drew back from its initial interest in 1992, whereas South Korea has in fact maintained its interest to the present time, as expressed on various occasions both to the United Nations Environment Programme and United Nations Development Programme(New York).²⁷⁾ In 1997, the President of South Korea, in addressing the United Nations General Assembly, specifically expressed his hope that the two Koreas would cooperate with each other to protect and preserve the Korean DMZ, turning it into a zone of peace and ecological integrity. By contrast, in a subsequent statement emanating from North Korea, the Korean Natural Conservation Union(Pyeongyang)—an NGO, but presumably reflecting the current government position—stressed the importance of preserving the biota and ecology of the Korean DMZ in a scientifically sound manner. However, it then alluded to existing political problems that continue to prevent this from occurring.²⁸⁾ It thus becomes clear that imposing obstacles to bio-sanctuary establishment remain despite the good offices of such intergovernmental agencies as the United Nations Environment Programme and United Nations Development Programme.

Following the 1992 Rio de Janeiro United Nations Conference on Environment and Development, South Korea was instrumental in establishing the North East Asia and North Pacific Environmental Forum (NEANPEF, Hayama, Japan). That intergovernmental Forum has been holding a series of meetings, variously bringing together a mix of government officials, academics, business people, and NGO representatives

27) A. H. Westing, "A Transfrontier Reserve for Peace and Nature on the Korean Peninsula," *International Environmental Affairs*, 10(1), Hanover, NH, USA, 1998~1999, pp.8~17.

28) Jae-Su Pack, *Statement of the Secretary General of the Korean Natural Conservation Union*, Pyeongyang : Korean Natural Conservation Union, 19 Aug. 1999.

from the relevant states, including North Korea, South Korea, China, and Russia. The mission of that Forum is to link environmental leaders from the region, to strengthen the capacity of environmental NGOs, and to promote environment-related interactions among such interested parties as the regional governments (both national and local), business communities, and NGOs. Among the subjects that have been addressed on an informal basis by the Forum has been environmental cooperation in transfrontier areas, specifically including the Korean DMZ, a matter commended to its attention by the Korea Peace Bioreserves System Project(University Park; PA, USA) in 1996.²⁹⁾ The Forum could thus play a vital role in encouraging negotiations among the relevant parties to establish Korean DMZ bio-sanctuaries. But it must be noted that although the Forum has in the past received substantial financial support from the Asia Foundation(San Francisco) and other NGOs, future activities are at this point uncertain owing largely to serious financial constraints.³⁰⁾

(2) NGO Actions

Two NGOs are especially worthy of mention with specific reference to protecting the Korean DMZ, the International Crane Foundation(Baraboo, WI, USA) and the DMZ Forum(University Park, PA, USA).

The International Crane Foundation has been active for the past quarter century, inter alia, in establishing bio-sanctuaries for the red-crowned and white-naped cranes throughout their considerable

29) Personal communication with Ke-Chung Kim, 1999.

30) Personal communication with Sang-Don Lee, Seoul: Chung-Ang University, Department of Law, 1999(Sang-Don Lee is the Secretary General of the *North East Asia and North Pacific Environmental Forum(NEANPEF)*).

ranges, thereby including their breeding grounds in China and their wintering grounds on the Korean peninsula, with continuing emphasis regarding the latter on the Korean DMZ.³¹⁾ Indeed, one of those bio-sanctuaries—which was established in collaboration with another NGO, the Korean Association for Bird Protection(Seoul)—is located in the Han River estuary near the western terminus of the Korean DMZ.

The DMZ Forum, now only a few years old, has an essentially single-minded focus on helping to protect biodiversity in Northeast Asia through the establishment of a bio-sanctuary in the Korean DMZ. The DMZ Forum is a joint program of the New York University Institute of Public Administration(New York), the Pennsylvania State University Center for BioDiversity Research(University Park, PA, USA), and an NGO, the Wildlife Conservation Society(New York). The official purpose of the organization is to 'promote and support the preservation of Korea's Demilitarized Zone ecosystems for conservation and peace'. And its three main stated objectives are : (a) to mobilize the support of scientists, political leaders, governments, and international organizations, (b) to hold interdisciplinary meetings for exploring relevant preservation issues, and (c) to support research and provide baseline data for developing a transfrontier peace park. The DMZ Forum held its first conference in New York in March 1999. It is in the process of selecting state representatives not only from the two Koreas, but also from China, Japan, and Russia. The organization is, inter alia, striving with determination for a general agreement between the two Koreas to conserve the entire Korean DMZ as a bio-sanctuary, and hopes to enlist other NGOs in attaining this goal.³²⁾

31) A. H. Westing, "A Transfrontier Reserve for Peace and Nature on the Korean Peninsula," *International Environmental Affairs*, 10(1), Hanover, NH, USA, 1998~1999, pp.8~17.

32) Personal communication with Ke-Chung Kim, 1999.

6. Towards a Transfrontier Code of Conduct

(1) A National Code of Environmental Conduct

In striving for a Korean DMZ-based bio-sanctuary system, it becomes most important to establish a cultural climate within the two Koreas (as in every state) that will give rise to a national code of environmental conduct applicable, inter alia, to bio-sanctuaries of all sorts. Such code must become sufficiently ingrained for it to be supported during both good times and bad.³³⁾ People in every walk of life and social stratum (including those leading traditional lives) must become sufficiently imbued with a feeling for nature—with an environmental ethic—to support their national environmental code of conduct whether during times of peace or civil unrest, or even in times of war; and no matter whether they are civilians, government soldiers, or insurgent soldiers. This will require a long-term perspective.

Fortunately, a progressive development of environmental norms is already clearly discernible throughout the world.³⁴⁾ Nonetheless, the importance cannot be over-emphasized of nurturing and reinforcing this process by educational means of all sorts.³⁵⁾ Among numerous other approaches, it is in the present context urged that the 1982 World Charter for Nature³⁶⁾ be incorporated into elementary curricula and widely

33) A. H. Westing, "Towards a Code of Conduct for Transfrontier Nature Reserves," *Environmental Awareness*, 21(2), Baroda, 1998, pp.53~61.

34) A. H. Westing, "Core Values for Sustainable Development," *Environmental Conservation*, 23(3), Cambridge, UK, 1996, pp.218~225.

35) A. H. Westing, "Global Need for Environmental Education," *Environment*, 35(7), Washington, 1993, pp.4~5, and p.45.

36) UNGA, *World Charter for Nature*, New York: UN General Assembly, Resolution

displayed in schools and elsewhere as appropriate. Moreover, those countries that have already adopted their own environmental codes of conduct deserve everyone's special praise, since those actions should be widely emulated. Among the states that have already taken this edifying step are the Gambia,³⁷⁾ Eritrea,³⁸⁾ and Israel.³⁹⁾

The very process of formulating a manifesto of this sort for formal adoption—if this becomes, as it must, a widely shared and publicized event—will serve a valuable educational function in its own right. When carried out as an exercise in schools and in NGOs, the necessarily associated readings, discussions, and soul searchings would have an especially rewarding outcome. Even if the resulting product does not immediately lead to governmental adoption, the formulation process itself would not only have served a heuristic function, but such a code could nonetheless be adopted by NGOs or other entities for further dissemination.⁴⁰⁾

The development of an environmental ethic, whether in North Korea or South Korea—one that recognizes the integral part each government must play not only in protecting the environment in its own state, but also in protecting its ecological region as well as the entire global biosphere—can be encouraged and fulfilled in various ways. Perhaps the

no.37/7, 28 Oct. 1982.

37) D. Jawara, *The Banjul Declaration*, Banjul : Government of the Republic of the Gambia, 18 Feb. 1977(This declaration was signed by President Dawda Jawara).

38) Eritrea, "Eritrean National Code of Conduct for Environmental Security," *National Environmental Management Plan for Eritrea*, Asmara : Government of Eritrea, p.xii and p.229(Reprinted in *Environmental Conservation*, 22(1), Cambridge, UK, 1995, p.78).

39) Y. Sarid, "The Environmental Covenant," S. Gabbay(ed), *The Environment in Israel*, Jerusalem : Israeli Ministry of the Environment, 1993, pp.224~226(This Covenant was signed by Minister of the Environment Yossi Sarid on 6 Sep. 1993).

40) See, e. g., A. H. Westing, 1986, "A Conservation Code," *WWF News*, 42(7), Gland, Switzerland, 1986(Reprinted in *Environment* 10(3), Washington, 1986, p.3).

most important way to begin is for a state to go through the process of adopting the various existing key legal norms to which it has not already subscribed. Here I have in mind as an absolute minimum the six multi-lateral treaties referred to above in the section on 'Legal precedents and Foundations', namely : (a) 1971 Ramsar Wetlands Convention ; (b) 1972 World Heritage Convention, (c) 1977 International Armed Conflict Protocol, (d) 1979 Migratory Animal Convention, (e) 1992 Biological Diversity Convention, and (f) 1997 Anti-personnel Mine Convention. And, since neither Korea was a member of the United Nations at the time of the adoption of the 1982 World Charter for Nature,⁴¹⁾ it would be eminently appropriate for both governments to notify the United Nations Secretary-General of their endorsement of this landmark document, at the same time making a public proclamation to that effect.

(2) Guidelines for Developing a Transfrontier Code of Conduct

Although not essential, formal commitments by the two Koreas to at least the six above-suggested international legal instruments, together with the adoption of national codes of environmental conduct would be enormously useful groundwork in their development and ultimate joint acceptance of a bilateral Transfrontier Code of Conduct as a guideline for their Korean DMZ bio-sanctuary cooperation.

Under no circumstance can it be expected that their Transfrontier Code of Conduct will be an easy one to attain. But the urgency of the matter demands an early inauguration of at least informal discussions

41) UNGA, *World Charter for Nature*, New York : UN General Assembly, Resolution no.37/7, 28 Oct. 1982.

between the two Koreas, perhaps under the auspices of the North East Asia and North Pacific Environmental Forum. Such bilateral discussions would be much facilitated if either or both the United Nations Environment Programme or World Conservation Union were to be brought into the picture as technical advisors ; and one of them perhaps even additionally to moderate those bilateral sessions. The United Nations Command(Seoul) as well as China should, of course, also be asked to attend those sessions in at least observer capacities inasmuch as they, together with North Korea, are the three parties to the 1953 Military Armistice Agreement, still in force, and thus comprise the group that remains formally in charge of the Korean DMZ.⁴²⁾

In developing their Transfrontier Code of Conduct, it will be impossible for the two Koreas to ignore the fact that they have different forms of governance and are also at significantly different stages in economic development. It therefore becomes crucial for them not only to acknowledge each other's full sovereignties in that Code, but at the same time to be working towards harmonizing their respective institutional mechanisms applicable to bio-sanctuaries. Here the reliance by both parties on relevant standards established by the United Nations Environment Programme, World Conservation Union, and International Committee of the Red Cross(Geneva) become especially important.

Their Transfrontier Code of Conduct would have to establish the fundamental principle that in collaborating on a Korean DMZ-based bio-sanctuary system, the two Koreas would be cooperating on a basis of political and administrative equality even though their financial contributions are likely to be asymmetrical. Indeed, the financial contributions

42) Jang-Hie Lee, "International Legal Issues of Converting 'Korean DMZ' into 'Peace Zone'," Presented on "The 2000 DMZ International Conference" by the Hankyoreh Sinmun and the Hallym University, Chuncheon, ROK, 13 May 2000.

by each partner to any such joint endeavors might best be derived from a formula based on the relative amounts of their United Nations assessments.

Their Transfrontier Code of Conduct should recognize the good offices of one or more subsidiary partners and technical advisors, among these especially the United Nations Environment Programme, World Conservation Union, and International Committee of the Red Cross ; and, perhaps such relevant regional integration agencies or organizations as the North East Asia and North Pacific Environmental Forum. The Code should also establish a mechanism for the resolution of any disputes that might arise in the transfrontier collaboration. However, verification and enforcement issues would seem to be well beyond the scope of the envisioned Code.

Most important, their Transfrontier Code of Conduct should proclaim the inviolate character of the paired transfrontier areas, during both peace and war. That code should establish any Korean DMZ-based bio-sanctuary as a zone of peace and tranquility—that is, to be demilitarized in conformance with Article 60 of the 1977 International Armed Conflict Protocol. The inviolate nature of a bio-sanctuary could be reinforced if it (or portions of it) were to qualify as a 'World Natural Heritage' site as established under the 1972 World Heritage Convention⁴³⁾ (of which there now exist 119 or more throughout the world) ; or as a 'Biosphere Reserve' as established under the 1984 UNESCO Man and the Biosphere program (Fall, 1999) (of which there now exist 327 or more throughout the world) ; or else as a 'Wetland of International

43) P. Antoine, "International Humanitarian Law and the Protection of the Environment in Time of Armed Conflict," *International Review of the Red Cross*, 32(291), Geneva, 1992, pp.517~537 ; A. H. Westing, "Protected Natural Areas and the Military," *Environmental Conservation*, 19(4), Cambridge, UK, 1992, pp.343~348.

Importance' as established under the 1971 Ramsar Wetlands Convention (of which there now exist 652 or more throughout the world).

Their Transfrontier Code of Conduct should (perhaps in its preamble) acknowledge the equal importance of transfrontier bio-sanctuaries in facilitating both environmental security and political security.⁴⁴⁾ It must also point to the benefits to be derived from transfrontier collaboration, for example in: (a) curbing such illegal activities as wildlife or timber poaching or trade in species threatened with extinction, (b) suppressing wild fires and deleterious insect outbreaks, (c) cost-sharing for research, education, training, and equipment, (d) cooperative management, and (e) promoting eco-tourism (perhaps here suggesting private-sector involvement). More generally, that Code should stress the benefits to biodiversity conservation, economic and social welfare, and maintenance of peace.⁴⁵⁾

Finally, their Transfrontier Code of Conduct would do well to draw for guidance and content upon a number of existing documents, especially the following:

44) A. H. Westing(ed), *Transfrontier Reserves for Peace and Nature: A Contribution to Human Security*, Nairobi: United Nations Environment Programme, 1993; A. H. Westing, "Establishment and Management of Transfrontier Protected Areas for Conflict Prevention and Confidence Building," *Environmental Conservation*, 25(2), Cambridge, UK, 1998, pp.91~94; A. H. Westing, "Towards a Code of Conduct for Transfrontier Nature Reserves," *Environmental Awareness*, 21(2), Baroda, 1998, pp.53~61.

45) IUCN, *Parks for Peace: International Conference on Transboundary Protected Areas as a Vehicle for International Co-operation, Somerset West, near Cape Town, South Africa: Conference Report*, Gland, Switzerland: World Conservation Union(IUCN), 1997, p.14; A. H. Westing, "International Conference on Transboundary Protected Areas as a Vehicle for International Cooperation," *Environmental Conservation*, 25(1), Cambridge, UK, 1998, pp.78~79.

- (a) 1982 World Charter for Nature⁴⁶⁾
- (b) 1992 Biological Diversity Convention, Article 8 a of which commits its parties to establishing, as appropriate, a system of bio-sanctuaries, and Article 5 of which commits its parties to cooperating among themselves
- (c) 1977 International Armed Conflict Protocol, Article 60 of which provides for the establishment of demilitarized zones
- (d) 1978 Principles for the Harmonious Utilization of Natural Resources Shared by Two or More States⁴⁷⁾
- (e) 1971 Ramsar Wetlands Convention, Article 5 of which commits its parties to consultation with respect to any transfrontier wetland
- (f) 1970 Principles of International Law concerning Friendly Relations and Co-operation among States⁴⁸⁾
- (g) 1995 Draft International Covenant on Environment and Development⁴⁹⁾
- (h) 1995 Draft Convention on the Prohibition of Hostile Military

46) UNGA, *World Charter for Nature*, New York : UN General Assembly, Resolution no.37/7, 28 Oct. 1982.

47) UNEP, *Co-operation in the Field of the Environment Concerning Natural Resources Shared by Two or More States*, Nairobi : UN Environment Programme, Decision no.6/14, 24 May 1978 ; UNEP, *Draft Principles of Conduct in the Field of the Environment for the Guidance of States in the Conservation and Harmonious Utilization of Natural Resources Shared by Two or More States*, Nairobi : UN Environment Programme, Document no.UNEP/GC.6/17, 10 Mar. 1978.

48) UNGA, *Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations*, New York : UN General Assembly, Resolution no.2625(XXV), 24 Oct. 1970.

49) IUCN, *Draft International Covenant on Environment and Development*, Gland, Switzerland : World Conservation Union(IUCN), Environmental Policy & Law Paper no.31, 1995.

Activities in Protected Areas⁵⁰⁾

- (i) 1993 Draft Agreement for a Transfrontier Reserve⁵¹⁾
- (j) Constitutional provisions dealing with the environment embodied in various national constitutions⁵²⁾ — including, of course, the one from the Constitution of South Korea, which establishes that, 'All citizens shall have the right to a healthy and pleasant environment. The State and all citizens shall endeavor to protect the environment' (Article 35.1)
- (k) The several extant national and private codes of environmental conduct⁵³⁾
- (l) The relevant criteria established under the auspices of the World Conservation Union.⁵⁴⁾

50) IUCN & ICEL, *Draft Convention on the Prohibition of Hostile Military Activities in Protected Areas*, Gland, Switzerland: World Conservation Union(IUCN) & International Council on Environmental Law(ICEL), 1995.

51) A. H. Westing, "From Hope to Reality: Establishing an Indochina Tri-state Reserve for Peace and Nature," A. H. Westing(ed), *Transfrontier Reserves for Peace and Nature: A Contribution to Human Security*, Nairobi: UN Environment Programme, 1993, pp.103~109.

52) F. Z. Ksentini, *Human Rights and the Environment*, New York: UN Economic & Social Council, Document, no.E/CN.4, 2 Aug. 1991, pp.5~7; E. B. Weiss, *In Fairness to Future Generations: International Law, Common Patrimony, and Intergenerational Equity*, Tokyo: UN University, 1988, pp.297~327.

53) Eritrea, "Eritrean National Code of Conduct for Environmental Security," *National Environmental Management Plan for Eritrea*, Asmara: Government of Eritrea, p.xii and p.229(Reprinted in *Environmental Conservation*, 22(1), Cambridge, UK, 1995, p.78); D. Jawara, *The Banjul Declaration*, Banjul: Government of the Republic of the Gambia, 18 Feb. 1977(This declaration was signed by President Dawda Jawara); Y. Sarid, "The Environmental Covenant," S. Gabbay(ed), *The Environment in Israel*, Jerusalem: Israeli Ministry of the Environment, 1993, pp.224~226(This Covenant was signed by Minister of the Environment Yossi Sarid on 6 Sep. 1993); A. H. Westing, "A Conservation Code," *WWF News*, 42(7), Gland, Switzerland, 1986(Reprinted in *Environment*, 10(3), Washington, 1986, p.3).

54) IUCN, *Parks for Peace: International Conference on Transboundary Protected*

7. Conclusion

In any consideration of the challenges to regional security for Northeast Asia in general and the Korean peninsula in particular, military (including nuclear-weapon) concerns are often a central focus,⁵⁵⁾ followed by poverty and other economic concerns, and then sometimes also human rights concerns. When the consideration is narrowed to the environmental aspects of security for the region, air and water pollution together with land degradation come to the fore, those regional challenges leading to various important opportunities for regional cooperation.⁵⁶⁾ But often overlooked in considerations of long-term security for Northeast Asia is the pressing need for biodiversity protection.

Thus, despite the sensitive nature of any negotiations between the two Koreas— or perhaps because of this— a confidence-building and conflict-prevention measure that involves something as benign, mutually beneficial, and apolitical as biodiversity and related nature protection

Areas as a Vehicle for International Co-operation, Somerset West, near Cape Town, South Africa: Conference Report, Gland, Switzerland: World Conservation Union(IUCN), 1997, pp.65~70; A. H. Westing, "International Conference on Transboundary Protected Areas as a Vehicle for International Cooperation," *Environmental Conservation*, 25(1), Cambridge, UK, 1998, pp.78~79.

55) A. Mack(ed), *Nuclear policies in Northeast Asia*, Geneva: United Nations Institute for Disarmament Research, Publication no.UNIDIR/95/16, 1995.

56) K. Conca, "Environmental Confidence Building and Regional Security in Northeast Asia," M. A. Schreurs and D. Pirages(eds), *Ecological Security in Northeast Asia*, Seoul: Yonsei University Press, 1998, pp.41~65; M. A. Schreurs, "The Future of Environmental Cooperation in Northeast Asia," M. A. Schreurs and D. Pirages(eds), *Ecological Security in Northeast Asia*, Seoul: Yonsei University Press, 1998, pp.195~219; E. Yoon and H. P. Lee, "Environmental Cooperation in Northeast Asia: Issues and Prospects," M. A. Schreurs and D. Pirages(eds), *Ecological Security in Northeast Asia*, Seoul: Yonsei University Press, 1998, pp.67~88.

would be most valuable to pursue.⁵⁷⁾ A Korean DMZ-based bi-state trans-frontier park system for peace and nature would make a subtle but extraordinary contribution to the long-term comprehensive human security of those two states and of the peninsula they share with the indigenous flora and fauna. And a most useful initial approach to establishing such jointly managed transfrontier bio-sanctuaries would be through the joint development of an environment-centered transfrontier code of conduct.

57) R. K. Danby, "International Transborder Protected areas : Experience, Benefits, and Opportunities," *Environments*, 25(1), Waterloo, Canada, 1997, pp.1~14 ; Chae-Han Kim, "DMZ Policies as Seeking for Mutual Interests," Presented on 'The 2000 DMZ International Conference' by the Hankyoreh Sinmun and the Hallym University, Chuncheon, ROK, 13 May 2000 ; A. H. Westing, "Establishment and Management of Transfrontier Protected Areas for Conflict Prevention and Confidence Building," *Environmental Conservation*, 25(2), Cambridge, UK, 1998, pp.91 ~94.

Universal Legal Instruments

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

London, 8 November 1933; in force, 14 January 1936; depositary, the United Kingdom(London); LNTS #3995; states parties as of 17 April 2000, 11(6%) of 192. Article 6 commits the states parties to cooperation with respect to contiguous bio-sanctuaries.

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'), World Conservation Union(IUCN)(Gland, Switzerland); UNTS #14583; states parties as of 10 March 2000, 119(62%) of 192(including South Korea, China, and Russia). Article 5 commits the states parties to consultation with respect to a transfrontier wetland or water system.

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 World Conservation Union(IUCN)(Gland, Switzerland) in reference to natural heritages; UNTS #15511; states parties as of 10 April 2000, 159(83%) of 192 (including North Korea, South Korea, China, and Russia). Article 6 commits the states parties not to take any deliberate measures which might damage, directly or indirectly, the 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.

Protocol [I] Additional to the Geneva Conventions of 1949 and Relating to the Protection of Victims of International Armed Conflicts. Bern, 12 December 1977; in force, 7 December 1978; depositary, Switzerland(Bern); secretariat, International Committee of the Red Cross(Geneva); UNTS #17512; states parties as of 18 January 2000, 156(81%) of 192 (including North Korea, South Korea, China, and Russia). Article 60 provides to the states parties the opportunity to create demilitarized zones.

Convention on the Conservation of Migratory Species of Wild Animals. Bonn, 23 June 1979; in force, 1 November 1983; depositary, Germany(Bonn); secretariat, United Nations Environment Programme(Bonn); UNTS #28395; states parties as of 1 January 2000, 66(34%) of 192. The treaty provides for the protection of wild animals that migrate across or outside national boundaries.

Convention on Biological Diversity. Rio de Janeiro, 5 June 1992; in force, 29 December 1993; depositary, United Nations(New York); secretariat, United Nations Environment Programme (Montreal); UNTS #30619; states parties as of 14 February 2000, 177(92%) of 192 (including North Korea, South Korea, China, and Russia). Article 8.a commits the states parties to establishing a system of bio-sanctuaries; Article 5 to cooperating among themselves; and Article 3 to ensuring that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction. Ottawa, 3 December 1997; in force, 1 March 1999; depositary, United Nations(New York); UNTS #35597; states parties as of 16 March 2000, 94(49%) of 192. Article 1 commits the states parties never under any circumstance to use anti-personnel mines and to ensure the destruction of all anti-personnel mines.

Regional Legal 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 19 September 1999, 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); UNTS #21159; states parties as of 23 June 1999, 40 (ca 75%) of ca 53. 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); UNTS #20967; states parties as of 24 June 1999, 22 (ca 42%) of ca 53. The treaty commits the states parties to facilitate and foster cooperation across their national frontiers.

Mediterranean Protocol concerning Specially Protected Areas. Geneva, 3 April 1982; in force, 23 March 1986; depositary, Spain (Madrid); secretariat, United Nations Environment Programme (Athens); UNTS #24079; states parties as of 1 June 1996, 20 (100%) of 20. Article 6 commits the states parties to consult each other regarding a frontier bio-sanctuary, and to examine the possibility of establishing a corresponding area (This international legal instrument is a protocol to the 1976 Barcelona Convention for the Protection of the Mediterranean Sea Against Pollution (UNTS #16908)).

Benelux Convention on Nature Conservation and Landscape Protection. Brussels, 8 June 1982; in force, 1 October 1983; depositary, Benelux Economic Union (Brussels); UNTS, not registered; states parties as of 19 September 1999, 3 (100%) of 3. Article 3 commits the states parties to develop a concept of transfrontier bio-sanctuaries and landscapes, to inventory them, to establish coordi-

nate programs for their management and protection, and to seek their establishment.

European Convention on the Protection and Use of Transboundary Watercourses and International Lakes. Helsinki, 17 March 1992; in force, 6 October 1996; depositary, United Nations (New York); secretariat, United Nations Economic Commission for Europe (Geneva); UNTS #33207; states parties as of 9 September 1999, 25(ca 47%) of ca 53. Article 2 commits the states parties to ensure that transfrontier waters are used with the aim of ecologically sound, rational, and equitable management, and to take measures for the prevention, control, and reduction of water pollution.



The Korean DMZ

- Reverting beyond Division

Edited by Chae-Han Kim

2001

Seoul:
SOWHA

359 pp.

The Korean DMZ—Reverting beyond Division

Copyright ©2001 by Chae-Han Kim

All rights reserved.

No part of this book may be reproduced by any means,
nor transmitted, nor translated into a machine language
Without written permission of the editor.

Published in Korean by Sowha Publishing Co.
94-97, Yeongdeungpo-Dong, Yeong deungpo-Gu,
Seoul, 150-037, Korea

ISBN 89-8410-155-9
89-8410-104-4(Set)

15,000 Won

[A Korean-language edition appeared in 2000]