

## UNITED NATIONS TEMPORARY COMMISSION ON KOREA

## FIFTH INFORMATION REPORT ON THE WORK OF THE COMMISSION\*\*

(Period 7 - 20 March 1948)

## I. GENERAL

1. Plenary meetings of the Commission were resumed on 8 March 1948 after a period of three weeks. The Chairman and the Assistant Secretary-General returned to Seoul from Lake Success on 6 March.
2. During the two-week period covered by this report, twelve plenary meetings of the Commission were held on the following dates:

Sixteenth	-	8 March 1948
Seventeenth	-	9 March 1948
Eighteenth	-	9 March 1948
Nineteenth	-	10 March 1948
Twentieth	-	10 March 1948
Twenty-first	-	11 March 1948
Twenty-second	-	12 March 1948
Twenty-third	-	13 March 1948
Twenty-fourth	-	15 March 1948
Twenty-fifth	-	16 March 1948
Twenty-sixth	-	17 March 1948
Twenty-seventh	-	20 March 1948

The sixteenth meeting constituted the second public meeting of the Commission. Thereafter, all plenary meetings were held in private session.

3. On 18 March 1948, the Chairman, Mr. K.P.S. Menon, made a farewell broadcast to the Korean people from Seoul prior to his departure, together with the Assistant Secretary-General, on 19 March 1948.

\* First issued at Seoul as document A/AC.19/57.

\*\* For the last report, see document A/528.

## II. PLENARY MEETINGS OF THE COMMISSION

### Report by the Chairman, Mr. K.P.S. Menon, on the resolution of the Interim Committee. (sixteenth meeting)

4. The Chairman submitted to the Commission an account of the consultations with the Interim Committee at Lake Success and referred to the Interim Committee's resolution of 26 February and the considerations on which that resolution was based.\*

5. The representatives of Canada, China, El Salvador, France, the Philippines and Syria expressed their views concerning the resolution adopted by the Interim Committee.

### Speech by the Acting Chairman, Mr. Liu Yu-Wan, concerning the work of the Sub-Committees during the absence of the Chairman between 15 February and 6 March 1948. (sixteenth meeting)

6. The representative of China reviewed the work of the three Sub-Committees since their establishment and more particularly during the period between 15 February and 6 March 1948.

### Consideration of public statements made recently in Seoul regarding the relation of the Temporary Commission on Korea to the observation of elections. (seventeenth and eighteenth meetings)

7. The representative of Canada requested the Commission to clarify its position with respect to certain public statements\*\* made by the Commanding General, United States Army Forces in Korea, regarding the relation of the Commission to the observation of the elections to be held on 9 May 1948. The representative of Canada considered that the Commission had not yet officially reached a decision concerning the observation of the elections and had therefore taken no action to substantiate the statements of the Commanding General.

8. During the ensuing discussion, reference was made to the informal meeting of the Commission on 28 February, at which it was unanimously decided by the representatives present to issue a public statement to the effect that the Commission would observe elections not later than 10 May 1948.\*\*\*

9. The representative of Canada considered that this decision required official confirmation by the Commission at a formal meeting, and unless a

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\* Document A/AC.18/36.

\*\* For the first statement see document A/528/Annex 1. For the second statement, see Annex 1 to the present report.

\*\*\* Document A/528/Annex 1.

clarifying statement were issued, he would be compelled to abstain from participation in the activities of the Commission pending receipt of further instructions from his Government.

10. After considerable debate, it was finally proposed by the Syrian representative to adopt the revised text of a draft press release submitted by the Chairman, clarifying the position of the Commission concerning the observation of elections.

11. The Syrian proposal was adopted by four votes to none, with three abstentions (Annex 2).

Consideration of the resolution of the Interim Committee of the General Assembly. (nineteenth, twenty-first, and twenty-second meetings)

12. Following a three-day debate, a draft resolution proposed by the French representative (Annex 3, A) and subsequently amended by the proposal of the Syrian representative (Annex 3, B), concerning the implementation of the resolution of the Interim Committee, was adopted in revised form by four votes to two, with two abstentions (Annex 3, C).

13. The result of the vote taken by roll call on the Syrian amendment was as follows:

In favour: Australia, China, El Salvador, India, Philippines, Syria.

Against: Canada, France.

14. The result of the vote taken by roll call on the French draft resolution, as amended, was as follows:

In favour: China, El Salvador, India, Philippines.

Against: Australia, Canada.

Abstained: France, Syria.

15. The Canadian representative stated that in view of the action taken, he would have to abstain from further participation in the activities of the Commission pending receipt of instructions from his Government.

16. At the twenty-third meeting of the Commission, it was decided that the Chairman should inform the Commanding General in South Korea in writing of the Commission's resolution.

Consideration of the electoral provisions of North and South Korea. Report of Sub-Committee 3 (twentieth and twenty-first meetings)

17. The recommendations of Sub-Committee 3\* concerning the modification of provisions contained in the electoral law and regulations for South Korea were examined by the Commission and approved with minor amendments. The Commission proposed a voting age of twenty-one instead of twenty, as recommended by

\* Document A/528, Annexes 6 and 6 A.

Sub-Committee 3.

18. The recommendations adopted by the Commission were transmitted by the Chairman to the authorities in South Korea (Annex 4) and were subsequently incorporated by the latter, with one exception\* in the revised electoral law and regulations for South Korea.

Draft memorandum by the Principal Secretary concerning the appointment of members of the National Election Committee (twenty-third, twenty-sixth and twenty-seventh meetings)

19. The Principal Secretary submitted a draft memorandum concerning the above subject matter for the Commission's consideration.

20. The Commission adopted the Chairman's proposal that two members, the Australian and Philippine representatives, consult with the United States Liaison Officer to the Commission with a view to ensuring that the National Election Committee would be as representative a body as possible.

21. At the twenty-sixth meeting, the Philippine representative reported that the United States authorities were in agreement with the opinion expressed by the Commission and that they would submit to the Commission the names of new candidates to fill the three vacancies on the National Election Committee.

22. At the twenty-seventh meeting, it was decided to amend the draft memorandum referred to above (document A/AC.19/W.35/Add.2), in the light of recommendations of the ad hoc Sub-Committee (see paragraphs 9, 27, 28 and 32 of the present report) to maintain liaison with the National Committee in Seoul during the period of observation of elections (Annex 5).

Progress report on the work of Sub-Committee 2 (twenty-third and twenty-fifth meetings)

23. The progress report on the work of Sub-Committee 2\*\* was discussed briefly by the Commission, and it was decided that the question of the future work of the Sub-Committee would be taken up, in relation to that of Sub-Committee 1, after consideration by the Commission of methods of observation during the

\* The Commission recommended that certain categories of persons (e.g., former officials in the Japanese regime) should not be eligible to vote. The authorities considered, among other things, that it would be physically impossible to check the records of voters for this purpose (Annex 4 A).

\*\* See document A/528, Annex 5.

election period (see Part III of the present report).

24. At the twenty-fifth meeting, the Commission agreed that Sub-Committee 2 should nevertheless continue its consultations concerning the conduct of elections and ascertain the views of those who supported and those who opposed the holding of elections.

Recommendations of Sub-Committee 1 for a free atmosphere for elections  
(twenty-fourth, twenty-fifth, and twenty-sixth meetings)

25. The recommendations of Sub-Committee 1 for a free atmosphere for elections were examined in detail by the Commission and adopted with certain modifications.

26. The final recommendations, as amended, were transmitted in a letter, signed by the Chairman, to the Commanding General in South Korea (Annex 6).

Consideration of methods of observation during the election period  
(twenty-fifth and twenty-seventh meetings)

27. At the twenty-fifth meeting of the Commission, it was decided to establish an ad hoc Sub-Committee to consider methods of observation during the election period and to submit a report thereon on 20 March 1948.

28. At the twenty-seventh meeting, the report of the ad hoc Sub-Committee was examined and adopted with minor amendments. The decisions of the Commission concerning methods of observation are embodied in Annex 7.

Election of a Chairman (twenty-sixth meeting)

29. Owing to the creation of a vacancy in the chairmanship of the Commission because of the imminent departure of Mr. K.P.S. Menon from Seoul, it was decided to have a rotating chairmanship for periods of fifteen days in the English alphabetical order of States members of the Commission, beginning with the name of the country drawn by lot. The name of France was drawn and M. Paul-Boncour assumed the Chair on 17 March 1948.

III. WORK OF THE SUB-COMMITTEES

30. The work of Sub-Committees 1 and 3 was concluded during this period with the submission of recommendations to the Commission. At the twenty-fifth plenary meeting of the Commission, Sub-Committee 2 was instructed to continue its consultations concerning the conduct of elections and ascertain the views of those who supported and those who opposed the holding of elections (see paragraph 24 of the present report).

31. The functions of the three Sub-Committees will be ultimately assumed by a new Main Committee, as indicated below. Sub-Committees 2 and 3 did not meet during the period 7 - 20 March 1948. Sub-Committee 1 held two meetings on 7 and 15 March for the purpose of completing the drafting of recommendations for a free atmosphere for elections (see paragraphs 25 and 26  
/of the present

of the present report). At its last meeting, Sub-Committee 1 considered an unofficial document concerning the main freedoms of the people which had been submitted to it by the United States Liaison Officer (Annex 6 a).

32. At the twenty-fifth plenary meeting of the Commission, an ad hoc Sub-Committee, consisting of the representatives of China, France, the Philippine Republic, and Syria was established to consider methods of observation during the election period. The Sub-Committee submitted a report thereon to the Commission at its twenty-seventh plenary meeting (see paragraph 28 of the present report). With the adoption of this report, as amended by the Commission, a Main Committee was created to take over the existing functions of the three Sub-Committees on 29 March and to assume additional functions growing out of the plan for observing elections, as adopted by the Commission (Annex 7).

ANNEX 1\*

STATEMENT CONCERNING THE ELECTIONS BY  
LIEUTENANT GENERAL JOHN R. HODGE

(Circulated by the Secretariat)

The following statement concerning the elections by Lieutenant General John R. Hodge, to be released to the press, 3 March 1948, was handed to the Secretariat by the United States Liaison Officer. It is circulated herewith for information purposes only:

On 9 May 1948, the Korean people will go to the polls under democratic processes for the first time in history to cast their ballots for the election of their representatives who will later establish a National Government.

The elections will be held pursuant to General Assembly resolutions adopted on 14 November 1947 and under the observation of the United Nations Temporary Commission on Korea which is now in Seoul.

The elections will be held on the basis of adult suffrage, by secret ballot and multiple party nomination of candidate. In other words, all qualified adults of both sexes may participate in the elections, may vote in secrecy without fear of retaliation by rival political groups and may select candidates of their choice from among all political groups. There is no law specifically applicable to an election of this kind. However, the South Korean Interim Legislative Assembly, on 12 August 1947, enacted Public Act No. 5 ("Law for the Election of Members of the Korean Interim Legislative Assembly"). That basic law will be embodied in a South Korean Interim Government ordinance for the conduct of these elections, incorporating therein the recommendations of the United Nations Temporary Commission on Korea.

Recommendations for regulations to implement this Act were derived by a Committee consisting entirely of Koreans as provided in the Act itself, and on the whole will be adopted for the execution of the election law itself.

In general, therefore, the elections will be carried out under laws and regulations drafted by representative Koreans after full and free discussion in the tradition of democratic procedure, and incorporating certain provisions to meet the requirements of the United Nations Temporary Commission on Korea to ensure democratic and

free elections. It is incumbent upon all Koreans to learn the provisions of the election regulations and to abide by them in letter and spirit.

There will be a systematic dissemination of information to the public concerning the election, involving the maximum use of radio, press, dropping of leaflets by plane, etc. Citizens are urged to inform themselves on all phases of the election and keep abreast of developments through the official informational releases which will be issued regularly. I particularly advise caution against listening to false prophets and against credulous acceptance of rumours. Plenty of both may be expected from elements seeking to destroy democratic processes in your country.

Voting is participation in the government of one's country - it is the civic duty of every adult citizen.

Anyone abstaining from voting forfeits his right to complain of actions or policies of a government resulting from an election in which he did not participate.

In a democracy the majority necessarily must govern through duly elected representatives. That imposes upon the minority a duty to accept the results of a fair election. In a democracy the minority defeated in a fair election has the privilege of seeking to become a majority through subsequent persuasion of the voters to adhere to its principles.

In a democracy heads are counted, not broken. Political issues are settled with freely cast ballots, thus avoiding use of force. That calls for discussion, exchange of views on political platforms and candidates as regards attainments and capacity, but not offensive verbal personal attacks or acts of terrorism. Democracy has been called government by discussion.

Elections in Korea, the conduct of the campaign, and the results therefrom will attract world-wide attention. The actions of the Korean nation and its people will be closely watched by certain groups that wish to be extremely critical and fault-finding. Wholehearted acceptance of democratic principles and responsibilities are part and parcel of the accountability and obligations of members of the family of nations.

I hope to see this election supported and carried out by Koreans in a manner which will be creditable to their nation. No individual, group or combination of groups can be permitted to nullify the workings of the democratic processes of election. This is the greatest

/opportunity



opportunity of all time for all Koreans to demonstrate that they can competently handle their own affairs in a democratic manner and can conduct fair and free elections under laws developed by Koreans themselves. Korean political leaders and Interim Government officials and members of Korean Election Committees carry a great responsibility in the development of a free atmosphere for truly democratic elections and in guaranteeing freedom of speech, press, orderly assembly and campaigning by candidates, to the end that representatives chosen in the election will be the actual choice of the people. I sincerely believe that they can and will assume and carry out this responsibility, and I urge all Koreans to work together to that end.

ANNEX 2

OBSERVATION OF ELECTIONS

Press Release issued on 9 March 1948 by the United Nations  
Temporary Commission on Korea

The United Nations Temporary Commission on Korea held its seventeenth and eighteenth meetings on 9 March 1948 and discussed questions arising out of the resolution adopted on 26 February 1948 by the Interim Committee of the General Assembly.

On the initiative of the representative of Canada, the Commission has taken note of certain statements made by General Hodge while announcing the date of the elections as 9 May; these statements were to the effect that the Commission would observe the elections. They were made on the basis of conclusions unanimously reached by the members of the Commission present at an informal meeting on 28 February. The whole question of observing the elections and implementing the resolution of the Interim Committee is now under consideration by the Commission.

ANNEX 3

IMPLEMENTATION OF THE RESOLUTION OF THE  
INTERIM COMMITTEE OF THE  
GENERAL ASSEMBLY

A\*

FRANCE: DRAFT RESOLUTION

THE UNITED NATIONS TEMPORARY COMMISSION ON KOREA,

CONSIDERING the resolution of the General Assembly of the United Nations of 14 November 1947;

CONSIDERING that, in view of the difficulties encountered in implementing its mission north of the thirty-eighth parallel, it has requested from the Interim Committee of the General Assembly the advice provided for in resolution II, paragraph 5, of 14 November 1947;

CONSIDERING both the resolution of the Interim Committee of the General Assembly dated 26 February 1948 and the annexed note adopted under the same conditions;

HAVING RECORDED that under the terms of this resolution it is incumbent upon the United Nations Temporary Commission on Korea to implement in such parts of Korea as are accessible to the Commission, the programme outlined in resolution II;

DECIDES to observe the elections announced by the Commanding General of the American Forces, to be held on 9 May 1948;

EXPRESSES its firm hope that, taking into account the recommendations it has formulated or will formulate to that effect, these elections will be held "in a free atmosphere wherein democratic rights of freedom of speech, press and assembly would be recognized and respected".

B\*\*

SYRIA: AMENDMENT TO THE DRAFT RESOLUTION OF FRANCE

Delete the last paragraph and substitute the following:

"PROVIDED the Commission has ascertained that the elections will be held in a free atmosphere wherein the democratic rights of freedom of speech, press and assembly would be recognized and respected".

\* Document A/AC.19/46.

\*\* Document A/AC.19/48.

C\*

RESOLUTION ADOPTED AT THE TWENTY-SECOND MEETING  
OF THE TEMPORARY COMMISSION ON 12 MARCH 1948

THE UNITED NATIONS TEMPORARY COMMISSION ON KOREA,

1. HAVING RESOLVED at its eleventh meeting on 6 February 1948 to consult with the Interim Committee of the General Assembly with respect to the application of the resolutions adopted by the Assembly on 14 November 1947 in the light of developments;
  2. HAVING CONSIDERED, in view of the difficulties encountered in implementing its mission north of the thirty-eighth parallel, that it had decided at its twelfth meeting on 11 February 1948 to request from the Interim Committee of the General Assembly the advice provided for in paragraph 5 of resolution II of the General Assembly of 14 November 1947;
  3. HAVING CONSIDERED both the resolution of the Interim Committee of the General Assembly dated 26 February 1948, and the letter of the Chairman of the Interim Committee of the General Assembly to the Chairman of the United Nations Temporary Commission on Korea;
  4. HAVING RECORDED that, under the terms of this resolution, the Interim Committee states, "that in its view it is incumbent upon the United Nations Temporary Commission on Korea under the terms of the General Assembly resolution of 14 November 1947, and in the light of developments in the situation with respect to Korea since that date, to implement the programme as outlined in Resolution II in such parts of Korea as are accessible to the Commission";
  5. HAVING TAKEN SPECIAL NOTE of the view expressed by the Chairman of the Interim Committee in his letter to the Chairman of the United Nations Temporary Commission on Korea, dated 1 March 1948 "that the Commission itself has the authority and discretion to discharge its duties in Korea wherever and to the extent that circumstances permit";
- RESOLVES to observe the elections announced by the Commanding General of the United States Army Forces in Korea, to be held on 9 May 1948,
- PROVIDED the Commission has ascertained that the elections will be held in a free atmosphere wherein the democratic rights of freedom of speech, press and assembly would be recognized and respected.

ANNEX 4\*

RECOMMENDATIONS OF THE UNITED NATIONS TEMPORARY  
COMMISSION ON KOREA WITH RESPECT TO THE  
ELECTION LAWS AND REGULATIONS ADOPTED AT  
THE TWENTY-SECOND MEETING,  
12 MARCH 1948

Letter from the Chairman of the Commission to Brigadier General  
John Weckerling, United States Liaison Officer

Seoul, 12 March 1948

As you are aware, the United Nations Temporary Commission on Korea is at present considering the views expressed by the Interim Committee in its resolution of 26 February 1948 on the implementation by the Commission of the General Assembly's resolutions of 13 November 1947.

At its twentieth meeting the Commission, acting on the report of Sub-Committee 3, has approved the recommendations it wishes to present to the authorities in Korea with respect to changes which, in its opinion, should be made in the existing legislation in order to bring the electoral provisions into greater conformity with the resolutions of the General Assembly of the United Nations and, in general, to promote as complete and free an expression of the popular will as possible. Particular attention has been paid by the Commission to the requirements mentioned expressly by the General Assembly: the extension of the suffrage to all adults, the secrecy of the ballot and the representation of the Korean people in each area or zone proportionate to the population.

As you know, before presenting these recommendations, the Commission took great care, within the time at its disposal, to ascertain the views of Korean and American personalities and experts, as well as the practical possibilities of the implementation of its recommendations.

The Commission is of the opinion that where no changes are proposed, the provisions of the existing legislation could be maintained.

I would be very much obliged to you if you could transmit the annexed recommendations to the competent authorities.

(signed) K.P.S. MENON

Chairman,

United Nations Temporary Commission  
on Korea

APPENDIX I

RECOMMENDATIONS PRESENTED BY THE UNITED NATIONS  
TEMPORARY COMMISSION ON KOREA ON THE ELECTORAL  
LAWS AND REGULATIONS

1. The Commission is of the opinion that:
  - (a) The provisions concerning citizenship in Public Act No. 5 and Section 2 of the Draft Regulations can be considered as satisfactory for the purpose of elections.
  - (b) The right to vote should be granted to Korean citizens, regardless of sex, property, education or religion, at the age of twenty-one.
  - (c) The requirement of sixty days residence (Public Act No. 5, Section 11) should be maintained.
  - (d) Persons unable to read or to write should be permitted to vote and changes are therefore recommended in the existing provisions of Public Act No. 5 in order to permit the registration of such voters and their participation in the voting, while ensuring the secrecy of the ballot (see paragraphs 11 and 19).
  - (e) With respect to categories of persons disqualified from voting by Section 2 (a) of Public Act No. 5, it is recommended that exclusion should be limited:
    - (1) To persons who have been declared "incompetent" by decision of a court of justice or declared "quasi-incompetent" by decision of a court of justice because they are "weakminded." Persons declared "quasi-incompetent" because they are "deaf", "dumb", "blind" or "spendthrift" should be permitted to vote.
    - (2) To persons who are sentenced and serving prison sentence or who are under suspended sentence or under a sentence not yet executed.
    - (3) The Commission recommends the deletion of sub-paragraph (3) of Section 2 (a) relating to persons who have served a prison sentence.
    - (4) With respect to pro-Japanese "collaborators", in the absence of a law classifying certain persons as "traitors", "collaborators" or "profiteers", the Commission recommends that those categories of persons who under Section 2 (b) are declared not eligible for election should also be deprived of the right to vote. The reference to persons who acted as spies in Section 2 (b) (4) should however be deleted. Two additional categories should be included:
      - /a. Persons

- a. Persons who accepted peerages from the Japanese.
- b. Persons who were members of the Japanese Imperial Diet.

2. With respect to conditions to be filled by candidates, the Commission is of the opinion that:

- (a) The age of candidature should be maintained at 25.
- (b) With respect to persons declared incompetent or quasi-incompetent by the judgment of a court, the Commission recommends the same exclusion as in paragraph 1, (e), (1) above.
- (c) Persons who are serving or who have served prison sentences for political offences should be eligible for election.
- (d) The categories of pro-Japanese "collaborators" listed in Section 2 (b) of the South Korean Law should be declared not eligible for election as representatives. Two categories of persons should be added to this list, namely:
  1. Persons who accepted peerages from the Japanese.
  2. Persons who were members of the Japanese Imperial Diet.
- (e) Section 5 excluding from candidature in the district concerned officials participating in election procedures and members of the election committees, should be maintained.
- (f) The minimum number of voters necessary to sponsor a candidate should be raised to 200.
- (g) The Commission agrees that a candidate should not be required to be a registered voter in the district in which he stands for election. It also is of the opinion that Section 18 of Public Act No. 5, which declares invalid the candidacy of a person who registers as a candidate or who is registered with his consent in two or more electoral districts should be maintained.

3. The Commission recommends that any contestation as to the eligibility of a candidate arising before the election date should be referred by the election committee to which such claim is made to the National Election Committee for decision.

4. The Commission recommends the following changes in the system of allocation of representatives to each of the electoral districts, as outlined in Sections 9 and 36 of Public Act No. 5:

- (a) The division into electoral districts should be made in such a manner as to provide for only one representative from each electoral district;
- (b) Therefore, each Gun and each Pu which have less than 150,000 inhabitants will constitute one electoral district; the Island of Wool Lyong will constitute one electoral district;

/(c) Each Gun,

(c) Each Gun, each Pu and each Ku of the City of Seoul having over 150,000 inhabitants should be divided into 2, 3 or 4 electoral districts, if its population is over 150,000, 250,000 or 350,000 inhabitants respectively. This division should be made as fairly as possible in a manner to constitute electoral districts of comparable population, while avoiding so far as possible the division of communities of inhabitants.

A list of electoral districts thus constituted should be included as an annex to the electoral law.

5. The Commission recommends the deletion of the provisions in the South Korean Law relating to the special electoral district.

6. Section 6 of the Draft Regulations provides certain standards as to the number of voting sub-districts to be established. The Commission is of the opinion that separate voting sub-districts should be established for groups of inhabitants of not more than 2,000.

7. The Commission considers that the name of the Central Election Committee should be changed to "National Election Committee." The Chairman of the National Election Committee should be designated by the Chief Executive among the highest judges of the country.

8. The Commission recommends the following method of appointment of members of the election committees:

(a) The eleven members of provincial election committees should be appointed by the National Election Committee on the basis of two lists, one presented by the Governor of the province, the second by the president of the highest tribunal having jurisdiction over the province. The chairman of each provincial election committee should be appointed on the recommendation of the president of the tribunal.

(b) Four members of the electoral district election committees should be appointed by the head of the administrative district concerned and five, including the chairman, by the president of the tribunal having jurisdiction for the administrative district. A detailed report on the appointment, including data as to the qualifications of the appointees, should be sent without delay by the head of the administrative district concerned to the provincial election committee and by the provincial election committee to the National Election Committee, which would have the right to revoke any member of the electoral district election committee thus appointed.

(c) The voting district and voting sub-district election committees should be appointed by the head of the administrative district

/concerned



concerned. These appointments, with a detailed report as to the qualifications of the appointees, should be reported immediately to the electoral district committee, the provincial election committee and the National Election Committee, which would have the right to revoke any member of a committee thus appointed.

9. The Commission recommends that for each election committee there should be provided in the same manner as for full members as many alternate members as possible, sufficient to take the place of such full members as may be unable to perform their functions.

10. The Commission recommends that the second paragraph of Section 17 of Public Act No. 5 should be deleted.

11. The Commission is of the opinion that registration of illiterates should be permitted by making possible the filling of the registration paper by a member of their family, or by another person. However, two literate persons should initial the registration paper to certify that it is in conformity with the declaration of the person registering.

12. (a) Section 13 of the Draft Regulations should be redrafted in a manner which would provide ~~that unless the election committee possesses~~ satisfactory evidence, preferably of a documentary nature (such as records of judicial findings) to the effect that a person who has filed his registration paper does not qualify as a voter, his name should be included in the poll register.

(b) It is recommended that the word "immediately" be added in Section 14 of the Draft Regulations after the words "shall be informed".

(c) It is also recommended that in Section 15 of the Draft Regulations dealing with the appeal of any voter against an incorrect listing or omission from the poll register by the voting district or sub-district election committee, the words "whenever necessary" should be changed to read "whenever possible."

13. (a) The Commission recommends that the words "but they may not give or promise to give money, goods or other property (in connection with their campaigns)" be deleted in Section 21 of Public Act No. 5, as they do not appear necessary in view of the provisions of Section 58 (2).

(b) The Commission expresses its agreement with the principles contained in the text of Draft Regulation 94. It considers, however, that this provision should be subject to such texts as may result from recommendations which the Commission may adopt with respect to the free atmosphere of elections.

(c) The Commission is of the opinion that the interdiction preventing public officials and in particular public officials connected with

/the election

the election procedure from taking part in the electoral campaign within the districts in which they perform their official duties, should be extended to the whole country.

(d) The Commission is of the opinion that Sections 41 and 42 of the Draft Regulations should be deleted.

(e) The Commission marks its approval of the provisions of Chapter VI of the Draft Regulations dealing with the use of public buildings for election campaign purposes. It also marks its approval of Chapter VII of the Draft Regulations which permits each candidate to mail free of charge a limited amount of letters or postcards to the registered voters of his electoral district. It recommends, however, that if possible more extensive facilities of this type be extended to candidates on the basis of equality.

(f) The Commission has been informed that the Korean National Economic Board has constituted paper reserves for the period of the elections. It recommends that a supply of paper be put at the disposal of each candidate in equal quantities and at a reasonable price.

(g) The Commission suggests that during the electoral campaign a special place should be reserved for the posters and bulletins of each candidate on the basis of equality at suitable locations determined by the election committees concerned.

14. The Commission is of the opinion that elections should take place on the same day throughout the whole country.

15. With respect to Section 21 of the Draft Regulations, the Commission is of the opinion that polling and registration should take place in schools, public halls, or such buildings of a similar type as may be selected by the electoral committee concerned.

16. The Commission is of the opinion that more detailed regulations are necessary to provide that the official announcement of the date, time and place of voting is adequately brought to the attention of the voters.

17. The Commission is in agreement with Section 57 of the Draft Regulations, which provides that the time necessary for the registration of voters and voting should not be deemed to be absence from the usual duties of public officials and persons employed by others.

18. The Commission is of the opinion that the hours of polling should be extended from 7.00 a.m. to 7.00 p.m. and that a provision should be added to the effect that those voters who have entered the polling place after closing time would be allowed to cast their vote and that if at 7.00 p.m. voters are still waiting outside the polling place, they should be permitted

/to enter

to enter the polling place until 8.00 p.m.

19. The Commission recommends that each ballot paper should substantially consist of the printed names of the duly nominated candidates of the electoral district concerned with a suitable place after the name of the candidate in which the voter could indicate by a mark the candidate of his choice. The order of names of the candidates on each ballot paper should be determined by lot at a public drawing held by the electoral district committee, at which the candidates or their representatives should be allowed to be present.

With a view to making the voting by illiterates possible, it is recommended that immediately before the name of the candidate on the ballot paper there should be a symbol easily recognizable: I, II, III, etc. strokes, corresponding to the order in which the names of the candidates have been printed on the ballot paper.

Photographs provided by each candidate, marked with the symbol identifying the candidate, should be placed in the same order as the candidates are placed on the ballot at the entrance of the polling place and in the polling place itself. No other symbols or indications, no titles or honorific appellations should appear on the ballot paper. Ballots should not be numbered and should all conform to a standard form to be prepared by the National Election Committee.

Each electoral district committee and sub-district election committee should give suitable publicity to the official ballot for the general information of the voters, by reproducing it on posters and in newspapers generally. Sample ballot papers for each electoral district, with the names of the candidates, and plainly marked "Sample Ballot", should be printed and given suitable publicity.

20. It is recommended that officially stamped envelopes made of opaque paper of a size and form determined by the National Election Committee should be used. The voter would present his ballot paper in the envelope and seal it before dropping it in the ballot box.

21. It is recommended that in each polling place there should be several isolated booths or separate rooms so arranged as to make observation of the filling of the ballot paper by election officers or other voters impossible.

22. It is recommended that the National Election Committee should attach to the Regulations a sketch of a standard polling place on which would clearly be indicated the place where voters would wait for their turn, the position of the seats to be occupied by the Chairman, the members of the sub-district election committee, the secretary and clerks and the watchers designated by the candidates, the location of the ballot box and the voting booths.

/23. It is

23. It is recommended that the successive steps to be followed by the voter in casting his ballot should be described in the Regulations. A voter, after having awaited his turn, would in the presence of the members of the sub-district election committee seal or thumbprint the poll register opposite his name. He would then receive from the chairman the official ballot paper bearing the chairman's seal, together with the officially stamped envelope. He would proceed to one of the isolated voting booths where he would fill out the ballot and put it in the envelope. He would then, in front of the chairman and members of the election committee, put the closed envelope in the ballot box. If by accident the voter spoils the ballot, he may ask the chairman for only one other ballot by returning to the chairman the one he had received, which would immediately be cancelled by the chairman.

24. A regulation should be added which would provide for a sufficient number of copies of the election law and electoral regulations to be at the disposal of such voters as may wish to consult them at each polling place.

25. With respect to voting by blind persons, the Commission recommends that the chairman of each voting sub-district committee should be permitted to authorize a member of their family or another person to accompany them into the polling booth. The chairman may request one of the members of the electoral committee to be present during the filling of the ballot for the blind person.

26. The Commission recommends that:

(a) A provision should be added in the electoral law stating that no person may be placed under the obligation to disclose the identity of the candidate for whom he has voted during the election, even before courts or before the National Assembly.

(b) A penal clause should be added to punish the head of a Dong (division of a village) or Pan (division of a town) or any other person who knowingly gives false information to the election committee by application of Section 24 of Public Act No. 5.

(c) It is recommended that Section 29 of Public Act No. 5 and Section 61 of the Draft Regulations should be redrafted in a manner which would clearly state that police officials should enter the polling place only at the invitation of the chairman and leave at his request.

(d) A provision should be added to the effect that the voter should be admitted in the polling place only during such time as is necessary to fill out and to cast his ballot.

/(e) A provision

(e) A provision should be added to the effect that voters shall not be allowed to enter the polling place with weapons.

(f) The power of the chairman of the electoral committee, acting under the authority of the committee, with respect to taking the necessary steps to ensure order and tranquility in the polling place, waiting hall and neighbouring area, should be more explicitly stated.

27. It is recommended that each candidate should be entitled to nominate a representative who would act as watcher during the voting. The watcher should be allowed to observe all the election operations, but be forbidden to interfere with the conduct of the voting.

In case the number of proposed watchers should exceed five, only five of them should be selected as official watchers by lot by the chairman of the election committee at a public meeting.

28. It is recommended that the provisions concerning the counting of votes be amended in the following manner: that election committees of voting sub-districts should be instructed to convey the ballot boxes and the records to the electoral district election committees, without delay, after the voting has been closed. The counting of votes should begin as soon as the electoral district committees have received all the ballot boxes and the result of the vote announced as soon as the counting is finished.

29. Section 35 of Public Act No. 5, dealing with ballots which shall be declared null and void, will have to be redrafted in order to enforce the recommendations made above. In particular, any two or more ballots which have been put in the same envelope should also be declared null and void.

30. It is recommended that the law should contain a provision authorizing the Military Governor, in consultation with the National Election Committee, to decide that the results of the voting in any of the electoral districts should be declared null and void and that another balloting shall take place at such date as they may determine.

Any group of voters should be given expressly the right to bring to the attention of the Military Governor or the National Election Committee all cases of irregularity, fraud, improper action of election officers.

31. Section 39 of Public Act No. 5 should be amended in the following manner:

(a) Sub-paragraphs 1 and 3 should be deleted.

(b) With respect to sub-paragraphs 2 and 4, it should be provided

/that a

that a second election will take place.

Section 84 of the Draft Regulations should be deleted.

32. Section 88 of the Draft Regulations should be deleted.

33. Section 48 of Public Act No. 5, dealing with the term of office of the members of the National Assembly should be altered to limit the term of office to two years, unless a general dissolution of the National Assembly is decided upon before that date by the competent authority.

34. With respect to Chapter IX of Public Act No. 5, it is recommended that without prejudice to the powers of the Military Governor, acting in consultation with the National Election Committee (see paragraph 30 above), questions relating to the validity of elections should be submitted to a special commission composed of five members: two judges of the Supreme Court and two members elected by the National Assembly, with a chairman designated by the President of the Supreme Court.

35. With respect to Section 58 of Public Act No. 5, dealing with penal regulations, it is recommended:

(a) That sub-paragraph 3 should be deleted;

(b) That the words "or being a candidate" should be added after the words "to prevent any one from voting";

(c) That sub-paragraph 7 should be deleted.

36. It is recommended that in conformity with the terminology used by the General Assembly and the Interim Committee in their resolutions, the words "Legislative Assembly" should be replaced throughout the text of the law by the words "National Assembly" and the words "members of the Legislative Assembly" by the words "representatives to the National Assembly."

ANNEX 4 a\*

RECOMMENDATIONS OF THE UNITED NATIONS TEMPORARY  
COMMISSION ON KOREA WITH RESPECT TO THE  
ELECTION LAWS AND REGULATIONS

Letter to the Chairman of the Commission from the  
United States Liaison Officer

Seoul, 19 March 1948

I have the honour to transmit herewith, and through you to the United Nations Temporary Commission on Korea, a complete text of the law for the election of representatives of Korean people to be held under the observation of the United Nations Temporary Commission on Korea within the territory of this command on 9 May 1948.

On 12 March, Mr. K.P.S. Menon, Chairman of the United Nations Commission, transmitted to me a paper entitled Annex I - "Recommendations presented by the United Nations Temporary Commission on Korea on the Electoral Laws and Regulations."

With one exception, all the recommendations made by the Commission have been adopted and embodied in the accompanying law. It was and is the policy of this command to follow the Commission's recommendations in every respect in the absence of compelling reasons to the contrary. The sole exception relates to the ineligibility of certain categories to vote.\*\*

The Commission was of the opinion that certain categories not eligible to be elected should also be denied the franchise. These classes now appear in Section 3 (3), (4), (5) and (6), and summarized include persons who under the Japanese regime held the rank of "HAMNIKAN" or higher in the Japanese police force; served in certain functions in the Japanese military police forces; persons who held positions in the police in charge of "thought control"; persons who functioned in various capacities in connection with the Central Advisory Council under the Japanese regime; persons who were members of an Advisory Council of a province, and persons who held positions of the third class or higher of "KOTOKAN" or who received a medal of the second class or higher.

That these persons should be disqualified from holding office, political or otherwise, and therefore prevented from exercising any influence

\* Document A/AC.19/47/Rev.1/Add.1.

\*\* The recommendation referred to is contained in paragraph 1 (e) (4) of Appendix 1 to Annex 4.

/in matters

in matters of government, will be generally agreed, and under the law that is the case. But depriving them of the franchise by blanket provision presents a series of problems - political, moral and practical.

Perhaps first of all it should be pointed out that on the problem involved, we have an expression of influential Korean opinion which I am sure the Commission does not wish to disregard. Under the law passed last September by the Korean Interim Legislative Assembly, the various groups of alleged collaborators concerned were excluded only from the right to be elected as they are under the present law. Also, the National Election Committee vigorously protested against the contemplated exclusion from the franchise, and it almost appeared that the committeemen would refuse to serve if this particular recommendation were adopted.

As a practical consideration, it is a comparatively simple matter to check the records of approximately 1,000 candidates; it is an extremely difficult if not impossible task to check the records of 10,000,000 voters. Questions concerning the eligibility of candidates are decided by the electoral district election committees (GUN level); questions concerning the eligibility of voters are decided primarily by the wholly untrained voting district election committees (village level). In most cases the voting district election committees would be unable to ascertain whether a registrant is included if the recommendation were adopted; the voting district election committee would, therefore, hardly comply with the suggested provision. Another question would be whether the validity of the election in more than one district might not be challenged on the ground that the participation of ineligible voters affected the election results. It is my view that the provision as suggested by the United Nations Temporary Commission on Korea would tend to provoke violent controversies in the form of denunciations and defamations. The result might be poisoning of the atmosphere of the election, thus affecting the free atmosphere so much desired by all concerned. A peaceful election is as much a part of freedom of atmosphere as almost any other consideration.

From the democratic point of view, limitations upon the right of franchise are always a very serious matter and should not be imposed in the absence of conclusive reasons. The matter of collaboration is largely one of individual guilt as well as a motive, and blanket provision involving virtually all types of office-holders under the Japanese regime does not solve the problem. While the presumptions are all against



former office-holders, it does not follow that all office holders were actuated by unpatriotic motives. These and other reasons have impelled the United States command to deviate slightly from this particular recommendation and make the categories concerned ineligible to be candidates, but without depriving them by blanket provision of the right to vote.

I feel confident that upon reconsideration, you will agree with me, and beg to remain, etc.

(signed) John WECKERLING

Brigadier General, U. S. A.

Incl.

"Law for the Election  
of Representatives of  
the Korean People"\*

ANNEX 5

A\*

ESTABLISHMENT OF THE NATIONAL ELECTION COMMITTEE

(Circulated by the Secretariat)

The Secretariat circulates, for the information of members of the Commission, the text of Executive Order No. 14 of the South Korean Interim Government, concerning the establishment of the National Election Committee and the appointment of its members.

SOUTH KOREAN INTERIM GOVERNMENT

Seoul, Korea

EXECUTIVE ORDER

NUMBER 14

3 March 1948

NATIONAL ELECTION COMMITTEE

SECTION I. There is hereby created a National Election Committee, and the persons named below are hereby appointed as members of that Committee:

NAME	NAME
CHANG, Myon	LEE, Sung Bok
KIM, Bub Nin	PAIK, Iln Jai
PAEK, Seung Ho	HYUN, Sang Yun
YEE, Kap Sung	HO, Chin Sul
YUN, Ki Sup	CHOI, Kyu Dong
KIM, Chi Whan	CHOI, Too Sun
KIM, Dong Sung	CHYUN, Kyu Hong
OH, Sang Hyung	

Appointments to membership on the Central Election Committee, heretofore made in accordance with provisions of Public Act No. 5, dated 3 September 1947, Law for the Election of Members of the Korean Interim Legislative Assembly, are hereby confirmed as appointments to membership on the National Election Committee.

SECTION II. There are hereby conferred upon the National Election Committee, and the members thereof, all powers and duties conferred upon the Central Election Committee, and the members thereof, by Public Act No. 5, dated 3 September 1947, Law for the Election of Members of the Korean Interim Legislative Assembly. The National Election Committee will

\* Document A/AC.19/W.35.

/exercise such

exercise such powers and perform such duties in accordance with the provisions of that Act, incident to the election to be held on 9 May 1948, pursuant to the Proclamation of Election of Representatives of the Korean People, issued on 1 March 1948, by the Commanding General, United States Army Forces in Korea.

SECTION III. The National Election Committee hereby established, is authorized to employ a staff of assistants and to obtain through the appropriate agencies of the South Korean Interim Government necessary supplies and funds for the discharge of its functions, subject to the approval of the Military Governor and such regulations as he may prescribe.

SECTION IV. This Order shall be effective on the date appearing hereon.

(Signed) William F. DEAN  
Major General, United States Army  
Military Governor in Korea

B\*

MEMBERSHIP OF THE NATIONAL ELECTION COMMITTEE

(Circulated by the Secretariat)

The following memorandum has been received by the Principal Secretary from the United States Liaison Officer:

"Memorandum for Mr. Petrus J. Schmidt  
Principal Secretary

UNTCOK

9 March 1948

General Dean has informed me that because of the resignation of LEE, Sung Bok and YUN, Ki Sup and the anticipated resignation of CHANG, Myon, that it is proposed to nominate as members of the National Election Committee:

OH, Han Yung

YEE, Hwal

BYUN, Sung Ok

There is attached as Enclosure No. 1 a brief biographical sketch of these three nominees. It is thought that the United Nations Temporary Commission on Korea may want to make some comment on these appointments.

(Signed) John WECKERLING

Brigadier General, U. S. A.

BIOGRAPHICAL SKETCH

OH, Han Yung----- Age 49, physician, teacher and administrator.

Home, Seoul. No party affiliation.

Political complexion - conservative.

Is connected with the Korean Boy Scouts and Severance Medical College.

YEE, Hwal ----- Age 50, representative of KILA.

Home, Kyong Sang Pukto.

Party affiliation, Han Kook.

Political complexion - extreme Rightist.

BYUN, Sung Ok---- Age 55, YMCA representative in KILA.

Home, Pyong Yang.

Party affiliation - non-partisan.

Political complexion - Rightist."

C\*

VACANCIES ON THE NATIONAL ELECTION COMMITTEE  
Memorandum from the United States Liaison Officer

The following memorandum has been received by the Principal Secretary from the United States Liaison Officer:

18 March 1948

Memorandum for Mr. Petrus J. Schmidt

Principal Secretary

UNYCOK

Subject: Nominations to fill vacancies on National Election Committee.

Three vacancies exist among the members of the National Election Committee. I informed you on 9 March of the proposed nomination of three Koreans to fill the present vacancies.

I am now informed that the Military Governor proposes to nominate the following persons to the National Election Committee:

KANG, Soon - President, Labouring Masses Party.

YI, Chong Sun - President, Korean Agricultural Association.  
Not a member of any party.

KIM, Yong Seok (Sic) - Adviser, Korean National Red Cross.  
No party.

I would greatly appreciate it if you could give me a reply as early as is possible indicating whether or not the United Nations Temporary Commission on Korea will have any expression on the three nominees.

(Signed) John WECKERLING  
Brigadier General, U.S.A.

D\*

APPOINTMENT OF MEMBERS OF THE NATIONAL ELECTION COMMITTEE

Duk Soo Palace, 20 March 1948

TO: Brigadier General John Weckerling  
FROM: Principal Secretary  
United Nations Temporary Commission on Korea

I wish to acknowledge receipt of your memoranda of 9, 18 and 20 March 1948, in which you inform me about the appointments of certain members of the National Election Committee.

The Commission has instructed me to inform you that, in its opinion, under the existing legislation, the responsibility for the appointment of the members of the National Election Committee belongs to the Chief Executive. No changes have been recommended in that respect by the United Nations Commission and the Commission does not wish at the present moment to present any observations on this matter. However, the Commission has decided that during its observation of the elections a permanent liaison shall be maintained with the National Election Committee in Seoul. In this connection, the relationship between the Commission and the National Election Committee will be given due consideration.

ANNEX 6\*

RECOMMENDATIONS FOR THE ATTAINMENT OF A FREE ATMOSPHERE  
FOR THE ELECTIONS

Letter from the Chairman of the United Nations Temporary Commission  
on Korea to the Commanding General,  
United States Army Forces in Korea

Seoul, 17 March 1948

As you are aware, the Interim Committee of the General Assembly of the United Nations, on 26 February 1948, adopted a resolution bearing on the problem of the independence of Korea. You are also no doubt informed that in addition to this motion, the Chairman of the Interim Committee, on 1 March 1948, addressed a letter to the Chairman of the United Nations Temporary Commission on Korea, explaining the "principal considerations" the Interim Committee had in mind when it decided to pass the above-mentioned resolution. This letter reads in part as follows:

"The elections to be observed by the United Nations Temporary Commission on Korea should be held in a free atmosphere wherein democratic rights of freedom of speech, press and assembly would be recognized and respected. In this connection, the Interim Committee took note of the assurance given by the representative of the United States that authorities of the United States in Korea would co-operate to the fullest extent to that end."

On 12 March 1948 the United Nations Temporary Commission on Korea passed a resolution in which it decided to observe the elections announced by the Commanding General of the United States Army Forces in Korea, to be held on 9 May 1948,

"PROVIDED the Commission has ascertained that the elections will be held in a free atmosphere wherein the democratic rights of freedom of speech, press and assembly would be recognized and respected."

In view of the above, I have the honour to draw your attention to the recommendations adopted by the Commission at today's meeting, together with the necessary explanations of how the Commission arrived at these conclusions.

In the view of the Commission, these recommendations can be divided in four parts, namely:

- A. The question of law
- B. The question of enforcement

/C. Freedom

- C. Freedom of information
- D. The question of political prisoners

A. The Question of Law

1. The Commission, having taken note of the views of Korean personalities and competent experts, has arrived at the conclusion that it is difficult to determine to what extent the free atmosphere required for the elections is ensured by the existing laws and regulations.

2. Meanwhile, the Commission has been informed by the Military Governor that he has prepared a draft ordinance entitled "Changes in Criminal Procedure", which will greatly increase the civil liberties of the people of South Korea. The new ordinance provides that there shall be no arrests without warrant, or in certain specified cases, where arrests without warrant are permitted, no detention for longer than forty-eight hours without subsequent warrant; provisions for bail and counsel and punitive measures for abuse of power. The Commission recognizes that this ordinance is an important step forward in the direction of guaranteeing civil liberties.

3. The Commission recommends to the United States authorities to submit to it a compilation of the existing laws and regulations which, in their opinion, provide that "democratic rights of freedom of speech, press and assembly would be recognized and respected". This compilation might, at a later stage, form the basis for a proclamation of the United States authorities on this subject.

4. In the meantime, the Commission goes on record that in its opinion the above-mentioned freedoms do include the right to vote or not to vote and to advocate either point of view by peaceful and legal means, and has taken note of the relevant testimony of Lieutenant General John R. Hodge, Commanding General, USAFIK, on 3 March 1948, which endorses this point of view.

B. The Question of Enforcement

5. The Commission is fully aware of the fact that neither laws, ordinances or proclamations in themselves provide sufficient guarantees for a free atmosphere for elections. The Commission has been impressed by the evidence submitted that the Police Department plays an important role in the application and execution of these laws and ordinances. It has come to the conclusion that there are divergent views among the Koreans about the manner in

/which



which the Police Department executes its duty, which might indicate that changes in the Department might be desirable. On the other hand, the military authorities, taking into consideration the present circumstances, appear to be satisfied with the performance of the Police Department.

6. The Commission, therefore, wishes to advise the appropriate authorities that it is genuinely concerned about the possible role the police might play during the elections, that it will make it its task to watch the attitude of the police very closely and that the results of its observations will be an important factor in determining whether it is able to report to the General Assembly that the elections were held in a free atmosphere.

7. In addition, it recommends to the appropriate authorities to take such action as may bring about a reorientation of the police force as to their attitude towards a free atmosphere for elections.

8. The Commission has been informed by the highest authority that among the factors that might adversely affect free elections are the activities of some of the youth organizations.

9. The Commission recommends to the competent authorities that they make it known to the leaders of youth organizations that the activities of their members are under the scrutiny of the United Nations Commission and that their attitude will be an important factor in the report the Commission will have to make to the General Assembly.

10. In order to ensure that members of youth organizations do not interfere with the normal course of the elections, it is recommended, firstly, that the competent authorities, and particularly the police, remind the leaders of such groups that unlawful activities on their part will not be tolerated any more than those of any other citizens; secondly, that they should strictly control the behaviour of the youth organizations.

11. Furthermore, it is recommended that registration of youth organizations with the competent authorities be made compulsory and that those organizations declare whether they are of a non-political or political character. In the latter case, they should clearly indicate of which political party they are members or supporters, or whether they constitute by themselves a political party.

12. The Commission further recommends that no members of youth organizations be allowed to congregate in the vicinity of polling places except for the purpose of voting themselves.

C. Freedom of Information

13. The Commission recommends to the United States authorities a strenuous and active campaign of impartial dissemination of information about the elections. The Commission is aware of the fact that this is the first election to be held in Korea, and an educational campaign on a non-partisan basis would be extremely desirable.

14. The Commission also recommends measures to ensure that the available newsprint, which it knows to be limited, be distributed on an equitable basis by the competent authorities and not on the basis of first come, first served, or of the ability of certain groups to buy out the market.

15. The Commission further recommends that if the radio stations are being put at the disposal of political candidates and parties, this be done on an equitable basis and not on the basis of ability to buy radio time.

D. The Question of Political Prisoners

16. It is the opinion of the Commission that participating in illegal meetings, distributing handbills, unless accompanied by a criminal act or incitement to criminal acts, are to be considered as political offences;

17. On the other hand, political activity accompanied by crime, such as for instance, arson, counterfeiting, etc. cannot be considered as purely political offences.

18. The Commission recommends to the authorities that those who were imprisoned for political offences, without committing any acts of violence or fraud, should be released without any reservation.

19. In the case of those mentioned in paragraph 17, the Commission recommends that the authorities should extend a pardon to them, provided their release will not be a danger to public security.

In connection with the recommendations in the last two paragraphs, the Commission suggests that it might be useful to discuss with you the categories of prisoners that might be released.

(Signed) K.P.S. MENON  
Chairman,  
United Nations Temporary  
Commission on Korea

ANNEX 3\*

RECOMMENDATIONS FOR A FREE ATMOSPHERE FOR ELECTIONS

SUPPLEMENTARY REPORT OF SUB-COMMITTEE I

1. Sub-Committee I held a further meeting on 15 March 1948, to study a paper which had been unofficially submitted to it by the United States Liaison Officer. During this meeting, the Sub-Committee also heard Dean Charles Pergler, who had co-operated in drafting this unofficial paper.
2. From his statement it appeared that the United States military authorities at the present time are considering the possibility of enacting some sort of general ordinance or proclamation, which would cover the main freedoms guaranteed to the Korean people on the basis of existing legislation with such clarifications or amendments as they would deem necessary for the fulfillment of the requirements set forth by the Interim Committee and now formally adopted by the Commission itself at its twenty-second meeting.
3. Pending the receipt of definite proposals from the United States authorities the Sub-Committee maintains its recommendations stated in paragraphs 5 and 6 of its report to the Commission.\*\*

\* Document A/AC.19/42/Add.1.

\*\* See document A/529 Annex II.

ANNEX 7\*

METHODS OF OBSERVATION OF ELECTIONS

Decisions\*\* of the United Nations Temporary Commission  
on Korea, adopted at the Twenty-Seventh Meeting,  
20 March 1948

Scope of Observation

1. At the outset the Commission takes note of the limited staff available both to the Commission and to the Secretariat and agrees that any plan for observation must be based on this fact. Due account is also taken of the difficulties of transport, communications and accommodation which will confront any observer groups working in the provinces, particularly in areas situated at any distance from the provincial capitals. In this respect the Commission notes that, in accordance with information received from the United States authorities, the normal use of air transport is to be discouraged and that observer groups will as a general rule travel by train to the provincial capitals and thence undertake local trips by jeep.
2. Subject to the above consideration the Commission decides that the conduct of the elections should be observed in each of the provinces (including the islands of Cheju-Do and Wool Lyong Do, if practicable) and during the most significant stages of the election in each case.
3. In these circumstances the Commission is of the opinion that an essential element in its observation of the election will be the receiving and examining of complaints concerning the conduct of the election in any area. Accordingly in addition to requesting information on complaints received by the National Election Committee, the Commission will indicate its readiness to receive complaints or information concerning the conduct of the elections from any quarter. Special examination of such complaints will be made when deemed necessary.
4. Having in mind the considerations of paragraphs 1 and 3, the Commission decides that observation of the elections should be undertaken (a) centrally by liaison with and observation of the work of the National Election Committee, and (b) in the provinces by direct observation through field observer groups.

\* Document A/AC.19/56.

\*\* To be read together with the terms of the resolution adopted at the twenty-second meeting concerning the implementation of the resolution of the Interim Committee of the General Assembly (see Annex 3c to the present report).

### Free Atmosphere for Elections

5. The Commission recognizes that observation consists not only in examining the extent to which the requirements of the elections law and regulations are complied with. The Commission considers that political and other activities occurring during the election period are important from the viewpoint of determining whether elections are to be held in a free atmosphere. Such political aspects include activities of political parties and organizations; behaviour of youth organizations; conduct of the police; extent of and reasons for non-participation in the elections both by individual voters and political organizations; attitude of the police and other authorities towards such non-participation; extent to which candidates are unopposed; and the general public reaction to the elections. In this respect the Commission notes the relevance of the recommendations concerning a free atmosphere for elections adopted at the twenty-sixth meeting (Annex 6).

### Relations with the United States Authorities

6. The Commission, having regard to the terms of Resolution I of the General Assembly of 14 November 1947 whereby the Commission is to observe that the Korean representatives "are in fact duly elected by the Korean people and not mere appointees by military authorities in Korea", decides to establish a procedure whereby it may observe and report on the methods used by the United States authorities in fulfilling their responsibilities concerning the conduct of the elections, especially in the provinces.

7. In accordance with the above consideration appropriate liaison will be established between the Commission's own agencies of observation and those of the United States authorities (see paragraph 13(e)).

### Question of an Expert Consultant

8. The Commission considered the question of appointing an expert consultant to assist it during the period of observation. The Commission is of the opinion that it must be able at any time to exercise effective control over members of the staff assisting it and that, if a consultant were appointed, it would not be possible to ensure such control. As a consideration of a practical kind, the Commission also notes that there is now insufficient time in which to make suitable arrangements for an expert to be selected and attached to the Commission.

9. The Commission agrees that, should it be deemed necessary, experts might be consulted on specific questions.

### System of Reporting

10. The Commission considers that an appropriate uniform system of reporting by groups engaged in the observation of the elections should be established.

established. It therefore, decides that a questionnaire be drawn up by the ad hoc Sub-Committee based upon relevant provisions of the election law and regulations and the political aspects of the election referred to in paragraph 7, which will indicate the more important factors to be as far as possible taken into account in observing the elections.

#### Stages of Observation

11. The Commission considers that, both centrally in Seoul and in the provinces, the attempt should be made to observe each of the important successive stages of the elections:

- (a) The period of registration of voters (30 March to 8 April);
- (b) The period during which poll registers may be examined (14 to 20 April), appeals made and candidates registered;
- (c) Polling day;
- (d) The post-election period.

#### Organization of the Commission for Observation

12. In considering its organization for purposes of observing the election the Commission had in mind both its limited staffing resources and the structure of existing sub-committees.

13. Main Committee: The Commission decides that on 29 March 1948 the existing sub-committees will be merged into one Committee on which a representative of each member of the Commission will be entitled to sit, but whose membership may rotate in accordance with the willingness of members to undertake periodic duties with the field observer groups. The Commission agrees, in establishing the main Committee, that original members of the sub-committees should as far as possible be assigned such tasks as are familiar to them in the light of their past experiences. The functions of this Committee will include:

- (a) Maintenance of permanent liaison with the National Election Committee in Seoul;
- (b) General observation of the work of the election committees;
- (c) The receiving and examination of complaints and general information concerning the conduct of the elections;
- (d) The analysis of reports received from the Commission's observer groups;
- (e) The obtaining and analyzing of information concerning attitudes of Koreans towards participation in the elections;
- (f) The examining of and reporting to the Commission on conditions relating to a free atmosphere for the holding of elections;
- (g) The planning and co-ordination of the activities of the field observer groups in accordance with the general directions of the Commission.

14. The Commission

14. The Commission recognizes that in the discharge of the above responsibilities the Committee may wish to set up sub-committees under specific terms of reference and special groups for the examination of complaints (paragraph 15(c)).

#### Field Observer Groups

15. The Commission decides to establish in the first instance two or three field observer groups to observe the conduct of the elections in selected areas in accordance with a co-ordinated plan.

The functions of the field observer groups will include:

- (a) Observation on the spot of the activities of selected provincial and local election committees;
- (b) Examination of the extent to which provisions of the electoral law and regulations have been complied with in the areas observed;
- (c) Hearing and examination of complaints received in the areas observed or as directed by the main Committee;
- (d) Observation of the political aspects of the election campaign in selected areas from the viewpoint of determining whether a free atmosphere for the election exists, with special regard to the conduct of the police and youth organizations;
- (e) Observation, as circumstances permit, of the work of observer groups or agencies established by the United States authorities, by the attaching, where practicable of a Commission observer to United States observation groups.

16. As a general rule, field observer groups should consist of two members of Commission delegations, together with appropriate Secretariat staff.

#### Facilities

17. The Commission took note of information conveyed orally to the Secretariat by the United States Liaison Officer concerning the availability of services and facilities required for observation of the elections. According to this information the United States authorities, upon advice as to detailed requirements, will furnish in all provincial capitals such transport, accommodation and communication facilities as the Commission may need, together with office space and appropriate security measures. The Commission presumes that provision of these facilities includes their cost.

18. The Commission authorizes the Secretariat to consult with the United States authorities in detail concerning the above and other facilities in the light of methods and principles of observation approved by the Commission.