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CONSULTATION BY THE TEMPORARY COMMISSION ON KOREA WITH THE INTERIM COMMITTEE

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On 13 November 1947, by its resolution 111 (II) establishing the Interim Committee, the General Assembly decided that the Committee should assist it in the performance of its functions by discharging, *inter alia*, the following duties: "(a) To consider and report, with its conclusions, to the General Assembly on such matters as have been referred to it (the Interim Committee) by the General Assembly".

On 14 November 1947, by its resolution 112 (II), the Assembly established the United Nations Temporary Commission on Korea, and resolved, in paragraph 5 of the second part of that resolution, that the Commission thus established "may consult with the Interim Committee... with respect to the application of this resolution in the light of developments".

I. Request for consultation

The Temporary Commission arrived in Korea early in January 1948. Although its functions included among other things the right to travel, observe and consult throughout Korea, the Commission found that it was not possible for it to exercise for the time being the functions conferred upon it by the General Assembly in the part of Korea occupied by the armed forces of the Union of Soviet Socialist Republics. Consequently, after making several efforts to communicate with the Commander of Soviet troops in North Korea, the Commission adopted the following resolution on 6 February 1948:

"1. That the Commission shall consult with the Interim Committee with respect to the application of the resolution of 14 November in the light of developments ;

"2. That the Chairman, accompanied by the Assistant Secretary-General, shall represent the Commission during the consideration of this question by the Interim Committee ;

"3. That in the accomplishment of this mission the Chairman shall be guided by such directives as the Commission may formulate."

The request for consultation by the United Nations Temporary Commission on Korea was placed on the agenda of the Interim Committee with the approval of the Chairman of the Committee, as provided for in the rules of procedure of the Interim Committee, and a meeting was called for 19 February 1948.

On 16 February 1948, Mr. Menon (India), the Chairman of the Temporary Commission, accompanied by Mr. Victor Hoo, the representative of the Secretary-General in Korea, arrived in New York to participate in the consultation. On the following day, a supplementary resolution adopted by the Temporary Commission on Korea on 11 February was communicated to the members of the Interim Committee. This resolution embodied the questions on which the Commission had resolved that the consultation should take place. The text of these questions is as follows:

"1. Is it open to or incumbent upon the Commission, 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 outlined in part B of that resolution in that part of Korea which is occupied by the armed forces of the United States of America ?

"2. If not,

"(a) Should the Commission observe the election of Korean representatives to take part in the consideration of the Korean question, as outlined in part A of the resolution of 14 November 1947, provided that it has determined that elections can be held in a free atmosphere? and

"(b) Should the Commission consider such other measures as may be possible and advisable with a view to the attainment of its objectives?"

II. Discussion in the Interim Committee

The question of the consultation by the United Nations Temporary Commission on Korea was taken up by the Interim Committee at its fifth meeting on 19 February 1948. The Committee devoted six meetings to the consultation. At the outset the Committee agreed that it was not its duty to engage in a debate on the problem of the independence of Korea, but that it should limit itself to the requested consultation.

(a) STATEMENT ON THE DEVELOPMENT OF THE SITUATION IN KOREA

During its fifth meeting, the Committee heard a comprehensive statement by Mr. Menon, Chairman of the Temporary Commission, giving, for the information of the members of the Interim Committee, a general review of the work of the Commis-

sion since its arrival in Korea and the reasons which had led it to decide to ask for a consultation with the Interim Committee.

Mr. Menon emphasized that the Commission was aware that, under the resolution of the Assembly, it was concerned with Korea as a whole and not with one part of the territory or with one party only. He stated that the Commission had done everything possible to carry out the task entrusted to it by the Assembly but that, whereas the Commission had had the co-operation of the occupying forces in South Korea in the fulfilment of that task, it had not been possible for the Commission to exercise its functions in that part of Korea occupied by the forces of the Union of Soviet Socialist Republics. He explained further that the Commission had been faced with the necessity of deciding between the following:

1. To observe elections and facilitate the establishment of a National Korean Government in South Korea only;

2. To observe elections for the limited purpose of consultation with the elected representatives of the Korean people and pursuing further attempts to organize meetings between political leaders of North Korea and South Korea; and

3. To express its inability to carry out its mission and to return its mandate to the General Assembly.

The latter possibility was unanimously rejected by the Temporary Commission.

Mr. Menon informed the Interim Committee that most members of the Temporary Commission had expressed concern that the formation of a separate sovereign government in South Korea under the present conditions would not facilitate the twin objectives laid down in the resolution of the Assembly, namely, the attainment of national independence for the people of Korea and the withdrawal of the occupying forces. Such a government, in any case, could not be in a position to take over the functions of government from the military commands and civilian authorities of North Korea and South Korea. Faced with this situation and after weighing the evidence obtained by its sub-committees and the implications of the negative attitude of the Soviet authorities, the Temporary Commission came to the conclusion that it could not proceed much further unless this evidence and these implications were put before the Interim Committee and its advice obtained as to the course to be followed.

After hearing Mr. Menon's statement, the Interim Committee decided that a delay should be allowed for its careful consideration and adjourned until 24 February 1948.

(b) EXAMINATION OF THE APPLICATION OF GENERAL ASSEMBLY RESOLUTION 112 (II)

During its sixth, seventh and eighth meetings on 24 and 25 February 1948, the Interim Committee examined in detail how the General Assembly's resolution could be applied in view of the developments of the situation in Korea.

In the course of the discussion it was pointed out, and the Interim Committee generally agreed, that consultation by the United Nations Temporary Commission on Korea with the Interim Committee was in conformity with the General Assembly resolution. The two parts of this resolution were not two different resolutions but had been adopted at the same time by one single vote of the General Assembly and must be considered as parts of a single plan. The resolution stated clearly the objective of the United Nations with regard to Korea, which was to restore to the Korean people their freedom and independence.

It was remarked that the General Assembly had been perfectly aware, at the time of adopting the resolution, of the attitude of the Union of Soviet Socialist Republics expressed during the second session. The Assembly's recommendations could only mean that it intended the Temporary Commission to proceed with its task in spite of the difficulties which might be encountered. It was because the Assembly had foreseen such possible difficulties in the way of the application of its resolution that it had adopted a specific provision to ensure that, should the machinery it had established not be in a position to function as it should, the necessary guidance could be obtained from a subsidiary organ of the Assembly on which all its Members were entitled to be represented and which could consequently express a fully representative opinion on the application of the resolution of the Assembly. The General Assembly had thereby declared its conviction that the unilateral action of some Powers could not and should not constitute an obstacle to the realization of its high aims. It had assumed a responsibility not only towards the United Nations as a whole, but also towards the Korean people and this responsibility should not be evaded. However, in this connexion it was emphasized again that the Interim Committee was attempting only to reply to the questions which were the object of the consultation.

The intention of the General Assembly, it was said, was quite clear. In its endeavours to implement the Assembly's recommendations, the action of the Commission had been wise and consistent, but nevertheless it had not been possible to arrive at an understanding with the authorities in North Korea. It was important to note that the United Nations Temporary Commission on Korea itself had unanimously

rejected a solution which would have consisted in admitting that it was unable to fulfil its task. If it were, in the present circumstances, impossible to proceed to the election of a national government and to hold elections in both North Korea and South Korea in accordance with the decision of the General Assembly, it would be possible nevertheless to hold such elections in South Korea.

It was pointed out that elections to establish a purely consultative body would be contrary to the spirit and letter of the General Assembly resolution. However, it was emphasized that, under the same resolution, such elections should necessarily be carried out in an atmosphere of freedom wherein the democratic rights of freedom of speech, press and assembly would be recognized and respected.

It was remarked that, since these elections would be held in only half the territory, they would not result in a fully representative National Assembly. Nevertheless, the Korean people would thus be enabled to take a step toward the establishment of a democratic and free Korean government. However, the provisional character of such an Assembly, composed of representatives from only one part of the country, should be clearly stated.

It should also be made widely known that the participation of all the people of Korea, that is, including North Korea, was desired in order to avoid anything that might crystallize the division between the northern and southern parts of Korea.

On the other hand, several views were expressed which differed from the agreed opinion of the majority of the members of the Interim Committee. One member pointed out that from the legal standpoint, the functions of the Temporary Commission on Korea were based on the two parts of the General Assembly resolution of 14 November 1947. Paragraph 4 of the second part of that resolution made it clear that the Commission could not confine its activities to southern Korea. The Temporary Commission could not violate its terms of reference and the Interim Committee—which could only “consider and report, with its conclusions, to the General Assembly on such matters as have been referred to it by the General Assembly”—was not competent to change them. The Temporary Commission was entitled to consult with the Interim Committee, but the latter had no authority to extend its powers.

It was stressed in this connexion that the Interim Committee had the choice between two methods:

1. To consider the statement of the Chairman of the Temporary Commission on Korea and to report to the next General Assembly with its conclusions;
2. To recommend convening a special session of the General Assembly to consider

the possibility of amending the resolution of 14 November 1947 in the light of developments.

It was recalled that the Temporary Commission was almost unanimous in thinking that a government composed of representatives from part of the country only would not have the character which the Assembly had wished to give it. Its establishment in the south might also give rise to similar action in the north which, instead of facilitating the unification of Korea, might perpetuate its division.

Another member suggested that elections be organized in South Korea in order to set up an advisory body entrusted with administrative functions which would, however, take care to make no claims to be a national government. This body would nevertheless enable the Koreans to make their wishes known through their representatives, both to the occupying authorities and to the United Nations Temporary Commission. Its constitution would leave the door open for a fusion between the south and the north; and it was precisely in order to detect any favourable indications in this connexion, and to report to the General Assembly on the course of events in Korea that the Temporary Commission should remain there. In the meantime, the two great Powers concerned might again consider the possibility of reaching agreement, either by direct negotiation or at the Conference of Pacific Powers.

The Committee was also reminded that it was discussing the question in the absence of one of the most directly concerned parties and in the absence of representatives of the Korean people.

For these reasons, according to this view, the only practical and useful manner of approaching the problem would be to convene a special session of the General Assembly. Such a procedure would provide an answer to the doubts expressed on the legality of any action undertaken by the United Nations in the matter; it would enable qualified representatives of Korea to be directly consulted and, moreover, would offer the advantage of ensuring participation in the debate of representatives of the great Power whose negative attitude had led to the difficulties that were being encountered.

III. Advice of the Interim Committee on the application of General Assembly resolution 112 (II).

At its ninth meeting, on 26 February, the Interim Committee, by a vote of thirty-one in favour to two against with eleven abstentions, decided to answer the questions brought before it by the United Nations Temporary Commission on Korea as follows:

"The Interim Committee,

"Bearing in mind the views expressed by the Chairman of the United Nations Temporary Commission on Korea ;

"Deeming it necessary that the programme set forth in the General Assembly resolution of 14 November 1947 be carried out and as a necessary step therein that the United Nations Temporary Commission on Korea proceed with the observance of elections in all Korea, and if that is impossible, in as much of Korea as is accessible to it ; and

"Considering it important that the elections be held to choose representatives of the Korean people with whom the United Nations Temporary Commission on Korea may consult regarding the prompt attainment of freedom and independence of the Korean people, which representatives, constituting a National Assembly, may establish a national government of Korea ;

"Resolves

"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 part B of the resolution, in such parts of Korea as are accessible to the Commission."

The Committee agreed that the advice sought for was fully covered by the definite answer given in the above resolution. Nevertheless, in order to bring to the notice of the members of the Temporary Commission the relevant considerations it had in mind when reaching its conclusion, the Interim Committee, at its tenth and last meeting devoted to the consultation, agreed that this information should be summarized in a letter from the Chairman of the Committee to the Chairman of the United Nations Temporary Commission on Korea, which should be accompanied by the summary records of the meetings of the Interim Committee devoted to the consultation in order that the views of the minority might also be available to the Temporary Commission.

It was agreed that the letter of the Chairman of the Interim Committee would point out that, in deciding to answer in the affirmative the first question asked by the United Nations Temporary Commission on Korea, the Interim Committee had in mind the following principal considerations in addition to those stated in the resolution:

1. The elections to be observed by the United Nations Temporary Commission on Korea should be held in a free atmosphere wherein the democratic rights of freedom of speech, Press and assembly would be recognized and respected. In this con-

nexion, 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.

2. The National Assembly to which representatives were to be elected would be a stage in the formation of a Korean government, the form of which is to be determined by the Korean people themselves. In reaching this conclusion, the Interim Committee noted that the representatives constituting the National Assembly would be entirely free to consult with the United Nations Temporary Commission on Korea and to carry on such negotiations as they wished with any other Korean groups which might not have participated in the elections, regarding the form of government to be established and the participation of those groups therein. The Interim Committee entertained the hope that, in these consultations and negotiations, the Korean representatives in the National Assembly would be able to secure through their efforts the full co-operation in the government of all Koreans. The Interim Committee was confident that all peaceful methods of persuasion would thus be used to the greatest possible extent for the attainment of Korean unity.

3. The Interim Committee recognized that the United Nations Temporary Commission on Korea itself had the authority and discretion to discharge its duties in Korea wherever and to the extent that circumstances permitted.

In his letter, the Chairman of the Interim Committee also asked the Chairman of the Temporary Commission to inform all the members of the Commission that the advice of the Interim Committee contained in its resolution had been given with a view to securing the fullest possible compliance with the General Assembly resolution and to acting wholly within the intent and spirit of that resolution.

He stressed further that it was the firm belief of the Committee that it had reached its conclusions with a real understanding of the complexities of the problem. The Interim Committee was animated by the spirit of the United Nations Charter and its sole desire was to help the Korean people toward the achievement of their national independence and unity, which was the purpose expressed by the General Assembly during its second regular session.

* * *

At its fifteenth meeting on 7 July 1948, the Interim Committee approved the present report and decided to submit it to the General Assembly.

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