

**UNITED**



**NATIONS**

**REPORT OF THE  
UNITED NATIONS COMMISSION  
for the  
UNIFICATION AND REHABILITATION  
OF KOREA**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS : SEVENTH SESSION**

**SUPPLEMENT No. 14 (A/2187)**

**NEW YORK, 1952**

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## INTRODUCTION

The present report covers the period from 5 September 1951, the date of the Commission's last report, to 28 August 1952, when the present report was signed.

The United Nations Commission for the Unification and Rehabilitation of Korea was established by General Assembly resolution 376 (V) of 7 October 1950, and its functions in the economic sphere were further defined in General Assembly resolution 410 (V) of 1 December 1950. The Commission held its first meeting on 20 November 1950, and it has been continuously in Korea since 26 November 1950. The present report should be read in conjunction with the report submitted by the Commission to the sixth session of the General Assembly, covering the period from 7 October 1950 to 5 September 1951.

The present report is divided into five chapters and contains nine annexes.

Chapter I deals with the organization and movements of the Commission and its relations with other bodies.

Chapter II is entitled "Development of representative government in the Republic of Korea". After reviewing

the political organization of the Republic, it deals with the political crisis which arose out of the acute controversy between the President and the National Assembly. It also shows the position taken by the Commission and the reactions of Member States during the crisis.

Chapter III deals with the economic and financial situation in the Republic of Korea, including the position of the refugees and the activities of the United Nations Civil Assistance Command, and gives a summary of relief and rehabilitation supplies and organization.

Chapter IV gives an account of the collaboration between the Commission and the United Nations Korean Reconstruction Agency during the year.

The Commission's analysis and general conclusions will be found in chapter V.

Some information of a more detailed nature is contained in the annexes.

The report of the Commission, which was adopted unanimously, was signed in Pusan and is dated 28 August 1952.

## Chapter I

### ORGANIZATION OF THE COMMISSION

#### A. General Assembly resolution 507 (VI)

The report of the Commission dated 5 September 1951 (A/1881),<sup>1</sup> came before the General Assembly at its sixth session under item 17 of its agenda—"The problem of the independence of Korea: report of the United Nations Commission for the Unification and Rehabilitation of Korea"—which was taken up at the same time as item 27—"Relief and rehabilitation of Korea: report of the United Nations Agent General for Korean Reconstruction". On 5 February 1952, the Assembly adopted resolution 507 (VI), which reads as follows:

*"The General Assembly,*

*"Desiring to facilitate to the greatest possible extent the negotiations in Panmunjom and the conclusion of an armistice in Korea, and*

*"Wishing to avoid premature consideration of items 17 and 27 of the agenda of the present session.*

"I

*"Decides that:*

*"(a) Upon notification by the Unified Command to the Security Council of the conclusion of an armistice in Korea, the Secretary-General shall convene a special session of the General Assembly at the Headquarters of the United Nations to consider the above-mentioned items; or*

*"(b) When other developments in Korea make desirable consideration of the above-mentioned items, the Secretary-General, acting in accordance with Article 20 of the Charter and with the rules of procedure of the General Assembly, shall convene a special session or an emergency special session of the General Assembly at the Headquarters of the United Nations;*

"II

*"Requests the Negotiating Committee for Extra-Budgetary Funds established by General Assembly resolution 571 B (VI) of 7 December 1951 to undertake negotiations regarding voluntary contributions to the programme of the United Nations Korean Reconstruction Agency for the relief and rehabilitation of Korea."*

#### B. Organization and movements of the Commission

2. As the General Assembly has not made a decision on the problem of the independence of Korea since the submission of the report of 5 September 1951, the Commission's composition and terms of reference have remained unaltered.

3. The membership of the delegations to the Commission and of the Secretariat is set out in annex I to the

present report. The Commission deeply regrets the untimely death of Mr. Osmond N. H. M. Smyth, alternate representative of Australia, while on his way home after two years of valuable service to the Commission.

4. The chairmanship of the Commission has continued to be held by representatives in rotation, a new chairman assuming his duties at the beginning of each calendar month. A roster of chairmanship will be found in annex I.

5. Between the dates of completion of the previous and the present reports, the Commission held ninety-four meetings, all of them in Pusan, Korea.

6. During the period under review, Committee I of the Commission, on economic problems, was inactive. Committee II, on conditions in North Korea, visited areas north of the 38th parallel early in November 1951.

7. The Commission formed special observation teams to observe the elections held in the Republic of Korea on four occasions during 1952.<sup>2</sup>

8. In addition to observing elections in different parts of the country, the Commission and also individual members of delegations and of the Secretariat undertook numerous trips. All the provinces of the Republic of Korea were visited during the year.

#### C. Liaison with authorities and agencies

##### 1. LIAISON WITH THE UNITED NATIONS COMMAND

9. The Commission has continued to maintain contact with the United Nations Command at different levels as circumstances required. On two occasions the Commission conferred with General Mark W. Clark, Commander-in-Chief, United Nations Command. It also held meetings with General James A. Van Fleet, Commander, Eighth United States Army, and Major-General Thomas W. Herren, Commander, Korean Communications Zone.

10. The Commission places on record the co-operation and assistance received from the 2nd Logistical Command (now the Korean Base Section) under Brigadier-Generals Paul F. Yount and Edward H. Lastayo, in regard to housing, supplies, transport and other facilities.

11. Co-operation with the United Nations Civil Assistance Command in Korea<sup>3</sup> under Brigadier-General William E. Crist continued. Local UNCAK teams helped to provide accommodation, transport and interpreters for members of the Commission when they travelled through the country.

<sup>2</sup> See paras. 38, 43 and 121 below.

<sup>3</sup> See document A/1881, paras. 283 to 298, and chapter III of the present report.

<sup>1</sup> See *Official Records of the General Assembly, Sixth Session, Supplement No. 12*.

## 2. LIAISON WITH THE REPUBLIC OF KOREA

12. The Minister of National Defence of the Republic of Korea continued to maintain a liaison officer and staff with the Commission.

13. The Commission as a whole, as well as its individual members and the Principal Secretary, had a number of interviews with the President of the Republic. The Commission and its secretariat had easy access to and frequent contact with members of the Government, the Ministries and the National Assembly, and also met many officials and citizens in the provinces.

## 3. LIAISON WITH THE UNITED NATIONS KOREAN RECONSTRUCTION AGENCY

14. Relations between the Commission and the United Nations Korean Reconstruction Agency are discussed in chapter IV below.

## 4. LIAISON WITH DIPLOMATIC MISSIONS

15. The Commission maintained contact with heads of diplomatic missions in Korea and consulted with them on certain important political questions.

## Chapter II

# DEVELOPMENT OF REPRESENTATIVE GOVERNMENT IN THE REPUBLIC OF KOREA

## A. Political developments

### 1. INTRODUCTION

16. The General Assembly of the United Nations, in paragraph 2 (a) (i) of resolution 376 (V), in addition to giving the Commission new functions and greater powers, charged it also with the functions exercised by the former United Nations Commission on Korea (UNCOK). One of these functions was to "be available for observation and consultation throughout Korea in the continuing development of representative government based on the freely-expressed will of the people, including elections of national scope". In its report to the sixth session of the General Assembly, the Commission set out the more important political developments in the Republic of Korea up to 5 September 1951 (A/1881, ch. IV). Since then it has continued to observe the development of representative government in the Republic which, during the period covered by the present report, is largely the story of the controversy between the Executive and the Legislature on the relative roles of each—a controversy which reached a critical point in May.

### 2. THE EXECUTIVE

17. Since the submission of the Commission's previous report, significant changes have occurred in the constitutional position of the Executive. Under the constitutional amendments promulgated on 7 July 1952,<sup>4</sup> the background and significance of which are discussed below, the President and Vice-President of the Republic are no longer elected by the National Assembly but by direct vote of the people. On the other hand, the Cabinet is now to some extent collectively and individually responsible to the National Assembly, which may, under certain conditions, force its resignation by a vote of no confidence.

18. The Vice-President, Mr. Kim Song Soo, resigned on 29 May 1952, in the midst of the constitutional controversy and four days after the proclamation by President Rhee of martial law in Pusan. The retiring Vice-President explained his resignation in a letter containing severe criticism of the President's administration. After first deferring action, the National Assembly accepted the resignation on 28 June 1952, but did not proceed immediately to elect a successor. After a new constitutional

amendment was adopted on 4 July, the position had to be filled by popular vote.

19. President Syngman Rhee was re-elected for a second four-year term and Mr. Ham Tae-Yong was elected Vice-President of the Republic of Korea in the elections of 5 August 1952 which are discussed in section 8 of this chapter. They assumed office on 15 August 1952.

20. Mr. Chang Myon, who had been Prime Minister since 3 February 1951, resigned on 19 April 1952 for reasons of health, and was succeeded by Mr. Chang Taek-Sang who, up to then, had been a Vice-Chairman of the National Assembly.<sup>5</sup> There were several other ministerial changes. Two ministers who resigned in July did so in order to seek election as Vice-President. Annex II shows those who have held office as minister during the past year.

### 3. THE NATIONAL ASSEMBLY

21. In addition to withdrawing from the Legislature the power of electing the President and Vice-President, and to providing for a limited measure of Cabinet responsibility to the Legislature, the constitutional amendment of 7 July 1952 provided that the National Assembly should in future be bicameral. It will be composed of a House of Councillors and a House of Representatives. The members of the present National Assembly, which was elected on 30 May 1950, will serve out the remainder of their four-year term as members of the House of Representatives. Until the House of Councillors is formed, the House of Representatives will act on its own as the National Assembly.

22. By-elections to fill eight vacant seats in the National Assembly were held on 5 February 1952 and are reported below. The committee structure of the Assembly has remained unchanged since the previous report (A/1881, paras. 134 and 135), but the membership and chairmanship of committees was changed.

23. The amount of legislation passed by the National Assembly was less than previously, because of the Legislature's preoccupation with the constitutional issues before it. The constitutional amendment adopted on 4 July 1952 was the most important piece of legislation passed during the year.

<sup>4</sup> See annex VI below.

<sup>5</sup> See document A/1881, paras. 130 to 132, and annex VIII, para. 14, below.



24. The division of the members of the Assembly into "negotiating" groups discussed in paragraphs 140 to 142 of the Commission's report of last year, underwent various changes, and at the time of signing the present report the negotiating groups registered in the Assembly and their strength were as follows: Liberal Party—"Amalgamation Faction", 61 members; Assembly Liberal Party, 47 members; Democratic Nationalist Party, 32 members; People's Friends Association, 19 members; Independents, 24 members.

25. The principal change in the negotiating groups since the Commission's last report is the disappearance of the Republican People's Political Association, and the emergence of two new Liberal Party groups, the formation of which is described in paragraphs 29 to 34 below. The size of the negotiating groups has fluctuated continuously throughout the year, as members move from one group to another, and further changes can be expected.

#### 4. POLITICAL PARTIES AND SOCIAL ORGANIZATIONS

26. In the Commission's previous report, it was stated that, of the existing parties in the Republic of Korea, only the Democratic Nationalist Party had a strong organization. That party, which had the then Vice-President, Mr. Kim Song-Soo, as one of its leaders, has found itself increasingly in opposition to the administration of President Rhee, and has been weakened by attacks upon it and by the emergence of the new Liberal Party which drew its strength from already existing "patriotic organizations" such as the Taehan Youth Corps and the National Society.

27. After the outbreak of hostilities, several members of opposition groups had been taken into the Cabinet and other important public posts, but during 1951 it appeared that the President became increasingly suspicious of them and felt that those who belonged to the Democratic National Party, in particular, were abusing their positions to create an organization which would later turn against him. In May 1951, the Minister of Home Affairs, Mr. Chough Pyung-Ok, and the Minister of Justice, Mr. Kim Yoon-Yun, who were both members of the Democratic Nationalist Party, ceased to hold office and their retirement was followed during succeeding months by many changes in the police and among officials in provincial and local government.

28. Thereafter, the strength of the Democratic National Party began to decline. The President made a number of public statements attacking the Party, saying that it represented a "minor and privileged class" which used a great deal of money in elections and controlled much of the national production.

29. Side by side with these attacks on the Democratic Nationalist Party, there was an effort to build up a new party. Hitherto, the President had derived his strength from "patriotic organizations" and, in the National Assembly, from the rather loosely-organized Republican People's Political Association. On 15 August 1951, President Syngman Rhee, in his speech at a ceremony to commemorate the anniversary of the establishment of the Republic of Korea, said that he thought the time had come for the formation of a new political party "of labourers and farmers". He followed this, on 25 August 1951, with a further statement that the new party would

be based on his "one people" principle and would consist of labourers and farmers, with the welfare of the nation as its supreme objective; no "civilian organizations" would be merged into it *en masse*, but individual members of those organizations could join.

30. As early as 17 August 1951, interested persons began to hold meetings to discuss the formation of the new party. At the first meeting, the Republican People's Political Association was represented by two members of the National Assembly; and the National Society, the Taehan Nationalist Party, the Taehan Youth Corps, the Taehan Women's Association, the Federation of Farmers' Associations and the Taehan Federation of Labour were also represented. In fact, it looked as though all the "patriotic organizations" would lend their support. On 7 September, a committee of twenty-five members of the National Assembly belonging to the Republican People's Political Association was formed as a "promoters' body" for the new party inside the Assembly.

31. While a political platform was being discussed, differences appeared among the party's promoters. President Rhee, after his first statements, seemed to leave his followers to work out things for themselves. However, on 13 November, President Rhee, acting in his capacity as "adviser" to the new party, said in a message to its promoters that "a democratic State is governed by a majority; in our country the farmers, labourers, and other poor persons are a majority. Therefore, the party that governs the State should be based on farmers, labourers and other poor persons . . . not a small group of financiers and men of influence".

32. In December 1951, the groups working for the formation of the new party finally split. The group of National Assembly members wanted to call the new party the "Liberal Party", whereas the President's supporters outside the Assembly favoured the name of "Farmers' and Labourers' Party". The breach seemed to be healed when agreement was reached on the former name, but in the end the two groups met separately on 23 December and each formed a party calling itself the "Liberal Party".

33. Thus there was formed an "Assembly Liberal Party", originally professing general support to President Syngman Rhee but, as the months went by, moving more and more into opposition; and a "Non-Assembly Liberal Party", which had elected President Syngman Rhee as its Chairman and Mr. Lee Bum Suk as its Vice-Chairman. This latter party had in fact some supporters in the National Assembly, and their numbers grew; they came to be generally known in the Assembly as the "Liberal Party—Amalgamation Faction"; but as, for example, the presidential elections of August 1952 showed (see paras. 112 to 119 below) there was not complete identity between them and those supporters of the Party who were not members of the Assembly.

34. The organization of the Liberal Party outside the Assembly advanced rapidly throughout the country, mainly because of the support of the National Society and the Taehan Youth Corps, whose members adhered individually to the new party although these organizations continued to act on their own as political action groups. Liberal Party branches were established in each province. At the party's first "National Convention",

on 20 March 1952, its leaders claimed a total registered membership of 2,654,568—or 13 per cent of the total population of the Republic of Korea.<sup>6</sup> Addressing this convention, President Rhee said that one of his two lifelong political goals had been attained with the formation of the Liberal Party, the other goal—establishment of the Republic of Korea—having already been achieved. The President's participation in the formation of the Liberal Party appeared to be a reversal of the non-party position he had consistently taken since his return to Korea in 1945. He had reiterated this position at the time of the 30 May 1950 elections by declaring: "I, for my part, still have no intention of affiliating myself with any political party nor of taking part in forming a political party".

35. At the time of signing the present report, there were indications that both the pro-President and the opposition parties were being reorganized.<sup>7</sup> The presidential elections revealed personal animosities and ambitions among the President's followers, and caused a split inside such organizations as the Taehan Youth Corps which, in deciding whom to support for Vice-President, was torn between Mr. Lee Bum-Suk (one of its own leaders) and Mr. Ham Tae-Yong (who was generally believed to be the candidate favoured by President Rhee himself). It may take a few months for the situation to settle down again and for Korean politicians to determine their new party allegiances.

#### 5. BY-ELECTIONS FOR THE NATIONAL ASSEMBLY

36. As was stated in the Commission's previous report, by-elections to fill eight vacant seats in the National Assembly had been planned for June 1951, and then postponed to a later date. These elections took place on 5 February 1952.

37. On 21 January 1952, a member of the National Assembly proposed that an Assembly group should be appointed to "inspect and investigate the way in which the by-elections were held".<sup>8</sup> The original text of the motion also provided that the Government should invite UNCURK to observe the elections. However, a few members of the Assembly opposed such an invitation on the ground that it would infringe upon the sovereignty of the Republic, and the proposer deleted it from his motion.

38. In the end, the Commission was not officially invited to observe the by-elections, whereas UNCOK, its predecessor, had been invited to observe the general elections of 30 May 1950. The Commission decided to observe the by-elections on its own account, and members of delegations and of the secretariat visited five of the eight electoral districts involved. No irregularities in the electoral proceedings proper were observed on the day of the election. The Commission found, however, some indications of police pressure in favour of certain candidates, and in some districts it was believed by many voters that if the candidates favoured by the Government were not elected, there would be discrimination against the district in the distribution of various types of relief or in the conscription of labour.

<sup>6</sup> This claim was raised on 3 August to 3,500,000 members.

<sup>7</sup> An official list of political parties and social organizations in the Republic of Korea, registered in August 1952, appears as annex III to the present report.

<sup>8</sup> No report of this group has ever been published or considered by the National Assembly.

39. There were fifty-nine candidates for the eight seats and, according to published results, 85 per cent of the registered electors voted. Of the eight elected, three had been Liberal Party candidates, four were known to favour President Rhee's Administration, and one was an Independent. Six candidates of the Democratic Nationalist Party were defeated.

#### 6. ELECTIONS UNDER THE LOCAL AUTONOMY LAW

40. The first elections under the Local Autonomy Law in the Republic of Korea were held on 25 April and 10 May 1952. The Law, promulgated on 4 July 1949 and amended on 15 December 1949, was designed "to further the democratic development of the Republic of Korea by having local residents, under the supervision of the State, administer their local affairs under a system of local autonomy". Elections had originally been planned for December 1950, but had to be postponed because of the outbreak of hostilities.

41. Under the Law, two types of councils were to be elected:

(i) Councils of cities (*shi*), towns (*eup*) and townships (*myun*); and

(ii) Provincial councils and a council for the "special" city of Seoul.

However, these elections could not be held everywhere in the Republic. The elections of 25 April for the city, town and township councils were not held in the northern parts of the Republic, south of the battleline where the bulk of the inhabitants had not yet returned; and they were not held in a few other places either, where guerilla activity had made it necessary to continue martial law. The elections for the provincial councils on 10 May were not held in the provinces of Kyonggi or Kangwon or in the city of Seoul, all of which were near the fighting line.

42. The Commission decided on 24 March 1952 to observe the elections, and notified the Korean authorities accordingly, requesting their co-operation. The Minister of Home Affairs of the Republic of Korea attended a meeting of the Commission on 3 April, made a statement on the preparations for the local elections, and offered the fullest assistance of the Korean authorities to the Commission's observers.

43. During the first half of April, the Commission made two trips covering five of the nine provinces of the Republic of Korea with the main objective of surveying preparations for the local elections. The elections of 25 April for councils of cities, towns and townships were observed by five teams in five different regions, and the elections for provincial councils on 10 May were observed by teams in each of the provinces where the elections were held. The Commission's observers interviewed the local officials such as the governors of the provinces and the *gun* (county) chief and also local personalities such as candidates, journalists and representatives of political and social organizations. They visited polling stations and watched the balloting and the counting of votes.

44. Statistical information on both elections will be found in annex IV.

45. The Commission found that voters seemed well acquainted with the procedure of the election and that the balloting proceeded in a correct and orderly manner and was completely secret. However, it appeared to the

Commission that conditions during the electoral campaign did not perhaps always deserve the same praise. There were various complaints of discrimination and pressure which, in some provinces, may have explained the withdrawal of a number of candidates before election day, and the fact that, in some districts, no balloting took place because the number of candidates was the same as the number of seats to be filled.

46. From evidence gathered by the Commission's observers, campaign issues were of a purely local character, but the fact that a candidate supported or opposed President Rhee affected the attitude of the local authorities towards him. Many voters indicated that they chose candidates for their individual qualifications. The Government interpreted the election results as a striking victory for its policies, and subsequently pointed to the many resolutions, adopted by local and provincial councils when they met, supporting the President's stand in the constitutional amendment issue. However, the opposition claimed that the election results were a reflection not so much of actual support for the Government as of the effectiveness of the pressure used by it.

## 7. RELATIONSHIP BETWEEN THE EXECUTIVE AND THE LEGISLATURE

### (a) *The constitutional controversy*

47. In its report submitted on 4 September 1950, the United Nations Commission on Korea (UNCOK) noted that up to the end of May 1950, when a new National Assembly was elected, "the Executive and the Legislature were continually engaged in a bitter struggle for the recognition by the other of what each deemed its proper power and authority (A/1350).<sup>9</sup> "The atmosphere of antagonism . . .", the report continued, "set the stage for a revival of the proposal to amend the Constitution in order to provide Cabinet responsibility to the Legislature".<sup>10</sup>

48. The present Commission, in its report last year to the General Assembly, also noted that the Executive and Legislature were often in conflict, but was able to state that closer co-operation was developing (A/1881, para. 148). This co-operation became less and less, however, as the date of the presidential election approached in the summer of 1952. Members of the Assembly complained that the Government was ignoring the Legislature and its wishes, while the Government for its part complained that the Assembly would not pass necessary legislation.

49. On 15 August 1951, in the same speech in which he had called for the formation of a new political party,<sup>11</sup> President Syngman Rhee had advocated two constitutional amendments which would provide for the direct election of the President by the people instead of by the National Assembly and for a bicameral legislature instead of one house.

50. A bill to amend the Constitution in this way was announced by the Acting Prime Minister on 27 November 1951, but did not come up for consideration until January 1952. The Assembly Liberal Party, at a meeting on 13 January 1952, decided by 60 votes to 3 to oppose

the bill. The Democratic Nationalist Party and the People's Friends' Association also opposed it. When the bill was taken up in the Assembly on 17 January, its defeat was consequently a foregone conclusion, and it was rejected on 18 January by 143 votes to 19, with one abstention.

51. There were several reasons for this defeat, and naturally different members of the Assembly had different motives. Many were not opposed to the substance of the President's proposals, but wanted them supplemented by further constitutional amendments, and in particular by making the Cabinet responsible to the Legislature. Others felt that the bill which had been introduced was not sufficiently elaborated and that it did not, for example, set out adequately what would happen if the two houses disagreed. In the debate during January there was little criticism of the President or his administration, and defeat of the bill did not necessarily mean that Mr. Rhee could not secure a majority for his own re-election when the time came. It was only later, when extreme pressure was applied against the Legislature; that opinion in the Assembly hardened against Mr. Rhee; in due course, many members came to feel so strongly against what they regarded as arbitrary and personal rule that they did not want to vote for any amendment to the Constitution until they had exercised their votes to elect someone other than Mr. Rhee. But that stage was still in the future, and in January, although differences existed between the Executive and the Legislature, they could not be regarded as irreconcilable.

52. The President argued that his proposals were more democratic than the existing provisions of the Constitution, and he pointed out that they were the same as the provisions of the Constitution of the United States of America. He said his proposals were not inspired in any way by a desire to secure his own re-election, and in evidence of that he pointed out, first, that he had been urging similar proposals since the original attempts to draft a constitution for the Republic and, secondly, that he did not want a second term. It was, he argued, more democratic for each citizen to vote directly for the President than to have the National Assembly do so; and a second chamber would act as a brake on the first house of the Legislature. Against that, some of his opponents argued that in a new State like the Republic of Korea the people did not yet know enough about prospective candidates to weigh their merits; and that, in any case, a "popular vote" was really a fiction as long as the incumbent controlled the police. But in fact, neither the supporters nor the opponents of the amendments confined themselves to the merits of the proposals; the moves in the political struggle were greatly influenced by personalities and by competition for power and patronage.

### (b) *The "recall campaign"*

53. After the National Assembly in January rejected his proposed constitutional amendment, the President, in a public statement, expressed the hope that the public and the legislators would reverse this decision. He suggested that the National Assemblymen would be "recalled by popular vote if they neglected the popular will in favour of their private interests". He thus launched a campaign which continued throughout the constitutional controversy and was an important element in the

<sup>9</sup> See *Official Records of the General Assembly, Fifth Session, Supplement No. 16*, para. 133.

<sup>10</sup> *Ibid.*, para. 136.

<sup>11</sup> See para. 29 above.

pressure brought to bear upon the recalcitrant Legislature.

54. In this "recall campaign", various methods were employed. Leaflets and posters were used, particularly by such organizations as the Taehan Youth Corps, which was responsible for much of the agitation in the campaign. The use of popular demonstrations is further discussed below.<sup>12</sup> Another method was the circulation in various localities of petitions for signature, and their subsequent presentation to the authorities. The first "letter of recall" received by an Assemblyman from his constituents was announced on 18 February. Several other such petitions followed. At a much later stage—in late May and in June—numerous resolutions were adopted by local and provincial councils, by delegates to the "People's Self-Determination Convention", and by groups of citizens calling for the dissolution of the Legislature and for new general elections. In many instances, copies of these petitions and resolutions were sent to the Commission.

55. The President made many statements in which he acknowledged the public pressure for a change in the attitude of the Legislature, failing which it should be dissolved. These views were echoed by some members of the Executive, and particularly in releases of the Government's Office of Public Information.

56. The recall campaign gathered momentum after the February by-elections, which had mostly been won by the President's supporters. On 16 February, the Assembly questioned some of the Ministers about it, and in particular about the putting up of posters attacking the National Assembly and some of its members. The Acting Prime Minister admitted that the posters had been put up by groups supporting the President, like the National Society, but challenged the Assembly to prove that this was unconstitutional.

57. On the same day, President Rhee issued a statement expressing the belief that the Assembly's attitude would be changed when the Assemblymen became clearly persuaded of the true wishes of their electorate. Should this not happen, the statement went on, the respective electorates, through voting, had the right to recall their representatives. On the legal aspects, the President declared: "Some might argue that no provision is made in our Constitution permitting the voters to recall Assemblymen. However, since there is no clause in the Constitution prohibiting the popular recall of Assemblymen, no one can possibly oppose, from the logical as well as academic points of view, the right of the voters—the real masters of a democratic nation—to recall their representatives. Without utilizing such a check, it would be critically dangerous to permit disobedient representatives to continue to pursue their own personal advantages, without at all heeding the welfare of the public. So long as justice rules, I believe that the voters must be able to enjoy their inherent rights".

58. On 18 February, a demonstration of about 300 persons, mostly from the Taehan Youth Corps, took place in front of the National Assembly, and protested against the Assembly's rejection of the President's proposed amendments to the Constitution. The Assembly reacted strongly to this attempted intimidation of members; it asked the President to appear before them and, when

he did not do so, submitted a questionnaire to him chiefly on the question of the legality of recall of members of the Assembly. The Assembly also questioned the Chief Justice who, in his answer, implied that, as the Constitution contained no provision for the recall of members of the Assembly, recall would be illegal.

59. On 26 February, the President replied to the Assembly's questionnaire. He said that the Constitution, as well as being amended according to established methods, could be "supplemented" in accordance with the will of the people.

60. The Assembly debated the President's reply for two days and on 29 February, by 110 votes to 49, with 6 abstentions, adopted a resolution couched in quite strong terms. It recalled that the Chief Justice had testified that there was no legal basis for the recall of members of the Assembly. It stated that the President's action in ignoring the function of the Legislature "may lead to dictatorship". "To ignore the common procedure as practised by democracies and the procedures provided for by the present laws, and to confound the 'popular will' fabricated under pressure of official power or other coercive force, with the genuine popular will, amounts to a disregard for the present Constitution and laws, that are fundamentals of democracy . . . The National Assembly . . . sternly warns the President and his aides, and pledges itself before the people, who are sovereign, to fight to the death in defence of the Constitution, conscious of the fact that the defence of the Constitution is the only way to ensure the freedom and welfare of the people".

61. The President made a further statement on 6 March, which referred to the Assembly's resolution and repeated his own arguments in a moderate tone. He said that the spirit and not the letter of the Constitution should be preserved. The Assembly had been established "as the people's representative organ so that minor problems might be solved without being placed in the public forum. However, matters are different when an issue of national consequence is at stake".

62. The demonstration outside the Assembly on 18 February marked for the time being the peak of the campaign against the Assembly, and thereafter matters seemed to quiet down. The local elections of 25 April and 10 May occupied much of the energies, not only of members of the Assembly, but of organizations like the Taehan Youth Corps. However, the constitutional amendment was not forgotten. On 19 April, 123 members of the National Assembly introduced a bill which would have made the Prime Minister the effective head of the Government, and would have made the Cabinet responsible to the Legislature; while on 14 May the Government introduced a revised version of its rejected proposals, again providing for direct election of the President and for a bicameral legislature, but also providing for a very limited degree of Cabinet responsibility. In the meantime, the date for the election of a new President was approaching; under the Constitution, as it was generally interpreted, he had to be chosen at any time during the thirty days preceding 24 June.<sup>13</sup> But in this period—which turned out to be the lull before the storm—it seemed that the differences were being fought out in a constitutional manner, with the National Assembly as the main arena.

<sup>12</sup> See paras. 58, 78 and 99.

<sup>13</sup> See para. 97 below and footnote.

(c) *Martial law in Pusan*

63. The pressure against the National Assembly increased after the local elections had been completed and as the date approached for the Assembly to elect a new President. On 19 May, a demonstration of about 2,000 people in Pusan expressed disapproval of the amendment proposed to create Cabinet responsibility. Further demonstrations occurred on 21 and 23 May, all of them timed to coincide with meetings of the Assembly.

64. In addition to supporting the President's constitutional amendment, the demonstrators seized upon the case of an Assemblyman, Mr. So Min-Ho, who had, on 24 April, killed a captain in the ROK Army Medical Corps and whose case turned on whether or not he had done so in self-defence.<sup>14</sup> Mr. So Min-Ho's case assumed a major place in the political crisis that was breaking. The Assembly, in accordance with article 49 of the Constitution, had him released from detention in prison so that he could attend meetings of the Assembly until his trial began. The mobs demonstrating in the streets claimed that a "murderer" had been released by the "traitorous" Assembly without being tried for his crimes. In point of fact, the trial of Mr. So Min-Ho began on 22 May in the Pusan District Court.

65. On 24 May, Mr. Lee Bum-Suk was appointed Minister of Home Affairs. He had been the first Prime Minister of the Republic, and was one of the leaders in the Taehan Youth Corps and in the formation of the Liberal Party. He played a leading part in the events of the next few weeks, in giving effect to the President's wishes and overcoming the opposition of the National Assembly.

66. On 25 May, at one minute past midnight, "emergency martial law" came into effect in Pusan and its vicinity. This had been decided upon by the State Council (the Cabinet, presided over by the President). Under martial law, all power was vested in the Martial Law Commander (Major-General Won Yong-Duk), who proceeded to issue a number of proclamations covering such matters as the carrying of fire-arms, the holding of meetings and censorship.

67. The first of these proclamations attributed the need for martial law to "the enemy" who were pursuing "their scandalous plots without restriction, intercepting traffic and communications and disturbing the public mind". Later presidential and other official explanations said that martial law was imposed to counteract guerilla activities. Martial law in Pusan had not been requested by either the United Nations military authorities, or by the ROK Army; the decision to impose it rested with the President and his immediate advisers.

68. The significance of martial law in Pusan, as distinct from other parts of the country, was that it placed the organs of central government under great restrictions. The Martial Law Commander claimed that he was responsible to no one but the President, and that the Chief Justice and the Supreme Court had no competence, under martial law, to question the legality of any of his actions. He also claimed the right to arrest any government official, including members of the National Assembly. The extraordinary powers of martial law made it possible, if desired, to silence any expression of oppo-

sition to the Government—by censoring the Press, withholding licences for certain meetings, and preventing the sticking up of posters hostile to the Government.

69. On the first two days of martial law in Pusan, several members of the National Assembly were arrested, including Mr. So Min-Ho. On the morning of 26 May, an incident involving forty-five members of the Assembly occurred. These men were going in an official Assembly bus to attend a meeting of the National Assembly, and were stopped by military police near the entrance to the Assembly ground. The military police asked the occupants of the bus to show their identity cards, which they refused to do as they would not recognize the competence of the military police in this matter; the occupants said that they were, however, willing to be identified by officers of the Assembly itself. The Secretary-General of the National Assembly arrived shortly afterwards, and offered to identify the members. The police refused to allow him to do so, and also refused to allow adequate water or food to be passed into the bus. Eventually, after some hours under a hot sun, the bus was towed away to a police station, where the occupants were compelled to spend the night and were examined. All but four were released the following afternoon, after twenty-eight hours' detention.<sup>15</sup>

70. Thus, by the second day of martial law in Pusan, over fifty members of the National Assembly were under detention of some sort, out of a total membership of 183. After most of those on the bus had been released, the number dropped to twelve. No charges had yet been brought against those detained.

71. The arrests of the Assemblymen raised a new constitutional question, since article 49 of the Constitution<sup>16</sup> makes such arrests subject to the consent of the National Assembly if it is in session and unless an arrest is made *flagrante delicto*. Martial law does not provide any exemption from that constitutional provision, since article 17 of Law 69 (Law governing the Enforcement of Martial Law)<sup>17</sup> specifically prohibits arrests under martial law of members of the National Assembly except when taken *flagrante delicto*, though in any case, of course, an ordinary law could not override a provision of the Constitution.

72. With twelve members under detention, several others went into hiding for fear that they also would be arrested. The Government had not made any formal charges, so that no one knew whether or not he also might be taken. As a result, the Assembly for the first couple of days was unable to meet for lack of a quorum—half the membership of 183. After the third day, a quorum could be obtained fairly often, but it was quite impossible to get an attendance of two-thirds of the membership, which was necessary to amend the Constitution or elect a new president.

73. On 28 May, the National Assembly, meeting with a quorum for the first time since martial law had been

<sup>14</sup> See para. 130 below.

<sup>15</sup> Article 49 of the Constitution reads: "When the National Assembly is in session, no member of the National Assembly shall be arrested or detained without the consent of the competent House, except when apprehended *flagrante delicto*. In case the apprehension of a member has been made before the opening of the session, such member shall be released during the session in case the competent House so requests."

<sup>16</sup> See annex V below.

<sup>17</sup> See paras. 155, *et seq.*, and annex VIII below.



imposed, requested, by 96 votes to 3, the lifting of martial law. Under Article 21 of Law No. 69, it thereupon became mandatory for the President to comply with this request. However, he did not do so, and martial law was maintained until 28 July, two months afterwards.

74. On 30 May, the National Assembly, by 93 votes to none, urged the Government to release the Assemblymen who had been detained. This resolution was also ignored by the President.

75. Meanwhile, a group of the President's supporters in the Liberal Party "Amalgamation Faction", proposed a vote of censure by the National Assembly against UNCURK for alleged interference in the internal affairs of the Republic.<sup>18</sup> It secured only 53 votes out of 122 representatives present, and therefore was not adopted.

76. It had by now become clear that the President's supporters were in a pronounced minority in the Assembly and that, even with a number of members either under detention or in hiding, the Assembly was going on record against the President's actions. Accordingly, on 2 June, fifty-two Assemblymen from the Liberal Party "Amalgamation Faction" began to boycott the Assembly, with a view to depriving it of a quorum. The same day, they issued a statement giving their reasons for the boycott: the Assembly did not listen to the requests of the people; it had had Mr. So Min-Ho released, although he had killed an army officer; and some members had demanded the release of Assemblymen implicated in a Communist conspiracy, who had relied upon foreigners to further their aims. The statement ended as follows:

"In order to avoid assuming joint responsibility for unfavourable criticism in the future by sitting together with those who have become mere tools in a struggle for power and who wish to leave the National Assembly in the hands of foreign Powers, we announce that we are unable to discuss national affairs with them until they think things over and the fundamental function of the National Assembly is restored".

This boycott continued until 16 June, the meeting date when it first became legally possible for the National Assembly to take up consideration of the President's revised constitutional amendment, introduced a month earlier, as related in paragraph 62 above.

77. In the meantime, pressure was being brought to bear on the members of the Assembly in several ways: from the President, who talked of dissolving the Assembly (despite the fact that the Constitution contained no provision for dissolution); by mass demonstrations, petitions and posters against the Assembly; and by preparations for the trial by court martial of the arrested Assemblymen.

78. Mass demonstrations occurred almost daily in the streets of Pusan, and local government officials and other citizens came into Pusan from the provinces. Representatives of the Commission gathered numerous indications that attendance at the rallies was often by no means voluntary.

79. At the same time, many posters appeared on the streets of Pusan denouncing the Assembly, often in vio-

lent language. The Taehan Youth Corps was prominent in these agitations. More extreme posters, attacking individual members of the National Assembly as well as Koreans who associated with foreigners, were put out by a "White Skeleton Corps" (Patik Kil Tan) and a "Youth Association for Protecting the Nation" (Ku Kuk Chung Myun Hea).

80. Censorship was rigorous, and comparatively little criticism of the Government was able to find its way into print. On 14 June, the Government stopped the relaying by Korean wireless stations of the "Voice of America" broadcasts, because of a broadcast by the latter giving United States newspaper editorials on the Korean political situation, all of which were critical of the Government. United Nations broadcasts were also stopped, but were promptly restored. The "Voice of America" was not resumed until 28 June. One issue of an American magazine was seized on the orders of the Martial Law Commander but released the next day.

81. The situation eased somewhat towards the end of June, as a result of the personal intervention of President Rhee, who said on 27 June that he had not been aware of the extent of the censorship in recent weeks and ordered the immediate removal of restrictions except where military security was involved. Though the Press at first remained cautious, criticism of the Government began to appear again. The President also personally intervened at this time to stop the anti-foreign agitation of some of his followers, such as Mr. Ahn Ho-Sang, the head of the Taehan Youth Corps. This agitation seems to have been conducted without Mr. Rhee's knowledge.

82. While this campaign against the National Assembly was going on, the Assembly's supporters had great difficulty in making their views known, because of the restrictions imposed by martial law. However, some posters denouncing the anti-foreign campaign were stuck up by a group known as Tak Pol Tae, which allegedly represented several groups of democratic students.

83. The most important single act of opposition to the Government by citizens other than members of the National Assembly occurred on 20 June in the International (Kukje) Club building, Pusan, at a meeting arranged by a "National Committee to oppose fascism and defend the Constitution for national salvation". The meeting was presented with a declaration by sixty-eight prominent Koreans. They included Mr. Lee Si-Young, the first Vice-President of the Republic; Mr. Kim Song-Soo, who at that time was still Vice-President, though he had tendered his resignation; Mr. Chang Myon, a former Prime Minister and a former Ambassador to Washington; Mr. Chough Pyung-Ok, a former Minister of Home Affairs; Mr. Shin Hung-U (Hugh H. Cynn), a former Minister to Tokyo; and other former Ministers, present members of the National Assembly, civic leaders and representatives of universities and of church organizations.

84. The declaration charged, *inter alia*, dictatorial action by the Government, violation of the Constitution, the use of public funds for the mobilization of "mobs," and the alienation of the country's allies by acts of censorship such as those against the "Voice of America" and an American magazine, and by rejecting the "considerate advice of the United Nations allies" as "interference in domestic affairs".

<sup>18</sup> The Commission's role up to this time is set out in paras. 123 to 134 below.

85. A resolution had been prepared for adoption including a pledge to defeat "white" as well as "red" dictatorship; a demand for the lifting of martial law and for the release of arrested Assemblymen and politicians; a protest against closed trials; and support for collective security in observance of the United Nations Charter, and for the actions taken by UNCURK in Korea.

86. Shortly after the persons concerned had assembled, but before the meeting had been opened, it was raided by hostile elements and dispersed. The police stood by and did not intervene. Several persons were injured, including the chairman of the meeting, Mr. Kim Chang-Sook, President of the Sung-Kyun-Kwan University. A number of those connected with the meeting were subsequently arrested under the martial law provision that public meetings required authorization by the police.<sup>19</sup> None of those who broke up the meeting was arrested.

87. What appeared to be an extreme demonstration of opposition occurred on 25 June, at a ceremony marking the second anniversary of the outbreak of hostilities. While President Rhee was making a speech, a man on the platform was seized as he pointed a pistol at the President. The Ministry of Home Affairs later made a statement accusing an Assemblyman, Mr. Kim Si-Hyon, a former member of the Democratic Nationalist Party, of being an instigator and accomplice. Four members of the Democratic Nationalist Party were also said to have participated in the plan. At the time of signing the present report, trial of those involved had only begun.

88. Meanwhile, the trials of some of the other Assemblymen had begun, all by courts martial.<sup>20</sup> The civil trial of Mr. So Min-Ho was abandoned after martial law was declared in Pusan, and instead trial by court martial began publicly on 7 June. Seven other Assemblymen and seven other Koreans were tried by court martial for being involved in a communist conspiracy. This trial, which was not open to the public, began on 19 June. No charges have ever been brought against the other Assemblymen who were arrested.

89. On 19 June, the National Assembly, by 84 votes to none, asked the Government to open to the public the trial of the Assemblymen alleged to be implicated in a communist conspiracy. The Government, however, continued to hold the trial *in camera*, with only a few officials and some international observers present.

90. Thus, by the end of the first month of martial law in Pusan, the acute political struggle was no closer to solution. The President's opponents took the position that if the Constitution and law were followed, the Assemblymen could not be detained; martial law could not be continued; and the dissolution of the National Assembly, or the recall of individual members, threatened by the President, could not take place. President Rhee, on the other hand, claimed that all these legal arguments and objections were overridden by article 2 of the Constitution, which says: "The sovereignty of the Korean Republic shall reside in the people. All State authority shall emanate from the people". The President claimed that it was the will of the people that the National Assembly should adopt the amendments he had proposed; if the Assembly refused to do so, it meant that the members

had ceased to be true representatives of the people, and the National Assembly should be dissolved so that the people could elect new representatives. The President said that where the national existence of Korea was at stake, the Government had to depart, if necessary, from the strict letter of the law.

91. In the latter part of June, therefore, there were two diametrically opposed stands by the President and by the majority of the National Assembly. The question was: which side would give way; or, alternatively, who could find a compromise which both sides would accept?

#### (d) Adoption of a compromise amendment

92. The leading role in an effort to find a compromise was taken by the Prime Minister, Mr. Chang Taek-Sang, who had in the early days of the political crisis been outspokenly critical in the Assembly itself of the tactics used to intimidate the Assembly, but who nevertheless supported Mr. Rhee for re-election as President of the Republic. Mr. Chang Taek-Sang formed a new group in the Assembly, known as the Silla Hoe, and with this group he worked to secure a compromise.

93. It became clear very early that the President would not agree to any departure from his two points: direct election of the President by the people, and the creation of a bicameral legislature. Those working for a compromise then had to find out to what extent Mr. Rhee would accept restrictions on the Presidential powers. He would not accept a system of Cabinet responsibility; the furthest he would go—and it was not certain he would go as far as this—was to give the National Assembly power to remove a Cabinet or a Minister under certain conditions. What were these conditions to be? Mr. Chang and others working for an agreement had to turn their efforts to finding out what conditions for the Assembly's removing a Cabinet or a Minister would not be regarded as too easy by the President, or as too difficult by the majority of the Assembly.

94. In the early stages of these attempts to find a compromise solution, the Assembly had invited the President to attend one of its meetings. On 14 June, Mr. Rhee declined to do so, saying that the situation was beyond the stage at which a solution could be provided by negotiations between the Administration and the Legislature. He said he had been requested to dissolve the Assembly, but hoped the latter would determine its attitude on the basis of popular opinion and settle the current dispute "by passing forthwith and without any reservations the constitutional amendment bill for a direct presidential election and a bicameral legislature".

95. Despite this rebuff, those who favoured a compromise continued their efforts. With the return of the members of the Liberal Party "Amalgamation Faction" to the Assembly, it seemed possible for the Assembly to begin to consider the substance of the two proposals before them, and perhaps try to weld them together.

96. At this stage, the Democratic Nationalist Party members walked out of the Assembly and ceased to attend its meetings. Their motive in doing so, on 21 June, was exactly the same as that of the Liberal Party "Amalgamation Faction" on 2 June: to prevent the Assembly having the two-thirds attendance (123 members) necessary to adopt an amendment to the Constitution.

97. On 23 June, as a stop-gap measure to extend the period during which a solution might be found, the Na-

<sup>19</sup> The case against these persons was not pursued and they were released on 14 August.

<sup>20</sup> See paras. 146 to 163 and annex VIII below.

tional Assembly decided, by 83 votes to 2, to consider that the President's term of office would expire on 15 August.<sup>21</sup> It also decided by 61 votes to none that, should it prove impossible to elect a President before 15 July, President Rhee should remain in office until such time as a President could be elected, directly or indirectly. The constitutionality of these decisions was questioned by some, on the grounds that the extension, being tantamount to an amendment to article 56 of the Constitution, legally needed a two-thirds vote in the Assembly not less than thirty days after the bill was introduced.

98. On Saturday, 28 June, an incident occurred which showed the dangerous extent to which the political situation had drifted despite the efforts of those working for agreement. At the end of the morning, as the presiding officer of the National Assembly was about to adjourn the meeting for the day, a member proposed as a matter of urgency that the Assembly should dissolve itself. He claimed he had the support of a number of other members. The presiding officer deferred action as it involved serious constitutional questions. He thereupon adjourned the meeting, and no member protested.

99. Outside the National Assembly building at this time was a crowd calling for the dissolution of the Assembly in accordance with the will of the people. When the National Assembly adjourned, this crowd prevented most of the members (except those who got out through a back door) from leaving the building. One member who did try to get out was beaten, and made his way back into the chamber. One of the Chairmen of the National Assembly announced that he had repeatedly sent messages to the Minister of Home Affairs and officials of his Ministry, asking for additional police protection so that members might go home; but every time the reply was that nobody was found at his office.

100. Finally, after the siege had lasted four hours, the Minister of Home Affairs (Mr. Lee Bum-Suk) arrived. He addressed the crowd and asked them to go home, but a spokesman replied the crowd was determined to stay there until the Assemblymen had finished their business by adopting a resolution dissolving the National Assembly. The Minister of Home Affairs then addressed the Assembly, apologizing for not coming before but saying he had been out of his office and had therefore been unaware of what had been happening. He said that the members of the National Assembly should realize that great mistakes had been committed by them and that this had aroused the people. He then gave members police protection so they could make their way out through the back of the building.

101. The ordinary session of the National Assembly ended on 30 June, and a special session began next day. In a message read to the closing session, President Rhee expressed regret at the political crisis, and repeated that only the adoption of the Government's constitutional amendment bill would give satisfaction to the people. Local councils were demanding the dissolution of the

<sup>21</sup> Article 55 of the Constitution provides that the President shall hold office for four years, and article 56 provides that the election for President shall be held not later than thirty days before the expiration of the term of the preceding President. Mr. Syngman Rhee took the oath of office on 24 July 1948; but the Republic itself did not come into existence until 15 August 1948. Thus, though it had been generally assumed by Koreans that President Rhee's term would end on 24 July, it was equally arguable that it should end on 15 August.

Assembly. Twice he had recalled the latter to its duty and, unless it listened to reason, he would be "forced to take a decisive measure within a few days". One thing, he said, was certain: that he could wait no longer.

102. The opinion grew that, if the Assembly did not take favourable action on the President's request within the next week, the Assembly would be dissolved, thereby facing the country with an even graver constitutional crisis. Efforts to find a compromise were intensified. But, in order to have the quorum of two-thirds, it was necessary to induce more members to come to the Assembly.

103. On 2 July the President issued a statement which said, *inter alia*:

"It is reported that some of the Assemblymen are afraid of appearing in public for fear they might be attacked or apprehended. Such feelings may be caused by those who are labelling the Republic 'a police state'. But such anxiety and feelings are entirely unwarranted. No Assemblyman or private citizen has been arrested or detained either by the military police or by the national police without specific charges in each case. No one need fear arrest or detention as long as he adheres to the rules of law. I personally guarantee the safety of everyone who is faithful and loyal to the Republic—even those who may consider themselves my political opponents".

104. The Government and the police then did their utmost to get as full an attendance as possible of members of the National Assembly. The seven members who were being tried by court martial on charges of accepting money derived from the North Korean Communist régime were brought to the Assembly and took part in its proceedings. The Government announced on 2 July that Assemblymen who failed to attend would be "guided and escorted" by the police to the National Assembly. The police search began that evening, and those found were brought to the National Assembly building where they received food and blankets. Several members who had been in hiding were thus brought to the Assembly. Sixty to seventy members spent the first night in the Assembly Hall, and eighty the second night.

105. On 3 July the National Assembly met in secret session. Then, meeting as a committee of the whole, it established a special committee of nine members representing the various negotiating groups to study the legal details of the constitutional amendment bill and to prepare a report with recommendations. This special committee sat almost continuously until the evening of 4 July, and produced an amalgamation of excerpts from the two proposals before the Assembly.<sup>22</sup> A plenary meeting of the National Assembly was held that same evening, attended by 166 members. The report prepared by the special committee was read, and approved with 148 votes in favour. There was no debate on the substance of the bill, which was adopted by 163 votes to none, with 3 abstentions. Some members protested against the procedure adopted and the pressure employed.

106. The text of the constitutional amendment as finally adopted is contained in annex VI.

107. All that remained to be done then was for the Assembly to pass legislation necessary to give effect to the new constitutional provision that the President and Vice-President should be elected directly by the people,

<sup>22</sup> See para. 62 above.



and for the establishment of a House of Councillors. The legislation on elections for the President and Vice-President was passed on 15 July.

108. The political trials came to an end shortly afterwards. Mr. So Min-Ho, on 1 July, had been found guilty, and sentenced to death. The President then ordered a review of the case, and a new court martial sentenced him, on 1 August, to eight years' imprisonment. On 28 July, the prosecution withdrew the charges against the seven Assemblymen accused of participating in a communist conspiracy and they left the court apparently free men. A statement issued on 6 August by the Martial Law Command, however, said that in courts martial a withdrawal of charges did not mean acquittal, and that the charges might be renewed if further evidence could be obtained.<sup>23</sup> At the time of signing of the present report the only Assemblymen still under detention were two who had been charged with being involved in the attempt to assassinate President Rhee on 25 June. Their trial by a civil court began on 22 August and proceedings have been *in camera* since 24 August.

(e) *The President's programme for further constitutional reform*

109. On 5 July, the day after the adoption of the constitutional amendment, President Rhee congratulated all concerned, the public and the legislators, on the adoption of the amendment, and urged that "all the controversies that have taken place in the course of the discussion of the bill be bygones".

110. But an indication that discussion of constitutional reform was not yet over was contained in a presidential message read to civil servants assembled in the National Assembly Hall, on 17 July, on the occasion of the fourth anniversary of the promulgation of the Republic's Constitution. It announced the President's intention to establish a committee for amending the Constitution, and to seek amendments along the following lines:

Decisions of vital importance to the nation—such as those affecting its form of government—should require the support of two-thirds of the electorate.

Impeachment of the President should be subject to the same requirement.

Corrupt and delinquent legislators should be subject to legal prosecution and heavier punishment than ordinary citizens.

Specific provisions for the recall of members of the National Assembly should be included in the Constitution. Legislators disregarding the popular will for selfish ends should be recalled and by-elections held "with the approval of the majority of the voters of their electoral districts".

Corrupt Cabinet officers and government officials should be tried and receive heavier penalties than ordinary citizens.

In case of paralysing disagreement between the three branches of government, "a referendum shall be held on motion of the majority of the voters to establish a temporary court for popular rulings on the problem".

Those subverting the Republic for the benefit of foreign Powers should be tried and receive heavy penalties.

111. A further indication of President Rhee's views on the relations that should exist between the President and the Legislature, and on the constitutional amend-

<sup>23</sup> These trials are discussed at greater length in paras. 146, *et seq.*, and in annex VIII, below.

ments just adopted, is contained in a statement made by him at Chinhae on 27 July:

"During the last four years the Government has been blamed for being a Prime Minister's Cabinet or a President's Cabinet, and there have been repeated attempts to dissolve the State Council by providing the Assembly with a right to cast no-confidence votes against the Administration or by subjecting the Prime Minister's decisions to approval by the President. In this connexion, my assertions are that after the people have selected their President and charged him with the responsibilities of Chief Executive, the President should reorganize his administrative agencies in such a way as to suit his own taste and should administer through these agencies thus reorganized . . . In monarchical nations, a King whose position is sacrosanct selects the Prime Minister. He in turn, as head of the administration, carries out the administration, and his cabinet is subject to dissolution and reorganization if the legislature passes a motion of no-confidence. But as our present form of government is not monarchical, and as instead the President is entrusted by the voters of the nation with the responsibilities of Chief Executive, his electors may impeach or dismiss the President when he acts against the will of the people and thereby endangers the nation's future. In a country that is being operated in such a way, it is highly inadvisable for us to give the Legislature or the Prime Minister power to control the administration, because such a practice, splitting the power of authority into several fragments, is likely to disrupt order within the Government and threaten the nation's security".

## 8. THE PRESIDENTIAL ELECTIONS

112. On 18 July, the "Law for the Election of President and Vice-President" was promulgated and Presidential Decree No. 659 on the same subject was issued. Under the law, the date of elections was to be announced forty days in advance, except for the presidential elections, the time-limit for which was to be fixed by presidential decree. The decree reduced the period for the preparation of the election to seventeen days. 5 August was fixed as the day of the election. (It will be recalled that the National Assembly had previously determined that the presidential term would expire on 15 August.)

113. After the expiration, on 26 July, of the eight-day term set for the purpose, the following candidates had been registered by the Central Elections Committee:

*For President:*

Mr. Syngman Rhee. Endorsed by the Liberal Party and other political and social organizations (retiring President);

Mr. Cho Pong-Am. Independent (Vice-Chairman of the National Assembly);

Mr. Lee Shi-Yung. Democratic Nationalist Party (former Vice-President);

Mr. Shin Hung-U (Hugh H. Cynn). Independent.

*For Vice-President:*

Mr. Chon Chin-Han. Independent (Chairman, Korean Federation of Labour);

Mr. Chough Pyung-Ok. Democratic Nationalist Party;

Mr. Chung Ki-Won. Liberty Party "Amalgamation Faction";

Mr. Ham Tae-Yong. Independent;

Mr. Lee Bum-Suk. Liberal Party nominee;

Mr. Lee Kap-Song. Liberal Party "Amalgamation Faction";

Mr. Lee Yoon-Yung. Chosun Democratic Party;

Mr. Paik Song-U. Liberal Party;

Mrs. Im Myong-Shin (Louise Yim). Liberal Party "Amalgamation Faction".

114. At a national Party convention in Taejon on 19 July, Mr. Syngman Rhee had been nominated by the Liberal Party as its presidential candidate, and Mr. Lee Bum-Suk as its vice-presidential candidate. Some of Mr. Lee Bum-Suk's opponents later suggested that his nomination had been rushed through the convention without proper opportunity being afforded for other names to be proposed. Mr. Rhee himself subsequently denied ever having accepted the chairmanship of the Liberal Party and he requested that he should not be nominated. Mr. Rhee delayed his own registration as a candidate until the last day and said that, in finally allowing his name to be put forward, he was acting with the greatest reluctance and yielding to the pressure of public sentiment. He also made it known that none of the vice-presidential candidates enjoyed his special backing.

115. Two of the presidential candidates—Mr. Cho Pong-Am and Mr. Lee Shi-Yung—and two of the candidates for Vice-President—Mr. Chough Pyung-Ok and Mr. Chon Chin-Han—were known to be opponents of President Rhee's Administration.

116. Repeated official statements assured the country of fair and free elections. Martial law in Pusan and several other districts was lifted on 28 July in order to "ensure as free an atmosphere as possible" during the elections. On 2 August, the Government announced that 8,218,100 citizens south of the Imjin river were entitled to vote, and that there were 5,893 voting districts and 163 ballot-counting centres.

117. However, charges and counter-charges of police interference in the election campaign were made, chiefly that the police were interfering with the vice-presidential campaign of the Liberal Party Vice-Chairman, Mr. Lee Bum-Suk, who in accordance with the law had resigned as Minister of Home Affairs in order to stand for election. On 3 August, the Liberal Party charged that the Prime Minister and the new Minister of Home Affairs were using the police to favour the campaign for Mr. Ham Tae-Yong and oppose that of Mr. Lee Bum-Suk. The party filed a suit against these Government officials, and in a statement on 6 August publicly reiterated its charges. On election day, the Liberal Party also issued a statement noting the omission of a considerable number of names from the voters' list, and demanding a thorough investigation of this matter by the authorities.

118. The Prime Minister, on 7 August, replied that his "interference" had consisted in preventing real interference in favour of Mr. Lee Bum-Suk. Other suggestions were current that, before resigning as Minister of Home Affairs, Mr. Lee Bum-Suk had sent instructions to the police in the provinces on supporting his own campaign.

119. On 8 August, when complete returns became known, Mr. Lee Bum-Suk announced that he would not press his charges of police interference, and reiterated his loyalty to President Rhee. Even after that statement, however, the Liberal Party continued to repeat its charges.

120. The results of the elections were proclaimed on 13 August. Of 7,033,633 voters (86 per cent of those regis-

tered), 5,238,769 had voted for Mr. Rhee, who was re-elected. Mr. Ham Tae-Yong had been elected Vice-President, leading the runner-up, Mr. Lee Bum-Suk, by over one million votes. Official election returns are contained in annex VII.

121. Following established precedents and without being officially invited by the Government to observe the elections,<sup>24</sup> the Commission sent several observation teams to different electoral districts. The chief criticism which could be made of the elections was the short time between the date when nominations closed (26 July) and polling day (5 August). As it had been decided only on 4 July that there would be a direct election by the people, there had been little time for campaigning. In such circumstances, the incumbent had a big advantage. The Commission's teams found that, especially in the rural areas, very little was known about the personality, record, or platform of any candidate except Mr. Syngman Rhee. As to the charges of police interference, there undoubtedly was some interference, but it did not make any significant difference as far as the choice of the President was concerned.

122. Mr. Syngman Rhee entered upon his second term of office on 15 August 1952. In his inaugural address in Seoul on that day, he said, *inter alia*:

"The recent 'political disturbances in Pusan' so widely publicized throughout the world as a terrific crisis were in fact a tempest in a teapot. The truth is that some of our foreign friends and Press correspondents unfortunately listened to what my political enemies were telling them and believed the fantastic story that I was trying to dissolve our National Assembly and eliminate democracy by armed force. Most of my friends, however, who know my life and the principles that I stand for laughed at them and some were even indignant. However, with the solid support of my fellow citizens we have won the fight against our adversaries. As a result, our democratic institutions and principles have been strengthened immeasurably by permitting the people, at long last, to have the right to elect their President by direct, popular ballot, instead of permitting that power to remain in the hands of the National Assembly."

## **B. Position of the Commission and reactions of Member States**

### **1. ATTITUDE IN THE POLITICAL CRISIS**

123. In the preceding part of the present chapter, the Commission has dealt at some length with the political developments in the Republic of Korea with which it was bound by its terms of reference to be concerned. A critical point, in the judgment of the Commission, was reached with the proclamation of martial law in Pusan on 25 May 1952 and the actions by the police against members of the Legislature. The following is the record of the attitude adopted by the Commission in this situation.

124. Before coming to any decision or making its position known either to the Government of the Republic of Korea or to the public, the Commission made every effort to ascertain the facts of the situation. On 26 May, when the National Assembly first found it impossible

<sup>24</sup> The Minister of Home Affairs, however, instructed all government officials in the provinces to give the Commission's observers all the assistance they desired.

to meet because of the actions being taken by the Government under martial law, representatives of the Commission went out to see for themselves what was happening and interviewed a number of Korean officials.

125. The Commission tried to see the Minister of National Defence, who sent a reply that he was unable to see the Commission because he was attending a conference; that martial law had been proclaimed because of the guerilla situation; that some members of the National Assembly had been arrested under charges of having received funds from the North Korean Communists; and that the Government was fully investigating the matter and would issue a *communiqué* on the following day.

126. On the same day, the Commission interviewed a representative of the United Nations military authorities in Pusan. The Commission was informed that the decision to impose martial law had been taken by the Korean authorities alone, and not on the advice of the United Nations military authorities.

127. In the late afternoon of 26 May, the Commission had an interview with President Syngman Rhee, in which the representatives indicated their concern at the arrests of members of the National Assembly and pointed out that violation of the Constitution could have a bad effect on opinion in other countries. The President said he welcomed the visit and asked the Commission to come as often as it wished. He stated that the National Assembly no longer represented the will of the people, having been elected before the war when conditions were very different. His duty was to protect democracy. The four Assemblymen then in custody had been arrested because they had proposed in the National Assembly the release of one of their colleagues, Mr. So Min-Ho, who was awaiting trial for killing an army captain.<sup>25</sup> More Assemblymen, he said, would also be arrested. The President mentioned the possibility that some Assemblymen might have accepted money from foreign communist sources, but he said he did not know whether there was anything in it. The opponents of the Government had rejected the President's proposed amendment to the Constitution because, if the election of the President were left to the National Assembly, they could elect their own candidate; they also opposed a bicameral legislature; and they had postponed the recess of the National Assembly so as to prevent the President's amendment from being presented again at a new session. The most important part of the Constitution was the article which provided that it was based on the will of the people. That must be paramount, and if the people wanted the Constitution changed, it must be changed. Now, the National Assembly was disrupted and people had been hurt in clashes. But martial law had not been proclaimed because of the political situation; it had been introduced strictly for reasons of security against guerillas.

128. On the morning of 27 May, the Commission conferred with the Martial Law Commander (Major-General Won Yong-Duk). The Commission discussed with him the reasons for the imposition of martial law, the legality of the arrest or detention of members of the National Assembly, and the powers and chain of command of the Martial Law Commander.

129. General Won replied that martial law had been proclaimed in order to ensure public order and security.

<sup>25</sup> See para. 64 above.

He said that the city of Pusan was surrounded by communist guerillas and anti-Government groups; Pusan was, relatively speaking, only a short distance from the front lines, and was the principal harbour and logistical base for the United Nations forces, and there was, he said, much evidence of communist probing in the city. In regard to the legality of the arrests of the members of the National Assembly, despite the provisions of article 49 of the Constitution and article 17 of the Law governing the Enforcement of Martial Law, General Won felt that this was an exceptional case. In regard to the chain of command, General Won said the President was the only one who could give him orders. The Minister of National Defence could act only in a supervisory capacity. The Prime Minister was without any power in respect to martial law. The Chief of Staff of the Army had no say except in regard to troop movements.

130. The Commission had raised with President Rhee, the previous evening, the question of the detention of over forty Assemblymen in a bus,<sup>26</sup> and had indicated its disquiet. President Rhee said that he understood the Assemblymen concerned were now free to go home. Next morning, however, General Won indicated to the Commission that they were still in custody. But before the Commission's meeting ended, in the early afternoon, it was learnt that most of those in the bus had just been released.

131. In the afternoon of 27 May, the Commission conferred with General Van Fleet, who had flown down to Pusan in response to the Commission's request. Later in the afternoon General Van Fleet called on President Rhee.

132. Subsequently, on the same day, the Commission issued the following Press release:

"The United Nations Commission for the Unification and Rehabilitation of Korea is closely following political events in Korea and has conferred with President Rhee on the subject".

133. After carefully considering all the information it had received, from its own observations, from its interviews with President Rhee, the Martial Law Commander, and other officers of the Government, and from its discussion with General Van Fleet, the Commission on 28 May adopted the following statement, which was delivered to President Rhee in the evening of that day:

"Having taken cognizance of recent political events within the Republic of Korea, the United Nations Commission for the Unification and Rehabilitation of Korea wishes to make the following statement:

"The Commission is the principal representative body of the United Nations in Korea. One of its purposes is to co-operate as closely as possible with the Government of the Republic of Korea in order to ensure and maintain conditions of political stability within the country. The sovereignty of the Republic of Korea is fully acknowledged by the United Nations. However, the United Nations cannot but take an active interest in the political development of the country, in view of the fact that the free peoples of the world have made, and continue to make, enormous sacrifices in men and resources in order to ensure the independence, freedom and welfare of the people of Korea.

<sup>26</sup> See para. 69 above.

"The observance of the democratic guarantees and form of government given to the people of Korea in the Constitution of the Republic remain therefore a matter of continuous concern to the United Nations. The Government of the Republic of Korea itself has repeatedly recognized that the maintenance of a truly independent, democratic and prosperous State in Korea, is, under prevailing circumstances, a task of such magnitude that international co-operation was welcomed by the Republic.

"It goes without saying that the Commission, representing the United Nations in Korea, does not take sides in any internal political conflict or controversy nor does it want to impair the recognized freedom of the Government to act within constitutional limits. However, if in the performance of its duties, both to the Government of the Republic of Korea and to the United Nations, the Commission becomes aware of any danger of violation of the Constitution and fundamental laws of the country, it is incumbent upon it to take action without delay.

"Martial law in several rural districts around Pusan and in the city itself has been enforced since Sunday, 25 May. The Commission has learnt that the National Assembly today voted by a great majority for lifting martial law. It has further come to the knowledge of the Commission that article 49 of the Constitution and article 17 of the Law governing the Enforcement of Martial Law have not been observed. A number of Assemblymen have been arrested under martial law and are still under arrest, while others live in fear of arrest or detention and are thereby prevented from attending meetings of the Assembly. The Commission has been unable to ascertain from official sources the exact number of those who have been arrested or detained, or whom it is intended to arrest or detain.

"In view of the above, the Commission urges that the following measures should be taken without delay:

"1. Lifting of martial law in Pusan City;

"2. Release of any Assemblymen still under arrest or otherwise detained so as to enable the Assembly to function normally and freely, with the attendance of all members without impediment or threat. This is without prejudice to the right to prosecute Assemblymen in accordance with the Constitution for infringement of laws committed by them.

"In conclusion, the Commission wishes to reiterate that its good offices are available at all times to the authorities of the Republic of Korea in furthering the progress of the Republic along democratic lines."

134. On the following morning, 29 May, the Commission had a second interview with President Rhee, in the presence of the Ministers of National Defence, Home Affairs, and Justice, and the Martial Law Commander, at which the statement sent to the President the previous evening was discussed. The President told the Commission that a written reply to its statement would be given. Since the nature of that reply had been made clear during the interview by the President, and in view of the urgency of the situation, the Commission decided later in the day to release its statement to the Press.

135. The President's written reply, dated 31 May 1952, was received by the Commission on 1 June:

"When some of you gentlemen of the Commission came to see me on 26 May, Monday, I made it clear,

among other things, that the arrest of some Assemblymen involved in a serious communist plot were under investigation and everything would be made public through a legal trial conducted openly in full view of the public.

"Your note of 28 May 1952 reached me after 9 p.m. of the same day. As you remember, we met again the morning of 29 May, when I promised to send you a written reply to the note, never thinking that your note would be publicized before you received my answer. Some even heard it broadcast that evening by the 'Voice of America'.

"Naturally, unaware of the true facts involved in this brewing political upheaval, some of our friends seem to have more confidence in what the group of Assemblymen say, unknowingly of course. Two of the well-known communist underground leaders have been recently caught and confessed that some of the Assemblymen are in league with the Communists in a scheme to unify North and South Korea through peaceful negotiations. Those who know what this means will understand why we feel deeply concerned.

"The investigation of this case has been conducted by the police, and I get their reports. But I could not make them public then and have to wait until the police have completed the investigation. Knowing all this as I do, I have repeatedly assured you and other friends that everything will be made known within a short time, when the court is ready for an open trial of the case.

"Meanwhile, some of our friends publicly accused me of being engaged in a struggle for power; this is entirely untrue. The real struggle for power is between the entire nation bent upon electing the President by direct ballot and a group of Assemblymen who are determined to elect the President by themselves, ignoring the expressed will of the people. Meanwhile, some of this group of Assemblymen have confessed that they had received money from the Communists to finance a plan to unify north and south after the communist pattern. If we had ever wanted to settle our problem in this fashion, we could have halted the war and made peace with the Communists long ago, or even could have declined to resist Communism in June 1950. I do not know how other nations may feel about this matter, but what I do know is that my people, each and every one of them, have been and are still deadily opposed to this kind of face-saving surrender. It is my duty as the chief executive of this Republic to stand by the declared mandate of the nation. If I should fail in this, no one knows how to avoid the disastrous consequences that will follow.

"From the very serious nature of the conspiracy case cursorily divulged above, I believe you will agree that a proper prosecution of the case itself demands keeping the involved Assemblymen under detention for the time being.

"There is no one more anxious that I am to see this country firmly established as a truly independent and democratic State. This has been the sole objective of my life-long struggle. I am now devoting my last days to set on a broader democratic basis this Republic which has been established and is now being defended with your assistance and co-operation. This is exactly where I am now involved in a clash of opinion with certain sections of the National Assembly. When I get

through with this political conflict, you will see, I am sure, that it is I, not my opponents who will help achieve the main purpose of your mission here in Korea.

"As a matter of fact, it was generally understood at the time of enacting the present Constitution—done rather hastily to suit the urgent demands of the then prevailing situation—that it was to be further democratized as soon as circumstances permitted. As I have already explained to you in person when you were good enough to come and discuss this matter with me, it is not the President but the Assembly that ignores and suffocates the true spirit of the Constitution and fundamental law of the country. The fundamental law of a democratic State is the expressed will of the people. The power of the government, including the legislative organ, is, of course, derived from the people themselves; there is no individual or group of individuals who can supersede the will of the people in a democratic State. All this is clearly stated in the Korean Constitution itself.

"Completely ignoring the intrinsic and fundamental basis of the Constitution, my political opponents in the Assembly insist on adhering only to letters apt to be dead when severed from the underlying spirit that vitalizes them—to what has been openly admitted to be a temporary arrangement permitting the more expedient method of electing the President by the Assembly and providing a unicameral legislature. This is what the entire nation is opposed to. This has been sufficiently demonstrated by the existence of a widespread demand for the dissolution of the Assembly that stubbornly refuses to democratize the Constitution, a process which has been long overdue. Piles of documents from all election districts, signed by their qualified electors, have been accumulating for the last three months. Furthermore, all of the seven provincial legislatures recently elected have sent in their resolutions demanding the dissolution of the Assembly.

"As I have offered to you personally, if you care to name any town or city where you want to attend a mass meeting at any time at your own convenience, I invite your attendance; you may go and tell them anything, and ask any questions you may like to put to them. Then you will know without any doubt what the people want.

"No political stability (so stressed in your statement) can be achieved by by-passing the decision of the people. Loopholes in the Constitution are being taken advantage of by groups conspiring to grab power on the one hand, while on the other the evidence of where the will of the people lies is mounting daily. There could not be a clearer call for the executive branch of the Government than to side with the people.

"In regard to the martial law, it was proclaimed solely to counteract the guerilla activities, which took the lives of five American soldiers in one single case not far removed from this city, besides numerous other cases where innocent human lives were involved. I need not repeat all that I have already directly told you to convince you of the need of such martial law in this city as well as elsewhere. Incidentally, martial law has been salutary in stopping demonstrations which have recently caused hundreds of people to be injured. I should like to have had it clearly understood that, in its origin, the martial law has no connexion what-

soever with the arrest or detention of any Assemblymen, or any men for that matter. It is purported to be lifted as soon as the emergency conditions cease or mitigate to the point where martial law can be dispensed with.

"As a matter of fact, the martial law is only for public security and the policemen are maintaining the peace and law. The army is responsible for checking the Communist guerilla activities only".

136. On 2 June, General Mark W. Clark, United Nations Commander-in-Chief, visited Pusan and conferred with the Commission. Later in the same day, he called on President Rhee. In reply to questions by Press correspondents that afternoon, General Clark said he agreed with the position taken by the Commission.

137. The governments of several nations providing forces in Korea also made their views known to the President. On 30 May, the United States Chargé d'Affaires gave Mr. Rhee a note supporting the statement of the Commission, and on 3 June a further note was presented. The United Kingdom and French Chargés d'Affaires presented notes on 4 and 7 June respectively. The Australian Minister for External Affairs sent a personal message to the President, which was given to him on 5 June by the Australian representative on the Commission. Later, the New Zealand Government also made representations to the Government of the Republic. Concern regarding developments in the Republic of Korea was also expressed by a number of governments to the Secretary-General of the United Nations.

138. On 6 June, a message from the Secretary-General was received by the Commission and, in accordance with Mr. Trygve Lie's wishes, a copy was handed to the President next morning by the Principal Secretary. It was made public the same day.

139. The Secretary-General's message to the Commission was as follows:

"I have been following with deep anxiety the difficulties that exist between the executive and legislative branches of the Government of the Republic of Korea and I have constantly and strongly endorsed the efforts of the United Nations Commission to co-operate with the Government in ensuring conditions of political stability within the country.

"Strict adherence to constitutional and democratic processes is all the more necessary in a country which must nurse and develop all its resources to join Members of the United Nations in repelling aggression and in promoting economic recovery. It is, of course, the responsibility of the Korean people and representatives to choose their own public servants but the United Nations, and especially those Members providing assistance in Korea, cannot remain unconcerned when arbitrary methods are used which threaten to destroy the root of democratic government. From the beginning of the United Nations responsibility in Korea, therefore, there has been a paramount concern, expressed in every discussion on Korea in United Nations organs, that conditions should be created which would encourage the steady development of democratic and constitutional government.

"You have my continuing support in your efforts to assist the Government in bringing the crisis to an end and in bringing the blessing of good government to the Korean people".



140. The Government reacted immediately to the Secretary-General's message, through a statement released a few hours later by the Director of the Office of Public Information (Mr. Clarence Ryce). He said:

"Mr. Trygve Lie has leaped to the conclusion that the Korean Government is using 'arbitrary methods . . . which threaten to destroy the root of democratic government'. It is very regrettable that Mr. Lie has chosen arbitrarily to evaluate local conditions here on the basis of second-hand reports and premature conclusions. The results of our controversial investigation into the communist bribery plot will be made public during the open trials as soon as we have finished gathering the evidence and apprehending the culprits. We ask that the United Nations representatives be patient a little longer. The end results will reveal the necessity for our actions and justify fully our position".

141. At this stage, the Commission felt it should take a more positive role, and seek to bring about a more favourable atmosphere for the conflicting parties to come together without fear of duress and find a solution that could provide a stable and agreed basis for the future development of the Republic along democratic lines.

142. On 7 June, the Commission approved the following letter, which was delivered to President Rhee that evening:

"The United Nations Commission for the Unification and Rehabilitation of Korea has carefully studied your letter of 31 May in which you reply to the earlier representations of the Commission asking for the lifting of martial law and for the release of members of the National Assembly who have been arrested or detained.

"The Commission remains of the view that the Constitution of the Republic of Korea has been violated in important respects, and that this situation is damaging both to the present welfare and stability of the Republic and to its future development as a democratic State.

"The Commission therefore reiterates its earlier requests to you:

"1. Lifting of martial law in Pusan City;

"2. Release of any Assemblymen still under arrest or otherwise detained so as to enable the Assembly to function normally and freely, with the attendance of all members without impediment or threat. This is without prejudice to the right to prosecute Assemblymen in accordance with the Constitution for infringement of laws committed by them.

"The Commission does not take sides in the internal politics of the Republic of Korea. While it is aware of the amendments to the Constitution which you have proposed, and also of alternate amendments put forward by others, the Commission does not express any view on the merits of these various proposals. But it does believe that, if any amendments are made, they should be made in a constitutional manner.

"Again, the Commission does not take sides in the presidential election which is soon to be held. Here, too, the Commission's sole concern is that the election should take place in accordance with the Constitution.

"Nor does the Commission express any opinion on the merits of the actions, inside or outside the National Assembly, of those members who have been arrested or who are being sought. The Commission is, indeed,

surprised that so many arrests should have been made at a time when, as you say, the necessary investigations have not been completed; and the Commission would urge you to seek immediately the co-operation of the United Nations Command in making these investigations, so that you can avail yourself of that Command's facilities and experience in collecting and sifting evidence, particularly as these charges, if true, would be of vital importance to the security of all nations fighting in Korea. The Commission itself has not passed judgment on the validity of any of the charges made, but it has had the duty of calling your attention to the fact that the arrests have been made in a way that violated article 49 of the Constitution.

"The Commission notes that you base your actions on what you consider to be the will of the people. But it is the basis of every constitutional democracy that the will of the people can be expressed validly only in the ways provided for in the constitution, for example, by a free and secret ballot at the times prescribed in the constitution, or by votes of the freely-elected representatives of the people in the appropriate bodies. History has taught that such methods of gauging the will of the people as mass meetings, demonstrations and petitions, are generally used where a real respect for constitutional rights and duties is lacking.

"In short, Mr. President, the Commission is not interfering in the internal politics of the Republic of Korea, and it leaves all questions of substance to be settled by the Korean people themselves. But the United Nations, having taken up arms in defence of the Republic of Korea, has both a right and an interest to see that the Constitution of the Republic of Korea is faithfully observed, so that there will be no doubt as to the legitimacy of the Government of the country on whose behalf so many lives are being spent by other countries. The Commission has been established by the United Nations as its principal representative in Korea with the full consent of the Republic, and with the task, among other things, of assisting to promote a stable and democratic government here. You will be aware that this Commission's efforts have the full support of the Secretary-General of the United Nations and also of many nations whose forces are fighting here in Korea by the side of the forces of the Republic of Korea.

"The political differences of the Korean people must be settled by the Koreans themselves, and the Commission does not want to assume the responsibility of putting forward positive proposals on matters of substance. However, the Commission reaffirms its readiness, expressed in its letter to you on 29 May, to extend its good offices to you or any other constitutional authority in the Republic in helping them to find a solution to the present serious troubles. The Commission expresses the hope that the various representatives of the Korean people can come together during the next few days in an endeavour to find some compromise, which, while not completely satisfying the desires of either the Government or its opponents, can provide a basis for national unity during the present hostilities. Such explorations would have little chance of success if you, Mr. President, or the National Assembly were to take any action during that period which would be final or unalterable—such as the dissolution of the National Assembly on your part, or the

election of a new President on the part of the National Assembly.

"The Commission therefore, suggests that the political leaders of Korea agree to a 'political holiday' of ten days, during which efforts to reach agreement can be pursued; it would mean that, on your part, you would agree to end martial law in Pusan and release members of the National Assembly from arrest and from fear of arrest or other hindrances, and on the part of the National Assembly, that it adjourns for that period. If desired, the Commission would be glad to approach the leaders of the National Assembly and to seek their concurrence in such an agreement.

"In this hour of national peril, when the Republic of Korea is receiving so much support from other nations of the world, and when so many Korean lives are being lost and homes destroyed, it would be deplorable if Koreans were unable to settle their differences in a constitutional way. The Commission hopes that agreement can be achieved so that all citizens of the Republic of Korea can continue to work together for the defence and reconstruction of their country".

143. On the morning of 9 June, the Commission called on President Rhee to discuss this letter. The President indicated that he could not agree to the Commission's suggestion for a political holiday, and said he expected the situation to be settled very soon. He based his case for the arrests on the alleged conspiracy, and reproached the Commission for not believing in its existence. He said that his two proposed amendments to the Constitution must be adopted, and that this main issue must not be mixed with minor questions, as would be the case if any compromise were attempted. The Assembly would have already accepted his proposed amendments if it had not been for this conspiracy, which had caused the Assembly to reject them.

144. On 11 June, President Rhee replied as follows to the Secretary-General's statement of 6 June, which was quoted above in paragraph 139:

"I wish to acknowledge the personal message which you have transmitted to me from Mr. Trygve Lie, Secretary-General of the United Nations, communicating his concern over relations existing between the executive and legislative branches of the Government. Appreciative of the efforts of the United Nations, I share with you your interest in the development of democratic government in Korea.

"Rather than departing from democratic processes, the present situation is an insistence of the people on the right to elect a president by direct popular vote. The Constitution makes it clear that the sovereignty of the Republic resides in the people and that all authority emanates from the people. The concern of the people is demonstrated by spontaneous mass meetings in which almost the entire voting population have demanded the dissolution of the Assembly, by impressive petitions which have come to me during the last months, and by action of all provincial legislatures south of the present battle front. Despite this pressure of the people's will, I have been seeking to achieve the objectives of the people without the dissolution of the Assembly which they demand.

"I have confidence that the next few days will show the wisdom of the course which has been followed and that the concern of the people for strengthening

the democratic provisions of the Constitution will have been realized.

"The question of democratic amendment to the Constitution is being discussed, as you know, at a time when the Government is preparing to try a Communist conspiracy case of a very serious nature in open hearings to be attended by members of the United Nations Commission for the Unification and Rehabilitation of Korea now in Pusan. When the evidence is presented presently, the facts will speak for themselves. We do not at this time attempt to answer the false charges made by opponents of the Government".

145. The Commission thereafter continued to follow the situation closely, and kept in touch with Korean political leaders of all shades of opinion. Individual representatives of the Commission saw President Rhee on a number of occasions. In the end the political tension was eased by the adoption of the Constitutional Amendment Bill, as described in paragraphs 92 to 105.

## 2. OBSERVATION OF TRIALS

### (a) *Invitation to observe*

146. When the Commission called on President Rhee on 26 May, after the first arrests of members of the Assembly, Mr. Rhee said that the reasons for this action would come out at the trials of the arrested men, which would be public and quite open. He also said that all members of the Commission were invited to the trials. At the Commission's meeting with him on 29 May, Mr. Rhee repeated this, saying: "Every case will be tried in a public and open trial. There will not be any secret trial of any kind". The President's written reply, reproduced above in paragraph 135, contains a similar promise.

147. Having heard that the trial of Mr. So Min-Ho was about to begin, the Commission had the following letter delivered to President Rhee on 31 May:

"The United Nations Commission for the Unification and Rehabilitation of Korea is informed that Assemblyman So Min-Ho is to be tried by a court martial.

"In view of your promise to the Commission on 26 May, repeated on 29 May, that no Assemblyman would be tried otherwise than in public, and with full facilities for the Commission and other international observers to be present and to follow the trial, the Commission wishes to be informed of the place and hour of the convening of the court martial in order to send representatives to follow the trial throughout.

"Since you have agreed that all trials should be in public, the Commission requests that arrangements be made for the international Press to attend also and report the trial".

148. The President's reply, dated 31 May and received on 2 June, read as follows.

"In reply to your letter of 31 May, please assure the members of the United Nations Commission for the Unification and Rehabilitation of Korea that they are welcome to attend and observe the forthcoming trial of So Min-Ho.

"General Won Yong-Duk, the Martial Law Commander, will extend full courtesies to the Commission and to other international observers, and he will inform you of the arrangements being made for the trial".

149. Both these letters were made public by the Commission on 2 June. The trial was attended by observers from the Commission and from the United States Embassy and the United Kingdom and French Legations. It was also reported by Korean and foreign Press correspondents.

150. At the Commission's interview with the President on 9 June, Mr. Rhee indicated for the first time that the court martial of those involved in the alleged conspiracy would not be an open trial, but he said that representatives of the Commission and diplomatic missions would be invited to attend.

151. On 17 June, the Commission received the following letter, dated 16 June, from the Martial Law Commander:

"I have the honour to inform you with regret that the investigation of the conspiracy case has been necessarily delayed due to the fact that some of the principal witnesses are still at large. However, it has been decided that the trial will be conducted without them. On 14 June, the national police court turned the investigation documents over to the Prosecutor General, who has to study the facts which will require several days; it is hoped that within a few days the trial will begin. As soon as the date and place are fixed, I will notify you so that your representatives will be present to observe the proceedings.

"In view of the fact that this case vitally involves the national security in time of war, the trial cannot be open to the general public. It is our desire to have the United Nations Commission for the Unification and Rehabilitation of Korea, the United States Embassy and the Eighth Army Commander to appoint two representatives each to attend the trial. You are hereby requested to notify this headquarters of the names of your representatives nominated by you to observe the processes of the trial, and only those persons whom you have appointed will be admitted to the trial. In case you wish to appoint more than two representatives you may do so, but the names of those persons should reach me before the opening of the court.

"I hope you will find it convenient to comply with our request".

152. On 18 June, the Commission replied as follows:

"The Commission has received your letter of 16 June inviting it to send observers to some trials in connexion with the alleged conspiracy case, which you state will not be open to the public.

"In this respect we wish to draw your attention to the fact that the Commission has already received a letter from President Syngman Rhee stating that 'everything would be made public through a legal trial conducted openly in full view of the public'. That letter, which was written on 31 May, was made public by the President on 1 June. We understand, moreover, that in view of the President's published letter, a number of international newspapers and Press agencies are making arrangements to report the trial.

"Without going further into this matter at present, we hereby accept your invitation to attend the trial. The following will represent the Commission:<sup>27</sup>

"It is not intended that all these will be present at the trial at the same time".

153. The Chairman of the Commission called on President Rhee on 21 June, and urged that the trial should be

conducted in public. Mr. Rhee refused to do so, saying that national security was involved and things might come out in the evidence that could not safely be made public. In addition, some key witnesses had still not been found, and it might assist them to escape if they could learn through published reports exactly how much was known by the authorities.

154. The trial was attended by observers from the Commission and from the United States Embassy and the United Kingdom and French Legations. They were able to follow all the proceedings in so far as they were contained in the statements by the lawyers and the witnesses, but were not given access to the evidence submitted in the form of documents, although they made several requests to see certain of these papers. On the last day of the trial, before announcing the verdict and sentences, the Chief Judge informed them: "I have been instructed by the Martial Law Commander that this evidence is not to be shown to the international observers".

#### *(b) Trial of Mr. So Min-Ho<sup>28</sup>*

155. After the prosecution and defence had finished their summing up on 28 June in the So Min-Ho case, but before the verdict had been given, the Commission held a meeting on 29 June with the United States Ambassador and the United Kingdom and French *Chargés d'Affaires*, who had also been providing international observers. There was agreement that the trial had been irregular in several respects, and it was decided that the Netherlands representative, who was to become Chairman of the Commission for July, should call on the President and express to him the misgivings of the international observers.

156. On 30 June, the Netherlands representative visited President Rhee, and told him that he was not happy about the way in which the trial had been conducted. He remarked that changes of judges during the trial indicated that outside pressure was being put on the bench. He said it was probable that, if Mr. So Min-Ho were executed in such circumstances, it would have the effect of making a martyr of him, which would certainly harm the President's cause. The President replied that he would not sign a death warrant with undue haste, and that he would direct the court to review the whole case in order to give the accused every chance to prove that he had acted in self-defence. This would amount to an "appeal procedure" by the same court.

157. After the court had delivered its verdict on 1 July, sentencing Mr. So Min-Ho to death, the Netherlands representative wrote a letter to the President outlining the opinions of the international observers at the trial on the way the court had been conducted and expressing concern at several points. On 5 July, he called on the President again and discussed the case further.

158. In the meantime, also, petitions were submitted for retrial or reconsideration of the case by the defence counsel, the family of the defendant, and by 130 members of the National Assembly (including many of the President's own supporters, who were political opponents of Mr. So Min-Ho).

<sup>27</sup> Here followed the names of twelve members of delegations and the Secretariat which are not reproduced in the report.

<sup>28</sup> An account of the So Min-Ho trial is given in annex VIII below.



159. On 5 July, the Commission was informed by the Martial Law Commander, through the liaison officer to the Commission from the Ministry of National Defence, that a retrial of Mr. So Min-Ho had been ordered and would probably take place before the same judges.

160. In the end, a new court martial with different judges reviewed the case of Mr. So Min-Ho, found him guilty, but sentenced him to eight years' imprisonment. International observers were again present.

(c) *Alleged communist conspiracy trial*<sup>29</sup>

161. On 1 August, the day after the Court had given its verdict in the alleged conspiracy case, sentencing to imprisonment six men (none of them members of the National Assembly), the Commission had a meeting with the United States Ambassador and the United Kingdom and French Chargés d'Affaires, who had also provided international observers. The observers considered that there had been a miscarriage of justice in the sentences imposed; that the evidence and witnesses brought before the court—at least in so far as the international observers had been allowed to see the evidence—did not justify such a verdict; and that the existence had not been proved of an international conspiracy involving members of the National Assembly.

162. It was decided that the United Kingdom Chargé d'Affaires should call upon the President to make known the views of the international observers on some aspects of the case and to let it be known to the Government that the presence of the observers throughout the trial, and the fact that they did not make any public comment on the verdict, did not imply international endorsement of the findings or agreement that the existence of the international conspiracy had been established.

163. The United Kingdom Chargé d'Affaires later had an interview with the President in which the trial was fully discussed.

### 3. OBSERVATIONS

164. In the foregoing sections of the present chapter, the facts concerning the recent political crisis have been reported at some length in view of the great interest it raised abroad and its importance for the future political life of the Republic. The progress of the Republic of Korea towards democratic institutions is a matter which cannot be said to concern that nation alone. Too many sacrifices in men and resources have been made in the past and are continuing to be made to repel aggression against the Republic, and too much international assistance will be required in future, for the United Nations to remain indifferent to the political evolution of the Republic of Korea.

165. The Commission felt it was not only within its terms of reference, but also its duty, to draw the President's attention to any developments which, in its opinion, threatened the basic stability and democratic structure of the country and weakened international confidence or support. The Commission, without of course favouring any political group, made suggestions which, it hoped, would facilitate a settlement of the crisis by bringing the various parties together in a free atmosphere to find a solution along democratic lines.

<sup>29</sup> An account of the trial of the alleged communist conspiracy is given in annex VIII below.

166. In its report last year the Commission set out some of the considerations which must be borne in mind in watching the development of democratic government in Korea (A/1881, paras. 155 to 164). When the Republic of Korea was formed, it faced great difficulties because of the lack of trained leaders, the absence of any political education of the mass of the people and the psychological effects of forty years of bondage superimposed on many centuries of feudal life. It would have been too much to expect the Republic to start its existence with democratic institutions firmly established in their final form. In addition, the war was a great blow to the development of democratic institutions in the Republic of Korea. It disrupted the government machinery for many months and a substantial part of the territory has at various times been an area of military operations where normal political functions could not be exercised by the Government or the population. Millions of people became refugees and wandered all over the country before they found a new—and mostly a sadly inadequate—place in which to settle down. Special restrictions had to be imposed in the interests of national security.

167. The economic situation of the country also has a strong bearing upon the political situation. The Korean people are carrying on under great difficulties with a degree of stoicism and courage which is hard to equal. Even before the present hostilities, the average standard of living was fairly low, and grave economic difficulties had been caused by the partition of the peninsula. These difficulties, gradually being surmounted by 1950, were severely aggravated by the destruction of industrial and other property, the movements of population and the inflation caused by the warfare. As a result everyone in Korea has had to face loss of property and means of livelihood for himself, his family or his kinsmen, and has had to keep prominent in his mind the pressing need to provide for them in some way. These conditions have inevitably affected not only the machinery of administration and politics but the state of mind and the conduct of those who are involved in them.

168. These difficulties must be kept in mind in assessing the weaknesses that have emerged during the past year, and particularly during the acute conflict between the President and the National Assembly in May, June and July. The existence of conflict between such authorities is natural in any State, particularly a new State. The disturbing features in this case were the disregard of the provisions of the Constitution and law, the attempted resort to "mob rule", and the use of martial law and government authority to limit freedom of political expression. Another source of instability throughout the year has been the frequent changes in Cabinet Ministers and consequent changes in subordinate officials. The weaknesses in the political life of the Republic became particularly obvious in 1952 because of the spectacular and prolonged nature of the clash between the Executive and the Legislature.

169. The setbacks to democratic development have attracted world-wide notice, but the advances during the year have sometimes been overlooked. On 25 April, elections were held for city and town councils, which in turn chose the mayors; and on 10 May, provincial councils were elected. These elections, in both cases held for the first time, were a step towards associating the people more closely with their own public affairs. In the elec-

tions, both for local bodies and for the Presidency, the turnout of voters had been remarkably high. Another matter worthy of attention is the way in which the administrative structure has held together. Neither two years of war nor the recent political crisis has led to disintegration in the central government or local administration, though for a time during the political difficulties delays would occur in getting decisions at the higher levels. One good feature of the crisis was that the ROK Army did not become involved in the political strife, except for some officers engaged in carrying out martial law or serving on courts martial. A further favourable sign is that the operations by guerillas, which have continued throughout the year in some parts of the Republic, have had relatively little success considering the mountainous nature of the country, and thus have served to demonstrate the fundamental loyalty to the Republic of the mass of the population.

170. It is not for the Commission to express any opinion on the substance of the "compromise" constitutional amendment reached on 4 July. This is solely a matter for the Korean people themselves to decide. What concerned the Commission was primarily the methods followed before the compromise was reached. The Commission felt, and still feels, that some concern was justified in regard to the deterioration in democratic freedom in the Republic of Korea. The Commission does not intend to apportion responsibility for the events of the past three months in Korea, but draws attention now to some implications for the future.

171. The agreement on a constitutional amendment, the beginning of a new Presidential term, the progressive expansion of local government, and international economic assistance all open the way for the political life of the Republic to be placed on a more stable basis. It is important that everyone in public life who is loyal to the Republic should have an opportunity to serve his country, either in office or in legitimate opposition. The administrative structure and policies of the central government should be overhauled and strengthened so that the best possible use can be made of international assistance and so that everyone can benefit or can be used without political discrimination. The beginning made in the local elections of 25 April and 10 May should be followed, so that more authority and power can be delegated from the central government as local bodies gain experience and as conditions of internal security permit. There are signs,

too, that a reorganization of political parties is now under way, and this may bring a new strength to political life, if the parties are brought into closer touch with the population of the whole country and if political programmes become better defined.

172. Above all, respect for the Constitution (including the provisions for the amendment of the Constitution) and for the fundamental laws of the country is essential in every circumstance in order to maintain the continuity of the Republic and avoid establishing precedents for the arbitrary seizure of power by some leader in future. It is important that the properly constituted organs of government—whether of the executive, the legislature or the judiciary—should be upheld, and that they should not be brought into disrespect by mob pressure such as mass demonstrations and mass petitions whose spontaneity and genuineness are open to doubt. Furthermore, where the legality or constitutionality of an action by the executive arm of the government is in dispute, the Supreme Court is, under the Constitution, the body to give a decision; if a tradition becomes established of resorting to this provision for judicial ruling, the danger will be lessened of clashes between the organs of government being resolved by force.<sup>80</sup>

173. The eyes of the world are fixed upon the young Republic of Korea, which by general consent of its people adopted in 1948 a Constitution offering a firm basis for democracy. Despite the difficulties of war and the turbulence of recent political differences, the Korean people and Korean politicians are loyal to the Republic. If they work together, the Republic will continue to deserve support and assistance from the United Nations, not only in resisting aggression, but in rebuilding its country.

<sup>80</sup> Article 81 of the Constitution reads:

"The Supreme Court shall have jurisdiction to decide finally whether administrative orders, regulations, and dispositions are consistent with the Constitution and law.

"Whenever the decision of the case depends upon the determination of the constitutionality of a law, the Court shall apply to the Constitution Committee and shall proceed in accordance with the decision thereof.

"The Vice-President shall be the Chairman of the Constitution Committee, and five justices of the Supreme Court, three members of the House of Representatives and two members of the House of Councillors shall serve as members of the Constitution Committee.

"A decision holding that a law is unconstitutional requires a two-thirds majority of the Constitution Committee.

"The organization and the rules of procedure of the Constitution Committee shall be determined by law."

### **Chapter III.**

## **ECONOMIC AND FINANCIAL SITUATION**

### **A. General review of the year**

174. In chapter VI of its report to the sixth session of the General Assembly, the Commission reviewed the economic and financial situation in the Republic of Korea as it was after more than a year of warfare. The basis for a balanced economic unit in Korea had already been distorted by the division of the country in 1945 between the industrial north and the predominantly agricultural south. The economy of the country received a further blow in 1950 in the widespread destruction caused by the fighting.

175. The basic picture presented by the Commission last year remains. Practically no further destruction has occurred in the Republic itself as a direct result of the fighting. Reconstruction, however, has been limited, chiefly because shipping space has still had to be devoted primarily to military requirements and to importing those basic necessities of life which cannot be provided just now from Korea's domestic resources.

176. In its report last year the Commission said: "Inflation is in many respects the most serious economic prob-

lem confronting Korea today. If it is not brought under control, the whole basis of international relief and rehabilitation will be imperilled". These remarks must be repeated today.

177. The extent of inflation can be seen from the fact that the note issue has risen from 391,000 million *won* at the end of May 1951 to 630,000 million *won* at the end of May 1952. The price of rice in Pusan has risen from 17,500 *won* a *mal* (20 litres) on 4 May 1951 to 96,000 *won* on 4 May 1952. On 28 August, the note issue had risen to 733,000 million *won* and the price of rice was 150,000 *won* a *mal*.<sup>31</sup>

178. Inflation can be overcome only by joint action by the United Nations Command and the Government of the Republic of Korea. During the past year, the United Nations authorities have done their best to fulfill their share of responsibility. In addition to those imports which were primarily for relief purposes, an increasing quantity of goods has been imported into the country by the United Nations Command for sale to Koreans to help overcome inflation by mopping up purchasing power.

179. Furthermore, the agreement between the United Nations Command and the Government of the Republic of Korea signed on 23 May 1952 opened the way for a settlement to be made of the outstanding *won* balances owed by the United Nations military authorities to the Republic of Korea. The agreement meant that, in this and other ways, a substantially larger amount of foreign exchange would be available to the Republic of Korea. The United Nations military authorities have also taken steps to restrict as far as possible their calls upon the domestic resources of the Korean economy and to reduce their *won* expenditure. In fact, the reconstruction of the country by United Nations agencies is being held back, not simply by lack of shipping facilities and other resources, but by a desire to keep a minimum *won* expenditure that is not immediately productive. Therefore resolute and effective action by the Government of the Republic of Korea to get inflation under control would be a major step forward in the reconstruction of the country.

<sup>31</sup> See para. 244 of the Commission's 1951 report (A/1881), which shows the trend in the first year of hostilities. At the end of May 1950 the note issue was 58,000 million *won*; and on 5 May 1950 the price of rice was 4,300 *won* a *mal*.

The following table shows the monthly figures of total note issue since the last report of the Commission:

End of month	Bank-notes issued (in thousand <i>won</i> )
1951	
May.....	391,123,615
June.....	417,416,797
July.....	443,629,658
August.....	454,392,888
September.....	465,260,015
October.....	495,559,674
November.....	525,048,124
December.....	557,926,696
1952	
January.....	594,665,718
February.....	602,217,704
March.....	600,030,655
April.....	615,415,378
May.....	630,052,313
June.....	669,539,518
July.....	678,934,813
28 August.....	732,901,537

180. A certain amount of reconstruction has already been undertaken, mostly by the United Nations military authorities. In part, this has been for direct military purposes such as rebuilding of roads, bridges and port facilities. Some other forms of reconstruction have been of military importance but have been of even greater significance to the rehabilitation of the Korean economy. The most important is the rehabilitation of power—output of electric power in June 1952 reached 75,000 kilowatts, the highest reached since the authorities in North Korea cut off electricity supplies in May 1948.

181. Some reconstruction and restocking has been undertaken by the Koreans out of their own resources. It is noticeable to anyone travelling through the countryside—for example, the increase compared with a year ago in the number of houses and work animals. The United Nations Civil Assistance Command in Korea (UNCACK) has assisted in these fields. It undertook a programme, beginning in the middle of September 1951, under which 10,777 houses had been built by the end of July; in addition, over 15,000 emergency shelters were built. These figures are small in relation to the needs of Korea; but in view of the nature and location of the houses they are a significant addition to what is being done by the Koreans themselves to repair or rebuild their homes.

182. In other ways too the economy of the country has been recovering. For example, textile production has shown a continual rise (the number of spindles in operation increased during the past twelve months ended July from 56,000 to 86,000, but this must be compared with the 316,000 spindles in the Republic at the time of the outbreak of hostilities). Coal production has risen over the same period from 3,000 tons a month produced by a single mine, to 40,000 tons a month coming from twenty mines.

183. In short, despite the improvement that has occurred, the economy of the country is still suffering greatly from the war and has still not taken a major step forward towards recovery. The slowness of reconstruction has naturally given rise to some criticism among Koreans, as was demonstrated in remarks by President Rhee in Seoul on 21 August, when he complained that too many agencies had to be consulted before any decision could be taken. Steady economic progress can be based on the work that is going on now, particularly in fields such as power which will serve as a basis for future expansion when hostilities cease; but inflation, weaknesses in the machinery of administration, the continued dislocation of population and basic difficulties arising from the division of the country and the destruction caused by the fighting—all these are warnings against over-optimism, and an indication that, in addition to international assistance, the utmost effort will be required from the Korean Government and people themselves.

## B. Refugees and resettlement

184. The refugee problem during the past year has been quite different in nature from what it was in the twelve months covered by the Commission's last report. In 1950-51, there were millions of people who were on the move fleeing from the enemy, whereas today very few new refugees are being created south of the 38th parallel and there is much less movement of population than a year ago. Today the problem is to look after those people who

have been away from their homes for over a year but are no longer fleeing. Very few of them want to settle permanently in the places where they have found refuge, as they look forward to returning some day to the homes from which they have come.

185. In March 1952, the Korean Government, with the assistance of UNCACK, undertook a nation-wide census of refugees, war sufferers and the locally destitute. The following are the results:

	Number registered	Number receiving relief		
		Full-time	Part-time	Total
Refugees . . . . .	2,618,000	1,104,000	775,000	1,879,000
War sufferers . . . .	3,420,000	679,000	692,000	1,371,000
Local destitute . . .	4,368,000	1,050,000	672,000	1,722,000
<b>TOTAL</b>	<b>10,406,000</b>	<b>2,833,000</b>	<b>2,139,000</b>	<b>4,972,000</b>

Refugees are persons displaced from their homes; war sufferers are those who have suffered a material loss or whose means of support have been disrupted by the war; and locally destitute are those who are destitute regardless of the war, their condition being aggravated by such things as inflation.

186. In paragraph 264 of its last report, the Commission set out the distribution of refugees on 31 August 1951. The following is the distribution on 15 March 1952:

**REFUGEES IN THE REPUBLIC OF KOREA  
15 March 1952**

(Figures shown are to the nearest thousand)

	Refugees in province from all sources
Seoul City . . . . .	45,000
Kyonggi-do . . . . .	738,000
Kangwon-do . . . . .	124,000
Ch'ungch'ong Pukto . . . . .	176,000
Ch'ungch'ong Namdo . . . . .	324,000
Cholla Pukto . . . . .	310,000
Cholla Namdo . . . . .	153,000
Kyongsang Pukto . . . . .	254,000
Kyongsang Namdo . . . . .	466,000
Cheju-do . . . . .	28,000
<b>TOTAL</b>	<b>2,618,000</b>

187. These people have been helped by the supplies brought in by UNCACK and distributed throughout the country. In addition to the relief goods brought in through official channels 3,223 long tons of clothing and 7,205 long tons of food were sent to Korea by relief organizations.

188. During the past year, movements of population have come from four main sources:

(a) Refugees who have come down from North Korea during the year;

(b) Persons forced to leave their homes by guerilla activity or in the course of anti-guerilla operations;

(c) Persons returning from refugee centres or other places to their homes, either south of the battle line or in places from which they had been driven by guerillas. During the spring of 1952, about 200,000 people returned to their farms. They were allowed to go back in time to prepare for early rice-planting, mostly in areas that had not been cultivated since the outbreak of war. UNCACK helped them with tents and timber for housing, seed grain for planting and farm tools;

(d) Korean civilians who had been interned in United Nations camps for reasons of military security and have since been resettled in their homes, with UNCACK as-

sisting them to start a new life. They amount to less than 10,000.

### C. Relief and rehabilitation supplies

189. Since the outbreak of hostilities, the estimated dollar value of supplies and equipment delivered in Korea by 31 July 1952 as part of the civil relief and economic aid programme was \$195,855,562. Of that total, the value of supplies and equipment procured with funds appropriated by the United States of America was \$173,423,495, while that procured by other United Nations contributions was \$22,432,067.

190. The following table gives details:

**ESTIMATED DOLLAR VALUE OF SUPPLIES AND EQUIPMENT  
DELIVERED IN KOREA UP TO 31 JULY 1952**

Commodity	Procured with funds provided by United Nations contributions \$	Procured with funds appropriated by the United States of America \$
Foodstuffs . . . . .	9,902,613	70,760,457
Medical and sanitary supplies . .	1,102,484	7,141,369
Soap . . . . .	180,896	771,959
Solid fuels . . . . .	243,010	7,212,125
Petroleum products . . . . .		4,950,783
Transportation equipment . . . .		6,473,138
Communication equipment . . . .		65,970
Clothing, shoes, and textiles . . .	10,318,857	30,099,371
Agricultural supplies and equipment . . . . .	17,500	21,691,158
Industrial repair equipment and supplies . . . . .	10,900	78,861
Other equipment . . . . .		816,113
Miscellaneous manufacturing end products . . . . .	630,077	1,469,858
Miscellaneous material and products . . . . .	25,730	20,245,180
Miscellaneous charges . . . . .		1,647,153
<b>TOTAL</b>	<b>22,432,067</b>	<b>173,423,495</b>

191. Up to 31 July 1952, orders placed with United States funds totalled \$253,176,027. The most important items were: foodstuffs (\$79,536,693); clothing, shoes, and textiles (\$56,699,703); agricultural supplies and equipment (\$34,951,436); medical and sanitary supplies (\$10,953,613); and solid fuels (\$10,599,573). These figures include the deliveries already made, shown in the table above.

192. In addition to the supplies and equipment delivered or ordered under the civil relief and economic aid programme as set out in the preceding three paragraphs, the following deliveries have been made in Korea:

(a) Supplies brought in by the United States Economic Co-operation Administration between 1 July 1950 and 7 April 1951, totalling \$26 million;<sup>32</sup>

(b) Civilian type supplies and equipment provided by the United States Army and used for common civilian-military purposes, estimated at \$52,192,437. This sum is composed of the following expenditures by branches of the Army:

	\$
Engineers . . . . .	35,048,658
Signal . . . . .	1,908,799
Transportation . . . . .	15,224,980
Quartermaster (petrol, oil, and lubricants) . . . .	10,000
<b>TOTAL</b>	<b>52,192,437</b>

<sup>32</sup> This is a revised figure for the estimate of \$30 million given in the 1951 report (A/1881).

(c) Raw materials delivered by the United States Army to the ROK Army, amounting to \$47,612,364 by 31 July 1952. They include wool for uniforms; soap ingredients; leather goods; and cotton for uniforms, underwear, socks, towels, duffel bags, canvas, bedding, and so forth.

193. Additional expenditures estimated at \$225 million have been made for services rendered by the United States military authorities, such as the servicing, repair and replacement of United States equipment used in the many construction and rehabilitation projects; power furnished by floating power barges, and so forth.

#### D. Civil Assistance Command

194. The Civil Assistance Command has continued to operate on the same basis as last year, except that from 1 August it ceased to be a command of the Eighth United States Army and became part of the newly-created Korean Communications Zone, which in turn is responsible to the United Nations Commander-in-Chief.<sup>33</sup> The organization of civil assistance teams, and UNCACK's objectives and machinery of co-operation with the Korean Government, remain as set out in the Commission's last report.

195. From the end of 1951, all persons recruited by the United Nations or its agencies for service in Korea (other than with UNCURK) came under contract to UNKRA and, with the exception of a small number remaining on the staff of UNKRA itself, they were seconded to UNCACK.<sup>34</sup>

196. Assistance in the field of public health, to which the Commission devoted some attention in its last report, has continued to be a major part of the activity of UNCACK and to show outstanding results. The Commission is happy to be able to report again this year, as it did last year, that there has been no epidemic in the Republic of Korea.

197. The following table shows the number of persons inoculated against smallpox, typhoid and typhus between 15 October 1951 and 31 July 1952. These figures are not as high as for the first year of UNCACK's work, because the need has not been so great.

INOCULATIONS

Province	Smallpox	Typhoid	Typhus
Seoul City.....	304,891		440,125
Kyonggi-do <sup>35</sup> .....	1,012,031	299,769	1,821,010
Ch'ungch'ong Pukto.....	531,000	38,089	813,280
Ch'ungch'ong Namdo.....	879,709	215,735	979,974
Cholla Pukto.....	847,669	24,856	1,126,678
Cholla Namdo.....	1,335,060	518,500	1,565,120
Kyongsang Pukto.....	1,447,787	223,133	741,259
Kyongsang Namdo.....	1,571,986	520,225	1,088,421
Kangwon-do <sup>35</sup> .....	606,088	199,748	804,799
Cheju-do.....	84,684	13,369	80,208
Koje-do.....	55,260	78,646	133,926
<b>TOTAL</b>	<b>8,676,165</b>	<b>2,132,070</b>	<b>9,594,800</b>

<sup>33</sup> Brigadier-General William R. Crist has commanded UNCACK since 12 August 1951.

<sup>34</sup> Civilians now employed by UNCACK have been drawn from the following Members of the United Nations: Australia, Belgium, Canada, Costa Rica, Denmark, France, Greece, India, Mexico, the Netherlands, New Zealand, Norway, Peru, Syria, Thailand, the United Kingdom and the United States of America.

198. The following table shows the number of persons immunized against cholera and diphtheria between 15 October 1951 and 31 July 1952:

IMMUNIZATIONS

Province	Cholera	Diphtheria
Kyonggi-do <sup>35</sup> .....	50,497	67,164
Ch'ungch'ong Pukto.....		703
Cholla Pukto.....	207,734	
Cholla Namdo.....	86,600	256,030
Kyongsang Pukto.....		95,704
Kyongsang Namdo.....	30,050	4,766
Kangwon-do <sup>35</sup> .....	150,502	17,457
Cheju-do.....	16,391	30,168
Koje-do.....	15,083	9,959
<b>TOTAL</b>	<b>556,857</b>	<b>481,951</b>

By July this year, 23 per cent of the population of South Korean seaport cities had been immunized against cholera; it is worthy of particular mention that there has been no cholera reported in the Republic of Korea since the beginning of the programme of immunization. In the diphtheria campaign, 11 per cent of all children under ten years of age had been inoculated against diphtheria.

199. Having established a considerable degree of control over communicable diseases, UNCACK turned its attention in December to leprosy and tuberculosis. In December and January, 700,000 diazone tablets and 400,000 ampules of pronine were distributed to the leprosaria of South Korea to treat 13,000 lepers. A programme to control tuberculosis began in Seoul in January and was extended to other cities; by the end of July, 351,169 children had been tested in orphanages, schools and similar institutions, and of those tested, 159,868 were given BCG vaccine as a preventive measure against tuberculosis.

200. The other activities of UNCACK have continued during the past twelve months. The problems confronting the local Korean authorities during the year have changed in many respects now that the immediate effects of the enemy occupation of so many districts have been dealt with. But many old problems persist, and some new ones have arisen. UNCACK has played a notable part in helping Korean officials to increase production, to provide basic welfare services and, in general, to re-establish normal community life. Responsibility in these fields rests with the Korean Government, and UNCACK has been careful not to step beyond its function of making assistance available.

201. One subject in which the Commission took special interest in 1951 was the administration of prisons and the treatment of prisoners (A/1881, paras. 188 to 194). The Commission conferred on this subject on 13 November 1951 with the Commanding General of UNCACK. He indicated that UNCACK had arranged to provide on an emergency basis the minimum requirements in supplies, particularly medical supplies, through its teams in the field. Assistance would be given in rebuilding and repairing some of the prisons, in order to reduce overcrowding in others. Some heaters would be provided to give warmth in the coming winter. A member of the staff of UNCACK would devote all his time to prison problems.

202. On 18 July, the Commission conferred with the UNCACK specialist on prisons, who had been appointed

<sup>35</sup> Figures include immunizations in Corps areas.

the previous December. He told the Commission what had been done during the year. Some prisons had been reopened; prison diet had been improved; 13,000 blankets provided by UNCACK had been distributed during the past winter; a prison was being built for juvenile prisoners so that they could be segregated from adults; and UNCACK was giving advice on the treatment of prisoners.

203. As a result of the foregoing, there seems to have been some improvement in prison conditions, though they are still not satisfactory. Lack of funds, and the absence of enough officials with the requisite training and an enlightened outlook, limit the extent to which early advances can be expected. The number of prisoners (14,766 last May, of whom 3,396 were awaiting trial) is not unduly large in a population of over 20 million; but the figure does not include those sentenced by military courts.

204. The activity of UNCACK in this field has been valuable and, in view of the great amount of work that remains to be done, the Commission is pleased to know that improvement of prison conditions will continue to be a matter of concern to UNCACK.

205. One of the matters on which the Government of the Republic of Korea deserves special commendation is the continuance of the work of education in the face of immense difficulties. Schools have been maintained, sometimes without buildings, usually without adequate books and paper. The determination of the Minister of Education to see that the fighting and devastation should not stop the education of the children, and the devotion to their duties of so many individual teachers, have been an inspiring demonstration of the desire and willingness of Koreans to work for their own progress. UNCACK has been giving assistance, chiefly with books and materials, and UNKRA has some proposals under consideration.

206. The Commission wishes to record once again, as it did last year (A/1881, paras. 296 and 297), its apprecia-

tion of the work done by UNCACK — both the officers and enlisted men belonging to the United States armed forces, and the civilians, who have been provided chiefly through UNKRA.

### **E. Organization of economic assistance**

207. During the present stage of military operations, primary responsibility for international assistance rests with the United Nations military authorities, with UNCACK as the principal body operating in Korea. The restricted role of UNKRA is described in the next chapter.

208. An important step this year was the creation of a Combined Economic Board, as a result of an agreement signed on 24 May 1952 between representatives of the Republic of Korea and the United States of America, acting as the Unified Command in pursuance of the resolutions of the Security Council of 7 July and 31 July 1950. The preamble to the agreement gives, among the considerations leading to it, that "it is desirable to co-ordinate economic matters between the Unified Command and the Republic of Korea, in order to ensure effective support of the military forces of the United Nations Command, to relieve the hardships of the people of Korea, and to establish and maintain a stable economy in the Republic of Korea; all without infringing upon the sovereign rights of the Republic of Korea". The Board was intended to be the principal means of consultation between the Republic and the Unified Command on economic matters; it is a co-ordinating and advisory, and not an operating, body; and any recommendation can be made only with the agreement of both parties (A/1881, paras. 341 and 342).

209. The Combined Economic Board held its first meeting on 3 July 1952.

## **Chapter IV**

### **COLLABORATION BETWEEN THE COMMISSION AND THE UNITED NATIONS KOREAN RECONSTRUCTION AGENCY**

#### **A. Consultations with the Agent General**

210. Since the Commission submitted its last report, it has continued to keep in touch with officials of UNKRA. The Agent General (Mr. J. Donald Kingsley) attended a meeting of the Commission on 15 May and also had a number of less formal discussions with members of the Commission. The Deputy Agent General (Sir Arthur Rucker) and other UNKRA officials have attended several Commission meetings.

211. The Commission and UNKRA have consulted together as occasion required on relations between the Agency and the United Nations military authorities. The agreement entered into in July 1951 between the Agency and the Commander-in-Chief, United Nations Command, referred to by the Commission in its last report (A/1881, paras. 341 and 342), raised many problems of interpretation when it was put into practice. The Deputy Agent General consulted with the Commission several

times in December and January when he was working out with CINCUNC an agreed interpretation. The Commission did not tender any formal advice to the agency but kept itself informed of the situation and found itself in accord with the memorandum of understanding which was agreed to by UNKRA and CINCUNC in December 1951.

212. The relief and reconstruction of Korea during the stage of active military operations continued to be the responsibility of the United Nations Command. As a result of the agreed interpretation, UNKRA did not itself undertake any programme in this field (apart from a limited number of agreed projects) in addition to those being carried out by the military authorities. Instead, UNKRA recruited international staff for seconding to UNCACK. Apart from the recruitment of staff, the main work of UNKRA was long-term planning and preparations, and discussions with the military authorities and the Government of the Republic at the higher



levels—a much smaller role than the one contemplated for the Agency by the General Assembly when it created the former in 1950, and one which inevitably has meant for the time being a considerable amount of overhead within the Agency. The Commission will not here set out in any more detail the terms of this understanding between UNKRA and the United Nations Command, as it is more properly a matter for the Agent General himself to report on to the General Assembly. But the Commission records its opinion that the decision of the Agent General to accept the Memorandum of Understanding was the right decision at the time.

213. On 3 April, the Deputy Agent General raised with the Commission the question of the roles of the military authorities and UNKRA in the field of education. UNKRA held the view that education was a field which should be under civilian and not military guidance. He said that such problems as the organization of schools and universities, libraries, teacher training and, in fact, all the intellectual aspects of aid to education should fall within the field of UNKRA, but the military authorities should retain responsibility for the physical aspects of aid to education, such as the erection and repair of buildings and any other matters where such factors as shipping space and the allocation of materials were the dominant consideration.

214. The Commission, after discussing this question with the Deputy Agent General, informed him that the Commission agreed with the agency's view on the division of functions in the field of education between UNKRA and the military authorities.

215. At the time of signing the present report, however, the United Nations military authorities still retain exclusive responsibility for international assistance in the field of education. Discussions between UNKRA and the military authorities on this subject are now taking place.

216. The Commission has found itself in agreement with the general lines of planning indicated by the Agent General, and communicated to the Commission by the Deputy Agent General on 3 April and by the Agent General himself on 15 May. The Agent General said that a number of special projects were under way or had been approved in principle, to be carried out through UNCACK with resources provided by or through UNKRA. They included, for example, imports of eggs for hatching, and of livestock for breeding; the establishment of an assay laboratory for mining; and assistance in medical education. UNKRA was also considering the establishment of a United Nations credit corporation the purpose of which would be to make small loans to individual productive enterprises; the corporation would be financed with foreign exchange provided by UNKRA and would be under the control of a board representing Korean and international bodies.

217. The Commission, in indicating its general agreement with what the Agent General outlined, appreciated that UNKRA could not at this stage put forward a programme of its own that made a coherent whole, because UNKRA will still be limited, in the main, to providing staff and resources to UNCACK to supplement the other activities of that organization.

218. In its consultation with the Agent General, the Commission, as a political body, again kept in mind the

importance of associating the Korean authorities with the planning and execution of any programmes; and also the desirability of having programmes that can produce some direct and tangible results as quickly as possible after they have been begun, so that the Koreans can see clearly some of the results of the international assistance to be given through UNKRA. As stated in its report last year, the Commission is of the view that primary weight should be given to the development of agriculture so that Korea could be made self-supporting and export food to other countries. The Commission felt that, after agriculture, the main emphasis should be given to increasing other forms of production, with particular attention to those which could within the fairly near future provide exports to bring in foreign exchange; these include, in particular, mining and fishing. Special attention also needs to be given to developing power, as it is basic to industrial development. This approach, which is that expressed by the Commission in its last report,<sup>33</sup> is also completely in accord with the views of both UNKRA and the military authorities and has formed the basis of the work they have been doing.

219. In regard to the specific proposal by the Agent General for a United Nations credit corporation, the Commission thought it represented a promising way of assisting smaller undertakings to begin or increase production by making available capital which the Korean banking system as at present organized cannot supply to these undertakings. The Commission considered it was, however, the sort of proposal which was difficult to approve in principle until it had been worked out in detail with adequate safeguards and adequate machinery.

220. On 9 August, the Commission conferred with the heads of two long-term planning missions sent to Korea, under the auspices of UNKRA, by the World Health Organization and the Food and Agriculture Organization of the United Nations respectively. The Commission has welcomed the arrival of these two missions, which afford an opportunity to set in the fields of health and agriculture the basic patterns into which individual projects can be fitted. From the discussion on 9 August emerged general agreement that the programmes should be realistic in the light of the limited Korean and international resources available; that the emphasis should be on basic needs, particularly on increasing production; and that the Korean authorities should be taken fully into consultation and planning, for the objective was to assist them and not to impose plans on them. It was also stressed that, from the point of view of contributing governments, the missions should produce plans sufficiently flexible to be varied either in duration or in the nature or amount of the resources used in any particular period. Governments should not be given a long-term programme on a "take it or leave it" basis; but if a sound long-term programme were put forward, it would itself set out the principles which should govern any variations.

221. In its report last year the Commission expressed the view that all international programmes within Korea should come under the general supervision of the Agent General (A/1881, paras. 335 and 351). It reiterated this view to the Director-General, Technical Assistance Administration (Mr. Hugh Keenleyside), when he visited Korea and conferred with the Commission on 11 October. In practice, during the past year, all operations in the

<sup>33</sup> See document A/1881, paras. 249 and 250, and chapter IXB.

field have come under UNCAC-1, for which UNKRA has recruited persons from international organizations; and anyone else from the United Nations or specialized agencies who has come to Korea for work of this nature has been brought over by UNKRA. Consequently, during the year, there has been no overlapping or competition among United Nations organizations caused by their sending independent missions to Korea. However, to avoid its being overlooked in future, the Commission draws attention again to paragraph 335 of its previous report.

222. As far as technical assistance itself is concerned, a subject to which the Commission devoted some attention last year in chapter X of its report, UNCACK has during the past year assisted the Government of the Republic in several fields, often with persons recruited by UNKRA. Several Koreans are also being sent overseas under either the expanded or regular United Nations technical assistance programmes. The Commission stresses the importance of suitable work being found for those who have received this training; sometimes in the past their experience has been wasted because they have not found proper employment on their return to Korea. Their employment, however, is a matter for the Korean authorities, not for UNKRA or other international agencies, who can do no more than observe what use is made of the persons given this training and experience.

#### **B. Comments on the Agent General's report**

223. The Agent General submitted a report to the sixth session of the General Assembly of the United Nations

(A/1935).<sup>37</sup> That report was also sent to the Commission in accordance with General Assembly resolution 410 (V). As indicated in paragraph 338 of the last report of the Commission, the latter had to consider the Agent General's report and submit to the General Assembly any comments it wished to make.

224. On 22 December, the Commission sent the following comment to the Secretary-General for submission to the General Assembly:

"UNCURK has studied the report of the United Nations Agent General for Korean Relief which was received by it on 26 November 1951. The Commission believes that the report does not contain any information or raise any points that were not known to the Commission at the time that it prepared its own report to the General Assembly. The Commission therefore does not consider it necessary to submit a further report and draws the attention of the Assembly to its outline and discussion of economic and social questions in part III of the Commission's report to the General Assembly".

225. Paragraph 2 (e) of General Assembly resolution 410 (V) requires the Commission to consider the report of the Agent General to the seventh session of the General Assembly and to submit its comments thereon. When the Commission has received a copy of that report, it may wish to submit some further observations to the Assembly.

<sup>37</sup> See *Official Records of the General Assembly, Sixth Session, Annexes*, agenda items 17 and 27.

### **Chapter V**

#### **ANALYSIS AND GENERAL CONCLUSIONS**

226. The present United Nations military and humanitarian effort in Korea has been undertaken in fulfilment of the obligation of Members of the United Nations under its Charter to take part in collective action to resist aggression. The strictly limited military objective—the defeat of aggression against the Republic of Korea—is distinct from the political objective of the United Nations, which continues to be the establishment by peaceful means of a unified, independent and democratic Korea.

227. During the past year, the nature of military operations has been very different from what it was during the period covered in the last report of the Commission. Throughout this past year negotiations to find an armistice have been continuing and consequently, the area of land fighting has not been extensive. The relatively stable nature of the battlefield has tended to obscure the fact that every day that passes involves further loss of life and destruction. There is a grim picture of suffering and devastation begun and prolonged by those who launched the aggression from the north.

228. Since the Commission's last report was signed, the most important and difficult of its tasks have arisen from political developments in the Republic of Korea. These reached an acute and dangerous stage in May. At that time the Commission conveyed to the Government of the Republic the reactions of other countries of the world

and tried to help bring about a settlement along democratic lines by the Koreans themselves.

229. It is to be hoped that all elements in Korean life will now take advantage of the basis for political agreement offered by the recently accepted constitutional amendments. Constant political turmoil, accompanied by frequent changes in the Cabinet and other public offices, repeated attempts to change basic laws, or strong-handed acts by either Executive or Legislature undermines the stability of the country and can only serve to weaken international confidence in the Republic and discourage other countries from giving the economic and other support that will be so badly needed by Korea after the fighting ceases.

230. The Commission remains agreed on the analysis and general conclusions set out in its report to the sixth session of the General Assembly. Today it is as important as before that efforts must not be relaxed to repel aggression and to help the victim recover from the devastation brought about by that aggression.

231. The Commission's role as a political agency has not been limited to its interests in the political life of Korea; of at least equal importance has been the fact that it has represented a number of nations drawn from different regions of the world and has hence been able



to bring to bear upon the problems of Korea a body of opinion and experience which is not limited to any one particular country or culture.

232. The Commission therefore reaffirms that during hostilities, and even after the fighting has ceased, some political representation of the United Nations is needed in Korea to perform functions such as the following:

(a) To observe developments in Korea and report to the Members of the United Nations and to the General Assembly;

(b) To consult with and, whenever appropriate, assist the Government of the Republic of Korea;

(c) To be a political co-ordinating agent of United Nations action in Korea;

(d) To undertake or assist in any tasks that may be necessary or would appear appropriate in the effort to find a settlement of the Korean question;

(e) To discharge such responsibilities as may be assigned to it by the General Assembly in relation to the economic machinery of the United Nations in Korea;

(f) To represent generally the United Nations in Korea and provide a continuing demonstration that the United Nations will protect legitimate Korean interests.

The present report is transmitted to the Secretary-General for submission to the seventh regular session of the General Assembly, pursuant to the provisions of paragraph 2 (c) of General Assembly resolution 376 (V) of 7 October 1950.

Done in a single copy in the English language at house number 401, Hialeah Compound, Pusan, Korea, this twenty-eighth day of August one thousand nine hundred and fifty-two.

(Signed)

J. PLIMSOLL, *Australia*  
*Chile*<sup>48</sup>

G. E. VAN ITTERSUM, *Netherlands*<sup>49</sup>

Mian ZIAUD-DIN, *Pakistan*

Maximino G. BUENO, *Philippines*

Pridi DEBYABONGS DEVAKULA, *Thailand*

Mamil IDIL, *Turkey*

Signed in the presence of the Principal Secretary:

(Signed) George J. MATHIEU

<sup>48</sup> Chile was not represented at the seat of the Commission during the period covered by the present report.

<sup>49</sup> The representative of the Netherlands left Korea before the signing of the report by the other representatives, but signed it separately.

## ANNEXES

### I. List of delegations to the United Nations Commission for the Unification and Rehabilitation of Korea and United Nations Secretariat

#### A. Delegations to the Commission

##### 1. LIST OF DELEGATIONS

###### AUSTRALIA

###### *Representative*

Mr. James Plimsoll,<sup>40</sup> *Minister Plenipotentiary*

###### *Alternate representative*

Mr. Harold W. Bullock<sup>41</sup>

Mr. Osmond N. H. Smyth<sup>42</sup>

Mr. Lionel E. Phillips<sup>43</sup>

###### *Assistant*

Mr. John B. Bennett (from 3 June 1952 to 8 July 1952)

###### CHILE<sup>44</sup>

###### NETHERLANDS

###### *Representative*

Mr. A. H. C. Gieben, *Ambassador Extraordinary and Plenipotentiary*<sup>45</sup>

Baron G. E. van Ittersum,<sup>46</sup> *Minister Plenipotentiary*

###### *Acting representative*

Baron Lewe van Aduard<sup>47</sup>

<sup>40</sup> Mr. Plimsoll was absent from 11 October 1951 to 18 March 1952.

<sup>41</sup> During the absence of Mr. Plimsoll, Mr. Bullock was acting representative. He left on 29 March 1952.

<sup>42</sup> From 18 March 1952 to 10 August 1952. Previously adviser from 20 November 1950 and acting alternate representative while Mr. Bullock was acting representative.

<sup>43</sup> From 10 August 1952. Previously adviser from 8 July 1952.

<sup>44</sup> Chile was not represented at the seat of the Commission during the period covering the report.

<sup>45</sup> Mr. Gieben left on 19 November 1951.

<sup>46</sup> Baron van Ittersum arrived on 29 April 1952 and left on 17 August 1952.

<sup>47</sup> From 20 January 1952 to 22 January 1952.

###### *Alternate representative*

Mr. Herman Hagenaar<sup>48</sup>

Mr. David Ketel<sup>49</sup>

###### *Assistant*

Mr. J. H. Daman-Willems (left on 18 December 1951)

###### PAKISTAN

###### *Representative*

Mr. Mian Ziaud-Din,<sup>50</sup> *Ambassador Extraordinary and Plenipotentiary*

###### *Alternate representative*

Mr. Abdul Ghayur Kakar<sup>51</sup>

###### PHILIPPINES

###### *Representative*

Mr. José P. Melencio,<sup>52</sup> *Ambassador Extraordinary and Plenipotentiary*

###### *Alternate representative*

Mr. Maximino G. Bueno,<sup>53</sup> *Minister Plenipotentiary*

###### THAILAND

###### *Representative*

Prince Pridi Debyabongs Devakula<sup>54</sup>

<sup>48</sup> Acted as representative from 11 March 1952 to 15 March 1952.

<sup>49</sup> Adviser from 19 April 1952 to 15 July 1952, the date of his appointment as alternate representative. Acted as representative from 18 August 1952.

<sup>50</sup> Rejoined the Commission from 21 August 1952.

<sup>51</sup> Acted as representative from 12 December 1951 to 24 June 1952.

<sup>52</sup> Mr. Melencio's credentials were received on 5 June 1951 but up to the time of the signing of this report, he has not joined the Commission.

<sup>53</sup> Rejoined the Commission after home leave on 29 September 1951 and acted as representative throughout the period covered by this report.

<sup>54</sup> Joined the Commission on 28 June 1952.

*Alternate representative*  
Mr. Chitti Sucharitakul<sup>54</sup>

*Assistant*  
Mr. Vudhi Chunchom<sup>54</sup>

**TURKEY**  
*Representative*  
Mr. Kamil Idil<sup>55</sup>

## 2. ROSTER OF CHAIRMANSHIP OF THE COMMISSION<sup>56</sup> (from 5 September 1951 to 28 August 1952)

1951

5 to 30 September:  
Mr. K. Idil, *Turkey*

October:  
Mr. J. Plimsoll, *Australia*

November:  
Mr. A. H. C. Gieben, *Netherlands*

December:  
Mr. H. L. Bullock, *Australia*

1952

January:  
Mr. Abdul Ghayur Kakar, *Pakistan*

February:  
Mr. M. G. Bueno, *Philippines*

1 to 18 March:  
Mr. H. W. Bullock, *Australia*

18 to 31 March:  
Mr. J. Plimsoll, *Australia*

April:  
Mr. Abdul Ghayur Kakar, *Pakistan*

May:  
Mr. M. G. Bueno, *Philippines*

June:  
Mr. J. Plimsoll, *Australia*

July:  
Baron G. E. van Ittersum, *Netherlands*

August:  
Mr. M. G. Bueno, *Philippines*

### B. United Nations Secretariat

*Personal representative of the Secretary-General,*

*Principal Secretary*  
Mr. Constantin A. Stavropoulos (left 27 October 1951)

*Principal Secretary*  
Mr. George J. Mathieu (from 27 October 1951)

*Deputy Principal Secretary*  
Mr. Dantas de Brito (left 3 October 1951)

*Legal adviser and deputy Principal Secretary*  
Mr. F. Blaine Sloan (until 15 December 1951)

*Special assistant to the Principal Secretary*  
Mr. Mark Priceman (from 8 July 1952)

*Political Affairs Officer*  
Mr. José M. Quimper (from 5 February 1952)

<sup>54</sup> Joined the Commission on 28 June 1952.

<sup>55</sup> Left on 19 November 1951 and rejoined the Commission on 1 July 1952.

<sup>56</sup> The Commission's rules of procedure concerning the chairmanship read as follows:

*Rule 10:* The chairmanship of the Commission shall be held in turn for a period of one month by the representatives on the Commission in the English alphabetical order of the names of the States they represent. The first chairman shall be chosen by drawing lots.

*Rule 11:* If the chairman is not in a position to perform his functions, the representative who would be chairman in the succeeding month shall act as chairman.

### *Précis-writer*

Mr. Alexander Hoorin (until 16 December 1951)

### *Secretary to the Principal Secretary*

Mr. R. M. Bruce (until 3 November 1951)

Mr. Donald T. H. Richards (until 15 July 1952)

Mr. Eric Potts (from 15 July to 18 August 1952)

Mr. Brian Ockenden<sup>57</sup> (from 25 July 1952)

### *Public Information Service*

#### *Senior Information Officer*

Mr. George Movshon (until 4 April 1952)

Mr. Jorge Teodoro (from 25 March 1952)

#### *Cameraman*

Mr. John Daniell (from 20 October 1951)

### *Administrative and Financial Services*

#### *Acting Chief Administrative Officer*

Mr. John T. Macrery (until 20 September 1951)

Mr. Marcel A. Maillard (from 21 September 1951)

#### *Communications Officer*

Mr. Clifford H. Bates (until 7 November 1951)

#### *Field Service Officer*

Mr. Ola Fritzner (until 2 April 1952)

#### *Secretary to acting Chief Administrative Officer*

Mr. H. F. Norman

#### *Finance Unit*

##### *Finance Officer*

Mr. Thomas A. Rooke

##### *Finance Assistant*

Mr. Ignacio C. Torres (Field Service) (until 12 February 1952)

### *Field Operation Service*

#### (i) *Telecommunication Unit*

##### *Chief Radio Operator*

##### *and acting Field Service Officer*

Mr. Allan B. Gertman (from 22 September 1951)<sup>58</sup>

##### *Radio Operators*

Mr. Ronald W. Binge (until 2 December 1951)

Mr. Henry Grankvist (until 7 November 1951)

Mr. Nicholas Gounaropoulos (until 2 March 1952)

Mr. Lazaro Rayray (from 6 September 1951)

Mr. Eliseo Borjas (from 15 March 1952)

#### (ii) *Transportation Unit*

Mr. Bruce Brinson, Supervisor (until 15 July 1952)

Mr. Robert Bourguignon (from 6 October 1951)

Mr. Vidar Binger (from 7 March 1952 to 19 August 1952)

#### (iii) *Procurement and Supply Unit*

Mr. Roy Blainey (Supervisor) (until 11 June 1952)

Mr. John Gharib (from 2 November 1951 to 1 August 1952)

Mr. Abdul Al Khattab (from 29 January 1952)

#### (iv) *Tokyo branch<sup>59</sup>*

##### *Administrative Officer*

Mr. Anthony Ribes (until 15 February 1952)

##### *Finance Assistant*

Mr. Eliseo Borjas (from 8 November 1950 to 15 March 1952)

##### *Accommodation and Travel Assistant*

Mr. Fred Durham (until 12 November 1952)

##### *Purchasing Assistant*

Mr. Ronald Keith (until 13 January 1952)

<sup>57</sup> Previously Finance Assistant.

<sup>58</sup> Acting Field Service Officer since departure of Mr. Fritzner on 2 April 1952.

<sup>59</sup> The Tokyo branch of the Commission's administrative office was closed on 24 June 1952 and the work taken over by the UNKRA office in Tokyo.

*Stenographer*  
Mlle. Marie Van Bever (until 3 November 1951)

*Radio Operator*  
Mr. Vicente a Queipo (until 29 January 1952)

(v) *Locally recruited staff*  
*Chief of Korean Translation and Interpretation Section*  
Mr. Kim Yoon Yul  
*Administrative Assistant and Supervisor Korean staff*  
Mr. Chun Ki Poong

*Translators—Interpreters*  
Mr. Han Hong Soo (from 17 December 1951 to 8 July 1952)  
Mr. Kye Kwang Kil (from 16 July 1952)  
Mr. Kim Jon Sae (from 8 August 1952)

C. *United Nations field observers*<sup>60</sup>  
Wing-Commander A. S. Hennock (Australia) (until 14 February 1952)  
Wing-Commander A. E. Cross (Australia) (from 15 February 1952)

<sup>60</sup> See document A/1881, para. 37.

## II. The Government of the Republic of Korea<sup>61</sup>

### A. The Executive

#### PRESIDENT OF THE REPUBLIC

Syngman Rhee  
Elected by National Assembly 20 July 1948. Assumed office 15 August 1948. Re-elected by direct popular vote 5 August 1952. Assumed office 15 August 1952.

#### VICE-PRESIDENT OF THE REPUBLIC

Kim Song-Soo  
Elected by National Assembly 16 May 1951. Assumed office 4 June 1951. Resigned 29 May 1952. Resignation accepted by National Assembly 30 June 1952.  
Ham Tae-Yong  
Elected by direct popular vote 5 August 1952. Assumed office 15 August 1952.

#### PRIME MINISTER

Chang Myon (John M. Chang)<sup>62</sup>  
Appointed 23 November 1950. Assumed office 3 February 1951. Resigned 19 April 1952.  
Chang Tack-Sang  
Nominated 19 April 1952. Formally appointed 6 May 1952 (after approval by National Assembly).

#### MINISTER OF HOME AFFAIRS

Lee Soon-Yong (Alan C. Wylie)  
Appointed 7 May 1951. Resigned 12 January 1952.  
Chang Suk-Yoon  
Appointed 5 February 1952. Resigned 24 May 1952.  
Lee Bum-Suk  
Appointed 24 May 1952. Resigned 24 July 1952.  
Kim Tai-Sun  
Appointed 24 July 1952.

#### MINISTER OF FOREIGN AFFAIRS

Pyun Yung-Tai  
Appointed 16 April 1951

#### MINISTER OF NATIONAL DEFENCE

Lee Kee-Pgong  
Appointed 7 May 1951. Resigned 29 March 1952.  
Shin Tae-Yong  
Appointed 29 March 1952.

#### MINISTER OF FINANCE

Paik Too-Chin  
Appointed 5 March 1951.

#### MINISTER OF JUSTICE

Cho Chin-Man  
Appointed 7 May 1951. Resigned 5 March 1952.  
Suh Sang-Hwan  
Appointed 5 March 1952.

#### MINISTER OF EDUCATION

Paik Nak-Joon (George Paik)  
Appointed 4 May 1950.

#### MINISTER OF AGRICULTURE AND FORESTRY

Yim Moon-Hang  
Appointed 7 May 1951. Resigned 6 March 1952.  
Ham In-Sob  
Appointed 6 March 1952.

#### MINISTER OF COMMERCE AND INDUSTRY

Kim Hoon (Lincoln Kim)  
Appointed 9 May 1950. Resigned 27 March 1952.  
Lee Kyo-Son  
Appointed 27 March 1952

#### MINISTER OF SOCIAL AFFAIRS

Huh Chung  
Appointed 23 November 1950. Resigned 12 January 1952, to serve full time as Acting Prime Minister, until 1 April 1952.  
Choi Chang-Soon  
Appointed 12 January 1952.

#### MINISTER OF TRANSPORTATION

Kim Suk-Kwan  
Appointed 10 May 1950.

#### MINISTER OF COMMUNICATIONS

Chang Kee-Yung  
Appointed 14 June 1949. Resigned 12 January 1952.  
Lee Soon-Yung (Alan C. Wylie)  
Appointed 12 January 1952. Resigned 27 March 1952.  
Cho Joo-Yong  
Appointed 27 March 1952.

<sup>61</sup> This list of members of the Government of the Republic of Korea includes the changes which have occurred since the submission of the Commission's previous report. Names are spelt in the English transliteration adopted by the persons concerned.

<sup>62</sup> Mr. Chang Myon was absent from Korea from 7 November 1951 to 1 April 1952, during which time he travelled abroad to serve as head of the delegation of the Republic of Korea to the sixth session of the General Assembly of the United Nations. During his absence, Mr. Huh Chung (formerly Minister of Social Affairs) served as Acting Prime Minister. After the resignation of Mr. Chang Myon, Mr. Lee Yoon-Yung, Minister without Portfolio, served as Acting Prime Minister from 24 April 1952 to 6 May 1952.

**MINISTER OF PUBLIC HEALTH**

Oh Han-Young

Appointed 27 November 1950. Resigned 5 February 1952.

Choi Jai-Yoo

Appointed 5 February 1952.

**MINISTER WITHOUT PORTFOLIO**

Lee Yoon-Yong

Appointed 23 December 1950.<sup>63</sup> Resigned 24 July 1952.<sup>63</sup> Served as Acting Prime Minister from 24 April 1952 to 6 May 1952.<sup>64</sup> Elected temporary Chairmen of the National Assembly on 18 June 1952, and served in this capacity until the elections for chairman and vice-chairmen held on 10 July 1952.**B. The National Assembly****CHAIRMAN**Shin Ik-Hee (P. H. Shinicky)<sup>64</sup>

First elected 4 August 1948. Re-elected 10 July 1952.

**VICE-CHAIRMEN**

Chang Taek-Sang

First elected 19 June 1950. Served until 6 May 1952.

Kim Dong-Song<sup>64</sup>

Elected 8 May 1952. Served until 10 July 1952.

Cho-Pong Am<sup>64</sup>

First elected 19 June 1950. Re-elected 10 July 1952.

Yun Chi-Yong

Elected 10 July 1952.

**III. List of registered political parties and social organizations in the Republic of Korea<sup>65</sup>**

<i>Date of registration</i>	<i>Name of organization</i>	<i>Registered representative</i>
3 November 1950	Taehan Nationalist Party	YOON, Chi Yung
"	General League for Saving the Nation	CHUGH, Pyung Ok
"	Taehan Christian Association for Saving the Nation	
"	General Headquarters for Propagation of One-Peopleism	
"	Federation of All Korea Culture Organizations	AHN, Ho Sang
22 November 1950	People's Mass Party	PARK, Chong Hwa
27 November 1950	Democratic Nationalist Party	LEE, Chong Hyung
13 March 1951	The Old People's Voluntary Corps	CHI, Chung Chun
3 April 1951	Independent Labour and Farmers Party	KIM, Woo Sun
13 April 1951	Taehan Buddhist Women's Association	YOO, Lim
14 April 1951	Taehan Farmers Federation	WOO, Ul Saing
31 May 1951	Liaison Office of Hamkyung Namdo Refugees	CHAI, Kyoo Hang
8 June 1951	Taehan Rural Educational Corps	LEE, Koo Ha
14 June 1951	Taehan People's Opinion Society	LEE, Dong Woo
3 July 1951	Korean Association for the United Nations	YANG, Woo Jo
6 July 1951	Agricultural Study Association	CHUNG, Il Hyung
9 July 1951	Korean-United States Cultural Society	LEE, Hoon Koo
19 July 1951	Siwin Buddhist Foundation Association	CHOI, Dong
26 July 1951	Buddhist Federation for Saving the Nation	SON, Kyu Sang
"	Taehan Political and Economical Society	LEE, Jong Wook
26 July 1951	Nation-wide Communism Smashing League	CHO, Hun Hong
"	Taehan Juvenile Corps	LEE, Joong Kun
"		CHANG, Hong Koo
"		CHOE, Yun Wook
"	National Life Purification League	KIM, Sang Don
"	Chun Do Kyo League (religious)	LEE, Ung Jin
13 August 1951	Taehan Women's Association	PARK, Soon Chun
14 August 1951	International Science Society	LEE, Tai Sung
11 September 1951	Contemporary Thought League	HONG, Kun Won
12 September 1951	Taehan Boy Scouts	BAIK, Nak Joon
"	Politics and Economy Study Association	SHIN, Suk Woo
14 September 1951	Kidnapped Families Association	CHANG, Ki Bin
"	General headquarters of the Three People's Party	MOON, Yong Chai
20 September 1951	International Cultural Association	KWON, Dong Ho
25 September 1951	Taehan Reconstruction Corps	LEE, Chan Yung
7 October 1951	Republic of Korea Branch, International Youth Correspondence Union	CHO, Dong Lai
8 October 1951	Korea League of the World Union Movement	AHN, Yung Tai
17 October 1951	Taehan Democratic Oratorical Association	CHO, Sung Sik
22 October 1951	International Law and Diplomatic Science Study Association	YOON, Chi Yung

<sup>65</sup> This list contains some apparent inconsistencies but, in its present form, it has been checked with the Office of Public Information of the Republic of Korea.

<i>Date of registration</i>	<i>Name of organization</i>	<i>Registered representative</i>
30 October 1951	National Foundation Service	PARK, Kyung Il
5 November 1951	Political Eloquent Club	HAN, Bang Yung
6 November 1951	New Taehan Construction Society	KWON, Il Joong
20 November 1951	Taehan Women's Nationalist Party	IM, Yung Sin
29 November 1951	Consolatory Society for the UN Forces	LEE, Hwal
"	Korean Medical Association	LEE, Woo Ryong
30 November 1951	Taehan Pharmaceutist Association	KIM, Jong Kun
"	National Idea Propagation Association	KIM, Chai Kil
"	International Situation Study Center	PARK, Sang Kil
30 November 1951	Taehan Athletic Association	CHOUGH, Pyung Ok
4 December 1951	Taehan National Musical Institute	HYUN, Chul
"	Taehan Rehabilitation and Reconstruction Corps	LEE, Kap Sung
7 December 1951	Taehan Military and Police Educational Society	KIM, Il Soo
10 December 1951	Taehan Youth Corps	AHN, Ho Sang
"	Taehan Democratic People's Opinion Society	KANG, Il Mai
16 December 1951	Nation-Wide Wanted Person Society	HAN, Bong Sup
19 December 1951	Non-Assembly Liberal Party	RHEE, Syngman
23 December 1951 <sup>66</sup>	Assembly Liberal Party	KIM, Dong Sung
3 January 1952	Taehan Wounded Veteran Association	LEE, Ung Joon
9 January 1952	March 1st Association	CHOI, Soo Jung
23 January 1952	World Cultural Society	PARK, Soon Po
20 February 1952	Olympic Supporting Association	HUH, Jung
"	Taehan War Sufferers Supporting Association	IM, Yung Sin
24 February 1952	Taehan Drama and Artist Association	LEE, Yu Kyung
26 February 1952	National Sovereignty Association	BAIK, Hong Kyoong
"	Foreign Cultural Study Association	KIM, Kwang Chul
5 March 1952	Relieving Committee for Chinese Refugees	OH, Up Hung
8 March 1952	Union of Korean Farmers Club	CHOO, Se Joong
11 March 1952	Moral Foundation Association	SON, Woo Hyun
14 March 1952	National Enlightening Society	LEE, Jung Soo
15 March 1952	National Cultural Society	SIM, Joong Mook
"	Korea-China Association	CHI, Chung Chun
24 March 1952	Min Jung Comrades Association	PARK, Chan Hyun
26 March 1952	Taehan Samil Boys Corps	CHUNG, Hong Kyo
"	Korean Boys Movements League	CHUNG, Hong Kyo
27 March 1952	Taehan Medicine Trading Association	KWAK, In Yung
11 April 1952	Korean Social Work Federation	OH, Ki Sun
12 April 1952	HUNG SA DAN (Association of people educated in the USA)	LEE, Yong Sul
15 April 1952	Taehan Women's Youth Corps	MOH, Yoon Sook
"	Central headquarters of the National Society	RHEE, Syngman
16 April 1952	Taehan Children's Educational Society	HAN, Chang Yul
19 April 1952	Taehan Arts Educational Society	PARK, Tai Hyun
7 May 1952	Joint Fighting Committee of All Political parties and Social Organizations Opposing Cabinet Responsible System	SONG, Jong Ok
10 May 1952	Patriotic Comrades' Association	KIM, Hwa Kyung
21 May 1952	Taehan Military Personnels' Bereaved Families Association	CHUNG, Ki Won
"	Taehan Sea Boy Scouts	PAIK, Chin Hwan
24 May 1952	Hwarang Spirits (Spirits of Korean Knighthood in Sin La Dynasty) Exaltation Association	LEE, Ki Kwon
19 June 1952	National Iron-Worker's Association	OH, Sung Hwan
31 July 1952	Taehan Women's Service Association	CHI, Chang Tan
21 August 1952	Taehan Air Boy Scouts	LEE, Sun Kyung
"	Taehan Association for Extermination of Communists	YANG, Jung Mo
"	Taehan Girl Scouts	KIM, Shin Shil
"	Taehan Farming Improvement Association	CHOI, Kyo Hak

<sup>66</sup>The application for registration of the Assembly Liberal Party, filed on 23 December 1951, was incomplete. The party is, therefore, registered rather as an Assembly negotiating group.

Note: The Chosun Democratic Party whose leader, Mr. Lee Yoon-Yung, was a candidate for Vice-President in the elections held on 5 August 1952, is not officially registered.

## IV. Statistical information on the elections held under the Local Autonomy Law<sup>67</sup>

### A. Elections for city, town and township councils (25 April 1952)

Province	Number of votes recorded	Percentage of total electorate	Number of candidates	Number of candidates elected	*Political parties and organisations of elected candidates							
					L.P.	D.N.P.	T.N.P.	N.S.	T.Y.C.	K.F.L.	OTH.	IND.
Kyonggi-do.....	543,988	81.1	2,845	1,466	94	4	4	200	407	1	25	731
Ch'ungch'ong Pukto.....	468,697	93.7	2,367	1,325	703	8	—	203	199	—	—	212
Ch'ungch'ong Namdo....	811,409	89.0	4,609	2,188	464	—	2	281	379	1	21	1,040
Cholla Pukto.....	715,600	87.2	3,706	2,128	308	7	5	75	344	7	7	1,375
Cholla Namdo.....	1,177,434	94.6	4,516	3,072	2,248	12	—	69	86	—	10	647
Kyongsang Pukto.....	1,252,833	90.1	6,691	3,194	382	2	6	584	554	3	22	1,641
Kyongsang Namdo.....	1,359,250	89.9	6,104	3,017	141	2	—	755	455	2	3	1,659
Kangwon-do.....	309,803	88.0	1,563	904	86	—	1	354	320	8	2	133
Cheju-do.....	88,012	87.0	281	185	18	—	—	100	36	1	1	29
<b>TOTAL</b>	<b>6,727,026</b>	<b>89.7</b>	<b>32,682</b>	<b>17,479</b>	<b>4,444</b>	<b>35</b>	<b>18</b>	<b>2,621</b>	<b>2,780</b>	<b>23</b>	<b>91</b>	<b>7,467</b>

### B. Elections for provincial councils (10 May 1952)

Ch'ungch'ong Pukto.....	437,953	36	63	28	18	—	—	2	1	—	—	7
Ch'ungch'ong Namdo....	719,784	76	128	46	23	1	—	2	9	—	1	10
Cholla Pukto.....	504,084	83	89	32	13	1	—	1	9	—	—	8
Cholla Namdo.....	1,137,561	86	129	59	49	1	—	2	2	1	—	4
Kyongsang Pukto.....	1,121,357	80	166	61	18	—	—	11	6	—	1	25
Kyongsang Namdo.....	1,144,570	78	195	60	19	1	—	11	3	1	—	25
Cheju-do.....	99,917	85	54	20	7	—	—	3	4	—	—	6
<b>TOTAL</b>	<b>5,165,226</b>	<b>81</b>	<b>824</b>	<b>306</b>	<b>147</b>	<b>4</b>	<b>—</b>	<b>32</b>	<b>34</b>	<b>2</b>	<b>2</b>	<b>85</b>

\* Abbreviations: L.P. (Liberal Party); D.N.P. (Democratic Nationalist Party); T.N.P. (Taehan Nationalist Party); N.S. (National Society); T.Y.C. (Taehan Youth Corps); K.F.L.

(Korean Federation of Labour); OTH (Others) and IND (Independents).

<sup>67</sup> Information received from the Ministry of Home Affairs.

## V. Law No. 69 (Law governing the Enforcement of Martial Law)

PROMULGATED ON 24 NOVEMBER 1948

### Chapter I. Proclamation of martial law

**Article 1.** If at the time of hostilities, national crisis or similar emergency, it is deemed of particular significance and urgency to maintain safety and order for reasons of strategy or public order by means of a military force, the President shall enforce martial law in conformity with the stipulations of this Law, in such districts as indicated to the extent necessary for security purposes.

When martial law is proclaimed under the preceding paragraph, the President shall make a public announcement of the reason, classification, and districts affected; he shall also appoint the martial law commander.

**Article 2.** Martial law is divided into a security martial and an extraordinary martial law.

**Article 3.** Security martial law shall be enforced in the districts where public order has been disturbed by hostilities or similar emergency.

**Article 4.** An extraordinary martial law shall be enforced in the districts where social order has been seriously disturbed through enemy action or in case of a national crisis similar thereto.

**Article 5.** When the President has ratified the enforcement of an extraordinary martial law, he shall immediately notify the National Assembly. If the National Assembly is not in session, the President shall ask that it meet without delay.

**Article 6.** When, in the cases of articles 3 and 4, transport and communications are disrupted, martial law may be provisionally enforced without waiting for the Presidential proclamation, by any of the responsible officers listed below:

1. A commanding officer under special assignment.
2. The Commander of an Army.
3. The Commander of a Division.
4. The Commander of a Corps.
5. The Commander of a fortified zone.
6. The Chief of an independent military unit acting as Garrison Commander.
7. The Supreme Commander of the Fleet.
8. The Commander of a Fleet.
9. The Supreme Commander of T'ong-Jei Poo (Naval Ports Control Bureau—see Presidential Decree No. 135).
10. The Commander of Kyong-Oi Poo (Naval Base Security Bureau—see Presidential Decree No. 136).
11. The leader of a military unit having authority equivalent or superior to any of the officers enumerated above.

**Article 7.** When provisional martial law under the preceding article is to be enforced, the enforcing officer shall, without delay, make a report to the Defence Minister and await Presidential ratification.

When, in the case of the preceding paragraph, Presidential ratification cannot be obtained, martial law shall immediately be withdrawn by the enforcing officer.

*Article 8.* Martial law enforced under the preceding articles may be amended with respect to the districts to be placed under martial law or their classification.

## *Chapter 2. Effect of martial law*

*Article 9.* The martial law commander shall act under the supervision of the Defence Minister in the enforcement of martial law. If, however, the entire country is placed under martial law, the President shall supervise and direct martial law activities.

*Article 10.* If security martial law is enforced, the martial law commander shall have jurisdiction over the administrative and judiciary functions for military affairs within the district under martial law.

*Article 11.* If extraordinary martial law is enforced, the martial law commander shall have jurisdiction over the administrative and judiciary functions for all non-military affairs within the district under martial law.

*Article 12.* In the cases covered by the preceding two articles, all administrative and judiciary organs within the district under martial law shall immediately come under the supervision and direction of the martial law commander.

*Article 13.* With regard to the apprehension, detention, search, residential transfer, public expression of opinions and views, publications, public meetings or collective movement, the martial law commander can devise any such special measures as may be considered necessary for military purposes: provided that the said commander shall make a previous announcement of the nature of the measures.

*Article 14.* Within the district under martial law, the martial law commander has the authority to make material and personnel requisitions, in conformity with the stipulations of the Requisition Law; whenever necessary, he is also empowered to check and register articles intended for military use and to issue injunction orders concerning such articles.

When there is not other means available, in view of strategic operations, the commander can exercise his authority to burn or otherwise destroy any item of national property.

In such case, compensatory damages shall be paid for the loss arising from the said destruction or burning.

*Article 15.* If a person has not complied with the measures devised by the commander according to the provisions of articles 12, 13 and the first and second paragraphs of the preceding article, or has expressed an opinion or assumed an attitude showing reluctance or dissent concerning these measures, such person shall be sentenced to penal servitude for a period not exceeding three years.

*Article 16.* In case any person has, within the district under martial law, committed any of the crimes enumerated in the following items, such person shall be tried by court martial: provided that the martial law commander may request a competent court to conduct such trial:

1. Crimes relating to civil war, insurrection or rebellion.
2. Crimes relating to foreign aggression.

3. Crimes relating to diplomatic relations.
4. Crimes relating to interference with the performance of official functions.
5. Crimes relating to the concealment of a criminal or convict or those relating to the destruction of evidence.
6. Sedition.
7. Arson.
8. Crimes relating to inundation or flood disaster.
9. Crimes relating to drinking water.
10. Counterfeiting of currency.
11. Forgery.
12. Forgery of negotiable instruments and securities.
13. Forgery of seals.
14. Perjury.
15. False accusation.
16. Adultery.
17. Homicide.
18. Inflicting bodily injury.
19. Illegal apprehension or confinement.
20. Intimidation.
21. Larceny or burglary.
22. Embezzlement or breach of trust.
23. Illegal possession or disposition of stolen goods or property.
24. Unauthorized destruction or concealment of articles.
25. Crimes as provided for in statutes enacted by reason of military necessity.

*Article 17.* During the period of enforcement of martial law, no National Assembly member, except in case of *flagrante delicto*, shall be apprehended or detained.

*Article 18.* If there is no court in a district under extraordinary martial law or if communications with the competent court are interrupted, all criminal cases shall be tried by court martial.

*Article 19.* When any person tried by court martial under articles 16 and 18 is dissatisfied with the sentence, an appeal for reconsideration can be filed.

## *Chapter 3. End of martial law*

*Article 20.* When conditions mentioned in article 3 or 4 have returned to normal, the President shall end the state of martial law.

*Article 21.* At the request of the National Assembly for the ending of a state of martial law, the President shall end the state of martial law.

*Article 22.* On and after the date on which a state of martial law ends, administrative and judiciary functions shall be restored to the normal jurisdictions.

*Article 23.* All cases pending trial by court martial under article 16 and article 18 during a state of extraordinary martial law shall be transferred to the jurisdiction of a judiciary court, simultaneously with the ending of the state of extraordinary martial law.

Whenever the President deems it necessary, the judiciary functions of the court martial shall be extended by Presidential Decree for another period not exceeding one month.

## *Supplementary rule*

This Law shall come into force as from the date of its promulgation.

## VI. Constitutional amendments

PASSED ON 4 JULY AND PROMULGATED ON 7 JULY 1952<sup>a</sup>

**Article 31.** The legislative power shall be exercised by the National Assembly.

The National Assembly shall be composed of a House of Councillors and a House of Representatives.

**Article 32.** Both Houses shall be composed of members elected by universal, direct, equal and secret votes.

No member of one House may serve as a member of the other House concurrently.

The details for the election and the number of the members of the National Assembly shall be determined by law.

**Article 33.** The term of the members of the House of Representatives shall be four years.

The term of the members of the House of Councillors shall be six years, but one-third of the members of the House of Councillors shall be changed every two years.

**Article 35.** In case of an extraordinary necessity, the Chairmen of the two Houses shall summon a temporary session of the National Assembly upon the request of the President or by a request of not less than one-fourth of the members of the House of Representatives or of not less than one-half of the members of the House of Councillors duly elected and seated.

**Article 36.** The House of Representatives shall elect one Speaker and two Vice-Speakers.

The House of Councillors shall be presided over by the Vice-President and shall elect two Vice-Speakers.

The Speaker of the House of Councillors shall preside over the joint sessions of the two Houses.

**Article 37.** Unless provided for in the Constitution or in the rules of the National Assembly, attendance of a majority of the members duly elected and seated and the vote of a majority of the members present shall be necessary for acts of each House.

In case the resolutions of the two Houses adopted on a bill are not in accord with each other, the final bill shall be determined by the vote of a majority of a joint session of the two Houses attended by a majority of the members of each House.

The Speakers of the House of Representatives shall have the right to participate in voting.

The Speakers of both Houses shall have the right to break a tie vote.

**Article 38.** The proceedings of the National Assembly shall be open to the public but a closed session may be held by a resolution of either House or a joint session of the two Houses.

**Article 39.** Bills may be introduced by the members of the National Assembly or by the Administration.

Bills and budgets and other proposals shall be presented first to the House of Representatives.

However, the confirmation of the appointment of the Prime Minister or the Chief Justice may be presented first of the House of Councillors.

A bill rejected by one House shall not be sent to the other House.

**Article 40.** Bills passed by the National Assembly shall be sent to the Government and the President shall, within fifteen days, promulgate the law. In case of rejection, the President shall return the bill to one of the two Houses for reconsideration with a statement of the reasons for his rejection. If, in the presence of two-thirds of the members of each House duly elected and seated, the bill is confirmed on reconsideration by two-thirds of the members present, such bill shall be determined to be a law.

If a bill is not returned within fifteen days after it has been presented to the Government, the same shall become law.

The President shall have the duty to proclaim without delay laws which have been determined under the provisions of the foregoing two paragraphs.

A law shall be effective twenty days after the date of promulgation unless otherwise stipulated.

**Article 45.** Each House shall investigate the qualifications of its members, establish its own rules of procedure and decide on disciplinary punishments of its members.

The concurrence of two-thirds of the members of each House duly elected and seated shall be necessary for the expulsion of a member of the National Assembly.

**Article 46.** In the event the President, Vice-President, Prime Minister, Ministers, the Head of the Board of Audit, judges and other public officials as determined by law violate, in the exercise of their official duties, provisions of this Constitution or other laws the National Assembly may resolve to impeach them.

A motion for impeachment shall be signed by no less than fifty members of the House of Representatives. Attendance of two-thirds of the members of each House duly elected and seated and the vote of two-thirds or more of the members present at a joint session of the two Houses shall be necessary to institute impeachment.

**Article 47.** An Impeachment Court shall be established by law for the purpose of hearing impeachment cases.

The Impeachment Court shall be presided over by the Vice-President: Five justices of the Supreme Court, and five members of the House of Representatives shall serve as associate judges. Should the President or the Vice-President be tried, the Chief Justice shall preside over the court.

The concurrence of two-thirds of the judges is required for impeachment.

A judgment in case of impeachment shall not extend further than removal from office; but the party convicted shall not be exempted from civil or criminal responsibility.

**Article 49.** When the National Assembly is in session no member of the National Assembly shall be arrested or detained without the consent of the competent House, except when apprehended *flagrante delicto*. In case the apprehension of a member has been made before the opening of the session, such member shall be released during the session in case the competent House so requests.

<sup>a</sup> English text released by the Office of Public Information, Republic of Korea. The original text of the Constitution appears as annex V in the report of the United Nations Temporary Commission on Korea (1948), *Official Records of the General Assembly, Third Session, Supplement No. 9*.



*Article 53.* The President and Vice-President shall be elected respectively by universal, direct, equal and secret votes.

In case the President and Vice-President are elected when the National Assembly is not in session, the Speakers of the two Houses shall convene the National Assembly for the purpose of hearing the election returns. The special city and provincial election committees shall report to the Speaker of the House of Councillors in a sealed note the number of votes each candidate has polled.

The Speaker of the House of Councillors shall count the number of votes under the foregoing paragraph at an open, joint session of the two Houses attended by a majority of the members of each House and announce the President and Vice-President elected.

The candidate who has received the plurality of the votes shall be elected in the elections of the President and Vice-President.

In case two or more have received the same number of votes, the successful candidate shall be determined by the majority vote of the joint session of the two Houses as prescribed in the preceding paragraph.

The details for the election of the President and Vice-President shall be specified by law.

The President and Vice-President shall not hold the additional office of Prime Minister or of a member of the National Assembly.

*Article 54.* Before the President assumes his office, he shall take the following oath in the presence of the joint session of the two Houses:

"I do solemnly swear before the nation that I shall observe the Constitution, promote the welfare of the people, defend the state and shall faithfully execute the duties of the office of President."

*Article 69.* The President shall appoint the Prime Minister with the consent of the National Assembly.

When the National Assembly convenes after a general election for the members of the House of Representatives, the appointment of the Prime Minister shall be confirmed anew by the National Assembly.

In case a vacancy occurs in the seat of the Prime Minister, the confirmation as prescribed in the preceding paragraph shall be asked within ten days (from the date of the vacancy).

The Ministers shall be appointed by the President upon the recommendations of the Prime Minister.

The total number of Ministers shall not be more than fifteen and not less than eight.

No military person shall be appointed Prime Minister or Minister unless he has resigned from active service.

*Article 70.* The meetings of the State Council shall be presided over by the President.

The Prime Minister shall assist the President and shall be the Vice-Chairman of the State Council.

The Prime Minister and members of the State Council shall be jointly answerable to the National Assembly for general administration carried on under the functions of the State Council, but they shall be responsible separately for personal action.

*Article 70-2.* The State Council shall resign *en bloc* when a non-confidence resolution is adopted by the House of Representatives or if it has failed to win a confidence vote of the House of Representatives at its first convocation after the general election for the members of the National Assembly.

A confidence motion or a non-confidence motion against the State Council shall be determined twenty-four hours after the motion is introduced by the concurrence of a majority of the members present.

A non-confidence resolution against the State Council shall not be made before one full year has elapsed since formation of the State Council or adoption of the confidence resolution after a general election.

However, if a two-thirds majority vote of the members of the House of Representatives is obtained on a non-confidence motion against the State Council, the vote shall be valid at any time.

A State Council which has resigned *en bloc* shall continue its duties until such time as formation of a new State Council is completed.

*Article 73.* The heads of the Ministries of the Executive Branch shall be appointed by the President from among the ministers upon the recommendations of the Prime Minister.

The Prime Minister shall, under the order of the President, control and supervise the heads of the Ministries and take charge of administrative affairs not assigned to any particular Ministry.

*Article 81.* The Supreme Court shall have jurisdiction to decide finally whether administrative orders, regulations and dispositions are consistent with the Constitution and law.

Whenever the decision of the case depends upon the determination of the constitutionality of a law, the Court shall apply to the Constitution Committee and shall proceed in accordance with the decision thereof.

The Vice-President shall be the Chairman of the Constitution Committee, and five justices of the Supreme Court, three members of the House of Representatives and two members of the House of Councillors shall serve as members of the Constitution Committee.

A decision holding that a law is unconstitutional requires a two-thirds majority of the Constitution Committee.

The organization and the rules of procedure of the Constitution Committee shall be determined by law.

*Article 98.* A motion to amend the Constitution shall be introduced either by the President or by one-third or more of the members of the House of Representatives or two-thirds of the House of Councillors duly elected and seated.

Proposed amendments to the Constitution shall be announced by the President to the public.

The period for an announcement as prescribed in the foregoing paragraph shall not be less than thirty days.

A decision on an amendment to the Constitution requires the concurrence of more than two-thirds of the members of each House duly elected and seated.

When an amendment to the Constitution has been adopted, the President shall promulgate it immediately.

#### *Supplementary rules*

This Constitution shall be in effect from the date of its promulgation.

However, those provisions for the House of Councillors and the rules which can be effective only after the formation of the House of Councillors shall become effective from the date of formation of the House of Councillors.

Until the formation of the House of Councillors after

this Constitution has become effective, matters to be determined at a joint session of the two Houses shall be determined by the House of Representatives and the matters to be conducted by the Speaker of the House of Councillors shall be conducted by the Speaker of the House of Representatives.

Those who hold office as members of the National Assembly at the time when this Constitution comes into effect shall become the members of the House of Representatives and their term of office shall terminate when

they have served out their remaining tenure of office.

The members of the House of Councillors elected for the first time after this Constitution comes into effect shall be classified into three categories according to the number of votes they have obtained. The term of office of those under the first category shall be six years; that of those under the second category, four years; and that of those under the third category, two years. When two or more have obtained the same number of votes, they shall be classified according to their ages.

## VII. Official returns of the elections for President and Vice-President of the Republic of Korea (5 August 1952)

### A. Returns of the presidential election

Announced on 13 August 1952 by the Republic of Korea Central Election Committee

Provinces	Cho, Pong Am	Syngman Rhee	Lee, Shi Yung	Shin, Hung Woo
City of Seoul.....	25,631	205,300	14,883	3,923
City of Pusan.....	81,873	105,917	40,741	7,155
Kyonggi-do.....	44,967	657,174	34,704	12,891
Ch'ungch'ong Pukto...	25,875	386,665	23,006	10,409
Ch'ungch'ong Namdo..	56,590	636,061	58,754	20,947
Cholla Pukto.....	109,490	468,220	96,271	36,221
Cholla Namdo.....	99,885	823,587	165,245	30,677
Kyongsang Pukto.....	129,791	921,988	140,271	37,100
Kyongsang Namdo....	206,781	587,606	170,803	51,431
Kangwon-do.....	10,516	366,583	13,378	6,305
Cheju-do.....	6,105	79,668	6,659	2,637
<b>TOTAL</b>	<b>797,504</b>	<b>5,238,769</b>	<b>764,715</b>	<b>219,696</b>

### B. Returns of the vice-presidential election

Announced on 13 August 1952 by the Republic of Korea Central Election Committee

Provinces	Lee, Y. Y.	Ham, T. Y.	Lee, K. S. Chough, P. O.	Im, Y. S. (Louise Yim)	Paik, S. W.	Chung, K. W.	Chun, J. H.	Lee, E. S.	
City of Seoul.....	15,475	70,206	13,815	16,429	4,676	4,508	2,727	8,911	117,326
City of Pusan.....	22,634	26,288	23,945	42,044	7,803	14,150	7,092	41,040	54,307
Kyonggi-do.....	42,038	347,799	35,154	27,776	13,195	10,547	12,593	21,076	252,090
Ch'ungch'ong Pukto.....	24,442	216,223	23,190	18,926	9,094	7,983	8,830	13,098	130,843
Ch'ungch'ong Namdo.....	43,895	118,291	34,172	47,482	21,047	18,354	14,287	35,057	452,209
Cholla Pukto.....	63,729	190,246	48,554	67,731	37,024	24,985	21,500	34,750	235,637
Cholla Namdo.....	60,658	729,541	77,231	125,547	20,470	18,031	22,739	23,221	59,518
Kyongsang Pukto.....	73,684	716,794	115,755	100,498	28,263	32,719	31,980	50,884	97,256
Kyongsang Namdo.....	93,626	270,478	115,055	19,743	41,872	44,929	36,715	59,021	252,675
Kangwon-do.....	11,555	223,534	9,427	5,962	4,424	2,811	3,674	10,675	129,704
Cheju-do.....	6,847	34,413	4,674	3,144	2,343	2,371	2,770	4,738	34,327
TOTAL	458,583	2,943,813	500,972	575,282	190,211	181,388	164,907	302,471	1,815,692

## VIII. Summary of two trials involving members of the National Assembly

### 1. Trial of Mr. So Min-Ho

1. Mr. So Min-Ho, who was one of the leading Independent members of the National Assembly and who had been very critical of the Administration, shot a ROK Army captain in Suncheon, in the province of Cholla Namdo, on 24 April. He gave himself up next day to the prosecutor's office in that town, and was brought to Pusan to be tried in the Pusan district court on a charge

of murder. On 14 May, the National Assembly had him released from gaol to attend meetings of the Assembly, and his trial began on 22 May in the Pusan district court. This case assumed great political importance because of the mass demonstrations against the National Assembly's action in temporarily releasing Mr. So Min-Ho and because it was being put forward as a reason for dissolving the Assembly.<sup>69</sup>

2. After the declaration of martial law on 25 May, Mr. So Min-Ho was arrested by the ROK military police and his case transferred to a court martial. A "public notice" was issued by the Martial Law Commander as follows:

"As a result of a thorough, just and scientific method of inquiry conducted by the Investigation Agency in connexion with the murder case of an officer on active service by an Assemblyman, So Min-Ho, the said murderer is ordered to be turned over to court martial.

"The reasons are as follows:

"1. Since the victim, Captain Soh, in his capacity as a ROK Army officer on active service, was killed by a shot while carrying out a requisition—which is one of the most important military functions in wartime—the said activity under the charge of Captain Soh had to be suspended, thereby impeding the execution of a strategic operation.

"2. The agitation of the public mind caused by the murder by So Min-Ho has led to a feeling of insecurity and has imperilled the maintenance of public peace, as well as the union between Government and civilians in wartime.

"3. Moreover, the feelings of all officers and men in the armed forces has been violently disturbed by this incident, which has created a great obstacle to the improvement of morale.

"4. By reason of this incident, the whole nation has been absorbed in such extreme criticism of the Government and the National Assembly that finally, and as a last resort, they were driven to commit such acts as have been endangering the public peace. Such national oscillations may easily have disrupted the victorious pursuit of 'total warfare'."

3. The trial began on 7 June. Mr. So Min-Ho was charged with the murder of Captain Soh Chang-Sun; and his son, Police-Sergeant So Wong-Yong, was charged with inflicting bodily harm on him.

4. At the beginning of the trial, the defence counsel challenged the competence of the court martial, and said the case should be tried by a civil court. They gave the following reasons:

(a) The alleged crime had taken place before martial law had been imposed;

(b) The alleged crime had taken place outside the area which lay within the jurisdiction of the Martial Law Commander;

(c) The case had been illegally transferred from the civil court to the court martial;<sup>69</sup>

(d) By the transfer of the case to a court martial, the defendant had been deprived of the right of appeal; and

(e) The defendant had been held for more than thirty days before the trial. In reply, the prosecution maintained that under martial law the Martial Law Commander could overrule any other authority and had the right to do anything he considered proper to secure public security and order.

5. On the first day of the trial, the defence counsel handed the court a written request, for forwarding to the Supreme Court, asking the Supreme Court to decide

<sup>69</sup> See para. 64 of the present report.

<sup>70</sup> However, civil courts continued to function in Pusan, and this seems to have been the only case transferred from them to court martial.

whether a military court was competent to deal with this case. Under articles 2 and 3 of Law No. 210 of 29 July 1951, the defence counsel had the right to do this. The court was understood to have accepted the letter.

6. When the court met on 10 June, three of the ten judges had been replaced, and it was announced that the letter would not be forwarded to the Supreme Court. Instead, the court decided to follow the opinion of its legal member, an Army major, who said that under martial law he alone was competent to make such a decision, in virtue of the power vested in him by the Martial Law Commander, to whom all agencies, including the Chief Justice, were subordinate. He did not substantiate his opinion by legal arguments, but merely said that the court should proceed quickly because of the danger of communism in the Republic of Korea.

7. Mr. So Min-Ho thereupon told the Court that he regarded it as biased and "without a free atmosphere"; that he did not recognize its competence; that he refused to accept trial by it; and that he would not answer questions and would refuse to be represented by counsel. He maintained this position throughout the trial. His civilian lawyers withdrew, but the two officially appointed military defence lawyers were instructed by the court to continue to represent him. Mr. So Min-Ho's son accepted trial by the court, gave evidence, and was represented by counsel.

8. The facts of the case were much disputed, and the Commission does not here offer an opinion upon them. They were for the court to decide. Mr. So Min-Ho had shot and killed Captain Soh in a restaurant; Captain Soh himself, while drunk, had fired several shots; and the main question of fact to be decided was whether, in these circumstances, Mr. So Min-Ho had acted in self-defence and, if so, whether he had gone further than was necessary in defending himself. The prosecution maintained that Captain Soh had been shot in the back, whereas the defence said he had been shot in front, an important point in deciding whether Mr. So Min-Ho had fired in self-defence or not; but this point could not be determined with certainty as the body had been cremated very soon after it had been examined by two physicians, about whose examination considerable doubts were expressed by a criminal pathologist called by the defence as an expert witness. Another reason why the facts were difficult to establish was that the ROK Army Counter-Intelligence Corps had moved the body and other material evidence before the police could begin their investigations.

9. Some witnesses—not the defendants—told the court that they had been threatened, tortured or intimidated at the police station or the prosecutor's office. Several of these witnesses denied in the open court what they had said in the police examination.

10. On 28 June, the Chief Judge was absent from the court, because of "circumstances" which were not further defined. He did not appear again.

11. The prosecution and defence finished their summing up on 28 June. On 1 July the Acting Chief Judge announced that the court had found both defendants guilty. Mr. So Min-Ho was sentenced to death, and his son, Mr. So Won-Yong, was fined 250,000 won.

12. Subsequently a new court martial with different judges reviewed the case of Mr. So Min-Ho. Interna-

tional observers were again present. The hearings did not last long, because much of the work of the previous court was not reopened in detail. On 1 August, the second court martial also found Mr. So Min-Ho guilty, but sentenced him to eight years' imprisonment instead of death.

## 2. Alleged communist conspiracy trial

13. At the outset of martial law, a number of members of the National Assembly had been arrested and, though no specific charges were made against them at first, it was indicated in general terms that they were implicated in a communist conspiracy to overthrow the Government. Though it was said at first that martial law was imposed to combat guerillas, government statements repeatedly linked it to this alleged conspiracy,<sup>71</sup> which was given as the justification for many of the actions which the Government took against members of the National Assembly. Eventually seven members of the National Assembly were brought to trial, and the other members of the Assembly in course of time were released without charges being brought against them.

14. On 19 June, the trial began of the seven members of the National Assembly and seven other Koreans. It was alleged that a "Committee for the Reform of the Government" had been formed to further the candidature for the presidency of a very prominent Korean politician (Mr. Chang Myon);<sup>72</sup> and that these supporters of his had planned to use him, after his election, to bring about a coalition government with the North Korean régime so that the Republic of Korea could be handed over bloodlessly to the enemy. This action was said to have been decided on in response to a new policy determined by a conference in March 1952 in North Korea, attended by Kim Il-Sung, which abandoned the former policy of relying solely on communist elements and was now seeking to include in its movement all those opposed to the Government of President Syngman Rhee. This Committee for the Reform of the Government, it was charged, printed seditious posters designed to cause criticism of, and dissatisfaction with, the Government of the Republic of Korea; and the committee also planned the assassination of President Rhee and some of his leading supporters. The seven members of the National Assembly were charged with having links with this committee and with accepting money which had come from communist sources. There were also other charges against the members of the National Assembly, some going back before the invasion of June 1950; the charges included misappropriation of relief goods and, in some cases, refusal to show their identification cards in the bus incident of 26 May.<sup>73</sup>

15. The trial lasted until 31 July. The defence at the beginning tried to have the court opened to the public but, though the Chief Judge indicated at first that he agreed with this view, he announced afterwards that this was a matter for the Martial Law Headquarters to decide, and that the trial would therefore be closed to the public. The defence also challenged the competence of

<sup>71</sup> See, for example, paras. 125, 135, 140 and 144 of the present report.

<sup>72</sup> Mr. Chang Myon, who is a leading Roman Catholic layman, was Ambassador to Washington from 1949 to 1951, and Prime Minister of the Republic of Korea from 3 February 1951 to 19 April 1952. He led the delegation of the Republic of Korea to the sixth session of the General Assembly of the United Nations. He was considered a leading candidate for the presidency of the Republic.

the court, preferring a civil trial to court martial, but they met the same decision as the defence in the So Min-Ho trial: that the court was properly constituted under martial law.

16. Several of the defendants, other than members of the National Assembly, had made confessions in the police station and prosecutor's office. In the court they retracted their statements, and said they had been forced by torture or other forms of coercion to testify falsely.

17. As the trial developed, it turned out that the prosecution had to rely on three things:

(a) The statements in the police or prosecutor's office of some of the defendants. These statements were denied in court.

(b) The evidence that could be given by a certain Sunwu Chong-Won, who was said to be the centre of the conspiracy and who was said to have been the man who received money from the communist régime in North Korea and distributed it among members of the National Assembly. Sunwu had so far evaded arrest, so that no first-hand evidence could be produced on this matter, and the secondary evidence did not stand up to examination.

(c) Posters and handbills put out by the Committee for the Reform of the Government, which were said by the prosecution to be seditious.

The defence counsel contended on the contrary that they were legitimate criticism of the Government. The international observers were not allowed to see these,<sup>74</sup> though the prosecution gave them to the judges for use in coming to their judgment. There were also some other witnesses, mostly either policemen or police agents, whose evidence was generally of a hearsay character or else was not substantiated.

18. The evidence against the seven members of the National Assembly was particularly sketchy, and was indeed introduced by the prosecution in the most perfunctory manner. In a trial that lasted fifty days, the presentation of the evidence against the seven Assemblymen and their cross-examination occupied only a day and a half. Five of them were taken in a single afternoon; one of them was cross-examined for only twenty minutes. In some cases none of the cross-examination was on the question of receiving money from North Korean or other communist sources, and in one case half the cross-examination was devoted to the bus incident.<sup>75</sup> On 28 July, the charges against the Assemblymen were withdrawn by the prosecution and the Martial Law Commander, who was present in the court at the time, came up to them and began to shake them by the hand and congratulate them.

19. The trial of the other seven defendants continued. Some of them had at one time been members of, or closely associated with, the Communist Party and had been generally considered to have left it before the invasion of the Republic of Korea in 1950, but the prosecution charged that they had in fact remained loyal to the North Korean régime and had continued to work for it. The only evidence for this was the admissions made by the accused themselves to the police and the prosecutors before the trial began; these admissions, as remarked above, were repudiated in the court itself.

<sup>73</sup> See para. 69 of the present report.

<sup>74</sup> See para. 154 of the present report.

<sup>75</sup> See para. 69 of the present report.

20. On 30 July, the court delivered its verdict. One of the accused was found not guilty, and the other six were found guilty of various violations of the National Security Law. Three were sentenced to life imprisonment, and three to three years' imprisonment.

21. On 8 August, the three persons sentenced to three years' imprisonment were released under the presidential amnesty accompanying the President's inauguration for a second term. The sentences of life imprisonment for the other three have been reduced to eight years' imprisonment.

## IX. List of offers of military assistance for Korea: status as at 28 August 1952

### GROUND FORCES

<i>Country</i>	<i>Details of offer</i>	<i>Status</i>
Australia	Ground forces from Australian Infantry Forces in Japan	In action
	Additional battalion of troops	In action
Belgium	Infantry battalion	In action
	Reinforcements	In action
Bolivia	30 officers	Acceptance deferred
Canada	Brigade group, including three infantry battalions, one field regiment of artillery, one squadron of self-propelled anti-tank guns, together with engineer, signal, medical, ordnance and other services with appropriate reinforcements	In action
China	Three infantry divisions	Acceptance deferred
Colombia	One infantry battalion	In action
Costa Rica	Volunteers	Acceptance deferred
Cuba	One infantry company	Accepted
El Salvador	Volunteers	Acceptance deferred
Ethiopia	1,069 officers and men	In action
France	Infantry battalion	In action
Greece	Ground forces	In action
	Additional unit of land forces	Pending
Luxembourg	Infantry company (integrated into Belgian forces,	In action
Netherlands	One infantry battalion	In action
New Zealand	One combat unit	In action
Panama	Contingent of volunteers	Acceptance deferred
	Bases for training	Acceptance deferred
Philippines	Regimental combat team consisting of approximately 5,000 officers and men	In action
Thailand	Infantry combat team of about 4,000 officers and men	In action
Turkey	Infantry combat team of 4,500 men, later increased to 6,086 men	In action
United Kingdom	Ground troops: two brigades composed of brigade headquarters, five infantry battalions, one field regiment, one armoured regiment	In action
United States of America	Ground forces: three army corps and one marine division with supporting elements	In action

### NAVAL FORCES

<i>Country</i>	<i>Details of offer</i>	<i>Status</i>
Australia	Two destroyers, one aircraft carrier, one frigate	In action
Canada	Three destroyers	In action
Colombia	One frigate	In action
France	Patrol gunboat	Returned to other duty after service in Korea
Netherlands	One destroyer	In action
New Zealand	Two frigates	In action
Thailand	Two corvettes <sup>76</sup>	In action

<sup>76</sup> One corvette destroyed after grounding.

# NAVAL FORCES (*continued*)

<i>Country</i>	<i>Details of offer</i>	<i>Status</i>
United Kingdom	One aircraft carrier, two cruisers, four frigates, 4 destroyers, one survey ship	In action
United States of America	Carrier task group with blockade and escort forces, amphibious force, reconnaissance and anti-submarine warfare units, supporting ships	In action

## AIR FORCES

<i>Country</i>	<i>Details of offer</i>	<i>Status</i>
Australia	One RAAF fighter squadron, one air communication unit with supporting administrative and maintenance personnel	In action
Canada	One RCAF squadron	In action
Union of South Africa	One fighter squadron, including ground personnel	In action
United Kingdom	Elements of the Royal Air Force	In action
United States of America	One tactical air force, one bombardment command, one combat cargo command, all with supporting elements	In action

## MATERIAL

<i>Country</i>	<i>Details of offer</i>	<i>Status</i>
Philippines	Seventeen Sherman tanks and one tank destroyer	In action

## TRANSPORT

<i>Country</i>	<i>Details of offer</i>	<i>Status</i>
Belgium	Air transport	In action
Canada	Commercial facilities of Canadian Pacific Airlines between Vancouver and Tokyo	
	10,000-ton dry cargo vessel	In action
China	Twenty C-47's	Acceptance deferred
Denmark	Motor ship "Bella Dan"	Superseded by offer of Hospital Ship "Jutiandia" (see under Medical)
Greece	Seven RHAF Dakota transport aircraft	In action
Norway	Merchant ship tonnage	In action
Panama	Use of merchant marine for transportation of troops and supplies	Accepted
Thailand	Transport "Sichang"	In action
	Air transport	In action
United Kingdom	Seven supply vessels	In action
United States of America	(No details available. The Unified Command has, however, arranged for transport of United States troops and material, as well as for the transport of some of the forces and material listed in the present summary)	In action

## MEDICAL

<i>Country</i>	<i>Details of offer</i>	<i>Status</i>
Denmark	Hospital ship "Jutiandia"	In action
India	Field ambulance unit	In action
Italy	Field hospital unit	In action
Norway	Surgical hospital unit	In action
Sweden	Field hospital unit	In action
United Kingdom	Hospital ship	In action

# MEDICAL (continued)

<i>Country</i>	<i>Details of offer</i>	<i>Status</i>
United States of America	(No details available. The Unified Command, however, provided full medical facilities not only for United States troops but also for the troops of participating governments)	In action

## MISCELLANEOUS

<i>Country</i>	<i>Details of offer</i>	<i>Status</i>
Costa Rica	Sea and air bases	Accepted
Panama	Bases for training	Acceptance deferred
	Free use of highways	Accepted
	Farmlands to supply troops	Pending
Thailand	Facilities for treatment for frost-bite	Pending