

UNITED



NATIONS

**REPORT OF THE
UNITED NATIONS COMMISSION
FOR THE
UNIFICATION AND REHABILITATION
OF KOREA**

**GENERAL ASSEMBLY
OFFICIAL RECORDS: TENTH SESSION
SUPPLEMENT No. 13 (A/2947)**

NEW YORK, 1955

(27 p.)

UNITED NATIONS

**REPORT OF THE
UNITED NATIONS COMMISSION
FOR THE
UNIFICATION AND REHABILITATION
OF KOREA**



GENERAL ASSEMBLY

OFFICIAL RECORDS: TENTH SESSION

SUPPLEMENT No. 13 (A/2947)

New York, 1955

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

TABLE OF CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
INTRODUCTION		v
 CHAPTER I. ROLE AND ORGANIZATION OF THE COMMISSION		
A. Consideration of the Korean question by the General Assembly at its ninth session	1-3	1
B. Present role and organization of the Commission	4-5	1
 CHAPTER II. THE ARMISTICE AND THE SETTLEMENT OF THE KOREAN QUESTION		
A. Introduction	6-7	2
B. Attitude of the Republic of Korea to the armistice	8-19	2
C. Attitude of the Republic of Korea to the settlement of the Korean question	20-24	3
 CHAPTER III. DEVELOPMENT OF REPRESENTATIVE GOVERNMENT IN THE REPUBLIC OF KOREA		
A. Introduction	25-26	4
B. Constitutional amendments	27-31	4
C. Government Reorganization Act	32-34	5
D. Political party developments		
1. The Liberal Party	35-37	5
2. The Opposition	38-39	6
E. The National Assembly	40-44	6
 CHAPTER IV. ECONOMIC SITUATION AND THE PROBLEMS OF RECONSTRUCTION		
A. Introduction	45	7
B. Features in the economic situation		
1. The budget	46-48	7
2. Money supply	49	7
3. Foreign exchange	50	8
4. Production	51-53	8
5. Prices and wages	54	8
C. Foreign aid		
1. Aid from the United States of America	55-58	8
2. The UNKRA programme	59-67	9

ANNEXES

	<i>Page</i>
I. 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	11
2. Roster of Chairmanship of the Commission	11
B. United Nations Secretariat	11
C. Resolution establishing a Committee adopted by the Commission on 7 September 1955	12
D. Organization	12
II. Officials of the Government of the Republic of Korea	
A. The Executive	12
B. The National Assembly	13
III. <i>The Fourteen Points</i> : proposals submitted by Mr. Pyun Yung Tae, Minister for Foreign Affairs of the Republic of Korea, on 22 May 1954 at the Geneva Conference	13
IV. Text of the Constitution of the Republic of Korea as amended in 1954....	13

INTRODUCTION

The present report covers the period from 17 August 1954, the date of the Commission's last report, to 7 September 1955.

The United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) 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. Annual reports have been submitted by the Commission to the sixth, seventh, eighth and ninth sessions of the General Assembly covering the period from 7 October 1950 to 17 August 1954 (A/1881, A/2187, A/2441 and A/2771).

The report was signed on 7 September 1955.

Chapter I

ROLE AND ORGANIZATION OF THE COMMISSION

A. Consideration of the Korean question by the General Assembly at its ninth session

1. The General Assembly at its ninth session had before it the fourth report of the United Nations Commission for the Unification and Rehabilitation of Korea in which the Commission explained the circumstances which had prevented it from achieving its principal task, namely, "bringing about the establishment of a unified, independent and democratic government of all Korea",¹ as laid down in General Assembly resolution 376 (V) of 7 October 1950 which established UNCURK.

2. The General Assembly also had before it at the same session the report² of the fifteen Member States which had participated in the United Nations action in Korea and had taken part in the Geneva Conference of 1954. The report pointed out that the fifteen Member States had sought agreement that would bring about the unification of Korea on the basis of the following two fundamental principles:

(1) "The United Nations, under its Charter, is fully and rightly empowered to take collective action to repel aggression, to restore peace and security, and to extend its good offices to seeking a peaceful settlement in Korea; and

(2) "In order to establish a unified, independent and democratic Korea, genuinely free elections should be held under United Nations supervision for representatives in a National Assembly, in which representation shall be in direct proportion to the indigenous population in all parts of Korea."

The report stated that the fifteen Member States had finally informed the Communist delegations that so long as they rejected these two indispensable principles, further consideration of the Korean question by that Conference would serve no useful purpose.

3. Discussion of the Korean question at the ninth session of the General Assembly did not produce a solution of the impasse reached at Geneva. On 11 December 1954, the General Assembly adopted, by 50 votes to 5, with 4 abstentions, resolution 811 (IX) which, after noting the

UNCURK report, and noting that the Armistice Agreement of 27 July 1953 provides that the Agreement "shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides", approved the report on the Korean Political Conference and expressed the hope that it would soon prove possible to make progress toward the basic United Nations objective of the establishment by peaceful means of a unified, independent and democratic Korea under a representative form of government. The Secretary-General was requested to place the Korean question on the provisional agenda of the tenth session. On the same day, the General Assembly rejected, by 48 votes to 5, with 3 abstentions, a draft resolution calling for the abolition of UNCURK.

B. Present role and organization of the Commission³

4. As the situation has not changed materially since the last session of the General Assembly, the Commission is still unable at present to contribute to the realization of its fundamental objective, the unification of Korea. However, it remains convinced of the pressing need for a peaceful settlement of the Korean question. The Commission has carried on within the limited role imposed by circumstances and noted in previous reports. It has continued to observe political and economic developments in the Republic of Korea and has carried out its responsibilities toward the United Nations Korean Reconstruction Agency.

5. The Commission considers that, while there is a continuing need for political representation of the United Nations in Korea, it is not at all times essential to the performance of its present functions for all members of the Commission to remain in Korea. Accordingly, with a view to adapting its procedures to the requirements of present circumstances, the Commission, on 7 September, decided to establish a Committee to act on its behalf when the full Commission was not meeting.⁴

³ The composition of the delegations and of the Secretariat is set out in annex I.

⁴ The full text of this resolution is set out in annex I, part C.

¹ See *Official Records of the General Assembly, Ninth Session, Supplement No. 15, A/2711*, paras. 5-7.

² *Ibid.*, *Annexes*, agenda item 17 (a), A/2786.

THE ARMISTICE AND THE SETTLEMENT OF THE KOREAN QUESTION

A. Introduction

6. The Armistice has now been in operation for two full years. Unfortunately it has not been possible to achieve the unification which the Commission believes all Koreans desire and which would both ease the burdens imposed on the country and, at the same time, relieve the local and international tension which result from the division of the peninsula. However, it is not an inconsiderable blessing that the ravages of war have been halted and, pending a final settlement of the problem, an opportunity is being given for reconstruction and rehabilitation of the country.

7. As was pointed out in its last two reports, the Commission has no part in the implementation of the armistice which is the responsibility of the Military Armistice Commission and the Neutral Nations Supervisory Commission (NNSC). The Commission is, however, in a position to describe the reaction of the Republic of Korea to events which have taken place since the submission of the Commission's last report.

B. Attitude of the Republic of Korea to the armistice

8. The attitude of the Republic of Korea to the armistice is based on its conviction that a solution to the Korean problem will not come from political conferences but will be reached only by force, a conviction which derives from its fear of Communist intentions and techniques. The Government of the Republic believes that the armistice is being used by the Communists to gain time for the expansion of their armed forces, while the defensive strength of the Republic of Korea has been weakened since the armistice. As a consequence, the Republic has continued to criticize the Armistice Agreement and the bodies operating under it.

9. The Republic of Korea expressed its alarm at the decision to reduce the United Nations forces which in the course of the year led to the departure of four of the six United States divisions, reductions in other United States arms and parallel reductions in the forces of many of the countries which contributed to the United Nations effort. The United Nations military authorities emphasized at the time of these reductions that they were carried out for strategic reasons and in no way reflected any lessening of the concern of the United Nations for the effective defence of the Republic of Korea. On 17 September 1954, the Commander-in-Chief of the United Nations Command reiterated that the United Nations would take immediate and decisive measures if aggression were renewed in Korea.

10. Along with the reduction of the United Nations forces the strength of the armed forces of the Republic has been somewhat increased. The United States has continued to provide substantial assistance to the Republic's defence within the framework of the Armistice Agreement. At the

same time, more and more of the work of administration and logistical support has passed into Korean hands. The Republic of Korea states that it now has a force of twenty active divisions with ten reserve divisions being organized.

11. Consistent with the assumption of these new responsibilities and as outlined in last year's report (A/2711, paras. 25-47) arrangements were made in 1954 for the transfer to the Republic of Korea of the administration of those areas north of the 38th parallel under United Nations control. Details were arranged by the United Nations Command and the Government of the Republic during September and October and administrative control was handed over at ceremonies on 15 and 17 November. In this way one of the largest civil administrative tasks carried out by the United Nations Command was transferred to the Republic.

12. Despite the growth in size and effectiveness of its own military forces, the Government of the Republic has expressed grave concern about its security, a concern which has been echoed by the National Assembly, the Press and other outlets of public opinion. It has been stated that the danger to the Republic is now similar to that which existed immediately prior to the invasion in 1950 and that the Communist forces in the north are a great deal stronger than at the time of the signing of the Armistice Agreement, while the strength of the Republic has diminished. It is also stated that while the United Nations Command has faithfully observed the terms of the Armistice, the North has flagrantly violated them by a considerable military build-up, particularly by the illegal introduction of combat aircraft. In support of these charges, the Republic has cited statements by the senior member of the United Nations Command on the Military Armistice Commission and evidence from its own sources.

13. The Republic protests that this build-up has taken place because the NNSC has been rendered impotent in the north, and that the truly neutral components of the NNSC have been powerless to prevent it. Throughout the year the Government has demanded that the NNSC be abolished and that the Neutral Nations Inspection Teams leave the territory of South Korea. The National Assembly has also passed several resolutions, by unanimous vote, supporting this demand.

14. For the past few months attention has been centred on attempts to resolve the NNSC problem. The Swedish and Swiss members of the NNSC, as early as May 1954, voiced dissatisfaction with the conditions under which the Commission had to operate in North Korea, a situation which was outlined in detail by the Swedish delegate at the ninth session of the General Assembly,⁵ who said, *inter alia*, that the Armistice Agreement did not

⁵ See *Official Records of the General Assembly, Ninth Session, First Committee, 738th meeting.*

provide the NNSC with the necessary powers to carry out effective control. In January 1955, the Swedish and Swiss Governments presented *aide-mémoire* to the Government of the United States and to the Central People's Government of the People's Republic of China requesting that consideration should be given to abolishing the NNSC or at least to reducing its size. The United States Government on 2 March, replied that it favoured the abolition of the Commission, but the Central People's Government of the People's Republic of China replied, on 5 March, that the Commission had made progress since the Geneva Conference and that only a reduction of the Commission staff would be acceptable. In May, the NNSC proposed to the Military Armistice Commission a reduction in the number of ports of entry in North and South Korea and in the size of the inspection teams, with a consequent reduction in personnel. On 29 August, this proposal was adopted by the Military Armistice Commission. The Republic of Korea watched the discussions with impatience and with misgivings that they would not meet the minimum position which the Republic stated it could accept, namely, withdrawal of the inspection teams from the territory of the Republic.

15. In November 1954, the Provost-Marshal General of the Republic of Korea sent a letter to the Czechoslovak and Polish members of the NNSC warning them to leave the country peacefully within a week of the receipt of his message. The United Nations Command immediately issued a statement that, under the Armistice Agreement, the Command was obliged to protect the NNSC and that all necessary steps would be taken to carry out this obligation. Some demonstrations against the NNSC followed the above warning, but no direct action developed although there continued to be criticism of the presence of the inspection teams.

16. However, on 1 August 1955 an official government statement demanded the withdrawal of the NNSC. On 5 August, the Acting Minister for Foreign Affairs in letters to the NNSC and to the United Nations Command demanded, on behalf of the Government, that the members of the NNSC withdraw from the territory of the Republic by midnight 13 August, and declared that the Government could not assume any responsibility for any incident which might occur affecting members of the Commission who failed to comply with the demand. In both letters it was stated that the Communist military menace to the Republic was ever increasing and the presence of Communists engaged in espionage activities posed a great danger to the national security; accordingly, the Government of the Republic had been constrained to take, this step.

17. Large-scale civilian demonstrations then began in the five cities in South Korea in which the Neutral Nations Inspection Teams are stationed. The United Nations Commander reiterated his obligation to protect the NNSC and his determination to carry out that obligation. Security measures were strengthened. Clashes occurred between demonstrators and United Nations Command guards, resulting in minor injuries to both sides, although it should be noted that there was

no report of the use of firearms by the demonstrators.

18. The Commission followed the events closely and, on 11 August, the Chairman called upon the Acting Minister for Foreign Affairs and delivered an *aide-mémoire* expressing the Commission's deep concern about the trend of recent developments and the hope that the Government of the Republic would take into consideration this concern and that of the other friends of the Republic. As the clashes became more frequent, the President and the Acting Minister for Foreign Affairs issued statements that the use of force had never been intended and asked the demonstrators to avoid violence. On 13 August, shortly before the expiration of the time-limit, the President urged patience and requested the demonstrators to postpone the time for the withdrawal of the NNSC. At a ceremony on 15 August, he repeated his admonition against the use of force and asked that demonstrations should be carried out in an orderly manner.

19. While the main criticism during the year has been directed at the NNSC, calls for its abolition have frequently been coupled with demands for denunciation of the armistice itself. The Government of the Republic has reiterated its view, mentioned in last year's report (A/2711, para. 19), that the armistice was no longer binding since it had been repeatedly violated by the Communist side. The Minister for Foreign Affairs, on 19 March, called upon the United Nations to recognize this fact and to declare explicitly that the armistice had lost all validity. On 21 March, the National Assembly adopted a resolution on similar lines.

C. Attitude of the Republic of Korea to the settlement of the Korean question

20. The report of UNCURK to the ninth session of the General Assembly summarized the attitude of the Republic to the settlement of the Korean question. Mr. Pyun, who was then Prime Minister, explained at that session the proposals made by him at the Geneva Conference—the "Fourteen Points".⁶ These have remained the basis of the Government's policy.

21. Immediately before the ninth session of the General Assembly and at various times since, there has been controversy within the National Assembly of the Republic about certain features of the "Fourteen Points", and particularly about the method of holding elections. The National Assembly has passed resolutions stating that the "national policy" was to hold elections only in North Korea under United Nations supervision. However, during interpellations by the National Assembly, Mr. Pyun defended the proposals of the "Fourteen Points".

22. During the year, North Korean authorities have put forward proposals which they claim would lessen the tension and would therefore contribute to the peaceful unification of Korea. All

⁶ See particularly his speech of 3 December 1954 before the First Committee (*Official Records of the General Assembly, Ninth Session, First Committee, 739th meeting*). The text of the "Fourteen Points" is set out in annex III.

such proposals were immediately rejected by the Government of the Republic on the grounds that they were part of the current Communist plan to neutralize Korea as a preliminary to its absorption into the Communist orbit by internal subversion. The National Assembly has passed resolutions to the same effect.

23. The Republic of Korea has consistently stated that the Communists must indicate good intentions by deeds and not by promises. Early in August 1955, the Government called on the Communists to return the Republic's territory south of the 38th parallel, particularly Kaesong, the Ongjin peninsula and the northern banks of the

Han River. The Government claimed that these areas were essential to the security of the Republic.

24. In the same way the Government continues to maintain that further conference with the Communists are not only useless but dangerous. President Rhee has stated: "I have always believed that so long as the Communists are committed to their plan to subjugate the world, no peaceful measures will solve the Korean problem satisfactorily". Moreover, the Government has emphasized that the Republic cannot consider itself bound by the decisions of any conference on the Korean question in which the Republic is not represented.

Chapter III

DEVELOPMENT OF REPRESENTATIVE GOVERNMENT IN THE REPUBLIC OF KOREA

A. Introduction

25. The Commission has continued its function of observing the development of representative government in the Republic of Korea. As has been stated in previous reports, the political relationships within the Republic, especially between the Executive and the Legislature,⁷ are in a process of evolution. A period of experimentation is inevitable for any newly independent State; and in the Republic events have been influenced by circumstances peculiar to it: the division of the country, the catastrophe of war, and the considerable internal and external pressures which have followed. The governmental system has had to face immense tasks with scant resources of material or experience, and at the same time has had to work within the framework of a Constitution the provisions of which were not always clearly defined or tested by time and experience.

26. As was mentioned in last year's report, a significant issue in the general elections of 1954 was that of constitutional amendments which had been foreshadowed by the President of the Republic; and the passage in November 1954 of amendments to the Constitution was of outstanding importance in the relationship between the organs of government. They led to a reorganization of the Administration and their passage also had a considerable effect upon the make-up of the various political parties.

B. Constitutional amendments

27. The Constitution promulgated on 17 July 1948 contained elements of both the presidential and parliamentary systems. Ever since, the Executive and the Legislature have struggled to obtain recognition by the other of what each deemed its proper power and authority. The Constitution was amended in 1952 to

⁷ Under the amendments to the Constitution promulgated on 7 July 1952, the Legislature is to consist of a House of Councillors and a House of Representatives. At the time of writing, the legislation necessary for the election of members of the House of Councillors had not been enacted. In accordance with the Constitution, therefore, the House of Representatives continues to act as, and is referred to as, the National Assembly.

provide, among other things, for the direct popular election of the President in place of his election by the members of the National Assembly, but the President and his supporters continued to maintain that further amendments were necessary.

28. On 6 September 1954, the Liberal Party, of which the President is the titular leader, introduced into the National Assembly a comprehensive Bill amending twenty-eight articles of the Constitution.⁸ The main proposals were as follows:

(a) To authorize national referenda, initiated by petition, to pass upon "legislation concerning important matters pertaining to a national crisis which might limit the sovereignty of the Republic of Korea or cause a change in its territory" (article 7 - II).

(b) To elect half the members of the House of Councillors every three years and to give that House the right to confirm the appointment of the Chief Justice, the Prosecutor-General and other government officials (articles 33 and 42).

(c) To authorize non-confidence votes by the House of Representatives against individual ministers, requiring immediate resignation, in substitution for the previous right to force resignation of the State Council *en bloc* by a non-confidence resolution (article 70 - II).

(d) To abolish the office of Prime Minister (which previously was subject to confirmation by the National Assembly) and to have the President appoint the members of and preside over the State Council (articles 69 and 70).

(e) To reduce the degree of State control of natural resources and the economic system and to encourage a free enterprise system (articles 85, 87, 88, 89).

(f) To make future amendments to the Constitution subject to the "national referendum" process [see (a) above] (article 98).

(g) To establish the constitutional legality of a court-martial procedure (article 83 - II).

(h) To free the present President from the constitutional barrier forbidding more than two consecutive

⁸ See annex IV for the text of the Constitution as amended.

four-year terms and to provide for the succession to the Presidency, should both the President and the Vice-President die within the course of a Presidential term (article 55 and supplementary rules).

29. The draft Amendment Bill was not voted upon until 27 November 1954. During the long discussion the non-government groups in the Assembly vigorously opposed it. The Bill also revealed stresses within the Liberal Party itself, despite the fact that support of the amendments to the Constitution was reported to have been a criterion in the selection of Liberal Party candidates for the 1954 elections. Opposition to the Bill by non-Liberal Assemblymen was based on many grounds: that the Constitutional amendment of 1952 for a second house, the House of Councillors, had not been implemented and that until then it was improper further to amend the Constitution; that the provision for national referenda was vague and potentially dangerous; that the abolition of the office of Prime Minister was counter to the system of "party politics" which the Liberal Party itself was pledged to foster; and that the authority of the President was already more than adequate to carry out the requirements of his office. Key factors undoubtedly were opposition to any weakening of the Legislature and to the introduction of the special provision which would permit President Syngman Rhee to seek a further term of office at the elections due in 1956.

30. The supporters of the Bill claimed that the amendments were adjustments which experience had shown to be necessary to the mixed system of government provided in the original Constitution. Emphasis was placed upon the democratic aspect of national referenda to reflect the will of the people. The economic amendments were described as modifying the degree of State control in economic fields so as to promote a system of free enterprise giving scope to individual initiative. The President himself deplored the stress laid on the amendments relating to his term of office, stating that on personal grounds he was anxious to lay down the burdens of office.

31. The Bill finally came to vote in the National Assembly on 27 November. Under the Constitution the provision for the passage of amendments was as follows:

"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".⁹

With a House membership of 203, of which two-thirds is 135 $\frac{1}{3}$, it had been generally assumed, as the Commission itself had done in its last report (see A/2711, para. 64), that amendments would therefore require an affirmative vote of 136 members. After the counting of votes the presiding officer of the day (a Vice-Chairman of the Assembly and a member of the Liberal Party) announced that there were 135 votes in favour, 60 against, 7 abstentions and one absentee. He then formally announced that the Bill had been rejected.

⁹ Article 98, section 4. The English text is taken from the translation originally issued by the Office of Public Information of the Republic. In a revised translation of the Constitution as amended in 1954, issued by the Office of Public Information early in 1955, the same section reads as follows: "A decision on a proposed amendment to the Constitution shall require the concurrence of two-thirds or more of the members of each House duly elected and seated".

The following day the official government spokesman announced: "It is the position of the Government that the Constitutional amendments have been passed by the required two-thirds majority. Korea lacks precedent for the counting of fractional votes and it the Government's feeling that the fraction must be disregarded and that the amendments therefore have been adopted". The National Assembly reassembled the next day and the former presiding officer, saying that he had made a miscalculation, retracted his previous announcement and declared that the Bill had been passed. Amid scenes of disorder the Opposition walked out of the Assembly, leaving the 124 Liberals and one Independent present to vote unanimously to amend the minutes and to record that the amendments had been passed by a two-thirds majority of 135. The amendments became law the same day when the President promulgated the Bill.

C. Government Reorganization Act

32. Immediately following the passage of the amendments, the office of the Prime Minister became obsolete, although the incumbent, Mr. Pyun Yung Tae, remained the senior minister in the State Council in his capacity as Minister for Foreign Affairs.¹⁰ In the two months that followed the passage of the amendments a comprehensive Government Reorganization Bill was drafted to effect those changes made necessary by the amendments and to carry out other administrative rearrangements.

33. The Reorganization Bill presented to the National Assembly was finally passed in amended form on 22 January 1955, and promulgated by the President on 7 February. It reduced the number of Cabinet Ministers by one, to a total of twelve, by deleting the office of Prime Minister, amalgamating the former Ministries of Health and Social Affairs and establishing a new Ministry of Reconstruction. Various "offices" and "bureaux" formerly under the office of the Prime Minister were reallocated to other Ministries. The Bill, in setting out the new seniority list of Ministers, provided that the senior member, the Minister for Foreign Affairs, should "co-ordinate and exercise general control over all matters which are to be referred to meetings of the State Council", a function previously assigned to the Prime Minister. The Bill transferred to the President other former functions of the Prime Minister, such as the submission to the National Assembly of government bills, the budget and other matters.

34. The Opposition opposed the Bill, many of their arguments deriving from their original objections to the Constitutional amendments. However, the Bill was finally passed on party lines.

D. Political party developments

1. THE LIBERAL PARTY

35. Last year's report described the efforts of the President of the Republic and other leaders of the Liberal Party to translate their numerical Assembly majority into an effective voting group. The registered membership reached a peak of 136 shortly before the

¹⁰ The resignation of Mr. Pyun was accepted on 30 July 1955. See annex II for a list of "Officials of the Government of the Republic of Korea".

passage of the Constitutional amendments. Amid the bitter controversy over the manner of the passage of the Amendment Bill, thirteen members left the Party and seven dissident members were expelled. In the last nine months a few more members have resigned, counterbalanced by some new adherents to the Party, so that the strength of the Liberal Party Negotiating Group¹¹ in the Assembly is now 123.

36. Broadly speaking, the Liberal Party consists of two major elements, the party organization outside the Assembly and the Assembly group, which is itself divided between strong supporters of Administration policy and more independent members. There has been considerable controversy between these elements over the formulation of government policy. The annual convention of the Party in April 1955 did not resolve the difficulty, although Mr. Lee Ki Pong, who is the leader of the Liberal Party in the Assembly, was re-elected as Chairman of the Party. The Assembly group has stated that it seeks the realization of the system of "party politics" and, accordingly, it presented early in 1955 a party platform as a suggested basis for policies to be followed by the Administration. *Inter alia*, the platform called for a simplification of government organization, increased wages for government employees, tax reforms and a change in the method of tax collection. It sought also the promotion of farmer's co-operatives and the provision of better rural credit facilities.

37. Although the President in his capacity as leader of the Party has expressed his general agreement to the gradual realization of the system of "party politics", effective co-ordination has not been established between the Executive and the Liberal Party Assembly group on matters of policy. This has caused Liberal Party Assemblymen to oppose Bills submitted to the Assembly by the Administration. Opposition of this kind was reflected in the redrafting of the Government reorganization Act, and more recently in opposition to certain provisions of the Government's interim budget for July and the budget for the financial year 1955-1956. These disagreements have highlighted the difficulties inherent in the party system which obtains at present, despite the President's dual role as the Chief Executive and the head of the Liberal Party.

2. THE OPPOSITION

38. Controversy over the Constitutional amendments brought together the various opposition groups within the National Assembly. The only registered Negotiating Group apart from the Liberal Party after the 1954 elections was the Independent Comrades Association of thirty-one members. In the amendment controversy the Association joined with Assemblymen of the Democratic Nationalist Party and most other non-party Assemblymen in opposition to the Amendment Bill. This solidarity was maintained when they left the Assembly for several days following the passage of the Bill and immediately afterwards formed a new Negotiating Group, the Comrades Association for Safeguarding the Constitution (CASC), with a membership of sixty. For the first time in its history the National

Assembly was made up predominantly of two major Negotiating Groups and the formation of the CASC was described as a prelude to the formation of a united opposition party.

39. A series of committees has attempted to organize the new party in the nine months since the passage of the Constitutional amendments. However, the initial enthusiasm and unity have foundered in the face of considerable disagreement on the details of organization and platform. The principal disagreement has been over the extent to which the new party should accept former Communists and left-wing political figures, over whose sincerity of conversion the more conservative elements behind the new party have expressed doubt. As a consequence, up to the present time, the proposed new party has not become a reality, although it has been stated that the conservative elements intend to go ahead with a limited new party organization. In the meantime the CASC remains the only opposition Negotiating Group in the Assembly. Its registered membership has fallen to forty-four and there are thirty-six Independents.

E. The National Assembly

40. Legislative accomplishments for the past twelve months and indeed the status of the National Assembly itself have naturally been conditioned by the Constitutional amendments and the consequent government reorganization. It has been generally assumed that the elimination of the office of Prime Minister, and consequently of the National Assembly's power to question him on general government policies, diminished the opportunity of the Assembly to intervene in day-to-day government activities. However, the Assembly has continued most vigorously to exercise its right of interpellating individual Ministers and to assert all its prerogatives in its dealings with the Administration. In its inspection of the activities of the Administration, therefore, the Assembly has been a vigilant and vigorous critic.¹²

41. However, the amount of time devoted to constructive legislation has been limited. This has been due in part to the very considerable attention devoted to the Bills for the Constitutional amendments and for Government reorganization. But at the same time, in its anxiety to keep a careful watch over the actions of the Government, the National Assembly has shown a tendency to consider many emergency motions to investigate governmental and other activities, which have meant that its attention has frequently moved from one topic to another without pursuing each to the most useful conclusion. This tendency, of course, is largely to be expected in an Assembly the majority of whose members are in their first term of office.

42. Most of the legislative measures on domestic issues have been dealt with on party lines, but as a result of the divisions within the Liberal Party, out-

¹¹ A Negotiating Group consists of twenty or more Assemblymen registered for the purpose of negotiating and reaching compromise solutions on matters being discussed by the Assembly.

¹² In September 1954, the President reduced one long-standing cause of friction between the Assembly and the Administration by promulgating four of the seven laws which had been passed over a presidential veto in 1953. At the same time, the Administration introduced Bills to repeal the three laws not promulgated, namely, (i) Law regulating Political Movements; (ii) Law governing Crimes Committed under Extraordinary Conditions; and (iii) Amendments to the Land Reform Law.

lined above, there have been many occasions on which some Liberals, or the Party itself, have joined with the opposition to amend Government-proposed legislation or have even led such opposition. For example, Liberal Assemblymen were instrumental in making considerable changes in the 1955-1956 budget submitted by the Administration. Similarly, the first non-confidence vote under the amended Constitution, adopted against the Minister of Agriculture and Forestry on 27 July 1955, resulted from a number of Liberals voting with the Opposition.

43. The Assembly has thus continued to play an active role within the somewhat reduced scope provided by the Constitutional amendments. Its independent attitude has not only been shown by the Opposition, but also on a number of occasions by the Government party.

44. However, in spite of disagreement within the National Assembly on some domestic matters, it is noteworthy that the National Assembly has at all times voted solidly in support of the general lines of the Government's foreign policy.

Chapter IV

ECONOMIC SITUATION AND THE PROBLEMS OF RECONSTRUCTION

A. Introduction

45. Previous UNCURK reports on the work of the United Nations Korean Reconstruction Agency and on the economy in general have outlined the difficulties facing the Republic of Korea in attempting to maintain relative stability, while at the same time building up the increased productive capacity which is needed if a position of future independence from foreign aid is to be reached. The year has seen some progress, but the strains and danger within the economy are still present.

B. Features in the economic situation

1. THE BUDGET

46. The financial situation continues to be dominated by Government expenditure far in excess of revenue from domestic sources and also in excess of the additional income from foreign aid. The budget¹³ for the year 1954-1955 (a fifteen-month period up to 30 June) as originally approved by the National Assembly in April 1954 showed a balance between revenue and expenditure at a level of 108,000 million *hwan*.¹⁴ This budget was optimistic, both in respect of estimated revenues and expenditures and, after two minor supplementary budgets during the year, a complete revision of the budget was presented to the National Assembly in June 1955, the last month of the financial year.

As revised, the budget was as follows (figures in thousand millions of *hwan*):

Revenues		Expenditures	
Domestic sources	64.6	General Administration	33.9
Counterpart Fund (FOA)	13.3	Defence	85.1
United States direct forces support	19.3	Other	1.5
TOTALS	97.2	TOTALS	120.5

¹³ Budget figures used in this report are taken from official Government sources.

¹⁴ Various rates of exchange apply to the Korean *hwan*. The "official" rate of 180 to one US dollar has been maintained since December 1953 but rates up to 700 *hwan* to one US dollar have resulted from official auctions of dollars, and for certain trading activities the rate has been higher. The recent average rate at open market auctions has been of the order of 500 *hwan* to one US dollar. On 16 August 1955, it was announced that the Republic and the United States had agreed to a single exchange rate of 500 *hwan* to one US dollar.

47. The budget for the past year therefore shows a deficit of 23,300 million *hwan*. Apart from the size of the deficit, it is unfortunate that such a substantial readjustment was made only at the end of the financial year. In preceding months the Government, in attempting to restrict expenditure, often held back funds required for necessary general and military purposes. Much of the expenditure shown in the revised budget will extend into the present financial year with a serious impact on financial stability.

48. The budget approved by the National Assembly on 31 July for the financial year 1955-1956 means that deficit financing will continue in the coming year. The budget is on new lines, separate budgets being provided for general administration, rehabilitation and defence expenses. Domestic revenues are estimated to yield 93,000 million *hwan*, which would cover the general administration budget of 77,000 million *hwan* and permit a transfer of 16,000 million *hwan*. Funds for the rehabilitation budget come from the sale of foreign aid goods and cover the local currency costs of the investment programme and permit a transfer of 22,500 million *hwan*. The third budget, that for defence expenses, is drafted at a level of 91,000 million *hwan*, which absorbs the surpluses carried over from the other two budgets and additional aid expected by the Republic, and still leaves a net deficit of 20,000 million *hwan*.

2. MONEY SUPPLY

49. Government deficits have been reflected directly in the money supply. Including time deposits the total money supply increased by 28,900 million *hwan* to a total of 80,600 million *hwan* in the period 30 June 1954 to 30 June 1955, a rise of 65 per cent. The principal factors increasing (+) and decreasing (—) the money supply were as follows:

30 June 1954 to 30 June 1955 (in thousand millions of *hwan*)

Government overdrafts	+20.1
Increase in commercial loans	+25.9
Other factors	+ 6.8
	<u>52.8</u>
Proceeds of sales of aid goods	-17.3
Proceeds of sale of Government exchange	- 4.3
Advances to United Nations forces less United Nations deposits	- 2.3
	<u>-23.9</u>

3. FOREIGN EXCHANGE

50. As is probable for many years, the Republic of Korea continued to require far more imports than can be covered by earnings of foreign exchange. During the year under review, these earnings were reduced by the sudden decline in sales of tungsten, the considerable reduction in payments for services to United Nations forces, and unresolved difficulties in the export of rice to Japan. However, there was a slight increase in the Republic's holdings of foreign exchange because restrictions on the import of goods from Japan more than counterbalanced the decline in earnings. Most of the Republic's import requirements continue to be supplied through the foreign aid programmes.

4. PRODUCTION

51. There has been some rise in production during the year under review. The most significant increase was a rise of nearly 50 per cent in the monthly rate of coal production. More electric power was available, although there is still a considerable shortage which will only be reduced when three new thermal plants come into operation late in 1956. In secondary industry considerable increases were recorded in textiles, cement and pottery and porcelain products. The rise in textile production was not commensurate, however, with the approximate 40 per cent increase in spindles and looms. In some manufacturing fields there were declines. In the coming year a considerable rise in production is expected to result from the cumulative effect of economic aid of previous years and the greater availability of necessary raw materials. Many large industrial enterprises, formerly owned by Japanese, are still under Government control. A large number were damaged in the war and have not yet been rehabilitated. The Government has stated that it intends to speed up the disposal to private enterprise of most of the properties it still holds, and this would seem desirable.

52. There was a record rice crop in 1954; but this was somewhat offset by a poorer yield of the summer grains, barley, wheat and rye. The 1955 rice crop may be affected by the lateness of the rainy season, which delayed the transplanting of seedlings. Any decrease would have considerable effects, as the good crops of the past two seasons have played a major part in restraining the upward movement of prices.

53. With 70 per cent of the population dependent on farming activities, agricultural rehabilitation is a matter of primary importance. Much progress has occurred since the end of hostilities. Among the important needs are adequate amounts of fertilizers, improved agricultural credit, marketing facilities and more irrigation. Given progress in these directions, there should continue to be an exportable surplus of rice in the next few years.

5. PRICES AND WAGES

54. Unlike the preceding year when a 150 per cent increase in the money supply was accompanied by only a 10 per cent wholesale price rise, prices have risen sharply in the past year. Both wholesale and retail prices have risen by approx-

imately 110 per cent in the period from June 1954 to June 1955. The price of rice, which during the year ended June 1954 had actually declined slightly, contrary to the general price level, rose 75 per cent by April 1955 and has since then more than doubled. Omitting the factor of grain in the price index, the rises in other prices in each of the two years has averaged 60 per cent. Wage levels in general moved upward with the rise in prices although they have at times lagged behind sudden increases.

C. Foreign aid

1. AID FROM THE UNITED STATES OF AMERICA

55. The problems outlined above have conditioned the pattern of United States aid to the Korean economy. The need to sustain the economy by the import of raw materials and salable consumer goods has meant a corresponding decrease in the percentage of aid which can be devoted to long-term new investment. A considerable factor in the pattern also is the speed with which aid can be made available and productive. This aspect has been complicated by competing present needs, considerable and probably inevitable administrative difficulties, the delay inherent in introducing major new capital investment, and various political and administrative problems which have at times hindered the joint co-operation upon which speedy and effective aid depends.

56. Within the year under review, the Republic has received economic aid from the United States Foreign Operations Administration under a 1953-1954 programme of \$200 million and one for 1954-1955 of approximately \$272 million. The operative part of this aid, however, is the aid which has so far arrived.

In the twelve months to 30 June 1955, the figures are as follows (in millions of dollars):

	1953-1954 programme ¹⁵		1953-1954 programme ¹⁵	
	Salables	Investment projects	Salables	Investment projects
Arrivals	88.2	33.3	47.9	35.8
Balance	13.8	55.6	62.8	114.6

57. It can be seen, therefore, that more than half of the scheduled aid has still to arrive and make its impact on the Korean economy. In the same way, while it is essential for forward planning, the projected aid programme for the year 1955-1956 of \$460 million¹⁶ will have its immediate

¹⁵ In the 1953-1954 programme, transportation, communications and power projects and a fertilizer plant made up about 90 per cent of the investment programme, while the major items of salables were fertilizers, fuel, cotton, other raw materials, construction materials and machinery. About half the 1954-1955 programme consists of raw materials of which cotton, fertilizers, coal and petroleum products constitute some 80 per cent. The investment project portion of the programme places major emphasis on power, communications, industry, mining and transportation. The figures on aid goods arrivals are from 30 June 1955 Status Reports issued by the International Co-operation Administration.

¹⁶ At the time of writing, officials of the Government of the Republic of Korea and the United States are discussing in Washington the size of the aid programme and important techniques of implementation. The 1955-1956 programme, as tentatively announced, calls for economic aid of \$280 million and direct forces support aid of \$180 million.

effect only to the extent that that aid arrives within a particular budget year.

58. The Government of the Republic of Korea has at all times pressed for a maximum allocation of aid to investment goods, but this must obviously be tempered by the continuing need to import salable goods and raw materials to maintain adequate stability within the economy.

2. THE UNKRA PROGRAMME

59. In accordance with its terms of reference UNCURK has maintained its association with UNKRA and has endeavoured to assist the Agent-General in his present operations and his planning of the future pattern of UNKRA's activities. The Agent-General is himself submitting his annual report to the General Assembly,¹⁷ and if necessary UNCURK will add supplementary comments to that report.

60. UNKRA's financial resources have become more clearly defined in the course of the last year and this has permitted the Agent-General to draw up firm plans covering UNKRA's present and future operations. The total funds available to the Agency will be of the order of \$140 million. The Agent-General has secured the approval of the Advisory Committee to a programme of projects within those finances, and agreement in principle to the manner in which UNKRA will carry out its activities. The programme will see UNKRA engaged in 1955, in one of its busiest and most productive years, to be followed by further completion of projects next year and an accelerating reduction of operations and personnel from the beginning of 1957. The Commission is in general agreement with the Agent-General that the intended programme represents a logical appreciation of the needs which exist and the facilities that are available to the Agency.

61. In many ways this has been the most satisfactory year of the Agency's operations. Much of the planning of past years has become reality and has provided a considerable addition to Korean production, particularly in the fields of coal mining, textiles, fisheries and textbooks. The Agent-General's report gives evidence of this in considerable detail. In past years, the Agent-General could often report only in terms of future potential as a reflection of the Agency's plans. Inevitably at these earlier stages administrative costs seemed disproportionately high, the more so since staff had to be provided to handle a possibly larger programme than the one which can now be clearly planned and carried out.

62. UNKRA's contribution is particularly marked since a major part of it has been devoted to new capital investment in productive fields. Funds have been allocated to investment projects on a priority basis out of the many needs to be met and within the areas of responsibility agreed between the Agent-General and the United Nations Command Economic Co-ordinator. This concentration on new investment has been possible because

UNKRA has followed a self-supporting programme, with an import of salable goods and raw materials only to the level necessary to finance the local currency costs of its own investment project programme. Such a technique has only been possible because the equilibrium of the over-all economy has been maintained by the sustaining-import programme of the United States.

63. An essential feature in this self-supporting programme was the conclusion in May 1955 of an arrangement between UNKRA and the authorities of the Republic governing expenditure from the Counterpart Fund.¹⁸ Under the arrangement (which implements a section of the basic UNKRA-ROK Administrative Agreement of 31 May 1954) expenditures are made under the control of the Agent-General and are to be devoted to the financing of UNKRA investment projects by end-users and the Government. It is hoped that it will speed up the implementation of some of the UNKRA projects and that funds hereafter will be available to the full extent necessary to complete UNKRA's projects.

64. Apart from the increasing number of investment projects which UNKRA has completed, the Agency has provided technical skills in many fields. Its United Nations character has made available to the Republic an international staff which would not otherwise have been available. Their knowledge has gone into UNKRA's own programmes and, through an agreed system of secondment, has helped United States programmes in the fields of responsibility progressively taken over by United States agencies. These specialized skills have also been freely made available to the Government of the Republic in the many day-to-day tasks of planning and technical analysis.

65. UNKRA has also been a co-ordinating centre and at times a partner for the many non-governmental voluntary agencies which have contributed, and continue to contribute, generously to the Republic of Korea. This co-ordination has been highly successful.

66. It may be emphasized that a large amount of UNKRA aid is still to come into effect. That aid will provide increasing and tangible evidence of the constructive contribution which the United Nations is making to the Korean economy. One of the important tasks in the period ahead is the co-ordination of UNKRA's completed projects in various fields with the needs still remaining in those fields. This will require close co-ordination with UNKRA by the authorities of the Republic and the United States as they assume responsibility within those fields. Not least of the continuing needs will be that of technical assistance, particularly as the present international staff of UNKRA complete their operations in Korea. In the years ahead the field of technical assistance appears to be one in which the United Nations could continue to assist.

* * *

¹⁸ Under the 31 May 1954 ROK-UNKRA Agreement, the Republic established an UNKRA Counterpart Fund and has made deposits in *hwan* to this fund of amounts commensurate with the dollar cost to UNKRA of economic and technical assistance.

¹⁷ See *Official Records of the General Assembly, Tenth Session, Supplement No. 18, A/2936*.

67. The difficulties deriving from past circumstances continue to harass the Korean economy and these, added to the large defence costs, make the situation one of continued concern. Increased production may largely be offset by a rise in population. Inflation of the money supply, reflecting the excess of expenditure over revenue, creates instability, and the indications are that the coming year will produce a considerable further increase in the money supply. This instability has consequent adverse reactions on those interrelated and dependent actions which are needed to remedy some of the present economic ills: increased salaries as a step to improving government efficiency and morale; new private investment in productive fields; the encouragement of private investment from abroad and the ability to transfer a larger percentage of foreign aid from immediate needs to new capital investment. Korea's needs continue to be great and the task remains a major one.

The present report is transmitted to the Secretary-General for submission to the tenth 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 at Commission Headquarters, Seoul, Korea, this seventh day of September one thousand nine hundred and fifty-five.

(Signed)

E. Ronald WALKER, *Australia*

*Chile*¹⁹

REUCHLIN, *Netherlands*

Omar H. MALIK, *Pakistan*

Maximino G. BUENO, *Philippines*

Pridi DEBYABONGS DEVAKULA, *Thailand*

T. K. KEMAHLI, *Turkey*

Witnessed

John P. GAILLARD

Principal Secretary

¹⁹ The representative of Chile declined to sign the report.

ANNEXES

I. 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. Max Loveday²⁰

Mr. E. R. Walker,²¹ Ambassador Extraordinary and Plenipotentiary

Alternate representative

Mr. C. Garrard Woodard²²

Mr. J. H. Brook²³

CHILE

Representative

Mr. Gonzalo Montt, Ambassador

NETHERLANDS

Representative

Jonkheer O. Reuchlin,²⁴ Ambassador Extraordinary and Plenipotentiary

PAKISTAN

Representative

Mr. O. H. Malik,²⁵ Ambassador Extraordinary and Plenipotentiary

Acting representative

Mr. A. Salim Khan,²⁶ Counsellor and Chargé d'Affaires

PHILIPPINES

Representative

Mr. Maximino G. Bueno, Minister Plenipotentiary

THAILAND

Representative

Prince Pridi Debyabongs Devakula, former Minister of Foreign Affairs

Assistant

Mr. Prayud Nawongs

TURKEY

Representative

Mr. Tevfik K. Kemahli, Minister Plenipotentiary

2. ROSTER OF CHAIRMANSHIP OF THE COMMISSION

In accordance with the rules of procedure, the Chairmanship of the Commission has been held as follows for periods of one month by the representatives on the Commission, with the Chairman for the succeeding

month acting as Chairman if the Chairman designate has not been in a position to perform his functions:

1954

August

Mr. M. G. Bueno, *Philippines*;

September

Prince Pridi Debyabongs Devakula, *Thailand*;

October

Mr. Tevfik K. Kemahli, *Turkey*;

November

Mr. Max Loveday, *Australia*;

December

Mr. Gonzalo Montt, *Chile*;

1955

January

Mr. A. Salim Khan, *Pakistan*;

February

Mr. M. G. Bueno, *Philippines*;

March

Prince Pridi Debyabongs Devakula, *Thailand*;

April

Mr. Tevfik K. Kemahli, *Turkey*;

May

Mr. Max Loveday, *Australia*;

June

Mr. Gonzalo Montt, *Chile*;

July

Mr. O. H. Malik, *Pakistan*;

August

Mr. M. G. Bueno, *Philippines*;

September

Prince Pridi Debyabongs Devakula, *Thailand*.

B. United Nations Secretariat

Principal Secretary

Mr. John P. Gaillard

Political Affairs Officer

Mr. Ansar H. Khan (until 11 April 1955)

Mr. Irshad H. Baqai (from 11 April 1955)

Administrative Officer

Mr. Charles G. Ilka (until 7 August 1955)

Mr. Julien W. Denys (from 28 April 1955)

Secretaries

Mr. Douglas F. Hedgecock (until 16 May 1955)

Mr. Anthony Martin (until 25 June 1955)

Mr. Cyril W. Bray (from 24 March 1955)

Mr. Domingo Sueiras (from 20 June 1955)

Mr. William G. Nixey (from 12 August 1955)

²⁰ Until 25 August 1955.

²¹ Appointed from 4 September 1955.

²² Until 3 May 1955.

²³ Joined the Commission on 16 May 1955.

²⁴ Appointed on 20 August 1955.

²⁵ Appointed on 30 January 1955.

²⁶ Until 30 January 1955.

Telecommunications Unit

Senior Field Service Radio Officers:

Mr. Einar Michalsen

Radio Officers:

Mr. Joseph Anzarut (from 21 December 1953)

Mr. Vaddake A. S. Menon (until 3 September 1954)

Mr. Noubar Pechtimaldjian (from 17 September 1954)

Transportation Unit

Mr. Abdul J. Al-Khatib (until 15 January 1955)

Mr. Nassib J. Nassar (until 18 April 1955)

Procurement and Supply Unit

Mr. Joseph C. Mount (until 17 May 1955)

Interpreters-Translators

Mr. Kim Yoon Yul (Chief)

Mr. Kim Jong Sae (until 31 January 1955)

Mr. Kye Kwang Kil

Administrative-Assistant

Mr. Chun Ki Poong

C. Resolution establishing a Committee adopted by the Commission on 7 September 1955

The United Nations Commission for the Unification and Rehabilitation of Korea,

Whereas the participation of the full membership of the Commission at all times is not considered essential to the performance of its present functions,

Considering that there is a continuing need for political representation of the United Nations in Korea, and

Noting that the full Commission can be convened at any time if the circumstances should render it necessary,

Resolves to establish in Korea from 1 January 1956 a Committee consisting of representatives of Australia, the Philippines, Thailand and Turkey, with authority:

(a) To act on behalf of the Commission in Korea in pursuit of the Commission's objectives;

(b) To determine, for that purpose, its own rules of procedure; and

Decides to adjourn *sine die* upon establishment of that Committee.

D. Organization

One delegation and the secretariat transferred to Seoul in June 1954. Accommodation in Seoul for other delegations has continued as a problem for the Commission and they have remained in Pusan. Meetings have been held, as necessary, in Seoul and Pusan.

In both cities, the logistical support furnished by the United Nations Command has been invaluable. The Commission has received effective co-operation and assistance from the liaison officer provided by the Republic of Korea.

II. Officials of the Government of the Republic of Korea

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

Ham Tae Yung

Elected by popular vote 5 August 1952. Assumed office 15 August 1952.

Prime Minister

Pyun Yung Tae

Appointed 28 June 1954. On 7 February 1955 the office of the Prime Minister was abolished under the Government Reorganization Act.

Minister of Foreign Affairs

Pyun Yung Tae

Appointed 16 April 1951. Resigned 30 July 1955.

Cho Chung Hwan, Vice Minister

Appointed Acting Minister of Foreign Affairs, 30 July 1955.

Minister of Home Affairs

Paik Han Sung

Appointed 19 September 1953. Resigned 23 April 1955.

Kim Hyung Kun

Appointed 23 April 1955.

Minister of Finance

Lee Joong Jai

Appointed 30 June 1954. Resigned 7 July 1955.

Kim Hyun Chul

Appointed 11 July 1955.

Minister of Justice

Cho Yong Soon

Appointed 30 June 1954.

Minister of National Defence

Sohn Won Il

Appointed 30 June 1953.

Minister of Education

Lee Sun Keun

Appointed 21 April 1954.

Minister of Reconstruction²⁷

Yoo Wan Chang

Appointed 16 February 1955.

Minister of Agriculture and Forestry

Choi Kyoo Ok

Appointed 30 June 1954. Resigned 16 February 1955.

Im Chul Ho

Appointed 16 February 1955. Resigned 27 July 1955.

Chung Nak Hoon

Appointed 30 August 1955.

²⁷ The Ministry of Reconstruction was established under the Government Reorganization Act promulgated on 7 February 1955.

Minister of Commerce and Industry

Kang Sung Tae

Appointed 5 July 1954.

*Minister of Public Health and Welfare*²⁸

Choi Jai Yoo

Appointed 16 February 1955.

Minister of Transportation

Lee Jong Lim

Appointed 10 February 1954.

²⁸ Under the Government Reorganization Act, the former Ministries of Public Health and Social Affairs were combined into the new Ministry of Public Health and Welfare. The former Minister of Health became head of the new Ministry while the Minister of Social Affairs, Mr. Park Sool Un, left office.

Minister of Communications

Lee Kwang

Appointed 30 June 1954.

B. The National Assembly

Chairman

Lee Ki Poong

Elected 9 June 1954.

Vice-Chairman

Kwak Sang Hoon

Elected 9 June 1954.

Choi Soon Joo

Elected 9 June 1954. Resigned 2 December 1954.

Cho Kyung Kyoo

Elected 2 March 1955.

III. The Fourteen Points

PROPOSALS SUBMITTED BY MR. PYUN YUNG TAE, MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF KOREA, ON 22 MAY 1954 AT THE GENEVA CONFERENCE

1. With a view to establishing a united, independent and democratic Korea, free elections shall be carried out under United Nations supervision in accordance with previous United Nations resolutions thereanent.

2. The free elections shall be held in North Korea which has not been accessible to such elections and in South Korea in accordance with the constitutional processes of the Republic of Korea.

3. The elections shall be held within six months from the adoption of this proposal.

4. Before, during and after the elections, the United Nations personnel connected with the supervision of the elections shall have full freedom of movement, speech, etc., to observe and help create conditions of a free atmosphere throughout the entire area for the election. Local authorities shall give them all possible facilities.

5. Before, during and after the elections, the candidates, their campaigners and their families shall enjoy freedom of movement, speech, etc., and other human rights such as are recognized and protected in democratic countries.

6. The elections shall be conducted on the basis of secret ballot and universal adult suffrage.

7. Representation in an all-Korea legislature shall be in direct proportion to the population of all Korea.

8. With a view to apportioning the numbers of representatives in exact proportion to populations in the election areas, a census shall be taken under United Nations supervision.

9. The all-Korea legislature shall be convened in Seoul immediately after the elections.

10. The following questions, among others, shall be left to the enactments of the all-Korea legislature:

(a) Whether the President of unified Korea should be newly elected or not;

(b) Matters concerning amendments of the existing Constitution of the Republic of Korea;

(c) Matters concerning disbandment of military units.

11. The existing Constitution of the Republic of Korea shall remain effective except as it may be amended by the all-Korea legislature.

12. The Chinese communist troops shall complete their withdrawal from Korea one month in advance of the election date.

13. The phased withdrawal of the United Nations forces from Korea may start before the elections, but must not be completed before effective control over entire Korea be achieved by the unified Government of Korea and certified by the United Nations.

14. The integrity and independence of the united, independent and democratic Korea shall be guaranteed by the United Nations.

IV. Text of the Constitution of the Republic of Korea as amended in 1954²⁹

The National Assembly first convened in Seoul on 31 May 1948. Its deliberations lasted until 12 July of that year. The Constitution was promulgated on 17 July 1948.

Amendments were made for the first time in the National Assembly convened at Pusan on 4 July 1952; and the amended Constitution was promulgated on 7 July 1952. The Constitution was amended again by the National Assembly at Seoul on 27 November 1954, and the present Constitution as amended was promulgated on 29 November 1954.

This is an English translation of the Constitution as amended on 27 November 1954, officially prepared by the Office of Public Information of the Republic of Korea with the assistance of the Ministry of Justice. However, the National Assembly has not officially adopted an English-language version of the Constitution.

²⁹ For text of the original Constitution, see second part of the report of the United Nations Temporary Commission

on Korea (*Official Records of the General Assembly, Third Session, Supplement No. 9; A/575/Add.4, annex V*).

PREAMBLE

We, the people of Korea, possessing a glorious tradition and history from time immemorial, follow the great spirit of independence as manifested in the establishment of the Republic of Korea and by proclamation thereof of the whole world by the March 1st Movement in the year of Kimi (T.N. A.D. 1919).

Now at this time we are engaged in the re-establishment of a democratic and independent State and are determined:

To consolidate national unity through justice, humanity and fraternity,

To establish a democratic system of government eliminating evil social customs of all kinds,

To afford equal opportunities to every person and to provide for the fullest development of the capacity of each individual in all the fields of political, economic, social and cultural life,

To require each person to discharge his duties and responsibilities,

To promote the welfare of the people at home and to strive to maintain permanent international peace and thereby to ensure the security, liberty and happiness of ourselves and our posterity eternally;

Do hereby, in the National Assembly, composed of our freely and duly elected representatives, ordain and establish this Constitution on the Twelfth Day of July in the year of Tangun Four Thousand Two Hundred and Eighty-One (T.N. 12 July A.D. 1948).

CHAPTER I. GENERAL PROVISIONS

Article 1. The Republic of Korea shall be a democratic and republican State.

Article 2. The sovereignty of the Republic of Korea shall reside in the people. All State authority shall emanate from the people.

Article 3. The requisites for Korean citizenship shall be determined by law.

Article 4. The territory of the Republic of Korea shall consist of the Korean Peninsula and its accessory islands.

Article 5. The Republic of Korea, in all fields of political, economic, social and cultural life, shall be responsible for respecting and guaranteeing the liberty, equality and initiative of each individual and for protecting and adjusting these for the purpose of promoting the general welfare.

Article 6. The Republic of Korea shall renounce all aggressive wars. The mission of the National Armed Forces shall be to perform the sacred duty of protecting the country.

Article 7. Duly ratified and published treaties and the generally recognized rules of international law shall have the same effect as that of the law of Korea. The status of aliens shall be guaranteed within the scope of international law and treaties.

Article 7 - II. Legislation concerning important matters pertaining to a national crisis which might limit the sovereignty of the Republic of Korea or cause a change in its territory shall, after passage by the National Assembly, be referred to a national referendum for confirmation. Such confirmation shall re-

quire the valid affirmative votes of two-thirds or more of the voters in a referendum participated in by two-thirds or more of the voters eligible to vote for the election members of the House of Representatives.

Such national referendum shall be initiated by the petition, within one month after passage of such legislation, of five hundred thousand or more of the voters qualified to vote for the election of members of the House of Representatives.

When confirmation is not obtained by such national referendum, the decision of the National Assembly in question shall become retroactively null and void.

Rules of procedure concerning such national referendum shall be decided by law.

CHAPTER II. RIGHTS AND DUTIES OF CITIZENS

Article 8. All citizens shall be equal before the law. No discrimination as to political, economic or social life, based upon sex, religion or social position shall exist.

No privileged castes shall be recognized, nor be ever established hereafter.

The award of decorations or marks of honour in any form shall confer upon recipients only personal honour and no privileged status shall be created thereby.

Article 9. All citizens shall enjoy personal liberty. No citizen shall be arrested, detained, searched, tried, punished, or subjected to compulsory labour except as provided by law.

In any case of arrest, detention or search, a warrant therefor shall be necessary; except that in any case of *flagrante delicto* or in any case where there is danger that the criminal may escape or that the evidence of the crime may be destroyed, the detecting authorities may request an *ex post facto* conformity with provisions prescribed by law.

To all persons who may be arrested or detained, the right to have the prompt assistance of counsel and the right to request the court for a review of the legality of the arrest or detention, shall be guaranteed.

Article 10. All citizens shall be free from restrictions, except as specified by law, on domicile or the change thereof, and from trespasses on and searches of private premises.

Article 11. The privacy of correspondence of all citizens shall remain inviolate and shall not be infringed except in accordance with law.

Article 12. All citizens shall enjoy the freedom of religion and conscience. No State religion shall exist. Religion shall be severed from politics.

Article 13. Citizens shall not, except as specified by law, be subjected to any restrictions on the freedom of speech, Press, assembly and association.

Article 14. All citizens shall have freedom of learning and the right to practice the sciences and arts. Rights of authors, inventors and artists shall be protected by law.

Article 15. The right of property shall be guaranteed. Its nature and restrictions shall be defined by law.

The exercise of property rights shall conform to the welfare of the public. The expropriation, use or the imposition of restrictions on private property for public purposes shall be accompanied by payment of

just compensation in accordance with the provisions of law.

Article 16. All citizens shall be entitled to equal opportunities of education. The attainment of at least an elementary education shall be compulsory and free of cost.

All educational institutions shall be administered under the supervision of the State and the organization of the educational system shall be determined by law.

Article 17. All citizens shall have the right and duty to work.

The standards and conditions of labour shall be determined by law.

Special protection shall be accorded to the labour of women and children.

Article 18. Freedom of association, collective bargaining and collective action of labourers shall be guaranteed within the law.

Workers employed in profit-earning private enterprises shall be entitled to share in the profits of such enterprises in accordance with the provisions of law.

Article 19. Citizens who are incapable of earning their living due to old age, infirmity or such other reasons as may cause incapability to work, shall be protected by the State in accordance with the provisions of law.

Article 20. Marriage shall be based on the equality of men and women. The purity of marriage and the health of the family shall receive the special protection of the State.

Article 21. All citizens shall have the right to submit written petitions to any governmental agency.

The Government shall be obliged to consider such petitions.

Article 22. Citizens shall have the right to be tried in conformity with the law by judges authorized and directed by law.

Article 23. No citizen shall be prosecuted for a criminal offence unless such act shall have constituted a crime prescribed by law at the time it was committed, nor be placed in double jeopardy.

Article 24. All defendants in criminal cases shall have the right to be tried in public without delay unless there is proper cause for not doing so.

When a defendant in a criminal case, having been detained, is thereafter found not guilty, he shall have the right to claim compensation by the Government in accordance with the provisions of law.

Article 25. All citizens shall have the right to elect public officials in conformity with the provisions of law.

Article 26. All citizens shall have the right to hold public office in accordance with the provisions of law.

Article 27. Public officials shall be the trustees of the sovereign people and shall at all times be responsible to the people. All citizens shall have the right to petition for the removal of public officials who have acted unlawfully.

Citizens who have suffered damages by unlawful acts of public officials done in the exercise of their official duties shall have the right to request compensation by the Government or the public corporate bodies concerned; however, the civil or criminal liability of

the public officials concerned shall not be exempted thereby.

Article 28. Liberties and rights of the people not enumerated in this Constitution shall not be ignored.

Laws imposing restrictions upon the liberties and rights of citizens shall be enacted only when necessary for the maintenance of public order or the welfare of the community.

Article 29. All citizens shall have the duty to pay taxes levied in accordance with the provisions of law.

Article 30. All citizens shall have the duty to defend the national territory in accordance with the provisions of law.

CHAPTER III. THE NATIONAL ASSEMBLY

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

The National Assembly shall consist of the House of Representatives and the House of Councillors.

Article 32. Each House shall be composed of members elected by universal, equal, direct, and secret vote.

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

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

Article 33. The term of 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 half of the members of the House of Councillors shall be changed every three years.

Article 34. The National Assembly shall be convened once in each year in accordance with the provisions of law.

Article 35. In case of extraordinary necessity, the Chairmen of both Houses shall publicly notify the convening of a temporary session of the National Assembly upon the request of either the President, one-fourth or more of the Representatives duly elected and seated, or one-half or more of the Councillors duly elected and seated.

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

The Vice-President shall be the Speaker of the House of Councillors and two Vice-Speakers shall be elected by the House of Councillors.

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

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

In case a Bill is not adopted by one of the two Houses, or the resolutions of the two Houses adopted on a Bill are not in accord with each other, the adoption of 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 duly elected and seated. In case the House of Councillors shall render decision pertaining to a budget different than that of the House of Representatives, the budget shall be referred for reconsideration to the House of

Representatives, and the decision made by the House of Representatives upon such reconsideration shall be deemed to be the resolution of the National Assembly.

The Speaker of the House of Representatives shall have a vote.

The Speaker of each House shall have the right to break a tie vote.

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

Article 39. Bills may be introduced by any member of the National Assembly or by the Executive.

Budgets shall be first presented to the House of Representatives.

A Bill rejected by the House of Representatives shall not be sent to the House of Councillors or to a joint session of the two Houses.

In case a Bill is not adopted within sixty days, excluding adjournments, after it has been sent by one of the two Houses to the other, the House which sent the Bill to the other House may consider the Bill rejected by the other House.

Article 40. Every Bill passed by the National Assembly shall be sent to the Executive and the President shall, within fifteen days, promulgate it as law.

In case of veto, the President shall return the Bill with his veto to the National Assembly for reconsideration. If, thereafter at a joint session of the two Houses attended by two-thirds or more of the members of each House duly elected and seated, the Bill shall be passed by a majority of the members present, the same shall become law.

If any Bill has not been returned within fifteen days from the date of presentation thereof to the Executive, the same shall become law.

The President shall promulgate without delay, every law which has been enacted under the provisions of the two foregoing paragraphs.

Every law shall be effective twenty days after the date of its promulgation unless otherwise provided by law.

Article 41. The National Assembly shall consider and decide upon budgets.

Article 42. The National Assembly shall have power to consent to the ratification of treaties concerning international organizations, treaties pertaining to mutual aid, peace treaties, commercial treaties, treaties financially incumbent on the State or the people, or treaties related to legislative affairs and to the declaration of war.

The House of Councillors shall have the right to consent to the appointment of justices of the Supreme Court, Prosecutor General, the Chairman of the Board of Audit, Ambassadors and Ministers to foreign countries, and other public officials designated by law.

Any appointment of officials referred to in the foregoing paragraph made when the National As-

sembly is closed or adjourned shall require the *ex post facto* consent of the House of Councillors at the following session.

Article 43. The National Assembly shall, for the purpose of inspecting the Executive Branch, have the power to compel the production of necessary documents and the appearance of the witnesses in person to testify or furnish opinions.

Article 44. Members of the State Council and representatives of the Executive shall be authorized to attend meetings of the National Assembly, to state their opinions and answer questions and, by request of the National Assembly, they shall attend any meeting of the National Assembly and answer questions.

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

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

Article 46. In case the President, Vice-President, members of the State Council, the Chairman of the Board of Audit, judges and other public officials designated by law shall have violated in the exercise of their duties, provisions of this Constitution or other laws, the National Assembly shall have power to resolve motions for their impeachment.

A motion for impeachment shall be signed by not less than thirty members of the House of Representatives. The vote of a majority of the members of each House duly elected and seated shall be necessary to institute impeachment.

Article 47. The Impeachment Court shall be established by law for the purpose of trying 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 Councillors shall serve as associate judges. When the President or the Vice-President is to be tried, the Chief Justice shall preside over the court.

The concurrence of two-thirds or more of the judges shall be required for impeachment.

Any decree of impeachment shall not extend further than removal from office; but the person convicted shall not thereby be exempted from civil or criminal liability.

Article 48. No member of the National Assembly shall concurrently hold office in any local council.

Article 49. During sessions of the National Assembly, no member of the National Assembly shall be arrested or detained without the consent of the House of which he is a member except in cases of *flagrante delicto*. In cases of the apprehension of a member before the opening of the session, such member shall be released during the session upon the request of the House of which he is a member.

Article 50. Members of the National Assembly shall be held responsible only by the Assembly for statements or votes made within the Assembly.

CHAPTER IV. THE EXECUTIVE

Section 1. The President

Article 51. The President of the Republic shall be the head of the Executive Branch of the Government and shall represent the Republic in relations with foreign States.

Article 52. In case of the inability of the President to execute the duties of his office for any reason, the Vice-President shall act as the President and in case of inability of both the President and the Vice-President to execute the duties of their offices, a member of the State Council selected in the order determined by law, shall act as the President.

Article 53. The President and Vice-President respectively shall be elected by universal, equal, direct and secret vote of the people.

In case the President or the Vice-President shall have been elected when the National Assembly is not in session, the Speakers of both Houses shall, by public notice, convene the National Assembly for the purpose of hearing the election returns. A sealed report of the count of votes of Presidential and Vice-Presidential elections, listing the number of votes for each candidate shall be transmitted by the election committee of each special city and province to the Speaker of the House of Councillors.

The Speaker of the House of Councillors shall immediately count the number of votes referred to in the foregoing paragraph at an open, joint session of the two Houses attended by a majority of the members of each House and shall announce the President and Vice-President elected. The candidates having the greatest number of the votes shall be the President and Vice-President.

If there are two or more candidates having an equal number of votes, the successful candidate shall be determined by a 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 additional offices as members of the National Assembly.

Article 54. Before the President assumes office, he shall take the following affirmation at a joint session of the two Houses:

"I do solemnly affirm to the people that I shall faithfully execute the office of President by observing the Constitution, promoting the welfare of the people and protecting the State."

Article 55. The President and Vice-President shall hold office for a term of four years. However, re-election to consecutive terms shall be permissible for one time only.

In case a vacancy exists in the office of the President, the Vice-President shall succeed the President during the remaining period of the term.

A vacancy in the office of the Vice-President shall be filled without delay by a by-election for a successor to serve the remaining period of the term.

In case of vacancies in both the office of the President and the office of the Vice-President, a member of the State Council selected in the order specified by law and in accordance with the provisions of article 52 shall act as President. Within three months after the date on which such vacancies occurred, an election for President and Vice-President shall be held.

Article 56. The election for President and Vice-President shall be held not later than thirty days prior to the expiration of the terms of the preceding President and Vice-President.

Article 57. When, in time of civil war, in a dangerous situation arising from foreign relations, in case of natural calamity or on account of a grave economic or financial crisis it is necessary to take urgent measures for the maintenance of public order and security, the President shall have power to issue orders having the effect of law or to take necessary financial disposition, provided, however, that the President shall exclusively exercise such power only if time is lacking for convening of the National Assembly.

Such orders or dispositions shall be reported without delay to the National Assembly for confirmation. If confirmation of the National Assembly is not obtained, such orders or dispositions shall lose their effect thereafter and the President shall promulgate such non-confirmation without delay.

Article 58. The President may within the framework of the powers delegated to him by law issue orders and decrees necessary for the enforcement of laws.

Article 59. The President shall conclude and ratify treaties, declare war, conclude peace, and receive and accredit diplomatic envoys.

Article 60. The President may attend and address the National Assembly or present his views thereto by written message on important State matters.

Article 61. The President shall be the Commander-in-Chief of the National Armed Forces.

The organization and formation of the National Armed Forces shall be determined by law.

Article 62. The President shall appoint and remove government officials in accordance with the Constitution and the law.

Article 63. The President shall have power to grant pardons, commute sentences and restore civil rights in accordance with the provisions of law.

The granting of a general pardon shall require the consent of the National Assembly.

Article 64. The President shall have power to proclaim a state of siege in accordance with the provisions of law.

Article 65. The President shall be authorized to award decorations and honours.

Article 66. The acts of the President pertaining to State affairs shall be executed by written documents, and all such documents shall be countersigned by the concerned members of the State Council. The same shall equally apply to military affairs.

Article 67. The President shall not be charged with the commission of criminal offences during his tenure of office except in cases of treason and rebellion.

Section 2. The State Council

Article 68. The State Council shall be a collegiate body composed of the President and the members of the State Council and shall decide important State policy on matters within the scope of the powers of the President.

Article 69. The members of the State Council shall be appointed by the President.

The total number of the members of the State Council shall not be more than fifteen nor less than eight.

No military person shall be appointed as a member of the State Council unless he has previously resigned from active service.

Article 70—I. The meetings of the State Council shall be convened and presided over by the President.

The President may, if necessary, delegate his powers and duties as the Chairman of the State Council to a member of the State Council selected in the order specified by law and in accordance with the provisions of article 52.

Article 70—II. Any member of the State Council shall forthwith resign when a resolution of non-confidence shall have been adopted against him by the House of Representatives.

Resolutions of non-confidence under the foregoing paragraph to be effective shall be voted subsequent to twenty-four hours after the introduction of the motion by a majority of the members duly elected and seated.

Article 71. Decisions of the State Council shall be made by majority vote.

The President shall have the right to vote and to break a tie vote.

Article 72. The following matters shall be referred to the State Council for decision:

(1) Fundamental plans and policies concerning state affairs;

(2) Proposed treaties, declarations of war, conclusions of peace, and other important matters pertaining to foreign policy;

(3) Proposed amendments to the Constitution, legislative Bills and Presidential decrees;

(4) Proposed budgets, closing of accounts, urgent financial dispositions and the defrayment of the reserve fund;

(5) Matters pertaining to requests for convening the National Assembly for extraordinary sessions;

(6) Proclamations and terminations of a state of siege;

(7) Important military affairs;

(8) Awarding of honours and granting of pardons, commutation and restoration of civil rights;

(9) Matters referring to the liaison between Ministries of the Executive and determination of their jurisdiction;

(10) Examination of petitions submitted or referred to the Government;

(11) Appointment and removal of Justices of the Supreme Court, the Prosecutor General, the Chairman of the Board of Audit, the Presidents of National Universities, Ambassadors and Ministers to foreign countries, the Chiefs of Staff of each armed force, other public officials designated by law; and the managers of important State-operated enterprises.

(12) Adoption and execution of important policies of the various Ministries of the Executive;

(13) And other matters presented by the members of the State Council.

Section 3. The Executive Ministries

Article 73. The heads of the Ministries of the Executive shall be appointed by the President from among the members of the State Council.

Article 74. Each Minister may, *ex officio* or by special delegation of authority, issue "Ministry Orders" concerning matters within the scope of his powers and duties.

Article 75. The organization and functions of each Ministry shall be determined by law.

CHAPTER V. THE COURTS

Article 76. The judicial power shall be vested in courts composed of judges.

The organization of the Supreme Court, the highest court of the State, and of the lower courts shall be determined by law.

The qualification for judges shall be determined by law.

Article 77. The judges of the courts shall judge independently and in accordance with the Constitution and the law.

Article 78. The Chief Justice of the Supreme Court shall be appointed by the President and with the consent of the National Assembly.

Article 79. The tenure of the judges shall be ten years and the judges may be reappointed in accordance with the provisions of law.

Article 80. Judges shall not be dismissed, suspended from office or have their salaries reduced except by impeachment or pursuant to criminal or disciplinary punishment.

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

When the judgment in any case is premised on the constitutionality of a law, the Court shall refer such question to the Constitution Committee and shall render judgment 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 unconstitutionality shall require a two-thirds majority vote of the Constitution Committee.

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

Article 82. The Supreme Court shall have power to establish the internal regulations of the courts and rules pertaining to routine matters thereof.

Article 83. Trials and the pronouncement of judgments shall be open to the public; however, a trial may be closed to the public by an order of the court when it finds that the holding of a public trial would be likely to disturb the public peace and order or be dangerous to public morals.

Article 83—II. Courts martial having jurisdiction of military offences may be established. However, appeals from kinds of judgments designated by law shall be within the jurisdiction of the Supreme Court.

The organization and powers of courts martial and qualifications for members thereof shall be determined by law.

CHAPTER VI. ECONOMY

Article 84. The principle of the economic order of the Republic of Korea shall be to attain social justice, to fulfil the basic requirements of all citizens and to encourage the development of a balanced national economy;

The economic freedom of each individual shall be guaranteed within these limits.

Article 85. License to exploit, develop or utilize mines and other important underground resources, marine resources, water power and all other economically available natural powers may be granted for limited periods in accordance with the provisions of law.

Article 86. Farmland shall be distributed to farmers. The method of distribution, the extent of possession, and the nature of restrictions of ownership shall be determined by law.

Article 87. Foreign trade shall be controlled by the Government in accordance with the provisions of law.

Article 88. Private enterprises shall not be transferred to State or public ownership, except in cases specifically designated by law to meet urgent necessities of national defence or national life, nor shall their management or operation be controlled by the State or by juridical persons organized by public law.

Article 89. Article 15, paragraph 3 of this Constitution shall be applicable to the expropriation of farmland as provided in article 86, and shall also be applicable to the transfer of private enterprises to the State or to public ownership as provided in the foregoing article.

CHAPTER VII. FINANCE

Article 90. The items and rates of all taxes shall be determined by law.

Article 91. The Executive at the beginning of each regular session shall submit to the National Assembly for its decision a budget covering all revenues and expenditures for the fiscal year.

In case any disbursement is necessary to cover a period of more than one year, such disbursement shall be deemed a continual fund covering a fixed term and shall be so submitted to the National Assembly for its decision.

The National Assembly shall neither increase the sum of any item of expenditure, nor establish new items of expenditure without the consent of the Executive.

Article 92. Any plan to raise funds by national loans or any conclusion of a contract creating liability for debt incumbent upon the State or unprovided for in the budget shall be submitted to the National Assembly for its decision.

Article 93. The decision of a reserve fund for unforeseen expenditures unprovided for in or in excess of the budget shall be decided in advance by the National Assembly.

Disbursement from the reserve fund shall be confirmed by the National Assembly at the session subsequent thereto.

Article 94. The National Assembly shall enact the annual budget prior to the beginning of the fiscal year.

In case the budget cannot, because of unavoidable reasons, be enacted in time the National Assembly shall adopt a provisional budget for a period not extending beyond the first month of the fiscal year; and the regular budget shall be enacted within the same period.

Article 95. The accounts of revenue and disbursement of the State shall be investigated annually by the Board of Audit.

The Executive shall submit to the National Assembly, during its session in the following year, a statement of accounts together with the auditing report of the Board of Audit.

The organization and functions of the Board of Audit shall be determined by law.

CHAPTER VIII. LOCAL AUTONOMY

Article 96. Local autonomous bodies shall, within the framework of laws and orders, perform their administration and such additional acts as are delegated to them by the State, and shall manage their property within the same framework.

Local autonomous bodies may establish self-governing regulations within the framework of laws and orders.

Article 97. The organization and operation of local autonomous bodies shall be determined by law.

There shall be a Council set up in each local autonomous community.

The organization and authority of the local councils and the method of election of their members shall be determined by law.

CHAPTER IX. AMENDMENTS TO THE CONSTITUTION

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

and seated, or by the concurrence of 500,000 or more of the eligible voters for the election of representatives.

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 be not less than thirty days' duration.

A decision on a proposed amendment to the Constitution shall require the concurrence of two-thirds or more 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. However, in case a decision on a proposed amendment to the Constitution is rejected by popular vote, as provided in article 7 - II, the President shall promulgate such rejection as soon as the result of such vote is known and announce the decision has become retroactively null and void.

The provisions of articles 1, 2 and 7 - II shall not be changed or abolished.

CHAPTER X. SUPPLEMENTARY RULES

Article 99. This Constitution shall be in effect on and after the date of its promulgation declared by the Speaker of the National Assembly which enacted this Constitution. However, those provisions which can be made effective only by the enactment of supplementary laws shall become effective on and after the date on which supplementary laws become effective.

Article 100. Existing laws and administrative orders shall be in effect to the extent that they do not conflict with this Constitution.

Article 101. The National Assembly which enacted this Constitution may establish a special law providing for the punishment of malicious anti-national acts committed prior to 15 August 1945.

Article 102. The National Assembly which enacted this Constitution shall exercise the powers of the

National Assembly as prescribed in this Constitution. The tenure of its members shall be two years from the date of the convocation of the National Assembly.

Article 103. Government officials holding positions at the effective date of this Constitution shall continue in office until such time as their successors shall be elected or appointed as provided in this Constitution.

The Speaker of the National Assembly of the Republic of Korea hereby promulgates this Constitution of the Republic of Korea ordained and established by the National Assembly of the Republic of Korea.

On this seventeenth day of July in the year of Tangun Four Thousand Two Hundred and Eighty-one (T.N. July 17, A.D. 1948).

The Speaker of the National Assembly
of the Republic of Korea
SYNGMAN RHEE

SUPPLEMENTARY RULES

(Amendments of 27 November 1954)

This Constitution shall be in effect on and after the date of its promulgation.

The Councillors from each electoral district elected for the first time after the enforcement of this Constitution shall be assigned equally to two classes, the first class and the second class, according to the order of the numbers of votes they have received. The term of Councillors of the first class shall be six years and that of the second class shall be three years. If two or more Councillors shall receive an equal number of votes, they shall be assigned to such classes in accordance with the order of their respective ages.

The proviso of paragraph 1 of article 55 of this Constitution shall not apply to the incumbent of the office of President at the time of promulgation of this Constitution.

SALES AGENTS FOR UNITED NATIONS PUBLICATIONS

ARGENTINA

Editorial Sudamericana S.A., Alsina 500, Buenos Aires.

AUSTRALIA

H. A. Goddard, 255a George St., Sydney, and 95 Queen St., Melbourne.
Melbourne University Press, Carlton N.3, Victoria.

AUSTRIA (see below)

BELGIUM

Agence et Messageries de la Presse S.A., 14-22 rue du Parsil, Bruxelles.

W. H. Smith & Son, 71-75, boulevard Adolphe-Max, Bruxelles.

BOLIVIA

Libreria Selecciones, Casilla 972, La Paz.

BRAZIL

Livraria Agir, Rio de Janeiro, São Paulo and Belo Horizonte.

CANADA

Ryerson Press, 299 Queen St. West, Toronto.
Periodica, Inc., 5112 Ave. Papineau, Montreal.

CEYLON

Lake House Bookshop, The Associated Newspapers of Ceylon Ltd., P.O. Box 244, Colombo.

CHILE

Libreria Ivens, Moneda 822, Santiago.

Editorial del Pacifico, Ahumada 57, Santiago.

CHINA

The World Book Co. Ltd., 99 Chung King Road, 1st Section, Taipei, Taiwan.

The Commercial Press Ltd., 170 Liu Li Chang, Peking.

COLOMBIA

Libreria América, Medellín.

Libreria Nacional Ltda., Barranquilla.

Libreria Buchholz Galeria, Av. Jimenez de Quesada 8-40, Bogotá.

COSTA RICA

Trejos Hermanos, Apartado 1313, San José.

CUBA

La Casa Belga, O'Reilly 455, La Habana.

CZECHOSLOVAKIA

Československý Spisovatel, Národní Trida 9, Praha 1.

DENMARK

Einar Munksgaard, Ltd., Nørregade 6, København, K.

DOMINICAN REPUBLIC

Libreria Dominicana, Mercedes 49, Ciudad Trujillo.

ECUADOR

Libreria Científica, Guayaquil and Quito.

EGYPT

Librairie "La Renaissance d'Égypte," 9 Sh. Adly Pasha, Cairo.

EL SALVADOR

Manuel Navas y Cia., 1a. Avenida sur 37, San Salvador.

FINLAND

Akateeminen Kirjakauppa, 2 Keskuskatu, Helsinki.

FRANCE

Editions A. Pedone, 13, rue Soufflot, Paris V.

GERMANY (see below)

GREECE

"Eleftheroudakis," Place de la Constitution, Athènes.

GUATEMALA

Goubaud & Cia. Ltda., 5a. Avenida sur 28, Guatemala.

HAITI

Librairie "A la Caravelle," Boite postale 111-B, Port-au-Prince.

HONDURAS

Libreria Panamericana, Tegucigalpa.

HONG KONG

The Swindon Book Co., 25 Nathan Road, Kowloon.

ICELAND

Bokaverzlun Sigfusar Eymundssonar H. F., Austurstraeti 18, Reykjavik.

INDIA

Oxford Book & Stationery Co., Scindia House, New Delhi, and 17 Park Street, Calcutta.

P. Varadachary & Co., 8 Linghi Chetty St., Madras 1.

INDONESIA

Pembangunan, Ltd., Gunung Sahari 84, Djakarta.

IRAN

Ketab-Khaneh Danesh, 293 Saadi Avenue, Tehran.

IRAQ

Mackenzie's Bookshop, Baghdad.

ISRAEL

Blumstein's Bookstores Ltd., 35 Allenby Road, Tel-Aviv.

ITALY

Libreria Commissionaria Sansoni, Via Gina Capponi 26, Firenze.

JAPAN (see below)

LEBANON

Librairie Universelle, Beyrouth.

LIBERIA

J. Momolu Kamara, Monrovia.

Albert Gemayel, Monrovia.

LUXEMBOURG

Librairie J. Schummer, Luxembourg.

MEXICO

Editorial Hermes S.A., Ignacio Mariscal 41, México, D.F.

NETHERLANDS

N.V. Martinus Nijhoff, Lange Voorhout 9, 's-Gravenhage.

NEW ZEALAND

United Nations Association of New Zealand, C.P.O. 1011, Wellington.

NORWAY

Johan Grundt Tanum Forlag, Kr. Augustsgt. 7A, Oslo.

PAKISTAN

Thomas & Thomas, Fort Mansion. Frere Road, Karachi, 3.

Publishers United Ltd., 176 Anarkali, Lahore.
The Pakistan Cooperative Book Society, Chittagong and Dacca (East Pakistan).

PANAMA

José Menéndez, Plaza de Arango, Panamá.

PARAGUAY

Moreno Hermanos, Asunción.

PERU

Libreria Internacional del Perú, S.A., Lima and Arequipa.

PHILIPPINES

Alemar's Book Store, 749 Rizal Avenue, Manila.

PORTUGAL

Livraria Rodrigues, 186 Rua Aurea, Lisboa.

SINGAPORE

The City Book Store, Ltd., Winchester House, Collyer Quay.

SPAIN (see below)

SWEDEN

C. E. Fritze's Kungl. Hovbokhandel A-B, Fredsgatan 2, Stockholm.

SWITZERLAND

Librairie Payot S.A., Lausanne, Genève.

Hans Raunhardt, Kirchgasse 17, Zurich 1.

SYRIA

Librairie Universelle, Damas.

THAILAND

Pramuan Mit Ltd., 55 Chakrawat Road, Wat Tuk, Bangkok.

TURKEY

Librairie Hachette, 469 Istiklal Caddesi, Beyoglu, Istanbul.

UNION OF SOUTH AFRICA

Van Schaik's Bookstore (Pty.), Ltd., Box 724, Pretoria.

UNITED KINGDOM

H. M. Stationery Office, P.O. Box 569, London, S.E. 1 (and at H.M.S.O. Shops).

UNITED STATES OF AMERICA

Int'l Documents Service, Columbia University Press, 2960 Broadway, New York 27, N. Y.

URUGUAY

Representación de Editoriales, Prof. H. D'Elia, Av. 18 de Julio 133, Montevideo.

VENEZUELA

Libreria del Este, Edificio Galipán, Ave. F. Miranda No. 52, Caracas.

VIET-NAM

Papeterie-Librairie Nouvelle Albert Portail, Boite postale 283, Saigon.

YUGOSLAVIA

Drzavno Preduzece, Jugoslovenska Knjiga, Terazije 27-11, Beograd.

United Nations publications can also be obtained from the following firms:

AUSTRIA

B. Wüllerstorff, Waagplatz, 4, Salzburg.

Gerold & Co., Graben 31, Wien 1.

GERMANY

Elwert & Meurer, Hauptstrasse 101, Berlin-Schöneberg.

W. E. Saarbach, Gereonstrasse 25-29, Köln (22c).

Alex. Horn, Spiegelgasse 9, Wiesbaden.

JAPAN

Maruzen Company, Ltd., 6 Tori-Nichome, Nihonbashi, Tokyo.

SPAIN

Libreria Bosch, 11 Ronda Universidad, Barcelona.

Orders and inquiries from countries where sales agents have not yet been appointed may be sent to: Sales and Circulation Section, United Nations, New York, U.S.A.; or Sales Section, United Nations Office, Palais des Nations, Geneva, Switzerland.