THE KOREAN QUESTION AND THE UNITED NATIONS

By D. H. N. JOHNSON

The names of Manchuria and Ethiopia will for ever be associated with the failure of the League of Nations. Similarly, the name of Korea will for ever be associated with the United Nations—whether with the failure or success of that Organization it is too early yet to say. Now that a degree of stalemate appears to have been reached in regard to the Korean question and that the attempt to settle it outside the United Nations, through the Geneva Conference of April—June 1954, has failed no less signally than previous attempts to settle it inside the United Nations, it may be opportune to survey the question as a whole from its beginning right up to the present time. It is not of course proposed in this article to give a detailed history of the Korean question 1) Instead it is proposed to give a brief summary of the principal events and then to try to assess the significance of the Korean question in relation to the development of the United Nations, particular stress being laid upon the legal aspects

Summary of events:

The story begins in 1943 when, in the Cairo Declaration, the Governments of the United Kingdom, the United States and China declared that, being «mindful of the enslavement of the people of Korea» under Japanese rule, they were «determined that in due course Korea shall become free and independent». The same three Governments confirmed this declaration at Potsdam in July 1945, and the Government of the Soviet Union associated itself with it. It was also agreed that, when the Soviet Union entered the war against Japan, the 38th parallel (which runs across Korea) should be the dividing line between the United States and Soviet zones of responsibility for the purpose of accepting the surrender of the Japanese forces in Korea. After Japan had surrendered, it was agreed at Moscow in December 1945, between the Foreign Ministers of the United Kingdom, the United States and the Soviet Union

1) The author is reader in Public International Law at the London School of Economics and Political Science, University of London
that a joint United States and Soviet Commission should be set up to consult with »Korean democratic parties and social organizations« concerning the establishment of a Provisional Korean Government. The Commission was set up, but achieved no result, and on September 17, 1947, the United States referred the Korean question to the United Nations. On November 14 of that year the General Assembly adopted two resolutions. The first established »a United Nations Temporary Commission on Korea, to be present in Korea, with right to travel, observe and consult throughout Korea« for the purpose of supervising Korean elections. The second resolution recommended that elections should be held not later than March 31, 1948, »on the basis of adult suffrage and by secret ballot«, whilst »the number of representatives from each voting area or zone should be proportionate to the population«. It also declared that the Commission should consist of representatives of Australia, Canada, China, El Salvador, France, India, Philippines, Syria and the Ukraine. The Ukrainian Government, however, refused to appoint a representative and the Soviet Government argued (as Mr. Molotov was still arguing in Geneva over six years later) that the resolutions were illegal as being a contravention of Article 107 of the Charter 2). Consequently, it came as no surprise when the Commission was refused permission to operate in North Korea. However, the Commission proceeded to supervise elections in South Korea on May 10, 1948, and declared the results to be »a valid expression of the free will of the electorate in those parts of Korea which were accessible to the Commission and in which the inhabitants constitute approximately two-thirds of the people of all Korea«. The National Assembly thus elected adopted a Constitution with Dr. Syngman Rhee as President of the Republic of Korea.

On December 12, 1948, the General Assembly adopted a resolution which declared that »there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the Temporary Commission was able to observe and consult« and recommended the occupying Powers to withdraw their forces. The resolution also established a new Commission on Korea (with the same membership as the previous Temporary Commission) which was instructed to »lend its good offices to bring about the unification of Korea« and to »observe the actual withdrawal of the occupying forces and verify the fact of withdrawal when such has occurred«. During 1949 the occupying forces of both sides were withdrawn, a »Korean People's Democratic Republic« was set up in North Korea.