CHAPTER - II

UNITED NATIONS IN KOREAN WAR

Background of the Crisis

Korea since long has been the centre of power politics because of two important reasons—its strategic location and commercial viability which often led involvement of the powers like Japan, Tsarist Russia, China in different degree at different time.

The Korean war that erupted on June 25, 1950 was not a matter of surprise rather the first onslaught of a storm which had long been gathering. The tension between the U S - controlled South Korea and the Soviet-controlled North Korea had been acute ever since the Cold War began. In the summer of 1948, the United Nations Temporary Commission on Korea, (UNTCOK) had stressed the dangers to peace from the divided Korea.¹ A year


The Report of the UNTCOK, which contains fairly exhaustive study of the Korean problem Contd..
later, the UN Commission on Korea reported "military posturings" on both sides of the 38th Parallel with repeated border incidents. On both sides of the frontier there had been official threats that force would be used to unify the whole country.

The dangerous situation within Korea was not primarily Korean in origin. Ever since the later part of the 19th century the helpless country had been the victim of Great Power Conflicts and ambitions. The Russo-Japanese war of 1904-5 settled the issue in Japan's favour and with the American and English concurrency Korea had passed into Japanese control in 1910.

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was issued in two parts. The first part issued in three volumes (Doc. A/575 and add. 1 and 2) in two volumes (Doc. A/575/Add. 3 and 4), from May 25 to October 14, 1948.


3. For historical background to the ambitions and conflicts of major powers which engulfed this unhappy country, See, M. Frederick Nelson, Korea and the Old Order in Eastern Asia (Louisiana, 1946).
From 1910 down to Pearl Harbour, there was no inclination on the part of other Great Powers to challenge Japan's position in Korea. A challenge came, however once Japan became an active belligerent on the side of Germany and other Axis powers. By the Cairo Declaration of December, 1943 the United States, the United Kingdom and China pledged their determination that Korea would, "in due course become free and independent". The pledge was reaffirmed in the Potsdam Declaration of July 26, 1945, and was subscribed to by the Soviet Union when it declared war against Japan on August 8, 1945. 4

When Japan went down under, the Russians occupied the northern part of Korea-north of latitude 38 and American forces the Southern part.

4. For a detailed and documented account on the war-time and post-war commitments of the major powers, See Korea's Independence, Department of State Publication 2933 (Washington DC, 1947).
Although agreement was reached at the Moscow conferences of Foreign Ministers in December, 1945, on a procedure to be followed for achieving an independent and democratic Korea, subsequent negotiations between the United States and Soviet military commands broke down. In fact, the course of these negotiations strongly suggested that as world relations between the United States and the Soviet Union deteriorated, each government became more insistent on a solution of the Korean problem which would prevent the other from bringing the whole territory with it phase of dominant influence. The crux of the disagreement stemmed from the fact that for both Russia and the USA, Korea was of vital strategic importance. The Soviet Union wanted to ensure that no hostile power should

5. See the text of notes exchanged between the two controlling powers reproduced in Ibid., pp. 20-41 and 50-59; also, Korea 1945 to 1948, A Report on Political Development and economic Resources with Selected Documents (Washington DC, 1948), pp. 43-48.
had invasion bases within the reach of the Russian soil. As Japan was already in American possession, Soviet strategy was guided to mark Japan with a line of Russian held bases. This already included the military air bases in Siberia, the Kurila Islands and Sakhalin. To complete the circle and to consolidate her hold on the Asian mainland, Korea was essential. On the other hand, Korea for the USA, was of great strategic value, if it wanted to keep its hold in the pacific, and to carry out its policy of containment against the Soviet bloc. When Soviet American negotiations on Korea were deadlocked, the United States, on September 17, 1947, referred the Korean problem to the UN General Assembly.6 In

6. UN Doc., A/BUR/85, September 17, 1947; also, see the address delivered by US. Secretary of State, George C. Marshall on September 17 before the General Assembly, GAOR, Plenary, 82nd Meeting, September 17, 1947, vol. I, pp. 21-22.
the debate that ensued both the contending parties reiterated their respective positions. The United States proposed that the occupying powers should hold elections in their respective zones under the observation of the United Nations, "as the initial steps reading to the creation of a National Assembly and the establishment of a National government of Korea", and the Korean Government, thus elected, should take over the administration from the controlling power should withdraw and that thereafter it should be left to the Korean people themselve to establish a national government of Korea. The Soviet Union further proposed that a representatives supporting him, maintained that consultation with representatives of the Korean people should take place in Korea itself and notably by the United Nations Korean

Commission. The United States point of view was upheld by the majority in the first committee as well as in the plenary of the General Assembly.

On November 14, 1947, by a vote of 40 to 0 with 6 abstentions, the General Assembly adopted a US sponsored resolution creating a temporary commission on Korea to facilitate establishment of a Korean national government, through nation-wide elections, which were to be followed by withdrawal of all occupation forces. The Soviet resolution concerning simultaneous evacuation of the US and Soviet troops from Korea at the beginning of 1948, failed of adoption, having obtained 7 votes to 34, with 16 abstention.


The Soviet Union adopted a "negative attitude" towards the temporary commission and refused it permission even to enter North Korea. Consequently, the commission was authorized to implement the original resolution "in such parts of Korea as are accessible to the commission".

10. See the Soviet Union's Representative, Mr. Gromyko's Statement before the General Assembly, Ibid, 111th Meeting, pp. 823-32.


It should be noted that the Interim Committee was established on November 13, 1947, by the General Assembly as a subsidiary organ which would function between the Assembly's regular sessions. The problem of Korea was the first case that it handled. It was composed of all members of the United Nations, but the Soviet Union and other socialist states regarded the creation of the interim Committee as contrary to the Charter and never attended its meetings.

The Committee could not function as a real interim Assembly, though renewed at intervals, it was given less and less to do, and since 1955 has been adjourned sine die.
In South Korea, in May 1948, elections were organized and conducted by the United States Army Military Government in Korea under the observance of the UN Commission. In the elections, which were boycotted by quite a number of political groupings, there were as many as 134 parties participating. Out of 200 deputies elected to the National Assembly, 170 were supporters of Syngman Rhee "favoured by landowners, police force and the USA". On the basis of commissions report to the effect that elections were held in "a reasonable degree of free atmosphere" and the results were "a valid expression of the free will of the electorate", the newly elected Government with Syngman Rhee as president, was recognized by UN General Assembly as the lawful Government, having effective control and jurisdiction over

that part of Korea, in which temporary commission observed elections.\textsuperscript{13} Since the unification all Korea had not been attained, the Assembly established a United Nations Commission of Korea of seven member-states to lend its good offices to that end.\textsuperscript{14}

Meanwhile, in the North, the Soviet Union got established a government with Kim II Sung as Prime Minister and on September 18, 1948, informed the United Nations that it would withdraw troops by the end of the year. Soviet troops left by December, except for a military training mission. On the other side, the United States withdrew its troops by July, 1949, except for a military training mission.

\textsuperscript{13} General Assembly Resolution 195 (III), December 12, 1948.

\textsuperscript{14} The Commission consisted of Australia, China, el Salvador, France, India, the Philippine and Syria.
The establishment of new governments representing conflicting ideologies only aggravated the already existing tension between the two parts. Each of the two governments laid claim not only to being the only lawful government in Korea, but also to being the lawful government of "all" Korea. Border skirmishes, sabotage and riots in both parts were frequent.

From 1948 to June 1950, the efforts of the United Nations through the General Assembly and the UN Commission on Korea were directed towards alleviating this conflict and paving the way for unification. However, these efforts were thwarted by the growing seriousness of the world-wide struggle between the West and the Soviet Union. Recognizing the danger to peace, the General Assembly, in October 1949, assigned to the UN Commission on Korea the additional task of observing and reporting developments which might lead to a military conflict in Korea.  

15. UN DOC., S/1505, June 27, 1950. The documents initially reproduced in S/PV. 474 was superseded by Doc. 1505/Rev. of August 21, 1950. See SCOR, Fifth year, Supplement for
United Nations' Involvement

In the afternoon of June 27, when the Security Council met, it had before it four cablegrams from the United Nations Commission on Korea. In sum, these cablegrams stated that the commission had no evidence to justify in any respect the North Korean allegations that South Korea had precipitated the conflict by launching an invasion across the 38th parallel; all the evidence continued to point to a calculated, coordinated attack prepared and launched in Secrecy, and that, judging from the military operations in progress, "the northern regime is carrying out full-scale invasion of South Korea." In all the messages received to date, the only suggestion for action made by the Commission was that the Security Council give consideration to unifying both parties to agree on a neutral mediator or member governments undertake immediate

mediation". 17

The Security Council, however went along with the United States' plea that the situation required military action by the United Nations. It adopted a US draft resolution by a vote of 7 to 1 (Yugoslavia), with one Member absent (USSR), and two members (Egypt and India) not participating in the voting. By the same margin of vote, it rejected a Yugoslav draft resolution for a renewal of the cease-fire call and mediatory efforts by the Council. 18

The resolution adopted declared that urgent military measures are required to restore international peace and security" and recommended


This is not said here by way of belittling the seriousness of North Korean attack. The point in emphasis is that council's resolutions were not so much based on the report of the on-the-spot Commission of the United nations as or the information conveyed and the pressure exercised by the United States.

that Member-states, "furnish such assistance to the Republic of Korea as might be necessary to repel the armed attack and to restore international peace and security in area".\textsuperscript{19}

Consequently, the unilateral action of the United States to give military aid to South Korea was turned into a UN Coercive action. Ten days later, the Council completed the formality by requesting that military assistance by Member States be "made available to a unified command under the United States", and that "the United States designated the commander of such forces".\textsuperscript{20}

The Soviet Union and the other four communist Members of the United Nations denounced the action of the Security Council as "illegal".\textsuperscript{21}

\textsuperscript{19} \textit{UN Doc.}, S/1511, June 27, 1950.

\textsuperscript{20} \textit{UN Doc.}, S/1598, July 7, 1950.

\textsuperscript{21} See the note from the Deputy Minister of Foreign Affairs of the USSR, to the Secretary General. \textit{UN Doc.} S/1517, June 29, 1950.
Other Member nations - 51 out of 59 - supported the Council's resolution. However, only 15, besides the USA, sent their combat forces to Korea. The burden of resisting the North Korean attack was mainly borne by the United States which supplied equipments and suffered nine-tenths of the casualties.\textsuperscript{22}

Consequently, the United States, without the effective participation by other Member States, did all the military planning, took political decisions armistic negotiations. It is difficult to say whether the United States would

\textsuperscript{22} For tables of individual contribution of Member States, See Yearbook of the United nations 1950, pp. 226-28.

It may be noted that the United States did not notify the United Nations of the nature and size of its assistance until June 8, 1957. The US government, in response to the Secretary-General's note communicating the Council's resolution of June 27, only informed the Secretary General that the US forces were already giving cover and support to the Korean Government troops.
have permitted substitution of its own leadership by a collective leadership. In the first week of July, 1955, the Secretary General took the initiative of instituting a committee on co-ordination with the purpose of keeping the United Nations "in the picture to promote continuing United Nations participation in, and supervision of, the military security action in Korea"

The Korean military enterprise under the UN flag was generally hailed in the western world "as the first enforcement action against an aggressor that the organized community of nations had taken in accordance with the principles of collective security." An objective analysis, however, would show that such a characterization was somewhat conceited. (The military action was taken not by

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the organized community of nations but in the name of that organized community. The direction and control of the military measures was not undertaken by an international military staff but by one-member nation alone. It will be truism to say that the UN force, as it was constituted and as identified by the right to use the UN flag and other devices was not in fact a UN force, but rather a US force with other national units placed at its disposal.  


It should be noted that the United Nations command for the Korean operations, that was set up in Tokyo under General Mac Arthur, was practically identical with Far Fast Command of the United States. General MacArthur was in charge of both. It is chain of command was through the chief of Staff of the Army to the joint chiefs of staff, to the Secretary of Defence, to the President of the United States.

The responsibility of making decisions as implementing them naturally rested with the
Again the Korean action was not in conformity with the Charter theory of collective security. The framers of the Charter had spelt out a system for collective measures which envisaged the availability of armed forces under Article 43, and adoption and coordination and direction of such armed forces by the military staff committee. Since Article 43 had not been implemented, the Council could not act under the system.

In the case of Korea, faced with a situation of a breach of the peace and unable to act under Chapter VII of the Charter, the Members of the Security Council, led by the United States,

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US government. At the weekly conference in Washington DC, of representative of those United Nations Member governments who had their armed forces in Korea, was usually provided over by the US Assistant Secretary of State. The Members were briefed on the military and political developments. Little information regarding plans for future military action was given out. This was largely because of security reasons.
took recourse to what may be termed the League theory of collective security. The Council established the fact of a breach of the peace without making reference to Article 39, and recommended (not ordered) to Member themselves wide discretion in determining the nature and extent of their participation.

The Charter lays down that any decision for enforcement action by the Security Council is binding on all Members of the United Nations. In the case of Korea, none of the Security Councils' resolutions of June 25, 27 or July 7, 1950, appear by their terms to be such decisions for enforcement action as impose obligations on Members under the Charter to carry them out or even to afford mutual assistance.

It may, however be noted that the mere fact that the Security Council's recommendations for enforcement action in Korea were not actions under Chapter VII does not mean that such actions were lawful. Indeed, the Korean action may be
described as action which the Members of the United Nations as individual states are permitted to take, as distinct from either obliged to take or prohibited from taking under the Charter. The "permission" or "licence" or "liberty" to use force has its base in inherent right of individual or collective self-defence against attack (Article 51). A guideline to Member States is found in Article 19(i), which declares a purpose of the United Nations to be "to take effective collective measures - for suppression of acts of aggression or other breaches of peace".

As such, the military action taken in pursuance of the Council's revolutions of June 25 and 27 was adequately in keeping with the purposes of the United Nations, although it could be criticized on the ground that the revolutions leading to the action were adopted when the Soviet Union was absent from the meetings and China was
not properly represented. 25


The opinion of the most of the commentators and the previous UN practice, however, inadequate that neither abstention nor absence of a Permanent Member of the Security Council constitutes a veto.