

CHAPTER 2

THE HISTORICAL ROLE OF THE UNITED NATIONS ON THE KOREAN PENINSULA: THE CASE OF THE KOREAN WAR AND SOUTH KOREA

Caner KUR*

*Department of Political Science and International Relations, Istanbul University, Istanbul, Turkey
e-mail: caner.kur@ogr.iu.edu.tr

DOI: 10.26650/B/SS25.2019.001.02

INTRODUCTION

The Korean Peninsula has always been an area of interest for the neighboring countries throughout history and - especially from the 19th century onwards - has witnessed the power struggle among the great powers over establishing their hegemony. As Hans Morgenthau argues, Korea, enclosed by great power rivalry, ensured its survival either due to the balance of power between those powers or by accepting the relative hegemony of a particular power such as China for long centuries. However, after the Russo-Japanese War of 1904-1905, the traditional policies for ensuring survival by linking itself to a great power proved to be ineffective as the Korean peninsula was to become a colony of Japan for over thirty-five years. Following the Japanese surrender in 1945, another great power struggle over the peninsula emerged, this time between the United States and the Soviet Union. The division of Korea between two great powers, therefore, took place during the critical early phases of the Cold War where the United Nations (UN) had come to play a significant role.

In this article, the main study will be focused on the relations between the United Nations and the Case of Korea - referring to the foundation of both actors and the UN's role in conflict resolution. Since its establishment, the Korean Question has been closely associated with the

very role that the United Nations played in the post-war international order. It could even be said that there was no other case where the UN, founded by the reconciliation among great powers to achieve international security and peace, was affected to such an extent as by the developments in Korea.

In this context, the study is focused on the critical post-war years between 1945 and 1950 where the Korean Question openly demonstrated the limitations of the UN and its capacity to settle disputes which particularly concerned the great power interests. The Korean Question became an epitome for the future functioning of the UN's internal structure and was the most critical test for the organization in terms of the reliability of the collective security system – a factor which was one of the most criticized deficiencies of the former League of Nations. Furthermore, whatever the outcome of the Korean Question, the UN, which has succeeded in preserving the collective security principle, has failed to solve the problems that cannot be realized without a large consensus between great powers. In this vein, the interaction between the UN and Korea between 1945 and 1950 critically shaped both the formation phase of the UN and Korea, and influenced their future role within the new international order.

THE CASE OF KOREA DURING THE FORMATION PROCESS OF THE UNITED NATIONS

The Korean Peninsula, having been on the agenda of the United Nations (UN), played important roles during the structural development process and historical turning points of the organization. The expressions that concern land, border changes and self-determination in the second and third articles of the Atlantic Charter, which laid foundations of the UN were also concerned with the political future of the 1940's Korean Peninsula.¹

With the annexation of Korea by Japan in 1910, the issue of occupation and self-determination of the Korean people was not on the agenda of the major powers for over 30 years. However, the beginning of the Second World War and Japan's participation brought the Korean issue right back to the table. The need to determine the future of Japanese occupied regions, therefore, was linked at first to the "*certain common principles*" of the Atlantic Charter.²

Following the agreed principles of the charter between Prime Minister Churchill and President Roosevelt, to determine possible developments in the Asia-Pacific became a necessity considering the vast amount of land and region that had been occupied by Japan

1 <http://avalon.law.yale.edu/wwii/atlantic.asp>

2 <http://www.un.org/en/sections/history-united-nations-charter/1941-atlantic-charter/index.html>

since 1914. An important step was taken with the Cairo Conference on 23 November 1943 where Chinese leader Chiang Kai-Shek, Winston Churchill and Franklin Roosevelt issued a joint statement of the future war aims against the Japanese. The fate of the Korean peninsula was one of the main questions during the conference where all parties agreed on an independent Korea but with different point of views.³

Eventually, with The Cairo Declaration issued, three powers agreed upon Korea's independence "*in due course*" which had been confirmed in the sense that Korea should be independent and free. But in reality, the Korean Question was postponed to be re-evaluated because of the possibility of a disagreement between the Soviet Union and the US.⁴ Another conference held in Tehran only two days after the Cairo Conference, this time with the participation of Joseph Stalin, confirmed the Cairo Charter which stated that in principle Korea should be independent. However, Roosevelt's Philippines Model trusteeship was still on the table as a last resort to resolve potential conflicts in the future. The last form of approval of the Korean Independence was taken in Yalta in February 1945. Roosevelt's trusteeship plan was discussed during the conference in concurrence with the establishment of a general trusteeship body under the authority of the future international organization, the UN⁵, agreed between Roosevelt and Stalin.⁶

Besides the Korean Question, another important source of conflict between the US and USSR concerning the voting structure of the Security Council also came to terms in Yalta. Final matters related to the organizational regulations and main structure of the United Nations were to be decided in a general conference to be held in San Francisco.⁷

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- 3 President Roosevelt's plan was to put Korea under the trusteeship of great powers similar to America's rule in the Philippines. The reason Roosevelt offered this solution had was twofold. Firstly, according to Roosevelt, Korea was not ready to govern herself because of a lack of administrative capacity and culture. Secondly, historically Korea was in the sphere of influence of China and Russia and even though it was not a prior national interest for the US, preventing domination of the peninsula by a sole major power seemed the best outcome for Roosevelt at that time.
 - 4 "The Cairo Declaration," November 26, 1943, History and Public Policy Program Digital Archive, Foreign Relations of the United States, Diplomatic Papers, The Conferences at Cairo and Tehran, 1943 (Washington, DC: United States Government Printing Office, 1961), pp. 448-449.
<https://digitalarchive.wilsoncenter.org/document/122101>
 - 5 The name United Nations was used for the first time in "Declaration by United Nations" in January 1942 when 26 nations made a commitment to fight against the Axis powers, <http://www.un.org/en/sections/history/history- united-nations/index.html>
 - 6 Bok-Ryong Shin, "The Decision Process of the Trusteeship in Korea 1945-1946: Focusing on the Change of U.S. Ideas", *Pacific Focus*, 2004, V.19, pp. 169-211, p. 175.
 - 7 The initial condition to attend the San Francisco Conference was to declare war upon Germany and Japan and approve the United Nations Declaration, <http://www.un.org/en/sections/history- united-nations-charter/1945- san-francisco-conference/index.html>

Thus, the conference was held on April 25, 1945, and Korea (at that time represented by the semi-formal Korean Provisional Government (KPG) located in Chongqing China), was not invited as an original participant. Even though it had been under the rule of Japan for 35 years or more, Korean delegates couldn't even attain observer status during the conference.⁸ As it is known to have started with President Roosevelt (even though he had just died before the conference), Washington's position of holding itself at a distance from the KPG and other nationalist Korean exiles had not changed, especially because of their anti-trusteeship stand.⁹

Despite the letter that was sent by KPG's Foreign Minister Cho So-Ang to the Allied Powers at the San Francisco Conference which openly demanded that Korea be ready and able to self-govern and be eligible to become a member of these United Nations, the position of the great powers had not changed. Further meetings were held on the question of Korea during the conference but the American position of trusteeship plan seemed the best choice at that time for Washington in order to restrain Soviet expansion on the Korean Peninsula.¹⁰ For this reason, President Roosevelt's proposal of trusteeship for the territories that were seized from the defeated countries during war played an arbitrary role between the two future rival powers.

Delayed once more, Korea's fate was in the hands of the balance of power between the great powers. In Potsdam, similar to Yalta, but this time with Harry Truman as president, the Cairo Declaration was reaffirmed by Stalin. However, the trusteeship issue was again left in uncertainty because of Truman's suspicions about Soviet intentions in Eastern Europe and Asia. As in the case of Korea, extrapolation was not possible for the peninsula's future because of the course of war and estimations about Japan's possible homeland resistance which might have made it difficult to adjust a secondary issue such as a military operation on the Korean Peninsula. The uncertainty of the American position - as seen in the case of the meeting between Army Chief of Staff George Marshall and General Alexei Antonov, meant that the Soviets also had the impression that Korea was playing a secondary role for Washington.¹¹

8 Korean Delegation's expenses were covered by the Chongqing Government but visa application for the US was denied by American authorities. Even though Chinese delegation supported some Korean Provisional Government exiles in America to attend the conference, they did not bring the issue to the table in the first place. See, Liu, Xiaoyuan, *A Partnership for Disorder: China, the United States, and Their Policies for the Post War Disposition of the Japanese Empire 1941-1945*, New York: Cambridge University Press, 1996, p. 197.

9 Mark P. Barry, "The U.S. and the 1945 Division of Korea: Mismanaging the 'Big Decisions'", *International Journal on World Peace*, v. 29, n. 4, 2012, pp. 37-59, p. 40

10 Lee, Won Sul, *The United States and the Division of Korea, 1945*, Seoul: Kyung Hee University Press, 1982, pp. 50-52.

11 Mark P. Barry (2012), *ibid.*, p. 42.

However, the division of the Korean peninsula or the prevention of its occupation by any sole power had become the main idea for the policymakers in Washington after the Roosevelt administration. Roosevelt's absence explicitly marked a new policy shift in American Foreign Policy in which his policy of incorporating Russians where their primary interests lay came to be abandoned. Korea was one such place, bordering Soviet soil and historically within the sphere of influence of the former Russian Empire.

Therefore, gradually in the minds of Washington policymakers, in spite of a trusteeship plan from the beginning of the negotiations and meetings with the Soviets, the idea of the division of the peninsula started to become the only applicable choice - especially considering the large number of pro-Soviet-Korean guerrillas and the fact that the closest American Army unit was hundreds of miles away from the Korean Peninsula.¹² Despite the change in American policy on Korea, the Soviets, specifically Stalin, were still favoring the trusteeship plan simply because they saw this as an opportunity for dismantling the European colonial bodies around the world.¹³ Thus, the Korean case, as it started to become a "great power chessboard", showed great importance in future negotiations between the US and USSR and the possible order that the international system would take in near future.

Events that changed the political destiny of Korea were triggered with the dropping of the atomic bomb on Hiroshima on August 6, followed by the Soviet entry into war in the Far East on August 9. The Soviet troops rapidly penetrated deep into Manchuria and Korea, and in a few days combating against the Japanese troops, had nearly reached the thirty-eighth parallel.¹⁴ With the Japanese Army crumbling and the Soviet Red Army continuing its advance, the American decision-makers were totally unprepared for this unexpected turn of events. During the Potsdam Conference, an agreement had been reached between Truman and Stalin as well as their diplomatic delegations stating that the Red Army would be ready to enter into the war by the second or third week of August. However, the dropping of the atomic bomb apparently accelerated the plans for the Soviets, even though from the Potsdam Conference, the surrender of Japan had turned into a race.¹⁵

12 The initial intelligence reports from early 1943 suggested that the Soviets were able to gather a respectable amount of Korean partisans indoctrinated by the Soviet belief and ideology. Similar to intelligence reports, the Army Chief of Staff was aware that in the case of a rapid Soviet entry into war against Japan, this would leave the Korean Peninsula open to an invasion. See, M. Minnich, James, *The North Korean People's Army: Origins and Current Tactics*, Annapolis: Naval Institute Press, 2005, p. 2.

13 James Lee, Jongsoo, *The Partition of Korea After World War II: A Global History*, New York: Palgrave Macmillan, 2006, p. 160.

14 Hasegawa, Tsuyoshi, *Racing the Enemy: Stalin, Truman, and the Surrender of Japan*, Massachusetts: The Belknap Press of Harvard University, 2005, p.195.

15 *Ibid.*, p. 2.

Whether or not the surrender of Japan had turned into a competition between the US and the USSR, rivalry already existed between the two sides and rapid Soviet advancement brought the danger of total domination over the entire Korean Peninsula. Overnight, during the assessment of the situation between the US State Department and the War Department subcommittees, a plan was drawn up to divide the peninsula from the 38th parallel as occupation zones in which the southern part including Seoul, the capital, would be under American control. The general plan to divide Korea and to determine the zones for the surrender of Japanese troops was swiftly prepared, accepted and approved by nearly all the high authorities from the US government and thus became the *de facto* foreign policy objective.¹⁶

Without losing any time, Truman sent the plan known as General Order Number One to Stalin. With Stalin's approval of the plan on August 16th (except for the arrangements concerning the Kuril Islands), the ongoing division of the peninsula that continues until today, thus occurred following the first few weeks of the end of the Second World War.¹⁷

THE ECHOES OF THE COLD WAR AND THE DIVISION OF THE KOREAN PENINSULA

Following the establishment of the occupation zones, with the 38th parallel being the dividing line, American forces arrived in the southern part on September 8, nearly one month after the official Japanese surrender. Under the command of General John Reed Hodge, the American corps established the "United States Army Military Government in Korea" or in short USAMGIK. When the Americans arrived in Korea, they knew little about the political or social situation of the country. Moreover, they did not have a high opinion of the already existing structure, known as the "People's Committee", because they considered them 'too left'. Soon afterward, USAMGIK began cooperating with the conservative elements of society, for example, those who had mostly cooperated with the Japanese during colonial times or big landowners who were against major socio-economic or socio-political shifts throughout the country. Despite the negative perception held by the majority of the population, an unpopular alliance was formed to establish an order.¹⁸

16 Hong, Hyun Woong, *American Foreign Policy Toward Korea: 1945-1950*, Oklahoma: Faculty of the Graduate College of the Oklahoma State University, Doctoral Dissertation, 2007, pp. 85-87.

17 Stalin's acceptance of the 38th parallel plan surprised many American officers and diplomats because of the fact that the Red Army could have occupied the whole of the peninsula. However, Stalin was eager to cooperate with the Americans, and the trusteeship, even if it was approached skeptically by many Russian decision makers, was still on the table. Furthermore, for the Soviets, control of the area north of the 38th parallel was still favorable, *Ibid.*, pp. 85-90.

18 Cummings, Bruce, *Korea's Place In the Sun-A Modern History*, New York: W. W. Norton & Company Inc, 2005, pp. 190-195.

Similar to American occupation forces, the Soviets had also organized friendly administrative bodies across the area north of the 38th parallel. The Soviets swiftly formed the Soviet Civil Administration which officially had ruled the northern part of the country before The Democratic People's Republic of Korea (DPRK) or in other words until North Korea was established in 1948.¹⁹ Thus it can be seen that both the Americans and the Soviets had begun to consolidate their power within their occupation zones. The administrative bodies that were formed during the first months of the occupation laid the foundations of the state apparatus both in the north and south which deepened the division of the peninsula.²⁰

The consolidation of the new regimes both in the south and north of the 38th parallel jeopardized the already fragile agreement on trusteeship between the US and the Soviet Union. Aside from the problems related to the political future of the Korean Peninsula, the growing concern between two rival powers on the future of Eastern Europe (specifically the Polish Question) made it difficult to adjust mutual interests for both sides. Furthermore, a new crisis concerning the withdrawal of the foreign forces from Iran emerged out of existing problems.²¹

In this respect, the Moscow Foreign Ministers Conference was one of the critical moments considering the disagreements over the Korean Question. Overshadowed by the Iranian Crisis and disagreements over peace treaties with the defeated countries, the situation in Korea was at the top of the list of the participants. Despite the emerging rivalry and earlier phases of the Cold War, the parties still had a consensus on the independence of Korea and the formation of a single government. The trusteeship issue this time more evidently led the course of the meeting. The U.S. Secretary of State, James Byrnes, followed in the footsteps of the deceased President Roosevelt and proposed an international trusteeship model for

19 Myers, Reynolds Brian, *The Cleanest Race*, New York: Melville House Publishing, 2011, p. 30

20 The ruling elite of the soon to be North Korea and South Korea had been openly supported by the Soviet and American occupation command forces within their respective control zones. Syngman Rhee, first president of South Korea, arrived in Korea on General MacArthur's plane and received a warm welcome by an American organized crowd. Likewise, the Soviets had organized a hero's welcome for Kim Il Sung who had served under the Red Army. Thereby, the time for negotiation for a trusteeship settlement had become a more remote possibility, after the first month of the occupation of the peninsula. See, Cummings (2005), *ibid*, p. 195.

21 Iran was invaded by the Soviets and British during the first months of the Soviet-German War as a precautionary measure to sustain the transportation of Allied material aids to the Soviet Union. An agreement had been reached between the Soviet Union, the United Kingdom and the newly formed regime in Iran on the promise of the withdrawal of all foreign troops by the end of the war. However, historical Soviet interests in the region, especially acquisition of concessions on the Iranian oil in which Americans and the British shared the same interests, gave rise to another problem among other major issues. Besides the oil question, the Soviets were organizing and supporting pro-Soviet movements in Iran. The establishment of two new separatist states was a clear indication that what might have happened considering the problems on the Korean Peninsula. Wynn, A. Neil, *Historical Dictionary of the Roosevelt-Truman Era*, Maryland: Scarecrow Press, Inc. , 2008, p. 51.

Korea which would last for a period of five years. Seconded by Molotov only on the condition that there would be no extension over the five-year tutelage, a joint communiqué was finally issued on 27 December 1945.²²

The third article of the communiqué that was concerned with the situation in Korea stated that a provisional Korean government was to be established within the framework of a joint commission comprised of the US-Soviet occupation commanders. According to recommendations of the joint commission, a four-power trusteeship was to be established immediately to provide the conditions for the transition process and to assist the provisional Korean government to take the required measures for complete independence.²³ Although there was nothing new on the previously agreed issues, the Moscow Conference distinguished itself from other agreements and summits because of the fact that it was conveyed under a much tenser international situation. Moreover, a four-power trusteeship eventually meant that these four powers represented the will of the United Nations.²⁴

The form of the trusteeship and its application on the Korean Peninsula, however, remained unclear. Regarding the different interests of the major powers apart from the gradually emerging Cold War rivalry, the independence of the colonial territories was not the main goal but a possible outcome of the tutelage process. The chapters of the United Nations that concern the administrative affairs of the colonies and the territories liberated from the defeated countries such as the “Declaration Regarding Non-Self-Governing Territories” of chapter XI did not imply complete independence.²⁵

However, Korea, regarding its special status as having been occupied and ruled by Japan, an aggressor of World War II, differed from other colonies under the mandate or rule of empires such as Britain or France. For example, the case of Korea was also different from the cases of Libya and Somalia where the trusteeship system was applied after the liberation of

22 Chi-Young Pak, *Korea and the United Nations*, Hague: Kluwer Law International, 2000, p. 4.

23 The Moscow Meeting of Council of Foreign Ministers, 60. Stat. 1899; *Treaties and Other International Acts Series 1555*, Communiqué on the Moscow Conference of the Three Foreign Ministers, p. 1346; <http://www.loc.gov/law/help/us-treaties/bevans/m-ust000003-1341.pdf>

24 The four power trusteeship in that sense would represent the will and the legality of the U.N. for the post-War era. Although the communiqué did not mention the supervision of the U.N., Sung Hack Kang argued that the establishment of a four-power trusteeship would open the way for U.N.’s participation in the affairs of the Korean peninsula, Kang, Sung-Hack, *Korea’s Foreign Policy Dilemmas Defining State Security and the Goal of National Unification*, Kent: Global Oriental, 2011, p. 301.

25 Even though there were noteworthy compromises from each major power, the declaration regarding the dependent people was open-ended for interpretation. For example, the application of the trusteeship mechanism for the colonies under the United Kingdom was left to British politicians, Jongsoo James Lee (2006), *ibid.*, p. 11.

these territories from the Italians and where there was no conflict of interests between the great powers. Korea, however, was the only country considered as a colony of Japan that was then liberated by two conflicting wartime partners, and therefore, the issue of building consensus between these two great powers actually mattered for the Korean Question.²⁶

In this context, the Americans and the Soviets started preparations for the establishment of a joint commission in line with the decision taken at the Moscow Conference for the establishment of a provisional government that would provide Korea's independence. Both sides, after several meetings between January and February 1946, agreed to convene the Joint Commission. However, the political situation in Korea, especially the objection to trusteeship rule by many Koreans intensified the competing interests of both great powers at that time.²⁷ The Soviet position was in support of those Koreans who supported the decisions taken in the Moscow Foreign Ministers Conference which actually means the communists who were in favor of the trusteeship plan. Contrary to the Soviet position, the Americans supported the idea of having all parties and fractions join the commission for the determination of the provisional government.²⁸

The negotiations eventually reached a deadlock after a disagreement over whom should be invited to the commission and halted for more than one year. Future efforts to convene the joint commission after the March 20 joint commission meeting turned out to be futile since the great power rivalry between the United States and the Soviet Union was intensifying not just in Korea but also in Eastern Europe.²⁹ Therefore the reconvention of the joint commission was not successful and the political situation entered into a stalemate.³⁰ Shortly after of the

26 Ibid. , p. 14.

27 Park, Young, *Korea and the Imperialists: In Search of a National Identity*, Indiana, Author House Publishing, 2009, s. 211

28 Chi-Young Pak (2000), *ibid*, p.5.

29 The famous "Long Telegram" of George F. Kennan in February 1946, the ongoing tensions in Iran between November 1945 and May 1946 because of Moscow's deliberate delaying strategy and Winston Churchill's "Iron Curtain" speech in Westminster University on March 5, 1946 were some of the milestone events of the early Cold War period which all coincided with the breakdown of negotiations in Korea.

30 The Soviets blocked any group or political party who opposed the communiqué issued from the Moscow Conference. The mostly rightist Koreans opposed the trusteeship model of a provisional government, and therefore also opposed the Moscow Communiqué. However, the Soviet stance was not acceptable for the United States because of the fact that approval of the exclusion of rightist or moderate groups who raised concerns against trusteeship meant that the future provisional government would be taken over mostly by communists or Soviet sympathizers. When the March 20 negotiations failed during the joint commission meeting, the head of the Soviet delegate Ivan Chistyakov told the American Military Governor General Hodge that Korea had borders with the Soviet Union, therefore, a friendly regime in order to sustain the security and prevent future dangers was a Soviet priority. Chistyakov's position also reflected the Soviet way of thinking in Eastern Europe that democratic elections in borderline countries might result in governments that could be hostile to the Soviet regime and therefore pose a risk to national security, Hong, Hyung Woong Hong (2007), *ibid*., pp. 163-164.

failed negotiations, both powers had taken measures in order to consolidate their power within their occupation zones.³¹ As stated previously, the administrations that were founded within the first months of the occupation formed a basis for the separation of two Koreas from each other.³²

The last efforts to solve the stalemate over convening the joint commission came two months after the declaration of the Truman Doctrine on March 1947 by the Secretary of State George Marshall but proved to be unsuccessful because of the fact that talks had paused for more than one year and in the meantime, the Cold War had really intensified.³³ In other words, plenty of water had ran under the bridge.

Within the first two years of political developments and geopolitical tensions, it was understood that negotiations could not be succeeded by joint commission so the United States changed its tactics to confront the Soviets via the United Nations and brought up the Korean issue to the UN General Assembly.³⁴

The procedural process began with the notification of the General Assembly and General Secretary by the United States representative at the UN. The United States delegation's submission titled "The problem of the independence of Korea" was requested by the General Assembly as an issue to discuss in the next session. The Soviet representatives of the UN, as expected, objected to the American resolution to adopt the Korean Question in the agenda of the General Assembly. The Soviet stance toward the American proposal was based on the argument that the involvement of the United Nations on the Korean Question was illegal because the joint communiqué issued in the Moscow Foreign Ministers Conference had

31 The Soviets decided to take more steps for the consolidation of a friendly regime within their occupation zone and in accordance with this policy, the "North Korean Provisional People's Committee" was founded and Kim Il Sung was officially appointed as the head of the committee. After the breakdown of negotiations, the Soviet Civil Authority accelerated the consolidation process of a friendly regime. Their quasi-moderate stance soon turned into oppression. Cho-man Sik, who was a key figure during the resistance movement and an ardent nationalist who rejected the trusteeship plan was deprived of his authority (as the Head of Pyongyang People's Committee) and was later imprisoned and executed. His deprivation of power opened the way for Kim Il Sung who apparently seemed more collaborative and compatible to the Soviet authorities. Sandler, Stanley, *The Korean War: An Encyclopedia*, New York: Routledge, 2013, p. 163.

32 While the Soviets consolidated a friendly regime in the area north of the 38th parallel, the American military government was also making rapid decisions to support an anti-communist regime within its occupation zone. Describing earlier American actions in the area south of the 38th parallel, Cummings noted that in the first year of the occupation, an office for national defense, a military academy for officers inspired from West Point tradition and a national police force recruited by mostly Japanese colony era officers were established. These institutions, similar to the oppression of the opposition by the Soviets within their respective occupation zones took part in the Autumn 1946 uprising and silenced other elements of the opposition, Cummings (2005), *ibid.*, pp. 200-202.

33 Chi-Young Pak (2000), *ibid.*, p. 5.

34 Kang, Sung Hack (2011), *ibid.*, p. 302.

already made decisions.³⁵

The General Assembly, before adopting the American proposal, assigned the First Committee to discuss the issue and so, the committee addressed the Korean Question in its 87th meeting on 28 October 1947. After several meetings, the US proposal, a revised form of a previous Soviet proposal was put to the vote and with the support of the majority it was approved as a final resolution whereby the General Assembly adopted the Korean Question in its agenda. The resolution, despite the Soviet objection, included some critical decisions indicating that the Independence of Korea mattered only to the Korean people. Therefore, rather than the representatives being handpicked by the military authorities, the representatives elected by the Korean people were to be invited to the General Assembly. Furthermore, to evaluate the general situation in Korea, the first committee passed the resolution forming a temporary commission called the United Nations Temporary Commission on Korea, shortly UNTCOK.³⁶

The UNTCOK's main aim is to observe the general situation in Korea and provide the conditions for the formation of a unified and democratic government via free and fair elections before 31 March 1948. The committee granted the UNTCOK to take the necessary measures throughout the peninsula with the right to travel and ensure the gradual withdrawal of foreign troops.³⁷

The strategy to deal with the Soviet Union on the Korean Question through the UN provided significant legitimacy to the United States by getting the support of the international community. However, the implementation of the committee resolution proved to be difficult because of the Soviets' refusal to permit the commission members free passage to the area north of the 38th parallel. The Soviet representatives of the United Nations objected to the mission of the commission as its members were mostly from pro-American countries, therefore, their report would not be impartial. The formation of a commission, according to the Soviets, was nothing more than the legalization of the pro-US government in South

35 The main Soviet argument against the US decision to bring the Korean case to the General Assembly was that by implying the Moscow Agreement there was a violation of an international agreement that already existed. Soviet Foreign Minister Andrei Vyshinsky made a speech in the General Assembly and pointed out that Marshall's proposal for the UN's adaptation of the case of Korea violated, and therefore eventually disregarded the joint actions of the agreed four-power trusteeship, Gordenker, Leon, The United Nations and the Peaceful Unification of Korea: *The Politics of Field Operations 1947-1950*, Hague: Martinus Nijhoff, 1959, p. 15.

36 UNDOC, "The Problem of the Independence of Korea, Report of the First Committee: Rapporteur: Mr. Henrik Kauffmann (Denmark)", Symbol: A/447, Job Number: NL145439, Publication Date: 06/11/1947, pp. 1-5.

37 The first Committee of the General Assembly commissioned UNTCOK, with representatives from Australia, Canada, China, El Salvador, France, India, Philippines, Syria, Ukraine and the Soviet Socialist Republic refused to join the commission, *Ibid.*, pp. 5-6.

Korea. While there is some truth in the Soviet objections about the political situation in the area south of the 38th parallel, Red Army officers had already placed Kim Il Sung and eliminated those who did not effectively collaborate.

With no other alternative but to inspect and observe the conditions for an election within the zone controlled by the United States, the temporary commission prepared a report comprising only the region south of the 38th parallel. Despite the prejudices of the Soviets over the temporary commission's mission, the findings of the commission members in the region south of the 38th parallel were not promising. The representatives of the UNTCOK, during their observations of the situation in the southern part of Korea, came to realize that the "National Election Committee", which was at the time responsible for the organization of the prospective elections, was mostly comprised of the members of the Korean Democratic Party, a rightist-conservative anti-communist party favored by the USAMGIK. The temporary commission concluded that there was no fair and valid electoral environment in both the north and the south in its final report, and suggested that the UN should not be involved in any election to be held only in the south and thus should not be held responsible for its consequences which could negatively affect its impartiality.³⁸

Even though the temporary commission report was encouraging, it was submitted to the General Assembly. The Interim Committee, a subsidiary organ of the General Assembly evaluated the UNTCOK report and on 26 February resolved with a majority of votes that elections were to be held within the parts of Korea where commissioners were able to observe. Kang stated that the decision of the Interim Committee at the time was heavily influenced by the Czechoslovakia coup on 25 February 1948 and eased the United States to convince other neutral members of the committee.³⁹

The decision to hold elections based on the resolution of the First Committee was eventually realized in the region south of the 38th parallel. Supervised by USAMGIK and right-wing groups dominated the National Election Committee, the temporary commission observed the parliamentary elections held on May 10, 1948. Following the election of the legislative branch,

38 Bruce Cummings pointed out that the commissioners from Australia and Syria understood what was going on in South Korea and their apprehension over the possible dangers of the UN's involvement in favor of one side. The Australian commissioner's report implying the General Assembly, "*should not be drawn into a position where it may be held responsible*" described the complicated situation of the UNTCOK, Cummings (2005), *ibid.*, p. 211.

39 UNTCOK despite its report's approval by the Interim Committee opposed the resolution. According to temporary commission members, the Interim Committee had no right to make decisions instead of the General Assembly which is one of the main decision-making bodies of the UN. However, the Interim Committee's resolution prevailed, Kang, Sung Hack (2011), *ibid.* p. 303.

the members of parliament, out of two candidates, Kim Koo and Syngman Rhee, the latter was elected, and on August 15th, the anniversary of the liberation from the Japanese occupation, the Republic of Korea, in other words, South Korea was officially established.⁴⁰

The Soviets, as was expected, refused to recognize the establishment of South Korea, and used its permanent seat in the Security Council to block South Korea's possible membership of the United Nations. Furthermore, the Soviets led the creation of a communist regime in September as a means of retaliation. The Democratic People's Republic of Korea was thereby founded and Kim Il Sung became the head of this new country. Now with two Koreas established under two different ideologies, both regimes in the north and south started to claim that they were the only legitimate government of the entire peninsula.

The establishment of South Korea however, was not the end of the UN's involvement in Korean politics where both regimes turned more hostile towards each other. After several meetings considering the situation in Korea, on the 187th plenary meeting, the General Assembly on 12 December 1948 passed resolution 195 (III) and declared the Republic of Korea as the only "lawful government" of the Korean Peninsula. The resolution also stated that a permanent commission should be found to replace the duties of the Temporary Commission, urged the withdrawal of the foreign troops and addressed the member nations to treat South Korea as the only legitimate government, representing the entire Korean Nation.⁴¹

In this context, starting from the Atlantic Charter to the critical conferences that were held during the Second World War which paved the way of the post-war international order, the case of Korea took part in every important turn. From the foundation of the United Nations, the Korean Question was linked in this manner to the newly established international organization which had been established to contribute to preserving peace and security. Therefore a special link was established between the UN and Korea that eventually led to the foundation of the Republic of Korea, a state whose legitimacy came from the top international organization.

Kang maintained that the United Nations was similar to a "midwife" assisting the birth of a new state. With its legalizing power, the UN baptized the newly born South Korea.⁴² Yet

40 The first democratic election held on May 10 was not received without resistance. American occupying troops joined by right-wing paramilitary organizations crushed those who protest or the opposed the elections with harsh authoritarian efficiency. Most of the political fractions boycotted the elections and many were arrested, Jongsoo James Lee (2006), *ibid.* pp. 115-117.

41 Dietrich Rauschnig, Katja Wiesbrock, and Martin Lailach, *Key Resolutions of the United Nations General Assembly 1946-1996*, United Kingdom: Cambridge University Press, 1997, pp. 190-191.

42 Kang, Sung Hack (2011), *ibid.* , p. 304.

declaring South Korea as the sole legitimate government representing the whole Korean Peninsula was not the end of all the troubles. As a subject to a contested divorce, the disputable legitimacy of the birth of South Korea continued to be a major problem both within and beyond the Korean Peninsula. Thereby the future role of the UN in the case of the Korean Peninsula was not yet over.

As a consequence in the case of the division of the Korean Peninsula, one can easily observe the hazards of the liberation of the Axis-occupied territories by two challenging wartime partners and post-war rivals. The liberation of Korea in terms of conflict resolution was one such example. During the surrender process of Italy and Japan, where there were no competing partners in terms of occupants and where there was no hard line opposition against occupying forces, administration was gradually transferred to the local units and state institutions were established accordingly under the sole ruler. While the state apparatus was stably constructed to withstand the rule of law, the economic and political system resulted in the establishment of a democracy and free market economy.⁴³ But in the case of the liberation of the Korean Peninsula from the Japanese, the disagreements between wartime partners paved the way for conflicts among local parties and fractions. In addition to the great powers rivalry, oppressive Japanese rule for over 35 years had prevented the proper conditions and mindset for a consolidated democracy.

Additionally, from the beginning, the trusteeship issue was opposed by many Koreans which also negatively affected the reconciliation process. Fractionalization of different political parties and eventually re-organization of these groups according to the interest of two great powers led to an uncompromising situation in which the supposed peacekeepers encouraged domestic divisions and paved the way for a potential civil war. Ironically, after having planted the seeds of conflict in one sense, the withdrawal of the foreign forces dashed the last hopes for a peaceful solution.

THE KOREAN WAR AND THE ROLE OF THE UNITED NATIONS

The Korean Experience and the establishment of the Republic of Korea showed that the disagreements of the post-war era between great powers would, in one way or another, reflect upon the United Nations and that the United Nations with its constituent members would inevitably be forced to choose a side. Moreover, even though as the only lawful international organization of the post-war international system which provided legitimacy for being a member of the international community, the United Nations had no capacity to solve disputes

43 Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, *Contemporary Conflict Resolution: The Prevention, Management, and Transformation of Deadly Conflicts*, Cambridge: Polity Press MGP Books Ltd, 2005, p. 186.

that concerned the great powers. The case of Korea, therefore, perfectly demonstrated what would happen in future disagreements among great powers.⁴⁴

Due to the Korean Question, many of the members of the UN General Assembly ended up being forced to choose sides. Mostly favored the United States position which became the leader of the so-called “free world” and that the United States due to its effective diplomatic ability was able to organize and convince non-communist members of the organization.⁴⁵

In this context, the case of Korea was an arduous test for the U.N. General Assembly which compelled the organization to fall aside from its original ideas of being impartial. However, the Korean Question continued to be a source of struggle at that moment not only just between two competing great powers but also between two rival regimes. In recognizing South Korea as the sole legitimate representative of the Korean people, the U.N. had to consolidate its previous stance by supporting the Rhee regime. The United Nations Commission on Korea (UNCOK) that would replace the duties of the UNTCOK was commissioned to assist the current Rhee government of establishing a democratic regime and additionally observe the withdrawal of foreign troops from the peninsula and the forthcoming tensions on the 38th parallel.⁴⁶

By early January 1949, the Red Army forces had withdrawn from the Korean Peninsula and after the foundation of the North Korean People’s Army the Soviet assistance to North Korea continued providing war materials and weapons. Following the Soviet withdrawal, the U.S. troops had also been pulled out of the peninsula by April 1949. However, the main difference between both great powers and the withdrawal of their troops was that the decision makers in Washington mostly neglected to equip South Korea because of the fact that the Korean Question for the U.S. even though it wasn’t concluded as desired, was now closed.

The first signs of this policy change was first observed with troop withdrawal, despite the objections of the newly established UNCOK which warned the United Nations of a possible conflict between two hostile regimes. Then, during his interview with a British journalist, General MacArthur as the head of the U.S. Army Far East Command stated that Korea was not included within the defense perimeter of the United States in the Far East.⁴⁷ Similar to General MacArthur, the U.S. Secretary of State Dean Acheson, a traumatic name for South

44 Goodrich, Leland M. , “The United Nations and Korea”, *Journal of International Affairs*, v. 6, n. 2, 1952, pp. 115-128, p. 116.

45 Ibid, pp. 117-118.

46 Dietrich Rauschnig, Katja Wiesbrock and Martin Lailach (1997), *ibid.* , p. 191.

47 Neal, Steve, Harry and Ike: The Partnership That Remade the Postwar World, New York: Touchstone Simon&Schuster Inc. , 2001, p. 178

Koreans which was later to be remembered as “Acheson Syndrome” declared again in 1950 that South Korea was outside of the U.S. defense perimeter and thus prioritized Europe as the red line for Washington against any possible aggression from the communist bloc.⁴⁸ As Hook and Spanier put it “*Whereas it held strategic priority in the U.S. defense strategy of the early Cold War years, Asia continued to be of secondary interest*”.⁴⁹

Whether to prioritize Asia or Europe to confront communism and to spread containment policy, the Washington policymakers were in a dilemma since the Chinese communists had defeated the Kuomintang and established control over the whole of China. Naturally, the indecisiveness and the unfortunate statements of the key U.S. officials encouraged North Korean aggression.

Nevertheless, of all of Washington’s inconsistent policies, the Korean Question was still on the agenda of the United Nations. In April 1949, despite the U.N. General Assembly’s resolution 195 (III) stating that South Korea was the only legitimate state to be recognized, the South Korean application for U.N. membership was vetoed by the Soviet Union, the permanent member of the Security Council.⁵⁰ South Korea’s quest for membership and its rejection once more demonstrated that the U.N.’s unilateral resolutions, without the consent of another great power, were destined to remain inconclusive in order to solve the disagreements permanently.

In this vein, the situation along the 38th parallel and incidents such as border clashes between the two Koreas, were reflected on in the resolution of the 233rd plenary meeting of the General Assembly. On 21 October 1949 resolution 293 (IV) stated that the latest developments raised concerns within the General Assembly and therefore the UNCOK and its constituent members such as France, Turkey, Australia, China, El Salvador, and India should continue to observe developments “*which might lead to or otherwise involve military conflict in Korea*” in ‘article 1, section a’. The same resolution also called for the South Korean government as well as the other member states of the assembly to refrain from provoking the already tense situation in Korea.⁵¹

No matter how surprised American politicians and decision makers were at the unexpected North Korean invasion on 25 June 1950, there were already some serious concerns at the U.N. General Assembly and at the top of the US government. The NSC-68 report of the

48 Sung Hack Kang, *Ibid*, 146.

49 W. Hook Steven and Spanier, John, *American Foreign Policy since WWII*, California: SAGE Publications, Inc. 2013, p. 57.

50 Simons, Geoff, *The United Nations: A Chronology of Conflict*, New York: Palgrave Macmillan, 1994, p. 110.

51 Resolutions Adopted on the Reports of the *Ad Hoc* Committee, 293 (IV) The Problem of the Independence of Korea, Symbol: A/RES/293(IV), Job Number: NR005024, Publication Date: 01/01/1949, pp. 15-16.

National Security Council in April 1950 had already warned the Truman Administration about the possible communist threats outside the European continent where the American decision makers had long been focused.⁵² But the wheels were already set in motion after the vague statements of the U.S. high ranking officials and Stalin's *de-facto* approval of Kim Il Sung's unification plan. For example, in January 1950, the U.S. House of Representatives rejected an aid resolution to South Korea.⁵³ Similar to Kim, Syngman Rhee also had his plan for unifying the peninsula by military means, despite U.S. objections. Rhee's oppressive regime in domestic politics needed legitimacy and therefore anti-communism at all costs had to be followed as the main foreign policy.

Therefore whatever the main arguments about the origins of the Korean War might have been, the United Nations as "Godfather" of the newly born South Korea found itself between a rock and a hard place. The UN's set of ideas of ensuring peace and security through negotiation and consensus soon vanished with the North Korean aggression on 25 June 1950. That is to say, the "Godfather" had to rescue his son because of the fact that the North Korean invasion had targeted the very nature of the existence of the organization which was to ensure the survival of its members from exterior aggression.⁵⁴

Soon after the UNCOK's reports on the border clashes between North Korean and South Korean troops on the 38th parallel reached the UN General Secretary and General Assembly, there was uncertainty about which step should be taken. The UNCOK, rather than deciding on who started the war or putting the blame on one party, suggested that the UN should intermeditate immediately but also acknowledged that a North Korean incursion was a full-scale military operation - as can be seen from the fact that UNCOK's initial reports of using force against North Korea were not proposed.⁵⁵ Trygve Lie, the Secretary-General of the UN at that time, knowing that the North Korean invasion was beyond the General Assembly's ability to hold because of the fact that it concerned the very nature of the great power rivalry, called for the Security Council to take action.⁵⁶

On the same day, after the Secretary General's call for a meeting, the Security Council on 25 June resolved with one abstention and nine for, that South Korea was the only lawful

52 W. Hook, Steven and Spanier, John (2013) *ibid.* , pp. 60-61.

53 The Royal Institute of International Affairs, "Korea: A Chronology of Principal Events, 1950-1950", *World Today*, v. 6, n. 8, 1950, pp. 319-330, p. 326. Korea: A Chronology of Principal Events, 1945-50

54 South Korea was not officially a member of the United Nations at that time but it was considered as a vital partner by the United Nations because of the role of the organization during the establishment of the country.

55 Simons, Geoff (1994), *ibid.* , p. 111.

56 The Royal Institute of International Affairs (1950), *ibid.* , p. 329.

representative of the Korean people and defined the North Korean action as illegal. The Security Council also called for the member states of the General Assembly to assist the United Nations in order to implement the resolution.⁵⁷ The June 25th resolution condemned the North Korean attack and called for the cessation of hostilities. However, it did not directly call for use of force against the North Korean troops, rather, it implied its possibility. In contrast, the US decision makers led by Dean Rusk and Dean Acheson had already decided to intervene on behalf of South Korea. As Cummings argued, the US decision to enter the war in Korea was already taken on the evening of June 25.⁵⁸

In his famous statement on June 27, 1950, President Truman referring to the resolution of the Security Council two days earlier which called member states to assist the United Nations on behalf of the resolution, called on American air and naval forces to help South Korean troops. Truman in his statement called the North Korean aggression a result of the widespread expansion of communism across the world. Truman also gave the signal for the UN's future intervention by stating that the North Korea aggression was a breach of the UN Charter.⁵⁹

The very same day that President Truman released his statement, the United Nations Security Council, considering the appeal for assistance from the Republic of Korea and having heard the latest news of the continuation of the North Korean aggression, adopted resolution 83-S/1511 and immediately called for the member states to assist the South Korean government including military measures to confront North Korean troops.⁶⁰

The Soviet response to the resolution, as expected, was unfavorable. In an article published in the *Soviet News*, one of the state-led newspapers at that time accused the United States and its followers of violating the rules of the Security Council since the Soviet representative was not present at the meeting. The newspaper claimed the violation of the unanimity principle among the permanent members of the Security Council was needed, thus declaring the resolution invalid.⁶¹ However, the resolution was adopted, despite the Soviet's boycotting of the Security Council since January 1950 due to the question of

57 Ibid. , 329.

58 Cummings (2005), *ibid.* , 264.

59 Statement by the President, Truman on Korea," June 27, 1950, History and Public Policy Program Digital Archive, Public Papers of the Presidents, Harry S. Truman, 1945-1953.
<http://digitalarchive.wilsoncenter.org/document/116192>

60 Resolution 83: Complaint of aggression upon the Republic of Korea (27 Jun), The 474th Meeting of the Security Council, Security Council Resolutions-1950
<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/064/96/IMG/NR006496.pdf?OpenElement>

61 The Royal Institute of International Affairs, *ibid.* , p. 329.

representation of China's permanent seat at the Security Council.⁶² For this reason, the approval of the critical resolutions at the Security Council was possible. On the 476th meeting of the Security Council on July 7, the council resolved and approved the formation of the United Nations Command under the control of the US.⁶³ On July 8th, Truman, by resolution of the 476th meeting of the Security Council, appointed General MacArthur as the head of the unified command.⁶⁴

The call for resolution 83-S/1511 of the Security Council was responded to by sixteen member states which agreed to dispatch troops in order to defend South Korea, therefore it was successfully allowed to apply the principle of collective security under the newly formed international organization.⁶⁵ When asking whether the UN actions in the Korean War were a success or not, it can be said that the organization of a collective security system as one of the main founding principles of the UN *was* successfully implemented which had long been a dream of its predecessor, the League of Nations and the late Woodrow Wilson.

In subsequent years the United Nations General Assembly (since the Soviet representative returned to his seat and used his veto power) adopted many resolutions such as founding sub-organs like the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) which lasted until 1973, the United Nations Korean Reconstruction Agency and it also preserved the United Nations Command until present.⁶⁶ The use of the General Assembly by the United States after the return of the Soviet representative to the Security Council also had some strengthening effects on the legislative branch. For example, the United States evaluation of Communist China's entrance to the war and the return of Jacob

62 As Kuomintang retreated to Formosa at that time, mainland China was under control of the Chinese communists. Thus the question of legitimate sovereignty over China emerged between the Soviet Union and the United States. The Soviets claimed that the Chinese communist government was the legitimate sovereign over China and thus objected Kuomintang's permanent seat at the Security Council holding veto power. Had the Soviet representative been present at the council meetings, would there have been a different consequence? Naturally, historical interpretations based on possibilities would vary, but considering the events from June 25 to July 7, 1950, it can be concluded that the mindset of the Washington decision-makers at that time with regard to the containment policy and with fresh memories of Munich, the US would have intervened somehow whether with a resolution of the Security Council or not. Nevertheless, the resolution of the Security Council in the absence of the Soviet delegate indisputably provided legitimacy for joint action, <https://www.history.com/this-day-in-history/soviets-boycott-united-nations-security-council>

63 It should be pointed out that the resolution on 7th of July recommended that the member countries should assist the Republic of Korea under the supervision of a unified command under the control of the United States, Resolution 84, S/1588, Complaint of aggression upon the Republic of Korea (7 Jul), the 476th Meeting of the Security Council, Security Council Relations-1950

64 Kee, Myung Kee, "Some Legal Problems Concerning Withdrawal of the United Nations Forces", *The Journal of East Asian Affairs*, v. 4, n. 2, 1990, pp. 287-310, p. 295.

65 Choi, Chong-Ki, "The Korean Question in the United Nations, *Law and Politics in Africa, Asia and Latin America*, vol. 8, n. 3, 1975, pp. 395-406, p. 396.

66 Chi-Young Pak (2000), *ibid.*, pp. 7-8.

Malic, the Soviet delegate to the UN Security Council, prioritized the functionality of the General Assembly. On November 3rd, 1950, the US delegation at the General Assembly was able to pass a resolution and established the United Nations Uniting for Peace Resolution, 377 in order to preserve and guarantee its peace-keeping status.⁶⁷

However, the Korean Question clearly showed the limitations of the General Assembly's legislative power as being merely a recommendation organ that did not have enough jurisdiction to impose a decision on the permanent members of the Security Council. Aside from the legislative capacity of the United Nations General Assembly, the Korean Question demonstrated the fact that when an issue was linked in some form or another to the Great Power interests and without a lasting agreement between them, a peaceful and satisfactory objective could not be realized.⁶⁸ Knowing that the Soviet return to its permanent seat would block the Security Council, the United States, attempting to outmaneuver possible deadlocks such as those that happened in October when USSR vetoed a draft resolution condemning Chinese Communist involvement on behalf of North Korea, passed a resolution on November 30 which authorized the General Assembly to take necessary measures. The General Assembly, after its authorization, adopted certain resolutions such as the resolution on 18 May 1951 which placed an embargo on the People's Republic of China but still remained ineffective⁶⁹

In this context, the first year of the Korean War was one of the tensest periods in terms of armed and diplomatic conflict between two opposing sides. The war reached a stalemate in 1951 and until 1953 the frontlines were maintained without major changes at the 38th parallel. Yet, again, the UN's role had not come to an end. Several attempts between the opposing sides had been made in order to reach a negotiation since 1951 but it was not until July 27th, 1953 that the hostilities came to an end when an armistice agreement was reached between the opposing sides at Panmunjom Village. While The Commander in Chief of the United Nations Command had signed the armistice agreement on behalf of the United Nations, the North Korean representative signed on behalf of North Korea and China thus bringing three years of fighting to an end.⁷⁰

Nevertheless, the Korean Armistice Agreement – also known as the Panmunjom Truce - was not a final peace settlement that would bring an official peace treaty between the two

67 M. Edwards, Paul, *Historical Dictionary of the Korean War*, Maryland: The Scarecrow Press, 2010, p. 307.

68 M. Goodrich, Leland (1952), *ibid.*, p. 128.

69 Chong-Ki Choi (1975), *ibid.*, p. 397.

70 Tucker, C. Spencer C., "Special Section In Commemoration of the 60th Anniversary of the Korean War", *The Korean Journal of Defense Analysis*, v. 22, n. 4, 2010, pp. 421-433, pp. 421-433.

sides. In this respect, the Korean War had not technically ended. The problems at that time, considering tensions between North Korea and US-ROK Alliance, in one way or another related to the uncompleted peace settlement. Following the discovery of the North Korean nuclear program at the end of the 1980s, the regime in Pyongyang interrelated denuclearization talks with permanent peace talks. The regime considered an official, permanent peace settlement on the Korean Peninsula as the basis for future unification.

ASSESSMENT OF THE UNITED NATIONS INTERVENTION IN KOREA IN TERMS OF CONFLICT RESOLUTION

The involvement of the United Nations in the Korean War which concerned such great power interests had some negative effects on the neutral position of the organization and negatively affected its mediator role.⁷¹ Due to the UN's complicated role in dealing with Cold War rivalry and its effects on international affairs, a different group of thoughts emerged. While one group of scholars argued the UN was a great power means to achieve national interests and considered the UN's role in the Korean War as a reflection of the interests of the US rather than the members of the organization, in contrast, many other scholars argued that the Korean War was a great example of the concept of collective security used in order to sustain international peace and security. A third group considered that it represented the middle way between two opposing views, claiming the Korean War as *sui generis* in terms of collective security where such circumstances had never before occurred in history such as the absence of the Soviet delegate at the Security Council meeting.⁷²

However, the UN, despite the pressure placed on it by the great powers showed its distinctive character as being influenced by other actors as well as influencing other actions. For example, according to Truman, the breach of the peace by armed aggression and the possibility of annexation of a sovereign state would mean the end of the UN system which had just been founded after the Second World War as an alternative to the deficiencies of the former system. Nonetheless, the Truman administration, knowing the possible challenges in order to convince other member states, was fully aware of the UN's legitimizing role. Similar to Truman, knowing the effects of the possible limitations by using the UN to stop North Korean aggression, George F. Kennan opposed the UN's intervention in the Korean War which he considered as a fatal mistake for the interests of the US. According to Stairs, Kennan's predictions came true when the members of the United Nations interfered with the

71 M. Goodrich, Leland (1952), *ibid.* , p. 120.

72 Stairs, Denis, "The United Nations and the Politics of the Korean War", *International Journal*, v. 25, n. 2, 1970, pp. 302-320, pp. 302-308.

course of operations which might provoke Chinese intervention. The US officials had to consult and coordinate with the members of the UNC in particular during the crossing of the 38th parallel, and many similar examples occurred between the US and the member states.⁷³

The question of the classification of the UN's intervention in the Korean War in terms of conflict resolution is discussed in different aspects in the literature on peacekeeping. The classification is generally based on different generations of peacekeeping. The first generation of peacekeeping is mostly referred to as the mission of the peacekeepers, based on the consent of the different parties. Peacekeepers were equipped with light armored cars and mostly played an impartial role where monitoring the opposing troops and patrolling without being involved in a potential conflict were the main characteristics. The first generation of peacekeeping was first seen in the Arab-Israeli conflict in 1948 and the Kashmir Case of 1949 where a military observation group was established to monitor the truce. The most effective peacekeeping mission of the UN in terms of being neutral and reducing tensions occurred in 1956 in the Suez Crisis.⁷⁴ While second-generation peacekeeping resembles the first generation in terms of monitoring a truce, observing activities between the conflicting sides differed by the disarmament of different factions and taking part in the consolidation of state apparatus and stability. Second generation peacekeeping took part in domestic conflicts including civil wars and dealt with non-state-actors which was the major difference from the first generation.⁷⁵

Third-generation peacekeeping came to exist just after the end of the Cold War when the humanitarian crisis and ethnic conflicts were at the top of the UN's agenda. The Bosnia and Somalia cases were the most common examples of third generation peacekeeping missions which differed radically from the principles set by Dag Hammarskjold on being neutral, involving clashes and having the consent of different parties. In the cases of Somalia and Bosnia, the UN, via the Security Council, implemented the related resolutions without having the consent of different parties, and as a matter of fact, followed the strategy of using force against the designated aggressors. This specific peacekeeping model is referred to as "enforcing peace" in literature, in which the UN became belligerent and used force to impose the will of the Security Council.⁷⁶ The field of activity of third generation peacekeeping concentrated on civil wars and non-state actors, mostly in failed states where the state authority had collapsed and different fractions clashed with each other.

73 Ibid, pp. 302-308.

74 Doyle W. Michael and Sambanis Nicholas, *Making War and Building Peace: United Nations Peace Operations*, New Jersey: Princeton University Press, 2006, p. 12.

75 Ibid, p. 15.

76 Ibid, p. 15.

In this context, the peace-enforcing concept of the third generation peacekeeping resembled the cases of Korea and Kuwait in which the UN, by using force against the aggressors, tried to implement the necessary resolutions and measures. Similar to the Korea and Kuwait examples, the third generation peace enforcing concept did not seek consent from different parties nor tried to remain neutral. Furthermore, when applying the controversial peace-enforcing strategy, the Security Council members referred to the 7th Chapter of the UN which authorizes the Security Council members to protect “international peace and security”.⁷⁷

Then what is the difference between the collective security action and the peace-enforcement concept of the third generation peacekeeping? First of all, within the literature on peacekeeping, the cases of Korea and Kuwait were not considered to be examples of peacekeeping operations because of the fact that the peacekeeping mindset still comprised of obtaining the consent of the conflicting parties, mostly the potential aggressors. Despite its use of force to enforce the necessary resolutions against one party and to cease aggression, the UN in its peacekeeping missions tried to act neutral whether the conflict was inter-state or intra-state.⁷⁸ According to Doyle and Sambanis, the enforcing principle is about the “matter of achieving victory”.⁷⁹ The UN, after the experiences of Bosnia and Somalia, began to understand the potential costs and consequences of peace enforcement options which, according to Doyle and Sambanis, were close to a full-scale war. Thereby, the distinction of peacekeeping (enforcement) and collective security concepts becomes clearer. Whatever the motive and means to achieve objectives, enforcer peacekeeping is still a limited operation and is not designed for a prolonged warfare. In spite of imposing its will on defiant parties, enforcer peacekeeping acts on the premise of small scale and short term operations.⁸⁰

Despite the different notions of conflict resolution, the collective security response focused and prepared for the consequences of a full-scale war. As in the cases of Korea and Kuwait, the United States, which acted in the name of the UN to impose the Security Council decisions, prepared for a full-scale war. Furthermore, the US and UN had limited objectives in Somalia and Bosnia, therefore, with peace enforcement using limited military forces and international support, the desired resolution of the conflicts as set at the beginning was not accomplished as it proved to be out of the UN’s capability.⁸¹ But in the cases of the UN and

77 Ibid, pp. 15-16.

78 Aksu Esref, *The United Nations, intra-state peacekeeping and normative change*, Manchester: Manchester University 2003, pp. 78-80.

79 Michael W. Doyle- Nicholas Sambanis, *ibid*, p. 16.

80 Ibid, pp. 144-156.

81 Ibid, pp. 156.

Kuwait, the international community without major objection and the UN Security Council supported the collective security action as a response to a “breach of peace” and to protect international peace and security.⁸²

CONCLUSION

The Korean War as the first “hot” war of the Cold War marked a turning point in history. From a micro perspective, the Korean War was a war between Koreans against Koreans, making it nothing more than a civil war. From a macro perspective, it was the first confrontation between the great powers after the Second World War and where one great power at the time, the US, had actively joined the confrontation. It was also considered as a proxy war where great powers avoided engaging directly with each other, thus preferring to indirectly confront each other through the War between the Koreans. Yet above all, with regard to international peace and security, the Korean War was a serious challenge against the credibility and legitimacy of the United Nations.

From the very beginning, the case of Korea was somehow linked to the organization in search of an international organization to establish international security and peace, which would eventually become the United Nations. The case of Korea, starting from the articles of the Atlantic Declaration to the critical conferences of the Second World War, played a premonitory role in international post-war order. While the first signs of the potential disagreements could be seen from the constant delays in determining the final decision for the future of Korea, a permanent division was not envisioned in the initial stages of the US-USSR wartime discussions. However, the division became permanent in the early months of the joint occupation of the Korean peninsula as both parties consolidated their power through regime building within their occupation zones. With rising tensions between the two great powers and the emergence of the Cold War, negotiations afterward proved to be inconclusive. As mentioned above, the case of Korea from 1945 to 1950, represented a microcosm of future Cold War politics between two rival blocs.

While agreeing on some basic points, the negotiations between the two great powers reached a stalemate at the beginning of 1946 and lasted until the official establishment of two different Koreas. However, the US decision of bringing the Korean case before the UN General Assembly inevitably forced the organization to take sides. Therefore, the United Nations

82 The difference between the cases of Korea and Kuwait rested on the UN’s involvement as a belligerent. While in the case of Kuwait, the US and the coalition forces acted upon the call of the related Security Council resolution in which they just merely enforced the will of the UN. Despite the Security Council’s similar call to member states, the UN with the establishment of United Nations Command actively involved in the conflict and choose a side.

became involved in Korean politics via adopting measures and took part in the establishment of South Korea, and thenceforward was deeply involved in a great power competition.

As the sole legitimate intergovernmental organization to provide international peace and security and having played a direct role during the foundation of the Republic of Korea, the United Nations did not have the chance to remain idle against North Korean aggression in June 1950. In this context, the North Korean aggression and the US orchestrated response against this aggression naturally represented the Western bloc's interests. Yet on the other hand, considering the direct involvement of the United Nations, which had affirmed the government of the Republic of Korea as the sole legitimate representative of the Korean people, meant that the events of June 25 were an open challenge to the legitimacy of the United Nations itself.

Henceforward, thanks to Soviet boycotts, the Security Council was able to organize a joint command in accordance with the 7 July resolution and showed that whether it was legitimate or not, armed aggression would not come without paying a heavy price. The UN's call for the member states to take part in the North Korean aggression was indeed a result of the diplomatic capacity of the United States to influence other members. Nevertheless, the formation of the United Nations Command was the first instance in the history of the United Nations where it proved the effectiveness of the collective security system and successfully resolved the posed threat. Although the actions that the Security Council took during this process made the United Nations belligerent in the face of great power rivalry, it was an open warning to the remnants of the old system where the legitimacy of the League of Nations was shattered by the individual actions of the expansionist states, such as the invasion of Ethiopia in 1936 and the annexation of Manchuria in 1931.

Indeed, the intervention in Korea by the United Nations was a demonstration of the principle that rejects the *de-facto* border changes through force, and thus represented the idea that the international order established in 1945 would no longer accept annexation. The intervention of the United States naturally concerned the great power rivalry and the interests of an individual nation-state but that was not the sole cause. The UN's involvement in the Korean War was the reflection of the idea that the international structure that was founded in 1945, had in fact, originated and been under construction since the 1815 Vienna Congress moving back and forth after a long century of conflicts and had therefore reached the point of no return.

Fresh memories of Munich and the unfortunate appeasement policies against the expansionist states naturally contributed substantially to the decision to intervene in the

Korean War but the same was true after forty years later in Kuwait. Nonetheless, the application of the collective security system and the consolidation of the Westphalian principles in Korea and Kuwait proved to be successful even though there were serious breaches during the Cold War.

Yet the Korean case differentiated from the Kuwait experience on several counts, particularly with the establishment of the United Nations Command, which was not established during the Gulf War. As Kang argues that during operation Desert Storm from 1990 to 1991, the United States was merely enforcing the resolution of the Security Council, but in the Korean case, the UN with its own armed forces and flags became belligerent.⁸³ The Korean Case and the establishment of the United Nations Command also proved to be special compared to the first peacekeeping mission in 1948 in the Middle East where the observers and peacekeepers deployed after the status quo had already been established.⁸⁴

Another important factor of the Korean Case concerning the United Nations as mentioned in the previous chapters is that whatever the original ideas of creating common values and sustaining international peace and security by cooperation among member states might be, a peaceful and a desired settlement cannot be achieved unless the great powers come to a mutual understanding. Moreover, as Goodrich argues, the United Nations, especially the General Assembly, cannot solve international disputes concerning the great powers interests. Whatever the diplomatic maneuvers that were displayed during the Korean War by the United States and its allies, especially in the absence of the Soviet representative to the Security Council which made it possible to pass critical resolutions, a desired political solution can only occur if the great powers are reconciled with each other.⁸⁵ The reconciliation between the great powers and its possible effects afterward proved to be so critical insomuch that in 1991, at the end of the Cold War when the hostilities had come to an end, both North Korea and South Korea were admitted to the United Nations as member states.

The long-lasting unique relations between South Korea and the United Nations still exists today where the Korean Armistice Agreement and the role of the United Nations Command are still a matter of debate. While there were some legal concerns over the possible dissolution of the United Nations Command because of the command's legal status as a signer of the armistice agreement where the dissolution could invalidate the already fragile ceasefire on the Korean Peninsula, there are other views that argue that the United Nations

83 Kang, Sung Hang (2011), *ibid.*, p. 305.

84 Goodrich, Leland M. (1952), *ibid.*, p. 121.

85 *Ibid.*, p. 122.

Command as a subsidiary organ of the United Nations represented the UN itself as a legal party to the armistice agreement. Therefore unless the United Nations was somehow dissolved, the legal status of the United Nations as an official signatory and a legal party to the armistice agreement will last.⁸⁶ The legal status of the armistice is still as much a debated subject as the latest North Korean declaration of the armistice agreement as nullified which came into being in the spring of 2013 when the tensions escalated between opposing parties. However, a UN Spokesman stated that as the armistice treaty was signed under the supervision of the United Nations General Assembly, it therefore cannot be invalidated unilaterally by either party.⁸⁷

Apart from the debates concerning the legality and the validation of the armistice agreement, the United Nations Command's very existence up to the current date is a matter of debate. Today, the United Nations Command still operates alongside the US-ROK Combined Forces Command (CFC) and the command of the United States Forces Korea.⁸⁸ Established by the July 7th resolution in 1950 in order to repel the North Korean aggression, the UNC is still deliberately preserved by the ROK and US administrations as a way to legitimize their joint forces. South Korean and American officials aim to maintain the legality of their forces in the case of North Korean aggression which would be defined as aggression towards the United Nations itself.

However, during the First North Korean Nuclear Crisis, the North Korean Foreign Minister addressed Boutros Boutros-Ghali, the General Secretary at that time about the status of the UNC in Korea. Ghali's response in this sense was controversial as he defined the UNC as not being established by the Security Council itself. According to Ghali, the Security Council in 1950 merely recommended the formation of such a command under the authority of the United States to perform the task with regard to the July 7th resolution. Therefore, the UNC cannot be considered as a sub-organ of the United Nations and for this reason, the dissolution of the command falls to the American authorities.⁸⁹ As a consequence, the legal claims over the United Nations Command vary according to the relevant parties. While South Korean and American officials identify their forces as operating under the UNC as a legal entity of the United Nations, North Koreans accuse the command as a way to justify the illegal presence of the American forces in the Korean Peninsula.

86 Kee, Myung Kee (1990), *ibid*, pp. 307-310.

87 <https://www.usatoday.com/story/news/world/2013/03/11/un-korea-armistice/1978909/>

88 <http://www.globalsecurity.org/military/agency/dod/usfk-opcon.htm>

89 https://www.syracuse.com/news/index.ssf/2013/06/north_korea_envoy_to_united_na.html

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