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83D CONGRESS
2d Session

SENATE

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BRT-3 MUTUAL DEFENSE TREATY WITH KOREA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA, SIGNED AT WASHINGTON ON OCTOBER 1, 1953

JANUARY 11, 1954.—The agreement was read the first time and the injunction of secrecy was removed therefrom, and together with all accompanying papers was referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

JANUARY 26, 1954.—Ratified with an understanding (see p. 8)

THE WHITE HOUSE, January 11, 1954.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Mutual Defense Treaty between the United States of America and the Republic of Korea, signed at Washington on October 1, 1953.

I transmit also for the information of the Senate a document containing the joint statement by President Syngman Rhee of the Republic of Korea and by the Secretary of State on August 8, 1953, on the occasion of the initialing of the Mutual Defense Treaty in Seoul, and the text of an address by the Secretary of State on the occasion of the signing of the Mutual Defense Treaty on October 1, 1953.

There is further transmitted for the information of the Senate the report made to me by the Secretary of State regarding the aforesaid treaty.

The Mutual Defense Treaty signed by the United States and the Republic of Korea is designed to deter aggression by giving evidence of our common determination to meet the common danger. It thus reaffirms our belief that the security of an individual nation in the

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free world depends upon the security of its partners, and constitutes another link in the collective security of the free nations of the Pacific.

I recommend that the Senate give early favorable consideration to the treaty submitted herewith, and advise and consent to its ratification.

DWIGHT D. EISENHOWER.

(Enclosures: (1) Report of the Secretary of State; (2) Mutual defense treaty with Korea; (3) Joint statement by President Syngman Rhee and the Secretary of State; (4) address by the Secretary of State.)

DEPARTMENT OF STATE,
Washington, December 30, 1953.

The PRESIDENT,
The White House:

I have the honor to submit to you, with a view to the transmission thereof to the Senate for its advice and consent to ratification, the Mutual Defense Treaty between the United States of America and the Republic of Korea, signed at Washington on October 1, 1953.

The provisions of the treaty were negotiated with the Republic of Korea by me during the course of a visit to Korea last August to discuss problems of mutual concern with President Syngman Rhee. Senate leaders were consulted and kept fully informed of the exchange of views which led to the development and formulation of this treaty.

As I stated at the signing of the treaty, it is a defense treaty firmly dedicated to peace. It is designed to deter aggression by making clear that each party recognizes that an armed attack in the Pacific area upon the territory administratively controlled by either would be dangerous to its own peace and safety, and declares that it would act to meet the common danger in accordance with its constitutional processes. The undertaking of each party to aid the other operates only in case that party is the victim of external armed attack. Armed attack by a party, either against a foreign state, or against territory not at the time recognized by the other as lawfully brought under the administrative control of the first, does not bring the treaty into operation. An armed attack by either party does not obligate the other to come to its assistance.

As another step in the development of a Pacific security system, the treaty will complement the earlier treaties which have entered into force with Australia and New Zealand, the Philippines, and Japan. Like those treaties, the treaty with Korea is in full conformity with the objectives and principles of the Charter of the United Nations. It affirms the belief of this Government that the security of an individual nation in the free world depends upon the security of its partners and constitutes another link in the collective security of the free nations of the Pacific.

The treaty consists of a preamble and six substantive articles. The preamble sets forth the circumstances for making the treaty, providing in particular that the treaty is designed to coordinate the efforts of the parties "pending the development of a more comprehensive system of regional security in the Pacific area." Thus evolutionary developments are contemplated as in the treaties with Australia and New Zealand, the Philippines, and Japan.

Article I is identical with the comparable articles in the tripartite and Philippine treaties, except for the inclusion of an additional phrase whereby the parties agree to refrain in their international relations from the threat or use of force in any manner inconsistent not only with respect to the purposes of the United Nations, but also with respect to the obligations assumed by any party toward the United Nations.

Article II calls for consultation between the parties whenever the territorial integrity, political independence, or the security of either party is threatened by external armed attack. The article also embodies the principle established by Senate Resolution 239, 80th Congress, the Vandenberg resolution, which calls for "self-help and mutual aid" by all the parties to security arrangements joined in by the United States and which involve commitments by the United States. The provisions of the article are similar to comparable provisions in the treaties with Australia and New Zealand and with the Philippines.

Article III is the heart of the treaty. Under that article each party--

recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

This language is the same as the comparable provisions in the treaties with Australia and New Zealand and with the Philippines except that it defines the area within which the treaty is to operate, namely in territories now under the respective administrative control of either party, or hereafter recognized by one of the parties as lawfully brought under the administrative control of the other. This provision is designed to take cognizance of the fact that the Republic of Korea presently has effective control over only part of Korea. If either contracting state should initiate an armed attack against any territory not under its administrative control when the treaty was signed or thereafter recognized by the other as lawfully brought under the administrative control of the first, the treaty would not apply. Under its terms the treaty could continue to be applicable in event that a political settlement unifying Korea is reached. In the Australian and New Zealand and Philippine treaties the area within which they are to operate is defined in a separate article.

Article IV grants to the United States the right to dispose land, air, and sea forces in and about the territory of Korea as determined by mutual agreement. It does not make such disposition automatic or mandatory.

According to article VI, the treaty has indefinite duration, but either party may terminate it 1 year after notice is given.

In view of the importance of this treaty as a deterrent to aggression and thus to the maintenance of peace and security in the Pacific area, it is hoped that it will be given early and favorable consideration by the Senate.

Respectfully submitted.

JOHN FOSTER DULLES.

(Enclosure: Mutual defense treaty with Korea.)

MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA

The Parties to this Treaty,

Reaffirming their desire to live in peace with all peoples and all governments, and desiring to strengthen the fabric of peace in the Pacific area,

Desiring to declare publicly and formally their common determination to defend themselves against external armed attack so that no potential aggressor could be under the illusion that either of them stands alone in the Pacific area,

Desiring further to strengthen their efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive and effective system of regional security in the Pacific area,

Have agreed as follows:

ARTICLE I

The Parties undertake to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the Purposes of the United Nations, or obligations assumed by any Party toward the United Nations.

ARTICLE II

The Parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the Parties is threatened by external armed attack. Separately and jointly, by self help and mutual aid, the Parties will maintain and develop appropriate means to deter armed attack and will take suitable measures in consultation and agreement to implement this Treaty and to further its purposes.

ARTICLE III

Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

ARTICLE IV

The Republic of Korea grants, and the United States of America accepts, the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea as determined by mutual agreement.

ARTICLE V

This Treaty shall be ratified by the United States of America and the Republic of Korea in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Washington.

ARTICLE VI

This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

DONE in duplicate at Washington, in the English and Korean languages, this first day of October 1953.

For the United States of America:

JOHN FOSTER DULLES

For the Republic of Korea:

Y. T. PYUN

JOINT STATEMENT BY SECRETARY OF STATE DULLES AND PRESIDENT SYNGMAN RHEE, OCTOBER 8, 1953

Following is the text of a joint statement by President Syngman Rhee and Secretary of State John Foster Dulles following the conclusion of their talks at Seoul, Korea:

“Our friendly and understanding consultations demonstrate clearly the determination of the United States and the Republic of Korea to stand together in cordial cooperation to achieve our common objectives, including the reunification of Korea.

“We have today initialed a draft of a Mutual Defense Treaty. That treaty is designed to unite our nations in common action to meet common danger and it will cement the ties which have brought us together to combat in Korea the menace of Communist aggression.

“Our two Governments will actively proceed with the constitutional processes necessary to bring this treaty into full force and effect. These constitutional processes, in the case of the United States, require that the United States Senate consent to the ratification. The United States Senate, having adjourned this week, will not again be in regular session until next January. However, United States Senate leaders have been kept fully informed of the exchange of views which have led to the action we have taken today and it is our sincere hope that this will lead to prompt and favorable United States Senate action.

“Between now and the date when the Mutual Defense Treaty can be expected to come into force and effect, our armed forces in Korea will be subject to the United Nations Command which will comply with the armistice terms. If, during this period, there should occur unprovoked armed attack by the Communist forces against the Republic of Korea in violation of the armistice, the UNC, including the Republic of Korea forces, would at once and automatically react, as such an unprovoked attack would be an attack upon and a threat to the UNC itself and to the forces under its command. Such reaction to an unprovoked armed attack would not be a new war but rather a resumption by the Communist forces of the active belligerency which the armistice has halted. The UNC will be constantly alert against such an attack.

“Our Governments will promptly negotiate agreements to cover the status of such forces as the United States may elect to maintain in Korea after the Mutual Defense Treaty comes into force and effect, and the availability to them of Korean facilities and services needed for the discharge of our common task. In the meantime, the Republic of Korea will continue to cooperate with the UNC and the status of UNC forces in Korea and the availability to them of Korean facilities and services will continue as at present.

“The armistice contemplates that a political conference will be convened within 3 months, that is, prior to October 27, 1953. At that conference the United States delegation, in cooperation with the ROK delegation and other delegations from the UNC side, will seek to achieve the peaceful unification of historic Korea as a free and independent nation. We and our advisers have already had a full and satisfactory exchange of views which we hope and trust will establish a preparatory foundation for coordinated effort at the political conference.

“If, after the political conference has been in session for 90 days, it becomes clear to each of our governments that all attempts to achieve these objectives have been fruitless and that the conference is being exploited by the Communist delegates mainly to infiltrate, propagandize, or otherwise embarrass the Republic of Korea, we shall then be prepared to make a concurrent withdrawal from the conference. We will then consult further regarding the attainment of a unified, free, and independent Korea which is the postwar goal the United States set itself during World War II, which has been accepted by the United Nations as its goal and which will continue to be an object of concern of United States foreign policy.

“We recognize that the Republic of Korea possesses the inherent right of sovereignty to deal with its problems, but it has agreed to take no unilateral action to unite Korea by military means for the agreed duration of the political conference.

“We contemplate that the projected 3- to 4-year program for the rehabilitation of the war-ruined Korean economy shall be coordinated through the combined economic board, under the joint chairmanship of the Korean and American representatives. This program contemplates the expenditure of approximately one billion dollars of funds, subject to appropriations thereof by the United States Congress. Two hundred million dollars has already been authorized, out of prospective defense savings.

“We have exchanged preliminary views with respect to various problems involving the maintenance and development of ROK land, air, and sea forces.

“We feel confident that the relationship thus established between our two Governments marks an important contribution to the developing of independence and freedom in the Far East. With unshaking faith in the principle of collective security, and with loyal adherence to the Charter of the United Nations, we intend to move forward together toward the achievement of our common objective—the restoration of a unified, democratic, and independent Korean nation.

“There are no other agreements or understandings stated or implied resulting from these consultations other than those herein contained.”

STATEMENT BY THE HONORABLE JOHN FOSTER DULLES, SECRETARY OF STATE, ON THE SIGNING OF THE MUTUAL DEFENSE TREATY BETWEEN THE REPUBLIC OF KOREA AND THE UNITED STATES, OCTOBER 1, 1953

I am very glad today to have the honor of signing this treaty which last August President Rhee and I worked out together during my visit in Seoul.

For more than 3 years the armed forces of the Republic of Korea and the United States have been joined together with the forces of our allies under the United Nations Command in repelling the Communist aggression. Thus the signing of this Mutual Defense Treaty between the Republic of Korea and the United States of America formalizes a relationship that has already been established between our countries.

This treaty is a defense treaty firmly dedicated to peace. Its purpose is to deter aggression. We have no aggressive intentions toward any nation, but we must recognize that in a world where the forces of aggression still constitute a threat, constant preparedness and constant vigilance are the price of our freedom. Bitter experience has taught us that weakness invites aggression; that the requirement of peace and security is the maintenance of our strength. Like those treaties the United States has already concluded with the Philippines, Australia and New Zealand, and Japan, the treaty we have signed today is in full conformity with the aims and principles of the Charter of the United Nations. It affirms our belief that the security of an individual nation in the free world depends upon the security of its partners and constitutes another link in the collective security of the free nations of the Pacific.

It is our intent to proceed actively to bring the treaty into full force and effect. In the United States, the constitutional processes require the consent of the United States Senate to the ratification. It is our sincere hope that the full exchange of views with its leaders which has taken place during the development of this treaty will lead to prompt and favorable action by the United States Senate when its next regular session convenes in January.

As set forth in the joint statement of August 8 by President Rhee and myself between now and the date when the Mutual Defense Treaty can be expected to come into force and effect, the armed forces of our two nations in Korea will be subject to the United Nations Command which will comply with the armistice terms. During this period, if there should be an unprovoked attack by Communist forces in violation of the armistice terms, the United Nations Command would immediately and automatically react.

In no way can this treaty be construed as prejudicing or prejudging a settlement of the Korean problem. It is an undertaking to settle by peaceful means any international dispute in which the parties may be involved and to refrain in their international relations from the threat or use of force.

Finally, I want to express our hopes that a political conference will be held and that a peaceful settlement of the problem of the long-suffering Korean people will be found. And again I wish to emphasize that the treaty we have signed today is evidence of our common desire for peace, and of our conviction that a strong resolve to resist aggression is a firm step toward this goal.

RESOLUTION OF RATIFICATION, WITH AN UNDER-
STANDING, AS AGREED TO BY THE SENATE ON
JANUARY 26, 1954

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive A, Eighty-third Congress, second session, a Mutual Defense Treaty Between the United States of America and the Republic of Korea, signed at Washington on October 1, 1953.

It is the understanding of the United States that neither party is obligated, under article III of the above treaty, to come to the aid of the other except in case of an external armed attack against such party; nor shall anything in the present treaty be construed as requiring the United States to give assistance to Korea except in the event of an armed attack against territory which has been recognized by the United States as lawfully brought under the administrative control of the Republic of Korea.

