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UNITED NATIONS COMMISSION FOR THE UNIFICATION AND REHABILITATION OF KOREA
(UNCURK)CONFIDENTIAL No. 165

20 October 1972

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25 October 1972

THE NEW SITUATION IN THE ROK

Dear Mr. Narasimhan,

Based on the coverage available in New York on the dramatic developments concerning new governmental measures, including the declaration of Martial Law, my earlier cable reporting, and extensive references in relevant issues in this week's Journal of Development, I am glad to render you the enclosed copy of my letter No. 165 regarding the new situation in the ROK and have taken note of its contents. I have also made an extensive in-depth analysis of motivations behind the ROK decision to resort to most extreme of excessive measures.

With kind regards,

My assessment, however, may suffice pending more extensive reporting the week after next when more ripened reports may be available, including UNCURK's review of the "full" Commission meeting slated between 25 and 28 October 1972, and the government's announcement of constitutional amendment to be placed before the public in a national referendum in late November.

Yours sincerely,

The ROK Government had a strong majority at the National Assembly and the opposition party, which has factionalism which might have afforded the requisite margin for constitutional amendments, if deemed essential. The President had about three years more in office. Article 75 of the Constitution concerning the declaration of a state of siege (Martial Law) was available. The President had ample opportunity, on the basis of the State of National Emergency and its concomitant Special Measures Law on National Security, to declare and activate any requisite decrees, measures and the Martial Law therefore were unnecessary inasmuch as the prevalent system would have amply sufficed to meet the "requisite" changes in nation-wide security and order. Furthermore, the special measures could not be attributed to "drastic changes" in the international scene (as referred to by top ROK leaders) in that neither the further withdrawal of American troops from Korea

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THE NEW SITUATION IN THE ROK

Dear Mr. Narasimhan,

Press coverage available in New York on the dramatic development in Korea concerning new governmental measures, including the declaration of Martial Law; my earlier cable reporting; and extensive reference to relevant issues in this week's Summary of Developments, render detailed information on my part redundant. Moreover, I am currently bed-ridden with a nasty flue which deprives me of requisite engagement in extensive in-depth analysis of motivations behind the ROK decision to resort to most extreme of excessive measures.

The following assessment, however, may suffice pending more extensive reporting the week after next when more ripened reports may be available, including UNCURK's review at the "full" Commission meeting slated between 25 and 28 October 1972, and the government announcement of constitutional amendment to be placed before the public in a national referendum in late November.

The ROK Government had a strong majority at the National Assembly and the opposition party was in hopeless factionalism which might have afforded the requisite two-thirds margin for constitutional amendments, if deemed essential. The President had about three years more in office. Article 75 of the Constitution concerning the declaration of a state of siege (Martial Law) was available. The President had ample opportunity, on the basis of the State of National Emergency and its concomitant Special Measures Law on National Security and Defence, to declare and activate any requisite decrees. The new special measures and the Martial Law therefore were unnecessary inasmuch as the prevalent system would have amply sufficed to deal with "requisite" changes in nation-wide security and order. Furthermore, the special measures could not be attributed to "drastic changes" in the international scene (as referred to by top ROK leaders) in that neither the further withdrawal of American troops from Korea

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nor the "contemplated" Japan-DPRK "ties" could be deleted from the realm of prospects. Then WHY the drastic special measures, among others, dissolving parliament, suspending the Constitution (with an extremely revised Constitution impending) and a strictly enforced Martial Law?

Competent circles here attribute the new measures to one thing only, namely to synchronize divided public opinion and factionalized political parties, etc., into a centralized mold which in turn would enable the Government to cope more adequately with the DPRK and to conduct with it colossal negotiations toward détente in the Red Cross talks for the union of divided families and eventually the very unification of the two parts of Korea. The aforesaid circles are deeply aware that negotiations with a highly "robotized" north Korea are next to impossible with a hopelessly factionalized south Korea.

The ROK Government is currently bent on holding a national referendum in late November on constitutional amendments to be followed by Presidential and National Assembly elections some time in December. Whether these would be held under Martial Law is unknown. Moreover, whether UNCURK will observe these, with or without an invitation from the Government, is another undetermined factor. Also whether UNCURK will issue an addendum to its "annual" report as a result of the aforesaid national referendum has to be determined by further developments. In fact, even the contents of the next press release of the Commission, normally produced after each session, might or might not refer to the prevailing emergency situation in the ROK.

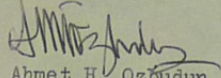
Educated guesses in this Capital have it that the impending elections, if any, will not be based on the so-called national-will as such but on elected or appointed members (perhaps 2000) of Chapters of the National Community (Village) Movement. Whatever the changes as would be incurred, the chances are deemed to be in favour of a vastly strengthened Executive as against a weakened Legislative.

The third round of formal Red Cross talks are still scheduled to take place in Pyongyang as of 24 October. The conference is to be held at two levels: the morning session would be open and probably ceremonial. The afternoon session might be the first substantive meeting at the Red Cross talks. The Co-Chairmen of the North-South Co-ordinating Committee are to meet also at the end of October, but it is not known whether this will take place before or after the Red Cross sessions.

As a matter of fact, some informed quarters here have much doubt as to whether either of the meetings would be conducive to substantial results, or even whether they would be actually held. These quarters feel that the DPRK, under the influence of the recent defeat on the postponement issue of the Korean question at the United Nations, might seize the opportunity exclusively to criticize the new ROK measures for consolidation in south Korea. The argument is advanced that a more "tightened" regime here might "retard" opportunities, if any, for north Korea to take advantage of a divided south Korea.

With warmest personal regards,

Sincerely yours,



Ahmet H. Ozbudun
Principal Secretary