

MILITARY AND SECURITY MEASURES

Interim agreement signed at Seoul August 24, 1948

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SEOUL, KOREA
24 August 1948

EXECUTIVE AGREEMENT BETWEEN THE PRESIDENT OF THE REPUBLIC OF KOREA AND THE COMMANDING GENERAL, UNITED STATES ARMY FORCES IN KOREA, CONCERNING INTERIM MILITARY AND SECURITY MATTERS DURING THE TRANSITIONAL PERIOD

PREAMBLE

Whereas, the President of the Republic of Korea and the Commanding General, United States Army Forces in Korea, exchanged notes on August 9, 1948,¹ and August 11, 1948,¹ respectively, concerning the progressive and orderly transfer of governmental functions from the Commanding General of United States Army Forces in Korea to the Government of the Republic of Korea leading to the withdrawal of United States forces from Korea and the termination of the United States Occupation;

Whereas, the President of the Republic of Korea and the Commanding General, United States Army Forces in Korea, have appointed representatives to consult for the purpose of facilitating the progressive and orderly transfer of governmental responsibility, and of facilitating arrangements for the withdrawal of forces under the command of the Commanding General, United States Army Forces in Korea;

Whereas, the consultations between the representatives of the President of the Republic of Korea and of the Commanding General, United States Army Forces in Korea have revealed the common interest of the Government of the Republic of Korea and the Commanding General, United States Army Forces in Korea in maintaining the security of Korea, and in continuing the organization, training and equipping of Security Forces of the Republic of Korea now in being, until the completion of the withdrawal of United States forces;

¹ Not printed.

Whereas, it is desirable to establish an agreed basis for accomplishing the common military and security requirements which were revealed by the consultations between the representatives of the President of the Republic of Korea and of the Commanding General, United States Army Forces in Korea; and

Whereas, Article 61 of the Constitution of the Republic of Korea provides that the President of the Republic of Korea shall be the Commander-in-Chief of the National Military Forces and that the organization and formation of the military forces shall be determined in accordance with law;

Therefore, the President of the Republic of Korea in his dual capacity of Chief Executive of the Republic of Korea and Commander-in-Chief of the National Military Forces and the Commanding General, United States Army Forces in Korea, agree upon the following military and security measures to be effective until the completion of the withdrawal of United States forces from Korea :

ARTICLE I

The Commanding General, United States Army Forces in Korea, agrees that, pursuant to directives from his government and within his capabilities, he will continue to organize, train and equip the Security Forces of the Republic of Korea now in being, provided that his obligation shall cease upon the completion of withdrawal from Korea of forces under his command.

ARTICLE II

The Commanding General, United States Army Forces in Korea, agrees to transfer to the Government of the Republic of Korea progressively, and as rapidly as he deems compatible with common security, responsibility for the direction of the Security Forces of the Republic of Korea, consisting of all Police, Coast Guard and Constabulary units now in being, and the President of the Republic of Korea agrees to accept progressively, for the Government of the Republic of Korea, responsibility for the direction of these forces. It is further agreed that the Commanding General, United States Army Forces in Korea, shall retain until completion of withdrawal of United States Army Forces as contemplated in par 4 (c) of Resolution No. II passed by the United Nations General Assembly 14 November 1948 (which reads as follows: "(c) arrange with the occupying powers for the complete withdrawal from Korea of their armed forces as early as practicable and if possible within 90 days".) the authority to exercise such over-all operational control of Security Forces of the Republic of Korea (including the Constabulary and Coast Guard and such National Police detachments as may be stationed in critical areas) as he deems necessary in the interests of common security, or to facilitate the organization, training and equipping of the Security Forces of the Republic of Korea. The provisions of this article shall not interfere with the sovereign rights of the Government of the Republic of Korea in the

administration of the Korean Security Forces, the screening of their personnel to eliminate enemies of the Government of the Republic of Korea, the selection of recruits to fill the ranks of existing or future units and the formation of such additional Korean Security Forces as may be provided by law in accordance with the provisions of Article 61 of the Constitution of the Republic of Korea.

ARTICLE III

Pursuant to the provisions of the note transmitted by the President of the Republic of Korea to the Commanding General, United States Army Forces in Korea, on August 9, 1948, the President of the Republic of Korea agrees that the Commanding General, United States Army Forces in Korea, shall retain control over areas and facilities of vital importance (such as ports, camps, railways, lines of communication, airfields, etc.) which he deems necessary in order to accomplish the transfer of authority to the Government of the Republic of Korea and the withdrawal of United States occupation forces from Korea in accordance with the United Nations General Assembly Resolution on Korea. The Commanding General, United States Army Forces in Korea agrees to list for the Government of the Republic of Korea as soon as practicable those areas and facilities as described above currently in use by his forces, and to keep the Government informed of all changes therein. It is further agreed that the Commanding General, United States Army Forces in Korea, shall retain exclusive jurisdiction over the personnel of his command, both military and civilian, including their dependents, whose conduct as individuals shall be in keeping with pertinent laws of the Republic of Korea. It is further agreed that any individuals under the jurisdiction of the Commanding General, United States Army Forces in Korea, as described above, who may be apprehended by law enforcement agencies of the Government of the Republic of Korea shall be immediately turned over to the custody and control of the Commanding General, United States Army Forces in Korea, and that any individuals not under the jurisdiction of the Commanding General, United States Army Forces in Korea, who may be apprehended in acts detrimental to the security of personnel or property under his jurisdiction, shall be immediately turned over to the custody and control of the Government of the Republic of Korea.

ARTICLE IV

It is agreed between the President of the Republic of Korea and the Commanding General, United States Army Forces in Korea, that the details for accomplishing the progressive and orderly transfer of responsibility for all Korean Security Forces to the Government of the Republic of Korea in accordance with the principles herein set forth in this interim agreement shall be determined between appropriate officials of the Government of the Republic of Korea and of the United States Army Forces in Korea and the

transfer of responsibility for the Korean Security Forces to the Government of the Republic of Korea shall begin at the earliest practicable time.

ARTICLE V

This agreement shall be registered with the Government of the United States of America and with the Government of the Republic of Korea, in duplicate in the English and Korean languages, at Seoul, Korea, this 24 day of August, 1948. The English text and the Korean text shall have equal force, but in the case of divergence the English text shall prevail.

SYNGMAN RHEE

[SEAL]

President of the Republic of Korea

JOHN R. HODGE *Lt. Gen. USA*

[SEAL]

Commanding General, United States Army Forces in Korea