TO: CINCPAC TOKYO JAPAN
NR: JCS 95328

From JCS for MacArthur as CINCUSOC. This msg is for United States Officials Only.

This radio is in two parts and refers to WAR 93724, 0 66303 and WAR 94439.

Part I

Hereafter follows the general concept for occupation of North Korea.

The purpose of the occupation will be to establish peace and security so that the Koreans themselves may solve the Korean problem with the aid and assistance of the United Nations. The occupation forces will not impose on the North Korean people a complete administration of government. However, it will be necessary to establish a temporary substitute for the Central North Korean govt and also to establish and maintain supervision and controls over North Korean de facto provincial and local govts.

Three phases are envisaged in this occupation. The first phase will begin with the occupation and will continue until internal security has been established throughout the greater part of the area. The second phase will commence at the end of the first phase and will continue until national elections have been held, and the United Republic of Korea has assumed responsibility. The second phase will be followed by a third phase which will continue until all non-Korean UN forces are withdrawn in accordance with the recommendation contained in the United Nations General Assembly resolution of 7 Oct 1950.

During the first phase, conditions of security will be paramount and civil affairs actions will be limited largely to provision of relief and minimum assistance, the establishment and maintenance of law and order and the initial establishment of local and provincial govts.

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During the second phase, military security will be a matter of less immediate concern and normal political and economic activity under the guidance of the United Nations Commission will be encouraged to the utmost. During the third phase, the United Republic of Korea will assume authority.

It is contemplated that throughout the first phase the Commanding General of the Unified Command of the United Nations will be the supreme authority in North Korea subject to control by the United Nations and the United States Government as their executive agent. During the second phase the Commanding General will retain complete authority as stated above but will, nevertheless, give the utmost consideration to the advice and recommendations of the United Nations Commission so far as they do not interfere with military security. During the third phase the Commanding General will be responsible for such missions as may hereafter be assigned.

Part II-In light of the general concept outlined in Part I, hereafter follows your military govt directive:

"1. PURPOSE. It is the purpose of this directive to prescribe the broad policies which will govern the conduct of your occupation, as Commander in Chief, United Nations Command, of that part of Korea which lies north of the 38th Parallel (hereafter referred to as 'North Korea')."

"2. MISSION. You will occupy North Korea in the name of and on behalf of the United Nations. It shall be your primary duty to so administer your occupation as to facilitate public order, economic rehabilitation and the democratic mode of life in the area and to prepare the way for the unification of a free and independent Korea.

"3. COMMAND. The United Nations, through such agencies as may be designated by it, is the supreme authority with respect to the occupation of North Korea."
The United States Government, as executive agent for the United Nations, will formulate your instructions and will transmit your reports to the United Nations. The Joint Chiefs of Staff of the United States are responsible for the agency through which you will receive your instructions and to which you will report. The Joint Chiefs of Staff will, for the United States Government, issue such interim and emergency instructions and guidance as may be necessary.

4. RELATIONSHIPS.

A. The United Nations will establish in Korea one or more agencies to observe, consult and assist in the accomplishment of the United Nations objectives for a United Korea. You will give these agencies full cooperation and support and will be guided by their views to the extent permitted by your mission. You are not, however, subject to their direct jurisdiction.

B. While the Republic of Korea has been accepted as the only lawful government in Korea, its authority over that part of the country north of the 38th Parallel has not been recognized. Although you are not authorized to recognize such authority, it is desirable that in matters of national scope you consult with the Government of the Republic of Korea through the United States Ambassador to facilitate eventual unification.

C. The Department of State will designate a representative as your political advisor for North Korea.

5. GENERAL. Within the framework of the United Nations objectives in Korea and until the United Nations Commission is in a position to put forward its views, you will interpret your directives so as to change as little as possible the fundamental structure which you find when you enter North Korea. For example, land reform measures, nationalization and socialization of industries...
and other matters which have a serious impact upon indi-
viduals should be left in status quo. Any change should be
made by the Korean people themselves after the unification
has been accomplished, or in response to the firmly expressed
views of the United Nations Commission. Similarly, your
participation in local and provincial governments of North
Korea will be limited to the minimum necessary to assure
law and order and tranquility. Any amendments or repeals
of laws existing at the time of your entry will be limited to
those necessary from the standpoint of military security
and the success of your mission, or those on which the
United Nations Commission has expressed firm views.

"6. GOVERNMENTAL ORGANIZATION. You will
dissolve the democratic peoples Republic of Korea, and
prohibit all operations and activities of groups inimical
to the occupation. You will not create a central government
for North Korea other than as a part of your occupational
control machinery. You are authorized to retain, remove
or appoint such officials on all levels of government as
you deem desirable and to make such changes in the political
organization of the area as best to serve the occupational
mission and to facilitate eventual unification.

"7. RIGHTS OF INDIVIDUALS. The mere fact
that an individual is or was a member of the Armed Forces
of the North Korean Government, an official of that
Government, or a member of any political party will not
subject him to prosecution or reprisal and will not, by
that reason alone, bar him from office or employment.
You will apprehend and hold for trial by appropriate
tribunals, in accordance with the law and custom of war,
all persons who are or may be charged with atrocities or
violations of the law and custom of war.

"8. ECONOMY. Pending the establishment of
a responsible UN organization to deal with postwar re-
habilitation problems, the following principles will

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obtain: You will supply relief and assistance in goods and services to prevent disease, starvation and unrest and to the extent required for the successful accomplishment of your mission. This assistance will be in accordance with your judgment, consistent with United Nations humanitarian purposes and the desirability for dissemination of information through the entire world as to promptness and effectiveness of UN relief. You will supervise any additional relief, rehabilitation or assistance on the part of other agencies which are authorized to function in your area. In your activities in connection with communications, transportation, health, welfare, reeducation, re-orientation, taxation, banking, refugees and in all other proper and pertinent fields of endeavor, you will consult freely with the Republic of Korea, the various United Nations Commissions and representatives of appropriate departments and agencies of the United States.

9. JURISDICTION. You will determine to what extent and for what purposes civilian representatives of United States and United Nations governmental agencies will be subject to the jurisdiction of tribunals established by North Korean authorities under your control. Your determination of these matters will be transmitted to the United States Government for the adoption of the United Nations, and thereafter all such personnel entering North Korea will thereafter be subject to such jurisdiction.

10. CONTROL ORGANIZATION. It is desired that so far as is practicable, your occupational headquarters shall be separated from your tactical command; that the maximum number of members from all friendly agencies be utilized; that, consistent with efficient operations and availability of other nationals, there be a minimum of United States and initially of Republic of Korea personnel and that it be susceptible without major reorganization to transfer in toto to a non-military agency of the United Nations.

11. RE-EDUCATION AND RE-ORIENTATION. You will initiate and conduct an intensive re-education and re-orientation program designed to facilitate the accomplishment of the United Nations objectives in Korea and to expedite the unification of Korea under a freely elected government. This program will make maximum use of
United Nations guidance and facilities.

12. FUND REQUIREMENTS AND ALLOCATION OF COSTS.
You will keep the Department of the Army fully informed concerning your requirements for funds necessary to discharge the above missions. In addition, you will maintain such records of expenditures made, costs of services furnished, and value of goods and services received as will permit you to report total costs in specific categories as may be necessary.

Note: C 66303 is CM IN 1269 (13 Oct 50).

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