



**REPORT
OF THE
UNITED NATIONS COMMISSION
FOR THE
UNIFICATION AND REHABILITATION
OF KOREA**

**GENERAL ASSEMBLY
OFFICIAL RECORDS : EIGHTEENTH SESSION
SUPPLEMENT No. 12 (A/5512)**

UNITED NATIONS

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UNITED NATIONS

New York, 1963

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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LETTER OF TRANSMITTAL

23 August 1963

Excellency,

Pursuant to the provisions of sub-paragraph 2 (c) of General Assembly resolution 375 (V) of 7 October 1950, I have the honour, on behalf of the United Nations Commission for the Unification and Rehabilitation of Korea, to transmit to you its thirteenth annual report, dated 23 August 1963, for submission to the General Assembly at its eighteenth regular session.

Accept, Excellency, the assurances of my highest consideration.

(Signed) Nuammer BAYKAN
Chairman

His Excellency
U Thant
Secretary-General
United Nations
New York

INTRODUCTION

The present report covers the period from 19 November 1962, the date of signature of the addendum to the report of the United Nations Commission for the Unification and Rehabilitation of Korea to the General Assembly at its seventeenth session, to 23 August 1963.¹

The Commission was established by General Assembly resolution 376 (V) of 7 October 1950, and its functions in the economic sphere were further defined in General Assembly resolution 410 A (V) of 1 December 1950.

The report should be read in conjunction with the previous reports submitted by the Commission to the General Assembly at its sixth to seventeenth sessions covering the period from 7 October 1950 to 19 November 1962.²

The report was signed on 23 August 1963.

¹ However, it should be noted that the addendum to the report dealt only with part of the subject matter covered in the annual report, and that in many respects the period covered in the present report is from 1 September 1962 to 23 August 1963.

² *Official Records of the General Assembly, Sixth Session, Supplement No. 12 (A/1881); ibid., Seventh Session, Supplement No. 14 (A/2187); ibid., Eighth Session, Supplement No. 13 (A/2441); ibid., Ninth Session, Supplement No. 15 (A/2711); ibid., Tenth Session, Supplement No. 13 (A/2947); ibid., Eleventh Session, Supplement No. 13 (A/3172); ibid., Twelfth Session, Supplement No. 13 (A/3672); ibid., Thirteenth Session, Supplement No. 13 (A/3865); ibid., Fourteenth Session, Supplement No. 13 (A/4187); ibid., Fifteenth Session, Supplement No. 13 (A/4466 and Add.1); ibid., Sixteenth Session, Supplement No. 13 (A/4900 and Add.1); and ibid., Seventeenth Session, Supplement No. 13 (A/5213 and Add.1).*

Chapter I

THE COMMISSION AND ITS COMMITTEE—TERMS OF REFERENCE, ORGANIZATION AND ACTIVITIES

A. Role and organization³

1. The United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) was created on 7 October 1950 as the principal representative of the United Nations in Korea.⁴

2. As a matter of internal organization, the Commission established, as from 1 January 1956, a Committee consisting of representatives of Australia, the Philippines, Thailand and Turkey, with authority to act on behalf of the Commission in pursuit of the latter's objectives in Korea. The decision also provided that the Commission as a whole could be convened at any time if the circumstances should render it necessary.

3. On 19 August 1960, the Commission recognized the importance of holding more meetings for the effective discharge of the responsibilities entrusted to the Commission by the General Assembly. During the period under review, it has continued to hold sessions of its full membership and has met in five sessions, four times in Seoul and once in Japan.

4. In the intervals between sessions, the Committee has acted on behalf of the Commission in pursuit of the latter's objectives in Korea, as established by the General Assembly, and has held 56 meetings in Seoul.

³ The composition of the delegations and secretariat is set out in annex I.

⁴ Resolution 376 (V) of 7 October 1950, para. 2(a)(ii). See also resolution 410A (V) of 1 December 1950, seventh preambular paragraph.

B. Activities of the Commission

5. Since 1 September 1962, the Commission, and the Committee acting on its behalf, has continued its efforts to promote United Nations objectives in Korea and to seek an early and proper settlement of the Korean question, subject to limitations imposed upon it by the continued non-acceptance of the United Nations principles and resolutions for the unification of Korea by the North Korean authorities.

6. Pursuant to its mandate, the Commission has continued to be available for observation and consultation in the development of representative government in Korea. It has followed with great attention the general political developments in the Republic of Korea, and has travelled and consulted freely. Moreover, as opposed to elections in previous years, the Government took the initiative in extending to UNCURK an invitation to conduct an observation of the national referendum on the new Constitution.

7. In accepting the invitation, the Commission put eight observer teams into the field. These teams spent five days in the Special City of Seoul and in eight of the nine Provinces, from 14 to 19 December 1962. They visited nineteen cities and many provincial areas. On referendum day itself, they observed balloting at 143 voting stations and attended ballot-counting at seventeen vote-counting stations. Interviews were conducted with officials of the Government, the Referendum Manage-

ment Committees, the National Reconstruction Movement and with a large number of individuals.⁵

8. It may be noted in passing that the Acting President and Chairman of the Supreme Council for National Reconstruction (SCNR), General Park Chung Hee, in a letter addressed to the Chairman of UNCURK on 7 January 1963, has declared, *inter alia*, that the "Com-

⁵ See chapter III, section B, sub-sections (i) and (ii) below.

mission will be invited to observe" the forthcoming Presidential and National Assembly elections. He added that these would be exemplary, democratic, fair and honest.

9. There have been a number of occasions when the members of the Commission have conferred with the leaders of the Government and political parties who have maintained their co-operation with it and have reaffirmed their determination to continue such co-operation in the future.

Chapter II

THE KOREAN QUESTION AND THE REPUBLIC OF KOREA

Consideration of the Korean question by the General Assembly at its seventeenth session

10. At the seventeenth session of the General Assembly the Korean question was once again referred to the First Committee.

11. On the question of invitations to representatives of the "Republic of Korea" and the "Democratic People's Republic of Korea" to participate in the debate, the First Committee at its 1299th meeting held on 11 December 1962, and by a vote of 65 to 9, with 26 abstentions, adopted the following draft resolution, of which the Commission has taken full cognizance:

"The First Committee,

"Reaffirming its view set forth in resolutions adopted at the 1146th and 1217th meetings that a representative of the Democratic People's Republic of Korea may participate in the discussion of the Korean question provided that it first unequivocally accepts the competence and authority of the United Nations within the terms of the Charter to take action on the Korean question as the Republic of Korea has already done,

"1. Notes that the Democratic People's Republic of Korea, in messages of 17 April 1961 and 19 December 1961 responding to the Committee's resolutions, rejected the competence and authority of the United Nations to take action on the Korean question, that Premier Kim Il Song declared in a speech on 23 October 1962, 'We consider that the United Nations has no right to discuss the Korean question', and that in a memorandum dated 24 November 1962 the Democratic People's Republic of Korea régime has again rejected the right of the United Nations to take action on the Korean question;

"2. Decides to invite a representative of the Republic of Korea to take part in the discussion of the Korean question without right of vote."⁶

12. On 12 December 1962, at the meeting of the Committee following the adoption of this resolution, the Chairman invited the representative of the Republic of Korea to participate in the debate.⁷

13. On 18 December, the Committee adopted a fifteen-Power draft resolution on the substance of the Korean question by a roll-call vote of 65 to 11, with 26 abstentions.⁸

⁶ *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 28, document A/C.1/835.

⁷ *Ibid.*, *Seventeenth Session, First Committee*, 1300th meeting.

⁸ *Ibid.*, 1306th meeting.

14. The General Assembly considered the report of the First Committee at its 1199th plenary meeting held on 19 December 1962, and adopted resolution 1855 (XVII) by 63 votes to 11, with 26 abstentions. In this resolution, the Assembly, having received the eleventh report of the Commission together with an addendum, reaffirmed its resolutions 112 (II) of 14 November 1947, 195 (III) of 12 December 1948, 293 (IV) of 21 October 1949, 376 (V) of 7 October 1950, 811 (IX) of 11 December 1954, 910 A (X) of 29 November 1955, 1010 (XI) of 11 January 1957, 1180 (XII) of 29 November 1957, 1264 (XIII) of 14 November 1958, 1455 (XIV) of 9 December 1959 and 1740 (XVI) of 20 December 1961. It noted that the United Nations forces which were sent to Korea in accordance with resolutions of the United Nations had in greater part already been withdrawn, and that the Governments concerned were prepared to withdraw their remaining forces from Korea when conditions for a lasting settlement laid down by the General Assembly had been fulfilled. It recalled that the United Nations, under its Charter, was fully and rightfully empowered to take collective action to repel aggression, to restore peace and security, and to extend its good offices to seeking a peaceful settlement in Korea. In the operative part of the resolution, the General Assembly reaffirmed that the objectives of the United Nations in Korea were to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area. It called upon the North Korean authorities to accept those established United Nations objectives which have been repeatedly affirmed by the General Assembly. It urged that continuing efforts be made to achieve these objectives. Finally, it requested UNCURK to continue its work in accordance with the relevant resolutions of the General Assembly.

B. The question of unification

15. The most recent stand of the United Nations General Assembly on the Korean question, reaffirming that which it had hitherto maintained, is contained in General Assembly resolution 1855 (XVII) of 19 December 1962 (see para 14 above), and the action taken by the First Committee on the question of invitations to the representatives of the "Republic of Korea" and the "Democratic People's Republic of Korea" to participate in the debate of the First Committee (see paras. 11 and 12 above).

16. Since the submission of its annual report to the General Assembly dated 1 September 1962⁹ and the addendum to that report dated 19 November 1962,¹⁰ the Commission has continued closely to follow developments pertaining to the question of unification of Korea and has remained available at all times, as it continues to be, to discharge its mandate with regard to the achievement of the United Nations objectives on Korean unification.

17. The Commission is obliged to report again that whereas the Government of the Republic of Korea has fully continued its adherence to the United Nations stand on unification, the Communist authorities to the North have maintained their negative attitude towards that stand, thereby further delaying a proper and definitive settlement in Korea.

18. The Commission is of the opinion that such realistic and peaceful settlement in accordance with established United Nations principles arrived at in a speedy manner would not only fulfil the national aspiration of the Korean people, but also enable the unified country to achieve a full measure of national stability and sound economic progress.

19. Broadcasts over Pyongyang radio and government statements appearing in the North Korean Press during the period under review reportedly contained proposals bearing a similarity to those made in previous years which were mentioned in the Commission's annual report in 1958.¹¹ In particular, the North Korean authorities called for the withdrawal of "foreign" troops from the Republic of Korea as a prerequisite to negotiations with the latter on unification.

20. Moreover, an explanatory memorandum of 23 June 1962 of the Union of Soviet Socialist Republics supporting the inclusion in the agenda of the General Assembly at its seventeenth session of an item entitled "The withdrawal of foreign troops from South Korea" had stated that "the foreign troops in South Korea are under the United Nations flag" and that "so long as there are foreign troops in the south of the Korean peninsula, Korea cannot be unified by peaceful means."¹²

21. As has been explained in paragraph 11 above, the First Committee at the seventeenth session noted the rejection by the North Korean régime of the competence and authority of the United Nations to discuss or to take action on the Korean question.

22. In this connexion, the Commission once again feels that it is useful to recall relevant provisions of the various General Assembly resolutions on the Korean question. In particular, General Assembly resolution 376 (V) of 7 October 1950, which has repeatedly been reaffirmed in subsequent resolutions, including resolution 1855 (XVII) of 19 December 1962, recommended the maintenance of United Nations forces in Korea as long as necessary for achieving the objectives specified in that resolution. Resolution 1855 (XVII), which is the latest one adopted on the Korean question, also notes, in the third paragraph of the preamble, "that the United Nations forces which were sent to Korea in accordance with United Nations resolutions have in greater part already been withdrawn, and that the Governments

concerned are prepared to withdraw their remaining forces from Korea when the conditions for a lasting settlement laid down by the General Assembly have been fulfilled".

23. In view of the new situation brought about by the inclusion in the agenda of the seventeenth session of the question of the withdrawal of foreign troops as a sub-item of the Korean question, it may be useful to recall that the so-called foreign forces in the Republic of Korea sent by Members of the United Nations in accordance with resolutions of the Organization, and upon the request of the Government of the Republic of Korea, have received from the General Assembly a resolution entitled "Tribute to the armed forces who have fought in Korea to resist aggression and uphold the cause of freedom and peace."¹³ The text of this resolution reads:

"The General Assembly,

"Recalling the resolutions of the Security Council of 25 June, 27 June and 7 July 1950¹⁴ and the resolutions of the General Assembly of 7 October 1950, 1 December 1950, 1 February 1951, 18 May 1951 and 3 December 1952,¹⁵

"Having received the report of the Unified Command dated 7 August 1953,¹⁶

"Noting with profound satisfaction that fighting has now ceased in Korea on the basis of an honourable armistice,

"1. Salutes the heroic soldiers of the Republic of Korea and of all those countries which sent armed forces to its assistance;

"2. Pays tribute to all those who died in resisting aggression and thus in upholding the cause of freedom and peace;

"3. Expresses its satisfaction that the first efforts pursuant to the call of the United Nations to repel armed aggression by collective military measures have been successful, and expresses its firm conviction that this proof of the effectiveness of collective security under the United Nations Charter will contribute to the maintenance of international peace and security."

24. In this connexion, it may be pertinent to recall also a memorandum of the Government of the Republic of Korea circulated to Member States at the seventeenth session of the General Assembly¹⁷ which, *inter alia*, declares that "The Republic of Korea, which requested the assistance of United Nations forces in time of peril, regards their continued presence as necessary for defence against renewed Communist aggression and to achieve a just solution of the Korean question". The memorandum adds that "The Republic of Korea requests that the United Nations forces remain until their mission is accomplished".

25. The Commission recalls that it was the presence and the reporting of its predecessor, the United Nations Commission on Korea (UNCOK), which culminated in the advent of United Nations action in Korea. It should be noted that this was the first collective action of its kind in the history of international organizations. This action remains a precedent and reminder against aggres-

⁹ *Ibid.*, Seventeenth Session, Supplement No. 13 (A/5213).

¹⁰ *Ibid.*, Supplement No. 13A (A/5213/Add.1).

¹¹ *Ibid.*, Thirteenth Session, Supplement No. 13 (A/3865), para. 9; see also *Ibid.*, Seventeenth Session, Supplement No. 13 (A/5213), para. 15.

¹² *Ibid.*, Seventeenth Session, Annexes, agenda item 28, document A/5140, paras. 4 and 7.

¹³ Resolution 712 (VII) of 28 August 1953.

¹⁴ See *Official Records of the Security Council, Fifth Year*, Nos. 15, 16 and 18.

¹⁵ See resolutions 376(V), 410(V), 498(V), 500(V) and 610(VII).

¹⁶ A/2431.

¹⁷ A/C.1/877

sion in Korea or elsewhere. UNCURK's continued presence in Korea—though regretfully in the territory under the control of the Republic of Korea only—as a representative body of the United Nations in a troubled area, acts as a political deterrent against renewed conflict. The Armistice Agreement of 27 July 1953 remains in force and has not been superseded by a proper peace settlement. The maintenance of peace—though unfortunately in the form of a prolonged armistice—became and remains the responsibility of the United Nations forces in Korea, which represents the strongest guarantee against any further aggression.

26. Regarding incidents between individual members of United Nations Command contingents and a number of individual Korean nationals, which have been annually referred to in General Assembly debates on the Korean question, the Commission as the principal representative of the United Nations in Korea, on the basis of its observations, is of the opinion that such cases are incidental in nature and limited in number.

27. To turn to another question, namely the persistent criticisms directed at the Commission, including its functions, objectivity, legality and composition, it considers it unnecessary to comment on such attitudes in view of the determined support accorded to the Commission year after year by the General Assembly.

28. During the period under review, the Government of the Republic of Korea has continued through its leaders to render full adherence to the principles set by the United Nations for the unification of the country. In particular, leading figures of the Government have reiterated, in public declarations or in statements to the Commission, the Republic's adherence to the Charter of the United Nations and its respect of the competence and authority of the Organization. Such expressions of adherence, however, have not been limited to leaders of the military Government. In addition, civilian leaders of key political parties, while they have wide differences among themselves or *vis-à-vis* the incumbent Government on other issues, have also assured members of the Commission that should they come to power upon the transfer of the Government to civilians following the forthcoming elections, the Republic's unswerving allegiance to a proper settlement of the Korean question through the United Nations would remain unaltered.

29. Spearheading government leaders, the Acting President and Chairman of the Supreme Council for National Reconstruction, General Park Chung Hee, in a communication addressed to the Chairman of the Commission on 7 January 1963, declared, *inter alia*: "It is my earnest hope that the day will come soon when our brothers who are suffering under the communist yoke in North Korea will regain their freedom as our divided land is united under the authority of the United Nations." In the preceding paragraph of the communication, Chairman Park stated: "I wish to express my deep appreciation for the efforts you and your Commission have exerted for the unification and rehabilitation of Korea." Moreover, on 16 May 1963, the second anniversary of the Military Revolution, Chairman Park Chung Hee stated, *inter alia*, that "as has been clearly manifested by the revolutionary pledges, the military Government has done everything within its power to adhere to the spirit of the United Nations Charter, faithfully abiding by the principle of the peaceful unification of Korea within the framework of the United Nations".

30. In a statement issued in commemoration of the thirteenth anniversary of the outbreak of the Korean hostilities on 25 June 1950, General Park Chung Hee stated, *inter alia*:

"... We have asked for the peaceful unification of South and North Korea through the United Nations. We have faithfully abided by the Charter of the United Nations ever since the establishment of the Government. We have accepted and carried out all United Nations resolutions and actions taken with regard to Korean matters. In particular the Revolutionary Government has been performing its responsibilities more solidly and more faithfully than any other preceding government in the past in observing the principles of the United Nations. Furthermore, our resolution to observe and carry out faithfully the United Nations Charter and international treaties in the future has not changed at all."

He added:

"... Abroad we have to promote energetically a positive diplomacy for our United Nations admission, and press more resolutely on the United Nations a practical and flexible solution to national unification..."

C. Question of the admission of the Republic of Korea to membership in the United Nations

31. As in previous years, the leaders of the Government of the Republic of Korea and those of political parties have continued to stress the fervent desire of the people of the Republic for the latter's admission to United Nations membership. It may be recalled in this connexion that the applications of the Republic of Korea for membership in the United Nations were rejected by the Security Council on three occasions as a result of negative votes cast by one permanent member of the Council.¹⁸ The last two such votes were cast at the 790th and 843rd meetings of the Security Council held on 9 September 1957 and 9 December 1958 respectively. On the other hand, the General Assembly in its resolutions 296 G (IV) of 22 November 1949, 1017 A (XI) of 28 February 1957 and 1144 A (XII) of 25 October 1957, had reaffirmed that the Republic of Korea was fully qualified for and should be admitted to membership in the United Nations.

D. Membership in specialized agencies and other international bodies

32. The Republic is already affiliated with twelve specialized agencies and other international bodies, namely the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the International Civil Aviation Organization, the Universal Postal Union, the International Telecommunication Union, the World Meteorological Organization, the Inter-Governmental Maritime Consultative Organization, the Special Fund, the International Hydrographic

¹⁸ At the 423rd meeting held on 8 April 1949, at the 790th meeting held on 9 September 1957, and at the 843rd meeting held on 9 December 1958.

E. Diplomatic relations of the Republic of Korea

33. During the period under review, the Republic of Korea continued to expand its diplomatic relations.¹⁹ Such expansion was effected in a more rapid manner than was noted by the Commission in its annual report to the General Assembly last year.²⁰

34. The countries with which diplomatic relations had been established through the exchange of missions in direct or concurrent form last year numbered 28, fourteen more than the figure for the previous year. The 28 countries are Australia, Belgium, Brazil, Chile, Colombia, Denmark, Federal Republic of Germany, Federation of Malaya, France, Greece, Holy See, Israel, Italy, Madagascar, Mexico, Netherlands, New Zealand, Norway, Philippines, Portugal, Republic of China, Republic of Viet-Nam, Spain, Sweden, Thailand, Turkey, the United Kingdom of Great Britain and Northern Ireland, and United States of America. Since the submission of the Commission's annual report to the General Assembly last year, the Republic of Korea has effected diplomatic exchanges with 25 additional countries, namely Argentina, Canada, Congo (Brazzaville), Costa Rica, Dominican Republic, Ecuador, El Salvador, Gabon, Guatemala, Honduras, Iceland, Iran, Jamaica, Jordan, Luxembourg, Morocco, Nicaragua, Panama, Paraguay, Saudi Arabia, Senegal, Sierra Leone, Switzerland, Uganda and Upper Volta. Thus the total number of countries with which diplomatic exchanges have been effected currently stands at 53, nearly double the number recorded last year and almost four times the number that existed prior to 1961. Moreover, on the basis of agreements already arrived at, the Republic of Korea expects soon to effect diplomatic exchanges with the following 14 countries, namely Austria, Cameroon, Chad, Congo (Leopoldville), Dahomey, Ethiopia, Haiti, Ivory Coast, Laos, Mauritania, Niger, Peru, Rwanda and Togo.

35. The Republic of Korea continues to maintain its three missions at the United Nations, Geneva and Tokyo. Moreover, to the 8 Consulates General in Los Angeles, Hong Kong, New York, Honolulu, San Francisco, New Delhi, Cairo and Phnom Penh, referred to in last year's report, 2 new Consulates General have been established in Rangoon and Nairobi, bringing the total to 10.

36. The following foreign dignitaries visited the Republic of Korea at the invitation of the Government: Mr. Nay Valentine, Director of the Protocol Department of the Ministry of Foreign Affairs of Cambodia (29 to 31 August 1962); Mr. Nzo Ekhhah-Nghaky, Vice Minister of Foreign Affairs of Cameroon (22 to 24 September 1962); the Earl of Selkirk, Commissioner General in Southeast Asia, from Singapore (12 to 17 October 1962); Mr. Ycouba Djibo, Minister of Rural Economy of Niger (2 to 8 November 1962); Mr. Tun Abdul Razak bin Hussain, Deputy Prime Minister of the Federation of Malaya (5 to 8 November 1962); Ambassador Gallin-Douathe of the

Central African Republic, Permanent Representative to the United Nations (11 to 15 February 1963); Mr. Adam Malick Sow, Ambassador of Chad to the United States and Permanent Representative to the United Nations (11 to 15 February 1963); Mr. Samba Germain, Minister of Agriculture, Pasture, Water and Forest of the Congo (Brazzaville) (25 to 30 March 1963); Lady Vichitra Dhanarajata, wife of the Prime Minister of Thailand (17 to 21 May 1963); Mr. Louis Ignacio Pinto, Ambassador of Dahomey to the United States and Permanent Representative to the United Nations (27 to 30 May 1963); Mr. A. J. Rylah, Deputy Premier of the State of Victoria, Australia (8 to 10 July 1963), and Ambassador Ruben Ramirez Pane of Paraguay, Permanent Representative to the United Nations (19 to 23 July 1963).

37. On the side of the Republic of Korea, four goodwill and cultural missions were made during the period under review. Mr. Lee Sung Ga, Ambassador of the Republic of Korea to Mexico, visited nine Latin American countries, namely El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Dominican Republic, Haiti, Jamaica and Guatemala (17 September to 7 November 1962). He again visited the Dominican Republic in order to attend the presidential inauguration (25 to 28 February 1963). Mr. Choi Young Hi, Ambassador of the Republic of Korea to Turkey, visited several Middle Eastern countries, namely Cyprus, Lebanon, Saudi Arabia, Sudan and Iran (26 September to 25 October 1962). Ambassador Lee Soo Young, Permanent Observer of the Republic of Korea to the United Nations, visited, as special envoy, the following African countries: Nigeria, Congo (Leopoldville), Uganda, Rwanda, Burundi, Ethiopia, Sudan, Libya, and Tunisia (4 March to 20 April 1963). Finally, the Foreign Minister of the Republic of Korea, Mr. Kim Yong Shik, visited the capitals of Italy, the United Kingdom, the United States of America, and Japan, as well as the Headquarters of the United Nations in New York (5 to 31 July 1963).

38. During the period covered by the present report, the Republic of Korea has accorded recognition to 7 countries, namely, Trinidad and Tobago (31 August 1962), Kuwait (15 October 1962), Iraq (12 February 1963), Syria (14 March 1963), Guatemala (19 April 1963), Togo (27 June 1963) and Ecuador (2 August 1963).

39. The series of meetings, at both ministerial and working levels, continues between prominent dignitaries and standing representatives of both the Republic of Korea and Japanese Governments relative to normalization of diplomatic relations between the two countries. Negotiations were still in progress as of the time of signing of the present report. While in principle agreement has been reached on the question of property claims and certain other issues, the main problem yet to be solved is the issue of fishing rights. The Republic of Korea Government desires a solution as soon as possible, but it is cautiously attempting to conserve the maritime resources at present under its control. A conference between the Government and representatives of the political parties was held in Seoul on 17 August 1963 to work out a common policy for further negotiation with Japan. It is anticipated that there will be more conferences of this nature in the future. The Commission continues to watch with interest the development of these negotiations.

¹⁹ For additional information on the international relations of the Republic of Korea, see annex III.

²⁰ *Official Records of the General Assembly, Seventeenth Session, Supplement No. 13 (A/5213)*, chapter II, section C, and annex III.

REPRESENTATIVE GOVERNMENT IN THE REPUBLIC OF KOREA

A. Introduction

40. Under its mandate the Commission observes the development of representative government in Korea and this brings a range of political developments within its purview. The development of representative government was interrupted when the military revolution took place on 16 May 1961; but in his statement of 12 August 1961²¹ General Park Chung Hee set a timetable by which the existing Constitution would be revised, political activities permitted in early 1963, and elections held.

41. In the period covered in its last report, the Commission noted that it had observed developments and the preparations for the return to civilian representative government rather than the direct functioning of such a government. These preparations were accelerated in the first months of the period covered in this report. They included the drafting of amendments to the Constitution, their acceptance by the people at a referendum, the drafting of laws governing political parties, political activities and elections.

42. Developments from 1 January 1963 did not run according to the original schedule which would have seen the emergence of civilian government in August 1963. There were delays and the position as this report was written was that the presidential election would be held in mid-October 1963, and the National Assembly elections towards the end of November 1963. The Commission will report on these elections in a supplementary report to the General Assembly (see para. 136 below).

43. In all its work, the Commission was free to observe as it wished and, as in the past, it always had ready co-operation from government authorities. Apart from its formal observation of the constitutional referendum, the Commission or the Committee on its behalf held interviews during the period under review with General Park Chung Hee, with the executive bodies of political parties and their representatives.

B. The period of preparation for political activities

THE CONSTITUTIONAL AMENDMENTS

44. In the addendum to its last report, the Commission gave a brief description of the Constitutional Amendments Bill which was adopted formally by the Supreme Council (SCNR) on 6 December 1962, and was then to be put to popular referendum on 17 December. In the addendum it was stated that the Constitution, as amended, would be the subject of further description in the Commission's report to the General Assembly at its eighteenth session.²²

45. The Constitution Amendments Bill was approved by the referendum and was promulgated on 26 December 1962. In accordance with article 1 of its Supplementary Rules, it comes into force on the date of the first convocation of the National Assembly.

²¹ *Ibid.*, Sixteenth Session, Supplement No. 13 (A/4900), para. 66.

²² *Ibid.*, Seventeenth Session, Supplement No. 13A (A/5213/Add.1), footnote 10.

THE REFERENDUM ON THE CONSTITUTIONAL AMENDMENTS²³

46. Procedures for conducting the referendum were prescribed in the National Referendum Law. One provision was to place the management of the referendum under a Central National Referendum Committee and local committees which would have impartial members.

47. In the weeks preceding the referendum, campaigns were conducted by the national referendum committees, by government authorities and by the National Reconstruction Movement, to explain the contents and purpose of the constitutional amendments and to stress to the people their civic duty to attend the polls.

48. These campaigns included the printing of posters and information material, lectures and radio broadcasts. Groups of persons, including supreme councilors, made tours throughout the country and held public meetings.

49. In the result, of the 12,412,798 registered voters, 10,585,998 (85.3 per cent) went to the polls. Of these, 8,339,333 cast valid votes in the affirmative (78.8 per cent), while there were 2,008,801 votes in the negative. There were 237,864 invalid votes. The Constitution, as amended, was adopted.

50. In the Commission's view, the arrangements for the conduct of the referendum were satisfactory. From their observations the teams agreed that all procedures had been conducted in a free atmosphere and in a calm, orderly and regular manner.

NATURE AND DESCRIPTION OF THE AMENDED CONSTITUTION²⁴

51. The Constitution of the Republic of Korea, as amended, contains a preamble, 121 articles and nine supplementary rules. Before amendment it contained a preamble, 98 articles and supplementary rules.

Rights and duties of citizens

52. A chapter on the rights and duties of citizens guarantees the same basic rights as before, which are given in greater detail. They include: equality before the law; personal liberty; freedom of residence, religion and conscience; privacy of correspondence; freedom of speech, press, assembly and association; freedom of science and arts; the right of property; the right to vote and to hold public office; the right of petition and judicial, speedy and public trial; the right to equal education, to work with special protection for women and children; the right of workers to association, collective bargaining and collective action; protection by the State for citizens incapable of making a living; the right to dignity and value as a human being.

53. Three duties are specifically enumerated: (1) the duty to work; (2) the duty to pay taxes; and (3) the duty to defend the national territory.

²³ For the Commission's observation of the referendum, see para. 7 above.

²⁴ For full text of the Constitution, see annex IV, A.

Political parties

54. The 1962 Constitution provides that the establishment of political parties shall be free and the plural party system shall be guaranteed. The organization and activities of a political party must be democratic and political parties must have the necessary organizational arrangements to enable the people to participate (article 7 (1) and (2)). This provision did not exist before.

The National Assembly

55. As before, the legislative power is vested in the National Assembly; but the National Assembly, by amendment, is unicameral.²⁵ Members will be elected for four year terms as before and the total number will be between 150 and 200.

56. An important innovation in the 1962 Constitution is the provision that any person desiring to become a candidate "shall be recommended by the political party to which he belongs" (article 36, paragraph (3)). He will lose his membership in the National Assembly during his tenure when he leaves or changes his party or when his party is dissolved, though this does not apply "in cases of changes in party membership caused by amalgamation of parties or in case he has been expelled from his party" (article 38).

57. The amendments also provide (article 39) for a separation between Executive and Legislature by providing that no member of the Assembly shall "concurrently hold the position of the Presidency, the Prime Minister, a member of the State Council, a member of the local council, or any other public or private positions as determined by law". The previous Constitution had provided only that no member of the National Assembly can be a member of any provincial council.

The President

58. Perhaps the most important change in these constitutional amendments is that they replace the cabinet system by a presidential system, the executive power being vested in an executive headed by a President, elected directly by the people. As with members of the National Assembly, a presidential candidate must be recommended "by the political party to which he belongs". He may be re-elected once.

59. The President has extensive powers. Subject to the concurrence of the National Assembly in some cases and to the provisions of law, he may conclude and ratify treaties, declare war and conclude peace and issue presidential ordinances. He exercises supreme command of the national armed forces and may declare a state of siege. He may accredit diplomatic envoys and appoint public officials (articles 63-82).

The State Council

60. The State Council deliberates on important policies that fall within the powers of the Executive. It is composed of the President, the Prime Minister and from 10 to 20 members. Its members are appointed by the President on the recommendation of the Prime Minister. A wide range of important matters must be referred to the State Council for delibera-

tion. The Prime Minister can recommend to the President the dismissal of any State councillor (articles 83-86).

Relationship between Executive and Legislature

61. The President is head of the executive branch of government and he actually exercises executive powers. He is independent from and not responsible to the National Assembly. The Prime Minister and other ministers assist him and are also independent from the National Assembly. Nevertheless, there are certain limitations designed to guard against the abuse of executive power. The National Assembly has the power to legislate, and though the President has a "veto" he cannot hold up legislation if the National Assembly, on further consideration, repasses the bill with the requisite majority (article 49 (4)).

62. Again, all acts of the President are required to be executed by written documents which shall be countersigned by the Prime Minister and by the members of the State Council concerned (article 80).

63. The President can no longer dissolve the National Assembly. The latter can recommend the dismissal of the Prime Minister or other members of the State Council and the President will comply "unless there is a special reason to be otherwise" (article 59 (3)).

64. The National Assembly also has the power of impeaching the President, Prime Minister, State councillors and others for violation of the Constitution or other laws (articles 61-62). It also has a power to inspect the administration of the State (article 57).

The National Security Council

65. This will be established "to advise the President on the formulation of foreign, military and domestic policies related to the national security prior to their deliberation by the State Council". It will be presided over by the President (article 87).

Economic and Scientific Council

66. An important addition in the amendments is their provision for an Economic and Scientific Council under the chairmanship of the President. It is to advise him on the formulation of important policies concerning the development of the national economy and the promotion of sciences for the purpose of such development prior to their deliberation by the State Council (article 118).

The Courts

67. The main amendments in this sphere were designed to ensure the independence of the judiciary from the legislature and the executive. Whereas before the President could withhold the appointment of the Chief Justice, under the amendments he will request the National Assembly for its consent and will make the appointment when this is given. His power to hold up the appointment of Supreme Court Justices is also restricted. The Supreme Court now will exercise powers held by the Constitutional Court under the former Constitution (articles 96-106).

Election management

68. A section on election management is an addition to the Constitution. Its objective is to ensure free and fair elections and to provide for the manage-

²⁵ The unicameral system existed from 1948-1952. Although a 1952 amendment made provision for a bicameral system, the second house (the House of Councillors) was not elected until 1960.

ment of election campaigns in accordance with the laws (articles 107-108).

Amendments to the Constitution

69. The main change in this section is a provision that all amendments will require the approval of the people by referendum (articles 119-121).

IMPORTANT LAWS

70. The Supreme Council for National Reconstruction (SCNR) enacted a number of laws which were of importance in the development of representative government. Among these laws were the following:

Provisional Measures Law Concerning Criminal Jurisdiction Over Offences Related to the Accomplishment of the Revolutionary Tasks

71. This law was promulgated at the time of lifting martial law on 5 December 1962. It provided that certain specific offences relating to political activities would continue to come under the jurisdiction of courts martial of respective districts though they could be passed to civil courts if the offences were of a minor nature (Law No. 1198).

Political Party Law²⁶

72. This law came into force on 1 January 1963, the date on which the military Government lifted the ban on political activities. It lays down, *inter alia*, that steps shall be taken, through promoters and a Party Organization Preparatory Committee, for the formation and registration of political parties with a Central Election Management Committee.

73. Essential requisites for registration are as follows:

(a) It shall have a number of local chapters equal to one-third or more of the total number of the regional election districts;

(b) These local chapters shall be dispersed in five or more cities and/or provinces, including the Special Cities of Seoul and Pusan;

(c) A local chapter shall have fifty or more party members.

74. The effect of these requirements will be to ensure that a political party is of a certain minimum size. They will have a tendency to restrict the formation of a large number of small parties.

75. Parties are required by this Law to publish their platform or basic policy and to elect their office bearers and conduct their affairs in a democratic manner. The scrutiny of the Central Election Management Committee may extend to review of the status of a party's assets, revenues and expenditures. Penalties are stipulated for violation of this Law.

National Assembly Election Law²⁷

76. This Law contains 175 articles. Its stated purpose is to seek the development of democratic political principles by assuring the fair election of members of the National Assembly by the free will of the people.

77. It provides for single member constituencies (from districts with a minimum population of 200,000)

and for a nationwide electoral district for persons elected by proportional representation (whose number will be one-third of the number of assemblymen to be elected from the single member constituencies).

78. It provides for the preparation of voters' lists and their inspection, and for the registration of candidates (which must be sought by the political parties which nominate them).

79. It provides for supervision of election campaigns under an election management system. Speakers in these campaigns must be of the same party as the candidates.

80. Election management committees will supervise such matters as the drawing up and distribution of election posters and the distribution to households of reports giving details of candidates. Provisions of the Law also relate to such matters as public meetings, political broadcasts and election expenses. Procedures are stipulated for the holding of free and secret ballots, the opening of ballot boxes and counting of votes and the observation of these procedures by representatives of political parties and candidates. Penalties are provided against irregularities.²⁸

Presidential Election Law²⁹

81. This Law stipulates procedures and other matters concerned with the election of a President.

82. Candidates must be citizens of 40 years of age or over who have resided continuously in the Republic for five years or more as of election day. There shall be a single national electorate (article 13).

83. Provision is made for the preparation of electoral rolls, the registration of candidates and the management of election campaigns along lines similar to those provided in the National Assembly Law. Provision is made for the observation of procedures by representatives of political parties and candidates.

Amendments to election laws

84. Political parties, especially of the opposition, were not satisfied with the election laws in their original form. They urged amendments which, *inter alia*, would ease certain restrictions on election campaigning, permit the inclusion of party representatives on election management committees, remove the restrictions which prohibited members of one party from campaigning for candidates of another, remove a provision whereby the irregularities of a campaign member in the financial field could nullify a candidate's election, and increase the number of single member constituencies.

85. The military Government re-examined the laws, and amendments were made early in August to the Election Management Law, the National Assembly Election Law, and the Presidential Election Law (see annex IV, C, D and E).

86. The opposition parties did not consider that these amendments had gone far enough. In particular, they had urged the removal of clauses which prohibited members of one party from campaigning for candidates of another party and they wanted an easing of provisions which limited the number of election speeches

²⁶ Law No. 1246, promulgated on 31 December 1962. For full text, see annex IV, B.

²⁷ Law No. 1256, promulgated on 16 January 1963, as amended on 6 August 1963 by Amendment Law No. 1383. For full text, see annex IV, D.

²⁸ Law No. 1255, promulgated on 16 January 1963, as amended on 6 August 1963 by Amendment Law No. 1385. For full text, see annex IV, C.

²⁹ Law No. 1262, promulgated on 1 February 1963, as amended on 6 August 1963 by Amendment Law No. 1384. For full text, see annex IV, E.

that could be made. The opposition parties appointed a joint committee to campaign for these and other amendments as a further means of ensuring the framework for free elections.

C. The period of political activities

THE DEVELOPMENT OF POLITICAL PARTIES

87. With the commencement of political activities as from 1 January 1963,³⁰ several groups became active at once. According to their attitudes, they became known as "government" or as "opposition" parties. The "government" parties formed as new parties, though they included persons who had previously been members of parties which existed before 16 May 1961.

88. The "opposition" groups had to decide whether to revive the earlier parties, namely the New Democratic, Democratic and Liberal parties. Difficulties in this were that the old organizations had been disbanded, while many of the former politicians of these parties were still under political restrictions. "Independent" politicians also had a difficulty in that, under the new Constitution, candidates for the National Assembly or the Presidency had to belong to a political party.

89. Faced with these difficulties the "opposition" politicians, particularly in the early stages, favoured some form of pan-opposition or coalition grouping in order to match the "government" party and to develop a strong bipartisan system. These moves were not successful initially. But they were revived again in July 1963, with a serious attempt to unite the Minjong, Shinjong and Minoo parties.

90. The following is a summary account of those political parties³¹ which were of most significance during the period under review.

The Democratic Republican Party

91. Formed as a party which would carry on the ideals of the military revolution and which would be joined, *inter alia*, by members of the military Government who might decide to enter the political field as civilians, this Party was the first to get under way. It became known as the "government" party, as distinct from the "opposition" parties.

92. The main figure in the early organization of this Party was Colonel Kim Chong Pil, who resigned as Director of the Central Intelligence Agency and went on the military reserve early in January 1963 in order to devote himself to this work.

93. Following a period of rapid early progress, problems developed between the Party, which had a significant civilian membership, and the SCNR. These problems were concerned with the manner in which the SCNR and other military personnel would transfer to and participate in the affairs of the Party. There

³⁰ Political activities had been under suspension since the advent of the military Government on 16 May 1961.

³¹ Several groups of persons had formed political associations or societies during the period under review and one or another of them could develop into political parties in time to contest the elections later in the year. One association of some importance is called the "May 16 Comrades Association" though its aim has not been the formation of a political party. Their policy is to re-unite on a pan-national basis those who had participated in or supported the ideals of the 16 May revolution in order to form a consolidated national force. The Association was inaugurated on 13 June 1963, electing General Park Chung Hee as its President. Its Chairman is Mr. Lee Kyu Kap, a former Liberal Party assemblyman.

were differences over such matters as the structure and powers of the Party, particularly the powers to be exercised by its Chairman. These differences sharpened towards the end of January when Lieutenant-General Kim Dong Ha submitted his resignation from both the SCNR and the Democratic Republican Party. Lieutenant-General Kim Dong Ha had been one of a group of five supreme councillors who had gone on the reserve and participated in the preparatory planning of the Party. He had expressed himself in opposition to Kim Chong Pil and his planning of party organization.

94. This development brought a reaction within the SCNR itself, as a result of which Kim Chong Pil submitted his resignation as provisional Chairman of the Party. The Party rejected the resignations of both Kim Chong Pil and Kim Dong Ha and requested them to rejoin its ranks. Only the former accepted the request, and at the Inauguration Preparatory Convention, held on 2 February, he was elected as Chairman.

95. There were still differences within the Party and among supreme councillors concerning the role of Kim Chong Pil and the structure of the Party. The Party had made it clear that it intended at its Inaugural Convention, on 25-26 February, to nominate General Park Chung Hee as its presidential candidate. But, influenced mainly by these differences, by the confusion in political party developments generally and by the campaign of "opposition" groups to postpone the elections, General Park, on 18 February, conditionally offered to decline presidential nomination (see paras. 118-120 below). This setback to the Democratic Republican Party was followed quickly by another when pressures from the Government and its supporters obliged Kim Chong Pil to resign from the Party on 20 February. On 25 February he left the country on a tour abroad.

96. The Democratic Republican Party held its Inauguration Convention on 26 February. It elected Mr. Chung Ku Young as its President and Lieutenant-General Kim Chung Yol (ret.) as Chairman.³²

97. At a Convention on 27 May 1963, General Park was chosen as the Party's presidential candidate. He indicated that he was prepared to accept the nomination but asked for time to take "due procedures" before he gave his formal acceptance.

98. The Party proceeded with its organization plans and scheduled another Convention for the end of August. During June and July it held negotiations with the Liberal Democratic Party (see paras. 110-112 below) with a view to having one united "government" party, but agreement could not be reached. Many members of the Liberal Democratic Party joined the Democratic Republican Party on an individual basis. The remainder continued with the development of the Liberal Democratic Party.

99. It was announced on 19 August that General Park would retire from active military service on 30 August to run for the presidency as candidate of the Democratic Republican Party. It was stated that he would accept that Party's nomination formally at its forthcoming national convention.

The Minjong Dang (Civil Rule) Party

100. Early in January 1963, former President Yoon Bo Sun (Posun Yun) called for the formation of a

³² Later appointed Ambassador of the Republic of Korea to the United States.

pan-opposition party. A group of persons who had been members of the New Democratic Party, which existed before the revolution, combined with several persons who had been independents in previous national assemblies, and some Liberals, to set about the formation of the Minjong Dang which was to incorporate this idea. The "pan-opposition" ideal did not prove practical and this party began to develop on its own.

101. The party was formally initiated on 28 January, establishing a six-man leadership committee and six provisional executive committees. At its inauguration convention on 14 May, it retained the collective leadership system containing elements of the former New Democratic and Liberal Parties and Independents. It elected Yoon Bo Sun as its presidential candidate.

102. The Party proceeded to establish its branches throughout the country but a dispute arose between different groups within it over questions of party organization and structure. This led to a number of resignations, especially in June 1963.

103. When it became clear that General Park would run as a presidential candidate for the Democratic Republican Party, the Minjong Party again favoured the formation of a united opposition party. Yoon Bo Sun gave up his presidential nomination in July and he also called for the early formation of a single opposition party. On 8 July the Party set up an *ad hoc* committee called the "Merger Promotion Committee" which commenced negotiations to this end with other like-minded parties, particularly the Shinjong and Minoo parties.

The Shinjong Dang (New Rule) Party

104. Mr. Huh Chung,³³ the former Acting President and Prime Minister under the Interim Government which followed the collapse of the Liberal Party régime in 1960, at first endeavoured to bring the Minjong Dang and Democratic parties together to form a "pan-opposition" party. When this move was not successful he took a lead in forming the Shinjong Dang Party. At one stage it was joined by an important group from the Democratic Party, but most members of this group left when there was dissension over the composition of the Party's main committees.

105. The Party was formally initiated on 29 April, and Huh Chung elected as Chairman of its Preparatory Committee. From June onwards the Shinjong Party was active in promoting a united opposition party, particularly in association with the Minjong and Minoo parties.

The Democratic Party

106. Elements of the Democratic Party, as it existed before the military revolution, decided to revive and develop their old organization rather than have it absorbed in another party. One group did separate to join the Shinjong Dang Party, but this arrangement did not last.

107. This Party was not receptive to the plans of others to form a united opposition party, preferring to follow an independent course. On 18 July 1963 it held its Inauguration Convention, electing Mrs. Park Soon Chun as Party President.

³³ Mr. Huh Chung was released from political restrictions on 1 February 1963.

108. This Party, called the "Just Peoples Association" was formed in April 1963, with Pyon Yong Tae, a former Prime Minister of the Republic of Korea, as its party President. It did not participate in moves to form a united opposition party.

The Minoo (Popular Partners) Party

109. This Party held its initiation convention on 19 June 1963, though many of those who participated had been politically active in previous months. As initiated the Party includes many members of the former Liberal Party and supporters of General Lee Bum Suk, a former Prime Minister who was also leader of a National Youth Corps. The Party Chairman is Mr. Ahn Ho Sang, a former Minister of Education under the Liberal Party régime. The Minoo Party supports the idea of a united opposition party and has been active in this connexion.

The Liberal Democratic Party

110. In April 1963, General Park called for the formation of a "pan-national" party which he considered vital as a "turning point for future national development". Such a party, he said, "must be free of past political factions and solidified by a free democratic national force".

111. Several groups responded to this appeal, which was supported by some supreme councillors and by Major-General Kim Chae Chun (ret.), then Director of the Central Intelligence Agency. There emerged from it a party which adopted the name of Liberal Democratic Party and which comprised members who had left the Minjong Party, former members of the Liberal and Democratic parties, Independents and others.

112. At a later stage General Park expressed the wish that this Party should merge with the Democratic Republican Party to form a united government party. Negotiations took place but there were differences concerned with the distribution of offices and the organizational framework of a combined party. The Liberal Democratic Party divided on these issues between those who favoured "integration" and those who did not (see para. 98 above).

The Kukmin Ui Dang (Party for the People)

113. This was the tentative name given for the formation of a party which would be the culmination of efforts to unite the Minjong, Shinjong and Minoo parties. Agreement was reached and a preparatory committee established on 1 August to consolidate these three parties. The inauguration convention is scheduled for 31 August. With the successful formation of the new party the three component parties would cease to exist.

THE GOVERNMENT AND POLITICAL ACTIVITY

114. Towards the end of 1962, as the constitutional amendments and other legislation was being drafted, General Park confirmed that political activities would be permitted as from 1 January 1963, that the presidential elections would be held in April 1963, and the National Assembly elections in May 1963. The SCNR would continue in being until the transfer of the Government to the civilian rule in August 1963,

and the coming into operation of the amended Constitution. He said that members of the SCNR wishing to do so would run in the forthcoming elections after retiring from the armed services and that he himself would join the political party in which they would participate and would stand for the Presidency if nominated by that Party.³⁴

115. The military members of the Government who chose to participate in policies as civilians were to be associated, in the main, with the Democratic Republican Party (see para. 91 above). But differences arose between the Party and SCNR members which initially led General Park to take measures to separate the affairs of the SCNR and politics, and later led to the resignation and departure overseas of Kim Chong Pil, the Party Chairman-elect.

116. The "opposition" parties, while concerned with problems of their own organization, conducted a campaign against the military Government in which they urged, *inter alia*, that:

(a) The military leaders should observe strictly the revolutionary pledge according to which they would return to their original military duties after the transfer of power to civilians;

(b) The Political Purification Law³⁵ should be abolished and the ban on participation in political activities lifted on all politicians;

(c) General Park Chung Hee should not stand for the Presidency;

(d) The presidential and parliamentary elections should be postponed from April and May in order to give political parties more time to complete their organization.

117. A campaign along these lines developed through February with the support not only of the political parties but of individual politicians and persons of some standing. This campaign added to the difficulties which the military Government was at the same time facing within its own ranks and in its relations with the Democratic Republican Party. This was in turn having an unsettling effect throughout the country.

118. In the face of this, on 18 February, General Park made a statement (see para. 95 above) in which he noted the difficulties being experienced in the development of political parties. He said that his Government had the "historic mission of giving birth to a healthy civilian government which would not again require surgery called Revolution" and that at this moment political co-operation between the Government and politicians would appear to be the most important matter.

119. In order to settle the political impasse and prepare the way for smooth progress towards the goal of civil administration, General Park made nine proposals. He said that, if these proposals were accepted, he himself would not participate in the civilian administration, the political restriction on politicians would be totally lifted (except in some of the more serious cases) and the election dates would be postponed until after May.

120. Among these nine proposals were the following:

"(a) The Armed Forces will firmly adhere to political neutrality and give support to the government elected by public will.

"(b) The government to be established will pledge to uphold the 19 April spirit and the 16 May spirit, and to continue the revolutionary tasks.

"(c) Members of the key Revolutionary Force may, according to their individual intentions and desires, either return to military duties or participate in civil administration.

"(d) The justification of the 16 May Revolution will be recognized and no political retaliation in any form will be made in the future.

"(e) All political parties will desist from slander, calumnies and other practices reminiscent of the old evils, and compete in a gentlemanly manner and on the basis of their policies and platforms, which are the only bases for public confidence."

121. On 27 February, representatives of the armed services and the main political parties accepted the nine proposals at a public ceremony.

122. On 11 March the new Director of the Central Intelligence Agency, Major-General Kim Chae Chun (ret.), announced the arrest of nineteen persons (see para. 143 below) on charges of plotting to overthrow the military Government, to eliminate General Park, members of the SCNR, members of the Cabinet and certain political leaders. Those arrested included a Cabinet Minister (Lieutenant-General Park Im Hang, Minister of Construction) and former Supreme Councillor Lieutenant-General Kim Dong Ha (ret.).

123. The announcement of the alleged plot so soon after the public pledge of 27 February had repercussions in the Government and the armed services. Members of the Cabinet submitted their resignations *en bloc*, taking responsibility for this development.

124. There were some small demonstrations by civilians, followed by one in which a few army officers demonstrated outside the SCNR Headquarters. The latter group demanded, *inter alia*, that Chairman Park run for the Presidency or extend military rule.

125. Following this, General Park made a declaration on 16 March. He said that the 18 February statement and 27 February pledge were expressions of the determination of the Government to pave the way for civilian government but he added: "Unfortunately, I am compelled to point out the stark problem of time—the impossibility, by human efforts alone, of preparing for civilian government in such a short period." General Park drew attention to circumstances since political activities had recommenced and thought that to introduce civilian government in such an atmosphere would only invite another revolution. He said there was some unrest among the armed services. He added: "We cannot but admit that we are lapsing into the pre-revolutionary posture rather than achieving a reform of our constitution. We cannot overlook the plethora of political parties, the inconstant mergers and separations of political circles, their ugly feuds, and so forth." He concluded that he was "obliged to insist on the necessity for the establishment of a transitory period of military Government before the transfer of power to civilian control, in order to assure the birth of a healthy civil government".

126. Therefore, he had decided to seek, "through referendum, the people's will as to whether or not to extend the military Government for about four more years". The referendum would be held as soon as possible and in the meantime all political party ac-

³⁴ Press Conference, 27 December 1962.

³⁵ Official Records of the General Assembly, Seventeenth Session, Supplement No. 13 (A/5213), annex IV, B.

tivities would be suspended. He reasoned that such activities "may obstruct the right judgement of the people".

127. If the people voted in the negative, the military would stand down and power would be turned over to civilians. But if the people voted in the affirmative, military rule would be continued and the SCNR reorganized to enable a wide range of civilian participation. Moreover, various advisory bodies would be established.

128. A number of politicians, especially the leaders of the "opposition" parties, reacted strongly against this plan, urging General Park and the Government to abide by the 27 February pledge and return power to a civilian government by August 1963 as had been originally planned.

129. The Prime Minister stated that the four-year period was a flexible one and that it could be two years or even one if the nation was prepared for the birth of civilian government.

130. A group of leading politicians met with General Park who agreed to hold in abeyance his 16 March proposal till the end of March and to reconsider it if "corrupt and tainted politicians" would agree to give up politics.

131. Yoon Bo Sun and Huh Chung combined, nevertheless, to lead a campaign against the 16 March declaration. They demonstrated in Seoul with the participation of members of their respective parties.

132. Representatives of the armed services met soon afterwards and gave their support to the 16 March declaration. General Park reaffirmed it, stating:

"I have thought over and over which would be more patriotic—whether I should turn over power to civilians at the risk of political instability, or establish a sound basis for civilian rule by undergoing a transitional military rule. I have concluded that the best way is to take this problem to the people."

133. Nevertheless, a series of meetings were held between General Park, Yoon Bo Sun and Huh Chung at a higher level, and by members of the Government and representatives of the politicians at a working level, to arrive at a mutually acceptable settlement of differences.

134. On 8 April, the Government made a declaration which was a compromise between its own views and those of the politicians. According to this declaration, political activities would be resumed and decision on the question of holding the referendum would be deferred until September.

135. The Prime Minister, however, stated soon afterwards that the Government was in fact making preparations for holding the presidential and parliamentary elections this year; General Park confirmed this on 16 May. He said: "We are now determined to hold national elections in the most fair and just possible manner."

136. On 27 July, General Park formally declared that the presidential elections would be held in mid-October 1963 and the general elections towards the end of November. The National Assembly would be convoked before 25 December 1963. In making this statement he said: "I am confident that it is the fervent wish of the people as well as the politicians that a civilian government be established under the frame-

work of the new Constitution." He added that "every measure will be taken, including revision of electoral laws, to ensure fair elections".

D. Other matters

CHANGES IN THE GOVERNMENT

137. There were a number of changes in the membership of the Cabinet and the SCNR. Prime Minister Kim Hyun Chul retained his post throughout the period under review.³⁶ There were some resignations for personal, and others for political reasons. Some returned to military duties. One of the main changes in membership of the SCNR occurred on 26 January 1963 when five members resigned to devote their time to political activities. Another change took place on 21 February 1963, when four members were retired and seven new appointments of general grade officers were made.

POLITICAL RESTRICTIONS

138. In accordance with the Political Purification Law of 1962, 4,363 former politicians were banned from engaging in political activities for a period of six years. Following a general screening, a total of 1,336 were cleared on 30 May 1962.

139. Additional clearances were promised. The first of these was given to 171 former politicians on 31 December 1962. A second was given on 1 February 1963 for 265 former politicians.

140. In his statement of 18 February 1963 (see para. 119 above), when General Park called on the military and politicians to accept his nine-point proposal, he said that political restriction "will be totally lifted except for those who perpetrated acts detrimental to the basic order of liberal democracy, who obstructed the Revolution, and such among the illicit profiteers who have not completed the payment of fines, and those who have taken refuge (abroad) to escape criminal prosecution".

141. Following the pledging conference of 27 February, General Park declared that the restriction would be lifted at once on a total of 2,322 politicians. This left 269 politicians still under the ban.

INVESTIGATIONS

142. On 18 February 1963, the Government took action to investigate certain allegations of corruption, when Chairman Park stated that he would "institute a thorough investigation of several problems with regard to which there exist popular misgivings". He added: "I will clarify the true facts and locate wherein the responsibility lies and make public the true facts to the people." These investigations revealed some irregularities and those responsible were brought to trial. An Army Court Martial on 27 June 1963 acquitted the ten defendants brought to trial in the main case, which involved the Korean Stock Exchange. The Army Prosecution lodged an appeal with the Military Court of Appeals.

ARRESTS AND DETENTIONS

143. On 12 August the Government announced the arrest of Lieutenant General Song Yo Chan (ret.), who

³⁶ For changes in the Cabinet and the SCNR, see annex II.

had been Prime Minister in the military Government for several months up to June 1962.

144. General Song was charged with ordering the summary execution during the Korean War in 1950 of a Korean officer on the ground that he deserted his post. On a second charge, at a time when he was Army Chief of Staff, he was reportedly suspected of ordering troops to fire on student demonstrators during the 1960 April uprising.

145. Many legal questions are involved in these charges. They go back over a considerable period of time and both were the subject of previous investigations. In both the previous investigations the Prosecution had dropped the charges.

146. Since his retirement as Prime Minister in June 1962, General Song had been a critic of the military Government. Three days before his arrest he had issued an open letter in which he criticized the military Government's political and economic policies.

147. The Seoul District Criminal Court released General Song from detention on 17 August on a writ of *habeas corpus* pending his formal trial.³⁷

148. Following his release he was subjected to further questioning by the Army Prosecution on charges of spreading "false rumours". The basis of this is in criticism he allegedly made of the military Government in March 1963, when support was being sought, particularly in the armed forces, for a decision to extend the period of military rule.

ALLEGED PLOTS AGAINST THE GOVERNMENT

149. It was announced on 11 March 1963 that nineteen persons had been arrested on charges of plotting to overthrow the military Government. It was alleged that the plot was designed to set up a new

³⁷ This case is under investigation and consideration by judicial tribunal. The Commission will follow developments closely and will report on them, as may be desirable, in the supplementary report which it will submit following the forthcoming elections.

régime by "executing or eliminating through other means" all leaders of the military Government, members of the Cabinet and former "politicians" who were released from political restriction. The list of those arrested reached 31 (see para. 122 above).

150. On 10 August an Army Court Martial sentenced to death Lieutenant-General Park In Hang, former Construction Minister, and two others. Six defendants were acquitted and five given prison terms. In an associated case, an Air Force Court Martial on 14 August handed out one death sentence and gave prison terms to four others.

151. In the addendum to its last annual report, the Commission noted that former Prime Minister Dr. Chang Myun had lodged an appeal on 18 October 1962, to the General Court Martial against his sentence in the lower Court.³⁸

152. On 23 February 1963, the Army Chief of Staff upheld the suspended execution of the three-year prison term and the probationary period of five years for Dr. Chang Myun. On 5 March, Dr. Chang appealed to the Supreme Court against his sentence but this appeal was not successful.

THE NATIONAL RECONSTRUCTION MOVEMENT

153. This Movement, which emphasized the moral aspects of the military revolution, continued with its work throughout the period under review (see paras. 164-165 below).

154. On 5 November 1962, the SCNR revised the basic law which governed the Movement in recognition of its existence as a popular movement designed to help to attain national prosperity by fostering the spirit of self-reliance among the people. This revised Law banned staff members from engaging in any form of political activity with a view to strengthening the political neutrality of the Movement.

³⁸ *Official Records of the General Assembly, Seventeenth Session, Supplement No. 13A (A/5213/Add.1)*, para. 6.

Chapter IV

DEVELOPMENTS IN THE FIELD OF ECONOMICS

A. General review

INTRODUCTION

155. The efforts of the Government during the period under review were directed towards mobilizing domestic and foreign resources adequate for attaining the rate of growth postulated in the Five-Year Plan, without creating financial instability. The efforts were made in an economy facing several handicaps such as latent inflationary pressures, a high propensity to consume and import, compounded temporarily by a decline in agricultural output mainly due to a severe drought in the summer of 1962, excessive rains and floods in the spring and early summer of 1963.

156. The achievements as a result of these efforts during the first year (1962) of the Five-Year Plan showed mixed trends.³⁹ As noted above agricultural

output declined, but industrial production increased. Gross fixed capital formation and the rate of utilization of installed industrial capacity improved.

improved to 62.8 per cent, compared to 56.2 per cent in the previous year. According to the preliminary estimates the gross national product in 1961 market prices increased by 2.4 per cent as against the rate of 5.7 per cent envisaged in the Plan. On a *per capita* basis, the gross national product in terms of current prices increased from 9,548 won in 1961 to 10,796 won in 1962, an increase of 13.1 per cent. In terms of constant prices of 1961 it declined from 9,548 won in 1961 to 9,542 won in 1962, a decline of 0.063 per cent. Gross investment was 14.2 per cent against the Plan target of 20.1 per cent (1961 prices). In this connexion on 25 April 1963, Mr. Won Yong Suk, Chairman of the Economic Planning Board, stated, at a press conference, that the rate of economic growth for 1963, previously planned at 6.4 per cent according to the Plan, would be reduced to a lower level in keeping with the economic realities facing the country. He added that the Five-Year Plan should be adjusted taking into account various handicaps afflicting the Republic of Korea. Further, on 28 May 1963, at a meeting of Ministers concerned with economic matters and businessmen, Mr. Won said that the problems facing the economy included maintenance of economic stability, increase of exports, and domestic capital formation.

³⁹ The index of agricultural production declined by 8 per cent, while that of industrial production increased by 16.8 per cent (for sectoral rates of growth, see annex V, table 2). The rate of utilization of the installed industrial capacity

157. Otherwise, the basic problems confronting the economy remained those enumerated in the previous reports, including the continued division of the country, a high degree of unemployment side by side with the under-utilization of industrial capacity and shortage of skilled labour, low industrial and agricultural productivity, a high rate of population increase, and a high degree of dependence on foreign aid. To resate these problems does not imply that no progress had been made in tackling some of them, but that progress was rather gradual, as would be expected from their long-term nature. Of course, the extent of progress varied from one area to another.

158. The steps taken in meeting these problems in the first eight months of 1962 were adequately described in the previous report.⁴⁰ In this connexion it may be helpful to recall that production, especially industrial, was steadily advancing till the currency reform in June 1962. The stock exchange went through an unprecedented boom in May 1962, and then had to be suspended. In June, there was a prolonged period of drought. The currency reform in June gave a shock to steady progress, and it was nearly the end of August 1962 when financial conditions began to return to normal. The steps taken towards solving the problems facing the Korean economy during the period under review are described in the following pages.

REFORM OF ECONOMIC INSTITUTIONS

159. In this field the changes introduced were not as extensive as those carried out in the earlier period.⁴¹ Whereas earlier the emphasis was on the creation of a suitable framework, during the period under review efforts were directed towards strengthening it.

Agriculture

160. In this field most of the policies initiated last year were carried forward. At the same time there were a few changes of an institutional nature carried out to improve the working of this sector.

161. In June 1962, an Agricultural Structure Policy Committee was created to devise ways and means of modernizing Korean agriculture.⁴² In December 1962, a Korean Fishery Development Corporation was created by a Special Act of Incorporation.⁴³ The Government holds 50 per cent of the shares of this corporation. Its main function is to utilize money obtained by the Government from foreign countries for the purpose of fishery development. This would include importing of fishing vessels and processing equipment from abroad, promotion of domestic sales and exports, and the training and education of technicians.

162. To restore order in the supply of credit in the rural areas and remove hardship on small creditors resulting from the implementation of the Farming and Fishery Village Usurious Loan Settlement Law, the Government passed an amendment to this Law.⁴⁴ Under its provisions, debts owed to small farmers with five tanbo⁴⁵ of land, farm employees and war widows

were to be settled in two years instead of four years after a year of grace as originally provided.

163. The training programme in modern methods of farming and fishing initiated in late 1961 for the benefit of discharged soldiers continued to show steady progress. The number of ex-soldiers so trained in 1961 was 54,275 and in 1962, 236,117. In the first six months of 1963 the number was 157,694.

Progress under the National Reconstruction Movement⁴⁶

164. The National Reconstruction Movement registered appreciable progress in many fields of its activities during the period under review. It may be recalled that those activities, centred mainly in the rural areas, included land reclamation, re-afforestation, irrigation, fish culture and a literacy campaign.

165. In early 1963, it inaugurated a new "Programme in Democratic Education" to demonstrate to the rural people through lectures and publications a better way of life. The programme involves three days of intensive training to its participants. At the end of May 1963, the programme had imparted training to nearly 6.4 million people.

Fiscal and financial reforms

166. The fundamental aim of the fiscal policy has been "the concentration of all resources and energies to accomplish the First Five-Year Economic Development Plan successfully under our present circumstances".⁴⁷ Specifically this involves maximum mobilization of domestic resources, the efficient use of governmental resources, the reduction of budgetary deficits and inflationary pressure to a minimum and the strengthening of national defence.

167. With this end in view, the Government amended laws pertaining to direct and indirect taxes.⁴⁸ The amendments specifically endeavoured to increase revenue without raising rates or enlarging the scope of existing taxes, to correct the defects revealed in the taxation system following the drastic revision at the end of 1961, to establish a rational tax system, to remove arbitrariness in the system, and to establish better bookkeeping and reporting systems. It also took measures to improve its tax-collecting machinery.

168. Some of the important provisions in the amendments⁴⁹ include the creation of a new higher income bracket subject to higher rate of taxation, exemption of income from dividends on stocks listed on the market, expansion of the scope of basic industries exempted from the Corporation Tax to include land reclamation, coastal reclamation and construction, and further reduction of tax rates on coal mining.

169. In the field of banking and finance the Government amended a few laws and attempted to reform the structure of interest rates for the benefit of productive enterprises.

⁴⁶ For details see annex V, table 21; see also *Official Records of the General Assembly, Seventeenth Session, Supplement No. 13 (A/5213)*, paras. 65-67 and 112-113.

⁴⁷ The Bank of Korea, *Monthly Statistical Review*, December 1962, p. 4.

⁴⁸ Specific amendments were: Business Tax Law No. 1184; Income Tax Law No. 1185; Corporation Tax Law No. 1186; Admissions Tax Law No. 1187; Commodity Tax Law No. 1190; Liquor Tax Law No. 1192.

⁴⁹ The Bank of Korea, *Monthly Statistical Review*, December 1962, p. 34.

⁴⁰ *Official Records of the General Assembly, Seventeenth Session, Supplement No. 13 (A/5213)*, paras. 104-131.

⁴¹ *Ibid.*, *Sixteenth Session, Supplement No. 13 (A/4900)*, paras. 87-91.

⁴² The Bank of Korea, *Monthly Statistical Review*, July 1962, p. 52.

⁴³ *Ibid.*, January 1963, p. 25.

⁴⁴ *Ibid.*, October 1962, p. 20.

⁴⁵ 1 acre equals 4.08 tanbo.

170. An amendment to the Bank of Korea Act conferred the privilege of rediscounting upon the newly institutionalized mutual savings banks, provided the maturity of the collateral documents was one year.⁵⁰

171. The General Banking Act was amended to liberalize investment, so as to enable banks to play an active role in economic development.⁵¹ The proportion of funds that they can invest in stocks or debentures or other securities exceeding three years in maturity was raised from 20 to 25 per cent of total demand deposits. Towards the same purpose, in September 1962 the Ministry of Finance authorized four commercial banks to conduct trust business.⁵² It laid down detailed conditions regarding the rates of interest and dividends.

172. A new Mutual Savings and Loan Bank Law was promulgated superseding the one enacted in December 1961.⁵³ The new act turns the Bank into a special juridical entity with a capital of 500 million won, half of it contributed by the Government. Furthermore, Government approval is needed before the appointments of a president and directors, elected by the shareholders, become effective.

173. An important change wrought by the new law is in the field of credit extension. It provides that the maximum amounts for ordinary loans and mutual system loans to a single borrower be determined by a Cabinet decree. It also raises the proportion of the loans in the aggregate that the Mutual Savings and Loan Bank could provide from 60 per cent to 90 per cent of the total of mutual system deposits, savings deposits and instalment time deposits. Loans financed from fiscal funds are not subject to these restrictions. Therefore, the over-all capacity of the Mutual Savings and Loan Bank to create credit has been greatly expanded.

174. Effective December 1962, the Monetary Board decided to lower interest rates on several types of loans in order to lighten the burden of interest charges on productive enterprises, especially those earning foreign exchange.⁵⁴ Correspondingly, the discount rates charged by the Bank of Korea were also lowered to encourage banks to handle a larger volume of business.

175. In keeping with this policy, the greatest reduction was made in rates on loans made to domestic industries catering to the Korean armed forces. The next largest reduction was made in rates on loans made to industries catering to the needs of the United Nations forces in Korea, and other industries earning foreign exchange. The least reduction was made in case of rates on loans made for general purposes.

Foreign trade and payments

176. The Government is aware of the vital link, at the present stage of economic evolution, between foreign exchange resources available for financing economic growth and the rate of growth, postulated in the Five-Year Plan of Economic Development. Foreign exchange resources are derived from foreign trade and transfers such as grants, loans and investments from foreign countries. Therefore, the Government laid

⁵⁰ *Ibid.*, June 1962, p. 5. The amendment was promulgated in May 1962.

⁵¹ *Ibid.*, pp 10-11.

⁵² *Ibid.*, October 1962, p. 17.

⁵³ *Ibid.*, January 1963, pp. 21-22.

⁵⁴ *Ibid.*, December 1962, pp. 32-33.

special stress on the promotion of exports, the reduction of consumption imports to the bare minimum and the promotion of a larger inflow of transfers from abroad

177. Before describing the steps taken to achieve the above-mentioned objectives, it is important to point out some of the features of the economy which create a great reliance on foreign exchange resources, and at the same time make it difficult to secure them through the promotion of commodity exports. The Republic of Korea lacks a modern capital goods sector, which means that a large part of its equipment and spare parts have to be imported. It is also not endowed with large agricultural and mineral wealth which could be exported in large quantities to pay for the import of manufactured goods. Tungsten is the only mineral which can be cited as one with great international demand. Therefore, its exports have to emphasize products of human skills like manufactured goods and handicrafts. To produce and promote such exports, huge investment in human skills and the manufacturing sector is required, which in view of the high average and marginal propensities to consume has to be obtained through unilateral transfers from abroad. The last mentioned factors create a built-in inflationary factor for the economy. This in turn makes the method of financing transfers from abroad as important as the amount itself.

178. To say that there is no sizable exportable surplus of agricultural products does not mean that there are no possibilities of improving the presently low agricultural yields through the adoption of improved methods of farming and intensive cultivation. In this sector also, the emphasis has to be on the development and the use of a higher degree of technical skills as the possibilities of extending the arable area are severely limited owing to the mountainous nature of the land mass, as in the case of neighbouring countries.

179. Nevertheless, the Government has made efforts to increase its foreign exchange resources along the lines described below.

Promotion of exports

180. A new measure which the Government introduced for the purpose of promoting exports was called "The export-import link system".⁵⁵

181. Under this system all private imports, whether on automatic approval list, or subject to specific approval list, must be linked to the export performance record of an individual trader. For example, in the period January-June 1963, an importer was allowed imports up to 150 per cent of his export record for the period. Imports by manufacturers have been exempted from this link system. At the same time, exports achieved under any bilateral barter trade arrangements will not be counted as export records for the purpose of this system.

182. In late 1962, the Government entered into trade agreements with the Federation of Malaya and the Republic of Viet-Nam.⁵⁶ In early 1963 the scope and terms of the trade agreement with the Philippines were changed so as to enable the Republic of Korea to increase its exports to the Philippines. In May

⁵⁵ Ministry of Commerce and Industry, *Public Notice No. 2910*, 5 January 1963.

⁵⁶ The Bank of Korea, *Monthly Statistical Review*, December 1962, p. 39 and February 1963, p. 54.

1963 a trade agreement with Brazil was signed for the first time.

183. The Government also created a State financed Korean Trade Development Corporation to survey and cultivate foreign markets, and help in developing exports and imports, "thereby contributing to the improvement of balance of payments and the establishment of a self-supporting economy".⁵⁷ It also established trade centers in Bangkok, Los Angeles, New York and Hong Kong.⁵⁸

184. Among other export encouragement measures may be mentioned the enlargement of the scope of subsidy payments to include certain type of sales to United Nations forces in the Republic of Korea, tax reduction on export income, lowering of interest rates⁵⁹ on bank loans to export industries and to suppliers of goods under the United States off-shore procurement programme, larger discounts on freight charges for certain minerals for export,⁶⁰ and promotion of barter trade.⁶¹ To raise the quality and reputation of exports the Government established an Export Inspection Council.⁶²

Restrictions on imports

185. Imports have been cut drastically and generally limited to materials essential for the implementation of the Five-Year Plan projects, and those needed for the production of essential commodities.⁶³

Private capital and aid from overseas

186. Efforts to create a suitable domestic climate for attracting foreign private capital were described in the previous annual report.⁶⁴ To strengthen this process further, the Government, in March 1963, amended the Law Concerning Special Measures for the Introduction of Capital Goods on Long-term Settlement Basis.⁶⁵ The amendment permits import of capital goods from countries not having normal diplomatic relations with the Republic of Korea, subject to approval by the Cabinet in each case. This action would be particularly helpful in enabling Korea to import capital goods on a deferred payment basis from Japan, and thus help in the fulfilment of the Five-Year Economic Development Plan.

187. Currently, there is a general consensus that efforts in future should be directed on an international plane.⁶⁶ This would include such action as entering into treaties for the avoidance of double taxation, treaties for the guarantee of private investment, and treaties of friendship, commerce, and navigation.⁶⁷ Recently the Republic of Korea and France signed a

⁵⁷ Trade Development Corporation Law No. 1059, promulgated on 24 April 1962.

⁵⁸ Information provided by the Korean Trade Development Corporation.

⁵⁹ The Bank of Korea, *Monthly Statistical Review*, December 1962, pp. 38-39.

⁶⁰ *Ibid.*, June 1963, pp. 24-25.

⁶¹ *Ibid.*, December 1962, pp. 38-39.

⁶² Law No. 1164, promulgated on 4 October 1962.

⁶³ The Bank of Korea, *Monthly Statistical Review*, December 1962, pp. 38-39.

⁶⁴ *Official Records of the General Assembly, Seventeenth Session, Supplement No. 13 (A/5213)*, para. 131.

⁶⁵ Law No. 1317, promulgated on 11 April 1963.

⁶⁶ The Bank of Korea, *Monthly Statistical Review*, September 1962, p. 16.

⁶⁷ The Republic of Korea has entered into an Investment Guarantee Treaty, and a Treaty of Friendship, Commerce and Navigation with the United States of America.

convention for the mutual protection of patent rights in their respective countries.⁶⁸

188. To increase foreign exchange resources through foreign aid, the Government is conducting bilateral negotiations with several capital exporting countries such as the United States, France, Italy and the Federal Republic of Germany. In this connexion it is important to point out that the type of aid⁶⁹ and the method of its financing have an important bearing on the inflationary potential in view of the limited capacity of the Korean economy to respond to general increases in demand at the present stage of its evolution.

B. Economic and financial developments during the period under review

THE GROSS NATIONAL PRODUCT⁷⁰

189. In 1962,⁷¹ the gross national product at current market prices amounted to 279,770 million won, compared with 241,410 million won in 1961, an increase of almost 16 per cent. Most of this growth, however, was due to price increase. At 1955 constant market prices, the 1962 gross national product amounted to 125,850 million won compared to 123,040 million won for 1961, an increase of 2.3 per cent. In terms of 1961 constant prices, the figures were 247,290 million won in 1962 and 241,410 million won in 1961, an increase of 2.4 per cent.

190. The gross domestic fixed capital formation at 1955 constant market prices was 16,510 million won in 1962 compared to 14,330 million won in 1961, an increase of 15.2 per cent. In terms of 1961 constant prices, the respective figures are 34,530 million won in 1962 and 29,740 million won in 1961, an increase of 16.1 per cent. In terms of 1955 constant prices they were 13.1 per cent and 11.6 per cent of the gross national product in 1962 and 1961, respectively. In terms of 1961 constant prices, the percentages were 14.0 in 1962 and 12.3 in 1961, showing an increase of 16.1 per cent in a year.

191. Government consumption expenditures at 1955 constant prices were 13,460 million won in 1962, compared to 13,540 million won in 1961, a decline of 0.6 per cent. In terms of 1961 constant prices, they were 38,560 million won in 1962 and 37,910 million won in 1961, an increase of 1.7 per cent. In terms of current prices, they increased from 37,910 million won in 1961 to 47,520 million won in 1962, an increase of 25.3 per cent. In terms of current prices, their share in the gross national product was 15.7 per cent in 1961 and 17.0 per cent in 1962.

192. Private consumption expenditures at 1955 constant market prices amounted to 104,270 million won in 1962, compared to 96,210 million won in 1961, an increase of 8.2 per cent. In terms of current prices, they were 227,130 million won in 1962, and 189,070 million won in 1961, an increase of 20.1 per cent. In terms of current prices their share in the gross national product increased from 78.3 per cent in 1961 to 81.2 per cent in 1962.

⁶⁸ Republic of Korea, Ministry of Foreign Affairs.

⁶⁹ Whether it is tied to particular projects or is in support of balance of payments.

⁷⁰ The Bank of Korea, *Preliminary Estimates of Gross National Product for 1962*, January 1963.

⁷¹ All 1961 figures are revised.

193. Agricultural production in 1962 declined rather steeply compared to that in 1961.⁷² The decline was a result of a severe drought especially during the months of June and July 1962. Rice production declined from 2,739.6 thousand metric tons in 1961 to 2,309.9 thousand metric tons in 1962, a decline of 16 per cent. Average annual output during 1956-1960 had been 2,251.2 thousand metric tons. Summer grains declined from 972.9 thousand metric tons in 1961 to 937.7 thousand metric tons in 1962, a decline of 3.6 per cent. The output of miscellaneous grains on the other hand increased from 97 thousand metric tons in 1961 to 99.6 thousand metric tons in 1962, an increase of 2.7 per cent. The output of pulses fell from 190.3 thousand metric tons in 1961 to 181.9 thousand metric tons in 1962, a decline of 4.4 per cent. The output of potatoes (sweet and white) increased from 866.2 thousand metric tons in 1961 to 971.9 thousand metric tons in 1962, an increase of 12.2 per cent.

194. For the 1963 summer crop, the latest estimate for grain production shows that it was 411.4 thousand metric tons, compared to 937.8 thousand metric tons in the summer of 1962, a decline of 56 per cent, due mainly to excessive rains and floods in the spring and early summer of 1963. It was 52 per cent of the 1956-1960 average of 787.3 thousand metric tons.⁷³

195. Output of marine products showed a marked increase.⁷⁴ It was 450.4 thousand metric tons in 1962, compared to 412.5 thousand tons in 1961. In the first six months of 1963, marine production was 153.8 thousand metric tons, compared to 192.1 thousand metric tons in the first six months of 1962.⁷⁵

INDUSTRY

196. The annual combined index of industrial production for 1962 was 123.5, compared with 105.7 in 1961, an increase of 16.8 per cent.⁷⁶ The index for 1959 was 91.8.

197. The monthly index of combined industrial production during the period under review followed the usual pattern. It reached a low in February 1962; then continued to rise till the end of May, declined in June, restarted the upward trend in August which reached a peak in December 1962. In February it reached a low of 104.5 and in December it was 136.8, the highest level reached in recent years. The previous high was 124.1, reached in December 1961.

198. The indices for the three components of the industrial index—namely, mining, manufacturing and generation of electricity—showed different patterns of variation. The index for manufacturing, with the greatest weightage, followed the trend of the combined index. It also showed clearly the adverse effects of the currency reform. From February to May 1962 it rose by 26 per cent. In June and July, owing to the

⁷² The Bank of Korea, *Economic Statistics Yearbook, 1963*, pp. 154-157.

⁷³ Republic of Korea: The Economic Planning Board, Bureau of Primary Industry.

⁷⁴ Including fish, shell-fish, sea plants and miscellaneous categories.

⁷⁵ The Bank of Korea, *Monthly Statistical Review* (Korean Edition), August 1963, table 67, p. 103.

⁷⁶ Index based on 1960 = 100. For details, see annex V, tables 2-4.

adverse effects of currency reform it declined by 8 per cent. From July to December 1962 it rose 12.5 per cent, with increases from July to August accounting for 9.7 per cent. Compared to May, the index for December was 3.5 per cent higher. The most dramatic increase was exhibited by the index for mining after June. From June to December it increased from 128.3 to 155.2, a growth of 21 per cent. The index for generation of electricity continued to fluctuate widely till the last quarter of the year when it increased by 17 per cent.

199. During the first six months of 1963, the index of industrial production rose from 127.0 in January to 140.3 in June, an increase of over 10 per cent. The index for manufacturing increased during the same period by over 11 per cent, while those for mining and electricity each showed an increase of 6 per cent.

200. Of course, the increase in the index was not evenly spread over the period. The variations in the monthly index generally reflected such factors as the tightening up of the monetary policy, the decline in foreign exchange, the decline in general purchasing power due to bad harvest, or the building up of inventories in anticipation of a rise in prices.

201. In the field of mining, production of coal (anthracite) was 7,430.4 thousand metric tons in 1962 compared to 5,884.3 thousand metric tons in 1961, an increase of 26.3 per cent. Iron⁷⁷ ore production declined from 504.8 thousand metric tons in 1961 to 470.7 thousand metric tons in 1962, a decline of 6.8 per cent. Tungsten production in 1962 was 5,797 metric tons, compared to 6,303 metric tons in 1961, a decline of 8 per cent. Refined gold production was 3,355 kilograms in 1962, compared to 2,599 kilograms in 1961, an increase of 29 per cent.

202. In manufacturing, noticeable progress was registered in the field of cement and fertilizers. The production of cement in 1962 increased to 789.7 thousand metric tons, compared to 522.8 thousand metric tons in 1961, an increase of 51 per cent. Fertilizer (urea) production increased to 81.3 thousand metric tons, compared to 64.7 thousand metric tons in 1961, an increase of 26 per cent. In the first seven months of 1963, cement production was 449.5 thousand metric tons, and that of fertilizers was 54.7 thousand metric tons. In the similar period of 1962 respective figures were 441.6 thousand metric tons and 47.9 thousand metric tons.

203. During the first six months of 1963, production of coal (anthracite) was 4,240.2 thousand metric tons, compared to 3,501.4 thousand metric tons in the similar period of 1962. Production of iron ore during the same period was 230.2 thousand metric tons, compared to 238.6 thousand metric tons in the first six months of 1962. Tungsten production in the first six months of 1963 was 2,517 metric tons compared to 3,012 metric tons in the similar period of 1962. Refined gold production was 1,008 kilograms in the first five months of 1963, compared to 1,279 kilograms in the first five months of 1962.⁷⁸

204. In 1962, the generation of electric power was kWh 1,978.1 million, of which 701.9 million was hydro-electric and kWh 1,016.7 million was thermal. Power generated by other means was kWh 259.5 million.

⁷⁷ 45-47 per cent content.

⁷⁸ The Bank of Korea, *Monthly Statistical Review* (Korean Edition), July 1963, table 66, p. 102; *ibid.*, table 71, p. 108.

This was an increase of 11.7 per cent over 1961. In 1961 the respective figures were kWh 1,770.5 million of total power, of which kWh 652.2 million was hydroelectric, kWh 1,118.3 million thermal.⁷⁹

205. During the first seven months of 1963, the total electric power generated was kWh 1236.8 million, compared to kWh 1107.3 million in the similar period of 1962. This total included kWh 453.8 million of hydroelectric power, kWh 614.1 million of thermal power and kWh 168.9 million of power generated by miscellaneous methods. During the first seven months of 1962, the respective figures were kWh 340.9 million, kWh 622.3 million and kWh 144.1 million.⁸⁰

PUBLIC FINANCE

206. On 19 November 1962, the Government promulgated the budget for the fiscal year (January-December) 1963.⁸¹ Estimated expenditure amounted to 76,870 million won, and receipts to 72,730 million won, including foreign aid from counterpart funds. The gap of 4,140 million won was to be filled by internal borrowing.

207. The budget was framed with a view to promoting over-all economic stability. Therefore the total estimates were 680 million won below the budget for fiscal 1962. In contrast the budget for 1962 was 7,480 million won bigger than the one for the fiscal year 1961. Further evidence of stability is exhibited by the decrease in the proportion of counterpart funds in general revenue from 39.25 per cent in the fiscal year 1962 to 35.29 per cent in 1963. Similarly the share of domestic borrowing in the budget was reduced from 9.1 per cent in the fiscal year 1962 to 5.39 per cent in 1963. Particularly notable has been the absence of any overdrafts from the Bank of Korea in 1963 in contrast to 3,090 million won overdraft in 1962. Further reductions in budget outlays as a part of anti-inflationary policy are under consideration. Direct taxes are estimated to contribute nearly 11 per cent, indirect taxes (other than customs duties) 18 per cent, and customs duties 8 per cent. Comparable figures for the fiscal year 1962 were 9 per cent, 16 per cent, and 7 per cent respectively.

208. On the expenditure side, general expenses were 41 per cent, defence 28 per cent, and fiscal investment and loan 30 per cent, respectively. Comparable figures for the fiscal year 1962 were 39 per cent, 27 per cent, and 33 per cent, respectively.

209. Furthermore, special accounts other than counterpart funds, economic development, government loan fund operation and illicit fortune disposal accounts, which are already included in the general budget, showed receipts of 44,890 million won and expenditures of 43,800 million won, resulting in a surplus of 1,090 million won in contrast to a deficit in the fiscal year 1962.

210. In 1963, the budget estimates as indicated above were revised twice.⁸² At the end of April 1963 it was

⁷⁹ Figures for power generated by other means in 1961 are not available.

⁸⁰ The Bank of Korea, *Monthly Statistical Review* (Korean Edition), August 1963, table 61, p. 86.

⁸¹ The Economic Planning Board, *Summary of Budget 1963*, and the Bank of Korea, *Monthly Statistical Review*, December 1962, pp. 4-7. For details, see annex V, tables 5, 6 and 6A.

⁸² The Economic Planning Board, *Summary of the First Supplementary revised Budgetary Bill for 1963*, August 1963, pp. 4-7 and 33-34.

planned to reduce the budgetary outlays by 3,520 million won in order to promote financial stability. In August 1963, a supplementary budget was presented involving an increase of 280 million won in order to meet the extraordinary expenses arising from low summer harvest, excessive rains and floods, and to grant interim compensation to low income government employees for the rise in the cost of living in recent months.

211. The two programmes together involved reduction in expenditure of 3,240 million won, compared to the original outlays estimated at the beginning of the fiscal year 1963. An important feature of the programmes was a reduction of 3,330 million won in outlays for government investment and loans. This was to be achieved by transferring projects to the private sector wherever possible, by deferring or reducing outlays on other projects not deemed urgently needed. There was also a reduction of 910 million won in outlays for technical co-operation. As against these, there was an increase of 820 million won in general expenses and 180 million won in defence outlays.

212. On the receipt side, a notable feature of the two programmes was the total suspension of the issuance of industrial reconstruction bonds worth 2,840 million won as planned in the original budget. Also tax receipts were estimated to increase by 2,800 million won.

MONEY, BANKING AND PRICES

Introduction

213. The field of money and banking was dominated by a search for a policy that would permit investment outlays as postulated in the Five-Year Plan without unduly upsetting the internal and external value of the currency. This search reflected a fundamental gap between domestic savings and investment. It posed a question as to what extent this gap could be bridged by deficit financing, especially in the face of declining trends in the supply of external savings in the form of foreign aid.

214. This basic dilemma produced four distinct phases in the development of the monetary policy. They were: a period of easy money policy, a period of radical reform, a period of easy money policy again, and a period of restrictive policy.

215. In the first phase the dominant idea was the need to meet the goals for investment outlays laid down in the Five-Year Plan. Therefore, a liberal monetary policy was followed and as a result money supply steadily increased.⁸³ Under this policy, traders were enabled to obtain bank loans for the import of goods supplied under foreign aid. Hitherto, such loans were permitted to manufacturers only. Banks were allowed to grant loans for the manufacture of special commodities outside the quarterly ceilings set for bank loans. They were also authorized to render loans for the purchase of equipment instead of supplying loans for working capital needs only. At the same time the quarterly ceiling for bank loans was also raised.

216. On account of the above-mentioned liberal policy inflationary pressures increased. Therefore, an attempt was made to reduce purchasing power in the hands of the public and channel idle savings into productive

⁸³ The Bank of Korea, *Monthly Statistical Review*, August 1962, p. 12.

investment through a currency reform.⁸⁴ This reform reduced the money supply by 17 per cent between 9 and 30 June 1962, disturbed the established pattern of the use of money and credit, and brought about a decline in economic activity.

217. To revive economic activity and restore confidence in the currency, the measures taken under the reform were repealed and a liberal monetary policy was reinstated. It included the defreezing of bank deposits, the lowering of reserve requirements and the removal of ceiling on the volume of commercial bills that could be discounted. But as the volume of money supply seemed to increase, fast brakes were applied. Reserve requirements were raised twice, and the periods for which bills could be discounted were reduced. Nevertheless, from the end of June to the end of September 1962 the money supply increased by 25 per cent.⁸⁵

218. In the fourth quarter of 1962, inflationary pressures became acute and therefore a restrictive monetary policy was instituted to promote economic stability. The quarterly ceiling on bank loans was drastically lowered compared to that for the third quarter. Restrictions were placed on credit for financing stock market operations, and many loans were called in. The only expansionary measure was the selective reduction in interest rates mentioned earlier.

219. During the first six months of 1963, the tight monetary policy was continued. Many additional measures were taken to further tighten the availability of credit. These measures included fixation of lower quarterly ceilings on loans by commercial banks, restriction on the aggregate amount of commercial bills that could be discounted by commercial banks⁸⁶ and on the total amount of loans that could be extended on the security of installment savings deposits by all banking institutions,⁸⁷ and prohibition of bank loans for the purchase of goods supplied under the United States aid programme.⁸⁸

220. Towards the same end two new laws were adopted. One, entitled "Measures Regulating Loans Secured by Commodities", was passed to curb speculation in essential commodities. Another law, entitled "Temporary Measures Concerning Payment Guarantees and Loans to Finance Importation of Surplus Farm Products under P.L. 480", was passed to speed up the import of surplus grain.

Money supply

221. In 1962, money supply rose from 31,220 million won to 36,710 million won, an increase of 18 per cent. In 1961, the rate of increase was 43 per cent.⁸⁹

222. The over-all decline in the rate of growth was not due to the general abatement of inflationary pressures, but to an uneven growth resulting from the variations in the monetary policy described earlier. In the period prior to the currency reform the rate of increase was 19 per cent. Then, as a result of the currency

reform, in a period of three weeks, it declined by 17 per cent. As steps were taken to liberalize credit towards the end of June the rate of growth increased. From the end of June to September 1962, it increased by 25 per cent. In the last quarter of the year, as a result of the stabilization policy, the money supply declined by 5 per cent.

223. In the first six months of 1963, as a result of the implementation of financial stabilization programmes with continued emphasis on tight money policy, money supply declined from 38,670 million won at the end of January to 35,510 million won at the end of June, a decline of 8 per cent. The volume of currency in circulation declined nearly 12 per cent, and that of demand deposits 5 per cent.

Banking

224. From the beginning of the year to the end of June 1962 commercial banks enjoyed an increasing degree of liquidity. After June their liquidity position began to deteriorate steadily.⁹⁰ Their excess reserves expanded from 791 million won at the beginning of January to 3,368 million won at the end of June. After a steady decline, at the end of December they stood at 473 million won. At the end of December 1961 they were 791 million won. In the first six months of 1963, the liquidity position of commercial banks continued to be tight. The pressure eased slightly between April and June. At the end of June 1963, excess reserves were 440 million won.⁹¹

225. Deposits of all types continued to expand till the end of September 1962. They increased from 19,310 million won at the beginning of January to 31,223 million won at the end of September. In the fourth quarter of 1962, owing to the stabilization policy, they showed a decline. They declined from 31,223 million won at the end of September to 29,053 million won at the end of December 1962. Demand and savings deposits followed a similar pattern, with slight variations. Demand deposits increased from 10,085 million won at the beginning of January to 12,339 million won at the end of September 1962. Owing to the currency reform there was interruption in the process in June. In the last three months of the year 1962, as a result of the tight money policy, they declined from 12,339 million won at the end of September to 11,112 million won at the end of December 1962. Savings deposits increased from 6,331 million won at the beginning of January to 12,981 million won at the end of October, with a sudden increase in June owing to the switch from demand to savings deposits required by the currency reform. Like demand deposits they too declined from a peak of 12,981 million won in October to 11,596 million won at the end of December 1962. In the first six months of 1963 deposits of all types showed a slight increase, except in April when they declined. At the end of June they stood at 29,129 million won.

226. Loan and discount operations of commercial banks showed a steady rise well into the beginning of the fourth quarter of 1962. Their volume increased from 12,778 million won at the beginning of January to 22,381 million won at the beginning of October. The increase was especially marked in the amount of bills discounted after the currency reform as the terms of discount were liberalized to relieve the financial strin-

⁸⁴ *Official Records of the General Assembly, Seventeenth Session, Supplement No. 13 (A/5213)*, paras. 117-124.

⁸⁵ The Bank of Korea, *Monthly Statistical Review*, August 1962, pp. 14-15; *Ibid.*, November 1962, pp. 13-17.

⁸⁶ Effective 1 February 1963.

⁸⁷ It was decided on 14 March 1963 that loans on the security of installment savings deposits by all banking institutions could not exceed the balances outstanding as at that date.

⁸⁸ The Bank of Korea, *Monthly Statistical Review*, May 1963, pp. 15-16.

⁸⁹ See annex V, table 7.

⁹⁰ The Bank of Korea, *Monthly Statistical Review*, February 1963, pp. 21-22; see also annex V, tables 8 and 9.

⁹¹ *Ibid.* (Korean edition), August 1963, table 10, p. 24.

gency resulting from the change. The amount of loans also showed a substantial increase from June to October owing to the same reason. In the latter part of the fourth quarter, as a result of the financial stabilization programme, volumes of both showed a decline.

227. In the first six months of 1963, loan and discount operations of commercial banks showed very small variations as a result of the tight money policy referred to above. Their volume increased from 22,423 million won at the end of January to 23,363 million won at the end of March, but declined to 22,769 million won at the end of June.

Prices

228. The index of wholesale prices in 1962 showed a rise of 13 per cent compared with 18 per cent in 1961. The average annual index rose from 192.3 in 1961 to 218.0 in 1962.⁹²

229. In the first seven months of 1963, the index of wholesale prices showed a steady upward trend. It rose from 226.7 at the end of January to 306.0 at the end of July, an increase of nearly 35 per cent. Most of the increase was in grain prices. During the same period, the index of grain prices rose by 110.2 per cent, while the index for all commodities excluding grains rose by 10.4 per cent only.

230. The average annual indices of various components showed varied rates of growth. The index for foodstuffs increased by 18 per cent, showing the same rate of increase as in 1961. The index for fuels and power increased by 14.5 per cent, whereas in 1961 it increased by 57.8 per cent. The index for mineral products rose by 4.6 per cent compared to 25.4 per cent in 1961. That for metal products and machinery increased by 4.6 per cent, compared to 3.5 per cent in 1961.

231. An examination of the monthly variations in the combined index shows that it increased from 192.9 at the beginning of the year to 224.1 at the end of August, and declined to 223.7 at the end of December 1962. Thus, in the first eight months of the year 1962 prices rose by 16 per cent and in the last four months declined by 0.17 per cent. The monthly fluctuations in the indices of various components showed similar trends except for that of mineral products. The latter declined from 199.6 at the beginning of the year to 166.3 at the end of June 1962 and then stabilized around 168. In this case the fluctuations in the international prices of various minerals play an important role.

232. The relative steadiness shown by various indices in the second half of the year 1962 was a result of tight monetary policy and the enlargement of the scope of price controls during the period.⁹³ In the first half of the year the increases in indirect taxes, in railway freight charges and the official prices of fertilizers and tobacco contributed substantially to the price rise.⁹⁴

233. The index for grain prices in 1963 followed the normal pattern with a rise during winter and the lean season of spring months. But this time the usual pattern was aggravated because of many unusual factors. During the winter months the main contributory causes were the heavy decline in autumn crop, and the slowdown in transportation due to the severe winter and heavy snow-

fall. During the spring and summer months of 1963 the prices mainly rose owing to heavy rains which raised fears about the yield of summer crops. The price rise was especially pronounced in July when the index rose near 42 per cent as the first estimate for summer harvest showed a heavy decline.

The stock market

234. The stock market reopened for business on 13 July 1962. It may be recalled that it was suspended in June following the settlement difficulties arising out of the unprecedented boom in May 1962.⁹⁵

235. After reopening, the market did not function smoothly in spite of the earnest efforts of the Government. In various ways it tried to enable it to work smoothly without the recurrence of speculation as happened in May 1962. It required securities companies to increase their equity resources, raised the amount of deposits required for each transaction, adopted a more flexible margin requirements policy, and a greater degree of control over bank credit for security financing, and at times prohibited future trading in selected shares, and restricted the volume of daily trading. As a result of the adoption of these regulatory methods, speculation on any significant scale was prevented, but the stock market failed to operate in a normal manner. It had to suspend operations on several occasions, mainly because of the prevalence of very low prices and the alleged short supply of bank credit.

236. To place the market on a sound footing the Government later on amended the Stock Exchange Law in late April 1963.⁹⁶ This amendment, among others, provides for the appointment of a president and directors by the Government. It also provides for financial support by the Government and commercial banks to stabilize stock prices if necessary, as well as exemption from taxation and the payment of dividend on the Government's holdings of the shares of the Stock Exchange Company if its annual dividend falls below six per cent. On 8 May 1963, the Stock Exchange resumed trading which had been suspended since 25 February 1963, under the revised law.

FOREIGN TRADE AND PAYMENTS

237. The adverse balance in the foreign trade⁹⁷ of the Republic of Korea continued during the period under review. In 1962, commercial exports and imports were \$54,813,000 and \$177,207,000, respectively. In 1961, they were \$40,878,000 and \$103,138,000, respectively.

238. In the first six months of 1963, preliminary estimates show that commercial exports were \$38.5 million and imports (including relief goods) were \$150.0 million. In the similar period of 1962 the amounts were \$23.7 million, and \$83.4 million, respectively.⁹⁸

239. During 1962, imports under official aid programmes were \$213,773,000 and under various relief programmes \$24,253,000. In 1961 they were

⁹² See annex V, table 10; Base 1955 = 100.

⁹³ On 13 August 1962, thirteen additional commodities were brought under price control, bringing the total to eighteen.

⁹⁴ The Bank of Korea, *Monthly Statistical Review*, February 1963, p. 40.

⁹⁵ *Official Records of the General Assembly, Seventeenth Session, Supplement No. 13 (A/5213)*, paras. 172-175.

⁹⁶ Republic of Korea, Law No. 1334, promulgated on 27 April 1963.

⁹⁷ The Bank of Korea, *Monthly Statistical Review*, May 1963, table 38, p. 49.

⁹⁸ *Ibid.*, (Korean edition), August 1963, table 47, p. 66.

\$196,818,000 and \$16,186,000, respectively. In the first six months of 1963, imports under official aid programmes were \$115.3 million, compared to \$108.3 million in the same period of 1962.⁹⁸

240. It should be noted that the Republic of Korea earns a large amount on invisible account, especially due to the sale of goods and services to the United Nations forces stationed in the country. In 1962, receipts from sales to the United Nations forces were \$86.1 million and \$3.1 million in tourist income. In 1961, sales to the United Nations forces earned \$79.7 million. In the first seven months of 1963, such receipts from sales to United Nations forces were \$34.2 million, compared to \$48.3 million during the same period of 1962. Tourist income in the same period of 1963 was \$1.7 million, compared to \$1.6 million in the similar period of 1962.

241. Therefore, a more accurate picture is obtained by looking at amounts of receipts and payments of foreign exchange during the period.⁹⁹ In 1962, such receipts were \$374,060,000 and payments \$420,713,000, showing a deficit of \$46,653,000. In contrast, in 1961 the receipts were \$322,752,000 and payments \$272,656,000, showing a surplus of \$50,096,000. In the first six months of 1963, foreign exchange receipts were \$184.39 million, and payments \$251.35 million, showing a deficit of \$66.96 million. In the similar period of 1962, the figures were \$177.08 million, \$197.92 million and \$20.84 million, respectively.

242. As a further indicator of the international financial position of the Republic of Korea, gold and foreign exchange holdings of the Bank of Korea declined from \$207.0 million at the end of 1961 to \$167.4 million at the end of 1962, a decline of \$39.6 million. In 1961 they increased by \$50 million. At the end of June 1963 the holdings stood at \$109.5 million.¹⁰⁰

243. In 1962, exports were \$13,935,000 above those for 1961.¹⁰¹ Significant increases were shown by rice and various types of fish products. Exports of rice were 59,707 metric tons worth \$8.9 million. In 1961, they were only 3,687 metric tons worth \$507,000. Exports of fish and fish products were 19,744 metric tons worth \$8,063,000. In 1961, they were 11,432 metric tons worth \$4,013,000. In the case of imports, there was an increase in all categories in 1962 compared to those in 1961. The increase under the category of food and live animals was very slight, but in many other categories it was quite substantial. This is partly accountable by the outlays made on various projects included in the Five-Year Plan of Economic Development.

244. As mentioned earlier, in the beginning of 1963, exports were running at a much higher rate than those in the early months of 1962. To the total expansion of \$14.82 million in the period, manufactured goods, including those processed under bond, contributed \$12.62 million. Their exports amounted to \$15.0 million, compared to \$2.39 million in the same period of 1962.¹⁰²

245. There was a slight change in the pattern of Korean exports. The share of Europe increased from 8 per cent in 1961 to 11 per cent in 1962, while that

of North America (mostly the United States of America) increased from 17 per cent in 1961 to 23 per cent. The share of Asia declined from 70 per cent in 1961 to 66 per cent in 1962. The combined share of Japan, the United States of America and Hong Kong declined from 82 per cent in 1961 to 73 per cent in 1962.

246. On the import side, the United States of America, Japan and the Federal Republic of Germany continued to be the main suppliers of Korea. Their combined share in 1962 was 82 per cent. In 1961 it was 75 per cent.

FOREIGN AID AND PRIVATE CAPITAL

247. The Government continued its efforts to promote greater flow of foreign technical skills, foreign aid and private capital into the country. The assistance from the United Nations and other international organizations received by the Republic of Korea increased during the period. Korea obtained a loan from the International Development Association¹⁰³ for the first time, and on 15 November 1962 joined the Colombo Plan for Technical Co-operation.

248. In August 1962, the International Development Association made a loan of \$14 million for the import of railway cars. The loan bears no interest, but carries a service charge of 0.75 per cent per annum and is repayable in fifty years.

Projects of United Nations agencies

249. A Resident Representative of the Technical Assistance Board and Director of Special Fund activities in Korea was appointed on 4 January 1963 in agreement with the Government of Korea.

250. The Expanded Programme of Technical Assistance is of modest proportions, comprising only seven experts and sixteen fellowships for the biennium 1963-1964. However, it is expected that this programme can be considerably increased and discussions are being held between the Economic Planning Board and the Resident Representative to that end.

251. The World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the International Atomic Energy Agency and the International Labour Organisation all have regular programmes of technical assistance and assistance from the United Nations Children's Fund will be available in the last half of 1963.

252. Five Special Fund projects are active.¹⁰⁴ They are: Tidal Land Reclamation Survey, Agricultural Survey and Demonstration in Selected Watersheds, Management Training at Korea Productivity Centre, Telecommunication Training Centre, and Soils Fertility and Soils Research. The total Special Fund contribution for these projects is \$4,112,400. The Governing Council has earmarked \$672,600 for a soils survey and the plan of operations is now under discussion with the Government of the Republic of Korea.

253. Requests for Special Fund assistance with a Pre-Investment Forest Survey and a Survey of the Naktong River Basin for preparation of a co-ordinated plan of development involving hydro-electric power, flood control and irrigation are under consideration.

⁹⁸ *Ibid.*, February 1963, table 44, p. 68.

¹⁰⁰ *Ibid.*, August 1963, table 47, p. 71.

¹⁰¹ See annex V, tables 11-12.

¹⁰² The Bank of Korea, *Monthly Statistical Review* (Korean edition), August 1963, table 48, p. 67.

¹⁰³ The Bank of Korea, *Monthly Statistical Review*, September 1962, p. 34.

¹⁰⁴ See *Official Records of the General Assembly, Seventeenth Session, Supplement No. 13 (A/5213)*, paras. 186-187.

254. In June, the United Nations Controller advised that \$451,000 residual UNKRA funds had been placed at the disposal of the Executive Chairman of the Technical Assistance Board for projects in Korea. The programme presented by the Government includes \$127,700 for development of meteorological services; \$97,000 for support of the Korean Scientific and Technical Information Centre; experts in the fields of radio-wave frequencies and quality control of handicrafts. The balance of the funds will be allocated for fellowships mainly in fields of economic planning.

Foreign aid

255. During the period under review, the United States continued to be the main supplier of economic assistance to the Republic of Korea.

256. Aid from the United States in 1962, according to preliminary estimates, was \$232.3 million. This amount was made up of \$148.4 million of non-project assistance, \$4.4 million for technical co-operation, \$12.2 million for project assistance, \$67.3 million in the form of the sale of surplus agricultural commodities under the United States Public Law No. 480. The respective amounts for 1961 from \$199.25 million of total aid were \$118.23 million for non-project assistance, \$8.52 million for technical assistance, \$27.57 million for project assistance, and \$44.93 million in the form of sale of surplus agricultural commodities.¹⁰⁵

257. During the first six months of 1963, foreign aid received from the United States was \$98.97 million¹⁰⁶ consisting of \$2.74 million for project assistance, \$43.23 million for non-project assistance, \$3.83 million for technical co-operation, and \$49.17 million in the form of sale of surplus agricultural commodities under the United States Public Law No. 480. During the similar period of 1962, the respective figures were \$112.09 million, consisting of \$5.49 million, \$78.70 million, \$1.77 million and \$26.33 million.

258. The United States Agency for International Development (AID) had approved loans worth \$33.85 million for the United States fiscal year 1963, for various capital projects. These loans brought the cumulative total of AID loans to \$76.40 million since 1959.¹⁰⁷

259. The figures for supporting assistance (grants) and development loans mentioned above indicate a change in aid policy of the United States from grants to loans. One difficulty arising from this change in policy is that the loans are all tied to specific projects and, unlike grants, cannot be used for general balance of payments support.¹⁰⁸ Therefore, the difference between the amount required for the balance of payment support in the Five-Year Plan and the actual supporting assistance available has tended to widen. In 1962 this was estimated at a shortfall of \$55.6 million, and in 1963 it may reach \$67.6 million.¹⁰⁹

¹⁰⁵ The Bank of Korea, *Monthly Statistical Review* (Korean edition), July 1963, table 59, p. 92. The figures are based on the Republic of Korea fiscal year which is the same as the calendar year. On the basis of the United States fiscal year (July-June), aid obligated was \$222.32 million for the fiscal year 1963, \$207.71 million for the fiscal year 1962, and \$269.52 million for the fiscal year 1961.

¹⁰⁶ Excludes figures for the import of petroleum products, which are not as yet available.

¹⁰⁷ United States Operations Mission to Korea, *Summary of United States Economic Aid to Korea, FY 1954-FY 1963*.

¹⁰⁸ The Bank of Korea, *Monthly Statistical Review*, January 1963, p. 8.

¹⁰⁹ *Ibid.*, January 1963, p. 11.

Foreign private capital

260. Efforts to attract foreign private capital to Korea continued.¹¹⁰ As pointed out earlier, the domestic legal framework was completed last year. In addition Korea sent private and government delegations to many industrialized countries to promote private capital investment.

261. Under the Five-Year Plan \$50 million in foreign investment were to be secured in 1962, and \$88.7 million in 1963.¹¹¹ As at the end of 1962, the Foreign Investment Encouragement Committee, had approved twenty projects involving \$166.8 million in private foreign loans, and three projects involving \$4.6 million in foreign private direct investment.¹¹² The amount of private foreign investment actually realized on account of these projects in 1962 was \$687,000, made up of \$108,000 of foreign private loans, and \$579,000 of direct investment.¹¹³

262. In 1962, the Republic of Korea Government guaranteed the repayment of foreign loans worth \$81.7 million covering sixteen projects.¹¹⁴

263. In January 1963, two contracts involving foreign investment worth \$60,691,000 were signed between the Republic of Korea Government and a group of private firms from France and Italy.¹¹⁵ One contract worth \$58,691,000 involves imports of fishing craft, accessories and equipment to enable their manufacture locally.¹¹⁶ This is regarded as an initial contract of a series to help Korea acquire a modern fishing industry. Another contract worth \$2 million will enable the Korea Fishery Development Corporation to import modern fish processing facilities.

PROGRESS OF THE FIVE-YEAR PLAN OF ECONOMIC DEVELOPMENT

264. Significant spadework for realizing planned rate of growth in subsequent years was done in 1962, the first year of the Five-Year Plan.¹¹⁷ As a natural corollary, a Five-Year Plan of Technical Education was also prepared during the year.

265. In 1962, gross investment amounted to 35,440 million won, or 14.2 per cent of the gross national product.¹¹⁸ Of this, investment in fixed assets was 34,530 million won. The Five-Year Plan envisaged an investment of 49,310 million won or 20.1 per cent of the gross national product. In terms of current prices, gross investment was 39,150 million won, forming 13.9 per cent of the gross national product. Of this aggregate, investment in fixed assets was 38,640 million won or 13.8 per cent of the gross national product.

¹¹⁰ *Official Records of the General Assembly, Seventeenth Session Supplement No. 13 (A/5213)*, paras. 131 and 197-205; see also paras. 155-188 of the present report.

¹¹¹ The Bank of Korea, *Monthly Statistical Review*, September 1962, pp. 13-14.

¹¹² Includes Franco-Italian project worth \$120 million for the import of fishing vessels.

¹¹³ The Bank of Korea, *Review of Korean Economy in 1962*, pp. 87-93.

¹¹⁴ The Bank of Korea, *Monthly Statistical Review*, January 1963, p. 27. These guarantees were given under Law No. 1115 entitled "Law Guaranteeing Repayment for Loans".

¹¹⁵ *Ibid.*, February 1963, pp. 52-53.

¹¹⁶ \$32,314,000 from France and \$26,377,000 from Italy.

¹¹⁷ Information provided by the Research Department of the Bank of Korea. All figures are in 1961 constant prices unless otherwise indicated.

¹¹⁸ See annex V, tables 14 to 16.

266. On a sectoral basis, the share of the private sector in gross domestic investment in fixed assets was 21,040 million won or 60.9 per cent. The share of the Government was 13,490 million won or 39.1 per cent. The most important fields of investment in the private sector were manufacturing and real estate. In the public sector, investment was concentrated in the fields of transport and communications.¹¹⁹

267. On the basis of industrial classification, 72.2 per cent of investment in fixed assets was concentrated in tertiary industry. Of this, the major portion was invested in the fields of transport and communications. Secondary industry's share was 17.4 per cent and that of primary 10.4 per cent.

268. Of the aggregate investment of 34,530 million won in fixed assets, foreign sources contributed 6,910 million won or 20 per cent. The rest was supplied by domestic sources.

269. There was a big shortfall in the inflow of foreign capital from the target envisaged in the Plan. The actual inflow amounted to 647.66 million won (\$4.98 million) whereas the Plan envisaged an inflow of 6,500 million won (\$50 million). Of the total inflow, the contribution of the United States Agency for International Development amounted to 558.4 million won (\$4.3 million) and that of private foreign capital 89.3 million won (\$0.68 million) (see para. 261 above). In 1963, it is estimated that inflow of capital from the same sources will be 9,347.4 million won (\$71.9 million).

270. In 1962, it is estimated that the average rate of operation of industrial facilities had improved to 62.8 per cent. In 1961, the rate was 56.2 per cent. In 1963, it is expected that the rate will be 70 per cent.¹²⁰

271. As at August 1962, the total labour force was 11.5 million, of which 9.1 million were employed and 2.4 million were unemployed.¹²¹ The Plan estimated the labour force on a mid-year basis in 1962 to be 10.9 million with 8.5 million employed and 2.4 million unemployed. It is not possible to derive percentages from these figures as the dates of estimates differ.

272. The specific targets achieved by a few key industries in 1962 are as follows.¹²² The amount of

¹¹⁹ Projects in the field of transportation include the expansion of Ulsan and Mukho harbours. The latter is expected to handle 2 million tons of cargo, annually. Similar other projects, including the construction of railroad lines and the modernization of highways and bridges, are underway. This involves the construction of 151 kilometres of railways and a 283 kilometre industrial highway to serve the mineral rich Mount Taipaik region.

In the communications field, 945.3 million won was spent in 1962 to finance six projects, namely the expansion of telephone facilities in Seoul and in provincial areas, and of telegraph and other related facilities, the construction of facilities for communications supervision and for the control of communications wavelengths, of new post offices and of a communications training institute.

¹²⁰ Bank of Korea, *Economic Trends, Problems and Policies in Korea, 1962-1963*, p. 38.

¹²¹ Republic of Korea, Economic Planning Board, Bureau of Tertiary Industry. This figure includes seasonally unemployed.

¹²² For details see annex V tables 17-19. Stepped-up efforts were made throughout the year for the construction of a mammoth industrial Centre in Ulsan, South Kyongsang Province—a significant portion of the Five-Year Plan. Construction sites for an oil refinery, a fertilizer plant, and an integrated steel and iron works in the Centre have already been selected. Preliminary work is in progress and the initiation of actual construction of the three plants is expected in 1963.

electric power generated was 305 megawatts, against the planned output of 350 megawatts, 87 per cent of the target.¹²³ In the case of cement production the output was 789.7 thousand metric tons, while the planned target was 650 thousand metric tons, the achievement being 122 per cent of the target.¹²⁴ The iron ore output was 94 per cent of the target.¹²⁵ In production of coal the target was reached. The output was 7,430 thousand metric tons while planned target was 7,440 thousand metric tons. In fertilizer 96 per cent of the planned output was achieved.¹²⁶ In the field of agriculture and fisheries too, the achievements were impressive. In the case of rice, 93 per cent of the planned output was realized. In the case of potatoes and pulses the achievements were 108 per cent and 107 per cent respectively. In fish production the achievement was 97 per cent, while in the case of sea-weed it was 130 per cent.

Development of technical education

273. It is well known that modern industrial economies are greatly dependent on skilled manpower. The Republic of Korea, being conscious of the fact, has tried to tackle the problem of lack of adequate supply of technically trained people through the First Five-Year Plan of Technical Development. Basic objectives of this Plan are:¹²⁷ (a) to develop technical manpower resources necessary for the implementation of the First Five-Year Plan of Economic Development; (b) to improve the level of existing technology in an endeavour to increase productivity and accelerate industrial development.

274. For the purposes of this Plan a survey of technical manpower resources was conducted in 1961. It revealed that there were 299,414 technically trained persons employed in various establishments, of whom 8,616 (2.9 per cent) were engineers, 11,128 (3.7 per cent) were technicians, and 279,670 (93.4 per cent) were craftsmen. According to the plan, the total number of skilled persons is to reach 601,673 by 1966.¹²⁸

*
* *

The present report is transmitted to the Secretary-General for submission to the General Assembly at its

¹²³ In electric power development, the Kwangju thermo-electric power station, with an annual generation capacity of 11,800 kWh, and the Wangsim-ni thermo-electric power station, with an annual capacity of 6,000 kWh, were constructed. Altogether, fourteen projects including the construction, repair, or expansion of seven thermal power plants, of three hydro-electric plants, and of two thermo-hydro plants are to be completed under the Five-Year Plan.

¹²⁴ A cement plant capable of producing 150,000 metric tons per year is expected to be completed in 1963. A nylon yarn factory with an annual production capacity of 2 million pounds will also be completed in 1963.

¹²⁵ For the integrated steel and iron works, a contract was signed with a construction team headed by the Blaw-Knox Corporation of the United States, and it is expected that the steel plant will be completed by 1966.

¹²⁶ For the construction of the fertilizer plant, Lurgi of West Germany and Kobe Steel of Japan have submitted plans, and the Government is examining their construction offers.

¹²⁷ The Republic of Korea, Economic Planning Board, *The First Five-Year Plan for Technical Development*, supplement to *The First Five-Year Economic Plan, 1962*.

¹²⁸ See annex V, table 20.

eighteenth regular session pursuant to the provisions of sub-paragraph 2 (c) of resolution 376 (V) of 7 October 1950.

The Commission places on record its appreciation of the services rendered by the Secretariat during the year.

Done at Commission Headquarters, Seoul, Korea, this twenty-third day of August, one thousand nine hundred and sixty-three.

(Signed) John D. PETHERBRIDGE, *Australia*
R. SUÁREZ BARROS, *Chile*
N. A. J. DE VOOGD, *Netherlands*
K. M. SHEIKH, *Pakistan*
Maximino G. BUENO, *Philippines*
Chan ANSUCHOTE, *Thailand*
Muammer BAYKAN, *Turkey*

Ismail R. KHALIDI
Principal Secretary

ANNEXES

ANNEX I

Delegations to the United Nations Commission for the Unification and Rehabilitation of Korea and United Nations Secretariat

A. Delegations to the Commission

1. LIST OF DELEGATIONS

AUSTRALIA

Representative

Mr. John D. Petherbridge

Alternate representative

Mr. Cavan Hogue^a

Mr. Geoffrey Vincent Brady^b

CHILE

Representative

Mr. Roberto Suárez Barros, Ambassador Extraordinary and Plenipotentiary

NETHERLANDS

Representative

Mr. N. A. J. de Voogd, Ambassador Extraordinary and Plenipotentiary

Alternate representative

Mr. Gerardus J. Dissevelt^c

PAKISTAN

Representative

Lieutenant-General K. M. Sheikh, ret., Ambassador Extraordinary and Plenipotentiary

PHILIPPINES

Representative

Mr. Maximino G. Bueno, Ambassador Extraordinary and Plenipotentiary

Alternate representative

Mr. Tiburcio C. Baja

THAILAND

Representative

Major-General Chan Ansuchote, Ambassador Extraordinary and Plenipotentiary

Alternate representative

Mr. Klos Visessurakarn

TURKEY

Representative

Mr. Muammer Baykan

2. ROSTER OF CHAIRMANSHIP

(a) Commission

Session held from 17 to 19 November 1962

Mr. de Voogd, *Netherlands*

Session held from 14 to 21 December 1962

Lieutenant-General Sheikh, *Pakistan*

^a Until 9 December 1962.

^b From 7 January 1963.

^c From 27 November 1962 to 17 July 1963.

Session held from 28 February to 4 March 1963

Mr. Bueno, *Philippines*

Session held from 15 June to 22 June 1963

Major-General Ansuchote, *Thailand*

Session held from 15 August to 23 August 1963

Mr. Baykan, *Turkey*

(b) Committee of UNCURI.

1962

September

Mr. Bueno, *Philippines*

October

Major-General Ansuchote, *Thailand*

November

Mr. Baykan, *Turkey*

December

Mr. Petherbridge, *Australia*

1963

January

Mr. Bueno, *Philippines*

February

Major-General Ansuchote, *Thailand*

March

Mr. Baykan, *Turkey*

April

Mr. Petherbridge, *Australia*

May

Mr. Bueno, *Philippines*

June

Major-General Ansuchote, *Thailand*

July

Mr. Baykan, *Turkey*

August

Mr. Petherbridge, *Australia*

B. United Nations Secretariat

Principal Secretary

Mr. Ismail R. Khalidi

Political Affairs Officer

Mr. Ahmet H. Ozbudun

Administrative and Finance Officer

Mr. Reginald D. Bruce (until 24 June 1963)

Mr. Donald T. H. Richards (from 24 June 1963)

Economic Affairs Officer

Mr. Nalinkumar I. Almaula

Communications and Transportation Officer

Mr. Johan Boe

Personal Assistant to the Principal Secretary

Mr. Jesus Colet (until 15 January 1963)
Mr. Donau J. Rogers (from 10 April 1963)

Administrative Assistant

Mr. Dwarka Nath Puri

Secretary

Mr. Kidar N. Sawhney

Intermediate Research Assistant

Mr. Cho Dong Bin

Research Assistant

Mr. Moon Hae Shik

Transportation and Building Maintenance Assistant

Mr. Chung Hak Joon

Finance Assistant

Mr. Sohng Ri Ch'v

Clerks

Mr. Choe Yohng Sohk
Mr. Lee In Son (until 7 September 1962)
Miss Chung Myung Hee (from 5 October 1962)

C. Organization

The four delegations of the Committee of UNCURK are established in Seoul. Three members of the Commission are residents in Japan as was one alternate representative of one of these delegations. The secretariat of UNCURK is also established in Seoul.

The Commission and its Committee have continued to receive logistical support from the United Nations Command. They have also received co-operation and assistance from the liaison officers provided by the Ministry of National Defence of the Republic of Korea.

The secretariat of UNCURK has continued to render assistance to representatives of various United Nations agencies in Seoul.

ANNEX II

Government of the Republic of Korea

A. Executive

President of the Republic

Gen. Park Chung Hee (Acting)

Head of Cabinet—Prime Minister

Kim Hyun Chul

Chairman of the Economic Planning Board

Kim Yu Taik (from 10 July 1962 to 6 February 1963)
Yoo Chang Soon (from 8 February to 12 April 1963)
Won Yong Suk (from 12 April 1963)

Ministers:

Foreign Affairs:

Lt. Gen. Choi Duk Shin, ret. (from 11 October 1961 to 16 March 1963)
Kim Yong Shik (from 16 March 1963)

Home Affairs:

Maj. Gen. Han Shin (from 20 May 1961 to 15 October 1962)
Lt. Gen. Park Kyung Won (from 15 October 1962)

Finance:

Kim Se Ryun (from 18 June 1962 to 8 February 1963)
Whang Chong Yul (from 8 February 1963)

Justice:

Col. Cho Byung Il, ret. (from 9 January 1962 to 1 February 1963)
Brig. Gen. Chang Yung Soon (from 1 February 1963 to 22 April 1963)
Min Bok Kee (from 22 April 1963)

National Defence:

Lt. Gen. Bak Byeung Kwon, ret. (from 10 July 1961 to 16 March 1963)
Lt. Gen. Kim Sung Eun, ret. (from 16 March 1963)

Education:

Kim Sang Hyup (from 9 January 1962 to 15 October 1962)
Park Il Kyung (from 15 October 1962 to 16 March 1963)
Lee Chong Woo (from 16 March 1963)

Agriculture and Forestry:

Maj. Gen. Chang Kyung Soon (from 20 May 1961 to 24 June 1963)
Brig. Gen. Lew Byong Hion (from 25 June 1963)

Commerce and Industry:

Yoo Chang Soon (from 10 July 1962 to 8 February 1963)
Maj. Gen. Park Choong Hoon, ret. (from 8 February to 9 August 1963)
Kim Hoon (from 9 August 1963)

Transportation:

Maj. Gen. Park Choon Shik (from 15 August 1961 to 8 February 1963)
Kim Yoon Kie (from 8 February 1963)

Health and Social Affairs:

Brig. Gen. Chung Hi Sup, ret. (from 7 July 1961)

Communications:

Brig. Gen. Bai Duk Chin (from 20 May 1961 to 1 February 1963)
Rear Adm. Kim Chang Hoon, ret. (from 1 February 1963)

Public Information:

Lee Won Woo (from 18 June 1962 to 12 April 1963)
Yim Seong Hi (from 12 April 1963)

Construction:

Lt. Gen. Bak Im Hang (from 18 June 1962 to 11 March 1963)
Brig. Gen. Cho Sung Keun, ret. (from 16 March 1963)

Minister Without Portfolio:^a

Maj. Gen. Cho Shi Hyung, ret. (from 16 March 1963)
Maj. Gen. Kim Jae Chun, ret. (from 23 July 1963)

Cabinet Administration:^b

Brig. Gen. Kim Byung Sam (from 20 May 1961 to 1 February 1963)
Brig. Gen. Lee Souck Jae, ret. (from 1 February 1963)

B. Judiciary

The Supreme Court

Chief Justice

Cho Jin Man (from 30 June 1961)

C. The Supreme Council for National Reconstruction

Chairman

Gen. Park Chung Hee

^a The post was established on 16 March 1963.

^b Renamed as the Ministry of Cabinet Administration on 12 July 1961.

Vice-Chairman

Lt. Gen. Lee Joo Il

Standing Committees (comprising Chairmen of the SCNR Sub-Committees)^c

Chairman, Legislation and Judiciary:

Brig. Gen. Lee Souck Jae, ret. (from 21 June 1961 to 26 January 1963)

Col. Kil Jai Ho (from 26 January 1963 to 21 February 1963)

Brig. Gen. Kang Ki Chon (from 21 February 1963)

Member:

Col. Kil Jai Ho

Chairman, Home Affairs:

Brig. Gen. Cho Shi Hyung (from 4 September 1961 to 26 January 1963)

Col. Kim Hyung Wook (from 26 January 1963 to 21 February 1963)

Maj. Gen. Kim Yong Soon (from 21 February 1963)

Members:

Col. Park Won Bin (from 12 June 1961 to 21 February 1963)

Col. Kim Hyung Wook (from 12 June 1961 to 26 January 1963)

Brig. Gen. Park Yung Suk (from 21 February 1963)

Chairman, Foreign Affairs and National Defense:

Marine Lt. Gen. Kim Dong Ha, ret. (from 10 July 1962 to 26 January 1963)

Marine Maj. Gen. Kim Yun Keun (from 26 January to 21 February 1963)

Maj. Gen. Kim Hi Duk (from 21 February to 12 July 1963)

Maj. Gen. Yoo Yang Soo (from 12 July to 19 July 1963)

Maj. Gen. Park Won Suk (from 19 July 1963)

Members:

Brig. Gen. Kim Jae Choon (from 20 July 1962 to 7 January 1963)

Brig. Gen. Park Hyuna Sik (from 21 February 1963)

Chairman, Finance and Economy:

Maj. Gen. Yoo Yang Soo (from 20 July 1962 to 12 July 1963)

Maj. Gen. Kim Hi Duk (from 12 July 1963)

Members:

Marine Brig. Gen. Oh Jung Keun, ret. (from 12 June 1961 to 26 January 1963)

Brig. Gen. Park Tai Joon

Brig. Gen. Lew Byung Hion (from 2 September 1961 to 24 June 1963)

Commodore Chang Chi Soo (from 21 February 1963)

Chairman, Education and Social Affairs:

Maj. Gen. Kim Yon Soon (from 20 July 1962 to 7 January 1963)

Maj. Gen. Kim Jae Choon, ret. (from 7 January 1963 to 26 January 1963)

Col. Hong Chong Chul (from 26 January to 12 July 1963)

Brig. Gen. Lee Won Yup (from 12 July 1963)

Members:

Col. Hong Chong Chul (from 12 June 1961 to 26 January 1963)

Marine Col. Chung Sae Woong, ret. (from 12 June 1961 to 21 February 1963)

Brig. Gen. Kang Sang Wook, ret. (from 12 June 1961 to 21 January 1963)

Chairman, Transportation and Communications:

Marine Maj. Gen. Kim Yun Keun (from 12 June 1961 to 26 January 1963)

Col. Ok Chang Ho (from 26 January 1963 to 21 February 1963)

Air Force Brig. Gen. Park Doo Sun (from 21 February 1963)

Member:

Col. Ok Chang Ho

Chairman, Steering and Planning:

Col. Oh Chi Seong (from 12 June 1961 to 21 February 1963)

Col. Kim Hyung Wook (from 21 February to 12 July 1963)

Maj. Gen. Chang Kyung Soon (from 12 July 1963)

Other members of the Supreme Council for National Reconstruction:

Gen. Kim Chong On, Chairman of the Joint Chiefs of Staff^e

Gen. Min Ki Shik, Chief of Staff, ROK Army (from 1 June 1963)

Vice Admiral Lee Sung Ho, Chief of Naval Operations (from 12 June 1961 to 28 September 1962)

Vice Admiral Lee Meang Kee, Chief of Naval Operations (from 28 September 1962)

Air Force Lt. Gen. Chang Sung Whan, Chief of Staff, ROK Air Force

Marine Lt. Gen. Kim Doo Chan, Commandant, ROK Marine Corps

Maj. Gen. Kim Jin Wee, Commander, Capital Defense Command

^e Gen. Kim Chong Oh, former Chief of Staff, ROK Army, became the first Chairman of the Joint Chiefs of Staff established on 1 June 1963.

^c Established on 12 June 1961.

ANNEX III

International relations of the Republic of Korea

A. Representation with foreign Governments

Argentina ^a	Costa Rica ^a
Australia ^b	Denmark ^c
Belgium ^c	Dominican Republic ^a
Brazil ^d	Ecuador ^c
Canada ^a	El Salvador ^a
Chile ^a	Federal Republic of Germany ^b
China (Republic of) ^b	Federation of Malaya ^a
Colombia ^a	France ^b
Congo (Brazzaville) ^e	

Gabon ^a	Jordan ^a
Greece ^c	Luxembourg ^a
Guatemala ^a	Madagascar ^a
Holy See ^f	Mexico ^e
Honduras ^a	Morocco ^e
Iceland ^a	Netherlands ^c
Iran ^a	New Zealand ^c
Israeli ^g	Nicaragua ^a
Italy ^b	Norway ^c
Jamaica ^a	Panama ^a

Paraguay ^a	Thailand ^b
Philippines ^b	Turkey ^b
Portugal ^a	Uganda ^c
Saudi Arabia ^a	United Kingdom of Great Britain and Northern Ireland ^b
Senegal ^a	United States of America ^b
Sierra Leone ^a	Upper Volta ^c
Spain ^c	Viet-Nam (Republic of) ^b
Sweden ^c	
Switzerland ^c	

^a The Republic of Korea is represented in the counterpart country by a concurrent envoy while the accreditation of the latter's envoy is pending.

^b Envoys stationed in respective capitals.

^c Concurrent. Neither envoy is stationed in the respective capitals.

^d Republic of Korea's envoy is in the counterpart country, while the latter's envoy is concurrent and is stationed elsewhere.

^e Republic of Korea's envoy is stationed in the respective capital while the accreditation of the counterpart country's envoy is pending.

^f The Holy See is represented by an apostolic delegate. However, no formal diplomatic relations have been established.

^g Israel accredited a concurrent envoy while the accreditation of Republic of Korea's envoy is pending.

B. Missions of the Republic of Korea

Office of Permanent Observer of the Republic of Korea to the United Nations (New York)

Permanent Delegation of the Republic of Korea to International Organizations in Geneva and Office of the Permanent Observer to the European Office of the United Nations (Geneva)

Republic of Korea Mission in Japan (Tokyo), Branches of the Mission (Osaka and Fukuoka)

C. Consulates General of the Republic of Korea

Cairo (United Arab Republic)

Hong Kong (Crown Colony of the British Commonwealth)

Honolulu (United States of America)

Los Angeles (United States of America)

New Delhi (India)

New York (United States of America)

Phnom Penh (Cambodia)

Rangoon (Burma)

San Francisco (United States of America)

Nairobi (Kenya)

D. Consulates in the Republic of Korea^h

Belgium

Denmark

Israel

Netherlands

Norway

Sweden

E. Accessions by the Republic of Korea to international organizations, agreements or treaties during the period covered by the present reportⁱ

a. Organizations

Date of accession

Eastern Regional Organization for Public Administration	6 October 1962
Colombo Plan	15 November 1962

^h This list represents the honorary consulates stationed in Seoul and does not include consulates or consuls maintained within the respective embassies.

ⁱ For list of international organizations, agreements or treaties of the previous year, see *Official Records of the General Assembly, Seventeenth Session, Supplement No. 13 (A/5213)*, annex III, D.

a. Organizations

Date of accession

Commission on Narcotic Drugs	1 January 1963
Afro-Asian Rural Reconstruction Organization	19 February 1963

b. Treaties

Date of signature or accession

Constitution of the Eastern Regional Organization for Public Administration	6 October 1962
Agreement for the Services (application of radioisotope in agriculture) of Technical Assistance Experts between the Republic of Korea and the International Atomic Energy Agency	15 October 1962
Convention relating to the Status of Stateless persons	10 November 1962
Agreement for the Services (experimental nuclear physics) of Technical Assistance Experts between the Government of the Republic of Korea and the Government of the International Atomic Energy Agency	18 December 1962
Trade Agreement between the Government of the Republic of Korea and the Government of the Republic of Viet-Nam	19 December 1962
Trade Agreement between the Republic of Korea and the Federation of Malaya	31 December 1962
Agreement relating to the appointment of a Resident Representative of the United Nations Technical Assistance Board in the Republic of Korea	4 January 1963
Agreement relating to the Loan of Additional (two) United States Naval Vessels between the Government of the Republic of Korea and the Government of the United States of America	11 February 1963
Agreement for the Establishment of the German Economic Advisory Group between the Government of the Republic of Korea and the Government of the Federal Republic of Germany	14 February 1963
Constitution of the Afro-Asian Rural Reconstruction Organization	29 February 1963
Agreement regarding the Customs Tariff between the Government of the Republic of Korea and the Government of the French Republic	12 March 1963
Agreement for the Services (radiochemistry) of Technical Assistance Experts between the Government of the Republic of Korea and the International Atomic Energy Agency	3 April 1963
Agreement concerning the Mutual Protection of Patent Rights between the Government of the Republic of Korea and the Government of the French Republic	26 April 1963
Trade Agreement between the Government of the Republic of Korea and the Government of the United States of Brazil	21 May 1963

F. Major international conferences attended by the Republic of Korea during the period under review

United Nations

Seventeenth regular session of General Assembly—Observer (New York)

United Nations Conference of Plenipotentiaries on Consular Relations (Vienna)

United Nations Conference on the Application of Science and Technology for the Benefit of the Less Developed Areas (Geneva)

United Nations Pledging Conference on the Expanded Programme of Technical Assistance and the Special Fund (New York)

Economic Commission for Asia and the Far East

Nineteenth general session (Manila)

United Nations Educational, Scientific and Cultural Organization

Twelfth session of the General Conference (Paris)

Twenty-Fifth International Conference on Public Education (Geneva)

World Health Organization

Sixteenth World Health Assembly (Geneva)

Food and Agriculture Organisation of the United Nations

Tenth Indo-Pacific Fisheries Council (Seoul)

The World Food Congress (Washington, D. C.)

International Atomic Energy Agency

Sixth General Conference of the International Atomic Energy Agency (Vienna)

International Conference on Civil Liability for Nuclear Damage (Vienna)

Narcotic Commission

Eighteenth session of the Commission on Narcotic Drugs (Geneva)

Colombo Plan

Fourteenth meeting of the Consultative Committee of the Colombo Plan (Melbourne)

Eightieth session of the Colombo Plan Council for Technical Co-operation in South and South-East Asia (Colombo)

Eastern Regional Organization for Public Administration

Executive Council Meeting and First Working Party Seminar (Manila)

Inter-Governmental Maritime Consultative Organization

Extraordinary Session of the Assembly (London)

Asian Productivity Organization

Third Workshop Meeting of the Directors of the National Productivity Organizations (Seoul)

ANNEX IV

Texts of Laws

	<i>Page</i>		<i>Page</i>
A. <i>The Constitution of the Republic of Korea</i>	29	D. <i>National Assembly Election Law</i>	
B. <i>Political Party Law</i>		Law No. 1256 (promulgated on 16 January 1963, as amended on 6 August 1963)	41
Law No. 1246 (promulgated on 31 December 1962)	36	E. <i>Presidential Election Law</i>	
C. <i>Election Management Committees Law</i>		Law No. 1262 (promulgated on 1 February 1963, as amended on 6 August 1963)	59
Law No. 1255 (promulgated on 16 January 1963, as amended on 6 August 1963)	39	F. <i>Temporary Measures Law for Settlement of State of Emergency</i>	
		Law No. 1307 (promulgated on 16 March 1963 and repealed on 8 April 1963 by Law No. 1315)	73

A. THE CONSTITUTION OF THE REPUBLIC OF KOREA

PREAMBLE

We, the people of Korea, possessing a glorious tradition and history from time immemorial, imbued with the sublime spirit of independence as manifested in the March 1st Movement in the year of Kimi (A.D. 1919), now being engaged in the establishment of a new democratic Republic on the basis of ideals as manifested in the April 19th Righteous Uprising and the May 16th Revolution, determined;

To consolidate national unity through justice, humanity and fraternity,

To eliminate outmoded social customs of all kinds, and,

To establish democratic institutions,

To afford equal opportunities to every person and,

To provide for the fullest development of the capacity of each individual in all fields of political, economic, social and cultural life,

To help each person discharge his duties and responsibilities,

To promote the welfare of the people at home and to strive to maintain permanent international peace and thereby to ensure the security, liberty and happiness of ourselves and our posterity eternally,

Do hereby amend, through national referendum, the Constitution, ordained and established on the Twelfth Day of July in the year of Nineteen Hundred and Forty Eight A.D.

The Twenty Sixth Day of December in the year of Nineteen Hundred and Sixty Two A.D.

CHAPTER I

General Provisions

Article 1. (1) The Republic of Korea shall be a democratic republic.

(2) The sovereignty of the Republic of Korea shall reside in the people and all state authority shall emanate from the people.

Article 2. The conditions necessary for being a Korean national shall be determined by law.

Article 3. The territory of the Republic of Korea shall consist of the Korean Peninsula and its accessory islands.

Article 4. The Republic of Korea shall endeavor to maintain international peace and renounce all aggressive wars.

Article 5. (1) Treaties duly ratified and promulgated in accordance with this Constitution and the generally recognized rules of international law shall have the same effect as that of the domestic law of the Republic of Korea.

(2) The status of aliens shall be guaranteed in accordance with international law and treaties.

Article 6. (1) All public officials shall be servants of the entire people and shall be responsible to the people.

(2) The status and the political impartiality of a public official shall be guaranteed in accordance with the provisions of law.

Article 7. (1) The establishment of political parties shall be free and the plural party system shall be guaranteed.

(2) Organization and activities of a political party shall be democratic and political parties shall have necessary organizational arrangements to enable the people to participate in the formation of political will.

(3) Political parties shall enjoy the protection of the State. However, if the purposes or activities of a political party are contrary to the basic democratic order, the Government shall bring an action against it in the Supreme Court for its dissolution and the political party shall be dissolved in accordance with the decision of the Supreme Court.

CHAPTER II

Rights and Duties of the Citizens

Article 8. All citizens shall have the dignity and value as human beings, and it shall be the duty of the State to guarantee fundamental rights of the people to the utmost.

Article 9. (1) All citizens shall be equal before the law and there shall be no discrimination in political, economic, social, or cultural life on account of sex, religion or social status.

(2) No privileged castes shall be recognized, nor be ever established in any form.

(3) The awarding of decorations or marks of honour in any form shall be effective only for recipients and no privileged status shall be created thereby.

Article 10. (1) All citizens shall enjoy personal liberty. No person shall be arrested, detained, searched, seized, interrogated or punished except as provided by law, and shall not be subject to involuntary labour except on account of a criminal sentence.

(2) No citizens shall be subject to torture of any kinds, nor shall be compelled to testify against himself in criminal cases.

(3) The warrant issued by a judge upon request from prosecutor must be presented in case of arrest, detention, search or seizure. However, in case the criminal is flagrante delicto or in case where there is danger that the criminal, who committed a crime subject to imprisonment for three years or more in long term, may escape or destroy evidence, the investigating authorities may request an ex post facto warrant.

(4) All persons who are arrested or detained shall have the right to a prompt assistance of counsel. When criminal defendant is unable to secure the same by his own efforts, the State shall assign a counsel to the use of the defendant as provided by law.

(5) All persons who are arrested or detained shall have the right to request the court for a review of the legality of the arrest or detention. When a person is deprived of personal freedom by other private individual, he shall have the right to request the court for a remedy.

(6) In case the confession of a defendant is considered to have been made against his will by means of torture, acts of violence, threat, unduly prolonged arrest, and deceit, etc., or in case the confession of a defendant is the only evidence against him, such confession shall not be admitted as evidence for his conviction nor shall he be punished on the basis of such a confession.

Article 11. (1) No person shall be prosecuted for a criminal offense unless such act constitutes a crime prescribed by law at the time it was committed, nor shall he be placed in double jeopardy.

(2) No restrictions shall be imposed upon the political rights of any citizen nor shall any person be deprived of the property right by means of retroactive legislation.

Article 12. All citizens shall have freedom of residence and of the change thereof.

Article 13. All citizens shall have freedom of choice of occupations.

Article 14. All citizens shall be free from violation of their residence. In case of search or seizure in the residence, the warrant of a judge must be presented.

Article 15. The privacy of correspondence of all citizens shall be guaranteed.

Article 16. (1) All citizens shall enjoy freedom of religion.

(2) No State religion shall be recognized, and religion and state shall be separated.

Article 17. All citizens shall enjoy freedom of conscience.

Article 18. (1) All citizens shall enjoy freedom of speech and press, and freedom of assembly and association.

(2) Licensing or censorship in regard to speech and press or permit of assembly and association shall not be recognized. However, censorship in regard to motion pictures and dramatic plays may be authorized for the maintenance of public morality and social ethics.

(3) The standard for publication installations of a newspaper or press may be prescribed by law.

(4) Regulation of the time and place of outdoor assembly may be determined in accordance with the provisions of law.

(5) The press or publication shall not impugn the personal honour or rights of an individual, nor shall it infringe upon public morality and social ethics.

Article 19. (1) All citizens shall have freedom of science and arts.

(2) The rights of authors, inventors and artists shall be protected by law.

Article 20. (1) The right of property of all citizens shall be guaranteed. Its contents and restrictions shall be determined by law.

(2) The exercise of property rights shall conform to public welfare.

(3) In case of expropriation, use or restriction of private property for public purposes, due compensation shall be paid in accordance with the provisions of law.

Article 21. All citizens who have attained the age of twenty shall have the right to elect public officials in accordance with the provisions of law.

Article 22. All citizens shall have the right to hold public office in accordance with the provisions of law.

Article 23. All citizens shall have the right to submit written petitions to any State authority in accordance with the provisions of law. The State authority shall be obliged to examine such petitions.

Article 24. (1) All citizens shall have the right to be tried in conformity with the law by competent judges as qualified by the Constitution and law.

(2) Citizens who are not on active service or employees of the military forces shall not be tried in the court martial except in case of espionage on military affairs and in case of crimes in regard to sentinel, sentry-posts, provision of harmful food, and prisoners of war as defined by law, as well as except when they are under an extraordinary state of siege in the territory of the Republic of Korea.

(3) All citizens shall have the right to a speedy trial. The criminal defendant shall have the right to a public trial without delay in the absence of justifiable reasons.

Article 25. In case the criminal defendant under detention is found innocent he shall be entitled to a claim against the State for compensation in accordance with the provisions of law.

Article 26. In case a person has suffered damages by unlawful acts of public officials done in the exercise of their official duties, he may request for redress from the State or public entity; however, the public officials concerned shall not be exempt from liabilities.

Article 27. (1) All citizens shall have the right to receive an equal education correspondent to their abilities.

(2) All citizens who have children under their protection shall be responsible for their elementary education.

(3) Such compulsory education shall be free.

(4) Independence and political impartiality of education shall be guaranteed.

(5) Fundamental matters pertaining to the educational system and its operation shall be determined by law.

Article 28. (1) All citizens shall have the right to work. The State shall endeavor to promote the employment of workers through social and economic means.

(2) All citizens shall have the duty to work. The contents and conditions of the duty to work shall be determined by law in conformity with democratic principles.

(3) Standards of working conditions shall be determined by law.

(4) Special protection shall be accorded to the working women and children.

Article 29. (1) Workers shall have the right of independent association, collective bargaining and collective action for the purpose of improving their working conditions.

(2) The right to association, collective bargaining, and collective action shall not be accorded to the workers who are public officials except for those authorized by the provisions of law.

Article 30. (1) All citizens shall be entitled to a decent human life.

(2) The State shall endeavor to promote social security.

(3) Citizens who are incapable of making a living shall be protected by the State in accordance with the provisions of law.

Article 31. All citizens shall be protected by the State for the purity of marriage and health.

Article 32. (1) Liberties and rights of the citizens shall not be ignored for the reasons that they are not enumerated in the Constitution.

(2) All liberties and rights of citizens may be restricted by law only in cases deemed necessary for the maintenance of order and public welfare. In case of such restriction, the essential substances of liberties and rights shall not be infringed.

Article 33. All citizens shall have the duty to pay taxes levied in accordance with the provisions of law.

Article 34. All citizens shall have the duty to defend the national territory in accordance with the provisions of law.

CHAPTER III

Organs of Government

SECTION I. THE NATIONAL ASSEMBLY

Article 35. The legislative power shall be exercised by the National Assembly.

Article 36. (1) The National Assembly shall be composed of members elected by universal, equal, direct and secret elections of the citizens.

(2) The number of the members of the National Assembly shall be determined by law within the range of no less than one hundred and fifty and no more than two hundred persons.

(3) Any person desiring to become a candidate for the National Assembly shall be recommended by the political party to which he belongs.

(4) Matters pertaining to the election of the members of the National Assembly shall be determined by law.

Article 37. The terms of office of the members of the National Assembly shall be four years.

Article 38. A person shall lose his membership in the National Assembly during his tenure when he leaves or changes his party, or when his party is dissolved. However, the provisions of this article shall not apply in cases of changes in party membership caused by amalgamation of parties or in case he has been expelled from his party.

Article 39. No member of the National Assembly shall concurrently hold the position of the Presidency, the Prime Minister, a member of the State Council, a member of the local council, or any other public or private positions as determined by law.

Article 40. All members of the National Assembly shall be prohibited from seeking, through abuse of their position, any rights or interests in property or position, or from facilitating the securing of the same in behalf of others, by means of contract with, or disposition of, a State or public agency or any enterprise determined by law.

Article 41. (1) During the sessions of the National Assembly, no member of the National Assembly shall be arrested or detained without the consent of the National Assembly except in case of flagrante delicto.

(2) In case of apprehension and detention of a member prior to the opening of the session, such member shall be re-

leased during the session upon the request of the National Assembly except in case of flagrante delicto.

Article 42. Members of the National Assembly shall not be held responsible outside the National Assembly for opinions expressed or votes cast within the Assembly.

Article 43. (1) A regular session of the National Assembly shall be convened once every year in accordance with the provisions of law.

(2) In case of extraordinary necessity, the Speaker of the National Assembly shall publicly notify the convocation of an extraordinary session of the National Assembly upon the request of the President or one-fourth or more of the members duly elected and seated.

(3) The period of regular session shall not exceed one hundred and twenty days and the extraordinary session thirty days.

Article 44. The National Assembly shall elect one Speaker and two Vice Speakers.

Article 45. Unless otherwise provided for in the Constitution or in laws, the attendance of more than one half of the members duly elected and seated and the concurrence of more than one half of the members present shall be necessary for decisions of the National Assembly. In case of a tie vote, the matter shall be considered to be rejected by the National Assembly.

Article 46. The session of the National Assembly shall be open to the public. However, it may not be open to the public with the concurrence of more than one half of the members present.

Article 47. Bills and other subjects submitted to the National Assembly for deliberation shall not be abandoned for the reason that they are not decided upon during the session. However, it shall be otherwise in case the tenure of the members of the National Assembly has expired.

Article 48. Bills may be introduced by the members of the National Assembly or by the Executive.

Article 49. (1) Each bill passed by the National Assembly shall be sent to the Executive and the President shall promulgate it within fifteen days.

(2) In case of objection to the bill, the President may, within the period referred to in the preceding paragraph, return it to the National Assembly with the written explanation of his objection, and may request its reconsideration. The President may do the same during the adjournment of the National Assembly.

(3) The President may not request the National Assembly to reconsider the bill in part or with proposed amendments.

(4) In case there is a request for reconsideration of a bill, the National Assembly shall reconsider it and if the National Assembly re-passes the bill in the original form with the attendance of more than one half of the members duly elected and seated, and with concurrence of two-thirds or more of the members present, the bill shall become a law.

(5) If the President does not promulgate the bill or does not request the National Assembly to reconsider it within the period referred to in the first paragraph, the bill shall become a law.

(6) The President shall without delay promulgate the law as determined in accordance with the foregoing paragraph (4) and paragraph (5). If the President does not promulgate a law within five days after it has been determined under the foregoing paragraphs, or after it has been returned to the Executive under paragraph (4), the Speaker shall promulgate it.

(7) A law shall become effective twenty days after the date of promulgation unless otherwise stipulated.

Article 50. (1) The National Assembly shall deliberate and decide upon the national budgets.

(2) The Executive shall formulate the budget for each fiscal year and submit it to the National Assembly within one hundred twenty days before the beginning of a fiscal year. The National Assembly shall decide upon the budget within thirty days before the beginning of the fiscal year.

(3) If the budget is not adopted within the period referred to in the foregoing paragraph, the Executive may, within the limit of revenue and in conformity with the budget for the previous fiscal year, disburse the following expenditures until the adoption of the budget by the National Assembly:

1. The emoluments of public officials and basic expenditures for the conduct of administration.

2. Maintenance costs for agencies and institutions established by the Constitution or law and the obligatory expenditures provided by law.

3. Expenditures for continuous projects already provided in the budget.

Article 51. (1) In case it shall be necessary to make continuous disbursements for a period of more than one fiscal year, the Executive shall determine the length of the period for such continuous disbursement. The continuous disbursements shall be approved by the National Assembly,

(2) The establishment of a reserve fund for unforeseen expenditures not provided in the budget or for any disbursement in excess of the budget shall be approved by the National Assembly in advance. The disbursement of the reserve fund shall be approved by the subsequent session of the National Assembly.

Article 52. When it is necessary to amend the budget because of circumstances arising after the adoption of the budget, the Executive may formulate a supplementary revised budget and submit it to the National Assembly.

Article 53. The National Assembly shall, without the consent of the Executive, neither increase the sum of any item of expenditure nor create new items of expenditure in the budget submitted by the Executive.

Article 54. When the Executive plans to issue national bonds or to conclude contracts which may create financial obligation for the State outside the budget, it shall have the prior decision of the National Assembly.

Article 55. The items and rates of all taxes shall be determined by law.

Article 56. (1) The National Assembly shall have the right of concurrence to the ratification of treaties pertaining to mutual assistance or mutual security, treaties concerning international organizations, treaties of commerce, fishery, peace, treaties which shall cause a financial obligation for the State or nationals, treaties concerning the status of alien forces in the territory, or treaties related to legislative matters.

(2) The National Assembly shall also have the right of concurrence to the declaration of war, to the dispatch of the armed forces to foreign states or to the stationing of alien forces in the territory of the Republic of Korea.

Article 57. The National Assembly may inspect the administration of the State, demand the production of necessary documents, the appearance of a witness in person, and the furnishing of testimony or opinions. However, the National Assembly shall not interfere with judicial trial, criminal investigation in process or prosecution.

Article 58. The Prime Minister, the State Council Members and Representatives of the Executive may attend meetings of the National Assembly or its committees to report on the state of administration or to state opinions and answer questions and, upon request from the National Assembly, its committees, or from more than thirty members of the National Assembly, they shall appear in any meeting of the National Assembly and answer questions.

Article 59. (1) The National Assembly may advise to the President the removal of the Prime Minister or any State Council Member.

(2) The advise of the preceding paragraph shall have the concurrence of more than one half of the members of the National Assembly duly elected and seated.

(3) When the advises referred to in paragraph (1) and paragraph (2) are submitted, the President shall agree thereto unless there is a special reason to be otherwise.

Article 60. (1) The National Assembly may establish rules concerning its agenda and international regulations, provided they are not contrary to law.

(2) The National Assembly shall review the qualification of its members and take disciplinary actions against its members.

(3) The concurrence of a two-thirds or more of the members of the National Assembly duly elected and seated shall be required for the expulsion of any member.

(4) No action shall be brought to court with regard to the disposition under paragraph (2) and paragraph (3).

Article 61. (1) In case the President, the Prime Minister, State Council Members, Ministers of the Executive Branch, Judges, Members of the Central Election Committee, Members of the Board of Inspection and other public officials designated by law have violated this Constitution or other laws in the exercise of their duties, the National Assembly shall have power to pass motions for their impeachment.

(2) The motion for impeachment, pursuant to the preceding paragraph, shall be proposed by thirty members or more of the National Assembly. The vote of more than one half of the members of the National Assembly duly elected and seated shall be necessary to institute impeachment.

(3) Any person against whom impeachment has been instituted shall be suspended from exercising his power until the impeachment has been tried.

Article 62. (1) An Impeachment Council shall be established to try impeachment.

(2) The Impeachment Council shall be composed of the Chief Justice of the Supreme Court who shall serve as Chairman, three justices of the Supreme Court, and five members of the National Assembly. However, in case of trial for impeachment of the Chief Justice, the Speaker of the National Assembly shall become the Chairman of the Council.

(3) The concurrence of six or more members of the Impeachment Council shall be required for the decision on impeachment.

(4) The decision on impeachment shall not cause other than dismissal from public position. However, it shall not exempt the impeached person from civil or criminal liability.

(5) Matters pertaining to the impeachment trial shall be determined by law.

SECTION II. THE EXECUTIVE

1. The President

Article 63. (1) The Executive power shall be vested in an Executive headed by a President.

(2) The President shall represent the State vis-a-vis foreign states.

Article 64. (1) The President shall be elected by a universal, equal, direct and secret ballot of the people. However, in case of vacancy in the office of the President with remaining terms of two years or less, the President shall be elected by the National Assembly.

(2) Citizens who are qualified to be elected to the National Assembly and who, on the date of the Presidential election, shall have resided continuously within the country for five years or more and have attained the age of forty years or more, shall be eligible to be elected to the Presidency. In this case, the period during which a person is dispatched overseas on official duty shall be considered as a period of domestic residence.

(3) Any person desiring to become a Presidential candidate shall be recommended by the political party to which he belongs.

(4) Matters pertaining to the Presidential election shall be determined by law.

Article 65. (1) When more than one Presidential candidate have received the highest number of votes in the popular Presidential election, they shall be voted by the National Assembly in open session attended by more than one half of the members of the National Assembly duly elected and seated, and the person receiving a plurality shall be elected the President.

(2) When there shall be only one Presidential candidate, he shall not be elected unless he has received a one-third or more votes of total number of electors.

Article 66. (1) In case of the election of the President by the National Assembly, the person who receives a two-thirds or more votes of the members of the National Assembly attended by two-thirds or more of its members duly elected and seated shall be elected the President.

(2) If no person shall receive the number of votes referred to in the preceding paragraph, a second voting shall be conducted and if no person shall receive the same number of votes referred to in the preceding paragraph, and there was only one person with the highest votes, a final voting shall be conducted between the person with the highest votes and one with next highest votes, or between the persons with the highest votes in case there were more than one person with the highest votes, and the person who shall receive a majority of votes in such election shall be elected the President.

Article 67. (1) The President shall be elected within seventy to forty days before the term of the incumbent President expires.

(2) In case of vacancy in the office of the President, an election shall be held immediately. The same shall apply in case the President-elect dies, or loses his qualification as President due to decisions of the court or other reasons.

Article 68. (1) Before the President assumes his office he shall take the following oath: "I do solemnly swear before the people that I shall observe the Constitution, defend the State, promote freedom and welfare of the people and shall faithfully execute the duties of the office of the President."

(2) The members of the National Assembly and justices of the Supreme Court shall witness the Presidential oath referred to in the preceding paragraph.

Article 69. (1) The term of the office of the President shall be four years.

(2) In case of vacancy in the office of the President, the successor shall hold office during the remaining term of his predecessor.

(3) The President may be re-elected only for one more term.

Article 70. In case of vacancy in the office of the President or of his inability to perform his duties, the Prime Minister and the members of the State Council in consecutive orders as determined by law shall act as the President.

Article 71. The President shall conclude and ratify treaties, accredit, receive or dispatch diplomatic envoys, declare war and conclude peace.

Article 72. (1) The President shall exercise supreme command of the National Armed Forces in accordance with the provisions of the Constitution and law.

(2) The organization and formation of the National Armed Forces shall be determined by law.

Article 73. (1) When in time of civil war, in a dangerous situation arising from foreign relations, in case of natural calamity or on account of a grave economic or financial crisis, it is necessary to take urgent measures for the maintenance of public safety and order, the President shall have power to take the minimum necessary financial and economic dispositions and to issue ordinances having the effect of law, provided, however, that the President shall exercise such power only when it is not possible to convene the National Assembly in time.

(2) The President shall have power to issue ordinances having the effect of law only when it is necessary for the national security under the state of armed hostilities, and when it is not possible to convene the National Assembly in time.

(3) The ordinances or dispositions set forth in paragraph (1) and paragraph (2) shall be reported without delay to the National Assembly for approval.

(4) If the approval referred to in the preceding paragraph is not obtained, such ordinances or dispositions shall lose their effect thereafter. However, any law, revised or repealed by such ordinances, shall be duly reinstated from the time they were disapproved by the National Assembly.

(5) The President shall announce to the public without delay the circumstances and reasons in connection with paragraph (1) and paragraph (2).

Article 74. The President may issue Presidential Ordinances concerning matters that are within the scope specifically delegated by law and that are required for the enforcement of law.

Article 75. (1) The President shall, in time of war, armed conflict, or similar national emergency when there is a military necessity or when it is necessary to maintain the public safety and order by mobilization of the military forces, proclaim a state of siege in accordance with the provisions of law.

(2) The state of siege shall consist of an extraordinary state and a precautionary state.

(3) Under the proclaimed state of siege, special measures may be taken, in accordance with provisions of law, with regard to the warrant system, freedom of speech, press, assembly and association, or with regard to the rights and the powers of the Executive or the Judiciary.

(4) The President shall immediately notify the National Assembly of the proclamation of a state of siege.

(5) When the National Assembly so requests, the President shall lift the proclaimed state of siege.

Article 76. The President shall appoint public officials in accordance with the provisions of the Constitution and law.

Article 77. (1) The President may grant amnesty, commutation and rehabilitation in accordance with the provisions of law.

(2) In granting general amnesty, the President shall receive the consent of the National Assembly.

(3) Matters pertaining to amnesty, commutation and rehabilitation, shall be determined by law.

Article 78. The President shall award decorations and other honours in accordance with the provisions of law.

Article 79. The President may attend and address the National Assembly or express thereto his view by written message.

Article 80. The acts of the President in accordance with law shall be executed by written documents, and all such documents shall be counter-signed by the Prime Minister and by the members of the State Council concerned. The same shall apply to the military affairs.

Article 81. The President shall not hold concurrently the offices of the Prime Minister, the State Council, the head of any Executive Ministry, or other official and private positions as determined by law nor engage in private business.

Article 82. The President shall not be charged with criminal offense during his tenure of office except for insurrection or treason.

2. The State Council

Article 83. (1) The State Council shall deliberate on important policies that fall within the powers of the Executive.

(2) The State Council shall be composed of the President, the Prime Minister, and the members of the State Council whose number shall be no more than twenty and no less than ten.

Article 84. (1) The Prime Minister shall be appointed by the President, and members of the State Council shall be appointed by the President upon the proposal of the Prime Minister.

(2) No military personnel shall be appointed as the Prime Minister or a member of the State Council unless he has retired from active service.

(3) The Prime Minister may recommend to the President the removal of a member of the State Council from office.

Article 85. (1) The President shall be the Chairman of the State Council.

(2) The Prime Minister shall assist the President and shall be the Vice-Chairman of the State Council.

Article 86. The following matters shall be referred to the State Council for deliberation:

- (1) Basic plans on State affairs, and general policies of the Executive;
- (2) Declaration of war, conclusion of peace and other important matters pertaining to foreign policy;
- (3) Proposed treaties, legislative bills, proposed ordinances of the President;
- (4) Proposed budgets, closing accounts, basic plan on disposal of the State properties, conclusion of a contract creating financial obligation for the State, and other important financial matters;
- (5) Proclamation and termination of a state of siege;
- (6) Important military affairs;
- (7) Matters pertaining to the request for convening the extraordinary sessions of the National Assembly;
- (8) Awarding of honour;
- (9) Granting of amnesty, commutation and rehabilitation;
- (10) Matters regarding the determination of jurisdiction between executive Ministries;
- (11) Basic plans concerning delegation or allocation of powers within the Executive;
- (12) Evaluation and analysis of the administration of the State affairs;
- (13) Formulation and coordination of important policies of each executive Ministry;
- (14) Impeachment for the dissolution of a political party;
- (15) Examination of petitions pertaining to executive policies submitted or referred to the Executive;
- (16) Appointment of the Prosecutor General, the Presidents of the National Universities, Ambassadors, the Chiefs of Staff of each armed service, Marine Corps Commandant, diplomatic ministers, other public officials designated by law, and the managers of important state-operated enterprises;
- (17) Other matters presented by the President, the Prime Minister or a State Council member.

Article 87. (1) The National Security Council shall be established to advise the President on the formulation of foreign, military and domestic policies related to the national security prior to their deliberation by the State Council.

(2) The meeting of the National Security Council shall be presided over by the President.

(3) The Organization, the scope of functions, and other matters pertaining to the National Security Council shall be determined by law.

3. The Executive Ministries

Article 88. Heads of Executive Ministries shall be appointed by the President from among the State Council members upon the proposal of the Prime Minister.

Article 89. The Prime Minister shall supervise, under order of the President, the Executive Ministries in their administration.

Article 90. The Prime Minister or the head of each Executive Ministry may, under the delegation of powers by law or Presidential Ordinances, or ex officio, issue ordinances of the Prime Minister or the Ministry concerning matters that are within their jurisdiction.

Article 91. The establishment, organization, and the scope of functions of each Ministry shall be determined by law.

4. The Board of Inspection

Article 92. The Board of Inspection shall be established under the President to inspect the closing accounts of revenues and expenditures, the accounts of the State and other organizations as determined by law, and to inspect the administrative functions of the executive agencies and public officials.

Article 93. (1) The Board shall be composed of no less than five and no more than eleven members including its Chairman.

(2) The Chairman of the Board shall be appointed by the President with the approval of the National Assembly. The

term of the tenure of the Chairman shall be four years, and he may be reappointed only for one more consecutive term.

(3) In case of vacancy in the office of the Chairman, the tenure of a successor shall be the remaining period of the predecessor.

(4) The members of the Board shall be appointed by the President upon the proposal of the Chairman for a period of four years, and may be reappointed consecutively as determined by law.

Article 94. The Board of Inspection shall inspect the closing accounts of the revenues and expenditures every year, and report the results to the President and the National Assembly in the following year.

Article 95. The organization of the Board, the scope of functions, the qualifications of the members of the Board, the range of the public officials subject to inspection, and other necessary matters shall be determined by law.

SECTION III. THE COURTS

Article 96. (1) The judicial power shall be vested in courts composed of judges.

(2) The courts shall be composed of the Supreme Court, which is the highest Court of the State, and other courts at specific levels.

(3) The qualifications for judges shall be determined by law.

Article 97. (1) Departments may be established within the Supreme Court.

(2) The number of justices for the Supreme Court shall be less than sixteen.

(3) The organization of the Supreme Court and lower courts shall be determined by law.

Article 98. The judges shall judge independently according to their consciences and in conformity with the Constitution and law.

Article 99. (1) The Chief Justice of the Supreme Court shall be appointed by the President with the consent of the National Assembly upon the proposal of the Judge Recommendation Council. Upon a proposal of the Council, the President shall request the National Assembly for its consent and shall appoint the Chief Justice after the consent of the National Assembly has been obtained.

(2) Justices of the Supreme Court shall be appointed by the President upon the proposal of the Chief Justice after he has secured the consent of the Judge Recommendation Council. If such a proposal is submitted, the President shall appoint the proposed person.

(3) Judges other than the Chief Justice and Justices of the Supreme Court shall be appointed by the Chief Justice through the decision of the Council of the Supreme Court Justices.

(4) The Judge Recommendation Council shall be composed of four judges, two lawyers, one professor of law nominated by the President, the Minister of Justice and the Prosecutor General.

(5) Matters pertaining to the Judge Recommendation Council shall be determined by law.

Article 100. (1) The tenure of the Chief Justice shall be six years and he shall not serve a consecutive term.

(2) The tenure of the judges shall be ten years and they may be reappointed in accordance with the provisions of law.

(3) The judges shall retire from office at the age of sixty five.

Article 101. (1) No Judge shall be dismissed from office except by impeachment or criminal punishment, nor shall he be suspended from office or his salary reduced, or suffer from other unfavourable measures, except through disciplinary measures.

(2) In the event a judge is unable to discharge his duty because of mental or physical deficiencies, he may be removed from office in accordance with the provisions of law.

Article 102. (1) The Supreme Court shall have the power to make final review of the constitutionality of a law, when its constitutionality is prerequisite to a trial.

(2) The Supreme Court shall have the power to make final review of the constitutionality or legality of administrative orders, regulations or dispositions, when their constitutionality or legality is prerequisite to trial.

Article 103. Any decision to dissolve a political party shall have the concurrence of a three-fifths or more of the duly authorized number of justices of the Supreme Court.

Article 104. The Supreme Court may establish, within the scope not inconsistent with law, procedures pertaining to judicial proceedings, internal rules and regulations on routine administrative matters of the courts.

Article 105. Trials and decisions of the courts shall be open to the public; however, trials may be closed to the public by a court decision when there is a possibility that such trials may disturb the public safety and order or be harmful to decent customs.

Article 106. (1) Court martials may be established as special courts to exercise jurisdiction over military trials.

(2) The Supreme Court shall have the final appellate jurisdiction over the court martials.

(3) The military trials under an extraordinary state of siege may be limited to the original jurisdiction only in cases of crimes of soldiers and civilian employees of the armed forces, in cases of espionage on military affairs, and crimes as defined by law in regard to sentinels, sentry-posts, provision of harmful food, and prisoners of war.

SECTION IV. ELECTION MANAGEMENT

Article 107. (1) Election Committees shall be established for the purpose of fair management of elections.

(2) The Central Election Committee shall be composed of two members appointed by the President, two members elected by the National Assembly, and five members elected by the Council of Supreme Court Justices. The Chairman of the Committee shall be elected from among its members.

(3) The terms of office of the Committee members shall be five years and it may be renewed by consecutive reappointment.

(4) The members of the Committee shall not join political parties nor shall they participate in political activities.

(5) No member shall be dismissed except through impeachment or criminal punishment.

(6) The Central Election Committee may, within the limit of law and ordinance, establish regulations pertaining to the management of elections.

(7) The organization, the scope of functions and other necessary matters of the Election Committees of each level shall be determined by law.

Article 108. (1) Election campaigns shall be conducted under the management of the Election Committees of each level within the limit determined by law. Equal opportunity shall be guaranteed.

(2) The expenditures incident to the elections shall not be borne by political parties or candidates except where otherwise provided for in the law.

SECTION V. LOCAL SELF-GOVERNMENT

Article 109. (1) The local self-government bodies shall deal with matters pertaining to the welfare of local residents, manage properties, and may establish, within the limit of laws and ordinances, rules and regulations regarding local self-government.

(2) The kinds of local self-government bodies shall be determined by law.

Article 110. (1) The Local self-government body shall have a council.

(2) The organization, powers and the election of the members of the local councils, the methods of the election for the heads of local self-government bodies, and other matters pertaining to the organization and operation of such bodies shall be determined by law.

CHAPTER IV

The Economy

Article 111. (1) The economic order of the Republic of Korea shall be based on the principle of respect for freedom and creative ideas of the individual in economic affairs.

(2) The State shall regulate and coordinate economic affairs within the limit necessary for the realization of social justice and for the development of a balanced national economy to fulfill the basic living requirements of all citizens.

Article 112. License to exploit, develop or utilize mines, and all other important underground resources, marine resources, water power, natural powers available for economic use may be granted for limited periods in accordance with the provisions of law.

Article 113. Agricultural tenancy shall be prohibited in accordance with the provisions of law.

Article 114. The State may impose restrictions or obligations necessary for the efficient utilization of the farm and forest land in accordance with the provisions of law.

Article 115. The State shall encourage the development of cooperatives founded on the self-help spirit of the farmers, fishermen, and the small and medium businessmen, and shall guarantee their political impartiality.

Article 116. The State shall encourage the foreign trade, and shall regulate and coordinate it.

Article 117. Private enterprises shall not be transferred to the State or public ownership nor shall their management be controlled or administered by the State except in cases determined by law to meet urgent necessities of national defense or national economy.

Article 118. (1) An Economic and Scientific Council shall be established to advise the President on the formulation of important policies concerning the development of national economy and the promotion of sciences for the purpose of such development prior to their deliberation by the State Council.

(2) The President shall preside over the Economic and Scientific Council.

(3) The organization, the scope of functions, and other necessary matters of the Economic and Scientific Council shall be determined by law.

CHAPTER V

Amendments to the Constitution

Article 119. (1) A motion to amend the Constitution shall be introduced either by a one-third or more of the members of the National Assembly duly elected and seated, or by the concurrence of five hundred thousands or more of the voters eligible for the election of the members of the National Assembly.

(2) Proposed amendments to the Constitution shall be announced by the President to the public for more than thirty days.

Article 120. (1) The National Assembly shall decide upon proposed amendments to the Constitution within sixty days of its public announcement.

(2) The decision on a proposed amendment to the Constitution shall require the concurrence of a two-thirds or more of the members of the National Assembly duly elected and seated.

Article 121. (1) After an amendment to the Constitution has been adopted, it shall be submitted to a national referendum within sixty days and shall receive the affirmative votes of more than one half of votes cast by more than one half of all voters eligible to vote for the election of the members of the National Assembly.

(2) When the proposed amendment to the Constitution has received the affirmative votes referred to in the preceding paragraph, the Constitution shall be thus amended, and the President shall promulgate the amendment immediately.

SUPPLEMENTARY RULES

Article 1. (1) This Constitution shall come into force on the date of the first convocation of the National Assembly which is constituted pursuant to this Constitution. However, the enactment of the necessary legislation for the enforcement of this Constitution, the elections of the President and the members of the National Assembly pursuant to this Constitution and other preparations may be carried out prior to the enforcement of this Constitution.

(2) The Law Regarding the Extraordinary Measures for National Reconstruction shall lose its effect upon the coming into force of this Constitution.

Article 2. The first general election for the President and the members of the National Assembly and the first convocation of the National Assembly pursuant to this Constitution shall take place within one year from the date of the promulgation of this Constitution. The term of the President and the members of the National Assembly, thus elected, shall begin from the date of the first convocation of the National Assembly and end on June 30, 1967.

Article 3. The laws, orders and treaties pursuant to the Law Regarding the Extraordinary Measures for National Reconstruction shall remain in force to the extent not incompatible with this Constitution.

Article 4. (1) The Special Law Regarding the Punishment of Special Crimes, the Law for the Punishment of Those Involved in Fraudulent Elections, the Law Regarding the Purification of Political Activities, and the Law Regarding the Disposition of Illicit Profiteering, and other laws related thereto shall remain in force, and no objection thereto shall be raised.

(2) The Law Regarding the Purification of Political Activities, the Law Regarding the Disposition of Illicit Profiteering and other laws related thereto shall not be amended or abolished.

Article 5. The trials, the budget or disposition pursuant to the Law Regarding the Extraordinary Measures for National Reconstruction, or pursuant to the orders and decrees on the basis of the Law, shall remain in force and shall not be brought to court action on account of this Constitution.

Article 6. The public officials and the staffs of enterprises appointed by the government at the time of coming into force of this Constitution shall be considered to have been appointed pursuant to this Constitution. However, the public officials, for whom the method of selection has been changed by this Constitution, shall perform their functions until the successors are selected in accordance with this Constitution.

Article 7. (1) The organs which are, at the time of the coming into force of this Constitution, performing the functions belonging to the jurisdiction of the organs to be newly established pursuant to this Constitution, shall continue to perform their functions until the new organs are established under this Constitution.

(2) The organs to be newly established pursuant to the Constitution shall be organized within one year after the coming into force of this Constitution.

(3) The time of the establishment of the first local councils pursuant to this Constitution shall be determined by law.

Article 8. The number of the members of the National Assembly after the recovery of the national territory shall be separately determined by law.

Article 9. The orders of the President, the orders of the State Council, and the Cabinet ordinances existing at the time of the coming into force of this Constitution shall be considered to be the presidential ordinances issued pursuant to this Constitution.

B. POLITICAL PARTY LAW

Unofficial translation of Law No. 1246
(promulgated on 31 December 1962)

Article 1. (Purpose)

The purpose of this Law is to ensure the necessary organization of political parties which participate in the formulation

of the peoples political views and to guarantee democratic organization and activities of political parties, so that they may contribute to the sound development of a democratic form of government.

Article 2. (Definition)

A political party mentioned in this Law shall mean a voluntary organization of the people which participates in the formulation of political views of the people by promoting a responsible political assertion or policy and by nominating or supporting a candidate in an election for public office, for the benefit of the people.

Article 3. (Composition)

Paragraph 1. A political party shall be composed of a central party located in the capital city and local party chapters organized on the basis of regional electoral district for the election of members of the Nation Assembly.

Paragraph 2. Party branches may be established only in Seoul Special City, Provinces, Pusan city, cities, wards of a city and counties.

Article 4. (Formation)

Paragraph 1. A political party comes into existence upon registration with the Central Election Management Committee by its central party.

Paragraph 2. Prior to the registration mentioned in the foregoing paragraph, the requirements prescribed in Articles 25 through 27 must be fulfilled.

Article 5. (Promoters)

There must be 30 or more promoters for the preparation for inauguration of a political party.

Article 6. (Qualification for promoters)

Any person who is eligible to vote for the election of members of the National Assembly may become a promoter.

However, this shall not apply to the public officials, officers of State-operated enterprises and enterprises the majority of shares of which are owned by the Government, as designated by a Cabinet Decree, and those persons whose political activities are prohibited by any other law and/or decree.

Article 7. (Party inauguration preparatory committee)

Activities for inauguration of a political party shall be conducted by a party inauguration preparatory committee which is composed of promoters.

Article 8. (Notice)

In case a party inauguration preparatory committee is organized, the representative thereof shall notify the Central Election Management Committee of the following:

1. The objectives of the promotion.
2. The name or temporary name of the political party.
3. The full name and address of each of the promoters and the representative.
4. The full name and address of the person in charge of accounts.
5. Any other matter as determined by a Cabinet Decree.

Paragraph 2. The party inauguration preparatory committee may begin its activities after giving the notice mentioned in the foregoing paragraph.

Article 9. (Scope of activities of the party inauguration preparatory committee)

The party inauguration preparatory committee may conduct activities only within the scope of the objectives of the inauguration of the political party.

Article 10. (Inauguration of local Chapter)

Paragraph 1. There must be 10 or more promoters for the preparation of inauguration of a local chapter.

Paragraph 2. The approval of the central party or the party inauguration preparatory committee shall be obtained to inaugurate a local chapter.

Paragraph 3. In case the party inauguration preparatory committee of a local chapter is organized, the representative thereof shall notify the pertinent election management committee as prescribed in Article 8, Paragraph 1.

Paragraph 4. The provisions of Articles 6, 7 and 9 shall apply *mutatis mutandis* to the inauguration of a local chapter.

Article 11. (Application for registration)

Where the preparation for party inauguration is completed, the representative of the party inauguration preparatory committee of the central party shall file an application for registration with the Central Election Management Committee and the representative of the party inauguration preparatory committee of the local chapter shall file an application for registration with the election management committee concerned.

Article 12. (Particulars to be entered in the application for registration—in case of the central party)

Paragraph 1. The particulars to be entered in the application for registration of the central party are as follows:

1. Name of the political party.
2. Location and name of the local chapters and party branch offices.
3. Location of the offices.
4. Party platform (or basic policy) and party charter.
5. Addresses and full names of the representative, executive members and the person in charge of accounts.
6. Number of the party members.
7. Addresses and full names of the representatives of the local chapters and party branches and addresses and full names of the persons in charge of accounts of the local chapters.

Paragraph 2. To the application for registration under the foregoing paragraph, the consent of the representative, executive members and the person in charge of accounts who are assuming office and copies of the registrations of the local chapters which must be equal to or exceed the number of local chapters determined by the law, scattered in five cities and/or provinces among Seoul Special City, Provinces and Pusan city, shall be attached.

Article 13. (ditto—in case of the local chapter)

Paragraph 1. The particulars to be entered in the application for registration of the local chapter are as follows:

1. Name of the political party.
2. Location of the offices.
3. Addresses and full names of the representative, executive members and the person in charge of accounts.
4. Number of the party members.

Paragraph 2. To the application for registration under the foregoing paragraph, the consent of the representative, executive members and the person in charge of accounts who are assuming office and copies of the approval of party inauguration given by the Central Party or the party inauguration preparatory committee and the applications for party membership which must be equal to or exceed the number of the party members determined by the law, shall be attached.

Article 14. (Change in registration)

If there is any change in the particulars to be entered in the application for registration under the foregoing two Articles, an application for change in the registration shall be filed within two weeks. However, this shall not apply in case of the change of the number of the party members.

Article 15. (Registration and issuance of certificate of registration and public notice)

Paragraph 1. The election management committee which has received an application for registration under the foregoing three Articles shall complete registration and issue a certificate of registration within seven days from the date of receipt of an application for registration.

Paragraph 2. When the registration provided for in the foregoing paragraph is completed, the election management committee concerned shall publicly announce that fact without delay.

Article 16. (Acceptance of application for registration, etc.)

The election management committee which has received an application for registration may not refuse acceptance of such application if it fulfills the formal conditions (formalities).

If the application is incomplete, the committee shall order its completion within a reasonable time and if the applicant does not comply with such order after such order has been issued at least twice, such application may be rejected.

Article 17. (Qualification for party member)

Any person who is eligible to vote for the election of members of National Assembly may become a party member.

However, this shall not apply to the public officials, officers of State-operated enterprises and enterprise the majority of shares of which are owned by the Government, as designated by a Cabinet Decree, and those persons whose political activities are prohibited by any other law and/or decree.

Article 18. (ditto—in case of alien)

No person other than nationals of the Republic of Korea may be a member of a political party.

Article 19. (Prohibition of forcible affiliation, etc.)

Paragraph 1. No person shall be forced to affiliate with or to resign from (excluding expulsion) a political party without his consent freely given.

Paragraph 2. No person shall be a member of two or more political parties concurrently.

Paragraph 3. No person whose name is not entered on the roster of party members shall be admitted as a party member.

Article 20. (Application for party membership)

Paragraph 1. Any person who desires to become a member of a political party shall submit an application for membership, with his own thumb prints affixed thereon, to the local chapter or its party inauguration preparatory committee.

Paragraph 2. Among the applications for membership mentioned in the foregoing paragraph, signatures of party members shall be affixed on the applications for membership must be equal to or exceed the number of party members determined by the law.

Article 21. (Residence is required)

Those party members corresponding to the number of party members determined by law must reside in the area of the local chapter concerned. A certificate of residence of a party member shall be attached to his application for membership.

Article 22. (Roster of party members)

Paragraph 1. A roster of party members shall be maintained by the local chapter.

Paragraph 2. The roster which must be maintained pursuant to the foregoing paragraph shall not be forcibly inspected (by any person), except upon court order where the election management committee concerned must confirm certain matters concerning party members.

Paragraph 3. If it is necessary to examine the roster of party members for the purpose of criminal investigation, the public official concerned shall obtain a search warrant issued by a judge. The public official concerned may not divulge the facts which he learned in the course of performing his duties to unauthorized persons.

Article 23. (Resignation from a political party)

Paragraph 1. Any party member who intends to resign from the party shall submit an application for resignation from the party to the local chapter with which he affiliates.

Paragraph 2. The local chapter which has received an application for resignation from the party shall delete the entries for such person in the roster of party members and shall issue a certificate of resignation from the party within two days from the date of receipt of such application.

Article 24. (Roster of resigned members)

A local chapter shall keep a roster of members who have resigned.

Article 25. (Number of local chapters determined by the Law)

A political party shall have the number of local chapters which equals one-third or more of the total number of the regional electoral districts based on the Election Law for the Members of National Assembly.

Article 26. (Dispersal of local chapters)

The local chapters prescribed in the foregoing Article shall be dispersed in five or more cities and/or Provinces including Seoul Special City, Provinces and Pusan city.

Article 27. (Number of party members of a local chapter as determined by the Law)

A local chapter shall have 50 or more party members.

Article 28. (Publicity of party platform, etc.)

A political party shall make public its party platform (or basic policy) and party charter.

Article 29. (Party frame work)

Paragraph 1. A political party shall, in order to maintain democratic internal order, have meetings of representatives of local party chapters, meetings of executive members of the central party and a general meeting of Assembly Members, if there are Assembly Members affiliated with the political party, in order that the collective will of the party members may be reflected.

Paragraph 2. The organization, power of the machines mentioned in the foregoing paragraph and any other matters shall be determined by the party charter.

Article 30. (Freedom of activities)

A political party shall enjoy freedom of activities in accordance with the Constitution and laws (of the Republic of Korea).

Article 31. (Nomination of a candidate for election to public office)

Nomination of a candidate for election to public office by a political party shall be conducted in a democratic manner and the procedure thereof shall be determined by the party charter.

Article 32. (Expulsion of Assembly Member affiliated with a Party)

To expel an Assembly Member affiliated with a party, more than half of the Assembly members affiliated with the party must vote in the affirmative after following the procedure prescribed in the Party charter.

Article 33. (Report, etc. of status of property, etc.)

Paragraph 1. A political party shall submit a detailed statement of the status of its property, revenue and expenditures, prepared as of December 31 every year, to the Central Election Management Committee by February 15 of the following year.

Paragraph 2. As to the detailed statement mentioned in the foregoing paragraph, entries of the particulars concerning the persons who have donated to, supported or made contributions in terms of property need not be made.

Paragraph 3. The Central Election Management Committee which has received the report referred to in Paragraph 1 shall make the gist thereof known to the public.

Article 34. (Exclusion of application of the Law Prohibiting Donations of Money or Articles)

A political party may receive donations, irrespective of the Law Prohibiting Donations of Money or Articles.

Article 35. (Prohibition of receiving donations)

A political party (including the party inauguration preparatory committee) may not receive donations, support or any other contribution in terms of property from those who fall under one of the following sub-sections:

1. An alien, alien juridical person and an organization of a foreign country. This, however, shall not apply to an alien juridical person or an organization of a foreign country which is under the leadership of a national of the Republic of Korea.
2. A state or public organization.
3. A state-operated enterprise, organization which is under direct control or supervision by the Government, or an enterprise the majority of shares of which are owned by the Government.

4. A financial institution or financial organization.
5. A labor organization.
6. A school foundation.
7. A religious organization.

Article 36. (Demand for submission or production or report and data, etc.)

The Central Election Management Committee or other election management committee concerned may, if necessary for supervision, demand a political party to submit or produce reports, account books, documents or any other data of the political party. This, however, shall not apply to the roster of the party members.

Article 37. (Regular report)

The Central party and local chapter shall report the number of their party members and the status of their activities as of December 31 each year to the pertinent election management committee by February 15 of the next year. However, if any omission or defect in the necessary conditions mentioned in Articles 25 to 27 occurs, a report thereof shall be submitted to the pertinent election management committee within 15 days from the date of occurrence of such omission or defect.

Article 38. (Cancellation of registration)

Paragraph 1. If a political party has failed to fulfill the necessary conditions under Articles 25 to 27, the election management committee concerned shall cancel the registration of the party. However, if any omission or defect in the necessary condition occurs within three days before election day for the members of National Assembly, cancellation shall be postponed until three months after the election day, and for a case other than the aforesaid, it shall be postponed for three months from the time of occurrence of omission or defect in the necessary condition.

Paragraph 2. In case a registration has been cancelled pursuant to the foregoing paragraph, the election management committee concerned shall make a public announcement of such fact without delay.

Article 39. (Voluntary disbandment)

A political party may disband itself upon the resolution of a meeting of representatives of the local party chapters. In such case the representative of such party shall notify the fact to the Central Election Management Committee without delay.

Article 40. (Disbandment and deletion of registration, etc.)

Where notice pursuant to the foregoing Article has been made or a court decision concerning disbandment has been rendered, the Central Election Management Committee shall delete the registration of such political party and shall make a public announcement of the fact without delay.

Article 41. (Lawsuit against disbandment of a political party)

Paragraph 1. The provisions of Articles 9 and 14 of the Administrative Litigation Law shall apply *mutatis mutandis* to a lawsuit against disbandment of a political party. However, the provisions of Articles 135, 138, Paragraph 1 of Article 139 and Articles 206, 259 and 261 of the Code of Civil Procedure shall not apply *mutatis mutandis*.

Paragraph 2. The lawsuit against disbandment of a political party shall be promptly tried in preference to any other lawsuits.

Paragraph 3. In case a lawsuit against disbandment of a political party is filed or a lawsuit is no longer pending or the court finding becomes final and conclusive, the Chief Justice shall notify the fact to the National Assembly and the Central Election Management Committee.

Article 42. (Prohibition of inauguration of a substitute political party)

In case a political party has been disbanded by court findings, the representative and executive members of the political party may not be allowed to inaugurate a political party the platform (or basic policy) of which is either same as or similar to that of the disbanded.

Article 43. (Allowance to be paid to the representative of First Opposition Party)

An allowance equal to the amount of the annual payment to the Speaker of the National Assembly shall be paid to the representative of the political party, with which the President of the Republic is not affiliated, which has the greatest number of seats in the National Assembly.

Article 44. (Tax exemption)

Donations, support and any other contributions in terms of property which a political party receives shall be exempt from tax.

Article 45. (Obligation to keep secrets)

Members and staffs of each level election management committee shall keep secrets in terms of his duties not only during office but also after retirement.

Article 46. (Crime of illegally becoming a promoter or party member)

Any person who became a promoter or member of a political party in violation of the provisions of Articles 6 and 17 shall be punished by hard labor for not longer than one year or a fine of not more than 20,000 won.

Article 47. (Crime of coercing party affiliation, etc.)

Any person who has forced another person to affiliate with or resign from a political party against his free will shall be punished by hard labor for not longer than two years or a fine of not more than 40,000 won (excludes expulsion from a political party).

Article 48. (Crime of illegal affiliation with a political party)

Any person who becomes a member of two or more political parties in violation of the provisions of Paragraph 2, Article 19, shall be punished by hard labor for not longer than one year or a fine of not more than 20,000 won.

Article 49. (Crime of forcible inspection of party member's roster)

Any person who has forcibly inspected the roster of party members shall be punished by hard labor for not longer than 5 years.

Article 50. (Crime concerning report, etc.)

Any person who has neglected to submit or produce the detailed statement or report in violation of the provisions of Articles 33 and 37 or has made false entries therein shall be punished by hard labor for not longer than five years or a fine of not more than 100,000 won.

Article 51. (Crime concerning donations, etc.)

Paragraph 1. Any person who has received a donation, support or any other contribution in terms of property in violation of the provisions of Article 35 shall be punished by a fine of 50,000 won or more but not more than 100,000 won, and the money and/or articles shall be confiscated. In case confiscation of such money and/or articles is impossible, the value thereof shall be collected.

Paragraph 2. Any person, falling under one of the subsections of Article 35, who has made donation, support or any other contribution in terms of property shall be punished by hard labor for not longer than three years or a fine of 50,000 won or more but not more than 100,000 won.

Article 52. (Crime, etc. of divulging facts learned in line of official duties)

Paragraph 1. Any person who has divulged facts he learned concerning the roster of party members in violation of the latter part of Paragraph 3 of Article 22 shall be punished by hard labor or confinement for not longer than three years.

Paragraph 2. Any person who has violated the provisions of Article 45 shall be punished by hard labor or confinement for not more than three years.

Article 53. (Crime of filing false application for registration)

Any person who has falsely filed application for registration mentioned in Articles 12 and 13 shall be punished by hard labor for not longer than four years or a fine of not more than 40,000 won.

Article 54. (Crime of neglecting duties)

Paragraph 1. Any person who has failed to keep a roster of party members or a roster of resigned party members in violation of Paragraph 1, Article 22, and Article 24 shall be punished by hard labor for not longer than one year or a fine of 10,000 won or more but not more than 50,000 won.

Paragraph 2. Any person who has violated the provisions of Paragraph 2, Article 23, shall be punished by a fine of not more than 20,000 won.

ADDENDUM

This Law shall go into force on and after January 1, 1963.

C. ELECTION MANAGEMENT COMMITTEES LAW

Unofficial translation of Law No. 1255
(promulgated on 16 January 1963)^a

Article 1. (Purpose)

The purpose of this Law is to stipulate the organization and duties of election management committees which take charge of fair management of elections and the affairs relating to political parties.

Article 2. (Kinds of election management committees and fixed number of members thereof)

Paragraph 1. The following election management committees shall be established under [the authority] of the Central Election Management Committee:

1. Seoul Special City Election Management Committee, Pusan City Election Management Committee, Provincial Election Management Committee;
2. Area Election District Election Management Committee;
3. Ward (ku), City, County Election Management Committee;
4. Voting District Election Management Committee.

Paragraph 2. The number of the members of the Seoul Special City Election Management Committee, Pusan City Election Management Committee, and Area Election Management Committee shall be nine respectively, and the number of members of the Ward, City, County Election Management Committees and Voting District Election Management Committee shall be seven respectively.

Paragraph 3. The Area Election District Election Management Committee shall be established at each Area Election District for the members of the National Assembly. Only the Ward, City and County Election Management Committees shall be established in the wards, cities and counties in which the Area Election Management Committee is not established when two or more wards, cities and counties have merged and organized the Area Election District for one member of the National Assembly.

Paragraph 4. The ward, city and county in which the Area Election District Election Management Committee is to be established shall be determined by Cabinet decree.

Paragraph 5. In cases where there are two or more Area Election Districts for the members of the National Assembly in the same ward, city and county, the same number of Area Election District Election Management Committees as that of the Area Election District for such members shall be established, but the Ward, City and County Election Management shall not be established.

Paragraph 6. The Area Election District Election Management Committee and Ward, City and County Election Management Committees shall become a ballot-opening district election management committee in the elections for the President of the Republic of Korea and for the members of the National Assembly.

Article 3. (Duties of committees)

Paragraph 1. The Central Election Management Committee shall, in accordance with the provisions of laws and orders,

^a As amended and promulgated on 6 August 1963 by an Amendment Law No. 1385. This unofficial text is provided by the Korean Legal Center.

control and manage election affairs and the affairs relating to the political parties, and shall direct and supervise its lower level election management committees.

Paragraph 2. Any other level of election management committee shall, in accordance with the provisions of laws and orders, manage the affairs falling under its jurisdiction, and shall direct and supervise its lower level election management committees.

Article 4. (Commission of Members)

Paragraph 1. The members of the Central Election Management Committee shall, in accordance with the provisions of the Constitution, be selected or appointed.

Paragraph 2. The members of the Seoul Special City, Pusan City and Provincial Election Management Committees shall be commissioned by the Central Election Management Committee, and each of the Committees shall consist of four persons, including two judges, recommended by the District Court having jurisdiction over the pertinent areas, and of one educator, one journalist, a person of learning and virtue, who shall be recommended by the Mayor of Seoul Special City, Pusan City or the Provincial Governor, and two persons recommended by political parties.

Paragraph 3. The members of the Election District Management Committees shall be commissioned by the Mayors of the Seoul Special City, Pusan City, or the Provincial Governor, and each shall consist of seven persons selected from among judges, educators, or men of learning and virtue, and two persons recommended by political parties, all of whom shall be resident within the electoral districts.

Paragraph 4. *Ku*, city, and county election administration committees shall be commissioned by Mayors of the Seoul Special City, Pusan City, or Provincial Election Management Committees, and each shall consist of five persons selected from among judges, educators or men of learning and virtue, residing within the pertinent area, and two persons recommended by political parties.

Paragraph 5. Each ballot district election management committee shall consist of five persons selected from among voters of learning and virtue residing within the area covered by the ballot district in a *ku* or city or within the area of *up* or *myon* having jurisdiction over the ballot district, and two persons recommended by political parties, and shall be commissioned by the *ku*, city, or County Election Management Committee in case there is a *ku*, city, or County Election Administration Committee established, or by the District Electorate Election Administration Committee having jurisdiction over the ballot district in case there is no *ku*, city, or County Election Management Committee established. However, in case there are no voters except military personnel within the area of the *up* or *myon*, members of such ballot district Election Management Committees may be commissioned from among voters residing within the area of the *ku*, city, county, or District Electorate Election Management Committee having jurisdiction over such ballot district.

Paragraph 6. Judges, Court officials and education public officials who are members of either District Electorate Election Management Committees, *up*, city, county Election Management Committees, or ballot district Election Management Committees, shall not be subject to restrictions by area of residence.

Paragraph 7. Public officials, or judges, court and education public officials, may not become members of any Election Management Committee.

Paragraph 8. Members recommended by political parties under the provisions of Paragraphs (2) through (5) shall be recommended by the party to which the President is affiliated (hereinafter referred to as the pro-Government party) and by the party to which the President is not affiliated and having a majority of seats at the National Assembly (hereinafter referred to as the first Opposition Party).

Paragraph 9. With respect to recommendation under the preceding Paragraph, members of each Election Management Committee shall be recommended by pertinent party chapters (members of a ballot district election management committee

by the party chapter covering the pertinent area); provided, however, that when there is no party chapter to recommend members, the next higher party chapter shall recommend members.

Paragraph 10. When there are any changes in the pro-Government party and the first Opposition party under Paragraph (8), the Speaker of the National Assembly shall notify the fact to the Central Election Management Committee; and the Central Election Management Committee shall immediately notify the fact to the pertinent party and its subordinate Election Management Committees.

Paragraph 11. In the event of a vacancy of members recommended by political parties, the Election Management Committee concerned shall notify the fact to the pertinent party chapter in accordance with the provisions of Paragraph 9.

Article 5. (Standing member)

There shall be one standing member respectively in the Central Election Management Committee and Seoul Special City, Pusan City, and Provincial Election Management Committee.

Paragraph 1. There shall be one standing member respectively in the Central Election Management Committee and Seoul Special City, Pusan City, and Provincial Election Management Committee.

Paragraph 2. The standing member of the Central Election Management Committee shall be elected from among the members appointed by the President of the Republic of Korea and the members elected by the National Assembly.

Article 6. (Election and duties of chairman and vice-chairman)

Paragraph 1. There shall be one chairman and one vice-chairman respectively in every election management committee of whatsoever level.

Paragraph 2. The chairman and vice-chairman shall be elected from among the members of such election management committees.

Paragraph 3. The vice-chairman of the Central Election Management committee and of the Seoul Special City, Pusan City and Provincial Election Management Committee shall become the standing member of the election management committee concerned.

Paragraph 4. The chairman shall represent the committee and shall control the affairs thereof.

Paragraph 5. The vice-chairman shall assist the chairman and in cases where the chairman is unable to perform his duties, he shall act in his stead.

Paragraph 6. In case both the chairman and vice-chairman are unable to perform their duties, a temporary acting chairman shall be elected from among the members of the committee, and he shall act for the chairman.

Article 7. (Term of office of members)

The term of office of members of every level of election management committee shall be five years and such members may serve successively after five years.

Article 8. (Cause of removing members from their office)

Members of every level of election management committees shall not be removed from their office and commission or shall not be dismissed except in the following cases:

1. If he has acceded to a political party or he has been involved in politics;
2. If he has been dismissed by reason of decision of impeachment;
3. If he has been sentenced to the punishment of imprisonment or heavier than that.

Article 9. (Quorum for committee meetings)

Paragraph 1. Every level of election management committees shall require a quorum, the attendance of a majority of the members, and a resolution shall be made by the vote of a majority of the members present.

Paragraph 2. The chairman shall have the decisive vote and in case the vote is tied, he shall cast his vote to break the tie.

Article 10. (Treatment of members)

Paragraph 1. The members who are not standing among the members of every level of election management committees shall be honorary. Only daily expenses, travelling costs and any other compensation for actual expenses may be paid.

Paragraph 2. The remuneration corresponding to the Cabinet members shall be paid to the standing member of the Central Election Management Committee and the remuneration corresponding to National public official, Grade II, Class A, shall be paid to the standing members of the Seoul Special City, Pusan City and Provincial Election Management Committees respectively.

Article 11. (Guarantee of status of members)

Members of any level of election management committee shall not be detained except for flagrante delicto during the period from the date of public announcement of the election day until the completion of ballot-opening, excluding those cases falling under the crimes of rebellion, foreign aggression, foreign relations, explosives, arson, opium, currency, valuable securities, postage, seals, homicide, assault and battery, wrongful arrest, false imprisonment, theft, robbery and violation of the National Security Law, Anti-Communist Law and shall also enjoy deferment of draft and call to military service during the above period.

Article 12. (Enlightenment, etc., for election)

Every level of Election Management Committees shall always endeavour to enhance consciousness of exercise of sovereignty of the voters and especially in time of election, shall assist the voters in the procedures of voting and any other matters necessary for election and shall enlighten and lead them in voting matters.

Article 13. (Auxiliary organs of committees)

Paragraph 1. An executive bureau shall be established in the Central Election Management Committee and a general affairs section, election management section and a political party section shall be established under the authority of such executive bureau.

Paragraph 2. There shall be a director for the bureau and a chief shall be assigned to the section, and the director of the bureau shall be a public official, Grade II and the chief of a section shall be a public official, Grade III.

Paragraph 3. One full-time secretary, a public official, Grade III, shall be assigned to the Seoul Special City, Pusan City and Provincial Election Management Committees and one full-time secretary, a public official, Grade IV, shall be assigned to the Area Election District Election Management Committee, respectively.

Paragraph 4. The appointment and removal of the public officials of Grade II and III shall be made by the Chairman of the Central Election Management Committee through a resolution of the Central Election Management Committee, and those of the public officials of Grade IV shall be made solely by the Chairman of the Central Election Management Committee.

Paragraph 5. The public officials, except those mentioned in Paragraphs 2 and 3, may be assigned to any level of the election management committee (excluding the Ward, City, County and Voting District, Election Management Committees).

Paragraph 6. The kinds of office and fixed number of the public officials mentioned in the preceding paragraph shall be determined in accordance with the provisions of a Cabinet decree.

Paragraph 7. As to appointment, remuneration, service, guarantee of status of the full-time staff, the National Public Officials Law shall apply *mutatis mutandis* in addition to the provisions of this Law.

Paragraph 8. The chairman of every level of election management committee may commission a number of secretaries, clerks and employees engaging in election affairs from among public officials in charge of election affairs after consultation with the head of the administrative agency concerned.

Paragraph 9. The director of the executive bureau section chiefs and full-time secretaries shall manage, upon the order of their superior officials, the affairs falling under their office and shall direct and supervise their staff.

Article 14. (Cooperation for business)

In cases where every level of election management committee requested an administrative agency for business cooperation upon the necessity for the performance of its duties, such agency shall comply with the request on a preferential basis.

Article 15. (Liability for expenses)

Expenses required for business relating to elections and political parties shall be borne by the State and shall be disbursed to the chairman of the Central Election Management Committee, so that holding of elections and business relating to political parties may be performed without any hindrance.

Article 16. (Implementing decree)

Matters necessary for the implementation of this Law shall be provided by a Cabinet decree.

ADDENDUM

Article 1.

This Law shall be enforced on and after the date of its promulgation.

Article 2. (Party-recommended members)

Until such time as the first National Assembly is formed after the effectuation of this Law party-recommended members shall be recommended by the two parties in the order of number of district chapters registered with the Central Election Administration Committee as of the date of promulgation of this Law, notwithstanding the provisions of Paragraph 8, Article 4; and in case of a tie in the number of district chapters, it shall be decided by the Central Election Administration Committee after the drawing of lots among political parties concerned.

Article 3.

The Constitution [of ROK] mentioned in Article 4 (1) shall refer to the constitution promulgated on 26 December 1962.

D. NATIONAL ASSEMBLY ELECTION LAW

Unofficial translation of Law No. 1256
(promulgated on 16 January 1963)^b

CHAPTER I

General provisions

Article 1. (Purpose)

The purpose of this law is to seek the development of democratic political principals by assuring the fair election of National Assemblymen (hereinafter referred to as Assemblymen) by the free will of the citizens.

Article 2. (Definition of voter)

The word voter, as used in this law, means a person who has the right to vote and who is on the list of voters.

Article 3. (Cooperation concerning office work during an election)

Government offices, public offices and other public agencies, when requested for cooperation necessary with regard to office work for election, shall comply therewith preferentially.

Article 4. (Guarantee of exercise of the right to vote)

The time required by public officials, students or persons employed by other persons, for inspecting the list of voters or for voting shall not be considered as absence from their duty or work.

^b As amended and promulgated on 6 August 1963 by Amendment Law No. 1383.

Article 5. (Standard for population)

The population prescribed in this law shall be the one based on the latest population statistics surveyed and obtained in accordance with the provisions of the Statistics Law.

Article 6. (Commencement of term of office of Assemblymen)

Paragraph 1. The term of office of Assemblymen shall begin on the day after the day on which the term of office of Assemblymen elected by a general election expires.

Paragraph 2. The term of office of Assemblymen elected through by-elections shall begin on the date of their election for the remaining term of their predecessors.

Article 7. (Persons considered to be public officials)

The persons considered to be public officials as prescribed in this law shall be determined by cabinet decree.

CHAPTER II

The right to vote and the right to be elected

Article 8. (Right to vote)

Citizens 20 years of age and above shall have the right to vote.

Article 9. (Right to be elected)

Citizens 25 years of age and above shall have the right to be elected.

Article 10. (Determination of age)

The age of voters and of those who have the right to be elected shall be calculated as of the date of election.

Article 11. (Persons ineligible to vote)

The following persons shall not have the right to vote:

1. A person who has been declared to be incompetent in the management of property, or of part of property;
2. A person who has been sentenced to confinement or a greater penalty, and who has not completed serving his punishment, or a final decision has not been made concerning the execution thereof;
3. A person for whom two years have not elapsed yet after receiving the penalty of a fine in an amount exceeding 5,000 won as an election criminal, or a person sentenced to the penalty of a confinement or above for whom four years have not elapsed yet since the final decision not to receive the execution thereof, or since the completion or exemption of the execution thereof; and
4. A person who has been suspended from, or deprived of, the right to vote by court decision.

Article 12. (Persons ineligible for election)

The following person shall not have the right to be elected.

1. A person corresponding to Item 1, Item 2 or Item 4, of the foregoing article;
2. A person for whom four years have not elapsed since receiving the penalty of a fine in an amount exceeding 5,000 won as an election criminal, or a person sentenced to the penalty of a confinement or above for whom seven years have not elapsed yet since the execution thereof was withheld, or the completion or exemption of the execution thereof (a person sentenced to a stay of execution of a penalty for whom three years have not elapsed yet since the expiration of the period).
3. A person sentenced to the penalty of a confinement or above for having dodged military service, for whom seven years have not elapsed yet since the final decision to withhold the execution, the completion or exemption of the execution of the penalty (a person sentenced to a stay of execution of a penalty for whom four years have not elapsed yet since expiration of the probation period). However, the provision of this item shall not apply to a person who has completed military service after the completion or exemption of the execution of the penalty, or after the final decision not to receive the execution; and
4. A person who has been suspended from, or deprived of, the right to be elected by a court decision or by law.

CHAPTER III

Electoral districts and fixed number of assemblymen

Article 13. (Electoral districts)

Electoral districts for the Assemblymen shall be classified into two kinds, namely, area electoral districts (hereinafter referred to as area districts) and a nationwide electoral district (hereinafter referred to as the nationwide district). Note: area district single-member district.

Article 14. (Establishment or area districts and fixed number of Assemblymen therefrom)

Paragraph 1. The minimum population of an area district shall be 200,000, and the administrative district, topography and traffic and other conditions shall be taken into consideration in the demarcation thereof so that the population of each area district may turn out to be fairly equal.

However, partitioning of part of a Ku, (a precinct of the Special City of Seoul, the City of Pusan), or any city, or a county (kun) for the purpose of having it belong to the area district of another Ku, city or county shall not be permitted.

Paragraph 2. One Assemblyman shall be elected from each area district.

Paragraph 3. The area districts referred to in Paragraph 1 shall be as indicated in the chart appended hereto.

Article 15. (Number of Assemblymen from the nationwide district)

The number of Assemblymen from the nationwide district shall be one-third of the number of Assemblymen to be elected from the area districts. A fractional number shall be considered as one.

Article 16. (Changes in area districts)

Even though changes are made to the attached chart because of changes in the administrative districts or increase or decrease in population, elections shall not be held in the newly-added or decreased area districts until the holding of the next general election.

Article 17. (Polling districts)

Paragraph 1. Polling districts shall be established at dong of kus and cities, and at eup and myons of counties.

Polling districts shall be the districts of dong of kus and cities, and the districts of eup and myons, and the heads of kus, mayors and the heads of counties (hereinafter referred to as the heads of kus, cities and counties) may, through the decision of the election management committees of the area districts, establish several polling districts in a single dong, eup or myon, or make two or more dong into one polling district.

However, polling districts shall not be changed once the election day has been announced officially.

Paragraph 2. When polling districts have been established, or changed, or when elections are to be held, the heads of kus, cities and counties shall, in accordance with the provisions of a cabinet decree, announce the seats and districts of the polling districts.

CHAPTER IV

Lists of voters

Article 18. (Drawing up of lists)

(1) When elections are to be held, *ku*, city, *up* or *myon* chiefs shall prepare, as of the date of the announcement of the election day, rosters of eligible voters in their respective electorates, broken down by polling districts, not later than 20 days before the election day, on the basis of resident registration cards.

(2) If those listed in the roll of eligible voters and falling in any of the items below cannot vote in person at the polls, they shall give notice of their absence to *ku*, city, *up* and *myon* chiefs not later than 15 days before the election day in such a manner as may be prescribed by a Cabinet decree.

1. Those going on a long journey outside the polling district indicated in the roll of eligible voters.

2. Military personnel residing for a long period in military establishments or aboard ships in accordance with a law or decree.

3. Those residing for a long period in hospitals, camps, sanatoriums, correction houses or vessels.

(3) Upon receipt of notice as prescribed under the preceding paragraph, *ku*, city, *up* or *myon* chiefs shall indicate the notified fact in the roll of eligible voters and prepare a separate roll of reported absentees.

(4) Eligible voters' names, addresses, sex, dates of birth and other necessary matters shall be indicated in the roll of voters.

(5) None may be entered upon two or more rolls of voters.

(6) The format of rolls of voters shall be prescribed by a Cabinet decree.

(7) *Ku*, city, *up* or *myon* chiefs shall submit one copy of the roll of reported absentees to district electorate election administration committees immediately after roll of reported absentees is finalized.

Article 19. (Inspection of lists)

(1) *Ku*, city, *up* or *myon* chiefs shall make the roll of voters available for inspection for five days from the 20th day before election day at the offices of the *ku*, city, *up* or *myon* or such other place as may be designated by the *ku*, city, *up* or *myon* chiefs.

For the convenience of voters, copies of rolls voters of villages or *tong* may be made available at respective villages or *tong* offices for inspection.

Paragraph 2. Any person having the right to vote may inspect the list of voters freely.

Paragraph 3. The place and time for the inspection mentioned in Paragraph 1 shall be made public five days in advance of the day on which the inspection may begin.

Article 20. (Raise of objection)

Paragraph 1. All persons having the right to vote, through an oral or written statement made during the period allowed for inspection may raise an objection to the head of the appropriate *ku*, city, *eup* or *myon* and request the correction thereof when it is believed there is an omission or misstatement in the lists of voters.

Paragraph 2. When the head of a *ku*, city, *eup* or *myon* has received an objection of the type referred to in the foregoing paragraph, an examination of the facts and a decision thereon shall be made within three days, and correction of the list of voters shall be made immediately, if it is determined that the objection is reasonable, and notification shall be made to the person who raised the objection, other persons concerned, and the election management committee of the area district. In case it is decided that the objection is not reasonable, notification to that effect shall be made to the person who raised the objection.

Article 21. (Appeal of the decision on objection)

Paragraph 1. An applicant or other person concerned, who disagrees with the decision made in accordance with the foregoing article, may request a redetermination of the issue by the election management committee of the district area in a written statement if such statement is submitted within three days from the receipt of the notification.

Paragraph 2. When a request for redetermination is received by the election management committee of an area district, an examination of the facts and a decision thereon must be made within three days from receipt, and, if it is decided that the request is reasonable, the committee shall immediately notify the head of the *ku*, city, *eup* or *myon* concerned of the decision and have the list of voters corrected. Notification shall also be given to the applicant and the person concerned, or, in case the objection is determined to be without merit, notification shall be made to the applicant and the head of the *ku*, city, *eup* or *myon* concerned.

Article 22. (Finalization and effect of the lists)

Lists of voters shall be finalized three days before the election day and shall be valid for elections held within the year;

provided, however, that the lists of reported absentees shall be finalized the day after the termination of the reporting period.

Article 23. (Recompilation of the list of voters)

Paragraph 1. When necessitated by national calamity or any other similar occurrence, the head of a *ku*, city, *eup* or *myon* shall recompile the list of voters.

Paragraph 2. Compilation, inspection, completion, the term of validity and other matters necessary with regard to the list of voters referred to in the foregoing paragraph shall be prescribed by cabinet decree.

CHAPTER V

Candidates for National assemblymen

Article 24. (Registration)

Paragraph 1. For registration of candidates in district electorates, political parties shall submit an application to the respective district electorate election administration committees for their registration at a rate of one per district electorate not later than 7 days after the announcement of the election day, together with formal recommendations for candidacy.

Paragraph 2. For registration of candidates in national district (proportional representation electorates, political parties shall submit an application to the Central Election Administration Committee for their registration within the period prescribed in the preceding paragraph, together with a roster of candidates recommended by the party to run in the national district electorate in a number not exceeding the authorized number of National Assembly members to be elected from the national district electorate.

Paragraph 3. The list of candidates of a political party for a nationwide district shall be submitted with the priority order thereof fixed by the party.

Paragraph 4. The political party may not withdraw or change the candidate already registered, and may not change the priority order of its list of candidates for the nationwide district.

Provided, however, that this shall not apply in case the registration of candidates is invalidated for reasons other than resignation, death or expulsion, and that in the case of candidates in the national district electorate, those next to the already registered candidates in the order of priority shall be registered as successors.

Paragraph 5. A letter of consent of the candidate shall be attached to the written application for registration.

Paragraph 6. Written applications for registration of candidates shall be accepted from 9 a.m. through 5 p.m. every day, including official holidays.

Paragraph 7. When an application for registration has been submitted, the Central or area-district election management committee shall accept it immediately, and, in case the required certification documents are not attached thereto, the appropriate election management committee shall conduct investigation on the matters.

Article 25. (Additional registration)

Paragraph 1. When a registered candidate dies after the expiration of the period for application for registration of candidates, the political party that recommended the candidate may apply for registration of another candidate in accordance with the provisions of the foregoing article if application is made more than 15 days before the election day.

Paragraph 2. If the additional registrant referred to in the foregoing paragraph is a candidate in the nationwide district election, his priority order shall be after the persons already registered.

Article 26. (Prohibition of double registration)

Paragraph 1. If a person registered as a candidate for the nationwide district, or a certain area district or for a certain election has also been registered, to be held simultaneously, as a candidate for another electoral district or another election, all the registrations shall be null and void.

Paragraph 2. Another election to be held simultaneously, mentioned in the foregoing paragraph, means an election for a public position of the state or a local autonomous body to

be held in accordance with the law, when the periods from the date of announcement of the election day through the election day coincide.

Article 27. (Nullification of registration)

Paragraph 1. When, after the registration of a candidate, it is discovered that the candidate is ineligible to be elected, when the political party to which the candidate belongs has been dissolved, or when the candidate has left or changed his political party membership, the registration shall be void.

Paragraph 2. When a registration has been voided, the election management committee concerned shall, without delay, notify the candidate and the appropriate political party and clearly indicate the causes therefor.

Article 28. (Candidacy of public official or member of election management committee)

Paragraph 1. A public official or a member of an election management committee, who wants to become a candidate, shall be dismissed from office 180 days before the expiration of the term of office of the Assemblymen (in case of a reelection, by-election or a postponement of the election, he shall be dismissed within five days from the date of announcement of the election day).

However, this provision shall not apply to a National Assemblyman.

Paragraph 2. The dismissal from office referred to in the foregoing paragraph shall become effective when the public official's letter of resignation is received by the chief of the office where he has been working (in case of a member of a local council, by the chairman of the council to which he belongs), or when the member's letter of resignation is accepted by the election management committee to which he belongs.

Article 29. (Report of withdrawal from candidacy)

When a candidate desires to withdraw his candidacy, the candidate himself must appear in person at the election management committee office concerned and submit his request in writing together with party's formal consent to the resignation.

Article 30. (Public notice concerning candidate)

When a candidate has registered, withdrawn, died, or when the registration has been nullified, the appropriate election management committee shall make a public announcement thereof without delay, and notify both the higher-echelon election management committees and the lower-echelon election management committees.

CHAPTER VI

Election campaign

NOTE:

Election office = campaign office.

Election expenses = campaign expenses.

Election liaison office = campaign liaison office.

Chief of election office = campaign chairman.

Article 31. (Definition)

Paragraph 1. Election campaign mentioned in this law shall refer to acts designed to have the candidate elected or not to be elected.

Paragraph 2. Simple expressions of opinions and thoughts concerning the election, or preparatory acts for candidacy shall not be considered as part of an election campaign.

Article 32. (Period for election campaign)

An election campaign may be conducted only during the period from the registration of a candidate is completed to the date previous to election day.

Article 33. (Extent of election campaign)

An election campaign shall not be conducted in any manner other than as prescribed in this law.

Article 34. (Persons not eligible to conduct an election campaign)

Paragraph 1. Those other than a political party, a candidate, election campaign manager, speakers, a person respon-

sible for an election office or liaison office, or an election office worker who belongs to the same political party as the candidate, shall not be allowed to conduct an election campaign.

Paragraph 2. Public officials and members of election management committees shall not become the chief of an election office, a person responsible for an election office or liaison office, a person responsible for the disbursement of election expenses (hereinafter referred to as the person responsible for accounting), an election office worker, or a speaker at public meetings.

However, the provisions of this paragraph shall not apply to National Assemblymen or members of local councils.

Article 35. (Establishment of election offices and liaison offices)

Paragraph 1. To conduct an election campaign, a political party may establish one election office for the nationwide district in the Special City of Seoul, one district election office in each area district, and one election campaign liaison office in each of the Special City of Seoul, the City of Pusan, the provinces, each *ku* or city *dong*, or in every *eup* and *myon*.

Paragraph 2. Signboards may be posted at election campaign offices and liaison offices prescribed in the preceding paragraph in such a manner as may be prescribed by Cabinet decree.

Article 36. (Report concerning election offices, liaison offices and persons responsible therefor)

Paragraph 1. When having established election offices or election liaison offices, the political party shall report without delay the sites thereof and the addresses and full names of the persons responsible therefor to the election management committee of the area districts.

The same shall apply when changes in the matters to be reported have taken place.

Paragraph 2. Persons responsible for an election liaison office must belong to the same political party as the candidate.

Article 37. (Prohibition of establishment of similar agencies)

Paragraph 1. Except for the election liaison office established pursuant to the two foregoing articles, election acceleration committees, supporters' associations or other agencies, organizations or facilities, similar thereto shall not be established for a candidate.

However, the provision of this paragraph shall not apply to one election counter-measures organization to be established at the central chapter, each of the branch chapters of the Special City of Seoul, the City of Pusan and the Provinces, and district chapters, of a political party.

Paragraph 2. When it is discovered that an election office, election liaison office or any other organization or facility, has been established in violation of law or regulation, the election management committee shall order the closure thereof without delay.

Article 38. (Chief of election office, election office worker, and speaker)

Paragraph 1. A political party shall select and appoint one chief of election office for the nationwide district and for every area district.

However, the selection and appointment of the chief of the election office of an area district shall require approval of the candidate for the area district.

Paragraph 2. The chief of an election office may employ seven or less election office workers for office work concerning the election in each district and not more than 30 for the national district electorate.

However, a laborer for posting posters notifying the public of speech gatherings shall not be considered as an election office worker.

Paragraph 3. Speakers may be utilized for speech gatherings sponsored by the district electorate candidate or speech gatherings sponsored by a political party.

Paragraph 4. The chief of an election office and speakers shall be persons who belong to the same political party as the candidate.

Paragraph 5. When the chief of an election office, speaker, or an election office worker, is selected, appointed or dismissed, the political party, district electorate candidate or election campaign manager shall report the matter without delay to the appropriate election management committee.

Paragraph 6. When an election management committee has received the report referred to in the foregoing paragraph, it shall report or notify other election management committees concerned.

Paragraph 7. The chief of an election office, persons responsible for an election office or liaison office, speakers and election office workers shall have with them identification cards issued by the election management committee, and shall return the identification cards immediately when dismissed.

Paragraph 8. An application for issuance of an identification card mentioned in the foregoing paragraph, must be issued by the election management committee immediately after receipt thereof.

Article 39. (Guarantee of status of person related to election)

The provisions of Article 11 of the Law Concerning Election Management Committees shall be applied with necessary modifications with regard to the guarantee of personal status of the candidate, chief of an election office, a person responsible for accounting, persons responsible for an election or liaison office, witnesses, speakers, and election office workers.

Article 40. (Posters)

Paragraph 1. Public relations posters to be used in an election campaign shall be drawn up by the Central Election Management Committee for the nationwide District election, and by the election management committees for the area districts in the area district elections, respectively, within the limit of one sheet per 100 persons of population, and shall be posted by the election management committees for the area districts.

Paragraph 2. The standard, drawing up, matters to be described therein, and the method of posting, of the posters referred to in the foregoing paragraph, and other necessary matters shall be stipulated in a cabinet decree.

Paragraph 3. Posters to be used for notification of speech gatherings pursuant to the provisions of Article 52 and Article 53 shall be drawn up by the election management committees of the area districts, and shall be delivered upon request of the political party or the district electorate candidates.

Paragraph 4. The number of sheets of the posters mentioned in the foregoing paragraph shall be 30 sheets, and the standard size and matters to be described therein shall be in accordance with the provisions of a cabinet decree.

Article 41. (Manuscript for poster)

Paragraph 1. Manuscripts to be carried in the posters referred to in Paragraph 1 of the foregoing article shall not be used unless submitted by the date on which period for registration of candidates expires; provided, however, that they may be submitted simultaneously with additional registration in case district candidates are additionally registered.

Paragraph 2. Manuscripts already submitted in accordance with the provisions of the preceding paragraph shall not be withdrawn, nor shall they be revised.

Article 42. (Sharing of expenses for posters)

Paragraph 1. The political party shall, as provided for by the Central Election Management Committee, pay in cash at the time of submitting manuscripts to be carried in the posters to the appropriate election management committees the expenses for the posters pursuant to the provisions of Paragraph 1 and Paragraph 3 of Article 40.

However, the political party may request for posters to be posted only for one election or in certain districts only, and pay expenses therefor only.

Paragraph 2. When the posters mentioned in the foregoing paragraph have not been drawn up, the money paid shall be returned in accordance with the stipulation of a cabinet decree.

Article 43. (Public report on election)

Paragraph 1. The election management committee for the area district shall publish a public report concerning the district electorate candidates containing their addresses, full name, ages, political parties to which they belong, social careers, political views, photographs, platforms, and policies of the political parties to which they belong, and names of the district electorates concerned, and other necessary matters.

Paragraph 2. The political party and the district electorate candidates shall submit to respective district electorate election management committees by the day on which registration of candidates expires manuscripts and photographs to be carried in the public report.

Paragraph 3. The number of letters to be carried in the public report referred to in the foregoing paragraph shall not exceed 2,000.

Paragraph 4. The order of the candidates to be carried in the public report shall be in accordance with the order of numbers of the political parties to which they belong.

Paragraph 5. The standard size, and drawing up, of the public report on an election and other necessary matters shall be determined in a cabinet decree.

Article 44. (Dispatch of public report on election)

The election management committees for the area districts shall dispatch through mail a copy of the public report on the election to every household in the electoral districts and to the voters who are marked on the lists of reported absentees, by nine days before the election day.

The mail shall be free of charge.

Article 45. (Posting notification on full names of candidates and the like)

Paragraph 1. The election management committees for the area districts shall post notifications at two or three places in each polling district on the full names and ages of the candidates for the nationwide district and the area districts, and the political parties they belong to, in order to let the voters know them.

Paragraph 2. Posting of notifications mentioned in the foregoing paragraph shall be made from 10 days before the election day to the election day.

Paragraph 3. The order of carrying the candidates in the notifications mentioned in Paragraph 1 shall be in accordance with the order of numbers of the political parties to which they belong.

Paragraph 4. Matters necessary with regard to the posting of notification on the full names of the candidates and the like shall be determined in a cabinet decree.

Article 46. (Prohibition of books or drawings made in law-evading methods)

Paragraph 1. No one shall, during the period for an election campaign, distribute, stage or post, through ways and means other than provided in this law, on notification, writings, dramas, motion pictures, advertisements or any other materials similar thereto, which express support, recommendation or rejection of any candidate or political party and other political organizations.

Paragraph 2. The election management committee of all echelons shall order suspension or withdrawal without delay for any violation of the provision of the foregoing paragraph, when it has been discovered, and take necessary measures.

Article 47. (Newspaper advertisements and banners)

Paragraph 1. The political party may put an advertisement in all daily newspapers concerning the election of its candidates for the nationwide district only once, and as for the platform, policies and election slogans of the political party, may put an advertisement in all daily newspapers five times.

Paragraph 2. A political party may put an advertisement in two daily newspapers only once for its candidates for the area districts.

Paragraph 3. A political party may prepare not more than 50 banners in the case of a city district electorate and not more

than one per *up* or *myon* in the case of a *ku* electorate district, which shall be posted with seals of the competent election administration committees affixed thereto in order to conduct election campaigns.

Paragraph 4. Standards of advertisement to be put in newspapers, of banners, and of other necessary matters shall be stipulated by a cabinet decree.

Article 48. (Joint speech gatherings)

Paragraph 1. The election management committees for the area districts shall sponsor joint speech gatherings.

Paragraph 2. The joint speech gatherings mentioned in the foregoing paragraph shall be held, after the expiration of the period for registration of the candidates, for five times or more in *kus* and cities, and for one time or more in every *eup* and *myon* in the counties, with proper time and places fixed, and 20 minutes or more shall be equally allocated to every single candidate for his speech.

Paragraph 3. No one other than a candidate for the competent area district shall be allowed to take part in speech gatherings and make his political views public.

Article 49. (Announcement of holding joint speech gatherings)

The election management committee for the area district shall post notification on the time and place of a joint speech gathering, prescribed in the foregoing article, by two days before the date slated therefor, at 50 places or more in the district to be covered thereby, and shall notify the district electorate candidates and the chiefs of election officer.

Article 50. (Order of speech-makers at joint speech gatherings)

The priority order of the speech-makers at a joint speech gathering shall be decided by lottery, and when a speech-maker has not presented himself by the time he was scheduled to make a speech, he shall be considered as having forfeited his time.

Article 51. (Maintenance or order at joint speech gatherings)

When there is a person who hinders speeches or disturbs the order of a joint speech gathering, the chairman of the election management committee for the area district or a member of the committee designated by the chairman shall restrain the person, and may compel him to leave the place in case he does not obey the order to restrain himself.

Article 52. (Speech gathering sponsored by candidate)

Paragraph 1. A candidate for an area district may sponsor a speech gathering.

Paragraph 2. The speech gathering mentioned in the foregoing paragraph shall refer to a gathering for expressing personal political views, a discussion meeting, or a forum, which is to be held after having a number of people assembled in election campaigns, with the time and place fixed in advance.

Paragraph 3. A person desiring to sponsor a speech gathering mentioned in the foregoing paragraph shall submit a written report to the election management committee for the area district 24 hours ahead of the time scheduled for the gathering, in accordance with the stipulation of a cabinet decree.

Paragraph 4. In case two or more reports mentioned in the foregoing paragraph have been made for the same place, the election management committee for the area district shall adjust the order therefor in accordance with the provisions of a cabinet decree.

Paragraph 5. A place for a speech gathering shall not be used for more than three hours at a time.

Paragraph 6. At a speech gathering mentioned in paragraph 1, no more than four persons may make speeches.

Paragraph 7. The number of speech gatherings to be sponsored by a candidate shall not exceed the number of polling districts in the competent area district.

Paragraph 8. Those who hold speech meetings may mark signs to indicate the place of speech meeting in such a manner as may be prescribed by a Cabinet decree.

Article 53. (Speech gatherings sponsored by political party)

Paragraph 1. A political party may sponsor speech gatherings during the period for an election campaign to conduct an election campaign for its recommended candidates.

Paragraph 2. The number of speech gatherings held pursuant to the foregoing paragraph shall not exceed the number of polling districts in the competent area district.

Paragraph 3. At a speech gathering held pursuant to Paragraph 1, no more than three persons other than the candidates for the nationwide district or the area district may make speeches.

Paragraph 4. The provisions of paragraphs (2) through (5) and (8) of the foregoing articles shall be applied *mutatis mutandis* to the speech gatherings referred to in this article.

Article 54. (Restriction on holding other speech gatherings at the time of holding joint speech gatherings)

Any other speech gatherings for election campaign shall not be held in any district within 300 meters from the place of a joint speech meeting in case of *kus* and cities, or within 500 meters therefrom in case of counties, during the time from two hours before the scheduled opening of the joint speech gathering, as referred to in Article 48, to two hours after the scheduled completion thereof.

Article 55. (Utilization of public facilities)

Paragraph 1. A political party or candidate may use the following facilities as a place for speech gatherings free of charge in accordance with the provision of a cabinet decree.

1. A school, public hall, park, stadium, or a market; and
2. Other buildings or facilities stipulated by a cabinet decree.

Paragraph 2. When a request for utilization thereof has been made pursuant to the provision of the foregoing paragraph, the administrator of a school or any other public facilities shall grant permission unless there are justifiable reasons not to do so.

Article 56. (Place where speech is to be prohibited)

No person shall make an election campaign speech in any of the following places.

1. Buildings and facilities owned or administered by enterprises administered by the state or local autonomous bodies, or by enterprises operated by the state;
2. Within the compounds of the stations for trains, streetcars, airplanes, vessels or for buses; and
3. Hospitals, medical clinics, libraries, research centres, experimentation stations and other facilities to conduct researches on medicine or culture.

Article 57. (Restriction on the use of public address system and automobile)

Paragraph 1. A public address system shall not be used except at joint speech gatherings or speech gatherings sponsored by the candidates or the political parties.

Paragraph 2. Automobiles, vessels and public address systems to be used for an election campaign shall not exceed one of each of them for one candidate.

Paragraph 3. Automobiles, vessels and public address systems to be used by a political party shall not exceed one of each of them in any area district.

Paragraph 4. Public address systems shall not be used in an area within 8,000 meters from the Armistice Line.

Paragraph 5. Marks stipulated in a cabinet decree shall be put on the public address systems, automobiles or vessels referred to in Paragraph 2 and Paragraph 3 during the period for election campaign, and the automobiles or vessels shall not be subject to any restriction in terms of distances to be covered.

Paragraph 6. When a speech gathering is held, no one shall be allowed to use a public address system within the distance of 300 meters from the place of the gathering in case of *kus* and cities, or within 500 meters therefrom in case of counties.

Paragraph 7. A tape-recording machine shall not be used in election campaign.

Article 58. (Prohibition of false broadcast)

A person operating a broadcasting station shall not interfere with a fair election by means of broadcasting false matters, or

of broadcasting distorted matters, concerning a candidate or the election.

Article 59. (Fair broadcasting of personal history)

Paragraph 1. An administrator of broadcasting facilities administered by the state shall, in accordance with the stipulation of a cabinet decree, broadcast the names and ages of the candidates within the districts covered thereby, political parties they belong to, and other important parts of their personal history, in order to let the voters know about the candidates.

Paragraph 2. The broadcasting mentioned in the foregoing paragraph shall be made three times or more during the period from the date of expiration of the registration period to the day previous to the election day, and the number of broadcasts and the contents thereof shall be fair to all political parties and candidates.

Paragraph 3. When an operator of a broadcasting facility other than those operated by the State desires to conduct broadcasting shall be made free of charge, and the number of broadcasts and the contents thereof shall be fair to all political parties and candidates.

Article 60. (Utilization of broadcasting facilities)

Paragraph 1. A political party may utilize broadcasting facilities as provided for by the Central Election Management Committee for the election campaign of its candidates.

Paragraph 2. Except as prescribed in this law, no one may utilize broadcasting facilities for an election campaign.

Article 61. (Restriction on illegal utilization of newspaper, magazine, and the like)

No one shall, for the purpose of having a specific person elected or defeated, offer, or indicate the will or promise to offer, money or articles, entertainments and any other benefits to a person who operates, edits, covers news or writes stories for, a newspaper (including news agencies. Same hereinafter.), magazine or any other publication, thereby having news articles or reviews concerning the election of a specific political party or candidate carried therein.

Article 62. (Prohibition of false review or news report)

A person who operates or edits a newspaper, magazine or any other publications shall not be allowed to, for the purpose of having a specific candidate elected or defeated, carry false matters or carry the facts with distorted tones with regard to the election.

Article 63. (Prohibition of distribution, other than in the ordinary method, of newspapers or magazines)

No one shall distribute, in a method other than ordinary, newspapers or magazines in which articles concerning the election are carried.

Article 64. (Prohibition of election campaign making use of special relations)

Paragraph 1. No one shall conduct an election campaign utilizing special relations with a student or a minor.

Paragraph 2. No one shall conduct an election campaign making use of special relationship with an educational institution or cultural or trade organizations.

Article 65. (Prohibition of house-to-house visits)

Paragraph 1. No one shall be allowed to make house-to-house visits to conduct an election campaign.

Paragraph 2. No one shall be allowed to make house-to-house visits to tell about speech gatherings.

Article 66. (Prohibition of campaign to obtain signatures)

No one shall be allowed to obtain signatures for any purpose during an election campaign.

Article 67. (Prohibition of popularity vote)

No one shall conduct a popularity vote or sham vote by which election or defeat of any candidate is to be foretold.

Article 68. (Prohibition of supplying food and drink)

No one shall offer food and drinks at any place or under any excuse for an election campaign.

Article 69. (Prohibition of noisy acts)

No one shall parade the street in formation or commit the act of repeated shouting for any candidate for an election campaign.

Article 70. (Prohibition of making speech at night)

No one may hold a speech gathering at night—referring to the time from 10 p.m. through 6 a.m.

Article 71. (Prohibitions of slandering candidate)

Paragraph 1. No one shall, for the purpose influencing the election or defeat of a candidate, state or spread false matters concerning the personal status, personal history or personality of any candidate or the political party to which he belongs, or make a personal attack on the candidate publicly pointing to any fact.

Paragraph 2. When a person delivers a speech violating the provisions of the foregoing paragraph at a joint speech gathering or a speech gathering sponsored by a candidate or a political party, the election management committee shall warn the person ex officio or upon the request of a candidate or a proxy therefor, and may suspend the person from continuing with the speech in case he does not comply with the warning.

Article 72. (Restriction on act of donation)

Paragraph 1. A candidate or a person desiring to become a candidate shall not do any act of donation to those within the respective electorates in connection with respective elections during the period from 180 days before the date of expiration of the terms of office of the National Assemblymen to the election day.

Paragraph 2. A political party, the parents, spouse, sons and daughters, and brothers and sisters (hereinafter referred to as the family) of the candidate, the chief of election office, person responsible for accounting, speech-makers, persons responsible for election and liaison offices, election office workers, or a company, juridical person or an organization related to the candidate must not do an act of donation to those within the respective electorates in connection with respective elections, during the period from 180 days before the date of expiration of the term of office of the National Assemblymen to the election day, in a method which may well be presumed to be performed by the candidate and under whatever excuse it may.

Paragraph 3. Acts of offering money, lending or transfer of articles or facilities gratis, exemption or reduction of debts, or offering any other benefits, done during the period from 180 days before the date of expiration of the term of office of the National Assemblymen to the election day toward the voters or the families thereof by a political party, a candidate or the family thereof, chief of election office, person responsible for accounting, speech-makers, persons responsible for election and liaison offices, or by election office workers, shall be considered as acts of donation.

Paragraph 4. Acts of donation prescribed in each of the foregoing paragraphs, which were done by the time of the registration of the candidate as an expression of courtesy or with regard to official duties, shall be excluded from the aforementioned provisions.

Article 73. (Prohibition of making solicitation or request for donation)

No one shall receive a donation or make solicitation or request for a donation concerning the election from or to a political party, candidate, the family thereof, chief of the election office, person responsible for accounting, speech-makers, persons responsible for election and liaison offices, election office workers, or a company related to the candidate.

Article 74. (Prohibition of the act of receiving donation)

No one shall receive, or request a donation concerning election from, or to, a foreigner, foreign juridical person or a foreign organization.

However, the provision of this article shall not be applied in case a political party or a candidate has received a donation from a foreign juridical person or a foreign organization, which is under the control of a national of the Republic of Korea.

Article 75. (Prohibition of offering convenience of traffic facilities)

No one shall offer the convenience of automobiles or any other traffic facilities to the voters for the purpose of election campaign.

Article 76. (Prohibition of returning courtesies after the election day)

No one shall entertain or return courtesies to the voters after the election day with regard to an election or defeat.

CHAPTER VII

Election expenses (campaign expenses)

Article 77. (Definition)

Paragraph 1. Election expenses falling under each of the following items shall be borne by a political party or candidate:

1. Rents or maintenance expenses for the election office and election liaison offices;
2. Allowances and compensation of actual expenses to be made to the election campaign manager, person responsible for accounting, persons responsible for election and liaison offices, speech makers and election office workers;
3. Expenses required for speech gatherings sponsored by the political party or the candidate;
4. Rents and maintenance costs for a public address system, automobile or vessel;
5. Allowances and compensation of expenses actually used by polling witnesses and ballot-opening witnesses;
6. Charges for broadcasting facilities and newspaper advertisements, and costs on campaign banner;
7. Actual expenses required by the candidate himself for the election campaign; and
8. Other expenses required for election office liaison work.

Paragraph 2. The term "election expenses," as used hereinafter shall refer to money, goods, fixed debts, and all other property value, under each item of the preceding paragraph, as required during the period from the registration of the candidates to the date of decision of their election.

Paragraph 3. The term "expenditure," as used hereinafter shall refer to the offering, issuing, or promising of election expenses.

Article 78. (Limit of amount of election expenses)

Paragraph 1. Election expenses for the nationwide district may be disbursed up to the limit of the amount determined by the Central Election Management Committee.

Paragraph 2. Election expenses for a candidate in an area district may be disbursed within the limit of the amount determined by the election management committee for the area district, with approval of the Election Management Committees of the Special City of Seoul, the City of Pusan or of the Provinces by the division of the items described in the foregoing article.

Article 79. (Public announcement of limit of amount of election expenses)

The Central Election Management Committee and the area district election management committees shall make public announcement of the amounts pursuant to the provisions of the foregoing article within three days from the date of announcement of the election day.

Article 80. (Selection and appointment of person responsible for accounting)

Paragraph 1. A political party which has recommended a candidate for the nationwide district or an area district shall, by the day next to the day on which the candidate is registered, report the firm name and address of the person responsible for accounting to the competent election management committee.

Paragraph 2. A candidate recommended in an area district, where no district chapter of the political party to which he

belongs is located, shall select and appoint a person responsible for accounting by the day next to the day on which candidate registration is made, and report to the election management committee for the competent area district.

Paragraph 3. The person responsible for accounting may use one assistant for accounting work from among the election office workers.

Article 81. (Change of person responsible for accounting)

In case the person responsible for accounting has become unable to perform his duties because of an accident, or in case he has been dismissed or vacated, the person empowered with the authority to make selection and appointment pursuant to the provisions of the foregoing article shall select and appoint a person responsible for accounting by the day following the day on which the aforementioned cause occurred, and make a report to the appropriate election management committee.

Article 82. (Commencement of duties of the person responsible for accounting)

The person responsible for accounting shall not perform the functions of disbursing election expenses for a political party or a candidate until after completion of the report prescribed in Paragraph 1 and Paragraph 2 of Article 80 and in the foregoing article.

Article 83. (Placement and description of account books)

Paragraph 1. The person responsible for accounting shall keep account books and describe therein the matters mentioned in each of the following items.

1. All disbursement of election expenses; and
2. The full names, addresses and occupations of the persons who received disbursement of election expenses, and the date of disbursement and the amount of disbursement (in case of offering benefits in terms of property other than money, the amount of the current price thereof).

Paragraph 2. The standard, kinds and method of description of the account books mentioned in the foregoing paragraph shall be determined by the Central Election Management Committee.

Article 84. (Prohibition of disbursement other than by the person responsible for accounting)

No one except for the person responsible for accounting shall be allowed to make disbursement of election expenses.

Article 85. (Receipts and other certificates)

When having made disbursement of election expenses, the person responsible for accounting shall be furnished with receipts therefor or any other documents certifying the disbursement.

Article 86. (Report of disbursement)

Paragraph 1. The person responsible for accounting shall describe the contents of election expenses pursuant to the division of the matters to be described in the account books, as prescribed in Paragraph 1 of Article 83, and make a report thereon to the appropriate election management committee by 15 days after the election day.

Paragraph 2. Matters necessary with regard to the report of disbursement shall be determined by the Central Election Management Committee.

Article 87. (Preservation of account books and other documents)

Paragraph 1. The person responsible for accounting shall preserve the account books prescribed in Article 83 and the receipts and other certification documents prescribed in Article 85 for one year after the election day.

Paragraph 2. The person responsible for accounting may request the appropriate election management committee for the preservation of the account books and other certification documents referred to in the foregoing paragraph.

Article 88. (Perusal of account books, and request for submission of data)

The Central Election Management Committee, and the Election Management Committees of the Special City of Seoul,

the City of Pusan or of the Provinces may peruse the account books and other documents concerning incomes and expenditures, with regard to the report of disbursement, or request the candidate, the person responsible for accounting or any other person concerned to submit a report or any other necessary data.

Article 89. (Expenses not considered as election expenses)

Expenses falling under the category of any of the following items shall not be considered as election expenses prescribed in this chapter.

1. All money, dues and fees paid to the state, local autonomous bodies or election management committees in connexion with the election;
2. Expenses such as telephone charges, electric charges, water system charges and other maintenance costs for the election office and liaison offices, which have been disbursed by the political party or the candidate since before the date of announcement of the election day; and
3. Expenses required for the clearance of remaining office work after the election day.

Article 90. (Emoluments and amount of actual-expense compensation to be made to persons concerned with election office works)

Paragraph 1. To the chief of an election office, persons responsible for election and liaison offices, the person responsible for accounting, speech-makers, election office workers and witnesses, per diems may be disbursed and actual expenses compensated.

Paragraph 2. The kinds and amounts of the per diem and actual-expense compensation referred to in the foregoing paragraph shall be determined by the Central Election Management Committee.

CHAPTER VIII

Election day and voting

Article 91. (Public announcement of election day)

Paragraph 1. The general election shall be held during the period of 60 days to 20 days before the date of expiration of the term of office of the Assemblymen, and the election day shall be publicly announced by the President 30 days before the election day at the latest.

Paragraph 2. A by-election shall be held within 90 days after receiving a notification of vacancy from the Speaker of the National Assembly, and the election day thereof shall be publicly announced by the President in accordance with the provision of the foregoing paragraph.

Article 92. (Method of election)

Paragraph 1. The election shall be held through voting in a method of making marks.

Paragraph 2. Voting shall be conducted directly or by mail on the basis of one vote per person.

Paragraph 3. The name of the voter must not be indicated on the ballot.

Article 93. (Establishment of polling booths)

Paragraph 1. A polling booth shall be established in each polling district, and the election management committee of the polling district shall make a public announcement of the official name and place thereof 20 days before the election day.

However, in case of natural calamities or any other *force majeure*, change thereof may be permitted.

Paragraph 2. In the case of the proviso clause of the foregoing paragraph, a public announcement shall be made immediately in order to let all the voters know it.

Paragraph 3. A polling booth shall be established at a school, the office of eup, myon or dong, or at the public hall in that order.

However, in case the establishment thereof at some other place due to inevitable reasons is required, a decision of the

election management committee of the area district shall be obtained.

Paragraph 4. A polling booth shall not be established in the compound of a barracks.

Paragraph 5. The mark-making place in the polling booth shall be equipped so as not to enable other persons to observe the voter, and no sign whatsoever shall be made therein.

Paragraph 6. The full names of the candidates for the nationwide district and the political parties they belong to shall be posted at the polling booth as stipulated by the Central Election Management Committee, in such a way as is easily understandable for the voters.

Paragraph 7. A political party, a candidate or the chief of an election office may request the revision of the equipment of the polling booth.

Paragraph 8. Persons to be engaged in polling work shall be placed at the polling booth in order to assist in the voting.

Paragraph 9. Persons to be engaged in polling work shall be commissioned by the election management committee of the polling district, from among the public officials of the competent administrative agencies or education public officials, and the full names thereof shall be announced publicly by three days before the election day.

Article 94. (Time for voting)

Paragraph 1. The polling booth shall be opened at 7 a.m. and closed at 5 p.m.

However, it shall not be closed until after the voters, waiting for their turn to vote at the time of the deadline, cast their ballots.

Paragraph 2. Members of the election management committee of the polling district shall inspect, before the commencement of voting, the inside and outside of the ballot box to see if there is anything wrong with it, and witnesses of the polling booth shall join in the inspection.

However, the provision of this paragraph shall not be applied in case the witnesses have not appeared by the time for commencement of the voting.

Paragraph 3. Ballots sent by mail shall have to reach the election management committee of the area district by 5 p.m. of the election day.

Article 95. (Ballot papers)

Paragraph 1. Names of political parties, and the full names of the district electorate candidates, and the marks thereof shall be printed on the ballot papers.

However, only the name and mark of the political party shall be printed thereon, for the political party which does not have a candidate in the area district.

Paragraph 2. Marks shall be indicated with I, II, III and so on in the order of the political parties to be printed on the ballot papers, and the political parties and the full names of the district electorate candidates shall be described in both Hangul and Chinese characters.

Paragraph 3. The Central Election Management Committee shall decide through lottery the order of the political parties to be printed, within two days after the deadline for the registration of candidates, with representatives of the political parties or the proxies thereof present.

Paragraph 4. Even in case a candidate has withdrawn his candidacy or died, or in case the registration thereof has become null and void, after the lapse of the period for additional registration, the full name of the candidate shall not be crossed off the ballot papers.

Paragraph 5. Serial numbers shall be stated on the ballot papers.

Article 96. (Drawing up of ballot papers, and manufacturing of ballot boxes)

Paragraph 1. Ballot papers and ballot boxes shall be made by the election management committees for the area districts and sent to the election management committees for the polling districts, and the standard thereof shall be determined by a cabinet decree.

Paragraph 2. The number of ballot boxes pursuant to the provision of the foregoing paragraph shall be two per polling district.

However, two ballot boxes shall not be used simultaneously in the voting.

Paragraph 3. Ballot boxes for the ballots to be sent by mail shall be separate.

Paragraph 4. Two proxies for political parties, chosen by lottery drawings of the political parties which recommended candidates, shall affix their seals to the ballot papers at the election management committee of the area district.

Paragraph 5. In case there is no proxy for a political party, prescribed in the foregoing paragraph, or in case the proxy is unable to affix his seal because of an accident, the chairman of the election management committee for the area district shall affix his seal.

Article 97. (Public announcement of samples of ballot papers)

The election management committee for the area district shall publicly announce the samples of the ballot papers to each of the polling districts by 10 days before the election day.

Article 98. (Delivery of slips notifying voting)

The election management committee for the polling district shall, in accordance with the stipulation of a cabinet decree, deliver slips, notifying the voters who are on the list of voters, of the voting on the day previous to the election day.

Article 99. (Receipt of ballot paper)

Paragraph 1. A voter must go to the polling booth in person, and, after being confirmed as to his identity by presenting the slip notifying him of the voting in the presence of acceptance witnesses, receive one ballot paper with his signature or thumb print affixed to the list of voters in front of the members of the election management committee for the polling district.

Paragraph 2. Ballot papers for mail voting shall be, at 9 a.m. of the day 10 days before the election day, put into envelopes after cutting off serial numbers thereof, then into outer envelopes for return mail, and again into outer envelopes for dispatching mail and sealed, at the election management committees for the area districts in the presence of witness of political parties, candidates or chiefs of election offices, and dispatched within two days therefrom.

Paragraph 3. Dispatching and returning of ballots for mail voting shall be made through free registered mail.

Paragraph 4. When there is suspicion as to whether the voter is identical with the person on the list of voters, the election management committee for the polling district shall make a decision on the identity of the voter after hearing testimony from the chief of the *dong* or *ri* where the voter lives or from the neighbors thereof.

Paragraph 5. The chairman of the election management committee of the polling district shall issue a ballot paper even to a voter who has not brought with him the slip notifying the voting prescribed in the foregoing article, when it has been confirmed that the person is a voter who is on the list of voters.

Article 100. (Restriction on voting)

Paragraph 1. A person who is not on the list of voters shall not be able to vote.

However, a person who has brought with him a letter of decision prescribed in Paragraph 2 of Article 20 or Paragraph 2 of Article 21 may vote.

Paragraph 2. A person who has no right as of the election day cannot vote even if he is on the list of voters.

Paragraph 3. A voter listed on the roster of absentee voters shall be prohibited from voting except by mail.

Article 101. (Procedure of making marks)

Paragraph 1. A voter shall, at an isolated place where no other person is able to see, make a mark choosing one from among the columns where political parties and candidates are described or the columns where political parties only are described (in case there is no candidate in the competent area district), and fold the ballot paper on the spot so as not to be visible, in front of members of the election management com-

mittee for the polling district and polling witnesses, cut off the numbered paper and put it into another box, putting the ballot paper only into the ballot box.

Paragraph 2. The ballot paper shall not be issued again even in case a voter has stained it.

Paragraph 3. A voter who is blind or who cannot make a mark himself because of physical incompetence may have two persons from his family or who are designated by the voter himself accompany him and assist him in the voting.

Paragraph 4. Except for the case referred to in the foregoing paragraph, two or more persons shall not enter the same mark-making place at the same time.

Article 102. (Method of making mark)

When a voter makes a mark on the ballot paper, one mark of O only shall be made.

Article 103. (Number of election management committee members to be present)

A majority of the members of the election management committee for the polling district shall be present at the polling booth, and they shall be present at least one hour before the commencement of voting at the latest.

Article 104. (Observation of polling booth)

Paragraph 1. A political party, a candidate or the chief of election office may have witnesses observe the manner in which ballot papers are issued and the voting accomplished.

Paragraph 2. A political party, candidate or the chief of election office shall report to the election management committee of the competent polling district the full names of the witnesses during the period from the day three days before the election day to 30 minutes before the commencement of the voting, and the report may be made at the polling booth on the election day.

However, change of witness may be made at any time.

Paragraph 3. The election management committee for the polling district shall fix the seats for the witnesses at a place where the delivery of ballot papers and the voting may be observed easily.

Paragraph 4. Each political party shall select four witnesses for a polling booth, and have them observe the situation in two shifts, two persons for each shift.

Paragraph 5. Witnesses at the polling booth shall not interfere with voting office work, solicit votes, or commit any other act in any method which would affect the election.

Paragraph 6. When a witness of the polling booth has requested a correction, after discovering interference with the voting or any other fact violating the provisions of this law, the election management committee for the polling district shall make correction when the request thereof is considered as justifiable.

Paragraph 7. When an accident has taken place within the polling booth, the witness may take photographs of the voting situation.

Article 105. (Prohibition of entrance into polling booth of prosecutors and so forth and maintenance of order)

Paragraph 1. A prosecutor, policeman or a soldier on active service shall not enter the polling booth except when voting as a voter.

Paragraph 2. When it is considered that fair voting cannot be conducted because of extremely disturbed order in the polling booth, the chairman of the election management committee for the polling district may, through a decision of the committee, request assistance of uniformed policemen for maintaining order of the polling booth.

Paragraph 3. Policemen who have entered inside the polling booth pursuant to the request referred to in the foregoing paragraph shall follow instruction of the chairman of the election management committee of the polling district, and shall leave the polling booth immediately when order has been recovered or when so requested by the chairman.

Article 106. (Prohibition of entrance into polling booth)

No one shall enter the polling booth except for the voters, witnesses of the polling booth, members and personnel of the

election management committee for the polling district and upper-echelon election management committees thereof, and other persons engaged therein.

Article 107. (Prohibition of taking arms and murderous weapons)

Except for the case referred to in Paragraph 2 of Article 105, no one shall take with him arms, murderous weapons or explosives inside the polling booth.

Article 108. (Prohibition of noisy talks or deeds in and outside the polling booth)

Paragraph 1. When a person makes noisy talks or deeds inside the polling booth or within 100 meters from the polling booth, the chairman of the election management committee for the polling district shall restrain him and may force him to leave the polling booth or to get out of the limited distance in case the person has not obeyed the order.

Paragraph 2. A voter who has been forced to leave in accordance with the provision of the foregoing paragraph shall vote after all others have voted.

However, the chairman of the election management committee for the polling district may let him vote earlier than as aforementioned in case he is considered not likely to again disturb the order of the polling booth.

Paragraph 3. No one shall use an arm band, chest band or any other mark which would influence the election in any way, on the election day.

Article 109. (Guarantee of privacy of voting)

Paragraph 1. The secret ballot shall be guaranteed.

Paragraph 2. The voter shall not have the duty of stating the name of the candidate or the political party he has voted for, and the State or any other agency whatsoever shall not inquire or request the same.

Article 110. (Blockade of ballot box)

Paragraph 1. When the time for closing the polling booth has come, the chairman of the election management committee of the polling district shall close the entrance of the polling booth, and, when the voting by the voters inside the polling booth has been completed, he shall block and seal the ballot box and lock it with all the members of the committee present with the witnesses participating.

However, in case there exists a member of the committee or a witness who refuses to block and seal or to participate without justifiable reasons, he shall be considered as having abandoned his authority and the details shall be described in the record of voting.

Paragraph 2. The key of the ballot box, the ballot papers left, and ballot notices and ballot numbers, shall be sealed, respectively, in accordance with the provision of the foregoing paragraph.

Article 111. (Drawing up of record of voting)

The chairman of the election management committee of the polling district shall draw up a record of voting, and put his signature and seal on it with all the members of the committee present.

However, a member of the committee who refuses to sign or put his seal without a justifiable reason shall be considered as having abandoned his authority, and the details shall be described in the record of voting.

Article 112. (Dispatch of ballot box and so forth)

Paragraph 1. When the voting has been completed, the chairman of the election management committee of the polling district shall dispatch without delay the ballot box, the key of the ballot box, the record of voting and the ballot papers left to the election management committee of the area district or the election management committee of the *ku*, city or of the county.

Paragraph 2. The dispatching of the ballot box in accordance with the provision of the foregoing paragraph, one witness for each of the political parties or the candidates may accompany, and the number of policemen in uniform to accompany for escort thereof shall be two only.

Article 113. (Turn-over and custody of documents concerning the voting)

Paragraph 1. After completion of the election, the election management committee of the polling district shall turn over the list of voters and all other documents concerning the election to the chairman of the election management committee of the area district.

Paragraph 2. The documents referred to in the foregoing paragraph shall be kept in custody during the term of office of the person elected in the election.

CHAPTER IX

Ballot-counting

Article 114. (Ballot-counting management)

Paragraph 1. Ballot-counting shall be performed by the election management committees for the area districts and the election management committees for the *kus*, cities and counties (hereinafter referred to as the ballot-counting management committees).

Paragraph 2. When counting the ballots, a majority of the committee members shall be present.

Paragraph 3. The ballot-counting management committee shall announce publicly, five days before the election day, the place of ballot-counting to be established in the office of a *ku*, city or county.

Paragraph 4. Persons engaged in ballot-counting shall have the ballot-counting management committee assist them in the counting of ballots.

Paragraph 5. Persons engaged in ballot-counting shall be commissioned by the ballot-counting management committee from among the public officials of administrative agencies concerned or the courts in the competent district, and their names shall be announced publicly by three days before the election day.

Article 115. (Restriction on entrance to ballot-counting place, and maintenance of order)

Paragraph 1. No one shall be allowed to enter the ballot-counting place except for the members or personnel of the ballot-counting management committee or of upper-echelon election management committees, persons engaged in the ballot-counting, candidates and witnesses of the ballot-counting.

Paragraph 2. When it is considered that fair counting of the ballot cannot be secured because of extremely disturbed order of the ballot-counting place, the chairman of the ballot-counting management committee may, through a decision of the committee, request the assistance of policemen in uniform for the maintenance of order in the ballot-counting place.

Paragraph 3. Policemen who have entered the ballot-counting place in compliance with the request referred to in the foregoing paragraph shall be directed by the chairman of the ballot-counting management committee, and shall leave the ballot-counting place immediately when order has been recovered or when so requested by the chairman.

Paragraph 4. Except in the case mentioned in the foregoing paragraph, no one shall be allowed to take with him arms, murderous weapons or explosives in the ballot-counting place.

Article 116. (Commencement of ballot-counting)

Paragraph 1. The counting of ballots shall be conducted after the arrival of all the ballot boxes from the election management committees of the polling districts.

However, ballot-counting may be commenced after the arrival of two-thirds or more of the ballot boxes in case arrival of some of the ballot boxes are delayed because of traffic conditions or any other inevitable circumstances.

Paragraph 2. Witnesses of ballot-counting may inspect the blockade and sealing of the ballot boxes when they have arrived, and observe the management situation.

Paragraph 3. The election management committee of an area district shall receive ballots sent by mail and immediately put them into the ballot box for absentees, and the ballot box for mail voting shall be checked under participation of candidates and chiefs of election offices, or ballot

opening observers to confirm whether the ballots have been dispatched by the competent persons, from 5 p.m. on the election day. After the confirmation, the outer envelopes shall be opened and the ballot papers shall be mixed with those of the ordinary ballot box for counting.

Article 117. (Opening of ballot box)

Paragraph 1. When opening the ballot box, the chairman shall declare the purport thereof, and, after examining the blockade and sealing of the ballot box with all committee members present, open it.

However, in case a member refuses the examination or a witness refuses participation therein, without justifiable reasons, he shall be considered as having abandoned his authority, and the details thereof shall be described in the record of ballot-counting.

Paragraph 2. After opening of the box, the chairman shall count the number of ballots and check against the number of ballot papers issued as stated in the record of voting.

Paragraph 3. The ballot boxes shall be opened in order, and the number of ballot boxes being counted simultaneously shall not exceed two.

Paragraph 4. Announcement of the number of ballots received by respective political parties and candidates shall be made in the unit of the polling districts, and the members of the ballot-counting management committee who are present shall review the number of ballots received in advance of the announcement.

However, in case there is a member who procrastinates the ballot-counting work without justifiable reasons, he shall be considered as having abandoned his authority, and the details thereof shall be stated in the record of ballot-counting.

Article 118. (Witness of ballot-counting)

Paragraph 1. The political parties, candidates and chiefs of election offices may have their witnesses of ballot-counting observe the ballot-counting situation inside the ballot-counting place.

Paragraph 2. Four of the witnesses of ballot-counting referred to in the foregoing paragraph shall be selected by each of the political parties or candidates, and shall be reported to the ballot-counting management committee regardless of whether before or after the ballot-counting, and two witnesses shall participate in the observation in two shifts.

Paragraph 3. The ballot-counting management committee shall provide seats for the witnesses opposite the persons engaged in the ballot-counting work so as to enable the candidates or the witnesses to clearly observe the content of the ballot counting within a near distance (not more than two meters nor less than one meter).

Paragraph 4. A candidate or a witness may conduct circuit inspection at any time.

Paragraph 5. When a request has been made by a candidate or a witness for correction of a matter violating the law with regard to the ballot-counting, the ballot-counting management committee shall make the correction in case the request therefor is considered justifiable.

Paragraph 6. A candidate or a witness may take photographs of the ballot-counting scene inside the ballot-counting place.

Paragraph 7. Ordinary people may take a look at the ballot-counting scene at a specific place, with receipt of an observation certificate issued by the ballot-counting management committee.

Paragraph 8. The number of the observation certificates referred to in the foregoing paragraph shall be decided properly with the place for ballot-counting taken into consideration, and due care shall be paid to see to it that the certificates are distributed to the political parties and the candidates equally.

Paragraph 9. The ballot-counting management committee shall install facilities required for the maintenance of order in the gallery for the ordinary observers.

Article 119. (Invalid ballot)

A vote falling under any one of the following items shall be invalid.

1. One not made on the regular ballot paper;
2. One on which no mark whatsoever is made in any column;
3. One on which marks are made in two or more columns;
4. One for which judgement is hardly to be made as to in which column the mark is made;
5. One on which letters or figures are marked instead of marking O;
6. One on which other matters, in addition to a O mark, are described; and
7. One sent by mail, which is not sealed, or for which it has not been confirmed whether the voter is identical.

Article 120. (Decision on objection raised as to validity of vote)

When there arises an objection as to the validity of a ballot, decision shall be made with the attendance of a majority of the members of the ballot-counting management committee, and with the concurrence of the majority of the members present.

Article 121. (Sorting of ballots)

When ballot-counting has been completed, the ballot papers shall be sorted into valid votes and invalid votes on the basis of polling districts, and the valid ballot papers shall again be sorted for each of the political parties or the candidates and shall be sealed by the chairman of the ballot-counting management committee and all the members of the committee present, after being put into envelopes, respectively.

Article 122. (Drawing up of record of election, record of ballot-counting and record of total numbers, and report)

Paragraph 1. The ballot-counting management committee shall immediately announce publicly the result of the ballot-counting, simultaneously drawing up a record of ballot-counting.

Paragraph 2. The election management committees of the *keus*, cities and counties shall immediately report the records of ballot-counting mentioned in the foregoing paragraph to the election management committees of the area districts.

Paragraph 3. The election management committees of the area districts shall calculate and publicly announce the number of ballots received by the political parties and the candidates, simultaneously drawing up records of election in the case of area district elections, or records of total numbers in the case of the nationwide district election, and report to the upper-echelon election management committees, with the records of ballot-counting attached thereto.

Paragraph 4. When having received the report referred to in the foregoing paragraph, the election management committees of the Special City of Seoul, the City of Pusan and of the Provinces shall calculate and publicly announce the number of ballots received by respective political parties in the nationwide district, simultaneously drawing up records of total numbers, and report to the Central Election Management Committee, with the records of election and the records of total numbers mentioned in the foregoing paragraph appended thereto.

Paragraph 5. When having received the report referred to in the foregoing paragraph, the Central Election Management Committee shall calculate and publicly announce the number of ballots received by individual political parties in the nationwide district without delay, at the same time drawing up a record of election.

Paragraph 6. To the records of election, records of ballot-counting and the records of total numbers, the chairman and all the members of the committee present shall sign and affix their seals.

However, in case there exists a member of the committee who refuses to sign or affix seal without justifiable reasons, he shall be considered as having abandoned his authority, and the details thereof shall be stated in the records of election, records of ballot-counting and in the records of total numbers.

Paragraph 7. The form of the record of election, record of ballot-counting and of the record of total numbers shall be stipulated by the Central Election Management Committee.

Article 123. (Keeping in custody of ballot papers, records of election and records of ballot-counting and so forth)

Paragraph 1. After completion of the election, the election management committees of *euhs*, cities and counties shall turn over the ballot papers, records of voting, ballot boxes, records of ballot-counting and all other documents concerning the election to the chairman of the election management committee of the area district.

Paragraph 2. The election management committees of the area districts shall keep in custody the ballot papers, records of voting, ballot boxes, records of election, records of ballot-counting and all other documents concerning the election; the election management committees of the Special City of Seoul, the City of Pusan and of the Provinces, the records of election and all other documents concerning the election; and the Central Election Management Committee, all the documents concerning the nationwide district election; respectively, during the term of office of the persons elected.

CHAPTER X

Persons elected

Article 124. (Decision of persons elected in area districts)

Paragraph 1. The election management committee of an area district shall decide the person who has obtained more of the valid ballots than other district electorate candidates as the person elected.

However, in case two or more district electorate candidates have received the same number of ballots, the decision shall be made in the order of seniority in age.

Paragraph 2. The voting shall be held even in case only one candidate has registered by the deadline for registration of candidates.

Article 125. (Distribution of seats for nationwide district, and decision of persons elected)

Paragraph 1. The Central Election Management Committee shall distribute the seats for the nationwide district, in accordance with the provisions of Paragraph 2 through Paragraph 11, to the political parties excluding those political parties which have failed to occupy three or more seats in the area district elections or which have failed to receive five percent or more of the total number of valid ballots.

Paragraph 2. In case the ratio of the ballots received by the political party which has ranked in the first place in terms of the number of ballots received (hereinafter referred to as the first party) amount to 50 percent or more, distribution of the seats for the nationwide district shall be made in proportion to the ratio of the ballots received by each political party.

However, the number of seats to be distributed to the first party shall not exceed two-thirds of the fixed number of Assemblymen to be elected from the nationwide district.

Paragraph 3. In case the ratio of the ballots received by the first party does not amount to 50 percent, one half of the seats for the nationwide district shall be allocated to the first party, and the rest of the seats shall be distributed to the political parties headed by the second party in proportion to the ratio of the ballots received.

Paragraph 4. When in the case mentioned in the two foregoing paragraphs, the ballots received by the second party fails to exceed two times the total number of the ballots received by the third party and all other political parties down, two-thirds of the rest of the seats shall be allocated to the second party, and the remaining seats shall be allocated to other political parties headed by the third party in proportion to the ratio of the ballots received thereby.

Paragraph 5. The ratio of the ballots received referred to in paragraph 2, paragraph 3, and paragraph 4, shall be the number obtained when the number of the ballots received by each of the political parties is divided by the total number of the ballots received by all the political parties entitled to participate in the allocation of the seats, which is indicated by

percentages, with the fifth figure below zero counted as a whole number in case it stands 5 or more, or disregarded in case it stands 4 or below.

Paragraph 6. Seats shall be distributed in accordance with integral numbers calculated under the provisions of paragraph 5; provided, however, that in case there shall remain any unfilled seats, one seat shall be allocated to each political party in the order of the biggest fractions.

Paragraph 7. When, in the case referred to in Paragraph 6, two or more political parties have the same fractional numbers, the seat shall be allocated to the political party which has received more ballots, and, if they have received the same number of ballots, the seat shall be allocated by lottery drawings by the competent political parties.

Paragraph 8. When a political party dismissed during the election period a candidate whom it had recommended from membership, the ballots received in the nationwide district shall be calculated as the ballots received by the political party which recommended the candidate.

Paragraph 9. In case the number of seats for the nationwide district allocated to a political party exceeds the number of the candidates for the nationwide district who were recommended by the political party, the seats in excess thereof shall be left vacant.

Paragraph 10. The Central Election Management Committee shall decide the persons elected to the seats allocated to the political parties in the order indicated in the lists of candidates submitted by respective political parties.

Paragraph 11. When the result of the election throughout the country has not been concluded due to the reasons as referred to in item 1, paragraph 1, of Article 130, Article 131 or in Article 133, the Central Election Management Committee shall allocate, in accordance with the provisions of paragraph 1 through paragraph 11, the seats obtained through deduction from the number of seats for the nationwide district of the integral number of the number obtained through multiplying the population of the competent districts divided by the whole population of the country with the number of the Assemblymen for the nationwide district, and decide the persons elected.

Article 126. (Notification to the persons elected, and public announcement)

Paragraph 1. When the person elected in an area district has been decided, the election management committee of the area district shall notify the person elected of his election and make public announcement of the full name of the person elected without delay.

Paragraph 2. When the persons elected from the nationwide district have been decided, the Central Election Management Committee shall, without delay, make notification to each of the political parties and the persons elected, and make public announcement of the list thereof.

Article 127. (Annulment of election due to loss of the right to be elected)

Paragraph 1. A person not possessed of the right to be elected as of the election day shall not become a person elected.

Paragraph 2. In case a person elected has become, before the commencement of the term of office, not eligible to be elected, or in case he has left or changed party membership or in case the party to which he belongs has been dissolved, the validity of his election shall be lost.

However, the provision of this paragraph shall not be applied in case his party membership has been changed because of merger of political parties or expulsion from the party.

Article 128. (Correction of error in the decision of being elected)

Paragraph 1. When an obvious error has been discovered with regard to the decision of being elected, the Central Election Management Committee or the election management committee of an area district shall correct the decision of a person elected within 10 days from the election day.

Paragraph 2. When the election management committee of an area district conducts the correction referred to in the foregoing paragraph, examination by the Central Election Management Committee shall be required.

Article 129. (Re-decision of person elected and re-allocation of seat)

Paragraph 1. When a person elected in the nationwide district has died or refused to accept his election, before the commencement of the term of office, or his being elected has been nullified in accordance with the provision of Article 127, the Central Election Management Committee shall decide upon another candidate recommended by the political party which the original person belonged to as a person elected, in accordance with the order as described in the list of candidates of the political party.

However, the seat shall be left vacant in case the state of being elected has been annulled due to the dissolution of a political party.

Paragraph 2. When a judgement of not being elected has been made on the ground that the decision pursuant to the provision of Article 124 is illegal, the election management committee of the area district shall again decide which person is elected without delay.

Paragraph 3. When a judgement of not being elected has been made on the ground that the allocation of seats for the nationwide district and the decision of the persons elected pursuant to the provisions of Article 125 are illegal, the Central Election Management Committee shall, without delay, re-allocate the seats and decide again which persons were elected.

Paragraph 4. When elections have been held, in the case of the nationwide district election, due to the causes referred to in item 1, paragraph 1, of Article 130, Article 131 or in Article 133, the Central Election Management Committee shall allocate the seats left after the deduction prescribed in Paragraph 12 of Article 125, in accordance with the ratio of the ballots received and decide which persons were elected.

CHAPTER XI

Re-elections and by-elections

Article 130. (Re-election in area districts)

Paragraph 1. In the case mentioned in any one of the following items, re-election shall be held in the area district.

1. When there is no person elected;
2. When a judgement nullifying the whole election has been made;
3. When a person elected has resigned or died prior to the commencement of the term of office;
4. When the validity of being elected has been lost in accordance with the provision Paragraph 2 of Article 127; and
5. When the validity of being elected, for the person elected, has been lost in accordance with the provisions of Article 170 through Article 172.

Paragraph 2. A re-election under the provisions of the preceding paragraph shall be held within 90 days from the date on which the cause therefor is confirmed, and the election day shall be announced publicly by the President, with the provision of Paragraph 1 of Article 91 being applied with necessary modifications.

Article 131. (Postponement of election)

For an area district where the election cannot be held or was held due to natural calamities or for any other inevitable reasons, the President shall either postpone the election or decide the election day again.

Article 132. (Re-election due to partial nullification of election)

Paragraph 1. When a judgement nullifying part of the election has been made, the election management committee for the area district shall again decide a person elected through re-election in the competent polling district the election in which has been nullified.

Paragraph 2. The re-election referred to in the foregoing paragraph shall be held within 20 days after receiving the notification of the final judgement, and the election management committee for the area district shall announce publicly the re-election day 15 days prior thereto.

Paragraph 3. In the re-election referred to in the two foregoing paragraphs, the list of voters used in the election shall be used in spite of the provisions of Article 22 unless specifically expressed in the judgement.

Paragraph 4. Matters concerning the election campaign, campaign expenses and so forth in a partial re-election shall be stipulated by the election management committee for the area district.

Article 133. (Re-voting due to natural calamities)

Paragraph 1. When voting could not be held in one polling district or in several voting districts due to natural calamities or any other inevitable causes, or when the ballot boxes have been extinguished or lost, a person elected in the area district shall be decided upon after re-voting.

Paragraph 2. When there is no possibility that the causes mentioned in the foregoing paragraph could cause a change to the result of the election in the area district, a person elected in the area district shall be decided upon without re-voting.

Paragraph 3. The day for the voting mentioned in Paragraph 1 shall be announced publicly, with the provision of Paragraph 2 of the foregoing article being applied with necessary modifications, immediately after the causes therefor have been removed, and the matters concerning the election campaign, campaign expenses and so forth shall be stipulated by the election management committee of the area district.

Article 134. (Holding of postponed election and so forth)

Re-elections and re-balloting in those areas where elections, in the general election, have been postponed, were not able to be held, or have not been completed due to the causes referred to in item 1, paragraph 1, of Article 130, Article 131 or in Article 133, shall be held simultaneously if possible.

Article 135. (By-elections)

Paragraph 1. When vacancy has occurred for an Assemblyman elected from an area district, a by-election shall be held.

However, by-election shall not be held in case the term of office of an Assemblyman to be elected through by-election shall be less than six months and in case a legal suit concerning the election is pending in accordance with the provisions of Article 136 and Article 137.

Paragraph 2. When a vacancy has occurred for an Assemblyman elected from the nationwide district, the Central Election Management Committee shall decide the person who shall succeed the vacated seat in deference to the order as described in the list of candidates for the nationwide district of the political party to which the Assemblyman belonged at the time of the election, within 10 days after receiving the notification of the vacancy.

However, this rule shall not apply in case election is invalidated under the provisions of Article 171 or House seats are vacated due to the dissolution of political parties.

CHAPTER XII

Legal suits concerning elections

Article 136. (Election suits)

Paragraph 1. A voter, political party or a candidate, who has objection as to the validity of the election, may bring a legal action to the Supreme Court with the chairman of the election management committee for the area district as the defendant, within 30 days from the election day.

Paragraph 2. The vice-chairman shall be the defendant in case the chairman, who is to be the defendant in accordance with the provision of the foregoing paragraph, has died or resigned from the post, and all the members of the competent election management committee shall be the defendants in case the vice-chairman has died or resigned from the post.

Article 137. (Legal suit concerning validity of being elected)

Paragraph 1. A political party or a candidate having objection as to the validity of a person being elected may bring a legal suit to the Supreme Court with the person

elected as the defendant, within 30 days from the date of the decision of being elected.

However, the chairman of the election management committee concerned shall be the defendant in case the legal suit is brought for the reason that the decision pursuant to the provisions of paragraph 1 of Article 124, Article 125 or paragraph 1 of Article 127 is illegal.

Paragraph 2. In case the person elected, who is to be the defendant in accordance with the provision of the foregoing paragraph, has died or resigned from the post, or in case the validity of being elected has been lost in accordance with the provision of paragraph 2 of Article 127, the Chief Prosecutor of the Appellate Prosecutors Office having jurisdiction over the competent area district shall be the defendant.

Article 138. (Judgement nullifying the election and so forth)

The Supreme Court shall make a judgement nullifying the whole or part of the election, or nullifying the fact of being elected, only in case a fact violating the provisions concerning the election is considered to have influenced the result of the election even when such a fact exists in the legal suit referred to in the two foregoing articles.

Article 139. (Disposal of legal suits)

Legal suits concerning election shall be judged promptly prior to any other suits.

Article 140. (Application of the Law Concerning Administrative Litigation)

Paragraph 1. To a legal suit concerning election, the provisions of Article 9 and Article 14 of the Law Concerning Administrative Litigation shall be applied with necessary modifications, except as prescribed in this law.

However, not to be applied with necessary modifications are the provisions of Article 135, Article 138, paragraph 1 of Article 139, Article 206, Article 259 and of Article 261, of the Law for Civil Procedures.

Paragraph 2. A political party or a candidate may, for the purpose of preserving evidence in case of bringing a legal suit in accordance with the provisions of Article 136 or Article 137, apply to the District Court having jurisdiction over the area or to the branch court thereof for the preservation of the ballot boxes, ballot papers and the record of voting, after completion of the ballot-counting.

Paragraph 3. When an application referred to in the foregoing paragraph has been made, a judge shall take an official trip to the scene, draw up a protocol, and employ a proper method of keeping in custody.

Paragraph 4. The keeping in custody referred to in the foregoing paragraph shall lose its validity when no legal suit has been brought in accordance with the provisions of Article 136 or Article 137.

Article 141. (Notification concerning legal suits concerning election)

When a legal suit has been brought, or is no longer pending, or when a final judgement has been made, the Chief Justice of the Supreme Court shall make notification to the National Assembly, the Central Election Management Committee, and the election management committee of the competent area district of the fact.

CHAPTER XIII

Penal provisions

Article 142. (Crimes of fraudulent getting on the list, false affixing of seals, and false testimony)

Paragraph 1. A person who has managed to be on the list of voters through fraudulent methods, or a person who has committed false affixing of seals or false testimony in the case of paragraph 1 or paragraph 4 of Article 99, shall be sentenced to imprisonment or confinement for a term not exceeding six months or a fine in an amount not more than 10,000 won.

Paragraph 2. When a public official related to the election has not gotten a person having the right to vote on the list

of voters or has described a false matter thereon intentionally, he shall be subjected to an imprisonment or a confinement for a term not longer than one year or a fine in an amount not exceeding 20,000 won.

Article 143. (Crimes of buying over and inducing benefits or damages)

Paragraph 1. A person who has committed an act falling under any one of the following items shall be sentenced to an imprisonment or confinement for a term not longer than three years or a fine in an amount not exceeding 60,000 won.

1. A person who has offered or indicated or promised to offer, for the purpose of being elected or having a certain person elected or defeated, money, articles, horses and vehicles, entertainment and other property benefits or private or public positions to the voters, or another political party's or candidate's chief of election office, person responsible for accounting, speech-makers, witnesses, persons responsible for an election or liaison offices or election office workers;
2. A person who has committed an act proscribed in the foregoing item to the voters, and other political party's or candidate's chief of election office, person responsible for accounting, speech-makers, witnesses, persons responsible for an election or liaison offices or election office workers for the purpose of having them vote or not to vote or conduct or not to conduct election campaign, or for the purpose of receiving remunerations for the intercession or inducement thereof;
3. A person who has offered or indicated the will to offer, for the purpose of utilization in the election campaign, such property benefits as money and articles to a school, public agency, social organization, youth organization, organization of soldiers on the reserve list, or a nationalist organization and so forth;
4. A person who has played the role of intercession or inducement with regard to the acts proscribed in each of the foregoing items; and
5. A person who has accepted or requested the offer of the benefits or positions proscribed in Item 1 through Item 3, or who has given consent to the will of offer thereof.

Paragraph 2. A member or personnel of an election management committee, a public official related to election work, or a policeman who has committed an act referred to in the foregoing paragraph shall be sentenced to an imprisonment or confinement for a term not exceeding four years.

Article 144. (Crimes of buying, or inducing benefits or damages, of large number of people)

A person who has committed an act falling under the category of any one of the following items shall be sentenced to imprisonment or confinement for a term not exceeding five years or a fine in an amount not more than 100,000 won.

1. A person who has committed, or let other persons commit, an act enumerated in Paragraph 1 of the foregoing article to a large number of voters, chiefs of election offices, persons responsible for accounting, speech-makers, witnesses, persons responsible for election or liaison offices or election offices workers, for a certain political party or candidate for the purpose of seeking property benefits; and
2. A person who has undertaken or let other persons undertake the act referred to in the foregoing item.

Article 145. (Crimes of buying, and inducing benefits or damages of candidate)

Paragraph 1. A person who has committed an act falling under the category of any one of the following items shall be sentenced to an imprisonment or confinement for a term not exceeding five years or a fine in an amount not more than 100,000 won.

1. A person who has committed an act proscribed in Item 1, Paragraph 1, of Article 143, to a person desiring to become a candidate or to a candidate, for the purpose of having him refrain from becoming a candidate or withdraw his candidacy;

2. A person who has committed an act prescribed in item 1, paragraph 1, of Article 143, to a person desiring to become a candidate or a person who was a candidate, for the purpose of getting remunerations for having had a person refrain from becoming a candidate or withdraw his candidacy; and
3. A person who has played the role of intercession or inducement with regard to the acts prescribed in paragraph 1 concerning pertinent elections.

Paragraph 2. A person who has accepted or requested the offer of the benefits or positions prescribed in item 1 or item 2 of the foregoing paragraph, or who has given a consent to the will of offering thereof, shall be sentenced to an imprisonment or confinement for a term not longer than three years or a fine in an amount not exceeding 60,000 won.

Paragraph 3. When a member or personnel of an election management committee, a public official related to election work, or a policeman has committed an act referred to in the foregoing paragraph, he shall be sentenced to an imprisonment or confinement for a term not exceeding six years.

Article 146. (Crimes of buying, or inducing benefits or damages of, a person elected)

Paragraph 1. A person who has committed an act falling under the category of any one of the following items shall be sentenced to an imprisonment or confinement for a term not longer than seven years nor less than one year.

1. A person who has committed, or has had other persons commit, an act prescribed in item 1, paragraph 1, of Article 143 to a person elected for the purpose of having him refuse to accept being elected; and
2. A person who has accepted or requested the offer of the benefits of positions prescribed in the foregoing item, or who has given a consent to the will of offering thereof.

Paragraph 2. A person who has played the role of intercession or inducement with regard to the act prescribed in the foregoing paragraph shall be sentenced to an imprisonment or confinement for a term not longer than five years or a fine in an amount not exceeding 100,000 won.

Article 147. (Crime of illegal utilization of newspapers or magazines)

A person who has violated the provisions of Article 61 through Article 63 shall be sentenced to an imprisonment or confinement for a term not longer than three years or a fine in an amount not exceeding 60,000 won.

Article 148. (Confiscation of benefits or gains accruing from the crime of buying or inducing benefits or damages)

The benefits received due to the acts referred to in the five foregoing articles shall be confiscated.

In case the whole or part thereof cannot be confiscated, however, an amount equivalent thereto shall be collected additionally.

Article 149. (Crime of disturbing freedom of election)

Paragraph 1. A person who has committed an act falling under the category of any one of the following items with regard to election shall be sentenced to an imprisonment or a confinement for a term not longer than five years or a fine in an amount not exceeding 100,000 won.

1. A person who has threatened, employed violence against, or kidnapped, or illegally arrested or detained a candidate, a person desiring to become a candidate, chief of election office, person responsible for accounting, person responsible for election office or liaison office, election office worker, speech-maker, voter, witness, persons engaged in election work (including persons engaged in voting and ballot-counting works) or a person elected; and
2. A person who has disturbed freedom of election by means of disturbing assemblies, speeches or traffics, or through fraudulent planning or techniques or any other illegal methods.

Paragraph 2. When a prosecutor, policeman or a soldier has committed an act referred to in the foregoing paragraph,

he shall be subjected to an imprisonment or a confinement for a term not longer than 10 years nor less than one year plus suspension of qualifications for a term exceeding five years.

Article 150. (Interference with election freedom by military personnel)

A soldier who has, for the purpose of having a specific candidate elected or defeated, disturbed the exercise of the right to vote of the voters who are the soldiers or civilians attached to the unit under his command, through violences, threats or any other means, shall be sentenced to an imprisonment or a confinement for a term not longer than 10 years nor less than one year.

Article 151. (Crime of disturbing freedom of election through abuse of official power)

When a member or personnel of an election management committee, policeman, a public official related to the election, or a person related to the work of drawing up the list of voters has disturbed the freedom of election through abuse of his official power by disturbing the list of voters intentionally, not issuing slips notifying the voting, abandoning or neglecting his duties, following a candidate without justifiable reasons, or by entering the residence, election office or liaison offices thereof without permission or not departing therefrom even when requested to leave, he shall be sentenced to an imprisonment or a confinement for a term not longer than five years or a fine in an amount not exceeding 100,000 won.

Article 152. (Crime of disturbing posters or other publicity facilities)

Paragraph 1. A person who has disturbed, destroyed or damaged, or removed, without justifiable reasons, posters, posting notification of the names of candidates, and drawing up or pasting of other facilities for publicity shall be sentenced to an imprisonment or a confinement for a term not longer than two years or a fine in an amount not exceeding 40,000 won.

Paragraph 2. When a member or a personnel of an election management committee, a public official related to election works, or a policeman has committed an act referred to in the foregoing paragraph, he shall be sentenced to an imprisonment or a confinement for a term not exceeding three years or a fine in an amount not more than 60,000 won.

Paragraph 3. When a member or a personnel of an election management committee, or a person engaged in the election work thereof has illegally and unjustifiably drawn up, pasted or distributed, or has not performed without justifiable reasons, posters prescribed in Article 40, public reports on election prescribed in Article 43 or postering notification of the names of the candidates, he shall be sentenced to an imprisonment or a confinement for a term not longer than three years or a fine in an amount not exceeding 60,000 won.

Article 153. (Crime of infringing upon secret of voting)

Paragraph 1. Any person who has infringed upon the secret of voting, or requested a voter to indicate the political party or the candidate he is going to vote for or the political party or the candidate he voted for shall be sentenced to an imprisonment or a confinement for a term not longer than two years or a fine in an amount not exceeding 40,000 won.

Paragraph 2. When a member or a personnel of an election management committee, a prosecutor, policeman, soldier or a public official related to election work has committed the crime mentioned in the foregoing paragraph, he shall be sentenced to an imprisonment or a confinement for a term not exceeding five years.

Article 154. (Crime of interference in voting or ballot-counting)

Paragraph 1. A person who has interfered in the voting or ballot counting without justifiable reasons, or has solicited voting or committed an act which would influence the voting or ballot counting, at the polling booth or ballot counting place, shall be sentenced to an imprisonment or a confinement for a term not longer than three years.

Paragraph 2. When a prosecutor, policeman, or a soldier has committed an act referred to in the foregoing paragraph, he shall be sentenced to an imprisonment or a confinement

for a term not longer than 10 years nor less than one year.

Article 155. (Crime concerning ballot box and so forth)

Paragraph 1. A person who has illegally opened a ballot box or has taken away, destroyed, damaged, concealed or seized a ballot box or ballot papers in ballot boxes shall be sentenced to an imprisonment or a confinement for a term not longer than seven years nor less than one year.

Paragraph 2. When a prosecutor, policeman or soldier has committed an act mentioned in the foregoing paragraph, he shall be sentenced to an imprisonment or confinement for a term not longer than 10 years nor less than one year.

Article 156. (Crime of violence or derangement against person concerned with election work or facilities)

A person who has used violence against, or threatened, a member or a personnel of an election management committee, or a public official concerned with election works, a person who has deranged a polling booth or a ballot-counting place, or a person who has detained, destroyed or damaged, or seized ballot papers, list of voters, other documents concerning election, or seals concerning the election, shall be sentenced to an imprisonment or a confinement for a term not longer than five years or a fine in an amount not exceeding 100,000 won.

Article 157. (Crime of intrusion of polling booth or ballot-counting place)

Paragraph 1. A person who has intruded a polling booth or a ballot-counting place, taking with him arms, murderous weapons, explosives or any other object which might kill or injure other persons, shall be sentenced to an imprisonment or a confinement for a term not longer than five years.

Paragraph 2. A person who has violated the provisions of Article 106 and paragraph 1 of Article 115 shall be subjected to an imprisonment or a confinement for a term not longer than three years or a fine in an amount not exceeding 60,000 won.

Article 158. (Crime of disturbing election by large number of people)

Paragraph 1. When a large number of people have committed in group the acts mentioned in the three foregoing articles, punishment shall be made in accordance with the following classification.

1. The mastermind shall be sentenced to an imprisonment or a confinement for a term not longer than 10 years nor less than three years;
2. A person who has directed other persons or taken action ahead of other persons shall be sentenced to an imprisonment or a confinement for a term not longer than seven years nor less than one year; and
3. A person who has followed other persons blindly in the action shall be sentenced to an imprisonment or a confinement for a term not exceeding one year or a fine in an amount not more than 20,000 won.

Paragraph 2. When, in case a large number of people have assembled for the purpose of committing the acts referred to in the three foregoing articles, they have not dissolved in spite of an order for three times or more issued by a public official concerned to dissolve, the person who has taken the role of leading the action shall be sentenced to an imprisonment or a confinement for a term not longer than three years, while the others shall be sentenced to an imprisonment for a term not longer than six months or a fine in an amount not exceeding 10,000 won.

Article 159. (Crime of fraudulent voting)

Paragraph 1. A person who has voted or tried to vote with false name or any other fraudulent methods, or a person other than a voter, who has voted or tried to vote, shall be sentenced to an imprisonment or a confinement for a term not longer than two years or a fine not exceeding 40,000 won.

Paragraph 2. When a member or a personnel of an election management committee, or a public official related with the election work or a person engaged in the election work has

committed or let other persons commit the crime mentioned in the foregoing paragraph, he shall be sentenced to an imprisonment or a confinement for a term not longer than three years or a fine in an amount not exceeding 60,000 won.

Article 160. (Crime of counterfeiting or increasing or decreasing ballots)

Paragraph 1. A person who has counterfeited, or has increased or decreased the ballots, shall be sentenced to an imprisonment or a confinement for a term not longer than seven years nor less than one year.

Paragraph 2. A member or a personnel of an election management committee, or a public official or a person related to or engaged in the election work, who has committed an act mentioned in the foregoing paragraph, shall be sentenced to an imprisonment or a confinement for a term not longer than 10 years nor less than three years.

Article 161. (Crime of publicizing false matters)

Any person who has, for the purpose of having a person elected or not elected an Assemblyman, publicized or let other persons publicize false matters concerning his social place, thoughts, personal status, occupation or social career, through a speech, newspaper, magazine, posters, publicity documents or any other methods, shall be sentenced to an imprisonment or a confinement for a term not longer than five years or a fine in an amount not exceeding 100,000 won.

Article 162. (Crime of slandering candidate)

Paragraph 1. A person who has, for the purpose of having a candidate elected or not elected as an Assemblyman slandered the candidate, publicly pointing out a fact, through a speech, newspaper, magazine, posters, publicity documents or any other methods whatsoever, shall be sentenced to an imprisonment or a confinement for a term not exceeding three years or a fine in an amount not more than 60,000 won.

Paragraph 2. When the act referred to in the foregoing paragraph is on a true fact and designed for the public benefits only, punishment shall not be made.

Article 163. (Crime of illegal utilization of broadcast)

A person who has violated the provisions of Articles 58, 59 or paragraph 2 of Article 60 shall be sentenced to an imprisonment or a confinement for a term not longer than three years or a fine in an amount not exceeding 60,000 won.

Article 164. (Crime of illegal campaigning such as pre-campaigning, utilization of specific position or house-to-house visits)

Paragraph 1. A person falling under the category of any one of the following items shall be sentenced to an imprisonment or a confinement for a term not longer than two years or a fine in an amount not exceeding 40,000 won.

1. A person who has conducted election campaign in violation of the provisions of Articles 32 through Article 37, paragraphs 1, 2, 4, 5 or 7 of Article 38, or Article 64; and
2. A person who has conducted election campaigns in violation of the provisions of Article 56 or Article 65 through 70.

Paragraph 2. When a public official has conducted a campaign, making use of his position, he shall be sentenced to an imprisonment or a confinement for a term not longer than three years or a fine not exceeding 60,000 won.

Article 165. (Crimes of violating provisions for various restrictions)

A person falling under the category of any one of the following items shall be sentenced to an imprisonment or a confinement for a term not longer than two years or a fine in an amount not exceeding 40,000 won.

1. A person who has drawn up or made and used documents, drawings and other publicity facilities in violation of Articles 40, 43 or 45;
2. A person who has violated Article 46; and
3. A person who has conducted election campaign in violation of Article 47, Article 51, paragraph 3 or paragraphs

5 through 8 of Article 52, Paragraphs 2 through 4 of Article 53, 54 or 57.

Article 166. (Crime of violating prohibition or restriction of donation)

Paragraph 1. A person prescribed in paragraph 1 or paragraph 2 of Article 72, who has made donation in violation of the provisions of the article, or a person who has violated the provision of Article 73 shall be sentenced to an imprisonment or a confinement for a term not longer than three years or a fine in an amount not exceeding 60,000 won.

Paragraph 2. A person who has violated the provision of Article 74 shall be sentenced to an imprisonment or a confinement for a term not longer than seven years nor less than one year.

However, a fine in an amount not exceeding 100,000 won may be imposed thereon concurrently.

Paragraph 3. A person who has violated the provision of Article 75 shall be sentenced to an imprisonment or a confinement for a term not longer than two years or a fine in an amount not exceeding 40,000 won.

Article 167. (Crime of illegal disbursement of election expenses)

Paragraph 1. When a political party, candidate, chief of election office, person responsible for accounting or an accounting assistant has disbursed or caused others to disburse election expenses in violation of the provision of Article 78, an imprisonment or a confinement for a term not longer than five years or a fine in an amount not exceeding 100,000 won shall be imposed thereon.

Paragraph 2. When a political party, a candidate or a person responsible for accounting has violated the provision of Article 82 through Article 88 or of Article 90, an imprisonment or a confinement for a term not longer than two years or a fine in an amount not exceeding 40,000 won shall be imposed thereon.

Article 168. (Crime of violating various restrictions)

Paragraph 1. A person who has violated any of the provisions for various restrictions as provided for in this law, concerning the election, except as stipulated in each of the Articles 142 through 167, shall be subjected to a fine in an amount not exceeding 5,000 won.

Paragraph 2. A person who has neglected to perform the duty of reporting, as provided for in this law, concerning the election, shall be subjected to a negligence fine in an amount not exceeding 5,000 won.

Article 169. (Crime of instigating election crime)

Any person who has instigated the commitment of the crimes prescribed in this chapter, through a speech, posters, newspapers or any other method, shall be sentenced to an imprisonment or a confinement for a term not longer than three years or a fine in an amount not exceeding 60,000 won.

Article 170. (Nullification of being elected due to excessive disbursement of election expenses)

When a person responsible for accounting for a regional electorate has been subjected to an imprisonment or a confinement due to disbursement in excess of the total amount of expenses as publicly notified in accordance with the provision of Article 70, the election of the district electorate candidate thereof shall be nullified.

However, the provision of this article shall not be applied in case the disbursement has been made for the purpose of having the election of the competent candidate nullified, through inducement or incitement of other persons.

Article 171. (Nullification of being elected due to election crime of the person elected)

When a person elected has become to be subjected to an imprisonment or a confinement or to a fine in an amount not less than 10,000 won, because of commitment of a crime prescribed in this law, in the competent election, the election thereof shall become null and void.

Article 172. (Election crime by chief of election office and so forth, and nullification of the election caused thereby)

Paragraph 1. When a chief of election office or a person responsible for accounting has been subjected to an imprisonment or a confinement, because of commitment of a crime prescribed in Article 143 through Article 146, in the competent election, the election of the candidate in the competent area district, recommended by the political party, shall become null and void.

Paragraph 2. When a finally confirmed judgement has been given to a crime referred to in the two foregoing articles and this article, the competent chief judge shall send a copy of the letter of judgement thereof to the National Assembly, the Central Election Management Committee, and to the election management committee of the area district.

Article 173. (Notification concerning indictment)

When a prosecutor has indicted a person elected, a candidate, chief of election office, person responsible for accounting or a person related to a political party, with regard to a crime concerning the election, notification shall be made to the election management committee of the competent area district.

Article 174. (Prescription for accusation)

The prescription for accusation of the crimes prescribed in this law shall be completed with a lapse of three months after the election day.

However, the period therefor shall be one year in case the criminal involved therein has made an escape.

Article 175. (Jurisdiction of trials)

Judgement of the first trial concerning election criminals and accomplices thereof shall come under the jurisdiction of the collegial judgement department of the district court.

ADDENDUM

Article 1. (Date of enforcement)

This law shall be in effect from the date of its promulgation.

Article 2. (Population standard)

The standard for the population in the election for National Assemblymen to be held for the first time after the enforcement of this law shall be in accordance with the population statistics surveyed pursuant to the Resident Registration Law as of 10 November 1962, in spite of the provision of Article 5.

Article 3. (Establishment of polling districts)

The polling districts prescribed in Article 17 shall be established within 30 days from the date of promulgation of this law.

Article 4. (Dismissal of public officials and members of election management committees)

Public officials and members of the election management committees, desiring to become candidates in the election for National Assemblymen to be held for the first time after the enforcement of this law, shall have to be released from their posts by 30 September 1963, regardless of the provision of Article 28.

Article 5. (Ditto)

In the election of National Assemblymen to be held for the first time after the enforcement of this law, the provision of the saving clause of paragraph 1 of Article 28 shall be applied with necessary modifications to the members of the Supreme Council for National Reconstruction.

Article 6. (Restriction on act of donation)

In the election of National Assemblymen to be held for the first time after the enforcement of this law, the date of promulgation of this law shall be regarded as the day 180 days before the date on which the term of office of the National Assemblymen expires as prescribed in Article 72.

Article 7. (Law to be abrogated)

The Law Concerning the Election of National Assemblymen, Law No. 551, shall be abrogated herewith.

However, this does not apply to persons for whom legal cases are pending, or to persons who have received punishment, due to election crimes, at the time of the coming into force of this law.

E. PRESIDENTIAL ELECTION LAW

Unofficial translation of Law No. 1262
(promulgated on 1 February 1963)^c

CHAPTER I

General provisions

Article 1. (Purpose)

The purpose of this Law is to seek the development of democratic political principals by assuring the fair and just election of the President 'of the Republic of Korea' by the free will of the people.

Article 2. (Definition of Voter)

The word voter, as mentioned in this Law shall refer to a person who has the right to vote and who is on the list of voters.

Article 3. (Cooperation and assistance concerning election affairs)

Government offices, public offices and any other public agencies, when requested to render necessary cooperation and assistance in the execution of election affairs, shall comply therewith on preferential and priority basis.

Article 4. (Guarantee of exercise of the right to vote)

The time required to inspect voters' list and vote for public officials, students or those persons employed by another person shall not be considered as absence from their duty or work.

Article 5. (Basis of population)

The basis of population stipulated in this Law shall be founded on the latest population statistics surveyed in accordance with the provisions of the Statistics Law.

Article 6. (Commencement of term of office of the President)

Paragraph 1. The term of office of the President shall commence from the day following the date of expiration of the term of his predecessor.

Paragraph 2. The term of office of the President elected through a by-election shall be for the remainder of the term of office of his predecessor, beginning from the day on which he is elected.

Article 7. (Scope of public officials)

The definition of public officials mentioned in this Law shall be determined by a Cabinet decree.

CHAPTER II

Franchise and eligibility

Article 8. (Franchise)

Any national who is twenty years or more of age shall have the right to vote.

Article 9. (Eligibility)

Any national who has lived continuously within the Republic of Korea for five years or more as of the election day and whose age is forty or above shall be eligible to be elected President. Any period during which a person has been dispatched for official duties to a foreign country shall be deemed as residence with the Republic of Korea.

Article 10. (Basis for Computing Age)

The age of a person entitled to vote and that of a person eligible for election shall be computed as of the election day.

Article 11. (Persons disqualified from voting)

The following persons shall have no right to vote:

1. A person adjudged incompetent or of limited competence;
2. A person sentenced to confinement or a heavier punishment and who has not completed serving his punishment or for whom it has not been finally determined that the sentence would not be executed;
3. A person for whom two years have not elapsed since receiving a punishment of a fine of not less than five thousand won for violation of an election law; or a person sentenced to punishment of confinement or heavier punishment and four years have not elapsed since it was finally determined that the sentence would not be executed or since execution of punishment upon him was completed or remitted;
4. A person whose right to vote was suspended or forfeited by a court decision.

Article 12. (Person not eligible for election)

The following persons shall not be eligible for elections:

1. A person who falls under sub-section 1, 2 or 4 of the preceding Article;
2. A person for whom four years have not elapsed since receiving a punishment of a fine of not less than five thousand won for violation of an election law; or a person sentenced to punishment of confinement or heavier punishment and that seven years have not elapsed since the execution thereof was withheld or completed or remitted (a person sentenced to a stay of execution of punishment for whom three years have not elapsed since the period of probation has terminated);
3. A person sentenced to punishment of confinement or above for having dodged military service, for whom seven years have not elapsed since execution of punishment upon him was withheld, completed or remitted (a person sentenced to stay of execution of punishment, or whom four years have not elapsed since the period of probation has completed).
However, this shall not apply to a person who has completed his military service since execution of punishment upon him was completed or remitted, or since it was finally determined that sentence would not be executed; and
4. A person whose right to be elected was suspended or forfeited by a court decision or by law.

CHAPTER III

Electoral districts

Article 13. (Electoral Districts)

A single national electorate shall be adapted.

Article 14. (Ballot-opening district and voting district)

Paragraph 1. Wards (kus), cities, and counties shall be ballot-opening districts. However, in a case where two or more area electoral districts as provided for in the Election Law for the Members of the National Assembly exist in a ward, city, county as of the day on which the Presidential election is announced, such area electoral district shall be the ballot-opening district.

Paragraph 2. Voting districts shall be those mentioned in the Election Law for Members of the National Assembly as of the date of announcement of the presidential election day.

Article 15. (Changes in electoral districts)

Even though an administrative district has been abolished, established, altered, separated or merged, or changes in an area electoral district and voting district under the Election Law for the Members of National Assembly as prescribed in the preceding Article have been made, from the date of announcement to the election day, the electoral districts for the Presidential election shall not be changed.

CHAPTER VI

Voters' List

Article 16. (Compilation of voters' list)

Paragraph 1. Whenever an election is to take place, the head of a ward, a mayor, or a town or township chief shall

^c As amended and promulgated on 6 August 1963 by Amendment Law No. 1384.

compile a voters' list by thirty days prior to the election day by surveying those eligible voters by ballot districts who have had their place of abode within each jurisdictional area as of forty days prior to the election day.

Paragraph 2. The voters' list shall contain the name, address, sex, date of birth of the voters and any other necessary matters.

Paragraph 3. No person may be listed in two or more voters' lists.

Paragraph 4. Forms of the voters' list shall be determined by a Cabinet decree.

Paragraph 5. The head of a ward, a mayor, a town or township chief shall send an attested copy of the list to the ballot-opening district election management committee (it refers to the ballot-opening district election management committee mentioned in Article 2, Paragraph 6 of the Election Management Committee Law, hereinafter refers the same), concurrently with the compilation of the voters list.

Article 17. (Inspection of the list)

Paragraph 1. The head of ward, mayor, town or township chief shall make the voters' list available for inspection for ten days from thirty days prior to the election day at the office of ward, city, town or township or any other place designated by him for inspection. However, for the convenience of the voters, an attested copy of *dong* or *ri* voters' list may be provided at *dong* or *ri* office and be made available for inspection.

Paragraph 2. Any voter may freely inspect the voters' list.

Paragraph 3. The period and places for inspection mentioned in paragraph 1 shall be publicly announced by the head of ward, mayor, town or township chief 15 days prior to the commencement of inspection.

Article 18. (Protests)

Paragraph 1. If any voter finds that there is an omission or error in the voters' list, he may, within the period of public inspection, raise an objection orally or in writing to the head of ward, a mayor, or a town or township chief concerned and may request correction thereof.

Paragraph 2. When the head of a ward, a mayor, or a town or township chief has received a request under the preceding paragraph, it shall be examined and decided upon within five days; and if a decision has been made that such request is valid, the voters' list shall immediately be corrected and the notification thereof shall be given to the applicant or the person concerned, and if a decision is reached that such request is not valid, the applicant shall be so notified.

Article 19. (Appeal of decision on a protest)

Paragraph 1. An applicant or the person concerned who is dissatisfied with the decision rendered under the preceding paragraph, may, within three days after he has received the notice thereof, request in writing a re-examination of the issue by the ballot-opening district election management committee concerned.

Paragraph 2. The ballot-opening district election management committee which has received the request for re-examination under the preceding paragraph shall make a re-examination and reach a decision within three days; if the decision is favorable and complies with the request, such committee shall immediately inform the head of the ward, mayor, town or township chief concerned, and have him correct the voters' list, and the applicant and the person concerned shall be notified of the correction, but if an unfavorable decision is made and the request is not granted, the applicant and the head of ward, mayor, town or township chief concerned shall be so notified of such decision.

Article 20. (Change in a voter's place of abode)

Paragraph 1. When any voter whose name is entered in the voters' list has changed his place of abode to any place outside of the voting district concerned after the basic day of compilation of the voters' list, he may, by the date of confirmation of the voters' list give a notification of such change to the head of the ward, mayor, town or township chief concerned who has jurisdiction over his former place of abode and may receive a statement of confirmation stating that he has been set forth in the voters' list.

Paragraph 2. The head of the ward, mayor, town or township chief who has received the notification mentioned in the preceding paragraph shall cross out the name of such person from the voters' list, if he has issued a confirmation of entry in the voters' list.

Paragraph 3. The voter who has received the confirmation of entry in the voters' list shall give a move-in notice to the head of the ward, mayor, town or township chief concerning the place of abode in which he has moved in by the date of final confirmation of the voters' list.

Paragraph 4. The head of the ward, mayor, town or township chief who has received moving-in notification mentioned in the preceding paragraph shall enter such notification in the voters' list of proper voting district.

Article 21. (Confirmation of the voters' list)

Paragraph 1. The voters' list shall become final five days prior to the election day and shall be effective only for the election concerned.

Paragraph 2. The voters' list shall be re-compiled by the head of the ward, mayor, town or township chief in case it is necessary to do so due to a natural calamity, disaster or accidents.

Paragraph 3. Matters concerning compilation, public inspection, final confirmation, effective period, etc., of the voters' list under the preceding paragraph shall be determined by a Cabinet Decree.

CHAPTER V

Candidates

Article 22. (Registration)

Paragraph 1. The political party with which the candidate for the President (hereinafter referred to as candidate) was affiliated shall apply for registration of the candidacy with a letter of recommendation for the candidate and a letter of the consent of the candidate to the Central Election Management Committee within ten days from the date of announcement of the election day.

Paragraph 2. Applications for the registration of candidacy shall, irrespective of official holidays, be accepted from 9:00 a.m. to 5:00 p.m. every day.

Paragraph 3. When an application for candidacy under paragraph 1 has been submitted, the Central Election Management Committee shall accept it immediately, and if no certificate concerning eligibility of a candidate is attached thereto, the Central Election Management Committee shall conduct an investigation on the matters.

Article 23. (Additional registration)

In the event a registered candidate dies after the period for application for registration of candidate has expired, the political party which has recommended such candidate may apply for registration of another candidate pursuant to the provisions of the preceding Article, if application is made more than twelve days prior to the election day.

Article 24. (Nullity of registration)

Paragraph 1. In case it is found after registration of a candidate that the candidate registered is not eligible to be elected or the political party with which the candidate is affiliated has been dissolved, or the candidate has left or changed his political party membership, such registration shall be null and void.

Paragraph 2. When the registration has become null and void, the Central Election Management Committee shall immediately notify the candidate and the political party concerned of the void registration, stating clearly the reasons therefor.

Article 25. (Revocation and alteration of recommendation for a candidate)

No political party may revoke or alter the recommendation for a candidate registered after the registration of a candidate. However, this rule shall not apply in case of the invalidation of registration due to the resignation or death of the candidate or due to other reasons than expulsion.

Article 26. (Candidacy of public officials and members of election management committees)

Paragraph 1. In case a public official or a member of an election management committee intends to run as a candidate, he shall be released from his office one hundred and eighty days prior to the expiration of the term of office of the President (in the case of re-election, by-election or postponed election, within five days from the date of public announcement of the election day). However, this shall not apply to the President or a member of the National Assembly who intends to run as a candidate.

Paragraph 2. The release from office under the preceding paragraph shall be deemed to be effective when a letter of resignation has been accepted by the head of an office where one is serving as a public official (the speaker of the respective council for member of local council), and in the case of a member of an election management committee when accepted by the election management committee concerned.

Article 27. (Notification of withdrawal of candidacy)

Where a candidate intends to withdraw his candidacy, he shall give notification thereof in writing to the Central Election Management Committee, stating that the political party with which he affiliates has approved thereof.

Article 28. (Public notice concerning candidates)

Paragraph 1. When a candidate has registered or withdrawn his candidacy, or has died, or his registration has been nullified, the Central Election Management Committee shall without delay make a public announcement thereof and shall give notification thereof to the Seoul Special City, Pusan City and Provincial Election Management Committees.

Paragraph 2. When the Seoul Special City, Pusan City and Provincial Election Management Committees have received the notification under the preceding paragraph, such Committees shall without delay make a public notice thereof and shall give notification thereof to the ballot-opening district election management committees.

CHAPTER VI

Election campaign

Article 29. (Definition)

Paragraph 1. The words election campaign when mentioned in this Law shall refer to those acts designed to have oneself elected or to have another person elected.

Paragraph 2. An expression of simple opinion or expression of intention in connection with the election and any preparatory act for candidacy shall not be considered as an election campaign act.

Article 30. (Period of election campaign)

An election campaign may be conducted only during the period from the day on which the pertinent candidate completes registration of his candidacy to the date previous to the election day.

Article 31. (Limitation of election campaign)

The election campaign mentioned in the preceding Article shall not be conducted in any manner other than as prescribed in this Law.

Article 32. (Those persons who are not allowed to conduct an election campaign)

Paragraph 1. Any organizations or individuals other than parties, candidates, campaign managers, speech makers, and a person in charge of campaign office or liaison office or an election office staff whose political party membership is same as that of the candidate shall not be allowed to conduct an election campaign.

Paragraph 2. A public official or a member of an election management committee may not become a campaign manager, the person in charge of a campaign office or liaison office, or the person in charge of disbursing election expenses (hereinafter referred to as a person in charge of accounts) or a member of an election office staff or a speech maker.

However, this shall not apply to the members of the National Assembly and local councils.

Article 33. (Establishment of campaign offices and liaison offices)

Paragraph 1. In order to conduct an election campaign, a political party may establish one campaign office in Seoul Special City, Pusan City, Provinces and in each ballot-opening district.

Paragraph 2. In accordance with the provisions of the preceding paragraph, signs may be posted at election offices and liaison offices in such a manner as may be prescribed by a Cabinet decree.

Article 34. (Report on campaign office, liaison office and the person in charge thereof)

Paragraph 1. When a political party has established its campaign offices or liaison offices, it shall without delay report on the sites thereof and the names and addresses of persons in charge of such offices to the pertinent election management committee. The same shall apply when any changes in the matters to be reported have taken place.

Paragraph 2. The person in charge of a campaign office or liaison office must belong to the same political party as the candidate.

Article 35. (Prohibition of establishment of similar organization)

Paragraph 1. Except for the campaign office and the liaison office for election pursuant to the provisions of the preceding two Articles, election promotion committees, supporter's associations or any other agencies or organizations or facilities similar thereto, irrespective of their appellation, may not be established for the sake of a candidate. However, this shall not apply to one election measures organization which is established in the central party office, branch chapters of Seoul Special City, Pusan City and the Provinces, and district chapters, of a political party.

Paragraph 2. When an election management committee finds any campaign office or liaison office established in violation of the provisions of Article 33, or any other agency, organization or facilities established in violation of the provisions of the preceding paragraph, such election management committee shall without delay order the closure thereof.

Article 36. (Campaign manager, election office staff and speech-maker, etc.)

Paragraph 1. A political party shall select and appoint one campaign manager. However, it shall obtain the approval of the candidate.

Paragraph 2. To execute election affairs, the campaign manager may appoint not more than 50 persons as an election office staff for a campaign office and not more than 20 persons as an election office staff for a liaison office. However, the laborers who post the wall-posters to be used for announcing a meeting for a campaign speech shall not be deemed as members of an election office staff.

Paragraph 3. A political party may appoint speech-makers to deliver speeches at campaign speech meetings.

Paragraph 4. The campaign management and speech-makers must belong to the same political party as the candidate.

Paragraph 5. When a political party has appointed or dismissed a campaign manager, speech-maker or a member of a campaign office staff, the political party or election campaign manager shall notify the pertinent election management committee.

Paragraph 6. When an election management committee has received the notification mentioned in the preceding paragraph, it shall file a report or notice thereof with the election management committee concerned.

Paragraph 7. The campaign manager, a person in charge of a campaign office or liaison office, a speech-maker, a campaign office staff member shall carry an identification card with him issued by the election management committee, and shall return it immediately if he is relieved from office.

Paragraph 8. When an election management committee has received an application for issuance of an identification card mentioned in the preceding paragraph, the committee shall issue it without delay.

Article 37. (Guarantee of status of the persons concerned with an election)

As to the guarantee of status of a candidate, a campaign manager, a person in charge of accounts, a person in charge of a campaign office or liaison office, an observer, a speech-maker or an election office staff member, Article 11 of the Election Management committees Law shall apply *mutatis mutandis*.

Article 38. (Wall-posters)

Paragraph 1. Wall-posters to be used for the purpose of publicity for an election campaign shall be drafted by the Central Election Management Committee, with the ratio of one sheet per one hundred persons of population and shall be posted by the ballot-opening district election management committee.

Paragraph 2. The standard, draft, matters to be described therein, method of posting and any other necessary items concerning the wall-posters mentioned in the preceding paragraph shall be provided for by a Cabinet Decree.

Paragraph 3. Wall-posters to be used for announcing a speech meeting under the provisions of Article 43 shall be drafted by the ballot-opening district election management committee and shall be delivered upon the request of a political party.

Paragraph 4. The number of sheets of wall-posters mentioned in the preceding paragraph shall be fifty for every speech meeting, and the standard, size and the matters to be described therein shall be determined by a Cabinet Decree.

Article 39. (Manuscripts for wall-posters)

Paragraph 1. Manuscripts to be used for the wall-poster referred to in paragraph 1 of the preceding Article shall not be approved unless submitted by the deadline for the registration of candidacy, provided, however, that they may be submitted simultaneously upon registration in case of registration of additional candidates.

Paragraph 2. Manuscripts already submitted shall not be withdrawn, nor shall they be revised.

Article 40. (Expenses cost for wall-posters)

The expenses for the wall-posters under the provisions of Article 38 shall be borne by the National Treasury.

Article 41. (Prohibition of election campaign by means of evading law)

Paragraph 1. No person may conduct publicity activities which support, recommend or oppose any political party during the election campaign period. However, this shall not apply prior to the election campaign period.

Paragraph 2. In case any level of election management committee becomes aware of any acts in violation of the provisions of the preceding paragraph, the committee shall without delay order them suspended or withdrawn, and shall take necessary actions.

Article 42. (Newspaper advertisement and campaign banners)

Paragraph 1. A candidate may put an advertisement of his platform statement or views only five times in each daily newspaper.

Paragraph 2. A political party may put its statement concerning its candidate and the platform, policy, election slogans of the party in each daily newspaper.

Paragraph 3. Political parties may prepare no more than 10 campaign banners for each ballot opening district in a *Ku* or city and not more than one campaign banner in each *myon* in a county, and such banners shall be hung after obtaining inspection *chops* (of approval from the competent election management committees for election campaigns).

Paragraph 4. The standard of advertisement to be put in a newspaper, campaign banners and any other necessary matters shall be provided by a Cabinet Decree.

Article 43. (Speech meeting)

Paragraph 1. A political party may hold speech meetings during the election campaign period in order to conduct an election campaign for a candidate recommended by the political party.

Paragraph 2. A speech meeting under the preceding paragraph shall refer to a meeting for expression of political views, round-table talks and debate meeting, etc., the date and place of which is to be determined in advance, so that as many people as possible may assemble at the meeting.

Paragraph 3. Any person who desires to hold a speech meeting under the preceding paragraph shall give notice in writing to the ballot-opening district election management committee 24 hours prior to the commencement of the meeting in accordance with the provisions of a Cabinet Decree.

Paragraph 4. In case two or more notices are filed by persons who desire to hold meetings under the preceding paragraph at the same place, the ballot-opening district election management committee shall arrange an order of priority in accordance with the provisions of a Cabinet Decree.

Paragraph 5. A place for a speech meeting shall not be used longer than five hours at one time.

Paragraph 6. In the speech meeting mentioned in paragraph 1, only four persons may deliver speeches.

Paragraph 7. The total number of speech meetings shall not exceed twice the number of the ballot-opening districts in a *ku* or city and four times that in a county.

Paragraph 8. At a speech meeting, expressions of political views and speeches may be recorded by tape recorder.

Paragraph 9. Anyone sponsoring a speech meeting shall mark the site of the speech meeting in such a manner as may be prescribed in a Cabinet Decree.

Article 44. (Utilization of public facilities, etc.)

Paragraph 1. A political party or a candidate may use the facilities which fall under one of the following sub-sections, on free of charge basis, as a place for a speech meeting according to the provisions of a Cabinet Decree.

1. Schools, public halls, parks, stadiums, markets;
2. Any other buildings or facilities as stipulated by a Cabinet Decree.

Paragraph 2. The administrator of a school and any other public facility shall authorize the use of facilities in accordance with the provision of the preceding paragraph when so requested except in case where there is any justifiable reason not to authorize the use of such facilities.

Article 45. (Places where speeches are prohibited)

No person may be allowed to deliver campaign election speeches at the place which falls under one of the following sub-sections:

1. Buildings and facilities owned or administered by the State, a local autonomous body, a State-operated enterprise or a State administered enterprise;
2. Within the compounds of the stations for trains, street-cars, airplanes, ships, boats or omnibuses;
3. Hospitals, medical clinics, libraries, research centers, laboratories, or any other medical or cultural research facility.

Article 46. (Restrictions on use of loud-speakers, automobiles, etc.)

Paragraph 1. Loud-speakers may not be used during on election campaign except for speech meetings.

Paragraph 2. Automobiles, ships, boats and loud-speakers to be used during an election campaign by a political party shall not exceed one of them per area election district for the member of the National Assembly.

Paragraph 3. Loud-speakers shall not be used in the area within 8,000 meters from the Armistice Line.

Paragraph 4. Loud-speakers, automobiles, ships or boats which are used in accordance with the provisions of paragraph 2 shall be marked in accordance with the provisions of a Cabinet Decree during the election campaign period, and such automobiles, ships or boats shall not be subject to any restriction on their operating course.

Paragraph 5. During the holding of a speech meeting by a person, no other person may use a loud-speaker within 300 meters in a ward or city, or within 500 meters in a county.

Article 47. (Furnishing transportation facilities)

The person who administers the transportation facilities operated by the state shall issue fifteen free passes for anywhere in the country per one candidate for the purpose of conducting an election campaign for the President, in accordance with the provisions of a Cabinet Decree.

Article 48. (Ban on false broadcasting)

The person engaged in the broadcasting business may not impair a fair election and knowingly broadcast false facts or knowingly distort facts and figures with respect to candidates or the election.

Article 49. (Fairness in broadcasting personal record)

Paragraph 1. The person who administers a broadcasting station which is administered by the state shall, in accordance with the provisions of a Cabinet Decree, broadcast the names and ages of candidates, parties with which they are affiliated and any other important parts of their personal records in order that voters may know about the candidates.

Paragraph 2. The broadcasting mentioned in the preceding paragraph shall be made three times or more by the eve of the election day from the deadline of registration, and the number and contents of such broadcasting shall be fair for all the political parties or candidates.

Paragraph 3. When the person who administers broadcasting facilities other than those managed by the State intends to broadcast the personal record mentioned in paragraph 1, it shall be made free of charge, and the number and contents of such broadcasting shall be fair for all the political parties or candidates.

Article 50. (Utilization of broadcasting facilities)

Paragraph 1. A political party may utilize broadcasting facilities for the election campaign of its candidate in accordance with the provisions of a regulation made by the Central Election Management Committee.

Paragraph 2. No person may utilize broadcasting facilities for the purpose of conducting an election campaign except as prescribed in this Law.

Article 51. (Restriction on illegal utilization of newspaper, magazine, etc.)

No person may, for the purpose of having a specific person elected or defeated, offer, or express an intention or promise to offer, money or articles, entertainment and any other benefit to a person who operates, edits, covers news or writes stories for, a newspaper (including news agencies. Hereinafter referred to the same), magazine or any other publication, thereby having news articles or reviews concerning the election of a specific political party or candidate carried therein.

Article 52. (Ban on false review or news report)

A person who operates or edits a newspaper, magazine or any other publication may not for the purpose of having a specific candidate elected or defeated, publish false or distorted facts with regard to the election.

Article 53. (Ban on distribution of newspapers or magazines by any means other than ordinary)

No person may be allowed to distribute newspapers or magazines in which articles concerning the election are carried in other than the normal manner.

Article 54. (Ban on election campaign by taking advantage of special relation)

Paragraph 1. No person may be allowed to conduct an election campaign by taking advantage of any special relation with students or minors.

Paragraph 2. No person may be allowed to conduct an election campaign by taking advantage of any special relation with educational bodies or religious and trade organizations.

Article 55. (Prohibition of house to house visit)

Paragraph 1. No person may visit the voters from door to door in order to conduct an election campaign.

Paragraph 2. No person may visit the voters from door to door in order to inform them of a speech meeting.

Article 56. (Prohibition of campaign to obtain signatures)

No person may be allowed to obtain signatures or seals for the purpose of conducting an election campaign.

Article 57. (Prohibition on popularity vote, etc.)

No person may hold a popularity vote or straw vote by which the election or defeat of any candidate is to be foretold.

Article 58. (Ban on offering food and drinks)

No person may offer food or drinks at any place or under any excuse for the purpose of conducting an election campaign.

Article 59. (Prohibition of disturbance)

No person may, for the purpose of conducting an election campaign, parade the street in formation, nor repeatedly shout the name of any candidate.

Article 60. (Prohibition of making speech at night)

No person may hold speech meetings at night i.e., 12:00 p.m. through 6:00 a.m.

Article 61. (Prohibition of slandering a candidate)

Paragraph 1. No person may, for the purpose of influencing the election or defeat of a candidate, state or spread false facts regarding the personal status, personal background, personality of any candidate or the political party with which the candidate is affiliated, nor slander an individual person by pointing out any fact openly.

Paragraph 2. If any person delivers a speech in violation of the provisions of the preceding paragraph at a speech meeting, the election management committee shall give a warning to the speech maker ex officio or upon the request of a candidate or a proxy therefor, and may suspend his speech if he does not comply with such warning.

Article 62. (Restrictions on contribution)

Paragraph 1. A candidate or a person who desires to become a candidate may not make any contribution concerning pertinent elections during the period from 180 days prior to the date of expiration of the term of office of the President to the election day.

Paragraph 2. A political party, the parents, spouses, sons and daughters, brothers and sisters (hereinafter referred to as family) of a candidate, campaign manager, person in charge of accounts, speech maker, person in charge of campaign office or liaison office, campaign office staff, or a company, juridical person or an organization related to a candidate shall not make a contribution concerning pertinent elections by such means as may be presumed to have been performed by a candidate under whatever excuse, during the period from 180 days prior to the expiration day of term of office of the President to the election day.

Paragraph 3. If a political party, a candidate or his family, campaign manager, person in charge of account, speech maker, person in charge of a campaign office or liaison office, campaign office staff member offers money, a loan or transfer of articles or facilities without consideration, exemption or reduction of debts or offering any other benefit toward the voters or their families during the period from 180 days prior to the expiration day of term of office of the president, those acts shall be deemed to be a contribution.

Paragraph 4. With regard to paragraphs 1, 2 and 3, those acts performed as a matter of courtesy or in the course of one's duties by the time of registration of the candidate shall not be deemed as a contribution.

Article 63. (Ban on solicitation or request for contribution)

No person may receive, solicit or request contributions in connection with an election from a political party, a candidate or his family, a campaign manager, a person in charge of accounts, a speech maker, a person in charge of campaign office or liaison office, or a company which is related to the candidate.

Article 64. (Ban on act of receiving contribution)

No person may receive or request contributions in connection with the election from an alien individual, juridical person, or organization under the leadership of a national of the Republic of Korea.

Article 65. (Ban on offering convenience of transportation facilities)

Except for the cases provided for in Article 47, no person may offer the convenience of automobiles or any other transportation facilities for the purpose of conducting an election campaign.

Article 66. (Ban on returning courtesies after the election day)

No person may entertain after the election day for congratulating or consoling the voters with regard to success or failure in the election.

CHAPTER VII

Election expenses

Article 67. (Definition and burdens)

Paragraph 1. Election expenses falling under each of the following items shall be borne by political parties or candidates:

1. Rents or maintenance expenses for campaign offices and liaison office;
2. Allowance and compensation of actual expenses for the campaign manager, a person in charge of accounts, a person in charge of a campaign office or liaison office, a speech maker, or campaign office staff;
3. Expenses required for speech meetings;
4. Rents or maintenance expenses for loud-speakers, automobiles, ships and boats;
5. Allowances and compensation of actual expenses for voting observers and ballot-opening observers;
6. Charges for the use of broadcasting facilities, for newspaper advertisements and for hanging campaign banners;
7. Actual expenses required by the candidate himself for election campaign;
8. Any other expenses necessary for liaison work for conducting an election campaign.

Paragraph 2. The term campaign expenses as hereinafter used shall denote such money, goods, fixed debts, and all other property value falling under the items in the preceding paragraph, as may be paid during the period from the registration of the candidate to the date of election decision.

Paragraph 3. The term issuance as used hereinafter shall denote the act of offer or payment of election expenses or promise thereof.

Article 68. (Limit of amount of election expenses)

Election expenses may be disbursed within the limit of the amount determined by the Central Election Management Committee.

Article 69. (Public notice on the limit of the amount of election expenses)

The Central Election Management Committee shall publish the limit of the amount of election expenses mentioned in the provisions of the preceding Article within three days from the date of announcement of the election day.

Article 70. (Appointment of person in charge of accounts)

Paragraph 1. A political party which has recommended a candidate shall appoint a person in charge of accounts for each election campaign office or liaison office within five days after date or registration of a candidate and shall report his name and address to the competent election management committee.

Paragraph 2. A person in charge of accounts may employ two assistants for accounting from among members of the election campaign staff.

Article 71. (Replacement of persons in charge of accounts)

When the person in charge of accounts becomes unable to execute his duties by reason of an accident or has resigned, the person who has the right to appoint the person in charge of accounts under the preceding Article shall appoint another person in charge of accounts by the day following the day on which the reason therefor has been occurred and shall

make a report thereof to the election management committee concerned.

Article 72. (Commencement of duties of person in charge of accounts)

A person in charge of accounts may not execute the duties of disbursing election expenses for a political party or a candidate until after completion of the report prescribed in Article 70, paragraph 1 and the preceding Article.

Article 73. (Placement and description of accounts books)

Paragraph 1. A person in charge of accounts shall keep account books and state therein such matters as mentioned in each of the following sub-sections:

1. All the disbursement for election expenses;
2. Full names, addresses, occupations of those who received disbursements of election expenses, and the dates and amounts of such disbursements (in case of offering benefits in terms of property other than money, the current price thereof).

Paragraph 2. Matters concerning standards, kinds and method of description of the account books under the preceding paragraph shall be determined by the Central Election Management Committee.

Article 74. (Prohibition on disbursement by other than the person in charge of accounts)

Election expenses may not be disbursed by any person other than the person in charge of accounts.

Article 75. (Receipts and other certificates)

When the person in charge of accounts has disbursed election expenses, he shall receive a receipt therefor and any other papers which certify such disbursement.

Article 76. (Report on disbursement)

Paragraph 1. A person in charge of accounts shall describe the details of election expenses as classified by the items to be entered in the account book in accordance with the provisions of Article 73 paragraph 1, and shall make a report thereon to the election management committee concerned by 15 days after the election day.

Paragraph 2. Matters necessary for the report on disbursement shall be determined by the Central Election Management Committee.

Article 77. (Preservation of account books and other documents)

Paragraph 1. The person in charge of accounts shall preserve, for one year after the election day, the account book maintained under Article 73 and the receipts and other papers which certify disbursement.

Paragraph 2. The person in charge of accounts may request the competent election management committee for the preservation of the account books and certificates mentioned in the preceding paragraph.

Article 78. (Inspection of account books and request for production of references)

The Central Election Management Committee, Seoul Special City, Pusan City and Provincial Election Management Committee or the ballot-opening district election management committee may, if necessary, inspect account books and any other documents for accounts with respect to the disbursement report, and may request a candidate or his person in charge of accounts or any other person concerned, to file a report thereof or to produce necessary references.

Article 79. (Expenses not considered as election expenses)

Expenses falling under one of the following sub-sections shall not be considered as election expenses prescribed in this chapter:

1. All the dues and fees to be paid in connection with the election to the state, local autonomous body or election management committee;
2. Expenses such as telephone charges, electric charges, water service charge and any other maintenance costs for the

election campaign office or liaison office, which has been disbursed by the political party or the candidate since before the date of announcement of the election day; and

3. Expenses required for the clearance of remaining office work after the election day.

Article 80. (Remunerations and compensation of actual expenses to be paid to the persons concerned with campaign office works)

Paragraph 1. In addition to payment of per diem, actual expenses may be paid to the campaign manager, a person in charge of election campaign office or liaison office, a person in charge of accounts, a speech maker, members of a campaign office staff and observers.

Paragraph 2. Matters concerning kinds and amounts of the per diem and compensation of actual expenses mentioned in the preceding paragraph shall be determined by the Central Election Management Committee.

CHAPTER VIII

Election day and voting

Article 81. (Announcement of election day)

Paragraph 1. The Presidential election as a result of the expiration of the term of office shall be held during the period seventy days to forty days prior to the expiration of term of office of the President; however, election day shall be publicly announced by the President at least forty days prior to the election day.

Paragraph 2. A by-election in case the remainder of the term of office of the president is two years or more, shall be held within sixty days from the day on which the office of the President becomes vacant; however, the by-election day shall be publicly announced by the Prime Minister in accordance with the provisions of the preceding paragraph.

Article 82. (Method of election)

Paragraph 1. The election shall be held by casting a ballot with a marking thereon.

Paragraph 2. One voter shall cast but one ballot.

Paragraph 3. No voter's name shall be indicated on the ballot.

Article 83. (Establishment of voting places)

Paragraph 1. A voting place shall be established at every voting district, and its appellation and location shall be publicly announced by the chairman of the voting district election management committee twenty days prior to the election day. However, in case of natural calamity, disaster or any other unavoidable circumstances, the voting place may be changed.

Paragraph 2. If the cases concerned by the preceding paragraph occur, it shall immediately be publicly announced and made known to voters.

Paragraph 3. A voting place shall be established at a school, town office, township office or "dong" office and public hall in that order. However, if a voting place was established at any other place due to unavoidable circumstances, it shall be governed by the decision of the ballot-opening district election management committee.

Paragraph 4. No voting place shall be established within a military barrack.

Paragraph 5. The voting place shall be arranged in such a manner that no person may be able to peer inside of it, and no specific mark shall be made in the place.

Paragraph 6. A political party, a candidate, campaign manager or the person in charge of liaison office may request correction of the facilities of a voting place.

Paragraph 7. Employees to manage voting affairs shall be assigned to a voting place in order to assist in voting affairs.

Paragraph 8. Employees to manage voting affairs shall be commissioned by the voting district election management committee from among the public officials of the competent administrative agencies or educational public officials, and their

names shall be publicly announced up to three days prior to the election day.

Article 84. (Voting hours)

Paragraph 1. Voting places shall be opened at 7:00 a.m. and closed at 5:00 p.m. However, it shall not be closed until after the voters waiting for their turn to vote at the voting place at the closing time cast their ballots.

Paragraph 2. When voting is commenced, the members of the voting district election management committee shall, with the participation of the voting place observers, inspect the inside and outside of the ballot-box to determine whether anything is wrong with it. However, this shall not apply in case where the voting place observers failed to attend the place by the time of commencement of voting.

Article 85. (Ballot-papers)

Paragraph 1. Names of political parties and full names and marks of candidates shall be printed on the ballot papers.

Paragraph 2. Numerical symbols shall be I, II, III, and so forth in the order of the political parties to be printed on the ballot-papers, and the names of political parties and full names of candidates shall be entered both in Korean and Chinese characters.

Paragraph 3. The Central Election Management Committee shall decide by lot the printing order of the political parties in the presence of representatives of political parties or their proxies, within two days after the closing of the registration of candidacy.

Paragraph 4. When an additional registration has been effected in accordance with the provisions of Article 24, the order of priority of the printing of the political parties shall be the order determined already.

Paragraph 5. In case an additional registration has not been effected after the registration of candidacy has been nullified or a candidate has withdrawn his candidacy or died during the period of application for additional registration of candidacy from the time of determination of printing order of political parties, only the name of the political party of the candidate shall be printed on the ballot-papers.

Paragraph 6. Even if a candidate has withdrawn his candidacy or died or his registration has become null and void after the period of additional registration has elapsed, the name of the political party of the candidate and his own name shall be crossed out from the ballot-papers.

Paragraph 7. A serial number shall be entered in a ballot-paper.

Article 86. (Preparation of ballot-papers and ballot-boxes)

Paragraph 1. Ballot-papers and ballot-boxes shall be prepared by the ballot-opening district election management committee and shall be delivered to the voting district election management committees by the eve of the election day and the standards thereof shall be determined by a Cabinet Decree.

Paragraph 2. The number of ballot-boxes under the preceding paragraph shall be not more than two per one voting district. However, two ballot-boxes shall not be used simultaneously in a voting.

Paragraph 3. Two representatives appointed by lot of political parties which have recommended candidates shall affix their seals on the ballots at the election management committee.

Paragraph 4. In cases where there are no representatives of the political parties under the preceding paragraph or such representatives are unable to affix their seals by reason of accident, the chairman of the ballot-opening district election management committee shall affix his seal on the ballot-papers.

Article 87. (Announcement of model ballot-paper)

The ballot-opening district election management committee shall publicly notify each voting district of the model ballot-paper by seven days prior to the election day.

Article 88. (Delivery of slips notifying voting)

The voting district election management committee shall deliver, in accordance with the provisions of the Cabinet Decree, slips notifying the voters who are on the voters' list by the day prior to the election day.

Article 89. (Receipt of ballot-paper)

Paragraph 1. Each voter shall go to the voting place himself, after presenting the slip notifying voting and being identified as the right person in the presence of an observer on the work of the receptionists, shall affix his seal or thumb print on the voters' list before the members of the voting district election management committee, and shall receive one ballot-paper.

Paragraph 2. If it is questionable whether a voter is the right person or not, the voting district election management committee shall decide the matter upon the verbal attestation of the chief of *Dong, Ri*, in which the voter resides, or of neighbours of the voter.

Paragraph 3. The chairman of the voting district election management committee shall deliver the ballot-paper to a voter when it is confirmed that he is the right person registered in the voters' list even if he has not carried the slip notifying him of the voting prescribed in the preceding article.

Article 90. (Restriction on voting)

Paragraph 1. Any person who is not on the voters' list may not be allowed to vote. However, the bearer of written decision under Article 18, Paragraph 2 or Article 19, paragraph 2 may be allowed to vote.

Paragraph 2. A person who is on the voters' list may not be allowed to vote unless he is entitled to do so as of the election day.

Article 91. (Procedures for marking)

Paragraph 1. Each voter shall, at an isolated place where no other person is able to peer in, put a mark on the ballot, choosing one candidate. Then the ballot shall be folded on the spot in such way as to conceal the marking on it which may not be seen by others. After that he shall, in the presence of the members of the voting district election management committee and voting observers, cut off the ballot number from the ballot paper and put it into a separate box while putting only the "unidentified" ballot into the ballot-box.

Paragraph 2. A ballot shall not be issued "to a voter" again even if the voter has stained it.

Paragraph 3. A blind voter or any other voter who is unable to put a mark on the ballot by himself due to his physical deformity may be accompanied and assisted in voting by two of his family or the persons he has chosen;

Paragraph 4. Except the case mentioned in the preceding paragraph, no two or more persons may be allowed to go in one marking place at the same time.

Article 92. (Method of marking)

In case a voter puts a mark on the ballot, he shall use the mark "o" a round circle.

Article 93. (Number of attendance of members of voting district election management committee)

The voting place shall be attended by a majority of the members of the voting district election management committee, and they shall be present at the voting place by at least one hour earlier than the commencement of the voting.

Article 94. (Observation of voting place)

Paragraph 1. A political party, candidate, campaign manager or person in charge of liaison office may have the observers watch the proceeding of issuing the ballot-papers and of voting.

Paragraph 2. A political party, candidate, campaign manager, or person in charge of liaison office shall report to the competent voting district election management committee the names of observers between three days prior to the election day and thirty minutes prior to the commencement of voting; provided that on the election day, a report thereof may be filed at the voting place. However, the change of observers and the reporting thereof may be allowed at any time.

Paragraph 3. The voting district election management committee shall arrange seats for the observers in such a way as they are able to watch easily the proceedings of issuing the ballots and of voting.

Paragraph 4. The observers mentioned in paragraph 1 shall be four persons per political party; however, two of them shall be allowed to watch the proceedings by turns.

Paragraph 5. Observers at the voting place shall not commit any act which might affect the election, in such a manner as interfering with the voting business, soliciting voters to vote for a candidate or employing any other means.

Paragraph 6. In case an observer at the voting place finds interference with voting, fraudulent voting and any other facts in violation of the provisions of this Law, and he requests correction thereof, the voting district election management committee shall, if the request is deemed valid, correct it.

Paragraph 7. Any observer may take a photograph of voting when an accident occurs in the voting place.

Article 95. (Prohibition of entry into voting place by prosecutors, etc. and maintenance of order)

Paragraph 1. Prosecutors, policemen or military personnel on the active list shall not enter the voting place except when they vote and cast their own ballots as voters.

Paragraph 2. If it is deemed, by a decision of the voting district election management committee, that it is impossible to carry out a fair and just voting owing to a great disturbance of the public order at the voting place, the chairman of the voting district election management committee may request assistance by policemen in uniform in order to maintain the public order at the voting place.

Paragraph 3. Policemen who entered the voting place in accordance with the request mentioned in the preceding paragraph shall be under the direction of the chairman of the voting district election management committee, and in case the public order is restored, or if so requested by the chairman, the policemen shall immediately withdraw from the voting place.

Article 96. (Ban on entry into voting place)

No persons except voters, observers of voting place, and the members, staffs and employees of the voting district election management committee and its higher level election management committee, may enter the voting place.

Article 97. (Prohibition of carrying arms and murderous weapons, etc.)

Except the case mentioned in Article 95, paragraph 2, no person may carry with him arms or murderous weapons or explosives in the voting place.

Article 98. (Prohibition on making noise and confusion inside and outside voting place)

Paragraph 1. In case any person makes noise and confusion at the voting place or within one hundred meters from the voting place, the chairman of the voting district election management committee shall restrain him; and in case any person does not obey his order, the chairman may order the man to stay out of the voting place or outside the one hundred meters limit from the voting place.

Paragraph 2. The voter who has been forced to leave in accordance with the provisions of the preceding paragraph shall vote after all others have voted. However, the chairman of the voting district election management committee may, if he considers that there is no fear of disorders, have him vote earlier.

Paragraph 3. No person may put on arm-band, badge, etc. or any other mark which might affect the election in any way, on the election day.

Article 99. (Guarantee of secrecy of voting)

Paragraph 1. The secrecy of vote shall be guaranteed.

Paragraph 2. No voter shall have an obligation to state to any person the names of candidate or political party for whom he voted, and even the state or any other agency may not question him or demand his statement.

Article 100. (Closure of ballot-box)

Paragraph 1. When it is time to close the voting place, the chairman of the voting district election management committee shall close the entrance of the voting place, and shall lock and seal the ballot-boxes after the voters remaining at the voting place have completed casting their votes, together with all the committee members present with the observers participating. However, if any member refuses to lock and seal the ballot-box without any justifiable reason, or if any

observer refuses to be a witness thereto, he shall be regarded as having waived his right, and the fact thereof shall be stated in the voting record.

Paragraph 2. The key of the ballot-box and unused ballot-papers, ballot notification cards and number sheets shall be wrapped and sealed thereon respectively in accordance with the provisions of the preceding paragraph.

Article 101. (Preparation of voting record)

The chairman of the voting district election management committee shall prepare a voting record and shall sign and seal it with all the members of the committee present. However, if any member refuses to sign and seal the voting record without any justifiable reason, he shall be regarded as having waived his right, and the fact thereof shall be stated in the voting record.

Article 102. (Transmission of ballot-box, etc.)

Paragraph 1. The chairman of the voting district election management committee shall without delay transmit the ballot-box, the key thereof, voting record and the unused ballot-papers to the ballot-opening district election management committee after the voting is finished.

Paragraph 2. When the ballot-box is transmitted in accordance with the provisions of the preceding paragraph, its bearers shall be accompanied by one observer per political party and may be accompanied by only two policemen in uniform required for escorting thereof.

Article 103. (Transfer and preservation of documents relating to voting, etc.)

Paragraph 1. The voting district election management committee shall, after the election, transfer the voters' list and all other documents relating to the election to the chairman of area election district election management committee concerned.

Paragraph 2. The documents mentioned in the preceding paragraph shall be taken into custody during the term of office of the successful candidate.

CHAPTER IX

Opening of ballot

Article 104. (Management of ballot-opening)

Paragraph 1. The function of opening the ballots shall be conducted by the ballot-opening district election management committee.

Paragraph 2. The majority of the members of the committee shall be present at the opening of ballots.

Paragraph 3. The ballot-opening district election management committee shall publicly announce ballot-opening places to be established at the place where ward, city, county office is located at five days prior to the election day.

Paragraph 4. In order to assist ballot-opening affairs, persons to be engaged in ballot-opening affairs shall be assigned to the ballot-opening district election management committee.

Paragraph 5. Employees to be engaged in ballot-opening affairs shall be commissioned by the ballot-opening district election management committee from among those public officials of the administrative agency or the court concerned; and their names shall be publicly announced three days prior to the election day.

Article 105. (Commencement of ballot-opening)

Paragraph 1. Ballot-opening shall be commenced after the arrival of all the ballot-boxes transferred from the voting district election management committee. However, if the arrival of some of the ballot-boxes are delayed owing to the transportation or any other unavoidable circumstances, the opening of ballots may be commenced after the arrival of two-thirds of the ballot-boxes, provided that the delayed ballot-boxes shall be opened by mixing up the ballots from five or more ballot-boxes including the ballots from the ballot-boxes of delayed arrival.

Paragraph 2. The ballot-opening observers may, when the ballot-boxes have arrived, inspect the closure and sealing

of the ballot-boxes, and observe thereafter the process of administering thereof.

Article 106. (Opening of ballot-boxes)

Paragraph 1. When the ballot-boxes are to be opened, the chairman shall announce such intention and shall inspect the lock and sealing of the ballot-boxes with all the members present. However, if any member refuses to examine the boxes or any observer refuses to stand by without any justifiable reason, the fact thereof shall be stated in the ballot-opening record.

Paragraph 2. The chairman shall count the number of ballots with all the members present, and after the number of the ballots is compared with that of ballots delivered 'issued', which is stated in the voting record, it shall be examined in a mixed way with all the ballots. However, if any member delays the business of ballot-opening without any justifiable reason, he shall be regarded as having waived his right, and the fact shall be stated in the ballot-opening record.

Article 107. (Observation of ballot-opening)

Paragraph 1. A political party, candidate, campaign manager, or person in charge of liaison office may have the ballot-opening observer observe the proceeding of the ballot-opening in the ballot-opening place.

Paragraph 2. Each political party shall select four ballot-opening observers mentioned in the preceding paragraph, and the names of the observers shall be reported to the ballot-opening district election management committee regardless whether it is before or after the commencement of ballot-opening, and two of the four observers shall observe it by turns.

Paragraph 3. The ballot-opening district election management committee shall arrange the seats for the ballot-opening observers in such a (less distance class than two meters but not more than one meter), opposite to the employees engaging in the ballot-opening, that candidates and ballot-opening observers may discern the contents of the ballot-opening.

Paragraph 4. Candidates and ballot-opening observers may go around and watch the ballot-opening at any time.

Paragraph 5. When candidates or ballot-opening observers request for correction of the matters which are in violation of ballot-opening procedures, the ballot-opening district committee shall correct such matters if the committee considers it just and proper.

Paragraph 6. Candidates or observers may take a photograph of ballot-opening process in the ballot-opening place.

Paragraph 7. The general public may observe the ballot-opening at the place designated, after obtaining spectator's pass issued by the ballot-opening district election management committee.

Paragraph 8. The number of the spectator's passes mentioned in the preceding paragraph shall be reasonable, taking into consideration the condition of the ballot-opening place; provided that the passes shall be distributed on an equal basis to all of the political parties.

Paragraph 9. The ballot-opening district election management committee shall install facilities necessary for the maintenance of order in the gallery for the general spectators.

Article 108. (Restriction on entry into ballot-opening place and maintenance of order)

Paragraph 1. No person other than the members and staffs of the ballot-opening district election management committee and its higher level election management committee and employees engaging in ballot-opening affairs, candidates and ballot-opening observers, may enter into the ballot-opening place.

Paragraph 2. In case it is found, by a decision of the ballot-opening district election management committee, that it is impossible to carry out a fair and just ballot-opening because of an extreme disturbance of the public order at the ballot-opening place, the chairman of the committee may request the assistance of policemen in uniform for the maintenance of the order of the ballot-opening place.

Paragraph 3. Policemen who entered the ballot-opening place in accordance with the request mentioned in the preced-

ing paragraph shall be under the direction of the chairman of the ballot-opening district election management committee, and in case the public order is restored, or if so requested by the chairman, the policemen shall immediately withdraw from the ballot-opening place.

Paragraph 4. Except in the case mentioned in the preceding paragraph 1 no person may carry arms or murderous arms or explosives in the ballot-opening place.

Article 109. (Invalid ballot)

Any ballot which falls under one of the following subsections shall be null and void:

1. A ballot not made on the regular ballot paper;
2. No mark was put on any column;
3. Marks are put on two or more columns;
4. Such ballot as is hard to discern on which column the mark is put;
5. Letter or figure is written or drawn, instead of putting the mark "o";
6. Besides the mark "o", other matters were stated.

Article 110. (Decision of objection to the validity of vote)

If an objection is filed as to the validity of a vote, a decision thereof shall be made by the attendance of a majority of the members of the ballot-opening district election management committee and with the concurrence of the majority of the members present.

Article 111. (Sorting of ballot-papers)

When the ballot-opening has been completed, ballots shall be sorted into valid and invalid ballots; valid ballots shall be again sorted for each of the candidates; and shall be put into an envelope respectively and sealed by the chairman of the ballot-opening district election management committee and all the members present.

Article 112. (Preparation and report of election record, ballot-opening record, and record of total numbers)

Paragraph 1. The ballot-opening district election management committee shall immediately publicly announce the results of the ballot-opening, and shall simultaneously prepare the ballot-opening record and shall report thereof to the Seoul Special City, Pusan City or Provincial election management committee.

Paragraph 2. When the Seoul Special City, Pusan City, Provincial election management committees have received the report under the preceding paragraph, it shall count and announce the number of voters gained by each candidate, and shall simultaneously prepare the record of total numbers and shall report the record thereof to the Central Election Management Committee, together with the ballot-opening record.

Paragraph 3. When the Central Election Management Committee has received the report mentioned in the preceding paragraph, the committee shall without delay count and announce the number of votes gained by each candidate and shall simultaneously prepare the election record.

Paragraph 4. The election record, ballot-opening record and the record of total numbers shall be signed and sealed by the chairman and all the members of the committee present. However, if any member of the committee refuses to sign and seal it without any justifiable reason, he shall be regarded as having waived his right, and the fact shall be stated in the election record, ballot-opening record and the record of total numbers.

Paragraph 5. The form of the election record, ballot-opening record and the record of total numbers shall be determined by the Central Election Management Committee.

Article 113. (Custody of ballots, election record, ballot-opening record, etc.)

Paragraph 1. The ballot-opening district election management committee shall, after the election, transfer the ballot-papers, voting record, ballot-box and ballot-opening record and all other documents relating to the election to the area election district election management committee concerned.

Paragraph 2. The regional district election management committees shall take into their custody the ballot-papers,

voting record, ballot-box, ballot-opening record and all other documents relating to the election, and the Seoul Special City, Pusan City, Provincial election management committee shall take into its custody the record of total numbers and all other documents relating to the election and the Central Election Management Committee shall take into its custody election record and all other documents relating to the election, during the term of office of the successful candidate.

CHAPTER X

Successful candidate and re-election

Article 114. (Decision of successful candidate)

Paragraph 1. The Central Election Management Committee shall decide who gained the largest number of valid votes and is the successful candidate and shall notify the speaker of the National Assembly. However, if there is only one candidate in the election, he shall only be the successful candidate, if he has gained two-thirds or more of the valid votes of the total number of the eligible voters.

Paragraph 2. If there are two or more candidates who are tied with the highest number of votes, the National Assembly shall, upon receiving such notification from the Central Election Management Committee, decide the winner in an open session at which the majority of its registered members attend.

Article 115. (Announcement and notice on successful candidate)

When a successful candidate has been decided upon in accordance with the provisions of the preceding Article, Paragraph 1, the chairman of the Central Election Management Committee shall publicly announce that fact, and when a successful candidate has been decided upon in accordance with the provisions of the preceding Article, paragraph 2, the Speaker of the National Assembly shall publicly announce that fact, and each of them shall without delay inform the successful candidate.

Article 116. (Nullification of return owing to loss of eligibility)

Paragraph 1. Any person who is not eligible for election on the election day may not be declared the successful candidate.

Paragraph 2. If the successful candidate becomes ineligible for election after the election day but before the commencement of his term of office, he may not assume office.

Article 117. (Re-decision of successful candidate)

If a court has delivered a judgement nullifying a person's election on the grounds stated in Article 114, the Central Election Management Committee or the National Assembly which has decided upon the successful candidate shall again decide who is the successful candidate.

Article 118. (Re-election)

Paragraph 1. A re-election shall be held in the following cases:

1. If there is no successful candidate;
2. The whole of an election has been adjudged invalid;
3. A successful candidate has resigned, died or has become ineligible for election, before the commencement of his term of office;
4. The election of a successful candidate has become invalid because of penal punishment for a crime committed in connection with the election concerned before election day.

Paragraph 2. A re-election shall be held within sixty days from the day on which the cause mentioned in the preceding paragraph is determined, and the date for the re-election shall be publicly announced by the President of the Republic of Korea forty days prior to the election day.

Article 119. (Postponement of election)

When it is impossible to hold an election or an election has not been held, on account of a calamity, disaster or any other unavoidable circumstances, the President of the Republic of Korea shall postpone the election day or set another election day, as appropriate.

Article 120. (Partial re-election)

Paragraph 1. If an election has been adjudged partially invalid, the Central Election Management Committee shall order a re-election for the voting district concerned and shall decide the successful candidate again.

Paragraph 2. An election held in accordance with the provisions of the preceding paragraph shall be held within twenty days after receiving the notification of the final decision; provided that the Central Election Management Committee shall publicly announce the date therefor twelve days prior to the voting day.

Paragraph 3. In holding an election under the preceding two paragraphs, the voters' list used in the election concerned shall be used regardless of the provision of Article 21, paragraph 1 unless otherwise clearly indicated in the judgement.

Paragraph 4. The matters concerning the election campaign, election expenses in a partial re-election shall be provided by the Central Election Management Committee.

Article 121. (Re-voting owing to calamity, disaster, etc.)

Paragraph 1. In case voting was impossible in one or more voting districts on account of a calamity, disaster or any other unavoidable circumstances, or a ballot-box has been lost or burned or destroyed, the Central Election Management Committee shall hold another vote in the voting district concerned and a successful candidate shall again be decided, only if it is found that such causes might affect the result of the election.

Paragraph 2. Voting in accordance with the provisions of the preceding paragraph shall be enforced within twenty days from the day on which the cause therefor was removed; provided that the Central Election Management Committee shall publicly announce the date thereof twelve days prior to the voting day.

Paragraph 3. Matters concerning the election campaign and election expenses in the re-voting held in accordance with the provisions of the preceding two paragraphs shall be determined by the Central Election Management Committee.

Article 122. (Election of the president by the national assembly)

Paragraph 1. In the case where the presidency becomes vacant, the Prime-Minister shall report the matter without delay to the National Assembly and the Central Election Management Committee if the remainder of the term of office of the President is two years or less.

Paragraph 2. The speaker of the National Assembly shall hold a presidential election some time between twenty days to thirty days after he has received the report mentioned in the preceding paragraph; provided that he shall publicly announce the date of the election twenty days prior to the election day.

Paragraph 3. In a case where the National Assembly elects the President of the Republic of Korea, the political parties shall apply for the registration of candidates to the Central Election Management Committee within ten days from the announcement of the election day.

Paragraph 4. As to the registration of candidates mentioned in the preceding paragraph, the provisions of Chapter V shall apply *mutatis mutandis*. However, the period of application for additional registration shall be five days prior to the election day.

CHAPTER XII

Election lawsuits

Article 123. (Election lawsuits)

Paragraph 1. Any voter, political party or candidate, having an objection as to the validity of the election may, within thirty days from the election day, file an action with the Supreme Court against the chairman of the Central Election Management Committee as the defendant.

Paragraph 2. If, in a case mentioned in the preceding paragraph, the seat of the chairman is vacant, the vice-chairman shall be the defendant, and if the seat of the vice-chairman is vacant, all the members of the Central Election Management Committee duly seated shall be the defendants.

Article 124. (Election petitions)

Paragraph 1. A political party or a candidate, having an objection as to the validity of election may, within thirty days from the date of final return of the election, bring a lawsuit in the Supreme Court against the person elected. However, in case lawsuit is filed for the reason of illegality of the return made in accordance with the provisions of Article 114, Paragraph 1 or Article 116, the Chairman of the Central Election Management Committee or the Speaker of the National Assembly which has decided the person elected shall be the defendant.

Paragraph 2. In case where the successful candidate who is to be the defendant in accordance with the provisions of the preceding paragraph has died, resigned or the validity of his election has been lost in accordance with the provisions of Article 116, the defendant in the suit shall be the Prosecutor-General.

Article 125. (Judgement on invalidity of election, etc.)

If the provisions relating to the election have been violated, and a lawsuit with respect to the preceding two articles has been instituted, the Supreme Court shall adjudicate the whole or a part of the election, or return of the election, to be invalid, only when it considers such violation has affected the result of the election.

Article 126. (Disposal of lawsuits)

The lawsuits in connection with the election shall be promptly tried and given preference and priority over any other lawsuits.

Article 127. (*Mutatis Mutandis* application of the administrative litigation law, etc.)

Paragraph 1. Except as provided otherwise in this Law, the provisions of Articles 9 and 14 of the Administrative Litigation Law shall apply *mutatis mutandis* to election lawsuits. However, the provisions of Articles 135, 138, 139, Paragraph 1, 206, 259 and 261 of the Code of Civil Procedure shall not apply *mutatis mutandis*.

Paragraph 2. A political party or a candidate may request the district court or its branch court having jurisdiction over the ballot-opening district to impound the ballot-boxes, ballots, voting record, etc. in order to perpetuate evidence for the lawsuit filed in accordance with provisions of Articles 123 or 124 after the completion of ballot-opening.

Paragraph 3. When a request under the preceding paragraph is submitted, the judges shall arrive on the scene, draw up a protocol, and take appropriate action for preserving the ballot-box.

Paragraph 4. The preservation under the preceding paragraph shall lose its effect in case a lawsuit under Articles 123 and 124 is not instituted.

Article 128. (Notice on Election Cases, etc.)

When a lawsuit has been instituted, or is not longer pending, or a final judgement has been made, the Chief Justice of the Supreme Court shall notify the National Assembly and the Central Election Management Committee.

CHAPTER XII

Penal provisions

Article 129. (Crimes of fraudulent registration, false sealing and testimony, etc.)

Paragraph 1. Any person, who has been registered in voters' list by a fraudulent means, or has affixed a false seal or has given false testimony in the case of Article 89, paragraphs 1 or 2, shall be punished by imprisonment at hard labor or confinement for not longer than six months or by a fine of not more than 10,000 won.

Paragraph 2. Any public official concerned with the election who has intentionally failed to carry names of the eligible voters in the voters' list, or has carried false facts in the list, shall be punished by imprisonment at hard labor or confinement, for one year or less or a fine of not more than 20,000 won.

Article 130. (Crimes of buying off and inducement)

Paragraph 1. Any person who falls under one of the following sub-sections shall be punished by imprisonment at hard labor or confinement for three years or less, or by a fine of not more than 60,000 won:

1. Any person who has offered or declared the intention to offer or promised to offer money, articles, transportation, entertainment, or any other benefit in terms of property, or an official or private post to a voter, or a political party or candidate's campaign manager, person in charge of accounts, a speech maker, an observer, a person in charge of campaign office or liaison office or a member of a campaign office staff, for the purpose of being elected or having another person elected or defeated;
2. Any person who has committed such acts as prescribed in the preceding sub-section to a voter, a campaign manager, a person in charge of accounts, a speech maker, an observer, a person in charge of campaign office or liaison office, a member of a campaign office staff of another political party, or a candidate, as rewards for voting or not voting, conducting or not conducting an election campaign, or for helping or inducing the above;
3. Any person who has offered, or declared the intention to offer, benefits in terms of property such as money or articles, etc. to a school, a public agency, a social organization, a youth group, a veterans' association, nationalists' group, etc., for the purpose of employing them profitably in the election campaign;
4. Any person who has helped or induced others to commit any act prescribed in the preceding sub-sections;
5. Any person who has accepted, requested or consented to accept, the offer of benefits or posts provided in the preceding sub-sections 1 to 3.

Paragraph 2. Any member of staff of an election management committee, public official concerned with the election or policeman, who has committed any crime under the preceding paragraph, shall be punished by imprisonment at hard labor or confinement for four years or less.

Article 131. (Crimes of buying off and inducement of a large number of persons)

Any person who has committed an act which falls under one of the following sub-sections shall be punished by imprisonment at hard labor or confinement for five years or less or a fine of not more than 100,000 won:

1. Any person who has committed or has had other person commit for any political party or candidate such acts as stipulated in paragraph 1 of the preceding Article toward a large number of voters, campaign managers, persons in charge of accounts, speech makers, observers, persons in charge of campaign offices or liaison offices, campaign office staffs business, for the purpose of gaining benefits in terms of property;
2. Any person who has undertaken to commit or has had other person undertake an act mentioned in the preceding sub-section.

Article 132. (Crimes of buying off and inducement of candidates)

Paragraph 1. Any person who has committed an act falling under one of the following sub-sections shall be punished by imprisonment at hard labor or confinement for five years or less or a fine not more than 100,000 won:

1. Any person who, for the purpose of causing other person not to run as a candidate or having them withdraw candidacy, has committed such act as stipulated in Article 130, paragraph 1, sub-section 1 against those who desired to be candidates or those who were candidates;
2. Any person who, for the purpose of getting rewards for giving up running as a candidate or withdrawal of a candidacy, has committed such act as stipulated in Article 130, paragraph 1, sub-section 1 against those who desire to be candidates or those who were candidates;

3. Any person who has helped or induced others to commit any act prescribed in the preceding two sub-sections.

Paragraph 2. Any person who has accepted, requested or consented to, the offer of benefits or posts as stipulated in sub-section 1 or 2 of the preceding paragraph shall be punished by imprisonment at hard labor or confinement for three years or a fine not more than 60,000 won.

Paragraph 3. If any member or staff of an election management committee or public official concerned with the election business or policeman has committed an act prescribed in paragraph 1 concerning the elections, he shall be punished by imprisonment at hard labor or confinement for six years or less.

Article 133. (Crimes of buying off and inducement of successful candidate)

Paragraph 1. Any person who has committed an act falling under one of the following sub-sections shall be punished by imprisonment at hard labor or confinement for one year or more but seven years or less:

1. Any person who, for the purpose of having the successful candidate to resign the turning, has committed or has had others commit such acts as stipulated in Article 130, paragraph 1, sub-section 1;
2. Any person who has accepted or requested or consented to, the offer of benefits or posts as stipulated in the preceding paragraph.

Paragraph 2. Any person who has helped or induced others to commit any act prescribed in the preceding paragraph shall be punished by imprisonment at hard labor or confinement for five years or less or a fine not more than 100,000 won.

Article 134. (Crimes of illegal utilization of newspapers and magazines)

Any person who has violated the provisions of articles 51 to 53 shall be punished by imprisonment at hard labor or confinement for three years or less or a fine not more than 60,000 won.

Article 135. (Forfeiture of benefits resulting from crimes of buying off and inducement)

Benefits gained by committing any of the acts stipulated in the preceding five Articles shall be forfeited. However, if the whole or part of the benefits cannot be forfeited, an amount equivalent to the value thereof shall be additionally collected.

Article 136. (Crimes of infringing on freedom of election)

Paragraph 1. Any person who has committed an act in connection with the election which falls under one of the following sub-sections, shall be punished by imprisonment at hard labor or confinement for five years or less or a fine of not more than 100,000 won:

1. Any person who has committed an act of intimidation or violence against, or abducted or illegally arrested or detained, a candidate, person who desire to be candidate, campaign manager, person in charge of accounts, person in charge of campaign office or liaison office, campaign office staff, speech maker, voter, observer, employees engaging in election business (including employees engaged in voting business or ballot-opening business), or the successful candidate;
2. Any person who has disturbed a meeting, speech or traffic, or has infringed on the freedom of election by deceitful, fraudulent or other unjust methods.

Paragraph 2. If a prosecutor, policeman or a member of armed forces has committed an act stipulated in the preceding paragraph, he shall be punished by imprisonment at hard labor or confinement for one year or more but not exceeding ten years, or suspension of qualification for not less than five years.

Article 137. (Interference in election freedom by military personnel)

Any member of armed forces who has interfered with the exercise of right of a voter who is a member of armed forces or civilian component thereof under his authority by the

intimidation or violence, for the purpose of having a specific candidate elected or having him defeated, shall be punished by imprisonment at hard labor or confinement for one year or more but not exceeding ten years.

Article 138. (Crimes of infringing on freedom of election by abusing official authority)

If any member or staff of an election management committee, policeman, any other public official concerned in the election or persons concerned in preparation of voters' list has infringed on the freedom of election by abusing official authority such as by disturbing the inspection of voters' list or by abandoning his duties or by not delivering the slip notifying voting intentionally or by trailing after a candidate without justifiable reason, or by intruding into his private residence, election campaign office or liaison office without permission, or by refusing to leave such places even when so requested, he shall be punished by imprisonment at hard labor or confinement for five years or less or a fine not exceeding 100,000 won.

Article 139. (Crimes of damaging wall-posters and facilities of propaganda, etc.)

Paragraph 1. Those persons who have disturbed preparing and posting wall-posters without justifiable reasons or have damaged or removed the facilities of propaganda, shall be punished by imprisonment at hard labor or confinement for two years or less or a fine not exceeding 40,000 won.

Paragraph 2. Any member or staff of an election management committee, public official or policeman concerned with the election business, who has committed the acts mentioned in the preceding paragraph, shall be punished by imprisonment at hard labor or confinement for three years or less or a fine not more than 60,000 won.

Paragraph 3. Any member of staff of an election management committee or person engaging in the election business, who has unjustly or improperly prepared or posted wall-posters under Article 38 or has not enforced the same, shall be punished by imprisonment or confinement for three years or less or a fine not exceeding 60,000 won.

Article 140. (Crimes of impairing secrecy of vote)

Paragraph 1. Any person who has impaired the secrecy of vote or requested a voter to indicate the name of political party or candidate for whom the voter intends to vote or of a political party or candidate for whom he has voted, shall be punished by imprisonment at hard labor or confinement for two years or less or a fine not more than 40,000 won.

Paragraph 2. If any member of staff of an election management committee, or prosecutor, policeman, member of armed forces, or public official concerned with the election business has committed the crime under the preceding paragraph, he shall be punished by imprisonment at hard labor or confinement for five years or less.

Article 141. (Crimes of interfering with voting or opening of ballots)

Paragraph 1. Any person who, without justifiable reasons, has interfered with the voting or counting of ballots in the voting place or ballot-opening place, or has induced other persons to vote or has committed acts which might affect the voting or ballot-opening, shall be punished by imprisonment at hard labor or confinement for three years or less.

Paragraph 2. If a prosecutor, policeman or member of armed forces has committed the acts under the preceding paragraph, he shall be punished by imprisonment at hard labor or confinement for one year or more but not exceeding ten years.

Article 142. (Crimes concerning ballot-boxes, etc.)

Paragraph 1. Any person who has unlawfully opened a ballot-box or taken out, destroyed, damaged, hidden or taken away a ballot-box or ballot-papers in ballot-boxes shall be punished by imprisonment at hard labor or confinement for one year or more but not exceeding seven years.

Paragraph 2. If a prosecutor, policeman or member of armed forces has committed the acts mentioned in the preceding paragraph, he shall be punished by imprisonment at hard

labor or confinement for one year or more but not exceeding ten years.

Article 143. (Crimes concerning violence and disturbance against election officials and facilities)

Any person who has inflicted violence or intimidation upon a member or staff of an election management committee and public official concerned with the election business, or has disturbed a voting place or ballot-opening place or has withheld, impaired or taken away ballot-papers, ballots, voters' list or any other documents or seals concerning the election, shall be punished by imprisonment at hard labor or confinement for five years or less or a fine not more than 100,000 won.

Article 144. (Crimes of intruding into voting place or ballot-opening place)

Paragraph 1. Any person who has intruded into voting place or ballot-opening place with arms, dangerous weapon, explosives and any other articles by which killing or bodily injuring may be committed shall be punished by imprisonment at hard labor or confinement for five years or less.

Paragraph 2. Any person who has violated the provisions of Articles 96 and 108, paragraph 1 shall be punished by imprisonment at hard labor or confinement for three years or less or a fine not more than 60,000 won.

Article 145. (Crimes of disturbing election by large number of people)

Paragraph 1. Any group of persons who have assembled and committed acts under the preceding three Articles shall be punished according to the following classifications:

1. The ringleader shall be punished by imprisonment at hard labor or confinement for three years or more but not exceeding ten years;
2. Those who have directed other persons or taken an initiative shall be punished by imprisonment at hard labor or confinement for one year or more but not exceeding seven years;
3. Those who have followed others and acted with them shall be punished by imprisonment at hard labor or confinement for one year or less or a fine not more than 20,000 won.

Paragraph 2. If a group of persons assembles for the purpose of committing acts mentioned in the preceding three Articles and do not disperse after being ordered three or more times by the official concerned to do so, the ringleader shall be punished by imprisonment at hard labor or confinement for three years or less and the others shall be punished by imprisonment at hard labor or confinement for six months or less or a fine not exceeding 10,000 won.

Article 146. (Crimes of fraud in voting)

Paragraph 1. Any person who has voted or has intended to vote by assuming a false name or by any other fraudulent methods, or any person who is not a voter, has voted or intended to vote, shall be punished by imprisonment at hard labor or confinement for two years or less or a fine not more than 40,000 won.

Paragraph 2. If any member of staff of an election management committee, public official concerned with the election business or person engaging in the election business has committed or caused other persons to commit crimes mentioned in the preceding paragraph, he shall be punished by imprisonment at hard labor or confinement for three years or less or a fine not more than 60,000 won.

Article 147. (Crimes of forging, increasing or decreasing ballots)

Paragraph 1. Any person who has forged ballots or increased or decreased the number of votes shall be punished by imprisonment at hard labor or confinement for one year or more but not exceeding seven years.

Paragraph 2. If any number of staff of an election management committee or public official concerned with the election business or person engaging in the election business has committed the acts under the preceding paragraph, he shall be

punished by imprisonment at hard labor or confinement for three years or more but not exceeding ten years.

Article 148. (Crimes of making public of false facts)

Any person who has made public or caused any other person to make public, by means of speeches, newspapers, magazines, wall-posters, propaganda documents and any other methods (regardless of the type of means applied), any false fact regarding post, thought, status, occupation or personal records of a candidate for the purpose of having the other person elected or to prevent his election to be the President shall be punished by imprisonment at hard labor or confinement for five years or less or a fine not more than 100,000 won.

Article 149. (Crimes of slandering candidate)

Paragraph 1. Any person who has slandered a candidate after indicating any fact publicly by means of speeches, newspapers, magazines, wall-posters, propaganda documents and any other methods (regardless of the type of means applied) for the purpose of having the other person elected or to prevent his election to be the president shall be punished by imprisonment at hard labor or confinement for three years or less or a fine not more than 60,000 won.

Paragraph 2. If an act mentioned in the preceding paragraph is true fact and is concerned with public interests, any person who has committed such act shall not be punished.

Article 150. (Crimes of unjust utilization of broadcasting)

Those persons who have violated the provisions of Articles 48 or 49, or paragraph (2), Article 50, shall be punished by imprisonment at hard labor or confinement for three years or less or a fine not more than 60,000 won.

Article 151. (Crimes of illegal election campaigns such as pre-election campaigns, taking advantage of any special position)

Paragraph 1. Any person who falls under one of the following sub-sections shall be punished by imprisonment at hard labor or confinement for two years or less or a fine of not more than 40,000 won:

1. Those who have conducted election campaigns in violation with the provisions of Articles 30 through 35, or paragraphs: 1, 2, 4, 5 or 7 of Article 36 or 54;
2. Those who have concluded election campaigns in violation of the provisions of Articles 45, 55, or 60;
3. Those who have conducted unjustifiable election campaigns in violation with the provisions of Articles 45, or 55 to 60.

Paragraph 2. If any public official has conducted the election campaigns by taking advantage of his position, he shall be punished by imprisonment at hard labor or confinement for three years or less or a fine not exceeding 60,000 won.

Article 152. (Crimes violating various provisions of restrictions)

Any person who falls under one of the following sub-sections shall be punished by imprisonment at hard labor or confinement for two years or less or a fine not more than 40,000 won.

1. Any person who has prepared and used documents, pictures and other propaganda facilities other than those prescribed in Article 38;
2. Any person who has violated the provisions of Article 41;
3. Any person who has conducted an election campaign in violation of Article 42, paragraphs 3, 5 through 7 or 9, Article 43 or Article 46.

Article 153. (Crimes violating prohibition, restriction on action of contribution)

Paragraph 1. Such persons as stipulated in Article 62, paragraph 1 or 2 who have made a contribution in violation with the provisions of same Article, or persons who have violated the provisions of Article 63 shall be punished by imprisonment at hard labor or confinement for three years or less or a fine not more than 60,000 won.

Paragraph 2. Those persons who have violated the provisions of Article 64 shall be punished by imprisonment at hard labor or confinement for one year or more but not exceeding seven years. However, the fine not exceeding 100,000 won may be concurrently imposed on him.

Paragraph 3. Those persons who have violated the provisions of Article 75 shall be punished by imprisonment at hard labor or confinement for two years or less or a fine not exceeding 40,000 won.

Article 154. (Crimes of illegal disbursement of election expenses)

Paragraph 1. A political party, candidate, campaign manager, person in charge of accounts or assistant for accounts who have disbursed or have caused others to disburse the election expenses in violation of the provisions of Article 68 shall be punished by imprisonment at hard labor or confinement for five years or less or a fine not exceeding 100,000 won.

Paragraph 2. A political party, candidate or person in charge of accounts who has violated the provisions of Articles 71 to 73 or 80 shall be punished by imprisonment at hard labor or confinement for two years or less or a fine not exceeding 40,000 won.

Article 155. (Crimes violating various restrictions)

Paragraph 1. In addition to the provisions of Articles 129 through 154, those persons who have violated the provisions concerning various restrictions stipulated in this Law in connection with the election shall be punished by a fine not more than 5,000 won.

Paragraph 2. Those persons who have neglected the duties to report as stipulated in this Law in connection with the election shall be punished by a fine for default not exceeding 5,000 won.

Article 156. (Crimes of instigating persons to commit election offenses)

Any person who has instigated other persons to commit crimes stipulated in this chapter by speeches, wall-posters, newspapers and by any other methods (regardless of the type of means applied), shall be punished by imprisonment at hard labor or confinement for three years or less or a fine not more than 60,000 won.

Article 157. (Nullification of return due to election offenses committed by successful candidates)

If a successful candidate has been punished by imprisonment at hard labor or confinement or a fine more than 10,000 won due to the committing of any crime stipulated in this Law in the election concerned, his return shall be null and void.

Article 158. (Notification on indictment)

When a prosecutor has indicted a successful candidate, candidate, campaign manager or person in charge of accounts on the charge of commitment of crimes regarding the election, he shall notify thereof to the Central Election Management Committee and the ballot-opening district election management committee concerned.

Article 159. (Statute of limitation for prosecution)

The statute of limitation for prosecution of the crimes stipulated in this Law shall be completed upon the lapse of three months after the election day. However, if a criminal has escaped, the statute of limitation shall be completed after one year.

Article 160. (Jurisdiction)

The first instance for the trial of election offenders and their accomplices shall be under the jurisdiction of the collegiate court of a district court.

ADDENDUM

Article 1.

This Law shall be enforced on and after the date of its promulgation.

Article 2. (Basis of population)

The basis of population in the election for the President to be held for the first time after the enforcement of this Law shall be founded on the statistics surveyed in accordance with the law of registration of residents as of November 10, 1962, regardless of the provisions of Article 5.

Article 3. (Release of public officials and members of the election management committees from their offices)

Public officials and members of election management committee who desire to be candidates in the election for the president to be held for the first time after the enforcement of this Law shall be released from their offices by 31 August, 1963, regardless of the provisions of Article 26.

Article 4. (Ditto)

The provision of the proviso of Article 26, Paragraph 1 shall apply *mutatis mutandis* to the person who acts for the President in the Presidential election to be held for the first time after the enforcement of this Law, and the members of the Supreme Council for National Reconstruction.

Article 5. (Restriction on the contributions)

In the Presidential election to be held for the first time after the enforcement of this Law, the date of promulgation of this Law shall be one hundred and eighty days prior to the date of expiration of the term of office of the President as prescribed in Article 32.

Article 6. (Law to be repealed)

The Election Law for the President and Vice-President, Law No. 247, shall hereby be repealed. However, this shall not affect those persons whose cases are pending in the court or who have been punished on the commitment of election offenses, at the time of the enforcement of this Law.

F. TEMPORARY MEASURES LAW FOR SETTLEMENT OF STATE OF EMERGENCY

Unofficial translation of Law No. 1307^d
(promulgated on 16 March 1963)

Article 1. (Purpose)

The purpose of this Law is to temporarily restrict political activities to settle the state of national emergency caused by

^d The Law was repealed on 8 April 1963 by Law No. 1315.

the political activities allowed as from January 1, 1963, so that political situation may be stabilized.

Article 2. (Suspension of political activities)

Political activities aiming at organization and expansion of a political party and attainment of its objectives and having elections as its object shall not be allowed.

Article 3. (Restriction on speech and publication)

Paragraph 1. Political speech and publication using the title of a political party, group or organization shall not be allowed.

Paragraph 2. The same shall apply to the political speech and publication by which an individual person abets another person [to do or not to do].

Article 4. (Restriction on assembly and demonstration)

Holding outdoor assembly shall be allowed only for such assembly as is sponsored by the Government or a local autonomous body or the assembly for which approval of the chief of police station having jurisdiction over the area is obtained, and no demonstration shall be allowed, irrespective of indoor or outdoor demonstration.

Article 5. (Penal provision)

Any person who violates this Law shall be punished by hard labor or confinement for not less than one year but not more than five years.

Article 6. (Court jurisdiction)

The case of accusation against the violation of this law shall be tried by the court martial having jurisdiction over the place of a crime committed.

ADDENDUM

This Law shall go into force on and after the date of its promulgation.

Economic data

1. Gross national product by industrial origin

(In thousand million won)

	1955 constant market prices				1961 constant market prices				Current market prices			
	1961		1962		1961		1962		1961		1962	
	Value added	Per cent	Value added	Per cent	Value added	Per cent	Value added	Per cent	Value added	Per cent	Value added	Per cent
Agriculture, forestry and fishery	49.41	40.1	45.19	35.9	91.50	57.9	82.98	33.6	91.50	37.9	96.13	34.4
Mining and quarrying	2.58	2.1	3.10	2.5	4.94	2.0	5.94	2.4	4.94	2.0	6.27	2.3
Manufacturing	17.20	14.0	19.82	15.7	30.07	12.5	34.91	14.1	30.07	12.5	37.26	13.3
Construction	5.53	4.5	6.01	4.7	9.31	3.9	10.19	4.1	9.31	3.9	11.67	4.2
Electricity, water and sanitary services	0.99	0.8	1.10	0.9	3.32	1.4	3.66	1.5	3.32	1.4	4.26	1.5
Transportation, storage and communications	4.98	4.1	5.38	4.3	12.7	5.2	13.70	5.5	12.63	5.2	14.09	5.0
Wholesale and retail trade	17.36	14.1	18.56	14.7	31.59	13.1	33.70	13.6	31.59	13.1	37.92	13.6
Banking, insurance and real estate	2.00	1.6	2.69	2.1	4.07	1.7	5.56	2.3	4.07	1.7	6.54	2.3
Ownership of dwellings	7.43	6.0	7.60	6.0	14.08	5.8	14.44	5.8	14.08	5.8	13.89	5.0
Public administration and defence	4.97	4.0	5.28	4.2	18.11	7.5	19.39	7.8	18.11	7.5	24.24	8.6
Services	9.16	7.4	9.62	7.7	19.03	7.9	20.00	8.1	19.03	7.9	24.43	8.7
Rest of the world	1.43	1.2	1.50	1.2	2.76	1.1	2.82	1.1	2.76	1.1	3.07	1.1
Gross national product	123.04	100	125.85	100	241.41	100	247.29	100	241.41	100	279.77	100
Annual rate of growth of gross national product			2.3				2.4				15.9	

Note: Figures for 1961 are revised estimates, and therefore differ from those in last year's report.

Source: The Bank of Korea, *Preliminary Estimates of Gross National Product for 1962*.

2. Index numbers of industrial and agricultural production

(1960 = 100)

	1961	1962	Percentage change	1961	1962	Percentage change
Industrial production	105.7	123.5	+ 16.8	109.2	100.0	- 8.4
Mining	113.4	134.2	+ 18.3	112.8	102.3	- 9.3
Manufacturing	104.3	121.8	+ 16.8	92.9	91.0	- 2.0
Electricity	104.3	116.5	+ 11.7	93.4	87.2	- 6.6
Agricultural production						
Cultivation						
Stock Raising						
Forestry						

Source: The Bank of Korea: *Economic Trends, Problems and Policies in Korea, 1962-1963*, p. 1.

3. Agricultural production

(In thousand metric tons)

	Cleaned Rice	Grains and pulses (cleaned) ^a	Potatoes	Cotton and oil seed crops ^b	Fruit ^c	Vegetables ^d
1961.....	2,739.6	1,260.3	866.2 ^e	31.3	141.1	886.9
1962.....	2,309.9	1,219.3	971.9	50.8	188.8	925.1

Source: The Bank of Korea: *Economic Statistics Yearbook*, 1963, pp. 154-157.

^a Covers: barley, naked barley, wheat, rye, Italian millet, barnyard millet, glutinous millet, sorghum, corn, buckwheat, soy beans, red beans, green beans, kidney beans, peas, peanuts, and others.

^b Covers: cotton, sesame, and castor seeds.

^c Covers: apples, pears, persimmons, grapes, peaches, oranges.

^d Covers: radishes, chinese cabbage, cabbage, and green onions.

^e Revised figure.

4. Index number of industrial production

(1960 = 100)

	Total	Mining	Manufacturing	Electricity
Weight	100.0	15.2	80.5	4.3
Number of time series included	167.0	11.0	155.0	1.0
During:				
1958	80.0	54.7	85.5	89.0
1959	91.8	76.1	95.1	99.3
1960	100.0	100.0	100.0	100.0
1961	105.7	113.4	104.3	104.3
1962:	123.5	134.6	121.8	116.5
January	110.0	129.4	105.9	117.8
February	104.5	118.4	102.1	100.7
March	115.9	137.7	111.8	115.2
April	117.4	128.5	115.7	109.0
May	127.7	124.5	129.0	115.4
June	120.7	128.3	119.7	113.2
1963:				
January	127.0	135.3	125.7	121.2
February	130.6	143.2	129.2	112.4
March	138.3	158.8	135.3	121.3
April	137.4	149.8	135.9	122.2
May	143.9	155.5	142.3	131.9
June ^a	140.3	144.0	140.3	128.3

Source: The Bank of Korea, *Monthly Statistical Review*, August 1963 (Korean Edition), table 64, pp. 96-97.

^a Preliminary.

5. Budget

(In thousand million won)

Receipts	Fiscal year		Expenditure	Fiscal year	
	1963	1962		1963	1962
1. Income tax	4.41	3.67	1. General current expenses	31.35	30.15
2. Corporation tax	1.99	1.20	(a) Salaries	11.39	9.74
3. Inheritance tax .....	.05	.03	(b) Other	19.96	20.41
4. Business tax	1.97	1.78	2. Defense	21.25	20.77
(a) Corporation business tax .....	.80	.72	3. Investment and loans	23.36	25.72
(b) Individual business tax	1.17	1.06	4. Technical co-operation .....	.91	.91
5. Other taxes	13.83	12.63			
6. Customs duties	5.85	5.52			
7. Miscellaneous non-tax receipts ..	12.99	9.59			
8. Illicit fortune disposal receipts ..	.25	1.40			
9. Monopoly profits	4.26	4.23			
10. Domestic borrowings	4.14	7.06			
(a) National bonds	1.30	1.10			
(b) Industrial reconstruction bonds ..	2.84	2.87			
(c) Borrowing from the Bank of Korea	—	3.09			
11. Foreign aid	27.13	30.44			
Counterpart fund	27.13	30.44			
TOTAL	76.87	77.55	TOTAL	76.87	77.55

Source: Republic of Korea, Economic Planning Board: *Republic of Korea Government Budget for Fiscal Year 1963*, p. 3.

6. Important sources of revenue and heads of expenditure

	<i>Fiscal year 1963 (in thousand million won)</i>	<i>Percentage to total budget</i>	<i>Fiscal year 1962 (in thousand million won)</i>	<i>Percentage of total budget</i>
<i>Receipts:</i>				
Direct taxes	8.42	10.95	6.68	8.61
Commodity taxes other than customs duties	13.83	17.99	12.63	16.29
Customs duties	5.85	7.60	5.52	7.12
Domestic borrowing	4.14	5.39	7.06	9.10
Foreign aid	27.13	35.29	30.44	39.25
	59.37	77.22	62.33	80.37
<i>Expenditure:</i>				
General expenses	31.35	40.78	30.15	38.88
Defense	21.25	27.64	20.77	26.78
Fiscal investment	23.36	30.40	25.72	33.17
Technical training .....	.91	1.18	.91	1.17
	76.87	100.00	77.55	100.00

Source: Derived from table 5.

6A. Revisions to the Republic of Korea Budget for the fiscal year 1963

(In thousand million won)

	<i>Under the re- vised financial stabilization pro- gramme adopted on 30 April 1963</i>	<i>Under the first supplementary budget bill of August 1963</i>	<i>Net change from the original budget for the fiscal year 1963</i>		<i>Under the re- vised financial stabilisation pro- gramme adopted on 30 April 1963</i>	<i>Under the first supplementary budget bill of August 1963</i>	<i>Net change from the original budget for the fiscal year 1963</i>
<i>Receipts</i>				<i>Expenditure</i>			
Taxes	+ 2.775	+ 0.022	+ 2.797	General current expenses	- 0.149	+ 0.971	+ 0.822
Custom duties ...	—	+ 0.690	+ 0.690	Defence	- 0.061	+ 0.242	+ 0.181
Miscellaneous non- tax receipts	- 2.557	- 0.464	- 3.021	Investment and loans	- 3.305	- 0.025	- 3.330
Illicit fortune dis- posal receipts ..	—	+ 0.173	+ 0.173	Technical co-oper- ation	—	- 0.910	- 0.910
Monopoly profits	+ 0.053	+ 0.287	+ 0.340				
Vested property receipts	—	- 0.077	- 0.077				
Trust Fund and interest receipts	—	+ 0.321	+ 0.321				
Industrial Recon- struction Bonds	- 2.840	—	- 2.840				
Foreign Aid:	—	- 1.620	- 1.620				
Counterpart funds	—	+ 0.152	+ 0.152				
Acquisition cost	—	- 0.862	- 0.862				
Technical co- operation	—	- 0.910	- 0.910				
TOTAL	- 2.569	- 0.668	- 3.237	TOTAL	- 3.515	+ 0.278	- 3.237

Source: Economic Planning Board: *Summary of the First Supplementary Revised Budget Bill for 1963, August 1963*, pp. 4-7 and 33-34.

7. Money supply
(In thousand million won)

	Money supply	Currency in circulation	Demand deposits
End of:			
1961	31.22	16.66	14.56
1962	36.71	18.00	18.71
January	32.18	16.20	15.98
February	31.87	16.38	15.49
March	32.69	16.07	16.62
April	33.70	16.34	17.36
May	35.61	15.40	20.21
9 June ^a	37.10	15.50	21.60
30 June	30.96	16.22	14.74
1963:			
January	38.67	17.92	20.75
February	37.20	16.70	20.50
March	35.59	15.15	20.44
April	35.89	16.19	19.70
May	35.82	15.89	19.93
June	35.51	15.83	19.68

Source: The Bank of Korea, *Monthly Statistical Review*, August 1963, (Korean Edition), table (2), p. 8.

^a Last date prior to the currency reform.

8. Deposits of commercial banks
(In million won)

	Total	Checking	Passbook	Notice	Time	Installment savings	Savings	Others
1961								
December	19,310	4,926	5,159	1,007	2,801	385	2,138	2,894
1962								
December	29,054	5,709	5,403	1,745	5,218	2,141	2,493	6,345
1962								
January	19,455	4,497	5,564	900	3,402	n.a.	2,286	2,806
February	20,896	4,647	5,650	973	3,111	481	2,344	3,690
March	22,219	4,590	5,632	1,186	3,648	569	2,301	4,293
April	23,612	5,177	5,505	1,360	3,649	658	2,381	4,882
May	27,200	5,523	5,445	1,349	4,518	802	2,392	7,171
June	28,130	3,243	4,290	1,760	4,601	895	1,666	11,675
1963								
January	26,550	5,186	5,449	1,498	4,807	2,384	2,815	4,411
February	27,234	4,974	5,671	1,544	4,710	2,661	2,667	5,007
March	28,589	5,206	5,513	2,189	4,982	2,912	2,619	5,168
April	27,762	4,748	5,328	2,014	5,171	2,945	2,716	4,841
May	28,457	4,908	5,588	2,368	5,410	3,063	2,789	4,333
June	29,129	4,700	5,568	3,226	5,265	3,224	2,769	4,377

Source: The Bank of Korea, *Monthly Statistical Review*, October 1962, table (4), pp. 7-8, April 1963, table (4), pp. 7-8, and August 1963 (Korean Edition), table (5), p. 14.

9. Loans and discounts by commercial banks

(In million won)

	Total	Loans	Bill discounted	Overdrafts
1961				
December	12,778	11,439	420	919
1962				
December	20,906	16,594	2,684	1,628
1962				
January	13,383	11,868	458	1,056
February	13,718	11,991	509	1,218
March	14,307	12,291	809	1,206
April	15,367	13,154	817	1,396
May	17,726	14,974	862	1,890
June	19,695	16,920	838	1,938
1963				
January	22,423	17,634	2,899	1,890
February	23,030	18,504	2,709	1,818
March	23,363	19,020	2,709	1,634
April	22,917	18,497	2,612	1,808
May	22,931	18,540	2,611	1,780
June	22,769	18,321	2,607	1,841

Source: The Bank of Korea, *Monthly Statistical Review*, October 1962, table (4), pp. 7-8, and August 1963 (Korean Edition), table (5), pp. 14-15.

10. Index number of wholesale prices

(1955 = 100)

	All commodities	Grains	All commodities excluding grains
1959	146.7	131.4	151.6
1960	162.5	157.4	164.2
1961	192.3	195.3	191.2
1962	218.0	207.6	221.5
January	204.0	170.5	215.1
February	209.8	186.1	217.7
March	211.4	189.8	218.5
April	213.8	200.8	218.2
May	218.0	213.7	219.5
June	220.1	218.1	220.7
July	220.2	219.1	220.6
1963			
January	226.7	224.1	227.6
February	232.3	239.2	230.0
March	232.9	240.5	230.3
April	239.0	261.8	231.5

10. Index number of wholesale prices (continued)

	All commodities	Grains	All commodities excluding grains
May	249.1	291.1	235.2
June	266.8	348.0	239.8
July	306.0	471.1	251.2

Note: The index numbers for 1963 are based on 270 price series incorporating additional 44 price series. The new index is comparable with the one for prior years.

Source: The Bank of Korea, *Monthly Statistical Review*, August 1963, (Korean Edition), table (40), pp. 48-49.

11. Exports

(In thousand US dollars)

	1961	1962
Food and live animals	8,948	21,847
Beverage and tobacco	184	141
Crude materials, inedible oils other than fuels	20,958	19,372
Mineral fuels, lubricants and related materials	2,209	2,760
Animal and vegetable oils and fats (excluding essential oils)	118	69
Chemicals	550	990
Manufactured goods classified chiefly by material	4,004	6,177
Machinery and transport equipment	884	1,446
Miscellaneous manufactured articles	791	1,954
Unclassified	2,232	57
TOTAL	40,878	54,813

Source: The Bank of Korea, *Monthly Statistical Review*, June 1963, table (40), p. 51.

12. Imports

(In thousand US dollars)

	1961	1962
Food and live animals	40,128	42,099
Beverage and tobacco	34	86
Crude materials, inedible oils except fuels	63,294	89,690
Mineral fuels, lubricants and related materials	27,362	30,606
Animal and vegetable oils and fats	3,949	3,856
Chemicals	61,654	94,314
Manufactured goods classified chiefly by material	39,540	73,093
Machinery and transport equipment	42,392	69,783
Miscellaneous manufactured articles	5,689	10,241
Unclassified	32,102	1,467
TOTAL	316,144	415,235

Source: The Bank of Korea, *Monthly Statistical Review*, June 1963, table (40), p. 51.

13. Foreign exchange receipts and payments
(In thousand US dollars)

During	Receipts				Payments					Excess receipts or payments (---)
	Total	Visible	Invisible		Total	Visible		Invisible		
			Services	Aid received		Commercial imports	Aid imports	Services	Aid services	
1961	322,752	42,901	123,327	156,524	272,656	100,591	154,452	15,541	2,072	50,096
1962	374,060	56,702	122,318	195,040	420,713	195,846	191,472	29,827	3,568	- 46,653
January	29,501	2,993	10,112	16,396	28,263	10,238	16,386	1,629	10	1,238
February	26,690	3,324	8,603	14,763	24,460	8,387	14,656	1,490	107	2,050
March	39,598	3,290	10,281	26,027	38,655	11,187	25,981	1,441	46	943
April	25,332	3,479	9,350	12,503	31,813	17,527	12,286	1,783	217	- 6,481
May	26,247	3,934	9,305	13,008	35,466	20,073	12,667	2,385	341	- 9,219
June	29,710	5,246	10,640	13,824	35,728	20,646	13,480	1,258	335	- 6,018
1963										
January	34,571	2,839	8,456	23,276	47,443	21,068	22,433	3,099	843	- 12,872
February	27,806	4,775	7,900	15,131	43,930	22,917	13,008	5,882	2,123	- 16,124
March	33,631	6,949	9,645	17,037	41,768	22,406	16,118	2,325	919	- 8,137
April	32,030	7,699	8,052	16,279	44,256	24,555	15,417	3,422	862	- 12,226
May	32,600	7,310	6,016	19,274	40,948	19,146	17,924	2,528	1,350	- 8,348
June	23,757	6,732	6,663	10,362	33,008	19,142	9,796	3,504	566	- 9,251

Source: The Bank of Korea, *Monthly Statistical Review*, August 1963, (Korean Edition), table (54), p. 89 and October 1962, table (45), p. 68.

14. Gross domestic fixed capital formation by investment sponsor
(1961 constant prices)
(In thousand million won)

	1961			1962 ^a		
	Private	Government	Total	Private	Government	Total
1. Agriculture, forestry and fishery	1.74	3.21	4.95	2.21	1.37	3.58
2. Mining and quarrying	0.86	0.15	1.01	0.60	0.03	0.63
3. Manufacturing	3.36	0.85	4.21	4.55	0.66	5.21
4. Construction	0.19	—	0.19	0.14	0.04	0.18
5. Electricity, water and sanitary services	2.47	0.54	3.01	1.93	1.64	3.57
6. Transportation, storage and communications	2.11	4.89	7.00	3.16	6.18	9.34
7. Housing	3.73	0.03	3.76	3.64	0.01	3.65
8. Others	2.86	2.75	5.61	4.81	3.56	8.37
Gross domestic fixed capital formation	17.32	12.42	29.74	21.04	13.49	34.53
	58.2	41.8	100.0	60.9	39.1	100.0

Source: Bank of Korea: Research Department supplied the information to UNCURK.

^a Preliminary.

15. Gross domestic fixed capital formation by industrial use
(In thousand million won)

	Current market prices				1961 Constant market prices			
	1961		1962 ^a		1961		1962 ^a	
	Amount	Per cent	Amount	Per cent	Amount	Per cent	Amount	Per cent
Primary industry	4.95	16.6	4.04	10.5	4.95	16.6	3.58	10.4
Secondary industry	5.41	18.2	6.55	16.9	5.41	18.2	6.02	17.4
Tertiary industry	19.38	65.2	28.05	72.6	19.38	65.2	24.93	72.2
Electricity, water and sanitary services	3.01	10.2	4.04	10.5	3.01	10.2	3.57	10.3
Dwellings	3.76	12.6	4.20	10.8	3.76	12.6	3.65	10.6
Transportation, storage and communications	7.00	23.5	10.40	26.9	7.00	23.5	9.34	27.0
Others	5.61	18.9	9.41	24.4	5.61	18.9	8.37	24.2
Gross domestic fixed capital formation	29.74	100.0	38.64	100.0	29.74	100.0	34.53	100.0

Source: See table 14.

^a Preliminary.

16. Gross domestic fixed capital formation by source of funds

(1961 constant market prices)

(In thousand million won)

	1961			1962 ^a		
	Foreign	Local	Total	Foreign	Local	Total
1. Agriculture, forestry and fishery	0.13	4.82	4.95	0.35	3.23	3.58
2. Mining and quarrying	0.40	0.61	1.01	0.15	0.48	0.63
3. Manufacturing	2.31	1.90	4.21	2.48	2.73	5.21
4. Construction	0.17	0.02	0.19	0.08	0.10	0.18
5. Electricity, water and sanitary services	1.32	1.69	3.01	0.24	3.33	3.57
6. Transportation storage and communications	1.45	5.55	7.00	1.74	7.60	9.34
7. Ownership of dwellings	—	3.76	3.76	—	3.65	3.65
8. Others	0.64	4.97	5.61	1.87	6.50	8.37
Gross domestic fixed capital formation	6.42	25.32	29.74	6.91	27.62	34.53

Source: See table 14.

^a Preliminary.

17. Production plans of a few industries^a

Item	1962	1962 ^b actual	Percentage of the target	1963	1964	1965	1966
Electric Power in megawatts ^c							
Generation	350	305	87.14	482	790	910	976
Installed Capacity	434	434	100.00	531	835	944	1,010
Hydro-electric	143	143	100.0	143	215	215	215
Thermal-electric	291	291	100.0	388	620	729	795
Coal in thousand metric tons	7,440	7,430.4	99.87	7,900	8,700	10,310	11,714
Iron ore in thousand metric tons	500	470.7 ^d	94.14	550	600	650	700
Cement in thousand metric tons	650	789.7	121.50	750	890	1,600	1,600
Fertilizer (Urea) in thousand metric tons	85	81.3	95.65	145	170	170	170
Petroleum refinery capacity in thousand barrels per year	—	—	—	—	—	5,675	9,080
Viscose rayon yarn in thousand lb.	—	—	—	—	—	11,000	12,000

Source: ^a Republic of Korea: Economic Planning Board, Bureau of Secondary Industries.

^b The Bank of Korea, *Economic Statistics Yearbook 1963*, pp. 180, 188-189 and 198.

^c In terms of kilowatt hours planned target was 1945.66 million kWh and the result achieved was 1978.51 million kilowatt hours being 101.7 per cent of the target.

^d 45-57 per cent content.

18. Production plans of the agricultural sector

(In thousand metric tons)

Item	1962	1962 ^a actual	Percentage of the target	1963	1964	1965	1966
Rice	2,576.9	2,309.9	89.6	2,680.8	2,796.3	2,932.8	3,085.1
Barley	838.8	854.5	101.9	874.2	900.8	940.6	973.0
Wheat	122.5	118.5	96.7	126.7	130.8	135.0	139.2
Miscellaneous cereals ^b	111.4	122.7	110.1	118.7	128.3	150.8	162.6
Pulses ^c	170.0	181.1	106.5	185.5	220.6	242.7	277.3
Potatoes ^d	905.3	953.9	105.4	999.5	1,107.2	1,205.4	1,337.1

Source: Republic of Korea: Economic Planning Board, Bureau of Primary Industry.

^a The Bank of Korea: *Economic Statistics Yearbook, 1963*, pp. 154-156.

^b Covers: Rye, Italian millet, barnyard millet, glutinous millet, corn, sorghum and buckwheat.

^c Covers: Soy beans, red beans, green beans, kidney beans, peas, peanuts, and others.

^d Covers: Sweet and white potatoes.

19. Production plans for fisheries

(In thousand metric tons)

Item	1962	1962 ^a actual	Percentage of the target	1963	1964	1965	1966
Fish	308	297.24	96.51	337	365	393	421
Shell Fish	15	19.99	133.27	16	17	18	19
Sea-weed	35	45.61	130.31	37	39	41	43
Others	74	87.54	118.30	78	82	85	88
TOTAL	432	450.39	104.26	468	503	537	571

Source: Republic of Korea, Economic Planning Board, Bureau of Primary Industry.

^a The Bank of Korea, *Economic Statistics Yearbook 1963*, p. 165.

20. Technical manpower requirements envisaged in the Five-Year Plan of Technical Development

	Base Year (1961)	1962	1963	1964	1965	1966
Total	299,414	349,436	418,164	495,632	549,768	601,763
Engineers	8,616	10,994	12,814	15,032	17,055	19,411
Technicians	11,128	55,509	66,219	78,266	87,739	97,059
Craftsmen	279,670	282,933	339,131	402,334	444,974	485,293

Source: Republic of Korea: Economic Planning Board, *First Five-Year Plan for Technical Development, Supplement to the First Five-Year Economic Plan*, table 5-2, p. 25.

21. Activities of the National Reconstruction Movement

	In 1962	From 1 January to 30 March 1963
Land reclamation (in pyungs) ^a	58,117,161	1,425,479
Tree plantation (number of trees)	103,743,425	18,592,574
Farm road construction (in metres)	49,996,182	1,573,021
Water irrigation (in metres)	2,672,303	262,720
Dike construction (in metres)	689,462	46,467
Community halls (number of)	6,869	565
Fish pond (in pyungs) ^a	565,128	67,670
Water reservoir (in pyungs) ^a	2,618,395	55,515
Literacy campaign (number of classes)	627,263	98,212
Sanitation well improvement (number of households covered)	197,510	11,934
Toilet improvement (<i>idem</i>)	1,366,330	99,523
Fence improvement (<i>idem</i>)	6,537,463	106,033
Home heating improvement (<i>idem</i>)	2,763,971	149,649
Rice saving movement (in suks) ^b	19,735	7,917
Food improvement training (number of classes) ..		6,928
Clothing improvement training (number of classes)		5,804
Community public baths (number of)	16	40
Public barber shops (number of)	11	80
Community libraries (number of)	587	123

Source: Information supplied to UNCURK by the Headquarters of the National Reconstruction Movement.

^a 1 acre = 1,224.2 pyungs.

^b 1 metric ton = 6.9 suks.

AFRICA

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