

What Was the Repatriation Controversy at the End of the Korean War?

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Abstract: The repatriation problems at the end of the Korean War marked a critical juncture in the global struggle for political ideas and human rights. This paper aims to delve into the multifaceted dimensions of this controversy, which were largely about the fate of prisoners of war (POWs) held by opposing forces, primarily the US, and China and North Korea communists. The conflicts centered on the voluntary repatriation versus the compelled return of POWs to their original country, and the US's ambiguous stance attempting to resolve it. This paper generally analyzes the US's decision making and the on-going disparity remained between belligerent countries. The study also considers the lasting controversy of repatriation from an international perspective in relation with human rights, Geneva Convention, and humanitarian laws. Through an all-sided examination, this paper aims to provide a broader understanding of the Korean War's situation and how the US decided to deal with the inconsistency between the POWs and the belligerent countries.

Keywords: Repatriation, Korean War, Human Rights, Prisoners of War (POW)

1. Introduction

“If we let Korea down,” explained President Harry Truman in 1950, “the Soviet will keep right on going and swallow up one [place] after another.” [1] This bellicose rhetoric towards Communism coincided with a new commitment to global human rights. After World War II, in order to entrench human rights, the UN proposed and enacted the Universal Declaration of Human Rights(UDHR) in 1948, followed by the Geneva Convention of 1949 protecting non-combatant civilians. But did these things conflict? Was it possible for the Americans to fight a global war against Communism, while also defending global human rights? This paper will try to answer that question by looking at America's first war after the passage of the UDHR and the Geneva Conventions [2]. My analysis will suggest that, in practice, these two commitments were partially compatible. In the wake of the Korean War, the first time that the 1949 Geneva Convention was applied, it became apparent that human rights and the right to repatriation might be in conflict.

2. Background Information

Between 1950 to 1953, on the other side of the Earth, North, and South Korea both claimed to be the sole legitimate government of the entire Korean peninsula. However, the attempts to unite failed and the North—with the support of communism, including China and the Soviet Union—pushed through

the border line and invaded the South—aided by the US—in 1950. From the US’s perspective, this invasion was deemed as the ambition of the Soviet Union to penetrate the world. With the angst about the expansion of communism, the US began to send troops and fleets to South Korea, joining the Korean war, in the name of defending human rights for Korea but with the purpose of halting the expansion. Above the sea, it seems like the internal dispute between North and South Korea, but it was the tension between communism and the US or democracy. Meanwhile, millions of people died and were captured as prisoners of war(POW), with roughly 163,569 Korean and Chinese POWs being imprisoned in the Geoje-do camp built in Korea by the US [3]. Deaths emerged in the camps during the imprisonment period for different reasons. However, the US offered an affluent living standard and treated POWs with respect. After the end of the war, an armistice agreement [4] was drafted, indicating the repatriation plan that each detaining power, China, Korea, and the US, should embrace.

Multiple historians have studied this topic in the past. In “.....The U.S. Army Re-Education Program During the Korean War” [5], Tal Tovy examines the moral and acceptable treatment of the U.S. on Korean POWs in the camp. The US Army offered POWs an array of sources and methods to learn about democracy which filled the US, proposing peace in the world. However, the US determined to “brainwash” POWs by depicting communism as fascism and turning them against their original side. Furthermore, in “The Korean Repatriation Problem and International Law”, Jaro Mayda articulates the action of the United Nations (UN) in fulfilling the requests of people and each belligerent state [6]. Creating a worldwide agreement in the POWs convention strived to resolve the problem of POWs in the Korean War.

These studies overlooked the problem within the decision of repatriation. This essay will include the US historical records of repatriation after the Korean War, and legislative documents describing the Geneva Convention. The general ideas of those two sources will first be presented by analyzing the relationship between repatriation and human rights. Then the focus will shift to Truman’s, the USA president, statement about the Korean POWs repatriation in his post-presidential paper and analyze how it impacts human rights. Chinese demand for repatriation will also be introduced concerning the US’s action and attitude toward it.

2.1. International humanity laws and diplomacy

According to the Geneva Convention article of 1949, two new protocols were authorized: “1. Extended the protectionto persons involved in wars of ‘self-determination’, defined as international conflicts; and enabled the establishment of fact-finding commissions in cases of alleged breaches of the convention 2. Extended human rights protections to persons involved in severe civil conflicts.” [7] In general, the Conventions of 1949 prohibited any inhumane and brutal behaviors toward combatants. To be more specific, article 118 correlates with POWs more. With the absence of repatriation details in it, each detaining power should establish a concluded plan between parties and execute it immediately under two main rules for implementing repatriation: 1. The state party should bear the expense of transporting POWs from its borderline if two powers are adjacent. 2. On the contrary, the detaining power should bear all the transporting costs to the nearest border or harbor around the state party [8].

2.2. Plans and Resolution

Both sides, the US and Korea established a solid plan concerning the armistice agreement that all POWs would be returned to where they formerly belonged. Truman, as the USA's president, articulated in his post-presidential paper that “no force or threat of force shall be used against the POWs”, and “the release of POWs shall be effected in accordance with the ‘Geneva Convention’.....” [9]. This statement, indeed, attempted to fulfill the requirement of the Geneva Convention but was

somehow viewed as a violation of human rights. It deprived POWs' right to select their interests since most POWs intended not to return to their original side. A loophole was created that violates personal rights in an effort to reflect humanitarianism.

The discord between POWs and detaining power preeminently delayed the process of repatriation to create an effective solution. The Custodial Commission was then formed and with the members of "Sweden, Switzerland...and India, shall each appoint a member to the POWs custodial commission." [10] In Truman's paper, those countries' representatives were assigned the responsibility of taking care of everything, from medical care to observance. In this case, a new question could be raised: Shouldn't the detaining power be responsible for such a responsibility? Does this infringe on those representatives' countries' rights? Even though Truman stated in his article that each side, Korea and the US, should provide logistical support for POWs, seemingly the US attempted to avoid the responsibility for repatriation with a confusing stance on it. Following it, Truman demonstrated that "POWs who selected to not avail themselves of their right to be repatriated, shall be released to civilian status." Notwithstanding, in his later assertion, POWs would be retained control or supervision by the Custodial Commission during every movement, and after ninety days, if there were any POWs whose return was not successful or fulfilled, "the responsibility of care and deposition shall be transferred to the United Nation [11]." This could be assumed that the rights of the POWs, who should be recognized as civilians, were seriously infringed. They were just being transferred from one detaining power to a more liberal imprisonment.

2.3. In Relation with China

Apart from this, the Chinese desire for repatriation could preeminently display the conflicts of human rights between repatriation. After the end of the Korean War, China and the US had a consensus on the immediate repatriation of all POWs to their homeland [12]. However, with the POWs' longing to remain behind, a dispute developed about how to position them. According to the UDHR, all people should have the right to determine their life but the Geneva Convention article 118 contended that all detaining powers should enforce the assentient repatriation plan forthwith. These two regulations led to a dead end that, with each solution, human rights would be violated.

In a letter that General Trudeau wrote to General Ennis, he declared that Chinese POWs should be held in camp under the current situation even though China has requested to repatriate POWs to Formosa (Taipei) [13]. If the effort to retain them was not successful, Ennis was permitted to perform necessary action to remain in control of those POWs. Without further evidence to support this, it's hard to say why the General of the US refused to repatriate POWs to Formosa, but it's a clear sign of infringing on human rights by controlling one's freedom and even under the protection of the Geneva Convention.

3. Conclusion

All in all, the treatment that the US army performed on Chinese and Korean POWs obeyed the rules of the Geneva Convention and UDHR, granting enough equality and rights inside the camp. The supply being furnished to the camp was even better than the general public in certain ways. However, the US neglected the importance of the continuity of conforming to the Geneva Convention and UDHR. Its controversial and confusing stance on the decision-making of the repatriation plan revealed that the spirit of human rights is not compatible with the basic idea of the Geneva Convention and UDHR. People's will would be hard to fulfill since the laws and regulations focus on different aspects of protecting human rights. In our current society, this experience from the past matters a lot. As more people understand the importance of human rights, it is crucial for the world and every government to implement protocol without any offense to the rights. These laws are meant to protect

and reinforce the human rights of people instead of generating more controversy. But when laws and rights do conflict, another trend of revolt might appear, similar to those in the past fighting for rights. LGBTQ+, as an example, was a minority group with no human rights. They have long been discriminated against and regarded as evil. Nevertheless, equality was advocated during the period. If international law granted equality and rights for everyone and one's will, then why were the rights for the minority group not being accomplished?

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