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Chairman: Mr. Roberto URDANETA ARBELÁEZ (Colombia)

The problem of the independence of the Republic of Korea (*continued*)

[Item 24]*

GENERAL DISCUSSION (*continued*)

At the invitation of the Chairman, the Rapporteur of the United Nations Commission on Korea and the representative of the Republic of Korea took their seats at the Committee table.

1. Mr. SHARETT (Israel) stated that the basic aim of the United Nations on the Korean question must be the earliest possible achievement of the unity of Korea. Nothing could justify perpetuation of the division of that country. On the contrary, what was undisputed was that Korea was an organic unit. Experience had proved that as long as the division existed it would continue to be a source of instability and a menace to the peace of the world. Thus the two draft resolutions before the Committee, which diverged in fundamental respects, agreed in urging the earliest possible unification of Korea and the establishment for the whole of its area of one central government expressing the sovereign will of the Korean people through a freely-held general election. The Israeli delegation believed that in the existing circumstances, the holding of such an election must be the direct responsibility of the United Nations, to be exercised through whatever organ the United Nations might appoint for the purpose. It would be for that organ to enlist the co-operation of all Korean parties and groups.

2. Mr. Sharett could not subscribe to the recommendation contained in the draft resolution submitted by the USSR and four other delegations (A/C.1/567) concerning the establishment of a joint commission to conduct an all-Korean election. The population figures hardly justified adoption of the parity principle on grounds of equity, and in practice that proposal would invite perpetual conflict and deadlock.

3. His delegation fully agreed with the part of the draft resolution submitted by the United Kingdom and seven other Members (A/C.1/558) which provided for the establishment of a commission with powers and functions as outlined in the draft, and for the immediate setting up of an interim committee on the same pattern. It was most vital that the general authority of the United Nations in Korea should be asserted without undue delay. On the other hand, Mr. Sharett could not accept the reference in the preamble of the draft resolution to the existing Government of South Korea as one "based on elections which were a valid expression of free will of the electorate" if the reference was to the elections held there in May last. Opinions on popular confidence in that government differed widely. Because a majority of the members of the National Assembly were not identified with the present régime, the South Korean Government might find itself in the position of a minority government. The parliamentary position of the executive authority of that government must be regularized without delay, but at the same time it must be made clear that that regularization would be merely provisional, and that the United Nations had made itself responsible for the holding of an all-Korean election as soon as practicable in order to constitute a permanent all-Korean authority.

4. The main question, in Mr. Sharett's view, was how the United Nations was to move toward that condition of stability envisaged in the same joint draft resolution which was indispensable both for the unification of Korea and for the establishment of a democratically-elected all-Korean government. Stating that the point of departure in that connexion lay in the appraisal of the events of 25 June 1950, he reiterated his government's acceptance of the description and definition given to the outbreak of hostilities in Korea by the resolutions of the Security Council.¹ He noted that, at worst, the documents cited by the USSR representative indicted the South Korean Government for having, at a certain

* Indicates the item number on the General Assembly agenda.

¹ See *Official Records of the Security Council, Fifth Year, Nos. 15 and 16.*

stage, nurtured aggressive designs. There was a great difference, however, between intention and physical action. The North Korean authorities, on the other hand, who claimed to have been a victim of aggression, had never addressed a complaint to the Security Council and had ignored the latter's call for a cease-fire and withdrawal. By that attitude the line of the 38th parallel had lost whatever temporary validity it had had, since a principle must either be upheld throughout or the right to fall back upon it must be forfeited. Occupation of all Korea by the United Nations forces might be the only method to achieve effective unity and peace in Korea. His delegation, however, believed that a quicker end to hostilities and an attempt at peaceful unification were indicated.

5. His delegation could not accept the provision in the draft resolution submitted by the USSR and other delegations for a call to be issued to the belligerents in Korea for immediate cessation of hostilities. The United Nations was one of those described as belligerents. It had taken up arms to resist aggression and it was for the aggressor to lay down his arms first. His delegation favoured the issuance of a call for the immediate cessation of fighting, provided the call was addressed to North Korea alone. Emphasizing that co-operation of all elements would enormously promote unification, Mr. Sharett suggested that the North Korean Government should be called upon at the same time to give a solemn undertaking that it would fully co-operate with the United Nations in the creation of a united Korea in accordance with the United Nations resolutions (General Assembly resolutions 112 (II) and 195 (III)). When those two conditions had been accepted, the United Nations forces should halt their advance. There could be no question, at the present stage, of withdrawal of the United Nations forces, as that would merely recreate a situation similar to that which had made United Nations actions imperative. Stating that his delegation had been guided solely by the ultimate good of the Korean people, he supported the provisions in both draft resolutions regarding the economic rehabilitation of Korea, as well as the recommendation concerning its eventual admission to membership in the United Nations. He also supported the Indian proposal (A/C.1/572) for the establishment of a sub-committee to work out a text which would command the widest measure of support.

6. In conclusion, Mr. Sharett said that the task confronting the General Assembly was to devise a solution which, both in method and in goal, would lay the foundation of lasting peace in Korea. While it might well be that real accord on that issue, as on many others, was not practicable, and that the Organization could go ahead only by majority decisions, his delegation was convinced of the value of a last attempt to achieve a genuine understanding.

7. Mr. VYSHINSKY (Union of Soviet Socialist Republics) reiterated that his delegation's fundamental premise and objective in the consideration of the Korean question was a settlement by peaceful means of the conflict in Korea in accordance with the principles of the Charter. The draft resolution submitted jointly by the USSR and four other delegations expressed that attitude, and its wording and objectives had been determined by those premises. The draft resolution had been

dictated by the peace-loving policy of the sponsoring States, which had consistently championed the cause of international peace and security.

8. The draft resolution submitted by the United Kingdom and other delegations had been supported, in particular, by delegations such as that of the United States and of the various countries which were participants and accomplices in the United States aggression against the Korean people, who were fighting for national independence and unification. It was quite natural that the delegations of those countries should defend that draft resolution by utilizing any ways and means, for it was the same cause as had been defended since 25 June for purposes and objectives quite inconsistent with the purposes and principles of the United Nations, despite the fact that they assumed the authority of the United Nations. On 25 June the authority of the Security Council had been used to camouflage the attack upon North Korea. On that day those delegations, without granting a hearing to the representatives of North Korea, and without taking all the measures which it had been incumbent upon them to take with a view to peaceful settlement, had violated Article 32 of the Charter and the obligations assumed by them under the Charter. Those delegations had endeavoured to dictate to the North Korean Government an order illegal in its essence, based upon an unjust and reckless accusation of aggression.

9. The draft resolution submitted by the United Kingdom and other countries was intended to continue that policy. Its grandiloquent phrases about the establishment of a unified and democratic Korea were intended to legalize the conquest and occupation of all the country. The purpose was to secure the interests of the United States monopolists. It was hardly surprising, therefore, that that proposal contained no provisions concerning a peaceful settlement of the Korean question. The statements of representatives supporting that proposal had demonstrated that fact.

10. Thus the Australian Foreign Minister had drawn a parallel between the proposal and General MacArthur's demand for an unconditional surrender, and the Canadian Foreign Minister had also stressed that point (350th meeting). Mr. Pearson had intimated that no resolution of the General Assembly should hamper military operations in Korea, indicating that no matter what was said the military forces would of course continue their realistic business of waging war. That statement made clear the reason for the vague wording of the draft resolution submitted by the United Kingdom and other delegations, namely, to permit interpretation as required by the military and economic plans to be pursued by the foreign interventionists in Korea.

11. Similarly, the recommendations in paragraph (c), which sanctioned the maintenance in Korea of foreign armed forces for as long a period of time as was necessary to achieve the objectives vaguely specified in paragraphs (a) and (b), lent a naive air to the Philippine representative's statement (350th meeting) that that paragraph would prevent any Power from obtaining special privileges or military bases in Korea. The very maintenance of foreign troops was *ipso facto* a privilege and military bases were already there, and hence the United States and the countries under its leadership hardly needed to seek such privileges or bases.

12. In that connexion, Mr. Vyshinsky stated that the United States representative's assurance concerning the withdrawal of United States troops from Korea could not be regarded with optimism. There was no indication of the length of the period regarded as "absolutely necessary". Moreover, the past record of behaviour of the United States Government, which had repeatedly rejected USSR requests for the simultaneous withdrawal from Korea of USSR and United States troops,² should not be forgotten. Once the United States troops were again ensconced it was most probable that the same story would be repeated. Mr. Vyshinsky observed that, in the light of such considerations, the United Kingdom representative's attempt to represent the eight-Power draft resolution as the only way to solve the Korea question appeared rather awkward.

13. According to that draft resolution, the responsibilities in connexion with the establishment of a unified and democratic government of Korea would be vested in what had been called a strong commission, alongside which would be the Syngman Rhee government. There could be no doubt that that would be tantamount to the extension of the authority of the hated Syngman Rhee régime over all Korea against and despite the will of the Korean people. That had been intimated on the previous day by the Canadian Foreign Minister according to whom, apparently, it was not the task of the Korean people to determine the measures which would assure the establishment of a unified, independent and democratic country. That was to be done by the United Nations Commission, in accordance with the orders of the armed forces. Other statements of Mr. Pearson, such as that it would be unrealistic to expect democratic procedure to appear overnight in a country like Korea, also helped to prove the real purpose of the eight-Power draft resolution. That draft resolution was intended to serve as a method for taking over Korea and for disposing of it in a way which would be agreeable and useful only to the Anglo-American bloc. That proposal served in no way the purpose of peacefully settling the Korean question and of restoring peace and security in the Far East, and was unacceptable to his delegation.

14. Turning to the draft resolution submitted by the USSR and four other delegations, Mr. Vyshinsky analysed some of the arguments that had been advanced against it. The Australian Foreign Minister had baldly stated that the objective of the proposal was to confine the issues and to establish a vacuum through withdrawal of foreign troops. That was a characteristic assertion: Mr. Spender and those supporting the United States did not believe that it was the Korean people who were the masters of the destiny of Korea. However, since the Korean people were there, it could not be said that there would be a vacuum if foreign troops were withdrawn. Mr. Spender's view indicated that he was afraid lest the Korean people dispose of its destinies in ways unpleasant to the foreign interventionists.

15. Mr. Vyshinsky declared that the other assertions of Mr. Spender and his supporters were equally without foundation. Only the immediate withdrawal of foreign troops from Korea would create conditions propitious to the rehabilitation of the Korean people and to the fulfilment of the latter's inalienable right to

self-determination. That could be denied only by those who wished to hamper the Korean people in the exercise of its rights, and could not be denied by those States which had had the experience of the meaning of sovereignty under the heel of foreign armed forces.

16. The USSR representative stated that it was a distortion of the facts to intimate that the USSR and the countries associated with it had only now raised the question of cessation of hostilities and withdrawal of foreign troops. The USSR representative, on assuming the presidency of the Security Council,³ two months previously, had submitted proposals concerning the peaceful settlement of the Korean question, the cessation of hostilities there and the immediate withdrawal of foreign troops from Korea. Those proposals had failed of adoption owing to the position taken by the United States Government and certain other delegations. Stressing his delegation's support of a peaceful solution of the Korean question, he recalled that Generalissimo Stalin had welcomed the peace-loving initiative taken by the Prime Minister of India in reply to the latter's communication in June, and had stressed the need for peaceful settlement of the Korean question through the offices of the Security Council with the participation of the five great Powers, including the Central People's Government of the People's Republic of China. Criticism of the USSR position with regard to Korea was therefore groundless and must be described as slanderous.

17. Referring to the unfounded criticism by the Australian representative of the concept of civil war and aggression, as defined by the USSR delegation, Mr. Vyshinsky observed that that question appeared to have aroused anxiety. Various attempts had been made to disprove the statement that the Korean conflict was nothing but a civil war. Attempts of the Anglo-American bloc to misrepresent that civil war as if it were a case of aggression in which the guilty party should be sought, were quite untenable. In that connexion, Mr. Vyshinsky stressed the fact that the science of international law knew of no cases where the concept of aggression had been admitted except where one country had been attacked by another. Unable to refute that undeniable statement, Mr. Spender and his supporters had confined themselves to alleging that both convincing arguments were nonsense. The facts, however, were very stubborn. In that connexion, Mr. Vyshinsky cited various revolutions in China, Turkey and Iran to confirm his thesis that the concept of aggression applied only to conflicts between States, not to civil wars.

18. Noting that Mr. Rómulo had referred to the case of Indonesia as having been a situation that called for action by the Security Council or by the General Assembly, the USSR representative pointed out that in that case the Organization had been confronted by two States. The United Nations had thus been fully entitled to intervene in that conflict, demanding that the Netherlands Government withdraw its troops from Indonesia, inasmuch as their presence there had constituted an act of aggression and a threat to the peace.

19. The same considerations applied to the Palestine question. Both the Jewish Agency and the Arab Higher

² See *Official Records of the General Assembly, Second Session, First Committee, Annex 16 g.*

³ See *Official Records of the Security Council, Fifth Year, No. 22.*

Committee, at the second session of the General Assembly, had acted as *de facto* governments, though they had not been recognized as such, formally and juridically. Thus, the Jewish Agency, in the *Ad Hoc* Committee, had proved that it regarded itself at that time as a government which could dispose of territory. Mr. Vyshinsky concluded that it was impossible to accept Mr. Rómulo's thesis that in the cases of Indonesia and Palestine there had been parties, but no states involved.

20. Recalling the distinction made by General Rómulo between States and parties, Mr. Vyshinsky asserted that it was not tenable. General Rómulo, while referring to the words "parties" in Articles 33, 35, 36, and 37, had forgotten Article 32, which explained that those "parties" were States. He referred anyone still in doubt to Article 50. Stressing the meaning of the word "parties" as understood in international law, Mr. Vyshinsky asserted that that word was taken, in all treaties, in the sense of States. This applied also to the Charter, which authorized intervention by the United Nations into conflicts which were disputes or situations that threatened the peace and security of nations. These were always between parties that were States, as explained by Articles 32 and 50. Hence he contended that the Security Council, in discussing the Korean question, had perpetrated a series of violations of the Charter.

21. The countries which gathered on 25 June 1950 had committed another violation of the Charter by contending that they were, juridically speaking, a Security Council, even though the representatives of China and the USSR were absent. Even if there had been a legal Security Council, its members had failed to satisfy the preliminary considerations. Besides violating Articles 32 and 33, they had decided to apply those Articles of the Charter which constituted repressive action against the major act of aggression. All this had been accomplished by utilizing only those Articles convenient to them and discarding all those which were not. The majority could put through anything, but could not transform illegality into legality.

22. The majority had thus violated Charter principles, which all recognized to be legitimate, in order to carry out the plan concocted by certain reckless persons. General Rómulo had spoken of some irresponsible persons such as Syngman Rhee and his clique. Their irresponsible statements and those of General Roberts and Professor Oliver could not establish the truth. General Rómulo, speaking also for some other gentlemen who did not wish to refer to certain documents and photostats, said that they could not be regarded as trustworthy. All such documents could have been checked by inviting the representatives of North Korea to produce these documents here before a commission of experts. Mr. Rómulo and all those supporting the eight-Power draft resolution were afraid to do that; in the absence of the North Koreans, anything could be ascribed to them.

23. Referring to Mr. Sharett's distinction between "intentions" and "actions", Mr. Vyshinsky asserted that those documents in fact were tantamount to practical measures, direct plans, troop movements and similar mass measures; they were described, printed and known

to all. Mr. Sharett was therefore confusing intentions with facts—facts which had been put into action on the early morning of 25 June.

24. Concerning the argument that aggression had not come from South Korea because the latter was unprepared, Mr. Vyshinsky pointed to the statement of General Roberts, in the issue of 26 June 1950 in the *New York Times*, that the Korean territory was not adaptable to the use of tanks. United States Secretary of Defense Johnson had had the same view. That misconception—that tanks were not necessary for an attack on North Korea—had led to early collapse of the South Korean attack. Blame for the retreat, however, had been put on the infiltration of partisans. Yet General Roberts had contended that the numerical superiority of the North Koreans was of no particular significance and that the offensive of 25 June was the act necessary to complete South Korean Army preparations. General Roberts' view disposed of every attempt to misrepresent the real invader. These facts, Mr. Vyshinsky stated, proved his delegation's version of events in Korea and the attack of 25 June.

25. Mr. Vyshinsky then turned his attention to the attacks against the resolution sponsored by the five Powers, which proposed free all-Korean elections to be conducted by a parity commission elected by a joint assembly of the Supreme People's Assembly of North Korea and the National Assembly of South Korea. The resolution also proposed that that joint assembly should elect a temporary all-Korean committee to administer the country and to carry out the functions of government. Finally, it proposed that a United Nations committee be set up to observe the elections with, of course, the indispensable participation of the States bordering Korea. Mr. Pearson had alleged that neither political nor mathematical equality could be permitted. Mr. Sharett had said parity could not be allowed. These arguments, as well as arguments that the defeated aggressor could not be placed on equal footing with the poor victim, were incorrect. It was necessary to view the whole situation as it existed today. Korea had been divided temporarily into two governmental camps. Both discharged their governmental functions through representative organs. It would be quite natural that the two representative assemblies should combine their efforts to establish a unified free and democratic State.

26. Mr. Vyshinsky recalled that the USSR stood for the establishment of a unified independent and democratic German Republic. A conference held in Paris in 1948 had dealt with the German question and the necessity of utilizing the real organs already existing in Germany had been discussed. It had been realistically suggested that at least the economic organs of the western and eastern zones should combine their efforts in order to advance the idea and the cause of German unity. It was true that the USSR did not recognize the Government of South Korea, but recognition was one thing, and utilizing the existing organ was another.

27. Paragraph 4 of the five-Power draft resolution proposed the utilization of the organs existing in both South and North Korea. The argument put forward about proportional representation at this stage was quite irrelevant. All that needed to be done was to hold a joint meeting of the legislative organs of both North

and South Korea in order to elect a body which subsequently would implement such decisions as were taken by that meeting.

28. To use the live deputies on the spot was a realistic way, consistent with the principles of democracy, to put an end to civil war in Korea, to attain a peaceful settlement and to set up a democratic, unified and independent government for all Korea on the basis of the sovereign will of the Korean people. Although the task was not easy, the United Nations, by showing a creative imagination, was in a position to prove itself an instrument for a strong and lasting peace. That was why paragraph 5 proposed observation of "free" elections by a United Nations committee.

29. Mr. Vyshinsky was aware that the question of suggested participation on that committee of States bordering on Korea worried several representatives. He reminded the First Committee that the development of events in Korea was of great concern to both the Soviet Union and the Chinese People's Republic. It was inconceivable to believe that the interests of the United States of America—so far away from Korea—were greater than the interests of those States bordering Korea.

30. The situation was rather grave also from the economic point of view. The United States armed forces, by their unnecessary bombing, had rained destruction throughout Korea, including schools, hospitals and various institutions. Now they were concerned with the reconstruction of the Korean economy. That was why paragraph 6 of the five-Power draft resolution proposed that plans for economic and technical aid should be drawn up by the Economic and Social Council with the participation of representatives of Korea. Korean participation had been omitted from consideration in the eight-Power draft resolution.

31. In conclusion, Mr. Vyshinsky declared that the five-Power draft resolution constituted a lasting and safe road to the solution of the Korean question and would serve not only the interests of the Korean people, but also the interests of general international peace and security.

32. Mr. YOUNGER (United Kingdom) welcomed the indications of considerable support, in the Committee, for the eight-Power draft resolution and also the evident wish of the majority to concentrate upon the future of Korea and upon promoting a peaceful settlement. There were two omissions in the draft resolution and two amendments requiring comments. The first omission concerned the Member States to constitute the United Nations Commission. The sponsors of the draft resolution thought that the membership of that Commission should be small enough to be able to work promptly and efficiently, possibly five to seven members. The desirability of adequate Asian representation and reasonable geographical distribution suggested seven as the most appropriate number. He proposed six Member States which had already expressed readiness to serve: Australia, Chile, the Netherlands, Pakistan, the Philippines and Turkey. If the Committee thought an uneven number preferable, a seventh name could be added at a later stage. Serving on this Commission was a very important and responsible task, and people of the high-

est calibre and authority should, in his delegation's opinion, be appointed by the Member States. The exclusion from the list of the permanent members of the Security Council would, it was thought, meet the wishes of the Committee.

33. The second gap, at the end of the draft resolution, related to the date for submitting the plan for rehabilitation. Mr. Younger proposed replacing the words "on or before October" by the phrase "within three weeks of the approval of this resolution by the General Assembly". That would give the Council ample time to study this matter and to make its report.

34. The United Kingdom representative expressed support for the Brazilian amendment (A/C.1/571) and that of Chile relating to the economic aspect of the problem (A/C.1/564). As a word of caution, Mr. Younger stressed the burden in the matter of rehabilitation which would fall on the Members of the United Nations. Obligations would begin, not end, with the voting.

35. Outright opposition to the eight-Power draft resolution had come only from the Soviet Union and its several supporters. Mr. Younger had understood Mr. Vyshinsky to mean that the resolution was intended to legalize the aggression of the United States against the Korean people. Such remarkable conclusions could only be reached upon an entirely different appreciation of the facts from that which was generally accepted by the majority of the Members of the United Nations. Mr. Vyshinsky's speeches and those of his supporters were mainly directed to prove, first, that the act of aggression had been committed by the South Koreans, that the fighting was a civil war, at least until United Nations troops intervened, at which stage it became a United States aggression, and that the United Nations should have kept out of the whole business. These propositions were, Mr. Younger thought, entirely unacceptable to those who had supported the United Nations' action since 1947. Whether the captured archives which had been quoted were authentic was a secondary matter. The hard fact was that, from the very opening of hostilities, it was the North Korean forces that had advanced deeply into South Korean soil, with a fully-equipped and a fully-trained army.

36. The Commission's report (A/1350), on the other hand, also showed quite clearly that no such preparations existed upon the Southern side. That fact was never referred to by Mr. Vyshinsky or his supporters. To contend that it was South Korea who attacked the North would be just as false as to claim that it was Soviet Russia who attacked Germany in the summer of 1941.

37. The right of the United Nations to concern itself with the Korean problem had been asserted by a large majority since 1947. The duty of the United Nations to intervene to prevent a solution by force was likewise approved by a large majority in June and July last, and in fact materialized in military contributions to the joint effort. The United Kingdom delegation based its recommendations on its belief that those decisions and recommendations taken in the past were right.

38. Mr. Younger furthermore did not agree with Mr. Vyshinsky's contention that the United States was the aggressor whose action was camouflaged by the United

Nations. In subscribing to the saying that whoever wielded the stick took the decision, Mr. Vyshinsky had overlooked the fact that the main objective of the United Nations was to ensure that decisions taken in international relations were not based solely on brute force. The Charter, however, recognized the use of force as necessary, on some occasions, to back decisions taken collectively on the basis of the principles of the Charter and the interests of world peace.

39. The action taken by the United Nations in Korea, with major participation of the United States, was the first effective exercise of the collective determination of a large majority to act, in order to meet aggression. The eight-Power draft resolution offered a method of shouldering the heavy responsibilities, which flowed from that action, towards the Korean people and towards the United Nations troops who had died in support of the United Nations. What the resolution proposed by the USSR and four other Powers offered was a chance to wash its hands of such responsibilities.

40. The five-Power resolution was in agreement with the eight-Power draft resolution that the United Nations should deal with rehabilitation, but otherwise seemed to limit the United Nations functions merely to the observance of elections, without supervision, guidance or control. This would mean, in effect, something worse than a return to the *status quo* before the aggression. The possibilities of the two parties reaching a peaceful solution would be much less, after the war, than they had been in June last. Paragraph 2 of the Soviet resolution was therefore quite unrealistic in its assumption that the withdrawal of troops from Korea would secure such conditions for the Korean people to settle freely the internal affairs of their State. Regarding paragraphs 3 and 4 of that resolution, the eight-Power draft resolution amply provided for the fullest consultation of the Korean people, both North and South. Such consultation was intended, but it was also essential to insist that the United Nations be prepared to see that those consultations, elections and constituent acts should be carried out satisfactorily and in a democratic manner. The eight-Power draft resolution provided for that; the Soviet resolution did not.

41. The North Korean authorities could not be trusted by the United Nations. The behaviour of those authorities, even before aggression, had inspired confidence neither in their conception of free elections, nor in their co-operation with the United Nations. Ever since 1947, there had been widespread agreement among the majority on the facts and measures to be taken. The Soviet Union's efforts to controvert those facts had encouraged the North Koreans. The Soviet resolution was the illogical outcome of that deplorable view, and would have the result of securing the ascendancy of the aggressors in Korea.

42. Mr. Younger was afraid that the Indian proposal to establish a sub-committee to attempt to reconcile the two resolutions offered no reasonable hope of settlement by general agreement. He pointed out that he had seen no note of conciliation in the speeches of those opposed to the eight-Power draft resolution. It was useless therefore to expect a compromise to be reached in another body.

43. In conclusion, Mr. Younger stated that the Com-

mittee should not accept the reasoning behind the five-Power draft resolution. On the other hand, the draft resolution sponsored by the eight delegations provided the basis for a fair settlement under all safeguards which could reasonably be expected. It offered the best and the quickest way of restoring to the Korean people their unity and sovereign independence. Mr. Younger urged the Committee to adopt that draft resolution, subject to minor alterations and additions previously referred to.

44. Faris EL-KHOURI Bey (Syria) developed his previous remarks on the joint draft resolution of the eight Members. Enough had been said, and there was a universal agreement about the objectives of the draft resolution. Ways and means were still wanting, however. He reminded the Committee of his earlier suggestions that a sub-committee might be asked to clarify a number of issues by making the terms of reference more explicit. None of the initiators of the eight-Power draft resolution had sufficiently clarified those vague points.

45. He did not agree with the Australian representative that those details could be left to the Commission or to any other body. Those points, being of radical importance, deserved to be established on a solid basis from the legal as well as from the practical point of view. They included, first, the question of who should exercise sovereign authority, including legislative and executive power, covering civil and military eventualities, throughout Korea. He suggested that to each of the four bodies in that area—the United Nations Commission on Korea, the Government of the Republic of Korea, the Command of the army and the Government of North Korea—should be allocated the functions it should have in order to avoid any conflict or hesitations about implementation of the task.

46. Secondly, the period within which the Commission was expected to accomplish its task should be specified. The resolution did not indicate how long the Koreans must wait before receiving their independence. There were two established precedents in this regard: the United Nations Advisory Council in Libya and the United Nations Temporary Commission on Korea created by the General Assembly in 1947.

47. The third question was to what superior organ the Commission should report the progress of its activities when the General Assembly was not in session. When a similar Commission had been established by the General Assembly on 29 November 1947, that Commission had been directed to report to and to receive instructions from the Security Council. Moreover, there were military aspects of the present Korean question which had not existed in the other situation, and clearly, military situations and military intervention were matters within the province of the Security Council. There was no mention of the Security Council in the entire resolution, whereas only the Security Council was entitled to deal with such matters.

48. Fourthly, what action was to be taken if the North Koreans declined to take part in the elections? The provisions of paragraph (a) of the operative part of the resolution applied to both North and South Korea, but what kind of steps were to be taken in North Korea and by whom were they to be taken? The Government of the

South had no jurisdiction over the North in spite of the South Korean Government's claims. It was also clear in the Charter that neither a United Nations commission nor the General Assembly was entitled to govern and administer any area in the world. Even if the Government of South Korea was to be given the chance to collaborate with the Commission, the question remained of who would collaborate with the Commission from North Korea. This should be stated in the draft resolution, to

satisfy all peoples interested that the matter was being handled in a legal manner.

49. Mr. El-Khoury, in conclusion, supported the Indian proposal to establish a sub-committee and suggested that not only proposals, but even suggestions which had been made in the First Committee should be reconsidered and re-examined by the sub-committee.

The meeting rose at 1.10 p.m.