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**FIRST COMMITTEE, 682nd MEETING**

***Monday, 7 December 1953, at 3 p.m.***

***New York***

CONTENTS



*Chairman:* **Mr. F. VAN LANGENHOVE (Belgium).**

## The Korean question:

### (*a*) Report of the United Nations Commission for the Unification and Rehabilitation of Korea (A/2441, A/C.1/L.96) (*concluded*)

[Item 18 (*a*)]*

1. The CHAIRMAN drew attention to the draft resolution (A/C.1/L.96) submitted by Brazil and India, which had been circulated since the previous meeting.

2. Mr. HOPPENOT (France) understood that a long message on the Korean question had been received from Mr. Chou En-lai (A/2616) and inquired when the text would be available.

3. The CHAIRMAN stated that the complete text of the message had been received only a short while before the meeting and that it would be distributed as soon as it was ready.

4. Mr. KATZ-SUCHY (Poland) stated that the wording of the draft resolution, which provided that the session should be resumed at the request or with the concurrence of a majority of Members, was not in accordance with existing provisions of the rules of procedure. The procedure proposed was based on rule 8 of the rules of procedure concerning special sessions. Such provisions did not apply to the resumption of the current session. Moreover the General Assembly was duty bound to consider all the questions on its agenda. He therefore moved an amendment (A/C.1/L.97) to the effect that the clause "with the concurrence of the majority of Member States" be deleted from the draft resolution submitted by Brazil and India.

5. Mr. LODGE (United States) pointed out that the provisional Spanish text of the joint draft resolution did not accord with the English text.

6. Mr. SARPER (Turkey) inquired whether the conditions laid down under sub-paragraphs (*a*) and (*b*) of the draft resolution were subject to the general principle that the Assembly could reconvene only with the concurrence of a majority of Member States.

7. Mr. MENON (India) recalled that he had previously made it clear that the draft resolution submitted by his delegation (A/C.1/L.94/Rev.1) was not a motion for adjournment of the debate on the item under discussion. The same was true of the draft resolution which had replaced the original Indian proposal. It was a substantive matter arising from the probability, in connexion with the situation in Korea, that consideration of the problem by the General Assembly would become extremely necessary early in the New Year. While the proposal did not mean that the item was not to be discussed, he did not intend to deal with the whole issue of Korea in all its aspects. Furthermore, he would endeavour not to say anything likely to prejudice the current effort to convert the armistice into a durable peace settlement. Mr. Menon also noted that he was speaking without any information concerning the message received from the Foreign Minister of the People's Republic of China. Apart from the serious character of the negotiations on the convening of a political conference, his country had a degree of responsibility arising from its position in the Neutral Nations Repatriation Commission and also from the fact that its name had been the subject of debate.

8. Reviewing the history of the question in the United Nations, he recalled that it had become the exclusive concern of the Assembly as early as the beginning of 1951. The Armistice Agreement signed in Korea earlier in the year incorporated the main principles of General Assembly resolution 610 (VII) of 3 December 1952, although it made some notable departures, to which he would refer at a later stage. The current position arose from the Armistice Agreement and was based upon it, and upon the terms of reference for the Neutral Nations Repatriation Commission (A/2431, annex I), which, because of its importance and the importance of the issue to which it related, sometimes tended to be regarded as a separate document, was in reality an integral part of the Armistice Agreement. He emphasized the provisions of the Repatriation Commission that if the terms of reference, either in their present form or with agreed modification, were not carried out, the Armistice Agreement itself was affected. In that connexion, he compared the text of paragraph XVII of the General Assembly's proposals of 3 December 1952 with section I of the annex to the Armistice Agreement (A/2431) as it stood at present, noting that in so far as the Assembly's resolution of 3 December had not been modified by subsequent agreement, it was valid and binding. Furthermore, it should be pointed out that paragraph XII of those proposals provided that the Repatriation Commission was entitled to call upon the parties to the conflict, its own member governments, or the Member States of the United Nations for such legitimate assistance as it might require. As part of the Repatriation Commission, and an important part in view of the existing composition of the Commission,

* Indicates the item number on the agenda of the General Assembly.

his country was entitled to come to the Assembly, to each Member of the United Nations, if faced with a serious situation. The situation as it had developed in Korea, while it had not become catastrophic, was one of great gravity.

9. As part of the agreement reached between the United Nations Command and the North Korean and Chinese Governments, the Government of India had been asked to accept chairmanship of the Neutral Nations Repatriation Commission and to take custody of the prisoners of war. The two functions were separate, although intimately related. The Indian approach to the matter, as stated before the Indian Parliament by the Prime Minister, was that the cause of peace and the faith placed in India by other countries demanded acceptance of those duties. India had accepted them in a spirit of humility and in the faith that it would continue to receive the generous cooperation of other countries in the tasks entrusted to it. As would be recalled, his Government and those associated with it in the Neutral Nations Repatriation Commission had not sought to spell out the many details arising out of that agreement, in order to avoid the probable delays which would have ensued and which would have postponed the cease-fire. His Government had accepted the spirit of the agreement, which was governed by the general tenor of the Geneva Convention of 1949 and by the express terms of the repatriation agreement itself.

10. Custody of the prisoners had become effective on 25 September 1953, at which time the Neutral Nations Repatriation Commission, by a unanimous decision, had formulated certain rules, the first nine clauses of which were, in effect, as follows: (1) Any act or threat of force to prevent or effect repatriation of prisoners was prohibited; (2) no prisoner of war would commit an act of violence against another prisoner; (3) any action infringing upon the rights of prisoners under the Commission's terms of reference was prohibited; (4) any acts of prisoners derogating from or obstructing the authority of the Commission to exercise its legitimate functions and responsibilities were prohibited; (5) any act of the prisoners impeding the work of explanations and interviews was prohibited; (6) the Commission was to ensure that the prisoners were acquainted with the provisions of the first five clauses as soon as it assumed custody of them; (7) explanations or interviews could be given to groups or individual prisoners as requested by the explaining representative of the nation to which the prisoners belonged, and every prisoner was to attend the explanations and interviews; (8) several explanations and interviews to the same group of prisoners or to the same individual prisoner were permissible within the time prescribed in the Commission's terms of reference; and (9) prisoners of war might apply for repatriation at any time and place, and the Commission would ensure that every prisoner had an opportunity to do so without fear.

11. Mr. Menon stated that the Commission had, despite the charges of partiality made against it by one side and the other, carried out its duties without fear or favour, but not always with the degree of success expected of it. He emphasized that he was not speaking in the name of the Commission which, in view of the fact that the process of repatriation had virtually come to a standstill, was currently engaged in the process of considering and reporting on the situation to the respective commands.

12. When the prisoners of war had come into the custody of the custodial force, they had been in the same formations as they had been in under United Nations custody. They had been under the influence of a rigid leadership which, extending to small groups in each compound and using force, threats and terroristic measures, had created such a state of fear as to deny to those prisoners who had wished to do so the opportunity to exercise their right of repatriation. Although the names of some of those leaders and mischief-makers had been supplied to the Commission by the United Nations Command, the Commission had been handicapped and had been unable to take much action because of the limitation imposed upon it by the terms of the Geneva Convention. In that connexion, Mr. Menon said that, irrespective of the provisions governing the Repatriation Commission or of any views held by members of that Commission, his Government had taken into account the fact that the over-all criterion was the provisions of the Geneva Convention. His country's role in Korea was humanitarian. While the 6,000 men there were members of the Indian armed forces, they were not in Korea as an army. An army dealt with enemies, and India had no enemies. The Indian forces were there to see that measures prescribed by the General Assembly were carried out in a peaceful manner. At no time, therefore, could India disregard the demands of the Geneva Convention.

13. There had been a possibility of breaking up the groups of prisoners to make the explanations more thorough. However, paragraphs 20 and 23 of the terms of reference of the Repatriation Commission, which were the relevant provisions, were interrelated, and only after a large number of the explanations had been finished could that have been carried out. The explanations had gone on and had currently come to a standstill. Only 2,429 persons had received explanations in the camp of the prisoners formerly held by the United Nations Command. In the other camp, according to news reports, the figure was something over one hundred. Large numbers of the prisoners had still not heard the explanations, and the time for the latter was nearly ended. In that connexion, he pointed out that paragraph 11 of the annex to the Armistice Agreement provided that access of representatives to captured personnel for that purpose was to terminate ninety days after the transfer of custody of the prisoners to the Repatriation Commission. The Commission as a whole had been of the opinion that the spirit of that clause was that there should be ninety days of explanations. In that connexion, Mr. Menon noted that the Commission had lost some twenty days at the outset owing to delays in the construction of the explanation huts, after which had come the difficulties with the prisoners themselves. Nevertheless, as the United Nations Command had pointed out, the letter of the law was clear and there was no doubt that at the end of ninety days, unless there was a further agreement, explanations would cease. The agreement provided that after the ninety-day period, which would end on 23 December, there would be a thirty-day period, ending on 22 January, during which the political conference was to have met. The problem of the prisoners who had not exercised their right to be repatriated was to be submitted to that conference. The political conference had not met so far, although there was still

some time left before 23 December and there was no reason to expect that it would not meet. His delegation joined with all the members of the Committee in believing and hoping that the conference would meet. Between 23 December and 22 January, the Repatriation Commission itself was entitled, and indeed was duty bound, to allow persons desiring repatriation to be repatriated, despite the fact that explanations might have ceased. There was nothing to prevent the Commission from using such endeavours as it could to enable prisoners to exercise their right of repatriation.

14. After 22 January, the custodial force had no authority in the absence of any new agreement on the persons formerly detained as prisoners by the United Nations or the Chinese and North Korean Commands. In that connexion, Mr. Menon pointed out that those men were currently neither prisoners nor non-prisoners, a factor of some importance in regard to their future. During the further period of thirty days from 22 January to 21 February, the custodial force apparently had the duty to remain in Korea along with the Red Cross Society of India, in order to give such assistance as was necessary to enable those who remained in the camps to go to neutral nations. There was no provision for the return of those men either to those who had forcerly detained them or to any other country. The agreement stated only that the operation would be completed within thirty days, after which the Repatriation Commission would immediately be dissolved. The Commission would then have no right to remain and, the territory being a neutral zone, the presence of the armed forces of either side would be subject to the challenge of illegality. However, paragraph 11 of the annex of the agreement provided that those men who, after that period, wanted to return to their countries of origin were to be assisted by the authorities of the localities where they were. It was thus clear that the attachment of the prisoners currently in the camps to their citizenship and their original homes remained.

15. The pattern provided by paragraph 11 was that the matter was to be submitted to the political conference, and if the latter did not make a decision, the Repatriation Commission was to declare the release of the prisoners from prisoner of war status to civilian status. The question then was whether failure of the conference to reach agreement was the same as its failure to meet. That was a matter of interpretation, and the question of whether it was to be interpreted by the chairman of the Neutral Nations Repatriation Commission was also open to argument, because the problem went to the root of the Armistice Agreement.

16. While hoping and expecting that the political conference would succeed, therefore, his Government considered itself duty bound, on the one hand, to report to the two commands, and, on the other, to draw the Committee's attention to the gravity of the situation. The custodial forces were confronted with 25,000 people organized in well-knit bands who had not been very co-operative and whom the results of repatriation had shown to be hostile to the side to which they were supposed to be repatriated. It was necessary to make provision against violence and bloodshed on one side or the other.

17. Although the United States Government, which had the responsibility of acting for the United Nations Command, had made no official castigation of the custodial forces regarding the minimum force that it had been necessary to use, it was necessary to face the fact that there had been unjustified comments. Mr. Menon emphasized that the custodial forces had behaved with exemplary patience and restraint.

18. Another aspect of the situation was that the Government of India had undertaken the duties of custody in the context of the understanding on both sides that peaceful conditions would prevail. The two commands had the opportunity to ensure such conditions and to ensure that there was no infiltration by regular or irregular forces. While he did not wish to say anything regarding the two commands at that stage, and while it had not been the practice of his Government to answer calumny or to take notice of observations which should not come from the head of any State, recognized or unrecognized, India must take into account the threats made by the President of the Republic of Korea, including the threat of war on the Indian forces, and also Mr. Rhee's recent visit to Formosa and his statements referring to his conduct at the end of the period of 150 days. It was of some concern to the Indian Government that an ally of the United Nations Command, which had been armed by that command and was powerful in a military sense, and which was a party to the Armistice Agreement, whether or not it had actually signed it, should make such pronouncements. Developments might result in a situation where presence of the Indian forces in Korea might be legal or illegal, according to interpretation, and where heavy responsibility would rest upon the United Nations Command. His Government had no doubt that the United States representative's assurance that the United States would carry out its responsibilities in that direction would be implemented, but it was important that attention should be drawn to the matter.

19. His country, apart from its position in the Repatriation Commission and the fact that it was in charge of the custodial forces, was concerned, as a country in the proximity of the war region and interested in peaceful solutions, that the Armistice Agreement should not go to pieces. Since the repatriation agreement was an integral part of that agreement, its failure might lead to the breakdown of the Armistice Agreement itself. As the representative of the United States had pointed out, the stark fact was that all that existed so far was an armistice which, while indefinite, was highly vulnerable to incidents and charges of violations.

20. Presumably, since paragraph 17 of the Armistice Agreement linked the Military Armistice Commission and the Neutral Nations Supervisory Commission, in any matter where difficulties might arise with regard to the armistice, the Supervisory Commission would probably have the responsibility of reporting to the Military Armistice Commission. Nevertheless, those aspects would not absolve the Assembly of the responsibility which it had assumed from January 1951. The position of his Government would remain the same, and India would not seek to allocate blame or responsibility for any difficulties at that stage, or indeed try to meet the termination of the work of the Commission before the time came. In that connexion, he quoted the statement of the Chairman of the Commission, General Thimayya, to the effect that his duty was to try to obtain the co-operation of both sides in carrying out an agreement to which they had subscribed.

As was well known, two of the five members of the Commission, Poland and Czechoslovakia, were of the same political persuasion as the Governments of North Korea and the People's Republic of China.

21. Dealing with the position of the Commission itself, Mr. Menon said that at no time would it have used greater force than had been employed because of the amount of violence that would have been involved. At one time it had been thought that nearly 300 casualties would result from breaking up the groups inside the prison camps. The sacrifice of life had not been regarded as either justified or warranted in the circumstances, and it was known that the representative of Switzerland, whose country was principally concerned with the implementation of the Geneva Convention and was not a Member of the United Nations, would have left the Commission if force had been used. The representatives of Czechoslovakia and Poland had stated that they would not take the responsibility for the use of force, although they thought that force should be used. His Government had not been prepared to take the responsibility by itself of using more force than it had actually employed. As for criticism of the Commission, objective conduct was sometimes criticized by those who had fixed views on the matter, as the chairman of the Commission had observed. On the organization of the camps, General Thimayya had noted that it was alleged by the North Korean and Chinese Command that there was in the camps an organization which prevented prisoners from making a free and unfettered choice. The question of breaking up the organization had been frequently discussed by the Commission, but the custodial force had found technical difficulties in locating and identifying alleged agents, even though it had been given some of their names. It was also the belief of the custodial force, General Thimayya had said, that those who were appointed leaders and who were the most noisy in the demonstrations were not really the alleged agents.

22. It should also be borne in mind that the terms of reference of the Repatriation Commission provided for the delivery of the prisoners in groups, so that the custodial forces could not have insisted on receiving them individually. The prisoners themselves were characterized as having a highly organized degree of fanaticism. The burden upon the custodial force had therefore been very considerable.

23. Referring to the political conference, Mr. Menon stated that his Government wished to repeat that its position remained the same. Its participation in the conference depended upon the desire of each side and upon its own estimation of its value in the matter.

24. The considerations which he had set out had caused his delegation to request that the Committee be reconvened on 9 February, with the President of the General Assembly having the liberty of convening the Assembly earlier if circumstances so warranted. While still believing that a fixed date was necessary, his delegation felt that it was more important to obtain an agreement that the Assembly should adjourn and reconvene later. Because there had not been an adequate degree of support for his delegation's draft (A/C.1/L.94/Rev.1), India had joined with Brazil in submitting the draft resolution (A/C.1/L.96) which was before the Committee. While not totally satisfactory to everyone concerned, that proposal did have the merit both of being generally acceptable and of giving the President of the Assembly the Power to reconvene the Assembly with the concurrence of the majority of Member States. In that connexion, Mr. Menon explained that the phrase referring to the concurrence of the majority of Members governed both sub-paragraphs (*a*) and (*b*) of the draft resolution. He added that there were no doubt appropriate and prescribed procedures and precedents as to the manner in which the views of the Assembly would be ascertained. Assuring the Committee that his country would act with a full sense of responsibility in asking for such concurrence, he urged that the considerations he had set forth be taken into account.

25. Mr. DE PIMENTEL BRANDÃO (Brazil) considered that the draft resolution submitted by India and Brazil represented a fair compromise of the two motions submitted earlier by those two delegations. The preamble of the original Brazilian text (A/C.1/L.95) had been omitted, because it was not really an essential element, while, on the other hand, the operative part now included no specific date but would take into account the opinion of the majority of Members, while giving the President the initiative and the responsibility for the reconvening of the session.

26. Mr. BELAUNDE (Peru) paid tribute to the sponsors of the draft resolution, which safeguarded the interest of the General Assembly in the Korean question and its competence to discuss it at the appropriate moment. He would vote in favour of the draft resolution and oppose the Polish amendment (A/C.1/L.97).

27. Mr. URQUIA (El Salvador) said that his delegation would vote in favour of the draft resolution (A/C.1/L.96). It considered, however, that the provisional Spanish text was not sufficiently clear. He therefore proposed an amendment (A/C.1/L.98/Rev.2) which would change the Spanish text to read: *"con el asentimiento de"*.

28. Mr. NAVAS (Panama) also paid tribute to the sponsors of the joint draft resolution for their assistance to the Committee. The proposed delegation of powers to the President of the General Assembly would be quite in order and he had no doubt that those powers would be used with the greatest prudence and discretion. However, he felt that the delegation of powers might constitute a violation of the Charter since it was not provided for in any article of the Charter. It might therefore be better to delete sub-paragraphs (*a*) and (*b*).

29. Mr. URIBE-CUALLA (Colombia) congratulated the sponsors of the joint draft resolution for reaching agreement. As a nation which had sent its armed forces to Korea, and which, together with all other Members of the United Nations, wished to maintain peace in the world, Colombia would support the draft resolution. He could not vote for the amendment submitted by El Salvador (A/C.1/L.98/Rev.2) which would unduly complicate the matter, and he considered that the French and Spanish texts should be brought into line with the English text.

30. Sir Gladwin JEBB (United Kingdom) said that the representative of India had set forth most convincingly the delicate situation in which the Government of India found itself and the legitimate apprehensions which it entertained regarding possible future events. He believed that all, including the other side,

were deeply grateful to the Government of India for having made available 6,000 Indian soldiers for purposes of peace in Korea. The conduct of those troops had been magnificent and, but for their appearance and bearing, hostilities might still be in progress in Korea.

31. For that reason the Assembly must have the greatest regard for the views of the Government of India as to the terms of which it should agree to reconvene. Since the original Indian draft (A/C.1/L.94/Rev.1) would have involved a serious departure from precedent, in the opinion of a number of delegations, the Committee should be grateful to the sponsors of the draft resolution (A/C.1/L.96). Comparing that proposal with General Assembly resolution 705 (VII) adopted on 18 April 1953, he observed that the President had more initiative under the former, since, if she so desired, she could take the initiative in suggesting to Member States, the majority of which must concur, that the eighth session be reconvened. He was sure that no one would think that the new proposal placed too much responsibility on Mrs. Pandit, in whom all had the greatest confidence. He would vote against the Polish amendment, which, if accepted, would leave the draft resolution very similar to the original Indian proposal which the representative of India had abandoned. He would also vote against the amendment of El Salvador, which would have the effect, contrary to the desire of the Committee, of making it more difficult to summon the Assembly. He supported the draft resolution submitted by Brazil and India and expressed the hope that the majority of Members would support India if that government came to the conclusion that developments necessitated putting its case before the Assembly.

32. Mr. ENTEZAM (Iran) said that his delegation would support the draft resolution (A/C.1/L.96). He drew the attention of the Chairman and Rapporteur to the terms of the draft resolution, according to which the General Assembly would stand recessed, which made it desirable for that item to be the last to come before the General Assembly.

33. Mr. URQUIA (El Salvador) said that the purpose of his delegation's amendment was to make clear the intention of the draft resolution, in the provisional Spanish text, that the eighth session should be reconvened with the agreement of the majority. It was his understanding that the intention was to follow a procedure similar to that adopted at the seventh session in accordance with rule 9 (*a*) of the rules of procedure. If that was the case, the amendment was appropriate. If a majority agreement was necessary, as was stated in the English text, that agreement would have to be attained in advance.

34. Mr. VYSHINSKY (Union of Soviet Socialist Republics) observed that the Committee was discussing the joint draft resolution submitted by Brazil and India and that therefore comments on the substance of the Korean question were precluded. When each of those two delegations had submitted their original proposals they had explained them and then during the present meeting they had defended their joint proposal. The representative of India had said that his delegation had been prompted to submit its draft resolution because the situation in Korea although not catastrophic was very grave. Such a situation could not be ignored by the Committee for it would affect their decision whether to hold a discussion or not. Reference had been made to the difficulties arising in the negotiations and accordingly the situation was such that the General Assembly should examine the state of affairs at Panmunjom. None had denied that it was a curious situation, although some had expressed the hope that the negotiations there would soon be completed and lead on to a settlement of the Korean question. Such hopes required nourishment if they were to be fulfilled. The Brazilian representative had been pessimistic and had suggested that discussion in the Committee might hamper the success of the Panmunjom negotiations. That was an old song, and they had often been told when a serious question arose that it would be best for the General Assembly not to discuss it.

35. Such a position was ill-advised. In the view of the Soviet Union delegation, the discussion of any question concerned with averting war and the maintenance of peace, including the Korean question, if conducted with sincerity and good faith could never hinder the attainment of affirmative results in other negotiations outside the United Nations. There was no doubt that the voice of the General Assembly might avert the obstructive tactics of the United States at Panmunjom and so help in reaching agreement on the convening of the political conference.

36. The problem was connected with the disposal of the prisoners of war. In the absence of a conference, that question could not be solved nor could the whole question of the unification of Korea, the withdrawal of foreign troops and so on. The responsibility of the General Assembly for a peaceful settlement went beyond the moral responsibility mentioned by the representative of India. It also had a political and juridical responsibility. The United Nations was a political organ whose recommendations and decisions were political in nature. Chapter I of the Charter set down the political responsibilities of the General Assembly in connexion with international peace and security.

37. There was no doubt that the Panmunjom negotiations had run into difficulties because of the dilatory tactics of the United States. On 30 November the North Korean and Chinese side had made a proposal to convene the political conference on 28 December. That question had not been disposed of and no direct answer had yet been received from the United States. A dispute had arisen as to the manner in which neutrals would participate. It should be emphasized that the time had come when, in accordance with the armistice terms, the political conference would have to consider the disposal of the prisoners of war. That question could not be solved without the political conference and could not be dealt with as the United States wished. Secretary of State Dulles had said on 17 November that on 21 January, which was the 120th day, all prisoners of war would be released. However, the political conference should try to settle the matter. If there was no agreement, how could the release take place under the terms of the Armistice Agreement? The General Assembly should not countenance the violation of the Armistice Agreement portended by the statement of the United States Secretary of State.

38. The problem of explanations to prisoners could not be automatically resolved by the time limit of ninety days. That task had to be done under suitable conditions; otherwise the meaning of the agreement would be distorted. There should be ninety days for the work of the explanations and then a thirty-day period for

the settlement by the conference. Surely within the period of ninety days there should not be included the forty days devoted to dealing with the *agents provocateurs*. The North Korean and Chinese side had protested the delays and had asked the Neutral Nations Repatriation Commission to extend the ninety days by way of compensation, but that course had not been accepted by the United States. The North Korean and Chinese side had also raised, on 2 December, the question of the South Korean agent intercepted by the Repatriation Commission when entering the camp with instructions from the South Korean police and the Kuomintang Embassy to frustrate the explanations and liquidate those desiring repatriation.

39. It therefore could not be stated that matters were proceeding normally and that there was no warrant for assistance from the General Assembly. The Soviet Union would not urge discussion of the matter if it believed that such debates would hinder negotiations. As, however, difficulties had arisen, the United Nations ought not to wait until the situation became catastrophic. One obstacle was the United States position concerning participation of neutral States. The North Korean and Chinese side had submitted a proposal relating to five items and confirmed it on 4 December. Although that proposal would eliminate obstacles to convening the conference, there had been no agreement. The General Assembly could not ignore the situation unless it wished to ignore its responsibilities.

40. In that connexion it would be important for the Committee to examine the message from the Minister of Foreign Affairs of the Chinese People's Republic to the United Nations in order to have a clear picture of what was happening in Panmunjom. Therefore, the delegation of the Soviet Union reserved its right to revert to that question once the document had been distributed.

41. With respect to the joint draft resolution the Soviet Union observed that paragraph 2 created difficulties concerning the reconvening of the Assembly. It requested the President to reconvene the Assembly if the majority concurred and it therefore appeared that the concurrence would have to be elicited before any action was taken. The President could not act without the concurrence of the majority. Not merely consultation was provided for, in which case the President would have the possibility of overriding the majority. The mandatory nature of the concurrence complicated matters because the majority might not endorse the views of the President. Mr. Vyshinsky believed that they could as well rely on the common sense of the President as on that of the majority.

42. The text suggested that initiative could be taken by one or more States but that the President herself could not take the initiative if her views were in conflict with those of the majority. In the resolution of 18 April there was reference to the opinion of the majority which was closer to the procedures of consultation and less mandatory in nature.

43. Rule 9 of the rules of procedure was concerned with special sessions and not with the resumption of a recessed session. In a recess the President could reconvene the General Assembly as required or perhaps only call together the First Committee. Certainly a majority was required for a special session but rule 9 was not applicable at the present time. Sittings could be resumed at the call of the President just as the meeting hours of the Committee could be arranged by the Chairman. There were no procedural or legal considerations to support the proposed procedure.

44. The process of polling the sixty members would take time and the General Assembly might miss the crucial moment. No doubt in general the views of the majority were very important but the President herself had the wisdom required for reconvening the session. The Polish amendment was, therefore, a wise one. It would improve the draft resolution and facilitate reconvening the session. In conclusion, Mr. Vyshinsky stated that while the Soviet Union delegation did not press at that juncture for an examination of the Korean question prior to the recess of the General Assembly, it felt that if the need for an examination of that question arose, the possibility for reconvening the Assembly should remain open. The President of the General Assembly should therefore have full latitude to reconvene the session.

45. Mr. LODGE (United States) said he would pass over the fallacious remarks of the Soviet Union representative regarding the prisoner-of-war question and the political conference because they were outside the current discussion. The Soviet Union representative had spoken of the dilatory tactics of the United States at Panmunjom. Many of the representatives had met Mr. Dean during the meetings in August and September and would be aware of his eagerness as the representative of a nation seeking peace to reach a settlement. It was inconceivable that he would be using dilatory tactics. Mr. Lodge wished to make it clear that he had not said that the situation at Panmunjom was serious. He had said that the negotiations were difficult but that some progress had been made and that there were signs that the differences were narrowing.

46. The Soviet Union representative had said that it would be useful to discuss the Korean question in two places. Such a course was helpful only to those who would fish in troubled waters. The promotion of peace needed to be free from ambiguities, and so there should not be two simultaneous discussions.

47. The Soviet Union representative could not have been serious when he suggested that the provision for majority concurrence reflected lack of confidence in the President. The principle of majority rule in the draft resolution was not based upon rule 9, but on the general principles found throughout the United Nations and especially in rule 85. It was a basic principle and could not be abandoned. Moreover, the resolution of 18 April had been unanimous so that the principle then had been acceptable to the Soviet Union.

48. With regard to the amendment presented by El Salvador (A/C.1/L.98/Rev.2) Mr. Lodge observed that the phrase "with the concurrence of the majority" retained the principle of majority rule but left the initiative to the President or a Member State. He agreed that the provisional Spanish text was inaccurate, but he would not wish to change the English text. It was his hope that the Committee would reject the amendments and adopt the draft resolution (A/C.1/L.96) for which he expressed his appreciation to the delegations of Brazil and India.

49. Mr. KATZ-SUCHY (Poland) observed that various motives had been ascribed to his delegation's amendment (A/C.1/L.97). In fact, Poland had always

requested priority for the discussion of the Korean question, the solution of which was of great importance to peace and security. Difficulties had arisen and they should be dealt with promptly by the General Assembly. Those who wished to discuss the Korean question at their own convenience opposed the Polish amendment because the joint draft resolution would facilitate their tactics of postponement. The amendment was included to make it easier to reconvene sessions and, at the same time, bring the text closer to the rules of procedure. Rule 6 which dealt with such matters made resumption of a session obligatory and not conditional upon a majority decision. Theoretically, if there were a majority determined to block resumption, the session might never come to an end. Although the amendment did not remove all the shortcomings of the draft resolution, it would make it easier for the General Assembly to reconvene.

50. Mr. URQUIA (El Salvador) said that the Spanish-speaking delegations should be given an accurate formula corresponding to the English. He urged the representative of Brazil to propose a suitable text. He did not insist upon the text he had submitted but it was essential when the matter came to a vote for the Spanish-speaking representatives to know what they were doing. Not all of them might be prepared to vote on the basis of the existing text.

51. The CHAIRMAN stated that the original and accurate text was the English text. The French and Spanish versions were marked "provisional translation" and the definitive ones would be made later.

52. Mr. HOPPENOT (France) said the French delegation would vote for the joint draft resolution mainly because it believed that it might be dangerous for the Panmunjom negotiations if parallel discussions were carried on. Some slow progress had been made, and the Committee might jeopardize the process.

53. It was gratifying that India, which from the outset had undertaken and discharged its responsibilities courageously, had agreed to the new text. If events made it necessary for India to cease to fulfill those responsibilities under conditions not covered by the Armistice Agreement, the General Assembly should pronounce on the problem. Surely, if the Indian Government desired the General Assembly to share its responsibilities the majority would meet that request and favour reconvening. France did not support the Polish amendment for there was no need to change the text which had been accepted by India. Moreover, under the Polish amendment the request of a single Member State would make it obligatory to reconvene the session even though that course might be contrary to the views of the great majority.

54. With regard to translations of the text, no doubt the provisional Spanish one was inaccurate and the French also should be improved. Mr. Hoppenot suggested substituting *"avec l'assentiment"* for *"avec l'accord"*.

55. Mr. TORIELLO GARRIDO (Guatemala) said he was concerned by the statement of the Chairman that the English text was the only accurate and official one. There were twenty Spanish-speaking delegations and the text before them at the time of voting should be an official and valid Spanish text. It would be helpful, as the representative of El Salvador had suggested, if the representative of Brazil would present a text.

56. There appeared to be an incongruity in the draft resolution. It seemed that the President had the right to her own opinion with respect to reconvening the session and, even if the majority concurred, she might overrule that majority. On the other hand, it appeared that the reconvening would be mandatory if one or more States requested it and a majority concurred.

57. Mr. TRUJILLO (Ecuador) endorsed the view that the Spanish-speaking delegations could not vote on the basis of a provisional and inaccurate text. The amendment of El Salvador, however, seemed to be merely a matter of language in so far as the English text was concerned. The point raised by the representative of Guatemala was quite justified, for it was not clear whether the views of the majority or the opinion of the President would rule in certain cases. Indeed, it seemed that a request from one or more States would be sufficient. It seemed, according to the English text, that it was not necessary for the majority to agree to reconvene provided they did not oppose it. Accordingly, the idea of previous consent should be included.

58. With regard to the Polish amendment, the remarks of the Soviet Union representative would be correct if the subject of discussions was a continuation of the eighth session, but it had been decided to close the session on 8 December. In the circumstances, it would be proper to have the assent of the majority if the session was to be reconvened.

59. Mr. BELAUNDE (Peru) said they were not discussing the adjournment of the meeting or the convening of a special session, but the temporary adjournment of a session which was covered by rule 6. The legal problem was how to reconvene the recessed session. According to their usage, power was given to the President to take action in the case of some particular event such as the signing of the armistice, or in accordance with the majority view. The resolution adopted at the seventh session had set forth objective criteria. In the present case the Assembly would be reconvened with the concurrence of the majority on the initiative of the President or of a Member such as India or of a Power closely affected by the situation. Surely the majority would not refuse its concurrence if the President or India or one of the other Powers affected took such initiative. A certain amount of trust was necessary and the Soviet Union ought not to try to increase mistrust.

60. With the reservation that the provisional Spanish and French texts should be improved, Peru would support the draft resolution submitted by Brazil and India.

61. Mr. VYSHINSKY (Union of Soviet Socialist Republics) said that the issue was whether the draft resolution should include the clause about the concurrence of the majority. In the view of the Soviet Union delegation that clause was superfluous. Reference had been made to various rules of procedure and rule 6 came closer to the case than the others. If a recess was contemplated and the General Assembly decided at the same time upon the date for reconvening, there would be a majority decision. The question was how the decision would be taken if the General Assembly did not decide when agreeing upon the recess. Rule 6 made no reference to any majority rule. On the other hand, rule 9 clearly provided for a majority. The Soviet Union respected the majority principle but in some cases it could be dispensed with.

62. In resolution 705 (VII) the President was asked to reconvene the session upon the receipt of notification that an armistice had been signed. In that clause there was no provision for a majority opinion, and indeed there might well be differing views as to the need for a discussion once an armistice had been signed. That resolution had contemplated automatic action by the President in a certain event. There had been a recent example of the diversity of views on the need for discussing important recent events. When memoranda of the Secretary-General containing answers from the North Korean and Chinese Governments had been circulated, some delegations had regarded them as grounds for a discussion but the majority had decided against it.

63. The position of the Soviet Union had nothing to do with its attitude towards the majority principle. It did not believe that all matters in the United Nations required a vote, especially such matters as reconvening the session which had recessed. It would be satisfactory to leave the matter to the discretion of the President.

64. Mr. URQUIA (El Salvador) said that his delegation supported the draft resolution (A/C.1/L.96) but not the Polish amendment (A/C.1/L.97). His own proposal was for a change in the provisional Spanish text and he would agree to the suggestion that it be made to conform to the existing English text. The Spanish text at the time of voting should exactly correspond to the original English and could not be changed later except perhaps in minor matters of style. The question was one of importance, for the vote might otherwise be null and void. If the translation matter could be taken care of, there would be no need to vote on the El Salvador amendment.

65. Mr. Urquía did not agree with the Soviet Union representative that the case was not covered by the rules of procedure. It was true that rule 6 did not state that the President required concurrence of the majority in the event of a temporary adjournment. That, however, does not mean that the Committee could not adopt a resolution with such a provision. Every possible case could not be covered in detail by the rules of procedure and no special rule was required. The draft resolution was entirely in keeping with the letter and spirit of their rules.

66. Mr. MENON (India) said he did not see that any real problem existed in the sphere of linguistics since phrases relating to concurrence were to be found in their rules of procedure and the intention should be clear in Spanish. It was true that the rules of procedule did not provide for the present case precisely. Rule 6 provided for adjournment to a later date and the present draft resolution provided for a reconvening in certain circumstances. Whether the initiative came from a Member State or the President according to the draft resolution, there should be the concurrence of the majority. There had been no intention of questioning the discretion of the President. The provision for a majority had been included because the rules of procedure did not provide for the case. Misunderstanding might have arisen in the course of translation, but in the English text the concurrence of the majority covered both the initiative of the President and a request by a Member State. The proposal had not been put forward in order to complicate the machinery for reconvening. However, it had been decided to end the eighth session on 8 December. Unless a new decision was taken, the eighth session would come to a close and further discussion would take place either at a special session or at the ninth session. Therefore, it had been proposed that the General Assembly should stand recessed. That is, that the former decision should be altered. It was for that reason that a separate paragraph had been devoted to the decision to recess.

67. With regard to the remarks of the Soviet Union representative about not discussing the substance of the Korean question, India had felt that it was not likely that there would be a discussion for the present but wished to have one later. However, India had not been able to get support for a fixed date and in any event such a date might not have been suitable.

68. Mr. DE PIMENTEL BRANDÃO (Brazil) asked the representative of El Salvador if he did not feel that the language problem had been solved so that the Spanish text would reflect the English text satisfactorily. Thus, the amendment by El Salvador would become not an amendment but a correction.

69. Mr. VYSHINSKY (Union of Soviet Socialist Republics) said in reply to the representative of El Salvador that rule 6 did not cover the situation as the Indian representative agreed. Mr. Vyshinsky had not said that the General Assembly did not have the power to decide matters which were not provided for in the rules or to make new rules. However, in a decision concerning the resumption of the session, they should not provide for eliciting the concurrence of the majority because of the time required for that process. It was not a question of rules of procedure but of expediency, for circumstances might warrant a rapid resumption of their proceedings. It would be wrong and dangerous to provide for polling the majority. No doubt that was why in the original Indian proposal discretion had been left to the President. As the Soviet Union held the view that United Nations intervention in Panmunjom discussions would facilitate progress, it felt that the decision should be a flexible one without any complicating factors. The Soviet Union was convinced that the political conference should meet and that the General Assembly should reconvene to facilitate a settlement. Polling a majority would only be a complicating and inhibiting element.

70. Mr. URQUIA (El Salvador) said he noted that the Soviet Union representative had stated that the absence of a specific provision in the rules was not an obstacle to a General Assembly decision. Mr. Vyshinsky had made reference to expediency but Mr. Urquía's suggestions would not have a very complicating effect.

71. With regard to the Spanish text, there was no doubt that the Spanish-speaking members had the right to know from an accurate text what was being voted upon. The use of the word *asentimiento* would be satisfactory and if that was agreeable to the sponsors the El Salvador amendment would be withdrawn.

DRAFT RESOLUTION SUBMITTED BY BRAZIL AND INDIA (A/C.1/L.96) AND THE AMENDMENT THERETO

72. The CHAIRMAN put to the vote the Polish amendment (A/C.1/L.97).

*The amendment was rejected by 50 votes to 5, with 5 abstentions.*

73. The CHAIRMAN put to the vote the draft resolution.

*The draft resolution was adopted by 55 votes to none, with 5 abstentions.*

## Suspension of the work of the First Committee

74. The CHAIRMAN stated that, subject to the possibility of reconvening subsequently, the Committee had completed the discussion of the Korean question and the task laid before it. It remained for him to thank the members of the Committee for their co-operation in the debates. The situation in the world had not perhaps improved during the past few weeks but at least it had not deteriorated. The way before them was long and hard and the current situation called for patience and fortitude. On behalf of all the members he expressed his appreciation to the Vice-Chairman for his able conduct of proceedings when on occasion he had presided and to the Rapporteur for his perennial sagacity. He also expressed on behalf of the Committee appreciation for the help of the Assistant Secretary-General for the Department of Political and Security Council Affairs. More particularly, the Chairman wished to express his own gratitude as well as that of the Committee to their Secretary, Mr. Protitch, who had been again an indispensable guide to the Chairman in his duties. On behalf of the Committee, he extended appreciation to the staff and in particular to the verbatim reporters, the members of the Department of Public Information and to the simultaneous interpreters.

75. Statements in appreciation of the Chairman's guidance of the work of the Committee were made by Mr. LODGE (United States), Mr. KYROU (Greece), Mr. DE LA COLINA (Mexico), Mr. THORS (Iceland), the Rapporteur, Mr. DE PIMENTEL BRANDÃO (Brazil), Mr. VON BALLUSECK (Netherlands), Mr. TSIANG (China), Mr. ECHEVERRI-CORTES (Colombia), Mr. ENTEZAM (Iran) on behalf of the Asian group of nations, Mr. VYSHINSKY (Union of Soviet Socialist Republics) on behalf of the Soviet Union and its associates, Mr. CÔTÉ (Canada) on behalf of the nations of the British Commonwealth, and Mr. SARPER (Turkey).

The meeting rose at 7.5 p.m.

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