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*Chairman:* Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

**Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory (A/1339, A/1339/Add.1 and A/C.3/L.145/Rev.1) (*continued*)**

[Item 67]\*

1. The CHAIRMAN drew attention to the revised draft resolution submitted jointly by the delegations of Australia, the United Kingdom and the United States (A/C.3/L.145/Rev.1) and the amendments thereto.

2. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) said that his delegation had already expressed the view (339th meeting) that the item under discussion was not within the competence of the United Nations, in view of the provisions of Article 107 of the Charter. The representatives of the United Kingdom, the United States and the Union of South Africa had attempted to show that that view was incorrect by twisting the meaning of Article 14—though that Article was in fact totally irrelevant.

3. The United Kingdom representative had argued that Article 107 was not pertinent, because the problem had not arisen as a result of the Second World War. That was obviously fallacious; the prisoners of war themselves were nationals of States which during the Second World War had been enemies of the signatories to the Charter; their very existence was the result of action taken against such enemies. The placing of that item on the agenda of the General Assembly had merely been an attempt to deprive Article 107 of its validity. The United Kingdom representative had also argued that the problem was not a consequence of the Second World War, but resulted from the violation of certain treaties. Nowhere in the Charter was it stated that bilateral or other agreements should be brought before the United Nations.

4. The representative of the Union of South Africa had gone further. He had stated that the problem could be examined by the General Assembly under Article 14 of the Charter. Under that Article the General Assembly could recommend measures for the peaceful adjustment of any situation; but that representative was creating a wholly imaginary situation which, entirely in his opinion, might be likely to impair the general welfare or friendly relations among nations.

5. The item therefore had no relevance to the Charter or to the United Nations, first, because it was merely slander and, secondly, because the problem had ceased to exist, since official USSR documents had shown clearly that all German and Japanese prisoners of war had been repatriated from the Soviet Union. The sponsors of the draft resolution were well acquainted with those documents; in their letter to the Secretary-General (A/1339) they had themselves quoted the relevant TASS announcements.

6. In view of those announcements, it would seem that there was no need to discuss the matter in the United Nations, particularly in the slanderous form in which it had been placed on the agenda. Its introduction became intelligible if the fact were recalled that the United States had for years used the question of the repatriation of prisoners of war from the USSR in its propaganda against that country. The placing of the item on the agenda of the General Assembly was simply intended to divert the attention of the German and Japanese people from the reactionary policies of the United States and the United Kingdom for the military and economic enslavement of Western Germany and Japan. The ruling circles in those countries were also endeavouring to conceal from the German and Japanese people the truth about the fate of the thousands of prisoners of war not yet repatriated from territories under their control.

7. The United States representative had dwelt at length (340th meeting) on the need for the fulfilment

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

of obligations on the part of governments with regard to the prisoners of war. It was perfectly true that the United States had accepted the obligation to repatriate those prisoners, but it was equally true that it had not fulfilled its obligation, whereas the USSR Government had done so and had stated so publicly. It had been the USSR which had originally proposed that a plan for the repatriation of German prisoners of war should be worked out by the Allied Control Council, but that plan had been sabotaged by the United States, the United Kingdom and France, which had refused to state the number of prisoners of war on their territory who had allegedly become gainfully employed. Furthermore, there was official evidence that the United States authorities had transferred more than 800,000 German prisoners of war to France, Belgium and Luxembourg instead of repatriating them directly to Germany. The French and United Kingdom representatives themselves had admitted that several thousand former German prisoners of war were working in their countries, and it was well known that the French Government, instead of repatriating prisoners, had drafted them into the Foreign Legion, in which there were certainly about 40,000 former German prisoners of war. He cited examples to show how Germans captured by the United States forces had been enlisted in the French Foreign Legion as a condition for their freedom.

8. General MacArthur's headquarters had announced in 1947 that the repatriation of Japanese prisoners of war appeared to have been completed. The facts showed that that announcement had not been true. Only two months after the announcement, the Japanese Press had stated that the Government of Malaya—upon which it was likely that the United Kingdom Government had some influence—had decided to use Japanese prisoners of war to replace strikers in the mines and that a large number of Japanese prisoners of war were being employed in the stone-quarries in Burma. Two years after that announcement, in May 1949, an Australian paper had reported that 1,200 Japanese prisoners of war were working on naval and air bases. Yet the Australian representative had said that all Japanese prisoners of war had been repatriated from all territories under Australian control.

9. General MacArthur's headquarters had attempted to conceal from the Japanese people the fact that thousands of Japanese prisoners of war had been in very poor physical condition when they had been repatriated, whereas General MacArthur himself, in a report of 28 June 1947, had stated that the Japanese repatriated from the Soviet Union had been in very good health and that the repatriation had been very well organized by the USSR authorities.

10. He cited statements from the Japanese Press and from official reports by the Supreme Allied Commander in Japan giving details of cases of illness and death among Japanese prisoners of war in the course of repatriation.

11. The United States representative had quoted from alleged correspondence from the relatives of German and Japanese prisoners of war. Even if those letters were authentic, they showed that the missing prisoners of war should be sought in the territories under the control of the government to which they had been addressed. There was no need for any com-

mission, but only for goodwill on the part of the United States, the United Kingdom, French and other governments concerned. No commission could possibly succeed without goodwill. The only need was for honesty in the fulfilment of obligations. The USSR Government had fulfilled its obligations and had thereby given proof of its humanitarian attitude, in contrast to other governments, which were using the prisoners of war as cannon-fodder.

12. His delegation would vote against the draft resolution and any proposals based upon it.

13. Mr. SHVETSOV (Byelorussian Soviet Socialist Republic) said that any further remarks he had wished to make had been fully expressed by the Ukrainian representative.

14. He would vote against the draft resolution.

15. Mr. BAROODY (Saudi Arabia) despaired of obtaining results of any value whatever if the Committee continued to approach the problem simply by way of charges and counter-charges. Such an approach would entail endless and futile debate. It placed the smaller countries, which had no means of verifying the facts and were most reluctant to take sides, in a very invidious position.

16. The USSR delegation and its supporters considered that the mere suggestion to set up a commission of investigation was tantamount to an accusation, since they asserted that there were no more prisoners of war detained in Soviet territory. The fact that the Soviet Union would not permit such a commission to enter its territory rendered the current debate futile.

17. Even the amendments submitted by the delegations of Afghanistan (A/C.3/L.148) and of Lebanon and Syria (A/C.3/L.146), conciliatory though they were intended to be, might be regarded by the USSR delegation as at least complaints. Both parties to the dispute would undoubtedly remain adamant.

18. A different approach, then, must be found, one involving that goodwill for which the Ukrainian representative had appealed. The one he would suggest was based upon the assumption that after any war there was a great deal of confusion, especially among the defeated. Out of wounded pride, disgust with their country in defeat and similar emotions, thousands of former soldiers might have emigrated or assumed other names or nationalities without informing their relatives; they might have voluntarily joined foreign legions, as hundreds had done in the period between the two world wars. Some years later, their emotions might have calmed; they might have changed their minds and have begun to wish to return home, but might not know how to go about it.

19. The existence of such a category of former soldiers or prisoners of war, about which the parties to the dispute had as yet said nothing, might be the key to a fresh and purely humanitarian approach. A conciliation body—the word “commission” appeared to irk some delegations—might be set up, comprising members acceptable to all the disputing parties. Whether that body was formed within the United Nations or outside it was immaterial, although the latter might be wiser, since the mention of the United Nations in

that connexion also seemed to irk certain delegations, and his main purpose was the removal of all causes of friction. That body's terms of reference would be purely humanitarian; it would neither investigate political accusations nor sift documents; and it would above all completely avoid anything tainted with propaganda. It would enter into contact with all countries which had prisoners of war in their territories and deal with them on a humanitarian basis. The overriding need was to clear up the situation, because it was perfectly possible that the Third Committee was engaged in discussing a problem which did not actually exist.

20. There might be no need to bring the matter before the United Nations again, should his suggestion be adopted; but, unless some fresh approach was found, the United Nations might be saddled with it forever. His delegation and those of several of the smaller countries which had no direct political interest in the matter might be requested to find some such solution, whether within the United Nations or outside it.

21. Mrs. MENON (India) remarked that there would be no point in establishing the commission proposed in the joint draft resolution, since the Soviet Union would apparently not permit an investigation on the spot. Some purpose had at any rate been achieved in that the attention of the world had been drawn to the whole matter.

22. Mr. CAÑAS FLORES (Chile) said that his delegation was concerned with the question only from the point of view of principle. There was a sound legal basis for the joint draft resolution. Article 1, paragraph 3, of the Charter stated that one of the purposes of the United Nations was to achieve international co-operation in solving international problems of a humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all, while the preamble spoke of establishing conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained. Furthermore, Article 13 empowered the General Assembly to initiate studies and make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms for all. Since the joint draft resolution rested on the accusation that international treaties had been violated and human rights had been disregarded, the Committee had every right under the Charter to consider the question.

23. The argument that the draft resolution would serve no useful purpose because one of the States concerned would refuse to abide by it was plainly invalid: the General Assembly could not permit itself to be dissuaded by such considerations from performing its humanitarian task.

24. Proposals of conciliation were equally out of place in a matter of principle. It was the duty of the United Nations to seek the truth in a case which involved thousands of human beings. The Chilean delegation felt that if the accusation against the USSR was as false as that country contended, it should be the first to welcome an impartial investigation, by means of which the world would at last learn the true facts of the case.

25. He was unable to support the amendment proposed by India and Iraq (A/C.3/L.149), under which

such an investigation would be taken out of the hands of the United Nations, but gave his whole-hearted support to the revised text of the joint draft resolution (A/C.3/L.145/Rev.1).

26. Mr. VILFAN (Yugoslavia) agreed with the numerous speakers who had said that the Committee should approach the question from the humanitarian angle. The sponsors of the joint draft resolution had indicated that in their view a humanitarian problem was involved; the USSR representative, who had accused their governments of violating clearly established international obligations of a humanitarian character, had also kept the problem on a humanitarian level.

27. He did not think that Article 107 of the Charter, which had been invoked, applied to the case under consideration, since it dealt with action in relation to States. To say that the Article covered treatment meted out to war prisoners would be to identify them with the States of which they were nationals, and consequently to take revenge on individuals for the action taken by those States. Such an interpretation would be entirely contrary to the spirit of the Charter.

28. His delegation was inclined to believe that there was some basis for the allegations made by the sponsors of the draft resolution. Yugoslav children who had been sent to the USSR after the war had been prevented from returning to their homes and even from corresponding with their families. A country which had accorded such treatment to the children of an Allied country might be presumed to take a similar attitude towards prisoners of war. On the other hand, the Yugoslav delegation did not reject lightly the accusations made by the USSR against the sponsors of the draft resolution. The inevitable conclusion was that there was every need for an impartial investigation on the international level.

29. The United Nations could not take the denials of the USSR at their face value. To do so would mean that in any controversial question involving major States — since the small ones would hardly be able to claim any such privilege — the world must remain silent and be content to form no opinion. In the particular question under consideration, unless the groups concerned with the fate of the war prisoners were given satisfaction, international friction would result, and the problem would continue to be exploited for propaganda purposes, thus increasing international tension. To argue that such questions could not be solved on the international level was tantamount to saying that an organized international community was powerless and that conflicts could be settled only by force.

30. He was glad that the sponsors of the joint draft resolution had accepted a number of amendments—in particular the Afghan amendment (A/C.3/L.148, point 1) with respect to the title of the resolution—which made it clear that the resolution applied to all the States which had been accused of failing to repatriate prisoners of war.

31. He would welcome any other amendments in that direction, and he whole-heartedly supported the amendment of India and Iraq, which would ensure an impartial investigation on the international level of a matter in which grave charges and counter-charges had been brought by several States.

32. Mrs. AFNAN (Iraq) said that the sole concern of her delegation in the question under consideration was to retain unblemished the collective conscience of the United Nations.

33. She was not ready to admit that the rights of prisoners of war should be entirely in the hands of a military council. It was shocking that after five years of peace there should still be great numbers of prisoners of war—although the question of figures was admittedly controversial—who had not as yet been repatriated or accounted for. The opinion of an eminent jurist had been quoted, to the effect that enemy States were in principle outside the scope of the Charter; but the Third Committee was concerned with prisoners of war simply as human beings.

34. She regretted that the item before the Committee had not been divorced from all political implications. Unfortunate as the manner of presentation of the item had been, however, the Committee could not for that reason refuse to consider the best means for relieving the suffering of many thousands of human beings.

35. It was with that end in view that her delegation, together with the Indian delegation, had submitted certain amendments (A/C.3/L.149) to the joint draft resolution. It had proposed the deletion of two phrases because they were superfluous. Further, it had proposed that the International Red Cross should be requested to establish a commission of investigation, because it would be difficult for the Secretary-General to find three qualified and impartial individuals who would be universally recognized as such. The reason for choosing the International Red Cross had been that the only known bias of that organization was towards peace.

36. While her delegation had no objection in principle to the amendment presented by Lebanon and Syria (A/C.3/L.146), it feared that the effect of the amendment would be to leave the problem unsolved—one more festering wound on the international body.

37. Point 4 of the Indian-Iraqi amendment would bring under the provisions of paragraph 4 of the operative part of the joint draft resolution persons mentioned in paragraph 3 (b). The purpose was that the commission of investigation should consider the case of all unrepatriated prisoners of war, whether or not they had been accounted for.

38. She would further propose the deletion of the word "otherwise" wherever it occurred before the words "accounted for", in order to avoid the impression that the United Nations was concerned only with those not accounted for. The United Nations was, in fact, concerned with all those prisoners of war who were outside their own countries against their will.

39. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) recalled his statement, at the 339th meeting, to the effect that the fact of bringing the question before the General Assembly had been a piece of vicious propaganda on the part of the Anglo-American bloc.

40. He had already cited a number of sources which could not be held to have a bias in favour of the USSR. In addition, he cited the *Manchester Guardian* of 9 May 1950 to the effect that statements made by Western Powers concerning prisoners of war allegedly detained in the USSR were no more than propaganda

in the cold war, and that inquiry by responsible authorities had shown the figures released by the USSR to have been approximately correct. In Mr. Arutiunian's own view, those figures were not approximately, but entirely correct.

41. Although the sponsors of the draft resolution had claimed that their approach to the question was humanitarian, it could be so termed only in so far as all political questions concerned human beings. The question had clearly been raised for political purposes, and was part of the psychological preparation for a new world war. For that reason, amendments to the draft resolution, even when proposed in a spirit of conciliation, were merely grist for the war-mongers' mill. Thus, the Afghan amendment (A/C.3/L.148, point 1) had been presented with the best intentions, and had been accepted by the sponsors; yet in the revised draft resolution (A/C.3/L.145/Rev.1) the title which the Afghan representative had intended should be used for it had appeared as a sub-heading, and the old title had been retained.

42. The USSR delegation had been forced to make countercharges of a very serious nature. It had accused the United States of carrying on a veritable slave-trade in prisoners of war, paid for by political concessions; of using prisoners in labour gangs to build military installations; of so treating prisoners that half a million of them had vanished without a trace, which would indicate an incredibly high mortality rate. Grave as those charges were, the USSR did not think it was for the United Nations to investigate them. Furthermore, in spite of the United States representative's remarks, the USSR delegation did not for a moment believe that the United States military authorities would permit a United Nations commission of investigation to visit strategic bases being constructed with the aid of unrepatriated prisoners of war.

43. Mr. PAZHAWAK (Afghanistan) stated that the USSR representative had correctly interpreted point 1 of the amendment submitted by the delegation of Afghanistan (A/C.3/L.148) in connexion with the title of the joint draft resolution. The amendment was in the nature of a substitution, as distinct from an addition.

44. He also wished to thank the sponsors of the joint draft resolution for having accepted three out of the four remaining points of the amendment submitted by his delegation.

45. Regarding the one amendment which had not been accepted by the sponsors of the joint draft resolution, he wished to reserve his right to speak on it after hearing the comments of other delegations.

46. Mrs. SAMPSON (United States of America) noted that several delegations appeared to have been impressed by the contention of the USSR and certain other representatives that the sponsors of the joint draft resolution were themselves guilty of violations of international commitments in their dealings with prisoners of war.

47. Her delegation denied such allegations as it also denied having maltreated prisoners of war, employed slave labour or engaged in any traffic in human beings. Those, however, who entertained any doubts about that matter were, in the opinion of her delegation,

entitled to have the facts investigated. She would therefore renew her invitation to the USSR and other delegations to join her own and the delegations of the United Kingdom and Australia in co-sponsoring the draft resolution under consideration so that everyone could learn the truth.

48. The Indian representative had wondered about the usefulness of the proposed commission if that body would be prevented from making an investigation on the spot. In that connexion, Mrs. Sampson wished to point out that the sponsors of the joint draft resolution would be happy to receive the proposed commission on their own respective territories and would fully co-operate with it in the execution of its task.

49. Only one country had indicated that it would not co-operate with the proposed commission, claiming that, apart from a few persons on trial for, or suspected of, war crimes, no prisoners of war remained on its territory for repatriation. If it could be shown that that claim was well founded, the proposed commission could perform its work entirely outside the territory of the Soviet Union, and the Government of the USSR should support the joint draft resolution.

50. The proposed commission could, in any event, investigate documents, consider thousands of letters and interview repatriated prisoners of war who had seen others who had not yet been repatriated or accounted for. The proposed commission could, at the same time, investigate the charges made by the USSR representative, and eventually transmit its complete findings to the Secretary-General.

51. Mr. McINTYRE (Australia) said the points which he had wished to make had already been made at the current meeting by the representatives of Chile, Yugoslavia, Iraq and the United States. He reserved his right to intervene in the debate at a later stage.

52. Mr. AZKOUL (Lebanon) stated that while the draft resolution under consideration must, from the point of view of the United Nations, be general in character, it must be viewed against the background of the circumstances leading to its submission.

53. A distinction must be made between the number of prisoners of war in the USSR and recognized as such by the USSR Government, on the one hand, and, on the other, the number of prisoners of war said to be on Soviet territory but the existence of which was not admitted by the Soviet authorities. The draft resolution was primarily concerned with the latter category.

54. There had been no inconsistency between the initial attitude of the sponsors of the joint draft resolution and the original form in which they had submitted their proposal (A/C.3/L.145): since they had been convinced that a very large number of war prisoners were still on USSR territory and unaccounted for, it had been entirely logical for the sponsors to say, in effect, that a commission should be established to settle the matter on the spot and to help bring about the eventual repatriation of the prisoners of war concerned.

55. The sponsors, for reasons which had emerged during the debate, had, however, come to appreciate the wider viewpoint of the General Assembly and had agreed to revise their original draft resolution in the light of a number of amendments. As a result, para-

graph 1 of the operative part of the revised draft resolution no longer reflected certainty that there remained large numbers of prisoners of war on Soviet territory, but rather doubt that all prisoners of war had been repatriated by the USSR Government. Subsequent paragraphs of the revised resolution, however, presupposed the existence of large numbers of war prisoners on Soviet territory. While the basis of the draft resolution was thus admittedly a matter of doubt, the action which it envisaged, namely the establishment of a commission, was by inference, based on certitude. In other words, the draft resolution suffered from a certain basic inconsistency.

56. Since his delegation was both in doubt about the effects of the resolution and gravely concerned with the fate of the human beings involved, it had, together with the Syrian delegation, proposed a series of amendments (A/C.3/L.146) to the joint draft resolution. Rather than provide for the establishment of a commission, the amendments would call upon all governments still having control of prisoners of war taken in the course of the Second World War who had neither been repatriated nor otherwise accounted for, to publish the names of such prisoners as were still alive as well as of all those who had died in prisoner-of-war camps under their control. He considered that a reply was sure to be forthcoming to that request, since the worst possible answer that any government might give would be not to reply at all. The USSR Government might or might not be justified in refusing to reply to further queries from individual States or to co-operate with the proposed commission, but it would not be justified in ignoring a request for information addressed to it by the United Nations. The replies from the various governments concerned would enable the United Nations to see if there actually remained a substantial number of prisoners of war who had not been repatriated.

57. He believed that the joint Lebanese-Syrian amendment represented a useful method for achieving concrete results.

58. Mr. ZELLEKE (Ethiopia) stated that although his country was not directly concerned in the matter at issue, it was, in view of the manner of its presentation, obliged to look at it from a humanitarian rather than a political point of view.

59. As charges and counter-charges had been made and it had been asserted and denied that large numbers of prisoners of war still remained to be repatriated or otherwise accounted for by the USSR Government, it was very difficult for the Committee to take constructive action. It was, however, clear that the Committee could not accomplish anything by seeking to avoid such action, however difficult it might be.

60. In the circumstances, his delegation supported, in principle, the revised joint draft resolution (A/C.3/L.145/Rev.1) with certain amendments which it was suggesting (A/C.3/L.150).

61. It would also support point II of the joint Lebanese-Syrian amendment (A/C.3/L.146).

62. He could not approve the amendment submitted jointly by India and Iraq (A/C.3/L.149, point 3) because he doubted the wisdom of involving the International Red Cross in a matter which, while it was

essentially humanitarian, still had political implications. He was not even certain that the International Red Cross would agree to comply with the request contained in the amendment in the event of its adoption by the General Assembly.

63. He believed that it would be better to make a direct approach to the matter by setting up a commission of impartial persons instructed to ascertain the facts. He explained that the amendments submitted by his delegation were designed to circumscribe the function of the proposed body by calling it a "United Nations *Ad Hoc* Commission on Prisoners of War captured during the Second World War" and by specifying that it must complete its assignment within one year.

64. Mr. ARUTIUNIAN (Union of Soviet Socialist Republics) resumed the statement which, owing to the time limit on speeches, he had been unable to complete during his preceding intervention.

65. The United States representative had cited a pathetic letter from a mother whose son had been missing since 1942 after he had been sent to the Eastern front. The letter had been cited as possible evidence that the son might still be a prisoner of war in the USSR. It was, however, at least equally possible that the son had been killed in 1942 and that that had been the reason for the lack of news about him. After all, many Germans had died at the front as a result of the criminal venture of their leaders, a venture which was being pursued by the Anglo-American bloc.

66. The German Press itself had stated that lists of missing German soldiers had been seized by United States authorities; it was not inconceivable that United States authorities were provocatively concealing such information so that letters like the one to which he had alluded could be quoted before the United Nations. Not long ago the Press had reported that a certain Schumacher had escaped from a prisoner-of-war camp in Siberia, concealed himself in a hay-waggon, and managed to reach Hamburg, where United Kingdom authorities had turned him over to French officials on the grounds that he had been an Alsatian fighting with the German forces. It had, however, turned out eventually that Schumacher had escaped, not from a Soviet prisoner-of-war camp, but from a French lunatic asylum, and that he had managed to obtain a false identity card.

67. The episode was typical of the kind of evidence used in support of the slanderous item under discussion.

68. Mr. WINIEWICZ (Poland) stated that the history of the debate in progress made the political nature of the problem at issue crystal clear. Statistics had first been concocted to convince the German and Japanese peoples that the USSR had failed to repatriate large numbers of German and Japanese prisoners of war. After public opinion had thus been inflamed in Germany and Japan, the case had been taken to the United Nations. It was impossible to regard the matter from a humanitarian angle: the item had been placed on the agenda of the General Assembly by its sponsors in order to furnish ammunition for the cold war. Any other view indicated a refusal to face reality. The problem was political and tendentious and should therefore be rejected by the United Nations.

69. Article 14 of the Charter had been invoked against the legal arguments mentioned by his delegation in addition to the political aspect which he had just mentioned. He would reply that Article 14 could not justify the action of the sponsors of the original proposal. On the contrary, since Article 14 obliged countries not to impair friendly relations among nations, it too, led to the conclusion that the item should be rejected.

70. It was difficult for his delegation, which knew the meaning of peace, after having lived through the horrors of war, to believe that the majority of the Members of the United Nations would not courageously reject an item which was nothing but political propaganda, and that it would let itself be used for sinister political manoeuvres in the guise of humanitarianism.

71. From a humanitarian point of view, no greater harm could be done than to arouse false hopes among the relatives of men who had probably been dead for some considerable time.

72. The United Kingdom representative had, at the 342nd meeting, sought to refute some of the legal arguments presented by the Polish delegation. Article 107 of the Charter was, however, entirely explicit in excluding from consideration by the United Nations anything relating to any State which had been an enemy of any signatory of the Charter. The United Kingdom representative had overlooked the fact that, in introducing the item under consideration, the sponsors of the joint draft resolution had invoked post-war agreements which did not concern the United Nations in any way. There was only one place where the problem of German prisoners of war could be considered, namely in the Allied Control Council in Berlin. The item had, however, been withdrawn from the body and had been referred to the United Nations in order to suit the sinister political aims of its sponsors. His delegation could not accept such an approach.

73. Mrs. MENON (India) wondered why the Polish representative, having claimed that the matter under consideration was political rather than humanitarian, did not submit an amendment to the joint draft resolution calling for the rejection of that proposal.

74. She feared that the United States representative had misunderstood the question which she had asked earlier in the meeting, namely how the Committee could hope to achieve anything by establishing a commission, in the light of the fact that the accusation which had been made was — and there could be no doubt of that — directed against the USSR and that it had been denied by the USSR, which had made countercharges and stated that it would have nothing to do with any measure which might be proposed in the Committee for an amicable settlement of the matter. It would be meaningless to approach those who had made the charges against the Soviet Union; the Germans and Japanese concerned had not asked Australia, the United Kingdom or the United States of America to repatriate prisoners of war, but the Soviet Union. An investigation of documents and interviews with prisoners of war would also be meaningless in view of the fact that the USSR had indicated that it would

not co-operate in any such investigation. It was therefore difficult to see what could be gained by following any of those methods.

75. Nor could she agree with the remarks of the Chilean representative. It was futile to invoke the Articles of the Charter of the United Nations or of the Universal Declaration of Human Rights when not a single government abided by all the obligations which it had assumed under those acts.

76. It would of course be most desirable if the Committee could find a solution that would permit the redress of the grievances concerned. The fact of the matter was, however, that, as the debate had clearly shown, the Committee was confronted with irreconcilable attitudes and that attempts were being made to cover a political question with a humanitarian mantle.

77. The problem was to solicit goodwill in meeting the points at issue. It was in that spirit that her delegation had co-sponsored an amendment (A/C.3/L.149, point 3) pursuant to which the International Red Cross would be requested to establish a commission composed of qualified impartial observers with a view to settling the problem amicably.

78. She could not agree with the Ethiopian representative that such a step would involve the International Red Cross in a political controversy. If the Assembly itself were to appoint a commission, the entire matter would remain in the realm of politics, whereas consideration by the Red Cross would guarantee a humanitarian approach.

79. Mr. DAVIN (New Zealand) considered that sufficient evidence had been produced by the Australian, United Kingdom and United States delegations and in the documents circulated on behalf of the German, Italian and Japanese Governments to show that there was still a considerable number of prisoners of war taken by the Soviet Union who had not been repatriated or otherwise accounted for and that the resulting situation was at variance with certain specific agreements among the Allied Powers, including the USSR Government, and was also contrary to recognized principles of international law.

80. A situation had thus arisen which, in the words of Article 14 of the Charter, was likely "to impair the general welfare or friendly relations among nations", and the General Assembly was entitled to take suitable action. He did not believe that Article 107 of the Charter could be held to justify a continuing breach of the laws of war and of common humanity at the expense of ex-enemy States. While it was true that such action could not, in terms of the Article, be invalidated or precluded, that did not mean that the

Assembly could not express its opinion that such action was, in the circumstances, unjustified, lacking in humanity and likely to impair friendly relations among States, and that it might not propose remedial measures.

81. To the extent that a breach of international agreements was alleged to have occurred, the matter had become a dispute among Members of the United Nations so that Article 107 was no longer applicable. Accordingly, it seemed to his delegation that action by the General Assembly on the matter was morally expedient and legally justifiable under the Charter. The question was what action would be best in the circumstances.

82. His delegation had concluded from a careful study of the revised joint draft resolution (A/C.3/L.145/Rev.1) that that proposal merited its support. He could not see how any Member with a clear conscience could object to the investigation contemplated in the joint draft resolution, which did not point a finger at anyone. If the resolution were honestly applied and if all interested governments gave their sincere co-operation, the United Nations would be in a position to ascertain the true facts of the situation and then to set about the achievement of agreed solutions. The sponsors of the joint draft resolution had pledged their own full co-operation in the employment of the proposed machinery so far as their own countries were concerned, and nothing could be gained by challenging their good faith in that respect before there was any possibility of putting it to the test.

83. He had not been impressed by the argument of the Lebanese representative that there was a basic inconsistency in the revised draft resolution. The Committee should not be too formalistic: a strong *prima facie* case had been made, in the opinion of his delegation, for the existence of unrepatriated prisoners of war and it was reasonable to provide machinery for dealing with such cases in the same resolution that was aimed at ascertaining the facts.

84. Concern had been expressed about the futility of establishing a commission if the USSR Government refused to co-operate with it. He would reply that in that case the United Nations would at least succeed in getting some agreed facts on the subject and that if certain governments whose actions had been called into question refused to co-operate, the United Nations would have a fairly accurate idea who was to blame, as well as the satisfaction of being able to pass a moral judgment.

85. Mr. KAYALI (Syria) moved the adjournment of the meeting.

*The motion was adopted by 20 votes to 1.*

The meeting rose at 2.5 p.m.