

UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/2278  
2 December 1952

ORIGINAL: ENGLISH

Seventh session  
Agenda item 16 (a)

KOREA

REPORTS OF THE UNITED NATIONS COMMISSION  
FOR THE UNIFICATION AND REHABILITATION OF KOREA

Report of the First Committee

Rapporteur: Mr. Thor THORS (Iceland)

1. At its 294th meeting on 7 October 1950, the General Assembly at its fifth session adopted resolution 376 (V) on the problem of the independence of Korea and established the Commission for the Unification and Rehabilitation of Korea.
2. In accordance with its terms of reference, the United Nations Commission for the Unification and Rehabilitation of Korea submitted a report to the sixth session of the General Assembly.<sup>1/</sup>
3. At its 375th meeting on 5 February 1952, the General Assembly decided to defer consideration of the report (resolution 507 (VI)).
4. In accordance with its terms of reference, the United Nations Commission for the Unification and Rehabilitation of Korea submitted a further report to the seventh session of the General Assembly.<sup>2/</sup>
5. At its 380th meeting on 16 October 1952, the General Assembly decided to include the two reports of the Commission in the agenda of the seventh session as item 16 (a). At its 382nd meeting on 17 October, the General Assembly referred item 16 (a) to the First Committee for consideration and report.

1/ A/1881, Official Records of the General Assembly, Sixth Session, Supplement No. 12

2/ A/2187, Ibid., Seventh Session, Supplement No. 14.

6. The First Committee considered the question at its 511th to 536th meetings inclusive.
7. At its 511th meeting, by 54 votes to 5, with one abstention, the Committee adopted a draft resolution submitted by Thailand (A/C.1/L.1) inviting a representative of the Republic of Korea to participate in the Committee's debates on this agenda item, without the right to vote.
8. At the same meeting, by 38 votes to 11, with 8 abstentions, the Committee rejected a draft resolution submitted by the Union of Soviet Socialist Republics (A/C.1/L.2), providing that the First Committee, in connexion with the consideration of the Korean question, should decide to invite the representatives of the People's Democratic Republic of Korea to be present at the meetings of the Committee for the purpose of taking part in the discussion of this question.
9. The Committee held a general debate on the item at its 512th to 529th meetings inclusive, and the following draft resolutions were submitted:
  - (a) A joint draft resolution submitted at the 512th meeting by Australia, Belgium, Canada, Colombia, Denmark, Ethiopia, France, Greece, Honduras, Iceland, Luxembourg, Netherlands, Nicaragua, New Zealand, Norway, Philippines, Thailand, Turkey, United Kingdom, United States of America and Uruguay (A/C.1/725) which, inter alia, noted the receipt of the special report of the Unified Command of 18 October 1952 (A/2228) on the status of military action and the armistice negotiations in Korea; noted with approval the efforts of the United Nations negotiators to achieve a just and honourable armistice to bring an end to the fighting in Korea in accordance with United Nations principles; noted further that disagreement on one remaining issue had prevented the achievement of such an armistice; noted with approval the tentative agreements which the United Nations Command had reached on behalf of the United Nations; noted with approval the principle followed by the United Nations Command with regard to the question of repatriation of prisoners of war, and the numerous proposals which the United Nations Command had made to solve the question in accordance with this humanitarian principle; and called upon the Central People's Government of the People's Republic

of China and upon the North Korean authorities to avert further bloodshed by having their negotiators agree to an armistice which recognized the rights of all prisoners of war to an unrestricted opportunity to be repatriated and avoided the use of force in their repatriation.

(b) A draft resolution submitted at the 514th meeting by the USSR (A/C.1/729), which, after revision (A/C.1/729/Rev.1/Corr.1), provided that the General Assembly considered it necessary to establish a commission for the peaceful settlement of the Korean question, with provision for the participation of the parties directly concerned and of other States, including States which had not taken part in the Korean war, the commission to consist of the following members: the United States of America, the United Kingdom, France, the Union of Soviet Socialist Republics, the People's Republic of China, India, Burma, Switzerland, Czechoslovakia, the People's Democratic Republic of Korea and South Korea; and to instruct that commission to take immediate steps for the settlement of the Korean question on the basis of the unification of Korea - to be effected by the Koreans themselves under the supervision of the commission, such steps to include extending all possible assistance in the repatriation of all prisoners of war by both sides.

On 23 November, the USSR submitted an addendum (A/C.1/729/Rev.1/Corr.1/Add.1) to its draft resolution, inserting a new first paragraph recommending to the belligerents in Korea an immediate and complete cease-fire, i.e. the cessation of military operations by both sides on land, by sea and in the air, on the basis of the draft armistice agreement already approved by the belligerents, the question of the complete repatriation of prisoners of war to be referred for its solution to the commission for the peaceful settlement of the Korean question provided for in the USSR draft resolution, in which commission questions were to be decided by a two-thirds majority vote of its members.

(c) A draft resolution submitted at the 518th meeting by Mexico (A/C.1/730) which, inter alia, requested the President of the General Assembly to invite, through the channels that he might deem appropriate, the Military Commanders of the North Korean and Chinese forces in Korea to consider the following general

bases for the exchange of prisoners of war, with a view to facilitating the early conclusion of the armistice: (i) prisoners of war held by either of the parties, who had voluntarily expressed their desire to return to the country of their origin, would be repatriated without delay upon the conclusion of the armistice; (ii) other prisoners of war held by either of the parties, desirous of establishing temporary residence in other States, would not return to the country of their origin, until the coming into force of the decisions that, in order to achieve a peaceful settlement of the Korean question, might be adopted in the political conference that would take place after the armistice, in conformity with the agreement reached by the Military Commanders, on point 5 of the armistice agenda; (iii) pending the entry into force of the above-mentioned decisions, the situation of the prisoners of war referred to in provision (ii) above should be governed by the following rules: (a) the General Assembly, acting in the manner and through the channel it might deem appropriate, would negotiate with each State agreeing to participate in the plan envisaged in the resolution on the number of prisoners which such a State might be prepared to receive in its territory, as well as on the conditions inherent to their admission; (b) once in the country of temporary residence, the authorities of that country should grant them a migratory status which would enable them to work in order to provide for their needs; (iv) when the situation foreseen for their repatriation arose as described in provision (ii) above, the authorities of the countries of origin would grant facilities for the return of the ex-prisoners of war and would furnish guarantees for the subsequent protection of their freedom and their lives; (v) in the case of those ex-prisoners of war who, by virtue of the resolution, would be provisionally residing in another country and would express their will to return to their country of origin before the situation foreseen for their repatriation in the terms of provision (ii) above had arisen, the United Nations would provide the means to carry their wishes into effect.

(d) A draft resolution introduced at the same meeting by Peru (A/C.1/732) which, inter alia, provided (i) that the General Assembly should set up a five-member commission, on which each of the parties to the conflict should be

represented by one delegate; and that the General Assembly, for its part, should appoint two delegates and invite the collaboration of a neutral State, not a Member of the United Nations, to be a member of the commission and to serve as its chairman; (ii) that the commission should immediately take steps to co-operate in the repatriation of prisoners in accordance with their freely expressed wishes; (iii) that prisoners not wishing to be repatriated should remain under the protection of the commission in a neutralized zone so long as no provision had been made for their future; and (iv) that the commission should propose to the United Nations at the earliest possible moment the most suitable measures for the final decision as to the future of the prisoners remaining under its protection, one of the measures to be considered being their transfer to the territory of such Powers as might be prepared to receive them, or their settlement in Trust Territories in agreement with the Administering Power concerned; and that prisoners should, in any event, be free to make a decision later concerning their return to their place of origin.

(e) A draft resolution submitted at the 524th meeting on 17 November by India (A/C.1/734) which, inter alia, (i) noted the receipt of the special report of the United Nations Command of 18 October 1952 on "the present status of military action and armistice negotiations in Korea" (A/2228) and other relevant reports relating to Korea; (ii) noted with approval the considerable progress made by negotiation and the tentative agreements to end the fighting in Korea and to reach a settlement of the Korean question; (iii) noted further that disagreement between the parties on one remaining issue, alone, prevented the conclusion of an armistice and that a considerable measure of agreement already existed on the principles on which this remaining issue could be resolved; (iv) expressed the wish to expedite and facilitate the convening of the political conference as provided in article 60 of the draft armistice agreement; (v) affirmed that the release and repatriation of prisoners of war should be effected in accordance with the Geneva Convention of 12 August 1949, the well-established principles and practice of international law and the relevant provisions of the draft armistice agreement; (vi) affirmed that force should not be used against prisoners of war to

prevent or effect their return to their homelands, and that they should at all times be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of the Convention; and (vii) requested the President of the General Assembly to transmit the following proposals to the Central People's Government of the People's Republic of China and to the North Korean authorities as forming a just and reasonable basis for an agreement and to invite their acceptance of these proposals and to make a report to the General Assembly during the seventh session:

#### PROPOSALS

1. In order to facilitate the return to their homelands of all prisoners of war, there shall be established a Repatriation Commission consisting of representatives of Czechoslovakia, Poland, Sweden and Switzerland, that is, the four States constituting the Neutral Nations Supervisory Commission referred to in paragraph 37 of the draft armistice agreement, or constituted, alternatively, of representatives of four States not participating in hostilities, two nominated by each side, but excluding representatives of States that are permanent members of the Security Council.
2. The release and repatriation of prisoners of war shall be effected in accordance with the "Geneva Convention relative to the Treatment of Prisoners of War", dated 12 August 1949, the well-established principles and practice of international law and the relevant provisions of the draft armistice agreement.
3. Force shall not be used against the prisoners of war to prevent or effect their return to their homelands and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner or for any purpose whatsoever. This duty is enjoined on and entrusted to the Repatriation Commission and each of its members. Prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of that Convention.
4. All prisoners of war shall be released to the Repatriation Commission from military control and from the custody of the detaining side in agreed numbers and at agreed exchange points in agreed demilitarized zones.
5. Classification of prisoners of war according to nationality and domicile as proposed in the letter of 16 October from General Kim Il Sung, Supreme Commander of the Korean People's Army, and General Peng Teh-Huai, Commander of the Chinese People's Volunteers, to General Mark W. Clark, Commander-in-Chief, United Nations Command, shall then be carried out immediately.

After classification, prisoners of war shall be free to return to their homelands forthwith, and their speedy return shall be facilitated by all parties concerned.

7. In accordance with arrangements prescribed for the purpose by the Repatriation Commission, each party to the conflict shall have freedom and facilities to explain to the prisoners of war depending upon them their rights and to inform the prisoners of war on any matter relating to their return to their homelands and particularly their full freedom to return.

8. Red Cross teams of both sides shall assist the Repatriation Commission in its work and shall have access, in accordance with the terms of the draft armistice agreement, to prisoners of war while they are under the temporary jurisdiction of the Repatriation Commission.

9. Prisoners of war shall have freedom and facilities to make representations and communications to the Repatriation Commission and to bodies and agencies working under the Repatriation Commission, and to inform any or all such bodies of their desires on any matter concerning themselves, in accordance with arrangements made for the purpose by the Commission.

10. Notwithstanding the provisions of paragraph 3 above, nothing in this Repatriation Agreement shall be construed as derogating from the authority of the Repatriation Commission (or its authorized representatives) to exercise its legitimate functions and responsibilities for the control of the prisoners under its temporary jurisdiction.

11. The terms of this Repatriation Agreement and the arrangements arising therefrom shall be made known to all prisoners of war.

12. The Repatriation Commission is entitled to call upon parties to the conflict, its own member governments, or the Member States of the United Nations for such legitimate assistance as it may require in the carrying out of its duties and tasks and in accordance with the decisions of the Commission in this respect.

13. When the two sides have made an agreement for repatriation based on these proposals, the interpretation of that agreement shall rest with the Repatriation Commission. In the event of disagreement in the Commission, majority decision shall prevail. When no majority decision is possible, an umpire agreed upon in accordance with the succeeding paragraph and with article 132 of the Geneva Convention of 1949 shall have the deciding vote.

14. The Repatriation Commission shall at its first meeting and prior to an armistice proceed to agree upon and appoint an umpire. If agreement on the appointment of an umpire cannot be reached by the Commission within a period of three weeks after the date of the first meeting, this matter shall be referred to the General Assembly.

15. The Repatriation Commission shall also arrange after the armistice for officials to function as umpires with inspecting teams or other bodies to which functions are delegated or assigned by the Commission or under the provisions of the draft armistice agreement, so that the completion of the return of prisoners of war to their homelands shall be expedited.

16. When the Repatriation Agreement is acceded to by the parties concerned and when an umpire has been appointed under paragraph 14 above, the draft armistice agreement, unless otherwise altered by agreement between the parties, shall be deemed to have been accepted by them. The provisions of the draft armistice agreement shall apply except in so far as they are modified by the Repatriation Agreement. Arrangements for repatriation under this Agreement will begin when the armistice agreement is thus concluded.

17. At the end of ninety days, the disposition of any prisoners of war whose return to their homelands has not been effected in accordance with the procedure set out above shall be referred by the Repatriation Commission to the political conference to be called under article 60 of the draft armistice agreement.

- - - - -

10. On 23 November, the representative of India submitted a revision of his draft resolution (A/C.1/734/Rev.1), amending paragraphs 14 and 17 of the proposals to read as follows:

"14. The Repatriation Commission shall at its first meeting and prior to an armistice proceed to agree upon and appoint the umpire who shall at all times be available to the Commission and shall act as its Chairman unless otherwise agreed. If agreement on the appointment of the umpire cannot be reached by the Commission within the period of three weeks after the date of the first meeting this matter should be referred to the General Assembly".

"17. At the end of ninety days, after the Armistice Agreement has been signed, the disposition of any prisoners of war whose return to their homelands may not have been effected in accordance with the procedure set out in these proposals or as otherwise agreed, shall be referred with recommendations for their disposition, including a target date for the termination of their detention, to the political conference to be called as provided under article 60 of the draft armistice agreement. If, at the end of a further sixty days, there are any prisoners of war whose return to their



homelands has not been effected or provided for by the political conference the responsibility for their care and maintenance until the end of their detention shall be transferred to the United Nations".

On 26 November, the representative of India submitted a further revision of his draft resolution (A/C.1/734/Rev.2), amending the final sentence of paragraph 17 of the proposals to read as follows:

"If at the end of a further sixty days there are any prisoners of war whose return to their homelands has not been effected under the above procedures or whose future has not been provided for by the political conference, the responsibility for their care and maintenance and for their subsequent disposition shall be transferred to the United Nations, which in all matters relating to them shall act strictly in accordance with international law".

11. At the 529th meeting, the representative of Iran moved that the Committee grant priority to the Indian draft resolution in the order of voting. The representative of USSR opposed the Iranian motion as contrary to the rules of procedure, and maintained that the USSR draft resolution should be put to the vote before the Indian draft resolution. After discussion at the 530th and 531st meetings, the Committee adopted the Iranian motion by 49 votes to 5, with one abstention.

12. The Indian draft resolution was debated at the 531st to 535th meetings inclusive and the following amendments were submitted:

(a) An amendment presented at the 531st meeting on 26 November by Iraq (A/C.1/L.3), which (i) revised paragraph 1 of the proposals contained in the draft resolution so as to provide that the Repatriation Commission should consist of representatives of Czechoslovakia, Poland, Sweden, Switzerland and India; (ii) deleted the last sentence in paragraph 13, which had provided for a deciding vote by an umpire when no majority decision was possible; (iii) deleted paragraph 14 concerning the appointment of an umpire; and (iv) revised the last sentence of paragraph 17 to provide that if, at the end of a further sixty days, there were any prisoners of war whose return to their homelands had not been effected or provided for by the political conference, the responsibility for them should be transferred to the United Nations.

(b) An amendment introduced at the same meeting by the USSR (A/C.1/L.4), which (i) redrafted the provision of the preamble which is summarized in paragraph 9 (e) (vi) above, to read: "Affirms that prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of the Convention"; (ii) substituted for paragraph 1 of the proposals a proposal to recommend to the belligerents in Korea an immediate and complete cease-fire, i.e. the cessation of military operations by both sides on land, by sea and in the air, on the basis of the draft armistice agreement already approved by the belligerents and reference of the question of the complete repatriation of prisoners of war for its solution to the commission for the peaceful settlement of the Korean question provided for in paragraph 2 of the proposals, in which commission questions should be decided by two-thirds majority vote of its members; (iii) substituted for paragraph 2 of the proposals a new paragraph proposing firstly to establish a commission for the peaceful settlement of the Korean question consisting of the following members: the United States of America, the United Kingdom, France, the USSR, the People's Republic of China, India, Burma, Switzerland, Czechoslovakia, the People's Democratic Republic of Korea and South Korea; and, secondly, to instruct that commission to take immediate steps for the settlement of the Korean question on the basis of the unification of Korea, which should be effected by the Koreans themselves under the supervision of the commission, such steps to include extending all possible assistance in the repatriation of all prisoners of war by both sides; (iv) amended the first sentence of paragraph 3 to provide that the treatment of prisoners of war must be such as to exclude absolutely any violence to their persons or affront to their dignity or self respect in any manner or for any purpose whatsoever; and deleted the second sentence of paragraph 3; (v) amended paragraph 6 to provide that, after classification, all prisoners of war should be returned forthwith to their homelands, and their speedy return should be facilitated by all parties concerned; and (vi) deleted paragraphs 7 to 17 inclusive.

(c) An amendment introduced at the 533rd meeting by Denmark (A/C.1/L.5), which substituted the words "thirty days" for the words "sixty days" in the second sentence of paragraph 17 of the proposals contained in the revised draft resolution.

(d) An amendment introduced at the same meeting by Greece (A/C.1/L.6), which added the words "by the Repatriation Commission" at the end of paragraph 5 of the proposals contained in the draft resolution.

13. At the 535th meeting, the representatives of Iraq and Greece stated that they would withdraw their amendments, in view of the revision of the Indian draft resolution and the explanations made by the representative of India.

14. At the same meeting, the Committee proceeded to vote paragraph by paragraph on the Indian draft resolution, the USSR amendments and the Danish amendment, with the following results:

Paragraphs preceding the proposals:

The first paragraph was adopted by 54 votes to 5, with no abstentions.

The second paragraph was adopted by 54 votes to none, with 5 abstentions.

The third paragraph was adopted by 54 votes to 5, with no abstentions.

The fourth paragraph was adopted by 54 votes to none, with 5 abstentions.

The fifth paragraph was adopted by 54 votes to none, with 5 abstentions.

The sixth paragraph was adopted by 53 votes to none, with 5 absstentions.

The seventh paragraph was adopted by 54 votes to none, with 5 abstentions.

The USSR amendment relating to the eighth paragraph was rejected by 46 votes to 5, with 8 abstentions.

The eighth paragraph was adopted by 54 votes to 5, with no abstentions.

The ninth paragraph was adopted by 53 votes to 6, with no abstentions.

Proposals:

The USSR amendment relating to paragraph 1 of the proposals was rejected by roll call vote of 46 to 5, with 8 abstentions, as follows:

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iraq, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Afghanistan, Burma, Egypt, Indonesia, Iran, Saudi Arabia, Syria, Yemen.

Paragraph 1 of the proposals was adopted by 53 votes to 6, with no abstentions.

The USSR amendment relating to paragraph 2 of the proposals was rejected by a roll call vote of 46 to 5, with 8 abstentions, as follows:

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iraq, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Afghanistan, Burma, Egypt, Indonesia, Iran, Saudi Arabia, Syria, Yemen.

Paragraph 2 of the proposals was adopted by 54 votes to none, with 5 abstentions.

The USSR amendment relating to paragraph 3 of the proposals was rejected by 46 votes to 5, with 8 abstentions.

Paragraph 3 of the proposals was adopted by 54 votes to 5, with one abstention.

Paragraph 4 of the proposals was adopted by 53 votes to 5, with one abstention.

Paragraph 5 of the proposals was adopted by 53 votes to none with 6 abstentions.

The USSR amendment relating to paragraph 6 of the proposals was rejected by 50 votes to 5, with one abstention.

Paragraph 6 of the proposals was adopted by 53 votes to none, with 6 abstentions.

The USSR amendment relating to paragraphs 7 to 17 of the proposals was rejected by 52 votes to 5, with 2 abstentions.

The Danish amendment to paragraph 17 of the proposals was adopted by 39 votes to 5, with 14 abstentions.

Paragraphs 7 to 17 of the proposals, as amended, were adopted by 53 votes to 5, with one abstention.

The Indian draft resolution as a whole, as amended was adopted by a roll call vote of 53 to 5, with one abstention, as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: China.

15. At the 536th meeting, the Committee rejected the USSR draft resolution by a roll call vote of 41 to 5, with 12 abstentions, as follows:

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Abstaining: Afghanistan, Argentina, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria.

16. At the same meeting it was agreed that further consideration of the twenty-one-Power, Mexican and Peruvian draft resolutions should be deferred until the President of the General Assembly had submitted his report in accordance with the ninth paragraph of the first part of the resolution adopted at the 535th meeting.

17. The First Committee therefore recommends to the General Assembly the adoption of the following resolution:

KOREA: REPORTS OF THE UNITED NATIONS COMMISSION FOR THE UNIFICATION AND REHABILITATION OF KOREA

The General Assembly,

Having received the special report of the United Nations Command of 18 October 1952 on "the present status of military action and armistice negotiations in Korea" and other relevant reports relating to Korea,

Noting with approval the considerable progress towards an armistice made by negotiation at Panmunjom and the tentative agreements to end the fighting in Korea and to reach a settlement of the Korean question,

Noting further that disagreement between the parties on one remaining issue, alone, prevents the conclusion of an armistice and that a considerable measure of agreement already exists on the principles on which this remaining issue can be resolved,

Mindful of the continuing and vast loss of life, devastation and suffering resulting from and accompanying the continuance of the fighting,

Deeply conscious of the need to bring hostilities to a speedy end and of the need for a peaceful settlement of the Korean question,

Anxious to expedite and facilitate the convening of the political conference as provided in article 60 of the draft armistice agreement,

Affirms that the release and repatriation of prisoners of war shall be effected in accordance with the "Geneva Convention relative to the Treatment of Prisoners of War", dated 12 August 1949, the well-established principles and practice of international law and the relevant provisions of the draft armistice agreement;

Affirms that force shall not be used against prisoners of war to prevent or effect their return to their homelands, and that they shall at all time be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of the Convention;

Accordingly requests the President of the General Assembly to communicate the following proposals to the Central People's Government of the People's Republic of China and to the North Korean authorities as forming a just and reasonable basis for an agreement and to invite their acceptance of these proposals and to make a report to the General Assembly during its present session and as soon as appropriate:

#### PROPOSALS

1. In order to facilitate the return to their homelands of all prisoners of war, there shall be established a Repatriation Commission consisting of representatives of Czechoslovakia, Poland, Sweden and Switzerland, that is, the four States agreed to for the constitution of the Neutral Nations Supervisory Commission and referred to in paragraph 37 of the draft armistice agreement, or constituted, alternatively, of representatives of four States not participating in hostilities, two nominated by each side, but excluding representatives of States that are permanent members of the Security Council.
2. The release and repatriation of prisoners of war shall be effected in accordance with the "Geneva Convention relative to the Treatment of Prisoners of War", dated 12 August 1949, the well-established principles and practice of International Law and the relevant provisions of the draft armistice agreement.
3. Force shall not be used against the prisoners of war to prevent or effect their return to their homelands and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner or for any purpose whatsoever. This duty is enjoined on and entrusted to the Repatriation Commission and each of its members. Prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the General Convention and with the general spirit of that Convention.
4. All prisoners of war shall be released to the Repatriation Commission from military control and from the custody of the detaining side in agreed numbers and at agreed exchange points in agreed demilitarized zones.
5. Classification of prisoners of war according to nationality and domicile as proposed in the letter of 16 October from General Kim Il Sung, Supreme Commander of the Korean People's Army, and General Peng Teh-Huai, Commander of the Chinese People's Volunteers, to General Mark W. Clark, Commander-in-Chief, United Nations Command, shall then be carried out immediately.

6. After classification, prisoners of war shall be free to return to their homelands forthwith, and their speedy return shall be facilitated by all parties concerned.
7. In accordance with arrangements prescribed for the purpose by the Repatriation Commission, each party to the conflict shall have freedom and facilities to explain to the prisoners of war "depending upon them" their rights and to inform the prisoners of war on any matter relating to their return to their homelands and particularly their full freedom to return.
8. Red Cross teams of both sides shall assist the Repatriation Commission in its work and shall have access, in accordance with the terms of the draft armistice agreement, to prisoners of war while they are under the temporary jurisdiction of the Repatriation Commission.
9. Prisoners of war shall have freedom and facilities to make representations and communications to the Repatriation Commission and to bodies and agencies working under the Repatriation Commission, and to inform any or all such bodies of their desires on any matter concerning themselves, in accordance with arrangements made for the purpose by the Commission.
10. Notwithstanding the provisions of paragraph 3 above, nothing in this Repatriation Agreement shall be construed as derogating from the authority of the Repatriation Commission (or its authorized representatives) to exercise its legitimate functions and responsibilities for the control of the prisoners under its temporary jurisdiction.
11. The terms of this Repatriation Agreement and the arrangements arising therefrom shall be made known to all prisoners of war.
12. The Repatriation Commission is entitled to call upon parties to the conflict, its own member governments, or the Member States of the United Nations for such legitimate assistance as it may require in the carrying out of its duties and tasks and in accordance with the decisions of the Commission in this respect.
13. When the two sides have made an agreement for repatriation based on these proposals, the interpretation of that agreement shall rest with the Repatriation Commission. In the event of disagreement in the Commission, majority decision shall prevail. When no majority decision is possible, an umpire agreed upon in accordance with the succeeding paragraph and with article 132 of the Geneva Convention of 1949 shall have the deciding vote.
14. The Repatriation Commission shall at its first meeting and prior to an armistice proceed to agree upon and appoint the umpire who shall at all times be available to the Commission and shall act as its Chairman unless otherwise agreed. If agreement on the appointment of the umpire cannot be reached by the Commission within the period of three weeks after the date of the first meeting this matter should be referred to the General Assembly.



15. The Repatriation Commission shall also arrange after the armistice for officials to function as umpires with inspecting teams or other bodies to which functions are delegated or assigned by the Commission or under the provisions of the draft armistice agreement, so that the completion of the return of prisoners of war to their homelands shall be expedited.
16. When the Repatriation Agreement is acceded to by the parties concerned and when an umpire has been appointed under paragraph 14 above, the draft armistice agreement, unless otherwise altered by agreement between the parties, shall be deemed to have been accepted by them. The provisions of the draft armistice agreement shall apply except in so far as they are modified by the Repatriation Agreement. Arrangements for repatriation under this agreement will begin when the armistice agreement is thus concluded.
17. At the end of ninety days, after the Armistice Agreement has been signed, the disposition of any prisoners of war whose return to their homelands may not have been effected in accordance with the procedure set out in these proposals or as otherwise agreed, shall be referred with recommendations for their disposition, including a target date for the termination of their detention to the political conference to be called as provided under article 60 of the draft armistice agreement. If at the end of a further thirty days there are any prisoners of war whose return to their homelands has not been effected under the above procedures or whose future has not been provided for by the political conference, the responsibility for their care and maintenance and for their subsequent disposition shall be transferred to the United Nations, which in all matters relating to them shall act strictly in accordance with international law.

-----