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THE QUESTION OF KOREA (1950-1953) Background Paper No. 79

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ANNEXES

A. COMPLAINT OF AGGRESSION AGAINST THE REPUBLIC OF KOREA

On June 25, 1950, the United States informed the Secretary-General (S/1495) that North Korean forces had invaded the territory of the Republic of Korea at several points early that day. This attack, it was stated, constituted a breach of the peace and an act of aggression, and an immediate meeting of the Security Council to deal with the situation was requested. On the same day the United Nations Commission on Korea informed the Secretary-General (S/1496) that according to a statement of the Government of the Republic of Korea attacks had been launched in strength by the North Korean forces all along the 38th parallel. The Pyongyang (North Korean) Radio announcement that the South Korean forces had attacked North Korea first was denied by the South Korean Government, the Commission stated.

1. Security Council Resolution of June 25, 1950

The Security Council met the same day (June 25) and considered two draft resolutions, one by the United States (S/1497), revised after submission of a United Kingdom amendment (S/1498) and consultation among some of the representatives (S/1499), and the other by Yugoslavia (S/1500).

The Council adopted the revised United States draft resolution as a whole by 9 votes to none, with 1 abstention (Yugoslavia) and 1 member absent (USSR).¹

By this resolution (S/1501), the Council determined that the armed attack upon the Republic of Korea by forces from North Korea constituted a

breach of the peace, called for the immediate cessation of hostilities and called upon the authorities of North Korea to withdraw their armed forces to the 38th parallel. It also requested the United Nations Commission on Korea to communicate its recommendations, to observe the withdrawal of the North Korean forces and to keep the Council informed on the implementation of the resolution. It called on all Members to render every assistance to the United Nations in the execution of the resolution and to refrain from giving assistance to the North Korean authorities. (For text, see Annex I)

The Yugoslav draft resolution, which was rejected by 6 votes to 1 (Yugoslavia), with 3 abstentions (Egypt, India, Norway) and 1 member absent (USSR), would have had the Council call for an immediate cessation of hostilities and withdrawal of forces and invite the Government of North Korea to state its case before the Council.

^{1/} The USSR representative had withdrawn from the Council on January 13, 1950, stating that he would not participate in the Council's work until "the representative of the Kuomintang group had been removed", and that the USSR would not recognize as legal any decision of the Council adopted with the participation of that representative and would not deem itself bound by such decisions. He returned to the Council on August 1, 1950, when the presidency of the Council devolved on him according to the rule of monthly rotation.

2. Security Council Resolution of June 27, 1950

On June 26, the United Nations Commission on Korea reported (S/1503) that the North Korean advances had created a dangerous situation. The Commission was convinced that North Korea would neither heed the Council's resolution nor accept the Commission's good offices. The Commission suggested that the Council might consider calling upon both parties to agree on a neutral mediator, or request Member Governments to undertake mediation. It however warned that, in the light of military operations already in progress, the question of a cease-fire and a withdrawal of North Korean forces might prove "academic".

On June 27, the Council adopted by 7 votes to 1 (Yugoslavia), 1 member being absent (USSR), and 2 members (Egypt and India) not voting in the absence of instructions from their Governments, a United States draft resolution (S/1508/Rev.1). In its resolution (S/1511), the Council noted that the authorities in North Korea had not ceased hostilities or withdrawn their forces to the 38th parallel and that urgent military measures were required to restore international peace and security. The resolution also noted the appeal from the Republic of Korea to the United Nations for immediate steps to secure peace and security, and recommended that Members should furnish such assistance to the Republic of Korea as might be necessary to repel the armed attack and restore international peace and security in the area. (For text, see Annex II)

On the same day (June 27), the Council rejected by 7 votes to 1 (Yugoslavia), 1 member being absent (USSR), and 2 members not participating (Egypt and India), a Yugoslav draft resolution (S/1509), under which the Council, after noting with concern that its call for a cessation of hostilities had not been complied with, would have: (1) stated that it was essential in the interests both of the Korean people and of general peace and security that the armed conflict between the two Korean armies cease forthwith; (2) taken into consideration that the United Nations Commission on Korea had recommended the adoption of a procedure of mediation; (3) renewed its call for the cessation of hostilities and drawn the attention of the parties concerned to the grave consequences of a prolongation of operations; (4) initiated a procedure of mediation and called on the two sides to accept such procedure in principle; and (5) invited the Government of the People's Republic of (North) Korea to send a representative to United Nations Headquarters with full powers to take part in the procedure of mediation.

3. Action Taken by Member States Subsequent to Security Council Resolutions

At the same meeting, the representative of the United States read a statement by the President of

the United States to the effect that, in conformity with the Council's call upon all Members to render every assistance to the United Nations in carrying out the terms of the Council resolution of June 25, United States air and sea forces had been ordered to give cover and support to the South Korean forces. The President of the United States also announced in this statement that he had ordered the United States Seventh Fleet to prevent any attack on Formosa and had called upon the Chinese Government on Formosa to cease all air and sea operations against the mainland.

At the 475th meeting of the Security Council on June 30, the representative of Egypt declared that had he received his Government's instructions in time he would have abstained from voting on the resolution, on the ground: (1) that the conflict was merely a new phase in the series of divergencies between the Eastern and Western blocs; and (2) that the Council had not taken action on several cases submitted to it of aggression against peoples and violation of sovereignty. The representative of India informed the Council that his Government had accepted the resolution of June 27.

At the same meeting, the representative of the United States informed the Council that the United States President had, in conformity with the Council's resolutions, authorized the United States Air Force to conduct missions on specific military targets in North Korea, had ordered a naval blockade of the Korean coast and had authorized General MacArthur to use certain supporting ground units.

Following the adoption of the Security Council resolution of June 27, the following Member States expressed general support for the stand taken by the Council: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, the Philippines, Saudi Arabia, Syria, Thailand, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay, Venezuela and Yemen. No replies were received from Egypt and Yugoslavia.

In their replies, the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR shared the view that the Security Council resolution of June 27 had been illegal since it had been adopted with only six votes, the seventh being that of the representative of the "Kuomintang group" who, they stated, had no legal right to represent China. Moreover, they contended, although the United Nations Charter required the concurrence of all five permanent members of the Security Council, the

above resolution had been adopted in the absence of two permanent members, the People's Republic of China and the USSR.

In two cablegrams (S/1527, S/1554), the Minister of Foreign Affairs of the Korean People's Democratic Republic declared that his Government regarded the Council's decision on Korea as illegal, since that Republic had not been consulted, the representative of the USSR had been absent and the "representatives of the great Chinese Power had not been admitted". Similar views were expressed in a statement by the Central People's Government of the People's Republic of China (S/1583).

On July 13, the permanent representative of the USSR to the United Nations requested (S/1603) the Secretary-General to circulate a statement made on July 4 by the Deputy Foreign Minister of the USSR, in Moscow, which declared that the events in Korea were the result of a premeditated, planned and unprovoked attack by South Korean troops on the frontier areas of the Korean People's Democratic Republic. The statement also said that the United States had resorted to open armed intervention in Korea which had commenced before the convening of the Security Council. The statement described the Council's resolution of June 27 as a violation of the Charter, inasmuch as it had been adopted by only six votes, the seventh vote being that of the "Kuomintang representative" who, it was stated, did not represent China. Furthermore, the statement continued, the resolution of the Security Council violated the principle of non-intervention in the domestic affairs of other States. In conclusion, the statement demanded the unconditional cessation of American intervention and immediate withdrawal of American armed forces from Korea.

4. Creation of the Unified Command

On July 7, the Council adopted, by 7 votes to none, with 3 abstentions (Egypt, India and Yugoslavia), 1 member being absent (USSR), a resolution (S/1588) which, among other things, requested that all Member States providing military forces in pursuance of the Council's resolutions should make them available to a unified command under the United States, requested the United States to designate the commander of such forces, authorized the Unified Command to use the United Nations flag concurrently with the flags of participating nations and requested the United States to provide the Security Council with reports on the action taken under the Unified Command. Accordingly the United States designated General Douglas MacArthur as the Commanding General of United Nations forces in Korea.¹

¹/ On April 11, 1951, General Matthew B. Ridgway succeeded General MacArthur. On May 12, 1952, General Mark W. Clark succeeded General Ridgway.

In response to the Security Council resolutions of June 25 and 27, and July 7, 1950, combatant units were provided to the Unified Command for action in Korea by the following sixteen Member States: Australia, Belgium, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, Thailand, Turkey, the Union of South Africa, the United Kingdom and the United States. In addition, five nations - Denmark, India, Italy, Norway and Sweden - provided medical units. (The list does not include the forces of the Republic of Korea which also placed its troops under the Unified Command (S/1627).)

On July 31, the Security Council adopted, by 9 votes, with 1 abstention (Yugoslavia) and 1 member absent (USSR), a resolution (S/1657) requesting the Unified Command to exercise responsibility for determining the requirements for the relief and support of the civilian population of Korea, and for establishing, in the field, the procedures for providing such relief. It also requested the Secretary-General to transmit all offers of assistance for relief and support to the Unified Command which, in turn, was requested to provide the Security Council with reports on its relief activities. Further, the Council requested the Secretary-General, the Economic and Social Council, and other United Nations organs, as well as specialized agencies and appropriate non-governmental organizations, to provide such assistance to the Unified Command for relief as it might request. (For a full account of "Relief and Rehabilitation of Korea" see under that heading.)

5. Progress of Operations in Korea

The Unified Command continued to submit fortnightly reports to the Security Council on the progress of the United Nations action in Korea. The reports for 1950 stated that on June 25 a total of 90,000 to a 100,000 North Korean troops using Soviet-built equipment and aircraft crossed the 38th parallel and, by June 28, took Seoul. They were opposed by a numerically inferior South Korean army of five divisions, initially reinforced by a very small number of United States forces and supported by the United States Air Force, which attacked military targets in North Korea. Some support was also provided by the United States naval forces stationed in Japanese waters. By the end of July, naval forces of the United States were augmented by French, Netherlands, Canadian and New Zealand combat vessels. In August, British troops arrived in the Korean theatre.

It was reported that, by the end of August, North Korean forces advanced and reached within seven miles of Taegu in the south east on the direct route to Pusan, the principal military base of the United Nations forces in Korea.

On September 15, the United States forces made a surprise amphibious landing on Inchon on the

western coast in the rear of the North Korean forces, secured the entire Inchon peninsula, liberated Seoul and enveloped the entire North Korean forces south of the 38th parallel.

On October 1, 1950, General MacArthur, in a message (S/1883 Annex "A") to the Commander-in-Chief of the North Korean Forces called upon the latter and the forces under him to cease hostilities and lay down arms in view of the imminent total defeat and "complete destruction" of the North Korean forces.

On October 4, during the consideration of the question of independence of Korea (see under that heading), the General Assembly adopted a resolution 376(V), which, recalling, *inter alia*, that the essential objective of the Assembly resolutions of 1947, 1948 and 1949 was the establishment of a unified, independent and democratic Government of Korea, recommended, among other things, that "all appropriate steps be taken to ensure conditions of stability throughout Korea" and that "all constituent acts be taken, including the holding of elections, under the auspices of the United Nations, for the establishment of a unified, independent and democratic government in the sovereign State of Korea", that all sections and representative bodies of Korea, South and North, be invited to co-operate with the organs of the United Nations in the above task and that the United Nations forces should not remain in any part of Korea otherwise than so far as necessary for the objectives stated above.

The United Nations Command report (S/1883) covering the period October 1 to 15 stated that both the complete text and a summary of this resolution were disseminated by radio and leaflet throughout Korea. On October 9, it stated further, General MacArthur called upon the North Korean Command (S/1883 Annex "A") to lay down arms and to co-operate fully in the implementation of the relevant United Nations decisions. He warned that, unless immediate response was made, he would at once proceed to take such military action as might be necessary to "enforce the decrees of the United Nations".

By the middle of October all territory formerly comprising the Republic of Korea had been secured by the United Nations forces except for some small peninsular areas on the west coast just below the 38th parallel, the United Nations Command reported. The Eighth United States Army, reinforced by British, Australian and Philippine units, continued its attack on the northern areas of Korea. North Korean resistance in the entire peninsula collapsed except in the border areas of the North, particularly on the approaches to the Yalu River where the 6th Republic of Korea Division had reached a point near Chosan. By the end of October, the United Nations Command reported the capture of 135,000 North Korean prisoners of war.

On November 5, in a special report to the Security Council (S/1884), the United Nations Command stated that, in certain areas of Korea, United Nations Command troops had been in hostile contact with Chinese communist military units deployed for action against the forces of the United Nations Command.

6. Consideration by the Security Council of the Special Report of the United Nations Command

On November 6, the United States brought to the attention of the Security Council the special report (S/1884) of the United Nations Command concerning the appearance of Chinese forces in Korea. When the Council decided, against the vote of the USSR, to discuss the special report, the USSR submitted a draft resolution (S/1889), under which the Council would invite the representative of the People's Republic of China to be present during the discussion of the Korean question (For adoption of Council agenda item on Korea, see below). The United Kingdom proposed (S/1890), on the other hand, that such a representative should be invited "to be present during the discussion by the Council of the special report".

On November 8, the USSR draft resolution was rejected by 3 votes (China, Cuba, United States) to 2 (USSR and Yugoslavia), with 6 abstentions.

The United Kingdom draft resolution was adopted by 8 votes to 2 (China, Cuba), with 1 abstention (Egypt).

On November 10, Cuba, Ecuador, France, Norway, the United Kingdom and the United States submitted a joint draft resolution (S/1894), under which the Council would: (1) call on all States and authorities to refrain from assisting or encouraging the North Korean authorities, to prevent their nationals or individuals or units of their armed forces from giving assistance to North Korean forces, and to cause the immediate withdrawal of any such nationals, individuals or units which might presently be in Korea; (2) affirm that it was the policy of the United Nations to hold the Chinese frontier with Korea inviolate and fully to protect legitimate Chinese and Korean interests in the frontier zone; (3) call attention to the grave danger which continued intervention by Chinese forces in Korea would entail for the maintenance of such a policy; and (4) request the Interim Committee on Korea and the United Nations Commission for the Unification and Rehabilitation of Korea¹ to consider urgently and to assist in the settlement of any problems relating to conditions on the Korean frontier in which States or authorities on the other side of the frontier had

^{1/} Both of these bodies had been established by the General Assembly on October 7 (resolution 376(V)).

an interest, and suggest that the Commission proceed to the area as soon as possible, and that, pending its arrival, it utilize, for this purpose, the assistance of such States members of the Commission having representatives in the area.

In connection with the draft resolution, the representatives of India and the United Kingdom expressed the view that a representative of the People's Republic of China should be present during the Council's discussion of the question raised by the Unified Command's special report. The invitation in this regard, issued by the Council in its resolution of November 8, was refused by the People's Republic of China in its cablegram (S/1898) of November 11. However, on October 23, the People's Republic of China had already accepted an invitation in connection with the item "Complaint of Armed Invasion of Taiwan (Formosa)". (For consideration of the item see below under that heading). The Council, on November 27, decided to consider together the items relating to aggression in Korea on the one hand and the complaint of armed invasion of Taiwan (Formosa) on the other.

The representative of the People's Republic of China participated in the debate that followed. He submitted a draft resolution (S/1921) covering both the complaint of armed invasion of Taiwan (Formosa) and the question of Korea. It called on the Council to: (1) recognize that the invasion and occupation of Taiwan (Formosa) by the armed forces of the United States constituted open and direct aggression against Chinese territory and that the armed intervention in Korea by the United States had shattered peace and security in Asia and had violated the United Nations Charter and international agreements; (2) condemn the United States for those acts; (3) demand the complete withdrawal of United States forces from Taiwan (Formosa); and (4) demand the withdrawal from Korea of the armed forces of the United States, and all other countries and decide that the people of North and South Korea be left to settle the domestic affairs of Korea themselves.

On November 30, the Council rejected, by 9 votes to 1 (USSR), the draft resolution submitted by the representative of the People's Republic of China and sponsored by the USSR. The six-Power joint draft resolution was also voted on and received 9 votes in favor and 1 against (USSR) but because the negative vote was that of a permanent member, it was not adopted.

On January 31, 1951, on a proposal by the United Kingdom, the Security Council removed from its agenda the item "Complaint of aggression upon the Republic of Korea", in view of the fact that the General Assembly had admitted to its agenda an item entitled "Intervention of the Central People's

Government of the People's Republic of China in Korea". The representative of the USSR stated that he had voted in favor of the United Kingdom draft resolution because he considered that the inclusion of the item in the agenda had in the first place been illegal. (For the Assembly's consideration of this item see below.)

B. OTHER QUESTIONS DISCUSSED BY THE SECURITY COUNCIL CONNECTED WITH THE KOREAN QUESTION

The Security Council, in 1950 voted upon a number of other questions connected with the Korean item. These were as follows:

1. Question of Chinese Representation

At the 480th meeting of the Council on August 1, the President (the representative of the USSR who had on that day taken his place again at the Council table) ruled that the "representative of the Kuomintang group present at the Council table" was not the representative of China and, therefore, could not participate in the Council's meetings. This ruling was challenged and overruled by 3 votes in favor of the ruling (India, Yugoslavia and the USSR) to 8 against.

2. Adoption of the Agenda

At the same meeting (August 1) the President asked for the inclusion of two agenda items: (i) "Recognition of the representative of the People's Republic of China as representative of China"; and (ii) "Peaceful settlement of the Korean question". A decision on the agenda was made on August 3 when the Council rejected both the items. The Council adopted, instead, a United States proposal that the agenda should include only one item "Complaint of aggression upon the Republic of Korea".

3. Proposed Condemnation of North Korean Authorities

On September 6, 1950, the Security Council voted on a United States draft resolution (S/1653) which asked the Council to condemn the North Korean authorities for "continued defiance of the United Nations" and to call upon all States to "use their influence to prevail upon the authorities of North Korea to cease this defiance". The draft resolution would also call upon all States to refrain from assisting or encouraging the North Korean authorities and "to refrain from action which might lead to the spread of the Korean conflict to other areas and thereby further endanger international peace and security".

The vote on this draft resolution was 9 in favor, 1 against (USSR) and 1 abstention (Yugoslavia). Since the negative vote was cast by a permanent member, the draft resolution was not adopted.

4. Proposed Invitation to Chinese People's Republic and North Korea

On the same day, the Council also voted on a draft resolution submitted by the USSR on August 4 (S/1668) by which the Council, in addition to inviting the representative of the People's Republic of China and the representatives of the Korean People, would have "put an end to the hostilities in Korea" and would have decided that foreign troops should be withdrawn from Korea. The vote on this draft resolution was 1 in favor (USSR), 9 against and 1 abstention (Yugoslavia).

5. USSR Complaint of Bombing of Korean Towns

On September 7, 1950, the Council voted on another draft resolution (S/1679), also submitted by the USSR, by which the Council was asked to "recognize" the "United States bombing of Korean towns and villages was a gross violation of universally accepted rules of international law". The draft resolution would also have called upon the United States to cease and not to permit such attacks and the shooting from the air of the peaceful population in Korea. The Secretary-General was asked to notify the United States Government of this decision.

This draft resolution was also rejected by the Council by 1 vote in favor (USSR), 9 against and 1 abstention (Yugoslavia).

6. Complaint of Air Bombing of Chinese Territory

On August 31, the Council placed on its agenda an item entitled "Complaint of Air Bombing of the Territory of China", at the instance of the USSR representative, who stated that two communications had been received from the Central People's Government of the People's Republic of China, protesting against such bombing and violations of Chinese frontiers by United States aircraft. The representative of the United States, voting for inclusion of the item in the agenda, stated that, while strict instructions had been given to aircraft operating under the Unified Command against crossing the Korean frontiers, reports had later been received that one United States F-51 aircraft might, by mistake, have violated Chinese territory in Manchuria and strafed an airstrip five miles beyond the Korean border. Still, there was no conclusive evidence of this. He proposed a commission of inquiry and stated that if the commission confirmed this violation the United States would be willing to pay compensation and take disciplinary measures against guilty persons.

On September 11 and 12, the Council considered three draft resolutions on this subject: (i) by the USSR (S/1759) asking that a representative of the People's Republic of China be heard on this question; (ii) by the United States (S/1752) proposing

the appointment of a commission of inquiry; and (iii) by the USSR (S/1745/Rev.1) seeking condemnation of the illegal acts of the United States. None of these proposals were adopted. The vote on (i) was 6 in favor, 3 against, and 2 abstentions; the vote on (ii) was 7 in favor, 1 against (USSR), and 2 abstentions (as the negative vote was cast by a permanent member, the resolution was not adopted); the vote on (iii) was 1 in favor, 8 against, and 1 abstention. At the same meeting, the USSR representative brought to the Council's attention 53 cables which, he said, had been received from all parts of China protesting against the bombing of Chinese territory by United States aircraft.

7. Incident of the Soviet Bomber

On September 5, the representative of the United States read to the Security Council a report (S/1758) stating that, on September 4, a twin-engined bomber, later identified as belonging to the Soviet Union, had passed a United Nations naval vessel, had opened fire on a United Nations fighter patrol and had been shot down by it. On September 6, the representative of the USSR read to the Council a letter (S/1766) containing a note which the Government of the USSR had addressed, on this incident, to the United States Government. The USSR note stated that the two-engined plane had no bombing or torpedo equipment and was on a training flight within the limits of Port Arthur, 140 miles from the Korean coast and ten kilometers from the naval vessel in question. It had been shot down without justification or excuse by eleven American planes. The note claimed reparation for the loss of the aircraft and the crew.

When the President of the Council remarked that the USSR note could be dealt with in connection with the United States note on the subject, the representative of the Soviet Union, on a point of order, stated that the USSR communication was of an inter-governmental nature and was not meant for discussion by the Council. The representative of the United States said that the matter could not be termed merely inter-governmental when the United Nations had been concerned with it since 1947. The President observed that the matter could be considered during the general discussion of the Korean question.

8. Complaint of Armed Invasion of Taiwan (Formosa)

On June 27, the United States representative read to the Council a statement by the President of the United States in which he announced, inter alia, that he had ordered the U.S. Seventh Fleet to prevent any attack on Formosa and had called on the Chinese Government in Formosa to cease all air and sea operations against the (Chinese) mainland (see above).

A statement by the Central People's Government of the People's Republic of China (S/1583), communicated to the Security Council, said that the statement by the President of the United States regarding Formosa, together with the action of the United States Navy in invading Chinese territorial waters around that area formed an act of open aggression, violating the principle of the Charter forbidding any Member to use force against the territorial integrity or political independence of any other State. The statement concluded that the Chinese people were determined to liberate Formosa without fail.

By cablegram (S/1715) dated August 24, 1950, addressed to the President of the Security Council, the Foreign Minister of the Central People's Government of the People's Republic of China complained of armed invasion of Taiwan (Formosa) by the United States. On August 29, the Council admitted the item to its agenda by 7 votes in favor, 2 against (China and Cuba), 1 abstention (Egypt) and 1 member not participating (Yugoslavia).

On November 27, the Council decided to consider simultaneously the item "Complaint of invasion of the island of Taiwan" and the item "Complaint of aggression against the Republic of Korea". (See above.)

On November 30, it rejected a USSR draft resolution on the matter, which had been submitted on September 2 (S/1757). This proposal asked the Council to condemn the United States Government for an act of aggression and intervention in the internal affairs of China and to resolve to request the United States Government to withdraw immediately all its air, sea and land forces from the island of Taiwan (Formosa) and from other territories belonging to China. The vote was 1 in favor and 9 against. Lacking instructions from his Government, the representative of India did not participate in the vote.

Another draft resolution (S/1921) (see above), proposed by the representative of the People's Republic of China, and sponsored by the USSR, was rejected by the Council by the same vote. This draft resolution, dealing with the questions of Korea and of Taiwan (Formosa), asked the Council among other things to condemn the United States Government for acts of armed aggression against the Chinese territory of Taiwan (Formosa) and demanded complete withdrawal of United States forces from the island.

C. GENERAL ASSEMBLY ACTION ON THE KOREAN CONFLICT

In 1950, while the specific problem raised by the attack on the Republic of Korea was being discussed in the Security Council, the General Assembly had on its agenda the continuing item entitled "The problem of the independence of Korea" (See

under that heading). After the rejection in the Security Council of the draft resolution relating to the intervention of Chinese forces in Korea, the General Assembly also included in its agenda other items relating to Korea covering the military, economic and political aspects of the United Nations action in Korea, including efforts for a cessation of hostilities and the peaceful settlement of the Korean and related problems. Subsequent to the removal by the Security Council from its agenda of the Korean item on January 31, 1951, the question was dealt with exclusively by the General Assembly (with the exception of questions of Korean relief which were also considered by the Economic and Social Council). The Security Council, however, continued to receive the reports of the Unified Command on the progress of operations. It also received other communications relating to the hostilities in Korea.

1. The Question of Intervention of the People's Republic of China in Korea

On December 6, 1950, at its fifth session, the General Assembly included in its agenda the item "Intervention of the Central People's Government of the People's Republic of China in Korea". This was at the request (A/1618) of Cuba, Ecuador, France, Norway, the United Kingdom and the United States, whose joint draft resolution on the question had failed of adoption in the Security Council because of the negative vote of the USSR (see above). The circumstances in which that draft resolution had been presented to the Council were reviewed by the six Powers in an explanatory memorandum to the Assembly (A/1621).

The question was first considered by the First (Political) Committee of the General Assembly which had before it four draft resolutions on the subject:

(a) A draft resolution (A/C.1/638) by Cuba, Ecuador, France, Norway, the United Kingdom and the United States, which, after recalling the Security Council resolution of June 25, 1950, and the General Assembly resolution of October 7, 1950, and noting that the armed forces of the Central People's Government of the People's Republic of China were conducting military operations against the United Nations forces in Korea, would: (1) call upon all States and authorities, *inter alia*, to prevent their nationals or individuals or units of their armed forces from giving assistance to the North Korean forces and to cause immediate withdrawal of such nationals or units; (2) affirm that it was the policy of the United Nations to hold Chinese frontiers with Korea inviolate and fully to protect legitimate Chinese and Korean interests in the frontier zone; and (3) request the United Nations Commission for the Unification and Rehabilitation of Korea to assist in the settlement of any problems relating to conditions on the Korean frontier.

(b) A draft resolution (A/C.1/640) submitted by the USSR on December 9, 1950, which would recommend that all foreign troops be withdrawn from Korea and that the decision on the Korean question should be entrusted to the Korean people themselves.

(c) A joint draft resolution (A/C.1/641) submitted on December 12, by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen, which would request the President of the General Assembly to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea could be arranged and to make recommendations to the General Assembly as soon as possible.

(d) A joint draft resolution (A/C.1/642) submitted on December 12, by the same countries with the exception of the Philippines, according to which the General Assembly, considering that the situation in the Far East was likely to endanger the maintenance of world peace and security, would recommend the establishment of a committee to meet as soon as possible and make recommendations for the peaceful settlement of existing issues.

Of these four draft resolutions the one by the thirteen Powers proposing the setting up of a cease-fire group was given priority and was adopted on December 13 by the First Committee and on December 14 by the General Assembly (resolution 384(V)).

2. Proposals for a Cease-Fire

In pursuance of this resolution the President of the Assembly (Nasrollah Entezam of Iran), the representative of India (Sir Benegal Narsing Rau) and the representative of Canada (Lester B. Pearson), acted as the Cease-Fire Group. On January 2, 1951, they reported (A/C.1/643) that, on December 15, as a first step, they had consulted the representatives of the Unified Command on a basis for a cease-fire, but had been unable to pursue the discussion with the representatives of the People's Republic of China and, therefore, could not usefully make any recommendations for the time being. On January 11, they submitted a supplementary report (A/C.1/645) suggesting a five-point program aimed at achieving by successive stages a cease-fire in Korea, the establishment of a free and united Korea, and a settlement of Far Eastern problems. The five points were as follows:

(1) A cease-fire should be arranged, with the safeguard that it would not be used for mounting a new offensive.

(2) If and when a cease-fire occurred in Korea, either as a result of a lull in hostilities or pending some such arrangement, advantage should be taken of it to consider further steps for the restoration of peace.

(3) To permit the carrying out of the General Assembly resolutions on Korea, all non-Korean armed forces would be withdrawn, by appropriate stages; and appropriate arrangements, in accordance with United Nations principles, would be made for the Korean people to express their own free will in respect of their future government.

(4) Pending the completion of those steps, appropriate interim arrangements, in accordance with United Nations principles, would be made for the administration of Korea and for the maintenance of peace and security there.

(5) As soon as agreement had been reached on a cease-fire, the General Assembly should set up an appropriate body, which should include representatives of the United Kingdom, the United States, the USSR, and the People's Republic of China, with a view, in conformity with existing international obligations and the provisions of the Charter, to settling Far Eastern problems, including those of Taiwan (Formosa) and the representation of China in the United Nations.

On January 13, the First Committee approved the principles by a vote of 50 to 7, with 1 abstention, and the People's Republic of China, to which they were transmitted, was invited to reply as soon as possible whether it accepted them as a basis for the peaceful settlement of the Korean and other Far Eastern problems.

3. Chinese Counter-Proposals

In its reply (A/C.1/653), of January 17, 1951, the Central People's Government of the People's Republic of China submitted the following proposals:

(1) Negotiations should be held among the countries concerned on the basis of agreement to the withdrawal of all foreign troops from Korea and the settlement of Korean domestic affairs by the Korean people themselves.

(2) The subject matter of the negotiations must include the withdrawal of the United States armed forces from Taiwan and the Strait of Taiwan, and related Far Eastern problems.

(3) The seven countries to participate in the negotiations should be the People's Republic of China, the USSR, the United Kingdom, the United States, France, India and Egypt, and the rightful place of the People's Government in the United Nations should be established as from the beginning of the Conference.

(4) The seven-nation conference should be held in China, at a place to be selected.

4. Assembly Action on Intervention of the People's Republic of China

The Chinese reply was discussed in the First Committee, which recommended to the Assembly the adoption of a United States draft resolution as

amended. On February 1, 1951, the General Assembly adopted this draft resolution by a roll-call vote of 44 to 7 (Burma, Byelorussian SSR, Czechoslovakia, India, Poland, Ukrainian SSR, and USSR), with 9 abstentions (Afghanistan, Egypt, Indonesia, Pakistan, Saudi Arabia, Sweden, Syria, Yemen, and Yugoslavia).

In this resolution (498(V)), the General Assembly noted that the Security Council, because of lack of unanimity of the permanent members, had failed to exercise its primary responsibility for maintaining international peace and security in regard to Chinese Communist intervention in Korea, and that the Chinese People's Government had not accepted United Nations proposals to end hostilities and that its armed forces continued their invasion of Korea and their large-scale attacks on the United Nations forces there. The Assembly then declared that the People's Republic of China, by giving direct aid to aggression in Korea, had itself engaged in aggression. It called on that Government to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea. The Assembly reaffirmed the determination of the United Nations to continue its action in Korea to meet aggression and established an Additional Measures Committee to consider further measures to meet the aggression. At the same time, the Assembly's President was requested to designate two persons who with himself would form a Good Offices Committee to help bring about a cessation of hostilities in Korea and to achieve United Nations objectives thereby peaceful means. The Additional Measures Committee was authorized to defer its report if the Good Offices Committee reported satisfactory progress.

On the same day, the Assembly rejected a revised text of the twelve-Power draft resolution (A/C.1/642) submitted on December 12, 1950 (see above). The revised text provided inter alia, that the representatives of France, the United Kingdom, the United States, the USSR, Egypt, India and the Central People's Government of the People's Republic of China should meet as soon as possible in order to secure all necessary elucidations and amplifications of the reply of the People's Republic of China, and for the purpose of making any incidental or consequential arrangements towards a peaceful settlement of the Korean and other Far Eastern problems. The first meeting of the above representatives was to be held on a date and at a place to be fixed by the President of the General Assembly. The seven Powers participating in the conference should, it was proposed, agree, at the first meeting, upon an appropriate cease-fire arrangement and should proceed with their further deliberations only after this had been put into effect.

The Assembly also rejected USSR amendments (A/C.1/655 and A/C.1/657) to this draft resolution.

According to these, the representatives of the seven countries, after the cease-fire arrangement had been put into effect, would consider: appropriate arrangements for the withdrawal of all foreign forces from Korea; ways and means for the settlement of the Korean affairs by the Korean people themselves; the question of withdrawal of United States forces from Taiwan (Formosa) and the Straits of Taiwan (Formosa); and questions relating to the Far East.

On February 19, 1951, the President announced that Sven Grafstrom (Sweden) and Luis Padilla Nervo (Mexico), had agreed to form with him the Good Offices Committee.

5. Application of Embargo Against People's Republic of China and North Korea

On the recommendation (A/1799) of the Additional Measures Committee,¹ approved by the First Committee (A/1802), the General Assembly, on May 18, adopted a resolution (500(V)) which, among other things, recommended that every State should:

(1) apply an embargo on the shipment to areas under the control of the Chinese Central People's Government and of the North Korean authorities of arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition and materials of war;

(2) determine which commodities exported from its territory fall within the embargo and apply controls to give effect to the embargo;

(3) prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States pursuant to the resolution;

(4) co-operate with other States in carrying out the purposes of the embargo; and

(5) report to the Additional Measures Committee, within 30 days, and thereafter at the request of the Committee, on the measures taken in accordance with the resolution.

The resolution further requested the Additional Measures Committee to:

(1) report to the Assembly, with recommendations as appropriate, on the general effectiveness of the embargo and the desirability of continuing, extending or relaxing it; and

(2) continue its consideration of additional measures to be employed to meet the aggression in

^{1/} The Additional Measures Committee was composed of the members of the Collective Measures Committee established by the General Assembly under resolution 377(V), entitled "Uniting for Peace". The members of the Committee were Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, the Philippines, Turkey, the United Kingdom, the United States, Venezuela and Yugoslavia. Burma and Yugoslavia later expressed their inability to serve on the Committee.

Korea, and to report further to the Assembly, it being understood that the Committee was authorized to defer its report if the Good Offices Committee reported satisfactory progress in its efforts.

The voting on the resolution was 47 to none, with 8 abstentions (Afghanistan, Burma, Egypt, India, Indonesia, Pakistan, Sweden and Syria). The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR took the position that the matter was exclusively within the jurisdiction of the Security Council. They therefore did not participate in the vote.

By June 30, reports and communications had been received from 40 Member and nine non-member States.

Australia, Belgium, Brazil, Canada, Chile, China (Nationalist), Colombia, Cuba, Denmark, Ecuador, El Salvador, Ethiopia, France, Haiti, Honduras, Indonesia, Iran, Iraq, Israel, Luxembourg, Mexico, New Zealand, Norway, Panama, Paraguay, Peru, the Philippines, Sweden, Thailand, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay, Venezuela, Yemen and Yugoslavia stated that they had taken action to implement the resolution.

The replies from Burma, India and Pakistan indicated that their trade with China was non-existent or restricted and excluded the articles mentioned in the resolution.

The following non-member States replied that they had implemented the resolution: Austria, Cambodia, the Federal Republic of Germany, Italy, Jordan, Laos, Spain and Vietnam.

The Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR stated that they had not transmitted the text of the resolution to their Governments because the resolution had been illegally adopted under pressure from the United States. Albania, Hungary and Romania took a similar position.

D. OTHER DEVELOPMENTS SUBSEQUENT TO INTERVENTION OF CHINESE TROOPS

Subsequent to the appearance of Chinese communist troops announced (S/1884) in November (see above), the United Nations Command reported that its troops had been forced by the Chinese attacks to withdraw southward and that Seoul had been taken. However, in January 1951, the Chinese Communist offensive was stopped south of Seoul. In March, the United Nations Command took the initiative and by June, it was reported, succeeded in advancing to a line across central Korea.

On June 23, the permanent representative of the USSR to the United Nations suggested, in the course of a radio broadcast, that, as a first step towards a settlement of the armed conflict in Korea, discussions should be started between the belligerents

for a cease-fire and an armistice providing for a mutual withdrawal of forces from the 38th parallel. Six days later, the Commander-in-Chief, United Nations Command, addressed a message to the Commander-in-Chief of the Chinese-North Korean Command, indicating that, on the receipt of word from the latter that a meeting to discuss an armistice was desired, he would be prepared to suggest a date on which representatives of the parties could meet.

1. Truce Negotiations

Subsequently, after preliminary arrangements had been made, negotiations were opened at Kaesong in Korea on July 10, 1951, by delegations representing the United Nations Command and the Chinese-North Korean Commanders. In accordance with the agenda which was agreed upon July 26, the negotiations related to the following matters:

(1) The fixing of a military demarcation line between both sides so as to establish a demilitarized zone as a basic condition for a cessation of hostilities in Korea.

(2) Concrete arrangements for the realization of a cease-fire and armistice, including the composition, authority and functions of a supervising organization for carrying out the terms of a cease-fire and armistice.

(3) Arrangements relating to the prisoners of war.

(4) Recommendations to the governments of the countries concerned on both sides.

Following charges made by the Chinese-North Korean Command regarding violations of the neutral zone by the United Nations Forces, the Chinese-North Korean side suspended negotiations from August 23 to October 24, 1951. (these charges were not substantiated to the satisfaction of the United Nations Command.) The negotiations were resumed on October 25 near Panmunjom not far from Kaesong.

2. Special Report of the Unified Command

In a special report to the General Assembly (A/2228) dated October 18, 1952, the Unified Command stated that in the fifteen months of negotiations a tentative draft armistice agreement covering all agreed points had been worked out by both sides. The report further said that the differences between the United Nations Command and the North Koreans and Chinese which had prevented the conclusion of an armistice were narrowed by the end of April 1952 to one question: whether all prisoners of war should be returned, by force if necessary. Final conclusion of an armistice under the terms of the draft agreement depended, the United Nations Command said, on acceptance by the other side of a solution of the prisoner-of-war question consistent with humanitarian principles.

That question, the special report said, had been under discussion for more than eight months. The United Nations Command, it was stated, was willing

to return all prisoners except those who would violently resist repatriation. The Chinese-North Korean position was that all prisoners should be returned. In response to an inquiry by the Chinese-North Korean side as to a round-figure estimate of the number of prisoners that the United Nations Command would be able to return, the United Nations Command had interviewed prisoners and found that 83,000 prisoners could be repatriated out of a total of 121,000 held by the United Nations Command. On October 8, this figure, it was reported, was rejected by the Chinese-North Korean side, which reverted to its original demand for the repatriation of all prisoners of war. On October 8, the truce negotiations were recessed indefinitely.

Since the opening of the armistice negotiations, the United Nations Command reported, neither its forces nor those of the Chinese and North Koreans had undertaken sustained offensive action. However, there had been constant and often heavy military contact, and the United Nations forces had suffered serious personnel casualties during the sixteen months of negotiations. During that time, the military objective of the United Nations Command had been to safeguard the security of its forces against a potential enemy offensive. At the time of the report, it was said, those forces faced an army of more than 1,000,000 men, mainly Chinese, who were deployed in depth and were well equipped with artillery, tanks and other heavy military equipment. They had at their disposal an air force of more than 2,000 planes, mostly jet-engined, flown by competent pilots and based in Manchuria, from where, the United Nations Command said, they attacked United Nations aircraft operating in Korea.

3. Indian Proposals on Prisoner-of-War Question

The deadlock over the prisoner-of-war question was considered by the General Assembly during its discussion of the Korean item at its seventh session, beginning in October 1952. The First Committee, which considered the question from October 23 to December 2, gave priority to this matter as against other questions relating to Korea (see below). Although four draft resolutions were considered, the Committee voted to accord priority to an Indian draft resolution.

This draft resolution, in its final revision (A/C.1/734/Rev.2) and as amended by Denmark (A/C.1/L.5) was adopted by the First Committee on December 1, 1952, by 53 votes to 5, with 1 abstention, and two days later by the General Assembly by a roll-call vote of 54 to 5 (the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR), with 1 abstention (China). This resolution (610(VII)) stated:

(1) that the release and repatriation of prisoners

of war should be in accordance with the Geneva Convention of 1949 relative to the treatment of prisoners of war, the well established principles and practice of international law, and the terms of the draft armistice agreement; and

(2) that force should not be used against the prisoners "to prevent or effect" return to their homelands - and that they should at all times be treated humanely in accordance with the letter and spirit of the Geneva Convention. No violence to their persons or affront to their dignity or self-respect should be permitted.

The resolution then outlined a plan of action in seventeen proposals which were to be submitted to the Chinese Central People's Government and to the North Korean authorities as forming a just and reasonable basis for an agreement in order to effect an immediate cease-fire. These proposals were to the following effect: (For the text of the proposals see Annex IV.)

(1) First, a Repatriation Commission would be set up, composed of Czechoslovakia, Poland, Sweden and Switzerland, or of any other four States not participating in the hostilities. Two members would be nominated by each side but would exclude States that are permanent members of the Security Council.

(2) This Commission would choose an umpire at its first meeting and prior to an armistice. If it could not agree on a choice within three weeks, the question would be referred to the Assembly. The umpire would act as Chairman of the Commission unless otherwise agreed and would have the decisive vote in the event of a tie.

(3) To this Repatriation Commission all prisoners of war would be released by both sides in agreed numbers and at agreed exchange points in agreed demilitarized zones. The Commission as a body and its members would be responsible for preventing the use of force and to ensure humane treatment.

(4) The next stage would be to classify the prisoners according to nationality and domicile as proposed by the Chinese and North Korean Commanders. The prisoners would, then, be free to return to their homelands, and the parties would facilitate their speedy return.

(5) Each party, in accordance with the arrangements made by the Repatriation Commission, might explain to the prisoners their rights and any matters concerning their return. Red Cross teams from both sides would also have access to the prisoners who would have freedom to make representations to the Repatriation Commission and express their desires.

(6) The Commission would have all powers and responsibilities to control all prisoners. It would be entitled to call on the parties, its own member States, or the United Nations for all legitimate

assistance in carrying out its duties. The Commission would interpret any repatriation agreement made by the parties. It would arrange for umpires with inspection teams to carry out agreed functions in order to expedite repatriation.

(7) When a repatriation agreement was reached and the umpire appointed, the draft armistice agreement would come into force either as then worded or as altered by agreement of the parties. Repatriation would then begin.

(8) Prisoners who, 90 days after the armistice, had not been repatriated, would be referred by the Commission to the political conference provided for in the draft armistice agreement. In so doing, the Commission would make recommendations for the disposition of such prisoners, including a target date for the termination of their detention.

(9) If at the end of another 30 days, there were any who had not returned to their homelands and whose future had not been provided for by the political conference, the responsibility for their care and maintenance and for their subsequent disposition would be transferred to the United Nations.

4. Alternative Proposals by the USSR

The First Committee and then the General Assembly rejected an alternative draft resolution by the USSR (A/C.1/729) which proposed the establishment of an eleven-member commission "for the peaceful settlement of the Korean question", consisting of the United States, 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". Decisions by this commission would have been by a two-thirds majority vote of its members.

In terms of the draft resolution, the commission would have been instructed 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". The USSR also proposed recommending to the belligerents in Korea an immediate and complete cease-fire - "that is 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. To the commission would have been referred "the question of the complete repatriation of prisoners of war".

The vote on the draft resolution both in the Assembly and the First Committee was 5 in favor, 40 against and 11 abstentions.

5. Other Proposals on Prisoner-of-War Question

Pending a report by the President of the General Assembly on the acceptance or non-acceptance by

the Chinese People's Republic and North Korea of the resolution adopted by the Assembly, consideration was deferred of three other draft resolutions on the question of Korea:

(1) A draft resolution (A/C.1/725) by the United States and 20 other delegations (Australia, Belgium, Canada, Colombia, Denmark, Ethiopia, France, Greece, Honduras, Iceland, Luxembourg, the Netherlands, Nicaragua, New Zealand, Norway, the Philippines, Thailand, Turkey, the United Kingdom and Uruguay), which provided, among other things, that the General Assembly, having received the special report of the Unified Command of October 18 (see above), would note with approval the efforts of the United Nations negotiators to achieve an armistice, and would note further, that disagreement on one remaining issue had prevented the achievement of an armistice. It would call upon the Central Government of the People's Republic of China and the North Korean authorities to have 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.

(2) A draft resolution by Mexico (A/C.1/730) which proposed temporary residence, with migratory status, in other States for those prisoners held by either side who desired such temporary residence, under arrangements which would permit them to work.

(3) A draft resolution by Peru (A/C.1/734) which proposed a five-member commission to take immediate steps to co-operate in the repatriation of prisoners of war in accordance with their freely expressed wishes. Prisoners not wishing to be repatriated would remain under the protection of the commission in a neutralized zone so long as no provision had been made for their future. The commission would propose to the United Nations suitable measures for the final decision as to the future of the prisoners, one of the measures 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 Powers concerned.

6. Rejection of Assembly Proposals by Chinese-North Korean Side

In a report dated December 20 (A/2354), the President of the General Assembly communicated the text of telegrams he had received from the Ministers for Foreign Affairs of the Chinese Central People's Government and the People's Democratic Republic of (North) Korea in reply to his communication inviting acceptance of the Assembly resolution on the prisoner-of-war question. The replies contained a detailed rejection of the proposals made by the General Assembly, mainly on the grounds that they had been adopted without the

participation of the representatives of the People's Republic of China and of North Korea and that they retained the concept of voluntary repatriation of prisoners. That concept, the replies stated, was opposed to the Geneva Convention and was merely another means of forcibly retaining war prisoners.

E. PROGRESS TOWARDS AN ARMISTICE AGREEMENT

In a cablegram addressed to the President of the General Assembly on March 31, 1953, Chou En-lai, the Premier and Foreign Minister of the People's Republic of China stated that his Government and the Government of the People's Democratic Republic of Korea had jointly studied a proposal put forward on February 22, 1953, by General Mark W. Clark, Commander-in-Chief of the United Nations Forces in Korea, concerning the exchange of sick and wounded prisoners of war of both sides during the period of hostilities. The two Governments were of the opinion that the question could be settled in accordance with article 109 of the Geneva Convention of 1949. The cablegram stated further that, in connection with the settlement of this question, the over-all problem of the prisoners of war could also be settled.

While their two Governments still believed, the cablegram continued, that total repatriation was the only "reasonable" solution, they were prepared in the interest of peace to eliminate the differences which had arisen between the two sides on the question of war prisoners and which constituted the only obstacle to the conclusion of an armistice. To this end, it was stated, the two Governments proposed: (1) that "both parties to the negotiations should undertake to repatriate immediately after the cessation of hostilities all those prisoners of war in their custody who insist upon repatriation and to hand over the remaining prisoners of war to a neutral State so as to ensure a just solution to the question of their repatriation"; and (2) that after the cessation of hostilities, "those captured personnel of our side who, under the intimidation and oppression of the opposite side are filled with apprehensions and are afraid to return home be handed over to a neutral State and that explanations be given them by the side concerned, thus ensuring that the question of their repatriation will be justly settled and will not obstruct the realization of an armistice in Korea."

On April 2, the Prime Minister of North Korea cabled an endorsement of the position taken by the Foreign Minister of the People's Republic of China in the above communication.

On April 18, the General Assembly unanimously adopted a resolution which had been proposed by Brazil (A/C.1/L.40/Rev.2) and approved by the First Committee (A/2386). In this resolution (705

(VII)), the Assembly expressed the hope that exchange of sick and wounded prisoners of the Korean war would be speedily completed, and that further negotiations would lead to an early armistice in Korea, consistent with United Nations objectives. The resolution postponed further Assembly consideration of the question until a truce was signed, or until such time as Assembly discussion might be warranted by other developments in Korea.

The exchange of sick and wounded prisoners began on April 20 and was completed on May 3, 1953.

On April 26, negotiations for a settlement of the larger question of repatriation of all prisoners of war were resumed in Korea.

1. Agreement on Prisoner-of-War Issue

On June 8, 1953, agreement was reached on the exchange of prisoners of war - the only remaining issue which had prevented the conclusion of an armistice. The agreement (S/3079) provided:

(1) that a Neutral Nations Repatriation Commission, composed of Czechoslovakia, India, Poland, Sweden and Switzerland, would take custody of all prisoners held by both sides who did not exercise their right to be repatriated.

(2) The Commission would be established within the demilitarized zone in the vicinity of Panmunjom and would consist of one representative from each of the five member countries. It would station subordinate bodies of the same composition as itself at locations where it assumed custody of prisoners.

(3) Sufficient armed forces and any other necessary operating personnel would be provided exclusively by India, whose representative would be the umpire and the Chairman and executive agent of the Commission. Each of the other four members would provide staff assistants in equal numbers not to exceed 50 each.

(4) No force or threat of force would be used against the prisoners. Those not directly repatriated after the signing of the armistice would be released from the military control and custody of the detaining side as soon as practicable, and in all cases within 60 days after the effective date of the armistice, to the Commission in locations in Korea designated by the detaining side and taken over by the armed forces of India. However, the detaining side would be responsible for maintaining and ensuring security and order in the areas around such locations.

(5) After taking the prisoners into custody, the Commission would immediately make arrangements so that, within 90 days, the home countries might send representatives to explain to the prisoners their rights of repatriation. The number of such representatives was not to exceed seven per 1,000 prisoners or be fewer than a total of five.

(6) Explanations and interviews were to take

place in the presence of a representative of each member nation of the Commission and a representative of the former detaining side. Prisoners were to have the right to apply for questioning on repatriation to a body consisting of a representative of each member nation of the Commission.

(7) Ninety days after the transfer of custody to the Commission, access of the national representatives to the prisoners would terminate. The question of prisoners who had not exercised their right of repatriation would then be referred to a political conference which had been recommended in the draft armistice agreement. This conference would try to settle the question within 30 days, during which the prisoners would continue to be in the custody of the Commission.

(8) At the end of 30 days - or 120 days after the Commission had assumed custody - it would declare the release from prisoner-of-war status to civilian status of any prisoners who had not exercised their right to be repatriated and for whom no other disposition had been agreed to by the political conference.

(9) If any prisoners expressed a wish to go to neutral nations, they would be assisted by the Commission and the Red Cross Society of India. This operation would be completed within 30 days, after which the Commission would immediately cease its functions and declare its dissolution.

(10) If, after the dissolution of the Commission, any of the civilians released from the prisoner-of-war status wished to return to their home countries, the authorities of the localities where they were would be responsible for assisting them to do so.

2. The Question of Escaped Prisoners of War

The United Nations Command report (S/3132) to the Security Council for the period June 16 to 30 stated that on June 18, 1953 without prior warning, "a series of prisoner-of-war 'escapes' were engineered through the Republic of Korea security guard personnel at anti-Communist prisoner-of-war camps on the South Korean mainland, which resulted in further delays in signing an armistice". The United Nations Command, it stated, moved rapidly to retrieve the situation in so far as was possible. It announced that this action was purely unilateral on the part of the Republic of Korea Government and was taken in spite of previous assurances from President Syngman Rhee that no such action would be taken without prior warning. United Nations Command troops were then designated to replace Republic of Korea Army troops at the prisoner-of-war camps without delay. United Nations Command patrols were dispatched to recapture as many prisoners as possible. The report estimated the number of escaped prisoners as 27,000.

On June 22, the President of the General Assembly, Lester B. Pearson (Canada), addressed a letter (A/2398) to President Syngman Rhee stating that he had been shocked at the unilateral action of President Rhee which, he said, had violated the June 8 agreement and the Korean President's undertaking of July 1950 to place the land, sea and air forces of the Republic of Korea under the command authority of the Unified Command. The President of the Assembly expressed the hope that President Rhee would co-operate with the United Nations Command in its efforts to secure an early honorable armistice.

In his reply, President Rhee explained that he had ordered the release of the prisoners to avoid the danger of clashes between Koreans and the armed forces of other countries whose presence in Korea was called for in the proposed truce agreement. His opposition to the truce itself, he said, was that it would leave Korea divided, with a million Chinese Communist troops in the country, an effective threat to unification, perhaps even to the existence of Korea as a nation.

3. The Armistice Agreement

At 10:00 a.m. on July 27, 1953, an Armistice Agreement was signed by the Commander-in-Chief of the United Nations Command with the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. In accordance with the terms of the Agreement, hostilities ceased at 22:00 hours on July 27, 1953, and the Armistice Agreement became effective at that time.

A summary of the Armistice Agreement (for text see Annex V) excluding the agreement on prisoners of war (see above) follows:

(1) The Agreement provided for a military demarcation line with each side withdrawing two kilometers, establishing a demilitarized zone between the forces.

(2) Commanders of opposing sides would be responsible for complete cessation of hostilities twelve hours after the agreement was signed; within 72 hours they would withdraw all military forces, supplies and equipment from the demilitarized zone (except for certain conditions).

No more reinforcing personnel would be introduced into the area except on a temporary duty basis; in no case might the aggregate exceed the total who had departed since the effective date of the armistice.

No new combat aircraft, armored vehicles, weapons and ammunition would be introduced, except on a replacement basis piece-for-piece.

(3) A Military Armistice Commission would be established consisting of ten senior officers, five appointed by each side, assisted by ten joint observer teams. Headquarters would be located in

the vicinity of Panmunjom. Members of the Commission would have complete freedom of movement to, from and within the demilitarized zone, to supervise the implementation of the Armistice Agreement and settle any violations.

(4) A Neutral Nations Supervisory Commission, composed of four senior officers, two appointed by Sweden and Switzerland for the United Nations Command and two by Poland and Czechoslovakia for the Korean People's Army and the Commander of the Chinese People's Volunteers, would supervise, observe, inspect and investigate troop withdrawals and weapons replacement.

(5) The military commanders of both sides recommended to the governments of the countries concerned, that "within three months after the Armistice Agreement is signed and becomes effective a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the question of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question etc."

(6) It was also provided that amendments and additions to the Armistice Agreement must be mutually agreed to by the commanders of both sides.

4. Declaration by Sixteen Powers Having Armed Forces in Korea

The report (S/3079) of the Unified Command containing the text of the Armistice Agreement stated that shortly after the armistice was signed representatives of the sixteen Powers contributing forces for the United Nations action in Korea signed a declaration in which they affirmed their determination fully and faithfully to carry out the terms of the Armistice Agreement and to be again united and prompt to resist, in the interests of world peace, if the armed attack were renewed. "The consequences of such a breach of the armistice would be so grave", the declaration concluded, "that in all probability, it would not be possible to confine hostilities within the frontiers of Korea".

F. THE QUESTION OF HOLDING A POLITICAL CONFERENCE

1. Assembly Resolution on Character and Composition of Conference

The General Assembly reconvened on August 17, 1953, to consider, among other things, the special report (A/2431, S/3079) of the Unified Command on the armistice in Korea. On August 28, by 53 votes to 5 with no abstentions, it adopted a resolution on the character and the composition of the political conference (envisaged in the Armistice Agreement). This resolution had been proposed in the First Committee by the Powers contributing armed forces in Korea, with the exception of the Union of South Africa. The resolution (711(VII)) adopted by the

General Assembly noted with approval the Armistice Agreement, the fact that the fighting had ceased, and that a major step had thus been taken toward the full restoration of peace. It reaffirmed that the objectives of the United Nations remained: the achievement by peaceful means of a unified, independent, and democratic Korea under a representative form of government; and the full restoration of peace in the area.

The Assembly welcomed the holding of the political conference envisaged in the Armistice Agreement and recommended that:

(1) the side contributing armed forces under the Unified Command should have as participants those among Member States contributing armed forces which desired to be represented, together with the Republic of Korea, and the participating governments should act independently at the conference with full freedom of action bound only by the decisions or agreements to which they adhered;

(2) the United States should arrange with the other side for the political conference to be held as soon as possible but not later than October 28, 1953, at a place and on a date satisfactory to both sides;

(3) the Secretary-General should, if this arrangement was agreeable to both sides, provide the conference with services and facilities;

(4) the Member States participating should inform the United Nations when agreement was reached at the conference and should keep the United Nations informed at other appropriate times.

2. Assembly Decision on USSR Participation in Political Conference

The Assembly also adopted, as Part B of the same resolution, a proposal originally sponsored by Australia, New Zealand, Denmark and Norway, by which it recommended that the USSR participate in the conference provided the Chinese-North Korean side desired it.

Part C of the resolution adopted by the Assembly was originally proposed by Burma, India, Indonesia and Liberia which, after revision, provided that the Secretary-General communicate the Assembly's recommendations, together with the records of the relevant proceedings, to the Central People's Government of the People's Republic of China and to the Democratic People's Republic of Korea.

3. Withdrawal of Proposal for Indian Participation

A draft resolution recommended to the Assembly by the First Committee, by 27 votes to 21, with 11 abstentions, by which the Assembly would also invite India to participate in the conference, was not put to the vote in the plenary session since India indicated that, in order not to force a division, it did not desire a vote on the proposal. The proposal had been submitted in the First Committee by Australia, Canada, New Zealand and the United

Kingdom but was opposed, principally by the Republic of Korea, which participated in the discussion by invitation, and by the United States.

The Assembly rejected USSR proposals first put forward as a draft resolution and later in the form of amendments to the joint draft resolution. The USSR draft resolution (A/L.157) would have recommended as participants in the conference the United States, the United Kingdom, France, the USSR, the People's Republic of China, India, Poland, Burma, the People's Democratic Republic of Korea, South Korea, Czechoslovakia, Egypt, Indonesia, Mexico and Syria. The draft resolution provided that "the decisions of the conference would be deemed to have been adopted if they had the unanimous consent of both the parties which have signed the Armistice Agreement". The USSR draft resolution was rejected by 42 votes to 5, with 12 abstentions.

4. Chinese-North Korean Reaction to Assembly Proposals

In two cablegrams (A/2469 and A/2476), dated, respectively, September 13 and 15, 1953, the Foreign Ministers of the People's Republic of China and of North Korea expressed disagreement with the Assembly's resolution regarding the composition and character of the political conference to be held under the Armistice Agreement. The decision to limit the membership of the conference to belligerent nations on both sides was, they maintained, based on a distortion of the relevant clause of the Agreement which spoke of "recommendations to governments of the countries concerned on both sides" to hold a "political conference of a higher level of both sides by representatives appointed respectively to settle, through negotiations, the questions of the withdrawal of all foreign forces the peaceful settlement of the Korean question etc." (For text see Annex V).

This clause, it was maintained could not, properly, be interpreted to mean that the conference should be confined to belligerent nations. The invitation to the USSR contained in that resolution also showed that neutral States were concerned in the peaceful settlement of the question and should be invited. This was also shown by the First Committee's approval of a draft resolution to invite India. The Governments of the People's Republic of China and of North Korea therefore stressed the necessity of inviting certain neutral nations, particularly India, Indonesia, Pakistan and Burma.

The Foreign Ministers therefore suggested that a political conference including those Powers, the USSR and the belligerent countries should be held in the form of a "round-table conference"; and that the People's Republic of China and North Korea be invited to the eighth session of the General Assembly to conduct joint negotiations for enlarging the

membership of the conference. The question of the enlargement of the composition of the political conference, they demanded, should be placed on the agenda of the Assembly's eighth session.

5. Resumption of Talks on the Question of the Political Conference

In subsequent communications through diplomatic channels, the United States suggested that the conference agreed upon under the terms of the armistice be held on October 15, 1953, at San Francisco, Honolulu, or Geneva. The United States later stated that, although it was prepared to exchange views on the composition of the conference, it was necessary first to hold preliminary talks on the time, place and the procedure of the conference.

Representatives of the Chinese-North Korean side and Arthur H. Dean (United States), representing the sixteen United Nations Members with forces in Korea, met at Panmunjom to hold preliminary talks on the question of the conference.

Following charges by the Chinese-North Korean side that the United Nations Command had acted in connivance with the Government of the Republic of Korea in the release of 27,000 prisoners of war, the emissary of the United States, representing the United Nations side, after declaring the charges untrue and demanding their retraction, recessed the negotiations indefinitely on December 13, declaring that he would be ready to resume negotiations if and when the allegations were withdrawn.

G. THE RELIEF AND REHABILITATION OF KOREA

The question of the responsibility of providing relief assistance to the civilian population of Korea arose simultaneously with the resolve of the United Nations to provide military aid. The problem was intensified with the influx of hundreds of thousands of refugees seeking protection within the areas controlled by the United Nations Command Forces.

1. Action by the Security Council

On July 31, 1950, the Security Council adopted a resolution (S/1657), introduced by Norway, France and the United Kingdom, which dealt especially with the urgent needs of the civilian population. The resolution, among other things, requested the Unified Command to determine requirements for relief and support of the civilian population of Korea, to establish procedures for providing such relief and support, and to provide the Security Council with reports on its activities. The resolution also requested the Secretary-General to transmit all offers of assistance to the Unified Command, and requested the Economic and Social Council, specialized agencies and appropriate non-governmental organizations to provide such assistance as the Unified Command might request.

2. Action by the Economic and Social Council

On August 14, 1950, the Economic and Social Council, by resolution 323(XI), requested utmost support of this action and urged the promotion of the fullest possible understanding of the United Nations action in Korea among the peoples of the world. The Secretary-General was authorized to transmit to the several agencies directly such requests for assistance as might be within their power to give. The Secretary-General was further authorized to invite appropriate non-governmental organizations to give assistance. He was requested also to render progress reports to the Council.

3. Action by the General Assembly

On October 7, 1950, at its fifth session, the General Assembly adopted a resolution (376(V)) establishing the United Nations Commission for the Unification and Rehabilitation of Korea to represent the United Nations in bringing about a unified, independent and democratic government of all Korea (for political provisions of the resolution see below) and to exercise such responsibilities in connection with relief and rehabilitation in Korea as might be determined by the General Assembly after receiving the recommendations of the Economic and Social Council. That Council was requested to develop, in consultation with the specialized agencies, plans for relief and rehabilitation on the termination of hostilities and to report to the General Assembly at a future date. The Assembly also recommended that the Council should expedite studies of long-term measures to promote the economic development and social progress of Korea.

4. Formulation of a Provisional Program

When the Economic and Social Council reconvened on October 12, 1950, as requested by the General Assembly, it adopted, on October 16, resolution 337(XI), by which it appointed a Temporary Committee on Provisional Programme for Relief and Rehabilitation Needs of Korea to examine all available material on the probable needs of Korea. The Committee reported that on the basis of available estimates, not less than \$250,000,000 would be required to finance a Korean rehabilitation program over a period commencing January 1, 1951, and extending "at least into early 1952".

5. Establishment of the United Nations Korean Reconstruction Agency (UNKRA)

After further consideration of measures for Korean relief, the Council, in resolution 338(XI), recommended the establishment of a United Nations Korean Reconstruction Agency (UNKRA).

On the basis of the Council's recommendation, the General Assembly, on December 1, 1950, adopted a resolution (410(V)) which established the Agency and included a statement of policy for the

relief and rehabilitation of Korea. The Agency was to be under the direction of an Agent General, who was to be responsible to the Assembly for the conduct of the relief and rehabilitation program, which he was to commence at a time to be agreed upon between himself, the Unified Command, and the United Nations Commission for the Unification and Rehabilitation of Korea. In addition, a plan to finance the relief and rehabilitation operations provided for the establishment of a Negotiating Committee of seven or more members to ascertain, during the fifth session, the amounts which Member and non-member States might be willing to contribute voluntarily towards the target figure of \$250,000,000.

The General Assembly President appointed Canada, Egypt, France, India, the United Kingdom, the United States and Uruguay to the Negotiating Committee. On the nomination of the President, the Assembly elected Canada, India, the United Kingdom, the United States and Uruguay to an Advisory Committee to the Agent General on major financial procurement, distribution and other economic problems.

Under the terms of the General Assembly resolution, the Agent General was to consult with and generally be guided by the United Nations Commission for the Unification and Rehabilitation of Korea on certain policy questions and be governed by its decision on the designation of authorities in Korea with which the Agent General might establish relationships and the determination of geographical areas within which the Agency would operate at any time. The Commission subsequently designated as the "authorities in Korea" the Government of the Republic of Korea, the Commander-in-Chief, United Nations Command and subordinate Commands in Korea. It determined that, for the first stage of the Agency's operations, the geographical area should be the territory under the administration of the Republic of Korea.

The resolution also outlined broad procurement, shipment and distribution policies and authorized the Agent General to enter into agreements for carrying out functions in line with these policies. The Agent General was also to make use of the advice and technical assistance of the United Nations and the specialized agencies and to ask them to undertake specific tasks either at their own expense or with funds made available by the Agency.

On February 7, 1951, the Secretary-General, after consultation with the United Nations Commission for the Unification and Rehabilitation of Korea and the Advisory Committee of the Agency, appointed as Agent General J. Donald Kingsley, Director-General of the International Refugee Organisation.

6. Work of UNKRA

In the first full report on the work of the Agency

(A/2222 and Add.1, 2 and 3), the Agent General outlined the work of the Agency from its activation in February 1951 to June 30, 1953.

He stated that, due to changes in the military situation and the continuance of hostilities, it had been impossible for the Agency to carry out its mandate fully. However, in the period up to September 1952, it had been able to carry out a limited operational program and to enter into agreements with the Unified Command delineating respective areas of responsibility and providing a general schedule for organizational and planning purposes. Pursuant to these agreements and a joint approach agreed upon in September 1952, the Commander-in-Chief of the United Nations Command and the Agent General had joined with the Government of the Republic of Korea to permit as much basic rehabilitation and reconstruction as the military situation, the financial situation, and available resources would allow.

Accordingly, prior to the cessation of hostilities, responsibility for relief activities and short-term economic aid devolved on the United Nations Command and its operating arm, the United Nations Civil Assistance Command, Korea (UNCACK), which was to provide civil assistance in all zones except the combat zone. UNKRA, in addition to implementing specific projects, was concerned with the development of long-range reconstruction and rehabilitation programs.

The Agency's plans, however, were developed in such a manner as to enable it to gear into and supplement the work of the Civil Assistance Command and to be in a position to assume full responsibility without dislocation when the military situation permitted. In agreements concluded with the United Nations Command, the Agency was to assume full responsibility six months after the cessation of hostilities, unless the military situation at that time would not permit such a transfer or unless an earlier transfer was mutually agreed upon.

The United Nations Command and the Agent General, after consultation with the Government of the Republic of Korea, agreed on a program in the amount of \$70,000,000 for relief and rehabilitation in Korea for the period ending June 30, 1953, the report (A/2222) said. This program was subsequently approved by the Advisory Committee to the Agent General. The main headings under which the planned expenditure was divided were given in the third addendum to the report (A/2222/Add.3) covering the period from February to June 1953 as follows:

Food and Agriculture	6,000,000
Industries	8,150,000
Power	5,100,000
Transport and Communica-	
tion	6,900,000
Natural resources	2,000,000
Housing	3,000,000
Education	8,000,000
Health, sanitation and welfare	2,500,000
Sustaining commodity im-	
ports	20,000,000
Operational personnel and	
establishment	2,500,000
Special projects	3,350,000
Administrative costs	2,500,000
Total:	\$70,000,000

Reporting on the progress of the program, the Agent General said that, since the bulk of the funds were made available only in the last two months of the financial year there had been delay in the full implementation of the program. Nevertheless, the Agent General had allotted by June 30, 1953, approximately \$54,400,000 to "firm and agreed projects, and obligations had been incurred to the approximate value of \$51,600,000".

7. Expanded Relief Program After the Armistice

The report of the Agent General covering the period from September 15, 1952, to September 30, 1953, (A/2543) presented to the eighth session of the General Assembly (September to December 1953), stated that, after the cease-fire in Korea on July 27, 1953, efforts had been directed towards launching an expanded program of relief and rehabilitation in Korea. In furtherance of this purpose, the Agent General had presented and the Advisory Committee had approved a \$130 million program for the year ending June 1954. That figure had, however, to be cut to \$85 million due to lack of funds. The program, it was stated, was basically an extension of the \$70 million program approved for the year ending June 1953, the implementation of which was still in progress.

Following the announcement of the Armistice Agreement, the United States Government had made available \$200 million for the economic rehabilitation of Korea the Agent General said. As a result of negotiations for a co-ordinated plan of reconstruction, a combined program had been developed in which the Government of the Republic of Korea, the Unified Command and UNKRA would participate.

Under the 1953 program, the report stated, the Agency had undertaken the following tasks: a large program of cattle vaccination, the importation of

grain and fertilizer, reforestation, surveying, educational reconstruction, housing, health, harbour-rehabilitation and other programs. It had also laid the groundwork for the restoration and expansion of mining, textile, cement, flat glass, fishing and other industries. The report noted that these activities had contributed to the recent improvement in the Korean economy.

The report estimated the total cost of eventual Korean rehabilitation at \$1,000 million. It stated that the \$250 million target for the first year of full-scale operation set by the Temporary Committee on Provisional Programmes (see above) was inadequate. The Agent General therefore requested that it be raised to \$266 million in order to pay for plans up to June 1955.

8. Emergency Program for Korean Relief

Relief assistance of an emergency character continued to be provided for the Republic of Korea, based upon Security Council resolutions (S/1551 and S/1657) and the Economic and Social Council resolution 323(XI) (see above).

The emergency program was the responsibility of the Secretary-General until March 3, 1952, when the Unified Command accepted a proposal of the Secretary-General that all offers of and requests for emergency relief to Korea should be channelled through the Agent General of UNKRA.

In his report, the Agent General stated that, as of September 1953, nineteen requests for emergency relief assistance had been made by the Unified Command and transmitted by the Agency to governments and non-governmental organizations and specialized agencies. As of December 31, 1953, a total of 32 Member and seven non-member States had responded to those appeals. Responses from governments other than the United States, together with contributions from non-governmental organizations and specialized agencies, totalled \$47,154,177. In addition, \$404,613,979 was provided for relief assistance by the United States through the Unified Command.

9. Decisions by the General Assembly at its Eighth Session

The question of Korean relief and rehabilitation was considered by the General Assembly at its eighth session, first in the Second Committee and then in the plenary session. In an appeal made before the Second Committee, the new Agent General, John B. Coulter, who replaced J. Donald Kingsley in May 1953, appealed to the Committee for more funds, stating that the pledges of \$207,600,000 received up to date were short of the \$250 million target set by the Assembly. Moreover, of the pledged amount, UNKRA had received only \$88,600,000. In addition to stressing the necessity for collecting the unfulfilled pledges, he requested that the Assembly raise the amount of the target

figure from \$250 million to \$266 million in order to meet the requirements for 1954-55 plans. He stated, further, that the \$130 million program had had to be reduced to \$85 million in 1953-54 due to lack of funds.

On the recommendation of the Second Committee, by 52 votes to none, with 5 abstentions, the General Assembly on December 7, 1953, adopted a resolution, originally proposed by Argentina, Canada, France, the Philippines, the United Kingdom and the United States, by which it noted with concern that there were not enough funds to implement the programs for 1953-54 and 1954-55 and urged all governments to give immediate consideration to the prompt payment of pledges already made or to the making of contributions if they had not already been made. The Assembly approved the programs for 1953-54 and 1954-55 as outlined by the Agent General, subject to consultation between the Agent General and the Advisory Committee, and asked its Negotiating Committee for Extra-Budgetary Funds to negotiate with governments on their pledges to UNKRA. Specialized agencies and non-governmental organizations were requested to furnish all possible aid to UNKRA. (For details of offers of assistance see Annex VII.)

H. THE QUESTION OF THE INDEPENDENCE OF KOREA

During the continuation of the Korean conflict, the General Assembly took a number of decisions on Korean independence - a question which had been before it since 1947.¹

1. Report of the United Nations Commission on Korea to the General Assembly's Fifth Session

In its report (A/1350) to the fifth session of the General Assembly, dated September 4, 1950, the United Nations Commission on Korea stated that the invasion of the territory of the Republic of Korea by the armed forces of the North Korean authorities on June 25, 1950, was an act of aggression initiated without warning and without provocation, in execution of a carefully prepared plan.

On the question of unification, it stated that the Korean people fervently desired to live in a unified and independent Korea and that therefore unification could be the only aim. However, before the aggression, it had appeared that unification by negotiation was unlikely if such negotiation involved internationally supervised elections on a democratic basis

^{1/} The present paper deals with the Assembly's consideration of the question subsequent to the invasion of the Republic of Korea by North Korea. For previous consideration of the Korean question in the United Nations see Background Paper No. 62, The Korean Question Before the United Nations.

in the whole of Korea. Experience suggested that the North Korean authorities would never agree to such elections. North Korea aims at overthrowing the Republic of Korea had, the Commission stated, destroyed any hopes of breaking down economic and social barriers. It had appeared on the eve of the aggression that the Korean peninsula would remain divided indefinitely or at least until international tension slackened, the Commission concluded. The electoral machinery, it was stated, had functioned well in the parliamentary elections held in the Republic of Korea on May 30, 1950. The Commission also emphasized the serious rehabilitation problems with which the country was faced and which, it felt, would increase when the conflict ended.

2. Establishment of the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK)

After considering the Commission's report, the General Assembly, on October 7, 1950, adopted by 47 votes to 5, with 7 abstentions, a resolution (376(V)) originally introduced in the First Committee by Australia, Brazil, Cuba, the Netherlands, Norway, Pakistan, the Philippines and the United Kingdom recommending steps to ensure conditions of stability throughout Korea. The Assembly further recommended: that all constituent acts, including the holding of elections in Korea under United Nations auspices, be undertaken to establish a unified, independent and democratic government; that the United Nations forces should not remain in any part of Korea except as necessary for those objectives; and that measures be taken for the economic rehabilitation of Korea. It further established a United Nations Commission for the Unification and Rehabilitation of Korea to carry out the Assembly's decisions. (For text of resolution, see Annex III)

The Economic and Social Council was asked to study long-term measures for the economic development and social progress of Korea; and the Secretary-General was requested to provide the proposed Commission with staff and facilities.

The Assembly further expressed appreciation of the services of the United Nations Commission on Korea; proposed that all sections and representative bodies of the population of Korea, south and north, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections, and in the establishment of a unified government; instructed the new Commission to render reports; and provided that it should consist of Australia, Chile, the Netherlands, Pakistan, the Philippines, Thailand and Turkey.

3. USSR Proposals Before the Assembly

The Assembly rejected three draft resolutions: (1) (A/1426) by the Byelorussian SSR, Czechoslo-

vakia, Poland, the Ukrainian SSR and the USSR, by which the Assembly would have recommended: (a) the immediate cessation of hostilities; the withdrawal of all foreign forces from Korea; (b) early elections in the whole of Korea organized and conducted by a joint commission elected at a joint assembly of the deputies of the assemblies of North and South Korea, and observed by a United Nations committee representative of states bordering on Korea; (c) election of an interim all-Korean committee by the joint assemblies of North and South Korea, to carry out the functions of government pending the election of an all-Korean national assembly and the establishment of an all-Korean Government; (d) immediate planning by the Economic and Social Council, with the participation of representatives of Korea, to provide the necessary economic and technical aid to the Korean people through the United Nations; and (e) consideration by the Security Council of Korea's admission to the United Nations.

(2) A USSR proposal (A/1427) concerning the alleged United States bombing of peaceful inhabitants in Korea; and

(3) A USSR proposal (A/1428) for the dissolution of the United Nations Commission on Korea.

4. Report of UNCURK to the General Assembly's Sixth Session

The report of UNCURK (A/1881) to the sixth session of the General Assembly concerning the period October 7, 1950, to September 5, 1951, stated that large-scale intervention by the People's Republic of China had prevented the Commission from carrying out its fundamental objectives and had narrowed the scope of its immediate activities. No appropriate steps, it was said, could be taken to ensure stability, nor any constituent measures to establish a unified, independent, and democratic government. Significant work for rehabilitation of even a part of Korea was also precluded by the extensive military operations.

The political objective of the United Nations, the Commission stated, must remain the establishment of a unified, independent and democratic Korea. Meanwhile, security against continued or renewed aggression must be assured to the Republic of Korea, and support and assistance must be given for the democratic development and economic rebuilding of the Republic. The Commission stressed that during, and even after, the hostilities, some political representation of the United Nations must be retained.

The consideration of the question of Korean independence was deferred by the Assembly at its sixth session in order to facilitate negotiations for an armistice then taking place at Panmunjom (see above).

5. Report of UNCURK to the General Assembly's Seventh Session

In its report (A/2187) to the seventh session of the General Assembly, covering the period from September 5, 1951, to August 28, 1952, the United Nations Commission for the Unification and Rehabilitation of Korea reaffirmed its earlier recommendation that during hostilities and even after the fighting ended, some political representation of the United Nations was needed, among other things, to observe and report on the developments, consult with and assist, where appropriate, the Government of the Republic of Korea, and to provide continuing demonstration that the United Nations would protect legitimate Korean interests.

At the same time, the Commission stressed the necessity of continuing efforts to repel the aggression and to assist in the rehabilitation of Korea.

The report also dwelt on the controversy that had arisen in the Republic of Korea between the President and the National Assembly over proposed constitutional changes. The Executive (the President) had sought two basic amendments - direct election of the President by the people instead of by the National Assembly; and the establishment of a bicameral legislature instead of one House. The Assembly majority had favored amendments making the Prime Minister the effective head of government and the Cabinet more responsible to the legislature. A Bill purporting to put the President's proposals into effect having been defeated in the Assembly, tension between the two branches of Government had risen to a point where martial law had been proclaimed in Pusan in May, and over 50 of 183 Assemblymen had been put under detention. Although most of these had been released shortly, pressure had continued to be put on members of the legislature, the Commission said.

Subsequent to the proclamation of martial law in Pusan, the Commission had stressed before the President the danger of violation of the Constitution. The President had taken the position that coercive action had been necessitated by a conspiracy, in which some Assemblymen were involved, for the unification of North and South Korea after the communist pattern.

Political tension, however, the Commission reported, had eased after the proposed amendments to this Constitution had been approved on July 4. President Syngman Rhee had thereafter been re-elected by the direct method, receiving 86 per cent of the votes.

In connection with the alleged conspiracy, six men, none of them members of the legislature, had been sentenced to imprisonment. International observation of the trial provided for by the United States Ambassador, the United Kingdom Ambassador, the French Chargé d'Affaires and the Commission had resulted in a report that there had been a

miscarriage of justice in the sentences imposed, the Commission said.

The Commission noted that the war and the political crisis had not led to the disintegration of government, that the Republic of Korea army was not involved in political strife, and that relatively little success had been achieved by guerrilla operations.

The Commission stated that it had formed special teams to observe elections held in the Republic on four occasions in 1952, and had found that, generally speaking, voters had a fair understanding of election procedures and purposes; actual voting operations were conducted in an orderly manner; and the secrecy of the vote seemed to be, on the whole, fairly well respected. On the economic situation the Commission said that there was no basic change since the previous year.

6. Consideration by the General Assembly at its Seventh Session

Although references to the Commission's report were made in the First Committee during the consideration of the Korean item, discussion centered primarily on the impasse which had arisen over the question of prisoners of war and on ways to achieve an armistice (see above). The only decision made by the General Assembly which specifically related to the Commission was the rejection of a USSR draft resolution (A/C.1/L.24) proposing the termination of the Commission as being incapable of fulfilling its tasks.

7. Report of UNCURK to the General Assembly's Eighth Session

The report of the Commission (A/2441) to the eighth session of the General Assembly, covering the period August 28, 1952, to August 14, 1953, stated that the Commission remained agreed on the analysis and general conclusions set out in its previous reports. In particular, the Commission believed that the cessation of hostilities had not reduced the need for United Nations representation in Korea. Reporting on the development of representative government in the Republic of Korea, the Commission stated that the Government had provided a strong and independent leadership and that the President's prestige had increased as a result of the stand he had taken in relation to the armistice and the release of the prisoners of war (see above). The basic constitutional structure of the Republic, it was noted, had remained representative and democratic.

The Commission recognized that the problem of reconstruction in war-devastated Korea was so immense that a period of stability and security was essential if the task was to be accomplished adequately. It felt that the unification of Korea was not only an important political objective, but also a highly desirable goal as a means of reuniting the complementary economies of the South and North.

It declared that the division of Korea added seriously to the difficulties that must be overcome if the Republic of Korea was to become self-supporting at reasonable living standards.

The Assembly, by resolution (716(VIII)) adopted on the recommendation of the First Committee, decided on December 8, 1953, to defer the consideration of the Commission's report and it requested the President of the General Assembly to reconvene the eighth session if in her opinion developments in respect of the Korean question warranted such reconvening or if one or more Member States requested such reconvening by reason of developments in respect of the Korean question.

I. OTHER MATTERS RELATING TO KOREA CONSIDERED BY THE GENERAL ASSEMBLY

1. United Nations Distinguishing Ribbon for Personnel Participating in Korea

The General Assembly on December 12, 1950, (resolution 483(V)) authorized the award of a United Nations distinguishing ribbon or other insignia to personnel participating in Korea in defence of the principles of the Charter.

2. Tribute to United Nations Forces

By resolution (712(VII)), initially proposed by fifteen Members with forces in Korea (without the Union of South Africa), the General Assembly on August 17, 1953, paid tribute to all those who had died in resisting aggression and expressed its satisfaction that the first efforts under the auspices of the United Nations to repel armed aggression by collective military measures had been successful.

3. Complaint of Mass Murder of Prisoners of War

On December 20, 1952, the USSR complained (A/2355) that according to available information and reports from the Associated Press and Reuters news agencies, American guards of the prisoner-of-war camp on the island of Pongam had, on December 14, 1952, killed 82 and wounded 120 Korean and Chinese prisoners of war who were demanding repatriation.

The USSR submitted a draft resolution (A/2355) under the terms of which the General Assembly, (1) noting new evidence of inhuman brutalities perpetrated by the United States military authorities; and (2) considering that such mass murders of Korean and Chinese prisoners of war in United States camps were characteristic of the systematic extermination of prisoners of war as shown by the numerous atrocities committed by the United States military authorities against prisoners of war in the camps on the islands of Koje, Cheju and Pongam, in Pusan and in other places; (3) would condemn those criminal acts and insist that the Government

of the United States should take immediate steps to end those brutalities and should call those guilty of committing the crimes to strict account.

The United States stated that the use of force had been made necessary to repress inspired and centrally directed outbursts of violence by prisoners. The United Nations Command was, however, it was stated, investigating the instance complained of. It was also stated that the prisoners at Pongam were not military personnel but guerrillas rounded up for revolutionary activities behind the lines, and that there were no Chinese among them.

On the same day, the General Assembly, which considered the item without reference to a Main Committee, rejected the USSR draft resolution by 5 votes in favor, 45 against, with 10 abstentions.

4. Allegations of Bacterial Warfare in Korea

In the winter and spring of 1951, the Chinese-North Korean Command charged through their information media that the United Nations forces had resorted to bacterial warfare. The United Nations Command, in its reports, denied these charges. The United Nations Command stated, however, that great losses had been suffered by the Chinese-North Korean troops and civilian population by disease because of lack of basic preventive and curative measures.

On June 18, 1952, the USSR submitted to the Security Council a draft resolution (S/2663) which would have the Council make an appeal to States to accede to and ratify the Geneva Protocol of 1925 for the prohibition of the use of bacterial weapons. The USSR draft resolution, however, did not contain any reference to Korea. On June 26, 1952, the draft resolution was voted upon and rejected by the Council by 1 vote in favor (USSR) and 10 abstentions.

In the course of the Security Council's consideration of the above item, the United States requested that the Council concern itself with the charges made by the USSR that the United Nations forces had used bacterial weapons in Korea. It submitted a draft resolution (S/2671) calling on all governments and authorities to accord to the International Committee of the Red Cross full co-operation for investigation of the charges.

Since a USSR proposal (S/2674/Rev.1) to invite the representatives of the People's Republic of China and of North Korea was rejected by the Council by 10 votes to 1 (USSR), the USSR stated that it would not participate in the discussion of the question and would vote against the United States proposal. The vote on the United States draft resolution was 10 in favor and 1 against (USSR). The draft resolution was not adopted since the negative vote was that of a permanent member.

The United States thereupon submitted a new draft resolution (S/2688), by which the Council

would conclude from the refusal of the governments and authorities making the charges to permit an impartial investigation, that the charges must be presumed to be false; it would condemn the practice of fabricating and disseminating such false charges. The United States draft resolution, in the discussion of which the USSR did not participate, was voted upon on July 3 and received 9 votes in favor, 1 against (USSR) and 1 abstention (Pakistan). It was not adopted due to the negative vote of a permanent member (USSR).

Consideration by the General Assembly at its Seventh Session

On October 20, 1952, the United States requested (A/2231) that the item "Question of impartial investigation of charges of use by United Nations forces of bacteriological warfare" be placed on the Assembly's agenda. In support of the charges, the representative of the USSR submitted on March 5, 1953, copies of depositions made by two captured United States Air Force officers (A/C.1/L.28).

On April 8, 1953, the First Committee, by a vote of 52 to 5, with 3 abstentions, approved a joint draft resolution sponsored by the sixteen nations having armed forces in Korea (Australia, Belgium, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, Thailand, Turkey, the Union of South Africa, the United Kingdom and the United States) (A/C.1/L.36/Rev.2). This draft resolution was adopted by the General Assembly on April 23, 1953, by 51 votes to 5, with 4 abstentions, as resolution 706 (VII).

By this resolution, the General Assembly established a Commission composed of Brazil, Egypt, Pakistan, Sweden and Uruguay to carry out immediately an investigation of the charges of the use of bacteriological warfare by United Nations Command forces. The Commission was to be set up after the President of the General Assembly had received an indication from all the governments and authorities concerned of their acceptance of the investigation.

Report of the President

On July 28, 1953, the President of the General Assembly reported (A/2426) that the Assembly resolution had been duly communicated to the Governments of the United States, the People's Democratic Republic of Korea, the People's Republic of China, the Republic of Korea and Japan. The Governments of the United States, the Republic of Korea, and Japan had accepted the proposed investigation, but no other replies had been received.

Consideration by the General Assembly at its Eighth Session

The question was considered again by the General Assembly at its eighth session. The First

Committee in its consideration of the question had before it two draft resolutions: (1) by the USSR (A/C.1/L.67), providing that the General Assembly should call upon all States which had not acceded to or ratified the Geneva Protocol of June 17, 1925, for the prohibition of the use of bacterial weapons to accede to the protocol or ratify it; and (2) by the United Kingdom, Canada, Colombia, France and New Zealand (A/C.1/L.68) by which the General Assembly would refer the USSR proposal to the Disarmament Commission.

The joint five-Power draft resolution was voted on first by the Committee and was adopted by 47 votes to none, with 13 abstentions. The Committee decided not to vote on the USSR draft resolution.

On November 3, the General Assembly by 47 votes to none, with 12 abstentions, adopted the draft resolution recommended by the First Committee. A USSR proposal, identical to the one introduced in the First Committee was again introduced in the General Assembly. By 39 votes to 5, with 15 abstentions, the General Assembly decided not to vote on the USSR draft resolution.

During the consideration of the question at the Assembly's eighth session, the United States submitted (A/C.1/L.66) copies of ten sworn statements by members of the United States armed forces, made following their release as prisoners of war, concerning the charges of the use of bacteriological warfare in Korea. The members of the armed forces testified that the Chinese-North Korean authorities had extracted from them, under duress, confessions of the use of bacterial warfare by the United Nations Command. The statements categorically denied the use of bacterial warfare.

5. Question of Atrocities Committed in the Korean Conflict

At its eighth session, the General Assembly also discussed the question of atrocities committed in Korea, an item placed on its agenda by the United States which submitted a compilation of documents (A/2563), obtained largely through investigations of the War Crimes Division of the Judge Advocate Division Headquarters Korean Communications Zone.

The United States maintained that the Chinese and North Korean forces had violated the Geneva Conventions on treatment of prisoners of war and civilians. It estimated the total number of military and civilian victims "wantonly destroyed by North Korean and Chinese forces" to be 38,000. These violations of the Geneva Convention and of morality, it was asserted, reflected a deliberate and conscious policy. Furthermore, the United States charged, "the leading men of the North Korean regime and the North Korean army were, for the most part, Soviet citizens; and Soviet officers were at the top of the command structure over the prison camps in Korea".

The USSR declared that the United States reports were faked and were concocted to cover up the United States own war crimes, to prevent the settlement of the Korean question, and to increase international tension. Any lack of food or medical facilities for prisoners of war in Korea was due, it was maintained, to rigors of war and the "destroying of everything" by the United States Air Force.

On December 3, 1953, the Assembly adopted a resolution originally sponsored by Australia, France, Turkey, the United Kingdom and the United States (A/L.169), by which, having considered the item proposed by the United States; recalling that basic legal requirements for humane treatment of prisoners of war and civilians are established by general international law and are affirmed by the Geneva Conventions of 1929 and 1949; and desiring

to secure general and full observance of the requirements of international law and of universal standards of human decency, the Assembly: (1) expressed its grave concern at reports and information that North Korean and Chinese Communist forces had, in a large number of instances, employed inhuman practices against the heroic soldiers of forces under the United Nations Command in Korea and against the civil population of Korea; (2) condemned the commission by any governments or authorities of murder, mutilation, torture, and other atrocious acts against captured military personnel or civilian populations, as a violation of the rules of international law and of basic standards of conduct and morality and as affronting human rights and the dignity and worth of the human person (resolution 804(VIII)).

ANNEX I.

Security Council Resolution of June 25, 1950

The Security Council

Recalling the finding of the General Assembly in its resolution of 21 October 1949 that the Government of the Republic of Korea is a lawfully established government having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; and that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such government in Korea;

Mindful of the concern expressed by the General Assembly in its resolutions of 12 December 1948 and 21 October 1949 of the consequences which might follow unless Member States refrained from acts derogatory to the results sought to be achieved by the United Nations in bringing about the complete independence and unity of Korea; and the concern expressed that the situation described by the United Nations Commission on Korea in its report menaces the safety and well-being of the Republic of Korea and of the people of Korea and might lead to open military conflict there;

Noting with grave concern the armed attack on the Republic of Korea by forces from North Korea, Determines that this action constitutes a breach of the peace,

I. Calls for the immediate cessation of hostilities; and

Calls upon the authorities in North Korea to withdraw forthwith their armed forces to the 38th parallel;

II. Requests the United Nations Commission on Korea

(a) To communicate its fully considered recommendations on the situation with the least possible delay,

(b) To observe the withdrawal of North Korean forces to the 38th parallel, and

(c) To keep the Security Council informed on the execution of this resolution;

III. Calls upon all Members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities.

ANNEX II.

Security Council Resolution of June 27, 1950

The Security Council

Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace;

Having called for an immediate cessation of hostilities; and

Having called upon the authorities of North Korea to withdraw forthwith their armed forces to the 38th parallel; and

Having noted from the report of the United Nations Commission for Korea that the authorities in North Korea have neither ceased hostilities nor

withdrawn their armed forces to the 38th parallel, and that urgent military measures are required to restore international peace and security; and

Having noted the appeal from the Republic of Korea to the United Nations for immediate and effective steps to secure peace and security,

Recommends that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.

ANNEX III.

General Assembly Resolution 376(V) of October 7, 1950, establishing the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK)

The General Assembly,

Having regard to its resolutions of 14 November 1947 (112 (II)), of 12 December 1948 (195 (III)) and of 21 October 1949 (293 (IV)),

Having received and considered the report of the United Nations Commission on Korea,

Mindful of the fact that the objectives set forth in the resolutions referred to above have not been fully accomplished and, in particular, that the unification of Korea has not yet been achieved, and that an attempt has been made by an armed attack from North Korea to extinguish by force the Government of the Republic of Korea,

Recalling the General Assembly declaration of 12 December 1948 that there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; that this government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such government in Korea,

Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations of the Security Council of 27 June 1950, subsequent to its resolution of 25 June 1950, that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

Recalling that the essential objective of the resolutions of the General Assembly referred to above was the establishment of a unified, independent and democratic Government of Korea,

1. Recommends that

(a) All appropriate steps be taken to ensure conditions of stability throughout Korea;

(b) All constituent acts be taken, including the holding of elections, under the auspices of the United Nations, for the establishment of a unified, independent and democratic government in the sovereign State of Korea;

(c) All sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified government;

(d) United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives specified in subparagraphs (a) and (b) above;

(e) All necessary measures be taken to accomplish the economic rehabilitation of Korea;

2. Resolves that

(a) A Commission consisting of Australia, Chile, Netherlands, Pakistan, Philippines, Thailand and Turkey, to be known as the United Nations Commission for the Unification and Rehabilitation of Korea, be established to (i) assume the functions hitherto exercised by the present United Nations Commission on Korea; (ii) represent the United Nations in bringing about the establishment of a unified, independent and democratic government of

all Korea; (iii) exercise such responsibilities in connexion with relief and rehabilitation in Korea as may be determined by the General Assembly after receiving the recommendations of the Economic and Social Council. The United Nations Commission for the Unification and Rehabilitation of Korea should proceed to Korea and begin to carry out its functions as soon as possible;

(b) Pending the arrival in Korea of the United Nations Commission for the Unification and Rehabilitation of Korea, the governments of the States represented on the Commission should form an Interim Committee composed of representatives meeting at the seat of the United Nations to consult with and advise the United Nations Unified Command in the light of the above recommendations; the Interim Committee should begin to function immediately upon the approval of the present resolution by the General Assembly;

(c) The Commission shall render a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject-matter of the present resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for transmission to Members;

The General Assembly furthermore,
Mindful of the fact that at the end of the present

hostilities the task of rehabilitating the Korean economy will be of great magnitude,

3. Requests the Economic and Social Council, in consultation with the specialized agencies, to develop plans for relief and rehabilitation on the termination of hostilities and to report to the General Assembly within three weeks of the adoption of the present resolution by the General Assembly;

4. Also recommends the Economic and Social Council to expedite the study of long-term measures to promote the economic development and social progress of Korea, and meanwhile to draw the attention of the authorities which decide requests for technical assistance to the urgent and special necessity of affording such assistance to Korea;

5. Expresses its appreciation of the services rendered by the members of the United Nations Commission on Korea in the performance of their important and difficult task;

6. Requests the Secretary-General to provide the United Nations Commission for the Unification and Rehabilitation of Korea with adequate staff and facilities, including technical advisers as required; and authorizes the Secretary-General to pay the expenses and per diem of a representative and alternate from each of the States members of the Commission.

ANNEX IV.

Proposals on Prisoner-of-War Issue Adopted by the General Assembly in Resolution 610(VII) of December 3, 1952

PROPOSALS

I. 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.

II. 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.

III. 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.

IV. 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.

V. Classification of prisoners of war according to nationality and domicile as proposed in the letter of 16 October 1952 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.

VI. 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.

VII. 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.

VIII. 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.

IX. 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.

X. Notwithstanding the provisions of paragraph III 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.

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

XII. 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.

XIII. 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 decisions shall prevail. When no majority decision is possible, an umpire agreed upon in accordance with the suc-

ceeding paragraph and with article 132 of the Geneva Convention of 1949 shall have the deciding vote.

XIV. 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.

XV. 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.

XVI. 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.

XVII. 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.

ANNEX V.

Armistice Agreement of July 27, 1953, between the Commander-in-Chief, United Nations Command, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers

PREAMBLE

The undersigned, the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, in the interest of stopping the Korean conflict, with its great toll of suffering and bloodshed on both sides, and with the objective of establishing an armistice which will insure a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved, do individually, collectively, and mutually agree to accept and to be bound and governed by the conditions and terms of armistice set forth in the following Articles and Paragraphs, which said conditions and terms are intended to be purely military in character and to pertain solely to the belligerents in Korea.

ARTICLE I

MILITARY DEMARCATION LINE AND DEMILITARIZED ZONE

1. A Military Demarcation Line shall be fixed and both sides shall withdraw two (2) kilometers from this line so as to establish a Demilitarized Zone between the opposing forces. A Demilitarized Zone shall be established as a buffer zone to prevent the occurrence of incidents which might lead to a resumption of hostilities.

2. The Military Demarcation Line is located as indicated on the attached map (Map 1).

3. The Demilitarized Zone is defined by a northern and a southern boundary as indicated on the attached map (Map 1).

4. The Military Demarcation Line shall be plainly marked as directed by the Military Armistice Commission hereinafter established. The Commanders of the opposing sides shall have suitable markers erected along the boundary between the Demilitarized Zone and their respective areas. The Military Armistice Commission shall supervise the erection of all markers placed along the Military Demarcation Line and along the boundaries of the Demilitarized Zone.

5. The waters of the Han River Estuary shall be open to civil shipping of both sides wherever one bank is controlled by one side and the other bank is controlled by the other side. The Military Armistice Commission shall prescribe rules for the shipping in that part of the Han River Estuary

indicated on the attached map (Map 2). Civil shipping of each side shall have unrestricted access to the land under the military control of that side.

6. Neither side shall execute any hostile act within, from, or against the Demilitarized Zone.

7. No person, military or civilian, shall be permitted to cross the Military Demarcation Line unless specifically authorized to do so by the Military Armistice Commission.

8. No person, military or civilian, in the Demilitarized Zone shall be permitted to enter the territory under the military control of either side unless specifically authorized to do so by the Commander into whose territory entry is sought.

9. No person, military or civilian, shall be permitted to enter the Demilitarized Zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Military Armistice Commission.

10. Civil administration and relief in that part of the Demilitarized Zone which is south of the Military Demarcation Line shall be the responsibility of the Commander-in-Chief, United Nations Command; and civil administration and relief in that part of the Demilitarized Zone which is north of the Military Demarcation Line shall be the joint responsibility of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. The number of persons, military or civilian, from each side who are permitted to enter the Demilitarized Zone for the conduct of civil administration and relief shall be as determined by the respective Commanders, but in no case shall the total number authorized by either side exceed one thousand (1,000) persons at any one time. The number of civil police and the arms to be carried by them shall be as prescribed by the Military Armistice Commission. Other personnel shall not carry arms unless specifically authorized to do so by the Military Armistice Commission.

11. Nothing contained in this Article shall be construed to prevent the complete freedom of movement to, from, and within the Demilitarized Zone by the Military Armistice Commission, its assistants, its Joint Observer Teams with their assistants, the Neutral Nations Supervisory Commission hereinafter established, its assistants, its Neutral Nations Inspection Teams with their assistants, and of any other persons, materials, and equipment specifically authorized to enter the Demilitarized Zone by the Military Armistice Commission. Convenience of movement shall be permitted through the territory

under the military control of either side over any route necessary to move between points within the Demilitarized Zone where such points are not connected by roads lying completely within the Demilitarized Zone.

ARTICLE II

CONCRETE ARRANGEMENTS FOR CEASE-FIRE AND ARMISTICE

A. GENERAL

12. The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See Paragraph 63 hereof for effective date and hour of the remaining provisions of this Armistice Agreement.)

13. In order to insure the stability of the Military Armistice so as to facilitate the attainment of a peaceful settlement through the holding by both sides of a political conference of a higher level, the Commanders of the opposing sides shall:

a. Within seventy-two (72) hours after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the Demilitarized Zone except as otherwise provided herein. All demolitions, minefields, wire entanglements, and other hazards to the safe movement of personnel of the Military Armistice Commission or its Joint Observer Teams, known to exist within the Demilitarized Zone after the withdrawal of military forces therefrom, together with lanes known to be free of all such hazards, shall be reported to the Military Armistice Commission by the Commander of the side whose forces emplaced such hazards. Subsequently, additional safe lanes shall be cleared; and eventually, within forty-five (45) days after the termination of the seventy-two (72) hour period, all such hazards shall be removed from the Demilitarized Zone as directed by and under the supervision of the Military Armistice Commission. At the termination of the seventy-two (72) hour period, except for unarmed troops authorized a forty-five (45) day period to complete salvage operations under Military Armistice Commission supervision, such units of a police nature as may be specifically requested by the Military Armistice Commission and agreed to by the Commanders of the opposing sides, and personnel authorized under Paragraphs 10 and 11 hereof, no personnel of either side shall be permitted to enter the Demilitarized Zone.

b. Within ten (10) days after this Armistice Agreement becomes effective, withdraw all of their

military forces, supplies, and equipment from the rear and the coastal islands and waters of Korea of the other side. If such military forces are not withdrawn within the stated time limit, and there is no mutually agreed and valid reason for the delay, the other side shall have the right to take any action which it deems necessary for the maintenance of security and order. The term "coastal islands", as used above, refers to those islands which, though occupied by one side at the time when this Armistice Agreement becomes effective, were controlled by the other side on 24 June 1950; provided, however, that all the islands lying to the north and west of the provincial boundary line between HWANGHAE-DO and KYONGGI-DO shall be under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, except the island groups of PAENGYONG-DO (37°58'N, 124°40'E), TAECHONG-DO (37°50'N, 124°42'E), SOCHONG-DO (37°46'N, 124°46'E), YONPYONG-DO (37°38'N, 125°40'E), and U-DO (37°36'N, 125°58'E), which shall remain under the military control of the Commander-in-Chief, United Nations Command. All the islands on the west coast of Korea lying south of the above-mentioned boundary line shall remain under the military control of the Commander-in-Chief, United Nations Command. (See Map 3.)

c. Cease the introduction into Korea of reinforcing military personnel; provided, however, that the rotation of units and personnel, the arrival in Korea of personnel on a temporary duty basis, and the return to Korea of personnel after short periods of leave or temporary duty outside of Korea shall be permitted within the scope prescribed below. "Rotation" is defined as the replacement of units or personnel by other units or personnel who are commencing a tour of duty in Korea. Rotation personnel shall be introduced into and evacuated from Korea only through the ports of entry enumerated in Paragraph 43 hereof. Rotation shall be conducted on a man-for-man basis; provided, however, that no more than thirty-five thousand (35,000) persons in the military service shall be admitted into Korea by either side in any calendar month under the rotation policy. No military personnel of either side shall be introduced into Korea if the introduction of such personnel will cause the aggregate of the military personnel of that side admitted into Korea since the effective date of this Armistice Agreement to exceed the cumulative total of the military personnel of that side who have departed from Korea since that date. Reports concerning arrivals in and departures from Korea of military personnel shall be made daily to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include places of arrival and departure and the number of persons

arriving at or departing from each such place. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the rotation of units and personnel authorized above, at the ports of entry enumerated in Paragraph 43 hereof.

d. Cease the introduction into Korea of reinforcing combat aircraft, armored vehicles, weapons, and ammunition; provided, however, that combat aircraft, armored vehicles, weapons, and ammunition which are destroyed, damaged, worn out, or used up during the period of the armistice may be replaced on the basis of piece-for-piece of the same effectiveness and the same type. Such combat aircraft, armored vehicles, weapons, and ammunition shall be introduced into Korea only through the ports of entry enumerated in Paragraph 43 hereof. In order to justify the requirement for combat aircraft, armored vehicles, weapons, and ammunition to be introduced into Korea for replacement purposes, reports concerning every incoming shipment of these items shall be made to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include statements regarding the disposition of the items being replaced. Items to be replaced which are removed from Korea shall be removed only through the ports of entry enumerated in Paragraph 43 hereof. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the replacement of combat aircraft, armored vehicles, weapons, and ammunition authorized above, at the ports of entry enumerated in Paragraph 43 hereof.

e. Insure that personnel of their respective commands who violate any of the provisions of this Armistice Agreement are adequately punished.

f. In those cases where places of burial are a matter of record and graves are actually found to exist, permit graves registration personnel of the other side to enter, within a definite time limit after this Armistice Agreement becomes effective, the territory of Korea under their military control, for the purpose of proceeding to such graves to recover and evacuate the bodies of the deceased military personnel of that side, including deceased prisoners of war. The specific procedures and the time limit for the performance of the above task shall be determined by the Military Armistice Commission. The Commanders of the opposing sides shall furnish to the other side all available information pertaining to the places of burial of the deceased military personnel of the other side.

g. Afford full protection and all possible assistance and cooperation to the Military Armistice Commission, its Joint Observer Teams, the Neutral Nations Supervisory Commission, and its Neutral Nations Inspection Teams, in the carrying

out of their functions and responsibilities herein-after assigned; and accord to the Neutral Nations Supervisory Commission, and to its Neutral Nations Inspection Teams, full convenience of movement between the headquarters of the Neutral Nations Supervisory Commission and the ports of entry enumerated in Paragraph 43 hereof over main lines of communication agreed upon by both sides (See Map 4), and between the headquarters of the Neutral Nations Supervisory Commission and the places where violations of this Armistice Agreement have been reported to have occurred. In order to prevent necessary delays, the use of alternate routes and means of transportation will be permitted whenever the main lines of communication are closed or impassable.

h. Provide such logistic support, including communications and transportation facilities, as may be required by the Military Armistice Commission and the Neutral Nations Supervisory Commission and their Teams.

i. Each construct, operate, and maintain a suitable airfield in their respective parts of the Demilitarized Zone in the vicinity of the headquarters of the Military Armistice Commission, for such uses as the Commission may determine.

j. Insure that all members and other personnel of the Neutral Nations Supervisory Commission and of the Neutral Nations Repatriation Commission hereinafter established shall enjoy the freedom and facilities necessary for the proper exercise of their functions, including privileges, treatment, and immunities equivalent to those ordinarily enjoyed by accredited diplomatic personnel under international usage.

14. This Armistice Agreement shall apply to all opposing ground forces under the military control of either side, which ground forces shall respect the Demilitarized Zone and the area of Korea under the military control of the opposing side.

15. This Armistice Agreement shall apply to all opposing naval forces, which naval forces shall respect the waters contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea.

16. This Armistice Agreement shall apply to all opposing air forces, which air forces shall respect the air space over the Demilitarized Zone and over the area of Korea under the military control of the opposing side, and over the waters contiguous to both.

17. Responsibility for compliance with and enforcement of the terms and provisions of this Armistice Agreement is that of the signatories hereto and their successors in command. The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to insure complete compliance

with all of the provisions hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

18. The costs of the operations of the Military Armistice Commission and of the Neutral Nations Supervisory Commission and of their Teams shall be shared equally by the two opposing sides.

B. MILITARY ARMISTICE COMMISSION

1. COMPOSITION

19. A Military Armistice Commission is hereby established.

20. The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents.

21. Members of the Military Armistice Commission shall be permitted to use staff assistants as required.

22. The Military Armistice Commission shall be provided with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing record-keeping, secretarial, interpreting, and such other functions as the Commission may assign to it. Each side shall appoint to the Secretariat a Secretary and an Assistant Secretary and such clerical and specialized personnel as required by the Secretariat. Records shall be kept in English, Korean, and Chinese, all of which shall be equally authentic.

23. a. The Military Armistice Commission shall be initially provided with and assisted by ten (10) Joint Observer Teams, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission.

b. Each Joint Observer Team shall be composed of not less than four (4) nor more than six (6) officers of field grade, half of whom shall be appointed by the Commander-in-Chief, United Nations Command, and half of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Additional personnel such as drivers, clerks, and interpreters shall be furnished by each side as required for the functioning of the Joint Observer Teams.

2. FUNCTIONS AND AUTHORITY

24. The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement.

25. The Military Armistice Commission shall:

a. Locate its headquarters in the vicinity of PANMUNJOM (37°57'29"N, 126°40'00"E). The Military Armistice Commission may re-locate its headquarters at another point within the Demilitarized Zone by agreement of the senior members of both sides on the Commission.

b. Operate as a joint organization without a chairman.

c. Adopt such rules of procedure as it may, from time to time, deem necessary.

d. Supervise the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

e. Direct the operations of the Joint Observer Teams.

f. Settle through negotiations any violations of this Armistice Agreement.

g. Transmit immediately to the Commanders of the opposing sides all reports of investigations of violations of this Armistice Agreement and all other reports and records of proceedings received from the Neutral Nations Supervisory Commission.

h. Give general supervision and direction to the activities of the Committee for Repatriation of Prisoners of War and the Committee for Assisting the Return of Displaced Civilians, hereinafter established.

i. Act as an intermediary in transmitting communications between the Commanders of the opposing sides; provided, however, that the foregoing shall not be construed to preclude the Commanders of both sides from communicating with each other by any other means which they may desire to employ.

j. Provide credentials and distinctive insignia for its staff and its Joint Observer Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

26. The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

27. The Military Armistice Commission, or the senior member of either side thereof, is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement reported to have occurred in the Demilitarized Zone or in

the Han River Estuary; provided, however, that not more than one half of the Joint Observer Teams which have not been dispatched by the Military Armistice Commission may be dispatched at any one time by the senior member of either side on the Commission.

28. The Military Armistice Commission, or the senior member of either side thereof, is authorized to request the Neutral Nations Supervisory Commission to conduct special observations and inspections at places outside the Demilitarized Zone where violations of this Armistice Agreement have been reported to have occurred.

29. When the Military Armistice Commission determines that a violation of this Armistice Agreement has occurred, it shall immediately report such violation to the Commanders of the opposing sides.

30. When the Military Armistice Commission determines that a violation of this Armistice Agreement has been corrected to its satisfaction, it shall so report to the Commanders of the opposing sides.

3. GENERAL

31. The Military Armistice Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the senior members of both sides; provided, that such recesses may be terminated on twenty-four (24) hour notice by the senior member of either side.

32. Copies of the record of the proceedings of all meetings of the Military Armistice Commission shall be forwarded to the Commanders of the opposing sides as soon as possible after each meeting.

33. The Joint Observer Teams shall make periodic reports to the Military Armistice Commission as required by the Commission and, in addition, shall make such special report as may be deemed necessary by them, or as may be required by the Commission.

34. The Military Armistice Commission shall maintain duplicate files of the reports and records of proceedings required by this Armistice Agreement. The Commission is authorized to maintain duplicate files of such other reports, records, etc., as may be necessary in the conduct of its business. Upon eventual dissolution of the Commission, one set of the above files shall be turned over to each side.

35. The Military Armistice Commission may make recommendations to the Commanders of the opposing sides with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

C. NEUTRAL NATIONS SUPERVISORY COMMISSION

1. COMPOSITION

36. A Neutral Nations Supervisory Commission is hereby established.

37. The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely SWEDEN and SWITZERLAND, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, POLAND and CZECHOSLOVAKIA. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

38. Members of the Neutral Nations Supervisory Commission shall be permitted to use staff assistants furnished by the neutral nations as required. These staff assistants may be appointed as alternate members of the Commission.

39. The neutral nations shall be requested to furnish the Neutral Nations Supervisory Commission with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing necessary record-keeping, secretarial, interpreting, and such other functions as the Commission may assign to it.

40. a. The Neutral Nations Supervisory Commission shall be initially provided with, and assisted by, twenty (20) Neutral Nations Inspection Teams, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. The Neutral Nations Inspection Teams shall be responsible to, shall report to, and shall be subject to the direction of, the Neutral Nations Supervisory Commission only.

b. Each Neutral Nations Inspection Team shall be composed of not less than four (4) officers, preferably of field grade, half of whom shall be

from the neutral nations nominated by the Commander-in-Chief, United Nations Command, and half of whom shall be from the neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Members appointed to the Neutral Nations Inspection Teams may be from the armed forces of the appointing nations. In order to facilitate the functioning of the Teams, sub-teams composed of not less than two (2) members, one of whom shall be from a neutral nation nominated by the Commander-in-Chief, United Nations Command, and one of whom shall be from a neutral nation nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, may be formed as circumstances require. Additional personnel such as drivers, clerks, interpreters, and communications personnel, and such equipment as may be required by the Teams to perform their missions, shall be furnished by the Commander of each side, as required, in the Demilitarized Zone and in the territory under his military control. The Neutral Nations Supervisory Commission may provide itself and the Neutral Nations Inspection Teams with such of the above personnel and equipment of its own as it may desire; provided, however, that such personnel shall be personnel of the same neutral nations of which the Neutral Nations Supervisory Commission is composed.

2. FUNCTIONS AND AUTHORITY

41. The mission of the Neutral Nations Supervisory Commission shall be to carry out the functions of supervision, observation, inspection, and investigation, as stipulated in Sub-paragraphs 13c and 13d and Paragraph 28 hereof, and to report the results of such supervision, observation, inspection, and investigation to the Military Armistice Commission.

42. The Neutral Nations Supervisory Commission shall:

a. Locate its headquarters in proximity to the headquarters of the Military Armistice Commission.

b. Adopt such rules of procedure as it may, from time to time, deem necessary.

c. Conduct, through its members and its Neutral Nations Inspection Teams, the supervision and inspection provided for in Sub-paragraphs 13c and 13d of this Armistice Agreement at the ports of entry enumerated in Paragraph 43 hereof, and the special observations and inspections provided for in Paragraph 28 hereof at those places where violations of this Armistice Agreement have been reported to have occurred. The inspection of combat aircraft, armored vehicles, weapons, and ammunition by the Neutral Nations Inspection

Teams shall be such as to enable them to properly insure that reinforcing combat aircraft, armored vehicles, weapons, and ammunition are not being introduced in Korea; but this shall not be construed as authorizing inspections or examinations of any secret designs or characteristics of any combat aircraft, armored vehicle, weapon or ammunition.

d. Direct and supervise the operations of the Neutral Nations Inspection Teams.

e. Station five (5) Neutral Nations Inspection Teams at the ports of entry enumerated in Paragraph 43 hereof located in the territory under the military control of the Commander-in-Chief, United Nations Command; and five (5) Neutral Nations Inspection Teams at the ports of entry enumerated in Paragraph 43 hereof located in the territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers; and establish initially ten (10) mobile Neutral Nations Inspection Teams in reserve, stationed in the general vicinity of the headquarters of the Neutral Nations Supervisory Commission, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. Not more than half of the mobile Neutral Nations Inspection Teams shall be dispatched at any one time in accordance with requests of the senior member of either side on the Military Armistice Commission.

f. Subject to the provisions of the preceding Sub-paragraph, conduct without delay investigations of reported violations of this Armistice Agreement, including such investigations of reported violations of this Armistice Agreement as may be requested by the Military Armistice Commission or by the senior member of either side on the Commission.

g. Provide credentials and distinctive insignia for its staff and its Neutral Nations Inspection Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

43. Neutral Nations Inspection Teams shall be stationed at the following ports of entry:

Territory under the military control
of the United Nations Command

INCHON	(37° 28' N, 126° 38' E)
TAEGU	(35° 52' N, 128° 36' E)
PUSAN	(35° 06' N, 129° 02' E)
KANGNUNG	(37° 45' N, 128° 54' E)
KUNSAN	(35° 59' N, 126° 43' E)

Territory under the military control
of the Korean People's Army and
the Chinese People's Volunteers

SINULJU	(40° 06' N, 124° 24' E)
CHONGJIN	(41° 46' N, 129° 49' E)
HUNGNAM	(39° 50' N, 127° 37' E)
MANPO	(41° 09' N, 126° 18' E)
SINANJU	(39° 36' N, 125° 36' E)

These Neutral Nations Inspection Teams shall be accorded full convenience of movement within the areas and over the routes of communication set forth on the attached map (Map 5).

3. GENERAL

44. The Neutral Nations Supervisory Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the members of the Neutral Nations Supervisory Commission; provided, that such recesses may be terminated on twenty-four (24) hour notice by any member.

45. Copies of the record of the proceedings of all meetings of the Neutral Nations Supervisory Commission shall be forwarded to the Military Armistice Commission as soon as possible after each meeting. Records shall be kept in English, Korean, and Chinese.

46. The Neutral Nations Inspection Teams shall make periodic reports concerning the results of their supervision, observations, inspections, and investigations to the Neutral Nations Supervisory Commission as required by the Commission and, in addition, shall make such special reports as may be deemed necessary by them, or as may be required by the Commission. Reports shall be submitted by a Team as a whole, but may also be submitted by one or more individual members thereof; provided, that the reports submitted by one or more individual members thereof shall be considered as informational only.

47. Copies of the reports made by the Neutral Nations Inspection Teams shall be forwarded to the Military Armistice Commission by the Neutral Nations Supervisory Commission without delay and in the language in which received. They shall not be delayed by the process of translation or evaluation. The Neutral Nations Supervisory Commission shall evaluate such reports at the earliest practicable time and shall forward their findings to the Military Armistice Commission as a matter of priority. The Military Armistice Commission shall not take final action with regard to any such report until the evaluation thereof has been received from the Neutral Nations Supervisory Commission. Members of the Neutral Nations Supervisory Commission and of its Teams shall be subject to appearance before the Military Armistice Commission, at the request of the senior member of either side on the Military Armistice Commission, for clarification of any report submitted.

48. The Neutral Nations Supervisory Commission shall maintain duplicate files of the reports and records of proceedings required by this Armistice Agreement. The Commission is authorized to maintain duplicate files of such other reports, records, etc., as may be necessary in the conduct of its business. Upon eventual dissolution of the Commission, one set of the above files shall be turned over to each side.

49. The Neutral Nations Supervisory Commission may make recommendations to the Military Armistice Commission with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

50. The Neutral Nations Supervisory Commission, or any member thereof, shall be authorized to communicate with any member of the Military Armistice Commission.

ARTICLE III

ARRANGEMENTS RELATING TO PRISONERS OF WAR

51. The release and repatriation of all prisoners of war held in the custody of each side at the time this Armistice Agreement becomes effective shall be effected in conformity with the following provisions agreed upon by both sides prior to the signing of this Armistice Agreement.

a. Within sixty (60) days after this Armistice Agreement becomes effective, each side shall, without offering any hindrance, directly repatriate and hand over in groups all those prisoners of war in its custody who insist on repatriation to the side to which they belonged at the time of capture. Repatriation shall be accomplished in accordance with the related provisions of this Article. In order to expedite the repatriation process of such personnel, each side shall, prior to the signing of the Armistice Agreement, exchange the total numbers, by nationalities, of personnel to be directly repatriated. Each group of prisoners of war delivered to the other side shall be accompanied by rosters, prepared by nationality, to include name, rank (if any) and internment or military serial number.

b. Each side shall release all those remaining prisoners of war, who are not directly repatriated, from its military control and from its custody and hand them over to the Neutral Nations Repatriation Commission for disposition in accordance with the provisions in the Annex hereto: "Terms of Reference for Neutral Nations Repatriation Commission."

c. So that there may be no misunderstanding owing to the equal use of three languages, the act of delivery of a prisoner of war by one side to the other side shall, for the purposes of this Armistice Agreement, be called "repatriation" in English, "송환" (SONG HWAN) in Korean, and "遣返" (CH' IEN FAN) in Chinese, notwithstanding the nationality or place of residence of such prisoner of war.

52. Each side insures that it will not employ in acts of war in the Korean conflict any prisoner of war released and repatriated incident to the coming into effect of this Armistice Agreement.

53. All the sick and injured prisoners of war who insist upon repatriation shall be repatriated with priority. Insofar as possible, there shall be captured medical personnel repatriated concurrently with the sick and injured prisoners of war, so as to provide medical care and attendance en route.

54. The repatriation of all of the prisoners of war required by Sub-paragraph 51a hereof shall be completed within a time limit of sixty (60) days after this Armistice Agreement becomes effective. Within this time limit each side undertakes to complete the repatriation of the above-mentioned prisoners of war in its custody at the earliest practicable time.

55. PANMUNJOM is designated as the place where prisoners of war will be delivered and received by both sides. Additional place(s) of delivery and reception of prisoners of war in the Demilitarized Zone may be designated, if necessary, by the Committee for Repatriation of Prisoners of War.

56. a. A Committee for Repatriation of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and three (3) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for the repatriation of prisoners of war and for supervising the execution by both sides of all of the provisions of this Armistice Agreement relating to the repatriation of prisoners of war. It shall be the duty of this Committee to coordinate the timing of the arrival of prisoners of war at the place(s) of delivery and reception of prisoners of war from the prisoner of war camps of both sides; to make, when necessary, such special arrangements as may be required with regard to the transportation and welfare of sick and injured prisoners of war; to coordinate the work of the joint Red Cross teams, established in Paragraph 57 hereof, in assisting in the repatriation of prisoners of war; to supervise the implementation of the arrangements for the actual repatriation of prisoners of war stipulated in Paragraphs 53 and 54 hereof; to select, when necessary, additional place(s) of delivery and reception of prisoners of war; to arrange for security at the place(s) of delivery and reception of prisoners of war; and to carry out such other related functions as are required for the repatriation of prisoners of war.

b. When unable to reach agreement on any matter relating to its responsibilities, the Committee for Repatriation of Prisoners of War shall im-

mediately refer such matter to the Military Armistice Commission for decision. The Committee for Repatriation of Prisoners of War shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

c. The Committee for Repatriation of Prisoners of War shall be dissolved by the Military Armistice Commission upon completion of the program of repatriation of prisoners of war.

57. a. Immediately after this Armistice Agreement becomes effective, joint Red Cross teams composed of representatives of the national Red Cross Societies of the countries contributing forces to the United Nations Command on the one hand, and representatives of the Red Cross Society of the Democratic People's Republic of Korea and representatives of the Red Cross Society of the People's Republic of China on the other hand, shall be established. The joint Red Cross teams shall assist in the execution by both sides of those provisions of this Armistice Agreement relating to the repatriation of all the prisoners of war specified in Sub-paragraph 51a hereof, who insist upon repatriation, by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war. To accomplish this task, the joint Red Cross teams shall provide assistance in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war, and shall visit the prisoner of war camps of both sides to comfort the prisoners of war and to bring in and distribute gift articles for the comfort and welfare of the prisoners of war. The joint Red Cross teams may provide services to prisoners of war while en route from prisoner of war camps to the place(s) of delivery and reception of prisoners of war.

b. The joint Red Cross teams shall be organized as set forth below:

(1) One team shall be composed of twenty (20) members, namely, ten (10) representatives from the national Red Cross Societies of each side, to assist in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war. The chairmanship of this team shall alternate daily between representatives from the Red Cross Societies of the two sides. The work and services of this team shall be coordinated by the Committee for Repatriation of Prisoners of War.

(2) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the Korean People's Army and the Chinese People's Volunteers. This team may provide services to prisoners of war while en route from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war. A rep-

representative of the Red Cross Society of the Democratic People's Republic of Korea or of the Red Cross Society of the People's Republic of China shall serve as chairman of this team.

(3) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the United Nations Command. This team may provide services to prisoners of war while en route from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war. A representative of a Red Cross Society of a nation contributing forces to the United Nations Command shall serve as chairman of this team.

(4) In order to facilitate the functioning of each joint Red Cross team, sub-teams composed of not less than two (2) members from the team, with an equal number of representatives from each side, may be formed as circumstances require.

(5) Additional personnel such as drivers, clerks, and interpreters, and such equipment as may be required by the joint Red Cross teams to perform their missions, shall be furnished by the Commander of each side to the team operating in the territory under his military control.

(6) Whenever jointly agreed upon by the representatives of both sides on any joint Red Cross team, the size of such team may be increased or decreased, subject to confirmation by the Committee for Repatriation of Prisoners of War.

c. The Commander of each side shall cooperate fully with the joint Red Cross teams in the performance of their functions, and undertakes to insure the security of the personnel of the joint Red Cross team in the area under his military control. The Commander of each side shall provide such logistic, administrative, and communications facilities as may be required by the team operating in the territory under his military control.

d. The joint Red Cross teams shall be dissolved upon completion of the program of repatriation of all the prisoners of war specified in Sub-paragraph 51a hereof, who insist upon repatriation.

58. a. The Commander of each side shall furnish to the Commander of the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement becomes effective, the following information concerning prisoners of war:

(1) Complete data pertaining to the prisoners of war who escaped since the effective date of the data last exchanged.

(2) Insofar as practicable, information regarding name, nationality, rank, and other identification data, date and cause of death, and place of burial, of those prisoners of war who died while in his custody.

b. If any prisoners of war escape or die after the effective date of the supplementary information

specified above, the detaining side shall furnish to the other side, through the Committee for Repatriation of Prisoners of War, the data pertaining thereto in accordance with the provisions of Sub-paragraph 58a hereof. Such data shall be furnished at ten-day intervals until the completion of the program of delivery and reception of prisoners of war.

c. Any escaped prisoner of war who returns to the custody of the detaining side after the completion of the program of delivery and reception of prisoners of war shall be delivered to the Military Armistice Commission for disposition.

59. a. All civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, and who, on 24 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to the area north of the Military Demarcation Line; and all civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, and who, on 24 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to the area south of the Military Demarcation Line. The Commander of each side shall be responsible for publicizing widely throughout territory under his military control the contents of the provisions of this Sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return home.

b. All civilians of foreign nationality who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers shall, if they desire to proceed to territory under the military control of the Commander-in-Chief, United Nations Command, be permitted and assisted to do so; all civilians of foreign nationality who, at the time of this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, shall, if they desire to proceed to territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, be permitted and assisted to do so. The Commander of each side shall be responsible for publicizing widely throughout the territory under

his military control the contents of the provisions of this Sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians of foreign nationality who desire to proceed to territory under the military control of the Commander of the other side.

c. Measures to assist in the return of civilians provided for in Sub-paragraph 59a hereof and the movement of civilians provided for in Sub-paragraph 59b hereof shall be commenced by both sides as soon as possible after this Armistice Agreement becomes effective.

d. (1) A Committee for Assisting the Return of Displaced Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for assistance to the return of the above-mentioned civilians, and for supervising the execution by both sides of all of the provisions of this Armistice Agreement relating to the return of the above-mentioned civilians. It shall be the duty of this Committee to make necessary arrangements, including those of transportation, for expediting and coordinating the movement of the above-mentioned civilians; to select the crossing point(s) through which the above-mentioned civilians will cross the Military Demarcation Line; to arrange for security at the crossing point(s); and to carry out such other functions as are required to accomplish the return of the above-mentioned civilians.

(2) When unable to reach agreement on any matter relating to its responsibilities, the Committee for Assisting the Return of Displaced Civilians shall immediately refer such matter to the Military Armistice Commission for decision.

The Committee for Assisting the Return of Displaced Civilians shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

(3) The Committee for Assisting the Return of Displaced Civilians shall be dissolved by the Military Armistice Commission upon fulfillment of its mission.

ARTICLE IV

RECOMMENDATION TO THE GOVERNMENTS CONCERNED ON BOTH SIDES

60. In order to insure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.

ARTICLE V

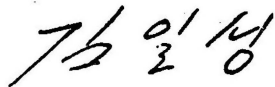
MISCELLANEOUS

61. Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

62. The Articles and Paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides.

63. All of the provisions of this Armistice Agreement, other than Paragraph 12, shall become effective at 2200 hours on 27 July 1953.

Done at Panmunjom, Korea, at 1000 hours on the 27th day of July, 1953, in English, Korean, and Chinese, all texts being equally authentic.



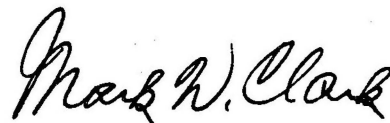
KIM IL SUNG

Marshal, Democratic People's
Republic of Korea
Supreme Commander,
Korean People's Army



PENG TEH-HUAI

Commander,
Chinese People's
Volunteers



MARK W. CLARK

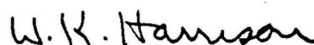
General, United States Army
Commander-in-Chief,
United Nations Command

PRESENT



NAM IL

General, Korean People's Army
Senior Delegate,
Delegation of the Korean People's Army
and the Chinese People's Volunteers



WILLIAM K. HARRISON, Jr.

Lieutenant General, United States Army
Senior Delegate,
United Nations Command Delegation

ANNEX

TERMS OF REFERENCE
FOR
NEUTRAL NATIONS REPATRIATION
COMMISSION
(See Sub-paragraph 51b)

I

GENERAL

1. In order to ensure that all prisoners of war have the opportunity to exercise their right to be repatriated following an armistice, Sweden, Switzerland, Poland, Czechoslovakia and India shall each be requested by both sides to appoint a member to a Neutral Nations Repatriation Commission which shall be established to take custody in Korea of those prisoners of war who, while in the custody of the detaining powers, have not exercised their right to be repatriated. The Neutral Nations Repatriation Commission shall establish its headquarters within the Demilitarized Zone in the vicinity of Panmunjom, and shall station subordinate bodies of the same composition as the Neutral Nations Repatriation Commission at those locations at which the Repatriation Commission assumes custody of prisoners of war. Representatives of both sides shall be permitted to observe the operations of the Repatriation Commission and its subordinate bodies to include explanations and interviews.

2. Sufficient armed forces and any other operating personnel required to assist the Neutral Nations Repatriation Commission in carrying out its functions and responsibilities shall be provided exclusively by India, whose representative shall be the umpire in accordance with the provisions of Article 132 of the Geneva Convention, and shall also be chairman and executive agent of the Neutral Nations Repatriation Commission. Representatives from each of the other four powers shall be allowed staff assistants in equal number not to exceed fifty (50) each. When any of the representatives of the neutral nations is absent for some reason, that representative shall designate an alternate representative of his own nationality to exercise his

functions and authority. The arms of all personnel provided for in this Paragraph shall be limited to military police type small arms.

3. No force or threat of force shall be used against the prisoners of war specified in Paragraph 1 above to prevent or effect their repatriation, and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner for any purpose whatsoever (but see Paragraph 7 below). This duty is enjoined on and entrusted to the Neutral Nations Repatriation Commission. This Commission shall ensure 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 that Convention.

II

CUSTODY OF PRISONERS OF WAR

4. All prisoners of war who have not exercised their right of repatriation following the effective date of the Armistice Agreement shall be released from the military control and from the custody of the detaining side as soon as practicable, and, in all cases, within sixty (60) days subsequent to the effective date of the Armistice Agreement to the Neutral Nations Repatriation Commission at locations in Korea to be designated by the detaining side.

5. At the time the Neutral Nations Repatriation Commission assumes control of the prisoner of war installations, the military forces of the detaining side shall be withdrawn therefrom, so that the locations specified in the preceding Paragraph shall be taken over completely by the armed forces of India.

6. Notwithstanding the provisions of Paragraph 5 above, the detaining side shall have the responsibility for maintaining and ensuring security and order in the areas around the locations where the prisoners of war are in custody and for preventing and restraining any armed forces (including irregular armed forces) in the area under its control from any acts of disturbance and intrusion against

the locations where the prisoners of war are in custody.

7. Notwithstanding the provisions of Paragraph 3 above, nothing in this agreement shall be construed as derogating from the authority of the Neutral Nations Repatriation Commission to exercise its legitimate functions and responsibilities for the control of the prisoners of war under its temporary jurisdiction.

III

EXPLANATION

8. The Neutral Nations Repatriation Commission, after having received and taken into custody all those prisoners of war who have not exercised their right to be repatriated, shall immediately make arrangements so that within ninety (90) days after the Neutral Nations Repatriation Commission takes over the custody, the nations to which the prisoners of war belong shall have freedom and facilities to send representatives to the locations where such prisoners of war are in custody to explain to all the prisoners of war depending upon these nations their rights and to inform them of any matters relating to their return to their homelands, particularly of their full freedom to return home to lead a peaceful life, under the following provisions:

a. The number of such explaining representatives shall not exceed seven (7) per thousand prisoners of war held in custody by the Neutral Nations Repatriation Commission; and the minimum authorized shall not be less than a total of five (5);

b. The hours during which the explaining representatives shall have access to the prisoners shall be as determined by the Neutral Nations Repatriation Commission, and generally in accord with Article 53 of the Geneva Convention Relative to the Treatment of Prisoners of War;

c. All explanations and interviews shall be conducted in the presence of a representative of each member nation of the Neutral Nations Repatriation Commission and a representative from the detaining side;

d. Additional provisions governing the explanation work shall be prescribed by the Neutral Nations Repatriation Commission, and will be designed to employ the principles enumerated in Paragraph 3 above and in this Paragraph;

e. The explaining representatives, while engaging in their work, shall be allowed to bring with them necessary facilities and personnel for wireless communications. The number of communications personnel shall be limited to one team per location at which explaining representatives are in residence, except in the event all prisoners of war are concentrated in one location, in which case, two (2) teams shall be permitted. Each team shall

consist of not more than six (6) communications personnel.

9. Prisoners of war in its custody shall have freedom and facilities to make representations and communications to the Neutral Nations Repatriation Commission and to representatives and subordinate bodies of the Neutral Nations Repatriation Commission and to inform them of their desires on any matter concerning the prisoners of war themselves, in accordance with arrangements made for the purpose by the Neutral Nations Repatriation Commission.

IV

DISPOSITION OF PRISONERS OF WAR

10. Any prisoner of war who, while in the custody of the Neutral Nations Repatriation Commission, decides to exercise the right of repatriation, shall make an application requesting repatriation to a body consisting of a representative of each member nation of the Neutral Nations Repatriation Commission. Once such an application is made, it shall be considered immediately by the Neutral Nations Repatriation Commission or one of its subordinate bodies so as to determine immediately by majority vote the validity of such application. Once such an application is made to and validated by the Commission or one of its subordinate bodies, the prisoner of war concerned shall immediately be transferred to and accommodated in the tents set up for those who are ready to be repatriated. Thereafter, he shall, while still in the custody of the Neutral Nations Repatriation Commission, be delivered forthwith to the prisoner of war exchange point at Panmunjom for repatriation under the procedure prescribed in the Armistice Agreement.

11. At the expiration of ninety (90) days after the transfer of custody of the prisoners of war to the Neutral Nations Repatriation Commission, access of representatives to captured personnel as provided for in Paragraph 8 above, shall terminate, and the question of disposition of the prisoners of war who have not exercised their right to be repatriated shall be submitted to the Political Conference recommended to be convened in Paragraph 60, Draft Armistice Agreement, which shall endeavor to settle this question within thirty (30) days, during which period the Neutral Nations Repatriation Commission shall continue to retain custody of those prisoners of war. The Neutral Nations Repatriation Commission shall declare the relief from the prisoner of war status to civilian status of any prisoners of war who have not exercised their right to be repatriated and for whom no other disposition has been agreed to by the Political Conference within one hundred and twenty (120) days after the Neutral Nations Repatriation Commission

has assumed their custody. Thereafter, according to the application of each individual, those who choose to go to neutral nations shall be assisted by the Neutral Nations Repatriation Commission and the Red Cross Society of India. This operation shall be completed within thirty (30) days, and upon its completion, the Neutral Nations Repatriation Commission shall immediately cease its functions and declare its dissolution. After the dissolution of the Neutral Nations Repatriation Commission, whenever and wherever any of those above-mentioned civilians who have been relieved from the prisoner of war status desire to return to their fatherlands, the authorities of the localities where they are shall be responsible for assisting them in returning to their fatherlands.

V

RED CROSS VISITATION

12. Essential Red Cross service for prisoners of war in custody of the Neutral Nations Repatriation Commission shall be provided by India in accordance with regulations issued by the Neutral Nations Repatriation Commission.

VI

PRESS COVERAGE

13. The Neutral Nations Repatriation Commission shall insure freedom of the press and other news media in observing the entire operation as enumerated herein, in accordance with procedures to be established by the Neutral Nations Repatriation Commission.

VII

LOGISTICAL SUPPORT FOR PRISONERS OF WAR

14. Each side shall provide logistical support for the prisoners of war in the area under its military control, delivering required support to the Neutral Nations Repatriation Commission at an agreed delivery point in the vicinity of each prisoner of war installation.

15. The cost of repatriating prisoners of war to the exchange point at Panmunjom shall be borne by the detaining side and the cost from the exchange point by the side on which said prisoners depend, in accordance with Article 118 of the Geneva Convention.

16. The Red Cross Society of India shall be responsible for providing such general service personnel in the prisoner of war installations as required by the Neutral Nations Repatriation Commission.

17. The Neutral Nations Repatriation Commission shall provide medical support for the prisoners of war as may be practicable. The detaining

side shall provide medical support as practicable upon the request of the Neutral Nations Repatriation Commission and specifically for those cases requiring extensive treatment or hospitalization. The Neutral Nations Repatriation Commission shall maintain custody of prisoners of war during such hospitalization. The detaining side shall facilitate such custody. Upon completion of treatment, prisoners of war shall be returned to a prisoner of war installation as specified in Paragraph 4 above.

18. The Neutral Nations Repatriation Commission is entitled to obtain from both sides such legitimate assistance as it may require in carrying out its duties and tasks, but both sides shall not under any name and in any form interfere or exert influence.

VIII

LOGISTICAL SUPPORT FOR THE NEUTRAL NATIONS REPATRIATION COMMISSION

19. Each side shall be responsible for providing logistical support for the personnel of the Neutral Nations Repatriation Commission stationed in the area under its military control, and both sides shall contribute on an equal basis to such support within the Demilitarized Zone. The precise arrangements shall be subject to determination between the Neutral Nations Repatriation Commission and the detaining side in each case.

20. Each of the detaining sides shall be responsible for protecting the explaining representatives from the other side while in transit over lines of communication within its area, as set forth in Paragraph 23 for the Neutral Nations Repatriation Commission, to a place of residence and while in residence in the vicinity of but not within each of the locations where the prisoners of war are in custody. The Neutral Nations Repatriation Commission shall be responsible for the security of such representatives within the actual limits of the locations where the prisoners of war are in custody.

21. Each of the detaining sides shall provide transportation, housing, communication, and other agreed logistical support to the explaining representatives of the other side while they are in the area under its military control. Such services shall be provided on a reimbursable basis.

IX

PUBLICATION

22. After the Armistice Agreement becomes effective, the terms of this agreement shall be made known to all prisoners of war who, while in the custody of the detaining side, have not exercised their right to be repatriated.

X

MOVEMENT

23. The movement of the personnel of the Neutral Nations Repatriation Commission and repatriated prisoners of war shall be over lines of communication as determined by the command(s) of the opposing side and the Neutral Nations Repatriation Commission. A map showing these lines of communication shall be furnished the command of the opposing side and the Neutral Nations Repatriation Commission. Movement of such personnel, except within locations as designated in Paragraph 4 above, shall be under the control of, and escorted by, personnel of the side in whose area the travel is being undertaken; however, such movement shall not be subject to any obstruction and coercion.

XI

PROCEDURAL MATTERS

24. The interpretation of this agreement shall rest with the Neutral Nations Repatriation Commission. The Neutral Nations Repatriation Commission, and/or any subordinate bodies to which

functions are delegated or assigned by the Neutral Nations Repatriation Commission, shall operate on the basis of majority vote.

25. The Neutral Nations Repatriation Commission shall submit a weekly report to the opposing Commanders on the status of prisoners of war in its custody, indicating the numbers repatriated and remaining at the end of each week.

26. When this agreement has been acceded to by both sides and by the five powers named herein, it shall become effective upon the date the Armistice becomes effective.

Done at Panmunjom, Korea, at 1400 hours on the 8th day of June 1953, in English, Korean, and Chinese, all texts being equally authentic.

NAM IL

General, Korean People's Army

Senior Delegate,

Delegation of the Korean People's Army and the Chinese People's Volunteers

WILLIAM K. HARRISON, JR.

Lieutenant General, United States Army

Senior Delegate,

United Nations Command Delegation

ANNEX VI.

General Assembly Resolution 711 (VII) of August 28, 1953

A

Implementation of paragraph 60 of the Korean Armistice Agreement

The General Assembly:

1. Notes with approval the Armistice Agreement concluded in Korea on 27 July 1953, the fact that the fighting has ceased, and that a major step has thus been taken towards the full restoration of international peace and security in the area;

2. Reaffirms that the objectives of the United Nations remain the achievement by peaceful means of a unified, independent and democratic Korea under a representative form of government and the full restoration of international peace and security in the area;

3. Notes the recommendation contained in the Armistice Agreement that "In order to ensure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.";

4. Welcomes the holding of such a conference;

5. Recommends that:

(a) The side contributing armed forces under the Unified Command in Korea shall have as participants in the conference those among the Member States contributing armed forces pursuant to the call of the United Nations which desire to be represented, together with the Republic of Korea. The participating governments shall act independently at the conference with full freedom of action and shall be bound only by decisions or agreements to which they adhere;

(b) The United States Government, after consultation with the other participating countries referred to in sub-paragraph (a) above, shall arrange with the other side for the political conference to be held as soon as possible, but not later than 28 October 1953, at a place and on a date satisfactory to both sides;

(c) The Secretary-General of the United Nations shall, if this is agreeable to both sides, provide the political conference with such services and facilities as may be feasible;

(d) The Member States participating pursuant to sub-paragraph (a) above shall inform the United Nations when agreement is reached at the conference and keep the United Nations informed at other appropriate times;

6. Reaffirms its intention to carry out its pro-

gramme for relief and rehabilitation in Korea, and appeals to the governments of all Member States to contribute to this task.

B

The General Assembly,
Having adopted the resolution entitled "Implementation of paragraph 60 of the Korean Armistice Agreement",
Recommends that the Union of Soviet Socialist Republics participate in the Korean political conference provided the other side desires it.

C

The General Assembly,
Requests the Secretary-General to communicate the proposals on the Korean question submitted to the resumed meetings of the seventh session and recommended by the Assembly, together with the records of the relevant proceedings of the General Assembly, to the Central People's Government of the People's Republic of China and to the Government of the People's Democratic Republic of Korea and to report as appropriate.

ANNEX VII.

United Nations Korean Reconstruction Agency
Statement of Government Pledges and Contributions as at December 31, 1953¹
(Expressed in terms of U.S. Dollars)

Country	Pledge	Total Received	Balance Outstanding
Argentina	\$ 500,000	\$ 500,000	
Australia	4,002,710	1,330,733	\$ 2,671,977
Belgium	200,000	100,000	100,000
Burma	49,934	49,934	
Canada	6,904,762	6,904,762	
Chile	250,000		250,000 ²
Denmark	860,000	289,555	570,445
Dominican Republic	10,000		10,000
Egypt	28,716		28,716
El Salvador	500	500	
Ethiopia	40,000	40,000	
Honduras	2,500	2,500	
Indonesia	100,000	100,000	
Israel	33,600	33,600	
Lebanon	50,000	50,000	
Liberia	15,000	15,000	
Luxembourg	40,000	30,000	10,000
Netherlands	263,158	263,158	
New Zealand	557,900	74,542	483,358
Norway	829,000	52,377	776,623
Panama	3,000		3,000
Paraguay	10,000	10,000	
Saudi Arabia	20,000	20,000	
Sweden	966,518	322,237	644,281
United Kingdom	28,000,000	12,740,000	15,260,000
United States	162,500,000	65,750,000	96,750,000
Venezuela	70,000	70,000	
Total	206,307,298	88,748,898	117,558,400
<u>Non-Member States</u>			
Austria	162,936	162,936	
Italy	1,173,333	1,173,333	
Monaco	286	286	
Switzerland	23,256	23,256	
Vietnam	10,000	10,000	
Total	1,369,811	1,369,811	
Grand Total	207,677,109	90,118,709	117,558,400

1/ As furnished by the Office of the United Nations Korean Reconstruction Agency.

2/ 5,000 tons of nitrates, to the value of \$250,000 have been made available by the Government at a Chilean port.

ANNEX VIII.
Map of Korea

