



CONTENTS

	Page
The problem of the independence of Korea : report of the United Nations Commission for the Unification and Rehabilitation of Korea. Relief and rehabilitation of Korea : reports of the United Nations Agent General for Korean Reconstruction (A/1881, A/1884, A/1935 and Add.1, A/1972, A/2038, A/C.2&3/101, A/C.1/713-A/C.2&3/104, and A/C.1/714-A/C.2&3/105)	287

Chairman : Mr. Finn MOE (Norway).

The problem of the independence of Korea : report of the United Nations Commission for the Unification and Rehabilitation of Korea. Relief and rehabilitation of Korea : report of the United Nations agent general for Korean reconstruction (A/1881¹, A/1884², A/1935, A/1935/Add.1, A/1972, A/2038; A/C.2&3/101; A/C.1/173-A/C.2&3/104, A/C.1/714-A/C.2&3/105)

[Items 17 and 27]*

1. Mr. Y. MALIK (Union of Soviet Socialist Republics), raising a point of order, said that before the substance of the question was considered, the members should understand what meeting they were attending and under what provisions of the Charter or of the rules of procedure of the General Assembly or its Committees it had been convened. It had been represented as a joint meeting of the First Committee and Joint Second and Third Committee, and in order to discover whether it had been convened legally the rules concerning joint committees should be examined.

2. Rule 42 stated that the General Committee should review periodically the progress of the General Assembly and its Committees and make recommendations for furthering its progress. If the present meeting had been called to further the progress of the Assembly, it was illegal in the absence of a recommendation from the General Committee.

3. Under rule 96, the General Assembly might set up such Committees as it deemed necessary. At the present session, there had been two Committees established in accordance with that provision, namely, the Joint Second and Third Committee and the *Ad Hoc*

Political Committee. A joint meeting of two or more Committees was in essence the institution by that merger of a new Main Committee. Thus the convening of the present joint meeting had been irregular, illegal and contrary to the rules of procedure.

4. The joint meeting could not have been convened legally for the purpose of coordinating the work of two Committees because, under rule 41, such functions were within the province of the General Committee, which should make recommendations to the General Assembly and assist the President in the general conduct of the work of the Assembly. No other body had been empowered to deal with those matters. The meeting had been convened, not in accordance with the rules of procedure, but on the arbitrary decision of the representatives of France, the United Kingdom and the United States, which had imposed their own rules of procedure upon the General Assembly. Mr. Malik recalled that he had drawn attention to that fact in the First Committee on 29 January³ and had received no reply. The situation revealed that at the sixth session of the Assembly in addition to the organs provided by the Charter and the rules of procedure, there was a secret cabinet which was deciding questions in its own interests, rather than in those of the United Nations.

5. Unless there was further clarification, the Soviet Union delegation would be unable to participate in the consideration of the matter by this meeting. Mr. Malik introduced a formal proposal to the effect that the present joint meeting of three Committees was not competent to consider the Korean question in any form or manner and proposed that the First Committee be convened to consider the question of the independence of Korea.

6. The CHAIRMAN stated that under the rules of procedure, the proposal of the Soviet Union was a prior

¹ See *Official Records of the General Assembly, Sixth Session, Supplement No. 12*.

² *Ibid.*, Supplement No. 3.

* Indicates the item numbers on the General Assembly agenda.

³ See *Official Records of the General Assembly, Sixth Session, First Committee, 505th meeting*.

question to be settled. In his opinion, the convening of the meeting was an administrative arrangement within the competence of the President; in effect therefore the meeting would be discussing the competence of the President. The Chairman had regarded the matter as being within the competence of the President and he had therefore accepted the procedure which had been suggested. Some delegations might however entertain doubts and objections, and it was a difficult matter for the present meeting to decide. The matter might be referred to the General Committee, provided that the present meeting were continued and a decision reached on the questions before it. If the General Committee declared the Committee to be competent, its decision would stand, otherwise new procedures would have to be followed. He made that suggestion for practical purposes.

7. Mr. LIU (China) said he had understood that delegations were attending a joint meeting of two Committees and not a joint committee. He drew attention to the second paragraph of the President's letter (A/C.1/713-A/C.2&3/104) which referred only to a joint meeting. The rules of procedure relating to the establishment of Committees therefore did not apply.

8. Mr. HRSEL (Czechoslovakia) said that some delegations had only learned of the intention to hold a joint meeting from the letter from the President circulated on 28 January. It was interesting to note that two days earlier, the Secretariat had distributed the three-Power draft resolution in a document bearing the symbols of both Committees. It would seem that at that time neither Chairman had received the suggestion of the President. Moreover, neither Committee had discussed the idea of a joint meeting and any negotiations between the Chairmen were without the knowledge or consent of either Committee. A notice had been put in the *Journal of the United Nations* by unknown persons, convening the meeting. Such actions were irregular and unwarranted by the rules of procedure.

9. When the General Assembly had confirmed the agenda and allocated the items to Committees, it had not envisaged any joint meetings on items 17 and 27 by the First Committee meeting jointly with the Joint Second and Third Committee. Such procedure had neither been discussed nor recommended by the General Committee. The General Assembly had authorized joint meetings only between the Joint Second and Third and the Fifth Committees on certain items.

10. If the Chairmen had been called upon by the President to discuss the arrangements for a joint meeting, they should have so informed their Committees to enable them to take decisions which would be confirmed by the General Assembly. The procedure followed was not warranted by the rules and was at variance with past practice.

11. It was plain from the record that the procedure was part of the plan of the Anglo-American bloc to hamper the proper consideration of the items relating to Korea. The Czechoslovak delegation objected to such procedure as being a violation of the rules and endorsed the proposal of the Soviet Union.

12. The CHAIRMAN proposed that interventions in the debate be limited to five minutes.

13. Mr. GROSS (United States of America), on a point of order, asked precisely what the Committee was discussing as he was not clear what action the Soviet Union representative had proposed the Committee

should follow. Secondly, he asked whether the Chairman had made a ruling which had been challenged, and whether that ruling was the subject of the debate.

14. The CHAIRMAN stated that he had made no ruling, as he did not believe the meeting could discuss the competence of the President. They were discussing the competence of the joint meeting to consider the matter before it and would vote upon that question after debate.

15. Mr. Y. MALIK (Union of Soviet Socialist Republics) said his delegation had moved that the present joint meeting of three Committees was not competent to consider the Korean question, particularly because it had been convened in violation of the rules of procedure, and that that question should be discussed prior to any consideration of matters relating to substance.

16. There was no necessity to limit interventions to five minutes, since an important question relating to a violation of the rules of procedure was the issue. It might have important consequences if the three Powers were allowed to over-rule the decision of the General Assembly. Although it had been claimed that the meeting did not represent a new Committee, it actually did amount to one being established by those three Powers.

17. The CHAIRMAN put to the vote his proposal that the debate be limited to five-minute interventions.

The proposal was adopted by 37 votes to 9, with 11 abstentions.

18. Mr. BARANOWSKY (Ukrainian Soviet Socialist Republic) observed that the allocation of agenda item 17 to the First Committee by the General Assembly on recommendation of the General Committee had not been regarded as a mere administrative matter. However, the three Powers, in violation of rule 22 had decided to bring it up in the present meeting. No action had been taken to conform to rules 96 and 97. The representative of "the Kuomintang" had suggested that the rules of procedure be disregarded and simply to have a joint meeting, but that was unacceptable. The meeting was irregular and was not empowered to consider any questions. Mr. Baranowsky could not agree with the Chairman that the meeting should consider matters, pending a decision by the General Committee as to its competence. He endorsed the proposal of the Soviet Union delegation.

19. Mr. NISOT (Belgium) said he could see no legal obstacle to several committees, each competent in a given question, meeting in one and the same room rather than in separate rooms, and presenting a joint report to the General Assembly, rather than separate ones. That was a time-honoured practice in the United Nations. He proposed that the joint meeting take a vote upon its own competence, as it had every right to do. In any event the last word rested with the General Assembly. When it received the report of the joint meeting, it could refuse to examine it if it considered that it was the product of irregular decisions.

20. Mr. C. MALIK (Lebanon) said that the meeting represented a new organ to consider items which had been referred to it. It might be that the President could create such new organs as he pleased, but that was a point that had to be studied. A decision had also been taken in the First Committee to defer item 17 temporarily⁴, but now that item had been submitted

⁴ *Ibid.*, 486th meeting.

for consideration, and that made the situation less clear than some representatives seemed to think. He thought it would be helpful to hear the views of the representatives of France, the United Kingdom and the United States on the question of procedure because the arguments presented by the Soviet Union representative appeared to be strong ones. It was doubtful whether, as had been suggested by the representative of Belgium, any organ thus created, could decide upon its own competence. The suggestion of the Chairman did not appear to be a solution either and a slight delay in the closing of the General Assembly would entail no sacrifice, if thereby the procedure could be clarified. It would be better to seek a decision from the General Committee before proceeding.

21. Mr. BIRECKI (Poland) said he did not believe that the question related to the competence of the President of the General Assembly who had merely proposed in his letter that a joint meeting should be held. The regular procedure would have been to discuss the question in the General Committee. It was, however, clear that the irregular and unprecedented manœuvre was only a continuation of the action taken previously to postpone consideration of the Korean question. Mr. Birecki agreed that the matter should be referred to the General Committee and supported the view expressed by the representative of the Soviet Union.

22. Mr. GROSS (United States of America) observed that the Soviet Union representative had proposed that the Committees should decide whether to proceed with the business before it. By making such a motion, the Soviet Union representative had admitted the power of the Committee to decide whether or not it could consider the question of substance. As the President had pointed out in his letter, the arrangement proposed would be the most satisfactory and expeditious for the consideration of the three-Power draft resolution. Nothing in the rules of procedure had been cited which would prohibit the Committee from proceeding with the matter. There had been some references to rules 41 and 42, but if the Soviet Union representative had considered the matter to be one for the General Committee, he could have raised it there in an orderly manner by requesting a meeting. There had been adequate notice of the form and subject matter of the present meeting.

23. Mr. Gross observed that the draft resolution could have been tabled in the General Assembly without reference to any Committee. Alternatively, it could have been placed before either of the Committees concerned. But there was no rule that prohibited the President from suggesting a procedure that would be expedient and efficient. The Committee was not faced with the question of the application of the rules of procedure, but with an attempt to prevent it from considering the draft resolution. The Committee should vote on the Soviet Union proposal regarding the competence of the joint meeting.

24. Mr. BELAUNDE (Peru) said that the three-Power proposal relating to a special session on Korea appeared to meet the objectives of all parties. The Soviet Union opposition was illogical, if it desired to have the matter dealt with at an early date. The question of procedure was important as it was the safeguard for their discussion. The juridical procedure relating to joint meetings and joint committees was that any chairman who believed that the opinion of another Committee would be helpful, would discuss the matter with the other

chairman and make a request to the President who would authorize such a meeting without reference to the General Committee. Since the foregoing procedure had been followed, it should be regarded as legal.

25. The CHAIRMAN proposed to close the list of speakers.

26. Mr. Y. MALIK (Union of Soviet Socialist Republics) objected that the discussion might bring out fresh points and delegations should be allowed to give answers to them. The procedure could not be justified on the grounds of expediency and the sense of the meeting should be allowed to emerge in the regular manner.

27. The CHAIRMAN pointed out that under rule 114 he could accord the right of reply to any member.

28. Mr. NISOT (Belgium) moved the closure of the debate under rule 76.

29. Mr. C. MALIK (Lebanon) opposed the motion of closure. The question was an important one and the Committee would be well advised to examine the various issues of procedure. It would not take much time.

30. Mr. KISELEV (Byelorussian Soviet Socialist Republic) said that the Belgian motion amounted to an attempt to gag the Committee. Speakers had already been limited to five minutes and the Chairman wished to close the list. Members had the right to give their views particularly when the issue was a violation of the Charter. The objective of France, the United Kingdom and the United States was to thwart discussion of the problem of the independence of Korea by any means, and the Belgian representative was supporting that aim. The First Committee had not yet dealt with item 17 and the Joint Second and Third had not dealt with item 27. It would be appropriate for the three Powers to divide their draft resolution into two and send the parts to the two Committees, as appropriate, for the discussion of substance. Irregular procedures should not be allowed to silence the Committee.

31. The CHAIRMAN put to the vote the motion for the closure of the debate.

The motion was adopted by 31 votes to 15, with 11 abstentions.

32. Mr. Y. MALIK (Union of Soviet Socialist Republics), on a point of order, recalled that the Chairman had agreed that the question of the competence of the meeting had raised doubts and should be discussed. The meeting was not in a position to consider the issue of its own competence. The matter should be referred to the General Committee which could convene immediately. The Soviet Union delegation therefore moved that the Committee should adjourn and that the General Committee be convened immediately to discuss the matter.

33. Sir Keith OFFICER (Australia) asked whether the new proposal meant that the Soviet Union representative had withdrawn his earlier proposal that the Committee should decide that it was not competent.

34. Mr. LESAGE (Canada), on a point of order, requested information from the Secretariat. He inquired whether there had not been, on 5 November 1947, a joint meeting of the Joint Second and Third and the Fifth Committees which had not been decided upon by the General Committee but had been called because it was considered to be expedient.

35. With the consent of the Committee, Mr. FELLER (Legal Adviser of the Secretary-General) replied that it was correct that such a meeting had been held. On 17 October 1947, a letter had been addressed to the President by the Chairmen of the Joint Second and Third and the Fifth Committees, proposing a joint meeting. On 18 October, the President had said in reply that he was happy to approve the suggestion and the proposed procedure for the establishment of the joint meeting. The President had suggested that the report on the specific questions should be submitted jointly. The meeting had then been held, as mentioned by the representative of Canada.

36. Mr. C. MALIK (Lebanon), on a point of order, asked for information from the Secretariat on whether any objections had been raised at the joint meeting of 5 November 1947 or elsewhere.

37. With the consent of the Committee, Mr. FELLER (Legal Adviser of the Secretary-General) replied that he had examined the record of the meeting and found no such objections. With regard to objections to any other joint meetings of Committees he could not give a precise answer but had no recollection of any.

38. Mr. BELAUNDE (Peru), on a point of order, pointed out that if a question of competence was raised, it would have to be voted upon before any matter of substance. However, under rule 120, it was not necessary, to vote on the question of competence before the discussion on the substance had taken place.

39. Mr. BARANOVSKY (Ukrainian Soviet Socialist Republic) considered that the question at issue was that of the right of the so-called joint committee to meet at all. The precedent referred to by the representative of Canada was irrelevant, since the First Committee had not decided, in the present instance, to refer the Korean question to the joint meeting.

40. Mr. SARPEN (Turkey) asked whether it was not true that the General Assembly had approved the report of the joint meeting held in 1947, to which reference had been made. Approval of that report would mean that the General Assembly had accepted the legality of a joint meeting of three Committees.

41. Mr. HRSEL (Czechoslovakia) pointed out that, according to rule 107 of the rules of procedure, the Chairman remained under the authority of the Committee.

42. The CHAIRMAN emphasized that the Committee had decided to close the debate on the issue of competence.

43. Mr. C. MALIK (Lebanon) explained that, if the question of competence were left aside by withdrawal of the USSR and United States proposals, he would press for reference of the question of the position of the joint meeting to the General Committee for a preliminary decision.

44. The CHAIRMAN put to the vote the USSR proposal that the meeting resolve that it was not competent to consider the Korean question in any way, bearing in mind that the meeting had been convened contrary to the rules of procedure.

The proposal was rejected by 40 votes to 5, with 12 abstentions.

45. The CHAIRMAN stated that the decision meant that the Committee considered itself competent to deal with the items listed in the letter from the President of the General Assembly.

46. Mr. GROSS (United States of America), recalling the discussion in the First Committee that had preceded the decision to postpone discussion of the Korean question⁵, said that his Government was disturbed by the slow progress of the negotiations at Panmunjom. His Government, as the one responsible to the United Nations for the Unified Command, had made every effort to secure an armistice on honourable and satisfactory conditions. Ever since 25 June 1950, the United Nations had taken the initiative towards the restoration of peace in Korea; the United States Government was most anxious that the General Assembly should proceed as soon as possible to deal with the problems of the independence and unification of Korea and of reconstruction and rehabilitation. It was precisely because of that fact that his Government desired to avoid premature political discussion that might postpone conclusion of an armistice in Korea. A lasting political solution must rest on secure and sound foundations, which would obviously be provided by the successful conclusion of negotiations. Discussion of political issues would inevitably involve discussion of technical and military matters, which could be resolved satisfactorily only by negotiations on the spot. That fact had been clear even before negotiations had been undertaken. Thus, following the overdue indication by Mr. Y. Malik on 23 June 1951 that the aggressors wished to negotiate, the USSR Deputy Foreign Minister had informed the United States Ambassador in Moscow that the negotiations should be purely military and should avoid political matters.

47. Rejecting the allegations that had been made concerning the motives of the authors of the joint draft resolution, Mr. Gross pointed out that that proposal provided for the immediate calling of a special session of the General Assembly in New York upon the conclusion of an armistice, and for the calling of a special or emergency session should developments make that desirable. The proposal did not affect in any way the right of the majority of the General Assembly to call for a special session.

48. The joint draft resolution would allow the authority of the United Nations Commission for the Unification and Rehabilitation of Korea to continue unimpeded as long as necessary. The second part of the draft resolution, dealing with the pressing problem of the programme for the relief and rehabilitation of Korea, would provide for deferment of discussion of agenda items numbers 27 and 11, in keeping with the proposal to defer consideration of the political aspects of the Korean question. It was nevertheless of great importance that the General Assembly authorise the Negotiating Committee for Extra-Budgetary Funds to go forward in seeking contributions for the continuation of the programme of the United Nations Korean Reconstruction Agency. While hostilities in Korea continued, it was impossible for that Agency to undertake full responsibility for the relief and rehabilitation of Korea. The emergency relief needs of the Korean people had been met under the direction of the United Nations Command. Citing figures on the extent of that aid, Mr. Gross also gave details of the activities of the UNKRA, which, through recently completed arrangements with the United Nations Command, would be able to carry out a number of projects for relief and rehabilitation in Korea in the immediate future. Some of

⁵ *Ibid.*, 477th to 486th meetings.

that could be done even before the cessation of hostilities, and the Agency could also plan to assume full responsibility for relief and rehabilitation. Additional payments on the amounts pledged to the Agency were required to meet financial needs and additional pledges would be needed to bring the total up to the \$ 250 million programme. His delegation hoped that those pledges and payments would be obtained, thus enabling the United Nations to fulfil the responsibility it had assumed for assisting the Korean people to repair the devastation which aggression had brought to their country.

49. Mr. LLOYD (United Kingdom) associated himself with the statement made by the representative of the United States. In submitting the joint draft resolution along with France and the United States, his delegation was not seeking to minimize the political importance of Korea as a supreme case of united action against aggression. Nor did it wish to overlook the gallantry of those fighting in Korea or the vast amount of human misery in that country. The purposes remained what they had been: speedy termination of hostilities, a political settlement for the whole of Korea, and re-establishment of the life and economy of that country. Adoption of the joint draft would facilitate achievement of those purposes. Discussion in the General Assembly would hinder rather than help, and he believed that the very proposal to consider the Korean question in the General Assembly had of itself delayed completion of the negotiations. The idea that the General Assembly should discuss some of the matters delaying the successful conclusion of those negotiations was manifestly absurd, since aside from practical difficulties, the negotiations at Panmunjom would have to stop in the meantime.

50. Mr Lloyd emphasized that the object of the joint draft resolution was to see the question of the future settlement taken up in the shortest possible time after the conclusion of the armistice. Bound up with that question were the arrangements which would have to be made for the future of the United Nations Commission for the Unification and Rehabilitation of Korea and the United Nations Korean Reconstruction Agency, whose work had inevitably been limited as a result of the fact that the hopes for a quick and successful conclusion of the conflict in Korea had not been realized. The tasks of those bodies would in no way be diminished by the prolongation of the fighting, and it might be thought desirable to make some changes once an armistice had been concluded since the situation which

would then obtain might well be somewhat different from that which had confronted the General Assembly in October 1950. The sensible course was for both bodies to continue in their present form for the time being. Though there was no specific reference to section I of chapter VIII of the Report of the Economic and Social Council, he thought that the members of the joint Committee would wish to be placed on record as having taken note of it.

51. The joint draft resolution provided in the first place for the action to be taken by the United Nations after the conclusion of an armistice in Korea, and there was every justification for supposing that that solution would still be achieved. It would, however, be unrealistic to make no provision for other developments, and the joint draft therefore provided that, should developments in Korea make it desirable, a special session or an emergency special session would be convened.

52. Mr. CHAUVEL (France) associated himself with the statements made by the United States and United Kingdom representatives. His Government had constantly endeavoured to hasten a solution of the problem of Korea, and had therefore stressed the need to distinguish between the military and political aspects of the question. As had been recognized, any other method would lead only to delay, confusion and possibly failure. The first objective, to which the armistice negotiations in Korea had been confined, was the cessation of hostilities. At the same time, it had been agreed that the favourable conclusion of armistice negotiations would open the road to political discussion at the appropriate place and time.

53. The fact that the attempt to open a lengthy discussion of the Korean question in the General Assembly had coincided with certain difficulties in the negotiations at Panmunjom had strengthened his delegation's conviction that it was desirable to maintain that order. That should not be interpreted as a refusal to discuss the political aspects of Korea. It was clear that, had an armistice been signed during the current session, the General Assembly would immediately have dealt with the problem. As that had not been the case, however, it was appropriate that the General Assembly should decide to meet again as soon as an armistice had been concluded. It also appeared desirable to envisage a special session of the General Assembly if the developments in the Korean situation should justify it.

The meeting rose at 1 p.m.