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Chairman: Mr. João Carlos MUNIZ (Brazil).

Reports of the United Nations Commission for the Unification and Rehabilitation of Korea (A/1881, A/2187, A/2228, A/C.1/725 and A/C.1/729) (continued)

[Item 16 (a)]*

1. Mr. CASEY (Australia) wished, on behalf of his delegation, to pay tribute to the members of the United Nations Commission for the Unification and Rehabilitation of Korea who had fulfilled their task with dignity, patience and understanding. He hoped that that view would be reflected in the text of the resolution to be adopted by the First Committee.

2. Some representatives had made use of information contained in the Commission's report (A/2187) to criticize the political events which had occurred in the Republic of Korea in May, June and July of that year. It was unseemly for those who had prevented a United Nations Commission from investigating the situation in North Korean territory to criticize the Republic of Korea. It was hardly necessary to recall that the North Korean authorities had even refused to allow representatives of the International Committee of the Red Cross to enter their territory for the sole purpose of bringing aid and comfort to prisoners of war. In the circumstances, the Australian delegation accepted the Commission's report and considered it to be unbiased.

3. The Australian Government did not, of course, endorse all the activities of the Republic of Korea. In particular, it regretted a number of events enumerated in the Commission's report and hoped that the Republic of Korea would continue to make progress towards a strengthening of its democratic institutions. It should be borne in mind that the young Republic, from early infancy, had been subjected to severe tests. After its very existence had been constantly threatened, it had been the victim of a cruel aggression.

4. Drawing attention to the Commission's efforts to facilitate a settlement, he said that the Republic of Korea would no doubt continue to require political and

economic aid for some time to come. He hoped therefore that the General Assembly would adopt a resolution providing for continuation of United Nations representation in Korea.

5. Recalling the moderate and dignified statement made by the United Kingdom representative at the previous meeting, he pointed out that the question of an armistice in Korea was not an academic one. The First Committee's primary task was to find a solution to that international dispute, as required by the Charter.

6. Mr. Acheson's presentation (512th meeting) of the history of the Korean question was accurate whereas Mr. Vyshinsky's (514th meeting) was not. The United Kingdom representative had already refuted the USSR representative's charge that the Security Council had acted without evidence on 25 June 1950. Attention should be drawn to the cablegram which the United Nations Commission had sent to the Secretary-General on 26 June 1950, (S/1507) stating that United Nations observers had over a period ending on 23 June 1950, or two days before the outbreak of hostilities, studied the situation along the 38th Parallel. From those observations, the Commission had reached the conclusion that the North Korean authorities had long been preparing a large-scale invasion of South Korea, whereas the South Korean forces had been defensively deployed in depth and had, in fact, been taken completely by surprise. In view of the membership of the Commission and the presence of two Australian military observers there could be no doubt as to the accuracy of the Commission's report or of the facts on which the Security Council had based its decision. No good purpose, however, would be served by refuting every point touched upon by the USSR representative.

7. The first thing to be done was to settle the prisoners-of-war question by deciding whether or not force should be used to repatriate a prisoner who forcibly resisted repatriation. It was not sufficient merely to argue that every prisoner of war wished to return home. To do so would be merely to evade the issue arising from the fact that some prisoners refused to be repatriated. If the Chinese and North Korean authorities continued to say that prisoners should be forcibly

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

repatriated there would be no way out of the current impasse. If, however, those authorities conceded that there might be some prisoners who refused to be repatriated, it should not be difficult to establish some procedure whereby such persons might freely express their will.

8. The Soviet Union had itself guaranteed that German troops surrendering at Stalingrad would, after the war, be repatriated to Germany or to any other country to which they wished to go. He would like to know what Mr. Vyshinsky thought about that attitude which a USSR publication had described as expressing "the highest act of humanitarianism".

9. Associating himself with Mr. Acheson's clear and well-documented statement on the Korean question, he pointed out that the United Nations Command had made every effort to reach an armistice in Korea, but that that should not be taken to imply that the United Nations was suing for peace at any price, especially since its forces had successfully repelled the aggressor. It would be remembered that Mr. Malik, in his broadcast of 23 June 1951, had expressed his Government's "desire to put an end to the bloody fighting in Korea". As early as 25 June he himself had stated, on behalf of the Australian Government, that it had at all times desired an early settlement of the question, provided that the principles which had brought the United Nations into collective action against aggression were not abandoned. Since that time, armistice negotiations had been under way throughout the fifteen months which had elapsed. Unfortunately, whenever there was a ray of hope, the Chinese and North Korean authorities had received new instructions and the negotiations had again reached an impasse.

10. Contrary to Mr. Vyshinsky's allegations, the Chinese and North Korean authorities had not been alone in making concessions. The United Kingdom representative had enumerated the concessions made by the two parties. To the list of those made by the Unified Command could be added the fact that at the beginning of the negotiations the Chinese and North Korean authorities had wished to include in the agenda an item relating to the withdrawal of armed forces. Because that was a political question and such questions were to be excluded from the negotiations—as Mr. Gromyko himself had admitted—the United Nations Command had rejected that request. In order, however, that the negotiations might progress, it had finally agreed to an agenda item covering "recommendations to the governments of countries concerned on both sides". It was under that agenda item that the United Nations Command had agreed to discuss at a later stage the withdrawal of foreign troops from Korea. The efforts made by the United Nations to reach a compromise should not be considered a sign of appeasement; they were merely evidence of the patience and goodwill of the United Nations negotiators at Kaesong and Panmunjom. To those who accused the United Nations Command of lack of sincerity it was only necessary to point out that negotiations had taken place in open and secret session at the staff officer level and in plenary meeting and that the United Nations Command would be prepared to meet in any other type of session at Panmunjom which would lead to a discussion of the substance of the Armistice Agreement.

11. On 27 April 1952, a draft armistice agreement had been accepted by both sides with the exception of the interpretation of the provisions relating to the repatriation of prisoners of war. No further progress had since been achieved at that point. The Australian Government's stand on the question was based on the humanitarian principle that a prisoner of war whose life or freedom would be in jeopardy if repatriated against his will should not be sent back at the point of a bayonet. Mr. Acheson had stated that he was ready to agree to any solution which preserved the principle of non-forcible repatriation. The representative of Australia was pleased to note that the USSR delegation had not suggested that the armistice negotiations should be transferred to New York.

12. Commenting on the joint draft resolution submitted by twenty-one States (A/C.1/725), he pointed out that it was the First Committee's task to create an atmosphere that would lead to a cessation of hostilities in Korea. No purpose would be served by dwelling on past events. It was agreed on both sides that the prisoner of war issue was the only obstacle to the conclusion of an armistice. That was not a novel issue, since several States represented on the First Committee had on other occasions recognized the absolute right of prisoners of war to seek asylum rather than be forcibly repatriated. That problem could therefore be solved with the cooperation of all parties. As Mr. Acheson had already stated, the solution need not emanate from one of the States involved in the Korean war; any satisfactory solution advanced by a member of the Committee would be most welcome.

13. Mr. VON BALLUSECK (Netherlands) said that Mr. Acheson's statement left no doubt as to who was responsible for preventing the restoration of a unified, democratic and sovereign Korea. The aggression which the United Nations had to repel in Korea had unfortunately prevented the achievement of the objectives laid down at the Moscow Conference of December 1945.

14. The United Nations' present task was to restore a just and honourable peace which would help to establish a unified Korea. That task was no longer the sole responsibility of the States which had taken part in the Moscow Conference, for since that time, the United Nations had sent a commission to Korea and had helped the Republic of Korea to defend itself against North Korea.

15. It was not difficult to refute Mr. Vyshinsky's arguments by showing why the United Nations had not succeeded in unifying Korea. The fact was that the last United Nations Commission, like those which had preceded it, had been refused access to North Korea. Moreover, the countries associated with the USSR which the Assembly had appointed to the Commission, had refused to participate, thus frustrating the task of unifying Korea. Lastly, the aggression against Korea had come from the northern sector.

16. Mr. Vyshinsky had attempted to blame the Korean war on the Government of the Republic of Korea. He had claimed that the Security Council decision of 25 June 1950 (S/1501) had not been founded on convincing evidence. He forgot, however, that the report of the United Nations Commission in Korea of 26 June 1950 (S/1507) clearly established that there was no justifi-

cation for the allegations of the North Korean authorities to the effect that the war had been started by the Government of the Republic of Korea, and that, on the contrary, it was evident that the aggression had been prepared in secrecy by North Korea in accordance with a co-ordinated plan. On the basis of that report, the United Nations had been led to begin collective action against aggression.

17. Since that time, the Republic of Korea had suffered cruelly. In those tragic circumstances, tension had occasionally arisen in its domestic political life, as the most recent United Nations report had noted. While it tried not to intervene in any internal political conflict in the Republic of Korea, the Commission could not remain inactive in the face of such a situation. It acted wisely in seeking to safeguard the principles of democratic, constitutional government, bearing in mind that besides the sacrifices made by the South Koreans themselves, a number of countries had also made sacrifices in men and material and would be called upon in the future to give the Republic of Korea further assistance.

18. The Netherlands Government was in agreement with the conclusions of the report of the United Nations Commission. The military objective was to repel aggression; the political objective was to establish a unified, independent and democratic State. In that connexion, it would be desirable for the United Nations to continue to be represented in Korea for some time after the cessation of hostilities, help the Korean people further its interests, and bring about the country's recovery.

19. There was a possibility of ending the war. Every effort must be made to turn that possibility into a reality on a just and honourable basis. If the aggressors did not raise new obstacles, there was every reason to hope that the question of the repatriation of war prisoners would be settled and an armistice concluded.

20. The special report of the Unified Command (A/2228) provided ample evidence that it had spared no effort to reach an honourable solution on all military questions. The fact that almost complete agreement had been reached refuted the charge that the Unified Command had been intransigent. The sole obstacle to complete agreement was the refusal of the aggressors to accept an equitable solution of the prisoner-of-war problem.

21. The Unified Command in Korea had always agreed that all prisoners of war should be repatriated, on the understanding that the detaining power could at its discretion grant asylum to any prisoners who requested it. The Unified Command had likewise agreed that a body acceptable to both parties should be entrusted with the task of guaranteeing the freedom of choice to be exercised by the prisoners of war. A variety of suggestions on the subject had been put forward by the United Nations negotiators and by other authorities, such as the Government of Mexico.

22. In his speech, Mr. Vyshinsky had quoted a series of international conventions, and the 1949 Geneva Convention in particular, in an effort to prove that prisoners of war had an unconditional right to repatriation. No one was contesting that right, but it was nevertheless true that each prisoner was entitled to decide for himself whether he wished to exercise that right in his own interest. There was a fundamental difference between not using a right, waiving a right and losing a right. The prisoners of war must clearly have an

opportunity to decide freely whether or not they wished to exercise that right. Every suggestion made to the Chinese and North Korean authorities took that basic condition into account.

23. It was therefore difficult to understand why those authorities continued to insist on the forcible repatriation of war prisoners who did not wish to return. They had nothing to gain by such process; moreover, they stood to lose the benefits of a rapid ending of the war.

24. There were many possibilities of reaching agreement. That was why the Netherlands Government had joined with twenty other Governments in submitting a resolution to the First Committee which was designed to end the war on the basis of an honourable settlement of the prisoners-of-war issue.

25. The Netherlands delegation reserved the right to speak at a later stage on the USSR draft resolution (A/C.1/729).

26. Mr. POLITIS (Greece) said that Greece was taking part in the military effort in Korea and was therefore especially anxious for the conclusion of an honourable armistice as rapidly as possible. Having repelled the aggression, the United Nations had no ambition other than to restore peace and to help the Korean people achieve free institutions and sound economic conditions.

27. Mr. Acheson's admirable statement had clearly established the responsibility of the North Korean authorities for the preparation and execution of the aggression against the Republic of Korea. In any case, those events would be properly judged by history.

28. At the present time, only the facts were important. The collective action in Korea had come about because of the obligations placed on Member States by the Charter. The duty to persist in that collective action would continue until the aggressors accepted conditions compatible with the principles of the Charter. The United Nations must seek every opportunity to reach agreement on that basis. In that connexion, tribute should be paid to the patience and courage of the United Nations negotiators. Substantial progress had been made and the only remaining obstacle to the conclusion of an armistice was the prisoners-of-war issue. That was an important issue for the United Nations since it involved principles of law and morality.

29. Consequently, special attention had been given to the statement of the USSR representative. Unfortunately, the statement had failed to produce any concrete basis for a practical and honourable solution of the problem. It was difficult to believe that if the communists really wanted to restore peace, they would be determined to go on fighting solely because they would be unable to obtain the repatriation of some thousands of war prisoners against their will. On the other hand, it would be a crime for the United Nations to sacrifice the lives and freedom of those prisoners.

30. The Greek delegation felt that the USSR draft resolution (A/C.1/729) was not calculated to promote the cessation of hostilities in Korea. If it were adopted, its only effect would be to transfer the seat of the armistice negotiations from Panmunjom to New York. But the limelight of publicity focused on political debates was not at all suited to armistice negotiations which

dealt with military matters and were normally the business of military men.

31. On the other hand, the objective of the draft resolution of the twenty-one Powers (A/C.1/725) was to conclude an armistice based on the principles of the Charter. By that resolution, the General Assembly endorsed the position taken by the United Nations Command on the prisoners-of-war issue. The Communists must realize that the United Nations would not engage in bargaining on matters relating to human life and honour.

32. The draft resolution of the twenty-one Powers was based essentially on the principle of collective security laid down in the Charter. Greece, like the other States which had sent troops to Korea, did not consider the war to be its own affair, but felt that it was the concern of all those who had voted against aggression.

33. The armed forces fighting in Korea were the common fighting forces of the United Nations. No State could be sure that it would not one day become the victim of aggression and be forced to call upon the United Nations forces to restore its peace and security. That was why it was important for the Assembly's ultimate decision to rest fundamentally on the principles of collective security embodied in the Charter.

34. Mr. VAN ZEELAND (Belgium) said that the problem under discussion was the same one that was being fought out in blood on the Korean battlefields. Through the United Nations the whole of mankind was labouring unceasingly to achieve a peaceful and just solution of that problem, the seriousness of which warranted and indeed required a thorough collective self-examination. It was a pressing necessity for every man of goodwill to review the successive decisions taken, so as to re-assure himself that they had been wise and necessary. A careful day-by-day analysis of the events as they had occurred left no room for any other conclusion but that the decisions taken had been just, that it would have been impossible to act otherwise without violating the undertakings that had been entered into and without a dereliction of duty.

35. It seemed that fate had intended that case to serve as a striking example. The United Nations Commission whose reports formed the basis of debate had been set up *in tempore non suspecto*, that is, before the aggression had taken place. It was a body which the principal nations of the world had created in order to obtain the maximum guarantee of impartiality and objectivity. The Commission had been on the spot. It was the Commission that had described the circumstances preceding and attendant upon the advance of the North Korean troops into South Korea, thus providing the historical basis for the certitude that the responsibility for the war in Korea lay entirely and exclusively with the armed forces of North Korea. The United Nations was therefore in duty bound to take action to restore law.

36. But, since then, had the United Nations done everything in its power to restore peace and justice? The fact that the United Nations had submitted proposal after proposal for the settlement of the questions in dispute, and above all for the conclusion of an armistice, was ample proof of its desire for peace. For fifteen months the world, astonished and indignant by turns, had been witnessing the tragi-comedy of the Panmunjom negotiations. But the provocations, insults

and innuendoes of all kinds of propaganda had not overcome the United Nations efforts. Finally, a day dawned when it seemed that the hope of peace was destined to become a reality. It was then that there had arisen the last obstacle, which had held up negotiations for more than six months. It was impossible to believe that there was no solution to the problem of the forced repatriation of prisoners of war. The hope of reaching a solution must be kept alive in spite of the ill-success so far encountered by the unfailing patience and extreme goodwill displayed by the United Nations representatives in their desire to meet the objections of their opponents. Those who had spoken on behalf of the United Nations at Panmunjom should be thanked as much for their loyalty to principles as for their perseverance and forbearance.

37. One fact was implicitly or explicitly recognized, namely, that the only question which still prevented the conclusion of an armistice was that of the repatriation of prisoners of war; that fact, it would seem, could be taken as a sound starting point. Furthermore, all delegations agreed in recognizing and affirming the right of prisoners of war to be repatriated on the conclusion of hostilities. It was only after that point that the difficulty started. As he saw it, the prisoner of war not only had a right to be repatriated, but also possessed inalienable rights deriving from the dignity of the human person. Like any other person, the prisoner of war awaiting repatriation had the right to be protected against any form of violence, either physical or moral, which might exert pressure on his will and deprive his actions of their nature as free decisions. On the other hand, the right to repatriation could not be shorn of its full significance and turned into an obligation on the part of the detaining Power to extradite forcibly the prisoner of war as if he were a common-law criminal. To force a man to return against his will to a country under a régime whose ill-treatment he had reason to fear would constitute a violation of a human right. Was there anyone in the Assembly who would maintain the contrary?

38. Some people, turning the problem round, seemed to fear that violence or moral pressure might be used to induce men to refuse repatriation, and thus, in fact, to deprive them of that inalienable right. It should be stated outright that any form of pressure or violence, whatever its aim, would be equally open to condemnation and equally condemned. It would be as wrong to prevent a prisoner from exercising his right to repatriation as to repatriate him against his expressed will. All that was needed therefore was to place the prisoner in a position where his decision would be really and completely free from all constraint. Was it so difficult, therefore, to reach an agreement?

39. The Belgian Government was prepared to study all suggestions towards that end in the most liberal and conciliatory spirit. Provided that the two parties were inspired by the same desire to achieve results and the same will to protect human rights, a solution was possible. The principles at stake were so closely linked to respect for the human person and so fundamental that it would seem difficult to abandon them without sacrificing at one stroke all the moral results gained at the cost of a magnificent effort. As a former prisoner of war, however, he did not wish to renounce the hope that through new endeavours, from whatever source they might come, a new formula might be found for achiev-

ing the guarantees and assurances to which he had referred. If a further effort of goodwill and understanding was necessary on the part of the United Nations, it would be made to the fullest extent compatible with the principles that formed the very basis of its action. It was accordingly the right and the duty of the United

Nations to ask its adversaries whether or not they were determined to protect human rights effectively. The time had come for the United Nations to make a final and solemn appeal to them.

The meeting rose at 4.35 p.m.