



CONTENTS

Page

Reports of the United Nations Commission for the Unification and Rehabilitation of Korea (A/1881, A/2187, A/2228, A/C.1/725, A/C.1/729/Rev.1/Corr.1, A/C.1/730, A/C.1/732 and A/C.1/734) (continued)	117
--	-----

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, A/C.1/729/Rev.1/Corr.1, A/C.1/730, A/C.1/732 and A/C.1/734) (continued)

[Item 16(a)]*

1. Mr. EDEN (United Kingdom) stated that the speech made by the representative of India at the previous meeting was commendable. Especially, the closing words were moving. It was surely the desire of everyone to end the present conflict on honourable terms.

2. The Government of the United Kingdom had pledged its readiness to examine any method or procedure which could ensure such a settlement. He had set out, before the 393rd plenary meeting of the General Assembly on 11 November, four fundamental points of principle, which were, first, that every prisoner of war had the right, on the conclusion of an armistice, to be released; second, that every prisoner of war had the right to be speedily repatriated; third, that there was a duty on the part of the detaining side to provide facilities for such a repatriation; and last, that the detaining side had no right to use force in connexion with the disposal of prisoners of war, in other words, after an armistice, a prisoner of war could not be either forcibly detained or forcibly repatriated. Mr. Eden agreed with the representative of India that these four points of principle were covered in the Indian draft resolution (A/C.1/734). These points of principle indeed were embodied in the eighth paragraph of the body of the draft resolution and paragraph 3 of the proposals. These paragraphs laid down that force would not be used against the prisoners of war "to prevent or effect their return to their homelands".

3. Mr. Eden furthermore agreed with the Indian representative that it was a mistake to examine too legalistically every word and phrase of suggestions

which might afford a solution. However, there were two important points which needed a clarification. The first point related to the umpire. Paragraph 13 of the Indian proposals laid down that the decisions of the repatriation commission would be taken by majority vote and that, in the event of a deadlock, recourse should be had to an umpire who, according to paragraph 14, should be chosen before the armistice could go into effect. What needed clarification here was to what extent the umpire would be a full and regular member of the commission. It could hardly be the intention of the draft resolution to put an umpire in the background, ready to be called upon only in the case of a deadlock. The wording of the draft resolution could lead to such an interpretation. It would certainly be more practical for the umpire to be a full member of the commission. In other words, there should be a commission of five, including the umpire who would preside. Clarification of this point, which did not involve any political questions at all, would avoid complications and save time.

4. Mr. Eden stated that his second point was more substantial and concerned paragraph 17 of the draft resolution, which related to the future disposal of any prisoners of war who, for one reason or another, were not repatriated in accordance with the procedures set out in the preceding paragraph. He would agree with the Indian representative that one could not keep human beings in captivity forever or for indeterminate periods. Furthermore, in Mr. Menon's words ". . . if, as a result of all this, there should be a number of persons whom it has not been possible to return to their homeland for one reason or another, whatever the reason may be, and if there are people who are in this stage of suspended animation, then there must be some provisions made". The question, however, was: how was this provision to be made, and what body should be responsible for that task? Mr. Eden again agreed that the United Nations should have this responsibility. It could either create a special body to look after the prisoners—a resettlement commission—or it could extend the functions of the United Nations Korean Reconstruction Agency, to cover that particular task. The advantage of using the latter was that

* Refers to the item number on the agenda of the General Assembly.

it already existed and could perform the additional task, if its functions were extended accordingly. If, however, there was objection to the use of the United Nations Korean Reconstruction Agency, a special organ could be set up. In this connexion, he wished to recall the valuable suggestions of the delegations of Mexico (A/C.1/730) and Peru (A/C.1/732). Mr. Menon had proposed that the ultimate responsibility of caring for the prisoners should rest with the United Nations. Mr. Eden thought there was much to be said in favour of transferring responsibility for them, after a given period, from the repatriation commission to a resettlement agency. The prisoners should become free and useful citizens of peaceful communities and provision of this was an important constructive task for the United Nations.

5. Mr. Eden felt that the Indian draft resolution, on the whole, was a timely and constructive attempt to resolve the existing deadlock. The Panmunjom negotiations had been admittedly slow. However, the achievement so far was remarkable; all but one of the sixty-three articles of the draft Armistice Agreement had been agreed upon by both sides. Furthermore, Mr. Eden recalled that Mr. Acheson had remarked in his address to the General Assembly on 16 October (380th plenary meeting) that the purpose of the intervention by the United Nations in Korea had been achieved. It was against this background that the last remaining issue which had caused the deadlock, that of the prisoners of war, had to be considered. Meanwhile, the casualties on both sides had been mounting steadily.

6. The United Nations had rightly insisted on the principles which the free world as a whole had accepted. Mr. Eden urged that the Indian draft resolution should not be viewed as some document which must be exactly complete in every detail. So long as the principles of the United Nations were safeguarded, the proposal should be judged by what it could achieve. The question was whether the Indian draft resolution would bring the United Nations nearer agreement on the one outstanding issue or not. It was Mr. Eden's belief that it did and he prayed that the Committee might find agreement in regard to it.

7. Mr. YANG (Republic of Korea) stated that he wished to refute some of the distortions contained in the two lengthy statements made by the representative of the Soviet Union (514th and 521st meetings) on the Korean question. Although actually no reply was required, Mr. Vyshinsky's false contentions could not be dismissed as trivial obfuscation, inasmuch as there was a danger that they might be at least partially believed in some quarters.

8. He would above all assert to Mr. Vyshinsky that if the Soviet Union had been directed by normally decent and humane principles, it would have today in Korea a nation of friends rather than enemies. The Soviet Union had chosen to pursue in Korea a course of repression and aggression, rather than friendship. The Soviet Union, in direct violation of the Cairo and Potsdam agreements on Korean independence to which it was a party, had created a military zone of control and established in the northern provinces a puppet régime. Not content with seizing these northern provinces, the Soviet Union had sought to subvert the

south against the will of its people. When all efforts at subversion had failed, the Soviet Union had had recourse to force. This force and brutality, nevertheless, had failed in the face of opposition not only of the Korean people, but of much of the free world. If, however, the Soviet Union even at this stage were to demonstrate respect for decency, truth and peace, the Korean people would co-operate with the Soviet Union towards international harmony and progress.

9. Mr. Yang declared that despite Mr. Vyshinsky's false assertions to the contrary, his Government was not a totalitarian régime. It was a democracy in the classic nineteenth century liberal tradition, basing the entire course of its action upon the freedom and dignity of the individual.

10. The Soviet Union Government itself, Mr. Yang observed, was responsible for the decline in the living standards of South Koreans. As had been repeatedly demonstrated, Korea was a country whose economic viability was dependent on its unification. The economic enterprises of North and South Korea were complementary, inasmuch as the people of South Korea devoted their efforts to agriculture and the fabrication industries, while Koreans in the north engaged in mining, forestry and the production of hydro-electric power, etc. The Soviet Union's stand against unification had indeed caused suffering to the Korean people, which suffering, however, was negligible compared to that inflicted later on by the Communist aggression.

11. Mr. Yang went on to point out that the Soviet Union Government was infamous for its want of responsibility. The mendacious charges made by the Soviet Union against the President of the Republic of Korea provided a case in point. President Rhee was neither a fascist, nor a Japanese agent, nor servile to the United States interests. As the record of his life and career demonstrated, he was only devoted to the national independence and welfare of Korea and the Korean people. Koreans were far more concerned with principles than personalities. They believed in the rule of law and in free institutions. The real issues for the Korean people were national independence, unification and security for the continuance of their democratic Government. A wide majority of the United Nations Members professed these same aims. Several delegations had presented plans which could ostensibly make it possible to reach these objectives. His Government too had a plan which perhaps came even closer to the heart of the matter.

12. The Soviet Union representative had repeatedly emphasized his belief that the people of Korea truly desired to be ruled by a Communist government. The Korean delegation challenged the Soviet Union Government to agree to an immediate plebiscite throughout Korea to permit the people to indicate their desires. This it would do despite the fact that the Koreans in the north had been subjected for seven years to a vigorous Communist propaganda campaign. His delegation was ready to agree to hold a fair and free plebiscite under impartial United Nations supervision, and abide by the results as the Communist bloc also must do. Should the Communists lose, they would be morally obligated to withdraw their entire forces, military as well as political.

13. Mr. Yang told the Committee that with every concession the United Nations and the free world made to the Communists and their delaying tactics they themselves contributed to the confusion of world public opinion and the ultimate strengthening of the forces of imperialism. In fact, each concession subtracted from the condemnation implicit in the word "aggressor". One could almost believe that the aggressor and the instigator of that aggression were the honoured guests of the General Assembly rather than the international criminals whom the United Nations had designated as aggressors. Criminals could not be bargained with, they must be punished. It was not enough, in the dismal prospect that a truce would be reached, that the aggressors would merely be constrained legally to staying within their present territorial holdings.

14. It was imperative that the destruction wrought in Korea be compensated and that the free world protect itself in the future against those who would destroy free institutions. The free world would invite future Communist aggression if it failed to institute total sanctions, which would speedily and completely achieve the aims of the United Nations to prove to the aggressors that future attacks would be costly.

15. A just and honourable victory would be achieved only when the Korean Communists would be disarmed and the Chinese Communists completely withdrawn from Korea. Such a victory could only be achieved by complete economic and military sanctions, and only such a victory could ensure peace. One of the measures to secure the peace when that was won must be the establishment of a buffer zone in Manchuria, manned by an international security brigade which would be the instrument of the general collective security system of the United Nations, and which would remind the Chinese Communist aggressor that his foul ambitions would be met by the united weight of the free world, in the future as in the past.

16. Furthermore, it was also necessary to punish the leaders of aggression among both the Korean Communists and the Chinese Communists according to the precedents of the Nürnberg and Tokyo war crimes trials.

17. Headed by the United States, many Members of the United Nations had been responsive enough to the demands of their own ultimate protection and they had made contributions of men and matériel to the successful pursuit of the United Nations objectives. Such contributions had almost never been proportionate to the national capabilities of the particular Member States. This could and must, however, be remedied; what was at stake was not only the security of the Republic of Korea but that of the entire free world.

18. Turning his attention to the evaluation of the immediate United Nations objective of a truce, Mr. Yang asserted that the present objective did not appear to hold out any hope of a realization of the principles of the restoration of peace and security throughout Korea together with its unification. The United Nations undertook to restore peace and security throughout Korea and effect its unification. It must persevere in carrying out those objectives. It must honour its own pledges by concrete performance.

19. Mr. Yang pointed out that there was no concrete evidence that the Communists sincerely desired truce. Sixteen months of negotiations had run afoul. The question of the return of prisoners of war was scarcely a valid excuse for the delay, nor did the draft resolution of the Soviet Union (A/C.1/729/Rev.1/Corr.1) demonstrate a desire to expedite the settlement. Even if a truce were obtained, it was not likely that the disagreements of the major Powers, which were unsolved during five years of "peaceful negotiations" and two years of continuous battleground diplomacy, could be resolved.

20. With regard to the Indian draft resolution (A/C.1/734), which undoubtedly was actuated by goodwill and a genuine wish for peace, Mr. Yang asserted that it was misguided in its premises and that it was utterly unworkable as the means for bringing about its desired results. It was misguided in its basic premises primarily because it supposed that a truce was a means of achieving United Nations objectives in Korea. It was also mistaken because it treated the aggressors as representing a legally acceptable position, which entitled them to all the privileges in the conclusion of hostilities. It also assumed incorrectly that the way to deal with the aggressors was to concede to them specific advantages at the expense of the position of the free world, because the "compensation" to the free world in this "compromise" agreement was the recognition of "principles", the content of which had been demonstrated clearly in the Committee as impossible of reconciliation.

21. Besides these mistaken premises the Indian draft resolution was completely unrealistic as a means for bringing about the desired results. For instance, could it be supposed that a commission made up of two neutral countries and two Soviet satellites would exercise a purely neutral role, even with the guiding hand of an umpire? Moreover, could it be supposed that, without supervision, the Communist prisoners of war would leave unmolested non-Communist prisoners, of whom many had already been killed by the Communist prisoners in the prisoner-of-war camps? Citing various incidents which had taken place in the prisoner-of-war camps under the ostensible control of the Unified Command, including the kidnapping of the Commander of the Koje camp, as well as numerous serious uprisings, Mr. Yang expressed his doubts that an unarmed "neutral" commission could exercise better control over the released Communist prisoners of war in a demilitarized zone. In fact, members of such a commission would find it impossible to save their own necks unless they were prepared to accept the Communist dictates or unless they were already sympathetic to the inevitable actions of the Communist prisoners of war. The conclusion was patent. The Indian draft resolution underwrote the forced return of thousands of prisoners, to whom it sought to promise freedom to return to their homelands.

22. Another basic question was what should be done with those prisoners, if any survived, who refused to be repatriated. One could only assume that they would remain in custody with neither any guarantee of their ultimate freedom nor any assurance of protection during their continued enforced captivity. In short, this would be forced detention, which the Indian draft resolution ostensibly sought to overcome.

23. Finally, how and by whom would the disposition of all the prisoners of war be guaranteed, in view of the fact that the Indian draft resolution failed to provide any means for their accounting?

24. In conclusion, Mr. Yang declared that a just and honourable peace could be achieved only by achieving complete victory, which in turn could only be secured through the employment of total sanctions against the aggressor.

25. Mr. VON BALLUSECK (Netherlands) said that there seemed to be common agreement that the question of the repatriation of prisoners was the only remaining obstacle to the conclusion of an armistice in Korea. Most of the representatives felt that the fighting in Korea must end before the larger question of a Korean settlement could be tackled. The parties at Panmunjom had agreed to recommend to their governments the convening of a political conference. The question of repatriation of prisoners of war had been approached from all angles. Most of the speakers in the Committee agreed that prisoners of war should be repatriated; no one wanted the detention of prisoners after the conclusion of an armistice.

26. Differences of views, however, had arisen as to whether prisoners possessed the right not to want to be repatriated, and on the question whether prisoners could be granted the right of asylum by the detaining countries. It was the opinion of Mr. Vyshinsky that prisoners of war could not decide against being repatriated. Others contend that the Geneva Convention of 1949 did not oblige those prisoners who feared for their lives and security to be repatriated. Some also believed that the prisoner, without waiving his right to repatriation, should decide freely regarding his right to repatriation. Still others believed that, between the duties of States to repatriate prisoners at the end of hostilities and the right of the individual prisoner not willing to be repatriated, the position was unclear. Moreover, it had been contended that the Geneva Convention was completely silent upon this question and that, to this end, an opinion should be sought from the International Court of Justice. Finally, some believed this method would unduly delay the debates.

27. The majority of the Committee, however, had pronounced itself against the principle of forced repatriation. This was evidenced by the joint draft resolution submitted by twenty-one delegations (A/C.1/725). The Indian draft resolution (A/C.1/734) also accepted the same principle. So far, only the USSR and its political friends had seemed to support the principle of complete repatriation in all circumstances, basing their views on formal and legal grounds. However, they had not declared yet that force should be used against those who would forcibly refuse to be repatriated. That gave ground for some hope of an agreement.

28. Mr. von Balluseck stated that Mr. Vyshinsky, in the revised text of his proposal (A/C.1/729/Rev.1/Corr.1), proposed that a commission set up under the terms of that proposal should extend all possible assistance to the repatriation of all prisoners of war by both sides. Naturally, the commission could help those who wished to be repatriated, but one could not conceive how it could extend help to those whom it would be forced to repatriate at the point of a bayonet. A

United Nations commission could not contemplate the use of force for such ends.

29. The Netherlands delegation found that all the draft resolutions submitted, with the exception of that of the Soviet Union, contained a variety of suggestions as regards ways and means to solve the questions in such a way that every conceivable guarantee would be offered those prisoners to make a free choice and to remove every possibility of their being subjected to pressure or intimidation from either side. He believed that the debates so far had shown conclusively that the great majority of the Committee was just as much against forcible detention as it was against forcible repatriation. That had always been the position of the Unified Command, and for that reason twenty-one delegations, including that of the Netherlands, had co-sponsored the joint draft resolution contained in document A/C.1/725. If all the parties recognized this principle, a solution should not be too difficult or too complicated.

30. As late as 23 September 1952, the Unified Command had suggested three alternative plans for the solution of the question. The first was to have all prisoners assembled in an agreed exchange point in a demilitarized zone, where those who stated their desire to return to the detaining side should be permitted to do so and regain civilian status, while all others would be repatriated immediately. The second was that all those who indicated they would forcibly resist repatriation would be assembled in the demilitarized zone and, after interrogation by an impartial body, would be left free to go to the side of their choice. Under the third plan those who indicated they would resist forcible repatriation would be assembled in the demilitarized zone and, without any further screening, be freed from military control and allowed to go to the side of their choice. It was explained that any of these three proposals would be carried out in the presence of or under the observation of (a) the International Committee of the Red Cross, (b) joint Red Cross teams, or (c) joint teams of military observers of both sides; and this list of possibilities for impartial supervision was certainly not exhausted.

31. Various other proposals had been made to the Committee, such as sending the residue of prisoners unwilling to be repatriated to those countries willing to receive them as temporary immigrants, or taking the question completely out of the hands of the parties directly concerned and entrusting it to a special repatriation commission impartially constituted. The prisoners would then be released to that commission in a neutralized zone. Those who wished to be repatriated would be sent home forthwith, whereas the unwilling prisoners would remain in the custody of the impartial commission, thus remaining no longer under military custody; they could also go to those countries wishing to receive them, in the absence of any other solution. All these proposals offered a variety of material upon which a just and honourable solution could be built, thereby removing the last obstacle in the path of an early armistice. However, the Government of the People's Republic of China and the North Korean authorities must of necessity co-operate with the United Nations by not insisting on the use of force against unwilling prisoners. In the circumstances, he wished to recall his earlier statement (516th meeting) that his

delegation found it difficult to understand why any government should insist on the forcible return of unwilling prisoners of war whose loyalty to their rulers had ceased to exist.

32. Mr. HOPPENOT (France), rising on a point of order, requested the Chairman to use his authority to prevent people from sitting with delegations if they did not possess the right to do so.

33. The CHAIRMAN answered that he was not in a position to prevent people from sitting behind the delegations but, normally, only members of the delegations should be seated with the delegations.

34. Mr. VON BALLUSECK (Netherlands), continuing, said that the United Nations, having already repelled aggression, aimed at an early armistice in Korea, as a preliminary step to the peaceful settlement of the Korean question in a wider sense. Such an armistice would remove the scourge of war and would restore freedom to many thousands of prisoners. The Netherlands delegation agreed that there should neither be forcible detention of those wanting to be repatriated nor forcible repatriation of those unwilling to be repatriated. The task of the United Nations was clear. After the armistice, all prisoners must be released. Those who did not resist repatriation must be repatriated. Those that did not wish to be repatriated must not be kept in captivity indefinitely. However, if the Indian representative was right in assuming that the Chinese and the North Korean Communists identified non-forcible repatriation with forcible detention, it should not be impossible to suggest an impartial machinery which might set their minds at rest in this respect. If co-operation was possible on a humane and honourable basis, it should not be too difficult to put such a scheme into operation and to create reasonable guarantees against any pressure or intimidation. In the circumstances, the Committee had sincerely welcomed the Indian draft resolution (A/C.1/734). However, the negotiators at Panmunjom must make efforts to arrive at a solution on the basis of the principles which he had just outlined in the Committee, a solution that would be workable and capable of producing the immediate release and speedy repatriation of all prisoners.

35. To achieve that end, Mr. von Balluseck outlined two possible ways of proceeding: (1) drafting a basic

outline of principles and inviting the Chinese People's Republic and the North Korean authorities to consider them; in the event of the Korean-Chinese side agreeing to those principles, the implementation of the principles to be left to the negotiators at Panmunjom; or (2) drafting a more elaborate proposal on the basis of the aforementioned principles and submitting it to the governments of the contending parties. In any event, the technical details would probably have to be worked out by the military negotiators at Panmunjom.

36. In conclusion, the representative of the Netherlands believed that the interventions of the various representatives in the debate on the item had opened many possible roads to an honourable and just armistice in Korea. But the Committee could not proceed if the other parties to the conflict remained unwilling to meet it halfway. The proposals made in the Committee and by the Unified Command had given the Chinese and North Korean authorities every opportunity to do so, and the door was still wide open.

37. Mr. HOPPENOT (France) inquired from the Chairman as to the measures he intended to take in order to ensure that no unauthorized persons sat with the delegations.

38. The CHAIRMAN answered that the problem could only be solved by the co-operation of the delegations. He appealed to the delegations to see to it that only authorized persons should sit with them.

39. The list of speakers in the general debate having been closed on 19 November, at 6 p.m., the Chairman announced the following schedule: Australia, Costa Rica, Czechoslovakia, Bolivia and Indonesia at the afternoon meeting on Friday, 21 November; Iraq, the Ukrainian SSR, Syria and Poland at the morning meeting on Saturday, 22 November; and Afghanistan, Chile, Burma and the United States of America at the afternoon meeting on Monday, 24 November.

40. He explained that those members who wished to speak in the debates on the many draft resolutions before the Committee should confine their remarks either to the details of the draft resolutions submitted or confine themselves to the explanation of their votes.

The meeting rose at 4.40 p.m.