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

[Item 16 (a)]*

1. Mr. VYSHINSKY (Union of Soviet Socialist Republics) observed that the debate on the Korean question in the First Committee was now drawing to a close. It was impossible to under-estimate the importance attached to that question by world public opinion which was profoundly disturbed at the injustice of a bloody war imposed on the Korean people for more than two and a half years, for which a great many Members of the United Nations involved in the United States intervention must bear the moral and political responsibility.

2. Some representatives had pretended not to realise that the Korean question affected the vital interests of the Chinese people and of the world as a whole. The Peruvian representative had even asked (524th meeting) what fraternal links there were between the Chinese volunteers and the North Korean Government. Was he perchance ignorant of the active part taken by the Korean people in the war of 1925-1927 in North China, in the revolutionary war of 1927-1937, and in the war against Japan in the years 1937-1945? The Chinese and Korean peoples were bound by ties of friendship forged in their joint struggles for national independence and freedom. That explained why in November 1950, eleven democratic parties in China had protested against United States intervention in Korea, which was not only contrary to all morality but also conflicted with the interests and security of the whole Chinese people.

3. The debate on the Korean question in the First Committee had therefore far transcended the scope of agenda item 1, as it was worded. Questions of major importance had arisen for which a solution had to be

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

found, despite all the attempts to diminish their international significance. At the very heart of those questions was that of the exchange of prisoners of war. Diametrically opposite stands had been taken, the intrinsic merits of which could in no way be measured by the number of their supporters.

4. The draft resolution submitted by the United States (A/C.1/725) proposed that the First Committee should approve the principle of the forcible detention of prisoners of war, which was the principle adopted by the United States Command. That proposal was an attempt to impose on the First Committee a decision approving the barbarous pressure brought to bear on the prisoners of war to extort their agreement not to be repatriated. The obvious purpose of that manoeuvre was to create a deadlock in the armistice negotiations and thus cause them to fail. The ruling classes in the United States were well aware that the so-called principle of voluntary repatriation was a flagrant breach of all written authority and of the generally accepted principles of international law and could not, therefore, be accepted by persons of goodwill.

5. Attempts had been made to justify that so-called principle; but since those attempts conflicted with the Geneva Convention of 1949, the Hague Convention of 1907 and the Geneva Convention of 1929, with the facts and with the universally recognized principles of international law, they were inevitably doomed to utter failure. Whereas the international conventions, for example, required the exchange of all prisoners of war, the sponsors of various draft resolutions had sought to replace that principle by that of so-called voluntary repatriation. The sole purpose of that substitution was to conceal a flagrant violation of international law: the brutal interrogation of Chinese and North Korean prisoners of war and the shooting of the more defiant prisoners in order to intimidate those who, in spite of everything, wished to return home.

6. A number of representatives had tried to feign ignorance of those despicable practices, of the interrogations accompanied by tattooing and other acts of cruelty, even shooting, inflicted on prisoners whose only

desire was to remain true to their country. How, in such circumstances, was it possible to speak of human dignity and respect for individual freedom, as some representatives had done? If they spoke so glibly of international conventions, it was merely in the hope of concealing the flagrant violation of the principles enunciated in the very texts they quoted. While prisoners of war who refused to betray their country were still being shot in Korea, the persons responsible for that state of affairs were regaling the First Committee with hypocritical speeches about the protection of human dignity and the great tradition of Western thought.

7. When it had completed its criminal task with regard to the prisoners it held, the United States Command had sought to break off the Panmunjom negotiations and tried to find new motives for doing so. It was then that the alleged refusal of the prisoners of war to be repatriated had been invoked and used to frustrate the armistice negotiations.

8. They had stopped at nothing in their attempts to justify that attitude. In an effort to distort the texts, the Peruvian representative had gone so far as to claim that the Hague Convention of 1907, referred to earlier by the USSR representative, contained no limitation on the release of prisoners of war on parole. That statement proves that either the Peruvian representative had not read article 10 at all, or else he had distorted it since it stated, that "prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honour, scrupulously to fulfil, both towards their own government and the government by whom they were made prisoners, the engagements they have contracted". That principle, that the authorization of the governments concerned was an essential condition for the release of prisoners of war on parole, had been repeatedly invoked by the USSR representative; it was also part of American military law since 1863.

9. To please the ruling classes in the United States, a number of delegations had proceeded to distort the text of international treaties like the Geneva Conventions. Some justification had to be found, of course, for that policy of force. But would anyone ever have raised the question of free choice if prisoners had not been tattooed, cruelly treated and shot? Had the sponsors of the draft resolutions of the United States, Mexico (A/C.1/730) and Peru (A/C.1/732), who supported the principle of freedom of choice which the prisoners of war were apparently to be allowed, forgotten the dreadful conditions prevailing in the camps? Had they forgotten that a captured soldier remained a soldier, that a captured officer remained an officer and that prisoners of war were still bound by their oath of loyalty to their fatherland and by their duty as soldiers to their country? They were very wide of the mark, those delegations which affirmed that the theory of the prisoner's loyalty was incompatible with the generally accepted morality and principles of the Western countries. Their attitude flagrantly violated the principles and practice of international law as expressed in the conventions signed by the countries of Western Europe.

10. There was no need to go very far to show that their contention did not square with practice. For example, the United States of America referred to its soldiers as "G.I.'s", "Government Issue", in other words "government property"; they were at the entire

disposal of the government for as long as the "G.I." was bound by his military obligations.

11. The USSR delegation had already intimated that it would oppose the draft resolution submitted by Mexico. When he spoke in the discussion (523rd meeting), the author of that draft had affirmed that, in connexion with Korea, the United Nations had already taken measures to strengthen peace, a peace based on justice. It would be very difficult to regard as likely to strengthen peace based on justice the illegal decisions of the Security Council and the General Assembly by which those bodies had described the Chinese and North Koreans as aggressors. On the subject of North Korea, the Mexican representative had hitherto observed a discreet silence. Why had he not expressed his views on the succession of documents presented by the USSR delegation ever since the beginning of the American intervention in Korea? Who had occupied Taiwan, who was systematically bombing Chinese territory?

12. Even now, Japanese forces were being specially trained for an attack on the Chinese continent. Japanese newspapers openly referred to the participation of Japanese soldiers side by side with the American armies in Korea. Thus, the Japanese newspaper *Mainichi* reported on 17 November that the head of the International Co-operation Department at the Ministry of Foreign Affairs had recently made representations to the American military authorities urging that American military staff should be prohibited from moving Japanese soldiers to the Korean front without express authorization. The newspaper quoted cases of Japanese soldiers who had been killed or taken prisoner there. In all those cases, the newspaper went on, there was no official contact between the Japanese and the American authorities. The Japanese Government was unable to do anything for its nationals, for the acts concerned were acts in respect of which the American military authorities (the military authorities of the United Nations in the case in point) were outside the control of the United States Government. In future, the Japanese Government would regard such cases as involving a violation of the migration act.

13. Thus it was proved that Japanese soldiers were already being used against the Korean people. The American staff undoubtedly had instructions to proceed with the training of Japanese armies to be used on a steadily increasing scale in the war against the People's Republic of China.

14. The Mexican delegation would like to secure an admission that the Geneva Convention of 1949 did not require the unconditional repatriation of all prisoners of war and accordingly left the door open to all kinds of manoeuvres. Like the American draft, the Mexican draft was based on the principle that the detaining Power was entitled to keep back some prisoners of war by force on the pretext that they were reluctant to be repatriated. In his anxiety to find support, the head of the Mexican delegation proposed that the opinion of the International Court of Justice should be sought as to the interpretation to be placed on article 118 of the Geneva Convention. In the first place, however, the article was perfectly clear, especially if considered in the light of the records of the international Red Cross conferences. In the second place, the point

in dispute was political rather than legal, which meant that, unless the meaning of Article 96 of the Charter were distorted, the International Court of Justice was not competent in the matter. Finally, there could be no question of submitting the problem to the Hague Court for an advisory opinion so long as blood was still flowing in Korea.

15. The USSR delegation could not subscribe to the draft resolution submitted by the Indian delegation (A/C.1/734/Rev.1). Contrary to what Mr. Menon had suggested (525th meeting), the sponsors of the twenty-one Power draft resolution (A/C.1/725) had not displayed any goodwill in the armistice negotiations. That was shown both by the attitude of the American ruling circles which were concerned only with continuing the barbarous war in Korea since it was essential to the United States well thought-out plan for a new world war and by the statement recently made in the First Committee (526th meeting) by the agent of Syngman Rhee to the effect that it was essential to achieve the unification of Korea by force of arms. The representative of India had not commented on those facts. Mr. Menon left that for the future and for the time being preferred to select what he considered to be the most important issues, thus avoiding a verdict on those obvious facts.

16. A considerable part of Mr. Menon's speech had been devoted to the principle on which the solution of the Korean problem should be based. The Indian representative had said that very often principle overlapped the realm of law; however, when there was a gap between them, it was not necessary to adhere strictly to the law. In other words, according to Mr. Menon, the problem was to reconcile points of view without impairing the principle itself. If Mr. Menon wished thus to justify in advance the contention that the principle on which the solution of the Korean problem would be based need not necessarily coincide with international law, there was some reason for asking what that principle could be. A position of that kind was unacceptable, since those who sought the just settlement of international problems must be guided not by any principle that came to hand but by a principle derived from international law. International law existed for the purpose of providing bases and principles for the settlement of international questions.

17. The position taken by the Indian representative seemed to be extremely weak. Even if one adopted his point of view and tried to produce a formula to reconcile the differing views in a general agreement, the Indian delegation's draft could not provide a satisfactory solution.

18. Proposal 3 in the Indian draft resolution seemed to prohibit the use of force in relation to prisoners of war, whether for effecting or preventing their repatriation. Respect for that obligation was to be ensured by a repatriation commission. Thus, the draft resolution, which referred to the Geneva Convention, attempted to use the provisions of that Convention to support, in fact to cloak, a possible refusal to repatriate the prisoners of war. Article 118 of the Convention, however, was explicit: even if there was no agreement between the parties with regard to repatriation there could be no justification for any delay in returning the prisoners of war to their homes.

19. The Indian proposal was also in conflict with Article 119 of the Convention, which specified the exceptional cases in which the return of prisoners of war could be delayed as in the case of prisoners of war charged with, prosecuted for or convicted of an indictable offence. In such cases, a commission was to be established for the purpose of searching for all prisoners of war, including those who might have gone into hiding to escape prosecution, and of assuring their repatriation with the least possible delay. The Indian draft resolution in fact reduced the matter to the exchange of those prisoners of war who voluntarily expressed a desire to be repatriated. In the conditions implied by captivity in American camps, however, the "free choice" of the prisoners was a mockery.

20. The draft resolution submitted by the Soviet Union (A/C.1/729/Rev.1/Corr.1 and Add.1) proposed the establishment of a commission to settle the Korean question. That commission, one of whose tasks would be to settle the problem of the prisoners of war, would consist not only of representatives of the parties concerned but also of representatives of States which had not taken part in the hostilities. The functions of the commission would not be confined to repatriation. The commission would have to consider what measures should be adopted for settling the Korean question as a whole, on the basis of the unification of Korea. Such unification would be effected by the Koreans themselves under the supervision of the commission, by means including all possible assistance for the immediate repatriation of all the prisoners of war by both sides.

21. The Indian proposal, on the other hand, would limit the commission's function to the repatriation of prisoners, and was unacceptable for that reason. It was also unacceptable because it gave a decisive voice to an umpire who would act as the commission's chairman. If the parties could not agree on the choice of the umpire he would be appointed by the General Assembly.

22. Further, it was inadmissible that the fate of prisoners of war other than those who stated that they wished to be repatriated should be left to the discretion of the repatriation commission. In the last analysis, the United Nations would be the umpire in the commission and thus, in spite of the fact that it was a belligerent party, would act as judge in its own case.

23. The Indian draft resolution was thus clearly based on a principle similar to that adopted by the United States military command; namely the right to retain those prisoners of war who, as a result of previous interrogation and forced screening, had been induced to refuse to return home. It was pointless to repeat, as was done in paragraph 3 of the Indian proposals, that "force shall not be used against the prisoners of war". That was a basic principle of international conventions. It was, however, a fact that for months force had been used in the most brutal way in American camps against North Korean and Chinese prisoners of war. The Indian delegation should have taken the real situation into account and not have tolerated the use of false talk of voluntary repatriation to cloak the forcible detention of prisoners of war who would be prevented from returning to their homes. It was essential to remove the prisoners from the camps without delay and arrange for their repatriation. Generals

Coulson and Dobb, the camp commanders, themselves had recognized, and the International Red Cross Committee's report confirmed, that everything had been done to break the spirit of the prisoners of war.

24. In his statement of 19 November 1952 (525th meeting), the Indian representative had said that the classification of the prisoners of war should raise no difficulty. It would be a matter of ascertaining the place to which the prisoner should be repatriated according to his allegiance and his place of residence. Those, he had said, were purely technical matters. What he had called technical matters were in fact burning political problems. It was true, however, that they had raised no difficulty during the armistice negotiations. General Nam Il, the leader of the Korean delegation at Panmunjom, had stated during the armistice negotiations that, after the armistice entered into force, all prisoners of war of both sides would be transferred to demilitarized zones agreed upon by the two parties, where the exchange would take place. The prisoners of war would then be visited by mixed Red Cross teams and would be guaranteed the right to return home to a peaceful existence. The guarantee would also be given that the prisoners would not participate again in the Korean war. They would then be classified according to nationality and place of residence in accordance with the proposals made by the North Korean Command. The United Nations Command would have to release the prisoners; those whose place of domicile was in South Korea would be repatriated to the South and those whose homes were in the North would be allowed to return to the North. The Red Cross visits, classification and repatriation could be effected under the supervision of neutral inspection groups.

25. That method was by far the most reasonable method proposed for the solution of the problem of the exchange of prisoners of war, the only issue which prevented the conclusion of an armistice. It was difficult to see how, in the light of those facts, the Indian representative could maintain that the question was of a purely technical nature and that the course of the Panmunjom negotiations had shown that there would be no difficulties in that respect. That was true of the Chinese and the North Koreans, but not of the Americans who refused to recognize the generally accepted rules of international law which require the repatriation of all prisoners of war, not of certain categories only.

26. The Indian representative, in his statement, had drawn an idyllic picture of the conditions in which the Chinese or Korean prisoners of war would find themselves in the demilitarized zone. Mr. Menon had, however, forgotten one detail: when the prisoners arrived in that zone their spirit would have been broken in advance by the brutal American methods of interrogation. In the light of those facts, it was clear that the Indian draft resolution was not only inconsistent with the spirit of the Geneva Convention, but might even result in the continuation of the conflict.

27. Mr. Eden (526th meeting) had taken a favourable view of the Indian draft resolution which he thought contained four points of principle essential to any method or procedure to be considered. He had described the Indian draft resolution as a timely and constructive attempt to break the deadlock. The same could, however, have been said of the twenty-one

Power draft resolution. If they were different draft resolutions, it was legitimate to ask how they differed. It was significant that not one of the four drafts, other than those of the USSR (A/C.1/729/Rev.1/Corr.1 and Add.1) and Poland (A/2229), called for the immediate cessation of hostilities. That was a further indication of the similarity of views of their sponsors.

28. The USSR delegation, both at the present and previous sessions of the General Assembly, had placed special emphasis on measures to put an end to hostilities without delay and to effect a peaceful settlement of the Korean question. At the sixth session of the General Assembly it had submitted proposals to that effect but to no avail. At the present session it had strongly supported the Polish proposal which called for the immediate cessation of hostilities. When the First Committee had first taken up consideration of the problem, the USSR delegation had submitted a draft resolution by means of which peace could be achieved. The draft called for the creation of a commission whose function it would be, not only to co-operate in every way in the repatriation of the prisoners of war, but also to assist in the settlement of the other problems with a view to bringing about the unification of Korea, the unification to be effected by the Koreans themselves under the auspices of the commission. The Soviet Union proposal provided that a representative of the North Korean Government should participate in the discussion. It was impossible to settle a dispute between two parties satisfactorily so long as one of the parties was absent from the negotiations and the other insisted on dictating its own terms.

29. It should be recalled that, at Panmunjom, the two parties had already agreed on article II of a draft armistice agreement envisaging concrete proposals for the cessation of military operations and the conclusion of an armistice. The draft comprised 63 articles in all, 62 of which had been agreed upon by the United States Command and the North Koreans. Those facts seemed to have been forgotten by those who claimed that they sought the cessation of hostilities. It was obvious that despite their fine words, the leading circles of the United States were not really interested in the cessation of hostilities in Korea. The Peruvian representative's statement (524th meeting) that it was the Government of the USSR and not the United States Government which wanted the war to continue and that the USSR was trying to prolong the hostilities in order to wear out the western Powers and crush them under the burden of armaments and war, was monstrous and slanderous. Such statements were so senseless, that it was not even necessary to refute them. Attempts were now being made to hold the USSR responsible for the policy followed by the western Powers; history would decide who was responsible.

30. It was important that hostilities in Korea should be brought to an end; it was indispensable to the proper functioning of the United Nations. The USSR delegation had considered it essential to make that clear in its draft resolution.

31. Mr. ZEINEDDINE (Syria) described the tragic situation caused in Korea by military action and the awesome prospects of a world war which might result from an extension of the conflict and made an appeal to members of the Committee to lessen international

tension and thus perhaps pave the way for a pacific settlement of all the questions at issue.

32. The First Committee had acted wisely in recognizing the urgency of the Korean question and giving it priority. The general debate had clarified the issues and had thus rendered the approach to a settlement more visible.

33. The Syrian delegation considered that a solution of the Korean problem should be based on a number of essential considerations. In the first place, both sides must have a common intent to end the conflict. In that connexion, it was clear that considerable progress had been made by the negotiators at Panmunjom. Further, the difficulties encountered concerning the settlement of the prisoner-of-war question should not prevent a continuance of the negotiations at Panmunjom. In order to reach a settlement, it was necessary to avoid putting forward principles unacceptable to one or other of the two sides and to formulate only such recommendations as were based on the Geneva Convention and on humanitarian and moral considerations. It was clear that many delegations, including the representatives of the countries of Islamic culture, would find it difficult to accept the differentiation between moral principles on the one hand and legal principles on the other, which USSR representatives appeared to propose.

34. The prisoners of war whose future the First Committee was discussing were undeniably soldiers in captivity, although it could be contended that the Korean war was also in the nature of a civil war and an ideological conflict. They were not displaced persons and the regulations relating to the right of asylum could not be applied to them. There seemed to be no disagreement on the fact that the prisoners should be released; but there was no provision under international law, nor any valid reason, requiring the detaining authority to use force to repatriate those who did not wish to return. The only way out of the *impasse* was for the parties to adopt a negotiated settlement by means of a special agreement. The General Assembly should suggest an agreement of that kind or, at least, do nothing to render such an agreement more difficult. The achievement of an armistice in Korea was a matter for the United Nations Unified Command; but as an armistice was an essential prelude to the restoration of peace, the Assembly should discharge its responsibilities by giving the Unified Command clear instructions on the pursuit of armistice negotiations.

35. The Indian delegation had made a considerable contribution towards indicating a realistic and practical solution; it did not disregard any factor in the case, was based on principles of law and provided for specific and satisfactory means of action. The revised text of the Indian proposal undoubtedly constituted a good solution to the problem of prisoners not wishing to be repatriated. The Syrian delegation supported the Indian draft resolution in principle and considered that it should receive priority over the other draft resolutions.

36. Without compromising on principles and without practising any policy of appeasement, the General Assembly should perform its essential task of maintaining peace by endeavouring to ease international tension through the achievement of an armistice in Korea.

37. Mr. LUDIN (Afghanistan) said that all aspects of the prisoner-of-war question had been examined by the First Committee.

38. The Unified Command maintained that upon conclusion of an armistice prisoners could not be either detained or repatriated by force. At that time they would lose their military status and be free to choose their own course of action. The North Korean and Chinese authorities, on the other hand, considered that a prisoner in conditions of captivity could not express his own free will and they were therefore opposed to the principle of voluntary repatriation. According to their view, the prisoner remained subject to military discipline and was automatically repatriated at the cessation of hostilities. Nevertheless, the Government of the People's Republic of China had intimated that there might be some prisoners who would be unwilling to return and that, for security reasons, it would not insist upon their return.

39. The Indian draft resolution (A/C.1/734/Rev.1) was based on clearly defined principles; it displayed concern for humanitarian values and a desire to further the cause of peace, and established an ingenious machinery for the repatriation of the prisoners. It should therefore dispel all the fears that had been expressed. For those reasons the Afghanistan delegation, conscious of the fact that its country's security depended upon the United Nations collective security system, disturbed by the prolongation of hostilities in Korea and anxious to find a formula which would overcome the various obstacles, unreservedly supported the Indian draft resolution.

40. Mr. ACHESON (United States of America) thought any representative would be fully justified, after Mr. Vyshinsky's statement, in having a moment of despair about the outcome of the efforts of the First Committee to deal with terms for an armistice in Korea. That despair must pass however and the efforts must continue with courage and determination. No nation or nations in the world no matter how powerful could long stand against the combined moral opinion of the world.

41. There had been many helpful contributions in the discussion and some difficulties, but the latter must be viewed in perspective. If there were difficulties about an armistice, if there was any hope and prospect at all of having an armistice, it was because for two years the United Nations had been bravely and successfully performing its greatest duty, that of resisting aggression in order that there would be a world of law and order supported by collective security. If the United Nations had not done so, the Committee would not now be talking about an armistice—it might be passing regretful resolutions about the conquest of Korea. The heart of the matter was that there had been open military aggression and gallant collective resistance to it. If the aggression stopped there was no insuperable obstacle to an armistice, but there must be no sacrifice of principles to induce the stopping of aggression. The people of the United States had taken a proud part in the United Nations effort because they believed in the United Nations and realized that if this great effort failed the world would be back to futile efforts of twenty years ago to build a barrier of words against aggression.

42. The discussion had shown that there was wide agreement on the following points: (a) aggression had been stopped; (b) there would be no need or purpose in continuing hostilities if the aggression ended, if there were safeguards that aggression would not be renewed and if an honourable agreement could be reached on the military questions leading up to an armistice. The efforts of the United Nations Command, in the armistice negotiations undertaken to settle the military questions, had met with a wide measure of approval. There was also almost complete unanimity that force should not be used either to return or to detain prisoners of war.

43. Without recapitulating the legal arguments, Mr. Acheson wished to point out the fantastic situation that Mr. Vyshinsky resorted to every technical legal argument to torture out of a treaty—the Geneva Convention—results which supported the Communist stand on the prisoner question, on behalf of China and North Korea which had violated almost every provision of that Convention. Mr. Vyshinsky's unquestioned talents would be much more usefully employed in arguments to North Korea and Peiping that they should observe the Convention, that the International Committee of the Red Cross should be allowed to visit the prisoners, that the sick should be exchanged, that the prisoners should receive medical care from the Red Cross, and be allowed packages and mail.

44. In considering the various draft resolutions before the Committee, two criteria should be borne in mind: what action by the Assembly would be best calculated (a) to bring about an armistice consistent with basic principles; or (b) to determine whether the Communists wanted an honourable armistice and if not, to leave the record clear that they did not.

45. The twenty-one Power draft resolution was very simple. It stated a principle, that every prisoner of war should be released and given an unrestricted opportunity to be repatriated, and that there should be no force used. It requested the Communists to agree to an armistice on that basis. That draft resolution did not set up machinery to carry out the details. The various proposals at Panmunjom were still open for that purpose and any new suggestions consistent with the basic principles would also serve the purpose. It should be noted in this connexion that Mr. Vyshinsky had not answered the direct question whether the Soviet Union insisted that force should be used to return resisting prisoners of war. In his latest speech, however, he made it clear that the Soviet Union insisted that every form of coercion must be used to repatriate all the prisoners without exception.

46. The sponsors of the twenty-one Power draft resolution welcomed other constructive suggestions. The Mexican proposal contained helpful provisions which might be of practical importance in settling prisoners who resisted repatriation. The Peruvian proposal, and suggestions by other representatives including those of Indonesia (527th meeting), Iraq (528th meeting), Israel (522nd meeting) and Pakistan (522nd meeting), also contained valuable contributions. On the other hand, the USSR draft resolution was not helpful. It did not accept the principle that no force should be used. It mixed up military and political questions. There could be no cease-fire which did not provide

for the return of United Nations Command prisoners and settle the prisoner-of-war question.

47. The Indian draft resolution certainly showed statesmanship and a deep dedication to the task of peace, as did the statements of Mr. Menon and Prime Minister Nehru. That being so, it was regrettable that the USSR representative had felt it necessary to reject flatly all the proposals, including that of India. While there are some points in the Indian draft resolution which required clarification, the United States delegation respected and welcomed the Indian contribution and particularly the fact that it went forthrightly to the basic principle that force should not be used to return or retain prisoners. The Indian draft resolution differed from the twenty-one Power draft resolution in that, in addition to asserting this principle, it also established machinery for implementing it; that however was not a serious difference.

48. Any plan finally adopted by the Committee must clearly affirm the principle that force should not be used either to retain or to return the prisoners. It must also be a workable plan that would not break down and result in mutual charges that the armistice had been breached. The plan should meet specific points on which there was agreement in the Committee: that no force should be used; that the prisoner question should be fully disposed of; that all prisoners should be speedily released; that those who wished to be repatriated should be quickly repatriated; and those who would resist repatriation should be released and resettled. The Indian draft resolution met the first requirement—a clear affirmation of the principle of no force. In connexion with the machinery which was set up for handling the problem, however, the United States delegation did have some problems, but those no doubt could be worked out satisfactorily. Those differences were not with what Mr. Menon intended, since the essential points were fully met in Mr. Menon's speech; the Indian draft resolution however did not clearly express its author's intention and should be clarified in order to avoid serious trouble later on.

49. There was general agreement in the Committee on several points which must be made clear in any resolution. All prisoners must be released. No one had the right to retain prisoners indefinitely. Therefore, those who could not be repatriated without the use of force within a definite period of time must be released. And the United Nations had the duty to care for and resettle them. Mr. Eden made these points in the Committee (526th meeting) and suggested that the responsibility for the care and resettlement of the non-repatriates should be transferred to a special United Nations resettlement agency or to the United Nations Korean Reconstruction Agency. Quoting from Mr. Menon's speech, Mr. Acheson stressed that Mr. Menon himself made it fully clear that his draft resolution was designed to dispose of the prisoner-of-war problem entirely; that prisoners of war could not be kept in captivity indefinitely and that provision must therefore be made for those who could not be repatriated without the use of force. Mr. Menon recognized that those persons should become the responsibility of the United Nations.

50. Mr. Menon, Mr. Eden, and others, were all agreed therefore that the non-repatriates could not be indefin-

itely detained and that the United Nations had the responsibility for their care and resettlement. But paragraph 17 of the Indian proposals did not fulfil that intention. In its original version, that paragraph merely referred the entire question of disposing the non-repatriates to the political conference. But that conference would not be able to reach agreement on that question, judging from the fact that the negotiators at Panmunjom had not been able to solve the problem in six months of discussion and the First Committee had reached no agreement after four weeks of debate. The result would be that the prisoners would remain in captivity indefinitely. Such a result was illegal as well as immoral. Also, it would mean that the prisoner question was not disposed of in a manner truly consistent with non-forcible repatriation. If the only alternative to repatriation was indefinite captivity, there was no true choice. There was real coercion to return, and if captivity was the only alternative offered them, prisoners of war would resist and it might create a dangerous situation in which force might have to be used to turn prisoners over to the repatriation commission.

51. The revised Indian draft did not correct that fault. It provided that after the political conference had dealt with the problem for sixty days, the care of those persons would become a responsibility of the United Nations. But they continue in detention, the political conference would continue to deal with the problem, and the only hope for the release of those persons lay in agreement by the political conference, which would not be forthcoming.

52. Mr. Acheson said that his Government had grave doubts about even sending the prisoner question to the political conference. The conference was already provided for in the draft armistice agreement and there was no difficulty about that, but it was important that the political conference should not get off to a bad start by becoming deadlocked on the prisoner-of-war question. This could only lead to bitterness and keep the conference from dealing with the real problem which was its task—the peaceful unification of Korea and other Korean questions. Moreover, it was difficult to see what the conference should discuss about prisoners. Clearly they could not discuss whether there should be forcible repatriation—that is out of the question and it should be made clear that that was not the purpose of sending the question to the political conference. If the question was where the non-repatriates should be resettled, the political conference was not the best body to settle that, but rather the United Nations. So, without being adamant about it, Mr. Acheson urged that this was not a wise idea.

53. It would be wiser to provide that the repatriation commission should do its job and have custody of the prisoners for a period which would overlap the beginning of the political conference, so that if the political conference made decisions which affected the non-repatriated prisoners, those decisions could be taken into consideration in disposing of those persons. That was along the lines of what Mr. Eden suggested, and, as he also suggested, the task of disposing of those persons might be given to the United Nations Korean Reconstruction Agency, or to some new body if the General Assembly wished to set one up.

54. There were some other points about the Indian plan useful to keep in mind. In his revision, Mr. Men-

on had adopted, in part, Mr. Eden's suggestion that the umpire be a responsible officer sitting with the commission as its chairman with the right to vote. That was a great improvement. There remained, however, the problem of the appointment of the umpire in the event that the four members of the commission could not agree on one. The Indian draft resolution provided that the matter should be sent to the General Assembly presumably for the purpose of either selecting an umpire or reconsidering the whole situation. That should be cleared up since, if the Assembly did not select the umpire, there would be no umpire, no armistice, and the whole thing would break down.

55. Finally, paragraph 5 of the proposals in the Indian draft resolution should be made more precise as it referred to a letter which contemplated that classification of prisoners should be carried out by the side receiving them, whereas it should be the repatriation commission which would have custody of the prisoners and which should carry out any classification.

56. The United States delegation welcomed with gratitude the statesmanship of the Indian proposal and was of the opinion that the difficulties mentioned, particularly in paragraph 17, could be overcome. If that were done, the United States Government would heartily support the draft resolution and faithfully try to carry it out. Such a resolution would carry the blessings and the hope of all that an armistice might result.

57. The CHAIRMAN announced that the general debate on the item was closed. The Committee would therefore proceed to consider each of the draft resolutions before they were put to the vote.

58. Mr. ENTEZAM (Iran) explained that, although he had not taken part in the general debate, his delegation none the less regarded the Korean problem as the most important that the United Nations had ever faced. He recalled the efforts he had previously made together with Sir Benegal Rau and Mr. Pearson, and the good offices offered by Mr. Padilla Nervo, Mr. Grafstrom and himself during previous sessions. His silence had been dictated by his experience that the cause of peace was generally better served by trying to reconcile divergent points of view than by emphasizing divergencies in strongly-worded speeches.

59. On a point of order, he asked that the Indian draft resolution should be put to the vote first, as that proposal had the best chance of being approved by the Assembly and by the parties to the dispute. It would be better for the authors of the other draft resolutions to withdraw their proposals. If they should not do so, he nevertheless appealed to them not to oppose his request for granting priority to the Indian proposal. In that case, if the Indian draft resolution were adopted, it would be logical for the authors of the other proposals not to press for their draft resolutions to be put to the vote. The President of the Assembly should be allowed the necessary time for communicating the resolution to the Chinese and North Korean authorities and for reporting their reply to the General Assembly. The Iranian delegation would leave it to the Chairman of the Committee to put that point of order to the vote when convenient.

The meeting rose at 5.55 p.m.