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CONTENTS

Page

Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory (A/1339, A/1339/Add.1 and A/C.3/L.145) (*continued*)..... 433

Chairman: Mr. G. J. VAN HEUVEN GOEDHART (Netherlands).

Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory (A/1339, A/1339/Add.1 and A/C.3/L.145) (*continued*)

[Item 67]*

1. Mr. WINIEWICZ (Poland), explaining his vote at the 340th meeting, said that the Polish delegation opposed the proposal submitted by Chile and Uruguay because it considered it to be in contradiction to the existing and established rules of procedure.
2. Mr. DEVINAT (France) said that the moving speech made by the representative of the United States at the 340th meeting had made it clear that the fate of the prisoners who had not been repatriated and their families was not a controversial matter and should be considered solely as a social and humanitarian problem.
3. The problem of war prisoners, which was one of the most striking and tragic features of modern warfare, was one with which France was all too familiar. France could not remain indifferent when the Third Committee was preparing to consider a proposal to alleviate suffering such as it had experienced only too keenly.
4. By giving full attention to the fate of prisoners of war who had not been repatriated, the United Nations would merely be fulfilling its task of settling humanitarian problems of an international nature.
5. In the view of the French delegation, in order to throw into relief the essentially humanitarian nature of the problem, the third and fourth paragraphs of the preamble of the draft resolution of Australia, the United Kingdom and the United States (A/C.3/L.145) should be placed at the very beginning. That change would indicate that the Committee was more concerned with the human aspect than with the political implications of the problem.

6. France had learned from its own experience that the wisest manner to settle the problem was through direct negotiations. Mr. Devinat recalled the experience of many Frenchmen who had been involved in the Second World War twice. A number of men from Alsace-Lorraine, after serving in the French Army, had been forced into service by the German authorities. They had later been taken prisoner by the armies of the USSR, and together with a group of German soldiers, had been brought into Soviet territory. The French Government had communicated with the USSR Government with a view to obtaining the necessary facilities for ascertaining the number of Frenchmen in camps in Soviet territory and undertaking their repatriation. The French Government had so far considered the best method of achieving that purpose to be that of bilateral negotiation: such negotiations were being carried on and the French Government was sparing no effort to ensure their success.

7. The Soviet newspaper *Pravda* had stated that the repatriation of prisoners of war should be considered completed. The French Government could not, even if only in so far as it was concerned, consider that statement justified. In addition to the fact that it had indicated that there were a number of Frenchmen in the Soviet Union, the mistakes, disruption and misunderstandings consequent on war must be taken into account.

8. France was therefore convinced that direct negotiations had the greatest chance of success; however, it was prepared to consider other proposals and would agree, in particular, to the establishment of a United Nations commission for prisoners of war as suggested in the joint draft resolution, although it would have preferred to have the Secretary-General deal with the matter. In any case, the most important point was to ensure that the organ dealing with the question would be both impartial and competent.

9. The debate at the 340th meeting had shown how necessary it was to avoid the dangers of controversy.

* Indicates the item number on the General Assembly agenda.

It was with that in mind that the representative of France was suggesting the deletion of the word "evidence" in paragraph 1 of the operative part of the joint draft. He suggested the following formula:

"Expresses its concern at the information it has received to the effect that large numbers of prisoners . . ."

10. The delegations of Lebanon and Syria were apparently intending to submit a similar text and the French representative would be glad to consult with them with a view to presenting a joint text.

11. The USSR representative had referred to 137,000 German workers, former prisoners of war, who were working in factories in France. Everybody knew that those workers were entirely free to return to their country if they wished; in fact, large numbers of them had left for Germany when their contracts expired. On the other hand, tens of thousands of such workers, after having returned to their own country, had asked to return to France. In the aftermath of a cruel war, France, sorely tried by years of occupation, had not wanted to take reprisals; the French people had been subjected to forced labour but France had not wished to impose it upon others.

12. In conclusion, the French representative said he found the joint draft resolution (A/C.3/L.145) on the whole satisfactory and would vote for it. Like the United States representative, he believed that no Member State had any reason to refuse to join in the strictly humanitarian task it outlined. Free nations should welcome the opportunity of contributing to the success of an undertaking for the alleviation of human suffering.

13. Mr. PAZHAWAK (Afghanistan) said that Afghanistan's neutrality during the war did not mean that it was indifferent to the fate of the prisoners of war; it could not remain indifferent especially when the question was brought to the Third Committee, which dealt with humanitarian, social and cultural matters.

14. The Afghan delegation was convinced that the problem could only be solved on a purely humanitarian level. For that reason, it wished to make a few amendments which it considered necessary to the joint draft resolution (A/C.3/L.145).

15. The first of those amendments (A/C.3/L.148) concerned the title of the joint draft. He suggested that it should be replaced by the following title: "Measures for the peaceful solution of the problem of prisoners of war". In paragraph 1, the words "evidence presented to it" should be replaced by "present situation, that suggests". In paragraph 3 (c), the words "qualified and impartial" should be inserted between the words "any" and "person", repeating the phrase used at the beginning of the paragraph. Afghanistan also wished to add the words "approved by the General Assembly" after the phrase "appointed by the Secretary-General" in the introductory clause of paragraph 3, and to delete the words "and authorizes the Secretary-General to incur the necessary expenditure" in paragraph 5, inasmuch as the Third Committee was not competent to consider the financial implications of the proposals it adopted.

16. If the Committee did not adopt the amendments he had submitted, he would be compelled to abstain in the vote on the joint draft resolution.

17. Mr. KAYALI (Syria) introduced the amendment to the joint draft resolution sponsored by Lebanon and Syria (A/C.3/L.146).

18. The delegations of Lebanon and Syria had tried, when considering that important subject, to separate the political from the humanitarian aspects as much as possible so as to reach a just solution acceptable to all the parties concerned.

19. After analysing the arguments of the authors of the joint draft resolution and of those who opposed it, the two delegations had reached the disconcerting conclusion that the approach which had been made to the problem could only result in increasing political tension without facilitating the repatriation of the prisoners of war.

20. Analysing the terms of the joint draft resolution, the representative of Syria said that paragraph 1 of the operative part expressed concern on the part of the General Assembly at the evidence presented to it that large numbers of prisoners taken in the course of the Second World War had neither been repatriated nor otherwise accounted for.

21. That paragraph prejudged the entire question, because it referred to *evidence* presented to the General Assembly. What evidence, however, was referred to? The United Kingdom and United States representatives, on the one hand, and the USSR representative, on the other, had made accusations against each other setting forth a great array of figures and statistics, but it appeared difficult to assert that those accusations were convincing evidence.

22. The representative of Syria pointed out that it was not a question of accusing the USSR or the United Kingdom, but rather of trying to find an acceptable solution to the problem of prisoners of war. The Syrian delegation believed that in order to arrive at such a solution the principle that the accused must be regarded as innocent until his guilt has been formally established should be applied. Under existing conditions, therefore, the United Nations commission on prisoners of war contemplated in the joint draft resolution could not fulfil the mission which the sponsors of the resolution wished to entrust to it. That commission would in fact have no recourse if any government refused to permit it to visit the places where prisoners were allegedly detained.

23. The Syrian delegation was therefore of the opinion that the joint draft resolution could not, as it stood, offer any solution to the problem. If it was astonishing to state that the USSR had refused to furnish information on prisoners of war, whereas the United Nations had never requested such information, it was paradoxical to entrust to the Secretary-General of the United Nations the appointment of the members of the commission when the Minister of Foreign Affairs of the USSR had already declared that he did not recognize the head of the Secretariat.

24. For those reasons, the Syrian and Lebanese delegations had sought to amend the joint draft resolution in order to make it acceptable to all. They had believed

that the Powers concerned should be given an opportunity to prove their innocence before any investigating commission was set up. They had provided, on the other hand, that if any party refused to carry out its obligations before 1 July 1951, the General Assembly would then be able to reconsider the problem in the light of any new facts.

25. The representative of Syria referred to the existing tension in international relations and recalled that the situation was so delicate that the least incident might bring on a general conflict. Syria was a small country with only a few prisoners of war. It was nevertheless concerned with the question, because the world had reached a point where no one could disregard what was going on about him. Syria and Lebanon, like the other countries of the Middle East, were in a geographical and strategic position that would make them the first victims of a general war. It was to avoid such a fate that the countries of Asia had assumed the role of peacemakers between the two camps.

26. The delegations of Lebanon and Syria had submitted amendments to the joint draft resolution (A/C.3/L.146) in order thereby to serve the cause of peace and at the same time bring about a solution of the problem of the prisoners of war.

27. Mr. WINIEWICZ (Poland) said that, in the letter they had sent to the Secretary-General on 25 August 1950 to request inclusion of the item on the agenda of the General Assembly (A/1339), the delegations of Australia, the United Kingdom and the United States of America—after citing various agreements to repatriate prisoners of war, namely, the Potsdam proclamation of 26 July 1945, the Foreign Ministers Agreement in Moscow of 23 April 1947, and the Agreement between the USSR and the Supreme Commander for the Allied Powers in Japan of 19 December 1946—had stated that the USSR had not complied fully with those agreements. That word “fully” should be emphasized because it showed that, despite their partiality and bad faith, the authors of the letter could not hide the evident fact that the prisoners of war had in fact been repatriated.

28. In the letter in question, the Australian, United Kingdom and United States delegations had invited the United Nations to decide whether the agreements concluded to repatriate prisoners of war had or had not been respected.

29. The first question, then, was to determine whether the United Nations was competent to deal with a problem relating to the execution of agreements and the adoption of measures with which the United Nations was in no way concerned. All the agreements in question referred to problems resulting directly from the Second World War. It had always been understood, however, that the mission of the United Nations was to work for future world peace and international co-operation. The Organization should therefore concentrate on the future, and the problems resulting from the last war should be settled by means of agreements concluded between the Powers that had contributed most to final victory. That, in any case, was the conclusion to be drawn from Article 107 of the Charter, which, as had rightly been stated by jurists such as Mr. Hambro, specified that the provisions of the Charter

should not apply to any State which during the Second World War had been an enemy of any signatory to the Charter.

30. The United Nations had not attempted to settle the problems arising out of the defeat of enemy States except in special cases, such, for example, as that of the former Italian colonies. As none of the documents relating to settlement of the problems in question indicated that the United Nations could deal with the repatriation of prisoners of war, it would be illegal to examine that question in the Committees of the General Assembly.

31. The proposal submitted by the three Powers was therefore nothing more than political propaganda, and the Polish delegation intended to examine it solely in that light.

32. In the second place, the United States and the United Kingdom, which had just submitted to the United Nations a problem with which that Organization was not competent to deal, had not hesitated to adopt unilateral decisions on other serious questions when it was in their interest to do so.

33. The representative of Poland recalled that at the meeting of the Council of Foreign Ministers at Moscow in April 1947, the USSR had taken the initiative in proposing repatriation of German prisoners of war. The Council of Ministers had decided at that time that German prisoners of war held in the territories of the Allied Powers and elsewhere should be returned to Germany before 31 December 1948. The Control Council had then been invited to prepare a plan for the repatriation of German prisoners of war, but it had encountered serious difficulties because the Western Powers had consulted together without informing the Control Council or the United Nations of the result of their discussions. They had in fact been seeking ways surreptitiously to use the prisoners of war as a working force in France, Belgium and the United Kingdom. Finally, on 20 January 1948, General Clay had proposed that the question of preparing a repatriation programme should be removed from the agenda of the Control Council. That proposal had been adopted. Thus, the Western Powers had refused to settle the repatriation problem in the only body competent to deal with the question, and two of those Powers were bringing the question before a Committee of the United Nations—a body which had no right to examine it.

34. While the Western Powers were carrying on their activities, the repatriation of prisoners of war held in the territory of the USSR had nevertheless been continuing without interruption. On 22 April 1950 the TASS agency had reported that all Japanese prisoners of war had been repatriated, with the exception of a small number of prisoners who had been sentenced to prison or were the subject of investigation on account of war crimes. On 5 May 1950, the TASS agency had been authorized to state that the repatriation of prisoners of war had been completed. The agency had added that there were no more than about 13,000 men remaining in the USSR and that most of them had been sentenced to prison for war crimes.

35. The representative of Poland stated incidentally that the United States representative should carefully weigh her words before talking about alleged war

crimes. He advised her to study the records of the Nürnberg trials before making any such assertions.

36. The Australian, United Kingdom and United States representatives had said, however, that the statements of the TASS agency had been proved to be incorrect. The annexes to the letter addressed to the Secretary-General (A/1339), on the other hand, did not show in what connexion they were incorrect. Although annex III, which reproduced the text of the agreement between the USSR and the Supreme Commander for the Allied Powers in Japan, showed how attentively and how willingly the USSR authorities had studied the question of repatriation, the notes sent by the Australian, United Kingdom and United States Governments contained only generalities that could not refute the evidence furnished by the TASS agency. The resolutions adopted by the House of Representatives and the House of Councillors of the Japanese Diet and by the Bundestag of the Federal Republic of Germany were nothing more than slander against the USSR. An idea of how much the statements and communiqués from Bonn were worth could be obtained merely by observing that the so-called Bonn government had said in January 1950 that 400,000 prisoners of war had not yet been repatriated, whereas in May 1950 Mr. Adenauer was already talking about 500,000 non-repatriated prisoners and on 26 October the same Mr. Adenauer was correcting himself and talking about more than one million prisoners of war who had not been repatriated.

37. As the representative of Poland had already stated at the beginning of his intervention, an attempt was being made, by distorting the facts relating to the problem of prisoners of war, to create a political atmosphere favourable to the designs of the Western Powers, namely the propagation of the cold war.

38. It could only be deplored that international peace and co-operation had been so greatly disturbed by the application on a world-wide scale of an art that was peculiar to the United States of America and had reaped such great profits for American high finance, namely, the art of advertising. Indeed, the major Powers used the same methods in attempting to promote their international policy as the big capitalist manufacturers used to sell their products, the only difference being that the damage caused in the former case was unfortunately much more difficult to repair.

39. At the Yalta Conference the three big Allies had solemnly stated their inflexible determination to destroy Nazism and the military power of Germany and to prevent Germany from ever again being able to disturb world peace. At the same time, they declared their intention to put an end to the military power of Japan and the exaggerated nationalism of that country. Those intentions had been forgotten, and a directly opposite course had been pursued. The military power of Germany was restored, and the German capitalists who had aided Hitler in his rise to power had regained high positions. As for the Japanese, they had once more been subjected to a system which the former Allies had undertaken to destroy.

40. All the propaganda that the representative of Poland had described was intended to divert the attention of the people of Germany and Japan from what was

occurring in their territories and to lead them in a different direction. Thus, a very cruel game was being played with them; mothers were being given the vain hope that their sons were not dead but were prisoners in a distant country.

41. It was painful for the United Nations to be faced with a proposal which was without any true basis, and the sponsors of which made accusations against one of the former Allied Powers, a Power without which the war could not have been won. It was even more painful to note that the entire proposal was similar to previous propaganda manoeuvres and that it counted upon the ignorance of those to whom it was addressed and gave evidence of the same contempt for facts.

42. Mr. Winiewicz recalled that all those manoeuvres had already been exposed, especially during the Second World War. Americans who had spent several months in Soviet territory, in 1942, had come to the conclusion that the conception which the United States and the United Kingdom had had of the USSR had been completely mistaken and that the Soviet Union was a trustworthy ally.

43. However, some States appeared to be placing all their hopes on the assumption that others had learned nothing from experience. They expected that nations were ready once more to believe all the lies which the war had exploded so completely.

44. The accusation that the USSR had not properly fulfilled its obligations concerning the repatriation of prisoners of war was one of those lies and, as such, should be repudiated. The General Assembly should not allow itself to be influenced by the attempt to give the joint Australian, United Kingdom and United States proposal a humanitarian character. That proposal must be rejected as a piece of political propaganda and as being outside the competence of the United Nations.

45. Mr. HOFFMEISTER (Czechoslovakia) regretted that the Third Committee after much hesitation, had finally given in to the wishes of those whose object was to engage in a controversy on the subject for propaganda purposes. He deplored the fact that the motion for deleting the item from the Assembly's agenda had not been accepted. Item 67 clearly had nothing to do with the social, cultural and economic questions with which the Third Committee had to deal.

46. Citing Article 107 of the Charter, he said that the question under discussion was formally excluded from the General Assembly's sphere of competence. It was surprising that neither the United States representative nor other delegations had taken the trouble to recall the obligations of States Members under the Charter or to consider the matter from the point of view of competence.

47. It would be well, therefore, to look into the reasons why the delegations of Australia, the United Kingdom and the United States had brought the item before the Committee. On 30 September 1950 the Government of the Soviet Union had addressed a note to the United Kingdom Embassy in Moscow stating that it could only regard the repeated communications of the United Kingdom Government on that subject as a desire to exploit the question of Allied prisoners of war for propaganda purposes.

48. The discussions at the current session had shown that both the official and the public opinion of States had become the victims of their own propaganda. The United States, supported by Australia, was trying to transform the Committee's proceedings into dubious discussions and false accusations.

49. No one should allow himself to be deceived by the apparently humanitarian aspect of the problem. That was a sentimental disguise used to incite people for the purposes of a war against the Soviet Union. The real reason was to speed up the rearmament of Germany and Japan. But many delegations were opposed to allowing the Third Committee to be led astray by the mistakes of American generals or to contribute to the strengthening of their prestige in Germany and Japan and the accomplishment of their remilitarization plans.

50. The figures supplied by General MacArthur on the number of Chinese volunteers in Korea had risen in a few days from 30,000 to 60,000 and then from 200,000 to 1 million. It was easy to understand that the information supplied by that general on the number of Japanese prisoners must be just as false and improbable.

51. The United States and the United Kingdom, in search of cheap labour, had fulfilled their repatriation obligations by classifying their prisoners as workers. That fact had never been admitted because of interest it might have for the trade unions. The Governments of the United Kingdom, France and the United States had also failed to repatriate thousands of Soviet citizens deported by Hitler. Many displaced persons had been recruited into the Foreign Legion and sent to colonial war theatres. It was legitimate to ask the colonial and other Powers what had become of the prisoners they had not repatriated.

52. A few days previously the Committee had refused to adopt a Byelorussian draft resolution on the repatriation of displaced persons and refugees (327th meeting). Now the Committee was being invited to reverse its judgment by establishing a commission on non-existent prisoners. The Soviet Union had clearly refuted the accusations against it. In fact the proposed commission, like other organs already established, was designed to facilitate espionage against certain Powers under the guise of humanitarian missions.

53. At a time when there was more useful work to be accomplished, the Czechoslovak delegation resolutely opposed the joint proposal of Australia, the United Kingdom and the United States and the establishment of a commission on prisoners of war. Any decision other than to delete the item from the Committee's agenda would be a violation of Article 107 of the Charter and prejudicial to the maintenance of friendly relations between nations, in other words, to the purpose of the United Nations.

54. Mr. TEIXEIRA SOARES (Brazil) said his delegation looked at the question from a humanitarian viewpoint. It recognized that propaganda motives might be involved but it would study the question only in its relationship to the provisions of international law and to the humanitarian principles now generally accepted.

55. He recalled that as a result of the efforts of Henri Dunant, many jurists and politicians had turned their attention to the status of prisoners of war which, before

the first convention, signed at the Hague, had been really inhuman. Thanks to the Hague conventions of 1899 and 1907 and the Geneva conventions of 1925 and 1929, which marked the four main stages in the development of the matter, the condition of those unfortunate people had been improved.

56. It was in those circumstances that the Allied Powers had, at the end of the Second World War, realized the need to fulfil their international obligations by repatriating prisoners as quickly as possible. A formal complaint concerning the failure to repatriate prisoners of war detained in its territory had been made against one of the Allied Powers, the Soviet Union. The complaint was set forth in various documents (A/1339, A/C.3/552, A/C.3/553). The German and Japanese Governments were supplying extensive information and appealing to the United Nations to solve the problem. The Soviet Union Government, for its part, had stated through the TASS agency that the problem no longer presented itself, as the prisoners had been repatriated.

57. Mr. Teixeira Soares stressed the fact that Brazil had fought side by side with the Soviet Union against Germany in the Second World War. His delegation's interest in the question of prisoners was purely humanitarian. It considered that if the accusations against the Soviet Union were true, the resulting situation would jeopardize all the progress accomplished in the field of law and morality since the adoption of the first convention. Such a situation would be inadmissible in the light of the Universal Declaration of Human Rights.

58. It was the duty of the USSR, which had all the necessary facts at its disposal, to refute the allegations contained in the three documents cited. But the statements made by the USSR representative were scarcely convincing. Mr. Teixeira Soares repeated that the problem was a humanitarian one and referred to the decisions of the Nürnberg Tribunal on the status of prisoners of war. The representative of the USSR had accused the United States and the United Kingdom of failure to fulfil their obligations with regard to the repatriation of prisoners. That allegation constituted an additional argument in favour of the establishment of a fact-finding body.

59. For those reasons, the Brazilian delegation would support any proposal likely to throw light on the problem under discussion.

60. Mr. SHVETSOV (Byelorussian Soviet Socialist Republic) said that the question of the alleged failure to repatriate prisoners of war had been introduced into the General Assembly only for purposes of slanderous propaganda. The problem was not within the competence of the United Nations—Article 107 of the Charter was explicit in that respect.

61. In reality the problem did not arise. As had been stated in the TASS agency's announcements, Japanese prisoners had been repatriated by 20 April 1950 and German prisoners by 5 May 1950. Once again, an attempt was being made to deceive world public opinion and to make Germany forget the fact that the United States had failed to repatriate a large number of German prisoners. It was intended also to create hostility towards the USSR in Germany and in Japan so that those two countries could be used as spring-boards for

a third world war. Those facts had all been clearly stated by the representative of the USSR.

62. The originators of the campaign knew full well that their efforts were doomed to failure. Their accusations were refuted by the facts and were intended only to conceal their own guilt. It was common knowledge that the United States and the United Kingdom were guilty of not having repatriated all their prisoners and that they had used them as paid workers.

63. The representative of Australia had admitted that he did not know how many prisoners there were in Soviet territory. It was therefore legitimate to ask why that representative questioned the information furnished by the USSR Government. The representative of the United States had recognized that nobody outside the Soviet Union knew the number of prisoners. That was correct; but the USSR Government had supplied detailed figures through the TASS agency.

64. The United Kingdom and the United States for their part still held many prisoners whom they were using as workers or as cannon fodder in Malaya and elsewhere. When the USSR representative had shown that those two Powers had not discharged their obligations, his statement had not been contradicted. The representative of the United States had recognized that charges had been levelled against her country but had not attempted to refute them. She had simply said that the proposed commission would study the question of prisoners. It was obvious that that body would submit reports on the lines dictated to it by the United States and the United Kingdom.

65. The Byelorussian delegation was convinced that those who were accusing the USSR had no evidence in their possession and that their campaign was motivated by purely political considerations. The object was to provoke hostility in Germany and Japan towards the USSR with a view to a war against that country. The manoeuvre would not succeed, for the German and Japanese peoples were well able to distinguish their friends from their enemies and realized that the United States would not shrink from any slander in order to provoke war to its own advantage.

66. The Byelorussian delegation opposed any decision other than a decision simply to remove the item from the agenda.

67. Mrs. MENON (India) deplored the way in which the Third Committee had degenerated into a shabby imitation of the First Committee. Humanitarian questions ought never to serve as platforms for political propaganda, and there was no denying the humanitarian implications of the question of prisoners of war. The problems should be discussed in a humanitarian spirit without invective or political attack.

68. The delegation of India was taking part in the discussion because of the anxiety and apprehension felt by the families of prisoners of war and the hope those families cherished of one day being reunited. From the political point of view, the delegation of India felt it would have been preferable to remove the item from the agenda of the Third Committee and refer it to the First Committee, or even completely to remove it from the Assembly's agenda, since it served only to increase international tension.

69. Pointing out that goodwill and a spirit of mutual understanding facilitated the settlement of such questions, she recalled that the repatriation of the Greek children had been made easier by the co-operative spirit shown by Yugoslavia and Greece.

70. With regard to the question of prisoners of war, she noted that the number of prisoners was unknown and that it was not certain that the facts set forth were correct. It was because of that fact that an attempt must be made to establish the truth. In order to do so, the matter should be discussed freely; it was in that spirit that the delegation of India approached the joint draft resolution.

71. She felt that the draft resolution should be amended on the lines indicated in the amendments submitted by Afghanistan, Syria and Lebanon, and reserved the right to speak again when the amendments came up for discussion.

72. Mr. PESCATORE (Luxembourg) felt that as the question of prisoners of war had been raised before the General Assembly, it was appropriate to mention the fate of several hundreds of his compatriots who had been unwillingly taken away from home in the Second World War and who had not yet returned from captivity. The men concerned had been forced to fight in the service of Germany and as a result had fallen into Allied hands. From the outset, the attitude of the USSR with regard to that unhappy problem had been an understanding one. Large-scale repatriation of prisoners had taken place in 1945-1946 and had been continued on a smaller scale up to 1948. The Government of Luxembourg had appreciated the co-operation of the Soviet authorities in that respect. The problem, so far as it still existed, was only residual. A list of missing persons had been drawn up and full details had been furnished to the Soviet authorities. The Government of Luxembourg hoped that the prisoners would be repatriated and thought that, in that particular case, bilateral negotiations offered the best means of achieving a solution.

73. The delegation of Luxembourg had raised the problem only as the spokesman of all those who were anxiously awaiting the return of their relatives. While he felt that it was essential that their hopes and appeals should not go unheeded, he did not wish to provoke controversy.

74. Mrs. SAMPSON (United States of America) wished to explain the position of the sponsors of the joint draft resolution with regard to the amendments submitted by Lebanon and Syria (A/C.3/L.146).

75. The delegations of Australia, the United States and the United Kingdom could not accept points III and IV of the amendment as those sections would destroy the key point of the resolution, the establishment of a commission of inquiry. The establishment of that body was of crucial importance as it would make it possible to deal with the problem impartially. If governments were left to reply to a questionnaire, they would either fail to reply or would evade the issue. Further, in view of the charges levelled against the United States by the USSR such a body was essential. Moreover, what was needed was an inquiry on the spot which could not be carried out by the Secretary-General himself. The Japanese and German peoples were fol-

lowing the proceedings of the Committee with anxiety, and postponement of a decision would kill not only their hopes but their faith in the United Nations.

76. The sponsors of the draft resolution wished, however, to take account, so far as possible, of the objections raised by Lebanon and Syria. They were prepared to accept the idea embodied in point I of the amendment, which corresponded to the idea formulated by the representative of France. In paragraph 1 of the operative part, they would therefore replace the words "the evidence presented to it" by the words "information presented to it tending to show".

77. They would accept the major part of point II, namely the part listing the information to be furnished by governments still holding prisoners of war. In paragraph 4 of the operative part of the joint draft resolution, they were prepared to insert after the words "all necessary information" the words "including in particular the names of prisoners of war still held by them and the particulars of the crimes (if any) with which the said prisoners are charged and the places in which they are detained, and the names of persons who have died in prisoner of war camps under the control of the said governments".

78. She hoped that the draft resolution as so revised would satisfy the delegations of Lebanon and Syria and that they would not maintain their amendment in its original form.

79. She noted that a number of delegations also took exception to the title of the draft resolution as being too specific to introduce a text which was general in scope. In point of fact, the heading of the document reproduced the wording of the item as it appeared in the Committee's agenda while the title of the draft resolution was itself merely: "Draft resolution establishing a United Nations commission on prisoners of war". The Committee was, however, at liberty to adopt whatever title it thought appropriate.

80. Mr. LEQUESNE (United Kingdom) wished to draw the Committee's attention to the argument of the representatives of the USSR and Poland that Article 107 of the Charter precluded discussion of the matter by the United Nations. That argument was obviously invalid. The construction placed upon the Article by those delegations was completely unjustified.

81. Reading Article 107, which stated that nothing in the Charter should invalidate or preclude action in relation to any State which had been an enemy of any signatory to the Charter, he noted that it in no way implied that any act committed by those Powers was justified. Its sole purpose was to prevent enemy States from bringing complaints against them. It was universally agreed that the enemy States were in principle outside the province of the United Nations. In the case of prisoners of war, the complaint was not being made by an enemy State, but by States signatory to the Charter.

82. The Polish representative had also cited Professor Hambro in connexion with Article 107. His argument was, however, contradicted by the last sentence of the commentary quoted. Under Article 14 of the Charter, the Committee was fully competent to deal with the problem under discussion.

83. The Polish representative had also stated that the annexes to document A/1339 contained no evidence. The document contained no evidence because that was not its purpose. It was intended merely to show that the question called for consideration. If the Polish delegation wanted evidence, it had only to consult documents A/C.3/552, A/C.3/553 and A/C.3/554.

84. Certain delegations had also argued that the problem had been badly presented, to say the least, because the figures furnished were inconsistent. It was precisely because no accurate figures were available that the question had been brought before the General Assembly. That was, in fact, a strong argument in favour of the joint draft resolution.

85. The United Kingdom delegation concurred with the United States delegation with regard to the Afghan amendments (A/C.3/L.148). It considered that points 1, 3 and 4 were acceptable and that point 2 was covered by the French proposal. Point 5 could not easily be accepted as it seemed unlikely that the Secretary-General would have time to make appointments and to have them approved by the General Assembly at its current session.

86. Mr. J. S. F. BOTHA (Union of South Africa) said that the complaint with which the joint draft resolution dealt was justified and that its humanitarian aspects were obvious. He wished, therefore, to offer certain comments from the legal point of view.

87. Referring to the argument of the representatives of Poland and the USSR that the United Nations could not deal with the matter, he said that the Government of the Union of South Africa had always believed that the Charter must be respected to the letter; it had therefore considered the matter with the greatest care and felt that the situation was covered by the provisions of Article 14 of the Charter. The information available to the Government of South Africa indicated that the USSR had in 1945 undertaken to repatriate the prisoners and that at the meeting of Foreign Ministers held in Moscow in April 1947 it had been laid down that repatriation should be completed by December 1948. The violation of those undertakings by the Soviet Union justified recourse to Article 14 since the situation was one which was likely to impair the general welfare as well as friendly relations among nations.

88. The representative of the USSR had cited Article 107 but the construction placed on that Article would be tantamount to giving a free hand to all the States which had won the war. Moreover, the draft resolution was concerned not with an action taken or authorized as a result of that war by the governments having responsibility for such action, but with a breach of international commitments. Consequently, the USSR could not invoke Article 107.

89. He regarded the joint draft resolution as satisfactory and rejected the assertions that it was merely a matter of slanderous propaganda against the Soviet Union. If it had been, the sponsors of the resolution would have used specific terms whereas in fact they did not mention any government.

90. The Soviet Union had also expressed its dissatisfaction with the way in which other countries had fulfilled their obligations with regard to prisoners. He noted that Australia, the United States and the United

Kingdom had expressed their willingness to co-operate with the proposed commission of investigation and to give it freedom of access; he hoped that the USSR would do the same.

91. Mr. RAAFAT (Egypt) said that his delegation would have remained neutral but for the moral duty incumbent on every country to express its views on the subject under consideration.

92. The delegation of Egypt was not opposed to the joint draft resolution, and had no proposals of its own to submit to the Committee; but it supported the French representative's suggestion to change the order of the preamble so as to bring the third and fourth paragraphs before the first and second, in order to emphasize the humanitarian considerations which had guided the Committee. Moreover, some passages of the operative part were open to criticism: for example, no one could claim to have positive proof of the charges made against certain governments without an inquiry on the spot. Fortunately, certain delegations had submitted amendments, and the French proposal in that connexion appeared satisfactory. In addition, as the title of the document showed, the object of the draft resolution was to set up a commission; but there already existed a plethora of commissions. Paragraphs 3 and 4 of the operative part defined in detail the functions of that body, the principal task of which would be to visit the localities concerned; but the representative of Czechoslovakia had already warned the Committee that his country would not allow members of a body whose main function was alleged to be espionage, to travel across its territory. That attitude gave grounds for thought, since it would be purposeless to set up a useless commission and allocate considerable funds for its work.

93. A number of delegations were contemplating recourse to the International Red Cross, the body primarily concerned with the question, and intended to propose the establishment of a commission which would function under the auspices of the Red Cross. The delegation of Egypt would not be against such a proposal, since while it had not yet decided on its final attitude with regard to the joint draft resolution, and while it did not entirely oppose that resolution, it would prefer simpler and more practical solutions, and would willingly adopt the amendments submitted by Lebanon and Syria.

94. If they were not accepted, the delegation of Egypt might support the joint draft resolution.

95. Mrs. FORTANIER (Netherlands) said that in considering the question the Committee should not forget the humanitarian considerations involved. The Committee was discussing prisoners of war and their families, who were human beings.

96. The sponsors of the draft resolution had submitted evidence on the question of the numbers of prisoners and the localities where they were being detained, evidence which the USSR rejected. That contradiction was the chief concern of the Netherlands delegation. An end should be put to the state of uncertainty in which thousands of human beings were living; but the negotiations had led only to limited results. Other methods should by all means be employed, provided they were realistic; but since the USSR had refused to co-operate with the proposed commission of inquiry, there was no

point in setting up such a body. She would have been happy if the representative of the Soviet Union, who had stated that in that respect everything in his country was impeccable, had followed that statement to its logical conclusion and agreed that an impartial commission should verify the facts he had put forward.

97. She associated herself with the statement made by the representative of Luxembourg. The Netherlands fully appreciated the fact that some weeks previously a hundred Dutch prisoners of war had been repatriated by the Soviet Union Government. She hoped that information would soon be forthcoming concerning the cases about which there was still uncertainty. It would be desirable to refer the question to the Red Cross, which appeared to be the body most suitable to deal with it.

98. The Netherlands delegation would vote against the establishment of a commission, as mentioned in the joint resolution of Australia, the United Kingdom and the United States, but would support any appeal to the USSR and the other countries still detaining prisoners to help to clear up the situation.

99. It would therefore vote for the Lebanese and Syrian amendment (A/C.3/L.146).

100. Mr. McINTYRE (Australia) said that he wished to allay the fears apparently entertained by the sponsors of the proposal under discussion and other delegations, that the commission of inquiry would have no reason for existence if one or more countries refused their co-operation.

101. The first task of the commission would, in his opinion, be to sift the available information with a view to determining the fate of the missing prisoners. The discussion had shown that the sponsors of the joint draft resolution and the USSR agreed that hundreds of thousands of prisoners were still missing; it was said on the one side that those prisoners were in the USSR and on the other that they were in Libya, Burma or elsewhere. Since all parties were under suspicion, there seemed no reason why all should not agree to the proposed inquiry.

102. As the United States representative had said, the proposal for an inquiry ought to be unanimously accepted. A number of countries were in fact prepared to agree to it, but if others refused, the commission would at least have achieved the result of making them incriminate themselves.

103. All countries which had had charge of prisoners of war ought to be eager to utilize the proposed commission's services, on the one hand to clear themselves of all charges, and on the other to bring into the light of day a problem the importance of which, not from a political but from a humanitarian standpoint, was still immense.

104. Mr. AZKOUL (Lebanon) defined the three attitudes which delegations might take in connexion with the question before the Committee.

105. Certain delegations which were affected by the draft resolution and were, or said they were, convinced that there were no more prisoners of war in their countries, might claim that it was purposeless to put to the General Assembly a problem which did not exist, and that no action was necessary. It should be noted in

passing that the same delegations which rejected all accusations against themselves had declared that there were grounds for charges against other countries. It was therefore illogical on their part not to ask for action by the Committee.

106. Other delegations, convinced of the truth of the charges made against the USSR, were bound to ask for strong action and a categorical condemnation.

107. The third attitude was that taken by delegations which, while they were disturbed by the information and accusations they had heard, harboured some doubts as to their accuracy and the extent of their applicability. They therefore considered that the General Assembly should not wash its hands of the question, but were endeavouring to decide what methods could best be employed. That was the attitude of the Lebanon delegation to the charge that large numbers of prisoners had not yet been repatriated, in violation of international conventions, and that certain governments had made every effort to obtain information, but without the slightest success.

108. On the basis of the information available to them, the delegations belonging to the third group should first express their concern, and second, ask the governments which had detained prisoners of war to furnish the necessary information. Such information should include particulars of the numbers of prisoners and, since certain countries had admitted that they were still detaining such prisoners, the reasons for their detention. Prisoners' names should be given and the nature of the charges made against them, and the sentences imposed, stated. In addition, lists of prisoners who had died during their detention should be furnished. The results of the inquiry, which would be made in the form of a questionnaire circulated to the parties concerned, would then be awaited and it would rest with the General Assembly to take further steps according to the replies received or withheld.

109. In line with the course of action which it had chosen, the delegation of Lebanon had submitted an amendment (A/C.3/L.146) to the joint draft resolution, calling for a direct request for information to the countries concerned. It was essential to begin with a request for information, since the General Assembly had not dealt with the matter before, and if it began by adopting the stronger measures, it would give the impression of being convinced of the guilt of certain countries from the very outset. It would be objected that the request for information would only repeat similar requests already made by certain States such as Australia, the United States and the United Kingdom. That was no reason, however, why the United Nations should not independently ask the same questions. The United Nations enjoyed an authority not possessed by any single nation, and it was theoretically possible that a country which refused to furnish information to other countries might not take the same attitude with regard to the United Nations. To decide that a commission of inquiry was absolutely essential was therefore to prejudice the question.

110. If the practical effects of the joint draft resolution and of the amendment submitted by Lebanon and Syria

were compared, it would be seen that the information to be assembled by the commission of inquiry under the joint draft resolution could just as well be obtained by the methods proposed in the amendment. Moreover, the draft resolution referred to repatriation, although there might be no one to repatriate. It was therefore premature to use that term, particularly in view of the fact that the sponsors of the draft resolution themselves had agreed to delete from their text the words expressing their conviction that there were still prisoners of war under detention. The first fault of the draft resolution, therefore, was that it called for action before the situation required such action.

111. The second fault of the joint draft resolution was that it required the commission of inquiry to make direct contact with governments, thereby giving them a pretext for refusing to co-operate, since they could claim that they were refusing the commission entry to their countries not out of fear of the consequences but because they could not agree to be considered guilty *a priori*.

112. The governments concerned might, as some of them had already indicated, refuse to co-operate for reasons having nothing to do with the question, and might allege that the commission of inquiry was composed of spies—which their peoples would certainly not hesitate to believe. The despatch of the commission in question might thus harm the interests of the prisoners of war.

113. In reply to those who were wondering whether the only advantage of the amendment proposed by Lebanon and Syria was the moral effect it would produce, Mr. Azkoul said that if he were certain that the commission of inquiry could achieve better results than were obtainable by the methods proposed in the amendment submitted by Lebanon and Syria, he would not press the point; but in his view, other things being equal, the method advocated by Lebanon and Syria was preferable. If the General Assembly asked them for the names of the prisoners they were still detaining and of those who had died, the countries still detaining prisoners would be faced with a dilemma which they could not escape, since they must either refuse to reply, thereby declaring themselves guilty, or would reply, in which case Germany, Italy and Japan would be able to scrutinize the lists and state the numbers of prisoners still likely to be in foreign territory. Then only could the General Assembly contemplate taking strong action.

114. If the sponsors of the joint draft resolution insisted on the retention of paragraph 3 of their text in the belief that a large number of delegations were, like themselves, convinced that the problem did exist, the delegation of Lebanon would ask for a separate vote on that paragraph. If the paragraph was adopted, he would bow to the will of the majority, but if it was rejected he reserved the right to restore the text of the amendment submitted by Lebanon and Syria.

115. The CHAIRMAN decided not to close the list of speakers.

The meeting rose at 6 p.m.