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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/Rev.2) (<i>concluded</i>)	457
Chapters V, VI and VII of the report of the Economic and Social Council (A/1345) (<i>concluded</i>)	462
Completion of the Committee's work	462

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/Rev.2) (*concluded*)**

[Item 67]*

1. Mr. ROCHEFORT (France) did not think that any useful purpose could be served by continued indulgence in charges and countercharges. The paramount aim was to help the prisoners of war concerned. The Committee must beware of adopting a rigid text which would close the door on future conciliation of opposing views and force governments to stick to their claim that no prisoners of war remained on their territories.

2. It was in that spirit that his delegation was submitting two amendments (A/C.3/L.152) to the joint draft resolution (A/C.3/L.145/Rev.2). Both amendments had been dictated by a very real concern for the fate of prisoners of war wherever they might be held, and had, he believed, a definite moral value. They sought to free the problem of political aspects and to deal with it as a humanitarian question. The best way to accomplish that purpose would be to entrust the proposed investigation to the International Red Cross.

3. Since, in the light of the cables (A/C.3/555) read to the Committee at the preceding meeting, there was, however, some doubt concerning the feasibility of entrusting the matter to the International Red Cross, the French amendment provided that, alternatively, the proposed commission should be appointed by the Secretary-General.

4. He hoped that no mere verbal differences would prevent the Committee from reaching agreement, for what was at stake was the fate of human beings.

5. Mr. PEREZ PEROZO (Venezuela) said that, in view of the issue involved, he had followed the debate closely, without any preconceived notions. His delegation wanted a practical solution.

6. Charges and countercharges had been made during the debate, and the Committee was not in a position to verify the conflicting statements made by the parties concerned. What seemed to be certain was that, five years after the Second World War, prisoners of war still remained to be repatriated, a fact which was in contradiction with the principles of international law, human conscience and international agreements. The situation must be clarified and the facts ascertained, so that remedial measures might be taken.

7. Three solutions had been proposed: they were to be found in the joint draft resolution (A/C.3/L.145/Rev.2), the amendment submitted jointly by Syria and Lebanon (A/C.3/L.146) and the amendment submitted jointly by India and Iraq (A/C.3/L.149).

8. The joint draft resolution was not acceptable to his delegation. Since the USSR representative had explicitly stated that his government would not co-operate with the proposed commission, the joint proposal would be impractical, the more so since the item as originally placed on the agenda had consisted of charges against the USSR, and it would not serve any useful purpose to investigate prisoner-of-war conditions in the territories of the sponsors of the joint draft resolution. Were it adopted, the joint draft resolution would lead nowhere and its only real consequence might well be further to undermine the prestige of the United Nations.

* Indicates the item number on the General Assembly agenda.

9. Nor did he regard the proposal submitted by India and Iraq as acceptable: the problem under discussion did have political over-tones if only because the USSR had denied that war prisoners remained on Soviet territory, and the International Red Cross should not be involved in such matters, which were alien to its tradition and functions.

10. There remained the joint Syrian-Lebanese proposal. It was not unlikely that it would lead to concrete results, since the USSR had argued that the United Nations was not, under Article 107 of the Charter, competent to deal with the problem and that, in any case, no war prisoners remained on Soviet territory; there was therefore no reason to expect a reply from the USSR to the kind of enquiry proposed by the Syrian and Lebanese delegations.

11. Nevertheless, the Syrian-Lebanese proposal was still the most acceptable of the three possible courses of action before the Committee. It would have the advantage of placing the General Assembly in a better position, at its sixth session, to consider the entire issue once again, and to take proper action at that time.

12. His delegation would therefore vote for the Syrian-Lebanese amendment, and, if that amendment were defeated, would abstain from voting on the other proposals. His delegation reserved the right to modify its position should the joint draft resolution be amended further during the course of the debate.

13. Mr. LEQUESNE (United Kingdom) said that the Committee was generally agreed that the United Nations should not ignore the problem of the fate of war prisoners; the question was to decide what practical measures could be taken to deal with the matter.

14. The sponsors of the joint draft resolution had been impressed by the arguments of the Syrian and Lebanese representatives (342nd meeting) in favour of a preliminary attempt by the United Nations to solicit information which to date had not been forthcoming. They had been grateful to the Danish representative for his suggestion (344th meeting) that the Syrian-Lebanese proposal was not incompatible with the purpose of the joint draft resolution, and that it would be entirely logical to provide for two successive steps: a request for information and the establishment of a commission.

15. The sponsors of the joint draft resolution had, accordingly, revised their proposal (A/C.3/L.145/Rev.2). Paragraph 2 of the operative part provided for a request for information, as suggested in the Syrian-Lebanese amendment. Paragraph 3 of the operative part dealt with the proposed *ad hoc* commission which the sponsors continued to regard as a suitable body. It called on the commission to assess, on the basis of data made available to the General Assembly at its fifth session, the value of information provided by governments in accordance with paragraph 2 of the operative part, and to proceed further only if it came to the conclusion that the latter information was not adequate or afforded reasonable grounds for belief that there were still a number of prisoners of war who had not been repatriated or otherwise accounted for.

16. The revised draft resolution met almost all the points made during the debate, with the exception of those relating to the composition of the proposed *ad hoc* commission, which must of course be an impartial body.

17. Such impartiality might be ensured more fully by the adoption of point 1 of the French amendment. If the Committee approved the French amendments, the sponsors of the joint draft resolution would also accept them.

18. In spite of the fact that the Committee had been informed at its preceding meeting that the International Red Cross might prefer not to be involved in the matter, he hoped that the Red Cross would see its way clear to co-operate as proposed in the French amendment.

19. Mr. ZELLEKE (Ethiopia) noted that point 1 of the amendment proposed by his delegation (A/C.3/L.150) had not been accepted by the sponsors of the joint draft resolution. As however the substance of that amendment was covered by the wording of paragraph 1 of the operative part of the draft resolution, he would not press for its adoption.

20. Point 2 of the Ethiopian amendment had been accepted by the sponsors of the joint draft resolution, and point 4 had been accepted in substance, although the words "as soon as practicable" had been used rather than the words "within one year", which his delegation would have preferred.

21. He would not press for the adoption of point 3 of the Ethiopian amendment, if, in the opinion of the sponsors of the joint draft resolution, its intention was reflected in their proposal.

22. Mr. LEQUESNE (United Kingdom) thought that point 3 of the Ethiopian amendment was not really necessary, since the proposed commission could, in any event, function only during its term of office.

23. Mr. ZELLEKE (Ethiopia) withdrew point 3 of his amendment.

24. Mr. PAZHWAK (Afghanistan) said that at the preceding meeting the Chairman had indicated that the Afghan amendment (A/C.3/L.148, point 1) to the title of the item under discussion would give rise to procedural difficulties. Such difficulties should not prevent the Committee from taking steps to bring about an amicable settlement of the question of prisoners of war.

25. His delegation had wanted to ensure that there would be support for any solution of the problem likely to be of real help to prisoners of war and their relatives, and to the United Nations.

26. As the title of the agenda item would not, however, appear in the title of the final text of the resolution which would be adopted by the General Assembly, he would not pursue the matter any further, provided that a statement of the views of his delegation appeared in the records of the Committee, and in the Rapporteur's report to the General Assembly.

27. Concerning the Afghan amendment to paragraph 3 of the operative part of the joint draft resolution (A/C.3/L.148, point 5), he would welcome a fuller explanation from the Secretariat why its adoption would delay the establishment of the proposed *ad hoc* commission, and, if satisfied with the explanation, he would not press the amendment.

28. Point 2 of the amendment submitted by his delegation had suggested that the words "evidence presented by it" should be replaced by the words "present situation that suggests". The sponsors of the joint draft

resolution had not accepted the Afghan amendment, but had adopted a somewhat similar wording, which he found satisfactory. He would therefore not press for the adoption of that amendment.

29. His delegation had also been happy to note that the sponsors of the joint draft resolution had, in revising their proposal, taken into account some of the amendments submitted by Lebanon and Syria (A/C.3/L.146), and by the Philippines (A/C.3/L.147).

30. His delegation would also support points 1, 2 and 4 of the amendment submitted jointly by India and Iraq (A/C.3/L.149).

31. Mr. HUMPHREY (Secretariat) stated that only four days remained until the date scheduled for the adjournment of the fifth session of the General Assembly. During that time the draft resolution under discussion would have to be considered by the Fifth Committee, in view of its financial implications, and thereafter by the General Assembly. The resolution would have to be approved in a plenary meeting of the Assembly before the Secretary-General could act on it. Thus there would be very little time indeed for the Secretary-General to conduct the necessary consultations with a view to appointing the proposed *ad hoc* commission, if his appointments were to be subject to approval by the General Assembly as proposed by the Afghan representative. Moreover, the draft resolution would have to come before the General Assembly twice, if the Afghan amendment to paragraph 3 of the operative part were adopted.

32. Mr. PAZHAWAK (Afghanistan) thanked the representative of the Secretary-General for his explanation and withdrew point 5 of his amendment (A/C.3/L.148).

33. In consequence, none of the amendments submitted by his delegation would have to be put to the vote.

34. Mr. MENDEZ (Philippines) noted that the sponsors of the revised joint draft resolution did not seem to have accepted point 1 of the Philippine amendment (A/C.3/L.147), which was in reality an amendment to the joint Lebanese-Syrian amendment (A/C.3/L.146).

35. His delegation maintained the amendment.

36. Mrs. MENON (India) stated that point 1 of the French amendment (A/C.3/L.152) was acceptable to her delegation, since the International Red Cross had shown reluctance to assume the responsibility proposed in the amendment submitted jointly by the delegation of Iraq and her own (A/C.3/L.149).

37. She could not, however, support point 2 of the French amendment.

38. Mr. LAMBROS (Greece) welcomed both of the French amendments.

39. He considered, however, that the International Red Cross might be more willing to assume the responsibility envisaged for it in point 1 of the French amendment if the words *à choisir* ("chosen") were substituted for the word *nommées* ("appointed"). Accordingly, he put forward an amendment in that sense.

40. Mr. ROCHEFORT (France) accepted the Greek amendment.

41. Mr. BAROODY (Saudi Arabia) invited the representatives of the USSR, the United States, the United

Kingdom, France, Poland and all others who held or had held prisoners of war, to inform the Committee how many prisoners of war captured by their respective armed forces had adopted the nationality of their captors.

42. Mr. KAYALI (Syria) regretted that despite a long debate and many attempts at conciliation, the entire problem was more or less where it had been when first taken up by the General Assembly.

43. His delegation was not in favour of the appointment of an *ad hoc* commission by the Secretary-General. Such an appointment had political and financial implications, and since it was well known that the proposed commission could not achieve any practical results, its small cost was no argument in its favour. Any funds spent in such circumstances would only be wasted.

44. The USSR representative had stated that the Secretary-General had no right to establish such a commission, and the Czechoslovak representative had said that the commission would be one of espionage. Mr. Kayali did not agree with those views. He regretted the USSR delegation's attitude, which did not help the United Nations to solve the problem.

45. The revised joint draft resolution (A/C.3/L.145/Rev. 2) was still unacceptable to his delegation, although part of the joint Lebanese-Syrian amendment had been incorporated in it by the sponsors of the joint draft resolution.

46. His delegation still believed that the only practical step would be for the United Nations to request information from governments having prisoners of war.

47. It also supported the Philippine amendment (A/C.3/L.147) calling for speedy trial of prisoners of war accused of war crimes.

48. It could not agree to the establishment of a special commission at the current stage. Such a step would be premature.

49. If the proposal submitted by Lebanon and Syria were adopted, there would be alternative possibilities: either satisfactory information would be supplied by the governments concerned—and in that case the entire matter might be settled to the satisfaction of all at the sixth session of the General Assembly—or no such satisfactory information would be forthcoming, in which case the General Assembly could resume consideration of the entire matter, and might possibly decide at that time to establish an *ad hoc* body.

50. Mr. KAYALI agreed with what the Danish representative had said at the preceding meeting. He believed that, for the time being all governments should be given the benefit of the doubt; if the Lebanese-Syrian amendment were adopted, it would soon become apparent whether they merited that confidence. The amendment was both practical and impartial, and constituted a real contribution to a peaceful settlement of a difficult question. He appealed to all Committee members to support it.

51. Mrs. AFNAN (Iraq) observed that it had proved impossible to eliminate the political aspects of the question, but at least the Afghan proposal (A/C.3/L.148) for the change of title had gone some way

towards removing the worst of the original political emphasis.

52. Like the Indian representative, she regretted the fact that the International Red Cross might not be able to collaborate, because such collaboration would have removed the question one step further from the political arena.

53. She would maintain point 1 of the joint Indian-Iraqi amendment (A/C.3/L.149), because it was yet one more effort to remove the political implications. Point 2 of that amendment was simply consequential on the first.

54. Point 4 had been covered by paragraph 3, (d) of the revised joint draft resolution (A/C.3/L.145/Rev.2). She proposed, however, that paragraph 1 of the operative part of the joint draft resolution should be amended to read:

“... that large numbers of prisoners taken in the course of the Second World War (a) have not been repatriated, (b) not been accounted for”.

55. Mr. AZKOUL (Lebanon) thought that it might be dangerous to establish the *ad hoc* commission proposed in the joint draft resolution before governments had been asked whether they would furnish the requisite information or not, and that governments which did not wish to reply would use that as an excuse not to furnish it.

56. The fact that the *ad hoc* commission would be appointed by the Secretary-General without reference to the General Assembly might be a further danger.

57. The Syrian representative's misgivings might not be wholly justified, but it would be safer to insert in the text either of the French amendment (A/C.3/L.152) or of the joint draft resolution, whichever was adopted, a date—30 April 1951—on which the commission would begin to function.

58. Mr. LEQUESNE (United Kingdom) said that the Lebanese representative's point would be met if a full stop were placed after the word “concerned” in point 1 of the French amendment and the following part of that text were amended to read:

“The Commission shall convene at a suitable date after 30 April 1951 to examine and evaluate . . .”.

59. Mr. AZKOUL (Lebanon) and Mr. ROCHFORD (France) accepted that amendment.

60. Mr. MCINTYRE (Australia) said that all the sponsors of the joint draft resolution had been prepared to accept point 1 of the French amendment (A/C.3/L.152), but his delegation was not very well satisfied with the Lebanese representative's proposal for the introduction of the date. If the proposed commission was to begin work after the preliminary evaluation of the information, it would have to be in existence by the time such information was furnished.

61. Mr. AZKOUL (Lebanon) could not vote for the draft resolution if the date was not inserted; he could not countenance the idea of the simultaneous request for information and the establishment of an *ad hoc* commission.

62. Mr. NORIEGA (Mexico) and Mr. URIBE CUALLA (Colombia) observed that certain drafting

and translation changes should be made in the Spanish text of the joint draft resolution.

63. Mr. MENDEZ (Philippines) wished to maintain point 1 of his amendment (A/C.3/L.147) to the joint Lebanese and Syrian amendment, should it be adopted. If it were defeated, he would not press point 2 of the Philippine amendment thereto.

64. Mr. KAYALI (Syria) asked the French representative why he had retained the reference to the International Red Cross in his amendment, when the Committee had learned that that body would not be prepared to choose the proposed commission unless all parties agreed to it, and when it was quite obvious that they would not thus agree.

65. Mr. ROCHFORD (France) replied that the International Red Cross might alter its position; it was not yet certain that all parties would not agree to the establishment of the commission.

66. The CHAIRMAN asked whether, in the light of the statement made at the previous meeting by the representative of the Secretary-General, the reference should not be to the International Committee of the Red Cross.

67. Mrs. AFNAN (Iraq) and Mrs. MENON (India) preferred reference to the League of Red Cross Societies, a much more inclusive body.

68. Mr. LAMBROS (Greece) and Mr. CAÑAS FLORES (Chile) believed that there would be no conflict between the two Red Cross bodies; the Secretary-General should decide which was the more appropriate, and the text could be left as it stood.

69. Mr. ROCHFORD (France) agreed that the text should remain unaltered.

70. Mr. KAYALI (Syria) observed that the substance of points I and II of the amendment submitted jointly by his delegation and the delegation of Lebanon (A/C.3/L.146) had been accepted by the sponsors of the joint draft resolution, but point 4 of the amendment—calling for the deletion of paragraphs 3, 4 and 5 of the operative part—still stood. The Committee ought first to decide whether it wished the proposed commission to be established.

71. Mr. AZKOUL (Lebanon) thought that that question could be settled by taking a separate vote on paragraph 3 of the draft resolution. If it was adopted, that would automatically settle the question of principle. If it was rejected, he would reserve the right to reintroduce point III of the Syrian and Lebanese amendment (A/C.3/L.146) together with sub-paragraph (d) in point II of the amendment.

72. The CHAIRMAN put to the vote the joint Indian-Iraqi amendment which proposed to delete from the fourth paragraph of the preamble of the joint draft resolution (A/C.3/L.145/Rev.2) the words “and by specific agreements between the Allied Powers” (A/C.3/L.149, point 1).

The amendment was rejected by 24 votes to 11, with 15 abstentions.

73. The CHAIRMAN put to the vote the preamble to the joint draft resolution (A/C.3/L.145/Rev.2).

The preamble was adopted by 42 votes to 5, with 7 abstentions.