FROM: New York

TO: Secretary of State

NO: DELGA 189, November 13, 10:43 p.m.

PRIORITY

LIMITED DISTRIBUTION

Re: Korea

Rte Reps of 21 co-sponsors of joint draft resolution on Korea met at US mission this afternoon for discussion of situation which has developed since joint draft submitted Oct 24.

Gross opened meeting by summarizing in very general terms negotiations with Menon. Gross stated Menon had advised US this morning that he had fairly firm instructions to table resolution unilaterally possibly Nov 24. Gross stressed fact we had not seen anything in writing from Menon, but stated that from our conversations with him it seemed fairly clear Menon had in mind three basic points:

(1) There should be in some form a ref to the principle of non-forcible repatriation. We were in some doubt re question of how precisely or clearly this principle would be stated in Menon's draft. The statement would in some way be based on stipulations of Geneva convention.

(2) A Comm for repatriation of POW's would be established. Menon proposed a two-for-two composition--Poland, Czechoslovakia, Sweden and Switzerland--based on his feeling that such a Comm would be acceptable to the Commies because they had already agreed on it for another purpose. Menon envisaged the appointment of an umpire by the Comm itself.

(3) The resolution would spell out the functions of the Comm, and provide for "de jure" repatriation of POW's through transfer of custody to Comm. It was not clear who would have responsibility for POW's thereafter. The Comm would act in some way analogous to the concept of a protecting power; it would have access to POW's, receive communications from them, and have function of facilitating their repatriation. A para would be included in the resolution to insure that no force would be used upon the POW's and there would be no affront to their dignity. This wd carry the implication of a guarantee against forcibly detaining or forcibly repatriating prisoners.

Finally, copy, if classified, is prohibited.
Finally, POW’s not repatriated would in effect be turned over to the post-armistice peace conference which would presumably arrange their disposition.

Gross told me Menon planned to consider suggestions from the few persons he has consulted re his ideas and may produce a new draft this afternoon.

Gross stressed confidential basis on which we had received above information, lack of complete consistency in Menon’s ideas, and desirability of considering tactics to be pursued by 21 Co-sponsors in event Indian del tabled their resolution in immediate future or in event there was opportunity to modify his proposals. Speaking for US, Gross stated US must unequivocally affirm principle of non-forcible repatriation, must define clearly functions of repatriation Comm. and must not leave POW problems outstanding for post-armistice negota.

Gross pointed out Co-sponsors could either adhere to their resolution, with slight modifications or amendments of substance, or could discard 21-power draft in favor of something else, known or unknown.

Jebb (UK) spoke next, repeating that as far as we know Menon has not yet produced a draft and if constantly changing his ideas, Jebb remarked that any judgment on a resolution, when one was tabled, would depend on whether it contained a clear statement on the principle of non-forcible repatriation. Jebb thought it was improbable that Peking and Moscow had different views on this subject and believed it was unlikely that the Comies would accept any part of our resolution. He thought we should aim at getting the fullest GA support for the US position on Korea and should examine Menon’s resolution very carefully in that light. Responding to a question, Jebb indicated he was not willing to undertake to discourage Menon from tableing an Indian resolution immediately, but would pass this suggestion on to his superiors.

Hoppenot (France) stressed gravity and urgency of problem and stated this was last chance for solution without which serious developments might occur at the beginning of next year. As long as certain fundamental principles were met, Hoppenot was inclined to go far towards reaching a solution. He cautioned against making any decisions before the co-sponsors had seen a text. Possibly thereafter direct efforts could be made to agree on a formula which would recognize the primacy of the Geneva convention and at the same time the humanitarian principles involved in the POW question here.

Hoppenot stressed the desirability of a formulation which included the concept of immed release of POWs, with no forced detention.
detention and no forced repatriation. He found a certain encouragement in the remarks included in the Polish and Czech speeches, which took the line that forced repatriation was not the problem but rather forced detention. Hoppenot stated co-sponsors should have no pride of authorship and should aim at largest possible vote regardless of sponsorship. If on studying Indian text we could all rally in support of it, this would be most desirable. Hoppenot suggested the co-sponsors might select three or four of their number to meet with Menon in an attempt to bring his resolution closer to our own when he had a text.

Gross restated the principal points of concern to US, the principle of no forced repatriation and the question of a satisfactory formula for the structure and method of operation of a repatriation committe. He remarked that it was of the utmost concern to our military ethics that no substantive problems be left for post-armistice negotiation, and that UN action be limited to statements of principles and objectives, with negotiators of Pusan meeting working out operational details. At this point, Gross emphasized that resolution must not leave open possibility that POWs should be kept indefinitely in captivity or detention. He noted that Menon's idea at present seems to envisage continued detention of POWs, whose fate would be turned over to the post-armistice peace conference with a prospect of indefinite deadlock. A POW under detention by the Repatriation Comm would in this circumstance be subject to processes of persuasion without limit of time. Gross also indicated Menon seemed to have in mind Comm which could call on any state for resources, troops and material, even theoretically including Chinese Communists, to guard and maintain POWs.

Hoppenot here noted that in his view the Repatriation Comm should retain control of the prisoners only long enough to ascertain their wishes. Thereafter it might be charged with moral protection of POWs but not with physical control. This, he felt, was a weak point in the Menon resolution, and he suggested that ideas included in the Mexican and Peruvian resolutions might be helpful here. Webb (New Zealand) and Sorper (Turkey) then raised questions re possibility of deadlock in two-for-two sort and need to face up to this problem. Gross noted undesirability of converting clear moral issue presently joined between two sides to an issue of procedure, i.e., umpire for Repatriation Comm. Hoppenot suggested an Indian umpire might be desirable. Engen (Norway) then stated that he was authorized to declare that Sweden and Switzerland were not willing to serve on POW Comm unless there was a clearly agreed solution of the POW question in Pusan before an armistice was concluded.

Spencer
Spender (Australia) then argued in favor of a policy of amending 21-power draft rather than abandoning it in favor of something produced by Menon. He hoped in this way to obtain large majority support. Kyrou (Greece) spoke in support of Spender's point and particularly opposed the two-for-two concept for a Repatriation Comm.

The discussion then turned back to the principle of non-forcible repatriation. Happeney noted that this was not an absolute principle but that it applied only when a POW had good and sufficient reason to avoid repatriation. Gross remarked that the language we had suggested to Menon as representing our thinking was unacceptable to him, since the Chi Coma would object to any ref to an unrestricted opportunity to be repatriated and to the concept that no force was to be used for repatriation or detention. As Menon saw it, the Chi Coma would object to the presumption in such a statement that some Connie POWs did not wish to be repatriated. Therefore Gross felt that the Menon proposal did not include a clear statement on the repatriation problem and stated frankly that our attempt to reach agreement with Menon on language seemed to have failed. Gross indicated our agreement with Spender's view that the 21-power draft was sound and should not be amended by any statement which would modify basic principle of non-forcible repatriation.

After some discussion of future procedure it was agreed that there would be another meeting either of the entire group or of a working subcommittee (suggestion had been made that such a group consist of US, UK, France, Australia and a Latin American co-sponsor), as soon as text was available. Meanwhile, attempts should be made to persuade Menon not to table a resolution before the group has had a chance to look at it.

It will be noted that Gross began meeting with most moderate statement in order not to reveal open difference of opinion with UK and France, who had been far from enthusiastic about meeting of co-sponsors. Thereafter Gross revealed US general attitude with increasing clarity. Aside from UK and France, consensus among those who spoke was clearly that 21-power resolution should not be abandoned but that it should probably be amended along general lines of our own thinking. We did not reveal substance of US suggestions (DELA 151 with modifications) at this meeting except as to para 1.

AGHESEC

JX\:SM

\77\7

SECRET SECURITY INFORMATION
Secretary discussed with Eden and Pearson situation arising from Menon's attempt to draft a resolution on Korea. Secretary said situation had now become very serious. There were three points in particular re Menon's latest draft which it was simply impossible for us to accept:

1. The affirmation that force should not be used against Fws to prevent or effect their return to their homelands was not included in the proposals which the President of the GA was requested to transmit to the other side as a basis for armistice agreement. After some discussion Pearson and Eden agreed that this was correct and that this feature should be changed.

2. The resolution as now drafted provided that after 90 days Fws not repatriated should be turned over to some other body (Political Conference), a fact which made a mockery of the principle of no forced return. The Secretary pointed out result might be that we would have these people in captivity indefinitely and that this continuing situation might induce Fws to forcibly resist transfer to Repatriation Commission or might produce a future crisis. He did not see what the political conference could do to solve the remaining elements of the Fw question unless indeed the British, French and others should unexpectedly unite with the opposition to effect a solution against our own desires. Secretary informed Eden and Pearson that in examining all possible types of solution for the Fw question we had considered this particular one in Washington, that it had been turned down by unanimous decision of the JCS, and that the President had agreed with this decision.

3. The resolution was still badly drafted. Impression was now given that numbered "proposals" would be written bodily into the armistice. Precise terms to be included in armistice must be discussed and worked out by General Clark and negotiators; it was his responsibility. Eden said he appreciated this, though Pearson at first attempted to argue that such matters should not be left to generals.
Secretary stated that British and Canadians, in encouraging
men, were themselves running very great risks. He asked
how they would like it if the US, the USSR, and some Latin
Americans voted against a Menon draft resolution with the UK,
Canada and a group of Asians voting in favor of it. Eden
agreed this would be a very bad situation.

Secretary told Eden and Pearson reaction to latest Menon draft
would have to be carefully formulated in Washington, and that
it might be taken up next Tuesday in meeting with Truman and
Eisenhower.

Later Secretary asked Department that arrangements be made to
have General Bradley, JCS and other Pentagon agencies available
for work tomorrow, November 15. Department officials will dis-
cuss situation with them at that time. Secretary also requested
General Bradley be alerted regarding possibility his coming to
New York Sunday, November 16, for conference with Secretary,
Lovett, Canadians and British.

ACHESON