INDIA EXPLAINS DRAFT RESOLUTION ON PRISONER-OF-WAR ISSUE IN FIRST COMMITTEE

V. K. Krishna Menon of India spoke in the First Committee this afternoon in the general debate on the Korean question, to explain the draft resolution on the prisoner-of-war issue which the Indian delegation circulated on 17 November (Doc. A/17/374).

Mr. Menon emphasized that this draft resolution was "rather a way to a solution than a solution itself." It was "a way to a way out of a difficulty." It was not intended to transfer the armistice negotiations to United Nations Headquarters, but to provide the armistice negotiators with a basis for an agreement.

Commenting point-by-point on the proposals of his delegation, Mr. Menon said that these proposals were aimed at reducing certain conceptions to concrete terms, without sacrificing any principles.

Marian Rejewski of Poland, the first speaker this afternoon, said his delegation was studying the Indian plan with all the attention it deserved and reserved his right to state Poland's views on these proposals at a later stage.

The Polish representative charged that the United States was still bent on getting together a majority which would "slam the door shut to peaceful settlement" of the Korean question. The road to such a settlement was shown by the Soviet proposal, he said.

The list of speakers in the general debate was closed at 6:00 p.m. today. The Committee will meet again at 10:30 a.m. tomorrow, Thursday, 20 November. A second meeting is scheduled for 3:00 p.m. tomorrow.

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(A CHRONOLOGICAL ACCOUNT OF THIS MEETING IS GIVEN IN TABLES #1-10 WHICH FOLLOW THIS SUMMARY)
The First Committee met this afternoon to begin the 17th day of the general
debate on the Korean question which began on 26 October. Listed to speak today
are up to now the representatives of Poland and India.

The Committee agreed at its last meeting, on Monday, 17 November, to close
the list of speakers in the general debate at 6:00 p.m. today. The Committee did
not meet yesterday to give delegates opportunity to study the Indian draft resolu-
tion which deals with the prisoner-of-war issue and was circulated on Monday
(Doc. A/6/78).

Thirty-five delegations have up to now participated in the general debate
which began on 26 October. Of those who spoke, 19 are co-sponsors of the 21-nation
draft resolution (Doc. A/6/75) introduced by United Nations Secretary of State
Dean Acheson on 26 October. They are the United States, Colombia, the United
Kingdom, France, Australia, Netherlands, Greece, Belgium, New Zealand, Turkey,
Canada, Philippines, Uruguay, Ethiopia and Nicaragua.

Five delegations -- Sweden, Dominican Republic, Cuba, El Salvador, Panama --
have stated that they will vote for the 21-nation proposal.

The representative of China and Lebanon endorsed the UN Command's stand
on the prisoner-of-war issue.

The representative of Brazil expressed the hope that a workable solution
would be found within the framework of the 21-nation draft.

The representative of Yugoslavia favored the principle of voluntary repatria-
tion of prisoners of war but reserved his attitude toward the proposals before
the Committee to a later stage.

The representative of Egypt made several suggestions (Press Release WE/2408)
for the settlement of the prisoner-of-war issue without, however, making a formal
proposal.

The representatives of Mexico (Docs. A/6/73 and A/6/731) and of Peru
(Doc. A/6/732) submitted proposals dealing with the prisoner question.

The representative of Pakistan believed that an immediate cease-fire should
be declared in Korea irrespective of whether agreement had been reached on the
...
question of prisoners of war. He favored the principle of voluntary repatriation.

The representative of Israel also was in favor of this principle, he outlined, without making a formal proposal, "key elements" which, he said, should be incorporated in a resolution to be adopted by the present Assembly session (Press Release GA/76/448). He suggested further that a drafting sub-committee be set up to attempt to find an agreed text.

Four delegations -- Poland, Czechoslovakia, Ukraine, Byelorussia -- supported the Soviet draft resolution introduced by Andrei I. Vyshinsky, Foreign Minister of the USSR, on 29 October (Doc. A/717/76) and submitted in a revised form (Doc. A/717/76/Add.2) when Mr. Vyshinsky spoke for the second time on 10 November.

Yesterday the Soviet proposal was circulated in a corrected version (Doc. A/717/76/Add.1). The correction was made in the translation from Russian of the last two lines of the proposal which dealt with the terms of reference of the proposed commission with regard to the repatriation of prisoners of war.

...The meeting this afternoon was opened by the Chairman, Ambassador DANO TAKOS NUNG (Brazil), at 3:09 p.m.

(End of TAKS 4.)
MARIAH NAIRKOWSKI (Poland) said that while the debate was going on here for nearly a month, bloody battles were being fought in Korea, and the United States Air Force was still raining deadly bombs on Korean towns and villages.

The debate in the Committee, he said, had so far not promoted the end of hostilities, and the reaching of agreement. In view of the danger of a widening of the scope of the conflict and the heavy responsibility toward the long-suffering Korean people, the Committee was duty-bound to engage in a thorough and serious analysis of the situation.

The arguments adduced in support of Mr. Anthony's views had been nothing more than "barefaced allegations," he said.

The representative of the "Sungman Khee clique" had "spilled the beans" in the Committee about the aggressive intentions of his regime. This "typical" statement was "unprecedented" in the history of the United Nations, an organization dedicated to the cause of peace, Mr. NAIRKOWSKI said. Sungman Khee's "appetite" went so far as to demand the arming of additional 20 South Korean divisions.

The "American bosses of Sungman Khee" were likewise working on plans to broaden the scope of their aggression, he charged. The United States Air Force was violating Chinese territory, he added. According to the French news agency, France-Press, United States General Vandenberg had on his Far Eastern inspection tour declared that the US Air Force was in a position to bomb Manchuria.

The "deadlock" in the armistice negotiations had been created by the United States with "premeditation," because the Korean war was necessary to fan the flames of war hysteria and international tension which in turn would promote further and larger armaments, he declared. The war in Korea had become "the axis of American policy of aggression" and the basis for American war prosperity.

The Korean war was also helping the United States "kick together more and more aggressive kites," Senator Styles Bridges had, in the American Mercury, openly said that the new United States President would be a "war President," Mr. NAIRKOWSKI said.

(END OF TAKES 2)
Mr. MASZKOWSKI (Poland), continuing, said the issue of the so-called voluntary repatriation of prisoners of war had been "artificially dragged in" by the United States who, as a result of the concessions made by the other side, all American objections had been met.

This was clear, he said, from the background of the prisoner issue during the armistice talks. The relevant articles of the terms of the armistice agreement did not speak of any voluntary repatriation but expressly stipulated that "all" prisoners were to be repatriated. The wording of these articles showed beyond the shadow of a doubt that "at a given moment both sides had agreed to the repatriation of all prisoners," he declared.

Further proof of this view, he said, was that provisions for voluntary repatriation in the Armistice Agreement (Article 25a) dealt exclusively with displaced Korean civilians. Mr. Wysinowsky's thesis that prisoners of war were in a "special category" and could not be treated the same way as civilians was the only correct one, Mr. MASZKOWSKI contended.

There was not a single word in the Geneva Convention of 1949 to justify the forcible detention of prisoners by the detaining side. Contrary to what Mr. Martin of Canada had said, the Polish delegation did not separate the terms "release" and "repatriation" of prisoners. Both were part of one whole. International law and practice had always regarded prisoners of war as members of the armed forces to be treated as such.

The United States attitude on the prisoners-of-war issue was in complete violation of the Geneva Convention, he charged. The screening of prisoners in United States camps was a violation of Article 17 of the Convention, which clearly stipulated the questions to which a prisoner should give an answer. The issue of forcible repatriation was "invented" by the Americans for the purpose of holding several tens of thousands of prisoners as "hostages," he asserted.

(END OF TAKE #3)
Mr. NAZIKOWSKI (Poland) contended. This showed "how much measure Clark and Van Fleet cared about our debates here," he said.

There could be no just and fair settlement of the Korean conflict without a fair and just settlement of the prisoner-of-war question in accordance with international law, he went on. The retention of prisoners in the hands of the United States would contain seeds of new conflicts, he declared.

The United States had followed the same policy with regard to Polish POW's in Germany and Polish children forcibly taken by the Germans to Germany, Mr. NAZIKOWSKI charged. It was hard to imagine a worse fate than that of a prisoner in American, Japanese, Russian, or Hungarian hands, he declared.

In spite of the "universal desire for peace" the United States had not changed its attitude in the course of the debate. The United States was still bent on getting together a majority which would "close the door shut to a peaceable settlement." The road to peaceful settlement was shown by the Soviet proposal, he said.

Mr. NAZIKOWSKI concluded by saying that his delegation was studying the Indian resolution with the full attention which it deserved and renewed its right to state its views at a later stage.

(End of Take #4)
V. K. KRISHNA Menon (India) said there was unanimity in the Committee that the fighting in Korea must come to an end.

In this debate and the "exchange of compliments" in the discussion, he declared, the main problem of Korea was often overlooked, the problem of making it possible for the United Nations to take its place among the nations of the world. However, the debate had been useful, he said.

"We have never disguised the fact that the absence of the Government of China in our councils is one of the obstacles to reaching agreement," Mr. Menon said. He hoped that a Korean armistice would be the "first installment" to the settlement of this issue as well. He did not doubt that the United Nations would find a solution to the Korean problem and would thus pass the test and meet the challenge of Korea.

It was important to remember that "substantial agreements" had been reached in the armistice negotiations, Mr. Menon observed. While it would be unrealistic to overlook the difficulties, it would be equally unrealistic to overlook the fact that these agreements had been reached. Korea was not an exclusively Asian problem, "it is a United Nations problem," he said. All nations had to contribute to its settlement.

India, he said, approached the problem in "a total belief in the basic fides of all." It also believed that both parties were anxious to put an end to the conflict.

Much time had been devoted, and rightly so, to the consideration of the legal aspects of the prisoner problem, Mr. Menon said. It was the business of the advocates of both sides to present such legal arguments effectively and fully. It was, however, essential to preserve the true proportions of these arguments and not lose sight of the problem itself. It was not his intention to follow or comment on the different legal arguments, the Indian representative said.

(END OF TALK 5)
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Seventh General Assembly
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Press Release GA/50/51
19 November 1952

FIRST COMMITTEE — TAKED 56

Continuing, Mr. NEMCH (India) said that the question of principle, overlapping sometimes the legal aspects, was even more difficult. It was necessary, however, to understand the essential elements of a principle, and that varying those points of view could be reconciled without sacrificing the principle itself.

Turning to the Indian resolution itself (Doc.A/C.3/17/
194), he said that while his delegation was alone responsible for the contents — and it was by no means a "composite effort" — he wished to pay tribute to the thoughts and comments of many delegations. It was not the intention of India to have the armistice negotiations conducted at UN Headquarters, he declared.

The resolution was divided into two parts, he recalled. The first part referred not only to the UN Korea Commission’s Report of 1952, but also to other "relevant reports" relating to Korea. It then stressed with approval the "considerable progress" made during the armistice negotiations.

All parties agreed that the prisoner issue was "the main obstacle" to an armistice, Mr. NEMCH went on. However, even on this issue there already existed a "considerable measure of agreement" on the principles for the settlement of this problem. Article 60 of the draft armistice agreement mentioned in the first part of the resolution was a "great achievement," and it placed the armistice agreement on the general plane of UN policy.

The two last clauses of the first part of the resolution were the essential elements of this resolution, he said. There was no provision of sending the proposals to both sides as the UN itself was one side.

These proposals were "rather a way to a solution than a solution itself", which must come by negotiations, Mr. NEMCH said. They were to form a basis for an agreement. All these proposals were equally applicable to both parties and were not addressed to only one of them. This was the reason for the proposed setting-up of a Repatriation Commission, Mr. NEMCH declared.

(END OF TAKED 56)
Mr. MENON (India) went on to recall that, in 1939, the Chaco settlement between Bolivia and Paraguay had also set up a Repatriation Commission comprised of other countries, and one of the Commission's sides had been at the time "the then Captain Hidrocy." Thus the procedure was not without precedent. It was most appropriate in the present case, in view of the charges made and the difficulties that had arisen.

Of the four Commission members, he said, two were closer to one side; the two others closer to the other; but none of the four was participating in the conflict. An alternative composition of the Commission was provided, if these powers did not wish to take over the responsibility. He hoped this would not be the case.

Regarding Point 2 of the proposals, Mr. MENON said that the question whether anyone had not notified the Genave Convention did not arise, as in the Nuremberg Trials it had been established that matters of this kind were to be treated in accordance with the "well-established principles and practice of international law."

"With great respect," he said, "he wished to say that they must try to get behind the words used here: "voluntary repatriation" and "forcible repatriation."

The Chinese had repeatedly said that no one demanded forcible repatriation, be went on. Therefore, to avoid any ambiguity and equivocation, the resolution said that "force shall not be used against the prisoners of war."

There could be no question of detaining prisoners by force either, as both sides did not claim that force or compulsion should be used. This duty was "enjoined" upon the Repatriation Commission.
The machinery and procedure of Point 4 of the Indian proposals was "inherent" in the attitudes of both sides, continued Mr. MENDON (India). The clause calling for the release of prisoners from military control and custody of the detaining side was applicable against both sides.

There was some doubt as to what the term "agreed numbers" in Point 4 meant, he noted. What was meant was that all prisoners could not be moved on the same day.

He then went on to explain:

Point 5; the letters of Kim Il Sung and Peng Teh-wei were "purposely cited" to avoid any misunderstanding.

Point 6; there would be no restriction on the men to go home. They could go "forthwith." There was no question of forcible detention.

Point 7; An important paragraph, he said. The prisoner was not anymore in the custody of the detaining side, he was on his way home. This should be made known to every prisoner of war so that he would have the possibility to exercise his free will. This clause had been inserted because there had been complaints that prisoners had not always been aware of their status and rights. It would be possible, for instance, for the Chinese side to explain the amnesty so that the prisoners should have no fear to go home. This was not a process of screening prisoners, Mr. MENDON emphasised.

Point 8; dealt with Red Cross teams.

Point 9; gave the prisoners the possibility of making representations and sending communications to the Repatriation Commission. They could thus express their desires without any questionnaires or pressure of any kind.

Point 10; was a very necessary paragraph. It must be quite obvious that, without some discipline, rules and orders, large masses of prisoners could not be organized.

Point 11; prisoners of war had the right, under the Geneva Convention, to know the terms of the Repatriation Agreement.
Continuing the explanation of the points in his proposal, Mr. MENCH (India) said Point 16 complemented preceding points.

He then turned to Point 13, and said if there were disagreement in the Commission, there would be no “stem-rolling” in view of the composition of the Commission. An “umpire” was provided by the resolution who would have the deciding vote.

According to Point 14, if “insurmountable” obstacles arose, the question of the appointment of an umpire would come back to the General Assembly. Until an umpire had been appointed, the Repatriation Commission would not come into being, and the Armistice Agreement would not be validated.

Point 15: In view of the “vast masses” of prisoners involved, bodies provided for incidentally by the Armistice Agreement would function as “repatriation committees,” Mr. MENCH went on.

Point 16: This clause intended to make it clear that all the machinery necessary was provided in the Armistice Agreement and was only waiting for the removal of the last obstacle.

Point 17 (the last point of the proposal) was tied up with Paragraph 6 of the Preamble. If there were prisoners who did not want to go back for whatever reasons at the end of the 90 days, the Political Conference which was to deal with the Korean question as a whole should deal with this issue also. It was in no way the shifting of the responsibility from one body to another. If this Conference quickly brings about peace, Mr. MENCH said, the prisoner issue would assume a different aspect. The Conference should make recommendations with regard to the remaining prisoners. If neither side wants to be responsible for them, then the United Nations should take care of them, Mr. MENCH declared. This was “not cutting any principle.” There was no question of people being further screened.

Mr. MENCH then returned to Paragraphs 7 and 8 of the first part of the resolution. He said the question of forcible detention did not arise under the Indian resolution as the prisoners would be released from the custody of the detaining side.

(End of Take 89)
FIRST COMMITTEE -- PAGE 10

Continuing, MR. MUNSHI (India) said that no member of a civilized community could be called upon to use "extra-judicial force."

Force could be used only in the discharge of a legal duty, he said. This clause of the resolution was equally applicable to both sides. It did not on the other hand "cut in on the rights of states" with regard to repatriation, he said.

He said he submitted the proposals "with confidence and earnestness." He reiterated that the proposals were rather a way to a solution than a solution in themselves. The Indian delegation had tried to piece together ideas and bridge divergences. It had tried to reduce all conceptions to concrete and actual terms.

"Let us analyze the situation not alone in the context of clauses, not whether one word is better than another," said MR. MUNSHI, but in thinking of a country crying for peace. He asked, in conclusion, the Committee to give "earnest and anxious thought" to the Indian resolution which was "a way to a way out of a difficulty," and give it priority. (MR. MUNSHI concluded his speech at 5:16 p.m.)

The CHAIRMAN reminded the Committee that the list of speakers in the general debate would be closed at 6:00 p.m. today.

The meeting adjourned at 5:18 until 10:30 a.m. tomorrow, Thursday, 20 November.

(END OF PAGE 10 AND OF PRESS RELEASE GA/PB/451)
US DEL NY has established frequent and informal contact IND DEL and has made very intensive and sympathetic efforts explain US position and reach agreement with IND on critical issues. This true not only with respect to HSH Pandit but also K. Menon, Rao, Pant and others.

In particular on Korea frequent talks have been held with K. Menon, some of them involving SEISSAT, and SWNN responded V H Pandit's suggestion for consolidation by giving IND DEL draft RSS as CLO accept. DEPT attempting keep RSS informed through INFO TED but impossible provide QTE blow by blow UNITE account. Appears from present status NEGOT that US will make effort to sound present IND draft RSS to meet specific US objections IND draft in present form. Principle difference with IND DEL has arisen out of fact that IND RSS gives POW no alternative to repatriation except indefinite captivity but we are also genuinely concerned regarding any suggested repatriation COM WLD function.

SWNN has also made real attempt meet IND DEL on SCAP with conflict item.

In response request IND DEL for our suggestions and comments US gave two drafts, either of which IND CLO support, to HSH Pandit. Second draft was based IND draft and included a generalised codification of India's proposal re COM. PT was made to IND DEL that we did not believe solution problem was to PT
finger at SHAPE which we think will have opposite effect from that intended. IND DEL rejected both US drafts indicating they believed it was essential that NLS be directed specifically at SHAPE. It developed thereafter that IND had circulated other messages to other blocs and were too far obligated to withdraw from their position.


Will continue efforts reach understanding with IND DEL on UN issue.