

who drew up the Geneva Convention; and such an interpretation will certainly not be endorsed by the vast majority of this Assembly. Paragraph 8 affirms clearly that no force shall be used for any purpose with the exception, of course, - and this exception is embodied in paragraph 10 of the Indian draft resolution - of that which would be required for the legitimate functions and responsibilities of any Repatriation Commission for control of prisoners of war under its temporary jurisdiction.

The principle of non-forcible repatriation having, therefore, been clearly established, together with the acceptance of the Geneva Convention as the basis for release and repatriation, the Indian proposals go on to deal in some detail with suitable machinery by which this principle could be implemented in the settlement of the prisoner-of-war issue. It was no doubt the intention of the Indian delegation to supply a blueprint for the machinery of repatriation. The negotiators at Panmunjom would be expected to do what might be described as the work of the contractors within the blueprint provided for by the proposal. The Unified Command, naturally, will be bound by any General Assembly resolutions. Similarly, if the Chinese and North Korean Command agrees to resume negotiations at Panmunjom on the basis of these proposals, it must also be bound by them.

I do not intend to refer specifically to the proposals of the Indian draft resolution for the simple reason that, when they are read together with the explanations given by Mr. Menon, my delegation finds them generally acceptable. Perhaps one or two comments may be made, however, on paragraph 17 of the Indian proposals.

This paragraph is important since it takes cognizance of the problem of the eventual disposition of those prisoners of war whose return to their homelands may not have been effected by the machinery provided for in the Indian proposals. The difficulty here is that, on the one hand, the Communists say that all prisoners have the right to return and that if they were made aware of this right, and if no pressure were brought to bear on them, they would surely exercise it. If this were true, the question of what to do about those whose repatriation cannot be completed within 90 days would become, it seems to me, rather hypothetical. On the other hand, we are sure that there will be prisoners of war who will remain at the end of 90 days. Force cannot be used to return them; and we may well ask what, then, is to be done with them. Confronted with this dilemma, paragraph 17 of the Indian draft resolution offers a solution to this problem. It states that if, after 90 days from the conclusion of an armistice, there remain any prisoners still to be repatriated their disposition is to be referred to the Political Conference which is to be called under article 60 of the present draft armistice agreement. By the time the Political Conference is held, after an armistice has been in effect for 90 days and after the repatriation of most of the prisoners has been completed, the problem will have been limited and defined and may have been reduced to a point where the solution will not be difficult. I do not believe that this course of action will result in a hopeless, endless detention for prisoners. That, however, would certainly be the case if no armistice whatsoever were signed.