

COLONEL NAM AND SUBVERSION

Naravane has now informed us that following Polish intervention in Delhi, Indel has received instructions permitting them to agree to reference of Nam case to Legal Committee without deadline. The only concession to urgency is a provision that the Secretary-General should report to the Commission after ten days or two weeks on progress made by Legal Committee. Naravane told me privately that his report would give Commission opportunity to return the whole case for discussion in the Commission if no repeat no progress is made but he has given no repeat no indication that Indel would support such a move in the Commission.

2. It is quite clear to us that if the Nam case goes to the Legal Committee with undated mandate it is likely to be shelved for months. On the other hand the procedural salami tactics which have been practised so far have left us with the choice of whether to avoid delaying further substantive consideration of the Nam case by agreeing to an obviously delaying decision or to hold up the substantive discussion and to attempt to get the better mandate or to hold up the decision by asking for an adjournment. A meeting is planned for November 28. We do not repeat not yet know what instructions Poles have received.

3. We do not repeat not wish to proceed with a decision on this important case without your instructions. At tomorrow's meeting if proposal along lines indicated above is put forward, we intend, in order to clarify the terms and stress the limited nature of the mandate to the Legal Committee, to instigate discussion on the meaning of prima facie evidence in terms of the subversion cases included in the Nam case. Our argument would be that the proposal to remove the deadline for the Legal Committee makes us doubt whether there is an agreed understanding in the Commission as to the meaning of prima facie evidence. If we are unable to provoke a discussion on the issue and if it is apparent that the Poles and Indians are prepared to take a decision we will ask for an adjournment in order to secure instructions. This will also have the advantage of enabling me to discuss the matter with Partha Sarathy who is due to arrive on November 29.

4. On the basis of our previous messages you may have discussed the Nam case in Delhi. It would be very helpful to have some indication through Canadian channels of the Indian position. We suspect that the Indians have felt it necessary to make concessions in return for an assurance of continued Polish participation in discussions on the Nam case. If this is a general policy the opportunity for Polish delaying tactics will be very great indeed. A more serious possibility, based purely on speculation, is that Nehru may wish to make it more difficult for the USA to take the final step of introducing troops if this should ever seem necessary to the Americans by avoiding a clear cut citation of the North on subversion.

5. If after discussion in Delhi it becomes clear that Indian position is firm, it is worth considering whether we should press the Secretary-General to report every two weeks to the Commission on progress in Legal Committee and with provision that this report should be a vehicle for returning to the Commission the individual allegations and evidence on which the Legal Committee has up to that time reached agreement. We might then take the position that the Commission should set up a mobile team to deal with the allegations as they come forward from the Legal Committee. This would be breaking new procedural ground and we might have great difficulty pushing it through.

6. It seems to us that our first objective should be to ascertain in Delhi the real intentions of the Indians and the basis and flexibility of their present position and that an effort should be made to persuade them of the consequences of their present attempts to appease the Poles. If they are adamant you might wish to consider the possible position suggested in paragraph 5.

7. If the Indians are adamant in supporting delaying tactics and if it becomes clear that the effect of their policy, if not repeat not its intentions, is to shelve the Nam case, it may be important to begin considering the possible consequences. There are indications that the South