

In order to speed up the negotiations, discussion was opened on Item 4 (prisoners of war) on December 11 before discussion of Item 3 was concluded. Negotiations on this item too were deadlocked when it became apparent that the United Nations negotiators would not accept an obligation to compel communist prisoners in their hands to accept repatriation, while the communist negotiators refused to agree that prisoners were free to refuse to return to their own countries if they so wished. The problem of prisoners who might prefer not to be returned to their own side for political reasons was a very difficult one. Current international custom is designed to protect the rights of prisoners of war against their captors, but there is no long-standing custom which covers the case of prisoners who want, for political reasons, protection against the states from whose armies they were captured. To carry out the humanitarian intent of international practice, therefore, the negotiators for the United Nations Command took the stand that any prisoner, who so feared repatriation for political reasons that he was ready to resist repatriation by force, should not be repatriated. For this, precedents existed, among which were the offers made by the Russians to German armies which were besieged in Stalin-grad and Budapest during the Second World War.

Again with the object of hastening the discussion, conversations began on Item 5 on February 6 while Items 3 and 4 were deadlocked. This item was relatively easily settled and the two armistice teams agreed on the following wording on February 16:

In order to ensure the peaceful settlement of the Korean question, the military commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the armistice agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.

In accepting this wording, the United Nations negotiators made it plain that "foreign forces" meant "non-Korean forces" and that the word "etc." was not to be construed to relate to matters outside of Korea.

Meanwhile, the sixth session of the General Assembly which had met in Paris decided to defer consideration of its two items on Korea in view of the continuation of the armistice negotiations in Korea. On January 3, the Soviet Delegate attempted to secure approval for a resolution which would have required the Security Council to hold one of the periodic meetings provided for in the Charter and "to examine at the periodic meeting in the first place the measures which the Security Council should take to help to bring to a successful conclusion the negotiations taking place in Korea for the cessation of hostilities". This was voted down as being likely to interfere with the negotiations rather than to bring them to a successful conclusion, because it would have involved the infusion of political questions into what had hitherto been a purely military negotiation. This could only have resulted in a