



STATEMENTS AND SPEECHES

INFORMATION DIVISION
DEPARTMENT OF EXTERNAL AFFAIRS
OTTAWA - CANADA

NO. 52/53

INDIAN RESOLUTION ON KOREA

Statement by the Acting Chairman of the Canadian Delegation to the United Nations General Assembly, Mr. Paul Martin, made in the First (Political) Committee, on November 27, 1952.

During the discussions in this Committee, my delegation has been greatly impressed by the unanimity of purpose reflected in the statements of practically all members and by the conciliatory approach which members have taken as regards the important issue now before us. Our purpose is to press forward with proposals concerning prisoners of war which, given good faith and a willingness on both sides to reach agreement, will give us a reasonable prospect of an honourable armistice in Korea.

In blunt and depressing contrast to this unanimity of purpose and approach is the intransigent attitude of the Soviet Union and its satellites, who, though they make propaganda about their "partnership for peace", have sought to slam the door on the prospect of achieving peace in Korea.

The representative of the Ukrainian Soviet Socialist Republic who has just spoken will, I am sure, agree with me that the point of view he has expressed is consistent with the point of view expressed yesterday by Mr. Vyshinsky.

The overwhelming majority of members of this Committee will, I am confident, persist in their positive efforts to resolve our difficulties. There have been attempts, as we all know, by the representatives of the Communist States in this Assembly to divide us. These attempts have taken the form of legalisms, distortions of truth and promises of an easy solution of the Korean problem on Communist terms. The net result, however, is that we are more united today on the issue of Korea than we were before the discussion started. This unity is easily definable. There is agreement by all -- except the Soviet Union and its satellites -- that a real armistice agreement should be concluded, to be immediately followed by a cessation of hostilities. There is agreement by all -- except the Soviet Union and its satellites -- that no force should be used to effect the repatriation, or, conversely, the detention, of prisoners of war. There is agreement by all -- except the Soviet Union and its satellites -- that if the prisoners of war choose not to exercise their right to repatriation their free choice should be respected. Finally, there is agreement by all -- except the Soviet Union and its satellites -- that the United Nations should

in good faith offer proposals which could achieve a cease-fire and therefore make possible a political settlement.

This unity of purpose cannot be ignored or challenged, no matter how able the advocate in opposition. It has been strengthened by a frank interchange of ideas within and outside the Fifth Committee, during the course of the past two weeks or so. If the Chinese and North Korean Command at Panmunjom - and those who profess to speak on their behalf in this Committee - are realists to any degree, they must recognize the strength of this unity.

It seems to us that there is no better indication of our good faith and desire to reach an armistice than the eagerness with which we have been willing to explore all possible avenues which might lead to the settlement of the prisoner-of-war issue. That open-minded approach was taken by the first speaker in the debate on the Korean question, Mr. Acheson himself. Twenty-one powers - one third of the states members of the United Nations - agreed to sponsor a draft resolution affirming their belief in a moral principle. Mexico submitted a draft resolution inspired by the highest humanitarian motives. Peru also offered its contribution to the common cause. Other delegations - one thinks, for example, of the Israel delegation - offered suggestions the purpose of which was to assist the Committee in its attempts to find a solution to the central problem of the prisoners of war.

We also have before us certain Soviet Union amendments. I do not propose at this time to make any observations - except of a very brief and general character - on these amendments. Since, however, they have been referred to by the representatives of Australia and the Ukrainian Soviet Socialist Republic. I would simply say this: When the Chairman makes his ruling as to the amendments, I take it there will be ample opportunity to discuss whether or not they are in order and whether they would vitiate the main decision of this Committee to give priority to the Indian draft resolution. For a careful examination of the Soviet Union amendments will reveal that at least some of the paragraphs proposed as amendments are not now amendments at all: rather, they are word-for-word reproductions of the phraseology used in the draft resolution presented some days ago by the Foreign Minister of the Soviet Union. It would certainly be unfortunate if we were to allow yesterday's decision to be nullified by a clever device, the full particulars and strategy of which are not immediately clear. When we come to discuss the various paragraphs of the Soviet Union proposals, I may ... have something to say.

Finally, the Indian delegation has come forward with a draft resolution which, taken as a whole, in my delegation's judgment provides a practical solution of the issue, a solution consistent with principle.

Set against these positive efforts to achieve a workable solution, we have had most remarkable illustrations of Communist intransigence in the attacks made by the Soviet Union and its satellites on the Indian draft resolution - and, indeed, on all other draft resolutions before the Committee except those put forward by Mr. Vyshinsky.

The Soviet Union representative's statement was not, it seemed to me, that of a man seeking a solution but that of a man who had come here to dictate a solution. The habit of

dealing with satellites has given the Foreign Minister of the Soviet Union an authoritarian approach with which the free world is totally unfamiliar. In contrast, the Secretary of State of the United States, while admitting that from his government's point of view the Indian draft resolution was not perfect, that he was concerned about some parts of it which, he said, required clarification, nevertheless suggested that, if we worked in harmony and goodwill, a solution could be found. I think it has been found in the Indian draft resolution.

When I spoke to this Committee a few days ago my delegation, through me, was searching for some method of approach, consistent with the basic principles which have motivated the United Nations negotiators at Panmunjom, which might bridge the gap which had developed with respect to the prisoner-of-war issue. It was, therefore, with real enthusiasm and renewed hope that the Canadian delegation, from the first, viewed the Indian initiative. We believed when the Indian draft resolution was first introduced, as we still believe today, that it was a practical and positive effort to implement the more important ideas which have been brought before this Committee with respect to the solution of the problem of prisoners of war, and my delegation regards the Indian proposals as the possible bridge which may provide for communication between the opposing views and which may lead to an understanding upon which real agreement can be based, an armistice concluded and the fighting brought to an end.

I believe that Mr. Menon and the delegation of which he is a member, including that distinguished lady, Mrs. Pandit, should be congratulated for the contribution which India has made to the work of this Committee and to the larger task of providing a possible basis for an armistice in Korea. As a representative of Canada, I was encouraged that such an initiative should be taken by the delegation of India, representing as it does a great Asian country which has such close geographical, cultural and historical ties with China. We believe that India's role in these weeks of discussion and deliberation can only facilitate the understanding so necessary if we are to achieve an armistice.

Let us first consider whether the Indian draft resolution is consistent with the principle of non-forcible repatriation. In the 21-power draft resolution, which my country co-sponsored, this principle is stated in the following terms:

"... the rights of all prisoners of war to an unrestricted opportunity to be repatriated and"... the avoidance of ... "the use of force in their repatriation".

Paragraphs 7 and 8 of the Indian draft resolution embody in plain and unambiguous terms the principle on which the draft resolution itself and the proposals attached thereto are based. The first paragraph affirms the right of all prisoners of war - under the Geneva Convention of 1949, the well-established principles and practice of international law and the relevant provisions of the draft armistice agreement - to release and repatriation. The right of repatriation is admitted without equivocation.

The right of repatriation is one thing; the use of force in its implementation is something else. It is inconceivable to admit that such force was contemplated by those

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.

In the statement which I made on behalf of the Canadian delegation on 3 November I expressed the opinion that some provision would have to be made for the disposition of those prisoners of war who would forcibly resist repatriation. I said in part:

"...those prisoners of war who refused to leave the neutral area would still retain the right to have their repatriation completed if and when they wished, and meanwhile they would be held by the Protecting Powers, in a manner to be determined".

I am completely satisfied that paragraph 17 of the Indian proposals offers an acceptable method of approach to this problem. It proposes that if, at the end of a stated period, the Political Conference has not been able to provide for the future of some prisoners of war

"the responsibility for their care and maintenance and for their subsequent disposition shall be transferred to the United Nations which, in all matters relating to them, shall act strictly in accordance with international law".

This is a task for which the United Nations should and can take responsibility. Such a provision should satisfy all of us that no force, physical or mental, will be brought to bear upon an individual prisoner of war to cause him to be repatriated against his will.

A few days ago, the Prime Minister of India, commenting on the draft resolution, referred to it as

"a step in the right direction which, if accepted in the spirit in which we have put it forward, might well lead to the lightening of the tremendous burden that is oppressing humanity".

He continued:

"We have offered this resolution in all humility of spirit and I am happy that distinguished representatives of nations assembled in New York are viewing it with favour".

Commenting on the same draft resolution in this Committee, the Foreign Minister of the Soviet Union flatly rejected it and, if I may use the adverb, sarcastically referred to the discussions of the draft resolution as an academic exercise since, according to his information, the Chinese Government had already shown a negative attitude to the Indian proposals as a basis for an armistice.

On the one hand, therefore, we have the comments of a disciple of peace who, horrified at the mounting casualties of the Korean war, supports in all good faith and deep anxiety proposals which, if implemented, could lead to an honourable armistice; on the other, we have the Foreign Minister of a great power who, confronted with the same problem and the same solution, refuses to co-operate in the search for a peaceful settlement in Korea. Last year in Paris that same Foreign Minister laughed all night, he told us, over suggestions made for the solution of another problem. This year - and one can only say this in the light of his remarks during the last

few days in this Committee - he scornfully rejects a sincere effort to find a solution which would lead to an armistice in Korea. Surely, he cannot long escape judgment before the bar of world opinion.

It is the hope of most of us here, and of the millions of people whom we represent, that our deep-rooted desire for peace in Korea is shared by our adversaries in the present conflict. It is in that hope, and with the conviction that the Indian draft resolution gives us the key to a solution, that I strongly appeal to all delegations, as the representative of Australia did a few moments ago, to lend their support to the principles and purposes of the draft resolution now before us and to stand against efforts by the Soviet Union delegation and others to bring that hope and those convictions to naught. The central principles and purposes of the draft resolution are clear; they have been carefully and painstakingly worked out by the delegation representing the Government of India. There is much to be lost by haggling over non-essentials. There is much to be gained, after these weeks of discussion, by acting on the Indian proposals with promptness, courage and decision.

I well remember hearing a Foreign Minister of France, Mr. Aristide Briand, speaking from the tribune of the Batiment Electoral in Geneva, make an appeal against those who had steadfastly opposed an argument of his, and I wonder whether, in spite of the strong words in opposition to this proposal that have been made by Mr. Vyshinsky today, as well as by the representative of the Ukrainian S.S.R., and yesterday by the representative of Czechoslovakia - and, I suppose, tomorrow by the representative of Byelorussia, and perhaps later by the Minister of Foreign Affairs for Poland - whether in spite of all this, I might not make an appeal to them.

The other day the New York Times quoted Mr. Vyshinsky as having refused at that point to comment on the draft resolution which had been introduced the day before by Mr. Menon of India. The only comment he would make was that Mr. Menon was an honest man. Is it too late to ask the Soviet Union, Poland, Czechoslovakia, the Ukrainian S.S.R. and the Byelorussian S.S.R. to follow with the rest of us along the direction and under the leadership of an honest man?