

RESOLUTIONS ADOPTED ON THE REPORTS OF THE FIRST COMMITTEE

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610 (VII). Korea: reports of the United Nations Commission for the Unification and Rehabilitation of Korea

The General Assembly,

Having received the special report¹ of the United Nations Command of 18 October 1952 on "the present status of the military action and the armistice negotiations in Korea" and other relevant reports relating to Korea,

Noting with approval the considerable progress towards an armistice made by negotiation at Panmunjom and the tentative agreements to end the fighting in Korea and to reach a settlement of the Korean question,

Noting further that disagreement between the parties on one remaining issue, alone, prevents the conclusion of an armistice and that a considerable measure of agreement already exists on the principles on which this remaining issue can be resolved,

Mindful of the continuing and vast loss of life, devastation and suffering resulting from and accompanying the continuance of the fighting,

Deeply conscious of the need to bring hostilities to a speedy end and of the need for a peaceful settlement of the Korean question,

Anxious to expedite and facilitate the convening of the political conference as provided in article 60 of the draft armistice agreement,²

1. *Affirms* that the release and repatriation of prisoners of war shall be effected in accordance with the Geneva Convention relative to the Treatment of Prisoners of War,³ dated 12 August 1949, the well-established

principles and practice of international law and the relevant provisions of the draft armistice agreement;

2. *Affirms* that force shall not be used against prisoners of war to prevent or effect their return to their homelands, and that they shall at all time be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of the Convention;

3. *Accordingly requests* the President of the General Assembly to communicate the following proposals to the Central People's Government of the People's Republic of China and to the North Korean authorities as forming a just and reasonable basis for an agreement so that an immediate cease-fire would result and be effected; to invite their acceptance of these proposals and to make a report to the General Assembly during its present session and as soon as appropriate:

PROPOSALS

I. In order to facilitate the return to their homelands of all prisoners of war, there shall be established a Repatriation Commission consisting of representatives of Czechoslovakia, Poland, Sweden and Switzerland, that is, the four States agreed to for the constitution of the Neutral Nations Supervisory Commission and referred to in paragraph 37 of the draft armistice agreement, or constituted, alternatively, of representatives of four States not participating in hostilities, two nominated by each side, but excluding representatives of States that are permanent members of the Security Council.

II. The release and repatriation of prisoners of war shall be effected in accordance with the Geneva Convention relative to the Treatment of Prisoners of War, dated 12 August 1949, the well-established principles and practice of International Law and the relevant provisions of the draft armistice agreement.

¹ See document A/2228.

² *Ibid.*, annex A.

³ See *Treaty Series, Treaties and International agreements registered or filed and recorded with the Secretariat of the United Nations*, Volume 75, 1950, No. 972, p. 135.

III. Force shall not be used against the prisoners of war to prevent or effect their return to their homelands and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner or for any purpose whatsoever. This duty is enjoined on and entrusted to the Repatriation Commission and each of its members. Prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of that Convention.

IV. All prisoners of war shall be released to the Repatriation Commission from military control and from the custody of the detaining side in agreed numbers and at agreed exchange points in agreed demilitarized zones.

V. Classification of prisoners of war according to nationality and domicile as proposed in the letter⁴ of 16 October 1952 from General Kim Il Sung, Supreme Commander of the Korean People's Army, and General Peng Teh-huai, Commander of the Chinese People's Volunteers, to General Mark W. Clark, Commander-in-Chief, United Nations Command, shall then be carried out immediately.

VI. After classification, prisoners of war shall be free to return to their homelands forthwith, and their speedy return shall be facilitated by all parties concerned.

VII. In accordance with arrangements prescribed for the purpose by the Repatriation Commission, each party to the conflict shall have freedom and facilities to explain to the prisoners of war "depending upon them" their rights and to inform the prisoners of war on any matter relating to their return to their homelands and particularly their full freedom to return.

VIII. Red Cross teams of both sides shall assist the Repatriation Commission in its work and shall have access, in accordance with the terms of the draft armistice agreement, to prisoners of war while they are under the temporary jurisdiction of the Repatriation Commission.

IX. Prisoners of war shall have freedom and facilities to make representations and communications to the Repatriation Commission and to bodies and agencies working under the Repatriation Commission, and to inform any or all such bodies of their desires on any matter concerning themselves, in accordance with arrangements made for the purpose by the Commission.

X. Notwithstanding the provisions of paragraph III above, nothing in this Repatriation Agreement shall be construed as derogating from the authority of the Repatriation Commission (or its authorized representatives) to exercise its legitimate functions and responsibilities for the control of the prisoners under its temporary jurisdiction.

XI. The terms of this Repatriation Agreement and the arrangements arising therefrom shall be made known to all prisoners of war.

XII. The Repatriation Commission is entitled to

⁴ See document A/2230, annex 3.

call upon parties to the conflict, its own member governments, or the Member States of the United Nations for such legitimate assistance as it may require in the carrying out of its duties and tasks and in accordance with the decisions of the Commission in this respect.

XIII. When the two sides have made an agreement for repatriation based on these proposals, the interpretation of that agreement shall rest with the Repatriation Commission. In the event of disagreement in the Commission, majority decisions shall prevail. When no majority decision is possible, an umpire agreed upon in accordance with the succeeding paragraph and with article 132 of the Geneva Convention of 1949 shall have the deciding vote.

XIV. The Repatriation Commission shall at its first meeting and prior to an armistice proceed to agree upon and appoint the umpire who shall at all times be available to the Commission and shall act as its Chairman unless otherwise agreed. If agreement on the appointment of the umpire cannot be reached by the Commission within the period of three weeks after the date of the first meeting this matter should be referred to the General Assembly.

XV. The Repatriation Commission shall also arrange after the armistice for officials to function as umpires with inspecting teams or other bodies to which functions are delegated or assigned by the Commission or under the provisions of the draft armistice agreement, so that the completion of the return of prisoners of war to their homelands shall be expedited.

XVI. When the Repatriation Agreement is acceded to by the parties concerned and when an umpire has been appointed under paragraph 14 above, the draft armistice agreement, unless otherwise altered by agreement between the parties, shall be deemed to have been accepted by them. The provisions of the draft armistice agreement shall apply except in so far as they are modified by the Repatriation Agreement. Arrangements for repatriation under this agreement will begin when the armistice agreement is thus concluded.

XVII. At the end of ninety days, after the Armistice Agreement has been signed, the disposition of any prisoners of war whose return to their homelands may not have been effected in accordance with the procedure set out in these proposals or as otherwise agreed, shall be referred with recommendations for their disposition, including a target date for the termination of their detention to the political conference to be called as provided under article 60 of the draft armistice agreement. If at the end of a further thirty days there are any prisoners of war whose return to their homelands has not been effected under the above procedures or whose future has not been provided for by the political conference, 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.

*399th plenary meeting,
3 December 1952.*