

VIII

RESOLUTIONS ADOPTED ON THE REPORTS OF THE AD HOC POLITICAL COMMITTEE

293 (IV). The problem of the independence of Korea

The General Assembly,

Having regard to its resolutions 112 (II)¹ of 14 November 1947 and 195 (III)² of 12 December 1948 concerning the problem of the independence of Korea,

Having considered the report³ of the United Nations Commission on Korea, and having taken note of the conclusions reached therein,

Mindful of the fact that, due to difficulties referred to in the report of the Commission, the objectives set forth in the resolutions referred to have not been fully accomplished, and in particular that the unification of Korea and the removal of barriers to economic, social and other friendly intercourse caused by the division of Korea have not yet been achieved,

Having noted that the Commission has observed and verified the withdrawal of United States occupation forces, but that it has not been accorded the opportunity to observe or verify the reported withdrawal of Soviet occupation forces,

Recalling its declaration of 12 December 1948 that there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such Government in Korea,

Concerned lest the situation described by the Commission in its report menace the safety and well-being of the Republic of Korea and of the people of Korea and lead to open military conflict in Korea,

1. *Resolves* that the United Nations Commission on Korea shall continue in being with the following membership: Australia, China, El Salvador, France, India, Philippines and Turkey and, having in mind the objectives set forth in the General Assembly resolutions of 14 November 1947 and 12 December 1948 and also the status of the Government of the Republic of Korea as defined in the latter resolution, shall:

(a) Observe and report any developments which might lead to or otherwise involve military conflict in Korea;

(b) Seek to facilitate the removal of barriers to economic, social and other friendly intercourse caused by the division of Korea; and make available its good offices and be prepared to assist, whenever in its judgment a favourable opportunity arises, in bringing about the unification of Korea in accordance with the principles laid down by the General Assembly in the resolution of 14 November 1947;

(c) Have authority, in order to accomplish the aims defined under sub-paragraphs (a) and (b) of the present paragraph, in its discretion to appoint observers, and to utilize the services and good offices of one or more persons whether or not representatives on the Commission;

(d) Be available for observation and consultation throughout Korea in the continuing development of representative government based on the freely-expressed will of the people, including elections of national scope;

(e) Verify the withdrawal of Soviet occupation forces in so far as it is in a position to do so;

2. *Decides* that the Commission:

(a) Shall meet in Korea within thirty days from the date of the present resolution;

(b) Shall continue to maintain its seat in Korea;

(c) Is authorized to travel, consult and observe throughout Korea;

(d) Shall continue to determine its own procedures;

(e) May consult with the Interim Committee of the General Assembly (if it be continued) with respect to the discharge of its duties in the light of developments and within the terms of the present resolution;

(f) Shall render a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject matter of the present resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for transmission to Members;

(g) Shall remain in existence pending a new decision by the General Assembly;

3. *Calls upon* Member States, the Government of the Republic of Korea, and all Koreans to afford every assistance and facility to the Commission in the fulfilment of its responsibilities, and to refrain from any acts derogatory to the purposes of the present resolution;

4. *Requests* the Secretary-General to provide the Commission with adequate staff and facilities,

¹ See *Official Records of the second session of the General Assembly, Resolutions*, page 16.

² See *Official Records of the third session of the General Assembly, Part I, Resolutions*, page 25.

³ See *Official Records of the fourth session of the General Assembly, Supplement No. 9, volumes I and II*.

including technical advisers and observers as required; and authorizes the Secretary-General to pay the expenses and *per diem* of a representative and an alternate from each of the States members of the Commission and of such persons as may be appointed in accordance with paragraph 1 (c) of the present resolution.

233rd plenary meeting,
21 October 1949.

294 (IV). Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms

Whereas the United Nations, pursuant to Article 55 of the Charter, shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Whereas the General Assembly, at the second part of its third regular session, considered the question of the observance in Bulgaria and Hungary of human rights and fundamental freedoms,

Whereas the General Assembly, on 30 April 1949, adopted resolution 272 (III)⁴ concerning this question in which it expressed its deep concern at the grave accusations made against the Governments of Bulgaria and Hungary regarding the suppression of human rights and fundamental freedoms in those countries; noted with satisfaction that steps had been taken by several States signatories to the Treaties of Peace with Bulgaria and Hungary regarding these accusations; expressed the hope that measures would be diligently applied, in accordance with the Treaties, in order to ensure respect for human rights and fundamental freedoms; and most urgently drew the attention of the Governments of Bulgaria and Hungary to their obligations under the Treaties of Peace, including the obligation to co-operate in the settlement of the question,

Whereas the General Assembly has resolved to consider also at the fourth regular session the question of the observance in Romania of human rights and fundamental freedoms,

Whereas certain of the Allied and Associated Powers signatories to the Treaties of Peace with Bulgaria, Hungary and Romania have charged the Governments of those countries with violations of the Treaties of Peace and have called upon those Governments to take remedial measures,

Whereas the Governments of Bulgaria, Hungary and Romania have rejected the charges of Treaty violations,

Whereas the Governments of the Allied and Associated Powers concerned have sought unsuccessfully to refer the question of Treaty violations to the Heads of Mission in Sofia, Budapest and Bucharest, in pursuance of certain provisions in the Treaties of Peace,

Whereas the Governments of these Allied and Associated Powers have called upon the Governments of Bulgaria, Hungary and Romania to join in appointing Commissions pursuant to the provisions of the respective Treaties of Peace for

⁴ See *Official Records of the third session of the General Assembly, Part II, Resolutions, page 17.*

the settlement of disputes concerning the interpretation or execution of these Treaties,

Whereas the Governments of Bulgaria, Hungary and Romania have refused to appoint their representatives to the Treaty Commissions, maintaining that they were under no legal obligation to do so,

Whereas the Secretary-General of the United Nations is authorized by the Treaties of Peace, upon request by either party to a dispute, to appoint the third member of a Treaty Commission if the parties fail to agree upon the appointment of the third member,

Whereas it is important for the Secretary-General to be advised authoritatively concerning the scope of his authority under the Treaties of Peace,

The General Assembly

1. *Expresses* its continuing interest in and its increased concern at the grave accusations made against Bulgaria, Hungary and Romania;

2. *Records* its opinion that the refusal of the Governments of Bulgaria, Hungary and Romania to co-operate in its efforts to examine the grave charges with regard to the observance of human rights and fundamental freedoms justifies this concern of the General Assembly about the state of affairs prevailing in Bulgaria, Hungary and Romania in this respect;

3. *Decides* to submit the following questions to the International Court of Justice for an advisory opinion:

"I. Do the diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand and certain Allied and Associated Powers signatories to the Treaties of Peace on the other, concerning the implementation of article 2 of the Treaties with Bulgaria and Hungary and article 3 of the Treaty with Romania, disclose disputes subject to the provisions for the settlement of disputes contained in article 36 of the Treaty of Peace with Bulgaria, article 40 of the Treaty of Peace with Hungary, and article 38 of the Treaty of Peace with Romania?"

In the event of an affirmative reply to question I:

"II. Are the Governments of Bulgaria, Hungary and Romania obligated to carry out the provisions of the articles referred to in question I, including the provisions for the appointment of their representatives to the Treaty Commissions?"

In the event of an affirmative reply to question II and if within thirty days from the date when the Court delivers its opinion the Governments concerned have not notified the Secretary-General that they have appointed their representatives to the Treaty Commissions, and the Secretary-General has so advised the International Court of Justice:

"III. If one party fails to appoint a representative to a Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Romania where that party is obligated to appoint a representative to the Treaty Commission, is the Secretary-General of the United Nations authorized to appoint the third member of the Commission upon the request of the other party to