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CONTENTS

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 Page

Agenda item 17: Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge Hsu Mo (concluded).....	873
Agenda item 69: Authorization for the Advisory Committee established by General Assembly resolution 810 (IX) to negotiate on behalf of the United Nations an agreement to establish relations between the United Nations and the International Atomic Energy Agency.....	873
Agenda item 64: Draft Convention concerning a System of Consultation Report of the Special Political Committee.....	875
Agenda item 21: The Korean question: (a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea; (b) Problem of ex-prisoners of the Korean war: report of the Government of India Report of the First Committee.....	875

President: Prince WAN WAITHAYAKON
 (Thailand).

AGENDA ITEM 17

Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge Hsu Mo (concluded)*

1. The PRESIDENT: The first item on the agenda for this morning relates to the election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge Hsu Mo, in connexion with which members will recall that the General Assembly has already held three meetings [625th to 627th meetings].
2. I should inform the Assembly that the Security Council is also proceeding at this time with its own election.
3. The vote which is about to be taken is to be the first ballot of the fourth meeting of the Assembly on this question. Ballot papers have been distributed. All the candidates whose names appear on the ballot papers are eligible, but members may indicate their preference for only one. I might add that Liechtenstein, San Marino and Switzerland are of course entitled to participate in this election.

At the invitation of the President, Mr. Svento (Finland) and Mr. Carias (Honduras) acted as tellers.

A vote was taken by secret ballot.

Number of ballot papers:

Invalid ballots:

77

1

*Resumed from the 627th meeting.

Number of valid ballots:	76
Abstentions:	1
Number of members voting:	75
Required majority:	42
Number of votes obtained:	
Mr. V. K. Wellington Koo (China)....	38
Mr. Shigeru Kuriyama (Japan).....	36
Mr. Claro M. Recto (Philippines).....	1

4. The PRESIDENT: As no candidate has received the required majority, the Assembly will proceed to a second ballot, which will be restricted to the following two candidates: Mr. V. K. Wellington Koo and Mr. Shigeru Kuriyama.

At the invitation of the President, Mr. Svento (Finland) and Mr. Carias (Honduras) acted as tellers.

A vote was taken by secret ballot.

Number of ballot papers:	80
Invalid ballots:	0
Number of valid ballots:	80
Abstentions:	2
Number of members voting:	78
Required majority:	42

Number of votes obtained:

Mr. V. K. Wellington Koo (China)....	42
Mr. Shigeru Kuriyama (Japan).....	36

5. The PRESIDENT: I have just received the following letter from the President of the Security Council:

"I have the honour to inform you that, at the 760th meeting of the Security Council, held on 11 January 1957, for the purpose of electing a member of the International Court of Justice to fill the vacancy caused by the death of Judge Hsu Mo, Mr. V. K. Wellington Koo (China) obtained an absolute majority of votes."

6. Since Mr. V. K. Wellington Koo has also obtained the required majority in the General Assembly, I have the honour to announce that he is officially elected a member of the International Court of Justice.

AGENDA ITEM 69

Authorization for the Advisory Committee established by General Assembly resolution 810 (IX) to negotiate on behalf of the United Nations an agreement to establish relations between the United Nations and the International Atomic Energy Agency

7. The PRESIDENT: The Assembly has before it a draft resolution submitted by Argentina, Australia, Belgium, Brazil, Canada, Czechoslovakia, Egypt, France, India, Indonesia, Japan, Pakistan, Peru, Portugal, the Union of South Africa, the Union of Soviet

Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America [A/3488].

8. Mr. BERNARDES (Brazil): With the President's permission, I wish to introduce the draft resolution that is before the Assembly [A/3488].

9. The Statute of the International Atomic Energy Agency [IAEA/CS/13], unanimously adopted by eighty-one nations on 23 October 1956, provides for a relationship agreement between the Agency and the United Nations and for machinery on the Agency's side for the negotiation of such an agreement.

10. In accordance with the draft resolution before us today, co-sponsored by the eighteen members of the Agency's Preparatory Commission, the General Assembly would provide for the necessary arrangements, on the United Nations side, for the negotiation of the relationship agreement. It authorizes the Advisory Committee on the Peaceful Uses of Atomic Energy to negotiate with the Preparatory Commission of the Agency on the basis of the principles set forth in the study on the question prepared by the Secretary-General [A/3122]. This has been the usual procedure in similar cases. As the draft resolution is self-explanatory, I feel that it requires no further comment on my part.

11. There is just one more point, however, that I should like to make. Operative paragraph 2 of the draft resolution requests the Advisory Committee to submit a report on the negotiations, together with the draft agreement resulting from these negotiations, to the General Assembly for its approval. The sponsoring Powers, for the sake of clarity, decided to include the words "at the twelfth session" after the words "General Assembly". The amended paragraph would then read:

"Requests the Advisory Committee to submit a report on the negotiations, together with the draft agreement resulting from these negotiations, to the General Assembly, at the twelfth session, for its approval."

It was not felt necessary to introduce a revised text of the draft resolution since this is such a minor alteration.

12. It is understood as a matter of course that, if the Agency has not been set up by the time the twelfth session of the General Assembly finishes its work, no report will be submitted. We do hope, however—and we put forth this draft resolution on that assumption—that the Agency will be in operation before the next session of the General Assembly convenes.

13. I therefore respectfully present the draft resolution as amended for the consideration of the General Assembly and express the hope that it will receive the unanimous support of the General Assembly which the Statute of the Agency received when it was adopted in this same hall not so long ago.

14. Mr. WINKLER (Czechoslovakia): By the unanimous adoption on 23 October 1956 of the Statute of the International Atomic Energy Agency, a successful end had been put to the efforts pursued for several years, both inside and outside the United Nations, aimed at the establishment of an international body for world-wide co-operation in the promotion of the peaceful uses of atomic energy.

15. A great amount of steadfast endeavour, patience and mutual understanding was necessary to achieve this result. Although the Statute, being the result of a balanced compromise, is bound to lack perfection, it proves above all that, where efforts are united and

where there is good will, positive results and solutions can be found to the pressing questions of international co-operation. A widely developed co-operation within the framework of the International Atomic Energy Agency can play, we are convinced, an important role not only in the over-all economic progress in improving the living standard and well-being of all nations, but also in the development of mutual confidence among nations and in the strengthening of international peace.

16. In the course of the Conference on the Statute of the International Atomic Energy Agency last autumn, the participating Governments stressed their desire to have the Agency closely linked to the United Nations. Accordingly, certain principles of close co-operation and, at the same time, of sound limitations of the responsibilities have been laid down in article III, B, of the Statute. Special provisions in article XVI provide for an agreement to be entered into with a view to establishing the appropriate relationship between the two organizations in accordance with these principles.

17. The Czechoslovak Government, being one of the eighteen members of the Preparatory Commission of the Agency, is anxious to see the provisions on the mutual relationship between the Agency and the United Nations put into effect. We are confident that the General Assembly, at its twelfth session, will be in a position to take the necessary action on the relationship agreement, and in order to set forth the procedure necessary to this end, the Czechoslovak delegation, together with all the other members of the Preparatory Commission, has the honour to submit for the consideration of the General Assembly the eighteen-Power draft resolution [A/3488].

18. The purpose of this draft resolution has been very ably set forth by the representative of Brazil, the President of the Preparatory Commission of the Agency. In the view of my delegation, the Advisory Committee on the Peaceful Uses of Atomic Energy is the most appropriate organ to negotiate with the Preparatory Commission the draft relationship agreement envisaged in article XVI of the Statute. The Advisory Committee has already commended itself as an efficient body, highly qualified in matters relating to the various aspects of the peaceful uses of atomic energy. The General Assembly will certainly recall the high tributes paid to the Advisory Committee in appreciation of its considerable contribution to the success of the International Conference on the Peaceful Uses of Atomic Energy, held at Geneva in 1955. The Advisory Committee also played an active part in formulating the principles set forth in the study of the question of the relationship of the Agency to the United Nations, prepared by the Secretary-General [A/3122].

19. The establishment of the appropriate relationship between the International Atomic Energy Agency and the United Nations will, in our opinion, considerably facilitate both the fulfilment of the important task of the Agency and the work of the United Nations. It is with this conviction that the Czechoslovak delegation invites the Members of the Assembly to give their support to the draft resolution submitted by the eighteen members of the Preparatory Commission of the Agency.

20. The PRESIDENT: I presume there is no objection to the revised text of the last phrase of operative paragraph 2, which would make that part read "to the

General Assembly, at the twelfth session, for its approval".

21. The General Assembly will now proceed to vote on the eighteen-Power draft resolution [A/3488].

The draft resolution was adopted unanimously.

Pursuant to rule 68. of the rules of procedure, it was decided not to discuss the reports of the Committees.

AGENDA ITEM 64

Draft Convention concerning a System of Consultation

REPORT OF THE SPECIAL POLITICAL COMMITTEE (A/3484)

22. The PRESIDENT: In connexion with this item, the General Assembly has before it the report of the Special Political Committee regarding the draft Convention concerning a System of Consultation. Interventions will be limited to explanations of vote on the draft resolution recommended by the Committee.

Mr. Makiedo (Yugoslavia), Rapporteur of the Special Political Committee, presented the report of that Committee.

23. Mr. ZARUBIN (Union of Soviet Socialist Republics) (translated from Russian): The Special Political Committee has considered the draft Convention concerning a System of Consultation, submitted by the Argentine delegation [A/3201]. The Soviet Union delegation explained its position on this question in detail in the Committee [4th meeting] and voted against the thirteen-Power draft resolution adopted by the Committee and now before the General Assembly for its approval.

24. In favour of its proposal the Argentine delegation has argued that the community of nations lacks machinery to permit consultations to be held with the necessary speed and efficiency when a situation arises which is likely to endanger international security. The Soviet Union delegation feels that this argument is at variance with the United Nations Charter and is based on a totally incorrect assumption, to the effect that the United Nation has so far lacked the necessary machinery which could be duly brought into operation with the necessary speed and efficiency if a situation endangering international peace and security arose.

25. It is a matter of common knowledge that machinery of this type is provided by the United Nations Charter, in the form of the Security Council. It is upon the Security Council that the United Nations and its Members have placed the primary responsibility for taking speedy and effective action to maintain international peace and security, and they recognize that, in discharging its obligations arising out of this responsibility, the Security Council acts on their behalf in accordance with the principle of the unanimity of the great Powers, which bear the primary responsibility for the maintenance of international peace.

26. For this reason the Argentine proposal, which is based on the assumption that the United Nations lacks the necessary machinery for achieving these all-important purposes laid down in the Charter, is fundamentally unacceptable and is dictated by a desire to circumvent the provisions of the Charter and undermine the principle of the unanimity of the great Powers in the Security Council.

27. As for the possibility of Members of the United Nations holding negotiations and consultations on the

most important international questions, any negotiations and consultations designed to achieve the peaceful settlement of disputes can and should take place on the broadest possible basis. In our opinion, however, there is no need to conclude a special international convention for this purpose since the United Nations Charter states that Members of the United Nations should seek the solution of any dispute by peaceful means and, above all, by direct negotiations between the States concerned.

28. For this reason the Soviet Union delegation also voted against the proposal to refer the Argentine draft Convention concerning a System of Consultation to Members of the United Nations to be considered at the General Conference for the purpose of reviewing the Charter.

29. The Soviet Union delegation will maintain this position in the General Assembly; in other words, it will vote against the draft resolution submitted by the Special Political Committee.

30. The PRESIDENT: As there are no other speakers, we shall now vote on the draft resolution recommended by the Special Political Committee [A/3484].

The draft resolution was adopted by 58 votes to 8, with 4 abstentions.

AGENDA ITEM 21

The Korean question:

(a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea;

(b) Problem of ex-prisoners of the Korean war: report of the Government of India

REPORT OF THE FIRST COMMITTEE (A/3490)

31. The PRESIDENT: In connexion with this item, interventions will be limited to explanations of vote.

Mr. Matsch (Austria), Rapporteur of the First Committee, presented the report of that Committee, and then spoke as follows:

32. Mr. MATSCH (Austria), Rapporteur of the First Committee: In presenting the report on the Korean question and the text of draft resolutions A and B recommended by the First Committee to the General Assembly, I should like to refer to the fact that all representatives of Member States who participated in the discussion have spoken in favour of the maintenance of the armistice and of applying peaceful means in order to reach the goal of a unified, independent and democratic Korea. Draft resolution A refers to the question of Korea; draft resolution B refers to the settlement of the problem of the ex-prisoners of the Korean war. I have the honour to submit the report of the First Committee and the draft resolutions to the Assembly for its approval.

33. Mr. WINKLER (Czechoslovakia): The discussions in the First Committee on the Korean question have once more confirmed that the settlement of this important problem has to be sought, and can be found, only in the peaceful unification of Korea on democratic principles.

34. It is gratifying to note from the course of the discussion in the First Committee that it is ever more recognized that efforts towards this end must take into account the existing facts and realities. To these

realities belong the prolonged division of the country with all its disastrous consequences, the difficulties following a horrible war and, above all, the fact that the development in the two parts of the divided country has followed different directions and that, on the territory of Korea, two States with different political and social systems exist today. Under these circumstances, which cannot be ignored, it is only natural that the peaceful unification of the country is possible only on the basis of agreement between both parts of Korea and that such agreement must serve the interests of both parts and of the entire Korean people.

35. We all know that the division of the country, and especially the war, have gravely affected the mutual relations between the north and south of Korea and their populations. Any *rapprochement* of both parts of Korea, the possibility of contacts between the populations, public organizations and political parties, and the establishment of economic and cultural relations may contribute considerably to the creation of an atmosphere of mutual understanding and thus bring nearer the establishment of a unified, independent and democratic Korea.

36. It is just in this direction that the Democratic People's Republic of Korea has, since the conclusion of the Armistice Agreement [S/3079, appendix A], put forth untiring efforts with the final aim of reaching a just agreement on unifying this divided country. In the First Committee [817th meeting], my delegation referred in detail to concrete proposals submitted repeatedly by the Government, the National Assembly, public organizations and responsible representatives of the Democratic People's Republic of Korea.

37. Unfortunately, the attitude of the Government of South Korea has continued to be in sharp contradiction to these unceasing efforts towards the unification of Korea by means of negotiation and agreement. Instead of seeking *rapprochement* and agreement, the Government in Seoul has been pressing by every means for the denunciation of the Armistice Agreement and for the renewal of military action. This fact is evident not only from the statements of Syngman Rhee and his military and political aides, but also from the report of the United Nations Commission for the Unification and Rehabilitation of Korea [A/3172] submitted to the General Assembly. Even before the United Nations, in the First Committee, we heard the representative of South Korea calling for the abolition of the Armistice Agreement and for warlike measures to be taken by the United Nations.

38. Actions directed against the Armistice Agreement in Korea culminated in unilateral and arbitrary measures taken against the Neutral Nations Supervisory Commission [NNSC] by the United States in its capacity as the United Nations Command.

39. I would recall that in 31 May 1956 the United Nations Command notified the NNSC that, on the territory under its command, it provisionally suspended the carrying out of provisions of the Armistice Agreement concerning the activities of inspection teams of the NNSC. The NNSC, on the basis of a unanimous decision, notified the United Nations Command, by a letter dated 5 June 1956, that it considered:

"... that this withdrawal"—that is, the withdrawal of inspection teams from South Korea—"is provisional and does not change the legal status of the Neutral Nations Supervisory Commission, unless or until mutual agreement in this respect is reached by both sides of the Military [Armistice] Commission".

40. Disregarding this justified reservation of the NNSC, the United Nations Command announced on 8 June 1956 that it was suspending performance on its part of the relevant provisions of the Armistice Agreement and demanded, in the form of an ultimatum, that the inspection teams be withdrawn from South Korea by 9 June, that is, in the course of only a few hours.

41. Nothing can justify this procedure of the United Nations Command, which represents a grave violation of the Armistice Agreement. This Agreement provides explicitly that all its provisions would remain in force until expressly superseded by mutual agreement of the parties. The United Nations Command was therefore, under no pretext, entitled to declare arbitrarily and unilaterally that some provisions of the Armistice Agreement were abrogated. The members of the NNSC, including Czechoslovakia, categorically disapproved of such a procedure.

42. It is necessary to oppose such tendencies because the liquidation of the NNSC would endanger the Armistice Agreement, which in any case is already seriously violated by the South Korean Government and by the United States Command.

43. The Czechoslovak Government is firmly determined to continue to carry out, in co-operation with the other members of the NNSC, the obligations assumed by membership in the NNSC, because it is convinced that this international organ may have, in spite of all difficulties and obstacles, an important rôle to play in the maintenance of the armistice in Korea—which is a basic prerequisite for the peaceful solution of the Korean question.

44. The Czechoslovak delegation has always maintained that the peaceful settlement of the Korean question is, above all, a matter for the entire Korean people itself and may be achieved through negotiation and agreement alone. It is the task of the United Nations to assist the efforts of the Korean people for the unification of their country and to help to bring about such conditions for negotiations as would facilitate the creation of a unified, independent and democratic Korea.

45. In our opinion, the draft resolution recommended in the report of the First Committee [A/3490] is contrary to the principle that the peaceful unification of Korea has to be achieved by negotiation and agreement between the parties directly concerned. It seeks, in fact, once more to substitute conditions set forth by some of the belligerents for such an agreement and thus to replace negotiations by *diktat*. Past experience amply shows that such an approach can in no way facilitate the already overdue solution of the Korean question; on the contrary, it can only be an obstacle in the way of any peaceful solution. The Czechoslovak delegation will, therefore, vote against draft resolution A submitted by the First Committee.

46. My delegation will abstain on draft resolution B because we feel that voting for this draft might imply recognition of the *fait accompli* carried out in respect of the status of the prisoners of war formerly held in the custody of the Neutral Nations Repatriation Commission, of which Czechoslovakia was a member. Our position on the question of the prisoners of the Korean war—and in particular on their illegal transfer in January 1954 to the United Nations Command—has been made sufficiently clear, both in the Repatriation Commission and in the General Assembly.

47. Mr. SOBOLEV (Union of Soviet Socialist Republics) (*translated from Russian*): The Soviet Union delegation would like to explain its vote on draft resolution A [4/3490].
48. The General Assembly has more than once adopted resolutions on the Korean question similar to the text now submitted to us for consideration. A feature common to all these resolutions is the failure to recognize the fact that there are in Korea two States with different social systems and that the national unity of Korea can be restored only by gradually fusing these States. Notwithstanding that fact, it is proposed in these resolutions that the whole of Korea should be subjected to foreign occupation and that the very same Syngman Rhee terrorist régime, which armed force failed to impose during the Korean war, should be imposed on it with the help of the United Nations Commission for the Unification and Rehabilitation of Korea.
49. Have these resolutions brought us even one step closer to a solution of the Korean question? No, they have not brought us any nearer, but have merely confused and complicated the matter.
50. These resolutions have created the illusion among certain groups in South Korea that the Syngman Rhee order can be extended throughout Korea, and this cannot, of course, promote a settlement of the Korean question. These resolutions did not prevent the United States authorities and their South Korean puppets from violating the armistice in Korea.
51. Not so long ago, with the blessing of the United States authorities, some of the NNSC's inspection groups were evicted from South Korea, thus increasing the danger of a breach of the peace in Korea. This danger is all the greater because, as may be inferred from the South Korean representative's statement in the First Committee [817th meeting], the Syngman Rhee authorities continue to be opposed to the armistice and are pressing for the renewal of hostilities in Korea.
52. How can the Korean question be solved? The Soviet Union delegation considers that the parties concerned should take steps to maintain and strengthen the armistice and in this connexion should ensure that the NNSC can function normally.
53. It is also necessary for the two States that have been set up in Korea to establish peaceable contact with each other and gradually work up to co-operation in the political, economic and cultural fields. This, in turn, will prepare the ground for the national reunification of Korea.
54. In this connexion we should bear in mind that, during the past few years, the Government of the Democratic People's Republic of Korea has frequently proposed that contact should be established between the Parliaments, Governments, political parties, social, industrial, trade and other organizations of the two parts of Korea. Proposals have been made relating to the

question of population movements across the demarcation line, the question of postal and telegraphic communications, fisheries and the supply of electric power for civilian industry and to meet the needs of the population of South Korea.

55. Unfortunately these proposals were rejected by the ruling circles of South Korea despite the fact that their implementation would have been of enormous benefit to the population of South Korea and the cause of peace. This proves that the South Korean authorities and those who control them have not yet abandoned their vain dream of imposing the reactionary Syngman Rhee régime on the people of North Korea by force.

56. For these reasons the Soviet Union delegation will vote against draft resolution A. The Soviet delegation is convinced that the Korean people themselves are capable of solving the problem of the national reunification of Korea, provided they are not hampered in their efforts.

57. Mr. GREENBAUM (United States of America): My Government is gratified that, by draft resolution A, the overwhelming majority of the members of the First Committee have endorsed the principles for the unification of Korea enunciated at the Korean Political Conference. The United States is convinced that these principles continue to provide a basis for establishing a truly independent, unified and democratic Korea.

58. I shall not take the time of the Assembly to comment on the remarks just made by the representatives of Czechoslovakia and the USSR in reference to the NNSC. These same charges were made before the First Committee. They were, I believe, effectively answered by the record before that Committee. The action of the Committee in overwhelmingly endorsing the draft resolution before it demonstrates its belief on this subject.

59. Answering the other statements just made, I should like to reaffirm the willingness of my Government to join with all parties interested in the Korean problem in a further attempt to work out the details of a just settlement. My Government is willing to do so whenever the communist side demonstrates concretely that it will negotiate in good faith, that it recognizes the competence of the United Nations to deal with this question, and that it agrees to the unification of Korea on a basis consistent with the principles of the United Nations.

60. The PRESIDENT: As there are no further speakers, we shall now vote on the draft resolutions submitted by the First Committee [4/3490].

61. We shall vote first on draft resolution A.

The draft resolution was adopted by 57 votes to 8, with 9 abstentions.

62. We shall now vote on draft resolution B.

The draft resolution was adopted by 60 votes to none, with 10 abstentions.

The meeting rose at 12.20 p.m.