

ACTIONS TAKEN BY THE UNITED NATIONS
TO OBTAIN AN ACCOUNTING OF AMERICANS MISSING
IN ACTION IN SOUTHEAST ASIA

General Assembly Actions

On November 6, 1974 the General Assembly adopted a U.S.-sponsored resolution calling for assistance and cooperation in accounting for persons who are missing or dead in armed conflicts. This resolution (3220 (XXIX)) reaffirms the urgent need to ensure full adherence to the Geneva Convention of 1949 and calls upon all parties to conflicts to take all action within their power to locate and mark the graves of the dead, to assist in the return of remains to concerned families, and to provide information about those who are missing in action.

As directed by the General Assembly, the Secretary General brought the resolution to the attention of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts during its second session in Geneva in February-March 1975. The Director of the United Nations Human Rights Division personally appeared at the Conference to present this resolution. The Conference established a special working group on this subject, which is developing new draft provisions for the proposed Protocol to the Geneva Conventions. Work on this subject will be resumed at the Diplomatic Conference which reconvenes in Geneva April 21-June 12, 1976.

On December 15, 1975, the General Assembly adopted another resolution pertaining to respect for human rights in armed conflicts. This resolution (3500 (XXX)) notes the accomplishments of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and urges the participants in the 1976 session of the Conference to do their utmost to reach agreement on additional rules which may help alleviate the suffering brought about by armed conflicts. Additionally, on December 9, 1975, the General Assembly adopted resolution 3450 (XXX) concerning missing persons in Cyprus. This resolution requests the Secretary-General, in cooperation with the International

Committee of the Red Cross, to assist in tracing and accounting for persons missing as a result of the armed conflict in Cyprus. While not specifically related to the problem of persons missing in action in Southeast Asia, the resolution reflects the continuing concern of the United Nations for addressing and solving problems of those missing in action in armed conflicts, as stated in the U.S.-sponsored 1974 resolution.

Measures Taken by the United Nations High Commissioner
for Refugees

Although the official mandate of the UN High Commissioner for Refugees (UNHCR) is limited to refugee problems, he and his staff have taken a number of actions that have helped resolve the problem of Americans missing or unaccounted for in Indochina. This has been done on a personal "good offices" basis, in light of the obvious humanitarian concerns involved. In order to facilitate its continuing efforts in this area the UNHCR has sought to avoid publicity for them.

Starting in May 1975 the UNHCR was instrumental in arranging flights for foreign nationals including U.S. citizens to leave Saigon. These persons had remained behind after the U.S. withdrawal from Saigon in April and relied on the UNHCR for assistance in leaving. Some 40-50 Americans still remain in the Saigon area, in many cases apparently unable to get permission to leave.

The UNHCR also undertook quiet efforts to arrange the release of fourteen U.S. and foreign prisoners who had been captured in the Central Highlands City of Ban Me Thuot during March 1975. The prisoners were released in Hanoi on October 30, and arrangements for their return were made by the UNHCR.

UNHCR representatives helped arrange the return of the remains of three Americans identified by the Hanoi authorities as having been killed in action in North Vietnam. Members of the House of Representatives Select Committee on Missing Persons in Southeast Asia met with North Vietnamese representatives in Paris and then flew to Hanoi in December 1975 to receive the three sets of remains. UNHCR representatives in Hanoi assisted in arrangements for the Congressional visit and for the return of the remains.

UNHCR representatives also provided assistance to the Subcommittee on Refugees of the U.S. Senate Judiciary Committee in arranging for the return of the bodies of two U.S. Marines killed April 29, 1975 in the evacuation of Saigon. The bodies were turned over to representatives of the Subcommittee in Saigon on February 22, 1976, again with the assistance of the UNHCR.

Department of State
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