

The original documents are located in Box 35, folder “Korea-UN Command (Working File) (2)” of the NSC East Asian and Pacific Affairs Staff: Files, 1969-1977 at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

LEGAL ASPECTS OF THE UN PRESENCE IN KOREA

INTRODUCTION AND SUMMARY

The UN presence in Korea, a reaction to the conflict which broke out on that peninsula in 1950, derives from three resolutions of the UN Security Council and two resolutions of the General Assembly. (Reproduced in the Appendix). In chronological order these are:

(1) Security Council Resolution 82 of June 25, 1950. This resolution, inter alia, called for the withdrawal of North Korean forces to the 38th parallel and called upon UN Member States "to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities."

(2) Security Council Resolution 83 of June 27, 1950. This resolution recommended that UN Members "furnish such assistance to the Republic of Korea as may be necessary to repeal the armed attack and to restore international peace and security in the area."

(3) Security Council Resolution 84 of July 7, 1950. This resolution recommends that Members providing forces pursuant to the above two resolutions make those forces available to "a unified



command under the United States of America", and requests the U.S. to "designate the commander of such forces".

(4) General Assembly Resolution 376(V) of October 7, 1950. This resolution established the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK).

(5) General Assembly Resolution 498(V) of February 1, 1951. This is the resolution which, inter alia, found that the PRC engaged in aggression in Korea. It also called upon "all States and authorities to continue to lend every assistance to the United Nations action in Korea."

For our purposes, the most important resolutions are those of the Security Council, particularly resolution 84. This resolution provided the authority for the United Nations Command (UNC) in Korea.

Changes in the nature of the UN presence in Korea may have important legal implication elsewhere in the complex network of arrangements that has developed in relation to Korea over the last two decades. This paper attempts to



describe the implications which it is most important to
and related aspects.
take account of in considering changes in the UN presence/

The main issues addressed in this paper, and the
general conclusions reached, are as follows:

(1) Termination of the UNC. Termination
would have serious legal consequences in terms
of the 1953 Armistice Agreement, the 1954 UN
SOFA with Japan and a 1960 U.S.-Japan secret
understanding regarding the use of Japanese
bases, and under present circumstances it would
appear inadvisable for the USG to seek termina-
tion of the UNC in the absence of an over-all
settlement of the Korean question. Even if the
UNC were not terminated, many of the same legal
consequences would result from removal of the
Thai contingent and ROK forces from UNC opera-
tional control.

(2) UNCURK. Termination of UNCURK would have
no legal implications in terms of the UN
presence in Korea and related questions.

(3) The UN SOFA with Japan and the Acheson-Yoshida
Understanding -- Withdrawal of the Thai Contingent.
The departure of the Thai military contingent



from Japan would result in the termination of the UN SOFA with Japan, which in turn would cause the termination of a 1951 USG-GOJ understanding (the Acheson-Yoshida understanding) regarding use of Japanese facilities and areas by UN members in support of UN operations in Korea.

(4) South Korean Representative on the Korean Military Armistice Commission (MAC). Although there is probably no legal barrier to appointing a ROK general as Senior Member on the UNC side of the MAC, such a move might unnecessarily sacrifice advantages for the U.S. in the present procedure. There are alternative ways of strengthening the ROK role in the MAC machinery.

(5) Deactivation of the Neutral Nations Supervisory Commission (NNSC). There are legal and other difficulties with the proposal to deactivate the NNSC.



I. TERMINATION OF THE UNITED NATIONS COMMAND (UNC)

The UNC was established by the United States pursuant to Security Council resolution 84 of July 7, 1950 recommending that members providing military forces in Korea make those forces available to "a unified command under the United States". We examine here the legal implications of terminating the UNC.

Mechanics of Termination

The mechanics of terminating the UNC are rather simple. The UN Security Council could repeal the July 7, 1950 resolution, or it could repeal that part of the resolution (paragraph 3) which authorized a unified command under the United States. Even in the absence of such a Security Council decision, the USG could unilaterally terminate the UNC by reporting to the UN Security Council, pursuant to paragraph 6 of the July 7, 1950 resolution that the USG would no longer serve as the unified command provided for by paragraph 3 of that same resolution. ^{1/}

^{1/} See page 2.



DECLASSIFIED

E.O. 12958 (as amended) SEC 3.3
State Dept Guidelines

Stevenson 12/1/03

By _____ NARA, Date _____

The UNC and UN Forces in Korea

The legal basis for the presence of U.S. forces in Korea is the U.S.-ROK Mutual Defense Treaty of 1954 (TIAS 3097),^{2/} not any UN resolution. Therefore, the termination of the UNC would in no way affect the legal basis for that presence. The status of US forces in Korea is governed by our 1967 Status of Forces Agreement with the ROK (TIAS 6127).

Neither is the presence of ROK forces in Korea dependent upon any UN resolution. However, they are considered UN forces in Korea because they are under the operational control of the Commander in Chief, UN Command (CINCUNC). Termination of the UNC would result in the loss of UNC, and thus US, operational control, over ROK forces.^{3/} Upon termination of the UNC, ROK forces would no longer be

1/ Technically, it would be possible for the United States to eliminate the UNC from the U.S. command structure without eschewing its responsibilities as the unified command pursuant to the July 7, 1950 Security Council resolution. This would merely constitute a formalistic change in the name given to the UN military presence in Korea and would not have any of the substantive legal implications that would flow from elimination of the UNC as discussed above.

2/ Article IV of the Treaty gives the U.S. "the right to dispose United States land, air and sea forces in and about the territory of the Republic of Korea, as determined by mutual agreement". The U.S. is under no obligation to station forces in South Korea under the Treaty; it has the right to do so if it determines that such action would be in its national security interests.

3/ Of course, US operational control could be maintained through some medium other than the UNC, if the GROK would agree to it.

"United Nations forces" as that term is used in the UN SOFA with Japan and a secret U.S.-Japan agreed minute of June 23, 1960.^{4/} The same result would obtain if ROK forces were removed from UNC operational control, apart from any action taken to terminate the UNC.

Six other nations maintain a military presence in Korea known as the Military Liaison Group.^{5/} The Thai contingent, an infantry unit, is under the operational control of the UNC. With the exception of a British Honor Guard the military personnel contributed by the other countries in the group are attached to the UNC as liaison.

Termination of the UNC would result in the loss of UNC, and thus US, operational control over the Thai contingent, as well as over ROK forces. In the event of a UNC termination, or the removal of the Thai contingent from UNC operational control, a question would arise whether the Thai contingent continued to qualify as "United Nations forces in Korea". An argument might be made that the Thai contingent would continue to so qualify, on the ground that the RTA personnel

^{4/} For a discussion of the requirements that there be "UN forces" in Korea if these agreements are to be operative, see pages 6-8b of this section and section III below.

^{5/} As of May 31, 1971 these countries and their contributions in men were:

Thailand	168
United Kingdom	24
Canada	2
Australia	2
Ethiopia	3
Philippines	2



are in Korea pursuant to the Security Council resolutions of June 25 and 27, 1950.

In construing the term "United Nations forces" as it is used in the UN SOFA with Japan, the USG has consistently taken the view that similar military liaison personnel maintained in Japan by other countries are not "forces". It would be very difficult to justify a different position in relation to the liaison personnel in Korea. Therefore, termination of the UNC, or removal of ROK forces and the Thai contingent from UNC operational control, would create a situation where the 168 man Thai contingent would be the only force with an arguable claim to the label "United Nations forces in Korea".

The UNC as a Party to the Armistice Agreement

The legal effect which termination of the UNC would have on the Armistice Agreement is not clear. The Armistice is an agreement between the three military commanders to, inter alia, "enforce a complete cessation of all hostilities in Korea by all armed forces under their control" (Article II, para. 12, Military Armistice Agreement, July 27, 1953, TIAS 2782). Absent some agreement with the other side, termination of the UNC would raise the question whether any entity on our

side was both obligated to enforce and capable of enforcing the terms of the Armistice. The United States and ROK could take the position that every government which at the time of the Armistice had forces under the operational control of the UNC was under a continuing legal obligation to respect the Armistice even upon termination of the UNC. Although this argument would have strong legal merit, the



other side could contend with some justification that upon termination of the UNC no entity on our side was clearly bound by the Armistice Agreement. Acceptability to the other side should, therefore, be an important factor in any decision to terminate the UNC.

The other side would probably be most concerned with ensuring continued ROK observance of the Armistice Agreement. This has been ensured in the past through UNC operational control over ROK forces. Upon termination of the UNC, ROK forces would be formally constrained by the terms of the Armistice only through Article I of the U.S.-ROK Mutual Defense Treaty. 6/ In the context of its negotiating history Article I clearly entails a commitment to the U.S. by the ROK not to violate the Armistice. However, this is only a commitment to the U.S., and not to the DPRK or the PRC.

Of course, all parties concerned know that UNC operational control of ROK forces is little more than a legal formality.

Also, the USG and GROK would presumably take the position

6/ Article I obligates the ROK to refrain in its international relations "from the threat or use of force in any manner inconsistent with the Purposes of the United Nations, or obligations assumed by any Party toward the United Nations."

~~SECRET~~



that they considered themselves bound by the Armistice Agreement even upon termination of the UNC. But the legal uncertainty which would be created by termination of the UNC could give rise to attack by the PRC and DPRK, and might be used as a pretext for a wide variety of responses by the other side. Therefore, termination of the UNC without first obtaining a clear indication from both the PRC and the DPRK that this move would be acceptable to them could have serious adverse consequences.

Representation on the MAC

Termination of the UNC would also raise the question of representation on the MAC. The Armistice Agreement provides in pertinent part:

"20. The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents."
(Article II, para. 20)

Paragraph 20 of the Armistice provides only for the appointment of representatives to the MAC by the Commander-in-Chief of the UNC. It does not make provision for the situation

which would result from termination of the UNC, where there would no longer be any Commander-in-Chief of the UNC. In the absence of an appropriate amendment to the Armistice Agreement it would be unclear upon termination where the power to appoint MAC representatives for our side resided. 7/

Use of Japanese Facilities by U.S. Forces in Response to an Attack from the North

Termination of the UNC would mean that U.S. forces in Japan could not respond to an armed attack against the ROK without first consulting with the GOJ.

An exchange of notes between then Secretary of State Herter and Prime Minister Kishi concerning implementation of Article VI of the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security (TIAS 4509) obligates the U.S. Government to consult with the GOJ prior to using "facilities

7/ Article V, para. 61 of the Armistice describes the means of amending the agreement: "Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides."



and areas in Japan as bases for military combat operations...." 8/

There is, however, a narrow exception to this obligation contained in a secret agreed minute, dated June 23, 1960 and included in the record of the Preparatory Meeting of the Security Consultative Committee. That minute reads in pertinent part, as follows:

"I have been authorized by Prime Minister Kishi to state that it is the view of the Japanese Government that, as an exceptional measure in the event of an emergency resulting from an attack against the United Nations forces in Korea, facilities and areas in Japan may be used for such military combat operations as need be undertaken immediately by the United States' armed forces in Japan under the Unified Command of the United Nations as the response to such an armed attack in order to enable the United Nations forces in Korea to repel an armed attack made in violation of the Armistice."

Thus, in order for U.S. forces to use Japanese facilities for military combat operations without prior consultation with the GOJ: (1) there must be an attack

8/ The Herter-Kishi note exchange referred to above reads in pertinent part as follows:

"Major changes in the deployment into Japan of United States armed forces, major changes in their equipment, and the use of facilities and areas in Japan as bases for military combat operations to be undertaken from Japan other than those conducted under Article V of the said Treaty, shall be the subjects of prior consultation with the Government of Japan." (TIAS 4509)

against the UN forces in Korea; (2) the facilities must be used by U.S. forces in Japan "under the Unified Command of the United Nations;" and (3) the purpose of these military combat operations must be to repel an armed attack in violation of the Armistice.

Termination of the UNC as discussed above would create a situation where the only "United Nations forces in Korea" -- if any -- would be the 168 man Thai contingent. The ROK forces could no longer be considered UN forces since they would no longer be under UNC operational control. And, as noted earlier, the claim of the Thai contingent to be UN forces in Korea would, then rest only upon the authority of the UN Security Council resolutions of June 25 and 27, 1950. 9/ Whatever the technical merits of an argument that an attack on the ^{Thai} / forces would be a sufficient "attack against United Nations forces in Korea" to satisfy the first prerequisite for invoking the secret minute, it would be disingenuous in the extreme for the USG to justify a failure to consult the GOJ on ^{this ground.} / Therefore, any USG decision regarding termination of the UNC should take account of the practical consequences of no longer being able to

9/ See pp. 2-2b, above.

respond to an attack in Korea without first consulting with the GOJ, pursuant to the 1960 secret minute. 10/

The UN SOFA with Japan

Termination of the UNC, or the removal of ROK and Thai forces in Korea from UNC operational control, would raise the question whether Article XXIV of the UN SOFA with Japan becomes operable. Article XXIV requires that:

"All the United Nations forces shall be withdrawn from Japan within ninety days after the date by which all the United Nations forces shall have been withdrawn from Korea...."

As indicated earlier, it might be argued that the Thai contingent continues to qualify as "United Nations forces in Korea" for purposes of the UN SOFA with Japan even in the event of UNC termination or removal from UNC operational control, on the ground that they are present in Korea pursuant to the UN Security Council Resolutions of June 25 and 27, 1950. An argument could also be made that Article XXIV of the UN SOFA is not triggered by anything other than "withdrawal from Korea". But, at the minimum, substantial uncertainty as to the legality of the continued presence of UN forces in Japan would be engendered by

10/ Even in the absence of termination of the UNC, removal of ROK forces and the Thai contingent from UNC operational control would raise the same question regarding the secret minute.

termination of the UNC or the removal of ROK forces and the Thai contingent in Korea from UNC operational control. Although the only UN forces remaining in Japan are comprised of a small RTAF contingent, the departure of that contingent from Japan would have important consequences. 11/

Conclusion

The above discussion indicates that termination of the UNC would have serious legal consequences. Under present circumstances it would appear inadvisable for the USG to seek termination of the UNC in the absence of an over-all settlement of the Korean question.

Even if the UNC were not terminated, many of the same legal consequences would result from removal of the Thai contingent and ROK forces from UNC operational control.

11/ See Section III, below.

II. THE UNITED NATIONS COMMISSION FOR THE UNIFICATION
AND REHABILITATION OF KOREA (UNCURK)

Unlike the UNC, which was established by the U.S. pursuant to a UN Security Council Resolution, UNCURK is solely a creature of the UN, created by a UN General Assembly resolution of October 7, 1950 (UNGA Res. 376 (V)). UNCURK's principal mandate is to "represent the United Nations in bringing about the establishment of a unified, independent and democratic government of all Korea" (Para. 2(a)).

Formal dissolution of UNCURK could only be accomplished by a resolution of the UN General Assembly. Such dissolution would have no legal implications in terms of the UN presence in Korea and related questions.



III. THE UN SOFA WITH JAPAN AND THE ACHESON-YOSHIDA UNDERSTANDING -- WITHDRAWAL OF THE THAI CONTINGENT

If and when the RTAF contingent leaves Japan the UN SOFA with Japan (TIAS 2995) will automatically terminate. Termination of the UN SOFA will result in the termination of a 1951 GOJ commitment, in an exchange of notes between then Secretary of State Acheson and Prime Minister Yoshida, permitting UN members to support in Japan UN forces engaged in UN action in the Far East.

Article XXV of the UN SOFA reads as follows:

"This Agreement and agreed revisions thereof shall terminate on the date by which all the United Nations forces shall be withdrawn from Japan in accordance with the provisions of Article XXIV. In case all the United Nations forces have been withdrawn from Japan earlier than such date, this Agreement and agreed revisions thereof shall terminate on the date when the withdrawal has been completed."

Article I, paragraph (d), defines "United Nations forces" as:

"Those forces of the land, sea or air armed services of the sending State which are sent to engage in action pursuant to the United Nations Resolutions."

Paragraph (c) of that same article defines "sending State" as:

"Any State which has sent or may hereafter send forces to Korea pursuant to the United Nations Resolutions and whose Government is a Party to this Agreement as the Government of a State

~~SECRET~~

sending forces to Korea pursuant to the United Nations Resolutions."

The Government of the United States is not a party to the UN SOFA as the "Government of a State sending forces to Korea pursuant to the United Nations Resolutions." Rather, the UN SOFA was signed for the Government of the United States acting as the "Unified Command." Therefore, U.S. forces in Japan are not "United Nations forces" within the meaning of Article I, paragraph (d), of the UN SOFA. 12/

Of those States which acceded to the UN SOFA as "sending States" only Thailand still maintains an operational military unit in Japan. Since the USG has consistently taken the view that the liaison groups maintained in Japan by other countries are not "forces" within the meaning of the UN SOFA, the departure from Japan of the RTAF contingent would result in the automatic termination of the UN SOFA pursuant to the provisions of Article XXV.

In a September 8, 1951 exchange of notes between then Secretary of State Acheson and Prime Minister Yoshida, the GOJ made the following commitment:

12/ The question whether U.S. forces in Japan may be considered to be "under the Unified Command of the United Nations" for purposes of the 1960 secret minute regarding prior consultation with Japan raises separate considerations. See Johnson-Kriebel Memorandum of December 13, 1971.

"... If and when the forces of a member or members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the member or members, of the forces engaged in such United Nations action...."
(TIAS 2490)

A time limit was placed on the above commitment by a January 19, 1960 exchange of notes between then Secretary of State Herter and Prime Minister Kishi (TIAS 4509), in which it was agreed that the 1951 Acheson-Yoshida note exchange "will continue to be in force so long as the Agreement Regarding Status of the United Nations Forces in Japan remains in force."

Withdrawal of the RTAF contingent would, therefore, have the effect of leaving any future non-U.S. forces nothing but Article 2, paragraph 5, of the UN Charter as a basis for requesting use of Japanese facilities and areas in support of UN operations in Korea. 13/

Neither the termination of the UN SOFA nor the termination of the Acheson-Yoshida understanding would affect the U.S. military presence in Japan. U.S. forces are in Japan

13/ Article 2, paragraph 5 of the United Nations Charter reads, in pertinent part: "All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter..."



15

by virtue of Article VI of the U.S.-Japan Treaty of Mutual Cooperation and Security (TIAS 4509) and agreements concluded pursuant thereto. The status of U.S. forces in Japan is governed by the 1960 U.S.-Japan SOFA (TIAS 4510) 14/

14/ The 1960 Herter-Kishi note exchange recognizes: "...3. The use of the facilities and areas by the U.S. armed forces under the Unified Command of the United Nations established pursuant to the Security Council Resolution of July 7, 1950, and their status in Japan are governed by arrangements made pursuant to the Treaty of Mutual Cooperation and Security...."

~~SECRET~~



IV. SOUTH KOREAN REPRESENTATION ON THE KOREAN MILITARY ARMISTICE COMMISSION (MAC)

This section considers the legal and related aspects of the suggestion that a Korean officer be appointed as Senior Member of the MAC and concludes that there is no legal barrier to doing so, but that a number of other factors should also be taken into consideration. These factors suggest the desirability of resolving this matter in the broader context of our general policy with respect to maintenance of the Armistice Agreement and machinery. Alternative means of strengthening the ROK's participation in the MAC are described.

Background

In early June 1971 Amembassy Seoul suggested that we name a Korean general officer as the Senior Member of the U.N. side of the MAC -- apparently intended as a first step toward withdrawal of the U.N. Command (UNC) from Korea accompanied by a "delegation" to the ROK of responsibility for maintaining the Armistice. Shortly thereafter Major General Rogers, senior UNC representative in the MAC, made the "personal suggestion" that it might be desirable to appoint a Korean officer as the Senior Member of the U.N. side of the MAC. Subsequently,



the Korean Prime Minister reported to the National Assembly that if the UNC would accept a Korean as Senior Member, the ROK would name an officer to the position.

Legal Considerations and Related Aspects

"The MAC was created by the Korean Armistice "to supervise the implementation of this Armistice Agreement and to settle through negotiations any violation of this Armistice Agreement." (Article II, / Under the Agreement, para. 20). five senior officers are appointed by each side. For the UNC, the Senior Member has always been an American; in addition, there are two Koreans, one Commonwealth member (always British) and one member on a rotating basis from among the Military Liaison Group (U.K., Thailand, Canada, Australia, Ethiopia, Philippines).

Neither the Armistice Agreement nor any subsequent arrangement expressly deals with the question of eligibility for appointment as Senior Member. Article II, / paragraph 20 of the Armistice Agreement provides only that:

"The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents." (Emphasis added)

The Report of the Unified Command on the Armistice in Korea transmitted to the U.N. Security Council on August 7, 1953 U.N. Document S/3079 August 7, 1953 interpreted this provision as establishing "A Military Armistice Commission, composed of military officers of the United Nations Command (emphasis added) and the communist forces..." (Chapter III(C)(2)[6]) This might be read to preclude ROK officers from serving on the MAC since ROK forces are merely under the "operational control" of the UNC. ROK forces are not formally a part of the UNC.

The more plausible reading of paragraph 20 of the Armistice Agreement is that the power of appointment must remain in the U.N. Command ("shall be appointed by"), but that the only qualifications for membership are the "rank" requirements for "each side". A similar use of "side" in the recommendation in Article IV, para 60 "to the governments of the countries concerned on both sides" that a political conference be held, was understood to include both the U.N. and ROK after a statement to that effect for the record by the U.N. Command Negotiator Admiral Joy.

Thus, so long as the appointment is made by the U.N.



Command, the only legal restriction on a ROK appointee would be rank.

It seems unwise to consider in isolation the suggestion that a Korean officer be appointed as Senior Member of the U.N. side of the MAC. Rather, this suggestion should be viewed in the broader context of our general policy with respect to maintenance of the Armistice Agreement and machinery.

The MAC provides the only direct channel of communication between the U.S. and North Korea. It is also the only forum presently available for direct communication between the PRC, the U.S., the DPRK and the ROK. Particularly in time of emergency, the MAC offers us a means of rapid communication with Pyongyang. Moreover, it could serve as a forum for serious discussions aimed at a settlement in Korea.

If it is decided that we should consider ways of strengthening the ROK role in the MAC machinery, achievement of this objective may be possible without committing ourselves irrevocably to the principal that a South Korean must serve as Senior Member. There would be no legal impediment to more flexible arrangements on the U.N. side which would accommodate the interest of retaining for the U.S.

a measure of control of the MAC machinery, as well as the interest of permitting a greater ROK role. For example, it may be possible to give the ROK representatives on the UNC side of the MAC a greater share of the responsibility. This might include chairing the UNC delegation at MAC meetings from time to time. Alternatively, one of the South Korean senior officers might even share the responsibilities of Senior Member with the U.S. officer serving as Senior Member -- nothing in the Armistice machinery precludes such a sharing arrangement.



V. DEACTIVATION OF THE NEUTRAL NATIONS
SUPERVISORY COMMISSION (NNSC)

It has been proposed that the USG take steps to "quietly deactivate" the NNSC by suggesting to the Swiss and Swedish Governments that their delegations on the NNSC not be replaced, and by terminating the logistic support currently being provided to their delegations. This section concludes that there are legal and other difficulties with the proposal to deactivate the NNSC (although steps might be taken to reduce the current level of logistic support provided to the Swiss and Swedish delegations on the NNSC), and that we should in any event be cautious about undermining the NNSC machinery at this point in time.

Background

The NNSC was established under the 1953 Korean Armistice Agreement to carry out supervision, observation, inspection and investigation functions on both sides of the demilitarized zone (but not within the DMZ). It was intended to serve as one of the principal organs for implementing the Agreement. Article II, para. 37 of the Agreement provides that the NNSC shall be composed of four senior officers, two appointed by United Nations

Command (UNC) nominees, namely Sweden and Switzerland, and two appointed by Korean People's Army/Chinese People's Volunteers (KPA/CPV) nominees, namely Poland and Czechoslovakia.

From the outset, the NNSC ran into difficulties: the UNC charged that the North was violating the Agreement by using other ports of entry for men and equipment than those where NNSC teams were stationed; the ROK was strongly opposed to the presence of the Czechs and Poles on its soil; and internally, the NNSC was rarely able to agree on any report.

During 1956 and 1955 the Swiss and Swedish Governments made efforts to have the NNSC liquidated, or if that were not acceptable to the signatories of the Armistice Agreement, then a substantial reduction in the size of the NNSC. The Chinese Government opposed the liquidation of the NNSC but agreed to a reduction in its size.

At the 70th MAC, on May 31, 1956 the UNC announced its decision to suspend the activities of the NNSC's teams south of the DMZ, citing Communist violations of the Armistice Agreement. These teams moved into the DMZ and the KPA/CPV vigorously denounced the UNC's action. Shortly thereafter the NNSC teams in the north also withdrew to the DMZ.

Since June, 1956 the activities of the NNSC have been confined to the DMZ and limited to evaluating personnel reports submitted by the UNC and personnel and combat materiel reports submitted by the KPA/CPV.

The question of the future of the NNSC was reviewed by the Department of State in 1960 and 1962, and on each occasion it was decided to reaffirm support for the NNSC.

In favor of deactivating the NNSC, it is argued that: the NNSC has provided no support and has consistently refused to investigate UNC violation reports or even forward such complaints to the MAC; neither the Swiss nor Swedish members have provided any useful information on conditions in North Korea; the NNSC has not had any measurable impact on the social sphere; it is difficult to give the NNSC any credit for maintaining the cease-fire; quiet deactivation would remove a point of friction rather than an opportunity for accommodation; any propaganda attacks by North Korea would be tolerable and have little significant impact; and the Swiss and Swedes would welcome such a U.S. initiative.



Formal Termination vs. "Quiet Deactivation"

Formal termination of the NNSC would appear to require an amendment to the Armistice Agreement (which under Article V, para. 61 requires mutual agreement by the Commanders of the opposing sides), or at least approval by the MAC. In either case, KPA/CPV concurrence would be required. We should assume on the basis of the past record that they ^{would} / oppose termination. (At the 1954 Geneva Conference the Chinese representative, Chou En-lai, exhibited particular fervor in praising the role played by the NNSC, in advancing the proposal of a similar international body to supervise free elections in Korea.)

The NNSC's "quiet deactivation" would be extremely difficult to justify publicly, particularly in light of the legal rationale for the action we took in 1956 suspending the NNSC activities south of the DMZ. That justification was based on the need to take "only such steps as are indispensable to protection of its [the UNC's] rights under the Armistice Agreement." The other side does not appear to have taken action since 1954 with respect to the NNSC which we could readily invoke as the basis for further action on our part to protect our legitimate interests under the Armistice Agreement.



An argument could, of course, be advanced that the NNSC has become an anachronistic facade, but we would be vulnerable to criticism since this situation was quite apparent in 1956.

"Perhaps the most significant consideration in any decision to seek deactivation of the NNSC is the possible impact of such a decision on the existing political situation. In 1960 then Ambassador Marshall Green viewed this consideration as decisive in his recommendation "to leave the present setup unchanged at this time."

He reasoned:

"I said I could well understand his [the Swiss representative's] feelings of boredom and frustration in having to serve with the NNSC but that I did not think we were prepared to regard the organization as useless. Some maintain that NNSC, by representing an international presence along the DMZ, helps in some small way to maintain peace in this troubled divided country. I added that in my opinion a more important consideration is the desirability of making no alterations in the present structure for maintaining peace in Korea; that a withdrawal of the NNSC or a change in its national composition would lead to unfounded beliefs that some new elements were present in the political situation. Resulting speculation could likewise produce considerable uneasiness over what NNSC withdrawal might portend. There seemed to be considerable virtue at this time in keeping the situation stabilized as far as possible. I added that the relatively small cost involved in maintaining the NNSC seemed a small price to pay for this benefit, but that if the cost factor were an important



consideration, then I would hope economies might be effected in the NNSC operation itself (such as reduced numbers) rather than closing out the NNSC operation. It would nevertheless seem wisest to leave the present setup unchanged at this time."

Ambassador Green's reasoning seems equally pertinent today. In light of the recent interest in the Armistice machinery by the other side, it seems unwise for us now to embark upon an initiative to undermine the NNSC. It seems safe to assume that the other side would react unfavorably, and this might lead to further "unraveling" of the Armistice machinery. If the Swiss and Swedes terminate their participation in the NNSC, the Czechs and Poles might stay on as a "rump" commission. This could be a continuing source of embarrassment. Also, the NNSC may well find it can play a positive role in the future, perhaps by floating proposals to both sides -- Article II paragraph 49 of the Armistice Agreement gives the NNSC authority to make recommendations to the MAC with respect to "amendment or additions" to the Agreement.

L/EA/RISarr;OTJohnson/cdj;cbf
1/4/72 X23039



RESOLUTIONS ADOPTED ON THE REPORTS OF THE FIRST COMMITTEE

376 (V). The problem of the independence of Korea

The General Assembly,

Having regard to its resolutions of 14 November 1947 (112 (II)), of 12 December 1948 (195 (III)) and of 21 October 1949 (293 (IV)),

Having received and considered the report¹ of the United Nations Commission on Korea,

Mindful of the fact that the objectives set forth in the resolutions referred to above have not been fully accomplished and, in particular, that the unification of Korea has not yet been achieved, and that an attempt has been made by an armed attack from North Korea to extinguish by force the Government of the Republic of Korea,

Recalling the General Assembly 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,

Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations² of the Security Council of 27 June 1950, subsequent to its resolution³ of 25 June 1950, that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

Recalling that the essential objective of the resolutions of the General Assembly referred to above was the establishment of a unified, independent and democratic Government of Korea,

1. Recommends that

(a) All appropriate steps be taken to ensure conditions of stability throughout Korea;

(b) All constituent acts be taken, including the holding of elections, under the auspices of the United Nations, for the establishment of a unified, independent

and democratic government in the sovereign State of Korea;

(c) All sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified government;

(d) United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives specified in sub-paragraphs (a) and (b) above;

(e) All necessary measures be taken to accomplish the economic rehabilitation of Korea;

2. Resolves that

(a) A Commission consisting of Australia, Chile, Netherlands, Pakistan, Philippines, Thailand and Turkey, to be known as the United Nations Commission for the Unification and Rehabilitation of Korea, be established to (i) assume the functions hitherto exercised by the present United Nations Commission on Korea; (ii) represent the United Nations in bringing about the establishment of a unified, independent and democratic government of all Korea; (iii) exercise such responsibilities in connexion with relief and rehabilitation in Korea as may be determined by the General Assembly after receiving the recommendations of the Economic and Social Council. The United Nations Commission for the Unification and Rehabilitation of Korea should proceed to Korea and begin to carry out its functions as soon as possible;

(b) Pending the arrival in Korea of the United Nations Commission for the Unification and Rehabilitation of Korea, the governments of the States represented on the Commission should form an Interim Committee composed of representatives meeting at the seat of the United Nations to consult with and advise the United Nations Unified Command in the light of the above recommendations; the Interim Committee should begin to function immediately upon the approval of the present resolution by the General Assembly;

(c) The Commission 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;

The General Assembly furthermore,

Mindful of the fact that at the end of the present hostilities the task of rehabilitating the Korean economy will be of great magnitude,

¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 16.*

² See *Official Records of the Security Council, Fifth Year, No. 16.*

³ *Ibid.*, No. 15.

[S/1501]

The Security Council.

Recalling the finding of the General Assembly in its resolution 293 (IV) of 21 October 1949 that the Government of the Republic of Korea is a lawfully established government 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,

Mindful of the concern expressed by the General Assembly in its resolutions 195 (III) of 12 December 1948 and 293 (IV) of 21 October 1949 about the consequences which might follow unless Member States refrained from acts derogatory to the results sought to be achieved by the United Nations in bringing about the complete independence and unity of Korea; and the concern expressed that the situation described by the United Nations Commission on Korea in its report^a menaces the safety and well-being of the Republic of Korea and of the people of Korea and might lead to open military conflict there,

Noting with grave concern the armed attack on the Republic of Korea by forces from North Korea,

Determines that this action constitutes a breach of the peace; and

I

Calls for the immediate cessation of hostilities;

Calls upon the authorities in North Korea to withdraw forthwith their armed forces to the 38th parallel;

II

Requests the United Nations Commission on Korea:

(a) To communicate its fully considered recommendations on the situation with the least possible delay;

(b) To observe the withdrawal of North Korean forces to the 38th parallel;

(c) To keep the Security Council informed on the execution of this resolution;

III

Calls upon all Member States to render every assistance to the United Nations in the execution of this resolution

^a See *Official Records of the Security Council, Fifth Year, No. 15, 473rd meeting, p. 2, footnote 2 (document S/1496, incorporating S/1496/Corr.1).*

[S/1501]

Le Conseil de sécurité,

Rappelant les conclusions que l'Assemblée générale a formulées dans sa résolution 293 (IV) du 21 octobre 1949, à savoir que le Gouvernement de la République de Corée est un gouvernement légitime qui exerce effectivement son autorité et sa juridiction sur la partie de la Corée où la Commission temporaire des Nations Unies pour la Corée a été en mesure de procéder à des observations et à des consultations et dans laquelle réside la grande majorité de la population de la Corée; que ce gouvernement est né d'élections qui ont été l'expression valable de la libre volonté du corps électoral de cette partie de la Corée et qui ont été observées par la Commission temporaire; et que ledit gouvernement est le seul qui, en Corée, possède cette qualité,

Conscient de ce que l'Assemblée générale, dans ses résolutions 195 (III) du 12 décembre 1948 et 293 (IV) du 21 octobre 1949, s'inquiète des conséquences que pourraient avoir des actes préjudiciables aux résultats que cherchent à obtenir les Nations Unies en vue de l'indépendance et de l'unité complètes de la Corée et invite les Etats Membres à s'abstenir d'actes de cette nature; et conscient de ce que l'Assemblée générale craint que la situation décrite par la Commission dans son rapport^a ne menace la sûreté et le bien-être de la République de Corée et du peuple coréen et ne risque de conduire à un véritable conflit armé en Corée,

Prenant acte de l'attaque dirigée contre la République de Corée par des forces armées venues de Corée du Nord, attaque qui le préoccupe gravement,

Constata que cette action constitue une rupture de la paix; et

I

Demande la cessation immédiate des hostilités :

Invite les autorités de la Corée du Nord à retirer immédiatement leurs forces armées sur le 38^e parallèle;

II

Prie la Commission des Nations Unies pour la Corée:

(a) De communiquer, après mûr examen et dans le plus bref délai possible, ses recommandations au sujet de la situation;

(b) D'observer le retrait des forces de la Corée du Nord sur le 38^e parallèle;

(c) De tenir le Conseil de sécurité au courant de l'exécution de la présente résolution;

III

Invite tous les Etats Membres à prêter leur entier concours à l'Organisation des Nations Unies pour

^a Voir *Procès-verbaux officiels du Conseil de sécurité, cinquième année, n° 15, 473^e séance, p. 2, note 2 (document S/1496) et document S/1496/Corr.1 (miméographié) figurant quant au fond dans la déclaration du Président, p. 3 et 4 de la même séance.*

and to refrain from giving assistance to the North Korean authorities.

Adopted at the 473rd meeting by 9 votes to none, with 1 abstention (Yugoslavia).¹⁰

83 (1950). Resolution of 27 June 1950

[S/1511]

The Security Council,

Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace,

Having called for an immediate cessation of hostilities,

Having called upon the authorities in North Korea to withdraw forthwith their armed forces to the 38th parallel,

Having noted from the report of the United Nations Commission on Korea¹¹ that the authorities in North Korea have neither ceased hostilities nor withdrawn their armed forces to the 38th parallel, and that urgent military measures are required to restore international peace and security,

Having noted the appeal from the Republic of Korea to the United Nations for immediate and effective steps to secure peace and security,

Recommends that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.

Adopted at the 474th meeting by 7 votes to 1 (Yugoslavia).¹²

84 (1950). Resolution of 7 July 1950

[S/1588]

The Security Council,

Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace,

Having recommended that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

¹⁰ One member (Union of Soviet Socialist Republics) was absent.

¹¹ *Official Records of the Security Council, Fifth Year, No. 16, 474th meeting, p. 2 (document S/1507).*

¹² Two members (Egypt, India) did not participate in the voting; one member (Union of Soviet Socialist Republics) was absent.

l'exécution de la présente résolution et à s'abstenir de venir en aide aux autorités de la Corée du Nord.

Adoptée à la 473^e séance par 9 voix contre zéro, avec une abstention (Yougoslavie)¹⁰.

83 (1950). Résolution du 27 juin 1950

[S/1511]

Le Conseil de sécurité,

Ayant constaté que l'attaque dirigée contre la République de Corée par des forces armées venues de Corée du Nord constitue une rupture de la paix,

Ayant demandé la cessation immédiate des hostilités,

Ayant invité les autorités de la Corée du Nord à retirer immédiatement leurs forces armées sur le 38^e parallèle,

Ayant constaté, d'après le rapport de la Commission des Nations Unies pour la Corée¹¹, que les autorités de la Corée du Nord n'ont ni suspendu les hostilités, ni retiré leurs forces armées sur le 38^e parallèle, et qu'il faut prendre d'urgence des mesures militaires pour rétablir la paix et la sécurité internationales,

Ayant pris acte de l'appel adressé aux Nations Unies par la République de Corée, qui demande que des mesures efficaces soient prises immédiatement pour garantir la paix et la sécurité,

Recommande aux Membres de l'Organisation des Nations Unies d'apporter à la République de Corée toute l'aide nécessaire pour repousser les assaillants et rétablir dans cette région la paix et la sécurité internationales.

Adoptée à la 474^e séance par 7 voix contre une (Yougoslavie)¹².

84 (1950). Résolution du 7 juillet 1950

[S/1588]

Le Conseil de sécurité,

Ayant constaté que l'attaque dirigée contre la République de Corée par des forces armées venues de Corée du Nord constitue une rupture de la paix,

Ayant recommandé aux Membres de l'Organisation des Nations Unies d'apporter à la République de Corée toute l'aide nécessaire pour repousser les assaillants et rétablir dans cette région la paix et la sécurité internationales,

¹⁰ Un des membres (Union des Républiques socialistes soviétiques) était absent.

¹¹ *Procès-verbaux officiels du Conseil de sécurité, cinquième année, n° 16, 474^e séance, p. 2 (document S/1507).*

¹² Deux des membres (Égypte, Inde) n'ont pas participé au vote; un des membres (Union des Républiques socialistes soviétiques) était absent.

1. *Welcomes* the prompt and vigorous support which Governments and peoples of the United Nations have given to its resolutions 82 (1950) and 83 (1950) of 25 and 27 June 1950 to assist the Republic of Korea in defending itself against armed attack and thus to restore international peace and security in the area;

2. *Notes* that Members of the United Nations have transmitted to the United Nations offers of assistance for the Republic of Korea;

3. *Recommends* that all Members providing military forces and other assistance pursuant to the aforesaid Security Council resolutions make such forces and other assistance available to a unified command under the United States of America;

4. *Requests* the United States to designate the commander of such forces;

5. *Authorizes* the unified command at its discretion to use the United Nations flag in the course of operations against North Korean forces concurrently with the flags of the various nations participating;

6. *Requests* the United States to provide the Security Council with reports as appropriate on the course of action taken under the unified command.

Adopted at the 476th meeting by 7 votes to none, with 3 abstentions (Egypt, India, Yugoslavia).¹³

85 (1950). Resolution of 31 July 1950

[S/1657]

The Security Council,

Recognizing the hardships and privations to which the people of Korea are being subjected as a result of the continued prosecution by the North Korean forces of their unlawful attack,

Appreciating the spontaneous offers of assistance to the Korean people which have been made by Governments, specialized agencies, and non-governmental organizations,

1. *Requests* the Unified Command to exercise responsibility for determining the requirements for the relief and support of the civilian population of Korea and for establishing in the field the procedures for providing such relief and support;

2. *Requests* the Secretary-General to transmit all offers of assistance for relief and support to the Unified Command;

3. *Requests* the Unified Command to provide the Security Council with reports, as appropriate, on its relief activities;

1. *Se félicite* de l'appui rapide et vigoureux que les gouvernements et les peuples des Nations Unies ont apporté à ses résolutions 82 (1950) et 83 (1950) des 25 et 27 juin 1950 en vue d'aider la République de Corée à se défendre contre ladite attaque armée, et ainsi rétablir la paix et la sécurité internationales dans la région;

2. *Prend acte* de ce que des Membres de l'Organisation des Nations Unies ont transmis à celle-ci des offres d'assistance à la République de Corée;

3. *Recommande* que tous les Membres fournissant en application des résolutions précitées du Conseil de sécurité des forces militaires et toute autre assistance mettent ces forces et cette assistance à la disposition d'un commandement unifié sous l'autorité des Etats-Unis d'Amérique;

4. *Prie* les Etats-Unis de désigner le commandant en chef de ces forces;

5. *Autorise* le commandement unifié à utiliser à sa discrétion, au cours des opérations contre les forces de la Corée du Nord, le drapeau des Nations Unies en même temps que les drapeaux des diverses nations participantes;

6. *Prie* les Etats-Unis de fournir au Conseil de sécurité des rapports d'importance et de fréquence appropriées concernant le déroulement de l'action entreprise sous l'autorité du commandement unifié.

Adoptée à la 476^e séance par 7 voix contre zéro, avec 3 abstentions (Egypte, Inde, Yougoslavie) ¹³.

85 (1950). Résolution du 31 juillet 1950

[S/1657]

Le Conseil de sécurité,

Conscient des épreuves et des privations qu'impose au peuple coréen la poursuite de l'attaque illégale déclenchée par les forces de la Corée du Nord,

Accueillant avec reconnaissance les offres d'aide au peuple coréen faites spontanément par des gouvernements, des institutions spécialisées et des organisations non gouvernementales.

1. *Prie* le Commandement unifié de se charger de déterminer les secours et l'aide dont la population civile de la Corée a besoin et d'organiser sur place la répartition de ces secours et de cette aide;

2. *Prie* le Secrétaire général de transmettre au Commandement unifié toutes les offres de secours et d'aide;

3. *Prie* le Commandement unifié d'adresser au Conseil de sécurité, toutes les fois qu'il le jugera utile, des rapports sur l'œuvre qu'il aura accomplie dans le domaine des secours;

¹³ One member (Union of Soviet Socialist Republics) was absent.

¹³ Un des membres (Union des Républiques socialistes soviétiques) était absent.



3. *Requests* the Economic and Social Council, in consultation with the specialized agencies, to develop plans for relief and rehabilitation on the termination of hostilities and to report to the General Assembly within three weeks^{3a} of the adoption of the present resolution by the General Assembly;

4. *Also recommends* the Economic and Social Council to expedite the study of long-term measures to promote the economic development and social progress of Korea, and meanwhile to draw the attention of the authorities which decide requests for technical assistance to the urgent and special necessity of affording such assistance to Korea;

5. *Expresses* its appreciation of the services rendered by the members of the United Nations Commission on Korea in the performance of their important and difficult task;

6. *Requests* the Secretary-General to provide the United Nations Commission for the Unification and Rehabilitation of Korea with adequate staff and facilities, including technical advisers as required; and authorizes the Secretary-General to pay the expenses and *per diem* of a representative and alternate from each of the States members of the Commission.

294th plenary meeting,
7 October 1950.

377 (V). Uniting for peace

A

The General Assembly,

Recognizing that the first two stated Purposes of the United Nations are:

“To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”, and

“To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”,

Reaffirming that it remains the primary duty of all Members of the United Nations, when involved in an international dispute, to seek settlement of such a dispute by peaceful means through the procedures laid down in Chapter VI of the Charter, and recalling the successful achievements of the United Nations in this regard on a number of previous occasions,

Finding that international tension exists on a dangerous scale,

Recalling its resolution 290 (IV) entitled “Essentials of peace”, which states that disregard of the Principles of the Charter of the United Nations is primarily responsible for the continuance of international tension, and desiring to contribute further to the objectives of that resolution,

^{3a} See resolution 410 (V), page 31.

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council, and desiring to ensure that, pending the conclusion of such agreements, the United Nations has at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States, particularly those responsibilities referred to in the two preceding paragraphs, does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security,

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to Members of the United Nations for collective action which, to be effective, should be prompt,

A

1. *Resolves* that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations;

2. *Adopts* for this purpose the amendments to its rules of procedure set forth in the annex to the present resolution;

B

3. *Establishes* a Peace Observation Commission which, for the calendar years 1951 and 1952, shall be composed of fourteen Members, namely: China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, and which could observe and report on

RESOLUTIONS

adopted by the General Assembly during the period
16 December 1950 to 5 November 1951

I

VERIFICATION OF CREDENTIALS

On behalf of the Credentials Committee,¹ its Chairman made a report² to the General Assembly. The Assembly took note of the report.

332nd plenary meeting,
5 November 1951.

II

RESOLUTIONS

498 (V). Intervention of the Central People's Government of the People's Republic of China in Korea

(Resolution adopted on the report of the
First Committee)

The General Assembly,

Noting that the Security Council, because of lack of unanimity of the permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese Communist intervention in Korea,

Noting that the Central People's Government of the People's Republic of China has not accepted United Nations proposals³ to bring about a cessation of hostilities in Korea with a view to peaceful settlement, and that its armed forces continue their invasion of Korea and their large-scale attacks upon United Nations forces there,

1. Finds that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea;

2. Calls upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea;

3. Affirms the determination of the United Nations to continue its action in Korea to meet the aggression;

4. Calls upon all States and authorities to continue to lend every assistance to the United Nations action in Korea;

5. Calls upon all States and authorities to refrain from giving any assistance to the aggressors in Korea;

6. Requests a Committee composed of the members of the Collective Measures Committee as a matter of urgency to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee referred to in the following paragraph reports satisfactory progress in its efforts;

7. Affirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of United Nations objectives in Korea by peaceful means, and requests the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end.

327th plenary meeting,
1 February 1951.

**

The President of the General Assembly, on 19 February 1951, informed (A/1779) the members of the General Assembly that Dr. Luis Padilla Nervo (Mexico) and Mr. Sven Grafstrom (Sweden) had accepted his invitation to form with him the Good Offices Committee, as provided in the above resolution.

¹ See Official Records of the General Assembly, Fifth Session, Supplement No. 20 (A/1775), page 1.

² See document A/1936.

³ See documents A/C.1/643 and A/C.1/645.