

LÉGATION DE SUISSE
WASHINGTON 8, D. C.

In December 1951, the American authorities approached the diplomatic representatives of Switzerland, Sweden, and Norway in Washington concerning the proposal of the United Nations Command in Korea to ask the abovenamed countries, in particular Switzerland and Sweden, to control the application of certain clauses of the armistice agreement that was being negotiated at Panmunjom. The Swiss Federal Council declared itself ready, in principle, to send Swiss inspectors to exercise this control if a formal request were presented.

During these last months the Swiss authorities have studied thoroughly the clauses of the draft of the armistice agreement pertaining to the status and duties of the Neutral Nations Supervisory Commission, whose constitution has been approved by the belligerent powers. This study, as well as the information given by the United Nations Command, prompts the Swiss Federal Council to

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make more precise the meaning and scope that it gives to this mission in Korea, in order to avoid any misunderstandings.

The Federal Council would like to point out first of all that Switzerland's neutrality is permanent, and that the neutral status which inspires the policy of the Swiss Confederation in a continuous and absolute manner is not only the expression of its will to renounce all policy of expansion and war as a means of settling international differences. This status contains also fundamental principles which the Federal Council has applied constantly for more than a century whenever Switzerland has had to fulfill toward other states the duties resulting from her neutrality.

One of these principles is impartiality. Switzerland could not accept any mission which would force her to deviate from this principle. Although designated by one of the belligerents to be a member of the Neutral

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Nations Supervisory Commission for the armistice in Korea, Switzerland could not consider herself as the representative of that belligerent. The other belligerent having agreed to the request made to the Federal Council, Switzerland intends to act in the Commission for both parties as an independent and impartial member entrusted with seeing, in all objectivity, that the two parties observe the clauses of the armistice convention. // The Federal Council believes indeed that the Neutral Nations Supervisory Commission in Korea will not be able to function in a satisfactory manner and fulfill the aims assigned to it unless the four delegations understand their mandate in the same way.

The Swiss authorities feel that in the interest of a good execution of the tasks entrusted to the Supervisory Commission certain essential points should still be clarified. They are as follows:

- a) Activity
- b) Procedure
- c) Status of the Commission

a) Activity

The ten days' advance notice before the date on which the armistice agreement will become effective appears to be insufficient. A period of at least three weeks should elapse between the advance notice and the date on which the Commission shall start to operate.

Article 13 of the armistice agreement does not allow the Commission to verify satisfactorily the rotation of units and personnel. The Commission will only be able to control the ten entry ports mentioned in Article 43, but not the ports of exit. The Commission will therefore have to accept the declaration of the parties concerning the departure of troops that may leave Korea at any place.

The same remark applies to the replenishment on a piece-for-piece and type-for-type basis of destroyed or damaged material. According to Article 13 d, the Commission will only be able to control combat aircraft, armored vehicles, weapons and munitions entering Korea.

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The Swiss authorities would like to obtain further details concerning the control of the entries and exits between the ports of entry. This applies to the north frontier (Yalu) as well as to the seacoast.

b) Procedure

It can be foreseen that the members of the Commission designated by one of the belligerents will not always wish to conduct investigations or accept the findings of the other members when they pertain to violations of the armistice agreement committed by the party that has chosen these members.

According to Article 47, the Military Armistice Commission can only act after receiving a report from the Supervisory Commission. It would be desirable that this latter Commission act as a whole and that its reports come from the group itself and not from its individual members. But in case there should not be unanimous agreement, there could be two reports: a majority and a minority

report

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report. In case of an equality of votes, one or two reports could be established.

c) Status

The Federal Council would be pleased to receive assurances that the Commission will have the greatest autonomy and independence possible concerning material for transportation, communication and transmission which the respective Commanders-in-Chief must furnish. A regular air service should be organized to establish a liaison between the general headquarters of the Commission and the ports of observation. It would also be necessary to consider the creation of a territory under exterritorial regime inside the demilitarized zone, to be used as the headquarters of the Neutral Commission.

Finally, the Swiss authorities would deem it desirable that the members of the Commission enjoy diplomatic status and the prerogatives attached thereto.

Washington, D. C.
April 14, 1953