

Neutral Nations Supervisory Commission
for Korea
SWISS DELEGATION

Panmunjom, 30. Juli 1956.

Re/pr

Bericht No. 165

Herr Bundesrat,

an	SN							s/a
Datum	21.8.							44
Visa								
EPD								
Ref. p.B. 73. wie. O. 1. (8)								

1. Zu Beginn der 266. NNSC-Sitzung vom 26. Juli 1956 gaben die vier Chefdelegierten kurze Erklärungen zum Anlass des dritten Jahrestages der Unterzeichnung des Waffenstillstandsvertrages ab. In eher massvollen Worten unterstrichen die polnisch-tschechischen Mitglieder die wichtige Rolle, welche die Kommission bei der Erhaltung der Waffenruhe gespielt habe und welche erst mit dem Abschluss eines Friedensvertrages bzw. der friedlichen Wiedervereinigung des Landes ihre Erfüllung finde. Mein schwedischer Kollege gab als Sitzungspräsident u.a. der Genugtuung über die in der Kommission waltende Bereitschaft zu verständnisvoller Zusammenarbeit und sodann der Hoffnung Ausdruck, dass die Aspirationen des koreanischen Volkes auf einen dauerhaften Frieden bald einmal erfüllt werden. Meinerseits äusserte ich mich in ähnlichem Sinne; ich hob dabei hervor, dass die Aufgabe der NNSC auch zufolge der jüngsten Ereignisse hauptsächlich eine symbolische sei.

Das Haupttraktandum der Sitzung bildete das Problem des Status und der Kompetenzen der NNSC seit der provisorischen Einstellung der Inspektions-tätigkeit vom 9. Juni 1956. Entsprechend unserem Kabelwechsel gab ich hiezu eine längere Erklärung ab. Einleitend wies ich darauf hin, dass das Scheitern des Versuchs der NNSC, unter den beiden Waffenstillstandsparteien eine Einigung für den Rückzug der Inspektionsteams herbeizuführen, eine ausserordentliche Lage geschaffen habe, da die beiden Seiten den Teamrückzug in gegensätzlicher Weise interpretierten. Aus Gründen der allgemeinen Mandatsausübung einer internationalen Kommission und im Interesse der Klarstellung unserer heutigen Aufgabe sei es in hohem Grade wünschenswert, dass die NNSC mindestens den Versuch unternehme, ihre Existenz- und Kompetenzbasis durch die Waffenstillstandskommission (MAC) abzuklären. Ich legte alsdann der Kommission einen entsprechenden Briefentwurf an die MAC vor. Abschliessend

Herrn Bundesrat Max Petitpierre
Chef des Eidg. Politischen Departements

B e r n

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bemerkte ich, die schweizerische Delegation messe dieser Angelegenheit erhebliche Bedeutung zu. (Meine Erklärung samt Briefentwurf beiliegend).

Meine drei Kollegen beschränkten sich in einer vorläufigen Stellungnahme im wesentlichen auf die Feststellung, dass die aufgeworfene Frage bedeutungsvoll sei und ein gründliches Studium erfordere. Der tschechische Vertreter, General Chyle, fügte noch bei, dass seine Auffassung zweifellos wesentlich von der schweizerischen abweiche. Es ist zu vermuten, dass die Delegierten vorerst ihre Regierungen konsultieren werden. Ueber die Folge, welche dem schweizerischen Vorstoss gegeben wird, dürften somit voraussichtlich die nächsten Sitzungen genaueren Aufschluss bringen.

Abschliessend referierte der Exekutivsekretär über verschiedene Interna, so u.a. zu der vom schwedischen Mitglied an der vorletzten Sitzung eingebrachten Anregung betreffend Neuorganisation des gemeinsamen NNSC-Büros (Bericht No.163, Ziff.1). Entsprechend dem Antrag des Sekretariats beschloss die Kommission die zurzeit in Kraft befindliche administrative Regelung unverändert beizubehalten.

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Beiliegend für Ihre Sammlung das Protokoll der 265. NNSC-Sitzung vom 19. Juli 1956 (2 Exemplare).

2. Presse: Präsident Rhee erklärte kürzlich an einer Pressekonferenz, die Frage der Ausrüstung der in Südkorea stationierten UN-Streitkräfte mit neuen und modernen Waffen, deren Einfuhr durch das AA untersagt sei, werde gegenwärtig geprüft ("The Korean Republic" vom 24. Juli 1956). Die genannte Zeitung bemerkt dazu: Der durch das UN-Kommando angeordnete Rückzug der NNSC aus Südkorea habe die Vermutung geweckt, dass als nächster Schritt ein Revisionsbegehren bezüglich des Armistice Agreement erfolgen werde, um die Modernisierung der Kampfmittel zu erlauben. Ueber den Zeitpunkt eines solchen Schrittes sei noch nichts bekannt.

Anlässlich des dritten Jahrestages der Unterzeichnung des Waffenstillstandsvertrages gab der südkoreanische Präsident eine Erklärung ab, worin er die "Kommunisten" erneut der massiven illegalen Aufrüstung zwecks Auslösung eines neuen Ueberraschungsangriffs beschuldigt. Präsident Rhee ruft

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sodann in Erinnerung, er habe das Armistice Agreement nie gebilligt. Dieses sei von der ROK nie unterzeichnet worden. Die Kenntnis der systematischen Verletzung des AA durch die Nordseite habe die Freunde Südkoreas davon überzeugt, "that our fears are justified, and that there is no valid reason why we should not have the best defensive weapons in the world". Dies rechtfertige die Hoffnung, dass der dritte Jahrestag dieses unüberlegten Waffenstillstandes zugleich der letzte sein werde ("Korean Republic" vom 27. Juli 1956). In einem "Unwanted Anniversary" betitelten Leitartikel in der gleichen Ausgabe der genannten Zeitung heisst es u.a.:

"Three years have written into the record the tragic proof that the Armistice was a mistake. On this day there should be rededication to the task of cutting the Armistice ropes that we have permitted to tie our hands and leave us all but defenseless. The only requirement is the courage to tell the Communists - just as was done in the case of the Neutral Nations Supervisory Commission - that they have broken the truce agreement and that it therefore is no longer binding upon the United Nations Command. It also can be stipulated that the Armistice expired legally 90 days after it was signed, when the Communists refused to agree, or even to discuss, the democratic unification of Korea. For the safety of Korea, our friends and the world, the Armistice must be denounced - and the sooner, the better."

Das Verteidigungsministerium der ROK teilt mit, die südkoreanische Regierung habe kürzlich an das UN-Oberkommando das Gesuch gerichtet, einen ROK-General als Stellvertreter des Oberkommandierenden der UN-Streitkräfte zu ernennen.

Im Zusammenhang mit der zu Beginn dieses Monats erfolgten Ankunft des neuen U.S. Botschafters in Seoul (Bericht No.163, Ziff.3) finden Sie beiliegend noch den Text der Antrittserklärung von Botschafter Dowling.

3. In meinem Bericht No.163 (Ziff.2) habe ich Sie einlässlich über die Behandlung orientiert, welche unseren Leuten bei ihren Durchreisen auf der Flugbasis K-14 (Kimpo) zuteil wird. Inzwischen hat die Situation laut neuesten Erfahrungen unserer Delegationsmitglieder eine Besserung erfahren. Immerhin bleibt abzuwarten, ob unsere Vorstellungen eine dauernde Wirkung zeitigen.

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4. Am Abend des 29. Juli 1956 tauchte überraschend ein nordkoreanischer Deserteur im Schweizerlager auf, der angeblich in der Gegend von Kaesong stationiert gewesen war und sich während zwei Nächten durch die nordkoreanischen Wachtposten bis zu uns durchgeschlagen hat. Ich liess dem jungen Mann einen kurzen Imbiss verabreichen, worauf sich die amerikanische Militärpolizei des Ueberläufers annahm und ihn mit verbundenen Augen Richtung Munsan-ni abführte.

Genehmigen Sie, Herr Bundesrat, die Versicherung meiner ausgezeichneten Hochachtung.

Fritz Real

FRITZ REAL,
Chef der schweizerischen
Delegation in der NNSC für Korea

Beilagen:

1. Statement Minister Real
an 266. NNSC-Sitzung. ✓
2. Protokoll 265. NNSC-Sitzung
für Sammlung. ✓
3. Antrittserklärung von U.S.-
Botschafter Dowling in Seoul. ✓

Verteiler:

<u>Chef des Eidg. Politischen Departements</u>	(3) m.B. 1-3 (2 m. Beil. 1 o. Beil.)
Chef des Personellen der Armee	(1) m.B. 1
Legation Tokio	(1) m.B. 1+3
Delegationschef	(2)
Sekretariat	(1)

Swiss Delegation NNSC
Secretariat

Statement von Minister Real an der 266. NNSC-Sitzung
vom 26. Juli 1956, betr. Status und Funktionen der NNSC.

Mr. Chairman, honourable colleagues,

With your permission I should like to revert to a problem that calls for a careful attention of the Commission. It is the question of the status and the functions of the Neutral Nations Supervisory Commission, its present duties and competence. This question has an important bearing on the position and the work of this Commission. It is directly connected with the situation created by the provisional suspension of the activities of the NNSC Inspection Teams and their temporary withdrawal both from the northern and southern ports of entry.

The understanding of the underlying thought of my subsequent statement may be facilitated if we first recall some facts:

On June 5th, 1956, following the receipt of the letter from the Senior Member of UNC MAC dated May 31st, 1956, and the letter from the Senior Member of KPA/CPV MAC of June 4th, the Commission submitted a recommendation to the Military Armistice Commission according to which the subteams should temporarily withdraw from the territories under the military control of the two parties of the Armistice Agreement. The legal status of the Commission should thereby not be changed. As you all know, the attempt made by the Commission for a compromise solution was not successful, since the opinions of the two sides in MAC could not be harmonized.

On June 8th, the Senior Member of the UNC side informed the Neutral Nations Supervisory Commission that the United Nations Command is suspending the performance on its part of the provisions of the Armistice Agreement governing the operations of the NNSC and the NNIST:S in South Korea, effective June 9th, 1956. Thereupon our Commission decided to withdraw all the subteams in both North and South Korea, and accordingly informed MAC of this decision by letter dated June 9th, 1956.

The course of events clearly indicated that with the withdrawal of the Inspection Teams a number of questions would remain unsolved. Essentially, the crucial point lies in the fact that the two sides of the Armistice Agreement view the withdrawal of the teams in a different, what is more in an opposite manner; in other words, they have attached to it certain conditions which by no means can be reconciled with each other. In this connection it is sufficient to compare the communication of UNC MAC of May 31st with the letter of General Jung Kook Rok to the NNSC of June 7th, 1956.

These facts have created an extraordinary situation for our Commission which simply cannot be ignored. For my part, I had already the opportunity to refer to it at the Plenary Meeting of June 5th. In its communication to MAC of June 9th, the NNSC had explicitly reserved its right to return at a later date to the abovementioned letters of the two sides and to the problems connected with them.

Since then more than six weeks have elapsed and no new element has come up that would point to an early clarification of these pending problems. We are today, as on June 9th, faced with the fact that the status of our Commission and especially the scope of its functions are not clear, since on this point the views of the two sides in MAC

obviously are still divergent. This fact cannot be overlooked, and it can neither be eliminated by juridical interpretation and reflections of our own. At the last meeting the Czechoslovak Member expressed the opinion that the two sides have recognized the right of the NNSC "to dispatch inspection teams to the ports of entry whenever it would be necessary". However, General Chyle will have to agree with me when I state that such a characterization of the actual situation of NNSC just cannot be brought in accord with the letter of UNC MAC of May 31st. At any rate, this confirms the uncertainty existing even in this Commission as to the real task and competence of the NNSC today.

In my opinion it is not only highly desirable but I should say even essential that the situation be clarified. For an international commission as ours it is particularly justifiable to have the scope of its mandate clearly formulated. Moreover, it would in the long run hardly seem compatible with the dignity of our Commission, should we simply and silently ignore these acute problems. Finally I hold that a clarification of the present situation will be in the interest of NNSC itself as well as of the participating countries.

I am aware of the difficulties with which we are confronted when attempting to obtain clarification. I do not want to minimize them. Nevertheless this should in my opinion not prevent us from at least trying to have the fundamental question of the status and the functions of our Commission clarified. The answer to this remains clearly with the two signatories of the Armistice Agreement. Guided by the motives outlined, I suggest that the Commission addresses a letter to MAC to this effect. Without prejudging the action the Commission wants to take in this matter and particularly the form it intends to give my proposal, I have made a draft of a letter that could possibly serve as a basis for such a communication. The letter might be outlined as follows, and I ask my secretary to read it out.

(Text of draft as read out by the Swiss secretary)

Panmunjom,

"From: Neutral Nations Supervisory Commission
To: Military Armistice Commission

With reference to its communication addressed to the Military Armistice Commission on 9 June 1956 the Neutral Nations Supervisory Commission has the honour to revert to the problems connected with the letters of the Senior Member KPA/CPV Side, Major General Jung Kook Rok, dated 7 June 1956, and of the Senior Member UNC Side, Major General R.G. Gard, dated 8 and 9 June 1956 respectively.

Both Sides seem to be in accordance with regard to the provisional nature of the suspension of activities of the Neutral Nations Inspection Teams as effected on 9 June 1956. The two Sides, however, could not agree with the recommendation set forth by the Neutral Nations Supervisory Commission in its letter of 5 June 1956 to the Military Armistice Commission. Furthermore, it appears from the contents of the aforementioned letters that the withdrawal of the teams is being interpreted by the two parties on the Military Armistice Commission in a conflicting manner, as the qualifications and conditions stated by the Sides do not correspond with each other. This situation has caused uncertainty regarding the status and the present functions and competence of the Neutral Nations Supervisory Commission.

The Neutral Nations Supervisory Commission has discussed this question at its Meeting(s) on Considering its responsibility as a mandatary within the machinery of the Armistice Agreement and its position as an international body, the Neutral Nations Supervisory Commission herewith approaches the Military Armistice Commission with a view of obtaining clarification on its present status and functions.

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While appreciating an early reply from the Military Armistice Commission, the Neutral Nations Supervisory Commission wishes to state that it continues to operate within the limit of the possibilities left to it following the suspension of the teams' activities on 9 June 1956."

(End of draft)

As you notice from this draft, we would limit ourselves to simply stating the problem of the present situation. The reason for it is that the authority for defining the mandate of this Commission lies entirely with the parties to the Armistice Agreement. I see no reason for suggesting another course. The purpose of the letter therefore is to bring this important problem to the attention of the two sides.

I invite the Commission to examine my proposal and thereafter to deliberate on it. Let me express my appreciation for the attention you are giving this matter, to which the Swiss delegation attaches considerable importance.

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NEUTRAL NATIONS SUPERVISORY COMMISSION

SUMMARY RECORD OF THE 265th PLENARY MEETING

held at Headquarters, Panmunjom, on
 Thursday, 19 July 1956, at 1000 hours.

- CONTENTS: 1. Approval of the agenda of the 265th Meeting.
2. Approval of the record of the 264th Meeting.
3. Reports from the two Sides concerning arrivals and departures of military personnel and replacement of combat materiel (AA para 13 c and d).
4. Miscellaneous.
 Question of compensation for injuries or damages suffered by NNSC-personnel in the carrying out of their functions.

PRESENT: CHAIRMAN: General Chyle, Czechoslovakia

MEMBERS: General Bergenstrahle, Sweden
 Mr. Brzostowski, Poland
 Acting Member
 Minister Real, Switzerland

SECRETARIAT: Major Tell, Sweden
 Executive Secretary

1. Approval of the agenda of the 265th Meeting.

The agenda of the 265th Meeting as submitted by the Secretaries was adopted (NNSC Doc. 296).

2. Approval of the record of the 264th Meeting.

The record of the 264th Meeting was approved.

3. Reports from the two Sides concerning arrivals and departures of military personnel and replacement of combat materiel (AA para 13 c and d).

The EXECUTIVE SECRETARY informed the Commission that within the period from 12th July 1956, 0000 hours, to 18th July 1956, 2400 hours, a total of 50 reports from the two Sides had been received as follows:

- a) from the KPA/CPV-Side: 10 reports on the arrivals and departures of military personnel and 4 reports on the replacement of combat materiel;
- b) from the UNC-Side: 6 reports on the arrivals and departures of military personnel and 30 reports on the replacement of combat materiel.

The Executive Secretary's report was taken note of.

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4. Miscellaneous:

Question of compensation for injuries or damages suffered by NNSC-personnel in the carrying out of their functions.

MINISTER REAL referred to a letter of NNSC to MAC of 12 May 1956 concerning the question of principle of compensation for injuries or damages suffered by NNSC-personnel in the carrying out of their functions in Korea. While the KPA/CPV-Side on 17 May 1956 had expressed its agreement with the position of the Commission, the Senior Member, UNC/MAC, so far had only given a preliminary reply on 14 May 1956, reading inter alia: "When the views of the United Nations Command side have been determined you will be informed". No further information having been received in the meantime, it could be concluded that the definite policy of the UNC-Side in this matter had not yet been determined. Minister REAL had brought up the subject not to press it now but merely to state that, in the opinion of the Swiss Delegation, the temporary withdrawal of the Teams had not altered the position previously taken by the Commission concerning the question of indemnity. Although, with the suspension of the activities of NNSC outside the Demilitarized Zone, official travel of NNSC-personnel in the territory under the military control of the two Sides and thereby also the chances of future transport accidents had been considerably reduced, the question of principle of compensation and the reasons for a positive solution thereto still existed. Minister REAL therefore hoped that the UNC-Side would still favour the Commission with an answer.

GENERAL BERGENSTRAHLE stated that also he was aware that only an interim reply had been received from the UNC-Side to the letter of 12 May 1956 in the indemnity question, a letter which was based on a proposal of the Swiss Member and supported by the other Members. Although other conditions now were prevailing than those which governed the NNSC-activities in May, he supposed that a reply from the UNC-Side could be expected in accordance with what the Senior Member of the UNC-component had promised in his letter of 14 May 1956. He further proposed that a short note should be made in the record of this Meeting stating that this question had been the subject of the attention of the Members.

GENERAL CHYLE expressed his appreciation that the Honourable Member for Switzerland had brought up that important matter and stated, he was in full agreement with what Minister Real had said.

The Czechoslovak Member went on to say that from his point of view the legal status of the Commission had not changed, since both Sides had recognized that the NNSC retained its rights, stipulated by the Armistice Agreement, to dispatch Inspection Teams to the ports of entry, whenever it would be necessary. He stressed that the Commission was fully entitled to know the exact attitude of both Sides and had concented that it was sufficient for the time being to take note of the proposal under consideration and incorporate it in the record.

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MR. ERZOSTOWSKI associated himself with the other Members in their remarks and expressed his full agreement to their standpoints.

It was agreed to put into the record that the question of compensation had been the subject of the attention of the Members.

Meeting adjourned at 1015 hours.

em/SW

(USIS, Seoul, Press Release, 14.7.56.)

STATEMENT of AMBASSADOR DOWLING
on the Presentation of his credentials
to the President of the Republic of Korea

Mr, President, I have the honour to present a letter from the President of the United States which accredits me as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea. This is a happy occasion for me, since I am already keenly aware of the close and cordial relations which exist between our countries.

The events of recent history which have served to create such firm ties of friendship between the Republic of Korea and the United States are well known. Together with our United Nations friends we are comrades-in-arms in defense against our common enemy, Communist imperialism. Together with our United Nations friends we are pooling our resources in a common effort to rebuild the economy of your heroic country.

This mutuality of interest reflected in our relationship rests fundamentally on the concern which we share for the dignity and freedom of the individual - a concern which stands in contrast to the ruthless and inhumane measures of a desperate communism in the North. This concern is evidenced here in your country by the outstanding development of the principles of democracy which the Republic of Korea has recorded in its brief political history. That these principles should have taken root so readily is a tribute to the inspired leadership you have given your country, Mr. President, and to the strength of the determination to be free which has characterized the Korean people through years of trial and stress.

I am aware, Mr. President, that significant progress has been made by the Republic of Korea and the United States in meeting their common problems. The Republic of Korea may be justly proud of its magnificent armed forces developed in the best spirit of the democracy which they defend. On the economic front, substantial improvement has already been shown, particularly over the past year. But serious problems still confront us, and I am sure I need not reiterate the resolve of my Government to continue our mutual efforts to guard against renewed aggression and to further the economic well-being of the Korean people.

While the problems of military security and economic development are being met, we have not yet been able to achieve our mutual objective of unifying Korea. So far, there has been no evidence of Communist willingness to accept a solution of the Korean problem which will satisfy the deep-felt desire of the Korean people to be free and independent - a desire to the fulfillment of which you, Mr. President, have devoted your life. But this urge for freedom - in the North as in the South - cannot in the end be denied. If we remain firm in our resolve, and press on with our endeavors to strengthen and extend our free society, I am confident that our ultimate goal of Korean unification can and will be achieved by peaceful means.

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On all these matters, Mr. President, it is the hope of my Government that the Republic of Korea and the United States will continue to work closely together in the achievement of our common objectives. To this end, the President of the United States has charged me with personal responsibility for maintaining and developing to an even greater degree the already friendly and cordial relationships which exist between our two countries.

I shall devote my every effort to this high purpose.