



AIDE-MÉMOIRE

The Department of State refers to the communication left with the Department by the Minister of Switzerland on June 9, 1953 in regard to the role which Switzerland might play on the Neutral Nations Repatriation Commission to be established as part of a Korean armistice.

The Department of State appreciates fully the considerations which motivated the Government of Switzerland in reaching the preliminary views expressed in this communication. This communication from the Swiss Legation however seems to reflect certain misapprehensions which the Department of State desires to clarify.

(1) The Government of the United States sympathizes with the desire of the Government of Switzerland to maintain policies of neutrality and impartiality. It is indeed because of these known policies that Switzerland was among the first countries to be considered for a role in the implementation of a Korean armistice. In the exercise of any functions  
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which the Government of Switzerland may assume pursuant to the Korean armistice agreement, the Government of the United States would expect Switzerland to act entirely in accord with the untrammelled dictates of its own judgment. It would not expect Switzerland to act as a representative of any party or point of view, but as an impartial, neutral agency faithfully carrying out the functions which it will have undertaken

(2) The Agreement on Prisoners of War of June 8 does indeed give the Government of India responsibilities greater than those proposed for the other four members of the Commission. India is to be the executive agent of the Commission and is to supply the forces necessary for carrying out the work of the Commission. The Department notes that the Government of Switzerland has no objection to this additional role for India. Apart from these additional duties, however, India, while Chairman of the Commission will be merely the fifth member of the Commission. So far as the operations of the Commission are concerned there is no difference in the functions which the five members are intended to perform or the attitudes of impartiality which should guide them all.

(3) The communication from the Swiss Legation makes particular note of the provision in the agreement of June 8 designating India as the umpire in accordance with the provisions of Article 132 of the Geneva Convention relating to the treatment of prisoners of war dated August 12, 1949. This provision was proposed by the Communist Commanders, and was not discussed during the negotiations. Although this provision might perhaps have benefited from

clarification,

clarification, the United Nations Command delegation felt that in the interests of expediting the negotiations it would take this provision at its apparent meaning. The United States does not consider that this provision in any way modifies the fundamental concept of the Commission as consisting of five equal and impartial members operating by majority vote. The United States does not consider that India is to be an umpire between the other members of the Repatriation Commission.

(4) The Swiss Government also states that its acceptance of membership on the Repatriation Commission would depend on adherence to the Prisoner of War Agreement by all the belligerent countries including the Republic of Korea. This statement reflects a misapprehension as to the character of the United Nations Command and the status of the prisoners. The forces of the Republic of Korea like the forces of the fifteen members of the United Nations in Korea are all under the United Nations Command. The armistice is therefore being negotiated by the Commander-in-chief of the United Nations Command who clearly has authority to negotiate an armistice on behalf of all the forces under his command. As regards the prisoners of war in particular, prisoners are held not by individual belligerents but by the UNC which alone is responsible for ~~their~~<sup>the</sup> control and custody of all the prisoners.

The Government and people of the United States, like governments and peoples throughout the world, have long considered Switzerland as the government to be looked to  
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for the impartial services frequently so essential to the settlement of wars and international disputes. The Department of State is confident that the Government of Switzerland will again be able to perform its traditional role, and, by accepting membership on the NNRC in accordance with its terms of reference, will contribute to an early armistice in Korea and to a solution of the prisoner of war problem on a humanitarian basis.

Department of State,

Washington, June 10, 1953.

