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REEL NO. 7

STAFF OFFICERS' MEETINGS

ON AGENDA ITEM 4

PAN MUN JOM

23 JANUARY - 10 MAY 1952

HEADQUARTERS
UNITED NATIONS COMMAND ADVANCE
APO 72

UNCA/A8-6
Serial: 266
27 July 1953

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To: Distribution List

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/s/ J. E. SHEW
/t/ Commander, USN
Secretary

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

23 January 1952

SUBJECT: Meeting of Staff Officers on Protection of Prisoner of War Camps, Held at Pan Mun Jom, 23 January 1952

Representatives present:

UNITED NATIONS - - - - - - - - LT COL A M Butler, USA, CDR G G Ball, USN, LT H G Underwood, USNR, Interpreter; Mr. C K Lin, DAC, Interpreter

COMMUNISTS - - - - - - - - - - COL Tsai Cheng Wen, CCF, COL O Hong Son, NKA, Maj To Yu Ho, NKA, Interpreter, Pi Chi Lung, CCF, Interpreter

Meeting convened at 1355 hours

COL BUTLER: It is my understanding that the purpose of this meeting is to:

Georgraphically identify and plot on a map the areas in which prisoner of war camps of both sides are located; recommend safety areas for the prisoner of war camps; study further measures that will afford day and night protection to the prisoner of war camps; and submit findings and recommendations to the sub-delegations.

Are we in accord with this?

COL TSAI: In the sub-committee our side has already expressed that we agree in principle to the proposal presented by your side, so we are here to discuss with you on the concrete and specific questions about this matter to the extent practical and possible.

COL BUTLER: Your side has stated that you have no civilian internee camps, so we shall confine our remarks to the prisoner of war camps of both sides. I have with me a map on which our prisoner of war camps and hospitals are plotted. Are you prepared to plot the location of your prisoner of war camps on the map?

COL TSAI: I would like to talk to you about practical problems. On the map of the northern part of Korea, especially in the area near the Yalu River, there are some errors in the terrain. Since there are some discrepancies between the actual terrain and the maps, and as we want to help your side to distinguish those

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COL TSAI: (Cont'd) locations on the map, we would like to have a map from your side which is the general map of North Korea on which to mark them so that it will be more reliable to give the exact locations. If we are going to furnish you our map, we have to make some revisions of the terrain shown on the map, so the locations will not be very accurate and exact.

As to the map for the location of the prisoner of war camps which you are going to give to us, we can accept it if you are willing to give it to us today. If you think it is not quite equitable, you may give it to us later.

COL BUTLER: I have two sets of maps - one is 1/50,000 and one is 1/250,000 - of the area in which you say your prisoner of war camps are located. Which size do you want, or do you want both? You may have both if you wish.

COL TSAI: You may give us the set which you prefer.

COL BUTLER: I would like to have you examine these sets to see if the 1/50,000 covers all the area. Not all the sheets of the 1/50,000 are in this set. We only put in those sheets which are included in the area of the locations you gave us. The 1/250,000 covers the entire area of North Korea, from the central sector to the west. You can take both sets and whichever works out the best you can use.

COL TSAI: Very well.

COL BUTLER: I have here the maps showing our prisoner of war camp locations which I will give to you. We have both the 1/50,000 and 1/250,000. This is the prisoner of war hospital and this is the prisoner of war camp (Indicating on map). How much time would be required for your side to furnish us the data we would like?

(Col Butler hands Col Tsai maps showing location of United Nations Command prisoner of war camps, and maps of North Korea in area of Communist prisoner of war camps.)

COL TSAI: I believe we can furnish it to you tomorrow.

COL BUTLER: After the meeting?

COL TSAI: Yes.

COL BUTLER: Do you want to continue discussing now on further safety matters we can employ to afford better protection of the prisoner of war camps? In view of the lateness of the afternoon, if you want to continue the discussion tomorrow it is all right with us.

COL TSAI: We may discuss it now. I would like to say something more.

We are about to give you the general locations of the eleven prisoner of war camps and we will mark the specific locations of those camps on the maps. However, in addition to the eleven camps, we would like to add a prisoner of war forwarding station which, on account of the transportation, is set up for receiving and forwarding the prisoners of war to the respective camps. That station is located in SUAN. Sometimes there are prisoners of war in that station, sometimes there are only a very few prisoners of war there, sometimes there are no prisoners of war there, because that station is a station to receive the prisoners of war from the front lines and then forward them to the respective camps. In order to enable your side to understand the situation we would like to locate them on the map. Do you agree?

COL BUTLER: I agree.

COL TSAI: Next is the question about civilians. We do not have any civilian internee camps because all those people from the southern part of Korea are living in the homes of their relatives or friends. This means we do not think it is proper to have them all live together in such camps. However, as you are aware, those foreign civilians who are being taken care of by our government do not have any friends or relatives in the northern part of Korea. They all live in places near to each other some place. We have asked the organizations which are

COL TSAI (Cont'd): taking care of those foreign civilians about the locations where those foreign civilians stay. When this delegation has received any information about their location, we will inform you of it. Is it possible for your side to furnish us the information about the location of our civilians who are now behind your lines? We would like to have your answer on that.

COL BUTLER: We will give you an answer on that tomorrow afternoon. We, also, have prisoner of war forwarding camps which we will also reserve the right to submit, and that information we can give to you tomorrow afternoon also. Most of the time they are empty, but some of the time they have prisoners in them.

COL TSAI: Then with respect to other measures for the safety of the prisoner of war camps, we would like to hear your opinion.

COL BUTLER: It is our opinion that, to provide for the proper security of prisoner of war camps from air attack, the camps should be so marked that they could be readily identified from the air during the daylight hours as well as night time. Daytime markings should be the capital letters "POW" inscribed in prominent places, preferably on top of buildings, tents, or on the ground. These markings should be on more than one surface visible from the air in each camp proper. To assist the identification of the prisoner of war camps at night from the air, some means of illumination should be employed. It is suggested that perhaps the letters "POW" could be illuminated at night by the use of flood lights or other lighting device. Another solution is the utilization of search lights pointing directly to the sky and using a distinctive color other than white to identify the prisoner of war camps. These are suggestions we offer. What is your opinion?

COL TSAI: In the past we always had proper markings for the prisoner of war camps. However, because we put markings on those camps during the hostilities, it did increase unnecessary danger to

COL TSAI: (Cont'd) those camps. You know very well that during the hostilities many prisoner of war camps were bombed. The last bombing of the prisoner of war camp in Kang Dong is not the only time the prisoner of war camps were bombed. However, I hope, since we are discussing here as the representatives of both sides, that after we have made the markings on the camps there will be no incidents whatsoever!

I agree in principle that in the daytime we will set up or write the noticeable and distinguishable markings in the location of the prisoner of war camps. However, there are difficulties on our side in marking proper markings at night, because in the night all the area will be under a strict black-out control. However, we consider that this would not affect the security of the prisoner of war camps, since we can furnish you the specific locations of all the camps, and aircraft of your side will also know the specific locations at any time when they are operating. I believe that you will inform your air force about the specific locations of the prisoner of war camps. Therefore, if there is no wanton bombing and strafing, I do not believe that the prisoner of war camps will intefere with these operations. As to the markings for the daytime, we used these capital letters "POW" before. Since they were used so long during the hostilities, we are considering using some new markings to make them more distinguishable and we will tell you about it tomorrow. So much is my opinion about this question.

COL BUTLER: We further suggest, to insure safety from air attack, that caution should be exercised to see that the prisoner of war camps are not located near the centers of military operations and are away from the main military lines of communication. Also, if a prisoner of war camp is moved to a new geographical location, it should be reported at once and the new installation properly marked. These are further precautions I

COL BUTLER: (Cont'd) suggest as safety measures to insure protection of the prisoner of war camps.

COL TSAI: As Staff Officers, meeting here, I do like to discuss any charges against the other side. I think it would be better to do our business in the proper way. There is a fact that in the northern part of Korea, due to the wanton bombing and bombardment by your air force, there are very few buildings and I think you are quite aware of this fact. Therefore, the prisoners of war can only live in any building and house they can find — of course it would be impossible to stay in the tents on account of the weather -- so those prisoners of war in the camps actually are living quite scattered. They are not concentrated in a few buildings. We have done our best to have our prisoner of war camps not in any area close to distinguishable or noticeable military targets. However, there are still difficulties which I have mentioned to you already. After thorough consideration of those factors, we set up the prisoner of war camps in their locations according to the principle that we will do our best to avoid having those camps close to the military targets. We will do the best we can. Still, sometimes we have to consider the actual difficulties and real situations there, so that we can do our best to try to avoid any unnecessary sufferings to the prisoners of war. According to the present realities, we are not going to move any of the eleven camps and the one forwarding station elsewhere. Right now it is not possible for us to move to another place. However, if there will be any removal of those camps or the station, we will notify you at any time when it comes.

COL BUTLER: To assist the air in the location of the prisoner of war camps, we would like to have you, when you give us the exact geographical location of the prisoner of war camps, to describe the

COL BUTLER: (Cont'd) length and width of the area in which the camp is located, and such other details which would assist in the ready identification of that installation.

COL TSAI: We will mark these areas specifically on the map. However, you cannot see anything in the night all over the northern part of Korea. Is there anything else you would like to discuss?

To summarize what we have discussed and agreed upon:

First, both sides will mark the locations of the prisoner of war camps on the maps. Your side has already given us maps and we will give you the 1/50,000 maps tomorrow on which we will mark the location of the prisoner of war camps.

Second, regarding the markings for the prisoner of war camps in the daytime, both sides agree that we will make the mark with distinguishable markings. Your side will use capital letters "POW", and our side, if we are not going to use capital letters "POW", will tell you tomorrow what markings we are going to make.

Third, with respect to the location of the prisoner of war camps - if there is any removal of the camps, one side is to inform the other side of their removal.

Fourth, each side will mark its prisoner of war forwarding stations on the map and inform the other side of their location. The location of the residence of these foreign civilians under our protection will be furnished to your side when we have received the report. The location of the civilian internee camps of your side will be given to us tomorrow, or any time after tomorrow.

Is that right?

COL BUTLER: I said that in regard to the location of the civilian internee camps, we will discuss that tomorrow.

COL TSAI: Very well. Anything further you want to say? If you have nothing else to say we will meet tomorrow after the sub-committee meeting.

Meeting recessed at 1450 hours.

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

24 January 1952

SUBJECT: Meeting of Staff Officers on Protection of Prisoner of War Camps, Held at Pan Mun Jom, 24 January 1952

Representatives present:

UNITED NATIONS - - - - - - - - CDR G G Ball, USN, Staff Officer; 1st LT R F Underwood, USA, and WOJG Kenneth Wu, USA, Interpreters.

COMMUNISTS - - - - - - - - - - COL Tsai Cheng Wen, CCF, Staff Officer; COL O Hong Son, NKA, Staff Assistant; Pi Chi Lung, CCF, Interpreter.

Meeting reconvened at 1405 hours

COL TSAI: These are the maps for the locations of part of the prisoner of war camps. (Handing the maps to CDR Ball, one at a time.) Numbers 2, 4, 5, 6, 8, 9, 10 and 11. There are eight altogether for the eight camps as mentioned above. Since some of the places are not shown on the maps you gave us, we can only mark eight of the camps on the maps you gave us. Here is the location for camp No. 3 marked on our map. This is the location of camp No. 7. That is near to Pyok Tong. This is the location for No. 2 camp. This is near to camp No. 1. This is the location of the forwarding station at Suan.

Now we still haven't given you the location of camp No. 1; since the map you gave us is also an old map as is ours. The terrain features there have changed, because of the Yalu River flood and the change of currents, so we cannot locate it on any map. The camp No. 1 now is at the site of the new Changsong. On all the maps we have now, they show only the site of the old Changsong. Actually this old one is no longer in existence now. You may check with your map, if you have any other map, and put this camp in the location of the present Changsong. It is the new site of Changsong.

You will find on the maps that those areas we marked are of different sizes. Some are bigger and some are smaller. Because

COL TSAI: (CONT'D) the prisoners of war are living in many buildings which are scattered in this area, we marked this area so as to include all the houses the prisoners of war are living in.

We are going to use the new markings for the prisoner of war camps on our side. Since it is winter now, most parts of North Korea are covered by snow, so we will use this red background. These two are the markings (COL Tsai pointing to a diagram) with a red background and white characters. On the basis of what we discussed yesterday, I think that is all I can discuss with you today. (See enclosure 1. for markings referred to above.)

CDR BALL: I have two or three questions I would like to ask before we go on.

If we are unable to definitely locate on our maps the places shown on your maps, I may ask you to meet again to resolve the misunderstandings. Also, we will study our maps regarding the area of camp Number 1. If our maps do not show the change in the Yalu River that you mentioned, it may be that we have some aerial photographs which we could give to you and you could point out on these photographs the exact location of this camp. If that is not possible, we would ask you if you could give us the geographical latitude and the longitude of the center of this camp.

That is all the questions I have. I have one statement to make.

I have brought three maps to present to your side, one each of Yong Dong Po, Chunchong and Chumunjin. These maps are on a scale of 1/50,000. The three prisoner of war forwarding stations mentioned by our side yesterday are marked on these maps. These forwarding prisoner of war camps are much like yours at Suan, in that some times there are prisoners there and at other times they are empty, or nearly so. In no case are any prisoners there for any length of time. They are merely staged through there on

CDR BALL: (CONT'D) their way to the permanent camp, as we indicated to you yesterday.

Regarding the civilians that have been displaced from North Korea, in general they have been absorbed into the community and now reside freely in various towns and villages located throughout South Korea. Besides the few persons now being cared for nearby, but separate from the prisoner of war camp at Koje-Do, there are no camps containing civilians formerly residing in North Korea.

I have one other question that I forgot to ask. Is there any standard size for the red background of your daytime marking?

COL TSAI: Twenty-four meters by twelve meters. All the prisoner of war camps on our side except Number 1 are clearly marked--specifically marked--on the map. If there is any difficulty of your side to locate them, we will help you. I will make further study on our maps to try to locate the location of Number 1 camp, and if I can find out the specific location of that camp on the map, I will mark it and let you know. But I cannot be sure when I can find out.

You say that you have some of the civilians staying at Koje-Do near the prisoner of war camps. I don't know whether it is the location of those 44,000 people which are one of the points of issue in the sub-delegate meeting. In the sub-committee meetings, your side said that there are about 37,000 civilians on your side as civilian internees and our side does not agree to that assertion. However, in any case, if those people are of those 44,000, or if you have not given the location of the 44,000 people, we would like you to give us the location of that disputed 44,000. As to those displaced civilians in general, we understand that they are living in some places--or rather, that they are concentrated in some places.

I have noted the statement you made just a moment ago. However, this is not to be resolved and discussed here. We will discuss it in the sub-committee meeting.

CDR BALL: That is correct. Of course, I am not prepared to take up the business of the sub-delegation on Item 4. However, the number of persons I referred to at Koje-Do is somewhere between three and four hundred. It is not in the thousands. I can see no point in scheduling a meeting now at a definite time. If either one of us has any business with the other, we can notify each other through the sub-committee. I believe that you are still inquiring after the location of the residence of those civilians under your protection.

COL TSAI: I would like to invite your attention to the fact that this new marking that I gave you is a new one, so it will take some time for us to send this pattern to all the prisoner of war camps for them to be marked.

As to the question of the location of the foreign civilians, as soon as we are notified on their location from the organizations concerned, we will notify you through the sub-committee for Item 4.

Meeting recessed at 1440 hours.

ENCLOSURE I: MARKING ON POW CAMPS IN NORTH KOREA

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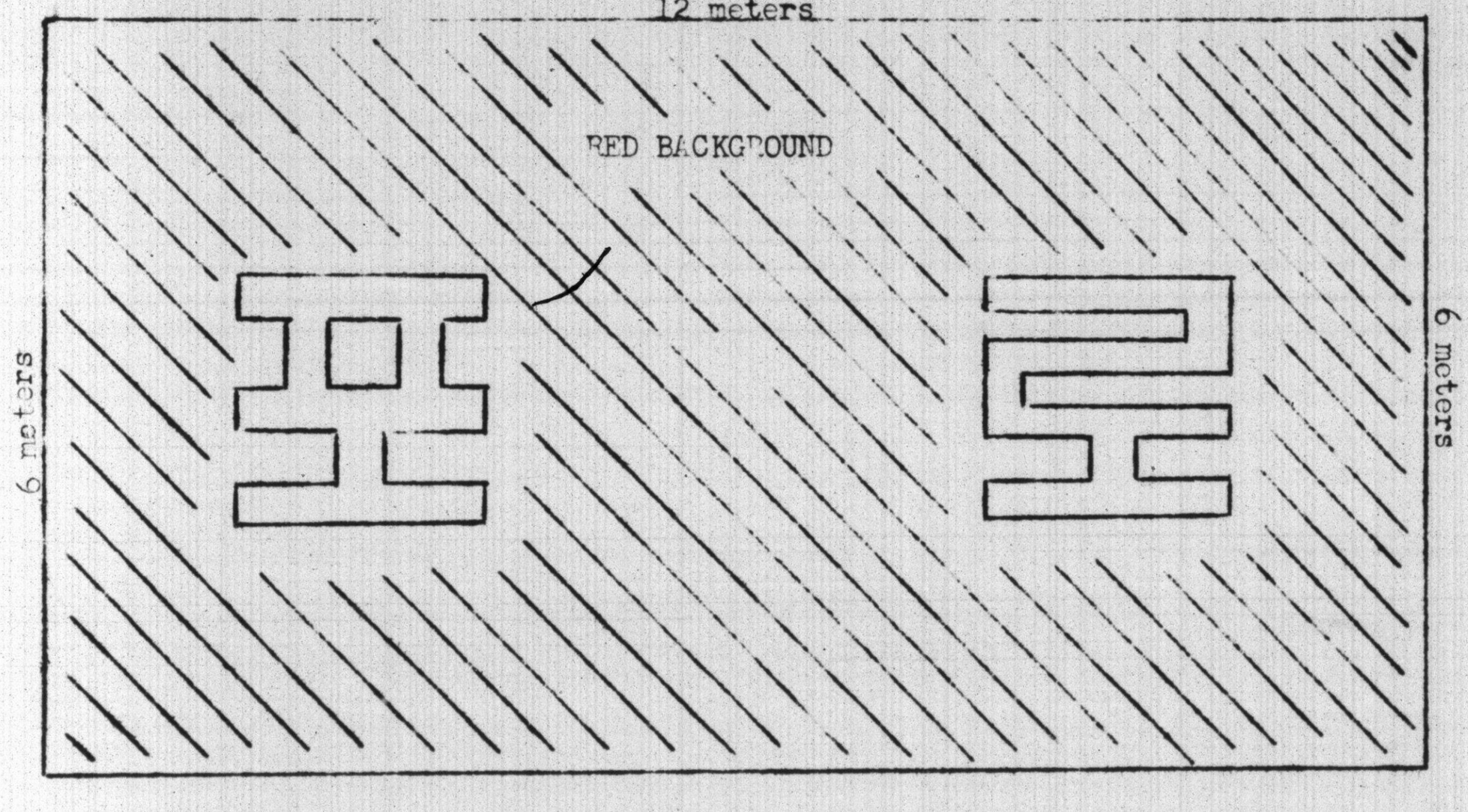

ENCLOSURE I: MARKING ON POW CAMPS IN NORTH KOREA



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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

27 January 1952

MEMORANDUM FOR THE RECORD:

Addendum to Staff Officers Meeting on Agenda Item 4, held on January 24, 1952.

Examination of maps presented by the Communist Staff Officer at subject meeting reveal that POW camps are located at the following locations in North Korea:

Camp No.	Place Name	Grid Co-ordinates
1	CHANG-NI	XE 878797
2	PYONGOE-DONG	YF 138017
3	—	Area between XE 849880 and XE 864906
4	PYOKTONG	YE 062995
5	PYOKTONG	YE 062995
6	TORYONG-DONG	YD 416337
7	UHA-DONG	YF 255060
8	CHIKTONG	YD 545238
9	PYONGYANG	YD 429212
10	CHONMA-DONG	XE 631485
11	TARIGOL	YE 341542
Collecting Camp	HOLGOL	BU 785035 to BU 785054

GEORGE G. BALL
Commander, USN

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

7 February 1952

SUBJECT: First Meeting of Staff Officers on Details of Agreement of Agenda Item 4, Held at Pan Mun Jom, 7 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckels, USAF, (PIO), CDR G R Muse, USN, CDR O W Spahr Jr., USN, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, and Mr. C W Wu, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, and COL Chang Pom, NKA, Interpreters; and Stenographers.

Meeting convened at 1100 hours.

COL HICKMAN: Do you have any opening remarks to make as to how our staff officers' meeting should function?

COL TSAI: I think we are here to proceed in exploring all the points which have been agreed upon in the sub-committee and on other points which have not been completely agreed upon in the sub-committee. We will proceed with the exploration here in accordance with the resolution made by the sub-committee, so that we may find any solution for Item 4 of the Agenda satisfactory to both sides and submit our suggested solution to the sub-committee. I hope that both sides will make an effort to try to accomplish this purpose.

Since we submitted our new proposal on 3 February, the difference which existed between both sides has been, for the most part, solved by our new proposal. At this time your side proposed the staff officers' meeting. Since we have agreed on that, I hope, first of all, your side will bring forth some new opinions for this meeting.

COL HICKMAN: We agree with your concept of the mission of our staff officers' group in the resolution, so far as we are able, of those agreed principles that the sub-delegation reached

COL HICKMAN: (CONT'D)

during the preceding several days. We agree also in further exploration of those elements of Agenda Item 4 on which our sub-committee has thus far not achieved a solution. We believe that it is important to approach the resolution of problems confronting us as objectively and as dispassionately as possible, to the end that neither of us get involved in issues which do not contribute to the solution of our problems. For our part, we are going to do our best to discuss as fully and as frankly as possible each issue, all the tangents of each issue, to the end that we can both arrive at the best solution possible.

We are prepared this morning to give you the major portion of the wording of what you might call a counter-proposal of the United Nations Command Delegation. This new proposal of ours is what we choose to call a working draft for consideration by our two groups here in this tent. It is not at this point a formal proposal, and we reserve the right to make any changes in it from day to day, or from time to time, until we have reached an agreement, your side and our side in this tent, on some particular element of this proposal. This working draft represents a considerable departure from the previous United Nations Command proposal. It incorporates in many places much of the actual wording and many of the ideas presented in your recent counter-proposal. We have attempted to reflect the agreements reached by our two sub-committees during the past several days, as I indicated a moment ago. Our draft reflects the fundamental differences between our points of view on the question of voluntary and forced repatriation in our paragraphs 1 and 8 particularly, and possibly in certain related paragraphs. I suggest that for the present

COL HICKMAN: (CONT'D)

time at least, we take up only generally agreed to paragraphs of our proposal, omitting discussion of paragraphs 1 and 8 until a later time.

I should like to digress from my discussion of our proposal to bring up one point, and that is, so far as we are concerned, any time that Colonel Murray or myself are discussing ideas or matters with you across the table and you desire for clarity to interrupt, that is perfectly acceptable to us. We don't want to perpetuate a misunderstanding, owing to any delicacy about stopping us in order to make clear the points we are making. I would like to ask if such a procedure is likewise agreeable to you?

Our paragraph 10 covers civilian repatriation. It separates, as you did in your proposal, the problem of civilian repatriation from that of the return of the prisoners of war. This paragraph 10 we do not now have with us, as we are still attempting to iron out a few bugs in it, as we say, but we will undertake to deliver it later in the day by liaison officer if you like. If you do not care about doing that, we can bring it tomorrow. We also do not have available one additional paragraph which will be paragraph 11, which we may have later in the day or we may have to bring it tomorrow. I hand you two copies of our proposed armistice wording, paragraphs 1 through 9. We are prepared to stay or recess after hearing any comments that you now may have to make. (Hands Colonel Tsai copies of paragraphs 1 through 9. Paragraphs 10 and 11 delivered through security officer at 1600. For complete working draft, paragraphs 1 through 11, see Enclosure 1).

COL HICKMAN: (CONT'D)

Perhaps I had better make one more statement. We have set out in some detail our concept of how the joint Red Cross teams should be organized and should function. We have attempted to cover our understanding of our agreement reached on that subject yesterday, and we invite your attention particularly to paragraph 7 and our efforts to make the joint Red Cross teams perform humanitarian functions at the camps, for the prisoners of war while enroute between camps and exchange points, and at the exchange points themselves.

COL TSAI:

I have noted the draft you have submitted. I have not read and studied your draft, so I am not prepared to make any comments on that. Since our proposal on 3 February has already covered the results of the discussion of both sides held in the past days and also includes the ideas and opinions of both sides, I think it is proper to have our proposal of 3 February as the basis for the discussion on the details.

As your side has submitted a new proposal, I am willing and prepared to study both proposals by comparing them. As to the manner and procedure for the discussion, we think that we may start from the points where we have already agreed upon or from those where we are quite close to each other. Of course, there is no restriction on either side for them to bring up any main issues for discussion and study. We would like to maintain the necessary order in the discussion of the problems. However, we agree that it would be better for this conference to be in lighter circumstances, and we believe the staff officers' meeting should be proceeded in a light atmosphere, so that the conference may be developed much easier.

I would like to interrupt by asking two questions. First, what is the content of the eleventh paragraph of

COL TSAI: (CONT'D) your draft connected to? Second, is the eleventh paragraph of your proposal the last paragraph of your draft?

COL HICKMAN: I will answer your two questions first. It will be the last paragraph, and its content generally has to do with the reporting of prisoners of war who thus far have not been reported by either side. It would cover such individuals, for example, as people who recently were captured, former prisoners of war who escaped and have been recaptured. It would provide for a continuing report and handling of such individuals even after the armistice has been signed and becomes effective. I think, in general, that it will be non-controversial.

As to your proposal being the basis of discussion, we feel that your proposal of 3 February does not fully reflect the agreements reached nor the discussion had in the past few days, as does our proposal. You will find that in general we have followed your proposal paragraph by paragraph. We inserted number 8; therefore, your 8 and 9 become 9 and 10 in our proposal. In most cases, differences in wording are dictated either by our belief that our phraseology is better to express the same idea in our language than your translation, or changes are reflective of the agreements reached in the last few days, or by our view that in setting out additional details we feel will be helpful to the personnel of our two sides charged with carrying out the terms of the Armistice Agreement. We felt that the most appropriate way to comment on your paragraph 2, for example, was to reword it as we think it should be. So that in essence we have been using, have used, your proposal as a basis for discussion; and our draft represents our present view as to

COL HICKMAN (CONT'D) how your proposal should be amended.

In short, I think your proposal and our working draft are so nearly parallel as to constitute a combined document for discussion purposes. If you view our document in the light of it being comments upon your proposal, I believe we will achieve the fastest working arrangement for concluding our work in the staff officers' meeting.

One procedural question: Does your side prefer Chinese translation first, or shall we continue as we have been doing?

COL TSAI: When can we expect this afternoon the receiving of paragraphs 10 and 11 of your draft? I will send for them if they are available.

COL HICKMAN: I would say four o'clock for paragraph 10. I cannot promise 11 at that time. I will try to have it. Otherwise, I will have 11 tomorrow.

COL TSAI: Please give the paragraph or paragraphs available to the security officer of our side this afternoon. We will make a study of your draft.

I think the Korean and Chinese translation of your statement will be better maintained the same as it has been.

We propose to recess until eleven o'clock tomorrow morning.

COL HICKMAN: Colonel Murray would like to see Colonel Tsai right after the meeting. We agree to recess until eleven o'clock tomorrow morning.

Meeting recessed at 1205 hours.

OFFICIAL:

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR

H. M. BRIGGS,
Captain, USN
Secretary

Enclosure 1: United Nations Command Proposed Armistice Wording, Article III, Arrangements Relating to Prisoners of War.

PROPOSED ARMISTICE WORDING

ARTICLE III

ARRANGEMENTS RELATING TO PRISONERS OF WAR

Revised 7 February 1952

PROPOSED ARMISTICE WORDING

ARTICLE III

ARRANGEMENTS RELATING TO PRISONERS OF WAR

1. All prisoners of war in the custody of each side shall be released as soon as possible after this Armistice Agreement becomes effective. All prisoners of war so released shall be repatriated or shall be transferred to the other side except that there shall be no forced repatriation or forced transfer.

2. No prisoner of war now in the custody of either side shall, after release, be permitted or compelled to take further part in the Korean conflict.

3. Priority shall be given to the repatriation or transfer of the seriously sick and seriously injured prisoners of war. In order to provide medical care and attendance enroute, captured medical personnel shall, insofar as possible, be repatriated or transferred concurrently with the seriously sick and seriously injured.

4. Prisoners of war shall be transported to the exchange point(s) in groups as expeditiously as possible at a rate based on the capability of each side to effect delivery to and to receive prisoners of war from the other side. The Commander-in-Chief, United Nations Command, undertakes to complete delivery to the exchange point(s) of all prisoners of war in his custody within seventy-five (75) days after this Armistice Agreement becomes effective. The Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers undertake to complete delivery to the exchange point(s) of all prisoners of war in their custody within thirty (30) days after this Armistice Agreement becomes effective.

5. The repatriation or transfer of prisoners of war shall be effected at Pan Mun Jom. Other exchange points in the Demilitarized Zone may be selected by the Committee for Exchange of Prisoners of War, if deemed necessary.

6. A Committee for Exchange of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and

three (3) 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. This Committee shall be responsible, under the general supervision and direction of the Military Armistice Commission, for making and coordinating specific plans and for supervising the execution by both sides of all the provisions in this Armistice Agreement relating to the repatriation or transfer of prisoners of war. It shall have the mission of coordinating the timing of the arrival at the exchange points of prisoners of war from the prisoner of war camps of both sides; of making such special arrangements as may be necessary with regard to the transportation and welfare of seriously sick and seriously injured prisoners of war; of coordinating with the joint Red Cross teams established in paragraph 7; of coordinating with the Neutral Nations Inspection Teams referred to in paragraph 8; of effecting the repatriation or transfer of prisoners of war directed in paragraphs 3 and 4; of selecting additional exchange points as necessary; of arranging for security at exchange point(s); and of carrying out such other related functions as are required for the repatriation or transfer of prisoners of war.

When unable to reach agreement on any matter relating to its responsibilities, the Committee shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Exchange of Prisoners of War shall maintain its headquarters in proximity of the headquarters of the Military Armistice Commission.

7. a. Immediately after this Armistice Agreement becomes effective, joint Red Cross visiting teams composed of representatives of the Red Cross Societies of the Democratic People's Republic of Korea and the People's Republic of China on the one hand, and of representatives of national Red Cross Societies of countries contributing forces to the United Nations Command on the other hand, shall be established. The joint Red Cross teams shall assist in the execution of those provisions of the Armistice Agreement relating to prisoners of war by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war.



These services shall be performed at prisoner of war camps, along routes of movement of prisoners of war to exchange point(s), and at exchange point(s).

b. Joint Red Cross teams will be organized to function as set forth below:

(1) One team to function in the territory under the military control of the Korean People's Army and the Chinese People's Volunteers. Initially this team will be composed of twenty (20) members from the national Red Cross Societies of each side. A representative of the Red Cross Society of the Democratic People's Republic of Korea or of the Red Cross Society of the People's Republic of China shall serve as chairman of this team.

(2) One team to function in the territory under the military control of the United Nations Command. Initially this team shall be composed of twenty (20) members from the national Red Cross Societies of each side. A representative of a Red Cross Society of a nation contributing forces to the United Nations Command shall serve as chairman of this team.

(3) One team to function at the POW exchange point(s). Initially this team shall be composed of ten (10) members from the national Red Cross Societies of each side. The chairmanship of this team shall alternate daily between representatives from the national Red Cross Societies of the two sides. The work of this team and the utilization of its services shall be coordinated by the Committee for Exchange of Prisoners of War.

(4) The size of the several teams may be increased or decreased, according to requirements as may be jointly agreed by the Red Cross representatives through coordination with the Committee for Exchange of Prisoners of War.

(5) Teams visiting prisoner of war installations shall be composed of equal numbers of representatives from each side.

c. Each side shall cooperate fully with the joint Red Cross visiting teams in the performance of their functions. Each side shall provide for the logistical and administrative requirements of such teams operating in the area under its control. Each side shall allow the joint Red Cross teams:

(1) Access to data giving exact location of all of its prisoner of war camps and installations.

(2) To visit such camps and installations wherever situated, freely and at any time.

(3) To bring in and distribute, or supervise the distribution of relief supplies to prisoners of war.

(4) To interview prisoners of war.

(5) To render services necessary for the welfare of prisoners of war, while enroute to exchange point(s).

d. The joint Red Cross teams shall be dissolved upon completion of the program of repatriation of prisoners of war.

8. In order to insure that there is no forced repatriation or forced transfer, a Neutral Nations Inspection Team of six (6) members, functioning under the Neutral Nations Supervisory Commission, shall interview all prisoners of war at the point or points of exchange. The teams engaged in the performance of this function shall coordinate its activities with the Committee for Exchange of Prisoners of War.

9. Each side shall compile information regarding the name, nationality, rank and other identification data, date and cause of death, and place of burial of every prisoner of war who died while in its custody, and shall furnish such information to the other side, in writing, as soon as practicable, but not later than ten (10) days after this Armistice Agreement becomes effective.

10. a. All civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, and who, on 25 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they so desire, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to such former places of residence; and all civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean

People's Army and the Commander of the Chinese People's Volunteers, and who, on 25 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they so desire, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to such former places of residence. Both sides shall, however, reserve the right to restrict the resettlement of such civilians in vital defense areas and along vital communications lines. The commanders of both sides shall be responsible for publicizing widely throughout the territory under their respective military control the content of this provision, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return to their former places of residence.

b. All foreign civilians who are interned or otherwise held by the Korean People's Army or the Chinese People's Volunteers shall, if they so desire, be permitted and assisted to proceed to territory under the military control of the Commander-in-Chief, United Nations Command.

c. The repatriation of civilians outlined in sub-paragraph a above, and the movement of civilians contemplated in sub-paragraph b above, shall commence as soon as possible after this Armistice Agreement becomes effective. Maximum acceleration of this program shall be effected by both sides to the end that it will be accomplished with a minimum of delay.

d. A point at which civilians coming under the terms of this article may cross the Military Demarcation Line will be established in the vicinity of CHORWON.

e. (1) A Committee for Repatriation of Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) 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. This committee shall be responsible, under the general supervision and direction of the Military Armistice Commission, for making

specific plans and for supervising the execution by both sides of all the provisions of this Armistice Agreement relating to the repatriation of civilians. It shall have the mission of making necessary arrangements, including those of transportation, to expedite and coordinate the movement of civilians; of coordinating its activities with the activities of the Neutral Nations Interview Teams established by paragraph 10 f below; of selecting additional crossing points as necessary; of arranging for security at crossing points; and for carrying out such other functions as are required to accomplish the repatriation of civilians.

(2) When unable to reach agreement on any matter relating to its responsibilities or mission, the Committee shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Repatriation of Civilians shall maintain its headquarters in proximity to the crossing point at CHORWON.

f. (1) Each side shall be assisted by five (5) Neutral Nations Interview Teams in carrying out the repatriation of those civilians provided for in sub-paragraph a, above. Each Neutral Nations Interview Team shall be composed of two (2) officers of field grade appointed by non-combatant nations nominated by the Commander-in-Chief of the United Nations Command and two (2) officers of field grade appointed by non-combatant nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. These officers shall be appointed from the armed forces of the appointing nations.

(2) Neutral Nations Interview Teams, not to exceed five (5) in number, shall be stationed in the territory under the military control of each party to this agreement at adequately distributed interview points.

(3) Each Neutral Nations Interview Team shall operate under the supervision of the Neutral Nations Supervisory Commission, and shall coordinate its activities, as appropriate, with the Committee for Repatriation of Civilians. It shall make arrangements with the respective commanders for publishing its presence and purpose and shall interview all civilians who

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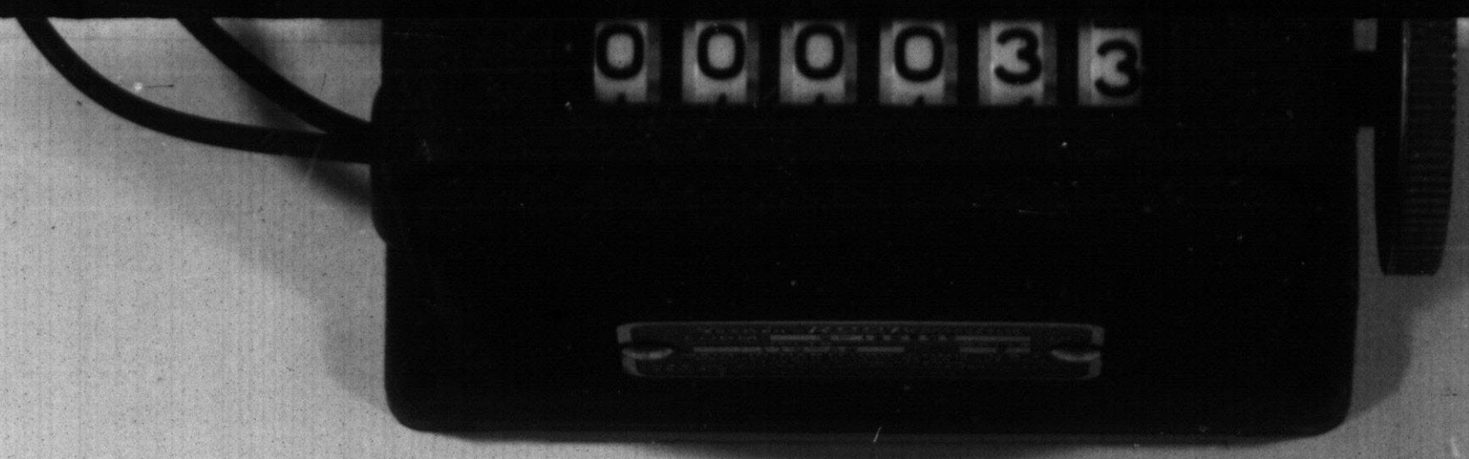
come before it who are affected by the provisions of this Armistice Agreement relative to civilians.

(4) Each Neutral Nations Interview team shall report promptly to the Committee for Repatriation of Civilians and the appropriate officials of the government in whose territory it is located the name of any civilian coming under the provisions of this Armistice Agreement who desires to proceed to the territory under the control of the other side, and the place of residence to which he desires to proceed.

(5) Each side agrees that it will cooperate fully with the Neutral Nations Interview Teams in the performance of their functions and that it will furnish such publicity and will make such logistical and administrative arrangements as may be necessary to assist the Neutral Nations Interview Teams, to expedite the process of interview, and to provide transportation from the interview points to the crossing point(s) in the Demilitarized Zone.

11. As soon as practicable, but not later than ten (10) days after this Armistice Agreement becomes effective, each side shall furnish to the other side complete data pertaining to persons who have been made prisoners of war since the effective date of the data last exchanged, and information as to changes in status of prisoners of war included in data previously exchanged. In addition, each side shall thereafter furnish to the other side on a continuing basis, through the Committee for Exchange of Prisoners of War, complete data concerning changes in status of prisoners of war awaiting release, concerning prisoners of war who return to the custody of the detaining side from the status of released or escaped, and concerning prisoners of war not previously reported.



NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

8 February 1952

SUBJECT: Second Meeting of Staff Officers on Details of Agreement of Agenda Item 4, held at Pan Mun Jom, 8 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF (PIO), COL J A Norell, USA, CDR G R Muse, USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, and Mr. C W Wu, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistant; Interpreter; and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: I have two mimeographed copies of our working draft which incorporates all eleven paragraphs of the matter which we presented yesterday and sent to your liaison officer at four o'clock. There are no changes except a few minor changes to eliminate inconsistencies in wording, no substantive changes.

COL TSAI: I have made a study of your draft as the time allows. On the basis of our proposal on 3 February, the sub-committee made discussion for several days during which several points have been agreed upon by both sides, and on some of them both sides have been quite close. My impression on the changes in wording, as well as what you have added in your draft, is that it seems that those you presented in your draft are a little bit more apart than it was in the discussion. However, I feel that I'm willing to discuss item by item, not definitely to be according to the order of the paragraphs.

On the basis of our proposal and with your working drafts for reference to make further exploration, and at

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COL TSAI: (CONT'D) the same time to have our proposal and your draft for comparison, I think will be helpful. Certainly you will understand that we cannot consider the first paragraph of your draft which has something to do with your objection to our principle of unconditional release and repatriation of all prisoners of war, as well as the paragraph 8 of your draft which is provided to support your stand expressed in paragraph 1.

Now, I would like to request Colonel Hickman to have a look on the second paragraph in our proposal as well as your draft. First, in the second paragraph of your draft you use the phrase "after release" to substitute for the phrase we use in our proposal, "after being repatriated". Before we proceed to discuss, I would like to have you explain what is your inference and intent in using the phrase "after release".

COL HICKMAN: Let me explain two points at this time. Number one, we felt it unnecessary to include in the Armistice Agreement the repetition of the term "both sides agree", because our commanders, when they sign the Armistice Agreement, will be agreeing to all paragraphs. Therefore, unless it became necessary to specifically point out in one paragraph something pertaining to one side or both sides, our working draft eliminates the expression "both sides agree" from each paragraph. To explain the term "after release" I need to refer for a moment to paragraph 1 in our working draft. The first sentence of our first paragraph calls for all prisoners of war to be released as you contemplate in your first paragraph. Of the prisoners of war whom we hold, there are two groups. One is made up collectively of members of the Chinese People's Volunteers and of the Korean People's Army.

COL HICKMAN (CONT'D)

The second group are the ones we have referred to as Republic of Korea nationals. In this first group, those under our principle of voluntary repatriation who would be returned to you, these we consider to be repatriated. Of the second group, those who choose to go to your side we consider would be transferred. We are attempting to preserve thusly, in our first paragraph, the correct meaning of the term "repatriation". Therefore, whenever we use the word "transfer", we are referring to the turning over to your side of residents of South Korea whom we hold as prisoners of war.

Now to paragraph 2. We have attempted to include in our paragraph 2 the applicability of parole to all prisoners of war, whether repatriated or transferred, or released without repatriation or transfer. We feel, therefore, that it is unnecessary to refer in paragraph 2 to only the parole of the prisoner of war who is being repatriated or transferred, since both sides agree that all prisoners of war shall be released. We have used the term "release" to cover all prisoners of war, and our present wording would adequately cover the parole feature whether we have voluntary repatriation or forced repatriation. We recommend the use of the term "release" as eliminating any controversial term and thereby permitting both your side and our side to adopt the parole feature without controversy so far as the term "release or repatriation" is concerned.

COL TSAI: According to your explanation, I understand that you put your conception of your objection to the unconditional release and repatriation of all prisoners of war in the second paragraph of your draft. I feel that in order to facilitate and expedite our work, we have to use the wording in the provisions satisfactory to both sides so that agreement in

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COL TSAI (CONT'D)

that paragraph can be reached. Otherwise, I would like to remind you that if there is any conception of your objection to the unconditional release and repatriation of all prisoners of war, no agreement can be reached in that paragraph.

You certainly understand that our side submitted the proposal of 3 February because we attempted to eliminate the unfounded pretext of your side of saying that the repatriation of a large number of prisoners of war to our side would increase our military force. We made the second paragraph of our proposal to eliminate such pretext of your side and that was a big concession of our side. Now, according to your explanation, the release would not amount to repatriation and those who are released would not definitely be repatriated, thus how can we agree on this point? Now, let us leave that point for the moment.

In the second paragraph of your draft you use the wording "no prisoners of war shall be permitted or compelled" and we use the wording "both sides agree to insure". We think that both sides agreeing to insure that all their repatriated captured personnel shall not take part again in acts of war is quite adequate. We think your wording, "no prisoners of war shall be permitted", actually has already included the meaning of "no prisoners of war shall be compelled to", and the wording "to insure that all the repatriated captured personnel shall not take part again in acts of war" actually has included the meaning that "no prisoners of war shall be permitted or compelled to take further part in acts of war".

You use the word "or" between the terms "shall be permitted" and "compelled". We would like to explore a little bit more on the use of that word. Do you mean that no prisoner of war shall be permitted, or that no prisoner of

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COL TSAI: (CONT'D) war shall be compelled to? Now, suppose some prisoner of war wants to take part in the acts of war voluntarily, he might be able to do so. We think that such wording of yours is quite ambiguous. If you have any explanation on this point, I would like to hear it.

COL HICKMAN: In the first part of your discussion I believe you were really discussing paragraph 1 more than paragraph 2. Our intent in the use of the term "release" in our paragraph 2 was to secure a term that would be agreeable to both sides because we feel that it eliminates either concept of repatriation held by our two sides. The term "repatriation" cannot properly, we think, be used to describe the delivery to your side of prisoners of war whose residence is in South Korea. Therefore, the term "repatriation" would not be all-inclusive and we think, therefore, that we can use the term "release" and thus satisfy the understanding of both sides on parole without involving a controversy over our basic disagreement.

Now, to discuss "to insure" versus "permitted or compelled". Our intent is that the prisoner of war after his release shall neither be permitted nor compelled to take further part in the Korean conflict. We intend by the word "permitted" to cover a denial of further service in the war for an individual who volunteers. We intended by the word "compelled" to place a restriction on utilizing one of these released prisoners of war who might be subject to a draft or conscription or whatever type of non-voluntary service an army might employ for service therein. We believe that beginning our sentence with "no", making it "No prisoner of war", makes our sentence not have the gap or lack of coverage for the class which you mentioned a few moments ago.

COL HICKMAN: (CONT'D)

"No prisoner of war being permitted or compelled", in our view, is the same as saying "a prisoner of war shall neither be permitted nor compelled". (At this point United Nations Command Interpreter advised Colonel Hickman that such a distinction could not be illustrated in Korean or Chinese.)

It appears that all of our differences are not basic differences of disagreement, but we have language differences as well.

Let me summarize this point by saying that we believe that by our phraseology the word "insure" is implied because we have covered the two groups, the voluntary or the conscripted, in our phraseology. We agree that insurance should be had. However, in writing our draft wording, as I indicated earlier, we eliminated the phraseology "both sides agree" and in thus rewriting this second paragraph it was difficult to work in the actual word "insure". Our intent is to insure. We believe our phraseology accomplishes that intent.

COL TSAI: I feel that the wording "to insure" would be more formal and solemn than the other wording. As for the different characteristics in different languages, I think that is a question easy to be solved. As to your assertion that there are two groups of prisoners of war which you mentioned repeatedly today, I think we have different concepts and our side cannot agree to your assertion. However, to argue on this point in the discussion of the second paragraph would slow down our procedure in the discussion here. As to the wording "repatriate" this word itself includes the meaning of delivering to the other side. It has always been so used in all the past wars when the armistice was concluded or when

COL TSAI: (CONT'D) the war ended, because the only basis which can be used for the determination of the repatriation of the prisoners of war before they are repatriated is their army designation. With respect to the insurance by the commanders of both sides provided in paragraph 2 of our proposal, the insurance can only be made after the repatriation has been accomplished by both sides and the insurance can only be effective after the repatriation has been accomplished by both sides. When the prisoners of war are still in the prisoner of war camps of the other side, how can the commander of this side make such insurance? Now let's leave this question for the moment.

I would like to ask another question. In our proposal, in the second paragraph we use the wording "shall not take part again in acts of war"; and in the second paragraph of your draft you used the wording "no prisoners of war shall be permitted or compelled to take further part in the Korean conflict." Here I noted the difference of the "acts of war" and "Korean conflict" and ask you a specific question as to which wording you would prefer to use: "in acts of war" or "in acts of war in Korea". Although both sides exchanged views in the sub-committee about this question, yet, in order to make sure, I would like to ask your opinion about this specific question.

COL HICKMAN: "In acts of war in Korea" is more nearly, as I see it, to reach the agreement made in our sub-committee, in preference to "in acts of war". We think parole is applicable only to the current conflict , but we believe the word "repatriate", if it is going to be used in a formal document such as an Armistice Agreement, should have the connotation of the word in normal use in dictionaries. If its connotation is to be

COL HICKMAN: (CONT'D) restricted, then it should be defined in the document. We think that the word "repatriation" means resettlement or placing the prisoner of war in a position to be resettled in his own country or area. It is to preserve that accuracy of phrasing that we have included, in addition to "repatriation", the term "transfer" to provide for the sending to your side of prisoners of war whom we hold whose homes are in South Korea. We submit that there is one common denominator for all prisoners of war, that of release. After release of those who are to be either repatriated or transferred, the other side immediately assumes control. Therefore, it appears to us that the word "release" adequately solves our problem in this paragraph 2. If the term "release" is acceptable to you in this connection, we will undertake to rewrite our paragraph 2 to get in the term "insure" which you have employed and to eliminate the words "permitted" and "compelled" which we have employed.

COL TSAI: Because your side has been consistently maintaining to separate the release and repatriation of the prisoners of war, while our side has the concept that release and repatriation should go together, and your side has the concept that those who are released would not definitely be repatriated, we here, on account of this basic disagreement, cannot agree to the phrase "after release". However, the word "repatriation" means the captured personnel of our side should be returned and delivered to our side after armistice, and the captured personnel of your side should be returned and delivered to your side after the armistice; that is the content and meaning of "repatriation".

Primarily it would be proper and correct to do so after

COL TSAI: (CONT'D) the armistice. However, in order to eliminate your assertion and pretext of saying that it would increase our military force, our side proposed to insure by both sides that the prisoners of war after being repatriated shall not take part again in acts of war in Korea. If your intent and understanding of this paragraph is the same as we hold, then we may say that we have reached an agreement about the content of paragraph 2. However, I must point out that the wording of this paragraph must be the appropriate wording suitable to this content. If you have no other comment about the second paragraph, I think that we have already exchanged our opinions regarding the exploration of this paragraph. Of course, this is not to say that we have no disagreements of our opinions on this paragraph, because we still have the difference in wording of "repatriation" and "release", as well as some other differences existing in the wording of this paragraph. However, I think that if you agree, it would be more appropriate for us to enter into discussion of the third paragraph.

COL HICKMAN: I agree.

COL TSAI: With the same reasons as I have expressed in discussing about the meaning of the word "repatriation", I think that in comparing the third paragraph in your draft with the third paragraph in our proposal, the usage of the wording in your paragraph, "or transfer", is not necessary. If your side is willing to delete such a phrase, I think there is no other disagreement between us regarding this paragraph. Of course when I said that we have no other disagreement on this paragraph, it is only for the purpose of exploration that I expressed the complete agreement, because I believe

COL TSAI: (CONT'D) such agreement on the basis of exploration would expedite our work here and it does not mean that we have been in complete agreement with every word. Certainly we will reserve the right to make the final revision of the wording in the paragraph.

The above statement I made will be applied to any agreement or disagreement which I may express in the future discussion.

COL HICKMAN: We agree to Colonel Tsai's last statement about accepting the tentative wording as not being binding against any changes thereafter.

As to the point of difference in paragraph 3 expressed in your non-acceptance of the words "or transfer", we have here a difference which is not involved in our basic difference of voluntary versus forced repatriation. I am not being really serious when I say that we can agree to the deletion of the words "or transfer" if you agree to give up any claim that you may have to the prisoners of war we hold whose home is in South Korea. But, as we indicated earlier this morning, we think the problem of releasing to your side prisoners of war whom we hold whose homes are in South Korea, whether there be voluntary or forced repatriation, requires a different word for sending to you these prisoners from South Korea than for returning to you those from North Korea or from the Chinese People's Volunteers. It would be most helpful in the interest of expediting our common acceptance of this particular paragraph if we could find any one word to take the place of both "repatriation" and "transfer". Have you any suggestions on that score?

COL TSAI: You say that you are not very serious in speaking about our giving up the claim or not giving up the claim. I believe that you understand and know my stand. I do not quite understand the middle part of the statement you just made. If you are willing to, I would like to hear some explanation of it.

COL HICKMAN: We consider that "repatriation" is the appropriate and applicable word for the return to the other side of those prisoners of war whose homes may be reached through the process of returning them to that other side.

For example: For you to repatriate a Turk, it is appropriate for you to return him to our side and permit us to complete the process of repatriation by sending him back to Turkey. If however, one of the Turks whom you captured decided that he would like to fight on your side, and did, and we recaptured him, and we then decided after the armistice had been concluded, the Armistice Agreement had been reached, that we were willing to let this Turk go to your side, we consider that that process of sending the Turk to your side would not be repatriation. Instead, we would transfer him to your side. I use that example to illustrate our belief of the need to make our paragraph 3 accurate in covering the repatriation to your side of the North Koreans and the members of the Chinese People's Volunteers as differentiated from the sending to your side by transfer of the prisoners we hold whose homes are in South Korea. From the standpoint of phraseology the delivery of such persons to your side could be said to be expatriation rather than repatriation. That is, a settlement away from their homes rather than a return to their homes. I want to reiterate

COL HICKMAN: (CONT'D) that I am not here talking about the question of choice, it is a question of their going to your side.

I would like to digress and take up a minor administrative matter. I suggest that we plan, as a matter of routine, to recess for lunch daily somewhere between one o'clock and one-thirty. Is that agreeable to your side?

COL TSAI: I think it would be more practical for us to determine whether we should have a lunch recess or whether we should proceed with discussion in the afternoon every day according to the actual discussion going on. In other words, if one side feels that it would prefer to continue discussion in the afternoon, then we may recess and hold the meeting in the afternoon. Or, if one side feels that there would not be any result in the afternoon discussion, then we may recess until the next day. For such consideration we will agree to the lunch recess for today if your side wishes.

COL HICKMAN: I agree with that. I was not attempting to say that we must always meet in the afternoon, and of course if necessary we can refrain from having lunch, as far as that goes, as a matter of convenience. However, if we are going to have a session which is going to last four or five hours during the day, we would prefer to break the session in order to get lunch around one o'clock, if that is agreeable to your side.

COL TSAI: Now let's return to the points mentioned in your statement.

It has been our consistent concept, in the discussion of the releasing and the repatriation of all prisoners of war after the armistice, that the personnel of our forces should be returned to our side and the personnel of your forces should be returned to your side; and all must be determined in accordance with the army designation and only

COL TSAI: (CONT'D) in accordance with such principle can unnecessary entanglements be avoided. As to the statement you made this morning, I think the arguments are still circling around the so-called voluntary repatriation, and as to this, you are aware we cannot consider it.

What I ask you here is whether your side would agree to delete the phrase "or transfer". If it is agreeable to your side, then we think the third paragraph will be satisfactory to both sides in principle. I must point out that the wording of the third paragraph of your draft gives more difficulty than the third paragraph of your previous proposal and, in comparison with the third paragraph of our proposal, I think the third paragraph of your draft has the wording less proper and the meaning less explicit.

COL MURRAY: With respect to the words "repatriate" and "transfer", there are several scholars on your side. They will recognize that "patria" is a word of Latin origin which means land or area of one's home. To repatriate is to return to the land or area of one's home. One is repatriated by returning to his home, not by going away from it. Thus, the use of the expression "repatriation" to describe the movement to your side of persons whose homes are in South Korea is utterly inappropriate. And it is for this reason that the word "transfer" has been used in our draft along with the word "repatriate". This has nothing to do with the question of voluntary repatriation versus forced repatriation. Should you desire to use one word in lieu of the two, we could use the word "transfer" as applicable to all persons and it does not have the connotation of returning to the area of one's home which is associated with the word "repatriation".

COL TSAI: We are not here to discuss the original meaning of an isolated word. We are here to discuss the specific meaning of a word in the specific provisions. In such understanding, I do not find much use for those experts in languages. Now we are discussing the question of the prisoners of war. The prisoner of war is a military person of one side who fell into the hands of the other side during the hostilities. To those persons, repatriation means to return them to the side where they previously belonged.

I thought that we had reached agreement in the sub-committee when we were discussing the third paragraph of our proposal in the sub-committee, because at that time your delegate only raised the point about the word "priority" and the word "wounded". He expressed some opinion about the use of these two words. Our delegate stated that it was only a question of translation and it was quite adequate in the Korean and Chinese languages to use the word "priority" and the word "wounded". After our side gave the answer, as I said, both sides agreed to this paragraph. Now your side has revised the wording. Thus it increases the dispute between us.

I think the best way for us to settle this point is to adopt the third paragraph of our proposal. I think that is quite sufficient and adequate, and I believe both sides have already agreed upon it. Since your side maintains that the original word "wounded" should be translated into another word "injured" as you mentioned, we can agree to that.

A matter which can be most easily agreed upon by both sides is that if your side desires to have lunch, according to your routine, we will agree.

COL HICKMAN: We accept it without prejudice to continue the discussion of paragraph 3.

COL TSAI: How about 2:30?

COL HICKMAN: That's all right.

Meeting recessed at 1340 hours.

Meeting reconvened at 1430 hours.

COL HICKMAN: How would the word "exchange" to replace the words "repatriation" or "transfer" suit to settle this present difficulty?

COL TSAI: We will consider it before we express any tentative agreement on the basis of exploration.

COL HICKMAN: All we are seeking to do here is to make the wording what we consider to be correct; we are not attempting to involve any element of voluntary or forced repatriation.

I suggest then that you pass on to the next paragraph, or whatever subsequent paragraph you care to discuss.

COL TSAI: We would like to have a look on paragraph 4 of our proposal as well as that of your draft.

Regarding paragraph 4 of your draft, first of all I have to point out that obviously there is quite a big difference between your paragraph and the understanding reached in the sub-committee. We think that we cannot agree in principle to the respective different time limits provided for each side. We believe that it is adequate for both sides to have the same time limit of two months for the completion of the repatriation of the prisoners of war. Of course, both sides should do their best within the over-all time limit to complete the repatriation of the prisoners of war as soon as possible. In the wording of your paragraph, you use the phrase "to complete delivery to the exchange point" to substitute for the wording of "shall be repatriated in groups"

COL TSAI: (CONT'D) in our wording in paragraph 4. I do not know how you understand the practical problem when you say so in your wording.

COL HICKMAN: We would like to have some discussion, some explanation, of what you mean by the term "shall be repatriated in groups" in your paragraph 4. I didn't clearly understand that in the sub-committee meeting the other day. You may have a further explanation of it.

COL TSAI: We consider that the meaning of "repatriation in groups" is simple. It is so provided on the basis of the questions regarding the administrative questions arising in carrying out the procedure of repatriation.

I think we may either take our side or your side as an example. Suppose we take your side for an example. Your side will have to consider transportation, logistical, and administrative questions. On our side we will have to consider transportation, logistical, and administrative questions, as well as the actual situation of the scattered localities of various prisoner of war camps. Considering all the conditions of our side, we suffered a larger degree of damage to our transportation conditions. On your side, you did not suffer so much damage to the transportation conditions on your side. We also cannot be sure of how much we can improve or better our transportation conditions within a certain period after the armistice. Therefore we should make our plan for repatriation on the basis of the over-all time limit, the specific conditions in transportation, and the logistical realities, as well as the extent to which the transportation can possibly be restored. Such plan would design how many can be repatriated in the first ten days, how many in the second ten days, how many in the third ten

COL TSAI: (CONT'D)

days, etc. That is the meaning of "in groups" as we mentioned in our proposal.

According to the present conditions of our side as to transportation and the logistical realities, it is impossible for us to deliver to you all the prisoners of war just in one batch. As to how many prisoners can be repatriated in each group, that depends on the changes in the transportation conditions, as well as the different locations of the prisoner of war camps. For instance, we may deliver those in one prisoner of war camp as one group and those in another prisoner of war camp in another group. When I made the explanation by giving the example of every ten days, such example was only used for the convenience of explanation. Moreover we do not mean we will not try to utilize effectively all the transportation and the logistical conditions. And, in fact, we hold that we should try to complete as soon as possible the repatriation within the over-all time limit.

As to the situation of your side, although you may have better transportation and logistical conditions, I believe it is also impossible for your side to deliver more than 100,000 prisoners of war in just one batch. The two months over-all time limit proposed by our side is made on the basis of the real situation of both sides, as well as the existing difference of the logistical conditions of both sides, and such over-all time limit should have the same binding on each side.

COL HICKMAN: We agree that both sides should do their utmost, their best, to deliver prisoners of war as fast as possible; consistent, of course, with their welfare. We believe that the delivery

COL HICKMAN: (CONT'D)

should be orderly with the daily groups turned over and received at Pan Mun Jom to be of a size that can be handled by both sides. We anticipate that the Prisoner of War Committee would make arrangements with both sides for daily deliveries wherever possible, with a more or less even flow of prisoners of war on a daily basis. We had in our original proposal no particular time limit but used the principle of maximum acceleration of the program of exchange. We are not unwilling to employ a time limit feature, but we felt from discussion by your delegate that the limit of two months was set by you as the limit which you understood from our informal remarks represented our time limit for the completion of our part of the program. We find now that we should have a margin of safety of about 15 additional days in order to insure ourselves and you that we can complete the process of exchange, with proper care and attention being given to the safety and welfare and comfort of the prisoners of war being transported to your side. For example, as one of our means of transporting prisoners of war from our camp on the island in the southern part of Korea to the port that is nearest to Pan Mun Jom we may use some of our ships called LST's. We have received representations from the International Committee of the Red Cross that our planned number of prisoners of war which we could have transported on these LST's was too great for the welfare and comfort of the prisoners of war of your side that we hold. This has slightly upset our calculations in this regard in order to comply with this humanitarian observation by the International Committee of the Red Cross. If practicable and possible, we shall turn over to your side, well within

COL HICKMAN: (CONT'D) any time limit established, the prisoners of war to go to your side. We just feel now that two months is not a figure we can, with absolute certainty, meet. If we can deliver your prisoners to you in 45 days we shall do so, unless that short a time is too fast for you to receive them.

What is the size of the group, the maximum size, which your side could receive from us in one day? Do you anticipate that by the term "groups", as used in your paragraph 4, there may or should be groups of different sizes delivered by our two sides, one size for you to deliver to us, one size for us to deliver to you? It is our understanding, from statements made by your side during our sub-committee meetings, that with your appraisal of the transportation and logistics problem confronting you, you could deliver within 30 days all of our prisoners of war whom you hold. We attempted to reflect in our paragraph 4 that understanding of your capacity to deliver people of ours that you hold and our capacity to deliver to you the people that we hold.

The disparity in numbers of prisoners of war held by the two sides is well known to all of us. The difficulties of transportation and logistics are reasonably well understood by us and our difficulties in transportation of over a 100,000 prisoners of war are well understood by you. We understand your problem of mutuality in the Armistice Agreement, but we feel that there is nothing unilateral about expressing a different time limit for delivery of differing numbers of prisoners of war.

COL TSAI: In the first place, I must point out that the capability for repatriation and the capability for receiving are different. According to the present conditions on our side, our

COL TSAI: (CONT'D)

capability of repatriating the prisoners of war is smaller than that of receiving the prisoners of war, because the capability of repatriating the prisoners of war is more limited by the transportation conditions and the scattered locations of the prisoner of war camps, and the capability for receiving the prisoners of war can be increased by arranging some nearer locations for receiving and settling them.

The main question for us to consider here is the question of the capability of repatriation by both sides. Since the transportation conditions of both sides are different, as well as the number of prisoners of war to be repatriated are not equal, we believe that the number of the prisoners of war to be delivered and the number of prisoners of war to be received daily cannot possibly be equal.

Taking into consideration the situation of the prisoner of war camps of our side, which are scattered in different localities, the number for each group will not be definitely equal. For instance, suppose there are only 500 persons in our Prisoner of War Camp #10 and there are 1,000 persons in our Prisoner of War Camp #9. We do not think it is necessary that we should take an average and send the prisoners of war in each group containing 750 persons, because by so doing we will not reduce the administrative problems but instead we will increase the troubles in administrative arrangements. If we take the method of increasing the difficulties, then it will result in an inefficient usage of the means of transportation instead of the effective usage of the means of transportation.

As for the over-all time limit, we have taken into consideration the difference of the number of prisoners of war

COL TSAI:
(CONT'D)

held by both sides, the difference in the transportation conditions, the difference in the logistics of both sides, and the difference of the locations of the prisoner of war camps of both sides. Therefore we believe that the over-all time limit of two months is made objectively. We are here considering the question of a specific matter, therefore, we should consider the specific conditions concerning the specific matters and we cannot make a general estimation and make any decision. We did not set the time limit for 45 days although once your side stated in the sub-committee discussions that your side would be able to complete the repatriation process within forty-five days. Our side preferred to set the over-all time limit as two months because we made this not by a general estimation. Likewise, our side made a general estimation that we might be able to complete the repatriation within thirty days. However, since there are many conditions involved and we have to make specific considerations and we do not have the absolute certainty of completing this process within thirty days, therefore we set the time limit for two months because, for example, we cannot make any accurate estimation about how fast we can improve and restore our transportation conditions after the armistice.

Generally speaking, both sides have agreed to an over-all time limit, and with this over-all time limit the Committee for the Repatriation of Prisoners of War will be able to plan and supervise the carrying out of the repatriation of the prisoners of war within the over-all time limit and endeavor to expedite it as fast as possible. However, we believe that to set different over-all time limits for each

COL TSAI: (CONT'D) side is in no way acceptable. We believe that this is the question of a principle which should be observed in the armistice negotiations.

COL HICKMAN: Well, are you willing to state that, regardless of any time limit set, your side will complete delivery of all prisoners of war short of that time if you are able to do so?

COL TSAI: It is an understanding by both sides in the sub-committee that both sides should complete the repatriation within the over-all time limit as soon as it is practical. However, there is a condition that we set the over-all time limit and we should realize and accomplish the repatriation within the over-all time limit. If we set the time limit for one day, one day time limit, neither your side nor our side could make any assurance for the completion of repatriation within that period.

COL HICKMAN: You have been unable to estimate, I take it, a rough daily estimate of delivery of the prisoners you hold to us. I understand your problem from the examples of 500 and 1,000, and I would like to know in your planning if you have any rough daily average that it will be possible for you to attain.

COL TSAI: That is involved in specific planning. Such planning can only be made in compliance with the over-all time limit and by consulting the logistical and transportation organs concerned on both sides. I think when we are discussing this question it would be better for both sides to give more consideration to the transportation conditions and the necessary time limit on the part of its own side and not to just make inquiries about those of the other side.

If you are continuing to be more interested in these

COL TSAI: (CONT'D) of the other side, I regret that probably your side is still holding or considering the principle of the so-called one-for-one, and, if so, I do not think it will be very helpful in the discussion. Our side has considered our conditions and also the conditions of both sides. After considering the conditions of both sides we proposed the over-all time limit of two months and I think you are quite aware of this fact. I sincerely suggest that you carefully consider this question.

Now I would suggest that we recess until eleven o'clock tomorrow to continue the discussion of these questions.

COL HICKMAN: Tomorrow I understand there is a plenary session which will meet at ten o'clock. I suggest, if we both find out when we return to our respective bases that that be true, that we set our meeting for tomorrow at fifteen minutes after the recess of the plenary session, whatever hour that may be.

One other thing. I would also appreciate an answer to our question as to the practical limit, if there be any such limit, on the number of the prisoners of war that your side may receive from us so that we may re-examine our ability to deliver. I would like to say that we need to make plans also for the reception for the prisoners of war when you return to us and it is for that particular reason that we would like to know the average daily rate we can expect from you.

We agree to recess, if fifteen minutes after the plenary session recesses tomorrow is agreeable to you.

COL TSAI: Since it is hard to estimate how long the plenary session will take, how about in this way? We will consult each other after the plenary session as to when we shall meet

COL TSAI: (CONT'D) again, because I believe both of us will attend the plenary session.

COL HICKMAN: That's agreeable.

Meeting recessed at 1605 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.


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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

9 February 1952

SUBJECT: Third Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 9 February 1952.

Representatives present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF (PIO), CDR O W Spahr, Jr., USN, CDR O Jacoby, USNR, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, and 1st LT T F May, USA, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, COL Chang Pom, NKA, Staff Assistants; Interpreters and Stenographers.

Meeting reconvened at 1025 hours

COL TSAI: Do you have anything to say about the fourth paragraph of our proposal and the fourth paragraph of your draft?

COL HICKMAN: Only that what we are attempting to do in our paragraph is to set forth the capability of each side to deliver, as expeditiously as it can, the prisoners of war in its custody. We feel that it is not out of line with our concept of including, as completely as possible, in the armistice agreement the understandings reached by our two delegations. We do not feel that there is involved any element of unilateral treatment of the problem of exchange inasmuch as we have so many more prisoners of war to deliver to your side than you have to us. We would also like to have, when you have the information available so that we can use it in our logistical planning for reception and transfer of prisoners of war, the maximum daily rate at which your side could receive prisoners of war turned over by us to you, and also the average estimated daily rate of delivery by your side of our people to us. Other than that, we are willing to go forward to the discussion of subsequent paragraphs.

COL TSAI: I believe that I made myself clear yesterday that we cannot agree in principle that there should be two time limits provided for the two sides. As to the capability of our side to receive the prisoners of war, I think your side does not have to worry, because I believe we have many ways to handle it. I believe that both sides are willing to complete their repatriation as soon as possible within the over-all time limit and the number of those to be repatriated daily by our side will depend on many conditions. We can make the estimation on several conditions but we cannot make the estimation on some other conditions at present. Taking the transportation conditions for consideration, it all depends on what extent our transportation will be affected by your operation at the time when the armistice agreement is reached. That, today, I cannot make the estimation. It also depends on how fast we can restore our transportation conditions after the armistice agreement becomes effective. As to this, I also cannot make any accurate estimation. However, I feel that according to the estimation on the basis of the worst conditions, I believe that we can complete repatriation within the over-all time limit. Of course, we will try to complete repatriation within this over-all time limit as soon as possible. Through the discussion of yesterday and this morning on this question, I believe my understanding is not completely unfounded that your side still holds the concept of one-for-one. That being so, I think that to continue to discuss this paragraph would not be very economical in time, so I would like to discuss paragraph 5 of our proposal.

COL HICKMAN: I wish to make one remark before going to paragraph 5. You object in principle to there being a shorter time limit to your delivery of our people than is involved in our delivery to you of the prisoners of war we hold. Yet you appear to feel that there is no inequality involved in our delivery at a greater rate per day on the average than your average delivery to us. We are definitely not seeking any one-for-one element. We do feel that both sides should deliver as fast as they can but neither side should retain any prisoners of war, once the agreement to exchange has been made, beyond the capacity of that side to deliver and the ability of the other side to receive.

COL TSAI: The concept of all for all stems from the concept of equality, because, in fact, both sides cannot capture the same number of prisoners of war at the same time in any warfare.

Now, let us go to paragraph 5, if your side agrees.

COL HICKMAN: I agree, but I also wish to state that both sides cannot repatriate necessarily an unequal number of prisoners of war in the same time.

COL TSAI: In paragraph 5 , Pan Mun Jon is established as the place for the handing over and receiving of prisoners of war by both sides. I think that on this both sides have agreed. Here again we encounter wording on which we need the linguists to make a study. However, I would like to pass it over for the time being. Do you agree on this?

As to the question of increasing the places for the handing over and receiving of the prisoners of war, do you think that the provisions should be made in this paragraph or in paragraph 6?

COL HICKMAN: We believe that it would be better in both places. The way

COL HICKMAN: (CONT'D) we have it set up, the committee has the authority to select additional places and it seems to us appropriate to note that authority in the one separate paragraph which is devoted to the subject of transfer or exchange points. The entire paragraph concerning such points would thereby be complete without having to refer to paragraph 6 for the contingency of additional exchange points if they become necessary.

COL TSAI: I do not think it is a big dispute between us. We will consider it. We agree to stipulate provisions of selecting additional places for handing over and receiving prisoners of war. We think that the provision will be that the Committee for the Repatriation of the Prisoners of War may select additional places for handing over and receiving prisoners of war when they consider it necessary and reach an agreement between both sides. The name of the committee appears for first time in this article in your paragraph. We consider that it would be more appropriate to use the name of the "Committee for the Repatriation of the Prisoners of War" as the name of this committee. What is your opinion?

COL HICKMAN: We believe that here is involved the same problem of phraseology which we spent so much time on yesterday. As to the connotation of the word "repatriation", we feel that in the interest of getting ahead we should bypass the discussion of the name of the committee and resolve that issue at a later time when we reach agreement on mutually acceptable wording to describe the transfer or turning over of the prisoners of war. I suggest, then, that we table this discussion of the name of the committee until that later date,

COL HICKMAN: (CONT'D) if such is agreeable to you.

COL TSAI: I suggest we enter the discussion of paragraph 6 now.

COL HICKMAN: We agree.

COL TSAI: We agree that the committee shall be composed of six officers of field grade; three of them will be appointed by your side, and three of them will be appointed by our side, and this committee will carry out its work under the over-all direction and supervision of the Military Armistice Commission. The over-all function of this committee is to be responsible for specially planning and supervising the execution of all the provisions in the Military Armistice Agreement relating to the repatriation of prisoners of war. We agree to this. Although there are still some questions about the wording, we prefer that we bypass them for the moment. Both sides have the same opinion that if this committee is unable to reach an agreement on any matter connected with its mission, the committee shall refer such matters to the Military Armistice Commission for decision and this committee shall be located in proximity to the headquarters of the Military Armistice Commission.

If the specific functions of the committee are to be stipulated, we feel that there are advantages, also there are some disadvantages. If the detailed, specified functions of the committee are stipulated in detail, the advantage is that there will be less disputes when the committee is carrying out its functions. However, on the other hand, we are here today discussing this question across the table and we cannot fully anticipate what will happen in the future, especially about any particular or specific matters. We

COL TSAI: (CONT'D) consider that if we make the stipulations in too much detail, that might put more restrictions on the committee for the carrying out of their functions. We hold this view about the question of the stipulations of the specific functions of the committee. Therefore, I think that if we make the provisions on the basis of what we have agreed, it would not affect or harm any details presented in your draft, and, in fact, most of those detailed stipulations in your draft have been already included in the over-all function, as I stated before. If you agree to this point, I think we will not have much dispute over this question.

COL HICKMAN: We feel that there is much to be said in your general statement that if you specify some particular points as duties for an agency or a committee, and do not specify all points, a serious problem of the authority of this agency or committee may later arise concerning some unspecified element. We also feel it important that this committee be able to go into operation rapidly. And since the committee will itself be confronted with an organizational problem, we feel it would be helpful to specify certain specific functions which we, across the table, can readily anticipate. We consider that we have provided a saving clause in the last two lines of the first section of our paragraph 6 which adequately protects against the possibility of the exclusion of unspecified matters, in spite of the fact that we have specifically set out particular duties and obligations and authorities of the committee above that saving clause.

In our sentence which sets out the specific missions of the committee, we could, for further emphasis on the point that you raised, add the words "among others" after

COL HICKMAN: (CONT'D) the word "mission". Also, we hold no particular brief for the completeness of the specific missions which we have set out. If there is any question on your part as to the details which we have specified, or if you wish to add any we haven't thought of or delete any which you feel may be unnecessary, we can no doubt agree quickly on such points. There are procedural matters for the most part which we have included in this specific mission portion of our paragraph 6. In short, it is our considered view that the setting out of specific details which your side or our side can anticipate will facilitate the efficient operation of the committee and will override the disadvantages which, we agree, exist to some extent in the objection which you raised.

COL MURRAY: To take a practical illustration, a question which will arise immediately is that of establishing and supervising the security at the exchange point. The question would arise in this form: "Is this the responsibility of the Exchange Committee acting under the Armistice Commission or is it the responsibility of the Armistice Commission?" Any delay in determining the organ which was responsible for this might result in delay in initiating the exchange of prisoners.

COL TSAI: I made the previous statement of my opinion of this question in attempting not to harm the mission function of the committee set out in the over-all stipulation, and at the same time attempting to make us solve this question easier. From your statement I understand that your side likes to have the details stipulated. Before I express any agreement to this question, I wish your side would give us any practical illustration and any explanation about this provision.

COL TSAI: (CONT'D)

There are eight clauses in this sentence where you stipulate the mission of the committee. In order to help me to consider all those provisions, could you give us the practical illustrations and explanations about all the clauses, one by one, except one of the clauses which is connected with paragraph 8 of your proposal? That clause in connection with paragraph 8 is the one which I do not like to consider.

COL HICKMAN: I understand. In the first clause, the coordination of the time of arrival at the exchange points of prisoners of war from the camps of both sides, we feel that it is necessary that the committee obtain information from both sides as to the numbers of prisoners of war expected to arrive on, say, the following day, for turning over to the other side in order that necessary arrangements for the reception of those numbers can be made. The determination of the hours at which increments of that daily group will arrive at the exchange points is a matter which the committee will need to find out from our two sides and pass such information on to the opposite side. If the people on our side charged administratively with transporting your people to the exchange points should bring, say, 5,000 prisoners of war to Pan Mun Jom at four o'clock in the afternoon, I am sure it would be most difficult to have them accepted that day by you and to complete the checking of prisoner of war rosters or whatever method of identification may be adopted for the actual transferal from one side to the other of prisoners of war. It will be the duty, as we see it, of this committee to prevent any untoward, inefficient incidents from occurring, as exemplified by the example which I just gave. There is, I believe, no doubts in the minds of either of us that the

COL HICKMAN: (CONT'D)

committee has this coordination job to perform. We think spelling it out will make the committee immediately aware of the necessity of taking care of the orderly arrival of prisoners of war at the exchange point.

As to the next clause, making special arrangements for the seriously sick and the seriously injured, we think that the committee should find out from both sides the time of delivery of seriously sick and seriously injured prisoners of war, and the number of patients requiring special treatment or requiring special transportation, such as ambulances or other suitable vehicles for transporting patients who are not ambulatory. The committee could obtain information from both sides as to the numbers of seriously sick and seriously injured expected to arrive at the exchange point on a particular day, and would be able to notify the opposite side of this information so that doctors and even nurses might be made available by the receiving side to care further for individuals who needed such care and attention as would be furnished by these doctors and nurses. Again we say that these details should be taken care of by the committee without our pointing them out. We believe especially for the beginning phases of prisoner of war transfers it is important for us who have devoted some time to thinking about this problem, to put into the agreement the specific missions so as to prevent their being omitted from consideration by the committee.

Now to the next clause, the duty of the committee to coordinate with the joint Red Cross teams. Although we have not yet discussed the contents of our paragraph 7 dealing with Red Cross teams, there is implicit in your proposal

COL HICKMAN: (CONT'D)

the concept that Red Cross teams, or the activities of Red Cross teams, will include not only visits to prisoner of war camps, but also the performance of services for prisoners of war at the exchange point. We know that it will be the duty of the committee to arrange for the orderly conduct and efficient execution of the plans for the turning over and receiving at the exchange point of prisoners of war held by both sides. Included in this orderly process must be the humanitarian and welfare activities of the joint Red Cross teams at the exchange points. The humanitarian and welfare activities of the joint Red Cross teams must be tied in with the orderly processing of the prisoners of war, conducted under the direction and supervision of the committee. Where and at what places this welfare work may be performed by the joint teams will require coordination. We feel that it is an item of sufficient importance to call it to the attention of the committee in the Armistice Agreement.

We will omit discussion of the clause referring to paragraph 8, and my colleague, Colonel Murray, will discuss the remaining clauses concerning the specific missions of the committee.

COL MURRAY: In discussing the fifth function we will disregard the specific words, "repatriation and transfer," used to describe the handing over of the prisoners of war. This fifth function is the most basic task for which the committee is established, that is, the actual handing over to the other side and receiving from it of the prisoners of war.

As for the sixth function, that of selecting additional exchange points if necessary, we have already reached

COL MURRAY:
(CONT'D)

agreement in principle that this function shall be the duty of the committee.

The seventh function is the establishment of security at the exchange point(s). I have already discussed this to some extent. Security at the exchange points must be established before we can begin exchanging prisoners of war. However, in the absence of an agreement between us here that this is a responsibility of the exchange committee, a question will arise as to whether this is to be a function of the exchange committee or some other agency to be set up by the Military Armistice Commission. There is little question that eventually this will be resolved in favor of the exchange committee inasmuch as it should have clear-cut control of the entire process of turning over the prisoners of war at the exchange points. However, the armistice commission itself will be getting organized in the period following the signing of the armistice and it will have many other questions before it. Thus there might be some delay in getting a resolution to this problem. This could result in delay in the delivery of prisoners of war. Rather than risk this, we feel that it is desirable to decide here and now that the security at the exchange points be the responsibility of the Committee for the Exchange of Prisoners of War.

The eighth section of this sentence is not a function but a general prudential clause. It provides that all other functions not specified but related to the mission of the committee are the responsibility of the committee. In view of Colonel Tsai's previous remarks in this connection, I think he recognizes the need for this provision.

COL TSAI: Your explanation on paragraph 6 is helpful for us to consider it, and we appreciate it. Regarding this paragraph, there is a question about the name for the committee. We would like to know whether you have any objection on the name of this committee beside the reason you raised yesterday about the meaning of the word "repatriation"?

COL HICKMAN: No. None at all.

COL TSAI: Do you agree that we can continue with the discussion of paragraph 7?

COL HICKMAN: We agree.

COL TSAI: With respect to paragraph 7 of your draft, first of all I think that there is no necessity for having such detailed stipulations. Our side agrees that the joint team will be composed by the Red Cross Societies of both sides. We consider that the mission of the joint team is to visit the prisoner of war camps of both sides and to assist in the handing over and the receiving of prisoners of war by both sides at the exchange points. Among its missions, the chief mission is to assist the repatriation. I agree that there will be three joint Red Cross teams. One team will visit the prisoner of war camps of our side. One team will visit the prisoner of war camps of your side. And the third team will assist in the handing over and the receiving of prisoners of war at the places where they are to be handed over and received.

Before I express my opinion about the question of the number of the members of the teams, I would like first to ask you to give me some illustration and explanation about the sentence in sub-paragraph c of this paragraph. The sentence reads, "Each side shall provide for the logistical

COL TSAI: (CONT'D) and administrative requirements of such teams operating in the area under its control." Particularly, I would like you to illustrate what you mean by logistical and administrative requirements?

COL HICKMAN: What we had in mind there was that transportation and lodging or a place to stay, the opportunity to get food, etc., would be furnished by the side in which the particular team was operating. Here again let me say it is the question of the need for a speedy organization. If you object to any of the particular features which we have incorporated in this paragraph 7, we can discuss and change them. We feel, however, that the more details we can develop now, the more effective this agency will be, especially in the early stages of its operation. Its operation at best, or at the longest, will be fairly short, so that if it is to be effective, it is important that it begin knowing what it is supposed to do and also knowing that each side understands our agreement reached here as to what the team can do for it.

We think it important to keep in mind that these teams will be composed of people who, for the most part, will not have worked together before. The individual members will not be, by training and experience, qualified in the matters of initiative and the taking of aggressive action that normally are present in members of the military service. Anything we can do to set out more completely for them their mission, we believe, will be helpful in permitting them to perform the services which both of us have agreed in principle we wish them to perform.

We are not at all convinced that what we have set out

COL HICKMAN (CONT'D): in our paragraph 7 represents the best solution to this problem and we solicit your earnest endeavors in presenting anything for our mutual consideration which will enable these newly-formed Red Cross Teams to accomplish the mission that your side and our side both desire that they perform. We think if there be error in putting too much or too little in the armistice agreement pertaining to their activities, we should err on the side of putting in too much.

COL TSAI: Does your side agree to have three teams: one visiting the prisoner of war camps of our side, one visiting the prisoner of war camps of your side, and one assisting the repatriation at the places where the prisoners of war are being handed over and received?

COL HICKMAN: I would like to ask one question first. Do you have any objection to the teams that are on your side and on our side being broken up into sub-teams in order they may visit more than one camp at one time? For example, a portion of the team on our side might be located during a particular period at the island of Koje-do, and the remainder of the team might at the same time be at Pusan, where, in general, we have our prisoner of war hospital facilities located.

COL TSAI: That is a question of the specific working procedure of the teams. I would prefer that we would leave this question to be settled by themselves through negotiations.

COL HICKMAN: My point is that we think it would be desirable, if possible, for all the camps to be visited by the team perhaps all at the same time, if the maximum benefit to the prisoners of war -- to all prisoners of war -- is to be obtained from the use and visits of the teams. We would like to be able to specify more fully than we have that it is understood

COL HICKMAN: (CONT'D) that sub-teams may be formed out of whole teams in order that more than one camp may be visited at one time.

Then there is one other angle involved in the splitting up of teams that we have in our paragraph 7 and that is the performance of welfare work by the joint teams for the prisoners of war en route from the camps to the exchange point. We would like for one team on your side and one team on our side to be able to perform welfare functions for groups of prisoners moving to the exchange point. Do you object to that feature of our proposal? For example, there might be accompanying one LST, one of our ships bringing a load of your people from Koje-Do to the port nearest Pan Mun Jom, a sub-team of one of your Red Cross and one of ours to perform whatever welfare work they could during that trip. Similarly, a sub-team of the Red Cross team on your side might accompany a convoy of yours moving our people from, say, your Camp #6 to the exchange point.

That is all I have on this point at this time, I suggest we resume our discussion on this point at two o'clock, if that is agreeable to you.

COL TSAI: Our opinion about the seventh paragraph is that if we substitute the Red Cross Societies of your side for the International Committee of the Red Cross and also add the composition of the three joint Red Cross teams to the seventh paragraph in our proposal, then the seventh paragraph would be quite adequate.

I have noted the questions raised by you just a moment ago. Any questions involved in the specific working procedure of the teams would be better to be solved by themselves. However, we will consider it. As for the question

COL TSAI: (CONT'D) of the teams accompanying the prisoners of war en route to the places where they are to be handed over. I do not think such accompanying will be necessary because administrative and logistical needs of these teams will have to be helped and solved by the side where they are working. So if they are going to accompany the prisoners of war en route to the places where they are to be handed over, I think it would actually increase the difficulties. In fact, one side has to be fully responsible for the welfare and security of those prisoners of war who have not been handed over to the other side as well as those who are still on their way to be handed over to the other side.

I am sorry that I would like to have further exchange of opinions regarding the seventh paragraph so that we may have more understanding of this paragraph, and that may delay the recess. Or if you prefer, we will continue discussion and then recess until tomorrow. Do you agree?

COL HICKMAN: Yes.

COL TSAI: I would like to ask a question. Your side suggested that each side would appoint twenty members to form the team. I would like to know on what basis your side suggests this number of twenty members and also what kind of persons these twenty persons will be.

COL HICKMAN: In general, we made the committee large enough to permit the creation of sub-teams, especially on your side where you have a great number of prisoner of war camps, and as I say, to permit sub-teams to visit at the same time each camp and also accompany, say, with a sub-team of two people, each train or convoy, or whatever method or device you may use to bring the prisoners of war to the exchange points.

COL HICKMAN: (CONT'D) On our side, we included the same number of individuals for the team; in the first place so as to preserve equality, in the second place to provide a sufficient number of people to perform welfare services for the many thousands of prisoners of war we hold, to visit the two camps that we have, and to accompany the trains or ships or convoys which we will use in bringing your people to the exchange point.

COL TSAI: May I interrupt?

COL HICKMAN: Yes.

COL TSAI: I did not raise any objection as to the number of members of either side on the team. I was only asking what kind of persons those twenty members are. Does each side have to furnish the interpreters and drivers, etc., or are those interpreters and drivers included in the twenty members?

COL HICKMAN: No, I don't believe they are. We gave our best estimate of the numbers needed, but aware of the fact that we were perhaps only guessing as to the need in terms of numbers, we included our paragraph 7b(4) which authorizes the increase or decrease based on the need. As to the type of individuals on the teams, as we visualize it, they would be personnel or professional members of the Red Cross Societies of the particular nations concerned. Perhaps from ten to twenty per cent might be doctors. We can undertake to provide also drivers and interpreters and even arrange for vehicles, I think, if you believe that would be advisable. By drivers and interpreters I mean actually getting people with those qualifications from those Red Cross Societies.

COL TSAI: I have stated my over-all comment about this paragraph and I think that the five sub-paragraphs of the detailed stipulations in your draft are not necessary, and if we can

COL TSAI: (CONT'D) delete them, it would be better. As to the number of members of each team, that is, twenty members of each side to form the team to visit on our side, twenty members from each side to form a team to visit on your side, and ten members of each side to form a team to assist at the places where the prisoners of war are to be handed over and received, if your side holds that such provisions are proper, our side agrees to it.

I think that we have exchanged our opinions regarding this paragraph which has made the basis for both sides to make detailed consideration, and I suggest now that we recess until tomorrow and that we contact each other after the recess of the plenary session tomorrow about when to resume our meeting.

COL HICKMAN: We agree.

Meeting recessed at 1346 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

10 February 1952

SUBJECT: Fourth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 10 February 1952.

Representatives present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF (PIO), CDR O W Spahr, Jr., USN, LT COL A M Butler, USA, LCDR O F Griffin, USNR, and LT C W Brickle, USNR. Staff Assistants; LT H G Underwood, USNR,and 1st LT T F May, USA, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, COL Chang Pom, NKA, Staff Assistants; Interpreters and Stenographers.

Meeting reconvened at 1305 hours

COL TSAI: Do you have anything to say about paragraph 7?

COL HICKMAN: Nothing further at this time.

COL TSAI: Do you think it is necessary to stipulate about the relief supplies in the paragraph regarding the Red Cross visiting groups?

COL HICKMAN: We would like to have the opportunity to distribute relief supplies, as far as our side is concerned. If there is any way to secure that right other than putting it in here, we are not especially concerned about the form that it is in; but we choose this method of indicating that we feel that these relief agencies should be given the opportunity to make the distribution, or supervise the distribution, of relief supplies.

COL TSAI: We think that when the prisoners of war are in the prisoner of war camps of either side, that side has the responsibility to take care of their food, clothes, and those things which are necessary to them. Since the prisoners of war are going to be directly repatriated after the armistice, we consider that it is not necessary to bring in the relief supplies and to distribute the supplies to them.

There is another point about the detailed stipulations in your draft about the Red Cross teams. We feel that that point must be pointed out--that you stipulate that the Red Cross teams would

COL TSAI: (CONT'D) visit the prisoner of war camps to conduct the interview with the prisoners of war on a private basis. Besides, such teams are mainly to furnish services to assist the repatriation of the prisoners of war, so as to reduce any possible difficulties and to increase the convenience in repatriation.

As to the location of the prisoner of war camps, both sides now have the information about the location of the prisoner of war camps of the other side. If there is any change it will be duly informed to the other side. Also the joint Red Cross teams are formed by the representatives of the Red Cross Societies of both sides. Certainly one side will inform the Red Cross Societies of its own side of the information of the location of the prisoner of war camps. Therefore, we believe that it is not necessary to make such detailed stipulation about the location of the prisoner of war camps.

One of the functions of the joint Red Cross teams is to visit the prisoner of war camps of both sides. Because this function has already been stipulated in its over-all function, here we do not believe it is necessary to make another specific stipulation. Furthermore, since the establishment of such teams is to assist the repatriation of the prisoners of war and not to hinder the repatriation of the prisoners of war, the question of when the teams will go visit the camps, or to which camps they are going to visit, all depends on the specific conditions at that time. For instance, if at that time a certain prisoner of war camp has already been in the process of repatriating the prisoners of war, we believe that it would not be necessary for the teams to visit that camp. Thus, we believe that the specific stipulation in the sub-paragraph c(2) of your paragraph 7 is not necessary. If we make another specific additional stipulation like that, it would mean some especially organized visits to the camps.

COL TSAI: (CONT'D) On the basis of the reasons I have given above, we suggest that the provisions of the sub-paragraphs from c(1) to c(5) of your paragraph 7 should be deleted. By so doing, we believe it would not affect the efficiency of the work of the teams concerned.

I brought up this opinion to you yesterday for your consideration. I would like to know what your opinion is about that.

COL HICKMAN: We consider that the role of the joint teams is primarily one of welfare, with the added feature of assisting, wherever possible and practicable, in the actual implementing of the over-all exchange program. You will recall, of course, the request made by our side to secure the entrance into your prisoner of war camps by the International Committee of the Red Cross. Your Commanders, in answer to a letter from our Commander , finally proposed a combination of national Red Cross people of your side with the International Committee for the Red Cross. From that correspondence, there have developed agreements now between our two sides for joint teams composed of members of national Red Cross Societies. There is generally spelled out in the Geneva Convention the normal activities of representatives of relief societies who visit prisoner of war camps. We attempted to set out those provisions, feeling that your side, as well as ours, had the idea of welfare and morale of the prisoners of war in mind in connection with visits of the ~~joint~~ Red Cross Teams. As we indicated yesterday, we feel it desirable, on account of the fact that the personnel of these joint teams will be participating in a new field for most of them, to set out in as much detail as seems possible, and to acquaint the teams with the scope of their activities that we, both sides, expect the teams to accomplish.

We can certainly give favorable consideration to dropping our sub-paragraph c(1) and possibly c(4) as being unnecessary. On the others, we think some recognition of those duties on the

COL HICKMAN: (CONT'D) part of the teams is desirable. Perhaps not necessarily in the form in which we have set it up.

We agree with you competely that it is the responsibility of the capturing side to furnish necessaries to the prisoners of war in its custody. We see no reason, however, for denying the furnishing of certain supplemental material as would be helpful in maintaining or raising the spirits of the prisoners of war even more than the basic necessities furnished by the capturing side. We see no major reason why visits to prisoner of war camps by personnel from joint Red Cross teams should interfere at all in the orderly processing and preparation for journeys to the exchange point. One of the most productive features of the visits of these Red Cross teams will be the presence of sympathetic representatives whom the prisoners of war can see and talk to, even for a short time, and from whom they receive certain supplemental supplies which they may not have seen for a long time.

COL TSAI: I have noted your explanation of the detailed stipulations.

We have objection to paragraph 8 of your draft, and, if you agree, we would like to go over paragraph 8 of our proposal and paragraph 9 of your draft.

COL HICKMAN: We agree.

COL TSAI: We agree in principle to paragraph 9 of your draft. However, we think that the wording should be in the way as we stipulate in our paragraph, which is more preferable and realistic. If you have any opinion about this paragraph, I would like to hear it. If you do not have anything to say now, I would like to proceed to discuss paragraph 10 of your draft.

COL HICKMAN: We have noted your statement and we will consider whether we have any basic objection other than the one voiced by Admiral Libby when we were discussing this on sub-committee level.

I have one statement to make concerning our working draft: that is that we believe that our paragraph 11 should become para-

COL HICKMAN: (CONT'D) graph 10 and our paragraph 10 should become paragraph 11, in order to have the first ten paragraphs all deal with prisoners of war and the last paragraph with civilians.

One question before leaving our paragraph 9 and your paragraph 8. Does your objection to our wording center around our elimination of the phrase "both sides agree", or to your inclusion of specific elements set out to be reported to the other side?

COL TSAI: We will discuss later about the wording of this paragraph. Mainly, I think that the stipulation in your draft is too much in detail. Both sides, without any doubt, should try to furnish all the data required as completely as possible. We may review the exchange of data between us, for instance, such as the serial number of each prisoner of war and the rank of each prisoner of war. Some of the prisoners of war do not have serial number or a rank. Some of them do. Some of them forgot it. Some of them do not want to furnish the information. Therefore, it is impossible to have such complete data of every prisoner of war. Both of us must have known that our side, in the past, has furnished the data as much in detail as we can, even though we were not so required. Thus, we believe that with fewer stipulations as to data, we can furnish data in excess of stipulations rather than have to furnish data which will be unsatisfactory.

We both know that there have been many quite big changes about the prisoner of war camps of our side, such as the change of the localities of the prisoner of war camps, and those changes are quite frequent. We are willing to furnish the data for those prisoners of war who die in captivity in as much detail as we can . However, we cannot guarantee that we can furnish complete data for each one, as you know what the actual condition is. For instance, there may be such cases where a prisoner of war was buried in a place and later a bomb was dropped on that place.

COL TSAI: (CONT'D) It then is very hard for us to identify this place or to find the original place of burial. We are all military men and we know the fact that three one-ton bombs would be quite sufficient to change the terrain features of a certain place. There is also such changes of terrain features as occurred last summer and autumn around the prisoner of war camps along the Yalu River when there were floods. I believe that Colonel Butler also knows that it has been difficult for us to identify the location of the new site of Chang Chun, which is located along the Yalu River, because there has been a flood there and because of change of the terrain features. I do not mean to say that we are not willing to furnish the detailed data to your side; we are willing to furnish the detailed data as much as we can. And we believe that if we make much detailed stipulations about the data required, it would be impossible for us to furnish the data about those prisoners of war who were buried in the places which were washed away or bombed later. And if we have such detailed stipulations as you suggested, we would be unable to observe the stipulation and we would be charged with not being able to observe the agreement.

COL HICKMAN: One remark only. We agree with and recognize the validity of Colonel Tsai's statement. We feel that we should set out the data that we should like to get, and then have some such expression as "in so far as practicable" to provide for the failure of either side to furnish the full information. We suggest that we both consider the rewording of this paragraph with that thought in mind. We understood, from a statement by General Lee, that your expression "other related data" had the same information in mind, in so far as it was practicable for each side to furnish it, as our phrase "date and cause of death and

COL HICKMAN: (CONT'D) place of burial".

We think that our wording, setting forth what should be furnished if practicable, would eliminate any question as to what was desired in so far as it was practicable to furnish it.

We are ready to proceed if you are, to discussion either of our paragraph 11 or paragraph 10, whichever you prefer.

COL TSAI: Let's discuss paragraph 11 of your draft, according to your suggestion. We do not have such a corresponding paragraph in our proposal, so I would give my comments in connection with the wording of your paragraph.

We agree that in so far as practicable and as soon as possible, but no later than ten days after the Armistice Agreement becomes effective, that both sides should furnish the supplementary data for those prisoners of war captured after the date of the exchange of data of prisoners of war, as we have done. However, in paragraph 11 of your draft there are some other additional stipulations which I do not quite understand. Will you please give me some explanation.

COL HICKMAN Do you have reference to the first sentence or the second sentence, or both, for explanation? Is it the last clause of the first sentence?

COL TSAI: Would you first explain about the part in the first sentence, "information as to changes of status of prisoners of war included in data previously exchanged"? Explain this first, please.

COL HICKMAN: Let's suppose that on 10 February we exchange all the complete data which we have been talking about for a long time. That has been done. Let's suppose that in that exchange on 10 February our side indicates an additional capture of 900 of your people. Let's suppose that that makes the total prisoners of war that we

COL HICKMAN: (CONT'D) hold 133,000. Let's suppose that the armistice is signed and becomes effective on 1 March. Now then under our paragraph 11, by 11 March we would furnish you not only additional prisoners of war captured, say 100, but we would also furnish you with any changes that may have occurred among the 133,000 previously reported. Those changes might be 40 deaths and 16 escaped. That is what we mean by information on changes of status of prisoners of war included in data previously exchanged.

COL TSAI: Will you please continue to explain those stipulations after this clause?

COL HICKMAN: We are now at 11 March when we make our first supplemental report. Thereafter, each side could acquire prisoners of war in two ways. In general, first, by their being finally processed in the base prisoner of war camp, and second, by recapture of a prisoner of war who had escaped. Those two elements would be increased. To the first group should be added the capture of soldiers who may be within the area of the other side, originally captured after the effective date of the armistice. For example, one of our fliers who had crashed might have been hiding in the hills in your area and not be captured until after 11 March. This would be an addition to your prisoner of war list. And then changes could occur in the group waiting to be returned, changes by death or escape, even after the armistice had been signed. This paragraph is designed to furnish our two sides with late information, and it provides for the continuing reports because of the fact that following the end of a conflict there are always individuals from the other side that are loose in the area of the belligerent and who, when they hear about the end of the war, turn in. It is not unreasonable to suppose we will have a fair number of those incidents after our armistice is signed.

COL TSAI: I find in this paragraph the wording "changes in status." Is there any meaning other than what you have explained?

COL HICKMAN: There is no intention to have included there anything other than the changes which have taken place among the body of prisoners of war represented by escapes and deaths.

COL TSAI: I have noted your explanation. There may be some points which are not clear to us owing to the translation difficulties. If there is anything we are not clear, we will bring this up with you.

Now, let us look at paragraph 9 of our proposal and paragraph 10 of your draft. Both sides have agreed in principle that after the Armistice Agreement is signed civilians displaced owing to the war shall be assisted to return home. Both sides have agreed in principle that the supreme commanders of both sides shall be responsible for publicizing widely the above agreement and to mandate the related civilian administrations to give necessary guidance and assistance to all the above-mentioned civilians who wish to return home. With respect to the question of the returning of the foreign civilians, we agree in principle to your suggestion in the paragraph. However, we think it still needs consideration by our side, as to whether this matter should be stipulated in this paragraph and, if it should be stipulated in this paragraph, what should be the proper wording. We also agree in principle that after the signing of the Armistice Agreement the movement of the above mentioned civilians should begin as early as possible.

We agree in principle that an organ to assist the return of the civilians be established after the armistice, and this organ is to carry out its work under the supervision and direction of the Military Armistice Commission. We also agree in

COL TSAI: (CONT'D)

principle that such an organ will be formed by two officers of field grade appointed by each side.

We also agree in principle to the relationship between this organization for the return of the civilians and the Military Armistice Commission. That is to say, if the organization for the return of the civilians is unable to reach agreement on any matter related to its mission, this organization shall refer such matter to the Military Armistice Commission for decision.

Many questions regarding the wording are involved here. We would like to study such questions later.

With respect to paragraph 10 of your draft, I find it necessary to bring forth the following comments. In your provisions it is stipulated that both sides shall reserve the right to restrict the resettlement of such civilians in vital defensive areas. We do not think such stipulation necessary, because when these civilians return to one side then that side which receives them should be responsible for these civilians, and the other side does not have to interfere in any such matters. So in this sense, we think that such stipulation here is not necessary.

As to the stipulation that these civilians should not resettle along the vital communication lines, we think that such a stipulation is unreasonable. If their homes were originally there it would be unreasonable to restrict them not to resettle there. Of course this is the matter to be dealt with by each side itself. But we think that if such stipulations are to be made it will be unreasonable, and therefore, it is better not to have such stipulations made in the Armistice Agreement.

We consider that the organ for assisting the return of displaced civilians shall be located in the proxinity of the

COL TSAI: (CONT'D) Headquarters of the Military Armistice Commission. Because only by doing so, will this committee be in a better position to carry out its work, as well as to receive supervision and direction from the Military Armistice Commission. Your side suggests that the cross point of the displaced civilians crossing the military demarcation line should be in the vicinity of Chorwon. Before we consider this point, we would like to know under what understanding your side suggests this locality. How do you assume the condition to suggest this point?

COL HICKMAN: We felt, in the first place, that we should not complicate the area around Pan Mun Jom by having both civilians and prisoners of war being processed along the same north-south axis. We felt that the crossing of civilians and prisoners of war should be separated geographically. Chorwon suggested itself as the next best north and south route of communication, and it also was even more centrally located for the crossing of civilians than is Pan Mun Jom. General Lee stated to us that civilians displaced on your side were generally scattered throughout the area of North Korea. We are willing to discuss any other site or sites which you may advocate in this connection.

I have a few remarks concerning your statement about the restriction in the defense areas which I will either give now or wait till later, as you prefer.

Our reservation of the right to restrict resettlement was made necessary by our adoption of your general concept of returning displaced civilians to their former residence. You will recall that our former proposal provided for the return of displaced civilians who desired to return, to proceed only "to territory under the military control" of the other side. In order for the United Nations Command to contract with your side to

COL HICKMAN: (CONT'D) return individuals to their residential area, if they wish to go, we need this stipulation to indicate that incertain vital instances we cannot carry out that contract. We think your side needs the same stipulation. We think it is due and owing to the displaced civilian to whom the contents of our agreement will be made known, so that he is aware of this potentiality; namely, that it is possible that he may not be permitted, on returning home, to stay there if his home is in a vital defense area. The right of each side to restrict resettlement in this regard was agreed to in our sub-committee meeting. In fairness to the individual civilian, we think it should be included in the Armistice Agreement. Moreover, without regard to the rights of the individual civilian, we consider it necessary to place in the Armistice Agreement the right of the commanders to make this restriction. Without such a reservation, the commanders could be considered to be obligated to return a civilian to his former residence, even in the defense area.

As to the restriction along communication lines, we will give further consideration to that point.

COL TSAI: In sub-paragraph f of your paragraph 10, there is the provision for the Neutral Nations Interview Teams. In this sub-paragraph you have five points stipulated therein. Our side completely cannot agree to that paragraph. We have spent a great deal of time in discussing this question. I believe that your side understands very well our stand towards this question. When you have put these stipulations regarding this question, it is just like the Oriental expression "drawing a snake and adding feet to it".

COL HICKMAN: We recognize that our sub-committee had not reached an agreement in principle on this point. We recall well the discussions we

COL HICKMAN: (CONT'D) had on this subject. However, our side, at our last sub-committee meeting, had requested your side to reconsider this matter. We still feel that a guarantee or safeguard is highly desirable. We wish that your side could propose some other alternative that would be acceptable to you, and which would accomplish the purpose which we have in mind.

COL TSAI: We have expressed many times our opinion regarding this question. I do not think we should spend too much time discussing this. However, in order to exchange opinions broadly, I recall that Admiral Libby stated in the sub-committee meeting that your side prefers to have a safeguard, even if it is unilateral. I would like you to make some explanation of that statement, if you can. But I want to assure you that our side in every way considers that such stipulations are not necessary.

COL HICKMAN: I think that what Admiral Libby had in mind was unilateral action by the United Nations Command in attempting to secure some neutral agency to conduct, in the area of our side, interviews designed to insure the opportunity of your displaced civilians on our side to express a desire to go home, and get that information transferred to the Civilian Repatriation Committee. That is all I have on that point.

I should like to give you a small change; in the last sentence of paragraph 10a -- that's old 10a -- a change which will make for better clarity. Change the word "provision" to "sub-paragraph". That change merely makes it clear that we are talking about publicizing the entire civilian repatriation program rather than merely the preceding sentence.

COL TSAI: If you do not have anything more to say, I suggest we recess until the adjournment of the plenary session tomorrow.

COL HICKMAN: We agree.

Meeting recessed at 1652 hours.

OFFICIAL:

H. M. BRIGGS
Captain, USN
Secretary

AUTHENTICATED:

HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR



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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

11 February 1952

SUBJECT: Fifth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 11 February 1952.

Representatives present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF, (PIO), COL J A Norell, USA, CDR G R Muse, USN, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR and 1st LT T F May, USA, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, COL Chang Pom, NKA, Staff Assistants; Interpreters and Stenographers.

Meeting reconvened at 1245 hours

COL HICKMAN: Have you any suggestion as to how we can proceed from here, or have you any other question or points to bring up concerning our search through the paragraphs of our two proposals for areas of agreement or disagreement?

COL TSAI: If you have anything to say, I would like to hear it.

COL HICKMAN: We have now spent several days in going over the differences between our two most recent proposals. As I conceive it, our mission is to bring back to the sub-committee a document which represents, so far as possible, our combined views on the staff level, and sometime soon we should begin the finalizing of the wording of those paragraphs concerning which we agree. Do you wish to begin that today?

COL TSAI: We have exchanged our views inasmuch as possible about the two proposals. We find some differences in the wording, and also we found some disagreements on some particular questions. I think that when we have solved the differences in principle, it would be much easier for us to solve the differences in wording. After study and discussion during the last few days, we have expressed our

COL TSAI: (CONT'D) opinion as to any points which we can agree to in your draft. There are also the points in your draft where we do have slight differences. We also expressed our tentative attitude toward those points.

I believe that under such conditions, if we go into the discussion of the question of the wording immediately, it would only delay the settlement of the main differences between us. I would like to hear your statement about your attitude toward the solution of those differences, if your side is willing.

If we draft any stipulations containing those questions which we have not agreed upon and forward such draft to the sub-committee, probably the sub-committee would not be able to solve that either; and if the sub-committee could not solve these questions on the basis of our draft, then I think we may say that the staff officers of both sides have not done their best. Of course, you may understand that if your side has any suggestion, during the exchanging of our opinions, about any specific suggestion of the wording of any paragraph at any time, our side is quite ready to consider it.

COL HICKMAN: We are more than willing to take part in any mode of operation on our staff officer level to present to our sub-committee our best efforts. We agree with you that a resolution of all possible differences between our two sides is important to achieve as early as we can. I would like to check with you an estimation of the principal differences now remaining for us to reach agreement or a definite disagreement on, and see if you wish to add or take from any difference which I shall give in this list.

COL HICKMAN: (CONT'D)

First, and undoubtedly foremost, is voluntary versus forced repatriation, which difference appears in our paragraph 8, and sprinkled very lightly in our paragraph 6.

Second, one specified time limit for exchange of prisoners of war versus the 30 and 75 day limits, all appearing in our paragraph 4.

Third, the term to apply to the delivery, or exchange, or repatriation, or transfer of prisoners of war from your side to our side and from our side to your side. This difference appears in several paragraphs — 3, 5, 6, and perhaps one or two others.

Fourth, our concept of including specific details, especially in paragraphs 6 and 7 and possibly in paragraphs 9 and 11, the new 11, versus your concept of general, rather than specific, terms.

Fifth, the safeguard versus no safeguard, in our paragraph 11.

Sixth, you have also objected to the phraseology of our paragraph 2.

Seventh, you consider it unreasonable to restrict resettlement of civilians along routes of communications in our paragraph 11.

Have you any comment to make now on my summarization of our differences?

COL TSAI: Generally speaking, the main difference between both sides is whether there should be so-called voluntary repatriation of the unconditional release and repatriation of all prisoners of war.

Secondly, with respect to the return of the civilians to their homes, your side asks for a provision for a safeguard.

COL TSAI:
(CONT'D)

Thirdly, your side holds that there should be two time limits set up for the completion of the repatriation of the prisoners of war.

Fourthly, your side maintains that some detailed stipulations should be made in certain paragraphs.

The main differences between us are as above. Of course, there are many other differences between us, some of which you have mentioned and some of which you have not mentioned. These differences are either differences in wording or they are only minor differences. I believe that some of the differences in wording are the result of the basic differences between us. When those main differences are solved, these differences in wording can be solved easily. I believe that when either side submits any proposal, it should have the purpose to reduce or eliminate the differences in existence. Then that proposal, in the sense of trying to reach an agreement, can be a proposal contributing to progress.

You may recall that we held the sub-committee meetings for more than fifty sessions before 3 February. It shows that there were many, many differences between us at that time. However, since the proposal of 3 February of our side was submitted, the most part of the differences between us have been solved. However, the working draft submitted by your side, in solving the remaining difference now existing, did not contribute any positive step between us.

On the contrary, that draft has increased some differences between us in certain questions. For instance, it is obviously impossible and improper to set two different

COL TSAI: (CONT'D)

time limits for both sides about the repatriation. However, your side consistently put that into your draft. It is also very obvious that both sides were quite close to each other regarding the question of the displaced civilians. However, your side consistently raised the question of the safeguard about the returning of the displaced civilians, and your side puts that in the stipulation in your draft.

We have exchanged opinions regarding these questions and I believe that your side should not continue to insist on those propositions which hinder the progress of this meeting and increase the difficulties for us to overcome.

As to the question of the most important difference between both sides, that is, the unconditional release and repatriation of all prisoners of war versus so-called voluntary repatriation, all the reasons of your side have been completely refuted in the sub-committee, yet your side so far still does not wish to give it up.

Under such conditions, if we want to have this staff officers meeting progress, and if we want to have this meeting submit any satisfactory result to the sub-committee, that naturally depends entirely on what kind of solution your side can bring up in this meeting to solve these questions.

COL HICKMAN: I believe we are in general accord on the question of what differences still exist between us. We feel that we can make a significant contribution to the solution of these differences of opinion. If our effort is matched by a similar effort on your part, we should be able to resolve all matters of phraseology, and all differences except the one major difference, in short order.

COL HICKMAN:
(CONT'D)

As a result of the commentary of your side during the joint exploration of your proposal of 3 February and our working draft of 7 February, we have tentatively revised certain paragraphs of our working draft in an attempt to get a solution. We will hand you a copy of these revisions in a few minutes.

Our paragraph 2 has been revised in an attempt to find a common solution. Our paragraph 4 has been revised in general accordance with your views, although thus far we have been unable to get a final upper limit for the completion by our side of the delivery time required. That particular figure we will have to hold in abeyance for the time being. Our paragraph 7 has been altered to eliminate certain of the details to which you voiced an objection. A saving clause has been inserted in paragraph 9 in consonance with the remarks made by Colonel Tsai yesterday. In our paragraph 11a, we are willing to delete the phrase "and along vital communication lines."

Excluding paragraphs 1 and 8, on which there is no agreement, it appears to us that the remaining differences are minor questions of phraseology except for two matters. First, it appears that your side wishes to express the mission of such agencies as the Prisoner of War Exchange Committee, and the Joint Red Cross Teams, in very general terms, whereas our side considers it preferable to stipulate in the agreement certain detailed functions of these agencies. Secondly, our side sees need for an agency or a procedure to guarantee and to safeguard the activities connected with the repatriation of displaced civilians. Your side opposes any such provisions.

COL HICKMAN: (CONT'D)

In order to narrow our differences and in the true spirit of getting together on this question, possibly we could resolve these two differences together. In other words, possibly you would consider accepting our views on the desirability of stipulating certain detailed functions in the paragraphs on the Prisoners of War Exchange Committee and on the Red Cross teams in return for our recognition of your views on the safeguard and guarantee. This would result in the deletion of paragraph 11f of our draft.

As an alternative wording for our paragraph 2, we suggest as follows: "Each side agrees to insure that it shall not employ in acts of war in the Korean conflict any person who is now a prisoner of war in the custody of either side."

In paragraph 3, since the change which we suggest is a simple one, we think the substitution of the wording "exchange" and "exchanged" for the words "repatriation or transfer" and "repatriated or transferred" respectively, should solve our difference in that paragraph.

For paragraph 4, our new suggested wording is as follows: "The exchange of prisoners of war shall be completed in the maximum period of _____after this Armistice Agreement becomes effective. Within this maximum period, each side undertakes to complete the exchange of prisoners of war in its custody at the earliest practicable time". We are checking with the people charged with our logistical planning to determine the exact period which will be required by the United Nations Command to deliver prisoners of war in our custody to your side. If we find that such a period is two months, we are perfectly willing to place that period in, as you did in your paragraph 4.

COL HICKMAN:
(CONT'D)

The change we propose in paragraph 5 is, like in paragraph 3, the substitution of the word "exchange" for the words "repatriation or transfer".

Changes needed in paragraph 6 are three substitutions of the word "exchange" for the words "repatriation or transfer". We are aware also of the inclusion in paragraph 6 of the reference to the inspection teams referred to in paragraph 8. That would remain a controverted point, as are paragraphs 1 and 8.

Paragraph 7 is long and I shall not read it. Changes are made in accordance with some of the remarks made by your side yesterday. We have also provided for the functioning of the Joint Red Cross Teams by the use of sub-teams, in line with our discussion of the day before yesterday.

Paragraph 9 has been revised by us as follows: "Each side shall, in so far as possible, complile information regarding the name, nationality, rank and other identification data, date and cause of death, and place of burial of every prisoner of war who died while in its custody, and shall furnish such information to the other side in writing as soon as practicable, but not later than ten (10) days after this Armistice Agreement becomes effective." In short, we have interpolated the words "in so far as possible" to provide for the contingency discussed at great length yesterday by Colonel Tsai.

Our new paragraph 11, we would amend as follows: Paragraph 11a, page 5, seventh line, by the deletion of the words, "and along vital communication lines"; by deleting on page 6, lines 5 and 6, subparagraph c(1), the phrase

COL HICKMAN: (CONT'D)

"of coordinating its activities with the activities of the Neutral Nations Interview Teams established by the sub-paragraph f below"; by the deletion of paragraph 11f in its entirety.

I have left unresolved a point which you raised about the location of the Committee for Repatriation of Civilians. I have left it unresolved inasmuch as I am not sure whether your objection to our location of the headquarters of this Committee still remains. We are willing to discuss and consider that point further if need be.

These changes are extensive. They represent our efforts to get along and make progress in this agenda item. We will make a copy reflecting all of these changes and leave it with the security officer for delivery to you as soon as it is completed.

(Revised paragraphs handed to Colonel Tsai. See Enclosure 1: Revised proposal, revision of 11 February 1952).

COL TSAI:

We will make a careful study on all the changes you have submitted on these provisions,

I believe that it would be more convenient to its work if the committee for the assistance in the return of the civilians be located in the proximity of the Military Armistice Commission.

As to the question of where should be the crossing point for those returning civilians, I think it is a practical question. My specific opinion on this question is that it would be impractical for us to specify a certain point since transportation conditions differ on both sides. The condition in the southern part is more convenient than

COL TSAI: (CONT'D)

that in the north. Another point is that for a displaced civilian in Munsan who desires to come back to Kaesong, if he has to come back to Kaeson via Chorwon it would increase his difficulty in returning home. However, if we establish many crossing points in the demilitarized zone, it would increase the administrative troubles in the demilitarized zone. Therefore, I believe it will be best to give the authority of selecting the crossing point to the committee for assisting the return of the displaced civilians and let them decide through negotiations to establish a crossing point or points according to the actual need. Since it is a practical question, if we desire to establish one or more points it may not meet the requirements at that time.

I wish that your side will consider this opinion of mine.

COL HICKMAN: Chorwon was acceptable to our side as one crossing point. As we indicated the other day, we felt it advisable not to use Pan Mun Jom as a general crossing for civilians.

We have included in our paragraphs 11c (1) the authority of the Repatriation Committee to select additional crossing points. We believe that if Chorwon is acceptable to your side as one crossing point, with this added flexibility in the Committee of selecting additional crossing points, we have gone about as far as we can in solving this problem. We are perfectly willing to re-examine it and shall consider it further. We are not unwilling to have the headquarters of the Committee in proximity to the site of the Military Armistice Commission if your side feels that that is a better arrangement. Upon being so advised by you

COL HICKMAN: (CONT'D) after considering Chorwon as the initial crossing point, we will change the wording in our draft accordingly.

COL TSAI: I will make a further study of it. The main reason of our side is that the area of Chorwon and Kumhwa is an area where the troops of both sides fought back and forth many times. There has been great damage there and transportation conditions north of that area are not very good. Besides, when the civilians begin to come into that area in order to proceed on to their own homes, they will need food and shelters which will have to be arranged for them, even though temporarily. However, we will consider your opinion.

We agree in principle to the proposition that we should try not to make Pan Mun Jom the main crossing point for the civilians through the demilitarized zone.

If you do not have anything more to say, I suggest that we recess until the recess of the plenary session tomorrow.

COL HICKMAN: We agree.

Meeting recessed at 1445 hours.

OFFICIAL:

AUTHENTICATED:

H. M. BRIGGS,
Captain, USN,
Secretary.

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

ENCLOSURE 1: United Nations Command Proposed Armistice Wording of Article III, Arrangements Relating to Prisoners of War, Revised 11 February 1952.

REVISED PARAGRAPHS 2-7 and 9-11 INCLUSIVE,

PROPOSED ARMISTICE WORDING

ARTICLE III

ARRANGEMENTS RELATING TO PRISONERS OF WAR

Revised 11 February 1952

ENCLOSURE 1.

REVISED PARAGRAPHS 2-7 and 9-11 INCLUSIVE,

PROPOSED ARMISTICE WORDING

ARTICLE III

ARRANGEMENTS RELATING TO PRISONERS OF WAR

1. No change.

2. Each side agrees to insure that it shall not employ in acts of war in the Korean conflict any person who is now a prisoner of war in the custody of either side.

3. Priority shall be given to the exchange of the seriously sick and seriously injured prisoners of war. In order to provide medical care and attendance en route, captured medical personnel shall, insofar as possible, be exchanged concurrently with the seriously sick and seriously injured.

4. The exchange of prisoners of war shall be completed in a maximum period of _____after this Armistice Agreement becomes effective. Within this maximum period each side undertakes to complete the exchange of prisoners of war in its custody at the earliest practicable time.

5. The exchange of prisoners of war shall be effected at Pan Mun Jom. Other exchange points in the Demilitarized Zone may be selected by the Committee for Exchange of Prisoners of War, if deemed necessary.

6. A Committee for Exchange of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and three (3) 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. This Committee shall be responsible, under the general supervision and direction of the Military Armistice Commission, for making and coordinating specific plans for and for supervising the execution by both sides of all the provisions in this Armistice Agreement relating to the exchange of prisoners of war. It shall have the mission of coordinating the timing of the arrival at the exchange points(s) of prisoners of war from the prisoner of war camps of both sides; of making such special arrangements as may be necessary with regard to the transportation and welfare of seriously sick and seriously

injured prisoners of war; of coordinating with the joint Red Cross teams established in paragraph 7; of coordinating with the Neutral Nations Inspection Team referred to in paragraph 8; of effecting exchange of prisoners of war directed in paragraphs 3 and 4; of selecting additional exchange points as necessary; of arranging for security at the exchange point(s); and of carrying out such other related functions as are required for the exchange of prisoners of war.

When unable to reach agreement on any matter relating to its responsibilities, the Committee shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Exchange of Prisoners of War shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

7. a. Immediately after this Armistice Agreement becomes effective, joint Red Cross teams composed of representatives of the Red Cross Societies of the Democratic People's Republic of Korea and the People's Republic of China on the one hand, and of representatives of national Red Cross Societies of countries contibuting forces to the United Nations Command on the other hand, shall be established. The joint Red Cross teams shall assist in the execution of those provisions of this Armistice Agreement relating to prisoners of war. These services shall be performed at prisoner of war camps, along routes of movement of prisoners of war to the exchange point(s), and at the exchange point (s). The joint Red Cross teams shall be given the privileges of visiting freely at any time all prisoner of war camps and installations and of bringing in and distributing relief supplies to prisoners of war.

b. The joint Red Cross teams shall be organized and shall function as set forth below:

(1) One team shall function in the territory under the military control of the Korean People's Army and the Chinese People's Volunteers. Initially this team will be composed of twenty (20) members from the national Red Cross Societies of each side. A representative of the Red Cross Society of the Democratic People's Republic of Korea or of the Red Cross Society of the People's Republic of China shall serve as chairman of this team.

(2) One team shall function in the territory under the military control of the United Nations Command. Initially this team shall be composed of twenty (20) members from the national Red Cross Societies of each side. A representative of a Red Cross Society of a nation contributing forces to the United Nations Command shall serve as chairman of this team.

(3) One team shall function at the prisoner of war exchange point(s). Initially this team shall be composed of ten (10) members from the national Red Cross Societies of each side. The chairmanship of this team shall alternate daily between representatives from the national Red Cross Societies of the two sides. The work of this team and the utilization of its services shall be coordinated by the Committee for Exchange of Prisoners of War.

(4) In order to facilitate the functioning of the joint Red Cross teams, sub-teams composed of not less than two (2) members, with equal numbers of representatives from each side, may be formed as circumstances require. Additional personnel, such as drivers, clerks, interpreters and such equipment as may be required by the joint Red Cross teams to perform their mission, shall be furnished by the Commanders of each side to the teams operating in the territory under their respective control.

(5) The size of the several teams may be increased or decreased, according to such requirements as may be jointly agreed upon by the Red Cross representatives through coordination with the Committee for Exchange of Prisoners of War.

c. Each side shall cooperate fully with the joint Red Cross teams in the performance of their functions. Each side shall provide for the logistical and administrative requirements of such teams operating in the area under its control.

d. The joint Red Cross teams shall be dissolved upon completion of the program of exchange of prisoners of war.

8. No Change.

9. Each side shall, insofar as possible, compile information regarding the name, nationality, rank and other identification data, date and cause of death, and place of burial of every prisoner of war who died while in its custody, and shall furnish such information to the other side, in writing, as soon as practicable, but not later than ten (10) days after this Armistice Agreement becomes effective.

10. As soon as practicable, but not later than ten (10) days after this Armistice Agreement becomes effective, each side shall furnish to the other side complete data pertaining to persons who have been made prisoners of war since the effective date of the data last exchanged, and information as to changes in status of prisoners of war included in data previously exchanged. In addition, each side shall thereafter furnish to the other side on a continuing basis, through the Committee for Exchange of Prisoners of War, complete data concerning changes in status of prisoners of war awaiting release, concerning prisoners of war who return to the custody of the detaining side from the status of released or escaped, and concerning prisoners of war not previously reported.

11. a. All civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, and who, on 25 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they so desire, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to such former places of residence; and all civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, and who, on 25 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they so desire, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to such former places of residence. Both sides shall, however, reserve the right to restrict the resettlement of such civilians in vital defense areas. The commanders of both sides shall be responsible for publicizing widely throughout the territory under their respective military control the content of this sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return to their former places of residence.

b. All foreign civilians who are interned or otherwise held by the Korean People's Army or the Chinese People's Volunteers shall, if they so desire, be permitted and assisted to proceed to territory under the military control of the Commander-in-Chief, United Nations Command.

c. The repatriation of civilians outlined in sub-paragraph a. above, and the movement of civilians contemplated in sub-paragraph b. above, shall commence as soon as possible after this Armistice Agreement becomes effective. Maximum acceleration of this program shall be effected by both sides to the end that it will be accomplished with a minimum of delay.

d. A point at which civilians coming under the terms of this Article may cross the Military Demarcation Line will be established in the vicinity of CHORWON,

e. (1) A Committee for Repatriation of Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) 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. This Committee shall be responsible, under the general supervision and direction of the Military Armistice Commission, for making specific plans for and for supervising the execution by both sides of all the provisions of this Armistice Agreement relating to the repatriation of civilians. It shall have the mission of making necessary arrangements, including those of transportation, to expedite and coordinate the movement of civilians; of selecting additional crossing points as necessary ; of arranging for security at the crossing point(s); and for carrying out such other functions as are required to accomplish the repatriation of civilians.

(2) When unable to reach agreement on any matter relating to its responsibilities or mission, the Committee shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Repatriation of Civilians shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

NEW FOLDER BEGINS

~~RESTRICTED~~
~~SECURITY INFORMATION~~

GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

12 February 1952

SUBJECT: Sixth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 12 February 1952.

Representatives present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF, (PIO); CDR O W Spahr, Jr., USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, and 1st LT T F May, USA, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, and COL Chang Pom, NKA, Staff Assistants; Interpreters and Stenographers.

Meeting reconvened at 1100 hours

COL HICKMAN: I hand you two mimeograph copies of the changes which we presented yesterday.

COL TSAI: I think that our discussion in solving those minor disagreements between us is to some extent successful. I am going to give our comments about the specific mission of the Prisoner of War Repatriation Committee stipulated in paragraph 6 of your draft.

We agree in principle that we should stipulate that the Committee for the Repatriation of Prisoners of War should co-ordinate in timing the arrival the prisoners of war of both sides at the exchange points. We agree in principle that we should stipulate that the Committee for the Repatriation of Prisoners of War should have the mission of making special arrangements as may be necessary as regards the welfare of the seriously sick and the seriously injured prisoners of war. We agree in principle that the Committee for the Repatriation of Prisoners of War should utilize assistance by the Joint Red Cross Teams. The Committee for the Repatriation of the Prisoners of War

COL TSAI:
(CONT'D)

should conduct the supervision of carrying out of the arrangements made for the repatriation of the prisoners of war. The Committee for the Repatriation of Prisoners of War should have the authority, when it is deemed necessary, to select additional points, through negotiations, for the handing over and receiving prisoners of war; and also, it has the authority to make appropriate arrangements at the points where the prisoners of war are handed over and received. In order to make the provisions complete, we do not have objection to stipulating the necessary other related functions of the Committee for the Repatriation of Prisoners of War when they are carrying out their mission. The above agreements stated are the basic agreements in that paragraph. It does not mean that there will not be any revision in the wording of this paragraph.

With respect to the mission of the Joint Red Cross Teams, I consider the main mission of the teams is mainly for assisting the repatriation of the prisoners of war. Regarding their visiting the prisoners of war camps, there should be a proper time limit. It is because that with a time limit of their visiting the camps, it would make the teams able to render more services in assisting the repatriation of the prisoners of war. Therefore, I think that the wording in paragraph 7, that the Red Cross Teams may visit the prisoner of war camps at any time, does not coincide with the basic spirit of this understanding. Of course, I do not mean that we should limit or restrict their visit. I only mean that it should not be so stipulated. I said the day before yesterday that the bringing in and distributing by the Joint Red Cross Teams of the relief supplies are not necessary. However, in order to give some moral comfort to all the prisoners of war in the

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COL TSAI: (CONT'D)

prisoner of war camps of both sides, we do not have objection to letting the Joint Red Cross Teams distribute some articles to the prisoners of war for comforting purposes. Fundamentally, we agree to the stipulation in your paragraph about the additional personnel of the Joint Red Cross Teams. As to the organization of the sub-teams, I do not think it necessary. Of course, I do not have any objection to forming the sub-teams. For instance, if the team goes to Kojo-do, that team may go there as a whole and may not have to organize in sub-teams. So I think it is not necessary to have the stipulation about forming any sub-teams. I do not think we should stipulate the places where the teams are going to do the service. I think we only have to stipulate that the Joint Teams are to visit the prisoner of war camps and to furnish their services at the point where the prisoners of war are handed over and received. Such stipulation should be adequate and sufficient. As I have said before, it is not necessary to make any stipulation about their services along the road from the prisoner of war camps to the point where the prisoners of war are to be handed over and received.

Next, I am going to go over briefly all the revised parts of your draft which you submitted yesterday.

With respect to the new paragraph 2 of your draft, I think that we are quite close to each other according to what we have said at our meetings about this question. However, our side reserves the right to submit our wording in that paragraph. Perhaps it is because your side tries to avoid certain wording that this paragraph gives the impression that only an assurance is needed and the prisoners

COL TSAI: (CONT'D)

of war do not have to be released and repatriated. Of course, I believe that is because of difficulty in the wording, and such is not your primary intent.

With respect to paragraphs 3, 4, and 5, except for the time limit on which we have not reached agreement, all the questions left are questions of wording.

Regarding paragraph 6, according to my statement this morning, I think not many questions are left here. Of course paragraph 6 is involved with paragraph 8 of your draft, and that paragraph 8 is objected to by our side.

In paragraph 7, what are left are not big questions. In paragraph 9 there is only the question of wording.

In paragraph 11 there is the point of whether it should be stipulated in the provision that both sides should reserve the right to restrict the civilians to settle in the defensive areas. I think this point of dispute unnecessary, and I understand that you think it necessary because there has been the stipulation in the previous part that both sides should let the displaced civilians go home, so that understanding should be stipulated here. However, I believe this is only the question of wording. If we can make some appropriate wording covering this point, such definite stipulation as you suggest in your paragraph would not be necessary and I do not think we should have any worry about that. I think generally we agreed to the stipulation about the specific functions of the committee for assisting the return of displaced civilians. However, we reserve our right in giving the proper wording. The only point remaining in this paragraph is the question of the crossing point. I believe it would

COL TSAI: (CONT'D)

be more practical to let the committee decide the location of the crossing point according to the actual conditions then, so that the civilians will be better taken care of.

Finally, I would discuss paragraph 10 of your draft, which was originally paragraph 11. If this paragraph is written according to the explanation your side made regarding this paragraph, I think both sides are quite close. However, if we understand this paragraph according to the wording in the paragraph, we find that there are some parts in this paragraph not consistent with your explanation. If your side has any idea other than what you explained when you were writing this paragraph, we would be very glad to hear your idea. If your side has no other idea on this paragraph, we think it would be better to write this paragraph according to the previous explanation made by your side, so that it would be more consistent with the understanding we have. That is my general comment on your new draft.

If you have anything to say, I would be very glad to hear it.

COL HICKMAN: With respect to paragraph 2, we do not consider it necessary to argue paragraph 1 and 8 in connection with this or any other paragraph. The wording presented in our paragraph 2 will serve equally well under your concept of paragraph 1 or under our concept of paragraph 1.

Our wording of paragraph 2, we believe, is fully adequate to express the content of our understanding on the subject of parole. It is, moreover, absolutely mutual in so far as our basic difference is concerned. Each side can adopt it without prejudice to its basic stand on the

COL HICKMAN: (CONT'D)

subject of repatriation. Obviously, neither side can agree to wording which attempts to serve only the purpose of the other side.

As to paragraph 4, as we indicated yesterday we will fill in the blank pertaining to the time limit as soon as we receive information from our logistical planners. We hope to find that maximum period will be acceptable to your side.

We understand that with respect to all paragraphs, you reserve the right to explore the possibility of changes in the wording to more nearly fit our mutual understanding.

With reference to paragraph 6, we understand that its reference to paragraph 8 is not acceptable to your side. With respect to the phrase in our paragraph 6, in that sentence dealing with specific missions, it was not clear to me whether or not you deem advisable a rewording of the phrase "of effecting exchange of prisoners of war directed in paragraphs3 and 4". I had the impression that you felt that phrase might better be worded somewhat as follows: "of supervising the arrangements for effecting the actual exchange of prisoners of war directed in paragraphs 3 and 4."

I would like here to ask if our understanding is correct.Or are you generally satisfied with the wording in that phrase as we have it in our draft?

COL TSAI: This has already been included in the over-all function and I do not think it is any big question about whether it should be so stipulated or not. I think this can be solved through negotiations when we discuss the specific wording of this paragraph.

COL **HICKMAN:** With reference to paragraph 7, concerning the Joint Red Cross Teams, we are not entirely clear on your expression of your views concerning Red Cross visits to prisoner of war camps. You refer to a need for a proper time limit and then state that you had no intention to limit these visits. Then, in your final remarks on that topic, you stated that it was not necessary to stipulate the rights of the Red Cross Teams to visit the camps. While these statements are not completely contradictory, we feel that in the light of them we would like to have a further explanation of your statement concerning that topic. We also feel that a clear understanding and stipulation of that understanding of the rights of the Red Cross Teams to visit prisoner of war camps is desirable in the Armistice Agreement.

It would be helpful if you would explain again your views on this matter, specifically with reference to why you feel it desirable to delete the words "at any time" in connection with visits of Red Cross Teams to prisoner of war camps.

COL TSAI: Perhaps I did not make myself clear, so you have some misunderstanding about this subject. We consider that the Joint Red Cross Teams may visit the prisoner of war camps and also may assist the repatriation of prisoner of war at the places where the prisoners of war are handed over and received. However, we consider that the main function of the Joint Red Cross Teams is to render their services, and after visiting of the prisoner of war camps those teams should return to the points of handing over and receiving to give more service there.

COL TSAI:
(CONT'D)

I mean that each side should be fully responsible for the security and health of each prisoner of war before he is handed over to the other side, as well as during the journey from the camp to the point where he is going to be handed over. In the process of handing the prisoners of war to the other side and of the receiving of them from the other side, if the number of prisoners of war is not large, probably there would not be any big or serious problem. However, if it is a big number, there may be many serious questions during the process of being handed over and received. For instance, there might be some gap during the process of handing over and receiving and neither side would take good care of them, items such as food, or illness, etc., and make conditions of possible confusion or maybe lack of attention. In order to reduce the sufferings of the prisoners of war, we think it is quite necessary to have the Joint Red Cross Teams give more service at these places. Of course, I do not mean that there will be one side deliberately not willing to take the responsibility to take good care of the prisoners of war; but during the process many things have to be done by both sides, such as checking rosters, receiving the prisoners of war and handing over the prisoners of war, etc., and it is possible the comfort of the prisoners of war at the point may be ignored by either side. Under such conditions any assistance by the Joint Red Cross Teams would improve the conditions and would be helpful. So I believe that after visiting the prisoner of war camps, those teams should immediately return to the places where the prisoners of war are to be handed over and received so that the teams

COL TSAI:
(CONT'D)

could take part in such service and improve the conditions there.

As to the stipulation of a time limit for the visiting of the prisoner of war camps by the Joint Red Cross Teams, I do not mean that such visits should be limited to one day or three days, etc. What I meant is that it should be stipulated that after they have finished their visit, according to the actual need, they should immediately go to the places where the prisoners of war are to be handed over and received so that they may give the assistance to the repatriation work.

With respect to their visit to the prisoner of war camps, they may visit one camp or they may visit more than one camp at the same time. However, such visit should be in coordination with that side in their planning of emptying the prisoner of war camps for the repatriation. For instance, if one camp is planned to be emptied on March 15 and on the same date the Joint Red Cross Teams want to visit that camp, a question arises there whether the plan of emptying the prisoner of war camps should be changed for the team to visit or whether such plan should be carried out as it is scheduled. Generally speaking, the function of the Joint Red Cross Teams should be coordinated with the over-all planning for repatriation, and not to change the over-all plan to suit activities of the Red Cross teams. If we stipulate that the Joint Red Cross Teams may freely and at any time visit the prisoner of war camps, such instances as I gave may happen. At that time, if one side refuses to let the teams visit

COL TSAI: (CONT'D) the camps in order to carry out their plan, that would be a violation of the agreement. If that side let the teams visit the camps, then the plan has to be changed and thus the over-all plan would be affected. I believe that if you understand this point from the actual assumption of the cases, you will be aware of my opinion and would think that my opinion is correct. Of course, I believe that your stipulation is not purposed to make such an impression and I think that is because of the wording.

COL HICKMAN: We appreciate your comments and further explanations of your views about the Red Cross Teams and they clear up in my mind some of the problems which were presented by your former explanations.

We clearly have no intent to permit the Red Cross Teams to interfere with scheduled emptying of camps. We contemplate that it will be absolutely necessary for Red Cross Teams to work out their activities in accordance with the plans of each side to return prisoners of war. In the first sentence of paragraph 7c we indicated the necessity for such co-operation, at least that was our intent. Also we have set out among the specific missions of our Prisoner of War Committee that of co-ordinating with Joint Red Cross Teams. That coordination would envisage the utilization of the plans of transporting prisoners of war from camps to the exchange point and the Red Cross Teams would, of course, correlate their activities with those plans. We wish to point out that we have suggested that the team chairman of the team operating on your side, for example, shall be a representative of one of your Red Cross Societies. This provision will facilitate the

COL HICKMAN: (CONT'D)

integration of the plans of the Red Cross Teams on your side with the over-all plans of your commanders for transporting prisoners of war to the exchange points.

In short, we do not contemplate that the activities of the Red Cross Teams will influence any change in plans by either side. We agree in general with your concept that it is the duty of each side to care for the health and general welfare of the prisoners of war in camps and en route to the exchange points. We agree with you also that the Red Cross shall assist in the entire process of exchange of prisoners of war. Your example of the gaps which might occur at the exchange points is well taken and exemplifies the need of having these welfare teams, or members of these teams, present at the time the gaps occur to provide whatever services they are able to render.

We believe that these gaps may well occur en route from the prisoner of war camps to the exchange points. We think it important to have sub-teams, or sections of teams, with each convoy or train or ship bearing prisoners of war to the exchange point. We note that you wish to stipulate only that the teams will function at the prisoner of war camps and at the exchange points. We felt that your concept of the work of these teams includes also their activities en route.

We are aware of your statement of the other day that you are unable to forecast the status of your transportation facilities at the time that the exchange of prisoners of war shall begin. We understand that problem and we are willing either to stipulate that we will provide means of transportation for our Red Cross personnel who comprise

COL HICKMAN: (CONT'D)

part of the team on your side, or we can reach an understanding outside of the Armistice Agreement that we will provide such means of transportation to our Red Cross representatives on your side if and when it becomes necessary to enable them better to perform their mission.

We feel that a number of the specific details which we have in the paragraph pertaining to Red Cross Teams are needed to enable those teams to plan intelligently their own welfare and assistance in exchange activities, in coordinating with the over-all plan of the commanders of both sides. We consider it important for elements of the Red Cross Teams to be able to remain at each camp as long as there are prisoners of war present in that camp, so that the team, or elements of it, may be able to carry out the welfare nature of the mission assigned. We have left this feature, however, to the discretion of the teams, because it might well be unnecessary, and even impractical, for an element of a team on your side to remain all the time at the camp where you have only one or two men located, for example. We consider the major necessity of stipulating where the teams function, including the functioning along the routes, is that of suitably apprizing the teams, or these elements, of the mission which our two sides wish them to perform, so that the teams can include in their planning, and in their coordination of their activities with the military authorities, all phases of the activities of the team.

As to the breakdown of teams into sub-teams, included in our paragraph 7 b (4), you use Kojo-do as an example to show that, there, Joint Red Cross Teams might visit and

COL HICKMAN: (CONT'D)

operate as a whole, rather than through sub-teams. While to some extent the team could work as a whole there, it would be the exception rather than the rule. Even at Koje-do, the team would most appropriately be subdivided in order to visit the many compounds and installations therein. It would be inefficient, and to a large extent impractical, for the entire team to visit each installation at Koje-do at one time. Also, we think it important for elements of the team located on our side to accompany each train, or ship, or convoy which we send from the southern part of Korea to the northern part of Korea to provide welfare services en route.

In view of your statement that you have no objection to this feature of our proposal in principle, we request that it be included in the agreement even if it serves no other purpose than for guidance to the Red Cross Teams. This is in accordance with the general view of our side that specific stipulations should be included in the paragraphs setting up these various agencies. It was to gain your acceptance of this concept of ours that we yesterday offered to accept your view as to a guarantee and a safeguard with respect to the repatriation of civilians.

One final point concerning paragraph 11. It is not absolutely clear to us that our solution of determining an initial crossing point at Chorwon is the best solution. We felt that the selection of one initial point that might be mutually acceptable to both sides and the setting out of that point in the Armistice Agreement was desirable. We are perfectly willing to reconsider that point and permit the Committee to decide the locations if you feel that

COL HICKMAN: (CONT'D) such action would be a better solution. We felt that the selection of one point initially might expedite the process of repatriation slightly.

Perhaps I should add one word about our paragraph 10. Our purpose is to provide for an accounting of prisoners of war and changes in lists of prisoners of war in those instances wherein the accounting has not been made prior to the time of the signing of the armistice. It is for the purpose of providing addenda to former exchanges of data.

Finally, I think you will agree with me that our progress in the last few days toward an acceptable agreement during these staff level meetings has resulted in a great measure from our acceptance of the views of your side. We hope that mutual flexibility of views will enable us to reach a speedy agreement so as not to unduly delay an armistice.

COL TSAI: I think all the questions remaining here are those questions of minor disagreement, and I believe on the basis of mutual negotiations those questions are not difficult to solve.

With respect to the question of whether a stipulation about an initial crossing point for the displaced civilians returning home is necessary, we will investigate in all respects the conditions concerned and will consider this question. In order to expedite the settlement of this question we agree to give this authority to the Committee for assisting the return of displaced civilians for decision.

With respect to the question of whether the Red Cross

COL TSAI: (CONT'D)

Teams should visit the prisoner of war camps as a whole or in sub-teams, I think it is the working procedure of the teams — if they think it is necessary, they may separate into sub-teams. Under such an understanding I think it will be better not to have any written stipulation regarding this question. I do not believe that there are any gaps when the prisoners of war are on their way to the points to be handed over and received. Thus, I believe if we make the Red Cross Teams concentrate their service — besides their service at the prisoner of war camps -- at the points for the handing over and the receiving of the prisoners of war, it would be more efficient.

As for the settlement of all the questions in Agenda Item 4 through negotiations, I am willing to discuss with you any questions you will bring up at any time if your side cooperates. However, I must point out that our stand about the main differences between us is very clear and firm, and I believe that you understand this. We will make a further study about the wording of all the paragraphs in which we have reached agreement.

In view of the fact that it appears that we cannot make any further progress this afternoon and if your side has no other opinion, I would suggest that we recess until eleven o'clock tomorrow morning; and if there is any plenary session tomorrow morning, we will meet again after the plenary session.

COL HICKMAN: We agree to your proposal about the recess; however, I have one or two brief statements to make.

We do not intend by our paragraph 7 b (4) to require the forming of sub-teams. We intend to authorize them if

COL HICKMAN: (CONT'D)

needed by circumstances. We consider that there might be some serious doubt on the part of the members of the teams as to whether or not the Armistice Agreement permitted them to function in a sub-team capacity if we did not include the authority to form a sub-team whenever they deemed it desirable or necessary.

As to the gaps which might occur in the transferal of prisoners of war to the exchange points, there may be none. On the other hand, during overnight stops, if necessary or desirable, or during temporary breakdowns of trains, or in the utilization of ships, throughout the journey or voyage of the ships we feel it desirable to have elements of the Red Cross teams present to give such services as they may be able to render.

Finally, we see no purpose in reaffirming here and now our views on the question of repatriation, our major item. I would have nothing to add to the views already expressed by Admiral Libby.

We agree to your recess under the conditions which you outlined.

Meeting recessed at 1355 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.



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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

13 February 1952

SUBJECT: Seventh Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 13 February 1952.

Representatives present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL J A Norell, USA; CDR O W Spahr, Jr., USN, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, Mr. C H Lee, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours

COL TSAI: It was obvious in yesterday's discussion that there are still some differences of opinion regarding the question of the joint Red Cross teams.

One of the points is that you used the words "freely" and "at any time." Although you may not have any such intention, yet if it is so stipulated it might have the result of affecting the plans of repatriation of prisoners of war by both sides. Therefore, we believe that if such wording is deleted, it would not affect any original meaning and also would not influence the plans for repatriating the prisoners of war of both sides.

What is your opinion about this point?

COL HICKMAN: We do not think that the presence of the Red Cross team, or an element thereof, can and should in any way interfere with the plan for removal of prisoners of war to the exchange point or points. If a Red Cross team arrives at a camp at the moment that prisoners of war are being moved toward Pan Mun Jom, we see no necessity for the movement to be halted or stopped in any way. To permit a prospective visit of a Red Cross team to interfere with scheduled movement would

COL HICKMAN: (CONT'D)

be like the expression we have in the United States, "The tail wagging the dog".

We are not fixed in our view that the particular phraseology "freely" and "at any time" is necessarily the wording that is required, and we are willing to discuss with you other phraseology to connote the idea which we wish to convey, and will do so if you wish. It is our thought that Red Cross representatives should be free to remain or to go to any of the camps of both sides so long as prisoners of war are located there. Any phraseology which expresses this point of view will be acceptable to us. We are willing also to provide a saving clause if you think it necessary to indicate that the activities of the Red Cross teams are not intended to interfere with the normal administrative activities at the camps or with the execution of the plans for transferal of prisoners of war to the exchange points.

COL TSAI:

I do not think there is any big difference in our attitudes regarding the meaning and purpose in this question.

I believe both sides are willing to give the right to the joint Red Cross teams to visit the prisoner of war camps. I only mean that if it is stipulated according to your wording, it may be interpreted to the effect that it would influence the carrying out of the plans for repatriating the prisoners of war. Of course, I think that maybe you have some consideration about our objection to form any sub-teams under the joint Red Cross teams to make the visits.

I can tell you clearly, that if the wording "freely" and the wording "at any time" are deleted, so that there will not be any possible misinterpretation of letting the

COL TSAI: (Cont'd) visit interfere with the plan for repatriation, we are willing to agree to have the stipulation that sub-teams may be formed under the joint Red Cross teams. I believe that by so doing you will not have any worry about this point and this will be satisfactory to both sides.

Is this satisfactory to you?

COL HICKMAN: I would like to take about two or three minutes to study over the proposition.

Let me ask two minor questions. Would you contemplate that, with the deletion of the phrase "freely and at any time", visits by Red Cross teams or sub-teams would be limited to, say, one visit, if the sub-team visited and left the camp thereafter? Would Red Cross teams under your concept, and with that deleted wording, generally have access to all prisoner of war camps so long as prisoners of war remain there?

If the answer to my first question is "No", and to my second question is "Yes", then in deference to your views we will agree that the phraseology "privilege of visiting all prisoner of war camps" is adequate, provided you agree to the setting forth that teams may be sub-divided into sub-teams.

COL TSAI: I think the question is very simple. My purpose here is not to attack the question of phraseology. The main purpose here is to reduce any possible future disagreement or misinterpretation of the stipulation caused by the ambiguous wording in the paragraph.

No matter how many prisoners of war are in a camp, if there is any prisoner of war in the camp, that still is a prisoner of war camp, and the Red Cross teams may visit the prisoner of war camp. If it is a prisoner of war camp,

COL TSAI: (CONT'D) the team may visit the camp; and of course when it is no longer a prisoner of war camp, there is no necessity for the Red Cross team to visit. Certainly there is a purpose for the teams to visit the camps, that is, to comfort the prisoners of war and to distribute the comforting articles to them. When they have performed their mission in the camps, certainly they will go to the place where they have more work to do, that is, the place where the prisoners of war are to be delivered and received.

In short, the visits to the prisoner of war camps should be made in accordance with the actual need, and it is pointless to stipulate how many times the teams should be permitted to make visits in this provision. I believe this question is quite clear now.

COL HICKMAN: We had no intention of asking that the members of the Red Cross teams visit a camp after it ceases to serve as a place where prisoners of war are located. Your last remarks could be interpreted as representing your view, or a view, that visits of Red Cross teams or sub-teams would be conducted on a one-time basis. Can you remove our possible apprehension on that score?

COL TSAI: Do you agree to setting a time limit for each visit by the Red Cross teams; for instance, each time one day? Do you agree to that?

COL HICKMAN: No.

COL TSAI: Well, we are not saying here that the visit at each time should be limited to one day or for certain days. We say that when the Red Cross teams have completed the mission of visiting the camps, they should go to the other places where they have more work to do. Therefore, under such

COL TSAI: (CONT'D) conditions, I think the question about whether there should be any stipulation for the visit, for one or more times, is a question not in existence and a superfluous question.

COL HICKMAN: We are not seeking a stipulation in the Armistice Agreement on that point. I merely wish to reach an understanding that if a sub-team visits, for example, your Camp #11, remains there for three days, goes elsewhere but plans to return to your Camp #11 at a later date, it may do so.

COL TSAI: This is a matter of the joint Red Cross teams themselves. It is very hard for us to anticipate any possible actual conditions which would occur after the teams have set out. Therefore I contend that a general stipulation here would be adequate, and any questions or problems they encounter in actually carrying out their work will be solved by themselves. And if they are carrying out and conducting their work according to the general mission set forth, neither side would refuse to give them convenient facilities. If we have to make the specific stipulations on those questions, then we may also ask to stipulate the time limits, say how many days for each visit. And I believe such stipulations would affect the carrying out of their mission, because we cannot anticipate exactly how many days they need to carry out their mission. The different camps have different numbers of prisoners of war. To visit one camp may need three days, to visit another one may need one day. Any specific stipulations here would not be in accordance with the actual conditions at that time.

Now, I would like to bring up another question. I said yesterday that we prefer to change the "relief supplies" to "comforting articles". Do you have any objection to it?

COL HICKMAN: Generally, the term "comforting articles" is not idiomatic English to express our concept of the supplies to be distributed by Red Cross teams. We are willing to find a substitute for the term "relief", if you feel that that term connotes a basic need that is distasteful to your side. For example, we would be willing to have the last phrase in paragraph 7a read as follows: "of bringing in and distributing supplies for the comfort and welfare of prisoners of war". Also if the word "supplies" is to some extent objectionable, we would be willing to substitute the word "articles" for the word "supplies" in the amendment which I just suggested. I am told by the interpreter that the words in English, "article" and "supply", are the same word in Korean.

COL TSAI: I think that by using the wording "relief supplies", it may create an impression that the prisoners of war in the camps are not adequately supplied with the basic necessities by either side, and therefore that "relief" is needed. This would reduce the responsibility of either side for the supplying of these necessities, so we consider that wording is not appropriate. We think we should change "relief supplies" to "comforting articles", which is more proper and appropriate in our Oriental expression. If your side thinks it not appropriate, we are also willing to try to find out other appropriate terms, if we can.

COL HICKMAN: There is no real difference of opinion here. The term "comforting articles", and the amendment I suggested, "articles for the comfort and welfare", both have the same general concept. The latter phrase is more idiomatic English. Our endeavor should be to find the best expression

COL HICKMAN: (CONT'D) which fits all three languages. We are quite willing to eliminate what might be an implication that either side was being relieved of its responsibility for furnishing necessities.

COL TSAI: Now there is another question not very clear yet. That is the question of whether the joint Red Cross teams should render their services en route where the prisoners of war are being sent to the places for delivery. Our side believes that the side which holds the prisoners of war should be responsible for them, both in the camps and en route to the place where they are to be delivered. And thus we believe that it is not necessary, and also it should not be so stipulated, that the Red Cross teams should accompany the prisoners of war to the place where they are to be delivered. If it is so stipulated, it should be a stipulation to be enforced, and each trip to the place of delivery should be accompanied by the Red Cross teams. We think that such a stipulation is not necessary and also it is impossible to be carried out.

Of course my opinion does not exclude such a stipulation that when the teams or sub-teams have completed their visit to the camps, and when they were on their way to the places of delivery and reception of the prisoners of war, and at the same time the prisoners of war are moving from the camps to be delivered, the teams or sub-teams may accompany them so that if there are any incidents or opportunities they may furnish their services.

I would like to hear your opinion about this?

COL HICKMAN: We agree that it is the responsibility of each side to operate its camps and to move prisoners of war to exchange

COL HICKMAN: (CONT'D)

points. We consider that Red Cross teams should perform their welfare and comforting function, wherever possible and practicable, for prisoners of war until their exchange is completed. We do not, however, wish to make this phase of the activity of the Red Cross teams mandatory upon them in all instances.

You will note in our paragraph 7a that we have set out three general elements for the activities of the teams: at prisoner of war camps, along route of movement, and at the exchange points.

We are willing to re-examine that phraseology to remove the implication of mandatory accompaniment from the prisoner of war camp to the exchange point, if that is your basic objection.

It may well be, for example, that your side would move General Dean to the exchange point not in company with any other prisoners of war. We think it would be an idle act to require a Red Cross team to accompany him on that journey.

We desire however, that the teams operating in our area perform this welfare service en route wherever it is practicable to do so. Our side believes that assisting the prisoners of war while en route from the camps to the exchange point is, in part, fulfilling the main mission of these joint teams. For at least a considerable number of your people whom we hold, our side plans to transport them by ship from Koje-do to the port nearest the exchange point. To complete the journey to the exchange point after arrival at the port, it will be necessary to use other means of transportation. This entire journey will probably take several days. During the sea voyage and the land journey,

COL HICKMAN: (CONT'D)

Red Cross representatives would have opportunities to materially assist in caring for the welfare and morale of the prisoners of war.

Some of the people of the United States during World War II had some extremely sad experiences in connection with journeys they were making both by ship and on land while in the status of prisoners of war. It is true that these experiences occurred at a time other than one when prisoners of war were being exchanged. The facts of these occurrences make us especially anxious to provide, so far as our side is concerned, that prisoners of war for whom we are responsible have the presence, during those journeys from camps to exchange points, in this case, of welfare organizations or members thereof. It is not clear to us why our two sides should avoid an agreement that prisoners of war generally should be accompanied by elements of the Red Cross teams while the prisoners of war are en route from camps to the exchange points. We consider their activities would be not only those of welfare, but also, to use your phrase, "of assisting in the repatriation of prisoners of war".

Our side can certainly give consideration in the next to the last sentence of paragraph 7a to substituting the word "may" for the word "shall", in order to change that provision from one of mandate to one of permissible action. Such phraseology would entail no implication upon the Red Cross teams that they were obliged to send members of the teams to accompany all prisoners of war in their movement to the exchange points. It would retain for them, however, this means of further furnishing services to the prisoners

COL HICKMAN: (CONT'D) of war. It would prevent their overlooking, during the short weeks of their existence, this field which we think has some importance. It would show them that our two sides were willing for them to perform their services during these journeys if, in their discretion, the teams felt their activities during the journeys would be beneficial to the prisoners of war concerned during the particular journey.

COL TSAI: We will give further consideration on the revised stipulations as you suggest. In reviewing the paragraphs we find that, for the most part of the paragraphs, both sides are quite close. Do you have any idea or opinion about how to proceed in our work from here? Obviously, there are still many difficulties in the wording. Those difficulties are caused by the basic differences between us. I think if both sides could give more consideration to the other side's opinion and make mutual compromises, it is possible that those questions of wording can also be solved. I would like to hear your opinion about this.

COL HICKMAN: First, let me say that we found out last night that our side now is willing to stipulate that we can complete the exchange in two months. We can, then, fill in the blank in paragraph 4 with the words "two months".

As to our further progress, it seems to me that what we should do is to take each paragraph, with the exceptions of 1 and 8, and attempt to iron out any difference in wording to the end that we can take back to our sub-committee the final agreed wording as far as we can go, despite the basic differences still existing between us.

Our side has attempted to make our wording neutral, neutral with respect to our basic differences. In the

COL HICKMAN: (CONT'D)

English language, at any rate, it accomplishes the purpose of neutrality of wording. If there is, in translation to either of your languages, a connotation which is unacceptable to you, we suggest that you frankly tell us of that connotation, so that together we can attempt to eliminate what was unintended. On my part, I can discuss, and I believe you can too, as frankly as is necessary, any issue which will enable us to settle a particular problem without raising extraneous issues which might prolong our efforts to accomplish the mission given us in sub-committee.

I suggest that both of our teams study over our proposed wording of paragraphs 2 through 11, less paragraph 8, and start in tomorrow attempting to get final tentative agreements on each paragraph in turn. If we find a paragraph which baffles us for the moment, we can, after discussing the puzzling elements, table that portion of the agreement temporarily and go on to something else. In the meantime, both sides can attempt to find solutions which might solve that section of Article III which we temporarily tabled.

If that procedure is acceptable to you, I suggest that we beging it tomorrow.

COL TSAI: We are prepared to try it this way.

If you do not have anything more to say, I suggest we recess under the conditions we suggested yesterday for recess.

COL HICKMAN: We agree.

Meeting recessed at 1308 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.



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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

14 February 1952

SUBJECT: Eighth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 14 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL J A Norell, USA, COL J L Ames, Jr., USA, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, and Mr. C. H. Lee, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistants; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: How shall we proceed?

COL HICKMAN: I suggest we start with paragraph 2 and see if we can agree on that.

COL TSAI: On the basis of the discussion in the past few days, I tried to revise paragraph 2 as follows: "Both sides agree to insure that all their captured military personnel shall not, after being repatriated, take part again in acts of war in the Korean war". This revision is made because of the fact that your side feels that the wording "captured personnel" is not very clear, therefore we revised it to "captured military personnel" which includes the military men and the auxiliary military personnel. In the original paragraph we had the wording "be restored to a peaceful life". However, since your side said that such a provision might cause the employment of professional military personnel, therefore our side accepts your opinion and deletes such wording.

Since your side prefers the modification of acts of war to "in the Korean conflict", rather than the stipulation in the original provision of our paragraph, "shall not take part again in acts of war", our side accepts your opinion

COL TSAI: (CONT'D) and adds the phrase "in the Korean war". In this new provision we feel that it is proper to use the word "repatriated" since this is a term used traditionally in the arrangements relating to prisoners of war. If it is not stipulated in such wording, the provision, as your side proposed, is inadequate and incomplete. You are quite aware of how this paragraph came into being. Primarily, there was no such provision in our proposal. Since your side asserted that the release and repatriation of the prisoners of war will increase the military forces of our side, we then submitted such assurance in the proposal of our side on February 3rd. If it stipulated as in your draft, with assurance but without the stipulation that all the prisoners of war should be repatriated, such assurance would be meaningless.

Does your side agree to such revision of this paragraph?

COL HICKMAN: No, I am afraid not. Inasmuch as you are apparently prepared to give us a rewording of each paragraph, if my surmise is correct, maybe it would be better for progress for you to go through the entire Article III about as you have in connection with paragraph 2, and then let us later comment paragraph by paragraph.

We are willing to proceed as I outlined earlier, but it may be that by examining each of your paragraphs we can save a lot of time in discussion by narrowing the points concerning which we need to discuss. I didn't realize that your changes were going to be as extensive as they appear to be in connection with your paragraph 2.

Is it agreeable to you to proceed with the discussion of each one of your paragraphs?

COL TSAI: I am trying to negotiate with your side paragraph by paragraph. Just a moment ago I told you our opinion regarding paragraph 2. If your side has any opinion about our revision on this paragraph, I am willing to hear your opinion and also am willing to discuss with your side on this subject.

Here we have prepared a tentative wording for paragraph 2. Of course it is not the final wording. This is only the wording in Korean, and the English version of it. If Colonel Lee and I feel it necessary to make any revision of that wording, we will notify your side at any time, as we think proper.

COL HICKMAN: My point was that if there are minor elements in wording that prevent agreement between our two sides on any particular paragraph, then we can very easily, I think, resolve those differences across the table, paragraph by paragraph. If, however, your revised paragraph represents a major difference in wording, we need a bit more time than a minute or two to examine the implication of the difference in the concept intended, or apparently intended, by your wording. This is not to say that we are unwilling to give you our comments and opinions about the wording of each of your revised paragraphs, but, if all of your remaining paragraphs differ from ours as much as paragraph 2, we will need a fair amount of time to study them to see just what the differences are.

My thought, after hearing your paragraph 2, was that we might expedite our ultimate tentative agreement on all paragraphs by hearing each paragraph or discussion of it similar to the discussion you made concerning paragraph 2, and then take your entire proposed agreement and let you know, after

COL HICKMAN: (CONT'D)

study — say tomorrow — wherein we agree and wherein we differ from your new wording. I wish to add further that I am not attempting to be obstinate about discussing your paragraph 2. All I am pointing out is that in the end I believe we will get along faster if we hear your entire proposal, assuming that you have one completed.

As you well know, a subsequent paragraph may have a direct bearing upon the meaning of an earlier paragraph. It is for this reason, also, that I feel it advisable to see your entire proposal before agreeing to an early paragraph, if your changes are extensive.

COL TSAI: First, I wish to point out that we are not attempting to make any extensive revision on our proposal of 3 February and the discussion of the past ten days. It is only based upon the understanding of yesterday — that we are going to discuss paragraph by paragraph — that I am here prepared to submit our opinion on each paragraph. Such opinions of our side, in fact, do not depart from the previous proposal of our side nor from what we have discussed in the previous days. That is to say, we are going to present our opinions, paragraph by paragraph, as to which of your objections are accepted and which objections are not accepted.

Take the instance of paragraph 2, as I just mentioned. In that paragraph we have accepted the greater part of your objection and made corresponding revisions. In that paragraph we only reserve some individual wording which our side considers necessary.

Since your side wishes to know our opinion about each paragraph, I am also willing to do so. However, I must state that in making such revisions some of the wordings

COL TSAI: (CONT'D) have not been finally determined, due to the fact that we do not have much time available. Therefore, Colonel Lee and I reserve the right to make any revision of the translated version of our revision. Our side has to draft the revision in the language generally used by our side; therefore, the translated version of our revision will only be for your reference.

If we are going to discuss the entire proposal, I have to mention the first paragraph first, our paragraph 1 reads like this: "Both sides shall release and repatriate all the prisoners of war in their respective custody immediately after the Armistice Agreement is signed and becomes effective." Our stand for the unconditional release and repatriation of all prisoners of war held by both sides is unshakable.

Now I will discuss about all the paragraphs subsequent to paragraph 3. If you have any opinion about any paragraph when it is being discussed, I hope your side will not be hesitant to bring up any of your opinions, and our side welcomes any opinion of your side for discussion. I believe that the exchange of opinions at any time between our two sides will expedite the settlement of the questions.

COL HICKMAN: I have two or three offhand statements of questions concerning paragraph 2. Why not use "prisoners of war" in place of the term "captured military personnel"? Secondly, why not use "each side" instead of "both sides", with corresponding changes throughout the paragraph, because how can one side insure that the prisoners of war it holds, after being transferred to the other side, will not take part again in acts of war?

You are aware of our view of the restricted application

COL HICKMAN: (CONT'D) of the term "repatriation", so that it is imappropriate for inclusion of those prisoners of war we hold of South Korean residence. Our phraseology eliminates any controversy on this question, and yet it permits application of the parole principle to prisoners of war we hold who are of South Korean residence. Your paragraph 2 excludes from parole those prisoners of war who might not be transferred under our proposal for voluntary repatriation. Yet we feel that a parole principle should be applied also to any such group, if there be any who do not desire to go to your side. Our wording of paragraph 2 is broad enough to cover this group. Thus we feel that your paragraph 2 argues paragraph 1.

Our side has written all articles, except 1 and 8 and related phrases in one or two other articles, in such a way that each paragraph can be agreed to by both sides without affecting the basic positions of each side on voluntary repatriation. It seems to us to be useless to argue unconditional repatriation and voluntary repatriation in connection with every paragraph. Wording that eliminates that controversy, that is, wording which is neutral with respect to that issue, we think should be adopted so that we can have our entire armistice wording clarified and agreed to, except with respect to that one subject. That ends my present discussion of your paragraph 2.

COL TSAI: I would like to answer those questions of yours first. You asked why we do not use the wording "prisoners of war" to substitute for the wording "captured military personnel". From the wording of this paragraph, you may find out that this is the assurance about those captured military personnel of both sides after they have returned to their side,

COL TSAI:
(CONT'D)

and when they have returned to their side they are no longer prisoners of war. Moreover, there is another meaning. According to the traditional usage of the wording in the East, one side does not call their own military personnel captured by the other side "prisoners of war", they only call them "captured military personnel." Here is the respect by one side for their own military personnel captured by the other side. There is no other meaning than what I have mentioned. I think it is not necessary for your side to have any apprehension on this point.

You asked why we do not use "each side" to substitute for "both sides". I think this is only the habit of using that word. Such wording of both sides does not have the intention that one side should insure that the captured military personnel of the other side, who have returned to their own side, are not going to take part again in acts of war. If we read the entire paragraph -- actually it is one sentence -- it is very obvious that one side will insure that its captured personnel who have returned to its side will not take part again in acts of war. However, if you are not used to such wording, we may consider it.

Apparently the meaning of the word "repatriation" is involved here. We consider that the meaning of "repatriation" is the repatriation to the side where the prisoner of war primarily belonged. Your side has agreed that we are conducting a military negotiation, therefore to return to the side where the prisoner of war belonged is to return to the army where the prisoners of war belonged.

We have been trying, as much as we can, to use all the wording acceptable to your side when we are drafting the

COL TSAI: (CONT'D)

paragraphs. However, according to the wording of your revised draft of February 11th, it is apparent that your revised wording gives the impression that both sides are only insuring that the prisoners of war will not take part again in acts of war, but it does not provide that the prisoners of war should be repatriated. Therefore, our side has to make the appropriate revision. Although we are trying our best not to use any wording which would cause any dispute between us, yet both of us know very well that the paragraphs in one article are mutually related. Accordingly, when we wrote this paragraph we tried our best to use the wording acceptable to both sides. However, we find it necessary for us to reserve certain individual words, because we think that the basic meaning of this paragraph will be impaired if we do not reserve such individual words.

COL HICKMAN: We think the purpose of paragraph 2 is to insure parole, not to provide for repatriation. Paragraph 1 is designed to cover the requirement for repatriation. With respect to the use of "prisoners of war" versus "captured military personnel", our paragraph 2 overcomes the difficulty that would be inherent to an individual, who returned to his own side, no longer being a prisoner of war.

As to the secondary meaning, or a restricted meaning to the term, such as your statement about the special meaning in the East of "captured military personnel", we do not consider that a special meaning for a term is appropriate in a formal document where its meaning is restricted to the custom or language and connotation of one side. All words should have their general meaning, rather than a restricted meaning extant only in a geographical area, unless a special

COL HICKMAN: (CONT'D) meaning is defined in the document.

We understand and agree that you had no particular intent in the use of the term "both sides" to make one side responsible for prisoners of war not to be utilized by the other side following repatriation or transfer. We note that point merely because in English that possible connotation is present.

COL TSAI: I only want to point out two points. First, the reason we make the provision for the assurance in paragraph 2 is for the repatriation of all prisoners of war, otherwise such assurance would be meaningless. It has been one of your arguments that your side considers that repatriation of so many prisoners of war to our side would increase the military forces of our side. Although such an assertion is unreasonable, yet in order to eliminate such apprehension of your side we agree to make such assurance. If such assurance would not result in the repatriation of all prisoners of war, then where is the meaning of all such efforts of our side?

The wording "prisoners of war" usually means to one side the prisoners of war under its custody. The wording "captured military personnel" usually means to one side the prisoners of war under the custody of the other side. If here in this paragraph we use the wording "prisoners of war", it would just create such an impression that one side should insure that the captured military personnel of the other side, when returned to the other side, should not take part again in acts of war. My understanding is that if we use the wording "prisoners of war", it would just have the meaning of what you said before.

COL HICKMAN: Let's examine our paragraph 2 for a minute and see how it would work under voluntary repatriation, or under your principle of repatriation. Using round figures, let's suppose that we adopt your principle, and, therefore, 130,000 prisoners of war held by us and 12,000 held by you are involved in the prisoner of war exchange. Keep in mind that your paragraph 1 would be applicable. Our side would release and send to your side 130,000. Your side would release and send to us 12,000. What our paragraph 2 would do, then, would be to agree that none of these people would be employed again in acts of war in the Korean conflict. The only ones that would be actually involved on our side, after this exchange had taken place,would be the 12,000 that you returned. The ones you would have an opportunity to make this provision applicable to would be the 130,000 whom you got back, or otherwise received initially in the case of some persons of South Korean residence.

Now let's suppose voluntary repatriation is established. Suppose one percent of the Chinese People's Volunteers, and the prisoners of war we hold from the Korean People's Army, and the personnel from the United Nations Command whom you hold, do not desire repatriation. Suppose fifty percent of the prisoners of war we hold of South Korean residence do not desire to go to your side. Suppose, to use a round figure, there are only 10,000 prisoners of war of South Korean residence in our prisoner of war camps. Thus, with these figures, under the principle of voluntary repatriation we would send to your side 123,800. You would send to our side 11,880. The ones that you would be concerned with insuring no employment in acts of war in the Korean conflict

COL HICKMAN: (CONT'D) would be the 123,800 sent to you by our side, and the one percent or 120 of our people who did not desire repatriation. Persons who would come into our custody after the exchange would be completed would be 11,880 sent by your side, and the 6,200 who, under my hypothesis, did not desire repatriation. Thus, our paragraph 2 can cover appropriately either contingency.

I also want to point out that our paragraph eliminates the problem we mentioned awhile ago about the status of an individual after being turned over to the other side. We speak of not employing any "person" who is now a prisoner of war in the custody of either side. We do not call them, after return, either "prisoners of war" or "captured military personnel."

COL TSAI: I would like to make a few remarks before we leave this question. The meaning of your wording in the paragraph is not clear and the wording can easily be interpreted in many ways. Now suppose we take an illustration here. (Indicating on sketch.) This is your prisoner of war camp in Kojo-do, and all prisoners of war held by your side are on this island. And this is our prisoner of war camp, suppose in Chang Chun, and all the prisoners of war held by our side are in this camp. Your side should insure that all the prisoners of war held by our side and returned to your side should not take part again in acts of war in the Korean conflict, and our side should insure that all the prisoners of war held by your side and returned to our side should not take part again in acts of war in the Korean conflict. That is the correct meaning which we should have in this paragraph. However, your paragraph may also be interpreted in this way, that

COL TSAI: (CONT'D) your side will insure those prisoners of war held by your side not to take part again in acts of war in the Korean conflict, whether they are repatriated or not. Likewise, our side should insure all the prisoners of war held by our side not to take part again in acts of war in the Korean conflict, whether they are repatriated or not. Now your side opposes using our word "repatriated", thus making the case as I mentioned in the latter part. Therefore, in spite of whatever the intention of your side is, we cannot agree to the wording submitted by your side.

The meaning of a provision should not be possibly explained or interpreted in different ways. There should be only one definite interpretation of the meaning of the provisions. If the wording of a provision can be interpreted in many ways, such a provision would be considered useless. Any stipulation should clearly and definitely give the rights or duties of the side concerned, without any ambiguity which would permit an interpretation that such rights or duties were those of the other side.

Let me ask you, just to be sure, are your objections to our provisions, firstly, against the wording "captured military personnel" and, secondly, the word "repatriated"?

COL HICKMAN: I think these are our basic objections. The point about "each side", or "both sides", is a relatively minor question of phraseology. The problem of the word "repatriated" is involved in the entire phrase, "after being repatriated".

Your last remarks imply, in effect, that our proposal is capable of fitting both the United Nations Command's view on repatriation and your side's view. That was exactly what we intended. We intended to make the wording not

COL HICKMAN: (CONT'D)

capable of several different interpretations but capable of being broad enough, and neutral enough, to embody the parole feature of all prisoners of war now in custody of both sides. It provides, for example, that our commander cannot employ in acts of war in the Korean conflict any prisoner of war now held by you or any prisoner of war now held by us. Obviously, the only individuals who would be under the jurisdiction of our commander would be those who come into his possession or, in case of voluntary repatriation, those who temporarily remain in his custody.

As I stated, the object of our phraseogology was to make it sufficiently broad to cover both your points of view and our points of view. Such phraseology, either ours or some other that accomplishes that purpose, appears to us to be the only method by which we can make progress in reducing the differences between our sides to that of our main issue. The only practical alternative is for us to agree upon two sets of paragraphs, one to be used for voluntary repatriation, and one to be used if your principle be adopted. The latter method would, of course, take longer. I am hoping that paragraph 2 represents the principal paragraph in which we are faced with this problem, but I am not sure that it is.

We would like, within the next ten minutes, to recess for lunch, if that is agreeable with your side.

COL TSAI: Apparently it will be fruitless for us to have any further argument about paragraph 2. Our side cannot consider any stipulation which may be interpreted that prisoners of war may be repatriated or may not be repatriated.

I suggest that we recess for lunch until 2:30 this afternoon.

Meeting recessed at 1320 hours.

Meeting reconvened at 1430 hours.

COL TSAI: Do you think we should proceed on to the next paragraph, or do you have any other opinion about this paragraph?

COL HICKMAN: I believe it would be well to go to the next paragraph.

COL TSAI: Paragraph 3 is written by utilizing almost all the wording in paragraph 3 of your draft. Of course there is still one word which you do not like. The wording of paragraph 3 reads as follows: "Seriously sick and seriously injured prisoners of war shall be repatriated with priority. In so far as possible, captured medical personnel shall be repatriated concurrently with the seriously sick and seriously injured prisoners of war so as to provide medical care and attention en route."

On our part we also adopt, as much as we can, the phraseology of your corresponding paragraph in the paragraph 4, as we have revised it. The wording of this paragraph reads as follows: "The repatriation of all the prisoners of war in the custody of both sides shall be completed within a period of two months after this armistice agreement is signed and becomes effective. Within this period each side undertakes to complete the repatriation of all the prisoners of war in its custody at the earliest practicable time."

In paragraph 5 we adopt your opinions about naming the place where the prisoners of war are received and delivered. The wording of paragraph 5 reads as follows: "Pan Mun Jom will be the prisoner of war exchange point for the handing over and receiving of prisoners of war by both sides. Additional exchange points may be established if necessary in the Demilitarized Zone by the Committee for Exchange of Prisoners

COL TSAI: (CONT'D)

of War." Here we not only adopt your opinion about giving the name of the point where the prisoners of war are received and handed over, but we also adopt your opinion in giving the name of the committee. However, I must point out that the word "exchange" as used here indicates the exchange of all prisoners of war held by both sides on an all-for-all basis.

The most part of your opinions have been adopted in writing the wording for paragraph 6. Only a few revisions are made in wording so that the phraseology will be in accordance with the traditional usage of the words in the languages used by both sides. In compliance with your opinion, in this paragraph we stipulate not only the general functions of the Committee for the Exchange of Prisoners of War but also the specific duties of that Committee. The wording of this paragraph reads as follows: "A Committee for the Exchange of Prisoners of War is hereby established. It shall be composed of six officers of field grade, three of whom shall be appointed by the Commander-in-Chief of the United Nations Command and three 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. This Committee shall be responsible under the supervision and direction of the Military Armistice Commission for coordinating the specific plans of both sides for the repatriation of the prisoners of war and for supervising the exchange by both sides of all the provisions in this Armistice Agreement relating to the repatriation of the prisoners of war. It shall be the duties of this Committee to coordinate the time of arrival at the exchange point or points of prisoners of

COL TSAI: (CONT'D)

war from the prisoner of war camps of both sides; to make, when necessary, such special arrangements as may be required with regard to the transportation and welfare of the seriously injured prisoners of war; to coordinate with the joint Red Cross teams, established in paragraph 7, in assisting in the repatriation of prisoners of war; to supervise the implementation of the arrangements for the actual repatriation of prisoners of war, stipulated in paragraphs 3 and 4; to select additional exchange points as necessary; to arrange for security at the exchange point or points; and to carry out such other related functions as are required for the repatriation of prisoners of war. When unable to reach agreement on any matter relating to its responsibility, the Committee for the Exchange of Prisoners of War shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Exchange of Prisoners of War shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission."

We have made a little revision on the wording of paragraph 7. The services by the joint Red Cross teams along the route of the prisoners of war from the camps to the exchange points, which your side wishes to have included in the provision, have been stipulated in this paragraph. We have also included in the provision your opinion that the joint Red Cross teams may form sub-teams, and we put it into the stipulation, as your side has requested to have it stipulated in writing. Since this paragraph is quite long, I am not going to read the contents of this paragraph. We have revised the wording of this paragraph and we have also included what is in paragraph 8 of your draft. I understand

COL TSAI: (CONT'D)

that those two items are all related to the question of the data concerning prisoners of war.

The last two sentences of paragraph 10 of your draft are not very clear to us; therefore, we have not written that corresponding part into our revised paragraph. However, if we find it necessary to make any additions to this paragraph through our discussion about this paragraph, we are willing to take any such matter under consideration.

The content of paragraph 8 reads as follows: "Each side shall furnish to the other side as soon as practicable, but not later than ten days after this Armistice Agreement is signed and becomes effective, the following information concerning prisoners of war: (A) Complete data pertaining to the prisoners of war newly added since the effective date of the data last exchanged. (B) In so far as practicable information regarding the name, nationality, rank, and other identification data, date and cause of death, and place of burial of those prisoners of war who died while in its custody."

In our revised paragraph 9 we have made some revisions, as well as additions, according to your opinion. The name of the committee has been called, according to our original proposal, the "Committee for Assisting the Return of Displaced Civilians", because we think this name is more consistent with the real situation. Since this paragraph is too long, I am not going to read it.

I did not intend to submit this revised version of all paragraphs to your side today, I was only prepared to discuss with your side paragraph by paragraph. Accepting your desire this morning, I am submitting to you the English version of the revised paragraphs for your side to study. However, as I have pointed out, this version is not the final

COL TSAI: (CONT'D) form. We reserve the right to make the revisions on these paragraphs at any time as we think it necessary.

(Hands copies of revised paragraphs to Colonel Hickman — see Enclosure 1)

We will submit to you the revised paragraphs in Korean and in Chinese after we have examined those paragraphs, and when it is necessary.

COL HICKMAN: I would like to say that we appreciate your changing your procedure that we had both generally planned to follow after my remarks of this morning. It is clearly understood that you reserve the right to revise your wording on the paragraphs you have handed to us whenever you see fit to do so.

I wish to say also, we see at the moment no objection to your concept of combining our paragraphs 9 and 10. As to the need for additional requirements in such a combined paragraph, we shall have something to say on that later.

With reference to one word which we do not like in paragraphs 3, 4 and 6, you commented more eloquently for me than I could have.

I should like also to observe, from my understanding of your paragraph 6, you have made some improvements in that paragraph over the phraseology that we employed. I must add that this doesn't mean that we necessarily may not have some objections to your paragraph 6 as now worded. I consider it likely that we can accept a great deal of your phraseology without question. Needless to say, we wish to go over your draft in detail before commenting in detail.

In closing, I would like to suggest that we both reconsider, or consider, the advantages which will accrue to us in accomplishing our mission given us in sub-committee to

COL HICKMAN: (CONT'D) attempt to find and adopt phraseology with which we both can agree in every place that we can do so. We shall examine your entire proposal with that point in mind. We request that you give additional thought to those elements in your proposal wherein you know there is some controverted question of wording involved. We both may, by striving for alternate solutions, be able to reconcile those disputed passages and quickly agree to a compromise solution.

Obviously, we have reached no agreement on paragraph 1, but that is no reason why we cannot reach agreement on those elements of the exchange of prisoners of war not dealing directly with that topic. So that we may begin our intensive study of your draft, we propose a recess until 1100 tomorrow.

COL TSAI: We agree.

Meeting recessed at 1515 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE,
Lieutenant Commander, USNR.

ENCLOSURE 1: Communists' Draft Wording on Arrangements Relating to Prisoners of War.

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COMMUNISTS' DRAFT WORDING ON AGENDA ITEM 4 OF 14 FEB. 1952

ARRANGEMENTS RELATING TO PRISONERS OF WAR

1. Both sides shall release and repatriate all the prisoners of war in their respective custody immediately after this Armistice Agreement is signed and becomes effective.

2. Both sides agree to ensure that all their captured military personnel shall not, after being repatriated, take part again in acts of war in the Korean war.

3. Seriously sick and seriously injured prisoners of war shall be repatriated with priority. In so far as possible, captured medical personnel shall be repatriated concurrently with the seriously sick and seriously injured prisoners of war, so as to provide medical care and attendance en route.

4. The repatriation of all the prisoners of war in the custody of both sides shall be completed within a period of two (2) months after this Armistice Agreement is signed and becomes effective. Within this period each side undertakes to complete the repatriation of all the prisoners of war in its custody at the earliest practicable time.

5. Panmunjom will be the Prisoner of War exchange point for the handing over and receiving of prisoners of war by both sides. Additional exchange points may be established, if necessary, in the Demilitarized Zone by the Committee for Exchange of Prisoners of War.

6. A Committee for the Exchange of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and three (3) 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. This Committee shall be responsible, under the supervision and direction of the Military Armistice Commission, for coordinating the specific plans of both sides for the repatriation of prisoners of war and for supervising the execution by both sides of all the provisions in this Armistice Agreement relating to the repatriation of prisoners of war. It shall be the duties of this Committee to coordinate the timing of the arrival at the exchange point(s) of prisoners of war from the prisoner of war camps of both sides; to make, when necessary, such

ENCLOSURE 1.

special arrangements as may be required with regard to the transportation and welfare of seriously sick and seriously injured prisoners of war; to coordinate with the joint Red Cross teams established in paragraph 7 in assisting in the repatriation of prisoners of war; to supervise the implementation of the arrangements for the actual repatriation of prisoners of war stipulated in paragraphs 3 and 4; to select additional exchange points as necessary; to arrange for security at the exchange point(s); and to carry out such other related functions as are required for the repatriation of prisoners of war.

When unable to reach agreement on any matter relating to its responsibilities, the Committee for Exchange of Prisoners of War shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Exchange of Prisoners of War shall maintain its headquarters in proximity of the headquarters of the Military Armistice Commission.

7.a. Immediately after this Armistice Agreement is signed and becomes effective, joint Red Cross teams composed of representatives of the Red Cross Societies of the Democratic People's Republic of Korea and the People's Republic of China on the one hand, and of representatives of national Red Cross Societies of countries contributing forces to the United Nations Command on the other hand, shall be established. The joint Red Cross teams shall assist in the execution by both sides of those provisions of this Armistice Agreement relating to the repatriation of prisoners of war by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war. To accomplish this task, the joint Red Cross teams shall provide assistance in the handing over and receiving of prisoners of war by both sides at the exchange point(s), and visit prisoner of war camps of both sides to comfort the prisoners of war and distribute gifts of comfort; when necessary, they may provide services to the prisoners of war being repatriated and en route from the prisoner of war camps to the exchange point.

b. The joint Red Cross teams shall be organized as set forth below:

(1) One team shall be composed of twenty (20) members, namely, ten (10) representatives from the national Red Cross Societies of each side, to assist in the handing over and receiving of prisoners of war by both sides at the

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exchange point(s). The chairmanship of this team shall alternate daily between representatives from the Red Cross Societies of the two sides. The work and services of this team shall be coordinated by the Committee for Exchange of Prisoners of War.

(2) One team shall be composed of forty (40) members, namely, twenty (20) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the Korean People's Army and the Chinese People's Volunteers. A representative of the Red Cross Society of the Democratic People's Republic of Korea or of the Red Cross Society of the People's Republic of China shall serve as Chairman of this team.

(3) One team shall be composed of forty (40) members, namely, twenty (20) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the United Nations Command. A representative of a Red Cross Society of a nation contributing forces to the United Nations Command shall serve as Chairman of this team.

(4) In order to facilitate the functioning of the joint Red Cross teams, sub-teams composed of not less than two (2) members, with equal numbers of representatives from each side, may be formed as circumstances require.

(5) The Commanders of each side shall furnish additional personnel, such as drivers, clerks, and interpreters and such equipment as may be required by the joint Red Cross teams to perform their mission, to the teams operating in the territory under their respective control.

(6) The size of each team may be increased or decreased according to such requirements as may be jointly agreed upon by the Red Cross representatives of that team through consultation with the Committee for Exchange of Prisoners of War.

c. Each side shall cooperate fully with the joint Red Cross teams in the performance of their functions. Each side shall provide for the logistical and administrative requirements of such teams operating in the area under its control.

d. The joint Red Cross teams shall be dissolved upon completion of the program of repatriation of prisoners of war.

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8. Each side shall furnish to the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement is signed and becomes effective, the following information concerning prisoners of war:

a. Complete data pertaining to the prisoners of war newly added since the effective date of the data last exchanged.

b. In so far as practicable, information regarding the name, nationality, rank and other identification data, date and cause of death and place of burial of those prisoners of war who died while in its custody.

9. Both sides shall, after this Armistice Agreement is signed and becomes effective, assist civilians displaced owing to the war to return home and resume a peaceful life.

a. All civilians who, at the time this Armistice Agreement is signed and becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, and who, on 25 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to the area north of the Military Demarcation Line; and all civilians who, at the time this Armistice Agreement is signed and becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, and who, on 25 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to the area south of the Military Demarcation Line. The Commanders of both sides shall be responsible for publicizing widely throughout the territory under their respective military control the content of the provision of this sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return home.

b. All civilians of foreign nationalities who are at present in the custody of the Korean People's Army or the Chinese People's Volunteers, and who desire

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to proceed to the territory under the military control of the Commander-in-Chief, United Nations Command, shall be permitted and assisted to do so.

c. The return of civilians provided for in sub-paragraph 9a and the movement of civilians provided for in sub-paragraph 9b shall commence as soon as possible after this Armistice Agreement is signed and becomes effective.

d.(1) A Committee for Assisting the Return of Displaced Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) 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. The Committee for Assisting the Return of Displaced Civilians shall be responsible, under the supervision and direction of the Military Armistice Commission, for coordinating the specific plans of both sides of assistance to the return of the above-mentioned civilians, and for supervising the execution by both sides of all the provisions of this Armistice Agreement relating to the return of the above-mentioned civilians. It shall be the duties of the Committee for Assisting the Return of Displaced Civilians to make necessary arrangements, including those of transportation, for expediting and coordinating the movement of the above-mentioned civilians; to select the crossing point(s) through which the above-mentioned civilians will cross the Military Demarcation Line; to arrange for security at the crossing point(s); and to carry out such other functions as are required to accomplish the return of the above-mentioned civilians.

(2) When unable to reach agreement on any matter relating to its responsibilities, the Committee for Assisting the Return of Displaced Civilians shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Assisting the Return of Displaced Civilians shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

NEW FOLDER BEGINS



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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

15 February 1952

SUBJECT: Ninth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 15 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL J A Norell, USA, CDR O W Spahr, Jr., USN, LCDR M F Studebaker, USN, (PIO) and LCDR O F Griffin, USNR, Staff Assistants; 1st LT T F May, USA, and Mr. Kyungmo Chung, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistants; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: We have examined your draft wording of yesterday. In the time available to us, we have determined, generally, these following general comments about it.

There are some sections, or parts of it, with which we are in virtually complete agreement. There are other parts in which only minor disagreements exist. There are some elements of it concerning which we need to ask questions for clarification. Finally, there is present in it, in paragraphs other than the one dealing with the question of repatriation, the viewpoint only of your side with respect to the problem of repatriation.

Prior to proceeding to the point-by-point discussion of the several paragraphs of the revised draft presented yesterday by your side, I will segregate two questions. These are: first, the question of voluntary versus forced repatriation and transfer; and second, the use of the word "repatriation" to describe the delivery to one side or the other of any prisoner of war regardless of the location of his home. One of the other, or both, of these questions is raised in almost each paragraph of your draft. I believe we can save

COL HICKMAN: (CONT'D)

time by discussing them separately.

We have, in these staff officers meetings, agreed to disagree on the basic differences between our two sides on the question of voluntary versus forced repatriation. Accepting this fact, our side has put this issue aside temporarily, and has attempted to get agreement on all other matters pertaining to Agenda Item 4. To this end, we have proposed phraseology on all other matters which can be accepted by each side without prejudice to its basic stand on voluntary versus forced repatriation or transfer. Such neutral wording cannot be used to show that either side is weakening its stand.

Out proposed wording is not inconsistent with your stand in any instance. A corresponding flexibility on your part would make it possible for the staff officers to present to the sub-delegations agreed wording on all aspects of Item 4 except paragraph 1, in which each side expresses its stand as to whether repatriation and transfer shall be forced or voluntary. However, your side has not seen fit to adopt this course of action, and, thus far, has insisted upon phrasing several paragraphs in such manner that they support your basic stand and are inconsistent with ours. The result is that you prevent us reaching agreement on the wording of several paragraphs in place of one.

I am omitting here reference to our paragraph 8 which is in a concurrent auxiliary paragraph to our paragraph 1, and stands or falls with our concept.

Now, we can no more accept wording which is inconsistent with our position than you can accept wording which is inconsistent with yours. Let us face these facts and attempt to find wording which is consistent with the positions of

COL HICKMAN: (CONT'D) both sides. Until we do so, we will be unable to agree on the wording to be employed in expressing our many agreed principles. The considerable degree of success we have had in reaching agreement on principles may be nullified through our inability to agree on wording, simply because you insist, and we think unnecessarily so, upon infusing your version of repatriation into almost every paragraph. Yet your principle of repatriation is clearly set out in your paragraph 1. If your paragraph 1 should be adopted, it is completely unnecessary to repeat its requirements in later paragraphs dealing with other matters. Similarly, of course, for our concept of voluntary repatriation. Having said this, I will not again go into detail in discussing this issue in examining your proposal, I will merely note the instances of its application.

Before discussing my next point, do you care to make any reply or shall I go ahead?

COL TSAI: Please go ahead.

COL HICKMAN: Now, for the word "repatriation". Your side has made use of this word from its appearance in the Geneva Convention. On the belief that it supports your position that all prisoners of war we hold should be returned to your side or sent to your side, you insist that it be used in our agreement to describe the movement to your side of all prisoners of war regardless of their place of residence. The Geneva Convention is generally designed to govern a war between separate national states. The use of the word "repatriate" following such a war is appropriate because the return of prisoners of war to their homeland is repatriation. In such an exchange following such a war, there are no prisoners of war whose place of residence is in the state or country of the detaining

COL HICKMAN: (CONT'D)

power. The disposition of any person who has become identified with the armed forces of the other side and has fallen subsequently into the power of the armed forces of his own side is an internal affair. He is not exchanged, he is not transferred to the other side. Not being resident of or belonging to the other side, he cannot be repatriated. Thus, all prisoners of war who are delivered to the other side are repatriated under the concept of the Geneva Convention. That is, they are returned to their home, to their homeland.

If your side were to dismiss any claim upon prisoners of war who are residents of South Korea, we could accept the use of the word "repatriate" in this agreement. If you want to maintain a claim on persons of South Korean nationality or residence, we cannot.

As we have told you before, and as you undoubtedly know, our word "repatriate" is a word of Latin origin. It stems from "patria" which means the land or area of one's home. To be repatriated is to be returned home. A person is returned to his home by going to his home, not by going away from it.

Those who were residents of South Korea at the start of the war cannot be repatriated by their delivery to your side. They would be repatriated by delivery to their homes in South Korea. We are not unwilling to deliver these prisoners of war to your side under the conditions set forth in our proposal, but it cannot by any stretch of the imagination be called "repatriation". It is transfer to your side, but not repatriation. The issue here is not the question of voluntary versus forced repatriation. The decision on that issue will be stipulated clearly in paragraph 1 and need not be a stumbling block here.

COL HICKMAN:
(CONT'D)

The improper use of repatriation to denote the transfer to your side of prisoners of war of South Korean residence would apply just as much if all of them went to your side under forced repatriation or, say, half of them under voluntary repatriation. We are not unwilling to use the word "repatriation" if it is accompanied by another word to denote correctly the transfer to your side of the prisoners of war of South Korean residence. We have suggested a compromise solution in the word "exchange", which would be fitting in most of our paragraphs and which would utilize a broader term long associated with the transfer between sides of prisoners of war. However, since you reject that, wherever the word "repatriate" or "repatriation" is used, we will insist upon the addition of the word "transfer" to describe the movement to your side of persons who would not under the Geneva Convention be delivered to your side, that is, residents of South Korea.

I am ready now to proceed to the detailed discussion of your paragraphs. Do you wish me to continue or do you care to make some comments at this time?

COL TSAI: Please proceed on.

COL HICKMAN: I have nothing further to add to my comments of yesterday concerning paragraph 2. I do have one question. Does your term "captured military personnel" intend to refer to the civilian internees under the control of the United Nations Command?

In your paragraph 3 we, of course, find objectionable the two uses alone of the term "repatriated". We think also that your inversion of the wording of the sentences which we had in our paragraph 3 promotes the connotation that all

COL HICKMAN: (CONT'D)

seriously sick and seriously injured and all medical personnel must be exchanged. There is thus an appearance of arguing paragraph 1 in paragraph 3. That may not have been your intent.

In paragraph 4, the word "repatriation", again alone, appears. In two places there appears the phraseology "all prisoners of war in the custody of both sides". These expressions change the proposal in paragraph 4 from a requirement that the exchange be completed in two months to one under which all prisoners of war will be exchanged in two months. Thus, again, there is argued the content of paragraph 1. Thus, again, there is phraseology which we cannot accept, and we think it can be avoided without reference to unconditional repatriation. One other very minor matter in paragraph 4. In the phrase, "after this armistice agreement is signed and becomes effective" the words "is signed and" appear to be unnecessary. We have no objection to these words but we understand that informal agreement has been reached in Tent 3 for using the general expression in instances of this nature, the term "after this armistice agreement becomes effective".

In paragraph 5, one minor comment only. It would be a bit more idiomatic in English for the first sentence to read about as follows: "Pan Mun Jom is designated as the place where prisoners of war will be delivered and received by both sides."

With reference to paragraph 6, we note in the second sentence the elimination of the word "general" in setting out that the committee is under the supervision and direction of the Military Armistice Commission. We wonder what your

COL HICKMAN: (CONT'D)

purpose was in deleting that word. Our purpose in including it was to indicate the reasonable self-sufficiency of the Committee. We note in several places the use of the word "repatriation" alone. We note, and of course expected, the omission of the reference to our paragraph 8. In the use of the term "it shall be the duties of this committee" instead of "it shall have the mission", is that a change due merely to translation? I merely raise that point from the standpoint of idiomatic English.

In paragraph 7, there appears again the use of the word "repatriation" alone.

We note the change in paragraph 7a from our phraseology "permitting free access at any time by Red Cross teams to all prisoner of war camps" to the term, or expression, "visit prisoner of war camps of both sides". Our concern here is merely that of not indicating in the Armistice Agreement the right of the Red Cross teams to make such visits as they need to make in order to carry out their welfare mission. We think our intent, I believe our mutual intent, not to restrict the movement to camps of Red Cross teams should not be implied in the document.

We think the last sentence of paragraph 7a, as it appears in English, is a little bit awkward and needs some slight revision in structure. We believe also it should be clear that the Red Cross teams shall be permitted to bring in welfare supplies. We think the term "gifts of comfort" can be better expressed in idiomatic English.

We think the words "being repatriated and" in the last clause of 7a are unnecessary. The word "while" to replace those three words would not only accomplish the intended

COL HICKMAN: (CONT'D) meaning but avoid the use of the word "repatriate" alone.

Paragraph 8, your paragraph 8, omits provision for the following: First, the reporting of prisoners of war captured immediately prior to the effective date of the armistice and not processed to the rear in time to be included in the initial report -- that is, the ten day report -- of newly added prisoners of war. Second, the reporting of changes in the status of prisoners of war included in previous exchanges of data.

COL TSAI: Will you please explain further about the second point?

COL HICKMAN: I have some further explanation.

COL TSAI: Especially explain the real meaning of the word "status".

COL HICKMAN: From that of "prisoners of war awaiting exchange" to "escapees", for example. There may not be any, but, if there are, then both sides should be apprized.

COL TSAI: Please go ahead.

COL HICKMAN: Third, reporting prisoners of war who may return to the custody of either side from the status of release or escape. Again there may be only negative reports rendered, but if there be such additions to prisoner of war lists they should be reported.

It is possible that prisoners of war captured during the last few days preceding the effective date of the Armistice Agreement may not be moved to the rear and processed in time to be included in the report provided for in your paragraph 8a. It is necessary to provide for the reporting of such prisoners of war so that they may be included in the exchange procedure.

Your paragraph 8 fails to recognize the possibility of changes in status, other than death, of prisoners of war whose

COL HICKMAN: (CONT'D)

names were included in previous exchanges of data. The report of prisoners of war who died in captivity, in order to be delivered within ten days after the armistice becomes effective, will require a cut-off date coinciding very nearly with the effective date of the armistice. Thus, there will be a reporting gap between that date and the date upon which the exchange of prisoners of war is completed. Thus, provision should be made for reporting changes in status, such as death of prisoners of war during the exchange period, so as to provide a full accounting for prisoners of war on whom data was previously exchanged.

The possibility, yes and the probability, exists that over an extended period individual prisoners of war who have escaped or been released from the custody of one side may from time to time return to its custody. Means should be established whereby such individuals may be reported to the other side for return.

These are the contingencies provided for in paragraph 10 of our proposal. They are designed to keep the other side current in its knowledge of the status of all prisoners of war held by the other side.

We have no objection to combining into one paragraph the provisions in our paragraphs 9 and 10. We think there should be added to your paragraph 8 provisions to cover the contingencies I have just enumerated.

With reference to your paragraph 9, the preamble above your sub-paragraph a appears unnecessary. Essentially the same thing is said in paragraph 9a. There is also the implication, in your preamble, of each side assisting displaced civilians on, and belonging to, their own side to

COL HICKMAN: (CONT'D)

return home. We know that you agree with us that **that** is an internal affair; and that such was not your intent, we feel is clear. The same minor point I made earlier involved the words "is signed and". These words appear unnecessary in both the preamble and in paragraph 9a. We note the change in your draft from your earlier wording, wherein you here substitute "place of residence" and "north or south of the Military Demarcation Line" for the words "home" and "place of residence". Was this substitution made to eliminate the necessity for our saving sentence included in our paragraph 11a, wherein both sides reserve the right to restrict resettlement in vital defense areas? We note the substitution of the phrase "return of civilians" for "repatriation of civilians" in our proposal, and "return to their homes" in your previous proposal. We consider that the word "repatriation" correctly describes the movement of civilians contemplated by our agreement. We wonder why you have dropped this concept in favor of merely "return" to describe both the process and the name of the committee?

In paragraph 9c we suggest the substitution of the word "repatriation" for the word "return" as being more indicative of the process. We note in 9c that you have omitted the second sentence of our paragraph 11c. We wonder why? Obviously, the success of the program of repatriation of civilians depends to a considerable extent upon good faith. As an indication of our good faith, our side was willing to accept and sought acceptance from your side of a mechanism to monitor a portion of this agreement. Your side refused to agree to any such provision, maintaining that good faith alone was enough. Now you omit from your draft a provision

COL HICKMAN: (CONT'D) calling for maximum acceleration of the program so that it may be completed expeditiously. This omission may be inadvertent; if not, it raises a serious question in our minds as to whether we do not need some suitable mechanism to monitor the agreement.

You saw fit not to specify any particular place as a named crossing point. Our paragraph 9d set up Cherwon as such. As I indicated previously, we do not feel strongly about this, except we do think it will expedite the beginning of the repatriating process if one point, agreeable to both sides, is set out initially. It is my feeling that absent a designation of a place for the crossing of the civilians, Pan Mun Jom is likely to be utilized. I feel that we should circumvent that possibility, even probability, by specifying some other place. Confusion is sure to result if both civilians and prisoners of war cross at Pan Mun Jom. Pan Mun Jom could, of course, be appropriately used once the prisoner of war exchange is completed.

As to the name of the committee, we consider that the word "repatriation" more appropriately and succinctly sets forth the job that the committee has to perform.

That completes our general remarks. We would be agreeable to recessing for lunch if such is agreeable to you.

COL TSAI: I will state a few points regarding your remarks.

In drafting those paragraphs, our side has done our best, in so far as possible, to seek for wording satisfactory to both sides. You must have found out in those paragraphs that a great deal of expressions therein are used by adopting your opinions. I must point out that even in the question of wording, both sides have to compromise; otherwise, no agreement can be reached on any point. I think the word

COL TSAI: (CONT'D) "repatriation" is the word generally used in the provision regarding the arrangement for returning prisoners of war in any warfare. We have done our best to try to meet the opinion of your side by using the word in the way we are using it now. If your side still cannot accept such wording, I would prefer to go back to determine the principle first. I sincerely hope that we can reach agreement on each paragraph as early as possible.

During the entire course of the discussion of Agenda Item 4, our side has been consistently making all the efforts to try our best to make any possible progress on all the questions. For instance, your side asserted that the repatriation of prisoners of war would increase our military forces; our side then agreed, and initially proposed, to include the assurance by both sides in the agreement. Also when your side insists that the visit by the Red Cross team should be included in the agreement, our side has done our best to agree to that point. Although the question of the displaced civilians is not in the scope of this agenda item, our side also gives the agreement to that point when your side insists on it. Even on the question of wording, our side, as I have said before, has also done our best to adopt all the wording your side suggested that we could accept.

As to what your side has done during the entire course of the discussion, your side reworded your proposal twice. Your side raised your demand for different time limits for the return of prisoners of war, where there should have been only one time limit. Your side dropped the demand for assuring a safeguard for the returning of the displaced

COL TSAI: (CONT'D)

civilians, while the question of the return of the displaced civilians itself is not complicated. Such a manner of your side may be described as when a certain healthy person is poisoned by a doctor and then the doctor gives the prescription and cures him from being poisoned, then the doctor has the credit for curing that person. What your side has done is actually like this.

I must point out that in order to promote the progress of the conference that all should not rely on only one side only. What we are discussing here is the question of the prisoners of war. Prisoners of war are the military personnel of one side captured by the other side during hostilities. Therefore, for these prisoners of war to be repatriated is to return them to the side they previously belonged to and to return them to their original status.

Today, you mentioned about the complication of this war. It is true that this war here is a complicated war. However, from the standpoint of the Korean people, it is rather a civil war. In solving this question of prisoners of war, if the home residence is used as the standard instead of the army designation, this question will be made a very complicated question involved with the political questions in Korea. Therefore, no question of transfer exists in this discussion here. I do not believe that your side will transfer a part of the military personnel of the United States Army to our side. Please excuse my referring to all these facts which I have to mention when we are reviewing the entire course of the discussion.

In referring to paragraph 2 of our side, you mentioned about the question of the civilians under your control.

COL TSAI: (CONT'D)

However, you must understand that our side cannot recognize such a classification of yours.

Regarding our paragraph 4, your side mentioned the wording "is signed and becomes effective". Our side made such wording on account of the fact that your side previously maintained such kind of wording in discussion of Item 4 of the agenda. However, I think this is not an important question because when agreement has been reached on all items of the agenda the final examination of each paragraph will be made, and at that time every paragraph should be made consistent with each other.

We may consider the revised wording suggested by your side regarding paragraph 5 of our draft.

With respect to paragraph 6, your side mentioned about the omission of the word "general" before the wording "supervision and direction". Our side admits this word has no other meaning than from the standpoint of the idiomatic usage of the word in our language. In paragraph 6, regarding the duties of the Committee for the Exchange of the Prisoners of War, this is only a question in translation.

In paragraph 7, you wonder about the right of the Red Cross teams to visit the prisoner of war camps not being stipulated. In fact, the stipulation in paragraph 7c which provides that each side shall cooperate fully with the joint Red Cross teams in the performance of their functions will be adequate to cover that. As to the question of Red Cross teams bringing in the gifts of comfort, we think that since it has already been stipulated that the teams may distribute the gifts of comfort, it is understood and included that they may bring in the gifts of comfort.

COL TSAI:
(CONT'D)

With respect to paragraph 8, according to the explanation made by your side today, we will consider to add some more provisions so that some particular changes may be included in the reporting stipulated in this paragraph. However, we believe that if we are going to make such detailed stipulations, it would take much time and work. We wonder whether your side will consider that we leave this detailed work to the Committee for the Exchange of Prisoners of War for them to solve.

With respect to the provisions relating to the displaced civilians, we consider it appropriate to use the title "Committee for Assisting the Return of the Displaced Civilians". We believe that this paragraph deals with the civilians and the assistance to these civilians who desire to return home and we consider it is more appropriate to use the words "assist to return". Furthermore, in fact, this paragraph also involves the question of the foreign civilians and in this paragraph it is stipulated that our side will assist those foreign civilians to return to the United Nations Command side.

I did not expect that your impression on paragraph 9 of our draft would cause you any serious doubt, since it is stipulated in that paragraph that the assistance to the civilians to return home should commence as soon as possible and also it has been clearly stipulated in the corresponding part regarding the functions of the Committee for Assisting the Return of the Displaced Civilians. Under such conditions I think such serious doubt of your side is unfounded.

With respect to the crossing point for the civilians,

COL TSAI: (CONT'D) our side considers that if we specify any particular place here, it may not meet the actual conditions pertaining to the civilians at that time, therefore our side considers it more practicable to leave this work to the Committee for Assisting the Return of Displaced Civilians to make a study and investigation of the actual situation first and then specify any particular places for their crossing the Demilitarized Zone. In principle, our side agrees that before the completion of the repatriation of the prisoners of war, Pan Mun Jom should not be used for the crossing of too many civilians.

Generally speaking, there are not many disputes between both sides on the question of wording, and our side will consider some of the opinions of your side raised today. However, in one or two instances of wording we think that it can only be so stipulated to make it proper and appropriate.

If your side does not have anything more to say, we propose that we recess until adjournment of the plenary session tomorrow. During the recess we hope that your side will reconsider the wording of the paragraphs and, of course, at the same time we will consider some of the opinions of your side regarding the wording.

COL HICKMAN: We agree to recess under those conditions. I have two very short remarks first.

I don't think it will serve any useful purpose for me to relate to you the efforts we have made to reach agreement. Suffice it to say that due to cooperation on the part of both sides we are closer together today than we were a month ago. Each successive draft of our proposed armistice wording for Agenda Item 4 finds us closer together. Our

COL HICKMAN: (CONT'D) latest draft incorporates wording and concepts taken from your last draft. Similarly, each draft of yours incorporates ideas, wording, and concepts of ours where possible. If agreement is going to be possible, it is this give and take that must be followed by both sides in order to get a mutually acceptable solution. I suppose it is human nature that we sometimes do in a week, what we are unwilling to do in one day.

At any rate, our latest drafts always find us closer together. For our part, we will seriously examine the remaining differences to see wherein we can discover a more acceptable solution to both sides. We appreciate your determination to do likewise.

We agree to recess under the conditions you outlined.

Meeting recessed at 1430 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

16 February 1952

SUBJECT: Tenth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 16 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF, (PIO), COL J A Norell, USA, CDR G R Muse, USN, LCDR M F Studebaker, USN, (PIO), and LCDR O F Griffin, USNR, Staff Assistants; 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, and Mr. C. W. Wu, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistants; Interpreters and Stenographers.

Meeting reconvened at 1120 hours.

COL TSAI: Do you have anything to say?

COL HICKMAN: Yes, I would appreciate hearing from you first, if you have anything to say to us.

COL TSAI: Please say first.

COL HICKMAN: Very well. Do you feel that any further discussion of the two general issues which I discussed separately yesterday would be profitable? That is, the meaning and the use of the word "repatriation," and the efforts of your side to write most of the paragraphs in such a way that they are inconsistent with our view of repatriation while supporting your view.

Is there anything about our view of those two topics which is not clear to your side?

COL TSAI: First, I must say that we agree that in the discussion of these questions we try our best to seek for the wording satisfactory to both sides. We also do not have objection to settle those minor differences first. However, we are firmly opposed to adopting the measure of using the so-called neutral wording, when the main issue has not yet been solved.

COL TSAI:
(CONT'D)

It is because that in any provision the wording of the provision should not be ambiguous, but should be clear and definite. Otherwise, there will be many interpretations of the stipulation when it is being executed, and that would be the same as there being no agreement at all.

Your opposition to the using of the wording "repatriation" in our draft apparently is made on the basis of your principle of voluntary repatriation, which itself is unreasonable and is absolutely rejected by our side. On the basis of such understanding to re-examine our draft, we find it necessary that we should, on the basis of such understanding, come back to use the wording "repatriation" to substitute for the word "exchange" which we have used in our revised draft.

We agree to your proposition regarding paragraph five to revise the wording as follows: "Pan Mun Jom is designated as the place where prisoners of war will be delivered and received by both sides. Additional places for delivery and reception may be established if necessary in the Demilitarized Zone by the Committee for Repatriation of Prisoners of War."

We consider it very appropriate to use the word "repatriation" in our document. We think that any prisoners of war held by either side must be given the right to be released and repatriated, and both belligerents must undertake such duties to release and repatriate them. I do not find it necessary to have any further discussion of this point. However, if your side has anything to say about this question, I am willing to hear it.

COL HICKMAN: To us, the use of the word "repatriation" by itself is solely a question of the proper phraseology. I have been informed that in neither Korean nor Chinese is there a word meaning "repatriation." Is there a synonym for "repatriation"? Having no personal knowledge of those languages, I, of course, do not know of my own knowledge that this statement is correct.

Your statement that our objection to the use of the word involves our concept of "voluntary repatriation" is not correct. As I indicated yesterday, we would object to the use of the word "repatriation" by itself to describe the delivery to your side of all prisoners of war we hold even if your paragraph 1 were accepted by us. We, in fact, have no objection to the use of the word "repatriation." We are quite willing to agree to it to describe the return to your side of non-residents of South Korea. We consider it applicable in its terms to approximately 116,000 of the prisoners of war we hold. We consider it inapplicable to the sending to your side of the approximately 16,000 prisoners of war we hold whose residence, on 25 June 1950, was in South Korea. Our objection to the over-all application of the word "repatriation," then, is a matter of what the word means to us in English.

We cannot agree to inaccuracies of terms in the Armistice Agreement. We indicated in our earlier draft an appropriate solution. We proposed a combination of two terms: "repatriation" for those North Korean soldiers we hold and for those soldiers of the Chinese People's Volunteers, and "transfer" to describe the delivery to your side of the prisoners of war we hold of South Korean residence. Our use

COL HICKMAN:
(CONT'D)

of these two terms had absolutely nothing to do with how many of these classes or groups of people would be sent to your side. We could be sending all, or most, or a few.

Then, when these two terms were apparently unsuitable for common agreement, we proposed a more general term as a compromise solution. We proposed a general term which has no connotation of the area or residence of the individual being sent to the other side from a prisoner of war status. This was the general word "exchange", which has been used in connection with the transfer from one side to another of prisoners of war for probably a thousand or more years. It is a word which avoids the connotation of returning to one's home, or area of one's home, which is present in the English word "repatriation". The very essence of the word "repatriation" is the return to one's home, one's country, one's home area. Why your side is unwilling to accept the use of the word "exchange", we are completely at a loss to understand. It has no connotation by itself of all for all, one for one, ten for one, rank for rank, or any other particular connotation.

We are willing to go back to our former proposal and utilize the combination of the words "repatriation or transfer". We are willing to use the word "exchange" which, as I say, has no geographical connotation. It is difficult for us to agree on any paragraph, except possibly your paragraphs 8 and 9, without a solution being reached on this question. The most we can do to make progress prior to getting a solution of that question of wording is to attempt to secure agreements on other differences, most of which are minor.

We are willing to attempt to do that, to settle those

COL HICKMAN: (CONT'D)

minor differences, if that is your desire. We think, however, that your change in your substitution of the word "repatriation" for the word "exchange", which you made this morning, represents a definite set-back to our progress.

This fairly lengthy explanation which I have just completed has been made in an effort to show you that there is no connection between our use of the word "exchange", and our objection to the use by itself of the word "repatriation", with the question of voluntary or forced repatriation.

COL TSAI:

I do not think that your insistence in objecting to the use of the word "repatriation" has nothing to do with the so-called principle of voluntary repatriation of your side. If your insistence has nothing to do with your voluntary repatriation, then the right of being repatriated should be given to all the prisioners of war and your side should have no objection to using the wording as "repatriation." We have done our best in drafting the document and we have adopted and included, as much as we can, all the opinions of your side which are acceptable. No question of transfer exists here, because we are here discussing the question of releasing and repatriating all the military personnel of both sides captured by the other side. Only the word "repatriation" can adequately show such intent and meaning.

It is obviously inappropriate to use the word "exchange". Firstly, because your side in the past insisted on the one-for-one exchange; secondly, because it cannot clearly indicate the duty of both sides in the arrangements for the question of the prisoners of war.

We are willing to settle any point of difference between us regardless of whether it is an important one or a

COL TSAI: (CONT'D)

minor one. This is the purpose of our having discussion here. Primarily, if it proceeded in a generally accepted and reasonable way, there should not have been any major difference. If there is any major difference in existence, that is entirely made by your side. I think it is very clear now that we have reached a stage of basic settlement of all the questions in all the other agenda items. If the obstacle made by your side is removed, Item 4 of the agenda can be easily settled.

This is my comment on your statement made this morning. If you do not have any other questions to raise, I would like to bring up some new opinion about paragraph 7 of our draft.

After examining the provisions regarding the joint Red Cross teams, I feel that two necessary stipulations are lacking there. First, there is the question about the safeguard for the security of these joint Red Cross teams. We feel it necessary in paracraph 7c of our draft that some addition should be made that commanders of both sides should insure the security of the joint Red Cross teams which are visiting the prisoner of war camps in their respective sides. Second, a stipulation should be made to give the right of communication to the joint Red Cross teams which visit the prisoner of war camps. The prisoner of war camps of both sides are quite far from Pan Mun Jom. I consider it necessary for both sides to give such convenience to them for their humanitarian services. This may involve the question of the number of working personnel of the joint Red Cross teams of both sides which are to visit the prisoner of war camps of both sides.

COL TSAI: (CONT'D)

I specifically propose that we increase the number of the representatives of the joint Red Cross teams as stipulated in sub-paragraphs 7b(2) and 7b(3) by ten persons. That is to say, each side shall appoint thirty representatives and set the total number of members of each joint Red Cross team as sixty. I believe that your side will not have any objection to this proposal.

COL HICKMAN: Before commenting upon your remarks about paragraph 7, I have two or three additional things to say about your former remarks.

You indicated yesterday that your side has made all of the concessions. You indicated this morning that it is your view that all major differences are created by the obstinacy of our side. I think we both agree that those questions are largely dependent upon the point of view that the particular side has.

Let is take the question of parole. You stated that our view about the requirement for parole was an unwarranted pretext. And yet parole of prisoners of war being exchanged during an armistice is customary in warfare. It is prescribed in Article 117 of the 1949 Geneva Convention. You indicated that you made a concession about the Red Cross. Yet the requirements for the International Committee of the Red Cross to visit prisoner of war camps, even during hostilities, are prescribed in the 1949 Geneva Convention. And the concept isn't new; it was also included in the 1929 Geneva Convention. We don't think that you have done anything that you shouldn't have done in making allowance of permission for Red Cross personnel to visit camps. We have accepted a substitute. You indicated that by our setting forth differing time limits for the return of prisoners of war that we were administering

COL HICKMAN:
(CONT'D)

poison to ourselves, and then curing ourselves by finally agreeing to the common time limit for delivery. We merely used the prescription which you had written out in the first day that the sub-committee on Item 4 met, namely, that you could accomplish delivery of the prisoners of war you held to us within thirty days. Your delegate mentioned this fact probably fifty times. Having heard it so often, we see no reason why you should not be willing to include such a period in the Armistice Agreement. When you write the prescription, it is difficult for us to see how you can denominate it poison. However, we have agreed, or at least we have offered, to accept the period of two months, and I am not here announcing that we are intending to change.

In your stated two objections to the use of the word "exchange", your first objection was based on your concept that our side had insisted on a one-for-one exchange. It is significant that in order to express your meaning you could not use the expression that our side insisted on, "exchange". You had to qualify the word. You had to say that our side insisted on a <u>one-for-one</u> exchange.

Your second objection was that it wouldn't clearly indicate the arrangements. Paragraph 1 will take care of the question of "repatriation" or "repatriation or transfer". If the word "exchange" doesn't clarify the situation elsewhere, then it could be tackled on that score, lack of clarity. We haven't had pointed out to us any place where the use of the word "exchange" provoked a lack of clarity.

The whole problem of our unwillingness to use the word "repatriation" by itself arises from the fact that we hold South Korean residents as prisoners of war. We could have

COL HICKMAN: (CONT'D)

done a number of things with these people. Without reporting them as prisoners of war we could have released them, released them at the front, incorporated them in our army -- in the case of a number of them, re-incorporated them in our army -- or held them as prisoners of war. Holding them as prisoners of war we could have, after investigation, released them, reclassified them as civilian internees, held them until the end of hostilities and then released them, held them until these negotiations are concluded and give your side the opportunity to receive any of them who desire to go to your side, or expatriate all of them to your side when the final armistice arrangements have been completed. This is a special group of prisoners of war. Repatriation for them is the return to their homes in South Korea, just as it is repatriation to their homes in South Korea for certain of the prisoners of war you hold.

We are trying to find the proper word or wording which will adequately describe the going to your side after the armistice becomes effective of this group of people. It is to your interest to help find a solution to it, if you want to get any of them.

This is not a new concept with us. In our paragraph 6b of our earlier proposal, which you denominated our one-for-one proposal, we set out the differentiation between repatriation and transfer.

As to your remarks concerning paragraph 7, my view is, off hand, that we have no major objection to the changes you have proposed. Is your request for increased numbers based on the need for communications? If so, it raises a question as to whether independent communications need be set up for

COL HICKMAN: (CONT'D)

the Red Cross teams. It would appear that instead of setting up independent communications for the Red Cross teams, they could utilize communication systems already in existence for each side. Presumably, these systems will be tied into the headquarters of the Military Armistice Commission at Pan Mun Jom where messages could be shunted or passed from one system to the other. By using these systems Red Cross teams would be able to communicate freely with their headquarters regardless of the location of the teams and without burdening the teams with communication equipment.

In paragraph 7, aside from the question of the word "repatriation," we believe the last sentence in your 7a could better express our view as follows: Starting with the words "and visit" substitute "and shall visit prisoner of war camps of both sides to comfort the prisoners of war and to bring in and distribute gift articles for the comfort and welfare of the prisoners of war." I have another sentence for the last clause. We think the last clause of the last sentence of 7a should read somewhat as follows: "They may provide services to the prisoners of war while en route from the prisoner of war camps to the exchange point or points." We have eliminated thereby the phrase "when necessary." However, in your addition to an earlier sentence in that subparagraph, you have included the fact that the joint Red Cross teams shall provide their services when they "are necessary and desirable for the welfare of the prisoners of war." Therefore, the words "when necessary" are unduly repetitive. Furthermore, we feel the use of the permissive word "may" instead of the mandatory "shall" provides enough safeguard against the fear you expressed the other day. We

COL HICKMAN: (CONT'D) have substituted the word "while" for the words "being repatriated and" because we think that these services en route from prisoner of war camps to the exchange points should be rendered, if desirable, no matter what the reason is for the journey by the prisoners of war. Therefore, the words "being repatriated and" are unnecessary. It is the welfare service that is important. It should be performed for prisoners of war wherever they are situated until the exchange is completed.

In paragraphs 7b(2) and (3), we think it should be set out that personnel from these two teams shall function more generally than just to visit the prisoner of war camps. It is not now set out in your draft which Red Cross teams, if any, will provide services en route from camps to the exchange points. For clarity, we think 7b(2) and (3) should specify, in some way, that these two teams will perform that function. One way would be to substitute for the words -- taking your 7b(2) for example -- "to visit the prisoners of war camps" the words "to carry out humanitarian services for prisoners of war in the area". Another solution would be to add at the end of the first sentence of 7b(2), for example, the following phrase "and to provide services for prisoners of war between prisoner of war camps and the exchange point".

I have no further comments on paragraph 7.

COL TSAI: Do you agree to make additional stipulations about the safeguard for the security of the joint Red Cross teams in paragraph 7?

COL HICKMAN: I would like to have your full wording and look it over. We will agree to study the problem tonight. I am not positive about what your concept of the security is. I would like to

COL HICKMAN: (CONT'D) see what you have in mind. I say we are not opposed to it in principle. We are not interested in their being so secure that they can't perform their mission.

COL TSAI: If your statement does not mean you object to my suggested addition about the joint Red Cross teams, I would like to ask your side to give consideration in principle about this point, also including the question of communication.

With respect to the suggested revision of the wording of paragraph 7, I will give my comments after I have studied it. However, I do not think it is an important question.

I am here compelled to make a few remarks about the former part of your statement. I do not wish to repeat the points brought forth by our delegates in the sub-committee meetings. However, I must point out that in settling the over-all question of Item 4 of the agenda it is not necessary to have any prerequisities. Without these prerequisites the over-all question can be settled. Without bringing forth so-called parole, the question of releasing and repatriating prisoners of war can also be solved. Without making stipulations concerning the visits by the Red Cross, the settlement of the question of release and repatriation of prisoners of war will not be impaired either. Without stipulations about the question of the civilians, the settlement of the question of releasing and repatriating of the prisoners of war will not be impaired either. You just mentioned about the civilian internees classified by your side. I do not want to make any other remarks about this question. I only want to make one remark, that your side understands the point of view of our side regarding this question.

COL TSAI:
(CONT'D)

Across this table your side repeatedly gave the explanation about the word "repatriation" and its origin in your own language. I believe you know that in the East and in China we have a particular book called the Origin and Meaning of Words. In that book the meaning and origin of every word is clearly and more explicitly explained. However, I do not think it would be of any help to solving the question of the repatriation of prisoners of war which we are facing here now.

As I said yesterday, the question to be settled here is the question about the arrangements for those military personnel of the belligerents who were captured during the hostilities by the other side, and such arrangements are arrangements for them after the armistice. A more complicated question exists in the fact of the existence of two Korean forces. The composition of the two Korean forces is not restricted to any particular area. For instance, among the Korean staff officers of our side in this tent, there are those of South Korean origin. Also, for instance, among the military personnel of the Korean force of your side there are also those of North Korean origin. To give you a further instance of the fact, among Korean military personnel of your side who violated the agreement and intruded into Pan Mun Jom there was a person of North Korean origin. The repatriation of those captured military personnel of both sides can only be settled according to their respective army designation. If the original residences of those people are involved, then the political attitude of those people towards the revolution in Korea will be involved.

We think that in settling the question of prisoners of

COL TSAI: (CONT'D) war we should not consider questions which cannot be solved in our negotiations here. We can only settle the question according to the army designation of each prisoner of war. Otherwise we will be tied to the question which cannot be solved for the time being, and which is not of the first importance. Therefore, I think we should face the question of solving Item 4 of the agenda and make all our efforts in trying to accomplish it, otherwise, we will not be able to reach any result by lengthy arguments in discussion of those questions.

COL HICKMAN: I was not talking about people of South Korean origin, but about those of South Korean residence on 25 June 1950. I am seeking a way only to set out appropriately the words which we can agree to, to permit those people of South Korean residence to go to your side after the signing of the armistice. Even though not required to do so under international law, we are not unwilling that these people of South Korean residence go to your side. Our trouble is in finding the word which will describe that process. Repatriation is not the word. Repatriation would place them in South Korea. It is in your interest to help find a suitable word or group of words to describe the process.

COL TSAI: The word repatriation is applicable to all military personnel captured by both sides I do not think any further arguing on that point would be of any meaning. I do not think the logic supporting my statement is against the interest of our side.

If you do not have anything new to offer, I suggest we recess until after the plenary session tomorrow.

COL HICKMAN: I don't know what "repatriation" in its literal translation in your language may mean, but in our language "repatriation" of the South Koreans whom we hold as prisoners of war means their return to South Korea. We need another word to describe their going to your side.

As to the additional points you raised on paragraph 7, as you know our concept is to set out in detail wherever such detail will assist in determining functions, duties, rights, and responsibilities. We will give thought to these added points and will be glad to examine any wording you have tomorrow or thereafter which sets out these added propositions.

We agree to your suggested arrangement for our meeting tomorrow and to your proposal for a recess.

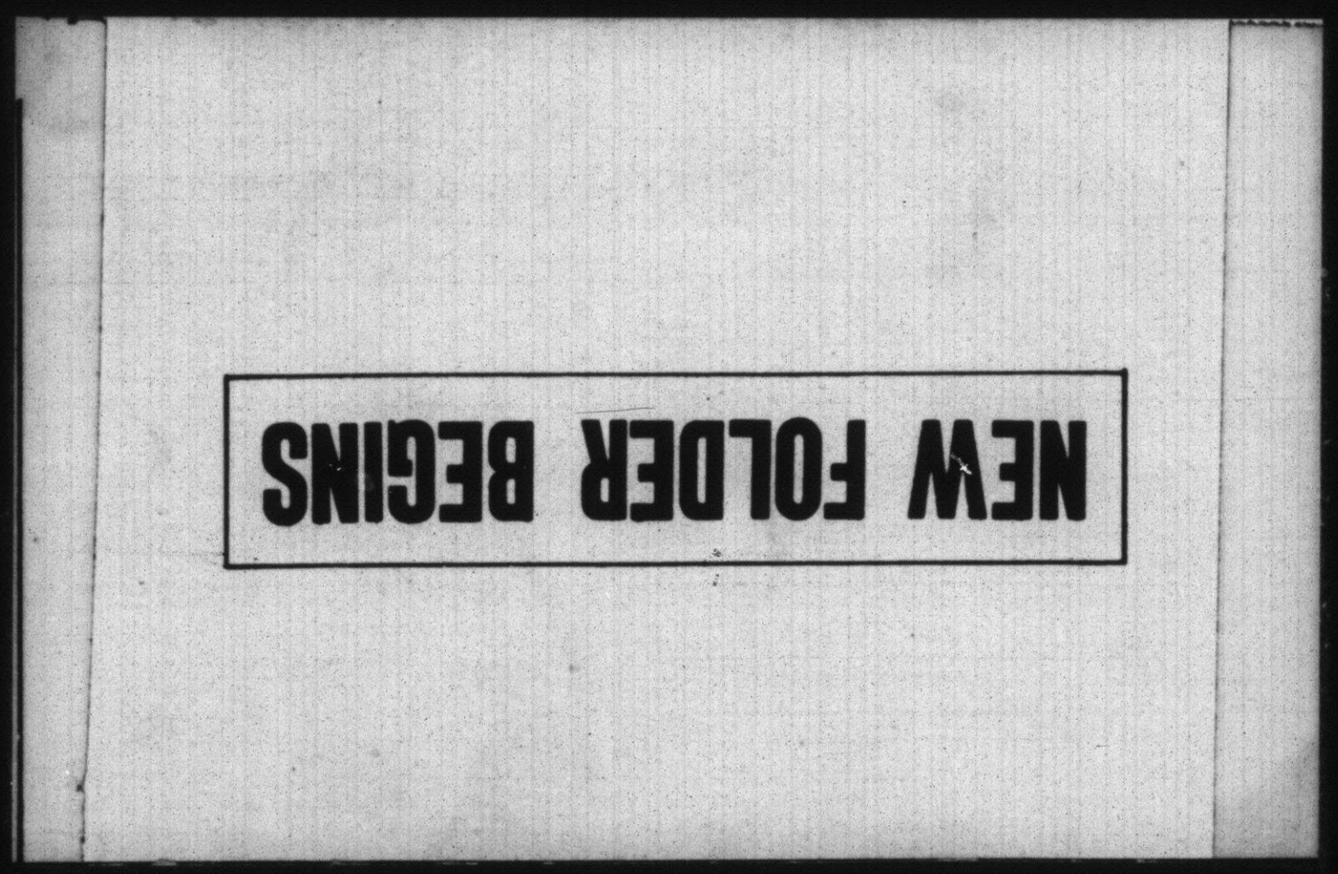
Meeting recessed at 1430 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

23

17 February 1952

SUBJECT: Eleventh Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 17 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF, (PIO), COL J A Norell, USA, CDR O W Spahr, Jr., USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, and Mr. C. W. Wu, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistant ; Interpreters and Stenographers.

Meeting reconvened at 1140 hours.

COL HICKMAN: I regret that we were not around when you wanted to see if we could have our meeting a few minutes earlier.

COL TSAI: Do you have anything to say?

COL HICKMAN: Not at this time. We would be very glad to examine any wording on those points in connection with paragraph 7 which you mentioned yesterday, if you have such wording available.

COL TSAI: We would like to have some stipulation in sub-paragraph 7c regarding the joint Red Cross teams to the effect that both sides should give a definite and adequate safeguard for the security of the teams. We do not mean that if there is not such a stipulation the security of the joint Red Cross teams would be endangered. However, we are aware of the fact that the joint Red Cross teams are formed by the representatives of the Red Cross Societies of both belligerents, that is to say, the representatives of the Red Cross Societies of the one side go to the other side, and we think it would be better to have such stipulation than not having it. Such stipulation would make both sides have the legal responsibility for the security of the representatives of the joint Red Cross

COL TSAI: (CONT'D) teams. This stipulation would also prevent each member of the joint Red Cross teams from unnecessary apprehension in their performance of their functions and giving their services. The wording of such stipulation will be submitted to your side when both sides have agreed in principle about such stipulation.

COL HICKMAN: May I say something now? I want to say that we agree in principle to that proposition.

COL TSAI: We will give you the wording in writing tomorrow for discussion.

I propose that we will add another sub-paragraph to sub-paragraph 7b. That means, we suggest making 7b(7) stipulate that the Red Cross teams visiting the prisoner of war camps of both sides shall have their independent communications equipment. Of course, such arrangement for the independent communications equipment will be on the basis of mutual equality. We heard your preliminary reaction to our proposal yesterday. Your side thought that both sides will keep their connection in communication with each other through the Military Armistice Commission, yet we think that such communications through the Military Armistice Commission are obviously in the scope of military communications. Generally speaking, the military organization does not like to have their communication system serve a civilian purpose. The civil communication systems of both sides have suffered great damage during the hostilities and it is very hard for us to anticipate or estimate to what extent and at what speed the restoration of such civil communication systems could be effected. Under such circumstances we consider it necessary to make the written stipulation about arrangements for their

CCL TSAI:
(CONT'D)

communication.

As to the increase of the number of members of the joint Red Cross teams, of course such a proposal of our side is not made only on the basis of the increase of the communication equipment. It is made also after consideration of the considerably large number of prisoners of war in the prisoner of war camps. We think that if the number of members of the joint Red Cross teams can be increased, such teams would be able to render better services to the prisoners of war. Since both sides have agreed that the joint Red Cross teams may visit the prisoner of war camps of both sides to render their humanitarian services, we feel that it is necessary to consider realistically the convenience for their functioning, and therefore it is necessary to make such stipulation. If your side agrees in principle to this proposition, we will submit to you the wording of such stipulations at a later time.

COL HICKMAN: If the Red Cross team operating on either side is split up into sub-teams, as we have tentatively provided, do you contemplate that each sub-team would have with it communication facilities? Secondly, we consider that the operation of the Red Cross teams,when functioning for both sides during this period of exchange of prisoners of war, definitely are a part of our military set-up even though we take them from a civilian section of our societies. I want to emphasize that we are not opposing the transmission of messages by members of the Red Cross teams. We feel, however, that the communications systems of our military forces will be able to carry such additional messages without any strain whatever. With the reduction in operational messages occurring as a result

COL HICKMAN: (CONT'D)

of the cease-fire accompanying the armistice, the number of military messages should be very greatly reduced. Of course I must admit that I am not acquainted with the extent of your communications and, therefore, I can speak authoritatively only for the communication system on our side. I can visualize the problem that might exist at the prisoner of war camps on your side if you have to rely on the civilian communication system. On our side the Red Cross team and sub-teams could utilize our military system at almost any time. Possibly the only time when a sub-team might be out of communications with the communication center at Pan Mun Jom would be when a sub-team was accompanying a group of prisoners of war en route, say by train, to the exchange point.

In short, our military communications system is, we believe, adequate to provide for the sending of Red Cross messages. We are willing that our military system should carry all messages Red Cross teams on our side wish to send.

Well, I am not sure how far the discussion on this question has progressed in Item 3. With respect to the neutral teams, it appears that the arrangements for the Red Cross teams should roughly parallel the arrangements made for the neutral teams. If your side is unable or unwilling to utilize your military communication system for the Red Cross team operating on your side, then we have no objection to provide communications equipment for Red Cross personnel operating in your area. We agree as to the general need for a Red Cross team to send messages. The need for a parallel communications system is not completely evident to us. We have, I hope, an open mind on the question, however, and

COL HICKMAN: (CONT'D) will be glad to hear any further remarks you would care to make on the subject.

I believe that the present wording in Item 3 on this subject of the neutral teams reads as follows: "provide such logistic support, including communications and transportation facilities, as may be required by the Military Armistice Commission and the Neutral Nations Supervisory Commission and their teams." Contemplated there, apparently, is the furnishing of communications facilities by the particular side, rather than necessarily furnishing an independent communication system.

As to the increase of personnel of the Red Cross teams operating on our two sides, we have no objection to such increase provided you consider such increase is needed for the teams to properly carry out the duties and functions of the teams. As you know, in the latest drafts of both sides on this question, we have both provided for the increase or the decrease in the size of the teams if such becomes desirable. Our original estimate of 40 members, 20 from each side, was only an estimate. We are willing to accept your appraisal of the problem and begin the activities with 60, or 30 from each side.

COL TSAI: We consider that it is necessary for the joint Red Cross teams to carry their communications equipment. This would prevent any delay in transmitting their messages or communications which may occur by utilizing the military communications system of either side. Furthermore, such stipulation is made on the basis of mutual equality, and we believe that such arrangements would only be for the convenience of the joint Red Cross teams for the interest of both sides, and we

COL TSAI: (CONT'D) cannot see any disadvantages to either side. We have provided in the provisions that both sides should afford all conveniences to the joint Red Cross teams in their performance of their functions. Therefore, I request your side to give further consideration to this question.

COL HICKMAN: May I ask a question? To be sure that I understand what your side wants in this regard, do you contemplate that there would be one communications system for the Red Cross team on your side or two systems for the team on your side? That is, do you want a separate communications system for your half of the team and a separate system for our half of the team? I wish to state that I am not here trying to argue the point but merely to get clear in my mind what your suggestion is, so that we can properly study it and consider it. I might state that on our side the military authorities will have to furnish the equipment for any such system, and we would prefer to use systems already in existence. That doesn't mean that we will be unwilling to adopt some other procedure.

COL TSAI: We consider this question on the basis of the realities. If the members of the joint Red Cross teams of our side used your military communications system when they are operating on your side, there would be a situation which they will find strange and inconvenient.

By a strange situation, I mean the fact that we are using different languages. For instance, the members of our side in the joint Red Cross teams are using Korean and Chinese, and if they have to use English in order to utilize your military communications system their messages should be translated into English. From experiences we have had in

COL TSAI: (CONT'D)

this tent, I think both sides are quite aware of the fact that expressions often deviate or depart from the original meaning through translation, which we think is not very appropriate and economical of time. That is the situation which I mean the personnel of our side of the Red Cross teams would find strange. All the above-mentioned facts are what I said about the situation which the personnel of our side in the Red Cross teams would find strange.

As to the inconveniences which those personnel would feel, I may give some examples. We understand that the military communication system is set up for the need of the military operations. If the members on our side in the Red Cross teams want to utilize your military communications system, there might be some delay in transmitting the messages when your communications system is busy in sending off military messages. Also, the members on our side in the Red Cross teams are not very familiar with the environment, as well as the relationships of people, in the area where they will be operating. Therefore we consider that they will be greatly inconvenienced if they have to use your military communications system.

The members on your side of the joint Red Cross teams when they are operating in your area do not have such difficulties. Likewise, the members on our side in the joint Red Cross teams, when they are operating in our area, do not have such difficulties either. Taking the members on your side in the Red Cross teams which will operate in our area, the same situation may confront them when they are going to send some report in English, and there is the difficulty on our side to let them utilize our military communications system.

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COL HICKMAN: I can see that there is some merit to the point that you have raised. It is difficult to assess how impractical it will be, for the members of the team who are on the opposite side from the side they belong to, to get satisfactory communications by means of interpreters through the communication system of the other side. The military authorities will have to furnish personnel and equipment to the Red Cross for communication purposes. Do you contemplate that each side will furnish such personnel and equipment for the Red Cross team in its area? Or, do you propose that military personnel of the other side will go behind the lines during the armistice to provide communication facilities for its part of the Red Cross team? If the latter, we have a somewhat new problem, one which your side has been more opposed to than ours. It might be possible that we could provide a separate communication net for your part of the team on our side and could furnish personnel capable of transmitting and receiving in your language. That would be an alternate solution to my first question.

Has your side thought this problem through to the point where you have any fixed ideas on these points I have just raised? If so, we should be glad to hear your remarks about them.

COL TSAI: I understand the true objection of your side to this measure. Our side raises this question from the point of view of considering arrangements to facilitate the services made by the joint Red Cross teams based on an understanding of the realistic problems involved. In fact, in the whole prisoner of war question our consideration of the arrangements is based on our concept of humanitarian arrangements as well as

COL TSAI: (CONT'D) historically traditional arrangements for them.

It might save our time if we just leave this question of communications for both sides to make further consideration in order to reach a settlement on it.

COL HICKMAN: I think you have misinterpreted some of my statements. I am never loath to tell you what my objections are when I have them. I consider that our frank discussion we generally follow in meetings in this tent does much to clear away any hidden reason.

I am not voicing objections to separate communications. I need to see just what your concept of the problem is and how you propose to solve it. I need to talk to our communications expert to see how we can work out any solution which you may propose to the problem. If I had any other basic reason, any basic objection, I wouldn't start now in holding that from you.

We had the feeling that the existing military communications system would be the best. If your side prefers a separate system and if we can understand just how you anticipate it should be set up, we are completely agreeable to consider it and, I feel reasonably sure, to accept it. I am, of course, willing to defer further discussions on the matter until later.

COL TSAI: I do not think we have any misinterpretation of your opinion. We welcome Colonel Hickman's attitude in considering any of these practical questions. I want to consult our Red Cross Society members to see whether they can operate their own communication system without utilizing or employing military personnel.

I also have to consult the personnel in charge of our

COL TSAI: (CONT'D) communications system to see whether they can furnish separate communication facilities for the members of your Red Cross Societies in the teams which will operate in our area.

COL HICKMAN: One final comment, I have grave doubts that our Red Cross people are qualified in communications. I am not sure of that, but I think it is very doubtful. It appears to me likely that the only source of communications personnel for our part of the Red Cross team on your side would be our military communications personnel. It may be that the use of such a small numbers of specialists would be completely acceptable to your side. You, of course, would have that question to answer.

COL TSAI: What I meant was that it appeared that your side had objection to having our military communications personnel operate the communications equipment in your area. Therefore, we considered the possibility of solving it by the Red Cross Societies themselves, and I think there are many practical ways to approach it. For instance, I don't think it is impractical for the Red Cross Societies of both sides to employ the civil specialists who are qualified in operating the communications equipment.

If your side agrees, I think we may leave this question for both sides to make further consideration, and then we can try to find out how to settle it.

COL HICKMAN: That's agreeable. I suggest we take about a three minute recess.

Meeting recessed at 1337 hours.

Meeting reconvened at 1340 hours.

COL TSAI: Let's start.

COL HICKMAN: We are ready.

COL TSAI: We will give consideration to the two revisions in wording as suggested by your side for paragraph 7.

With respect to your suggestion for the additions to paragraph 8, our side is considering some appropriate wording so that the stipulations and the wording would be proper for providing for the particular situations as your side mentioned.

COL HICKMAN: May I say something at this point? I hand you for your informal consideration in that connection, a draft that we prepared on the basis of further elaborating the requirements set forth in your paragraph 8. That may be of some value to you as representing one concept of the additional information we feel should be placed in this paragraph. (Hands draft to Colonel Tsai -- see Enclosure 1)

COL TSAI: I will make a study of it and then give comments on it after it has been translated.

With respect to paragraph 9 of our draft, do you have any opinion other than what you gave the day before yesterday?

COL HICKMAN: No, I think I covered about all the points which we felt might be changed a bit in order to make the paragraph a bit more acceptable to us. The differences we have in paragraph 9 are not major ones, and I have nothing to add at this time to my comments of the day before yesterday.

COL TSAI: I believe now the disagreement or differences between both sides in settling Agenda Item 4 are the main differences in paragraphs 1 to 4 in our draft. I believe that you understand that we have exerted our best, after long discussion of this item of the agenda, to draft these nine paragraphs by adopting, as much as we can, the opinions of your side.

COL TSAI: (CONT'D)

From our point of view, we think that this proposal of our side is completely reasonable and adequate for the settlement of Agenda Item 4, and after this proposal of ours has been submitted we think that there should not be any differences between us. Therefore, we consider that your side should reconsider your stand. Now, the settlement for all the other agenda items is fundamentally in sight and we cannot see why more time should be needed for settling Agenda Item 4, and any more unnecessary time taken for the settlement of Agenda Item 4 would only delay agreement to our armistice. If you have anything to say, we would like to hear it.

COL HICKMAN:

For several days we have been discussing your proposal of 14 February. It would be helpful to us, if you are willing, for you to indicate, say by the revision of certain of your paragraphs or sub-paragraphs, which of the points we have raised finds you agreeable to making amendments more suitable to both of our views. If you would be willing to undertake that, then we could have one final look and, perhaps, narrow our differences to at most two or three. We, on our part, will do our best to reach an acceptable solution, including the solution to the additional points you have raised on paragraph 7. We think maybe that solution, by your making amendments where you can to what is now the latest draft we have before us, will offer the fastest solution for the elimination of as many of the existing differences as it is possible to do so. Alternatively, of course, we could offer a new proposal. But we would be, in the interest of expedition, somewhat at a handicap to know just which of our objections have been accepted by you and which

COL HICKMAN: (CONT'D) you are willing to agree with us in our concept for some slight change.

Are you agreeable to making such amendments as you can in your draft, in the light of our comments since 14 February?

COL TSAI: I think I have stated all the points which our side can agree to. I have also stated all the points which our side cannot agree to. We are also considering all the acceptable opinions of your side and we are considering how to revise the wording so that those acceptable opinions may be included in the provisions. Certainly you are quite aware of the fact that our side has done our best in trying to settle Agenda Item 4. Our side will submit to you the revised wording after our consideration of these opinions, and such revised wording will be submitted to your side in due course. If your side has nothing new to offer, I suggest that we recess until the adjournment of the plenary session tomorrow morning.

COL HICKMAN: We agree to recess until tomorrow after the plenary session. However, if you think it might be more helpful for full concentration for your side, it might be better for us to wait until say the next day in order to have our next meeting, since you are going to be undertaking a drafting of probably several paragraphs or sub-paragraphs.

COL TSAI: On our side we do not see any necessity to recess until day after tomorrow. As I have said, we have pointed out which part of your opinions can be accepted. Therefore, even if our side will not submit the revised wording tomorrow it will not affect our discussion.

However, if your side prefers not to have a meeting tomorrow, we have no objection to recess until the usual time day after tomorrow.

COL HICKMAN: Not at all; we are perfectly willing to meet tomorrow. We also are not aware of, for example, which of our comments in connection with paragraph 9 you agree with, or find acceptable, in whole or in part. We do not know whether you find acceptable our proposed revision to paragraph 7. We do not know which of the added elements of your paragraph 8 you find acceptable in whole or in part.

COL TSAI: I will answer your remarks tomorrow, and I propose that we recess now.

COL HICKMAN: We agree.

Meeting recessed at 1428 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

ENCLOSURE 1: United Nations Command Draft on Paragraph 8.

3. a. Each side shall furnish to the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement is signed and becomes effective, the following information concerning prisoners of war:

(1) Complete data pertaining to the prisoners of war newly added since the effective date of the data last exchanged.

(2) Complete details concerning changes in status, except death, of prisoners of war included in data previously exchanged.

(3) Insofar as practicable, information regarding the name, nationality, rank and other identification data, date and cause of death and place of burial of those prisoners of war who died while in its custody.

b. In addition to the information called for in sub-paragraph a, above, each side shall furnish to the other side on a continuing basis, through the Committee for Exchange of Prisoners of War, the following information:

(1) Complete data pertaining to prisoners of war newly added who had not been processed to the rear in time to be reported in accordance with provisions of sub-paragraph a (1) above.

(2) Complete details concerning changes in status, such as death or escape, of prisoners of war in its custody awaiting exchange.

(3) Complete data pertaining to prisoners of war who return to its custody from the status of release or escape.



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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

18 February 1952

SUBJECT: Twelfth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 18 February 1952

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, Staff Officer; BGEN W P Nuckols, USAF, (PIO), COL H L Taylor, USA, CDR G R Muse, USN, CDR O W Spahr, Jr., USN, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, and Mr. C W Wu, DAC, Interpreters; and Stenographers

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistant; Interpreters and Stenographers

Meeting reconvened at 1100 hours

COL TSAI: Yesterday we studied the revised wording of our paragraph 8 submitted by your side. We now submit to you our revised wording of our paragraph 8 for your consideration.

(Hands draft to Colonel Hickman--see Enclosure 1)

COL HICKMAN: We shall study the revised wording and give you our comments on it later.

COL TSAI: With respect to sub-paragraph 7a, we make the revision of the last part of the last sentence of that sub-paragraph. We delete all the words after "and visit the prisoner of war camps", and revise as follows: "and shall visit prisoner of war camps of both sides to comfort the prisoners of war and to bring in and distribute gift articles for the comfort and welfare of the prisoners of war. They may provide services to prisoners of war while enroute from prisoner of war camps to the place or places of delivery and reception."

COL HICKMAN: That phraseology, in general, sounds as though it is in accordance with the concept which we asked you to consider.

COL TSAI: In sub-paragraph 7c we add a clause in the first sentence. The first sentence will read as follows: "Each side shall cooperate fully with the joint Red Cross teams in the performance of their functions and see that the security of the personnel of the joint Red Cross teams in the area under its control be insured."

COL HICKMAN: My general impression of that amendment is that it is satisfactory. Of course I reserve the right to examine into it at greater length. I am here giving you merely my impression upon hearing the translation of your revised wording.

COL TSAI: In sub-paragraphs 7b(2) and 7b(3), the number of the members will be revised from twenty to thirty, and forty to sixty, respectively. Both sub-paragraphs will have the provision for the teams to visit the prisoner of war camps under the supervision of the military forces as stipulated respectively. To the end of the first sentence in both sub-paragraphs a clause will be added as follows: "and the team may provide services to prisoners of war while enroute from prisoner of war camps to the place or places of delivery and reception."

COL HICKMAN: We appreciate your cooperation in making that point clear in those two paragraphs. The concept of it is of course acceptable to us. The niceties of phraseology we will comment on later, if such be necessary in our view.

COL TSAI: We are considering the question of the communication facilities of the joint Red Cross teams on the basis of the opinions expressed by your side yesterday.

COL HICKMAN: I have nothing further to add today to my comments of yesterday on the subject. We, of course, will consider carefully any proposal you have in that regard when you have completed your study of the problem.

COL TSAI: We agree to delete the preamble in paragraph 9. That is the sentence prior to sub-paragraph 9a.

In paragraph 6, as I have stated before, the "Committee for the Exchange of Prisoners of War" should be changed to the "Committee for the Repatriation of Prisoners of War". The "exchange point" should be changed to "the place of delivery and reception". In the second sentence of this paragraph the word "general" will be added and this sentence should be read as

COL TSAI: (Cont'd) follows: "This committee shall be responsible, under the general direction and supervision of the Military Armistice Commission, for coordinating specific plans of both sides..." and so forth.

In paragraph 5 the revision is the same as I stated the day before yesterday.

COL HICKMAN: One question. In paragraph 6 you meant to replace the words "exchange points" by the words "places for delivery and reception" in each instance where the words "exchange points" appear, I presume. Is that correct?

COL TSAI: Yes, wherever the words "exchange point or points" appear they should be replaced by the phrase "place or places of delivery and reception.

COL HICKMAN: We would appreciate, if you would have it there, your reading your revised paragraph 5.

COL TSAI: It reads as follows: "Pan Mun Jom is designated as the place where prisoners of war will be delivered and received by both sides. Additional places of delivery and reception may be designated if necessary in the Demilitarized Zone by the Committee for the Repatriation of Prisoners of War."

COL HICKMAN: We have no additional comments or questions at this time. If agreeable with your side, we would like to recess until after the plenary session tomorrow to enable us to study the wording in the light of your revisions this morning.

COL TSAI: We agree.

Meeting recessed at 1130 hours

OFFICIAL:

H. M. BRIGGS
Captain, USN
Secretary

AUTHENTICATED:

HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR

Enclosure 1 - Communist Revision of Paragraph 8, 18 February 1952

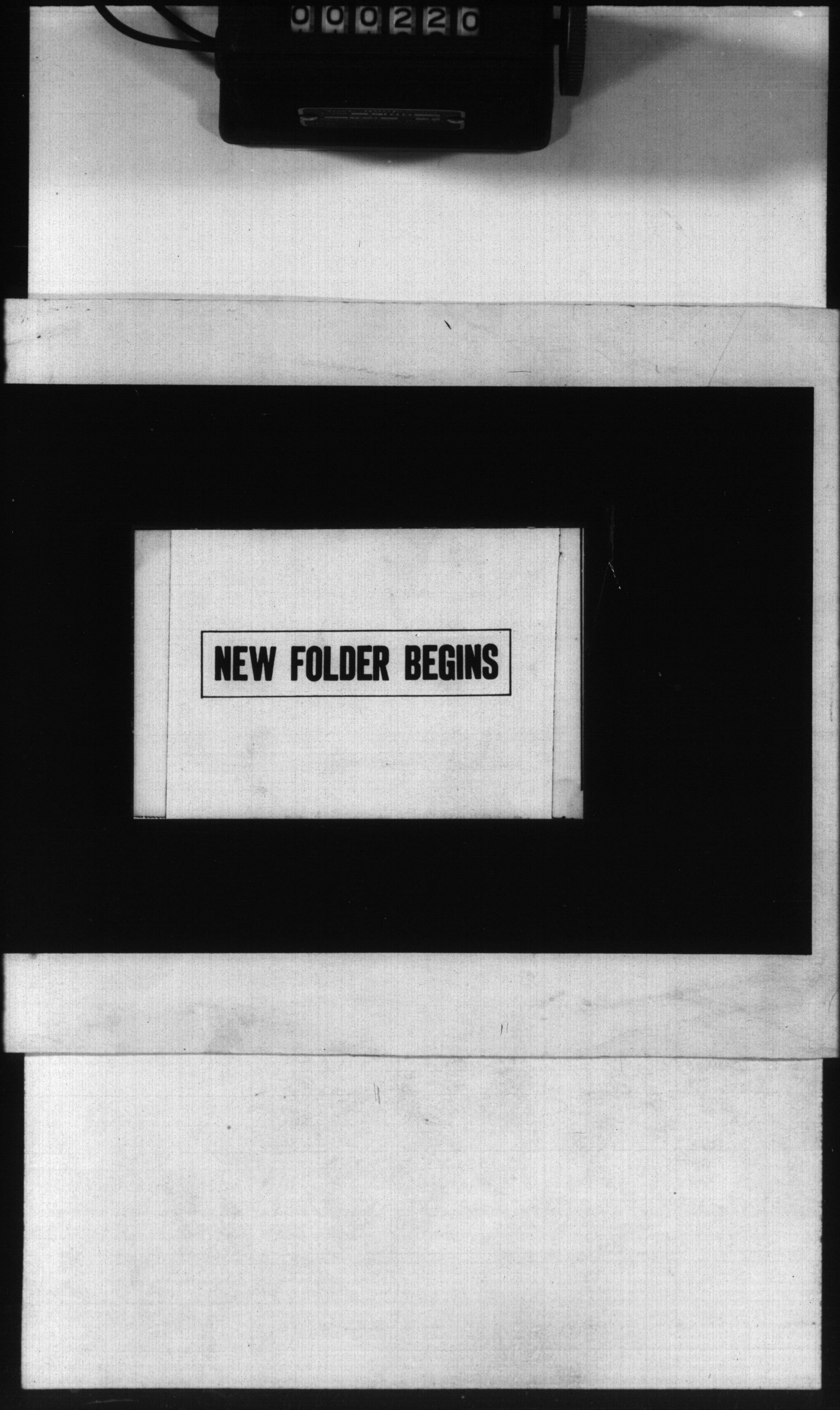
COMMUNIST PROPOSED REVISION, 18 FEBRUARY 1952

8. Each side shall furnish to the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement is signed and becomes effective, the following information concerning prisoners of war:

a. Complete data pertaining to the prisoners of war newly added and those who escaped since the effective date of the data last exchanged.

b. Insofar as practicable, information regarding the name, nationality, rank and other identification data, date and cause of death and place of burial of those prisoners of war who died while in its custody.

If there should be on either side any prisoners of war who are newly added or who escaped or died after the effective date of the above-mentioned supplementary information, that side shall furnish, through the Committee for Repatriation of Prisoners of War, to the other side on a continuing basis the related data in accordance with the provisions of the foregoing sub-paragraphs a and b, until the completion of the repatriation of prisoners of war.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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

19 February 1952

SUBJECT: Thirteenth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 19 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J A Norell, USA, Staff Officers; BGEN W P Nuckols, USAF, (PIO), COL H L Taylor, USA, CDR G R Muse, USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, and Mr. C W Wu, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1215 hours.

COL HICKMAN: We are in substantial agreement with your paragraphs 5 through 9 as amended by you yesterday. I have a few remarks and suggested changes and a reservation or two to make with respect to these paragraphs.

You are, of course, aware of our concept of the literal meaning of the word "repatriate". I shall not now discuss our reasons for our view that where you use the word "repatriate" we would use the words "repatriate or transfer". I merely wish to point out here that on that one point we are not in agreement. We think in paragraph 6 the avoidance of the use of the term "exchange points" unduly complicates the phraseology. For example, in the phrase which you used before you made the change eliminating the use of the words "exchange points", the phrase "to select additional exchange points as necessary", there is now required something like the following phrase, "to select, as necessary, additional places of delivery and reception of prisoners of war." Now, in the interest of compromise, we are willing to utilize the phrase "place or places of delivery and reception" for the term "exchange points" wherever they appear, even though such careful avoiding of the use of the words "exchange points" seems to us to be unnecessary.

COL HICKMAN: (CONT'D)

I can state with respect to paragraph 5 that we agree to your rewording except with respect to the use of the word "repatriation" in the title of the committee.

In paragraph 6, aside from the reservation of the use of the word alone of "repatriation", and in adding two or three words for better clarity in English, as in the example I gave a moment ago, we are in agreement. We will eliminate the phrase we formerly had setting out specifically the coordination with the neutral teams referred to in our paragraph 8. I hasten to add that we do that in order to leave paragraph 6 without that one complete disagreement. We will still retain the gist of our paragraph 8 in our phraseology. For idiom only, we wish to change the English in the third sentence of paragraph 6 so that the first five words shall read "it shall be the duty" instead of "it shall be the duties." We understand that change makes no difference in either Korean or Chinese.

Perhaps I should here read the two phrases wherein the words "exchange points" were involved to point out to you the way we believe those two phrases requiring change in paragraph 6 should be now stated. The first one, the one which I explained a few minutes ago should read, in our opinion, as follows: "to select, as necessary, additional places for the delivery and reception of prisoners of war". And in the next phrase, we think it should read as follows: "to arrange for security at the places of delivery and reception of prisoners of war". The word "places" there would be expressed alternatively as singular or plural in the manner which we have employed previously, with the letter "s" in parenthoses.

We agree to your changes in paragraph 7. We think the wording would be improved, so far as the English is concerned, in your first sentence in paragraph 7c if we made the sentence

COL HICKMAN: (CONT'D) read as follows: "Each side shall cooperate fully with the joint Red Cross teams in the performance of their functions and shall insure the security of the personnel of the joint Red Cross teams in the area under its control". That changes the second portion of that sentence to read more smoothly in English. It preserves with equal firmness the mandate upon the commanders to provide for the security of the members of the Red Cross Teams operating in their respective areas. If this phraseology presents awkwardness in either of your languages, you will, I know, advise us so that we can work out the wording suitable for all three languages.

In order that the question of communications for the Red Cross teams may be placed in the Armistice Agreement, and pending further comments from your side on that subject, we suggest that the last sentence of paragraph 7c read as follows: "Each side shall provide for the logistical, administrative and communications requirements of such teams operating in the area under its control." That change merely insures that the commanders on each side are responsible for furnishing means of communications to the joint teams. In the absence of other provisions, the communications needs of the joint Red Cross teams would thus not be ignored.

We have, of course, in that paragraph 7, also, our general reservation on the question of the use and meaning of the term "repatriation."

We have attempted, with respect to your paragraph 8, to reword it slightly for the sake of clarity, and for another purpose which I shall mention shortly. We have not suggested changes through your preamble and sub-paragraphs a and b, other than a slight renumbering of the sub-paragraphs. We suggest that the last sub-paragraph of your paragraph 8 would be better expressed in English as follows, and I here will read our

COL HICKMAN: (CONT'D) proposed new sub-paragraph 8b: "If any prisoners of war are newly added, or escape, or die, after the effective date of the supplementary information submitted above, the detaining side shall furnish to the other side, through the Committee for Exchange of Prisoners of War, the data pertaining thereto, in accordance with the provisions of the foregoing sub-paragraph a. Such data shall be furnished at ten-day intervals until the completion of the program of deliver and reception of prisoners of war."

We consider that your side hit upon a point well worth taking in connection with this paragraph when you included the requirement for stopping the furnishing of reports upon the completion of the program of delivery and reception of prisoners of war. There was a vagueness in our former proposal, both as to the periods following the report provided for in 8a and as to when the supplemental reports should be rendered. We have therefore suggested ten-day intervals for the furnishing of these supplemental reports through the Prisoners of War Committee. We agree with you that these reports cannot be furnished through the Committee any longer than the Committee is in existence, some two months. We do think, however, that there is a strong probability that there will be some escaped prisoners of war who will return, after the program of delivery and reception has been completed, to the side making the original capture. To provide within this paragraph for the proper handling of that contingency, we propose a sub-paragraph c which reads as follows: "Any escaped prisoner of war who returns to the custody of the detaining side after the completion of the program of delivery and reception of prisoners of war shall be delivered to the Military Armistice Commission for disposition". (Hands revised paragraph 8 to Colonel Tsai. - See Enclosure 1)

COL HICKMAN: (CONT'D) The papers I just handed to you represent our concept of needed changes in paragraph 8. The principal change, other than wording, is that suggested by your change to give some finality to the period in which this data would be exchanged.

Now in paragraph 9, we consider that the name of the Committee should more appropriately be: "The Committee for Repatriation of Civilians". I must say it doesn't make too much difference what the name of the committee is, so long as it functions properly; and the point, therefore, is a small one. In your sub-paragraphs 9c and 9d we similarly feel that the word "return" should be the word "repatriation".

I neglected to mention the other day that we believe in the third sentence of sub-paragraph 9c(1) the word "general" should be added before the word "supervision". This change is consistent with that in paragraph 6, and is one which was agreeable to your side in paragraph 6.

We are willing to take the viewpoint of your side on the elimination of naming in the Armistice Agreement a crossing point at Chorwon. We are anxious, however, to insure as early as possible the determination of the initial crossing place or crossing places for displaced civilians.

We solicit, from your side, thought on the subject of how we may expedite the information—perhaps through meetings prior to the effective date of the armistice between members of both the Civilian Committee and the Prisoner of War Committee for preliminary conferences and discussion on their duties. In other words, I think it would be helpful if we could arrange preliminary meetings, once we reach an agreement and prior to the effective date of the armistice, of people of your side and people of our side who will be engaged in working on or for these two committees. Any details which may be talked over by these groups to further the smooth functioning of their work, once

COL HICKMAN: (CONT'D) they are officially embarked on their respective programs, would be very helpful. The arranging, for example, of the geographical layout of the places in the Pan Mun Jom area for the handing over and receiving of prisoners of war is going to take some time and coordination on the part of the Prisoner of War Committee. The building of short stretches of additional roads in the Pan Mun Jom area may well be desirable to prevent tie-up of vehicles due to traffic jams.

I admit these are details that digress slightly from our primary mission at the moment. I bring them up for the purpose of suggesting that sometime in the future we have another brief discussion, based on your view of the desirability of such informal meetings by people of our two sides scheduled to participate in the work of our two committees.

COL TSAI: I suggest we recess for three minutes.

Meeting recessed at 1345 hours.

Meeting reconvened at 1348 hours.

COL TSAI: For the convenience of our discussion, I shall start the discussion from paragraph 9.

With respect to the name of the committee which will be established by paragraph 9, we consider that is is still practical and realistic to have it named as "The Committee for Assisting the Return of Displaced Civilians." In order to make it clear about the duty of both sides in assisting the return of the displaced civilians, we are prepared to make a slight change in wording in paragraph 9a. This sub-paragraph after the revision will read as follows: "Measures by both sides to assist the return of civilians provided for in sub-paragraph 9a and the movement of civilians provided for in sub-paragraph 9b shall be commenced as soon as possible after the Armistice Agreement is signed and becomes effective".

COL TSAI:
(CONT'D)

We agree to your opinion about the duty of the Committee for Assisting the Return of the Displaced Civilians and the relationship of this committee with the Military Armistice Commission. That is, we agree to add the word "general" before the word "supervision", and the corresponding phrase should read as follows: "under the general supervision and direction of".

With respect to the suggested change of our paragraph 8, your revised wording sounds generally agreeable to our side. I will give our comments on the wording of the revised provision after it has been translated into our languages.

With respect to 7c, I think that our wording is necessary. That means that both sides shall see to the security. Here I want to make some explanation. According to the Chinese, we have a word to make this security definite or effective, some meaning like that, and it is translated in English as "see that security is insured". We make such wording on the basis of the traditional usage of the words, and we think it is necessary.

We will consider your opinion regarding the question of communications of the joint Red Cross teams. However, we think that the furnishing of the communications equipment to the joint Red Cross Teams working in the area under either side's control should be made in accordance with the methods and manner which the teams are used to, and that such furnishing should be made with the purpose of rendering a convenience for them to carry out their work. In other words, when the Red Cross Society representatives of your side come to the area under our control to carry out their work, our side will furnish the communications facilities which will be suitable to their use and, likewise, when the Red Cross representatives of our side go to the area under your control, your side would also furnish the communications facilities which would also be suitable to their use, such as in language, and so forth.

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COL TSAI: (CONT'D) Considering the difficulties on both sides, we concretely propose that each side should furnish one set of communications equipment to the Red Cross Team which will operate in the area under its respective control, so that the joint Red Cross Team may communicate with their own side in their own language.

With respect to your suggested rewording in two places in paragraph 6, we think that generally these revisions are agreeable.

Regarding paragraph 5, I am not going to make any comments in addition to what I said before.

In the latter part of your statement, you mentioned some informal meeting by the Committee for Repatriation of Prisoners of War and the Committee for Assisting the Return of Displaced Civilians before the Armistice Agreement becomes effective. For the moment, I reserve the right to make any comments.

Taking this opportunity, I would like to remind you that in our discussion we are using three languages, and all three languages are authentic and effective. Therefore, change of wording should not be made only for the purpose of meeting the requirements of a certain specific language. I would like to propose that hereafter, if your side has anything to submit in writing, I think it would be helpful for your side to give us the translated version in Korean and Chinese.

COL HICKMAN: We will endeavor to do that wherever time permits. These two copies that I handed you this afternoon I had hurriedly prepared in the tent outside.

One word about the change in connection with the security of the members of the Red Cross Team. We are willing to provide the insurance for their protection which, as I understood it, is implied in your Chinese expression. From an English standpoint, I consider that the guarantee of the safety of the members of these teams is stronger under the revised wording in English

COL HICKMAN: (CONT'D) which we furnished you than is present in the English translation which you furnished us. It might be helpful if you would give us both the Chinese and the Korean expression for the term you wish to use in connection with the protection of the Red Cross teams. Then, perhaps, we can work out the English equivalent for the expression. Could you do that now?

COL TSAI: We carry on our discussions in different languages and through the interpretation by both sides. Certainly it is impossible, as well as unnecessary, for our side to give you in writing every statement we made in both Korean and Chinese. With respect to sub-paragraph 7c I will read again our wording in Chinese and, if possible, I wish your side would record in Chinese and examine it with your English wording.

COL HICKMAN: May I interrupt? If you don't want to read this, it is all right with me. I am merely trying to work out harmoniously what was an apparent objection to our efforts to put in clear English the translation that we had of paragraph 7c.

COL TSAI: For the convenience of your side in checking with the English version, I will read this sub-paragraph. (Colonel Tsai then read the Chinese version.) That is the first sentence where the question of security is involved.

COL HICKMAN: I want to make it clear that I don't consider that for my convenience. I was merely trying to be cooperative in resolving an issue of wording. As far as we are concerned, the language in the Armistice Agreement must be clear and proper English. Our revision of the last clause of paragraph 7c was solely for the sake of clarity and proper English phraseology. What I was seeking was the meaning of your term to attempt to get proper English phraseology that, as nearly as possible, was the exact equivalent of your Chinese wording.

COL TSAI: I think we should understand that in order to prevent any misunderstanding between both sides about the provisions, we should

COL TSAI: (CONT'D) have the provisions written in three languages clearly and properly.

COL HICKMAN: We are agreeable to doing that whenever time permits.

COL TSAI: Do you have anything else to say?

COL HICKMAN: We have nothing further.

COL TSAI: I suggest we recess until eleven o'clock tomorrow morning.

COL HICKMAN: We agree.

Meeting recessed at 1435 hours.

OFFICIAL:

H. M. BRIGGS
Captain, USN
Secretary

AUTHENTICATED:

HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR

Enclosure 1 - United Nations Command Revision of Paragraph 8, 19 February 1952.

UNITED NATIONS COMMAND REVISION OF PARAGRAPH 8, 19 FEBRUARY 1952

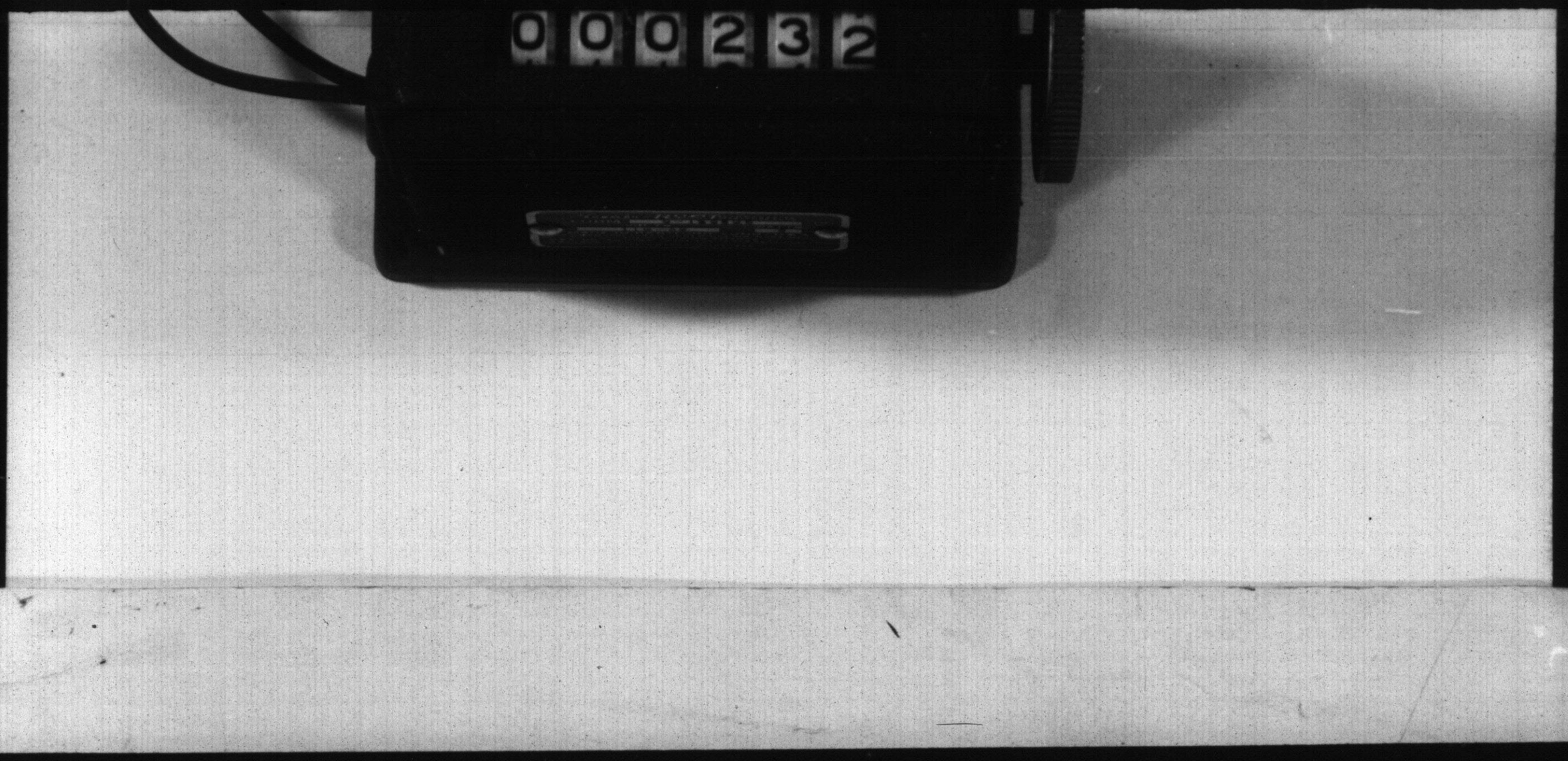
8. a. Each side shall furnish to the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement is signed and becomes effective, the following information concerning prisoners of war:

(1) Complete data pertaining to the prisoners of war newly added and those who escaped since the effective date of the data last exchanged.

(2) Insofar as practicable, information regarding the name, nationality, rank and other identification data, date and cause of death and place of burial of those prisoners of war who died while in its custody.

b. If any prisoners of war are newly added or escape or die after the effective date of the supplementary information specified above, the detaining side shall furnish to the other side through the Committee for Exchange of Prisoners of War the data pertaining thereto in accordance with the provisions of the foregoing sub-paragraph a. Such data shall be furnished at ten-day intervals until the completion of the program of delivery and reception of prisoners of war.

c. Any escaped prisoner of war who returns to the custody of the detaining side after the completion of the program of delivery and reception of prisoners of war shall be delivered to the Military Armistice Commission for disposition.



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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

20 February 1952

SUBJECT: Fourteenth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 20 February 1952.

Representatives present:

UNITED NATIONS - COL G W Hickman, Jr., USA, Staff Officer; COL C C Higgins, USA, CDR O W Spahr, Jr., USN, CDR G R Muse, USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, and Mr. C W Wu, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Do you have anything to say?

COL HICKMAN: Have you any comments to make concerning paragraph 8?

COL TSAI: Generally, we agree to the revised wording of that paragraph. I believe there isn't much change in the wording in English. We have mentioned some questions regarding the wording. In fact, in most of the provisions, the work left here to us is the work of examining the wording of each paragraph. On the basis of the result of the discussion we have had in the last several days, we have made the revised draft of all those paragraphs. Here we hand over to you the revised draft in Korean and in Chinese, also with an English translation, for you to examine the wording of those paragraphs. (Hands revised draft to Colonel Hickman - See Enclosure 1)

COL HICKMAN: I'd like to take about five minutes to examine this hurriedly before making any further remark. (Five minute interval)

I have one point to make in connection with paragraph 9. You will recall several days ago we inquired from your side as to the reasons behind your not providing in your draft for the acceleration of the program for the return of displaced civilians. Your reply was two-fold: First, that under the first sentence of paragraph 9c, as it was then written in our draft and

COL HICKMAN: (CONT'D) correspondingly set out in your draft, both sides were agreeing to commence the return of civilians as soon as possible. And second, that the civilian Committee had the duty to make necessary arrangements to expedite the movement of civilians.

With the rewording of your paragraph 9c, which you pointed out you desired to make yesterday and which you have made in the draft submitted to us today, the expedition required is the early establishment of the measures to assist the return rather than the return itself. We think there should be some wording in paragraph 9 to make it the duty of both sides to expedite the return of displaced civilians. We would be agreeable to utilizing your new paragraph 9c with the addition of the sentence formerly at the end of our sub-paragraph 10c, which I quote: "Maximum acceleration of this program shall be effected by both sides to the end that it will be accomplished with a minimum of delay". We think the Armistice Agreement should provide for both sides to expedite this movement of civilians and not merely require the civilian Committee to expedite the movement.

Is your side agreeable to some wording which will place responsibility on our two sides to expedite the movement of displaced civilians? We think it may be implied at present, but that it should be specifically set out. That is all for the present.

COL TSAI: If there is any question or opinion about the wording of our new draft, we would like you to tell us all those points at present. The new draft is made on the basis of the result of the discussion of the past few days. Of course, we understand that you have not studied this new draft in detail. However, if your side is prepared to discuss any other points, we would like you to bring them up so that we can expedite the discussion of this meeting.

COL HICKMAN: The point I just raised was one based on your statement of yesterday pertaining to the rewording of paragraph 9c. It was made in connection with remarks I intended to make this morning, and has no connection with your furnishing a new draft. It represents my observation of a need for a slight change in the over-all framework of the paragraphs relating to civilians. It represents the results of my examination of your proposal yesterday for amending paragraph 9c.

I am not sure what your suggestion was for our commenting all at one time on this proposal of yours presented this morning. My remarks concerning the effect of the rewording of paragraph 9c has to do with a question of substance. I did not prepare copies of the proposed sentence which we would add in paragraph 9c to your revised wording, inasmuch as the sentence I read appeared in our revision of 11 February. I am seeking merely to discover whether or not you have basic objections to indicating in the Armistice Agreement that each side shall expedite the return of civilians. If you wish to postpone the discussion of that small item you are, of course, privileged to do so.

COL TSAI: I think the whole paragraph 9 has completely and adequately included the intent you just mentioned about. I think we should understand that this paragraph itself is an entity. Sub-paragraph a provides the responsibilities on both sides. Sub-paragraph b provides the responsibilities on both sides for the foreign civilians. Sub-paragraph c provides that measures in accomplishing these functions shall be commenced as soon as possible. Sub-paragraph d provides the specific measures and arrangements, and also provides that these measures and arrangements should be carried out expeditiously. I think that this paragraph is itself complete and adequate.

The Committee for Assisting the Return of Displaced Civilians is composed of representatives appointed by the Commanders of both sides. This committee is required to expedite the implementation

COL TSAI: (CONT'D) of the program, that is to say, the Commanders of both sides authorize and also mandate this committee to carry out such functions and missions on behalf of the Commanders of both sides. Therefore when such functions are carried out by the committee, it does not mean that they will only be carried out by the committee and have nothing to do with the Commanders of both sides. I think it is very clear. Therefore to make any provision in any of the sub-paragraphs will be only a question of wording, and I think it has nothing to do with the substance of this paragraph.

As to my statement in asking your side to bring up the opinions on all paragraphs which your side has, the purpose of doing that is to try to expedite the work and there is no other intent. Of course, if your side is unable to do so now, or if your side does not want to do so now, it would not at all affect your side's bringing up any questions later. Therefore, in short, I would like to point out that if your side carefully examines all the provisions in the three languages and makes a comparison and study and tells us your opinion about any word, or any phrase, or any clause, or any sentence, for further revision, we would like to have your side bring those points up all together. If your side is willing to do so, I think it would expedite our work.

Of course, if there is any question in connection with the substance, or which your side considers a question of substance, your side may bring it up at any time for our discussion.

COL HICKMAN: I understand your remarks concerning discussing the proposal as a whole. I think the point is a good one and one which we are willing to adopt. As to your remarks concerning paragraph 9, we shall restudy that paragraph in the light of your remarks and let you know if we still feel an additional point needs to be added to cover the problem of expedition.

In the light of our discussions of the past several days, and from the brief reading of your newly presented proposal this

COL HICKMAN: (CONT'D) morning, it appears that we are in almost complete agreement on the wording of paragraphs 5, 6, 7, 8, and 9 except for the use of the word "repatriation". I am referring here to the word "repatriation" in its use with respect to prisoners of war.

We are willing, in the interest of progress, to drop our suggested use of the word "repatriation" in connection with displaced civilians.

We are willing, also, to accept your proposed name for the committee for displaced civilians.

We will give you, as soon as we can prepare them, our comments with respect to exact wording. We think now that those remarks will be few.

Now with respect to the use and meaning of the word "repatriation" in connection with prisoners of war. We have for some days been seeking some common word or words, or some common ground, which will permit mutual agreement on this point. We proposed the use of the words "repatriate or transfer", or the word "exchange", to describe in our language the process of transfer or repatriation of prisoners of war to yourside from our side, so that the expression used would be accurate in describing the differing groups of prisoners of war held by the United Nations Command. Your side has thus far opposed the use of any word or words other than "repatriate". Our side has arrived at a solution for the use and the meaning of "repatriation" which we believe is satisfactory to both sides, a solution which will permit our side to agree to the use of the word "repatriation" alone in the armistice wording. We have incorporated in a very short paragraph wording which defines "repatriation", wording which we propose be included as the first paragraph of Article III of the Armistice Agreement. It is wording which defines "repatriation" in a way which makes it have the general meaning used by your side, and wording which permits us, our side, to use the

COL HICKMAN (CONT'D): term so as to make it all-inclusive of the prisoners of war held by the United Nations Command, that is to say, the several groups of prisoners of war whom we hold.

Subject to your agreement to this paragraph, which is a paragraph of definition, we are willing to agree to the use of the word "repatriate" in its several forms as they appear in your paragraphs 5, 6, 7, and 8 and to its similar use in the remaining paragraphs yet to be agreed upon. I hand you copies in English, Chinese, and Korean of this proposed paragraph 1 of Article III which reads as follows: "For the purposes of this Armistice Agreement the act of delivery of a prisoner of war by one side to the other side shall be called 'repatriation', notwithstanding the nationality or place of residence of such prisoner of war."

Perhaps I should make one additional statement. We would also with this definition be able to accept your wording for the name of the prisoner of war committee.

COL TSAI: I have noted your statement.

On the first day of our staff officers meeting we reached a clear understanding regarding the settlement of the Agenda Item 4. We understand that we will try to settle those points on which we are close to each other, as well as the points on which we are not close to each other. In many of the paragraphs I think we have solved our differences, not only as to our views regarding the questions but also in the wording of the provisions. If your side examines all the paragraphs on which we have reached basic agreement, you will understand that almost all of the opinions raised by your side have been included in the provisions.

The question at present is the question of the stumbling block made by your side since the first days of the meeting of this item of the agenda. If your side does not remove the main obstacle, I believe that the question can never be solved, no

COL TSAI: (CONT'D) matter if it is discussed in the staff officers meeting, in the sub-committee meeting, or in the plenary session.

The objection of your side to the use of the word "repatriation" is from such a basic stand of your side. The meaning of the word "repatriate" is very clear when it is used in connection with the arrangements for the prisoners of war. Any military personnel, no matter whether he is American, British, French, Chinese, or Korean, captured by the other side during the hostilities is a prisoner of war. Therefore, there is no need for any definition of this word.

I think that this is not a question of debating or compromise. We have before us the complete solution submitted by our side for the settlement of Agenda Item 4. That proposed solution of our side has adopted all the reasonable points of your side. If your side is willing to cooperate with our side in accomplishing the entire mission given us in this staff officers meeting, I think you should not further argue on such questions. It will only be a waste of time and energy and bring no result and no meaning at all. If your side has any opinions regarding the wording of the agreed paragraph, we would like to have your side present them to us in writing and we would make an appropriate revision if we consider it proper and necessary after our examination of your suggestions, and we would even consider any change of wording if that is appropriate.

Here I must point out that such definitions suggested by your side in defining the word "repatriation" actually has included the intent and statement that your side expressed in the past meetings. That is to say, your side has classified the prisoners of war in several groups and among those groups there is a group of prisoners of war whom you illegally classified as civilians. Our side has never recognized such classification, therefore our side cannot agree to such definition as you suggest on the basis of your view.

COL HICKMAN: Our side has attempted in this definition to define the word "repatriation" more in accordance with your view than with the meaning of the term in English. This definition in the Armistice Agreement will permit us to accede to your general view of what the word means so as to enable us to use your wording without distortion of its meaning in English. It represents an earnest effort on our part to resolve all but the basic issue confronting us in the solution of Agenda Item 4. It represents our effort to solve all but the essential major differences between us by eliminating unilateral definitions on both sides of the meaning of the term "repatriation". Your side has insisted that residence is not a factor. We have so indicated in the definition. The definition states that it is the status of being held as a prisoner of war, not the residence, which is involved. If our side is to utilize a definition which is contrary to the connotation of the word, we desire that such a definition be spelled out.

This is a problem that has no relationship to our principal differences of voluntary vs forced repatriation. It arises solely from the fact that we have, in our prisoner of war camps, some prisoners of war whose residence, on 25 June 1950, was in South Korea. We are seeking a term which will permit us to set out appropriately the transfer to your side of personnel of this group. Acceptance of this definition, so far as we can see, does no violence to any view you have expressed about the meaning of the term "repatriation". We have, in fact, used your view in order to permit us to use your word. I suggest that you study the implication of our proposal in order that we may solve everything but the major issue remaining before us.

Our side has no further comments to make at this time, and I suggest a recess until 1100 tomorrow.

COL TSAI: I would like to say one point only. If your side will not make any constructive suggestion regarding the settlement of this

COL TSAI: (CONT'D) entire item of the agenda, I think that no further progress can be made in our staff officers meeting. We agree to recess.

Meeting recessed at 1258 hours.

OFFICIAL:

H. M. BRIGGS
Captain, USN
Secretary

AUTHENTICATED:

HALSEY M. SETTLE, JR.
Lieutenant Commander, USNR

Enclosure 1 - Communist Revised Draft Wording, Item 4, 20 February 1952.

COMMUNIST REVISED DRAFT WORDING, ITEM 4, 20 FEBRUARY 1952

ARRANGEMENTS RELATING TO PRISONERS OF WAR

1. Both sides shall release and repatriate all the prisoners of war in their respective custody immediately after this Armistice Agreement is signed and becomes effective.

2. Both sides agree to ensure that all their captured military personnel shall not, after being repatriated, take part again in acts of war in the Korean War.

3. Seriously sick and seriously injured prisoners of war shall be repatriated with priority. Insofar as possible, there shall be captured medical personnel repatriated concurrently with the seriously sick and seriously injured prisoners of war, so as to provide medical care and attendance enroute.

4. The repatriation of all the prisoners of war in the custody of both sides shall be completed within a time limit of two (2) months after this Armistice Agreement is signed and becomes effective. Within this time limit each side undertakes to complete the repatriation of all the prisoners of war in its custody at the earliest practicable time.

5. Panmunjom is designated as the place where prisoners of war will be delivered and received by both sides. Additional place(s) of delivery and reception in the Demilitarized Zone may be designated, if necessary, by the Committee for Repatriation of Prisoners of War.

6. A Committee for Repatriation of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and three (3) 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. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for the repatriation of prisoners of war and for supervising the execution by both sides of all the provisions in this Armistice Agreement relating to the repatriation of prisoners of war. It shall be the duty of this Committee to coordinate the timing of the arrival of prisoners of war at the

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place(s) of delivery and reception from the prisoner of war camps of both sides; to make, when necessary, such special arrangements as may be required with regard to the transportation and welfare of seriously sick and seriously injured prisoners of war; to coordinate the work of the joint Red Cross teams established in Paragraph 7 hereof in assisting in the repatriation of prisoners of war; to supervise the implementation of the arrangements for the actual repatriation of prisoners of war stipulated in Paragraphs 3 and 4 hereof; to select, when necessary, additional place(s) of delivery and reception of prisoners of war; to arrange for security at the place(s) of delivery and reception of prisoners of war; and to carry out such other related functions as are required for the repatriation of prisoners of war.

When unable to reach agreement on any matter relating to its responsibilities, the Committee for Repatriation of Prisoners of War shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Repatriation of Prisoners of War shall maintain its headquarters in proximity of the headquarters of the Military Armistice Commission.

7. a. Immediately after this Armistice Agreement is signed and becomes effective, joint Red Cross teams composed of representatives of the Red Cross Societies of the Democratic People's Republic of Korea and the People's Republic of China on the one hand, and representatives of the national Red Cross Societies of the countries contributing forces to the United Nations Command on the other hand, shall be established. The joint Red Cross teams shall assist in the execution by both sides of those provisions of this Armistice Agreement relating to the repatriation of prisoners of war by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war. To accomplish this task, the joint Red Cross teams shall provide assistance in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception, and visit prisoner of war camps of both sides to comfort the prisoners of war and to bring in and distribute gift articles for the comfort and welfare of the prisoners of war. The joint Red Cross teams may provide services to prisoners of war while enroute from prisoner of war camps to the place(s) of delivery and reception.

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b. The joint Red Cross teams shall be organized as set forth below:

(1) One team shall be composed of twenty (20) members, namely, ten (10) representatives from the national Red Cross Societies of each side, to assist in delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception. The chairmanship of this team shall alternate daily between representatives from the Red Cross Societies of the two sides. The work and services of this team shall be coordinated by the Committee for Repatriation of Prisoners of War.

(2) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the Korean People's Army and the Chinese People's Volunteers. This team may provide services to prisoners of war while enroute from the prisoner of war camps to the place(s) of delivery and reception. A representative of the Red Cross Society of the Democratic People's Republic of Korea or of the Red Cross Society of the People's Republic of China shall serve as chairman of this team.

(3) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the United Nations Command. This team may provide services to prisoners of war while enroute from the prisoner of war camps to the place(s) of delivery and reception. A representative of a Red Cross Society of a nation contributing forces to the United Nations Command shall serve as chairman of this team.

(4) In order to facilitate the functioning of the joint Red Cross teams, sub-teams composed of not less than two (2) members with an equal number of representatives from each side, may be formed as circumstances require.

(5) Additional personnel such as drivers, clerks and interpreters, and such equipment as may be required by the joint Red Cross teams to perform their missions shall be furnished by the Commanders of each side to the team operating in the territory under their respective military control.

(6) The size of each team may be increased or decreased according to such requirements as may be jointly agreed upon by the Red Cross representatives of that team through consultation with the Committee for Repatriation of Prisoners of War.

c. Each side shall cooperate fully with the joint Red Cross teams in the performance of their functions, and undertakes to ensure the security of the personnel of the joint Red Cross teams in the area under its control. Each side shall provide such logistic, administrative and communications facilities as may be required by the team operating in the territory under its control.

d. The joint Red Cross teams shall be dissolved upon completion of the program of repatriation of prisoners of war.

8. a. Each side shall furnish to the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement is signed and becomes effective, the following information concerning prisoners of war:

(1) Complete data pertaining to the prisoners of war newly added and those who escaped since the effective date of the data last exchanged.

(2) Insofar as practicable, information regarding the name, nationality, rank and other identification data, date and cause of death and place of burial of those prisoners of war who died while in its custody.

b. If any prisoners of war are newly added or escape or die after the effective date of the supplementary information specified above, the detaining side shall furnish to the other side through the Committee for Repatriation of Prisoners of War the data pertaining thereto in accordance with the provisions of sub-paragraph a hereof. Such data shall be furnished at ten-day intervals until the completion of the program of delivery and reception of prisoners of war.

c. Any escaped prisoners of war who return to the custody of the detaining side after the completion of the program of delivery and reception of prisoners of war shall be delivered to the Military Armistice Commission for disposition.

9. a. All civilians who, at the time this Armistice Agreement is signed and becomes effective, are in territory under the Military control of the Commander-in-Chief, United Nations Command, and who, on 25 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to the area north of the Military Demarcation Line; and all civilians who, at the time this Armistice Agreement is

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signed and becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, and who, on 25 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to the area south of the Military Demarcation Line. The Commanders of both sides shall be responsible for publicizing widely throughout territory under their respective military control the content of the provision of this Sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return home.

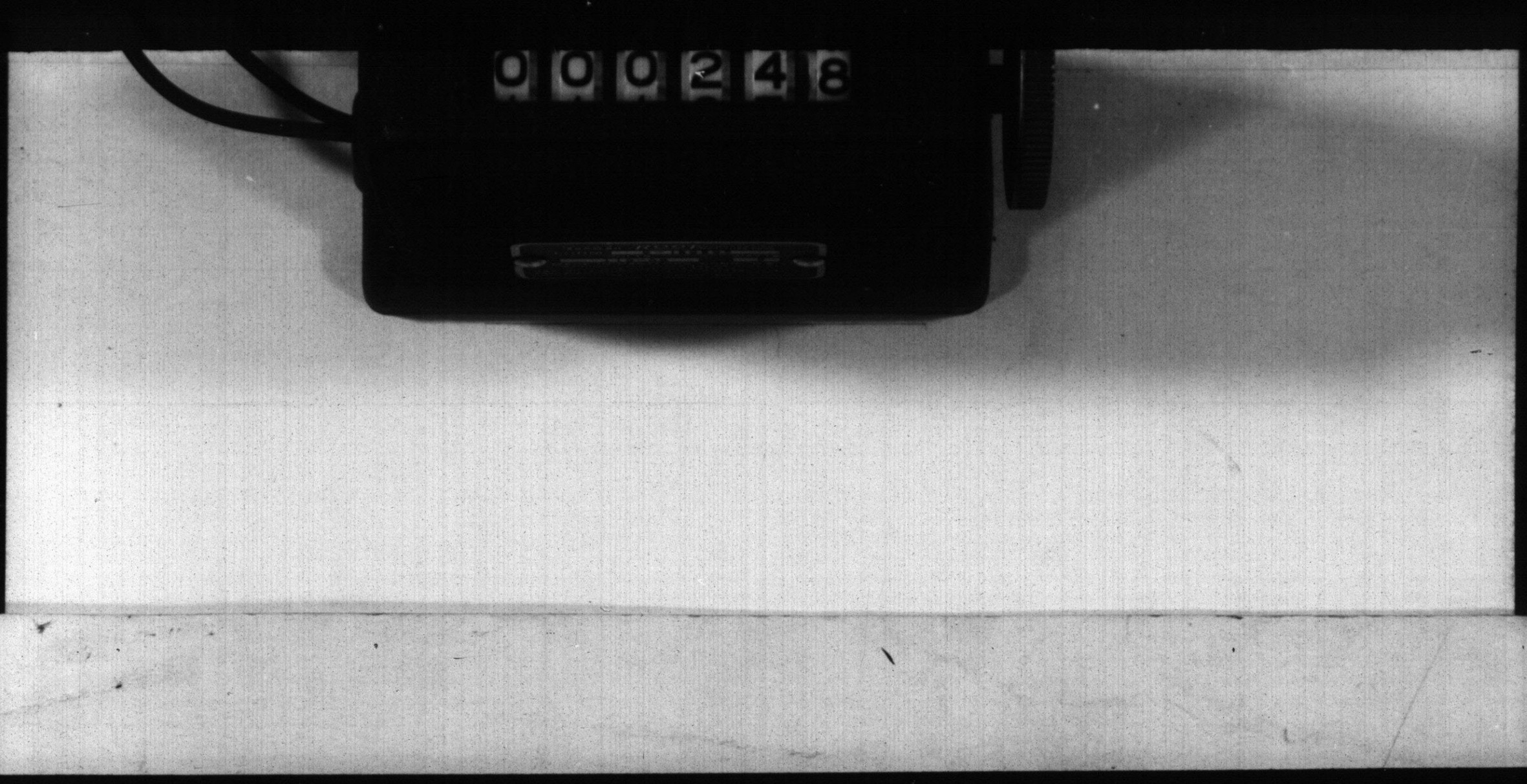
b. All civilians of foreign nationalities who are at present in the custody of the Korean People's Army or the Chinese People's Volunteers, and who desire to proceed to the territory under the military control of the Commander-in-Chief, United Nations Command, shall be permitted and assisted to do so.

c. Measures to assist in the return of civilians provided for in Sub-paragraph a hereof and the movement of civilians provided for in Sub-paragraph b hereof shall be commenced by both sides as soon as possible after this Armistice Agreement is signed and becomes effective.

d. A Committee for Assisting the Return of Displaced Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) 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. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides of assistance to the return of the above-mentioned civilians, and for supervising the execution by both sides of all the provisions of this Armistice Agreement relating to the return of the above-mentioned civilians. It shall be the duty of this Committee to make necessary arrangements, including those of transportation, for expediting and coordinating the movement of the above-mentioned civilians; to select the crossing point(s) through which the

above-mentioned civilians will cross the Military Demarcation Line; to arrange for security at the crossing point(s); and to carry out such other functions as are required to accomplish the return of the above-mentioned civilians.

When unable to reach agreement on any matter relating to its responsibilities, the Committee for Assisting the Return of Displaced Civilians shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Assisting the Return of Displaced Civilians shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.



NEW FOLDER BEGINS

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~~RESTRICTED~~
~~SECURITY INFORMATION~~

GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

21 February 1952

SUBJECT: Fifteenth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 21 February 1952

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr, USA, Staff Officer; COL J A Norell, USA, COL C C Higgins, USA, CDR O W Spahr, Jr., USN, CDR G R Muse, USN, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, and Mr. C W Wu, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Yang Kung, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: Have you any comments or statements to make this morning?

COL TSAI: I do not have any statement for the moment.

COL HICKMAN: I have several small points to discuss in connection with wording in the revised draft you handed us yesterday. I regret that I do not have these comments in Chinese and Korean and English to hand you. They are generally so minor, however, that I believe it will be readily understandable to you without handing you such copies at this time. I will undertake to furnish you a detailed statement later, when it can be prepared.

In your paragraph 9 I note that sub-paragraph 9d has not been so specified as 9d with its sub-paragraphs (1) and (2) in the English copy furnished us. I am sure those omissions were inadvertent.

We checked with our staff officers engaged in discussions of Item 3 and discovered that where in Tent 3 they are using words to indicate when the Armistice Agreement becomes effective, they are not using the words "is signed and". We suggest, for the sake of uniformity, that we omit these three words in paragraph 9 of your draft and in those other paragraphs where these three words appear.

COL HICKMAN: (CONT'D)

I shall here state that we reexamined the entire contents of paragraph 9 and are willing to accept your rephrasing of paragraph 9c without the addition of any other phraseology requiring or specifying the expedition of the process of returning displaced civilians. We agree with the logic of your analysis that the requirement for expediting the return of civilians is adequately set out in the complete wording of all parts of paragraph 9. In summary, the wording of paragraph 9 is acceptable to us. For uniformity in the entire Armistice Agreement, we think the words "is signed and" should be omitted.

Paragraph 8 is likewise completely acceptable to us with that same phrase needing deletion, for the sake of uniformity, in the first sentence.

Paragraph 7, that same phrase is included in your draft in the first sentence. There are two other suggested changes which we have. One is in the next to the last sentence of 7a. It consists of adding, for the sake of clarity, the one word "shall" in front of the word "visit", about the middle of the sentence. The other change is similar to the one which you agreed to in paragraph 6, and incorporated in your draft in paragraph 6. This change is needed in five different places in your paragraph 7. It consists of merely adding the words "of prisoners of war" to each instance in paragraph 7 of the words you substituted for the words "exchange points". That would make, for example, the last sentence of 7a read, with respect to the last phrase, as follows: "to the place or places of delivery and reception of prisoners of war". That change we would ask to be made twice in paragraph 7a, once in the next to the last sentence, and once in the last sentence; once in the first sentence of 7b(1) and once in the second sentence of paragraphs 7b(2) and 7b(3).

COL HICKMAN: (CONT'D) In paragraph 6, we would make one slight change in the proposition in the last sentence. We would make the last phrase of that sentence read, "in proximity to the Headquarters of the Military Armistice Commission" instead of "in proximity of the Headquarters of the Military Armistice Commission". This would make this sentence of paragraph 6 agree, with respect to that proposition, to similar phraseology in paragraph 9, and to the phraseology used in Item 3 discussions in parallel phraseology pertaining to the Military Armistice Commission.

I should add that this phraseology that we have accepted as being completely satisfactory in paragraphs 8, 7, and 6 is made on the assumption that your side will accept our proposed definition of "repatriation". Otherwise, we have a reservation with respect to that word.

Paragraph 5, we accept the wording as written.

Before proceeding any further may I ask you whether or not your side is prepared to agree with us on the inclusion in the Armistice Agreement of this definition of "repatriation", which represents, actually, our acceptance of your definition?

COL TSAI: I will make remarks as to the statement you made this morning. In paragraph 9, the omission of the number of the sub-paragraph d is due to a typographical mistake. Please add that d. We have omitted the sub-divisions of (1) and (2) under sub-paragraph d for the sake of uniformity with the paragraph 6. I believe that you agree to this.

COL HICKMAN: We agree to that.

COL TSAI: We use in many places the wording "after this Armistice Agreement is signed and becomes effective". I suggest that for the time being that we keep such wording here since this part of the provision regarding the arrangements for the prisoners of war is in the latter part of the Armistice Agreement. We may decide

COL TSAI: (CONT'D) whether to delete the wording "is signed" or to keep the wording "is signed and" when the entire Armistice Agreement has been reached; and such deletion or preservation of such phrases will be determined by the former part of the Armistice Agreement. I think there is no point for us to have argument on this point.

COL HICKMAN: May I say something? We are completely willing to express that clause either way. I merely was here pointing out that apparently, in the early part of the proposed Armistice Agreement, the Item 3 team has reached a tentative agreement on the shorter clause. I agree that it is a matter on which there is no controversy.

COL TSAI: Under such understanding, I believe that both sides have agreed to paragraph 8. With respect to the next to the last sentence of sub-paragraph 7a, in that sentence when we say "visit prisoner of war camps of both sides", in Chinese it has already included the meaning as your side intended to have it. If your side suggested it would be better or clearer to add the word "shall" before the word "visit", that is agreeable to our side.

COL HICKMAN: May I say a word? In English the word "shall" is also understood as applying to the word "visit". For clarity, where the sentence is fairly long, we merely felt that the word "shall" should be repeated instead of being understood.

COL TSAI: We agree to add the word "shall" in the English draft, and Colonel Lee agrees that the word in Korean equivalent to the word "shall" will be added in the Korean draft. Since it would read a little awkward in Chinese, we will not add that word in Chinese.

COL HICKMAN: This raises another point of our agreeing at some other time on the Chinese and the Korean versions of our Armistice Agreement, and we may have a few minor problems of that same nature.

COL TSAI: In the future examination of the three versions of the Armistice Agreement, either side may bring up questions on any word or phrase in the Armistice Agreement and both sides will study it and decide how to solve the question. We agree to the adding of "of prisoners of war" to all the places where the phrase of "place or places of delivery and reception" appear.

We agree to your suggestion of changing the preposition "of" to the preposition "to" in the last sentence of paragraph 6. However, that change would only be made in the English version since that preposition is not expressed in the Chinese or Korean versions.

Of course I understand that your acceptance of the wording of our paragraphs 5, 6, 7, and 8 is based on the assumption that our side should agree to the suggestion by your side of the definition of the word "repatriation." This will involve the same question as we had in our discussion yesterday. We still believe that it is unnecessary to have such stipulation. However, since your side has repeatedly raised this suggestion and asked about our opinion, and since this question is not of any major difference, our side will give consideration to your suggestion.

The main question regarding this word "repatriate" comes from the meaning of this word in English, as well as the origin of this word in English. In English, this word has the meaning of return to the homeland, or to the home. But in Korean and Chinese it just means that a person returns or is sent to some place. It does not have the definite meaning of returning home, so this word in Korean and Chinese does not have the exact meaning that it has in English. Therefore, to make any definition of this word when we use this word in the agreement, such stipulation or definition would be superfluous in our language. If your side feels it necessary to have such definition stipulated in the agreement, especially in the English version, I would like you

COL TSAI: (CONT'D) to have the understanding that both sides understand when this word "repatriate" is used in English that it has the meaning your side suggested in the definition submitted yesterday. However, if the definition is stipulated in the agreement, of course it sounds all right in English, but it would sound as though the framers of the Chinese and Korean versions of the agreement do not have adequate understandion of Korean and Chinese. Such kind of a superfluous stipulation in Korean and Chinese would be just as the case I mentioned before, as adding feet to a snake when you draw a picture of the snake. We would like you to give consideration to our opinion.

COL HICKMAN: I would like to suggest a ten minute recess so that we can talk this problem over.

COL TSAI: We agree.

COL HICKMAN: As I understand it, your contention is that if we put this definition in Korean and Chinese it would be like saying that black is black.

Meeting recessed at 1205 hours.

Meeting reconvened at 1230 hours.

COL HICKMAN: I am sorry to have taken more time than I intended. In view of your statement this morning concerning the problem of the meaning in your languages of the word "repatriation", we have redrafted the proposed paragraph 1 which we handed you yesterday.

We have set out in our new proposed paragraph some wording which indicates the necessity for the definition. We have expressed the paragraph in such a way that we believe it will now be acceptable for inclusion in the armistice wording, that is, for inclusion without redundancy in all three languages. Our proposed paragraph 1 reads as follows: "So that there may be no misunderstanding owing to the equal use of three languages, for the purposes of this Armistice Agreement the act of delivery

COL HICKMAN: (CONT'D) of a prisoner of war by one side to the other side shall be called "repatriation" in English, "SONG HWAN" in Korean and "CHIEH FAN" in Chinese, notwithstanding the nationality or place of residence of such prisoner of war".

COL TSAI: I do not understand where you are going to put this sentence.

COL HICKMAN: We would propose to put it as paragraph 1 of Article III— the first paragraph appearing in Article III—the first paragraph of that portion of the Armistice Agreement which deals with matters pertaining to prisoners of war. That would place it as a definition paragraph, before the word "repatriation" was ever employed in connection with our other paragraphs. It would make your present paragraph 1 then become paragraph 2, and your present paragraph 2 then become paragraph 3, etc.

COL TSAI: With respect to these questions, we will give consideration to the wording as well as the place where this definition will be put. Anyway I feel that it would be more appropriate and suitable if we make it in the form of an understanding and put it in the record of the meeting. However, I believe that this is not any major problem. If both sides have the same understanding of the wording, there will be no inconvenience or hinderance in our discussions of the questions. In other words, both sides have reached a mutual understanding in the wording to express the act of returning the prisoners of war by one side to the other side.

COL HICKMAN: Because the word does have a different connotation in English, we feel it necessary to have the understanding made a part of the document and we would appreciate your consideration of that view. I might state that with your acceptance of this definition we can now agree to the wording of paragraph 3 of your draft and we shall undertake to delineate any differences, perhaps in the form of rewording them, of your paragraphs 2 and 4 and shall present them tomorrow. I would like to ask one question. Does

COL HICKMAN: (CONT'D) your side wish our side to give you a recapitulation of the small minor changes which we suggested earlier this morning in the other paragraphs? Since we reached an agreement on all of them, I will not furnish you a list of them unless you wish it.

COL TSAI: I believe that at present both sides have reached the same understanding regarding the connotation and meaning of this word. However, in what form and in what place in the Armistice Agreement this would be made, I reserve the right to present my opinion later.

As to the minor changes in wording your side proposed this morning, I do not think it is necessary for your side to hand us it in writing.

If you have any other points, I would like to hear them.

COL HICKMAN: I have nothing further. We suggest a recess until eleven o'clock tomorrow.

COL TSAI: We agree.

Meeting recessed at 1305 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary

AUTHENTICATED:

HALSEY H SETTLE, JR.,
Lieutent Commander, USNR



NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

22 February 1952

SUBJECT: Sixteenth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 22 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, Staff Officer; COL C C Higgins, USA, CDR C W Spahr, Jr., USN, CDR G R Muse, USN, and LCDR C F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Interpreters; and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: As a result of the discussions of the past several days, both sides are in agreement on the wording of six paragraphs of our tentative draft wording.

Yesterday I think we reached general agreement for a mutually acceptable solution to the meaning and use of the term "repatriation" for our armistice wording. I appreciate, of course, that your side was going to study the wording in our suggested solution for the use of the word "repatriation" and also the question of where such a definitive statement should appear in the Armistice Agreement.

Yesterday we stated that we would undertake, that our side would undertake, to submit to you today revisions of your paragraphs 2 and 4, revisions which we believed would be acceptable to both sides. For convenience in studying the entire problem, we have included them in a new revised version of the Armistice Agreement wording for Agenda Item 4.

I hand you herewith the English, Chinese, and Korean versions of that document. (See Enclosure 1) We have included as paragraphs 4, 6, 7, 8, 9, and 10 the wording of your paragraphs 3, 5, 6, 7, 8, and 9 to which both sides agreed yesterday.

Our new paragraph 1 is the same as that which we submitted to you yesterday, with one modifier shifted for clarity in

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COL HICKMAN: (CONT'D) English. We do not necessarily maintain that it must be paragraph 1. We feel, however, that that is its logical location.

Our paragraph 3 is a compromise paragraph between your paragraph 2 and our former paragraph 2 submitted on February 20th. We believe that our new paragraph 3 removes the ambiguity that your side felt was present in our former paragraph and the lack of clarity which we felt was present in your paragraph 2. To make this paragraph no longer carry the objection which your side had to our former wording, we have included reference to repatriated prisoners of war.

With some slight changes, our paragraph 5 is the same as your paragraph 4.

With these changes, we believe that paragraph 1 and paragraphs 3 through 10 should now be acceptable to both sides. In paragraph 2 we have concentrated the entire basic difference existing between our two sides on the question of voluntary repatriation. We should appreciate your comments on our paragraphs 1, 3, and 5.

COL TSAI: We will make a comparison of paragraphs 4, 6, 7, 8, 9, and 10 of your draft with the paragraphs agreed upon by both sides yesterday. And if there is any point, whether it is minor or major, we will bring it up and discuss with your side later. Of course I believe there would be no major difference between us.

With respect to paragraph 1 of your draft, your side and our side reached a mutual understanding yesterday regarding its content. If we are going to discuss other questions, such as rewording or rephrasing, on the basis of this mutual understanding, I do not think that our further discussion would be impaired. However, as to how to make the proper wording and the proper place for such definition, I would like to leave this

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COL TSAI: (CONT'D) matter of arrangement until after we have reached agreement on the entire Agenda Item 4. At present, I think such a definitive wording is not proper to be located in paragraph 1. Perhaps it would be better to have such definition made in the paragraph where the term "repatriation" appears for the first time. However, I believe that no major difference exists between us regarding your paragraph 1.

COL HICKMAN: May I make a statement here? We are willing to let the place of this definitive statement be determined at a later time if you feel it desirable to do so. We are also willing to include it, even parenthetically, in the paragraph where the word "repatriation" first appears. On reflection, I feel that this suggestion of yours is probably the most appropriate way to handle this problem. It would thereby not have quite the same character as the other numbered paragraphs of Article III. We are willing to agree now, if you are, to having the definition appear in the first paragraph at the first appearance of the word "repatriation".

COL TSAI: I think for the moment I do not have any further opinion regarding this question. We may make the definition, similar to what you suggested yesterday, in the place where the word "repatriation" appears for the first time in the paragraph.

With respect to paragraphs 3 and 5 of your draft, the corresponding paragraphs in our draft are paragraphs 2 and 4. I have noted that you have deleted the word "all" from paragraphs 2 and 4 of our draft. If your side agrees to add the word "all" in your paragraphs 3 and 5, I believe it will not be difficult for us to reach agreement in those two paragraphs.

COL HICKMAN: What we were trying to do in paragraphs 3 and 5 was to eliminate therefrom the problem that is inherent in our basic difference shown in our paragraph 2, and your paragraph 1. What our paragraphs 3 and 5 would mean is as follows: If your paragraph 1

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COL HICKMAN: (CONT'D) were adopted then our paragraphs 3 and 5 would include "all" prisoners of war. If our paragraph 2 were adopted, it would mean all who desire repatriation would be repatriated. We believe those two paragraphs will fit either situation. They will both fit the concept of both sides regarding the issue on "repatriation" and they are not inconsistent with the concept of either side. We believe that both sides can adopt those two paragraphs with full knowledge that they are suitable to the point of view of either side on the basic question. Their wording should permit both sides then to concentrate on the solution of the basic issue.

COL TSAI: I regret very much that your side has misunderstood the basic meaning in paragraphs 2 and 4 of our draft. If you examine the past record, you will find that I have already stated that there should not be any so-called neutral provisions in any agreement and such neutral provisions are not acceptable to our side. It is impossible to omit the wording of "repatriation of all prisoners of war" in our paragraphs 2 and 4. The assurance by both sides that repatriated military personnel will not again participate in acts of war in the Korean War would have no meaning at all if there is not the repatriation of all prisoners of war.

I think it would be helpful for your side to understand our stand, which we have maintained during the past discussions between our sides regarding this question. At the first day of the meeting for Agenda Item 4, our side proposed the unconditional release and repatriation of all prisoners of war. Your side opposed such principle of our side. The main argument of your side, which has been trying to avoid an answer since the second day of the meeting of the sub-delegations for this item, is the argument of so-called increase of military forces on our side through repatriated prisoners of war.

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COL TSAI: (CONT'D) In order to solve the entire Agenda Item 4, our side has made all the main effort and has proposed an assurance that the captured military personnel, after being repatriated, will not participate again in acts of war in the Korean war. You are quite aware that an assurance that repatriated prisoners of war on our side will not again participate in the Korean war would deprive us of more than 100,000 military personnel. While our side is making all the efforts, your side does not make any corresponding efforts; it only likes to take but not to give. Of course, when the armistice becomes a reality, we would make it a stable armistice. In order to express such a consistent proposition of ours, and in order to eliminate such groundless argument of your side, we proposed such an assurance.

In our paragraph 4 the time limit for the completion of the repatriation of prisoners of war is made on the basis of the repatriation of all prisoners of war held by both sides. If it is not stipulated that all prisoners of war shall be repatriated, such time limit would be pointless. I do not deny that this question is related to the main difference at present between both sides. Actually it is very closely related to the main difference and our side firmly maintains that the repatriation of all prisoners of war should be expressed and stipulated in our paragraphs 2 and 4. I have no objection to your suggestion of any revisions in wording. However, our side does object to have such important wording deleted.

COL HICKMAN: We think that your paragraph 1 and our paragraph 2 when they are finally solved will determine the basis of repatriation. The agreement reached in that basis of transferral of prisoners of war from one side to the other will be inherent in all the rest of the document relating to prisoners of war. We will then know whether we are talking about unconditional repatriation, your view, or voluntary repatriation, our view. If your view

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COL HICKMAN: (CONT'D)

were adopted, each time the word repatriation was used in the document it would mean, without qualification, unconditional repatriation. If our view were adopted, it would mean, without qualification, voluntary repatriation.

I believe if we, for example, were agreed that unconditional repatriation was to be the basis of the exchange, your side would not find any difficulty in the wording of our paragraph 5. Under that hypothesis, it would be inherent in the wording of paragraph 5 that all prisoners of war were being repatriated within the stated time limit. I should like to add here that our estimate of the time limit of two months was based on the time required to repatriate all of the prisoners of war held by the United Nations Command. Similarly, in our paragraph 3 there is the same inherent requirement for the paroling of all prisoners of war being repatriated to the respective sides. If your view of the basis of repatriation would be accepted, then there would be no requirement for the word "all" to be inserted in that paragraph. Once the basic question is agreed upon, the full meaning of the qualification of the word "repatriate," either unconditional or voluntary, extends to the word wherever used.

I do not see why your side needs to add the word "unconditional" to repatriation as it appears outside of your paragraph 1, any more than we need in our version in our paragraph 2, or outside of paragraph 2, to add the word "voluntary" to qualify the word "repatriation". Where, outside of your paragraph 1, you use the word "all", that is the same as saying "unconditional repatriation", the same as qualifying the word "repatriation" by the word "unconditional." The need for such qualification disappears with the solution in the basic paragraph by our final solution of the question: "Will repatriation be voluntary or unconditional?"

COL HICKMAN: (CONT'D) What our side has tried to do in these two paragraphs is to make them read without controversy, so that we, as the two teams of staff officers, can go back into sub-committee with one basic problem facing our sub-committee. If we can narrow the issue to one paragraph, we have made more progress for the sub-committee than if there remain differences in several.

I solicit your reconsideration of our paragraphs 3 and 5 in the light of my comments. I suggest that we recess now, or as soon as you are willing, until 1100 tomorrow. We, of course, will seriously consider your remarks of this morning.

COL TSAI: What I expect from your side is that we wish your side would seriously consider my statement made this morning.

Just as what you said, paragraph 1 of our draft is to determine the basis for the repatriation of the prisoners of war. It is precisely because of that, that our side has been constantly maintaining our stand. From the first day of the sub-committee meetings our side has been maintaining that we should first determine such basic principle. We have been discussing with your side for more than 70 days with patience, and we have exhausted all the efforts our side can make in seeking the settlement of this question. If your side will not make efforts corresponding to the efforts our side has already made, I do not believe that there can be any possible solution even if we spend another 70 days for discussion.

Our side sincerely hopes that an early Armistice will be reached by the satisfactory settlement of Agenda Item 4 by both sides. However, only one-sided efforts cannot possibly solve this question. The present issues between us are related to the fundamental difference between our two sides. Those issues will naturally and eventually be settled when the basic difference is solved. On the first day of our staff officers meetings,

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COL TSAI: (CONT'D) both sides stated that they are willing to draft in the staff officers meetings all the provisions settling Agenda Item 4. Of course, if your side holds that such questions should be referred to the sub-committee meetings for settlement, our side cannot prevent your side from doing so.

I agree to recess until eleven o'clock tomorrow morning.

COL HICKMAN: We are willing to discuss anything on the staff officer level to reach any solution possible.

Meeting recessed at 1243 hours.

OFFICIAL:

H. M. BRIGGS
Captain, USN
Secretary

AUTHENTICATED:

HALSEY M SETTLE, JR.
Lieutenant Commander, USNR

Enclosure 1 - United Nations Command Proposed Armistice Wording, Article III, Revised 22 February 1952.

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PROPOSED ARMISTICE WORDING

Article III

Arrangements Relating to Prisoners of War

1. So that there may be no misunderstanding owing to the equal use of three languages, the act of delivery of a prisoner of war by one side to the other side shall, for the purposes of this Armistice Agreement, be called "repatriation" in English, "SONG HWAN" ( ) in Korean, and "CHIEN FAN" ( ) in Chinese, notwithstanding the nationality or place of residence of such prisoner of war.

2. As soon as possible after this Armistice Agreement is signed and becomes effective, all prisoners of war in the custody of each side shall be released, and all such prisoners of war shall be repatriated except that there shall be no forced repatriation.

a. In order to insure that there is no forced repatriation, a Neutral Nations Inspection Team of six (6) members, functioning under the Neutral Nations Supervisory Commission, shall interview all prisoners of war at the place(s) of delivery and reception of prisoners of war. The Team engaged in the performance of this function shall coordinate its activities with the Committee for Repatriation of Prisoners of War.

b. Each side agrees to insure that prisoners of war in its custody who oppose repatriation shall be released and shall be permitted and assisted to resume a peaceful life. Each side further agrees to insure that such prisoners of war shall not, after their release, be employed by it in acts of war in the Korean conflict.

3. Each side agrees to insure that it shall not employ in acts of war in the Korean conflict any person repatriated to it from the other side.

4. Seriously sick and seriously injured prisoners of war shall be repatriated with priority. Insofar as possible, there shall be captured medical personnel repatriated concurrently with the seriously sick and seriously injured prisoners of war, so as to provide medical care and attendance enroute.

5. The repatriation of prisoners of war in the custody of each side shall be completed within a period of two (2) months after this Armistice Agreement is signed and becomes effective. Within this period each side undertakes to complete the repatriation of prisoners of war in its custody at the earliest practicable time.

6. Pan Mun Jom is designated as the place where prisoners of war will be delivered and received by both sides. Additional place(s) of delivery and reception in the Demilitarized Zone may be designated, if necessary, by the Committee for Repatriation of Prisoners of War.

7. A Committee for Repatriation of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and three (3) 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. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for the repatriation of prisoners of war and for supervising the execution by both sides of all the provisions in this Armistice Agreement relating to the repatriation of prisoners of war. It shall be the duty of this Committee to coordinate the timing of the arrival of prisoners of war at the place(s) of delivery and reception from the prisoner of war camps of both sides; to make, when necessary, such special arrangements as may be required with regard to the transportation and welfare of seriously sick and seriously injured prisoners of war; to coordinate the work of the joint Red Cross teams, established in Paragraph 8 hereof, in assisting in the repatriation of prisoners of war; to supervise the implementation of the arrangements for the actual repatriation of prisoners of war stipulated in Paragraphs 4 and 5 hereof; to select, when necessary, additional place(s) of delivery and reception of prisoners of war; to arrange for security at the place(s) of delivery and reception of prisoners of war; and to carry out such other related functions as are required for the repatriation of prisoners of war.

When unable to reach agreement on any matter relating to its responsibilities, the Committee for Repatriation of Prisoners of War shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Repatriation of Prisoners of War shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

8. a. Immediately after this Armistice Agreement is signed and becomes effective, joint Red Cross teams composed of representatives of the Red Cross societies of the Democratic People's Republic of Korea and the People's Republic of China on the one hand, and representatives of the national Red Cross societies of the countries contributing forces to the United Nations Command on the other hand, shall be established. The joint Red Cross teams shall assist in the execution by both sides of those provisions of this Armistice Agreement relating to the repatriation of prisoners of war by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war. To accomplish this task, the joint Red Cross teams shall provide assistance in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war, and shall visit prisoner of war camps of both sides to comfort the prisoners of war and to bring in and distribute gift articles for the comfort and welfare of the prisoners of war. The joint Red Cross teams may provide services to prisoners of war while enroute from prisoner of war camps to the place(s) of delivery and reception of prisoners of war.

b. The joint Red Cross teams shall be organized as set forth below:

(1) One team shall be composed of twenty (20) members, namely, ten (10) representatives from the national Red Cross societies of each side, to assist in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war. The chairmanship of this team shall alternate daily between representatives from the Red Cross societies of the two sides. The work and services of this team shall be coordinated by the Committee for Repatriation of Prisoners of War.

(2) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross societies of each side, to visit the prisoner of war camps under the administration of the Korean People's Army and the Chinese People's Volunteers. This team may provide services to prisoners of war while enroute from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war.

A representative of the Red Cross society of the Democratic People's Republic of Korea or of the Red Cross society of the People's Republic of China shall serve as chairman of this team.

(3) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross societies of each side, to visit the prisoner of war camps under the administration of the United Nations Command. This team may provide services to prisoners of war while enroute from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war. A representative of a Red Cross society of a nation contributing forces to the United Nations Command shall serve as chairman of this team.

(4) In order to facilitate the functioning of the joint Red Cross teams, sub-teams composed of not less than two (2) members with an equal number of representatives from each side, may be formed as circumstances require.

(5) Additional personnel such as drivers, clerks, and interpreters, and such equipment as may be required by the joint Red Cross teams to perform their missions shall be furnished by the Commanders of each side to the team operating in the territory under their respective military control.

(6) The size of each team may be increased or decreased according to such requirements as may be jointly agreed upon by the Red Cross representatives of that team through consultation with the Committee for Repatriation of Prisoners of War.

c. Each side shall cooperate fully with the joint Red Cross teams in the performance of their functions, and undertakes to insure the security of the personnel of the joint Red Cross teams in the area under its control. Each side shall provide such logistic, administrative, and communications facilities as may be required by the team operating in the territory under its control.

d. The joint Red Cross teams shall be dissolved upon completion of the program of repatriation of prisoners of war.

9. a. Each side shall furnish to the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement is signed and becomes effective, the following information concerning prisoners of war:

(1) Complete data pertaining to the prisoners of war newly added and those who escaped since the effective date of the data last exchanged.

(2) Insofar as practicable, information regarding the name, nationality, rank, and other identification data, date and cause of death, and place of burial of those prisoners of war who died while in its custody.

b. If any prisoners of war are newly added or escape or die after the effective date of the supplementary information specified above, the detaining side shall furnish to the other side through the Committee for Repatriation of Prisoners of War the data pertaining thereto in accordance with the provisions of sub-paragraph a hereof. Such data shall be furnished at ten-day intervals until the completion of the program of delivery and reception of prisoners of war.

c. Any escaped prisoner of war who returns to the custody of the detaining side after the completion of the program of delivery and reception of prisoners of war shall be delivered to the Military Armistice Commission for disposition.

10. a. All civilians who, at the time this Armistice Agreement is signed and becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, and who, on 25 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to the area north of the Military Demarcation Line; and all civilians who, at the time this Armistice Agreement is signed and becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, and who, on 25 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to the area south of the Military Demarcation Line. The Commanders of both sides shall be responsible for publicizing widely throughout the territory under their respective military control the content of the provisions of this sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return home.

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b. All civilians of foreign nationalities who are at present in the custody of the Korean People's Army or the Chinese People's Volunteers, and who desire to proceed to the territory under the military control of the Commander-in-Chief, United Nations Command, shall be permitted and assisted to do so.

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c. Measures to assist in the return of civilians provided for in sub-paragraph a hereof and the movement of civilians provided for in sub-paragraph b hereof shall be commenced by both sides as soon as possible after this Armistice Agreement is signed and becomes effective.

d. A Committee for Assisting the Return of Displaced Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) 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. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides of assistance to the return of the above-mentioned civilians, and for supervising the execution by both sides of all the provisions of this Armistice Agreement relating to the return of the above-mentioned civilians. It shall be the duty of this Committee to make necessary arrangements, including those of transportation, for expediting and coordinating the movement of the above-mentioned civilians; to select the crossing point(s) through which the above-mentioned civilians will cross the Military Demarcation Line; to arrange for security at the crossing point(s); and to carry out such other functions as are required to accomplish the return of the above-mentioned civilians.

When unable to reach agreement on any matter relating to its responsibilities, the Committee for Assisting the Return of Displaced Civilians shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Assisting the Return of Displaced Civilians shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

REGRADED UNCLASSIFIED
Authority:
By:
Date: CTR UNC Adj
27 JUL 1953

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

23 February 1952

SUBJECT: Seventeenth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 23 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, Staff Officer; COL J A Norell, USA, COL C C Higgins, USA, CDR O W Spahr, Jr., USN, CDR G R Muse, USN, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT T F May, USA, and Mr. Kyungmo Chung, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: We have examined the draft you gave me yesterday. We consider that your paragraphs 4, 6, 7, 8, 9, and 10 have content fundamentally consistent with the agreement reached by both sides. However, there are a few wordings in Chinese which are a little different from what we have agreed upon and I think maybe those are mistakes in translation or in hand copying. I think those differences are minor ones and I think it is not necessary for me to point out all those minor differences here. I believe that we will make the appropriate corrections when we make the final examination of the wording in the paragraphs, and I believe there will be no dispute over those questions.

Since your side has omitted the word "all" in paragraphs 3 and 5 of your draft, those two paragraphs are not acceptable to our side. As I have pointed out yesterday, this question is a question related to the first paragraph of our draft. In other words, it is related to the question of the second paragraph of your draft. I must point out that your second paragraph

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COL TSAI: (CONT'D) absolutely cannot be considered by our side in any conference. If your side is willing to settle the Agenda Item 4 as our side is, I think your side must abandon such an unreasonable proposition. We maintain that in this staff officers meeting your side has no reason whatsoever not to accept the fair, just, and reasonable principle of our side. Of course, as I said yesterday, if your side is willing to refer this matter to the sub-committee meetings, our side will not prevent your doing so.

COL HICKMAN: Yesterday you indicated your tentative opinion that our present paragraph 1 might better be included in the basic paragraph of Article III, where the word "repatriation" is first used. We concur in your view as I indicated yesterday, and we wish, in order to make our two proposals parallel, to move this definition paragraph, now our paragraph 1, to a point within our present paragraph 2, tentatively. Before completing my brief statement on this point, have you any comments to make on the wording of this definition paragraph or any further views as to where the definition should appear?

COL TSAI: Not for the moment.

COL HICKMAN: We should like then for you to renumber our paragraphs in the draft we handed you yesterday, making paragraph 2 be numbered paragraph 1; paragraph 3, numbered paragraph 2; and so on.

Next, we will tentatively place the definition paragraph as a sentence in parentheses following the first sentence in our new paragraph 1.

With respect to the point raised about slight differences in the Chinese translation of our paragraphs 4, 6, 7, 8, 9, and 10, which will now become 3, 5, 6, 7, 8, and 9, it might be helpful if our Chinese interpreters and translators meet

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COL HICKMAN:
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with someone from your side, at any time within the next few days, to determine which of the differences in wording can be satisfactorily eliminated without the necessity of our discussing the matter here in this tent. Then if any point remains unresolved in such a conference between our translators and interpreters, they could present the problem to the staff officers and we could settle it at one of our regular staff officers meetings. Similarly, if there be differences in Korean, our Korean translation from your concept in Korean of how these agreed paragraphs should be worded, our other interpreters and translators could have separate meetings similar to the one I have just suggested for the Chinese wording problem.

While we consider, as I indicated yesterday, that our paragraphs2 and 4, that's new 2 and 4, are implicitly capable of embodying the finally agreed upon concept of voluntary or unconditional repatriation, we have, in the interest of progress, made a slight revision in these two paragraphs. All we have actually done in this revision is to make appropriate cross-reference to paragraph 1 -- your paragraph 1 and our new paragraph 1. This change makes it clear in paragraph 2 and 4 that we are talking about the repatriation required by the provisions of paragraph 1. Paragraph 2, that is our new paragraph 2, would read as follows: "Each side agrees to insure that it shall not employ in acts of war in the Korean conflict any person repatriated to it in accordance with the provisions of paragraph 1 hereof." In paragraph 4, that is our new paragraph 4, the wording is the same as in our old paragraph 5, with the following interpolations or additions: after the second word, after the word "repatriation", add the

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COL HICKMAN: (CONT'D)

phrase "required by paragraph 1 hereof"; then in the second sentence of our old paragraph 5 we would add, after the word "repatriation", the phrase "as required by paragraph 1 hereof". These two changes in paragraph 4 and the change in paragraph 2 -- our new 4 and our new 2 -- suitably correlate the meaning of paragraph 1 into the phraseology of paragraphs 2 and 4, in accordance with your views that paragraph 1 must be spelled out in these two paragraphs. Thus, the final view of the full meaning of paragraphs 2 and 4 will be settled only with the settlement of paragraph 1. This provides a compromise solution to paragraphs 2 and 4 by indicating, in accordance with your view, that paragraph 1 is the ruling paragraph with respect to the concept of parole and required completion period for repatriation of prisoners of war.

I regret that time did not permit having these paragraphs translated into Korean and Chinese. However, the changes are so small that I believe you will have no difficulty in understanding the full import of the changes from our interpretation this morning. We can deliver Chinese and Korean translations later on today if you wish it.

You made one statement this morning which I did not quite understand. That was the statement that our paragraph 2 -- that is our old paragraph 2, new paragraph 1 -- could not be considered by you in any conference. I interpreted that to mean that the principle of "voluntary repatriation" is not acceptable to your side just as "unconditional repatriation" is not acceptable to our side. I did not interpret your statement to mean that your side was unwilling to discuss the issue of "voluntary" versus "unconditional repatriation". Please correct me, if my interpretation is incorrect.

COL TSAI: You understand very well that the new paragraph 1 of your draft cannot be considered by our side in any conference. Since the very beginning of the meeting for this item of the agenda, our side has been maintaining that we should immediately determine the fair and reasonable principle of our side. However, for the interest of the progress of this meeting, our side has not been opposed to solve those questions which are easier to be solved first. Those questions now have already been settled. The present difference in your new paragraphs 2 and 4 is caused by your insistence in your paragraph 1.

I must point out, once again, that the assurance of not employing the captured personnel of our side in acts of war in the Korean war is made with the purpose for the repatriation of all prisoners of war. The stipulation of the time limit for the completion of the repatriation of prisoners of war is also made on the basis of the repatriation of all prisoners of war. Because of that, we make the clear and definite stipulation in paragraphs 2 and 4 in our draft. Therefore, we consider that there is no necessity for any change in paragraphs 2 and 4 in our draft. Of course, we do not mean that we will not give any consideration to any change in wording.

As to all the other paragraphs beside paragraphs 1 and 2 and 4, both sides have already reached agreement. Of course, we may have the personnel of both sides make the final examination of all the wording in Korean, Chinese and English at the appropriate time and settle those minor differences in wording in different languages. We have been spending much time in discussing this question, and I believe that your side has no further reason to insist on such unreasonable proposition of your side.



COL TSAI:
(CONT'D)

I must point out that the so-called voluntary repatriation principle of your side has not only delayed the progress of the meeting but also has created a serious crime. In December of last year, since your side took action in preparing for the so-called voluntary repatriation in the prisoner of war camps under your administration, the incident of the massacre in Kojo-Do took place. Recently there has been a new development of criminal activity of your side. With respect to this matter I am instructed to make the following statement:

"I am instructed to lodge a serious protest with your side for the sanguinary incident of barbarously massacring large numbers of our personnel captured and interned by your side in Koje-Do.

"The latest massacre fully testifies to the brutal inhumanity with which your side treats our personnel captured by your side. It belies all your claims at this conference table about the good treatment received by our personnel in your custody. It further proclaims, before all people with a conscience throughout the world, the utter bankruptcy of your absurd principle of your so-called voluntary repatriation.

"Our side never recognizes the reclassification of our personnel captured by your side as civilians. Our side urges that your side submit full data concerning the more than 44,000 personnel of our side captured by your side, including full data concerning those personnel of our side lately massacred by your side. It is imperative that your side give a clear accounting for the slaughter of these personnel of our side. You absolutely cannot cover up your flagrant crimes with such frauds as reclassification. We will continue to accuse your side before the whole world. I hereby solemnly

[redacted]



COL TSAI: (CONT'D) declare that our side reserves the right to pursue further into this intolerable sanguinary incident."

COL HICKMAN: Your protest has been noted. May we have a copy?

(Colonel Tsai then handed Colonel Hickman copy of the protest he read)

With respect to the full data concerning the 44,000 personnel, is your side ready to exchange the full accounting with us of all prisoners of war ever held by both sides?

COL TSAI: I request your side to give a full accounting about this incident of slaughter by your side, and I request your side to give serious attention to our protest, and I request you to relay our protest to your delegation.

If your side has nothing new to say, I suggest we recess until the usual time tomorrow.

COL HICKMAN: My point about the data of 44,000 which you asked for in this statement is that we are prepared to give you information about the 44,000 and about all other prisoners of war ever held by us, tomorrow, if you are ready to give a reciprocal accounting for prisoners of war held by you. This would be the exchange of data agreed to by our delegations in sub-committee meeting on January 1st.

As to the protest, I shall, of course, transmit that to my Senior Delegate.

COL TSAI: What I said is the basic data of the prisoners of war held by your side now. I requested your side to give full accounting for this incident of slaughter by your side and I asked your side to give serious attention to the protest of our side.

Do you have anything now to say?

COL HICKMAN: Aside from the question of the protest, I would like to know whether or not your side is willing to exchange data with us tomorrow on all prisoners of war ever held; that is, supplemental information beyond which we have already exchanged,

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COL HICKMAN: (CONT'D) supplemental information discussed in our January 1st meeting and agreed upon at that time. That is the only further question I have.

COL TSAI: I am instructed to lodge the protest with your side about the incident of the massacre of prisoners of war by your side. I am not prepared to discuss with you any questions mentioned in the protest.

COL HICKMAN: We agree to recess until 1100 tomorrow.

Meeting recessed at 1225 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

Halsey M Settle Jr

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

24 February 1952

SUBJECT: Eighteenth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 24 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., Staff Officer; Col J A Norell, USA, COL C C Higgins, USA, CDR O W Spahr, Jr., USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT T F May, USA, Mr. Kyungmo Chung, DAC, Mr. H S Ahn, DAC, and Mr. C H Lee, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: Yesterday we suggested some slight changes to our paragraphs 2 and 4. These changes definitely established the relationship between paragraph 1 of Article III of the Armistice Agreement and paragraphs 2 and 4. With these changes these two paragraphs are no longer what could be called neutral, a term which your side objected to. They are positive in their relationship to paragraph 1 and the basic issue. We feel that your acceptance of this method of dealing with these two paragraphs will further the work of our two staffs, or groups of staff officers, and result in a document equally acceptable to both sides in all respects except paragraph 1, the basic issue. Are you prepared to give us your views on these proposed changes to paragraphs 2 and 4?

COL TSAI: I think I have made myself very clear regarding any changes in paragraphs 2 and 4. The wording in our paragraphs 2 and 4 is very explicit and there will be no different interpretation of those provisions. Obviously such provisions cannot be separated from the fundamental principle of releasing and repatriating the prisoners of war. The provision in paragraph 2 is made by the prerequisite of the assurance of the repatriation of all prisoners of war. Without the repatriation of all prisoners of war,

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COL TSAI: (CONT'D) such assurance would lose its basis. The time limit for the completion of repatriation of prisoners of war is the same. Such time limit is established on the basis of repatriation of all prisoners of war. Without repatriation of all prisoners of war, such time limit for the completion of the repatriation of the prisoners of war will be meaningless and pointless.

The suggested revised wording of your paragraph does have some relationship with the principle of release and repatriation of prisoners of war; however, such relationship is not clear, not definite, and not positive. Therefore, I consider there is no reason whatsoever for us here to delete the wording of the repatriation of all prisoners of war in our paragraphs 2 and 4. That being so, we cannot accept the new wording suggested by your side in paragraphs 2 and 4.

I do not deny that these two paragraphs are closely related with our paragraph 1; however, we should approach the solution of this problem by attacking the main issue instead of working on the minute details and side issues. If we immediately establish the most fair and reasonable principle provided in the first paragraph in our draft, those problems will be easily solved.

COL HICKMAN: I agree that the problem would be simplified for both sides if we could agree either on your paragraph 1 or our paragraph 1. What we are striving to do in paragraphs 2 and 4 is to reduce all of our problems to the one of the basis for exchange, with its corollaries as presented in your paragraph 1, or in our paragraph 1. On learning that neutral wording was not acceptable to your side, and in order to point out in these two controverted paragraphs 2 and 4 that they were dependent upon the solution of paragraph 1, we offered the solution which definitely integrated

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COL HICKMAN: (CONT'D) them with respect to paragraph 1.

It seems to us that the logic is inescapable that if our proposed paragraph 4 is inserted in your draft to replace your present paragraph 4, it would be absolutely clear that what you were saying would be that the repatriation of prisoners of war in the custody of both sides within two months would be that repatriation dictated by your paragraph 1. That is to say, you would be saying in your paragraph 4 that we are going to repatriate within two months all the prisoners of war in the custody of both sides. In the second sentence of paragraph 4 you would be saying that both sides will complete, short of these two months, the repatriation of the prisoners of war as dictated by paragraph 1. That is to say, each side would do its best to deliver all the prisoners of war in its custody, as dictated by your paragraph 1, in three weeks, four weeks, five weeks, or whatever the shortest period possible may be in which this repatriation could be completed. The correlation of paragraph 4 and paragraph 1 would be established without, it seems to us, any question of doubt.

We were striving, as I said earlier, to permit us, both sides, to concentrate solely on the solution of paragraph 1. It does not appear to us to be necessary to keep the wording advocated by either side for paragraph 1 in other paragraphs of the document. It does not appear to us logical that if either side accepted the paragraph 1 of the other side it would fail to be willing to accept the corresponding paragraphs 2 and 4 of the other side. It would appear, then, that the concept in paragraphs 2 and 4 would stand or fall by the final solution of paragraph 1.

Do you have contrary views in regard to this last statement

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COL HICKMAN: (CONT'D) of mine that paragraphs 2 and 4 would go hand in hand with the solution of paragraph 1?

COL TSAI: When the principle in paragraph 1 of our draft is accepted by your side, the settlement of paragraphs 2 and 4 will be made speedily. Discussion of paragraph 1 is the proper procedure for the settlement of Agenda Item 4 at the present stage, and we think at the present stage such procedure is the one which we must follow. If such procedure is not adopted and if the discussion is concentrated on arguing on the minor disputes, this meeting will not be able to reach any result and would be only producing endless argument.

From the first day of the discussion of Agenda Item 4, our side has proposed an indisputable, reasonable and fair principle, but your side has been consistently refusing to accept it. Your side maintains that other questions should be settled first. In order to make the meetings progress, our side has been making all the efforts to try to settle all the other questions first. Now we have settled all other questions which can be and should be settled. The remaining questions regarding paragraphs 2 and 4 are closely related to the basic principle.

We think that our meeting has proceeded to such a stage that your side has no reason whatsoever to insist on such unreasonable principle of your side and to insist on refusing to accept such reasonable principle of our side. Our side holds that your side should immediately abandon such unreasonable proposition of yours and immediately establish the indisputable principle proposed by our side from the very first day of the meeting, and we think that such reasonable principle of our side should not be any matter of question. You are quite aware of the fact that if your side does not accept our reasonable principle, then the assurance provided in paragraph 2 will have

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COL TSAI: (CONT'D) no basis or promise. That is beyond doubt. Also, your side must be aware of the fact that if your side does not accept our reasonable principle, the time limit set forth in paragraph 4 will have no basis and no promise; and that is beyond any doubt, too.

COL HICKMAN: You are well aware of the discussion that we held in sub-committee meetings on the question of the extremely limited number of prisoners of war now in your hands. You are aware of the efforts made by our side to get your side to place in your prisoner of war camps additional people of our side whom you had captured throughout the conflict. You are aware of our statements that you have apparently permitted a considerable number of our people to express a choice, while the conflict was going on, to join your side. You, in effect, permitted them to exercise what might be called voluntary repatriation, or its equivalent, at, or at some time after, the time of their capture. You sought to differentiate between the expression of choice at that time from this expression at the time of the formal cessation of hostilities. We maintain that that distinction is without merit.

If your side insists that you have the right to give our people such a choice at any time so as to prevent their being returned to us as prisoners of war, we maintain that we have the equal right to apply that choice to your people whom we hold. We are unwilling for you to apply one standard to our people whom you have captured and attempt to require our side to apply a different standard to your people whom we have captured.

You have talked in the past in sub-committee about dealing on equal terms. That is just our point in connection with the expression of choice; we expect to utilize the same criterion which your side adopted while the conflict was in progress. Your side presented us with an accomplished fact: the dissipation of

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COL HICKMAN: (CONT'D) our people from where they should have been in your custody in prisoner of war camps. Where they all are, we do not know. That they were all released at the front, we do not believe.

If your side has any proposal to make in regard to these people of ours who should be in your prisoner of war camps, we will be glad to hear it. If you have some of our people in your army that you are willing to place in prisoner of war camps, we are willing to hear your statement to that effect. If you have any of our people who are being held for whatever reason on the mainland of China, we are willing to hear your statement to that effect, and that you are prepared to return them to prisoner of war camps in North Korea. We are perfectly willing to further discuss the problem of repatriation and we are perfectly willing to hear statements from your side which will make some explanation of how your side is prepared to proceed further on this question.

I have here explained to you one angle of our view on voluntary repatriation. I have explained to you that our side is unwilling to let you adopt one line of action and deny that line of action to us. Our side is willing to discuss with you again, and repeatedly, all of the reasons which are behind our proposal for voluntary repatriation. We agree that paragraphs 2 and 4 are tied in with paragraph 1.

As I have stated previously, we are seeking, in connection with our last proposal concerning paragraphs 2 and 4, an acceptable mutual solution to those two paragraphs, so that at our staff officer meeting we could reach a common agreement on their wording. We agree that it is a relatively minor matter in comparison with the solution of the basic question.

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COL HICKMAN: (CONT'D) I would like to take a three minute recess if agreeable to you.

COL TSAI: We agree.

Meeting recessed at 1220 hours.

Meeting reconvened at 1223 hours.

COL TSAI: We understand the fact that the numbers of prisoners of war held by each side are different. This always happens in all wars. The larger number of prisoners of war held by one side should never be capitalized as an excuse regarding the question of the arrangements for prisoners of war.

It is wrong to use such difference in number of prisoners of war as capital to support any arguments which are unreasonable. It can neither be utilized as a pretext to deny that the arrangements regarding prisoners of war should be made according to the army designation, nor can it be utilized as a pretext for having this question of arranging for the prisoners of war involved with a broad political question in a military negotiation.

We oppose the so-called voluntary repatriation principle advocated by your side. We also oppose the criminal actions of your side of reclassifying the prisoners of war. However, regarding these questions, we have been discussing patiently with your side for more than seventy days and we have thoroughly refuted every argument of your side. Of course, if your side thinks it necessary, we are willing to repeat such previous discussion in which our side has refuted all your arguments. However, I do not think it necessary for me to repeat all the refutations given by General Lee on all the arguments and groundless pretexts of your side.

If you are prepared to repeat all the discussions during the more than seventy days that have passed, I am willing to do so

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COL TSAI: (CONT'D) with you. But I believe the best way would be for you to examine the past record of the more than seventy days, and that would save time for both of us. You will find in the record the answers to all the absurd and ridiculous assertions made by your side just a moment ago. Therefore, I believe that up to now your side has no reason whatsoever to continue to object to such reasonable principle of our side.

COL HICKMAN: We, of course, agree with your side that the number of prisoners taken into custody by the respective sides can never be the same. Our point is the number that <u>should</u> be in the prisoner of war camps, considering the number that were captured.

We also point out, as we have several times before, that the choice expressed by a prisoner of war, if it be political, cannot be utilized by one side for prisoners of war it has captured and then be denied to the other side for the prisoners of war it has captured. If it is political during negotiations leading up to a military armistice, it is equally political during the military conflict. Suffice it to say that the military commander has a definite interest in his people captured by the other side. He has a definite interest of being able to accomplish what the opposing military commander accomplished.

Reclassification by our side of the people from your side whom we initially held as prisoners of war, you do not like. Neither do we like your action of placing our people in your army.

The fact that we have maintained consistently our point of view throughout more than seventy days has no bearing upon the validity of our view. The passage of time does not deter us from adhering to concepts which we think are the correct ones.

As to our need for the repetition of arguments made in subcommittee meeting, in this tent, we are not unaware of what your

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COL HICKMAN: (CONT'D) side has already said. In general, I agree with you that the repetition of former arguments is a waste of time since we are both aware of what the other side has stated. We, of course, have no objection to any statements you may care to make at any time. The statements you may desire to make will, of course, be dictated by your own judgment as to what you feel you should state.

COL TSAI: I must point out first that your assertion, which is the premise of your arguments, is groundless, absurd, and ridiculous.

It is up to you whether you like something or whether you do not like something. For instance, your side may make the choice of delaying this meeting further for another seventy days, or even longer than that. Your side may choose to continue to bomb the prisoner of war camps on our side, and may even bomb more times if your side chooses. Your side may continue to massacre our captured personnel, or may even massacre more times if your side chooses.

However, to these criminal actions of your side we are firmly opposed, and we will firmly fight against such wrong and criminal actions of your side, and we will oppose such unreasonable and inhuman actions of your side forever. Throughout the discussions, our side has made all the efforts we can to try to reach a settlement of all the issues between us. The proposal of February 3rd of our side has led to the settlement of most of the issues between both sides.

However, I must tell you that such efforts of our side have reached a limit. In order to reach an armistice in Korea and for the interests of an armistice, I sincerely urge your side to give up that unreasonable proposition of your side. In order to enable your side to give serious consideration to this question,

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COL TSAI: (CONT'D) I propose that we recess until the usual time tomorrow.

COL HICKMAN: We agree.

Meeting recessed at 1300 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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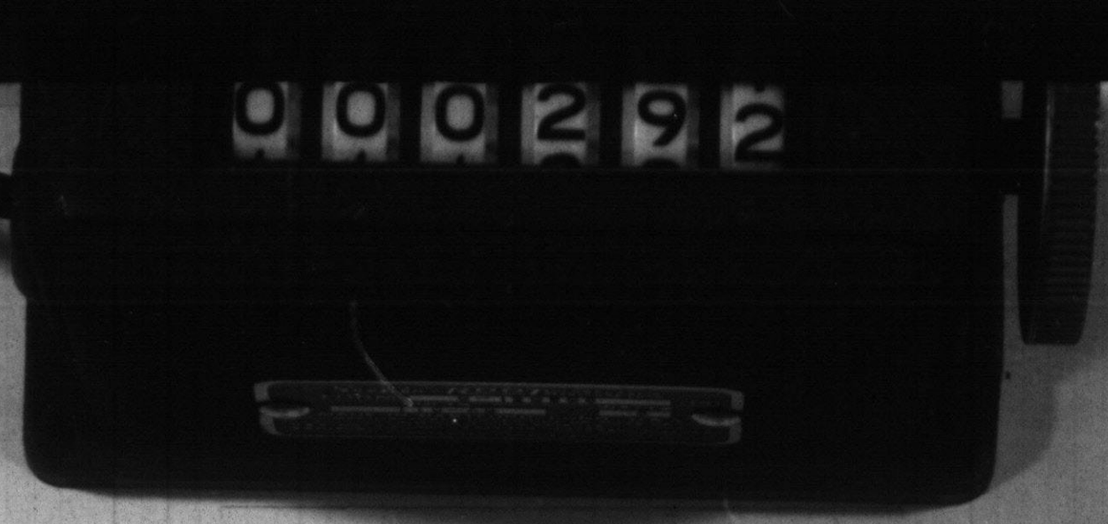

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

25 February 1952

SUBJECT: Nineteenth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 25 February 1952.

Representatives Present:

UNITED NATIONS - - - COL G W Hickman, Jr., USA, Staff Officer ; COL A J Norell, USA, COL C C Higgins, USA, CDR G R Muse, USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT T F May, USA, Mr Kyungmo Chung, DAC, and Mr C H Lee, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Do you have anything to say?

COL HICKMAN: Only that we think it would be more nearly in accord with our mission in these staff officers sessions to achieve a solution acceptable to both sides on the wording of paragraphs 2 and 4. In our latest proposal concerning these two paragraphs, we have written them so that they are unmistakably tied in with paragraph 1. Being so tied in, it appears to us that the wording in these two paragraphs should be acceptable to both sides. Do you agree, or have you any alternate solution for the wording of paragraphs 2 and 4? I appreciate that one alternate solution would be your present wording. That, however, is not acceptable to our side inasmuch as it requires our acceptance of your paragraph 1 in order to agree with paragraphs 2 and 4.

COL TSAI: We cannot agree to the revision of our paragraphs 2 and 4 proposed by your side. Without the repatriation of all prisoners of war, the assurance has no basis. Without the repatriation of all prisoners of war, the time limit has no basis either. Since neither side can agree to the wording on paragraphs 2 and 4 proposed by the other side, we here request your side to give serious reconsideration of your stand and accept the fair and

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COL TSAI: (CONT'D)

reasonable principle of our side.

After examining yesterday's record, I must seriously point out that your arguments in opposing the principle of unconditional release and repatriation of all prisoners of war, which you said yesterday, are completely absurd and groundless. You know very well that we are here having a strictly military negotiation. Both you and I are staff officers of the two belligerent troops. The matter under discussion is the matter of releasing and repatriating all prisoners of war held by both sides after the armistice. Therefore, the basis for settling and determining this matter can only be the army designation of each prisoner of war and cannot be any other standard. In other words, there can be no other solution than the delivery by our side to your side of the captured military personnel of your side, and your delivery of our captured military personnel to our side. There can be no other principle than the unconditional release and repatriation of all the prisoners of war held by both sides.

Your side sought for many pretexts for the principle of voluntary repatriation invented by your side. Your side said that such principle of voluntary repatriation would increase the rights of the prisoners of war and described such a principle as the granting of additional rights to the prisoners of war. It cannot be clearer than it is today. The so-called voluntary repatriation and the reclassification are only synonyms of your side to detain prisoners of war. The facts not only expose the lies by your side of saying that such principle would increase the rights of the prisoners of war, but also has thoroughly made such principle of voluntary repatriation of your side bankrupt.

If your side is still willing to reach an armistice agreement, it is high time for your side to withdraw such propositions

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COL TSAI: (CONT'D) of your side which have already been thoroughly and completely refuted. If your side is still willing to reach an armistice, your side must withdraw such notorious proposition of your side which has already been proved by the facts.

COL HICKMAN: The refutation of any argument, however logical it may be thought by the side presenting it, needs other than the opinion of the arguing side as to its validity. My remarks of yesterday on the subject of voluntary repatriation versus unconditional repatriation were largely leveled at your concept that from the very first day your proposal was reasonable. I was pointing out that your view that you were proposing an exchange of all prisoners of war was one which our side did not consider a valid definition of the word "all".

On the subject of army designation, which army designation does your side consider the governing one -- the one the man or soldier had originally, or the one that he was given last, in case one side decided to enroll in its army military personnel captured from the other side? Is your side proposing a new concept that the capturing side can put all of the personnel captured from the opposing side into its army and that thereafter this new army designation makes this captured group bona-fide members of the capturing side?

COL TSAI: Apparently you are continuing those groundless arguments which you made yesterday. Although you know very well that our proposition is completely reasonable, yet you are attempting to seek for all the pretexts to evade accepting such a principle of our side. Such intent of your side can never be achieved. The principle of the release and the repatriation of all prisoners of war held by both sides after the cessation of active hostilities is an indisputable and absolutely reasonable principle.

The temporary measures taken during the hostilities should

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COL TSAI: (CONT'D) not be mixed up with the whole question. During the hostilities our side did release large numbers of prisoners of war at the front. This is a fact known to the whole world. Nobody can have any objection with the validity or by means of any method. During the hostilities, when there were big changes in the military situation, our side released the prisoners of war who desired to return to your side. Such action of our side proves the greatness and humanity in our policy towards prisoners of war. Such facts should not be, and cannot be, the pretext of your side to object to the reasonable principle of our side.

As to the assertions repeated by your side many times, such as the assertions or allegations that our side has incorporated prisoners of war into our army and our side has transported prisoners of war to the mainland of China, such assertions are entirely and thoroughly fabrications. Almost all of your arguments are based on such fabrications.

The question at present is centered on the question of releasing and repatriating all prisoners of war held by both sides. Your side attempts to evade accepting such reasonable principle of our side by raising all the unreasonable pretexts. However, such purpose of your side cannot possibly be achieved.

COL HICKMAN: I have nothing further to add. I suggest that our Korean and Chinese interpreters and translators meet with yours to discuss any minor differences existing in the Korean and Chinese versions of our agreed paragraphs. Then, tomorrow morning they could present to us any differences that they are unable to work out, you and I having the opportunity this evening to go over our differences, if any.

If that is agreeable with your side, I suggest that our staff officers meeting recess until 1100 tomorrow, with our interpreters

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COL HICKMAN: (CONT'D) and translators meeting in this tent immediately after our recess today. Those paragraphs would be, I believe, paragraphs 3, 5, 6, 7, 8, and 9, and, if you are willing, our definition of the meaning of the term "repatriation". That's under our new wording: 3, 5, 6, 7, 8 and 9.

COL TSAI: Our side considers that at present there are not any further differences in the paragraphs 3, 5, 6, 7, 8 and 9. If your side will only give up your principle, which even your side knows very well that you can find no reasons of justification to support, I believe the entire mission of this staff officers meeting can be speedily accomplished.

Of course, I have no objection today to the recess of this staff officers meeting to let personnel of both sides examine the wording of paragraphs 3, 5, 6, 7, 8 and 9. I agree to recess until eleven o'clock tomorrow morning. We designate the following personnel of our side to examine the wording of those paragraphs: Bee Chi Lung, Chen Chung Kuo and Tien Chien.

COL HICKMAN: Our side will designate Lieutenant Underwood, United States Navy, to be in charge of our translator group, assisted by Lieutenant May, United States Army, and Mr. Chung. The duty of this group will be, as I understand it, to make clear any differences which may exist in the Korean and Chinese versions of our agreed paragraphs. So far as our side is concerned, we are already satisfied with the English version of those paragraphs. Is that agreeable to you, Colonel Tsai?

COL TSAI: We agree.

Meeting recessed at 1156 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

25 February 1952

MEMORANDUM FOR THE RECORD:

SUBJECT: Interpreters Meeting, Agenda Item 4, Held at Pan Mun Jom, 25 February 1952.

PERSONNEL PRESENT

For United Nations Command

LT H G Underwood, USNR
1st LT T F May, USA
Mr. Kyongme Chung, DAC

For Communist Forces

Pi Chi Lung, CCF
MAJ Chun Sam Hi, NKA
Sr. CAPT Chin Chung Kuk, NKA
Tien Chien, CCF

Meeting convened at 1205 hours.

Interpreters of both sides discussed and compared English--Korean and English - Chinese versions of paragraphs 3, 5, 6, 7, 8, 9 of Article III, Arrangements Relating to Prisoners of War, of the draft Armistice Agreement. The following points remained unsolved and were referred to the staff officers for discussion and decision.

a. North Koreans wish to use the sounds "U.N." to refer to the United Nations. United Nations Korean interpreters insist on Korean word "Kuk Che Yon Hap" the term used officially in the Republic of Korea.

b. Paragraph 5, second sentence. Communists wish to insert "of prisoners of war" after words "and reception". Tentatively accepted.

c. Paragraph 7a, second sentence. Korean version uses a legal present tense which is not as strong as "shall". Could be accepted.

d. Paragraph 7a, second sentence. Both Korean and Chinese leave out words "performance of" on the grounds that it sounds awkward in those languages, and, instead, use a phrase roughly equivalent to "by means of" or "through". Tentatively accepted in Korean, rejected in Chinese.

e. Paragraph 7a, third sentence. Construction of this sentence in Korean is roughly "by visiting - shall comfort - and shall bring in —". The intent of both English and Korean is roughly the same but the English lays more emphasis

on "shall visit". Communists are considering other wording.

f. Paragraph 7a, third sentence. The Korean word for "bring in", used by Communists, is very restrictive, meaning "to own" or "to have". Communists object to United Nations Command proposed word as being too broad.

g. Paragraph 7b(4). Communists wish to add the words "from the team" after "members", and change "of the joint Red Cross teams" to "of each joint Red Cross team", in Korean. Tentatively agreed to change in Korean and indicated that the matter would be brought to the attention of United Nations Command staff officers.

h. Paragraph 7b(6). Korean wording is "the size of each team, on the basis of such requirements as may be jointly agreed to upon by the Red Cross representatives of that team, may be increased or decreased after consultation with the Committee for the Repatriation of Prisoners of War." Not accepted by United Nations Command interpreters, as intent of English version not clear.

i. Paragraph 7c. Communists wish to insert word "military" before "control" in two places. Tentatively agreed.

j. Chinese word used by Communists for "custody" more nearly means "receive and provide a place for". Chinese interpreters were informed that the United Nations Command interpreters would consider this choice of word and report to staff officers. (Recommend acceptance of this word).

The Korean version omitted the words "are desirable". Through oversight of United Nations Command interpreter this was not discussed in the interpreters meeting. It is recommended that the Korean word "Yo Mang" be suggested by the staff officers at the next meeting.

The following points are called to the attention of the staff officers for their information.

a. The Korean words for "displaced civilians" and "coordinate" are awkward. Both sides agreed to tentative terminology, pending discovery of better Korean words.

b. Paragraph 6, paragraph 9d. Korean and Chinese versions omit the literal translation of the English word "hereby" as being awkward and unnecessary. United Nations Command interpreters agreed that this is true.

c. Paragraph 7d. Korean and Chinese translation of "upon completion" is literally "shall immediately—when completed". Accepted by United Nations

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Command interpreters as a good translation.

d. Paragraph 8. Communists use the same word throughout for "information" and "data". Tentatively accepted.

Meeting adjourned at 1400 .

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SECURITY INFORMATION

GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

26 February 1952

SUBJECT: Twentieth Meeting of Staff Officers in Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 26 February 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CDR O W Spahr, Jr., USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, and Mr. Kyungmo Chung, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Shall we proceed.

COL HICKMAN: Yes.

COL TSAI: The interpreters and translators of both sides examined the wording of the provisions agreed upon by both sides in yesterday's meeting. I believe you have read the report by your interpreters and translators.

Do you have any opinion to discuss this morning?

COL HICKMAN: I have here the report of our senior interpreter and I believe there are three or four matters which we should get ironed out, if possible to do so without referring them back again to a meeting of the interpreters. Most of the points of disagreement are minor and involve alternate versions of the same substantive wording in the English translation of our concept of the agreed paragraphs. In a few instances the addition of a few words or a phrase appears to be necessary in order to achieve smooth wording in Chinese or Korean or both. It is of course highly desirable to have the document read smoothly in every language. In several instances we can add the identical phrase or its equivalent to our English version in order to make the three versions entirely equivalent. For example, in paragraph 5 it was desired

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COL HICKMAN: (CONT'D) to add the words "of prisoners of war" in the second sentence of that paragraph following the word "reception". We not only agree to that addition, but think it worthwhile to add that phrase also to our English version for complete uniformity. Is that addition agreeable to your side?

COL TSAI: We agree.

COL HICKMAN: One difference involving designation in Korean, wherein the term used is different from that in both the Chinese and English, is involved in the terminology, wherever it appears, of the words "United Nations". Our understanding is that in the Korean it is desired to use the initials "U.N.". We do not consider it appropriate for the name of the United Nations Command or the name of the Korean People's Army or the name of the Chinese People's Volunteers to be indicated by initials. We consider that the name should be that desired by the side whose name is being referred to. That is, we use the name in all documents that your side desires your forces to be designated by, and likewise for the name of our side in all documents. From time to time, in the colloquial expressions in connection with interpretation, our side has used the abbreviation or the initials. In the formal document we do not consider that at all appropriate. We consider that the Korean version should correspond to that of the English and Chinese in this connection.

COL LEE: In Korean we generally use the term "U.N."; but "U.N." is an abbreviation and considering your viewpoint that it is not proper to have the abbreviation in the agreement document, we agree to revise the "U.N.", as it stands, to be the Korean words "Yon Hap Kuk", so that the documents in Korean and Chinese can be the same.

COL HICKMAN: At the moment that does not mean anything. I suggest that we table this point for a moment so that I can get the distinction

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COL HICKMAN: (CONT'D) between the words that my interpreter is discussing.

COL LEE: I will add something. Your side wants to revise "U.N." to "Yon Hap Kuk", but the term does not quite fully represent United Nations and the word "Kuk Chae Yon Hap" which your side uses is of Japanese origin.

COL HICKMAN: I would like to ask Colonel Lee what the objection is to using the terminology suggested by our side. I take it that he believes it to be an incorrect translation. But is there any other objection?

COL LEE: I will say something. I was giving you the brief reason but if you want it I can say it again. Firstly, your term "Kuk Chae Yon Hap" is a term which has not been used until now in Korean. Your term "Kuk Chae Yon Hap" has the basic meaning of the United Nations, but as I said it is a term which has not been used by us until now. So instead of carrying on a long discussion about it here, let us leave the matter to those who know more about the Korean and let us talk and discuss about it later.

COL HICKMAN: Paragraph 7a, in the second sentence -- my understanding is that the verb "shall assist", as it appears in the English document, appears in Korean in the present tense, or legal present tense, and that it does not have the connotation of the use of the word "shall" as it appears in English. We think that the joint Red Cross teams should clearly be expected to perform -- more or less ordered to perform -- their function set out in this sentence.

COL TSAI: Excuse me, in Korean or Chinese?

COL HICKMAN: I understand it was in Korean only. In short, it is my belief that it was our agreement that the Red Cross teams should be directed, should be mandated, to perform this particular function, not merely permitted to perform it. That's all for that point.

COL TSAI: I have discussed this with Colonel Lee who says that this

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COL TSAI: (CONT'D) expression is the same way both in Korean and in Chinese. I am sorry I do not quite understand Korean but I would like to explain what it is in the Chinese version. In Chinese, usually in the stipulation of any provision the equivalent word to "shall" would mean the moral obligation, not the legal obligation. Thus we maintain that the Chinese and Korean word equivalent to the English word "shall" should be deleted so that the stipulation could be more positive. When it is stipulated without the word "shall", that means it shall be done. If it is used with the word "shall" that means it should be done but it may not be done; so we think it would be more positive if we do not have the word "shall" in Chinese. However, if your side considers that if we do not use the word "shall" in English the stipulation would not be so positive, we agree to use it in English. We believe that if we put that word equivalent to "shall" in the Chinese version it would not be so positive, and we believe that it would not make the stipulation as positive as we wish. But this is one of the characteristics of the Chinese language that in some places this word equivalent to "shall" in English has to be put in so that the whole sentence would read smoothly. But it is quite definite that if we use the word "shall" in Chinese the stipulation would not be so positive as we desire.

Before the meeting, I have discussed with Colonel Lee about the word in Korean and he told me that this word equivalent to the word "shall" in English is not used in a legal stipulation in the Korean language. If you have any questions regarding the Korean language, I would recommend that you discuss it with Colonel Lee. He knows it better than I do.

COL HICKMAN: I will say that the Chinese version without the word "shall" is completely acceptable to us; in fact, better represents the

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COL HICKMAN: (CONT'D) English as it appears in the sentence. I would like to hear Colonel Lee's account of what it means in Korean.

COL LEE: I will say something. In Korean, too, as Colonel Tsai said, the expression "Handa" is more decisive in Korean, and in the legal usage in Korean "Hayoya handa" is not quite so decisive and the expression is not as positive. Therefore I think in carrying out the stipulation in this agreement by the Red Cross teams, in order to have the same decisive meaning, I think our term "Handa" is better than your term "Hayoya handa".

COL HICKMAN: May I ask just one question? Would your use of the verb "Handa" require that the Red Cross perform the function or functions set out in this sentence?

COL LEE: In Korean such requirement does appear.

COL HICKMAN: We accept that expression, then, in our Korean version.

COL TSAI: There is some question regarding the Chinese version which your side raised yesterday in the translators and interpreters meeting. That question is in 7a, the second sentence. The English version reads: "by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war". Your side maintains that some certain Chinese words "Shih shih" must be put in the Chinese version whereas we do not have that word in. This is a little bit difficult to interpret. I believe that your interpreter has some different understanding of the word "Fu wu" which is equivalent to the English word "services". Your interpreter understands that this word stands for the word "service" or "services". However, this word in Chinese is made by two words "Fu" and "Wu". "Fu" is a verb "acting" or "performing". "Wu" is "service". However, we put them together and it means "services" and also means "to perform the services". Thus we have the performance of the services here. Since we have

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COL TSAI: (CONT'D) this word here, we do not think that we should have this word or other phrases to carry the other phrases in your sentence. We believe that the use of the word "Fu wu", meaning "perform the service", is sufficient without the addition of the word "performance", which does not add anything.

COL HICKMAN: I agree; it doesn't in English either. We accept that version. How about in Korean on the same point? We understand, then, that your wording in both Korean and Chinese would be preferable to the redundancy of the additional word "performance".

Still in the same sentence, the second sentence of 7a, there is one other point. Through oversight, this point was not discussed yesterday. It involves, as I understand it, only the Korean version. It amounts to the fact that the two words "and desirable" following the word "necessary" were omitted in the Korean version. Our interpreter has a suggestion as to how that change might be made. (United Nations Command Interpreter suggested the Korean word "Yo mang")

COL LEE: We will think it over further, but in consideration of your explanation I think your version of "Yo mang" is right.

COL HICKMAN: In paragraph 7a, the third sentence, we understand that the interpreters and translators on your side were considering other wording for the last clause of that sentence. In general, the problem there was a question of emphasis and I won't explain it further if your side has any proposed solution for the problem discussed yesterday by the interpreters. This question was one in Korean, not in Chinese.

COL LEE: Your version puts emphasis on the visit, while ours emphasizes the purpose of the visit. According to our opinion, that is a change of word order but the basic content of it is exactly the same. However, in defining the mission of the Red Cross teams, the basic sense is the assistance by the Red Cross teams in the

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COL LEE: (CONT'D) repatriation of the prisoners of war. They should visit the prisoner of war camps in order to assist the repatriation of the prisoners of war. So according to my opinion we should leave the Korean wording as it is written by us. In consideration of your viewpoint, however, we have changed the Korean word for "bring in" into "Kachigo kaso". In short, our wording we have just explained is closely connected with the phrase directly before it, and is an explanation of the means of assistance. This paragraph says the joint Red Cross teams shall assist in the repatriation of the prisoners of war. Then we specify that by assistance we mean to assist in bringing the prisoners of war to the place of delivery and reception, by visiting the prisoners of war and the distribution of the articles of comfort and welfare, thus giving the prisoners of war all the comforts. Your wording emphasizes visiting; but there is no emphasis on visiting the prisoners of war in this paragraph.

COL HICKMAN: Let me ask one question. Is there present in your phraseology the requirement that the Red Cross teams visit the camps? Is that understood or implied clearly?

COL LEE: That is definitely expressed.

COL TSAI: May I say something about this question?

COL HICKMAN: Yes.

COL TSAI: This sentence, both in Chinese and English, is translated from the structure of the Korean version. That means we drafted this sentence originally from the Korean with the same original structure. If the construction or order of the sentence is to be revised, then corresponding phraseology changes must be made in English and Chinese, otherwise the others will be inconsistent. As I understand from my Korean interpreter, the sentence drafted by our side and that suggested by your side are in fact the same.

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COL TSAI: (CONT'D) Our sentence stipulates that the joint Red Cross teams are to visit the camps to comfort and to bring in and distribute the gift articles, and the sentence stipulated by your side says in order to distribute the gift articles they visit the prisoner of war camps. That is only the difference in the sentence structure. Therefore, I consider that in order to have the three versions consistent, it is better not to have any changes in the sentence structure.

COL HICKMAN: We will accept the Korean version. The next problem is in that same sentence. That is in the use of the words "to bring in".

COL LEE: We will change the Korean wording.

COL HICKMAN: The one point I should like to make there is that the arrangements for transporting the members of the Red Cross teams into the territory of the other side might be such as to preclude any supplies for the comfort and welfare of the prisoners of war accompanying the members of the team at the time they entered the territory of the other side. What our side would like to suggest here is that we have an understanding that either side may make arrangements for bringing in, if necessary, by a separate vehicle or convoy, any supplies of that nature, any comfort articles, that the teams might wish to distribute among the prisoners of war of both sides. If that is acceptable to you as an unwritten understanding, we are perfectly willing to accept this word that's just been mentioned as a solution in the Korean version.

COL TSAI: I think this question involves the question regarding the implementation of the provisions afterwards. The wording we used here in the Chinese version cannot be interpreted strictly by its original meaning of the word; otherwise, the Red Cross team members would not be allowed to ride in vehicles or have anything in the vehicles. They would have to carry everything in their hands.

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COL TSAI: (CONT'D) I think we do not have to spend time arguing in which ways these articles will be brought in. These questions may be settled at the time, according to the actual situation, without any difficulty. Here I recall your suggestion the other day that the personnel of both sides of the Committee for Repatriation of Prisoners of War and the Committee for Assisting the Return of Displaced Civilians may have informal contact before the armistice becomes effective, so that they may exchange their opinions regarding the specific questions with respect to the implementation of the provisions. I think such an idea is a good idea, and we have considered it and think that it will be all right for them to have contact at an appropriate time.

COL HICKMAN: We have changed our wording in our Korean version to the one you have just mentioned.

My next note concerns paragraph 7b (4). There are two points to discuss there: first, to add the words "from the team" after the word "members". Secondly, the phrase "of the joint Red Cross teams" should be changed to "of each joint Red Cross team". I understand that in both Korean and Chinese the word was as I have just stated. We are willing to make both of these changes in the English version to correspond completely.

COL TSAI: We agree. Then in the Chinese version there should be some corresponding revision. We will change the word to indicate "each" instead of the plural number you used before.

COL HICKMAN: The next paragraph is 7 b(6). The problem here involves the meaning of English words "through consultation", and the procedure by which the increase or decrease in the size of the teams may be effected. Actually, I do not feel that there is much basic difference in any of the three versions of this sub-paragraph. Let me review my understanding of our mutual intent. The Red

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COL HICKMAN: (CONT'D) Cross members from each side on a particular team decides through discussion between both sides of the team that the team should be increased or decreased as the case may be. This desire on the part of the team for increase or decrease would be transmitted, either verbally or in writing, or by other means of communication, to the Committee for the Repatriation of Prisoners of War. The Committee, unless it had strong reasons to the contrary, would attempt to carry out the wishes of the Red Cross teams by either assisting in arranging for eliminating the required number of representatives assigned to the team, or by securing from both sides additional members to increase the size of the team.

That explanation of the function and purpose of this paragraph is, I think, clearly expressed in Korean wording of your side. The Korean wording of your side sets out the procedure perhaps a little more fully than does our English version. It makes clear that the consultation with the Committee will be made after the representatives of the Red Cross teams have decided that they wish the team to be increased or decreased. It is likely that the word "coordination" might better be used in place of the word "consultation". In English at any rate, "consultation" would imply a personal conference which would probably be unnecessary.

We are willing to rewrite our paragraph in order to make it coincide with the concept of your Korean wording. I think your Korean wording has pointed out to us a slight ambiguity in our English version. If your side agrees with my statement in the purpose of and function of the paragraph, and with the substitution of the word "coordination" for the word "consultation", then I suggest that we rewrite this and present a new English version tomorrow.

COL TSAI: No question exists in the procedure here. In general, I agree with your statement about the procedure of the increase and

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COL TSAI: (CONT'D) decrease of the joint Red Cross teams. If the size of the team is to be increased, agreement must first be reached by the representatives of both sides on the team and then their decision should be sent to the Committee for Repatriation of Prisoners of War. If the Committee has no strong objection, the Committee should assist in informing both sides to increase the members of the team and to assist the representatives of one side to secure the arrangements for their entering into the territory of the other side. The main question here, I think, is the authority of the Committee for the Repatriation of Prisoners of War in the increase or decrease of the joint Red Cross teams -- as to whether this Committee has the authority to disagree or to agree or to assist such opinions decided by the joint Red Cross teams.

We may assume three cases of the situation. First, we may stipulate that the Committee for the Repatriation of Prisoners of War has the authority that such an increase or decrease must be agreed upon by the Committee. If it should be so, then the wording of this paragraph must be changed to something like "by the approval of" or "by the agreement of" the Committee for the Repatriation of Prisoners of War. However, this is not the opinion of both sides. In the second case, regardless of whether the Committee agrees to it or not, when a Joint Red Cross team has decided to increase or decrease its size, the Committee has to assist the team in such increase or decrease. If this is so, the wording should be revised to "through the coordination of the Committee for the Repatriation of Prisoners of War". The third case is the middle way. In general, the Committee will not oppose to any increase or decrease except if the Committee has any strong reason to oppose it. We believe the third case is the opinion in our minds regarding this question. Under such conditions, I believe the wording in the Chinese version is

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COL TSAI: (CONT'D) appropriate. After the consultation, if the Committee has no strong objection, it should assist the team to realize the increase or decrease. If the Committee does have any strong objection, and if that strong objection has been raised by the Committee, then the joint Red Cross teams will accept the Committee's opinion. Therefore, I feel the word "coordination" is not close to what we desire to have in the stipulation. But if your side feels it necessary to make some revision in this paragraph we would like to have that revised wording and make a study of it.

COL HICKMAN: I think I can say that we agree with your concept. I believe some slight rewording of our paragraph is necessary. I appreciate the point about the word "coordination" and I will see if I can find a better English word to provide the connotation for our mutual understanding of the function of the Committee for the Repatriation of Prisoners of War.

In paragraph 7c your side wished to insert the word "military" in front of the word "control" which appears in two places. We agree. For uniformity we will add that word also to the English version, if that is agreeable to your side.

We understand that you use a word meaning "receive and provide a place for" in place of the word "custody" in your Chinese version. That phraseology is acceptable to us. We shall continue to use the word "custody" in the English version as being roughly equivalent.

We understand that the word "hereby" used in paragraph 6 and paragraph 9d are awkward and unnecessary in both Chinese and Korean. We agree to the omission of that word where it appears in these two languages.

I understand that there was some difference in phraseology

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COL HICKMAN: (CONT'D) in paragraph 7d, which difference is without any difference in meaning. We accept the Korean and Chinese versions of the wording in paragraph 7d.

In paragraph 8, your side used the same word for the English words "information" and "data." The difference is so inconsequential as to make an attempt to differentiate between them unnecessary. We accept your use of the same word for both the English words.

I have one other point. It is my understanding that the Korean words for "displaced civilians" and "coordinate" are awkward. I suggest that our interpreters and translators attempt to find appropriate phraseology for those two expressions at the same time that they discuss the other two matters which we left for their further consideration.

COL TSAI: What are the two matters you said we will leave to the interpreters?

COL HICKMAN: The term for the "United Nations" and the wording of "and desirable." I understand that was not quite worked out.

COL TSAI: Colonel Lee will make some statements about the words "displaced civilians" and the word "coordinate."

COL LEE: As to the phraseology "displaced civilians" we, too, know very well that the Korean version is not adequate so we had the opinion that the term should be "Ee hyang". This is only an opinion of ours and not definite, so we hope that you, too, will make a study of that phrase and then tell us your opinion.

As for the word "coordinate" we propose to use the Korean word "Cho Chol". We think that is adequate.

We have also revised the last phrase of paragraph 9 a little. That is a phrase concerning the commanders of both sides calling for the assistance of the civil authorities in the area under

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COL LEE: (CONT'D) their control. We think the Korean word we used here is too weak to express the measures of the commanders and the civilian authorities concerned so we have changed the Korean version. (New Korean version read to interpreters.) There is no change in the English version. By doing this, the commanders of both sides call upon the civilian authorities to do these things as their bounden duty.

In the Korean of paragraph 6, we have changed the Korean word for "general" to "Chon ban jok."

Colonel Hickman said that in paragraph 8 it is acceptable for you to use the same Korean word for "information" and "data". However, after the interpreter's meeting yesterday we decided to use the Korean word "Cha ryo" for "information" and "Chae ryo" for "data."

In paragraph 7b (5) we changed it, in accordance with your wish, to "under the respective military control." I say this, because Colonel Hickman said you changed it according to our proposal, but actually we changed it in accordance with your proposal.

COL TSAI: Do you agree with those revisions in the Korean translation as Colonel Lee has said?

COL HICKMAN: We do.

COL TSAI: Now there are only a few unsolved points with respect to the wording of the provisions. One of the points is the Korean translation of the terminology "United Nations Command". Of course, our side respects your side's opinion regarding the terminology of your forces. We only suggest that your side may try to get someone more learned in the Korean language to make a study of it and as soon as your side has decided about the terminology, I think our side will use it without any objection.

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COL TSAI: (CONT'D) The second point is about the Korean wording for the English wording "necessary and desirable". Our side will submit to your side the Korean wording for this phrase tomorrow.

With respect to the provisions for the increase or decrease of the size of the joint Red Cross teams, if your side will submit to us the revised wording of your paragraph, we will discuss it with your side and make some decision on it.

Besides the above mentioned points, I do not believe there is any other difference between us regarding the paragraphs we have discussed. Therefore, I think that it is not necessary to have the interpreters and translators of both sides have a meeting to settle the above points.

COL HICKMAN: We agree. There is the exact wording for the terms "displaced civilians" and "coordinate"; your side gave one example which might suffice for each of those terms. Our side will study those two terms and give you our opinion tomorrow.

COL TSAI: Do you have anything else to say?

COL HICKMAN: Nothing further.

COL TSAI: Then I am not going to discuss any other matters with you today and I suggest that we recess until tomorrow morning.

COL HICKMAN: We agree.

Meeting recessed at 1415 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

27 February 1952

SUBJECT: Twenty-first Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 27 February 1952.

Representatives Present:

UNITED NATIONS - COL J C Murray, USMC, Staff Officer; CDR O W Spahr,Jr., USN, CDR G R Muse, USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT T F May, USA, and Mr. Kyungmo Chung, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Go ahead.

COL MURRAY: I believe there are certain differences in the several drafts which remain to be discussed. We undertook to provide you an alternate version of paragraph 7b, sub-paragraph (6). This now reads as follows: "Whenever jointly agreed upon by the Red Cross representatives of any team, the size of such team may be increased or decreased subject to confirmation by the Committee for Repatriation of Prisoners of War."

COL TSAI: As soon as it has been translated into Chinese I will give you my comments. The content of the suggested version of this paragraph is acceptable to our side. As to the wording of this sub-paragraph, we will give consideration and then give our comments, if there are any. Do you have anything else to bring up?

COL MURRAY: Yes. In connection with the Korean terminology for the "United Nations", we have thoroughly studied this matter and have consulted with the authorities on our side. We have established that the term "Kuk Che Yon Hap" is the official name in Korean on our side. Accordingly it is our preference that this name be used in the Korean version of the official documents.

COL LEE: I will say something. As to the terminology of the "United Nations" in Korean, on which we did not reach an agreement

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COL LEE: (CONT'D) yesterday, we studied for an appropriate expression of it and consulted with authorities concerned. As a result of it, we arrived at the conclusion that the most adequate Korean version of the "United Nations" is "Yon Hap Kuk". That is our terminology because U.N. is an abbreviation. When we transcribe that terminology literally into Korean, this U.N. is "Yon Hap Kuk", and this translation of your side is not perfect because your side wants to use it "Kuk Che Yon Hap", and in the U.N. there is no such word as "Kuk Che" -- that is "international". Therefore as we think that any translation, when it becomes translated, must be translated into adequate words, and, therefore, as in English or in other language there is no meaning of "international" in it, we have no intention of bringing the word "Kuk Che" into it; and we don't believe it necessary to do so. We can presume the reason why you want to use the word "Kuk Che Yon Hap"; and one of the reasons you want to use that term is that it has been used in South Korea until now. As to our using the term, the term "Kuk Che" was first translated into Japanese and was then used in Korean. As I said before, translated into Korean, that is not perfect. Therefore I say this is one reason for our refusal. Since we have the Korean language, we have no intention of inheriting the Japanese terminology as it is.

Another reason is that one of the most important things is to have a unity among the Korean, Chinese and English wording; and in Chinese "Yon Hap Kuk" has been used so we do not find it necessary to bring in the term "Kuk Che", meaning "international", which is neither in Chinese nor English, and thus raising the possibility of having a difference between the three texts.

I want to say one thing more. We don't know if perhaps in South Korea they must still like to use the Japanese, but as

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COL LEE: (CONT'D) long as we have the Korean language we don't like the idea of using Japanese, and I suppose you, too, well know why we do it.

COL MURRAY: You are quite right in saying that the term "Kuk Che-Yon Hap" has been in common usage in South Korea, and it has been for several years. To our side this is not a question of good or bad translation. It is a matter of using a term which we have used officially on our side in order to designate our own forces. We have designated your forces in the manner you desire them to be designated. We do not attempt to dictate how your forces will be designated. Consequently, we request a similar consideration from your side.

COL TSAI: May I say something? Primarily, the terminology should not be any question here. Our side fully respects the privilege of your side to use the terminology to designate your forces. Here the question is a matter of translation, as to whether the translation is correct or not. If our side raises any objection to your terminology in English, we do not think we have enough or adequate justification for doing so. If your side raises any objection to the terminology in the Chinese or Korean languages, we do not think you have adequate justification.

Now, when the terminology used by one side is translated to the other languages, we require such translation to be correct and accurate. If the terminology used by our side is translated into English incorrectly or inaccurately, I believe both your side and our side will have objection to it, since any incorrect or inaccurate translation in the official agreement would do no good to the other side.

We understand that the languages adopted and used officially in the United Nations are English, Chinese and Russian. All the translations should be based on the above official languages in

COL TSAI: (CONT'D) the United Nations so that the translation can be correct and accurate. Now, when the terminology of "United Nations" is translated into Korean, it should be correctly translated as Colonel Lee just said, and in the same way as in Chinese. If your side prefers that the "United Nations Command" be translated into the Korean equivalent to the meaning of the "International Allied Forces", then the terminology of the "United Nations Command" should be changed into "International Allied Forces" in English. Therefore, we consider it necessary for your side to reconsider your stand on this question of translation.

As to the habit of using the terminology in the Korean language, I believe the habit or the usage adopted by your side is not the usage of your side; it is only the adopted usage of the southern part of Korea where it is used as "Kuk Che Yon Hap Kun" and in the Northern part of Korea it is used as "Yon Hap Kuk Kun." We believe that those are the only usages in different localities and it cannot be the accurate and correct translation of the terminology of your side.

COL MURRAY: There is great merit in Colonel Tsai's remarks. We are not attempting to dictate the translation of the Korean language. Colonel Tsai's first point disregards the fact that the translation that we propose has been used in a large part of Korea for some time and that it was selected after some thought and for a specific purpose. That purpose related to Colonel Tsai's second point that our proposed translation is inaccurate. The expression "Kuk Che Yon Hap" was selected to distinguish the "United Nations" from the "Allied Forces" which were in existence at the end of World War II. Now, the point has been brought up that the expression "Kuk Che Yon Hap" has an international



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COL MURRAY: (CONT'D) implication. That is true. You cannot change the composition of the United Nations or its status through terminology alone. The expression "Kuk Che" was used in Korea in connection with the League of Nations, and there was no objection to that. The United Nations is the successor to the League of Nations as an international organization of nations. It is not comparable to the Allied Forces which were in existence at the end of World War II, as would be implied by the expression you propose.

Perhaps we could solve this problem by using both expressions, inasmuch as certain portions of Korea are accustomed to using one expression while elsewhere another expression is used. This could be done by using one expression followed by the other in parentheses.

COL LEE: I will say something. I have carefully noted Colonel Murray's statement. According to Colonel Murray's statement, what we are discussing here is not the accuracy of the translation of the terminology, but the definition of the denomination of the forces of your side as the basic question. Of course, there is a reason for your saying so. If we are to name the forces which are organized in Korea, your reason would be adequate. Therefore, the National Defense Army "Kuk Bang Kun" which was organized in Southern Korea, we call Kuk Bang Kun. But, as you know, the United Nations Forces were not organized in Korea, but they were organized in foreign countries. Therefore, the language of that army should be used; that is to say, the name United Nations Forces was not originated in Korea but the forces came into Korea from outside with that name. If so, the name of those forces should not be newly created in Korean but it would be more appropriate to translate the name of those forces accurately into Korean.

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COL LEE: (CONT'D)

As I have said before, if you translate literally into Korean, the "United Nations Forces" it is not "Kuk Che Yon Hap Kuk" but "Yon Hap Kuk Kun". I do not find it necessary in translations to add something that is not in the original and I think you, too, think in that way. For instance, in English you use the United States of America, and you use U. S. for an abbreviation. There is no meaning of "Kuk Che Kuk" in it and we do not call it "Kuk Che" because "International" is not in it, and the same is true with the United Nations.

Comparing the League of Nations with the United Nations, Colonel Murray said that as the word "Kuk Che Yon Maeng" was used for the League of Nations, and as the United Nations carry out the same objective of the League of Nations it should also be called "Kuk Che Yon Maeng"; that is what I understand. But I want to say that the content of the term "league" is different from the word "united".

What I want to especially point out is that we can hardly understand why you try to translate into Korean something different from the term which is commonly used internationally throughout the world. For instance, we understand that Colonel Murray's name is Murray and even though he wanted to use his name in Korean as Colonel Murray Kim, we could not add the word Kim in Korean, and the same is true with United Nations.

COL MURRAY: I think Colonel Lee has selected a good example to illustrate our difference here, in referring to the United States. He says we do not use the expression "Kuk Che" in referring to the United States. That is properly so because there are no international implications in the relationship between the several states of the United States. However, in the relationship of the many nations which make up the United Nations, there are international

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COL MURRAY: (CONT'D) implications. Colonel Lee says there is a difference between "League" as in "League of Nations" and "United" as used in "United Nations". So far as the international implications of the expression "Kuk Che", which we are discussing are concerned, there is no difference between "League" and "United". The "United Nations" is a league of nations just as thoroughly as the "League of Nations" was a league of nations. You add nothing to the English expression "United Nations" by use of the term "Kuk Che". You detract from the expression as it is commonly understood when you do not use the expression "Kuk Che". Any translation which detracts from the meaning of "United Nations" is not an accurate translation. In order that this will not become a stumbling block, I revert to my earlier suggestion that we use both expressions, on the ground that one is used in one part of Korea and another is used in another part of Korea.

COL LEE: I would like to say something. The word "Kuk Che" in Korean means all the nations of the world. As Colonel Murray knows, the United Nations does not include all the countries of the world, and there are nations which haven't joined the United Nations.

COL MURRAY: My understanding is that the word "Kuk Che" refers not to all the nations of the world but to two or more nations.

COL LEE: I do not know how much Colonel Murray has studied the Korean language but, as far as my Korean goes, "Kuk Che" means what I stated. As for your opinion of using two terms, since we are here endeavoring to find a unity in the terminology, there is no sense of using two terminologies in Korean.

COL MURRAY: I must confess that Colonel Lee has me at a disadvantage when it comes to a knowledge of Korean. I understand that "Kuk Che" means "international" and is applicable to the relations between

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COL MURRAY: (CONT'D) two nations as well as all the nations of the earth. Now, perhaps Colonel Lee takes the position that all the nations of the earth were members of the League of Nations, to describe which the expression "Kuk Che" is used. If so, he is in error because there were many fewer nations who were members of the League of Nations than there are who are now members of the United Nations.

COL TSAI: I think that we are not willing to waste our time in the question of the translation of the wording and make the progress of the conference delayed. Colonel Murray just mentioned a solution for this issue. I think maybe we may consider whether there will be any other way to solve this issue.

With respect to sub-paragraph 7b(6) which you mentioned this morning, I am going to suggest such wording in Chinese and I would like to have your Chinese interpreter record the wording which I am going to read. (Colonel Tsai then read in Chinese.) Our Chinese interpreter will read the tentative English translation of the wording in Chinese for your consideration. "Whenever jointly agreed upon by the representatives of both sides in any joint Red Cross team, the size of such team may be increased or decreased subject to confirmation by the Committee for Repatriation of Prisoners of War". If your side agrees to the content of this recorded sub-paragraph, our side will formally submit to your side the Korean and Chinese versions as well as the English translation.

COL MURRAY: The content is entirely satisfactory. In fact, I think there was no difference on the content originally. Could you read that slowly again please? (Chinese interpreter then reread the sentence) We agree to that wording.

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COL TSAI: Do you have any other points to bring up?

COL MURRAY: I believe there were three other minor language problems which are merely questions of the appropriate Korean words for the words "and desirable", "coordinate", and "displaced civilians". Are you prepared to make suggestions on these or shall we leave these matters to the interpreters ?

COL LEE: In consideration of your suggested word for "desire", we agree to use the word "Yo hiang". You said our word for "coordinate" was awkward. I have considered it thoroughly and we think it better to use "Cho chol". As for the "displaced civilians", we have studied your opinion and we now suggest the term "Sil hyang". What do you think of these? If you have studied further about the terminology and have a better idea, we would like to hear it. I think you know there isn't any big difference in meaning and we had better leave it with the interpreters to settle it among themselves.

COL MURRAY: We accept your translations on all three words. I believe the only remaining question is the matter of the Korean terminology for the "United Nations Command". I feel that an acceptable solution for both sides is to accept the two terminologies used in the two parts of Korea and present them both in the document. However, if you wish to discuss that further, we are prepared to do so. In view of the several changes that have been made, we will present tomorrow a new version incorporating all the changes in English, Korean and Chinese for your consideration. You might wish to do the same and present your version. That will give us a complete check of the document.

COL TSAI: I believe the translation of the terminology of the "United Nations Command" is not the question of Agenda Item 4 only; it relates to all the other provisions in other agenda items. We

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COL TSAI: (CONT'D) suggest that for the time being we put it aside and make the suitable revision or settlement at the final examination of the agreement.

We have had a long discussion for this agenda item. On our side, we have been consistently seeking for all the possible ways to settle this agenda item. Accordingly, when your side refused to discuss the principle, our side was willing to exchange the data first, on December 18th. Our side has agreed to include the visit by the Red Cross representatives to the prisoner of war camps. We also have agreed to include the arrangements for the displaced civilians in the agreement and, in order to eliminate the main pretext of your side, we have offered the assurance for all prisoners of war after they are repatriated. As I said before, the efforts for settling Agenda Item 4 by our side have come to the limit.

For the most part, of all the questions in Agenda Item 4 we now have not only reached agreement in principle, but also have reached agreement in all the wording. The only stumbling block in the way to reaching the entire agreement is the unprecedented and absurd proposition of your side which is unreasonable and is made by your side. That proposition of your side has already been thoroughly refuted by our side. It has been proven notorious by all the facts and it has been categorically rejected by our side long ago. Hereafter, whether there will be any agreement in Agenda Item 4, and whether there will be progress in our meeting, is all dependent on whether your side will give up such an unreasonable proposition. In order to accomplish satisfactorily the mission of the staff officers of both sides, I here once again sincerely propose that your side give up the unreasonable proposition and accept the fair and

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COL TSAI: (CONT'D) reasonable proposition of our side, which has been presented to your side since the first day of the meeting.

COL MURRAY: I agree with many parts of Colonel Tsai's analysis. We have had a long discussion in reaching agreement, in so far as we have been able to reach agreement up to this time. Many concessions were made by both sides in so doing. It is for that reason that I regret to note your statement that efforts by your side have come to a limit. When an unshakable position is opposed by an unshakable position the only possible result is a stalemate.

Colonel Tsai indicated a few days ago that he was prepared to discuss for seventy more days in support of your position. I must tell you frankly that seventy more days of talk will not provide a solution to this problem. Neither will the problem be solved by asserting that the proposal of the other side is absurd, or that it has been fully refuted; for such assertions are matters of opinion only. Colonel Tsai knows that many problems in connection with the armistice have been solved in staff officers meetings, but he knows that they are not solved by such an approach as was made in his initial statement. One issue remains between us. If it is approached in the same manner as the other issues which we have solved, a solution may be possible. If it is not, the inevitable result is a stalemate.

The only remaining difference involves the repatriation of the prisoners of war. The initial proposal made by the United Nations Command on this subject was a compromise proposal in the sense it was an effort to harmonize the conflicting doctrines and practices of the two sides with respect to the treatment of prisoners of war in an equitable solution. However, by

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COL MURRAY: (CONT'D) comparing this initial proposal with the current proposal of the United Nations Command, you will discover that many additional concessions have been made to your point of view. Let us examine some of these.

From the standpoint of our side, the 37,000 odd civilian internees and the 16,000 prisoners of war of South Korean residence are nationals of the Republic of Korea. Their disposition is an internal affair of our side. This stand is fully sanctioned by the law of nations and by the laws of all national states. Conversely, there is no authority, no sanction, no precedent in the law of nations nor in the laws of individual states to support the stand of your side that these persons of South Korean residence should be treated as prisoners of war and be turned over to your side under the Armistice Agreement. Nevertheless, we have by our acceptance of an unprecedented definition of the word "repatriation", paved the way for such persons to go to your side, as many of them wish to do. Whether they will be permitted to do so or not rests with you.

The traditional policy of your side with respect to the treatment of prisoners of war was well described by your spokesmen during the early days of our meetings on Agenda Item 4. It involved the so-called "release at the front". It also involved the incorporation of personnel of our side, both military and civilian, into your military forces on what was described as a volunteer basis. In consideration of these doctrines and practices of your side, freedom of choice as regards repatriation was included in the initial proposal of the United Nations Command. Moreover, this right was extended to certain specified categories of personnel such as former Republic of Korea Army soldiers who are now serving in your armies and to civilians of

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COL MURRAY: (CONT'D) South Korea who were incorporated into your forces during their advance into the areas south of the 38th Parallel, on the grounds that there had been no neutral agency to determine the validity of your contention that their first choice had been fully expressed. Such specific listings of persons are not included in the current version of our proposal.

Our side by no means agrees with your contention that freedom of choice as regards repatriation during an armistice is political, whereas freedom of choice to volunteer during active hostilities is not. Nevertheless, we have taken your views into consideration and rephrased our current proposal in such manner as to remove from it the implications of a political choice between the two sides. The current version does not propose "freedom of choice as regards repatriation", and it does not propose "repatriation of those who so desire". It expresses the United Nations Command position in minimum terms; that is, that "there shall be no forced repatriation". What does this phrase mean? It means that every prisoner of war will be repatriated except those few who oppose it; that is, those who would have to be forced to cross the line. What assurance does your side have that this is so? Your Red Cross representatives will be in our Prisoner of War Camps where they can check the method of promulgating the provisions of the Armistice Agreement to the prisoners. In fact, that procedure would be made the subject of a joint agreement between us. Moreover, the neutral nations observers and your own representatives will be at the exchange point to determine that all prisoners of war would return to or go to your side except those who had to be forced.

In summary, in preparing our current proposal, we have made every effort to devise wording which will provide a suitable

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COL MURRAY (CONT'D): vehicle for a negotiated solution of the one remaining difference. If you are interested in negotiating this issue, we are prepared to discuss it here in the staff officers meeting. If you are not interested in negotiating it, but only in talking about it for another seventy days, it might be well to refer our differences back to the sub-delegations. There we can discuss the issue of forced repatriation for seventy days or for twice that length of time if you so desire. There is no possibility that our side will ever abandon the position that it will not deliver those persons to your side who must be forced to go there.

COL TSAI: If your side recalls the meetings in the past, you will find out that our side is doing the best we can at all times to discuss the differences between both sides. Even when your side submitted such an unreasonable principle, our side has been discussing with your side for such a long time on that principle. The principle of releasing and the repatriating all prisoners of war held by both sides after the cessation of active hostilities is a completely fair and reasonable principle. That principle is not one for any dispute on any ground whatsoever. Your side attempts to mix these temporary measures taken by one side during hostilities with the other questions. Such an attempt of your side cannot possibly be successful.

The fact that our side released the captured personnel of your side at the front when they so desired cannot be the pretext of your side to object to the principle of our side. The thorough fabrication and slander of your side cannot improve arguments of your side even a little bit. The difference between both sides cannot be settled if the question of the release and repatriation of prisoners of war after the armistice is not dealt with according to the army designation of the



COL TSAI: (CONT'D) prisoners of war. The central question at present is the release and repatriation of all prisoners of war held by both sides now. Your attempt of evading acceptance of our reasonable principle, by all the means, cannot be successful.

No matter whether this will be discussed at the staff officers meeting or the sub-committee or the plenary session, the proposition and arguments of your side cannot possibly have any better position than they have now. The staff officers of both sides have had fair progress in solving the questions relating to other agenda items. Apparently your side has not made up your mind to expedite the settlement of the present questions nor has your side made up your mind to give up the unreasonable proposition of your side. Therefore, I agree with your side that we refer this question to the sub-committee for discussion and I suggest that the sub-committee meeting for Agenda Item 4 should resume tomorrow morning.

I would like to mention one thing before the recess. On February 23rd I was instructed to lodge a protest with your side. I did not give you the text of the protest in Korean and Chinese at that time. Now I submit to you the Korean and Chinese texts of that protest. I believe that your side has already referred this matter to your Senior Delegate. I am instructed by my Senior Delegate to ask when your side will give us the responsible answer to that protest.

COL MURRAY: In the past the staff officers meetings have proven to be a useful medium of reaching agreement on problems that have not been solved elsewhere. It is regrettable that you should have taken the decision to refer the unsettled item to the sub-delegations without allowing yourself time to give full consideration to the statement I made this morning.

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COL MURRAY: (CONT'D)

With respect to the substance of the discussion of voluntary versus forced repatriation, I can add nothing to the record which stands by itself. Nor is there any need for me to do so, since the issue will be discussed thoroughly in the sub-delegation.

In order that the staff officers may be able to present to the sub-delegations at their first meeting agreed versions of the Chinese, Korean, and English paragraphs on which agreement has been reached, I propose that the first meeting of the sub-delegations be held the day after tomorrow.

We will deliver our verions in the three languages to the security officer for your consideration sometime this afternoon or tomorrow morning.

Now, with respect to your protest of 23 February, I have been instructed to make the following statement:

Your protest of 23 February is based upon a false premise. The incident at Kojo-do on 18 February involved personnel who were not of your side. You must understand that this incident did not occur among the prisoners of war but among the civilian internees led by Communist agitaters. These civilian internees have been legally so reclassified and so reported. Therefore, this whole matter is an internal affair of the United Nations Command and no proper concern of yours.

The Senior Delegate of the International Committee of the Red Cross, which is a truly neutral body, internationally recognized as such, was promptly notified and the International Committee of the Red Cross delegates are now present at Kojo-do.

Concerning the question of the 44,000 people mentioned in your protest, the United Nations Command stands ready, on twelve hours notice, to exchange with your side supplemental data concerning all prisoners of war over held. This exchange of data

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COL MURRAY: (CONT'D) will be made only in accordance with the agreement reached in Item 4 sub-committee meetings on 29 December 1951 and 1 January 1952.

I agree to your proposal to recess.

COL TSAI: I have noted your answer to our protest. Our side has never recognized the illegal reclassification of prisoners of war made by your side. The basic data relating to prisoners of war absolutely cannot be mixed up with the supplementary data relating to the prisoners of war. I must point out that any pretexts of your side cannot cover up or evade your serious responsibility for this barbarous massacre.

I agree to recess until eleven o'clock tomorrow morning.

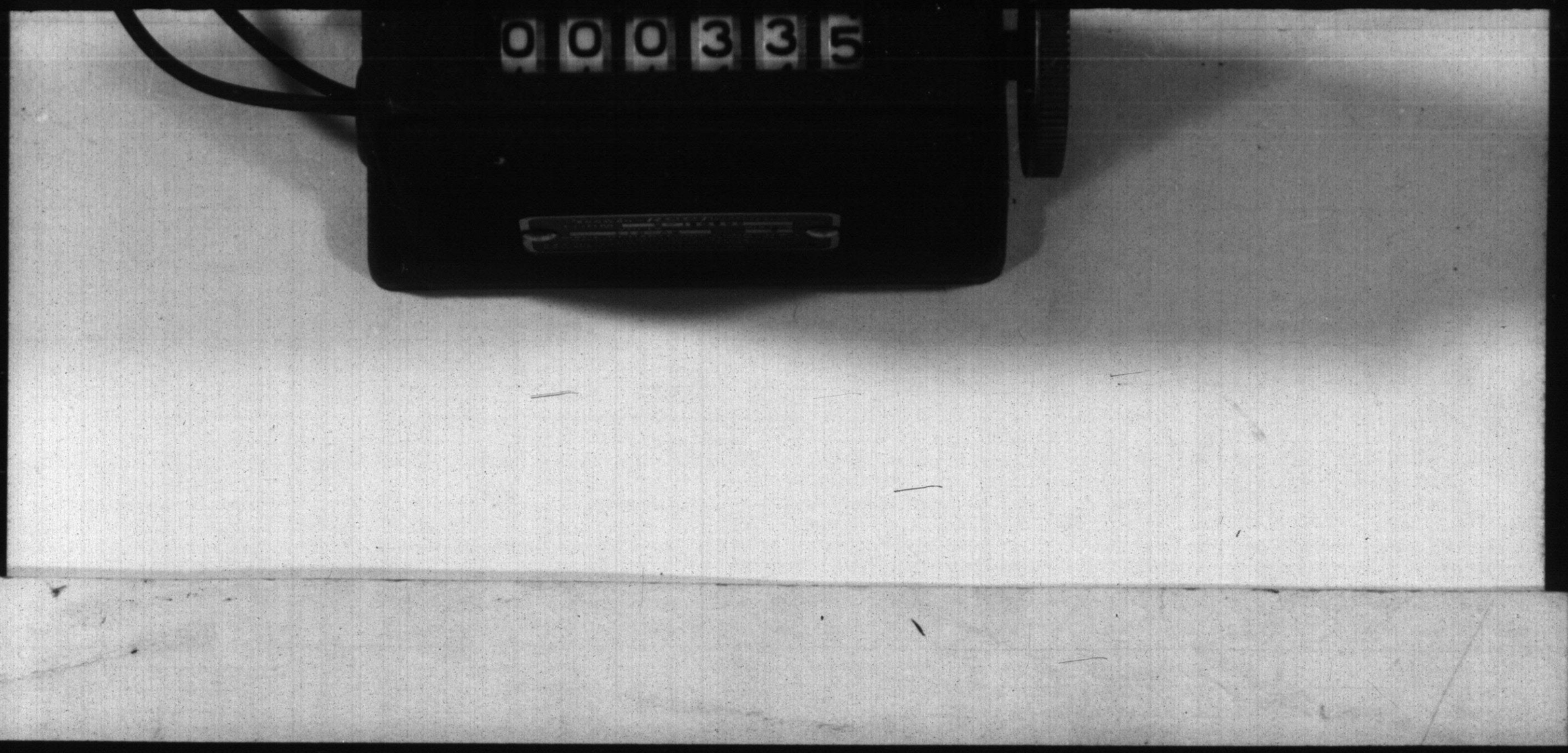
Meeting recessed at 1353 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.



NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

28 February 1952.

SUBJECT: Twenty-second Meeting of Staff Officers on Details on Agreement of Agenda Item 4, Held at Pan Mun Jom, 28 February 1952.

Representatives Present:

UNITED NATIONS - COL J C Murray, USMC, Staff Officer; CDR O W Spahr, Jr., USN, CDR G R Muse, USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, and Mr. Kyungmo Chung, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters; and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: One question remained unsettled yesterday, that is, how to translate into Korean the term "United Nations Command". Our opinion is that it would be better for us to leave this question until it is settled by the other agenda items relating to this term. Maybe the people discussing other agenda items are more gifted in doing so. Do you agree with this?

COL MURRAY: I concur, and propose that there be an understanding in connection with this document.

COL TSAI: In final examination of the drafted document we discovered some questions which I would like to discuss with your side. With respect to paragraph 6, there are no sub-paragraphs of this paragraph. Originally there were two sub-paragraphs, but then it was numbered as just one paragraph. However, in order to make the provision completely legal, we think that there should be a provision for the dissolution of the committee for repatriation of prisoners of war. Now in our new proposed draft we have made three sub-paragraphs under paragraph 6. We made the two agreed paragraphs a and b, and we add a new sub-paragraph c. The wording of this sub-paragraph c reads as follows: c. "The committee for repatriation of prisoners of war shall be

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COL TSAI: (CONT'D) dissolved upon completion of the program of repatriation of prisoners of war." The wording of this sub-paragraph is in general in accordance with the paragraph regarding the dissolution of the joint Red Cross teams. Do you have any comments about the addition of this sub-paragraph?

COL MURRAY: I would like to consider this for a few minutes. If you have any other comments on the draft we submitted last night, please go ahead.

COL TSAI: We have some other suggestions about some minor revisions that we would suggest to you now for your consideration. In paragraph 9b the provisions are made only for the return of the foreign civilians under our custody to your side. According to our knowledge, there are also the nationals of the People's Republic of China under the custody of your side. We feel that it would be more complete if we make the provision in this sub-paragraph to include all the foreign civilians under the custody of each side. However, we have not made any change in the wording of this sub-paragraph in the draft we are going to submit to you this morning. We here raised this point for your consideration, and if your side has no objection to it we will try to work out some revision or additions to this sub-paragraph.

In sub-paragraph 9c in the Chinese version the Chinese word "Shang Shu", equivalent to the English word "above-mentioned", appears twice. Since this is referring to the sub-paragraph in this paragraph, so we think the word "above-mentioned" is not necessary and is superfluous therefore we delete the Chinese word "Shang Shu" and the equivalent Korean word in this paragraph 9c but there will be no change in the English wording. We have made a similar change in sub-paragraph 9d as in paragraph 6. That is, we make three sub-paragraphs in 9d. The first two

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COL TSAI: (CONT'D) sub-paragraphs are the paragraphs we have already agreed upon and we add the third sub-paragraph which reads as follows: "(3) The committee for assisting the return of displaced civilians shall be dissolved upon fulfillment of its mission". Now I submit to your side the Korean, Chinese and English versions of the revised draft of our side. If you have any comments, I would like to hear them.

COL MURRAY: I have one question. Have you made reference to all the points wherein the version we presented you differs from the version you are now presenting us.

COL TSAI: Except for those proposed changes I mentioned this morning, there are not any differences between the draft of both sides in paragraphs 3, 5, 6, 7, 8 and 9. There are some omissions or necessary changes to be made in the Chinese version. However, those changes are minor and few, and I do not think that they would effect the Korean and English version. For instance, in the last word of the Chinese version of sub-paragraph 6a for the English word "function" your side used the Chinese word "Tze Shih". We suggest using "Tze Wu" which has the same meaning, and we have changed that in the Chinese version so that it would be consistent with sub-paragraph 9. Paragraphs 1, 2 and 4 of each side are different because both sides have not reached agreement on these paragraphs.

COL MURRAY: Well, we would like a thirty (30) minute recess to consider these changes. Would it be possible for you to propose at the end of that time, the wording you offered to suggest under paragraph 9, sub-paragraph b.

COL TSAI: We will try. Colonel Lee will make some comment regarding the Korean version.

COL LEE: In paragraph 7b(6) there is a difference in the wording in Korean, but the content of it is generally the same. We hope that while

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COL LEE: (CONT'D) you consider it during the thirty minutes recess, you also consider the wording of this paragraph.

COL MURRAY: We will consider that and Lieutenant Underwood will look at your version during the recess.

Meeting recessed at 1130 hours.

Meeting reconvened at 1200 hours.

COL MURRAY: With respect to the last sentence of 6a and the first sentence of paragraph 6b, we note that you use the same Chinese words "Tze Wu" for "responsible", "duty", and "function". Although this may be less distinct than the version in which we attempted to differentiate between these words, we accept your version.

For the sub-paragraphing of paragraph 6 into your a, b, c, we agree. We feel that the question of the dissolution of the Committee for Repatriation of Prisoners of War is not identical with that of the joint Red Cross teams. The latter are independent agencies, whereas the Committee for Repatriation of Prisoners of War is subordinate to the Military Armistice Commission. Since the committee is subordinate to the Military Armistice Commission, it was our assumption that the Armistice Commission would initiate action to dissolve the committee upon completion of the task for which it is organized. Thus, a provision for dissolution of the committee did not appear to be necessary. However, if your side desires to make such a provision, we have no objection. However, since the decision that the functions of the committee have been completed would be a responsibility of the Military Armistice Commission, we feel that this paragraph might be changed to read as follows: "The Committee for Repatriation of Prisoners of War shall be dissolved by the Military Armistice Commission upon completion of the program of repatriation of prisoners of war." The only alteration



COL MURRAY: (CONT'D) is the insertion of the phrase "by the Military Armistice Commission."

In 9c of the Chinese version we agree to the deletion of "Shang Shu."

In 9d we accept the sub-paragraphing proposed. Inasmuch as this Committee, too, is a subordinate organ to the Military Armistice Commission, our views with respect to it are identical with our view on the Committee for the Repatriation of the Prisoners of War. In other words, we propose the insertion of the phrase "by the Military Armistice Commission."

Your English version of 7a omits a clause which reads as follows: "the joint Red Cross teams may provide services to the prisoners of war." There are a few minor differences in the Korean version which I believe could best be settled by the interpreters. Based upon your English version, we have made a small change in our version by inserting the phrase "all prisoners of war" after the word "reception" and before the word "from" in the twelfth line, page 2, in paragraph 6a.

COL LEE: As for the Korean version I want to say something. As a result of comparing your Korean version with ours, we find some differences from mis-prints. And as for the question of minor differences, we agree to leave the matter to the interpreters, as Colonel Murray suggested. In paragraph 9b of your revised proposal one phrase is deleted and we would like to know whether you did it on purpose or by mistake. (Phrase was repeated in Korean, and Lieutenant Underwood advised Colonel Murray that it was just and error in typing.)

COL MURRAY: It isn't necessary to explain any further. I understand that we omitted one line in typing.

COL TSAI: I will say something regarding the remarks given by Colonel

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COL TSAI: (CONT'D) Murray. In order to make the provisions complete, I consider it necessary to have the stipulations concerning the dissolution of the two organs. Also, to stipulate clearly the relationship between the organs and the Military Armistice Commission we accept your suggestion in the revision of the wording of the respective paragraphs. In accordance with the new revision in the wording your side suggested we change the Chinese version as follows: (Colonel Tsai then read the portion in Chinese.)

Likewise, the last sub-paragraph of paragraph 9 will be changed in its Chinese version as follows: (Colonel Tsai then read the portion in Chinese.) The changes in the Korean version regarding the above mentioned two revisions will be made by inserting the corresponding phrases into the original wording, and making appropriate revision when the interpreters of both sides can make a comparison of versions of both sides.

In paragraph 7 we will correct that typegraphical mistake as Colonel Murray pointed out. That is, the omission of the whole line in typing.

As Colonel Lee said, our side agrees to let the interpreters of both sides examine the minor difference in the Korean versions. With respect to the foreign civilians who are now residing on your side, we will consider this question and propose the provisions tomorrow.

COL MURRAY: Very well.

COL TSAI: That is all.

COL MURRAY: The question whether this provision should be included, it seems to us, is dependent upon the facts as to whether or not there are civilians of foreign nationality in this status. If there are, obviously such a section should be included. Its wording might be very similar to that which is already contained in 9b.

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COL MURRAY: (CONT'D) I personally do not know whether there are any persons in this status or not at the present time. And I wonder if you could give us any information on that score.

In that connection, and in connection with the civilians of foreign nationality who are on your side, I would like to submit to you a supplementary list. Our list of 30 December contained the names of 55 foreign civilians believed to have been taken into custody by your side. On 26 January you gave us a copy of an open statement of your Supreme Commander regarding the release of such individuals which included a list of 48 foreign civilians under your custody. In comparing your list of 26 January with our list of 30 December, we find that only 27 of the individuals on our list of the 55 are named on the list of your Supreme Commander.

Based upon additional information which has become available our side has prepared a new list containing additional data as to the full names of certain individuals. Two names have been added to the list bringing the total to 57. The new list shows by asterisk those persons who were included on your January 26th list. This new list is handed to you with the request that you provide us with any additional information which may have become available as to the status of those persons not yet accounted for. This information is requested to enable us to make replies to the many inquiries concerning these individuals which have been received from their families, associates, and governments. I bring this up at this time for the reason that a similar list from you might be of help to us, in determining whom you are talking about when you refer to the foreign nationals who are in the territory under our control. I am not implying that that is the only method by which we can find out if there are such persons,

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COL MURRAY: (CONT'D) I frankly don't know, but it might be helpful. Finally we have no objection to including a provision of this nature provided there is reason for it.

COL TSAI: As I have said, we will give you an answer regarding the question of the foreign civilians in your territory after further consideration. I have noted the list you gave to us. As far as I know the list of the foreign civilians under the custody of our side as announced by our side on January 26 is a complete one. The list announced by our side on 26 January includes part of the persons from your list and persons who are not in that list of yours who are under our custody. We acknowledge by receipt of the list submitted by your side. If we are able to find any information regarding any person on that list after inquiry of authorities concerned, we will inform your side of that information.

COL MURRAY: In the meantime I will attempt to find out if there are any foreign nationals in the territory under our control and we will consider your proposed paragraph with respect to this matter. There is one other difference in our versions which I must comment upon.

It was our understanding that both sides had agreed to the wording of a definition for the word "repatriation" as it is to be used in this agreement. The suggestion was made by your side that this definition appear immediately after the first appearance of the word "repatriation" in the Armistice Agreement. We have so included it in our paragraph 1. We note its omission from your paragraph 1. Since our agreement to the other paragraphs in which this word appears was contingent upon inclusion of this definition in the agreement, we must make a reservation with respect to all paragraphs wherein the word "repatriation"

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COL MURRAY: (CONT'D) is used.

COL TSAI: I understand. Since the wording of the definition itself had not been agreed upon by both sides and also since the first paragraph has not been agreed upon by both sides, we have not included such a definition in the first paragraph of our draft. Certainly your statement is valid to that extent. We understand that your side makes the reservation that if our side does not agree to that definition your side would not be willing to use the word "repatriation" alone in the relating paragraphs.

Agreement on paragraph 1 as a whole would not be necessary in this case. Agreement on the definition alone would be sufficient to accomplish the purpose. However, if you are not prepared to discuss this definition we are willing to table it for the present. In that case, I believe that we have gone as far as we can in getting an agreement on the wording, with the exception of the small changes in Korean which can be taken care of by the interpreters after the meeting. Unless you have some views to the contrary, I propose that we recess the meeting with the understanding that the sub-delegations will meet at 11 o'clock tomorrow morning.

COL TSAI: I would like to mention one matter before the recess. I have related to our Senior delegate the answer from your side to our protest on February 23. I am instructed to point out seriously to your side that your side attempts to deny any existance of such prisoners of war by the illegal reclassification of the prisoners of war. Your side attempts to escape the serious responsibility for the barbarious massacre of the captured personnel of our side. Such attempts and intent of your side are untenable and, therefore, your side cannot escape the serious responsibility for this incident. These persons are the military

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COL TSAI: (CONT'D) personnel of our side. They are clearly listed in list submitted by your side through the International Committee of the Red Cross, and in that list their army designation, ranks and names are given. Your side has no reason whatsoever to deny the fact that they are our military personnel. Your side asserted that it is your internal affair and has nothing to do with our side. That is completely inconsistent with the fact. Even according to the absurd proposition of your side, you cannot deny the fact of the relationship of those personnel with the forces of our side. The crime of massacring the captured personnel of our side is absolutely intolerable. Our side insists that your answer is absolutely invalid and unsatisfactory.

You mentioned the question of data. I must point out that the data of all prisoners of war held by your side should have submitted to our side as complete data, such as our side submitted to your side on December 18. However, up to today your side has not been able to submit complete data. Attempting to escape such responsibility, your side deliberately mixed up the basic data with the supplementary data concerning the prisoners of war ever held by both sides. Such an attempt by your side is entirely unjustified. That clearly proves the point I gave above. Your side must give a clear account for the sanguinary incident of massacring the prisoners of war on February 18.

I here once again state that our side reserves the right to pursue further this intolerable and sanguinary incident committed by your side.

COL MURRAY: We do not attempt to escape the responsibility for anything that occurs in our prisoner of war camps or in our camps where civilians are interned. We hold ourselves to the world for all that transpires there. However, our responsibility to your side is limited

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COL MURRAY: (CONT'D) to the prisoners of war of your side whom we hold. The civilian internees whom we hold are not military personnel of your side. They are nationals of the Republic of Korea, and they are an internal affair of our side. This position is fully sanctioned by the law of nations and by the laws of national states. Conversely, there is no authority, no sanction, no precedent in international law or in the laws of individual states to support your stand that our side has any responsibility to your side in connection with these persons of ROK nationality. Our responsibility to the world will be discharged in the normal manner.

Now, with respect to the data. On 1 January you stated that you had put in order data on all the prisoners of war captured by your side during the course of hostilities. This data includes approximately 50,000 persons, former military personnel of our side for whom no accounting has been given. You said that this data would be given to our side in due course contingent on our giving you the complete data on all prisoners of war taken prisoner of war by the United Nations Command. On 6 February you were informed that such a complete accounting for prisoners of war taken by the United Nations Command could be made available to you on 72 hours notice. We now have available complete data on all prisoners of war taken by our side through 31 January 1952. This includes a detailed accounting for the list of 44,000 names which you handed over on 26 December. We can have this data here tomorrow morning. Are you ready with your complete and detailed accounting on all prisoners of war your side has taken?

COL TSAI: Your statement is entirely groundless. There is no ground whatsoever for your side to reclassify illegally the captured personnel of our side. Furthermore, your side has no ground whatsoever

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COL TSAI: (CONT'D) to massacre the captured personnel of our side barbarously and madly. Our side cannot tolerate the massacre by your side of the captured personnel of our side, and the people of the whole world can never excuse such crime of your side. The fact proves that they are in your prisoner of war camps. Your side has the obligation as well as the duty to submit the complete data of them on time. Any excuse of your side would not be able to help your side to escape such responsibility. Your side must give a clear account responsively for this incident of massacreing the captured personnel of our side. I request you to relay the statement which I was instructed to make to your Senior Delegate immediately.

If you have nothing else to say, I agree to your proposal to recess.

COL MURRAY: Your statement is noted. We are prepared to exchange the data, a complete and detailed accounting on all the prisoners of war ever held, whenever your side is ready to do so. The agency through which the peoples of the world determine the conduct of affairs in prisoner of war camps is the International Committee of the Red Cross. That agency has always had access to prisoner of war camps of our side and it is now conducting an investigation in the civilian internee camp where the incident to which you refer occurred.

COL TSAI: The data you mentioned is an entirely different thing from what I referred to. With respect to the question of data, your side has to report all the prisoners of war in your prisoner of war camps immediately. That is your duty as well as your obligation.

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COL MURRAY: I have nothing to add to my previous remarks.

Meeting adjourned at 1343.

(English-Korean interpreters met for fifteen minutes. Settled differences referred to them.)

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

Raymond Moley, Jr.

RAYMOND MOLEY, Jr.,
Lieutenant, USNR.

ENCLOSURE 1: Draft Armistice Agreement, Article III, Revision of 28 February 1952.

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PROPOSED ARMISTICE WORDING

Article III

Arrangements Relating to Prisoners of War

1. As soon as possible after this Armistice Agreement is signed and becomes effective, all prisoners of war in the custody of each side shall be released, and all such prisoners of war shall be repatriated except that there shall be no forced repatriation. (So that there may be no misunderstanding owing to the equal use of three languages, the act of delivery of a prisoner of war by one side to the other side shall, for the purposes of this Armistice Agreement, be called "repatriation" in English, "SONG HWAN"(송 환) in Korean, and "CH'IEN FAN" (遣 返) in Chinese, notwithstanding the nationality or place of residence of such prisoner of war.)

a. In order to insure that there is no forced repatriation, a Neutral Nations Inspection Team of six (6) members, functioning under the Neutral Nations Supervisory Commission, shall interview all prisoners of war at the place(s) of delivery and reception of prisoners of war. The Team engaged in the performance of this function shall coordinate its activities with the Committee for Repatriation of Prisoners of War.

b. Each side agrees to insure that prisoners of war in its custody who oppose repatriation shall be released and shall be permitted and assisted to resume a peaceful life. Each side further agrees to insure that such prisoners of war shall not, after their release, be employed by it in acts of war in the Korean conflict.

2. Each side agrees to insure that it shall not employ in acts of war in the Korean conflict any person repatriated to it in accordance with the provisions of paragraph 1 hereof.

3. Seriously sick and seriously injured prisoners of war shall be repatriated with priority. Insofar as possible, there shall be captured medical personnel repatriated concurrently with the seriously sick and seriously injured prisoners of war, so as to provide medical care and attendance enroute.

4. The repatriation, required by paragraph 1 hereof, of prisoners of war in the custody of each side shall be completed within a period of two (2) months after this Armistice Agreement is signed and becomes effective. Within this period each side undertakes to complete the repatriation, as required by paragraph 1 hereof, of prisoners of war in its custody at the earliest practicable time.

5. Pan Mun Jom is designated as the place where prisoners of war will be delivered and received by both sides. Additional place(s) of delivery and reception of prisoners of war in the Demilitarized Zone may be designated, if necessary, by the Committee for Repatriation of Prisoners of War.

6. a. A Committee for Repatriation of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and three (3) 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. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for the repatriation of prisoners of war and for supervising the execution by both sides of all the provisions in this Armistice Agreement relating to the repatriation of prisoners of war. It shall be the duty of this Committee to coordinate the timing of the arrival of prisoners of war at the place(s) of delivery and reception of prisoners of war from the prisoner of war camps of both sides; to make, when necessary, such special arrangements as may be required with regard to the transportation and welfare of seriously sick and seriously injured prisoners of war; to coordinate the work of the joint Red Cross teams, established in paragraph 7 hereof, in assisting in the repatriation of prisoners of war; to supervise the implementation of the arrangements for the actual repatriation of prisoners of war stipulated in paragraphs 3 and 4 hereof; to select, when necessary, additional place(s) of delivery and reception of prisoners of war; to arrange for security at the place(s) of delivery and reception of prisoners of war; and to carry out such other related functions as are required for the repatriation of prisoners of war.

b. When unable to reach agreement on any matter relating to its responsibilities, the Committee for Repatriation of Prisoners of War shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Repatriation of Prisoners of War shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

c. The Committee for Repatriation of Prisoners of War shall be dissolved by the Military Armistice Commission upon completion of the program of repatriation of prisoners of war.

7. a. Immediately after this Armistice Agreement is signed and becomes effective, joint Red Cross teams composed of representatives of the Red Cross societies of the Democratic People's Republic of Korea and the People's Republic of China on the one hand, and representatives of the national Red Cross societies of the countries contributing forces to the United Nations Command on the other hand, shall be established. The joint Red Cross teams shall assist in the execution by both sides of those provisions of this Armistice Agreement relating to the repatriation of prisoners of war by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war. To accomplish this task, the joint Red Cross teams shall provide assistance in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war, and shall visit prisoner of war camps of both sides to comfort the prisoners of war and to bring in and distribute gift articles for the comfort and welfare of the prisoners of war. The joint Red Cross teams may provide services to prisoners of war while enroute from prisoner of war camps to the place(s) of delivery and reception of prisoners of war.

b. The joint Red Cross teams shall be organized as set forth below:

(1) One team shall be composed of twenty (20) members, namely, ten (10) representatives from the national Red Cross societies of each side, to assist in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war. The chairmanship of this team shall alternate daily between representatives from the Red Cross societies of the two sides. The work and services of this team shall be coordinated by the Committee for Repatriation of Prisoners of War.

(2) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross societies of each side, to visit the prisoner of war camps under the administration of the Korean People's Army and the Chinese People's Volunteers. This team may provide services to prisoners of war while enroute from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war.

A representative of the Red Cross society of the Democratic People's Republic of Korea or of the Red Cross society of the People's Republic of China shall serve as chairman of this team.

(3) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross societies of each side, to visit the prisoner of war camps under the administration of the United Nations Command. This team may provide services to prisoners of war while enroute from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war. A representative of a Red Cross society of a nation contributing forces to the United Nations Command shall serve as chairman of this team.

(4) In order to facilitate the functioning of each joint Red Cross team, sub-teams composed of not less than two (2) members from the team, with an equal number of representatives from each side, may be formed as circumstances require.

(5) Additional personnel such as drivers, clerks, and interpreters, and such equipment as may be required by the joint Red Cross teams to perform their missions shall be furnished by the Commanders of each side to the team operating in the territory under their respective military control.

(6) Whenever jointly agreed upon by the representatives of both sides in any joint Red Cross team, the size of such team may be increased or decreased subject to confirmation by the Committee for Repatriation of Prisoners of War.

c. Each side shall cooperate fully with the joint Red Cross teams in the performance of their functions, and undertakes to insure the security of the personnel of the joint Red Cross teams in the area under its military control. Each side shall provide such logistic, administrative, and communications facilities as may be required by the team operating in the territory under its military control.

d. The joint Red Cross teams shall be dissolved upon completion of the program of repatriation of prisoners of war.

8. a. Each side shall furnish to the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement is signed and becomes effective, the following information concerning prisoners of war:

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(1) Complete data pertaining to the prisoners of war newly added and those who escaped since the effective date of the data last exchanged.

(2) Insofar as practicable, information regarding the name, nationality, rank, and other identification data, date and cause of death, and place of burial of those prisoners of war who died while in its custody.

b. If any prisoners of war are newly added or escape or die after the effective date of the supplementary information specified above, the detaining side shall furnish to the other side through the Committee for Repatriation of Prisoners of War the data pertaining thereto in accordance with the provisions of sub-paragraph a hereof. Such data shall be furnished at ten-day intervals until the completion of the program of delivery and reception of prisoners of war.

c. Any escaped prisoner of war who returns to the custody of the detaining side after the completion of the program of delivery and reception of prisoners of war shall be delivered to the Military Armistice Commission for disposition.

9. a. All civilians who, at the time this Armistice Agreement is signed and becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, and who, on 25 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to the area north of the Military Demarcation Line; and all civilians who, at the time this Armistice Agreement is signed and becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, and who, on 25 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to the area south of the Military Demarcation Line. The Commanders of both sides shall be responsible for publicizing widely throughout the territory under their respective military control the content of the provisions of this sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return home.

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b. All civilians of foreign nationalities who are at present in the custody of the Korean People's Army or the Chinese People's Volunteers, and who desire to proceed to the territory under the military control of the Commander-in-Chief, United Nations Command, shall be permitted and assisted to do so.

c. Measures to assist in the return of civilians provided for in sub-paragraph a hereof and the movement of civilians provided for in sub-paragraph b hereof shall be commenced by both sides as soon as possible after this Armistice Agreement is signed and becomes effective.

d. (1) A Committee for Assisting the Return of Displaced Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) 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. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides of assistance to the return of the above-mentioned civilians, and for supervising the execution by both sides of all the provisions of this Armistice Agreement relating to the return of the above-mentioned civilians. It shall be the duty of this Committee to make necessary arrangements, including those of transportation, for expediting and coordinating the movement of the above-mentioned civilians; to select the crossing point(s) through which the above-mentioned civilians will cross the Military Demarcation Line; to arrange for security at the crossing point(s); and to carry out such other functions as are required to accomplish the return of the above-mentioned civilians.

(2) When unable to reach agreement on any matter relating to its responsibilities, the Committee for Assisting the Return of Displaced Civilians shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Assisting the Return of Displaced Civilians shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

(3) The Committee for Assisting the Return of Displaced Civilians shall be dissolved by the Military Armistice Commission upon fulfillment of its mission.

NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

7- 28

16 March 1952

SUBJECT: Twenty-third Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 16 March 1952

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J A Norell, USA, Staff Officers; BGEN W P Nuckols, USAF, (PIO), CDR G R Muse, USN, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT R F Underwood, USA, and 1st LT T F May, USA, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Let us begin the talks. Your side has suggested to refer the remaining issue to the staff officers meeting. I would like to hear your constructive opinion regarding the settlement of the remaining issue.

COL HICKMAN: First, I would like to announce that during the temporary absence of Colonel Murray, Colonel J. A. Norell, United States Army, will be the other United Nations Command staff officer.

Preliminarily, I wish to note that this group of staff officers on Item 4 now meets for the second time in our more than 90-day period in which prisoners of war matters have been discussed. While delay from whatever causes in securing final agreement is unfortunate, it is still significant that our two sides can meet and intelligently and realistically discuss the problems yet to be solved. It is clear from our previous staff meetings on Item 4 that, though our two teams represent opposing belligerents, we are able to talk over our differences with little or no difficulty, except of course that difficulty inherent in reaching a solution where basic differences exist in the concept of our two sides. Speaking for our team, we are willing and anxious to explore with your side the remaining elements confronting us for solution, not only to secure your points of view on your proposed solution but also in explaining our own view points of our solution. Each side in the subcommittee meetings submitted an

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COL HICKMAN: (CONT'D) informal proposal which it believed formed the basis for negotiating a solution to our remaining differences. By our terms of reference to our staff officers group, we are to explore these two informal proposals with a view to seeking a solution mutually satisfactory to both sides. In conducting such exploration and in achieving such a mutually satisfactory solution, it is essential that each side be aware of the exact meaning of the informal proposal made by the other side.

In subcommittee, it has been stated to your side by Admiral Libby that our side does not fully understand your proposal of 5 March. We cannot yet see in what way it satisfies any of the three conditions set forth in our informal proposal of 8 March. In order to get down to bed-rock, we feel it desirable to see just what real differences remain between your proposal, with all of its ramifications, and our proposal. It would be helpful to us if you would outline, in as much detail as you can, your concept of how your proposal is intended to work in your view.

COL TSAI: Since the first day of the meeting for Agenda Item 4, our side has been positively seeking for a way of the solution of the differences between both sides. The efforts made by our side in settling many differences between us are very clear and obvious. It is not necessary for me to make a full account of those efforts here.

With respect to the remaining issue, our side on 5 March proposed our opinion for the solution of this issue. To our regret, on 8 March your side presented the so-called three-point basis for the settling of the remaining differences between both sides. In order to save our time I am not going to repeat our refutation on the three points given by your side. Especially under the present circumstances. I do not think it necessary to repeat the refutations on the points given by your side. However, if your side has any specific constructive opinion regarding the solution of the remaining differences, I

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COL TSAI: (CONT'D) am willing to hear your opinion and give my comments on it.

As to our proposal on 5 March and the statements since 5 March made by our side regarding the March 5th proposal, I believe that your side has understood them very well. However, if your side thinks that your side is still not very clear about our opinion, and if your side has any particular and specific question about it, your side may bring up your question. We will make study of it and give explanation.

During the discussion of the Agenda Item 4 and from such lengthy period of discussion, I believe both sides are quite aware of the position of the other side. If we are going to make our discussions proceed successfully and progress smoothly, I think that such opinion of yours as the three points of March 8th cannot solve the problem. Such opinion of yours on March 8th is actually a backward movement in a certain sense, a retreat from the statements you made in the meeting before. Therefore, it will be helpful to our discussions here if your side, during this second series of staff officers meetings, will propose any constructive opinion adequate for solving the remaining questions, as our side has done.

COL HICKMAN: That part of your 5 March proposal having to do with the release and repatriation of all prisoners of war held by both sides was of course not new to you, as was that part of our proposal not new to you which set forth our view of no forced repatriation. What our side seeks in connection with this phase of the problem is not the principle but the end product. The end product we seek is the peaceful return to the other side of prisoners of war. Any method or procedure or understanding which can effect this end result is the gist of our problem in this connection. In view of your desire to get questions from us in order to permit you to further explain for us your 5 March proposal, we will prepare such questions and present them tomorrow. We had hoped for an explanation that might give us a clearer

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COL HICKMAN: (CONT'D) understanding but we are perfectly willing to prepare the questions with as much care as we can give to them between now and tomorrow.

In general, I think I can summarize our view of our understanding of your 5 March proposal by stating that its content represents in the main your proposal of early December. Nevertheless, we feel that we must, to some extent, be incorrect in that analysis, in view of General Lee's repeated statement that your proposal of 5 March was a step forward. We will, however, frame questions designed to inquire as to the elements of your proposal upon which we would like to have further explanations. If agreeable with your side, then we suggest to recess until 1100 tomorrow.

COL TSAI: With respect to the three bases set forth by your side, just as what you said, we consider that there is nothing new added to your previous position. In your three bases, there is only your insistence on the so-called principle of volunteer repatriation and your insistence on the repeated fabrication which does not help the solution of this question at all. During the course of our discussions, on 3 February, our side submitted a new proposal by which many differences were solved. Since then, if your side is willing to settle the questions, your side should have already submitted a proposal adequate for the solution of the questions and made further efforts to solve the questions. However, neither in the previous staff officers meetings nor in the subcommittee meeting did your side take any such steps. That is the fundamental cause why our discussions have not been able to progress during such a long time.

Our side has repeatedly stated our firm position towards many questions. Such principle of yours, which you called "voluntary repatriation" or "no forced repatriation", has been completely proved, by many facts during the past months, a bankrupt proposition. And the facts show to the people of the whole world that such principle of yours is a criminal one. Because of your insistence on such a

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COL TSAI: (CONT'D) principle, a great number of our captured personnel have been interviewed under coercion, intimidated to accept your opinion; and, therefore, casualties and bloodshed have resulted.

It becomes more clear that we should promptly determine the fair and reasonable principle proposed by our side so that further misery and misfortune for the captured personnel of our side can be avoided. Therefore, at tomorrow's meeting I am not only willing to hear your questions about our proposal of 5 March but, more importantly, I am willing to hear your specific and constructive opinion for the solution of the remaining issue between both sides.

I agree to your proposal for a recess. Before the recess, I am going to bring up another matter.

I am instructed by my senior delegate to lodge with your side the following protest which you are requested to transmit to your senior delegate.

"In the 'information' given to our side on 15 March, your side described the massacre by your side of our captured personnel in your custody as a conflict among our captured personnel which resulted in casualties. Such a self-contradictory account, full of loopholes, given by your side is completely unacceptable to our side. It is altogether inconceivable that our captured personnel in your custody, and disarmed as they are, could 'attack' one another, thereby resulting in such an astonishing casualty figure. No sophistry or distortion whatsoever can cover up the sanguinary fact of massacre of our captured personnel by your side.

"After the sanguinary incident on 18 February 1952, in which your side savagely massacred our captured personnel in your prisoner of war camp in Koje-do, your side has not only failed to make a responsible account for the incident of 18 February but, within one month after it, perpetrated for the second time a barbarous massacre of our captured personnel in your custody on 13 March 1952.

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COL TSAI: (CONT'D) "It should be pointed out that your side no longer has any pretext under which to evade the grave responsibility for this sanguimary incident. Such a barbarous massacre of our captured personnel by your side, occurring in succession, cannot possibly be further tolerated. Our side hereby lodges with your side a serious protest against this successive sanguinary incident and requests that your side promptly give a responsible account for the incident of 13 March and guarantee against a recurrence of similar incidents in the future. You must be aware that just as our side has the responsibility toward your side for the safety of your captured personnel in our custody, your side bears the full responsibility toward our side for the safety of our captured personnel in your custody.

"With grave concern our side awaits a satisfactory answer from your side."

Now I give you the full text of our protest.

COL HICKMAN: This document will be transmitted to my senior delegate.

Meeting recessed at 1215 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

17 March 1952

SUBJECT: Twenty-fourth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 17 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, COL J A Norell, USA, Staff Officers; BGEN W P Nuckols, USAF, (PIO), CDR G R Muse, USN, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT R F Underwood, USA, and Mr. C Lin, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Let's begin the talks.

Before we discuss the subject, I would like to read some information from our delegation to your delegation.

"At 0135 hours, March 16, 1952, one military aircraft of your side attacked the No. 1 Prisoner-of-War Camp of our side at Chang-Song, strafing first and then making a reconnaissance run over the said prisoner-of-war camp. Details and the result of the attack by your aircraft on the prisoner-of-war camp are being investigated. According to the preliminary report, one prisoner of war of British nationality in that prisoner-of-war camp was wounded.

"This attack by your side on our No. 1 Prisoner-of-War Camp, following that on our No. 8 Prisoner-of-War Camp at Kang-Dong on January 14, 1952, is another act of your side flouting international law and running counter to humanitarianism and violating the agreement of both sides. The said No. 1 Prisoner-of-War Camp is marked with conspicuous marking as agreed between both sides. Your side has no pretext whatsoever to deny your responsibility for this incident.

"It must be seriously pointed out that while your side has massacred continually and at will the captured personnel of our side for whose custody your side is responsible, your side has carried out successive strafing and bombing of captured personnel of your

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COL TSAI: (CONT'D) side in the custody of our side. For these successive criminal acts, your side bears grave responsibility toward our side and to the people of the whole world, a responsibility which can neither be covered up or evaded. Such continual murder by your side of the captured personnel of both sides makes people doubt whether your side has the sincerity to settle actively the question of the prisoners of war for the welfare of the prisoners of war, including the welfare of your own captured personnel."

Now I hand you the information in Chinese and in Korean, as well as in the English translated version. Please transmit this to your delegation.

After notifying your side of this incident, we feel that these incidents occurring in succession require both your side and our side to adopt immediately the fair and reasonable principle which our side has proposed since the first day of the meeting, so that such incidents will not recur in the future. Only when such a fair and reasonable principle is determined, and the agreement upon such principle is speedily reached, can such incidents be avoided and the suffering of the captured personnel of both sides be quickly relieved. In view of the past incidents and the inescapable responsibility of your side, we can only determine the principle speedily so that there will be a real guarantee against the recurrence the such incidents.

Now we are willing to hear your constructive opinion regarding the questions confronting us.

COL HICKMAN: I shall transmit to my senior delegate the statement just handed to us concerning the alleged incident at Chang-Song. I would like to ask two questions. First, do you know whether or not the camp or the markings of the camp were lighted by any means so as to be visible from the air? Second, do you know whether or not there was identification possible by observers as to the type of aircraft?

That is all for the moment.

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COL TSAI: Our side has already informed your side on the map of the exact location of the prisoner-of-war camps of our side. Your side should have already notified your Air Force of the specific location of the prisoner-of-war camps of our side long ago. There have always been the markings according to the agreement by both sides. But the details and result of the attack by your aircraft on the No. 1 Prisoner-of-War Camp are being investigated by our side.

COL HICKMAN: I take it then that you do not have the information that I asked for at the present time?

COL TSAI: According to the preliminary report, it is clear and definite that your military aircraft attacked the No. 1 Prisoner-of-War Camp of our side; that is beyond a doubt.

COL HICKMAN: With respect to your comment of a moment ago, there is no question that the sooner we get an armistice the sooner many elements that accompany hostile conflicts will be settled, irrespective of what provisions may be placed in the Armistice Agreement as settlement of the problem. The framing of a cease-fire and armistice acceptable to both sides will settle many issues--will solve many problems which may continue to face us prior to that event being reached. It should be obvious that our concern over the markings of the camps in your territory was to enable us in any interdiction program launched by our Air Force to avoid the proximity of the camps where our people are being held.

Some time ago, two weeks or so ago, one of our aircraft, using the coordinates of the prisoner-of-war camps as furnished by your side, was unable by aerial reconnaissance photography to locate the markings on some of the prisoner-of-war camps. As I believe General Lee indicated, the markings may have been covered by snow. I have no very recent report of further photography. My inquiry as to the question of lighting of the camps or marking was made for the purpose of assisting us in investigation of this problem. If the fact of

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COL HICKMAN: (CONT'D) lighting or no lighting could be established from your present knowledge or further inquiry, we would like to get that fact.

If you have nothing further to say concerning this incident, I am ready to proceed with other matters.

COL TSAI: Both sides have reached a clear agreement regarding the question of the markings of the prisoner-of-war camps. We can only, and we should, do everything according to the agreement. No matter in which way your side is going to argue, your side cannot obtain any pretext you want.

Furthermore, each prisoner-of-war camp has its clear, definite and specific location. If your Air Force does not disregard all the laws of warfare, your Air Force has no reason whatsoever to make the wanton bombing and bombardment. If your Air Force is not carrying out the wanton bombing and bombardment, it would be very easy for your Air Force to avoid the proximity of the definite and specific location of those prisoner-of-war camps.

Certainly there will be still many issues between both sides before the armistice is realized. However, under no circumstances can your side evade your responsibility regarding such actions, violating all the laws of warfare and humanitarian responsibilities.

I am willing to hear your statements about another matter.

COL HICKMAN: It is my recollection that our agreement concerning the marking of prisoner-of-war camps did not require that such camps be lighted at night. My question was merely to elicit whether the camp may have been lighted despite the fact that there was no requirement for such.

COL TSAI: It is the agreement agreed upon by both sides that no lighting at night is required. Under such agreement, does your Air Force have the right to carry out the wanton bombing and bombardment in the night?

COL HICKMAN: I don't see that any particular purpose will be served by you and I discussing the strategy or the tactics of an Air Force operating

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COL HICKMAN: (CONT'D) against supply and logistical facilities of the opposing belligerent. Nor can we accomplish much in discussing the principles of international law which govern the appropriate targets for aircraft in interdiction missions.

Certainly, as I indicated a while ago, our side is more interested in the well-being of our own people in your hands then you could be expected to be interested in them. My sole purpose in asking my two questions was not to argue this case, but to secure if possible any further information than that contained in the message or statement from your delegation to ours, so as to permit us to make as full an investigation as possible concerning the incident. It is always unfortunate when incidents, of whatever nature and from whatever cause, arise to disturb in some way the final development of the solution of the problem facing us in this Armistice.

The first one of my questions, turning away now from the incident of the other night, is as follows: In your 5 March proposal, just what data do you refer to when you state that the proper way to a reasonable solution is to go forward on the basis of the already agreed or already ascertained data, so as to tackle the problem step by step?

COL TSAI: If you have any other specific questions regarding our March 5th proposal, I would like to have you bring up those questions altogether so that I may make a study of them, and I will give you my answer after considering all the questions. I believe such procedure would enable us to save time in our discussion.

COL HICKMAN: In general, it is my belief that we might profitably lead from an answer to one of our questions into a discussion of one phase of our difficulty which a string of questions might not permit, or at least readily facilitate. Nevertheless, since it is your desire to get at once all of the questions we have so far prepared, I am not unwilling to give you all of the questions together, if after my remarks you so request.

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COL TSAI: Certainly you are quite aware of the fact that the question confronting the staff officers of both sides is a very important one. Therefore, I believe that both sides are willing to make a careful study of any question regarding the issue, just as your side said yesterday that your side would prepare your questions with as much care as you can. Perhaps, when all the questions are brought up all at once, it will enable our side to find out what is the thing exactly your side wants to understand. Therefore, I feel that if your side does not have any objection to it, it would be better to have all the questions all brought up at once. Therefore, if your side thinks that your questions are important, our side would like to have those questions presented in writing after you have read them in the meeting, and if your side is willing to do so, I think it might be helpful to our discussion and study of the questions.

COL HICKMAN: We appreciate the gravity of the problem confronting our two groups here in this tent. We understand your desire to see what questions there are in our minds which need answers in order that further exploration of our two positions can be made in accordance with instructions given us by our subcommittee groups.

I should like to emphasize that our questions that we have drawn up are not exhaustive. In general, they are designed to cover, at least in an introductory fashion, a number of tangents of our viewpoint in relation to the view expressed on 5 March by your side. They are designed to give us an understanding of the ramifications of our two positions. Further discussion and additional questions will undoubtedly be necessary following your study and answers to our questions. We are willing to give you all of these questions now in English, Chinese and Korean. In the interest of saving time, I suggest that I hand them to you now and that we recess until 1100 tomorrow. (Hands papers to Colonel Tsai - see Enclosure 1)

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COL TSAI: I agree to your proposal for recess.

Meeting recessed at 1232 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

ENCLOSURE 1 - United Nations Command Questions Regarding 5 March Communist Proposal.

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UNITED NATIONS COMMAND QUESTIONS REGARDING 5 MARCH COMMUNIST PROPOSAL

1. In your 5 March proposal, just what data do you refer to when you state that the proper way to a reasonable solution is to go forward on the basis of the already agreed or already ascertained data so as to tackle the questions step by step?

2. What do you mean by the phrase "tackle the question step by step"?

3. On 7 March, in commenting on your 5 March proposal, your side made the following statement:

"As your side has still not submitted us the data on the more than 44,000 captured personnel of our side, the basic data exchanged can only be the basis of the agreement in principle on release and repatriation of all prisoners of war after the armistice, but is not the list of all the prisoners of war who should be repatriated.

"The list of all prisoners of war who should be repatriated still has to be checked by the staff officers of both sides after the principle is determined."

In your view, what is the difference between the "basic data exchanged" and "the list of all prisoners of war who should be repatriated"?

4. I quote the first of the United Nations Command three bases of negotiations of 8 March: "We want back all of the captured military personnel of our side in your custody who want to return to us, but we mean all—not just a part of them." Wherein lies your objection to accepting that basis of negotiation? Why do you object to returning to us all of our people in your custody who want to return?

5. In what respect does your proposal contemplate a procedure whereby those Republic of Korea Civilian Internees in our custody can go to your side if they so desire? Taken literally your proposal appears to prevent such individuals going to your side. Why do you object to that part of our third basis which indicated our willingness to turn over to you those Republic of Korea Civilian Internees who wish to go to your side?

6. Is it your view that the United Nations Command should at bayonet point

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or in shackles force Republic of Korea prisoners of war we hold to go to your side against their strong objection after the armistice becomes effective?

7. If your proposal of 5 March makes no provision for any of our three negotiating bases, wherein is it a step forward in the solution of Agenda Item 4?

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

18 March 1952

SUBJECT: Twenty-fifth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 18 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF, (PIO), CAPT O F Spahr, USN, CDR G R Muse, USN, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT R F Underwood, USA, and Mr. C Lin, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistants; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: I'd like to announce that Colonel Murray of the United States Marine Corps is back as one of the staff officers of the Item 4 meeting.

COL TSAI: Do you have anything else to say?

COL HICKMAN: Nothing.

COL TSAI: Yesterday your side submitted seven broad questions regarding our proposal of March 5th. We are studying these questions submitted by your side. We will give you answers to those questions after our careful study of them. Today, I am not prepared to give you answers on those questions.

Now, I would like to bring up some other questions to ask your side to answer.

In your statement on March 16th, regarding the question of release and repatriation of prisoners of war, you said: "What our side is seeking for is not the principle but the end result." And your side said further: "The gist of the question on this phase is the method, procedure and understanding which will effect such end result." Your side did not give any explanation of such statement on March 16th. We feel that that statement is rather ambiguous. I would like to ask you to tell me what the clear meaning

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COL TSAI: (CONT'D) of such a statement is and I would like you to give me sufficient explanation of it. That is the first question.

COL HICKMAN: Are you prepared to give us all of the questions that you have, so that we, likewise, may take them back and study them in order to more carefully prepare answers?

COL TSAI: I agree to the procedure you suggest. However, I have not prepared any questions in writing.

COL HICKMAN: That is satisfactory with us. We will take down the questions as they are asked.

COL TSAI: The second question is: What do you refer to by saying "the principle and end result as our side proposed"; and what is the difference between such "end resutl" and the result of the determining of the principle of releasing and repatriating all prisoners of war on the basis of the basic data exchanged at present?

Third: What methods, steps or procedures do you have in mind to obtain the result of the settlement of the questions under the conditions of not impairing the principle?

I will only phrase the above three questions for the moment. Of course, in order to have further clarification, it may be necessary to bring up further questions after your side has given answers to the above questions.

If your side has nothing further to say, I propose a recess until eleven o'clock tomorrow morning.

COL HICKMAN: That is agreeable with us. I would like the record read to check the questions. (Record read by United Nations Command reporter and verified by Communist interpreter.) We agree to recess until 1100 tomorrow.

Meeting recessed at 1120 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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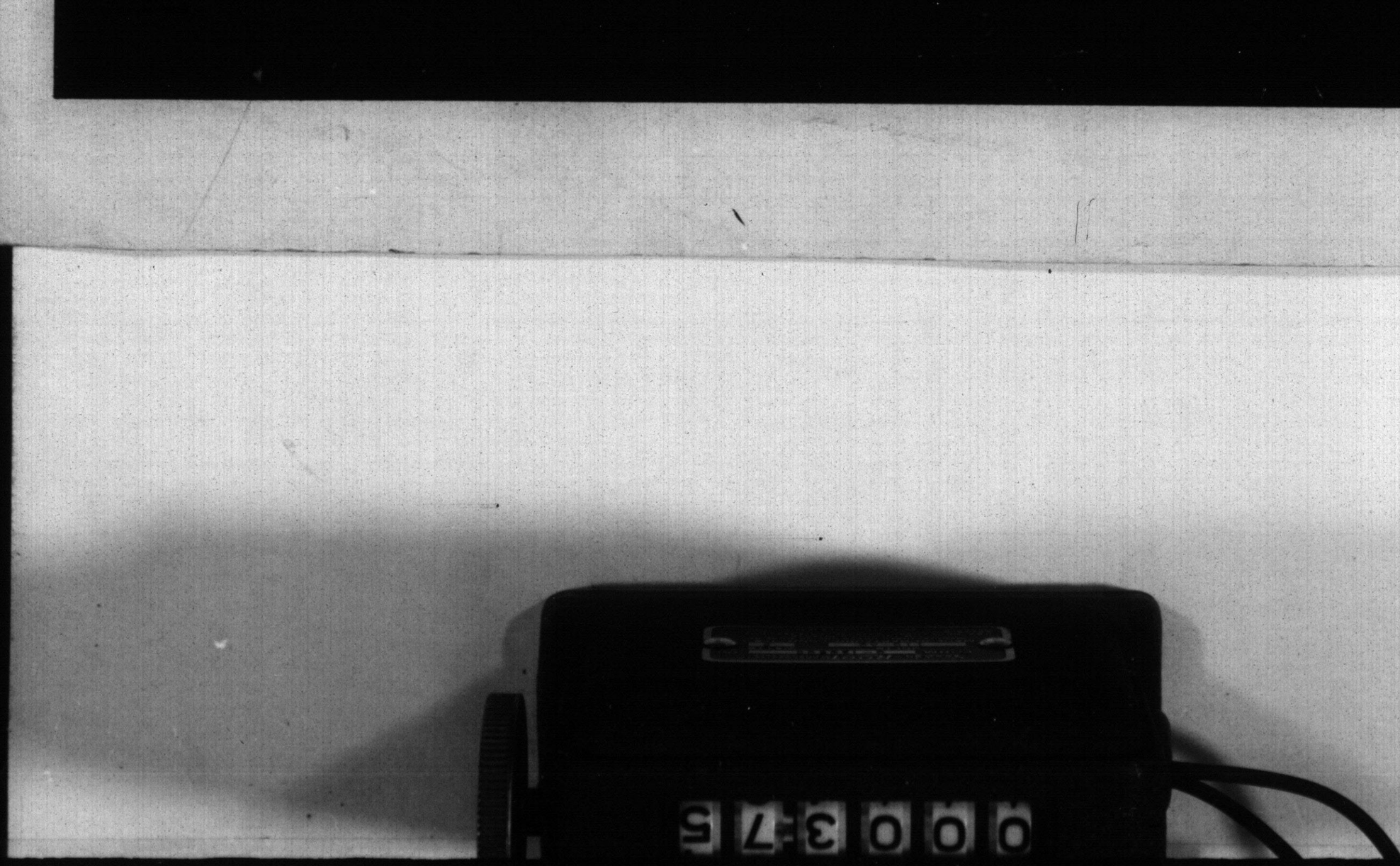

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

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19 March 1952

SUBJECT: Twenty-sixth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 19 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF, (PIO), CAPT O W Spahr, Jr., USN, COL J A Norell, USA, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT R F Underwood, USA, and Mr. C Lin, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: Our side has been unable to complete the answers to the questions presented to us yesterday. We wonder if your side has the answers to the questions we presented to you the day before yesterday.

COL TSAI: The three questions we brought up and presented to your side yesterday were discovered during the course of our study of the seven questions presented by your side the day before yesterday. We consider that if those three questions can be clarified first, it would be helpful for us to understand the seven questions presented by your side. Therefore, it would help us to give answers to the questions presented by your side. In fact, the three questions involve not only the proposal of our side on 5 March but also the three bases declared by your side on 8 March. Actually, they are also closely related to your statement of 16 March. Now we, both sides, are here conducting a careful exploration of the positions of both sides and trying to find out jointly the way to solve the issue between us. Therefore, in order to help our side to study your questions, if your side has already completed the preparation of answers to the three questions, we would like to have those three questions clarified first.

In this respect, I wish that we will not be bound by the general order or procedure of discussion. That is the sincere hope

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COL TSAI: (CONT'D) of our side, and I believe that you understand this.

COL HICKMAN: I should like to state that we are not standing on ceremony or protocol in not giving you answers to the three questions propounded by you yesterday. We appreciate that both sides would prefer, if possible, to have explanations made first to their questions. We are not sparring on that ground, however, and we frankly do not have the answers ready. Although there are some of the questions we asked you which relate solely to your proposal of 5 March, we understand that you may not desire to discuss our questions piece-meal. If you are able, or wish, to discuss answers to any of our questions, we should be glad to hear them. Otherwise, we suggest a recess until 1100 tomorrow.

COL TSAI: Now we are here to make a joint and careful study and exploration of the propositions of both sides to try to find out any way of solving the issues through exploration. It would be better for the staff officers meeting not to care too much about formality, and we are glad to know that your side is adopting the same attitude. I believe, of course, your side understands the fact that we are not unwilling to give answers to your questions. We only feel that if the three questions submitted by our side can be clarified first, it would be helpful to us to understand your questions and so it would be helpful to us to give answers to the questions presented by your side.

Since the answers to the questions are not ready yet, apparently it would be pointless for us to continue discussion now. I agree to your proposal to recess until eleven o'clock tomorrow morning.

Meeting recessed at 1121 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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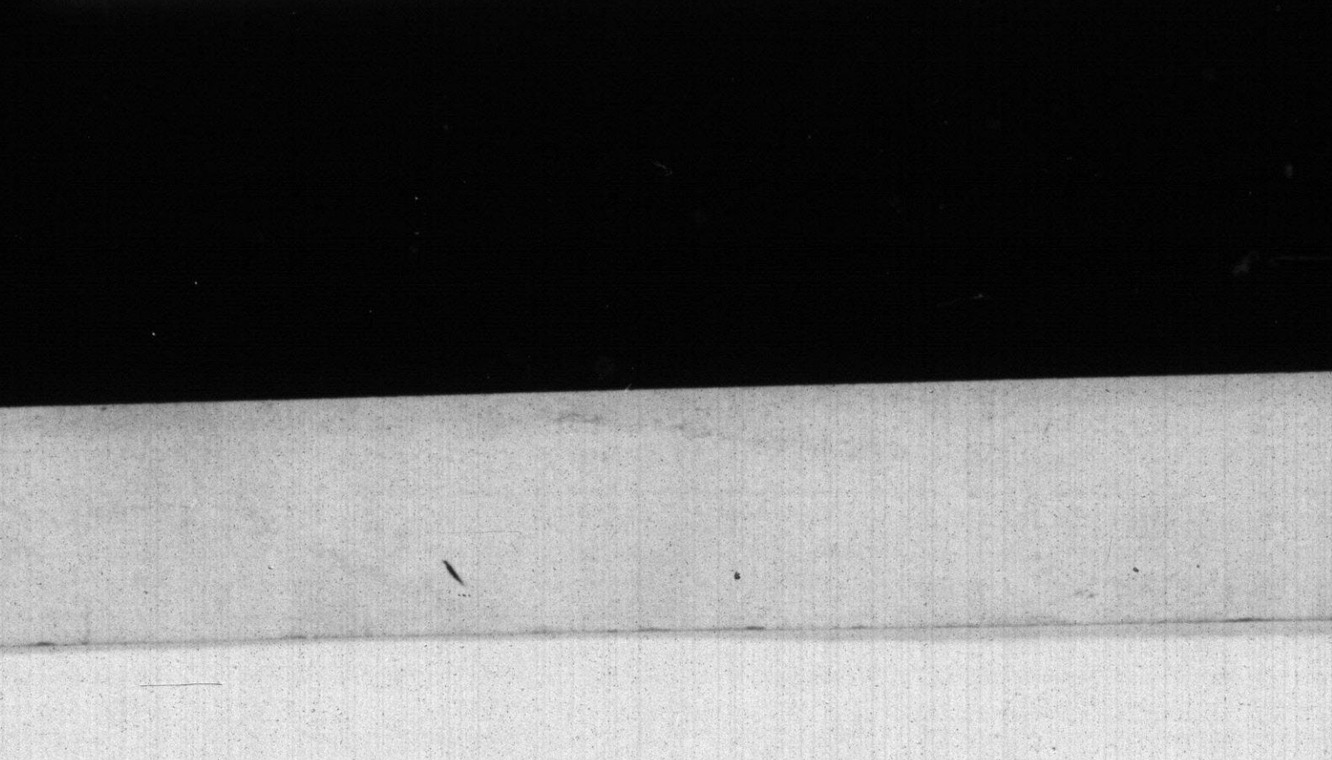
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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

20 March 1952

SUBJECT: Twenty-seventh Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 20 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; BGEN W P Nuckols, USAF, (PIO), CDR G R Muse, USN, COL J A Norell, USA, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT R F Underwood, USA, and Mr. C Lin, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Let's begin the talks.

Are you ready to answer the questions raised by our side so as to help us to answer your questions?

COL HICKMAN: Our side has not yet completed our answers to your questions. We will be glad to hear any of the answers to our questions which you may feel you will be able to answer without further exploration or discussion from us.

COL TSAI: As I said yesterday and the day before yesterday, I believe that the seven questions raised by your side are the broad questions in connection with the remaining issues between both sides. Both sides have the responsibility to discuss and to make efforts to seek jointly for a way to settle those questions. At the same time, as I said yesterday, if your side answers those questions we are confronted with in the course of studying your questions, it would be helpful for us to understand your questions and, therefore, it will help us to make answers to your questions. Therefore, I would suggest that in order to save our time in preparing the answers to the questions, we adopt the way of sort of exchanging opinions by discussing the questions one by one; that means, exchange ideas for each question. In this way, whether both sides are ready to give the answers or not would

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COL TSAI: (CONT'D) not affect the broad discussion of the questions, and, therefore, it may not delay the discussions or be a waste of time for both sides. If you agree, we would like to know whether we may begin to proceed in this way as suggested.

COL HICKMAN: Is it your idea that we would take, say, one of our questions to you, discuss that back and forth, then maybe one of your questions asked to us, discuss that back and forth, and so on until we have had general discussion on all of the ten questions that remain presently unanswered?

COL TSAI: My idea is like this. We wish to give answers to your questions as early as we can. However, in making and preparing those answers, some of your questions are involved and connected with those questions which occur in the course of our studying your questions. Therefore, before your side answers to our questions presented before, we would try our best tentatively to answer some of the questions your side submitted. However, when we answer those questions, if there is any question connected with the question our side asked your side, we wish that your side may also give the answers to those questions we submitted to your side before. Such a way as I suggested is intended to save some time. I would like to know whether your side agrees to this or not.

COL HICKMAN: In general, that would be acceptable to us if we were in a position today to answer your questions. I am reluctant to say that such a procedure of discussion would be satisfactory today, because of the likelihood that I might not be able to answer some of the questions that would be asked by your side.

In our meeting here, I wish, from my viewpoint, to be always as cooperative as possible in frankly discussing all of the issues that it is necessary for us to discuss. You may not agree with what I may say on a subject, but at least you will know that I am presenting what I consider to be the proper presentation of our viewpoint.

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COL HICKMAN: (CONT'D) Almost any one of our several questions can easily lead into all of the rest of them. As I indicated yesterday, some of the questions we asked you dealt solely with your 5 March proposal. Nevertheless, I appreciate that from even those questions there can arise problems connected with our viewpoint, with the questions you asked us, with the entire purview of the problem remaining before us.

As I indicated yesterday and reiterate now, it is our unreadiness at the moment to answer your questions, and not any question of ceremony, which hinders us from complete discussion today. Contingent upon your understanding that we may be precluded from back and forth discussion on the question-by-question basis that you proposed, we are willing to try to save time by your method that you outlined. We suggest, however, that we perhaps may get along just as fast if we recess for today rather than pursue that qualified method of discussion.

COL TSAI: It is very obvious that if we can get your answers to some of our questions first, it would help us to have more detailed and more accurate understanding of your questions. However, we are here having the staff officers meeting, and I believe that in such a meeting if both sides can exchange ideas freely and frankly it would help to develop the discussion of the question. Certainly, our opinion is not necessarily the opinion agreed by your side, but likewise, your opinion is not necessarily the opinion agreed by our side; otherwise, there is no need for us to discuss it here. Therefore, I believe that the procedure I suggested a moment ago would suit our present conditions and I would like to make such a try for both of us at this meeting.

Before we have your answer to the three questions submitted by our side, I would like to try to give such an answer to the first question given by your side. The data referred to in our proposal of March 5th is the data exchanged by both sides on 18 December 1951.

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COL TSAI: (CONT'D) Listed in those date exchanged are all the captured personnel of your side in our custody, namely, 11,559 persons, and the captured personnel of our side under your custody, namely, 132,474 persons. Therefore, according to our proposal of March 5th, both sides should determine the principle of releasing and repatriating by both sides all the prisoners of war under the custody of both sides, based on the data previously exchanged by both side on 18 December 1951. That is, our side shall release and repatriate all your prisoners of war under our custody--11,559 persons--and your side shall release and repatriate the captured personnel of ours in your custody--132,474 persons.

I must point out clearly here that our proposal of March 5th, of determining the principle of releasing and repatriating all the prisoners of war in the custody of both sides on the basis of the data exchanged on 18 December 1951, is made under the premise of the condition that both sides have sincerity to settle the question. Only under such premise was our proposal of March 5th submitted. However, much to our regret, in the subcommittee meeting your side repeatedly mixed up the question of the prisoners of war ever held by our side with the question of the prisoners of war held by our side at present. Thus it has made the conference unable to make any progress. Our side considers that such an attitude of your side indicates that your side does not intend to settle the questions at all. We hope that before further studying our proposal of March 5th, your side must first understand the premise on which we submitted our proposal on March 5th. The result of our March 5th proposal is very clear and definite. It is expressed by the figure; that is, that our side shall release and repatriate all the captured personnel of your side under our custody, namely, 11,559 persons, and your side shall release and repatriate the captured personnel of our side under your custody, namely, 132,474 persons.

In your statement on March 16th, your side indicated that what

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COL TSAI: (CONT'D) your side is seeking for is not the principle but the end result. We would like to know the result your side is seeking. What is the difference between the result that your side is seeking and the result of the proposal of our side on March 5th? I wish that you will express your opinion in this respect so that it would help the exploration and understanding by both sides.

COL HICKMAN: As you know, our side has had the position that there should be adopted a principle that there be no forced repatriation. Your side has indicated that your proposal of March 5th constitutes a suitable basis for negotiating our differences, for negotiating the remaining issues or problems in Agenda Item 4. Where there are conflicting interests or principles, it is always helpful in the resolution of the conflict for both sides to understand as fully as possible the complete point of view of the other side. Such an understanding makes more nearly possible a solution which may reduce the margin of any conflicting principles.

In order to make progress in the negotiations, we have been anxious to see whether or not there is any way that we can in general subscribe to your 5 March proposal. Settlement on the basis of your principle rather than our principle would require considerable adjustment and we have not reached any firm conclusion regarding the prospect. It was for the purpose of exploring all the possibilities present in, or flowing from, your 5 March proposal that we asked our recent questions. I can assure you that our side is sincerely desirous of settling the problems of Agenda Item 4. That sincerity does not, of course, mean that we are willing to agree with every point of view held by your side for the solution of the problem. That means we are willing to explore with you all the potentialities present in both our positions for settling the problems.

COL TSAI: I will ask for a recess for three minutes.

Meeting recessed at 1215 hours.

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Meeting reconvened at 1220 hours.

COL TSAI: With respect to your statement made a moment ago, there are still some points which I do not quite understand. There are also some points on which I have some opinions. However, I would like to make comments on those points after I study the record.

I have noted that you have not answered those questions I raised in my statement. I understand that maybe your side is awaiting the completion of your preparation for answering them. Of course you are aware of the fact that when our side has not got your answers to the questions we asked, it will result in some effect on our understanding of your questions. However, we are still willing to continue the exploration and I will now give my tentative answer to your second question.

Through the long discussion between both sides, and as proved by many facts during the course of the discussions, I believe it is quite unwise for your side to bring up again those principles your side mentioned before. In this respect, I think our position is very clear to your side.

Now for the second question asked by your side.

In our proposal of March 5th, we clearly proposed a procedure for settling the question. That is, to determine first the principle of releasing and repatriating all prisoners of war under the custody of both sides on the basis of the data already exchanged or also ascertained by both sides, and then to discuss and settle other questions relating to the releasing and repatriating of the prisoners of war. That is a procedure of tackling the problem step by step.

On March 16th, your side said: "The gist of our problem in this phase is in the method, procedure, or understanding which would effect such end result." We would like to know what kind of method or procedure your side has in mind which would enable the settlement of the questions under the condition of not impairing the principle

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COL TSAI: (CONT'D) proposed by our side?

COL HICKMAN: I am unable to provide an answer to the question you just raised. I would like to ask this question: Do you have an example of one of the questions which, under the provisions of your 5 March proposal, we would tackle as one step in the final solution?

COL TSAI: According to my understanding, you said you could give answers to the questions I raised. Do you mean that you cannot give answer for this moment, but that you will give an answer at the next meeting ? Is that what you meant?

COL HICKMAN: I meant that I could not give it at this moment. Whether I can in the next meeting, I cannot state precisely.

COL TSAI: With respect to the questions you asked, I think what our two sides are discussing here are all concrete and specific questions. To give any example similar to those specific questions would not be as clear as the answer I have already given to you regarding your second question. Under the present condition of not being able to have your answers to our questions, there is a certain effect on our answering your questions. However, according to what both sides stated at yesterday's meeting--that we are not bound by any formality --we are willing to exchange opinions and to conduct exploration on the present questions. I am willing to give the following preliminary answers to the other questions raised by your side.

Here is my answer to your third question regarding the question of the difference between the data exchanged and the list of prisoners of war to be repatriated. It is apparent that the above two are different. It is because it is possible that there will be prisoners of war who die in captivity. Therefore, the basic data exchanged, naturally, would be different from those who actually should be repatriated. Furthermore, beside the 132,474 persons in your custody, there is still the question of other captured personnel of our side to be repatriated, which must be settled through negotiations. Therefore,

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COL TSAI: (CONT'D) the final list of the prisoners of war, of all prisoners of war who should be repatriated, naturally, would be different from the basic data which has been exchanged now.

Now to answer the fourth question. It has been our consistent proposition that our side is to release and repatriate unconditionally all the captured personnel of your side in our custody, and our side is not going to retain any of the captured personnel of your side under any pretext. The concrete proposal of our side on 5 Marth proposed that our side shall release and repatriate all the prisoners of war in our custody; that is, 11,559 persons. Such proposal of our side originated from the consistent basic position of our side. However, with reference to the various statements made by your side at the meetings, we understand that the wording of the first basis submitted by your side on 8 March implies that the list of the captured personnel of your side in our custody, which has been submitted by our side to your side, is incomplete. Such implication of your side is entirely groundless. As I said a moment ago, our proposal is made under the premise of the spirit of settling the questions. If your side is going to insist on holding such basis inconsistent with the facts, it only indicates that your side has no sincerity to solve the questions. Of course, our side cannot agree to such basis of yours. However, if your side has a different understanding of the first basis of your side, we are willing to hear your explanation.

With respect to your fifth question, I will try to make the following answer. With respect to your question of so-called civilian internees, as I said before, it should be settled step by step, according to the procedure proposed by our side; and the only way of actual settlement of this question is to discuss it after the principle of releasing and repatriating all prisoners of war is determined on the basis of the basic data exchanged. Now, the question of the principle of releasing and repatriating all prisoners of war on the

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COL TSAI: (CONT'D) basis of the basic data exchanged has not yet been settled. We consider that any concrete discussion of this question at present is unprofitable.

Here is my answer to the sixth question raised by your side. According to our proposal of March 5th, both sides should determine the principle of releasing and repatriating the prisoners of war under the custody of both sides on the basis of the data exchanged. According to our proposal, the captured personnel of our side under your custody, namely, 132,474 persons who are listed in the data submitted by your side on 18 December 1951, should all be repatriated to our side. This is also the consistent proposition of our side. From our point of view, such question raised by your side is unthinkable. Our side cannot agree to any attempt or practice of yours to retain the captured personnel of our side under any pretext.

With respect to the last question, if your side understands our answers to the above questions, I think it is not necessary for me here to give an answer to the seventh question.

Our proposal of March 5th is very concrete, entirely realistic, and is positive. Our proposition concretely proposes that we should first establish the procedure to settle the questions step by step. It points out what is the principle to be determined first. It proposes the basis for the determination of the principle and provides the procedure to settle the other questions in accordance with the present conditions.

Since there has been the long stalemate in our discussion on the question of the releasing and repatriating of all the prisoners of war held by both sides, it is obvious that such a proposal of our side, providing for the concrete steps to settle the questions, is a positive and reasonable proposal and it is also definitely a step forward.

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COL HICKMAN: We have no further comments on your statement today. We propose a recess until eleven o'clock tomorrow.

COL TSAI: We agree.

Meeting recessed at 1304 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

[redacted]



NEW FOLDER BEGINS

000390

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

21 March 1952

SUBJECT: Twenty-eighth Meeting of Staff Officers on Details of Agreement on Agenda Item 4; Held at Pan Mun Jom, 21 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, Jr., USN, CDR G R Muse, USN, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT R F Underwood, USA, and Mr. C Lin, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Let's begin the talks. Since our side made the proposal of 5 March we have been seeking for a way to settle the remaining issue between us on the basis of our proposal. At first, since your side laid our proposal aside for a considerable length of time, it was impossible for us to develop the exploration earlier. Judging from your statement on March 16th, as well as your statement in the meeting yesterday, if your side can make some accurate and clear and explicit explanation of those statements, we feel that it might be possible for both sides to find out a way for the settlement of the question.

We consider that our proposal of March 5th may be, and should be, the suitable and proper proposal for the settlement of the remaining issue between both sides. We are willing to continue to consider any method for settling the issue with the spirit of settling the question which our side has been consistently holding.

In order to facilitate further consideration of the way for a further settlement, I request you to give us a detailed answer to the three questions we brought up day before yesterday, and also I wish that you may make further clarification of the statement you made yesterday.

In order to enable your side to clarify further your yesterday's

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COL TSAI: (CONT'D) statement, I would like to raise the following two questions regarding your statement of yesterday. You said yesterday: "In order to make progress in the negotiations, we are always anxious to see whether there is any way that we can subscribe in general to your proposal of 5 March. The settlement on the basis of your principle, not of our principle, requires considerable adjustment." What do you mean by the word "adjustment" as you said in your statement; and what kind of "adjustment" do you have in mind? That is the first question I would like to ask you. The second question: you said that you may subscribe in general to our proposal of March 5th--do you mean that you would subscribe to the way that our side would release and repatriate all the prisoners of war in our custody, that is, roughly, 11,500 or more persons, and your side shall release and repatriate the prisoners of war in your custody, that is, roughly, 132,000 or more persons?

We think that if both sides have the sincerity for settling the problem on the basis of the confirmation of our proposal of March 5th, the possibility of the adjustment on the basis of our proposal of March 5th exists. I believe that if today your side can give us sincere and definite answers to the three questions given by our side, we may really save time during the course of our exploration.

COL HICKMAN: It is possible there may be points of view which are so irreconcilable as to furnish or provide no avenue for solution. However, with willing attempts by minds devoted to the problem, almost every situation is capable of being solved with at least partial emphasis being given to opposing points of view.

We have studied your remarks of yesterday and find that your supplementary remarks of this morning appear to indicate that your tentative explanation of yesterday has been to some extent modified by an apparent intention of maintaining a flexible viewpoint which

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COL HICKMAN: (CONT'D) might permit a settlement that would assist us in reaching a solution to our problem.

On our part, and I will attempt to make a general rather than a careful answer to your first question of this morning, we are endeavoring to study out all the possibilities inherent in the various tangents of our problem in order to see what solution may be arrived at that might be capable of acceptance by both sides. Or putting it another way, we may find a solution which would permit both sides to settle Agenda Item 4 with a minimum of difficulty.

In connection with the word "adjustment" which I used yesterday, I, at that time, had in mind merely the adjustment in our thinking, or our mental adjustment, needed to bring about the required reorientation of our plans for solving our remaining issues. This is not to say, of course, that some factual adjustments might not possibly be available for consideration in the ultimate solution to the problem.

I cannot elaborate fully on your second question, either. However, generally, my intent was that in our exploration of the situation confronting us, we are attempting to see in what way we may embrace any part of your 5 March proposal.

The reconciliation of fundamental issues naturally require our full examination and careful consideration of your points of view as they affect ours.

I have no further comments or statements that I am able to make today. Unless you have further remarks, I would like to recess until tomorrow to further study the problem, including your remarks and questions of today.

COL TSAI: When will you be ready to give us the answers to the questions we raised on March 18th?

COL HICKMAN: I can't give you any specific date or time. I hope very soon.

COL TSAI: I have noted your remarks of just a moment ago. In order to prevent

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COL TSAI: (CONT'D) any misunderstanding of your statement, I propose a recess for half an hour to consider whether we will have any further questions to bring up to your side for you to answer in the next meeting.

COL HICKMAN: I agree,

Meeting recessed at 1200 hours.

Meeting reconvened at 1300 hours.

COL TSAI: I am sorry that we recessed a half-hour more than we suggested.

COL HICKMAN: That is perfectly all right.

COL TSAI: We have studied your statement of this morning. Since it involves the concrete questions, I am not going to bring up any other questions before I obtain your answers to the questions we brought up. After considering your statements and your opinions stated in the meetings since the resumption of the staff officers meeting, our side now submits a provision in principle on the basis of our proposal of March 5th. If your side agrees to this basis of the provision in principle that we are going to submit, and if your side has any opinion about the form of the meetings for the discussion of the details, we would like to hear them. Of course I do not expect that you must give any comments on this provision in principle today.

If your side has no further opinion, I suggest that we recess until eleven o'clock tomorrow morning. And I now submit to you the provision in principle as we have drafted it. (Hands draft to Colonel Hickman. See Enclosure 1)

COL HICKMAN: We will study your provision in principle and will let you know our comments later; and we agree to recess until eleven o'clock tomorrow morning.

Meeting recessed at 1310 hours.

OFFICIAL:

AUTHENTICATED:

H. M. BRIGGS,
Captain, USN,
Secretary.

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

ENCLOSURE 1 - Communist Principle for the Arrangements of the Prisoners of War.

[redacted]

000394

COMMUNIST PRINCIPLE FOR THE ARRANGEMENTS OF THE PRISONERS OF WAR

After the Armistice Agreement is signed and becomes effective, the Korean People's Army and the Chinese People's Volunteers shall release and repatriate all of the 11,559 prisoners of war in their custody and the United Nations Command shall release and repatriate all of the 132,474 prisoners of war in its custody. The lists of the names of the prisoners of war stated above shall be finally checked by the staff officers of both sides.

ENCLOSURE 1

[redacted]


000395
NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

22 March 1952

SUBJECT: Twenty-ninth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 22 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, Jr., USN, COL J A Norell, USA, and LCDR O F Griffin, USNR, Staff Assistants; 1st LT R F Underwood, USA, and Mr. C Lin, DAC, Interpreters; and Stenographers.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: Yesterday, in addition to commenting generally, you presented our side with a statement of principle, which statement we still have under consideration. You also raised the point of the formal meetings. Both our two sides have recently indicated a desire to have completely frank and open discussions of all phases of the problems confronting us. Actually, the more free and informal the discussion, the more easy it is for us to talk over, without reservation, the topics which may from time to time arise. We should be glad to hear anything you have to say as to how differently we might approach the form of the meetings for further discussions.

COL TSAI: When I indicated in my yesterday's statement regarding the question of the form of the meeting for the further discussion of the issue, of course we meant the meeting of the staff officers of both sides. In fact, I share the same point of view with you that in our discussions it will be profitable for our exchange of opinions if our discussions can be made more freely or informally, without reservation, and on a broad basis. If your side has any proposal regarding the news release of the proceedings of the meeting, and that certain measures should be taken for the purpose of facilitating the discussions of both sides, our side is willing to give consideration.

COL HICKMAN: Does your side feel that some such procedure as holding the contents

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COL HICKMAN: (CONT'D) of our subsequent talks on Item 4 in more or less executive session, confining the contents and current results of our talks to our two official sides, would be productive of increased efficiency towards reaching a solution?

COL TSAI: We think that if that would help the proceedings and the development of discussion, and if your side feels that would be more convenient, we are willing to study it and give you an answer. In short, if this would benefit the progress of the meeting and if your side considers it necessary, we are not willing to be reluctant in cooperating with your side.

COL HICKMAN: I suggest that we both take the matter under study and be prepared to discuss it again in the next day or so.

COL TSAI: We agree.

COL HICKMAN: On the principle which you submitted to us yesterday, preliminarily it appears that it represents the general concept as we viewed it and which we expressed in the subcommittee meeting about 7 or 8 March. However, we are studying it in conjunction with our over-all appraisal of the problem, and of your recent questions, in an endeavor to find what adjustments we might suggest which might make the principle more compatible with our viewpoint.

COL TSAI: After the consideration of the statements made by both sides--as well as some of the indications made by your side in the staff officers meeting--and on the basis of our proposal of March 5th, our side submitted the provision in principle on 21 March. If your side sincerely and responsibly makes a study of our proposal, you will find that this is a provision in principle which is most realistic and practicable and is capable of avoiding disputes between both sides. To use such a provision in principle to substitute for the original paragraph 1 of Article III of the Armistice Agreement, which has not yet been agreed upon by both sides, is the most appropriate way.

When you mentioned about this provision in principle proposed

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COL TSAI: (CONT'D) by our side, you talked about your remarks on March 7th and March 8th in the subcommittee meeting. Of course it is apparent that our basic position towards the question of the prisoners of war is the unconditional repatriation of all of them. However, we appreciate that there may be certain special cases--that among the captured personnel of our side there are those who originally resided in the area of your side --and some particular situations arise, as your side said before. We are now considering whether there is necessity to make some special arrangements for such special questions, together with the special questions regarding those who are said to have been re-classified by your side, though such re-classification has not been recognized by our side.

You mentioned about the questions of adjustments. We think that if your side agrees to this provision in principle, we may submit our points of view on this phase before the checking of the lists for further negotiations with your side. Although I am willing to hear now your answers to my questions and your comments on the provisions in principle we submitted yesterday, yet, since your side is going to make further study of those questions and the provision altogether, I am willing to wait until your side has completed such study.

COL HICKMAN: We appreciate your comments and your cooperation in being willing to await our completed study. We propose a recess until 1100 tomorrow.

COL TSAI: I agree to your proposal for recess. However, for the interest of the progress of the meeting, I hope that your study can be completed as soon as possible.

Meeting recessed at 1155 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

Halsey M. Settle, Jr.

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

23

23 March 1952

SUBJECT: Thirtieth Meeting of Staff Officers on Details of Agreement of Agenda Item 4, Held at Pan Mun Jom, 23 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL J A Norell, USA, CDR G R Muse, USN, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, and 2nd LT K Wu, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: Yesterday both sides indicated their recognition of the fact that a change in the form of the meetings might be conducive to an exchange of ideas freely and without reservation. Further, both sides indicated a general willingness to go into executive session. On the basis of that exchange of ideas, our side considered that certain of the remarks made by your side yesterday should not be disclosed to our press. On the basis of that exchange of ideas, our side proposes that our meeting hereafter be regarded as in executive session, until, or course, one side or the other desires to resume open meetings in Item 4 sessions.

COL TSAI: We have noted your concrete proposal about the form of the meetings hereafter. We will give you a definite answer to your proposal after our consideration of it.

COL HICKMAN: We have no further comments at this time.

COL TSAI: On 5 March we made a proposal which was adequate for solving the remaining issue between us. We gave answers to all the questions your side raised regarding that proposal, and on 21 March, on the basis of that proposal, we submitted the provision in principle. We also gave adequate explanation about that provision in principle. So far, your side has not expressed your opinion about the questions we raised and about that provision in principle. Nor have we heard any concrete

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COL TSAI: (CONT'D) proposal by your side for the settlement of the present issue. If you have any further remarks, we would like to hear them.

COL HICKMAN: We, on our team, are aware of your recent steps tending toward a solution to our problem. Being unable at a particular time to give you our comments on your proposal or to properly answer your questions, we could have requested a short recess of several days. We, nevertheless, felt that some progress might be made in our daily meetings even though we might not be able to respond as fully as we would have liked to.

The over-all examination of our position with respect to yours and the careful consideration of modifications or adjustments have, we realize, been time-consuming. The implications of possible solutions are profound, and a day or two gained before the implications may be fully thought out may not be an efficient way to attempt to reach a solution.

I have hopes of being able to respond more fully in the near future.

COL TSAI: I think that if your side thinks it is necessary to have more time for your studying and consideration, we will give consideration to that idea of your side. In other words, if you need more time for studying the problem, for instance, maybe you would like to have a recess for a certain period, your side may make the proposal.

COL HICKMAN: I have no such proposal to make today, and I hope that it will not be necessary to make it at all.

COL TSAI: Then I propose that we recess until eleven o'clock tomorrow morning.

COL HICKMAN: We agree.

Meeting recessed at 1130 hours.

OFFICIAL:

AUTHENTICATED:

Halsey M. Settle

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

H. M. BRIGGS,
Captain, USN,
Secretary.

[redacted]



NEW FOLDER BEGINS

[redacted]

GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

24 March 1952

SUBJECT: Thirty-first Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 24 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, Jr., USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, and 2nd LT K Wu, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1400 hours.

COL TSAI: Let's begin the talks.

With regard to your proposal of yesterday concerning the form of these staff officers meetings from now on, our understanding is that your side proposes that we turn the staff officer sessions from now on into meetings of an executive nature; that is, the specific contents and the current results of our discussions shall be made known only to the two official sides and, furthermore, such a form shall continue until either side wishes to resume the open sessions.

On 21 March our side indicated that, on the basis of your agreement to the draft provision in principle submitted by our side, we were willing to consider the views you might have regarding the form of meetings for discussing the details of the principle. On 22 March our side further indicated that if your side deemed it necessary to change the form of our meetings, our side would spare no efforts of cooperation, if only the change is conducive to the progress of the conference. Therefore, on the basis of the above-stated understanding, our side agrees to your proposal of yesterday that our meetings should henceforward be considered by both sides as meetings of an executive nature until such time as either side may wish to resume open sessions. If your side has no further opinions about this question, we

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COL TSAI: will from now on hold our meetings under such new understanding.
(CONT'D)

COL HICKMAN: I would like to ask if I may see the English translation of your statement for just a moment. I would like to take about three minutes.

(Examines translation of statement.)

The only questionable element is the first sentence of your second paragraph, which indicates that the form of the meeting is contingent upon our agreement to the draft provision in principle submitted by your side. That may not have been your intent in your statement, but that is an agreement to which we would be unable to accede. We agree with the first paragraph, in fact with all of the rest of the statement. I think it likely that this sentence I refer to may be a mistranslation, inasmuch as I did not get the same impression from the record of our proceedings of 21 March. I would appreciate your comments on this point.

COL TSAI: According to our understanding, when we made that statement on March 21st we meant that, on the basis of that provision in principle, when we discuss details the question of the form of the meeting may be considered, if your side has any opinion. However, here, when we refer to that statement, we do not mean that we are going to restrict your side from bringing forth any other opinion in the discussions hereafter.

COL HICKMAN: All I wish to make clear is that our side cannot accept your 21 March statement of principle as a quid pro quo for our going into executive session. If that understanding is acceptable to your side, we are willing to go into executive sessions from henceforth in accordance with all but that sentence of your statement.

COL TSAI: The provision in principle we submitted on 21 March is the provision in principle to which we are going to hold firmly. We here state our understanding toward this question. However, as I said a moment ago, our discussion of the provision in principle here does not preclude your side from bringing forth any other opinion. As to the form of

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COL TSAI: (CONT'D) the subsequent meetings, if your side feels it necessary to make any change about your proposal you may bring forth any change you deem necessary.

COL HICKMAN: As I view it, an executive session does not in itself present any particular advantage to either side. It may merely provide an atmosphere or a means whereby discussions may be more frank and more open, and thus permit a more rapid exposition of ideas and perhaps assist in reaching final agreement more quickly. I am not saying, nor do I intend to imply, that we will not discuss your principle in executive session or out of it. I am saying that our entrance into an executive session cannot be taken as an acceptance by our side of your 21 March statement of principle. I am not at all sure that we may not have magnified the apparent intention of your side in making the statement that I refer to. I just do not want either of us to have a misunderstanding on the question.

These are the words that trouble me in that sentence: "On the basis of your agreement".

COL TSAI: I think what I said before was quite clear. The conditions of the form of the meetings proposed by your side and agreed to by our side are set forth in paragraph one of my statement. At the end of my statement our side formally agrees to your proposal of yesterday.

In the first two sentences of the second paragraph we stated our principle so far expressed in the previous meetings regarding this question; and, by stating that, we express our position towards the subsequent discussions in the meeting. Such position of ours will be our firm stand in the meeting. However, since our understanding does not preclude your side from bringing forth any opinion for discussion, it is clear that we do not hold this as a necessary condition for our agreeing to your proposal of yesterday. We do not like to spend too much time in discussing the question of the form of the meeting. If your side thinks that it is not necessary to have any change of the

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COL TSAI: (CONT'D) form of the meeting, our side will also give consideration to your opinion.

COL HICKMAN: I think it is difficult for anyone to know what steps may or may not be helpful in our reaching an agreement. Clearly there is no reason that either side would necessarily change its position because of an executive session. We understand that your side regards your 21 March proposal as a proper subject for discussion in the executive session but that our side is not necessarily so limited. We think that any topic having to do with any remaining issue between us is appropriate for our discussion. We agree to go into executive session under the conditions set forth in paragraph one of your statement. If you agree, our side shall consider that we are in executive session until either your side or our side gives notice to the contrary.

COL TSAI: Since my statement this afternoon is very clear, I do not intend to make any further statement about this subject. I think that now we have already begun entering into the form of an executive session. If you have any other remarks or opinion, I would like to hear it.

COL HICKMAN: Frankly I am a little puzzled about where we stand. I am not trying to be obstinate, nor am I trying to intentionally misunderstand your ideas. On the other hand, I wish to state clearly that I do not want to make it appear in your mind that I am agreeing to anything that I cannot agree to. Your side brought up the question of a change in the form of the meetings, and at that time I had no idea that the change, any change, would be contingent upon an acceptance of your proposal. Obviously, the form of the meeting could have no real relationship to the acceptance or rejection of any principle so important as one designed to settle our prisoner of war problem. On the other hand, freedom from the innuendoes of propaganda by both sides, during the time that we were here striving for a solution acceptable to both sides, might be profitable. It is our view that we should go into executive session without any limitation on our field of discussion.

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COL TSAI: Yesterday your side made the proposal about the change of the form of the meeting. Today our side agrees to your proposal. I did not expect that so many statements should have been made regarding this subject. I have already made our side's position very clear. If you still do not feel easy or certain about it you may ask your stenographer and I think he will tell you all that I said.

COL HICKMAN: I think maybe I had better put my stenographer in my place. Do I understand that your side will only discuss your 21 March proposal?

COL TSAI: I do not believe that you bring forth this question seriously. I have stated clearly that our proposal of 21 March is to be discussed. However, it does not preclude your side from bringing forth any opinion for discussion. Is that clear?

COL HICKMAN: I think so. I am afraid I will have to ask for a fifteen minute recess.

COL TSAI: We agree.

Meeting recessed at 1504 hours.

Meeting reconvened at 1517 hours.

COL HICKMAN: We, of course, intend to discuss your principle. However, we feel that there should be full discussion, both by your side and our side, of any matter which might help solve this agenda item. We think that any limitation put on our discussions would destroy whatever effectiveness an executive session might tend to produce. I have interpreted the remarks of your side as intending to limit your discussion to the matters relating to your 21 March proposal. I had rather expected that we would settle this minor problem in about two minutes but, as of now, I suggest that we think over the matter. I shall review your remarks as contained in the record and attempt to make a final decision on the matter at 1100 tomorrow.

COL TSAI: We have already stated our opinion. If your side needs time for consideration, we will concur.

COL HICKMAN: If I have misinterpreted you, I would appreciate your informing me

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COL HICKMAN: (CONT'D) in the morning. If I have not, I suggest that you reconsider your point of view as being one which might place some temporary restrictions on our having free and frank discussions.

COL TSAI: I have reviewed all I said this afternoon. I cannot find any of my statements which might produce any misunderstanding. Therefore, right now, I cannot think of any of my statements which would need any correction.

COL HICKMAN: I have nothing further.

COL TSAI: We do not have anything further to say either.

COL HICKMAN: At 1100 tomorrow?

COL TSAI: As you like.

COL HICKMAN: Do you wish our meeting today to be considered as though it were an executive session?

COL TSAI: I have already said that our side agrees to your proposal that we enter into the executive session. If your side has any further opinion, I would like to hear it.

COL HICKMAN: The gist of my remark was, merely: Do you wish that what went on today be kept from our press?

COL TSAI: I consider it this way: that any measures or steps regarding the question of the form of the meeting can only be made by agreement by both sides. Since your side proposed a change of form of the meeting yesterday, we stated our agreement to that proposal of yours of yesterday. Of course it is understood that both sides have not reached a mutual understanding on that. Therefore, whether we have reached an understanding on this question or not depends on your side; and if you ask my opinion about that, I am really in a puzzled position. How do you understand it?

COL HICKMAN: It is my understanding that your side made a qualified acceptance of our suggestion of yesterday. It is the qualification of the acceptance that causes me trouble. That is, it is my understanding that your side appears unwilling to discuss fully any matter not pertaining

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COL HICKMAN: (CONT'D) to your 21 March proposal. If this is an error, then my understanding is not correct. If this be not an error, then I earnestly suggest that your side reconsider that point of view in order that no avenue be left without the possibility of utilization in finding a solution to our problem.

COL TSAI: I find that this afternoon we spent a great deal of time in exchanging some unnecessary statements. As to the full discussion of the solution of the questions regarding Agenda Item 4, we have submitted to your side our solution for the question, we have discussed with your side any question brought up by your side and we have even discussed with your side those extremely unreasonable proposals; and much time was spent in such discussion. Precisely in order to have our discussion more frank and more open for examining opinions of both sides, our side agrees to your proposal made yesterday regarding the form of the meetings.

When we agreed to your proposal, we made a complete statement. In the first paragraph of our statement we stated the conditions of the agreement on your proposal. As a matter of fact, those conditions were clearly stated by your side yesterday when you made the proposal. We explained the course in which both sides have reached such understanding. We stated our expression of our opinions in the past meetings regarding this question. We also stated our position in subsequent discussions regardless of what form they may take.

When your side presented questions to our side regarding this point we also told you that we were not going to preclude your side from presenting any other opinion in the subsequent meetings. Under such understanding, it is very hard for our side to understand such an ambiguous attitude of your side this afternoon. Is it that your side intends to ask our side to agree to the acceptance of some particular questions in your mind when we agree to your proposal?

As we have always been in the past, if there are any points

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COL TSAI: (CONT'D) favorable for the settlement of the questions regarding Agenda Item 4, we are always willing to discuss them. However, we are not willing to be bound in any meeting about expressing our opinion, or presenting our opinions. It is more difficult for us to understand that after our side has made such clear explanation your side could still have obtained such an interpretation of what I said. We, both sides, have been discussing the questions in quite an appropriate and favorable atmosphere since the resumption of the staff officer meeting. However, it appears that our discussion has been placed in an unfavorable situation regarding a subject which is not directly related to the main subject. This I regret very much.

COL HICKMAN: I have merely been trying to be as frank about this problem as I intend to be about all the others. My initial comment was made to point out that our side did not want to create any misunderstanding that a meeting in executive session would indicate our total acceptance of your 21 March proposal.

Any statement by me other than that would have been less than frank. To answer your question of a moment ago, our side has no intention of attempting to get your agreement in advance to any question we have in our minds.

Our concept of the executive session which we might go into is merely this: that we hold our staff officer meetings with the mission and objective as given us when we began our meetings, but we hold such meetings in executive session. And we take up and discuss those things in executive session which we would discuss if we were not in executive session, but perhaps discuss them more freely and with less reservation. Clearly, one of the most important items to discuss is your 21 March proposal. It might be possible that most of our discussion would center around that proposal. Decisions of either side or of both sides on your 21 March proposal, or any revision or alternate proposal which either side might make, would come out of our

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COL HICKMAN: (CONT'D) discussions. Complete freedom on the part of both of us to discuss any problem which either of us might feel is worthy of discussion or may contribute to a solution of our problem is the essence of our concept of the scope of the executive session.

I regret taking this additional time, but I have done so to try to make clear my point of view as to the scope of needed discussions in executive sessions.

COL LEE: I have something to say. What I think especially regrettable is that though your side repeatedly said that your side wanted to have circumstances under which both sides could express their feelings frankly, and in spite of the fact that such circumstances have been established, your side still evades to be frank. As your side knows, since the reopening of the staff officers meetings our side has frankly said our final opinion. On March 21st we presented to your side the wording of an opinion which could settle the question. As to this question of the principle your side hasn't clearly indicated your attitude. But at the meetings you have repeatedly expressed your preliminary opinion. In your statement which you made at the meeting yesterday, your side said that your side would try your best to bring the principle our side proposed to coincide with your opinion. And at yesterday's meeting your side proposed to change the form of the meeting. And we agreed to that proposal. Summarizing the results we have reached during our conference with your side, as well as the statements of your side, and in order to expedite the progress of the conference and in order to progress further than the results we have arrived at meanwhile, we made today's statement.

In other words, Colonel Tsai has repeatedly explained that, basing upon the results arrived at in the meanwhile, we would from now on, under more free circumstances, assume the form of a conference which should settle the question. And he further said that in such a form of conference both sides would not have any limitation whatever

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COL LEE: (CONT'D) to present its opinion and discuss it. But, to my regret, your side does not indicate your opinion concerning the question of the principle. So if your side has any opinion about the question of the principle, we would like to hear it.

COL MURRAY: Colonel Lee has referred to the opening statement made by Colonel Tsai. It appears to us that it is the intent of that opening statement to limit bilateral discussion in the executive session to the principle advanced by your side on 21 March. While you stated that our side could raise any subject, there is still an implication that your side may limit its discussion to the principle which I have referred to.

We think that no conditions whatever should be attached to passing from open session to executive session. We think that there should be no limit on the discussion there other than that imposed by the agenda itself. To accept such restrictions within the agenda item might have the effect of closing avenues by which a solution might be reached.

In another portion of Colonel Lee's statement, he indicates that neither side will have any limit whatever upon presenting its opinion and discussing it. If it is understood that there will be free discussion by both sides of any subject which is within the content of the agenda, there is no further cause for a question in our minds as to the meaning of the opening statement.

COL LEE: I have one thing to ask; Does your side mean that your side is going to deny the results which have been arrived at during the long course of the conference between both sides?

COL MURRAY: I am afraid that I don't understand the question, but the answer is "No".

COL LEE: If it isn't so, as I have said already, what we said in our statement is nothing else than our agreeing to your proposal of expediting the progress of the meeting under more free circumstances, basing upon

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COL LEE: the results we have reached so far.
(CONT'D)

COL TSAI: I find that we have had a long discussion about this question. If your side thinks that there is necessity for your side to make further consideration of it, it might be better for your side to make further consideration. However, on our part, we believe that we have already made our position very clear. If your side thinks that we, both sides, have reached an understanding on this question, then we will regard that this meeting will be conducted as we have already agreed. If your side thinks that further consideration is needed, your side may make any further consideration and then we will study this question with your side later. In short, my opinion is that we should not spend too much time on this question since, even before we have discussed this question, we have already exchanged opinions regarding all phases of the question.

Now I wonder whether we can come back to our subject, whether your side has anything further to say about the questions we raised to your side as well as the proposal we made on 21 March?

In order to avoid any misunderstanding or misinterpretation, I would like to make one more statement. Both sides have fully exchanged their opinions regarding the question of the form of the meeting, and I believe that fundamentally there is no big difference of opinion on this question. However, at the time of reaching the understanding about this question, it is permissible and proper for both sides to express and state their own positions. On the basis of such understanding, it is all right for our side to regard this staff officers meeting now as on the executive stage, if your side so agrees. If your side thinks that we have not reached the specific understanding about the form of the meeting, we are willing to await the result of your consideration.

In general, whether this understanding is reached or not, we think that it would be better for us not to let this question infringe

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COL TSAI: (CONT'D) more on our discussion of the main subject.

COL HICKMAN: We do not consider it advisable to go into executive session with conditions attached as a prerequisite to going into such session, except those in paragraph 1 of your statement. If your are willing that these be the conditions, we are willing to consider ourselves in executive session now. Whatever ideas you may have about the firmness of your opinions on the solution of Agenda Item 4, it seems to us, are pertinent whether we are in executive session or in open session. That is a problem peculiarly within your own province. As to substantive discussion, we should like first to get the matter of the form of our meeting settled, one way or another. If your side is unwilling to consider us in executive session now, based on the conditions set forth in your paragraph 1, we should like to know it.

COL TSAI: If your side at subsequent meetings would maintain your position as stated by Colonel Hickman a moment ago, we will fully discuss the provision in principle proposed by our side on 21 March and, as your side stated, maybe most of the discussion would center around that proposal. Of course here I would say, by way of addition, that it does not preclude your side from bringing up any other questions. Under such conditions we feel that it is proper and appropriate for us to enter into the executive session. Of course when I say so, it is still as what I stated previously that such a statement is not a condition for entrance into executive sessions, as your side said, and paragraph 2 of my opening statement is not a prerequisite, and I think this point is very clear to you. Therefore, I think it is necessary for both sides to give a practical respect to the position of the other side, on the basis of a broad exchange of opinions, as we did this afternoon. Without such respect for the position of the other side, no satisfactory solution of the present question would be reached even in the present form of the meeting here.

Do you think it is appropriate for both of us to wind up the

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COL TSAI: (CONT'D) discussion about the question of the form of the meeting now?

COL HICKMAN: Do you agree that the only conditions are those set forth in your paragraph 1? If so, I agree that we are in executive session.

COL TSAI: You have understood my statement very well. As to conditions for the form of the meeting, the main conditions are set forth in the first paragraph of my statement. However, from our point of view we consider that during the discussion our proposal of 21 March is the proper solution for the settlement of the present issue between both sides. Such point of view of ours does not change because of the change of the form of the meeting.

COL HICKMAN: I suggest that we recess until 1100 tomorrow and devote not to exceed 20 minutes to a further discussion of the type of meeting we shall have.

COL TSAI: From the very first, it is not necessary to take more than 20 minutes for discussion of this question.

We agree to the recess as you propose.

Meeting recessed at 1718 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

25 March 1952

SUBJECT: Thirty-second Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 25 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CDR G R Muse, USN, COL J A Norell, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, and 2nd LT K Wu, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Let's begin the talks.

Last night I reviewed the whole record of our yesterday's meeting and I think that there was no difference between both sides in the understanding of the question of the conditions for entering into the executive session of the meeting. In other words, under the conditions set forth in the first paragraph of my opening statement of yesterday afternoon, both sides will enter into the executive session of the meeting; and I believe that both sides share the same understanding on this point. The only cause which let us have such lengthy discussion about the principle might be the different usage of the words or terms other than the customary way of using them by both sides respectively.

Of course the change of the form of the meeting would not affect the position of either side. For instance, our side certainly will maintain our position towards the proposal of 21 March during this discussion. And during the discussion your side certainly may bring up any solution or question regarding the settlement of Agenda Item 4, and I think there will be no bonds or commitment on either side regarding this point.

The purpose of reaching an understanding between both sides on the change of the form of the meeting is for the unreserved and

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COL TSAI: (CONT'D) broad discussion which might contribute to the settlement of the question regarding Agenda Item 4. This is the statement I wanted to make in order to clarify the point after I reviewed the record.

COL HICKMAN: I had the feeling yesterday that, like you say, there may have been a failure in the use of phraseology to prevent us from reaching a common understanding. I wish to summarize very briefly our understanding of the situation with regard to the executive session.

We suggested going to executive sessions in order to permit wider latitude in discussion and thereby possibly speed up agreement on Agenda Item 4. We still hope the executive sessions may accomplish this purpose. I assure you that we plan to discuss your principle of 21 March in executive sessions. However, our side considers that the utmost freedom of expression and the widest range of discussion on appropriate subject matter must be permitted and engaged in, either in executive sessions or in open sessions, if the problem is to be solved. That was why yesterday, when the issue was obscured by language difficulties, we stressed the inappropriateness of attaching what we considered inappropriate conditions for going into executive sessions.

It appears now that all of our long record of yesterday has, for the purpose of outlining our procedure in executive sessions, become obsolete and may be disregarded. We concur in the recapitulation or summarization of the problem presented by you this morning and we agree to go into executive session under the conditions set forth in the first paragraph of your opening statement of yesterday.

COL TSAI: Then, in accordance with the understanding reached by both sides, we now enter into executive session.

Here I would like to bring up the fact that in the previous meetings our side has submitted our drafted provision in principle and also has raised questions. We would like to know whether your side is ready to give the answers or comments on our proposal and the

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COL TSAI: (CONT'D) questions, or if your side is ready to submit any proposal.

COL HICKMAN: I will state formally that we now consider that we are in executive session.

Careful consideration has been given by our side to the discussion of the past several days and particularly to your proposal of 21 March and to your further exposition made of it on 22 March. These have encouraged hope that a solution acceptable to both sides is not beyond the realm of possibility.

The proposal of 21 March, with proper adjustments, might well constitute a suitable basis for such a solution. Obviously, however, neither side can agree to a proposal without a thorough understanding of its contents and of its implications with respect to the minimum objectives. Consequently, agreement in principle must follow rather than precede a general understanding on the details of the proposal. Our side is primarily interested in the end result and in the welfare of the prisoners of war. This interest need not be inconsistent with the result to be obtained through application of the principle of repatriating all the prisoners of war in the custody of both sides at the time of the signing of the Armistice Agreement.

We seek to insure the return to our side of all the captured personnel of our side and to insure the return to you of all captured personnel held by us except those released because they originally resided in the area of our side or because they are subject to a special situation such as you referred to on 22 March.

In this latter connection the figure 132,474, set forth in your principle of 21 March, does not fully reflect all pertinent factors. This figure included approximately 16,000 persons who are residents of the area of our side. Therefore it should be reduced by this number. Some additional adjustment might be needed to accommodate prisoners of war released because they are subject to a particular situation. What, it any, such additional adjustment might be, we

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COL HICKMAN: cannot now estimate. However, our side will make every effort to
(CONT'D) insure that any such additional adjustments will be reasonable.

Once the numerical adjustments are agreed to, it would be desirable to revise the lists of prisoners of war previously submitted to reflect such adjustments, as well as deaths, escapees and so forth. On the basis of these revised lists there should be no trouble in agreeing upon a principle of repatriating all prisoners of war in the custody of each side at the time the Armistice Agreement is signed. Is not this concept of revised lists essentially the idea your side has in mind in the last sentence of your 21 March proposal? Agreement to this concept would be contingent upon the acceptability of the revised lists to both sides.

COL TSAI: May we have a copy of your statement for reference, so that we may use that copy to check with our record?

COL HICKMAN: You may. Just a moment. I will add to the typed statement that I had, a few changes which I made in order to make it reflect accurately what I said. It will be available in a few minutes.

COL TSAI: In order to give careful examination of the record I propose a recess of 30 minutes.

COL HICKMAN: We agree.

Meeting recessed at 1150 hours.

Meeting reconvened at 1220 hours.

COL TSAI: I have made a preliminary examination of your statement in the record. I would like first to ask a question. In your statement you said: "Once the numerical adjustments are agreed to, it would be desirable to revise the lists of prisoners of war previously submitted to reflect such adjustments, as well as deaths, escapees and so forth." What kind of situation does your side assume, other than deaths and escapees, by the phraseology "so forth"?

COL HICKMAN: The only element I can think of offhand is persons taken into custody since the effective date of the previous list submitted by both sides.

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COL HICKMAN (CONT'D): One other possibility would be wherein there were duplications discovered subsequent to the submission of our 18 December lists. To explain that a bit further, we have had instances of prisoners of war whom we have captured from your side who at one time gave one name and later on gave a different name, so that such individuals have been processed two times. By process, I mean the preparation of the required notification form which our side has filled out to send to Geneva. I do not know if there has been any duplicate processing since 18 December. I do know that it occurred in late 1950 and early 1951. Other than those two possibilities, the phrase has no significance.

COL TSAI: With respect to the question you raised in your statement, I think this is the question of what is the meaning of the last sentence of our proposed provision in principle on 21 March. We maintain that after both sides have agreed on the provision in principle as proposed by our side on 21 March, we will enter into the stage of concrete and specific checking of the lists of the prisoners of war.

In your statement, it appears that your side maintains that the principle should be determined after the lists have been agreed upon by both sides. That being the case, obviously both sides have different ideas about the procedure of the steps regarding this question. Therefore, if your side considers that the lists should be determined first and the principle be determined later, and if your side has any concrete proposal about how to determine the lists, we would like to have your side submit the proposal.

COL HICKMAN: We set out our concept of revising the lists in order that it might be more evident as to what our two sides mean prior to making the agreement on the principle. We will study your remarks concerning a more concrete exposition and give your suggestion serious consideration. We think a general tentative agreement in principle is worthwhile to be achieved, however, before new lists are prepared.

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COL HICKMAN: (CONT'D) Otherwise, the work and delay attendant upon the preparation of the lists would be wasted.

In other words, what I am saying is that we are not advocating full agreement, or discussion, on the details before reaching a tentative agreement on the principle. I am indicating that we are not going to the other extreme of waiting to the last to decide on the principle, as Colonel Tsai apparently understood from my remarks.

Perhaps I might clarify the situation a little bit by stating that the last sentence of my earlier statement, prior to the recess, could be amended as follows: "Obviously, final agreement on this concept would be contingent upon the acceptability of the revised lists to both sides." In other words, we think it would be pointless to proceed with the revision of lists without a degree of tentative agreement in principle.

COL TSAI: I think I have understood in general the meaning of what you said. Now I would like to make some preliminary remarks about your statement of this morning.

In answering your seven questions, our side has clearly stated the necessary premise to our proposal of 5 March. I believe your side understands this point. After formally submitting our proposal of the provision in principle on 21 March, on 22 March we made an additional explanation of it.

Since our provision in principle submitted on 21 March is made on the basis of our proposal of 5 March, the necessary premise of the proposal of 5 March is still required as with the proposal of 21 March.

On 22 March, in the additional explanation, we stated that among the captured personnel of our side under your custody, namely approximately 132,000 or more persons, there are persons who were former residents in the area of your side. If there is any special situation regarding some of these persons—of course it is not necessary that there must be, or should be, any specific situation—we may consider

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COL TSAI: (CONT'D) such special conditions and special questions, and will consider such special questions together with the special questions regarding some other group of persons outside that of the 132,000 persons. The latter group of persons are those who are reclassified by your side, but such reclassification has not been recognized by our side. When we are considering those two kinds of special questions, we will consider them together for a reasonable settlement of such questions.

However, it is inconceivable that among the rest of the captured personnel of our side there could be any special situation. Our position towards this is clear and cannot be changed.

I think that if your side has the sincerity to settle the question, the earlier you understand this point the more profitable it would be to the progress of our meetings. If you have any further statement today, we would like to hear it.

COL HICKAMN: We have no further statement.

COL TSAI: I propose that we recess until eleven o'clock tomorrow morning.

COL HICKMAN: We agree.

Meeting recessed at 1305 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR

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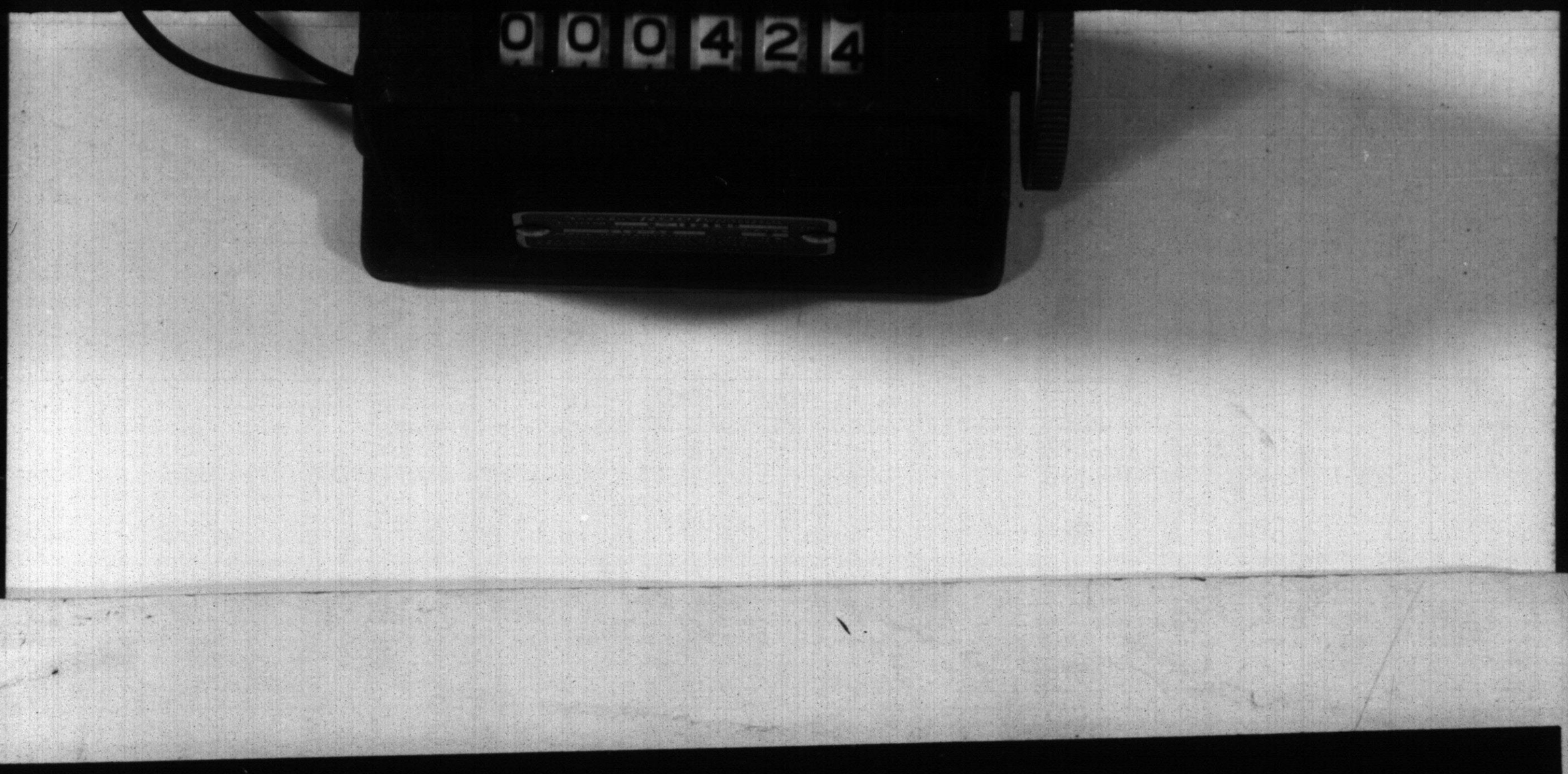

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

26 March 1952

SUBJECT: Thirty-third Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 26 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, Jr , USN, LTCOL A M Butler, USA, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, and 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Let us begin the talks.

I have studied your statement of yesterday morning. Frankly speaking, that statement of yours does not represent a step forward towards a solution of the question confronting us. Your stated view of making adjustments on the basis of your proposal is still the proposition upon which your side has been insisting despite our firm opposition, thus rendering it impossible to solve the existing problem up until now. In reality, your side has not made any concession for the sake of a solution.

Your side is also fully aware that our proposal of 21 March was in itself a compromise proposal submitted in order to solve the question. Yet, according to your statement of yesterday, your view in connection with this proposal is, firstly, that the number of 16,000 should be deducted from the total of our captured personnel who should be repatriated to our side. Then, if my understanding is not wrong, another so-called additional adjustment will be made; that is to say, the principle upon which your side has been unreasonably insisting, and to which our side is opposed, would be thoroughly applied to all the captured personnel of our side. That is also to say that your side is insisting on your unilateral proposition and suggesting that further adjustments be made to our reasonable compromise proposal.

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COL TSAI: (CONT'D) Such an attitude of your side cannot be considered in any sense as an attitude of negotiating on your part in an effort to solve the question. We cannot agree to such a proposition presented by your side in continued pursuance of your unilateral views.

In your statement of yesterday morning, you said: "We seek to insure the return to our side of all the captured persons of our side and to insure the return to you of all captured personnel held by us, except those released because they originally resided in the area of our side or because they are subject to a special situation such as you referred to on 22 March."

I would like to make the following three points in connection with this statement of yours.

First, regarding the status of those captured personnel of our side who originally resided in the area of your side, our side has never conceded, and in fact there is absolutely no reason why, these persons should not be captured personnel of our side simply because they originally resided in the area of your side. It was entirely for the sake of solving the question that our side indicated our willingness to consider and to seek a method of solving the question. Your side, however, has assumed an arbitrary attitude and attempted to deny the fact that these persons are captured personnel of our side. Such an arbitrary and unnegotiatory attitude of your side is not acceptable to our side. Furthermore, it is in contradiction to what your side stated previously. There is no need for me to cite here such contradictions.

Secondly, regarding the repatriation of our captured personnel who have been "reclassified" by your side and whose "reclassification" our side has never recognized, your side not only told us at the subcommittee meetings and at the first series of staff officers meetings that there were persons among the aforesaid number who were willing to return to our side, but your side also indicated to the same effect

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COL TSAI: (CONT'D) in the questions submitted recently by your side. Now in your statement of yesterday, your side attempted to repudiate the repeated indication previously made by your side. We can hardly see what contribution such a course of action taken by your side makes to the settlement of the question between the two sides.

Thirdly, there is the question of dealing with the special cases of those who constitute a part of our captured personnel who originally resided in your area. With regard to this question, you referred to my statement of 22 March. I mentioned clearly and unmistakably on 22 March that there was a portion of our captured personnel who originally resided in your area and that possibly a number of these persons--but only possibly and by no means definitely--may be subject to a particular situation in connection with their own repatriation. In order to solve the question, if there actually exist such special cases of a small number of individuals, our side could, on the basis of reciprocity, give consideration to and work out within reasonable limits a special solution to the special cases of these said persons together with the special questions of the other portion of our captured personnel who have been "reclassified" by your side but whose "reclassification" has never been recognized by our side. Such is the content of my statement of 22 March and it is also what I reiterated in my statement of yesterday.

But in your statement of yesterday morning you misinterpreted my remarks by seeking to extend the special cases, which may possibly but not necessarily exist among the 16,000 of our captured personnel who originially resided in your area, to cover all the captured personnel of our side. This is an erroneous interpretation and an erroneous application totally inconsistent with the facts. Our side decidedly cannot agree to it.

If your side is interested in settling the question on the basis of negotiations and compromise, such a method should not be resorted to in search of a solution to our remaining problem. In order to

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COL TSAI: (CONT') solve the remaining question, our side has recently taken several positive steps in succession. We believe that since your side is willing to carry out frank and straightforward discussions at the staff officers meeting, your side certainly cannot be lacking in a positive attitude and negotiatory spirit towards settlement of Agenda Item 4.

We sincerely hope to hear your side presenting a further constructive method in seeking a settlement of the question.

If I have misunderstood your statement of yesterday, I hope you will point out wherein I did so, and make clarification in full.

COL HICKMAN: With respect to concessions, we think that included in our statement of yesterday there is, first, the acceptance for inclusion in an Armistice Agreement of the enunciation of the principle of the release and repatriation of all prisoners of war held by both sides at the time the armistice is signed. Whether the abandonment of the former principle advocated by the United Nations Command and our agreement for inclusion in the Armistice Agreement of your principle is worth anything to your side is a matter, of course, for you to determine and assess. I assure you that from our standpoint it represents a concession, because we know that in many activities principles are important. As I say, how much our willingness to drop the principle may be worth to your side we are unable to assess.

Secondly, in our statement of yesterday we attempted to set forth the means by which we could arrive at an estimated figure of captured personnel to be repatriated to your side. You have used in your provision of principle of 21 March an exact figure. We felt that it was a part of your principle that we should arrive at an ultimate round figure which would be the agreed basis for release and repatriation. Since we are in possession of no accurate estimate of what that round figure should be, we attempted to set out a rough means of making such an estimate. That is why we used the 16,000 deduction as a partial indication of a sort of adjustment needed to arrive at a round figure.

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COL HICKMAN: (CONT'D) We did not yesterday, not do we intend now, to repudiate our expressed willingness to send to your side those persons whose homes are in our area and who desire to go to your side. This willingness on our part to do this extends not only to those persons now classified as prisoners of war but also to those classified as civilian internees. I can see that our statement may have been obscure on that point but we were attempting to make the statement center toward the round-figure concept contained in your 21 March provision of principle.

Thirdly, there is also implicit in your statement of yesterday the problem of personnel of our side who have been discussed many times under the general heading of the 50,000. We think it important for you to consider the wording of our statement in connection with that group. We consider that your side should carefully analyze our statement in that regard. We suggest and enjoin a realistic approach in this respect. A practical view-point would require recognition by us of the fact that captured personnel released at the front by you may not be available for return to us. Similarly, practicality would call for recognition by your side that personnel released by us because subject to special conditions might not be available for return to you.

There was no method of intentional misinterpretation on our part of your explanation of your 21 March proposal. What reservations may have been present in your mind or even in your spoken words in Chinese we have now been apprized of.

COL TSAI: We would like you to explain this more.

COL HICKMAN: The English translation of your remarks about special situations was couched in sufficiently broad language as to give it the implication which we thought it meant. On 21 March our side made the following statement: "It is possible there may be points of view which are so irreconcilable as to further provide no avenue for solution. However, with willing attempts by minds devoted to the problem almost every situation is capable of being solved with at least partial emphasis

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COL HICKMAN: (CONT'D) being given to opposing points of view." The latter part of your statement of yesterday and your comments of today make it appear that you are not willing to give even partial emphasis or consideration to our views with regard to those of the captured persons among the 132,474 who are not among the approximately 16,000 but who are subject to a particular situation. A true compromise solution needs to take into consideration our views with regard to these captured persons who are subject to a particular situation. Our solution would take this group into consideration and it would do so discreetly, reasonably, quickly.

The statement we made to you yesterday was not meant to be a partial solution to our differences -- I regret that it did not set forth with sufficient clarity the point I explained a few moments ago about the return to our side of the people whose residences are on our side. Our statement was not meant to reflect only partially the opposing views of both sides. It was not meant to involve complete capitulation by either side to a point of view of the other side on any one issue. Our statement was designed to reflect all of the opposing views of both sides. It provides a basis for a compromise solution based on these opposing views. It permits a gain to both sides of certain objectives. It would high-light some issues and it would quietly submerge others. It is a way to solve Agenda Item 4.

COL TSAI: I believe that I have made a full study, as much as I can, of your statement of yesterday. Neither from the angle of principle nor from the angle of the figure has your side presented any possible compromise.

Speaking about the principle, our proposal of March 21st is a proposal of principle of a real compromise. To substitute for that long disputed and unsettled paragraph 1 of our draft agreement such provision of principle as we submitted is the most practical way which can avoid the disputes as much as possible. In the past subcommittee meetings, as well as in the staff officers meetings, your side repeatedly stressed that negotiations and compromise were required for the

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COL TSAI: (CONT'D) settlement of the issues. However, the proposal in your yesterday's statement is in fact the same proposition of the principle which your side has been insisting upon all the time.

In order to solve the remaining issue between us, we have stated that for any special situation existing among that portion of our captured personnel who originally resided in your area, regardless of whether they are of the 132,000 persons or outside the 132,000 persons, we are willing to give consideration to these special situations among them and make a reasonable solution of that problem. However, your side proposed in your yesterday's statement that some additional adjustments will be made to the rest of the captured personnel of our side; that means, to the captured personnel of our side other than that portion as I mentioned above. That being so, do you not think that what you said in your yesterday's statement is the same as the proposition your side maintained before, and where can we find the compromise?

According to what you said, it appears on the surface that our principle of repatriation of all prisoners of war has been accepted. However, we can see that your side is going to retain by releasing that part of the captured personnel of our side whom you do not intend to return to us. That release would be made by your side before the signing of the Armistice Agreement. Then, after the signing of the Armistice Agreement, according to the provision for the repatriation of all the prisoners of war held by both sides, your side is going to repatriate only the remaining part of the prisoners of war after your releasing and retaining the other part of them. Is that entirely the substance of your unilateral principle applied in this respect?

Therefore, I consider that the proposal in your yesterday's statement seems to be an acceptance of the principle of repatriation of all prisoners of war, nominally, but in substance it is entirely your principle of the voluntary repatriation of all prisoners of war. That,

COL TSAI: (CONT'D) in any respect, could not be called compromise and we cannot see that in any respect such a proposal of your side means any **actual** concession.

With respect to the particular question regarding a certain portion of your captured personnel held by our side, if we are going to look at this matter practically and if we give any realistic study of it, you will know that such figure as asserted by your side is nonexistent, as I have repeatedly refuted before. However, in order to solve the problem we are willing to consider the special problem regarding a portion of our captured personnel who originally resided in your area no matter whether they are among the 132,000-odd persons or outside that 132,000-odd persons, and we are willing to work out a special settlement regarding them. And such consideration and settlement which we are willing to make is made on the premise that your side abandons such groundless assertions. Nobody can be more aware of these long disputed issues than you and I are. We consider that for the settlement of the issues our proposition is a compromise submitted with a view of practical respect to the principles of both sides.

Numerically speaking, we think that the figure given in the provision in principle of 21 March proposed by our side is a reasonable and minimum figure estimate. Let us forget about what has been proven by facts and instances which occurred in the past. Let us now only mention what you have said in the previous meetings. Among the captured personnel of our side who originally resided in your area, regardless of whether they are among the 132,000 or they are outside of the 132,000, there are many persons who are willing to return to our side. That has been stated by your side many times in the meetings before. However, in your statement of yesterday, your side proposed that a deduction of 16,000 persons should be made from that 132,000 persons. We consider that such a deduction of 16,000 is groundless.

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COL TSAI: (CONT'D) It has been clear that since our side submitted the expanded proposal on 3 February that we have proposed that the repatriated prisoners of war should be insured by both sides to be restored to a peaceful life and not to join in the acts of war in Korea again. Only as a result of such an effort of our side might there be the possibility that a part of the captured personnel of our side, who originally resided in your area but are entitled to return to a peaceful life, would be willing to return to their original area of residence. Of course, the most part of such portion of the captured personnel of our side, whose original area of residence was in your area, are willing and desire to return to our side to do their service in peaceful occupations. Only under such an assumption can we consider that those who desire to return to their original residences in your area not be repatriated by your side to our side. That is what I call the special situation. We cannot think that such a special situation could be applied to the rest of the captured personnel of our side. Therefore, we cannot consider the so-called additional adjustments, as you said in your statement of yesterday, since such additional adjustments, obviously, cannot be the basis for further negotiations of both sides.

Therefore, in respect of principle, of the figures, as well as the practical consideration, our proposal of 21 March is a real compromise solution. In no respect has our side asked your side to only accept our proposal, and of course it does not ask our side to solely accept your proposal. Therefore, we consider that if your side is willing to solve the problem on the basis of negotiations, some portion of your proposal of yesterday will have to be reconsidered by your side. If your side has any constructive opinion we would like to hear it.

COL HICKMAN: I think that an examination of our statement of yesterday as amplified by my remarks of this morning will indicate that our side has made a definite contribution in a concessive way to the solution of our

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COL HICKMAN: (CONT'D) problem. In our consideration of your principle of 21 March, and your further exposition of it, we considered that your side was willing to give some consideration to settling each one of the issues that then confronted us. Your side stated on 22 March that your solution was capable of eliminating the disputes that our two sides have been engaging in. To the end of eliminating such disputes we worked out what we considered would be the best approach that could be acceptable to both sides for the quiet disposition of the remaining disputed issues.

It appears from your statement of this morning that acceptance of your 21 March principle as it might be worked out in accordance with our statements of yesterday and today does not provide the solution to all disputed issues. One position of our side, however limited we may be able to work out its ramifications in practice, cannot be accommodated under your views of this morning within the framework of your 21 March proposal. We regret that our two sides cannot today find your proposal a suitable vehicle for solving our problem. We feel it could be made satisfactorily to cope with the minimum needs of our side. But in our discussion today it has not done so.

We suggest that both sides study what the other has stated, and the problem in general, and renew our discussions at 1100 tomorrow.

COL TSAI: I believe that if you carefully study our proposal of 21 March in connection with subsequent statements regarding it, you will understand that that proposal of ours is a compromise of the positions and opinions of both sides. Yes, we do not agree to the additional adjustments as your side proposed. That is our minimum position. That is why we cannot consider additional adjustments. Meantime, you may find in our proposal of 21 March the propositions which obviously represent our concessions.

We agree to your proposal to recess until eleven o'clock tomorrow morning.

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COL HICKMAN: (CONT'D) I have one other remark. It is unfortunate that your minimum position and a minimum position of ours clash to prevent your solution of 21 March from being acceptable to our side. We agree to recess until 1100 tomorrow.

Meeting recessed at 1315 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY N SETTLE, Jr.,
Lieutenant Commander, USNR.



NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

27 March 1952

SUBJECT: Thirty-fourth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 27 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, USN, CDR G R Muse, USN, and LCDR O F Griffin, USNR, Staff Assistants; LT H G Underwood, USNR, and 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Let's begin the talks.

The fourth item of the agenda has been under discussion for more than 100 days. Despite the repeated efforts made by our side, the question of the principle for repatriation of prisoners of war still remains unsettled. In order to resolve this issue of long standing it is necessary for both sides to act on the basis of actual conditions, to adopt a negotiating and compromising attitude, and to have a genuine determination to seek a settlement of the question.

You claimed yesterday that you made certain concessions in your statement of 25 March. As I pointed out yesterday, your side merely asserted in words to have abandoned the principle of "voluntary repatriation" on which your side has been insisting for more than 100 days, but indeed your side is applying, without modification and without exception, that principle of yours to all the details in the concrete implementation of the proposal made by our side on 21 March. Frankly speaking, we have failed to find any point on which your side has abandoned your principle of voluntary repatriation.

The efforts and the concessions made by our side for solving the questions are patently clear. On 5 March our side proposed that the principle of repatriating all prisoners of war by both sides be established on the basis of the prisoner-of-war data already exchanged

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COL TSAI: (CONT'D) between the two sides. As a result of this proposal of our side, the basis was found for further discussions of the principal question in these staff officers meetings. On 21 March our side submitted the wording of the principle for the settlement of the question of repatriation of war prisoners. On 22 March our side further indicated the possibility of adjustments within the scope of our draft principle of 21 March. Even your side could not but recognize in the conference these successive efforts and contributions made by our side in order to solve the question. Such continual efforts on our part should have sufficed to resolve the remaining issue immediately, but the response we received from your side was your statement of 25 March. That is your continued insistence on voluntary repatriation for all.

In order to settle Agenda Item 4 and to bring about the Korean Armistice at an early date, our side would now make yet another effort and submit, under the over-all provision of our principle of 21 March, the following understanding relating to the principle of adjustments for the specific planning of repatriation of prisoners of war:

First, all the non-Korean prisoners of war of the United Nations Command in the custody of the Korean People's Army and the Chinese People's Volunteers, as well as all of those Korean prisoners of war in the custody of the Korean People's Army and the Chinese People's Volunteers whose residence was in your area, shall be repatriated. All the non-Korean prisoners of war of the Chinese People's Volunteers in the custody of the United Nations Command, as well as all of those Korean prisoners of war in the custody of the United Nations whose residence was in our area, shall be repatriated.

Second, all the Korean prisoners of war in the custody of the Korean People's Army and the Chinese People's Volunteers whose residence was in our area and all the Korean prisoners of war in the custody of the United Nations Command whose residence was in your area

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COL TSAI: (CONT'D) shall be repatriated with the exception of those who desire to return to the area of their original residence.

I must clearly and unmistakably point out that it is upon the condition that your side agrees, according to the principle of the repatriation of all prisoners of war, to repatriate all non-Korean prisoners of war and captured Korean personnel of the other side who originally resided on the other side, that our side agrees to the repatriation, in accordance with the principle of voluntary repatriation, of all the captured personnel held by each side who belonged to the other side but who originally resided in the territory of the detaining side.

Ever since 3 February our side has been maintaining that both sides should insure that all of their captured personnel after being repatriated shall not take part again in acts of war. As a result of the execution of this proposition there might be a part of the prisoners of war whose homes were originally in the area of the detaining side who desire to return to their native places to enjoy a peaceful life. In order to solve the question, we have taken care of this category in the principle by providing in the above-stated understanding that the principle of voluntary repatriation may be applied to this category of war prisoners. This is a concession made by our side on the principle. It is in the meantime a reasonable compromise made on the basis of actual conditions. In order to solve the question through negotiations our side has incorporated, as much as possible, those of your views which can be incorporated within reasonable limits.

In accordance with the above-stated understanding, the number of prisoners of war whom each side should repatriate under the provision of our draft principle of 21 March will remain generally the same as the round figures given in our draft principle of 21 March. This is because among the war prisoners whose homes are in the area of the detaining side the number who desire to return home would not be great and the number so deducted from the 132,000 of our captured personnel

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COL TSAI: (CONT'D) certainly will not be greater than the total number of our captured personnel, not covered in the figure 132,000, who desire to return to our side. Therefore, the number of war prisoners whom your side should repatriate to our side would be approximately equal to and possibly exceed the round figure of 132,000, and the number of war prisoners whom our side should repatriate to your side should also be close to the round figure of 11,000.

I feel it necessary to point out here that the repatriation of all prisoners of war in custody is an unshakable principle. But in order to settle the question, and in view of the special situation that there are among the prisoners of war in the custody of both sides captured personnel of the other side whose homes are in the area of the detaining side, our side has submitted the present solution and agrees that the principle of voluntary repatriation advocated by your side be adopted in connection with the repatriation by both sides of the captured personnel of the other side whose homes are in the area of the detaining side. In this way, by repatriation of the war prisoners in their respective custody, both sides will adopt a solution which applies the unconditional repatriation to a part of the prisoners of war and applies the voluntary repatriation to the other part of the prisoners of war; a solution which constitutes a compromise arrangement which is realistic and adequate for the settlement of the question.

We believe that if your side is interested in reaching a Korean armistice at an early date there cannot be any reason for your side to reject this proposal made by our side to settle Agenda Item 4, which is a realistic compromise proposal, adequate for the settlement of the question. We believe that this proposal is also the only possible and only reasonable one to solve the question confronting us. We sincerely hope that your side will seriously consider and accept the understanding I have proposed for the specific planning of the repatriation of the prisoners of war. If you agree to the understandings relating to

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COL TSAI: (CONT'D) the principles of adjustment for the specific repatriation of the prisoners of war, we may now start the preliminary correction of the lists so that approximate numbers of prisoners of war to be repatriated will be worked out.

COL HICKMAN: We note your revised statement of principle and we shall study it. We concur with your view of this morning that both sides must have a realistic attitude in their approach to our problem. We also agree that both sides should conduct negotiations on the basis of actual conditions as well as in the spirit of negotiation. Our side has done this. Your statements yesterday and this morning that our side has made no concessions towards a solution of Agenda Item 4 represent a misconception that I wish to correct in order to assist in our making real progress. I wish to review frankly and fully our thoughts on the matter of concessions. There are in excess of 50,000 residents of our area in the custody of the United Nations Command. Some are classed as civilian internees; the names of others were included in the data exchanged on 18 December because their erroneous classification as prisoners of war had not yet been corrected. It has been the position of our side that the disposition of all such persons is an internal affair of our side. Your side has been reluctant to recognize this indisputable right. Now as an apparent concession your side has offered to recognize voluntary repatriation for this class of persons. Thus you would forego demands on those among the upwards of 50,000 residents of our area who would prefer to remain there. This represents your sole effort of a concessive nature.

Now what efforts have made by our side?

First, we have indicated a willingness to accept the principle advanced by your side for inclusion in the Armistice Agreement.

Second, in discussing the concession which your side feels it has made respecting persons whose residences are in our area we noted the fact that you would like to receive those among this group who would like to go to your side. We are willing that they should, but not as

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COL HICKMAN: an isolated action. Our prior expression of willingness to deliver
(CONT'D)
these persons of our area to your side was not unilateral, but was contingent upon your agreement to the basic principle advanced by our side. Our willingness to deliver them is still part of the package, still contingent upon agreement by your side to provisions which will accommodate all bona-fide special cases, not just those among persons whose disposition is an internal affair of our side. Thus the delivery to you of persons of this group is a concession by our side which is contingent upon a concession by your side which has not yet been indicated.

Third, according to your own statements, your side has released or otherwise disposed of some fifty-odd thousand military persons of our side who had fallen into your custody. These persons should have been treated as prisoners of war. Many of their names should have been on the lists given us on 18 December. Many of them should now be awaiting exchange. Our side cannot overlook your disposition of these persons, many thousands of whom are known to have been incorporated into your own armed forces. However, as a part of a practical realistic approach to a negotiated solution of Item 4, our side is prepared to consider that these persons may be beyond our reach, in the same sense that personnel released by our side because they are subject to a special situation would be beyond the reach of your side. Thus this concession by us is related to the release by us of those persons in our custody who are subject to a special situation.

A fourth concession, which is implicit in our response to your 21 March proposal and would be applicable in connection with your amended proposal of this morning, lies in the criteria and the procedures to be used for determining what personnel should be accorded treatment as special cases. As you know, it was our original position that all prisoners of war should have the right of free choice

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COL HICKMAN: (CONT'D) regarding repatriation, this choice to be expressed publicly before a neutral body. In contrast to this, our side now contemplates use of minimum criteria to the end that only those whose repatriation could not be effected without physical violence will be regarded as special cases.

We feel that this review shows clearly that the possible concessions which have been indicated by our side outweigh what amounts to a single concession offered by your side. Further, it appears to us that concessions on your part comparable to those indicated by our side would result in the removal of the last bar to agreement on Item 4. In particular, a concession on your part similar in nature to the fourth concession made by our side is the key to the resolution of the sole remaining difference. It is nothing more than a realistic recognition that special cases may, and do, occur among prisoners of war of all categories, special cases which your side has in the past recognized and acted upon. It is nothing more than realistic recognition that no criteria or procedures which might be employed by either side will erase the fact that special cases do occur. It is this unrealistic position which your side attempts to maintain with respect to this point that stands as the only bar to full agreement on Item 4. So long as you attempt to maintain this unrealistic position, so long as you refuse to recognize facts contributing to and creating our basic minimum positions, there can be no agreement.

With the remarks I have just made concerning concessions in mind, I will give you my preliminary reaction to your proposed revision and proposed understandings of this morning. In a number of respects my remarks will be to some extent repetitive of some of the ideas I just stated.

First, you have failed to take into consideration our consistent stand that approximately 53,000 captured persons who originally resided on our side, that is, 16,000 prisoners of war and 37,000

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COL HICKMAN: (CONT'D) civilian internees, are personnel of our side and are an internal affair of our side. Any statement that we have made at any time regarding the possibility of sending to your side some of these persons has always been contingent upon your acceptance of the application of the basic principle of our side to all prisoners of war. You have attempted to make it appear that it is your side which is making a concession with regard to these 53,000 captured persons of our side who originally resided in our area. In actuality you are making no conession; you are merely attempting to make it appear that your willingness to accept the concession of the United Nations Command is in itself a concession by you.

Secondly, in return for your apparent concession in accepting our concession with regard to such captured persons whose residence is on our side, you demanded forced repatriation of all non-Korean prisoners of war held by us. You attempt thereby to attain two concessions from us without any real concession by your side. It is difficult therefore to see how your proposed understandings involve any actual compromise with respect to the opposing points of view. If your statement and your understanding involve any of the people of our side generally referred to as the more than 50,000, it is not clear to us without further study.

I must again very frankly assure you that our side cannot participate in forced repatriation of those prisoners of war of your side who would violently oppose such repatriation. The sooner your side realizes that this is a minimum position of our side, the sooner we can reach an agreement to this Agenda Item. We have undertaken, as outlined generally in our statement of the other day, to reduce this problem to as much of a minimum as we can. We have indicated our willingness to handle the problem quietly and without publicity. There is no desire on our part to retain your people for the sake of retention. As I indicated, we have receded from our position of giving

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COL HICKMAN: (CONT'D) the prisoners of war from your side a choice. Instead, we put it on the basis of returning all to you except those who will forcibly resist repatriation. And it is the end result of not having to forcibly repatriate that we have as a minimum position.

COL TSAI: In the lengthy discussions in the meetings we have refuted your assertion of mixing the prisoners of war ever held by our side with those now held by our side. However, even though that is an unfounded assertion, our side in our proposal of 21 March has taken that point into consideration and made our corresponding effort by accepting the voluntary repatriation for that group of our captured personnel, a number of approximately 44,000. The figure asserted by your side is non-existent. The figure of the captured personnel of our side supplies definite names of them. Is it not clear that it is our effort to make the concession?

Among the 44,000 persons, from 37,000 to 39,000 of them are the regular military personnel of our side. It is impossible under any debate or arguing that the affairs of those persons can be your internal affair. How can you say that our agreeing to get back those of them who are willing to come back to our side is a concession made by your side? Furthermore, in order to settle the question speedily our side proposes that voluntary repatriation will be applied to those among the 132,000 persons, that is a number of approximately 16,000 persons, whose original residence was in your area. How could you say that such concession by our side is a concession by your side?

With respect to the principle of the repatriation of prisoners of war, at early meetings of the subcommittee your side submitted your proposal for the repatriation of prisoners of war in that principle of voluntary repatriation. And your side said that such proposal of your side had two characteristics, namely, voluntary repatriation and parole.

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COL TSAI: (CONT'D) In our proposal of 3 February, we proposed an assurance that the prisoners of war after being repatriated shall not take part again in acts of war in the Korean war. That amounts to our acceptance of your feature of parole.

On the basis of our proposal of 5 March, our side submitted the provision in principle on 21 March; and today under the over-all provision of that 21 March provision in principle our side concretely proposed the understanding and principles for the adjustments. It is very clear that we have made a compromise to your voluntary repatriation in that understanding submitted today. Under such circumstances your side still insists on the additional adjustments to the rest of the captured personnel of our side. We can only consider that it is entirely your unilateral demand of our complete acceptance as well as complete capitulation to your principle. It there is a bar in the way of reaching an agreement, that bar is your attempt to demand our side to surrender to your principle, and I have to point out to you clearly that it is completely impossible. To anybody who is concerned with the question of the prisoners of war it is very clear that such spirit of compromise and negotiations of our side, as well as the provision in principle on 21 March and the understanding we submitted today, are the most fair and reasonable solution to the question of the prisoners of war.

In your statement of this morning I cannot see any desire of your side for settling the question. I sincerely hope that you will give full study to all the statements made by our side since 21 March, as well as the contents of the understanding we submitted this morning.

If you have nothing further to say, I propose that we recess until eleven o'clock tomorrow morning.

COL HICKMAN: One brief statement. In your recognition of voluntary repatriation for residents of our side now in our custody there is no full

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COL HICKMAN: (CONT'D) compensation for the 50,000 persons of our side, because, in the first place, there will be sent to your side all of our people in our custody who desire to go to your side, whereas none of the 50,000 are to be returned to us, except that we have already received a few who were released at the front. In the second place, by unilateral action you were able to take at the time, you have solved the problem with respect to persons among the 50,000 who might constitute special cases among the personnel you hold. You were able to make such adjustments similar to those which we consider essential now to our minimum position. That is, you have disposed of any cases where physical violence would be necessary to effect repatriation.

Thus, we cannot consider that your current proposal compensates for the action which your side has already been able to take with respect to our people who might be prisoners of war. To illustrate briefly, I am sure you recall the incident mentioned by General Lee of the group of our people who deserted as a unit to your side, and who were taken into your army. Presumably all of those people of our side would violently resist being repatriated to our side were they now being held in a prisoner of war status. Your side has avoided that problem with respect to that unit or the people in that unit by unilateral action of releasing them or by never considering them in the status of prisoners of war.

We agree to your proposal for a recess until eleven o'clock tomorrow.

COL TSAI: Just one remark. Our side agrees to apply the principle of voluntary repatriation to the group of about 44,000 captured personnel of our side. It is only for the purpose of settling the questions and compromising on the difference between both sides that we do so. From your last statement I cannot see any of your intentions for the settlement of the question. I still sincerely hope that your side

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COL TSAI: (CONT'D) will have the same spirit of compromise and negotiation for a settlement of the Agenda Item 4 as well as early agreement on this item.

We agree to recess.

Meeting recessed at 1330 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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NEW FOLDER BEGINS



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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

28 March 1952

SUBJECT: Thirty-fifth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 28 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL J A Norell, USA, LTCOL A M Butler, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; LT H G Underwood, USNR, and 1st T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee, Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: I would like to make a preliminary arrangement for two administrative matters. Following our session of staff officers today, if convenient, Colonel Murray as a United Nations Command Liaison Officer would like to meet briefly with a liaison officer of your side. This meeting has to do with prisoners of war matters.

Secondly, we also request a brief meeting this afternoon, if possible and convenient, of our subcommittee having to do with the marking of prisoner of war camps. By "subcommittee", I refer to the informal subcommittee with Lieutenant Colonel Butler as the representative of our side.

COL TSAI: After the session of today's staff officers meeting, I, as a liaison officer of our side, will meet Colonel Murray. As for the time of meeting with Lieutenant Colonel Butler, we would like to specify the time as after the meeting of the liaison officers, or we may specify the time as after the session of tomorrow's staff officers meeting. We would like to know your opinion as to which is convenient to your side.

COL HICKMAN: We suggest that we decide after the meeting between Colonel Tsai and Colonel Murray this afternoon as to whether it is then convenient for your side to meet today or, if you prefer, tomorrow. Colonel Butler will be here and available after the meeting with Colonel Murray, and

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COL HICKMAN (CONT'D): if Colonel Tsai desires to meet with Colonel Butler at that time he can; otherwise, after tomorrow's meeting of staff officers.

COL TSAI: In that case, we would prefer to make it definite that we will designate an officer of our side to meet with Colonel Butler after the staff officers meeting tomorrow.

COL HICKMAN: That is agreeable with us.

COL TSAI: Before we enter into discussion of the subject matter I would like to bring up an administrative matter to discuss with Colonel Hickman.

We are now holding the executive session of the staff officers meeting. Regarding this both sides have reached an understanding that the specific contents and the results of the executive session will be confined to official sides only. However, obviously the recent news release and briefing of your side are not completely consistent with that understanding. At 1400 hours of March 27th your armed forces broadcasting station in Tokyo broadcast the contents of the executive session personally released by the official briefing officer of your side. This creates a situation in which on the one hand we are restricted in carrying out our right in releasing the news because of the understanding of the restriction bound by the form of the executive session. On the other hand, your side is making unilateral propaganda with that situation. If your side considers that it is convenient to your side to do so and your side will continue to do so, we think that we should not be unilaterally restricted by that understanding.

COL HICKMAN: I agree with you 100 percent. If there have been any leaks of the contents of our executive session to our news media, I sincerely regret it. I do not know of the contents of the 1400 hours release on 27 March, but I assume it is as you state. We, of course, cannot keep our news media from speculation, but I assure you that I have released nothing to any substantive value since even two days before we actually went into executive session. We are avoiding giving the

COL HICKMAN: local representatives of the press any substantive information and we (CONT'D) have attempted to see that such is not given to news media elsewhere. I sincerely believe that this instance you refer to will be the last such instance. We will look into the circumstances of the release which you mentioned.

We appreciate your bringing the matter to our attention.

COL TSAI: Then let us enter into the discussion of the subject matter.

Do you have anything to say?

COL HICKMAN: Yesterday you submitted for consideration, under your principle of 21 March, an understanding relating to the principle of the adjustments for the specific planning of repatriation of prisoners of war. Essentially, your understanding of yesterday consists of the application of voluntary repatriation to the category of personnel whose disposition is an internal affair of our side and unconditional repatriation of all others.

Although your understanding was worded so that your proposal appeared to be bilateral, it is not.

The reason for this is also immediately apparent. It does not, for example, apply voluntary repatriation to the many thousands of our people whose capture you have reported but whose names were not included in the data exchanged on 18 December. Moreover, your side has, by your unprecedented disposition of prisoners of war during the course of hostilities, insured that you would have no prisoners of war who do not desire to be repatriated. Your side has already had and taken the opportunity to eliminate from consideration as prisoners of war those people who do not prefer our side.

We are aware of your former allegations of fabrications on our part concerning this matter. Nevertheless, we both know of the instances related by General Lee of entire units of our side deserting en masse to your side and being incorporated into your forces. We consider our source of information in these instances to be reliable.

COL. HICKMAN: (CONT'D) Of the more than 65,000 of our people who fell into the custody of your side, only some 11,000 odd are reported as prisoners of war. Therefore, it is clear that the principle of voluntary repatriation to these groups on both sides is not truly bilateral.

On the other hand, our side has promptly reported all prisoners of war taken by us. As a result, there are some persons among the prisoners of war we hold who would violently oppose the return to your side. You have already solved this problem on your side by your unilateral actions during hostilities. Whether this action was a result of releasing one whom you first classified as a prisoner of war, or whether it resulted from your initial determination not to consider a particular individual or a group of individuals as prisoners of war at all, is immaterial. The end result, from your standpoint, was the same. You were able to eliminate from having in your prisoner of war camps persons of our side who were unfavorable to our side--persons who preferred your side. At least you would clearly remove those who would be violently opposed to return to our side.

I wish to add parenthetically that I have no doubt that your side released a fair number of perople on our side whom you captured --that is, released them at the front. I am not also contending that a fair number of our people whom you captured died following their capture.

Now a satisfactory solution for our side to this problem of not having to return to your side those who violently oppose such return is absolutely necessary to settle agenda item 4. We are seeking to accomplish only that which your side has already accomplished.

I think I should add that we are in fact seeking much less. We hope you understand our firm, minimum position. We insist on some method or procedure or understanding which will accomplish for our side a portion of what your practices have already accomplished for you. We will not be a party to the forced repatriation of any

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COL HICKMAN: individual who violently opposes it. On this basis your proposed
(CONT'D) understanding is not acceptable for the complete solution of agenda item 4.

We reiterate our belief that it is possible to solve this agenda item within the general framework of your principle of 21 March. The key to the solution lies in your recognition of facts, and in the revision of the list of prisoners of war held by both sides on the basis of actual conditions, using a practical and realistic approach. You should recognize that our side should be able to accomplish a portion of what your side has already accomplished with respect to prisoners of war held by you who would have been violently opposed to repatriation had they been faced with the problem on the opportunity.

COL TSAI: The point at issue between both sides now is the question of release and repatriation of all prisoners of war held by both sides after the armistice. The principle of releasing and repatriating all prisoners of war held by both sides, as maintained by our side, is a recognized truth.

It is entirely correct for our side to release large numbers of the captured personnel of your side when the war situation was changing greatly. That action taken by our side could not be any pretext whatsoever for your side to oppose the principle maintained by our side. Nevertheless, in the March 21 proposal of our side we gave considerable consideration to the pretext which your side has been using for a long time. However, up to now your side is still utilizing and capitalizing such points of argument to oppose and try to change the final and unchangeable position of our side. We consider that such an attitude of yours is not correct.

In your statement of today you mentioned the situation that among the captured personnel of our side held by your side there are those who violently oppose to return to our side. That statement reminds me of innumerable facts and information we have. Those facts and

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COL TSAI: (CONT'D) information tell us about all the activities by your side to inspire the captured personnel of our side to oppose their repatriation. A considerable number of the captured personnel of our side have shed their blood and sacrificed their life in opposing such activities of your side. Being aware of the fact that their blood stains and still fresh, we cannot change that final position of our side. I think you must clearly understand this point.

With respect to the question of principle, till today your side still has not made any changes. Nevertheless, your side claimed that you have accepted our principle. From our point of view it is a kind of joke. We are not so foolish yet.

In your statement of yesterday you reiterated once again what you called "the concessions made by your side". The first concession you made is the willingness of your side to accept and write into the Armistice Agreement the principle advocated by our side. But, in fact, as I have already pointed out a moment ago, your side, while accepting nominally our principle, is actually trying to apply your principle to all of our captured personnel, the only difference being that this be done "quietly without publicity". You yourself stated yesterday that your so-called concessions is "contingent upon your agreement to the basic principle advanced by our side". Since it is contingent upon our acceptance of your basic principle, then could your side have accepted our principle?

The second concession you claimed is your willingness to return to our side those persons among our captured personnel who originally resided in your area and who desire to return to our side. All the captured personnel of our side should, of course, be repatriated to our side. Thus it is our side, which, in order to settle the question has made a concession by permitting you to deal with this said group of persons as special cases. Our side has agreed that, under certain

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COL TSAI: (CONT'D) particular circumstances, your side need not repatriate a part of this group. This is an obvious concession made by our side concerning the repatriation of the persons who lived on your side. That your side should do likewise is a matter of course. How can it be termed a concession made by your side? This is clearly a concession on our part. Yet you have attempted to misrepresent the execution by your side of an already lessened obligation as a concession on your part. Moreover, the execution by your side of this obligation, which has already been alleviated as a result of our concession, has been made contingent upon our acceptance of your camouflaged principle. It is just as you yourself said yesterday: "You attempt to attain thereby two concessions from us without any concession by your side."

The third concession you claim was presented by calling a concession the abandonment of a fictitious figure in exchange for real gains. This way of presentation is as inconsistent with facts as the fictitious figure itself.

The fourth concession you claim is the substantive difference between "voluntary repatriation" and "no forced repatriation". But, as our side has asked many times previously, wherein lies the substantive difference between the two? That is, wherein lies your concession?

The repatriation of all prisoners of war in the custody of both sides is, in itself, the most fair and reasonable principle for the repatriation of war prisoners. But, because our side has agreed that both sides guarantee against the reparticipation by repatriated war prisoners in acts of war in Korea, those captured personnel of our side whose homes are in the area of your side will acquire under this guarantee the opportunity to resume a peaceful life after the realization of the Armistice and may desire to return to their native place to resume a peaceful life. Therefore, in accordance with these actual conditions, our side has submitted our compromise proposal which

COL TSAI: (CONT'D) permits the repatriation of these persons of this category who desire to return home.

According to the data submitted by your side on December 18th, there are among the captured personnel of our side approximately 16,000 who originally resided in your areas. Besides, there are still 44,000 of our captured personnel for whom your side has not yet accounted. Therefore, with the exception of these two groups, namely, the group of 16,000 and 44,000--totalling 60,000 in number--there are no others among all the captured personnel of our side who originally resided in the area of your side. It follows, as a matter of course, that there will be persons among them who formerly resided in the area of your side and who could, therefore, be assumed as persons within the scope of this approximate number of 60,000.

As for the rest of our captured personnel in the custody of your side, there exists, of course, no circumstances which could warrant their non-repatriation, and there is also no reason whatsoever to raise any question of this kind.

Among the captured personnel of our side there is a number of military personnel of the Chinese People's Volunteers. In connection with these captured personnel of the Chinese People's Volunteers, there cannot be any situation which warrants non-repatriation. If your side insists on refusing to repatriate the captured personnel of the Chinese People's Volunteers, the only possible explanation is that your side wants in fact to use "non-forced repatriation" as a guise to retain them and turn them over to the Chiang Kai-shek brigands on Taiwan. This attempt found its first specific expression the other day. Such an attempt to involve a third party, apart from the two belligerents, into the questions of prisoners of war only serves to show that your side is determined not to settle the question.

Our side has pointed out to you many times that the continuing

COL TSAI: (CONT'D) development of this course of action on your part will cause grave consequences. In the interest of progress in these armistice negotiations, I hope that your side will take full note of this fact.

I must point out, once again, that it is upon the condition that according to the principle of repatriation of prisoners of war, your side agrees that both sides repatriate all non-Korean prisoners of war in its custody who originally resided in the areas of the side to which they belong that our side can agree to the application of a voluntary principle to those captured personnel who originally resided in the areas of the other side. It is entirely based upon reciprocity and practicality. The repatriation of all those captured personnel of the Korean People's Army who originally resided in the areas of our side and of all captured Chinese People's Army personnel is, indisputably, most reasonable, as is the repatriation to your side of all non-Korean members of the United Nations Command and all Korean members who originally resided in your areas. This stand of ours is firm and unshakable.

The repatriation of all the captured personnel of the foreign forces, as maintained by our side, is on the basis of reciprocity--that is, all the captured personnel of the Chinese People's Volunteers and all the captured non-Korean personnel of the United Nations Command should be repatriated. However, your side advocates that those of the captured personnel of the Chinese People's Volunteers who were tattooed by force should be ratained forcefully. Also your side has indicated that those of the captured personnel of the United Nations Command who do not desire to be repatriated, your side would not ask to be returned. Your side's determination and intention not to ask for the return to your side of a part of the non-Korean captured personnel of your side is obviously contrary to what our side maintains. That is also your refusal to have all the captured personnel of our side repatriated. As I have stated this morning, the

COL TSAI: (CONT'D) captured personnel of our side who originally resided in our area should have the right to be repatriated, to be restored to a peaceful life. However, your side intends to retain them by force by labeling them as anti-Communists. Our side maintains that those captured personnel of our side who originally resided in your area and who desire to return to their original residence to be restored to a peaceful life may not be repatriated. That is completely consistent with the welfare of the prisoners of war of this category and consistent with the spirit of parole which has been agreed upon by both sides. However, your side advocates that among this category of prisoners of war only those so-called pro-Communists or Communists will be repatriated and all the rest should be forcibly retained. Therefore, by summarizing your proposition about the principle of the repatriation of the prisoners of war, it is clear that, actually, you are still holding to the so-called voluntary repatriation, as your side has claimed.

Your side not only refuses to have the repatriation of all captured personnel of your side who originally resided in your area, but also your side intends to retain by force the captured personnel of our side. The intention of such a proposition is entirely against the reunion of the prisoners of war with their families and the restoration of their peaceful life. It is only for the purpose of enlarging the war and to get more cannon-fodder. These captured personnel of our side who would be forcibly retained by your side under your proposition will be either homeless and wandering refugees or would be forcibly sent over to your partners in South Korea or to the Chiang Kai-shek brigands in Taiwan, whereas our proposition is entirely for the welfere of the prisoners of war and their families and assures the restoration of a peaceful life to those of the prisoners of war to be repatriated.

The position of our side, presented in a series of concrete

COL TSAI: (CONT'D) propositions by our side since March the 5th, are the only fair, reasonable and practical solutions of compromise for the settlement of the present issue. Our side has made many concessions in succession since February the 3rd. However, the concessions can only be made for seeking a reasonable compromise. But they cannot possibly lead to a complete capitulation to the position of your side. I believe that this is entirely clear to you and no further exposition is necessary.

The provision of the principle by our side on March 21 and the understanding proposed on our side on March 27 have already provided a most reasonable and practical way for a compromise solution of the item 4 of the agenda. The settlement of the issue is now entirely up to your side.

COL HICKMAN: At this stage, the point at issue cannot be isolated so as to apply only to prisoners of war now in the custody of both sides. You say it was correct for your side to release large numbers of our personnel during changes in the war situation. Yet your side was responsible for the welfare and safety of our personnel in your custody. The changing war situation does not satisfactorily account for the presence in your army of those personnel of our side either released from prisoner of war status or like the units mentioned by General Lee never placed in a prisoner of war status. Your side has said several times in the past that it was correct for your side to permit military personnel of our side who deserted to you to retain their arms and fight against us. Certainly, such persons, if they had been treated as prisoners of war, would violently oppose being handed over to our side. Members of your forces have come to our side wanting to retain their arms and join our forces. Those individuals came to us opposed to your side and it has not been necessary to engender such opposition in them. We treated them as prisoners of war as they are still in our custody. You ask us now to take a course of action

COL HICKMAN: (CONT'D) proposed by you which takes no account of your previous unilateral practice. You renew your allegation that our side has engaged in an educational program--a program of coercion to influence prisoners of war we hold not to return to your side. We do not accept this allegation. Even had we done so, it would be nothing more than your side has done throughout the war. It has been stated a number of times by General Lee that your side has re-educated our personnel captured by you. By unilateral action, these re-educated people of our side have been disposed of by your side. Consequently, we cannot see the logic of your current allegation concerning the problem or question of so-called re-education. In any case, such statements do not constitute a basis for refusal to recognize that prisoners of war in our custody would not return to your side under any circumstances unless physically forced to do so.

COL TSAI: I believe the arguments of your side are not supported by the innumerable facts. I have made it clear by our proposition and position. The propositions and positions of our side are always tenable. They can be opened to the peoples of the whole world.

Admiral Libby had accused our side of attempting to force your capitulation to our position. In fact, our side has accepted your parole feature and also our side has solved by compromise the principle of voluntary repatriation maintained by your side and the principle of repatriation of all prisoners of war maintained by our side. Your side is insisting on our capitulation to your proposition. That purpose cannot possibly be achieved.

COL HICKMAN: We have been attempting to see wherein the application or utilization of your provision of principle of 21 March could serve as a general basis for settling our overall remaining issue. We have attempted to explore with you the basis under which your 21 March proposal might be used in the resolution of our differences. We recognize that your side has made, what for you, is a step forward from your former viewpoint concerning those people of our side who are in our custody.

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COL HICKMAN: (CONT'D) On the other hand, that is a concession which we consider to be no real concession. We cannot accept as legitimate your act on and after 25 June 1950 of placing some of these people of our side in your army. Therefore, when we got them back and, for the time being, classified them because of language, difficulties of identification and so forth, temporarily, as prisoners of war, we considered that any claim that you had upon them arising from an unwarranted act of placing our people in your army represented an improper claim The realities concerning them are two-fold: They are our people and they are now in our custody. The solution with respect to this group leaves us with, therefore, only one further problem. Whether that problem can be solved on the basis of your 21 March principle depends upon whether our minimum position can be met by some procedure or method.

COL TSAI: We consider that our provision of the principle of March 21 and understandings of March 27 are the compromise and realistic solution for the present issue. The efforts made by our side regarding the remaining issue are very clear. I do not believe that I should reiterate all those efforts we have already made. However, all such efforts made by our side are made under certain premises. That is, the efforts should lead to the solution of the entire issue, not to the capitulation to your proposition.

Our side resolutely cannot tolerate any retention of any of the captured personnel of our side under any form whatsoever.

Apparently, any further discussion today will not bring forth any result. Therefore, I propose that we recess until eleven o'clock tomorrow morning.

COL HICKMAN: We agree.

Meeting recessed at 1330 hours.

OFFICIAL:

AUTHENTICATED:

Raymond Moley, Jr.

RAYMOND MOLEY, Jr.,
Lieutenant, USNR.

H. M. BRIGGS,
Captain, USN,
Secretary.

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NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

29

29 March

29 March 1952

SUBJECT: Thirty-sixth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 29 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL J A Norell, USA, CAPT O W Spahr, Jr., USN, and CHSCLK G G Fuller, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Before we enter into discussion, I would like to notify your side that Colonel Wang Chien, of our side, will meet with your Lieutenant Colonel Butler after the meeting of the Staff Officers' meeting.

COL HICKMAN: Colonel Butler will be up later in the morning.

COL TSAI: Do you have anything to say?

COL HICKMAN: In your statement yesterday, you attempted to dismiss, as immaterial, four major concessions which have been indicated by our side in an effort to reach a negotiated solution on the basis of your 21 March proposal.

The first was our expressed willingness to agree to your principle for inclusion in the Armistice Agreement. You attempt to dismiss this on the ground that is nominal acceptance only. As I stated in discussing this point before, nominal acceptance by our side of such a principle represents a major concession. We are conscious of the importance of the provisions expressed in the Armistice Agreement. If your side attaches no importance to this point, you will not, of course, regard it as a concession. In that case, our side sees no advantage in continuing the discussion on the basis of your 21 March principle.

Our second concession was our willingness to deliver to your side persons whose residences are in our side and who wish to go to

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COL HICKMAN: (CONT'D) your side. You attempt to dismiss this point on the grounds that those persons were your military personnel. The fact is, that your responsibility for this category of personnel who are our people terminated when you suffered them to fall into our custody. The realities of the situation are that they are persons of our side and that they are now once again in our custody. I am sure that your side realizes that the United Nations Command had no duty whatsoever to place these people in custody. Our willingness to permit those who so desire to go to your side is a concession. It is a concession which is premised upon reasonable adjustments elsewhere which will give due regard to the welfare of all the captured personnel.

The third concession was a contingent offer to take a realistic position that over 50,000 captured personnel of our side, whom your side has disposed of, might be beyond our reach, even as prisoners of war released by us would be beyond your reach. You attempt to dismiss this point by the assertion that the 50,000 persons of our side are fictitious. The figure is based upon the official releases of your General Headquarters , confirmed in statements by General Lee, and supported by collateral evidence from other sources. There is no denying that your side has disposed, in some way, of over 50,000 of our military personnel. That many thousands of them have been incorporated into your armed forces is without question. We point again to the statements made by General Lee in which he indicated that entire units, deserting as units, from our side had been incorporated into your army. We do not think that your side feels for a moment that the realistic position we take in this regard does not represent a major concession on our part.

The fourth concession was recession from "voluntary repatriation" to "no forced repatriation". You attempt to dismiss this by the question, "Wherein lies the substantive difference between the two?" This is a question which merits our serious consideration and a

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COL HICKMAN: (CONT'D) responsible reply, and we are prepared to discuss it with you.

You stated several times during the early days of our agenda item 4 meetings, that re-education of captured military personnel is the traditional policy of your side. You have indicated that you have practiced it throughout the Korean war. Your experience, or at least the experience of your people charged with your re-education program in these matters, therefore must be extensive. Consequently, your side will have no difficulty in recognizing that the number of prisoners of war who would return to, or go to, the other side would be dependent upon several factors.

The first one would be the criteria agreed upon as governing the question of return or no return. Innumerable criteria could be adopted, ranging from "would oppose return if offered such-and-such inducements or guarantees" to "would oppose repatriation with physical violence under any circumstances". Our side seeks only the minimum criteria. That is, we cannot deliver to your side those who violently oppose it, regardless of any guarantees or inducements which your side might offer to secure their return.

The second factor which would have a bearing upon the number of prisoners of war to return to, or go to, the other side, would be the manner of presenting to the prisoners of war the information of their right to be repatriated. Obviously, if the terms were presented as a matter of "free choice" or as a "political election between the two sides", there would be greater numbers who would not return to the other side. This would be particularly true if this choice were presented with a convincing argument about the advantages of one political system over the other, and if it were accompanied with promises of a happy life in a new homeland and other such benefits. On the other hand, the number who would not be repatriated could be reduced to a minimum by presenting the rights of the prisoners in the most objective manner. The corollary here would be some information from



COL HICKMAN: the side which seeks the return of the prisoners of war, which infor-
(CONT'D) mation would set forth some form of guarantee of certain treatment upon his return.

The third factor which would have a bearing upon the number of prisoners of war who would return to, or go to, the other side would be the manner in which the prisoner of war expressed his views on repatriation. The number not returning would be greatest if each prisoner of war was specifically asked a question, such as: "Do you wish to return", "Do you wish not to return", "Do you or do you not wish to return", and so forth. On the other hand, the number returning will be greatest if the determination be made in such a manner as to segregate only those who could not be repatriated without recourse to physical violence.

Thus, with respect to criteria for non-repatriation, with respect to the content of the announcement or statement which will inform the prisoners of war of their right to be repatriated and the manner of the promulgation of such announcement of statement, and, finally, with respect to the procedure to be followed in segregating special cases, there is a vast difference between "voluntary repatriation" or "free choice" and "no forced repatriation". Our side is willing to adopt minimum standards, conditions, provisions, and procedures in all these matters. We are not seeking to increase the number of prisoners of war who may oppose going to your side. Quite the contrary, it would be easier for us if they all returned to your side. But we cannot, nor will we, physically force any captured persons to return to, or go to, your side.

Included in your statement yesterday was the charge that our side intends to retain by force some of the prisoners of war of your side whom we hold. We are willing and anxious to return to your side all of your people who wish to go there and even those who are reluctant to go. But what we will not do is to make those go who must be

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COL HICKMAN: (CONT'D) forced to go. So, instead of forcing any to stay with us, as you contend, we intend to repatriate all those who would not require forcible repatriation. Any so-called label of anti-communist or pro-commusist has no bearing on the matter so far as we are concerned. Our concern is to refrain from delivering prisoners of war at bayonet point. It is obvious that, contrary to your statement of yesterday, we are not looking for cannon fodder. Had we any such intentions, obviously we would have so used them long ago, as your side did. It is equally obvious that, in terms of man-power, the relatively few of your people who would forcibly resist repatriation represent no accretion which is worthy of the name. We are willing to do what we can to see that all people return to you who will do so without our resorting to force. The more that return to you, the fewer there will be whom we will need to assist in getting re-settled, if practicable, in new homes of their own choosing. We too are interested in the welfare of the prisoners. Part of this welfare is the prevention of suicide and other violence attendant upon forcing violently unwilling prisoners of war to be repatriated.

In this connection, you asserted yesterday that our side "advocate that those captured personnel of the Chinese People's Volunteers who were tattooed by force should be retained forcibly". Our side has expressed on a number of occasions, and I will repeat again, the hope that none of the personnel of your side in our custody would violently oppose return to your side. We do not wish to retain any of them, and we certainly do not intend to forcibly hold a single individual. It is true that a number of captured persons of the Chinese People's Volunteers are tattooed with slogans expressing opposition to your side. Your charge, however, that such tattooing was done by force of that the United Nations Command was in any way involved, is groundless. However, the fact that they now carry such markings on their persons might make them opposed to return to your

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COL HICKMAN: (CONT'D) side unless they are assured that such markings will not affect their reception by your side. Our side sees no reason why these tattoos should constitute a bar to the return of these individuals to your side.

In conclusion, it is an incontrovertable fact that our side has indicated four major concessions in an effort to arrive at a negotiated solution to the unsettled differences in agenda item 4, as contrasted to one apparent concession made by your side. As a result of these concessions--four by us and one by you--all that stands between us and a full solution of the prisoner of war problem is a concession on your part corresponding in nature to the fourth concession made by our side, that is, a modest recession from your stand, with respect to these people, of unconditional repatriation, to the stand of unconditional repatriation except for those persons who would violently oppose repatriation under any circumstances, and who could not be repatriated without the application of physical force. Such concession would match the recession made by our side from "free choice"--which stand, incidentally, your side followed throughout the war--to the stand of unconditional repatriation except for those persons who would violently oppose repatriation under any circumstances and who could not be repatriated without the application of physical force. This effort on your part would alleviate a burden which our side cannot and will not assume--the burden of delivering prisoners of war by force. It is burden, moreover, which your side has already lifted from your own shoulders by the unilateral application of "free choice" to our military personnel throughout the war. We seek to accomplish nothing which you have not already accomplished. In fact, we seek to accomplish less. The continued reluctance of your side to respect the indisputable minimum needs of our side, in this respect, is the only remaining bar to agreement.

In view of the relatively small numbers of persons involved, and,

COL HICKMAN: (CONT'D) in view of the importance of the issues which depend upon your action, we ask you to consider this problem most seriously.

That is all and, if agreeable, I would like to take a three minute recess.

Meeting recessed at 1248 hours.

Meeting reconvened at 1252 hours.

COL TSAI: Let's start talking.

By straightforwardness and frankness, as a military person should have, I would like to tell you that such arguments of your side have come to a stage of having the nature of verbal acrobatics turning around beyond the scope of logic. Such arguments of your side contribute nothing to the settlement of the present issues.

Our position towards the repatriation of prisoners of war has consistently been the principle of repatriation of all prisoners of war after the armistice. However, in order to reach a speedy settlement of the question, our side proposed a compromise between the principles of repatriation of prisoners of war maintained by both sides. That is a concession on principle made by our side. On your part, no corresponding effort has been made. On the contrary, by agreeing to include, nominally, the principle of our side in the Armistice Agreement, your side said such acceptance by your side of the name of the principle is a concession by your side. That is not consistent with the facts in any respect.

The question of the 44,000 captured personnel of our side is a question which has long been discussed and has long been in dispute. In order to reach a settlement of the questions speedily, and also, because of the fact that we have agreed to insure that none of the repatriated captured personnel of either side should re-participate in acts of war in Korea, and that they might be restored to their peaceful life, our side has agreed that, during the repatriation of prisoners of war, those whose residences are in your area and wish to

COL TSAI: (CONT'D)

return to their original residences need not be repatriated to our side. That is a very important concession made by our side. However, your side asserted that this concession is a concession made by your side. Everybody knows that such an argument by your side is a sort of sophistry which contributes nothing to the settlemtn of the question.

The question of the alleged 50,000 persons is also a question which has been long discussed and long been in dispute. That question of 50,000 persons, as your side asserted, cannot be compared with the question of the 44,000 captured personnel of our side in any respect. Contingent upon your not raising further the question of that alleged 50,000 persons, our side, in our proposal of March 21, did not include the 44,000 persons of our side in the figures given in that proposal. That is an effort of our side for the speedy settlement of the questions and for avoiding the repetition of the past arguments in the more than one hundred days of the meetings. I assure you that this is a concession made by our side. However, your side ignores this concession made by our side and insists on mentioning that question of 50,000 persons. Obviously such arguments of your side has denied the premise of our proposal of March 21 and, apparently, such kind of arguments by your side would lead to the repetition of past discussions in the more than one hundred days of the meetings.

As to the difference between your "voluntary repatriation" and "no forced repatriation", we consider that there is no substantive difference between the two. Regardless of the criteria--as your side has said, whether it is minimum or maximum--we can only conclude that such criteria maintained by your side is for the purpose of retaining the captured personnel of our side. I do say that your side intends to retain by force the captured personnel of our side. The facts, as I see them, are not as you said--180 degrees from your intention. What I said is exactly the facts. If my statement is not factual,

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COL TSAI: (CONT'D) then there would not be any violent opposition in your prisoner of war camps, and there would be no bloodshed in that violent opposition. If your side is not intending to retain by force the captured personnel of our side, your side would have have been insisting on our complete acceptance of your principle without modification. It is impossible for your side to deny that your side coerces the captured personnel of our side in your prisoner of war camps, by intimidation, to refuse to be repatriated. We have innumerable facts which your side cannot possibly deny. By forced tattooing, your side is attempting to create an apprehension in their minds so that the captured personnel of our side would not dare to raise their demans for repatriation after the armistice. Your side also has invited many gangsters from Taiwan to organize and instigate the captured personnel of our side to refuse to be repatriated and to try, even, to demonstrate hunger strikes, and so forth. Our side has full factual information to prove those activities taken by your side. Our side even possesses the information which proves that the Americans are assisting the gangsters from Chiang Kai-shek's brigands to do the forces tattooing in your prisoner of war camps.

We are always concerned about the captured personnel of our side and always try to get them back to let them rejoin their families and restore them to a peaceful life. Likewise, we also wish that the captured personnel of your side would be able to return to your side to rejoin their families and be restored to a peaceful life. Any tattooing would not prevent the captured personnel of our side from returning to us. We consider that if your side does not retain captured personnel of our side by force, all the captured personnel of our side will come back to us and they are assured of their restoration to a peaceful life.

In general, as I have pointed out more than once, your side is still insisting, up to this moment, upon the proposition on which

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COL TSAI: (CONT'D) your side has insisted since the beginning of the discussion on agenda item 4 of the agenda, and you have merely removed the tag "voluntary repatriation" as an emply gesture. Your repeated discussions and the substance of your propositions has become all the more clear.

According to your proposition, and under your principle of so-called "voluntary repatriation", your side, in fact, attempts to retain our captured personnel by various means of intimidation and coercion and to prevent them from returning to the places where they originally belonged and resided to rejoin their families and resume a peaceful life. Furthermore, your side attempts to turn them over to your partners in Southern Korean and Chiang Kai-shek's gang in Taiwan. If it were not for such purposes, why should your side seek to deprive our captured personnel of their rights to return to their homes, to rejoin their families, and resume a peaceful life after the realization of armistice? You wish to retain them by force, instead of repatriating them. Why should you seek to retain the captured people of the Korean People's Army who originally resided in the area of our side and captured personnel of the Chinese People's Volunteers who have never resided in the areas of your side, and prevent them from returning home following the armistice?

I must seriously point out here, once again, that your attempt to retain our captured personnel of the Chinese People's Volunteers and to turn them over to the Chiang Kai-shek's gang at Taiwan is fraught with the grave danger of developing the current question beyond the scope of the Korean Armistice. If your side has sincerity to solve the question, you must put an end to such an instigation, and completely abandon your proposition for retaining our captured personnel who originally resided in the areas of our side and retaining the captured personnel of the Chinese People's Volunteers under the guise of so-called "voluntary repatriation".

Your side is, in fact, not in the least concerned with your own

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COL TSAI: (CONT'D) captured personnel, while our side has indicated throughout our willingness to repatriate to your side all of your captured personnel who originally resided in your areas. You, on your part, have been rejecting the total repatriation of them, including the non-Korean personnel of your side. It is obvious that your side is interested in retaining our captured personnel and preventing them from returning home and rejoining their families after the Armistice, more than in the return of your captured personnel who originally resided in your area. Therefore, it is very clear that the content of your proposition is to retain our captured personnel and reject the total repatriation of your captured personnel who originally resided in the areas of your side. Such a proposition not only disregards and runs counter to the interests of the war prisoners and their families, but is inconsistent with the proper attitude which should be taken by any military authority towards its personnel in captivity.

The proposal of our side, made on March 21, and the understandings which our side suggested on March 27, have both made reasonable provisions to take care of the war prisoners of both sides and accommodates the views of both sides insofar as possible. Our propositions are open and just, fair and reasonable--they can be made known to the people of the whole world. They are also consistent with the interest of every prisoner of war. I believe that if your side is really concerned with the welfare of the war prisoners and seriously desire a settlement of the problem so as to realize an Armistice at an early date, you will recognize that your proposition cannot stand publication before the war prisoners of either side and that it cannot settle the question. The reasonable and practical compromise proposal of our side is the only solution to agenda item 4.

If your side has the spirit of compromise on the principle, and is willing to apply your principle of "voluntary repatriation" to a part of the prisoners of war and to apply our principle of

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COL TSAI: (CONT'D) repatriation of all prisoners of war, the issue will be settled. We believe that, since our side has made the efforts, your side should make a corresponding effort. In view of the importance of the issue confronting us and, if your side is more interested in obtaining an armistice than in retaining the captured personnel of our side, your side should make this corresponding effort so that an agreement might be reached at an early date.

I sincerely hope that your side will seriously give consideration to this point. Frankly speaking, in the military conference, on the basis of equality and reciprocity, any intention by either side of trying to demand the complete capitulation of the one side to the proposition of the other side will not work.

COL HICKMAN: You indicated that our side was not interested in our own people in your hands. Not only are we interested in them, but your chiding us for indicating a concession with respect to the other 50,000 or more, shows a lack of appreciation on your part as to just how interested we are, not only in those you now hold and admit hodling, but also those whom you should admit holding. If you think for a minute that our discussion of our people who have disappeared is idle talk, you are completely mistaken. If you think it sophistry that we are discussing those people of our side whom you have permitted to express a choice, I assure you, you are incorrect. We have reluctantly removed from consideration as being a representative and realistic step, the people of our side whom we consider should be in your prisoner of war camps. We are not prepared to do this without a full realization on your part that it is premised upon arriving at a solution to our problem. We do not think that you have a single one of our people now in your prisoner of war camps who are not going to be hilariously glad to return to our side. We have seriously presented you with a method which we think is more than worthy of your serious consideration to solve the problem.

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COL HICKMAN: (CONT'D) We have made it in an earnest effort; we suggest that you consider it as such.

COL TSAI: If you carefully consider and study our statement, you will understand that in trying to solve the issue between both sides, our side has made a concession on principle to seek a reasonable compromise of the principles of both sides. We have considered your assertion about the so-called "no increase of military force" and proposed the guarantee of no participation again in acts of war. We even have agreed that the 16,000 persons who are clearly and definitely listed as prisoners of war on the lists submitted by your side be treated as a similar problem as that of the 44,000 captured personnel of our side, in order to reach a solution of the issues. Certainly you are aware of the fact that in our proposal of March 21 we have not included the 44,000 captured personnel of our side in the total figure given in that proposal. On our part, this is done reluctantly. However, in order to reach an early agreement, our side made this effort. If your side thinks that such an effort could be disregarded, I assure you that our side is not unwilling to continue to discuss that question. For the solution of the present issue confronting us, our side has already made a reasonable compromise. Whether your side is willing to cooperate or not in order to obtain an early agreement is up to your side. I seriously request your side give serious consideration to it.

If you have nothing further to say, I propose that we recess until eleven o'clock tomorrow morning.

COL HICKMAN: I agree.

Meeting recessed at 1359 hours.

OFFICIAL:

AUTHENTICATED:

/s/ Raymond Moley

RAYMOND MOLEY, Jr.,
Lieutenant, USNR.

H. M. BRIGGS,
Captain, USN,
Secretary.

ENCLOSURE 1 - Meeting Concerning POW Camps, Held at Pan Mun Jom, 29 March 1952.

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SUBJECT: Meeting Concerning POW camps, Held at Pan Mun Jom, 29 March 1952.

Representatives Present:

UNITED NATIONS - Lt. Colonel Butler, USA
Lt H G Underwood, USNR
1st LT T F May, USA

COMMUNISTS - - - Col Wang Chien, CCF
Maj So Che Hyon, NKA
Maj To Yu Ho, NKA

Meeting commenced at 1408 hours.

COL WANG: Let's begin. What do you want to say about marking of the prisoner of war camps?

COL BUTLER: As a result of reconnaissance of the prisoner of war camps of your side by the United Nations Command Air Force, our side has three matters to discuss with you. At the conclusion of the discussion we will suggest measures for improving the safeguarding of these camps. The items I will discuss are: first, establishing the correct location of your Number 1 Prisoner of War Camp; second, displaying of proper markings at each of your prisoner of war camps as agreed; and third, the physical location of your prisoner of war camps in relationship to military installations and lines of communication.

First Item: On 17 March 1952, your side reported that on 16 March 1952 our military aircraft attacked your Number 1 Prisoner of War Camp at CHANG-SONG. Colonel Tsai stated that "this camp is marked with conspicuous markings as agreed between both sides". When we checked the location of Number 1 Prisoner of War Camp on the original 1:50,000 scale map on which you have plotted the location of your prison camps, we found that you had circled the area around CHANG-NI and marked it Prisoner of War Camp Number 1. The town of CHANG-SONG, at which you reported the incident of 16 March to have occurred, is some 14 kilometers northwest of CHANG-NI on the east bank of the Yalu River. Perhaps it is possible that you have another prisoner of war camp in the CHANG-SONG area. Although United Nations Command

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COL BUTLER: (Cont'd) aircraft were operating in the area of the alleged strafing, it is impossible to ascertain whether or not the plane involved was in fact a United Nations plane, because the exact location of the camp is still unknown.

The Second Item: Records of our Air Force indicate that seven of your prisoner of war camps are not marked with the agreed markings, and these are: Camp Number 6, which was observed on 3 March; Camp Number 8, which was observed on 3 March; Camp Number 9, which was observed on 11 March 1952; Camp Number 11, which was observed on 25 March, and the Collecting Point which was observed on 25 March. Aerial photographs taken in the last three weeks indicate that your prisoner of war camps numbers 1, 3, 4, and 5 are marked with the agreed markings. On 1 March, General Lee, in subdelegation meeting, said, "as for the question of the marking of the prisoner of war camps, our side notified each prison camp in accordance with the agreement and we received reports that the prisoner of war camps are marked. But it is possible that when your airplanes made the aerial reconnaissance, the marks were covered with snow. We will investigate the facts at each prisoner of war camp and then, in accordance with our investigations, we will inform you." Up to the present time, our side has not received the report of the investigations promised by General Lee. At this time the snow from the prisoner of war camps numbers 6, 8, 9. and 11 should have disappeared.

The Third Item: We have carefully studied on a road map the areas where you had reported the prisoner of war camps containing United Nations Command personnel are located. As a result of this study, we have discovered that in locating your prisoner of war camps, you apparently gave little thought to the security of the personnel interned in these compounds. A number of your prisoner of war camps (indicating same on map) are located very near to main military supply routes. Prisoner of War Camps Numbers 6, 8, and 9 in the

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COL BUTLER: (Cont'd) vicinity of PYONGYANG serve to establish a semi-sanctuary from United Nations Command air action, thereby allowing your side to build up this entire area as an unmolested military supply point. This procedure is in violation of Article 23 of the Geneva Convention.

To improve the safeguarding of prisoner of war camps containing United Nations Command personnel, we suggest that your side first, recheck the location and plotting of the area of your Prisoner of War Camp Number 1 on the 1:50,000 maps and submit to us any change in its location. In addition, any changes in the location of other prisoner of war camps of your side should be reported to us through liaison officers or other means. Two, submit to us the report of the result of the investigation to determine if all your prisoner of war camps are properly marked, as promised by General Lee on 1 March. And three, take positive action to afford the proper protection of the prisoner of war camps of your side containing United Nations Command personnel in accordance with the provisions of Article 23 of the Geneva Convention. (Lieutenant Colonel Butler hands 2 copies of above statement to Colonel Wang)

COL WANG: As to the strafing by your military aircraft of Prisoner of War Camp Number 1 of our side at CHANG-SONG, we lodged a protest on March 17, and until now your side has not yet replied. There is no doubt that the strafing of Prisoner of War Camp Number 1 was done by the United Nations Command because after this strafing we discovered that there were bullet shells of United States make. This can be fully proved by the captured personnel of your side. Therefore, your side cannot shrink away from the responsibility for the strafing the prisoner camp.

As to the problem of the exact location of the Prisoner of War Camp Number 1 in the discussion of the security arrangements of prison camps on January 24, Colonel Tsai had clearly stated

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COL WANG: (Cont'd) that the problem was that the maps of both sides are old ones, and the flow of the Yalu River has changed the terrain features.

After we made a careful investigation, we handed the map marked with the exact location of Prisoner of War Camp Number 1 to Colonel Murray on February 25. If there is anything un-clear to you, bring it up, or, in order to make it more accurate, we hope that you are ready to give us the original map that we gave to you and we can check it.

As to the second question, that is, the marking of all prisoner of war camps, after we reached agreement on January 24, we notified our prison camps to mark according to the agreement. Because the marking is a new one, newly agreed upon, there was some delay in making the marks, but, just as General Lee said on March 1st in the subcommittee meeting, our side has received the report of all the prison camps, stating that all prison camps are being marked.

On March 1st Admiral Libby again raised this question, and, following that, we have again checked with our prison camps and we told them that, if the markings already established were not so clear, they should make them clearer. The result of the checking is that our prison camps again reported that they have marked according to the agreement. I don't know how the air reconnaissance of your aircraft was carried out, but, although we had established conspicuous markings, the aircraft of your side still strafed our prison camp on 16 March. So your side has violated the agreement. The marking of Prison Camp Number 1 is very conspicuous and this can be proved by the captured personnel of your side.

As to the third question you raised, this question was raised in the meeting discussing the security of prison camps in the staff officers meeting on January 23rd. Then Colonel Tsai clearly told your side about the principle of our locating the prison camps. That is, on the one hand we will do our utmost to prevent them from being

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COL WANG: (Cont'd) in the proximity of military targets, and, on the other hand, we should consider the actual conditions. The actual conditions are that the prisoner camps of our side are very scattered because of your wantom bombing in the northern part of Korea. There are very few houses left. On this point you should be clear. Therefore, the prison camps have to be established in the places where there are houses. Otherwise the prisoners cannot sustain the cold weather. We cannot overlook the welfare of the prisoners and the certain amount of guarantee of their life. If your side is sincerely concerned about the security of the prisoners, you should not carry out wanton bombings and you should notify your air force so that the security of the prisoners will not be threatened. Although the weather is getting a bit warmer, there are many practical difficulties which prevent us from moving the prisoner of war camps. We are not going to move them and such movement is impossible. Have you any other questions?

COL BUTLER: (Handing maps to Colonel Wang) Will you please take this map on which we have marked your reported location of Prisoner of War Camp Number 1, check it and mark on it the correct location of that camp?

COL WANG: We can take the map back and check it. We think that you should make a responsible account of the strafing of the CHANG-SONG prisoner of war camp because that strafing not only damaged the houses the prisoners lived in, but also wounded your own men. If your side does not make a responsible account, even your own prisoners will be dissatisfied.

COL BUTLER: We still must have the exact location of Prisoner of War Camp Number 1. Colonel Tsai said the bombing was at the CHANG-SONG prisoner of war camp, but actually your Prisoner of War Camp Number 1 was at CHANG-NI. You marked it on the maps.

COL WANG: As to the location of this prison camp, Colonel Tsai told you when he handed you the map, that the CHANG-SONG, which we mentioned now,

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COL WANG: (CONT'D) is the new site of CHANG-SONG. At this point, if you will look up in the record carefully, you will understand. When Colonel Tsai lodged a protest on 17 March, he referred to the new CHANG-SONG--that is, the place where our Prisoner Camp Number 1 is situated.

COL BUTLER: I have the record of the 17th of March before me, and I quote: "At 0135 hours, March 16, 1952, one military aircraft of your side attacked Prisoner of War Camp Number 1 of our side at CHANG-SONG". All we are interested in is getting clarified in our minds as to the exact location of Prisoner of War Camp Number 1. (Indicating to map). You take this map and re-plot it. That will give us the information that we desire. This is all we ask for at present.

COL WANG: Colonel Tsai stated clearly the relationship between the old CHANG-SONG and the new CHANG--SONG, so we hope that you will look up the record of 24 and 25 January. As to the map, for the sake of accuracy, we can take it back and check it once more. After we check it, we will return the map to you.

Meeting adjourned at 1510 hours.

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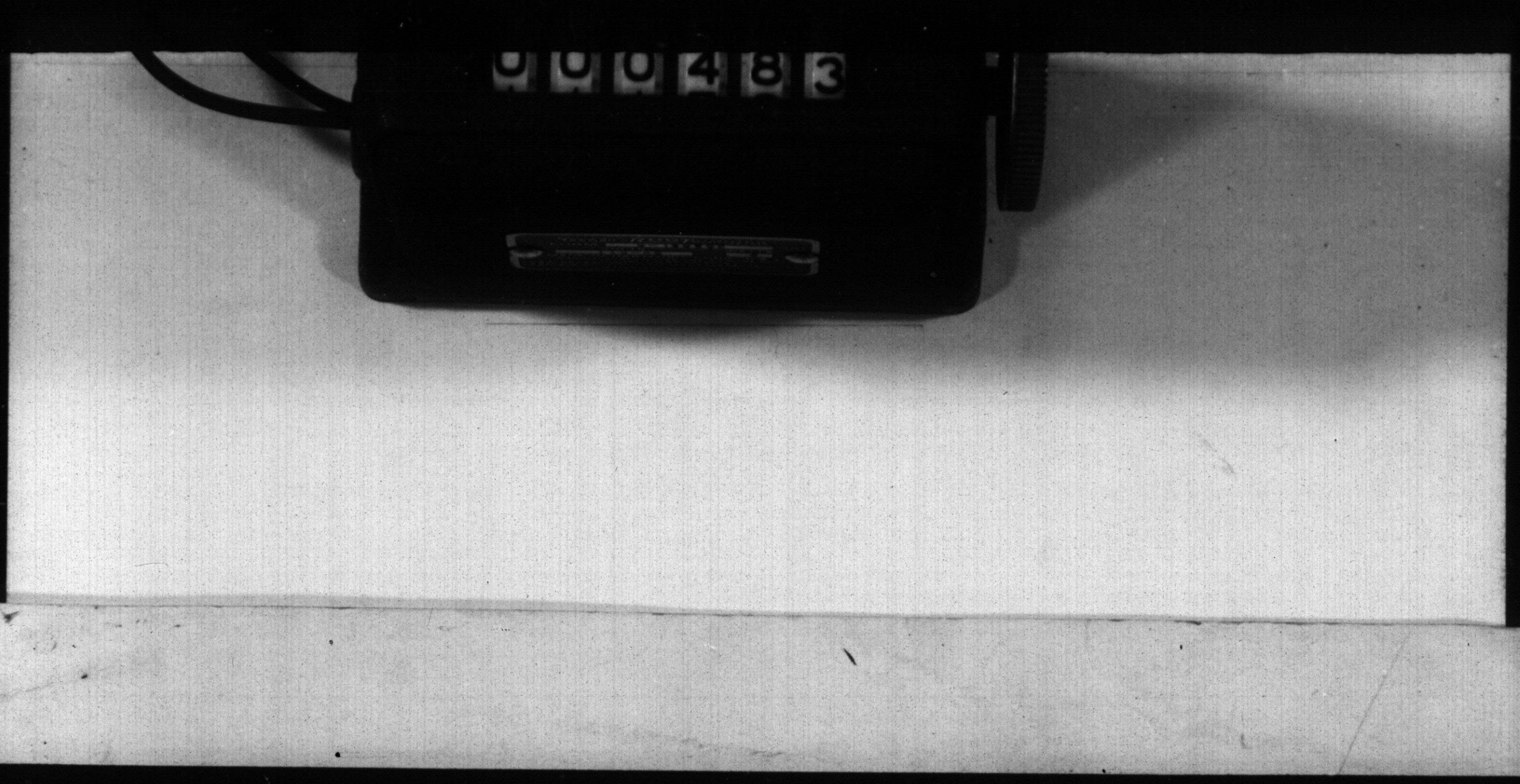

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

30 March 1952

SUBJECT: Thirty-seventh Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 30 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, Jr., USN, LTCOL A M Butler, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Chen Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Do you have anything to say?

COL HICKMAN: I would like to hear any comments from you.

COL TSAI: In order to reach a settlement, our side has made continuous and tremendous efforts. This is a fact. Our side has reviewed the many great efforts made recently by our side at the meetings of the last several days so that both sides could have a clear understanding of the present situation in these conferences, and I don't think there is any necessity to repeat this again today.

You stated yesterday that in determining and carrying out the repatriation of war prisoners, the possible adoption of different standards, means and procedures would result in increase or decrease of numbers of prisoners of war in your custody who desire to be repatriated. Such a way of thinking and approach on your part in connection with the repatriation of war prisoners affects their right to return home, to rejoin their families, and resume a peaceful life and show that your side holds the view that the repatriation of war prisoners may be influenced and manipulated by your side by various methods and that your side does attempt to influence and manipulate them by such methods as you choose. In no way can it be justified that the repatriation of captured personnel of one side shall be permitted to be manipulated artificially by the other

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COL TSAI: (Cont'd) side. Therefore, it is absolutely unacceptable to any side in the former position.

I should like to point out to you that obvious facts show that your side is not only attempting to manipulate the repatriation of the captured personnel of our side, but has already been carrying out such manipulation. You mentioned that your side wanted to prevent "suicide and other violence" of the war prisoners. It appears quite strange that your side already forsees "suicides and other violence", although the question of repatriation of war prisoners is as yet unsettled. In fact, however, it is not strange, in so far as we know that in December 1951 the Chiang Kai-shek brigands in Taiwan already made decisions, and ordered their underlings to organize in the war prisoner camps of your side such so-called "suicides and other violence" as hunger strikes and signing of petitions with blood. Since those brigand underlings have been able to carry out these conspirational pretexts in the war prisoner camps of your side you are, of course, able to forsee what is the program of the show they are going to present. This is one aspect of the manipulations your side has been carrying on over the repatriation of the captured personnel of our side.

For the sanguinary large-scale massacres which have so far taken place in the war prisoner camps of your side, you have not yet given an accounting. Our side certainly cannot forget them, nor is it possible for your side to forget them. Such massacres are the most forceful proof that the free will of the war prisoners is being subject to suppression, and their individual rights are being violated. This is another aspect of the practices of coercion and manipulation by your side against the repatriation of our side's captured personnel.

Your side has admitted the fact that our captured personnel have been tattooed in your war prisoner camps. The captured personnel of

COL TSAI: (Cont'd) our side are under the military control of your side. They are subject to massacre and intimidation and manipulation by your side. Their tattooing is by no means an indication of their objection to repatriation but is, instead, evidence of the conspiratorial deprivation of their right of repatriation and the move toward suppression of their free will in desiring repatriation. All of our captured personnel, except for those who originally resided in your area, and who desire to go home, following the armistice, of course, want to return to our side. This is our stand. Our concern with the captured personnel of our side applies solely to their return, and is not in the least affected by their being tattooed compulsorily. Such forced tattooing is merely one of the methods employed by your side in an attempt to manipulate the repatriation, and it is those who forced such tattooing on them who should be held responsible. Our captured personnel will be insured of the resumption of a peaceful life upon their repatriation to our side. It is a matter of course that none of them would be unwilling to return to their motherland. Your side, or your partner's, will not succeed in the attempt to use compulsory tattooing as a pretext for carrying our premeditated manipulations against their repatriation.

In order to show further that such tattooing done by your side on our captured personnel is compulsory, I wish to cite a recent instance. Your side has recently dispatched, by force, a number of our captured personnel, who have been tattooed by your side, and air-dropped them in our rear to gather military intelligence. But they are unwilling to be used by your side. Some of them have returned to our side, reporting to us in detail, of the compulsory tattooing by your side and compulsory dispatching of them to our side to engage in military activities. This fact concretely and indisputably proves that your side has forced our captured personnel to be tattooed and forced prisoners of war to carry on military

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COL TSAI: (Cont'd) activities. Obviously, such air-dropping in our rear, for the purpose of military activities, cannot be considered as repatriation.

The task confronting us is to settle the question. We should try together to seek a reasonable solution on the basis of actual conditions. We maintain, as we have pointed out repeatedly, that our proposal is the only possible and only reasonable compromise solution to agenda item 4. We hope that your side will reconsider its stand.

COL HICKMAN: Our side, too, hopes that we may be able to negotiate a solution to agenda item 4. We, too, are willing and anxious to thrash out with you all of the issues, discussing them as fully as we can in order to see in what way a solution can be obtained. We do not doubt that your agents and informers in our territory may be giving you lurid accounts of what goes on in our prisoner of war camps. Likewise, our side has received a lot of information about what has taken place in your rear. We have indicated to you in the past, and I don't propose to go into details now, about the many people of our side who have been placed in your re-education and re-orientation camps--people of both Korean and non-Korean origin. We have received much information concerning the people of our side who have been placed in your army. You expressed some dismay that our exposition of yesterday pointed out the means by which a re-education policy might change the attitude of a prisoner of war. You mistook our logical presentation of the difference between results, for an announcement of our intentions and our past actions. Inasmuch as your side has engaged in the re-education of prisoners of war throughout the war, I am sure that it is no surprise to you that the attitude of prisoners of war toward repatriation, or any other subject, can be somewhat affected by the treatment they receive in prisoner of war camps. Some of the 50,000 personnel of our side were disposed of, more or less, voluntarily, because of your practice

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COL HICKMAN: (Cont'd) of influencing them through re-education. Others were simply coerced. Still others, like those in the units mentioned by General Lee, were already disposed toward your point of view and required neither re-education nor coercion. Based on your experience, it should also be known to you that many prisoners of war cannot be influenced in any way, including influencing them with regard to repatriation. Some, for example, are so fixed in their opposition to repatriation that they could not be repatriated without the application of force. On your side, you removed any such cases by releasing them from prisoner of war status, or never placing them in prisoner of war status. We, for our part, still have them in custody. We do not desire to deny any prisoner of war the right to repatriation. We want them to return to your side, but we are unwilling to force them to go. In this respect we are asking for less that you have already taken for yourself with respect to our people.

If you will review the records of the past meetings as well as the entire course of our discussions of the differences between us, you will know the efforts of our side has made for the settlement of the questions. It is apparent that such effort made by us helped to promote the progress of the meetings a step forward.

COL TSAI: On 3 February our side proposed the guarantee of the repatriated prisoners of war against reparticipation in acts of war in Korea. Thus, on the basis of that guarantee, agreement on many questions have been successfully made. In order to break the deadlock on 5 March, our side submitted the reasonable proposal for settlement of the question; on March 21, on the basis of that proposal, our side furthermore proposed a clear principle which is a compromise on principle for a full reasonable settlement of the issue remaining between both sides. Speaking about the figures, the 44,000 captured personnel of our side were deducted from the total number of the prisoners of war in your custody. That is the effort of compromise our side made.

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COL TSAI: (Cont'd)

On 22 March our side, furthermore, in order to settle the question, clearly set forth that the question of those among the 16,000 captured personnel of our side who desire to return to their original residences could be settled together with the question of these among the 44,000 captured personnel of our side who desire to return to their original residences.

We do not intend to deny that your side has made any effort. On some questions your side made some uncertain efforts. However, in nature, such efforts made by your side, at the most, would be only a concession on certain single questions. However, in substance, such effort made by your side cannot be compared with the concession made by our side regarding the question of the 44,000 captured personnel of our side. Under such conditions, your side fails to make further effort corresponding to the efforts made by our side, but resorts to repeating the old statements every day. I really do feel that it is meaningless to have such discussion right now.

With regard to the question of the principles held by both sides: We consider that the principle proposed by our side on March 21st and the understandings proposed by our side on March 27th are a complete and reasonable compromise of the propositions held by both sides. We should understand that the principle of "repatriation of all prisoners of war" and the principle of "voluntary repatriation" or "no forced repatriation" are principles conflictatory to each other. If any reconciliation is to be reached between two principles which are completely opposed to each other, both sides should make concessions. Either side should make concessions on a part of it, and maintain part of its proposition on others. Otherwise, this cannot be a compromise. If we are to insist upon the application of our principle to all the captured personnel of both your side and our side, our discussion would continue on and on without any result. Likewise, if you are to insist upon the application

COL TSAI: (Cont'd) of your principle to all the captured personnel of both your side and our side, the discussion will continue on and on without any result.

Our proposal of 21 March and understandings of 27 March require the application of our principle to a part of the captured personnel of both sides, and the application of your principle to the other part of the captured personnel of both sides. Under such circumstances, at present, our side cannot move a bit, since we believe and consider that such a proposition of our side is the only real reasonable and real compromise solution. Your side insists on the application of your principle to all the captured personnel of both sides. I must point out clearly to you that it is impossible. Any such instance by your side could not gain any result. If your side is really desiring to reach a solution acceptable by both sides in this executive session, there is no reason whatsoever for your side to only repeat the same old arguments without making real efforts.

COL HICKMAN: We do not wish to utilize time in our meetings with unnecessary discussions. On the other hand, a fair and accurate portrayal of any situation does not by repetition reduce its fairness and accuracy of such a situation. Your side is, of course, aware of your ability to place an end to these executive sessions or to staff officer's meetings in case you feel it is impossible for us to make progress.

In assessing the merit of any concessions, such concessions must be viewed in the light of reasonableness of the stand of both sides and must take into consideration all the unilateral actions of the two sides. For example, your agreement to the feature of parole: such agreement went hand-in-hand with the efforts in tent three to get a stable armistice in the matter of total number of troops. It was also in keeping with the custom of war in an armistice situation for returned prisoners of war to stay out of action,

COL HICKMAN: (Cont'd) out of uniform in the theatre of operations. Again today you refer to your so-called concession with respect to the persons of our side in your custody.

Yesterday you stated that the figures given in your March 21 proposal omitted the 44,000, contingent upon our side not raising again the question of the 50,000. You cited this as an effort of your side toward a speedy settlement of the remaining issue of agenda item 4. You asserted that ommission of the 44,000 from your proposal was a concession on your part.

Now let us examine this question to see how sincere is the effort or how great the concession which you claim for your side. You have advised repeatedly that the bulk of the 44,000 are personnel of our side, initially reported as prisoners of war and properly re-classified now as civilian internees. They are an internal affair of our side. They should never have been placed in the uniform of your army.

The 50,000 were also personnel of our side. Your GHQ--your general headquarters--announced the capture of 65,000 of our military personnel during the first nine months of hostilities. The accuracy of this announcement has been attested to by your side in these meetings. Yet, after seventeen months of war, you furnish our side with the names of only 11,000-odd prisoners of war in your custody. Now you imply that the more than 50,000 persons of our side whom you should have in your prisoner of war camps are not real, because you fail to report their names. When our side raises the question of their disappearance, you cry "fabrication."

In brief, here is the substance of your proposition: You ask us not again to raise the question of the more than 50,000 military personnel of our side who vanished, many of them to re-appear in your army, in return, you express a willingness to give up your unfounded claim to those among some 37,000 persons of our side who

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wish to return to their homes on our side. That is a proposition unilaterally favorable to your side. You label it as a concession and an effort for the speedy solution of our problem. Your only claim, tenuous as it is, to the civilian internees is the fact that, without right nor warrant, you placed our people in your army.

There is another misconception in your statement of yesterday concerning which I wish to insure your full understanding of our position. I refer to the following unconsidered statement: "It is obvious that your side is interested in retaining our captured personnel and preventing them from returning home and re-joining their families after the armistice, more than in the return of your captured personnel who originally resided in your area". Ever since that day, more than three months ago, when your side reluctantly submitted to us your entirely inadequate list of our captured personnel whom you admitted holding, the whereabouts and welfare of our captured personnel not listed by you has been a major consideration of our side.

We have done everything possible at this conference table to persuade you to abandon your false pretences and report to us all of our captured personnel. We have pointed out to you the places to which our unlisted people--some of them--have been taken and the uses to which they were being put. In answer, we received no report of investigation of our statements, but prompt and categorical denial. The character of such prompt denial became all the more apparent, and is still apparent, when viewed in the light of General Lee's own statement that entire units of our army had been incorporated into your army. These approximately 50,000 persons are not just numbers--they are individual persons, with all the rights of individuals, and your side, by your actions, is denying them their rights. Our side recognizes a grave responsibility to each one of these individuals to insure his right to return to our

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COL HICKMAN: (Cont'd) side. However, solely in a spirit of compromise and in the greater interest of achieving an armistice, we have attempted to hasten a solution by indicating a willingness to approach the problem of these captured persons of our side in a spirit of negotiation. You must understand that this attitude of our side is premised solely on attaining a satisfactory solution to agenda item 4. You must also understand that this attitude represents our willingness to consider, what is without any question, a major concession in these negotiations. Your attempt today to minimize the major concession by referring to it as "an uncertain effort", is far from realistic. Everyone of these individuals morally, and in accordance with every tenet of law, right and justice, should be given the opportunity of returning to our side.

In order to avoid any possibility of a misunderstanding on your part, I will state again our attitude concerning all of our captured persons in your custody. We are vitally interested in these persons, whether listed by you or unlisted, wherever they may be located and whatever they may be doing. Based on the premise that solution is reached, we are willing to consider the problem of this group realistically and practically. This attitude of ours represents a very real and substantive concession. It is completely unrealistic for your side to refer to our efforts, with respect to this group, as "uncertain efforts".

COL TSAI: We would like to have a three minute recess. (Meeting recessed for 3 minutes.)

COL TSAI: Let's continue the talks.

We are willing to discuss with your side in the spirit of settling the questions; we are willing to do so at any time. Of course, your side has the freedom to say anything you like in the executive sessions. However, we consider that it might be more helpful for the progress of the meeting if we could more unreservedly negotiate for the solution of the issue between both sides in the

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COL TSAI: (Cont'd) executive session. Of course, if there is one side not willing to settle the question, any form of the meeting could not help the progress of the meeting. What you are trying to say in your statement today, as we understand it, is about how great your concessions are and what is the nature of the concessions that your concessions have.

You said that the concession we made was non-existent or unfounded, but all the facts do not support such assertions of yours. The 44,000 captured personnel of our side are the military personnel of our side. Among them there are more than 39,000 regular military personnel. Your side now has the complete list of them in your hands. In this meeting of the military negotiations, any law supports the proposition of our side that all of them should be returned to our side. They are not internal affairs of your side at all. It is only for an early agreement that our side made this effort under certain premises. If your side considers that such effort by our side could be disregarded or could be said as unfounded, non-existent, then the premise of negotiations on that basis does not exist. In your statement today you said that when the questions are being negotiated, consideration should be given to the reasonableness of the question as well as the unilateral actions by either side. We consider that each of the captured personnel of our side has the right to be repatriated. It is completely reasonable that those captured personnel of our side should be repatriated after the armistice. We consider that it is likewise reasonable that these captured personnel of our side should have the right to return to their homes to resume a peaceful life after the armistice.

With respect to the question of unilateral action, you are aware of the propositions of both sides, our side maintains the proposition of the principle of "repatriation of all prisoners of war". However, for the interest of the progress of the meetings

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COL TSAI: (CONT'D) and in order to give consideration to those prisoners of war who wish to return to their homes and resume a peaceful life there, we submitted our proposal of March 21st and understandings of the 27th, in which we clearly set forth that the principle of "repatriation of all prisoners of war" be applied to a part of all the prisoners of war and that the other part of the prisoners of war--those whose original residences are in your area and who desire to return to their homes--may not be repatriated. That is entirely a reasonable compromise. However, on your part, you insist that your proposition be applied to all the captured personnel of both sides. We wonder which side is advocating anything unilateral and which side is maintaining to have a reasonable compromise. Is this very clear?

In short, your side holds that we should entirely accept the unilateral proposition on the principle and, in fact, our side should agree to let your side retain a great number of captured personnel of our side upon the repatriation of the captured personnel of our side. I must state clearly here for the purpose of your real understanding about our position, that such a position of your side cannot possibly be accepted and worked out.

COL HICKMAN: We reiterate our belief that it is possible to solve our problem within the framework of your principle of 21 March provided a practical and realistic approach is taken by both sides. Now, what are the realities of the situation?

First, your side has disposed of a large number of our military personnel whom you reported as captured, but whose names were not included in the data exchanged on 18 December. Our side cannot overlook this fact. Nevertheless, as a part of a negotiated solution, we are prepared to accept a practical compromise with respect to this issue.

Second, our side holds in custody somewhat more than 50,000

COL HICKMAN: (Cont'd) personnel of our own side to which your side asserts a claim. Practically and realistically speaking, they are personnel of our side who have returned to our custody. If they were ever associated with your side, either willingly or unwillingly, your responsibility for them was terminated when you permitted them to fall again into custody of our side. Practically and realistically speaking, their disposition is now an internal affair of our side. Nevertheless, as a part of, and contingent upon, a negotiated solution, we are prepared to apply voluntary repatriation to this group of personnel and to send to your side those who wish to go there.

Third, there are among the 116,000 prisoners of war of your side whom we hold an undetermined number who could not be repatriated to your side without the application of physical force. We will not be a party to exercising such force, even though we will in no way deprive them of their individual right to be repatriated. Consequently, we have asked your side, as a contribution to a negotiated solution, to recognize that such special cases should be excluded from the unconditional exchange of such prisoners of war. We point out again that, realistically and practically, you have already accomplished with our people more than we that which we seek. Realistically speaking, we are willing to accept as a fait accompli your unilateral disposition of over 50,000 of our personnel during the course of hostilities and we are willing to deliver to your side all who wish it of the people we hold whose disposition is an internal affair of our side, in exchange for your recognition that we cannot deliver prisoners of war who violently oppose it and who could not be delivered without the application of force. If there is any disposition on your side for a negotiated solution, you will recognize that this proposal overlooks much that has happened in the past in the interests of the welfare of the prisoners of war now in custody, and in the interest of an early solution to the prisoner of war problem.

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COL HICKMAN: (Cont'd) Finally, we wish to state that the propositions indicated in this statement are qualified. That is, they are contingent upon the realization of a negotiated solution to the differences now remaining in connection with the prisoner of war problem.

If you have no further statements or comments, we suggest a recess until 1100 tomorrow.

COL TSAI: We are willing to have an early agreement for the settlement of agenda item 4. However, we decidedly cannot accept the complete proposition of your side. We can only settle the problem by compromise. That is, to a part of the captured personnel of both sides your principle of repatriation will be applied, and to the other part of the captured personnel of both sides, our principle of repatriation will be applied.

We agree to your proposal for recess.

Meeting recessed at 1403 hours.

OFFICIAL:

H. M. BRIGGS
CAPTAIN, USN
Secretary

AUTHENTICATED:

Raymond Moley Jr

Raymond Moley Jr.
Lieutenant, USNR

[redacted]

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MEMORANDUM FOR THE RECORD:

SUBJECT: Meeting Concerning Prisoner of War Camps, Held at Pan Mun Jom, 30 March 1952.

Representatives Present:

UNITED NATIONS - Lt Col Butler, USA
Lt H. G. Underwood, USNR
1st Lt T. F. May, USA

COMMUNISTS - - - Col Wang Chien, CCF
Maj Chon Sam, NKA
Tien Chin, CCF
Hsu Un Hai, CCF

Meeting reconvened at 1405 hours.

COL WANG: Concerning the location of Prisoner of War Camp Number 1 in CHANG-SONG: For the sake of accuracy, our side has once again made another check. The result of the check proves that the map as handed to you on 25 January locating the site of Number 1 Prisoner of War Camp is correct and without mistake. As I have stated yesterday, because of the flow of the Yalu River, the original site of CHANG-SONG has changed its terrain features. There are no more houses there. Therefore, our prisoner camp cannot possibly be established there. The location we marked on the maps was that of our new CHANG-SONG. Therefore, we still call it the Number 1 Prisoner Camp; the site of our Number 1 Prisoner Camp is CHANG-SONG. Now, we return the map to you. (Handing a map to Colonel Butler.)

As to the incident of March 16th when your aircraft strafed our Number 1 Prisoner of War Camp, we hope that you will not look for more pretexts to evade your responsibility, and still give a responsible account of it.

COL BUTLER: I understand from your statement that the Prisoner of War Camp Number 1 is located as you marked it on your original map, at CHANG-NI. However, due to moving the Prisoner of War Camp Number 1 from its original site at CHANG-SONG, and due to the flooding of the Yalu River, the new site of CHANG-SONG is at CHANG-NI, as indicated on the map. Is that correct?

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COL WANG: I think I should again make clear this question. Our prison camp has not moved. In order to make it more clear to you, I will repeat the statement of Colonel Chang made on January 24th. He said, "because the map you gave us is based on an old one, and the change in terrain features, because of the flow of the Yalu River, are not present in your map, your map and our map are not consistent with the terrain features. But now we can tell you the site that is the new CHANG-SONG. This new CHANG-SONG is not the CHANG-SONG shown on the map. The site has changed because of the flood. The new site is near the Yalu River. If you have other maps, you can plot the new site of CHANG-SONG on it. Our prisoner of war camp is at that new site." That indicates that on January 24th, when both sides agreed on the markings for the prisoner camp, we already pointed out the new site of our Camp Number 1, and it also shows that there is no move of our prisoner of war camp. According to the map, the old site of CHANG-SONG has already been flooded. Therefore, our prisoner of war camp is located at this new CHANG-SONG.

COL BUTLER: On the map you submitted to us — and correct me if I am wrong — you show prisoner of war camp number 1 located at CHANG-NI. Is the name of that town, CHANG-NI, now changed to CHANG-SONG? We would like to have this made clarified.

COL WANG: CHANG-NI is now called the new CHANG-SONG.

COL BUTLER: Very well, We understand.

COL WANG: As there is now no more question on the location of it on the map, we are waiting for your answer on the March 16th incident. Of course, you need not necessarily give it today.

COL BUTLER: As to the reply on the incident of March 16th, it has no place in the meeting which is now in session. That is a matter for the sub-delegates or staff officers.

COL WANG: Though this question is not within the scope of this meeting, you mentioned this incident in the beginning of your statement yesterday.

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COL WANG: We have to ask you to give a reply to this incident.
(Cont'd)

COL BUTLER: In the first place, the incident was brought up to establish proper location of Prisoner of War Camp Number 1. As far as the reply to the incident of the 16th of March, it is beyond the scope of this meeting.

COL WANG: I understand this point.

COL BUTLER: Very well.

COL WANG: But I think it is necessary for you to transmit our request.

COL BUTLER: The contents of this meeting will be forwarded to the staff officers.

Meeting adjourned at 1423 hours.

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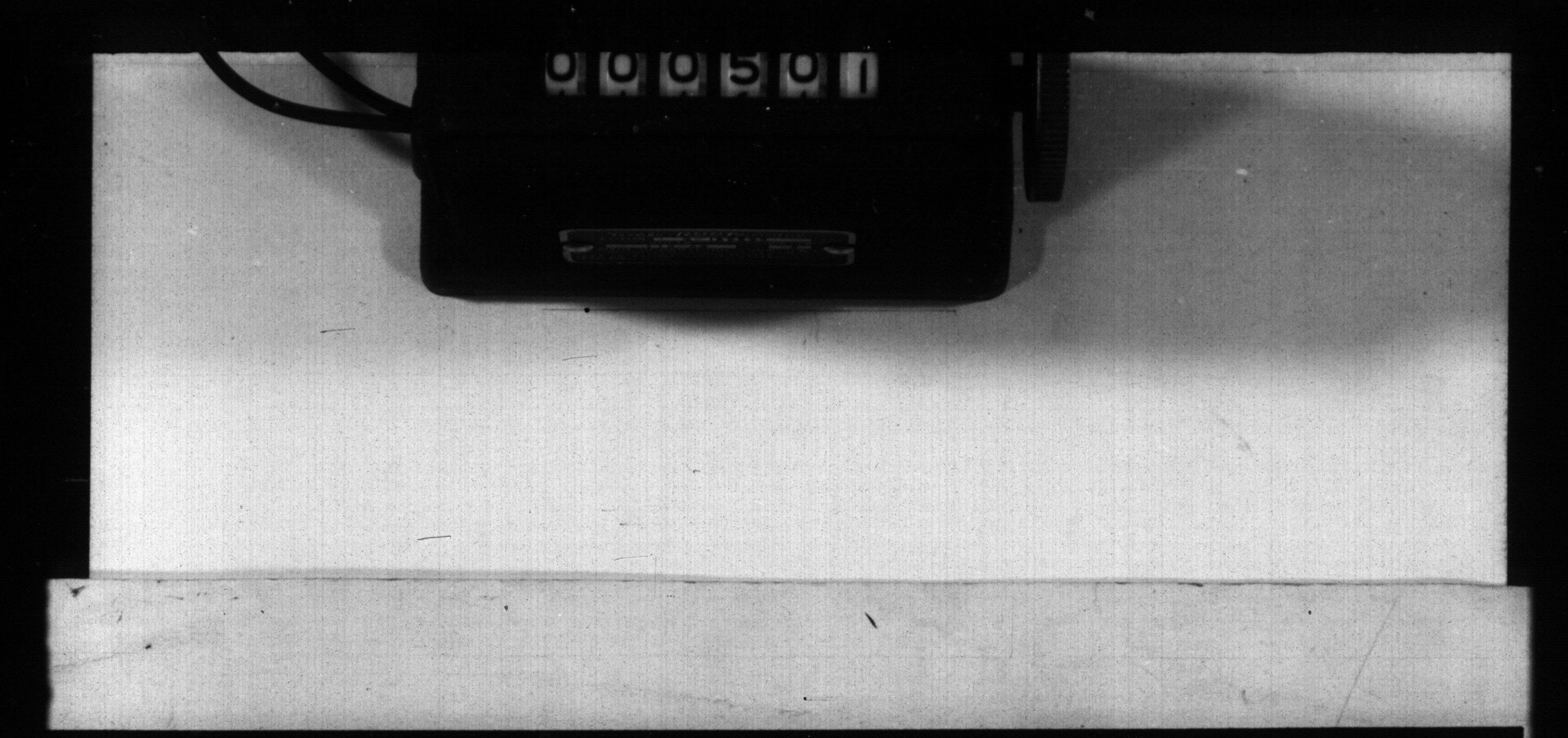

NEW FOLDER BEGINS

GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

31 March 1952

SUBJECT: Thirty-eighth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 31 March 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, Jr., USN, COL J A Norell, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; LT H G Underwood, USNR, and 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Do you have anything to say?

COL HICKMAN: Our side noted your suggestion of yesterday that both sides attempt to make our staff officers meetings more informa. We agree. To that end, we came today without any prepared statements whatsoever.

We are willing to discuss anything you care--to talk back and forth and to do it as informally as we can.

COL TSAI: Regardless of what kind of meeting, there always should be something to say.

COL HICKMAN: I agree.

If you would like, I have a question I would like to ask you.

COL TSAI: Please go ahead.

COL HICKMAN: Now that there is, you might say, a tentative agreement to extend voluntary repatriation to the people in our custody whose homes are in our area, I say "tentative agreement" realizing that both sides have announced that there are strings attached to such tentative agreement. We would like to inquire why your side objects to the extension of voluntary repatriation to the 50,000? Now I do not wish to raise the issue of whether there are 50,000, 25,000, 5,000 or any other number--I make specific reference for the sake of narrowing that phase of my question to the personnel in the units of our side who deserted to your side and, according to General Lee, were

COL HICKMAN: (CONT'D) incorporated in your army. Since I made one or two parenthetical explanations, I am not sure that my question is clear. I would like to ask if it is.

COL TSAI: We would like to have that question made clearer if possible.

COL HICKMAN: We have tentatively agreed-both sides have--to voluntary repatriation for the 16,000 prisoners of war and the 37,000 civilian internees held in custody by our side. We ask, why do you object to the extension of the principle of "voluntary repatriation" to those of the 50,000 military persons of our side who are now in the area of your side?

To avoid the question of an argument, I suggest that you confine your remarks to those persons in those units of our side who deserted to your side and who, according to General Lee, became a part of your army. I might state, that, since we are completely informal, if you do not care to answer this question at the moment, that is satisfactory with us.

COL TSAI: I think if such questions were asked at the beginning of the discussion of agenda item 4, it might require quite a long time for discussion. Now, when such questions are presented at the present stage, I think both the discussion and the answer of these questions would be very simple. It is because that during the long discussion both sides have developed the arguments and discussions about the questions of the 44,000 captured personnel of our side, as well as the 16,000 captured personnel of our side as listed in the data of the 132,000. Likewise, the questions of 50,000 persons also have been long discussed. When I mentioned that "50,000 persons question", by "50,000" or by mentioning as "the question of "50,000 persons" it is only for the purpose of representing that question as your side has raised it. However, I believe that through the long discussion the positions of each side toward those questions are very clear. To bring up such questions at the present stage actually has been

COL TSAI: (CONT'D) unrealistic and I do not think that would help the settlement of the questions. Our position is that in order to settle the question of the prisoners of war now, we should not mix up the question of the prisoners of war ever captured by either side with the prisoners of war noe held. You are aware of the fact that the 44,000 and the 16,000 captured personnel of our side are under your custoday and many facts prove that they are in your prisoners of war camps. Thus, in order to settle the ouestion of prisoners of war, those people must be discussed and the question regarding them must be settled. However, since among them are those who originally resided in your area, and, in order to settle questions regarding them practically and realistically, we agree that during the repatriation those who originally resided in your area and wish to return to their original residences to resume a peaceful life, may not be repatriated. We consider that such a proposition of ours is reasonable.

You mentioned the question of 50,000 persons. You know that during the hostilities our side released great numbers of the captured personnel of your side. Since they have already been released, to discuss the questions regarding them could not provice any solution of that question. You mentioned what General Lee said. If you look at the record, I think you will find it very clear that when he spoke of the military personnel of your side coming to our side in units it was at time when he said that there were persons of South Korean origin in our forces. General Lee told Admiral Libby that he himself is of South Korean origin. When he mentioned about those units coming to our side that occurred before the outbreak of the Korean War. That has nothing to do with the subject we are discussing now. If the discussion of those questions is involved in this sphere, it would be necessary to have the whole Korean question

COL TSAI: (CONT'D) involve, since Korea is primarily one nation. However, there are two opposing forces in Korea. Among the Korean People's Army there are people form South Korea; among the South Korean troops there are people from North Korea. If the questions regarding them are to be discussed here, it cannot possibly be settled across this table of the armistice negotiations. Two categories of persons are involved in the question you raised a moment ago. Both sides have expressed their position with respect to those two categories of persons. If we are going to repeat the past discussions, or each other's opinions regarding those categories every day at the executive session, I wonder how long it would take to get any result from discussion of such questions.

Thus, in order to reach a speedy settlement of the questions, our side proposed the principle of March 21st and the understandings of March 27th. We consider that such a principle and the understandings have compromised the conflicting propositions of both sides and have taken care of the opinions of both sides. Therefore, the principle of our side is practical, realistic, reasonable, and adequate for settling the questions. If your side agrees to that principle, then we may determine roughly the round figure of the prisoners of war to be repatriated by both sides. Then both sides can proceed to check the lists of those prisoners of war to be repatriated. We think that if we will do it in this way the question regarding prisoners of war can be settled.

Frankly speaking, we do not feel satisfied with your attitude in the discussions of the past few days. Your side said that your side would accept our principle and have it included in the Armistice Agreement, but actually your side wants to have your principle applied in dealing with all the prisoners of war. You should understand that such a way of dealing with the prisoners of war cannot be an agreement to which our side can agree.

COL TSAI: (CONT'D) Speaking about the figures, your side repeatedly indicated that your side is willing to solve the problem within the framework of our March 21st proposal. However, according to what you have indicated before, some figure, more than 10,000 persons, exists as the difference from the figure given by our proposal. How can we settle the problem in this way?

COL HICKMAN: We did not intend to mislead you on the statements we made concerning the utilization of your 21 March provision of principle. What we meant was that we could subscribe to that principle so that it could be included as the principle in the Armistice Agreement, provided we made factual adjustments to eliminate the problems which we have in accepting your principle as it stood in your 21 March statement. In fact, you led us to believe that such adjustments could be made. Let us grant that we misunderstood your allusion to the adjustments which you meant would be acceptable to your side. We told you, perhaps two weeks ago, that it was the end result, not the statement of principle that we were willing to settle for.

As to the actual figures, our side has been cautious in attempting to give you a figure because we do not have a realistic one. Rather than guess at a figure, we felt it more nearly accurate to speak only in terms of "adjustments".

COL TSAI: Please repeat that last statement.

(Recorder repeats last two sentences.)

COL HICKMAN: Instead of guessing at a figure.....

Actually, we do not know how many, or even in general terms of a percentage, of the 16,000-odd South Korean prisoners of war in our custody wish to go to your side or to settle in their home areas in South Korea. Now do we know how many of the civilian internees wish to return to their homes in South Korea, nor how many wish to go to your side. We have not canvassed or polled these groups to determine their individual preferences. We do know that there are

COL HICKMAN: (CONT'D) factions among them; that there are groups who generally represent people favorable to your side and groups favorable to our side. Wherever generally possible we have striven to separate general groups in our camps to prevent inter-group strife, rioting, and bloodshed. We have listened to many of your statements of our efforts to stir up such strife, but actually our officials in the camps try in every way possible to prevent it. Actually, of course, we know that in a group which may be in a compound predominately favorable to your side, there will be some individually favorable to our side and vice-versa. Compound leaders, or prisoner representatives as they are called in the Geneva Convention, are elected by majority vote of the prisoners of war in the compound. Now the same problem is present with the compounds containing members of the Chinese People's Volunteers and the Korean People's Army. We have not polled them nor canvassed them, and we have no idea how many of them either wish to return to your side or would forcibly resist returning to your side. We feel reasonably certain that there are some of these groups who would forcibly resist repatriation. We know from records of World War II that some prisoners of war committed suicide and otherwise violently resisted repatriation. Therefore, as I said at the beginning, our side was unwilling to hazard a guess as to the numerical figure to replace the one you had in your 21 March proposal. We felt that preparation of new lists and examination following exchange of such lists would then disclose the numbers.

With respect to the affiliation of Koreans for North or South Korea respectively, we are not trying to go beyond 25 June 1950. Ethnically and historically, Korea may be one nation. Practically speaking, it was politically divided at the time the war started into two states, each of which was at least the de facto authority in the area of its control. The residents of each of the respective areas were subject to the authority of those two government. This

COL HICKMAN: (CONT'D) determines the status of all such persons today. That is why the 37,000 and the 16,000 groups are persons who come under the heading of our internal affairs.

We agree that our two groups here in this tent cannot settle the future of Korea or decide the manifold political problems that may need to be settled for any future unification of Korea. Nevertheless, we need, from the standpoint of determining whose belongs to whom, to have a base or point of departure from which to make such determination. Otherwise there would be nothing to prevent your side from taking over all of our people who came under your control and our side from absorbing all of the North Korean prisoners of war who came under our control.

We cannot accept the proposition at one side can do as it pleases, while the other side must respect this point of departure or this base for determining whose people belongs to whom. Essentially, your position is that our side should forget entirely about the 50,000 persons of our side whom your side has disposed of by unilateral action, and that we should solve the problem now on the basis of the prisoners of war whom both sides admit they now have in custody. We cannot agree, particularly in view of the fact that many of the fact that many of these people of ours are knows to have been incorporated in your Army. Now, I do not have with me the statements made by General Lee about the units deserting en masse to your side. However, my recollection is that he stated that they were permitted to retain their arms rather than being made prisoners of war. I do not believe he would have made that distinction if the incident had been a pre-war one. Essentially your stand with respect to personnel of our side which went to your side--whether in units or as individuals--must be based upon your assumption that all these personnel are violently opposed to return to our side, and that none of them would return to our side if given a choice. Otherwise you

COL HICKMAN: (CONT'D) would not deprive them of the right to return home. We doubt if your assumption is correct. However, we admit that some of them might be violently opposed to repatriation. Similarly, some among the prisoners of war we hold are violently opposed to repatriation. You have solved that problem by unilateral action. We seek to solve our problem now. The distinction between people now held and those ever held is not a valid one. When one side has accomplished an objective at one time it cannot then say to the other side: "Oh, no! We have different rules now. The old rule we used must now be abandoned."

COL TSAI: Three minutes recess, if you will.

Meeting recessed at 1247 hours.

Meeting reconvened at 1252 hours.

COL TSAI: In the statement I am going to make, I am not going to reply and refute those questions which we have already refuted many times. We understand that the question confronting us now is a very important question. It is also one of the remaining important issues in the present military armistice negotiations. There is no doubt that the settlement of this question would help the settlement of the overall question. The provision of principle proposed by our side on March 21st is a proposition which can settle the present remaining issue and has taken care of the positions of both sides and is, as well, a practical proposition which can settle this question. The present differences between both sides now are as follows:

First, we, both sides, have not reached a tentative agreement with respect to this principle, although your side said that you were willing to settle the question within the framework of this principle.

The next is the question of how to make the adjustments under this principle. With respect to this question, our side has proposed our proposition of making adjustments on March 27th. Our position

COL TSAI: (CONT'D) regarding this question is the understandings which we submitted on the 27th. If both sides can reach a tentative agreement under this principle and the understandings, we may then first determine, in general, the number of prisoners of war to be repatriated by both sides; then specifically check the lists of prisoners of war so that numbers close to the figures given in the principle might be reached.

In this conference your side repeats the past discussions--that is, your side wants our side to accept your proposition completely. Such a proposition of your side cannot possibly be realized in any respect.

Speaking about the figures given in the provision principle in our March 21st proposal, we consider that the figures given in that provision are, in general, accurate. Very obviously those among the 16,000 captured personnel of our side who originally resided in your area and desired to return to their homes in your area to resume a peaceful life would not be more than those of the 44,000 persons of our side who desire to return to our side. It should be noted that the 44,000 figure is about three times that of 16,000. Of course, after the specific checking of the lists, there might be small discrepancies between the figures. However, if those newly captured prisoners of war are added to the final figure, the figure can possibly be more than the figure given in the principle.

In your statement, you once again mentioned your instigation or coercion of our captured personnel to resist repatriation in your prisoner of war camps. To this question, our side has given you warnings several times that to allow the Chiang Kai-shek brigands from Taiwan to continue such instigations in your prisoner of war camps would inevitable involve a third party, which has nothing to do with the present Korean War, into the question concerned. That would complicate the question and we do not wish that such consequences to occur. However, in the conferences your side insists

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COL TSAI: (CONT'D) on our acceptance of your principles and proposition, while in the prisoner of war camps allows these people to make such instigations freely. Therefore, the only conclusion we can draw from these facts is that your side intends to retain large numbers of the captured personnel of our side.

UNCLASSIFIED

I propose that we recess until eleven o'clock tomorrow morning and to continue the discussion of how to find any solution to the present issues at that tiem. This proposal for recess is made because of our feeling that from your statement we do not see that your side is attempting to settle the questions speedily.

COL HICKMAN: We agree to recess.

Meeting recessed at 1317 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN
Secretary.

AUTHENTICATED:

RAYMOND MOLEY, Jr.,
Lieutenant, USNR.

REGRADED UNCLASSIFIED
Authority: LtR USNC Adv
By:
Date: 27 JUL 1953

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NEW FOLDER BEGINS


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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

1 April 1952

SUBJECT: Thirty-ninth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 1 April 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL J A Norell, USA, LTCOL A M Butler, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; LT H G Underwood, USNR, and 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: We are ready to listen to your statement.

COL HICKMAN: I have no particular statement at the moment. I would be glad to hear anything your side has to say.

COL TSAI: We have said many times that since our side proposed the provision of principle on March 21st we consider that the issue remaining between us should be able to be settled. However, judging from the recent discussion in the last few days, it appears that our discussion has been more and more taking on the aspect of repetition of the past discussions. We believe that, from the point of view of either side, such discussion cannot settle the question. Yesterday we tried to understand what you meant by your saying that you are willing to settle the questions within the framework of the provision of principle submitted by our side on March 21st. However, your side did not give us any illustration or elaboration in detail. Your side is even unwilling to express your opinion about a round figure. We consider that such an attitude of your side is not only inconsistent with the repeated statements made by your side, but also is preventing our discussion from going further.

COL HICKMAN: We have prepared what amounts to a revision to some extent of your 21 March proposal together with two understandings, similar to your concept of understandings explaining the provision of principle,

COL HICKMAN: (CONT'D) which sets forth our belief as to a practical and realistic way to settle agenda item 4. It utilizes your principle expressed in your 21 March provision. It utilizes the system of checking lists. It leaves in abeyance, for the time being, the question of definite numbers.

On the question of numbers, the exact numbers would, of course, be indicated ultimately by the lists, which lists would need to be acceptable to both sides. As I indicated yesterday, our side has been completely reluctant to attempt to secure a poll or census of the people in our custody in order to make even rough estimates of the number involved in the various categories. We indicated at the beginning of our executive sessions that we considered that 132,000 failed to take into consideration all pertinent factors and, therefore, was likely to be too high a figure. We indicated that possibly 116,000 would more nearly indicate the magnitude of the exchange, but that we could not say that this number would reflect all considerations. In short, we did not want to mislead you or ourselves in attempting to guess at a figure, the development of which would require several days.

Our proposed revision reads as follows: "The Korean People's Army and the Chinese People's Volunteers on the one hand, and the United Nations Command on the other, shall release and repatriate all prisoners of war held in custody at the time the Armistice Agreement is signed and becomes effective. The release and repatriation of such prisoners of war shall be effected on the basis of lists which shall be checked by and be mutually acceptable to both sides prior to the signing of the Armistice Agreement." And here, parenthetically, would follow a suggested definition of "reaptriation" which we discussed during our previous staff officers' sessions.

This proposed revision of your provision of principle could, with, perhaps, a change or two in tense of verbs, be made suitable

COL HICKMAN: (CONT'D) for inclusion as a paragraph in the Armistice Agreement. I hand you copies in English, Korean, and Chinese. (Hands copies to Colonel Tsai.)

At the time I should like to present to your side the following understandings for consideration in connection with our proposed revision and with the preparation of the revised lists mentioned in our proposed revision.

First, all prisoners of war and civilian internees held by either side whose residence on 25 June 1950 was in the area now under control of the detaining side shall be repatriated, with the exception of those who desire to remain in the area of their original residence.

Second, all other prisoners of war held by either side shall be repatriated except that those who could not be repatriated without the application of force shall be released by the detaining side and re-settled, insofar as practicable, in a location of their own choosing where they can lead a peaceful life.

By a tentative agreement to this revison and these understandings now, and by subsequent review and acceptance of revised lists, our two sides can achieve complete agreement on agenda item 4.

COL TSAI: I have noted the revised provision and understandings proposed by your side. If there is anything new in them, so far, I have not been able to find it. After hearing what you have read, I think they are the same as what you have said in your statements of the last few days. In your revised provision you have omitted the figure we used in our March 21st provision to indicate a round figure regarding repatriation. In the past, you have admitted that the figures in our proposed principle are a part of the principle of our March 21st principle. I remember that on March 25th you said that once an agreement is reached upon the numerical adjustments, then checking on the lists and changes would be appropriate. That means at first your

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COL TSAI: (CONT'D) side was willing to obtain a round figure and then check the lists. Now, your side indicates that such round figures should be omitted, and your side is not willing to indicate any clear and definite round figures. What is in your proposed revision and understandings is the same principle as your side indicated before. Therefore, we feel it difficult to consider and study your proposal.

Furthermore, when we are aware of your activities in your prisoner of war camps, we cannot but feel that your attitude toward this question is still not sincere.

COL HICKMAN: It is, of course true that our proposed revision omits a figure for the reasons that I indicated rather in full yesterday and briefly this morning, I agree that an approximate round figure would make the revision more capable of complete assessment and appraisal at this time, but that deficiency of complete appraisal would be supplied from the numbers furnished in the revised lists. I can see that it might be possible to agree at an earlier date if we were able to supply a round figure, inasmuch as agreement under our revised principle would be contingent upon the acceptability of the revised lists --the preparation of which, so far as our side is concerned, would require, as I stated, several days.

COL TSAI: I must speak frankly that the provision and understandings proposed by your side this morning are different in principle with what was proposed by our side, and also has a numerical difference with what was proposed by our side. Your side even entirely omitted the round figures given by our proposition. Your side repeatedly states that your side is willing to settle the questions under the framework of our proposal. Now where is our framework?

COL HICKMAN: We have your statement of principle of releasing all prisoners of war in custody at the time of the signing of the armistice. That is the basic part of the framework of your provision. We also provide, as did you, for the checking of lists. By making the checking of the

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COL HICKMAN: (CONT'D) lists and the acceptance of the lists by both sides a part of the plan, there is the capability of supplying the figures, if such be desired, before the Armistice Agreement is signed. We omitted the round figures because, as I indicated, we do not know what those round figures are today.

In short, our proposed revision includes all the elements, actually or potentially, of your 21 March proposal except that it postpones a final figure but makes such figure unnecessary at the present time, because of the requirement for acceptance of the revised lists.

COL TSAI: Well, I think your side has to take these points into your consideration. If there is anything new in your proposal--which so far I have not discovered--of course I will make a study of it.

I propose that we recess until 11 o'clock tomorrow morning.

COL HICKMAN: We agree.

Meeting recessed at 1212 hours.

OFFICIAL:

H. M. BRIGGS
CAPTAIN, USN
SECRETARY

AUTHENTICATED:

Raymond Moley Jr.

Raymond Moley Jr.,
Lieutenant, USNR

NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

2 April 1952

SUBJECT: Fortieth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 2 April 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, Jr., USN, LTCOL A M Butler, USA, Staff Assistants; LT H G Underwood, USNR, 1st LT T F May, USA, Interpreters; and PVT P Fetzko, Stenographer.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistants; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Do you have anything to say?

COL HICKMAN: No, not at this time.

COL TSAI: We studied the provisions and understandings submitted yesterday by your side. We consider that they are inconsistent with what your side said before that you are willing to settle the questions within the framework of our proposal of March 21. No round figure of the prisoners of war to be repatriated is given in the provision proposed by your side. According to your statement yesterday, the round figure of both sides seems quite far from each other. In your principle of adjustments, your side has the two entirely different categories of prisoners of war mixed up together. Our side entirely cannot agree to that. We consider that those captured personnel of our side who originally resided in our area should be repatriated to our side so that they may return to their homes and to resume peaceful lives in peaceful occupations. We consider that such propositions of ours is completely reasonable. Therefore we consider that the scope of the principle proposed by your side has not helped the settlement of the question. Since there exists the big difference between the principles proposed by both sides, we believe that the procedure of checking the lists after an agreement on principle would be impracticable. That is all.

COL HICKMAN: I have little to add to my statement of yesterday wherein I explained the utilization of the framework of your 21 March provision in our proposed revision of yesterday. Summarizing the similarity of the framework, our provision first utilizied your principle except for a round figure. Secondly, it provides for checking of the lists by both sides, and, thirdly, it permits the determination of a round figure following the checking of the lists. In effect, the announced principles are the same. We, in our modification of your provision, line up with your principle insofar as the return of the personnel of your side whose residences are not in our area, except for the understandings made necessary by our concept that we cannot forcefully repatriate an individual. It was necessary for us to add an understanding to cover that contingency. In essence, our principle is the same as yours. The understandings differ only on that one particular to enable us to settle our complete differences. We have in our enunciation of principle the acceptability of the revised lists to both sides. Whether or not that element was implicedly present in your 21 March principle is not clear. We made that point definite. As to a round figure, I know you are aware of my former statement concerning our present inability to furnish one. Actually, even under your principle or with the correlating understanding, your figure of 132,000 odd of our side is obviously only a rough guess because your side cannot know how many of the civilian internees and the prisoners of war whom we hold, whose homes are in South Korea may wish to be repatriated under our assumed definition of repatriation, or may wish to settle in their home areas for leading peaceful lives. Of course, I understand the explanation you gave that 132,000 could be assumed to be a reasonable figure; starting with rock bottom, if 116,000, and then adding thereto all of the civilian internees and those among the 16,000 prisoners of war who would desire repatriation. My point is, that even your figure is

COL HICKMAN: (CONT'D) not a firm one. Under your principle and your stated understanding you actually recognized the fact that your figure was not firm when you indicated that when the staff officers under your proposal checked the figures, discrepancies would have to be adjusted. I should like to ask why you consider the advance determination of a round figure vital to the acceptability of the proposed provisions.

COL TSAI: Since the resumption of the staff officers meeting, our side has been trying every means to settle the differences between us, and to reduce the points of differences between us. Thus, we attempted to reach an agreement on principle first. But that has taken so much time for discussion and argument, and your side refused to settle the question of principle with the spirit of compromise. Consequently, both sides are now in a situation of an endless arguing about principle, and there has not been any step forward toward a settlement of the question. Under the circumstances that no agreement can be reached on principle, our side considers that if a round figure for the repatriation of prisoners of war by both sides could be determined, it might be beneficial to the settlement of the issue on the question of the principles. However, your side has been inconsistent in discussing about this question, and has been refusing to cooperate with our side to try to determine a round figure at an early date. In a way like that, we find that we cannot reach an agreement on principle, nor does it appear that an agreement on round figures could be made. Should we let our endless arguments continue as it has been, I cannot see any result could be obtained in a short time. Therefore, I would like to ask you whether your side has any way or any method to propose that we can break the present deadlock. and help the settlement of the present issue between us. That is all.

COL HICKMAN: My remarks of the past two or three days in connection with a round figure were made in explanation of a practical working out of our revised principles plus our proposed understanding. I was not

COL HICKMAN: (CONT'D) considering the solution of the problem from the standpoint suggested by you this morning. I was giving you my frank opinion as to our current inability short of a screening of personnel in our custody to give you a figure which would be factually accurate. I agree with you that it is useless for us to discuss further the points of view of both os our sides concerning the concessions and compromises believed to be made by both sides. I am unable, at the moment, to give you a further comment on your last question, but in order for our side to study your remarks, I propose a recess until 1100 tomorrow.

COL TSAI: Just as I pointed out yesterday and this morning, there exists a great difference between the draft principle of our side and that of your side, as well as between the principle of adjustment put forth by the two sides respectively. We maintain that with all factors taken into consideration, the number of prisoners of war, whom your side should repatriate to our side should not be far from the figure of 132,000.

We also hold that only in this way can it be consistent to your repeated claims that a solution will be sought within the framework of the proposal of March 21 of our side.

In connection with the principle of adjustment, I must alsq point out that among the prisoners of war in the custody of either side, that is, among the captured personnel of the other side held by either side, there exists a fundamental difference between the non-Korean and those Koreans who originally resided in the area of the other side on the one ahdn, and the other Koreans who originally resided in the area of the retaining side on the other hand. The principle of our side in dealing with both these categories of prisoners of war are well know to your side, and we completely cannot agree with the second item of the understandings submitted by your side.

COL TSAI: (CONT'D) Now, both sides have already submitted their draft principles and understandings, and a great difference has been found between what have been submitted respectively by the two sides. We think that if we continue to spend our time on argument over the principles and understandings themselves, we may not be able to get any results speedily, but viewed from another angle, the contentsof the principles and understandings will necessarily be reflected in the specific lists, and both sides have agreed that such specific lists must be agreed upon by both sides before they become valid.

Therefore, in the interest of progress in these conferences, we would rather recommend that instead of spending time on argument over the principles, we may as well be realistic and enter immediately into the work of checking the lists, and that discussions of principle be resumed after the lists have been checked. We think that such a procedure will be more beneficial to the progress of the conference and to an early solution of the problem. Of course, when both sides are preparing the lists, it is not necessary to wait until the preparation of the lists are completed, then resume the discussions. We consider that when both sides are able to present a round figure, and discussions may be held first. If you agree to this proposal, we may now recess until the time when either side has completed its preparation and notified the other side through liaison officers and then we will determine the time for the resuming of this conference. That is all.

COL HICKMAN: Fundamentally, this procedure appears to be generally satisfactory. However, I should like to study your statement and talk with you briefly again tomorrow morning at eleven o'clock; I agree to your proposal for a recess until eleven o'clock tomorrow morning.

Meeting recessed at 1205 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN
Secretary.

AUTHENTICATED:

Raymond Moley Jr

RAYMOND MOLEY, Jr.,
Lieutenant, USNR.


NEW FOLDER BEGINS


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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

3 April 1952

MEMORANDUM FOR THE RECORD:

1. The following message was transmitted over the radio telephone by LT Cargille, United Nations Delegation Security Officer:

"Colonel Tsai Chen Wen, CPV
Senior Staff Officer, Agenda Item #4
Delegation of the Korean People's Army
and The Chinese People's Volunteers

The United Nations Command Staff Officers desire to postpone the meeting scheduled for 1100 today until 1100 tomorrow if agreeable with you. Request confirmation.

Colonel G. W. Hickman, Jr.
Senior Staff Officer, Agenda Item #4
United Nations Command Delegation"

2. The following reply was received:

"It is agreeable to postpone meeting 1100 today until tomorrow.

Colonel Tsai Chen Wen, CPV"



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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

28

4 April 1952

SUBJECT: Forty-first Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 4 April 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, Jr., USN and CDR G R Muse, USN, Staff Assistants; 1st LT R F Underwood, USA. and 1st LT T F May, USA, Interpreters; and PVT P. Fetzko, USA, Stenographer

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: We appreciate your agreement to a recess for yesterday.

Our side agrees to begin to work preparatory for the preparation of revised lists in accordance with your proposal of the day before yesterday. We will notify you through liaison officers or security officers when we have a round figure, and if your side is then ready, we can proceed to further discussions in executive session in accordance with your suggestion of the day before yesterday. We assume that your side is willing to maintain the executive session concept to our activities until further notice. We consider that if my assumption be correct, it would assist in minimizing speculation by newsman if a statement were issued sometime today. We plan to issue a statement substantially as follows:

"The staff officers on Agenda Item 4 have agreed to recess until a time to be determined later through liaison officers, in order for both sides to develop additional avenues for discussion of the remaining problems."

I would like to ask if you see any objections to such a release, which I have made as innocuous as possible. Obviously the newsmen are going to know that we are not meeting from day to day.

I have one final point to bring up. On I believe it was March 30th, you made a statement which indicated that your side would, in

COL HICKMAN: (CONT'D) effect, grant amnesty to all prisoners of war held by our side who are repatriated to your side.

We appreciate that, as spokesman for your side, you can bind your side with respect to its commitments to the United Nations Command. There is somewhat of a hiatus in the situation once the individuals have returned to the control of your side. For example, a prisoner of war who has tattooed himself may well be reluctant to trust himself to return to your side without some authoritative statement from your authorities that he would be accorded good treatment on being repatriated, and that the tattoo, for example, will not be made a basis of disciplinary action against him. It is possible that your side might wish to prepare some form of signed authoritative statement concerning this matter and might wish to transmit it to us through liaison officers in time for us to use it for whatever purpose it could serve in attempting to allay feelings of alarm among some of your captured personnel in our custody.

COL TSAI: We propose a recess for one hour.

COL HICKMAN: We agree.

Meeting recessed at 1123 hours.

Meeting reconvened at 1145 hours.

COL TSAI: With respect to the question of the recess for the preparation of the lists by both sides, I have no additional opinion other than what I suggested in the statement I made the day before yesterday in proposing for that recess.

Our side at present has not considered any change of the form of the staff officers meeting as we are holding now. With regard to your proposal this morning, in connection with a general news release, our side agrees to your suggestion and is preparing to make a similar news release.

With respect to the captured personnel of our side in your prisoner-of-war camps, our side has always been concerned with their

COL TSAI: (CONT'D) health and safety. It is unthinkable that after they have been repatriated, our side would not be concerned with their peaceful life and the security of their lives in our area.

As to the activities of the captured personnel of our side when they are in your prisoner-of-war camps, some of the activities, such as tattoos, have never been considered by our side as their own responsibility. Therefore, such activities of our captured personnel would not affect at all their restoration to a peaceful life after they have returned to our side. Your side has suggested that our side might wish to make a written statement about this question. Our side will give consideration to your suggestion, and will inform you of the result of our consideration through liaison officers.

I assume that for the time being there are no further subjects to discuss in this meeting and I propose that we recess until both sides notify each other through liaison officers, and then we will determine the date of the resumption of the staff officers meeting.

I would like to know if your side has any general estimation of the length of the duration of the recess?

I have another matter to discuss with Colonel Murray after the recess of the staff officers meeting today. That matter is one of an administrative nature.

COL HICKMAN: My comments concerning an authoritative statement which your side might wish to make was merely an effort on my part to attempt to find an additional means which might affect the round figure.

I know you appreciate some of the problems, with the population in our prisoner of war and civilian internee camps being what it is. My preliminary estimate of the duration of the recess would be one week. We, of course, will do our best to make it as short as possible.

If you have no further comments, we agree to recess on the basis

COL HICKMAN: of your last statement.
(CONT'D)
COL TSAI: We agree.

Meeting recessed at 1201 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.,
Lieutenant Commander, USNR.

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Col. Joy W. Hickman,
Senior Staff Officer of the
United Nations Command Delegation at the
Agenda Item 4 Staff Officers' Meetings

April 6, 1952

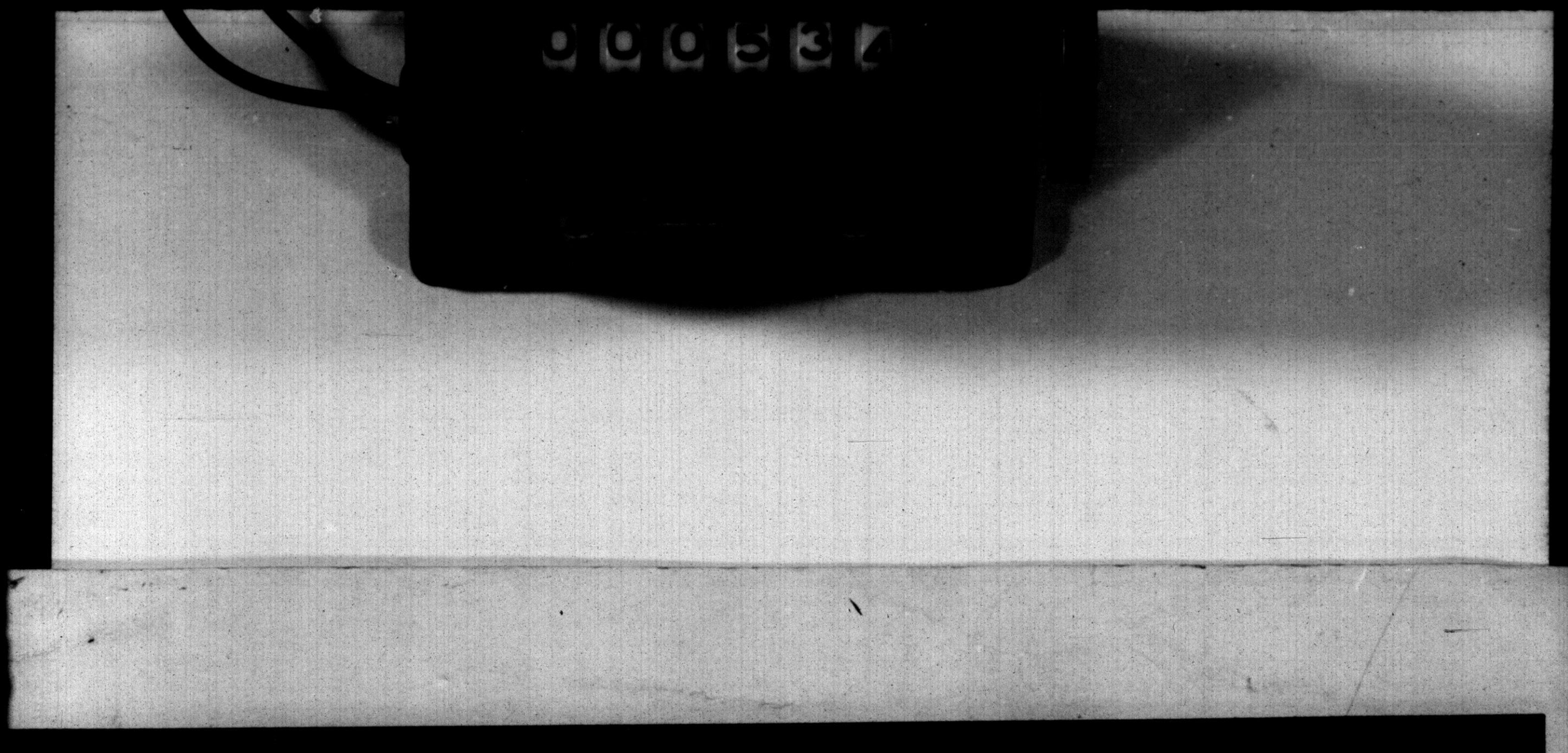
I am instructed by my Senior Delegate General Nam Il to transmit to your side the enclosed statement made upon instructions by the spokesman of our side concerning the release and repatriation of all prisoners of war following an armistice in Korea.

Col Tsai Chen-wen,
Senior Staff Officer of the
Delegation of the Korean
People's Army and the Chinese
People's Volunteers at the
Agenda Item 4 Staff Officers'
Meetings

The spokesman of the Supreme Command Headquarters of the Korean People's Army and the Command Headquarters of the Chinese People's Volunteers has been authorized on April 6, 1952 to make the following statement concerning the release and repatriation of all prisoners of war following an armistice in Korea:

The Korean People's Army and the Chinese People's Volunteers have always held that, following the cessation of active hostilities, both belligerents should speedily release and repatriate all the prisoners of war in their respective custody. This reasonable position of ours definitely will not undergo any change on account of the fact that a number of our captured personnel, during the period of captivity, have had their arms tattooed or have written certain documents or committed other similar acts. We are deeply aware that such acts have certainly not been done out of their own volition and that they should not be held responsible for these acts.

We wholeheartedly welcome the return of all of our captured personnel to the arms of the motherland; we have further guaranteed, in an agreement reached with the other side, that all captured personnel shall, after their repatriation, rejoin their families to participate in peaceful construction and live a peaceful life.



NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

19 April 1952

SUBJECT: Forty-second Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 19 April 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, Jr., USN, COL J A Norell, USA, COL D S Somerville, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; 1st LT R F Underwood, USA, and 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: I wish to report the presence on the United Nations Command Item 4 staff officers team of Colonel D. S. Somerville, United States Army, vice Commander Muse who is no longer with us.

I would like to ask if your side cares to make a statement or if you desire our side to make a statement first?

COL TSAI: I have noted that Colonel Somerville will be present in the Item 4 staff officers meeting.

We have recessed for two weeks. I believe that both sides have made sufficient preparation for the resumption of the work of the staff officers meeting here. In order to facilitate the further discussions of both sides, as we agreed upon at the time of the beginning of the recess, I would like to suggest that both sides first exchange the totals and sub-totals of the prisoners of war to be repatriated by both sides after the armistice, and that then both sides exchange opinions about the figures. After that we will exchange the revised lists. By "sub-total," I mean that on our side, in addition to giving you the total of the repatriated prisoners of war, will give you the sub-totals of the Korean prisoners of war as well as non-Korean prisoners of war of the United Nations Command. And your side will give us the total of the prisoners of war to be repatriated and the sub-totals of

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COL TSAI: (Cont'd) the captured personnel of the Korean People's Army and the Chinese People's Volunteers respectively.

If your side has any other opinion regarding such procedure, or if your side has any statement about other matters, I would like to hear it.

COL HICKMAN: We have no statement about other matters at this time and we agree to that general outline of presentation of round figures.

COL TSAI: Do you mean that you are going to present a total and the sub-totals of each group, or that you will only give one round figure?

COL HICKMAN: A total and a sub-total, broken down by Chinese People's Volunteers, North Korean Army personnel, prisoners of war whose residence is south of the 38th Parallel, and civilian internees.

COL TSAI: Would you like to speak first?

COL HICKMAN: Very glad to.

When we recessed on 4 April, both sides agreed that the discussions in the executive session would be resumed when both sides were in a position to present a round figure based on a checking of the lists of prisoners of war. In accordance with your suggestion and in the interests of continued progress, we have not waited the completion of all our work and for the preparation of revised prisoner-of-war lists before returning to the meetings. The preparation of these lists is now in progress. Because of the magnitude, it is estimated that they will be completed in from two to three weeks, at which time we can give you a final roster of all the prisoners of war and civilian internees to be returned to your side.

As a result of our screening we now anticipate that there are approximately 70,000 persons in the United Nations Command's custody who will not require forced repatriation to your side. This round figure of 70,000 who will go to your side was developed through a carefully considered and painstaking application of the

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COL HICKMAN: (Cont'd) understandings submitted to you on 1 April. As a part of the screening process, each person was informed of your amnesty declaration of 6 April.

We consider this 70,000 figure to be a reliable estimate of the number of captured persons of all categories to be returned to your side. The breakdown of the 70,000 is estimated as follows:

Civilian Internees:	7200
Republic of Korea Prisoners of War:	3800
North Korean Army Prisoners of War:	53900
Chinese People's Volunteers:	5100

That is all for the present.

COL TSAI: I propose that we recess for one hour.

COL HICKMAN: Agreed.

Meeting recessed at 1122 hours.

Meeting reconvened at 1226 hours.

COL TSAI: Having studied the total and its breakdown sub-totals of the captured personnel of our side whom your side is prepared to repatriate to our side, as submitted by your side, our side considers that this figure bears no relation whatsoever to the figures in our proposal of March 21st and that this figure can by no means be a basis for further discussion.

If your side is willing to negotiate for a solution of the prisoners of war matter on a fair and reasonable basis, we request your side to reconsider fundamentally this estimated figure. I repeat, this figure can absolutely by no means be a basis for further discussion.

I propose that we recess until the usual time tomorrow.

COL HICKMAN: Is your side willing to present now the figure which your side was going to give us--the figure and the breakdown?

COL TSAI: According to the proposal of the provision in principle submitted

COL TSAI: (Cont'd) by our side on 21 March, the total of the prisoners of war to be repatriated by your side should be a round figure of 132,000. Your side repeatedly indicated that your side is willing to solve this question within the framework of our proposal of March 21st. However, your side now submitted the figure of 70,000. If our side adopts the same way as your side has done—that is, if our side will discount the figure of the prisoners of war by the same rate as your side has done--we consider that such a similar manner would not be able to solve the question.

However, in order to solve the issue, in order to settle the question speedily, and in order to reach an agreement on armistice speedily, our side does not do in the same way as your side does. The captured personnel of your side to be repatriated by our side will be around 12,000. Among them there are around 7,700 Korean prisoners of war and around 4,400 non-Korean prisoners of war.

COL HICKMAN: We agree to the recess until 1100 tomorrow.

Meeting recessed at 1234 hours.

OFFICIAL:

H. M. BRIGGS,
CAPTAIN, USN,
Secretary.

AUTHENTICATED:

Halsey M. Settle, Jr.
HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR

NEW FOLDER BEGINS

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

20 April 1952

SUBJECT: Forty-third Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 20 April 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL A J Norell, USA, COL D S Somerville, USA, LTCOL A Butler, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; 1st LT R F Underwood, USA, and 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: I am going to make a statement.

It is completely impossible for us to consider your estimated number of 70,000 of our captured personnel whom you said your side was prepared to repatriate following the armistice. You said that that figure was the result of the application of the understandings put forth by your side on April 1st. But you should know that our side definitely cannot agree to paragraph 2 of the understandings put forth by your side. Your side averred repeatedly that you were willing to settle the problem within the framework of our proposal of March 21st. Your side also indicated in the executive meetings that the number of our captured personnel whom your side was going to repatriate would be close to 116,000. The round number of 70,000 submitted by your side loses all connection both within the framework figure of 132,000, which you said you were willing to accept, and with the figure of 116,000, which you specifically indicated. Such self-contradictory course of action taken by your side can only make us gravely doubt whether you side has the intentions of negotiating and settling questions on the basis of fairness and reasonableness. It was only due to your repeated indications of willingness to settle the question within the framework of our proposal of March 21st that a common basis was found between

COL TSAI: (Cont'd) both sides from which a way could be sought toward the solution of the fourth item of the agenda. The estimated figure submitted by your side yesterday has actually overthrown that common basis, which is fair and reasonable.

I would repeat what I said yesterday: the figure of 70,000 submitted by your side absolutely cannot serve as a basis for our discussion. If your side is still interested in negotiating and settling questions on the basis of fairness and reasonableness, it is requested that your side consider this estimated figure all over again.

COL HICKMAN: I should like to review briefly our agreement reached in early April.

The United Nations Command counter-proposal to your statement of principle, and to your understandings, made a statement of our provision in principle which did not contain a round figure for either side. We stated several times that we were unable to arrive at a figure, inasmuch as screening has never been attempted among personnel in our custody. We stated that it would be necessary for us to effect a screening in order to arrive at a figure. There is no question that the higher the figure, the easier it would be to arrive at a solution. Your principles for settling the issue and our principles for settling the issue had clashed and were contrary, as we both knew and still know. It was therefore agreed that both our sides would tentatively defer discussion and consideration of principles while making a round figure determination. This was done in the hope that an agreeable and acceptable solution could be achieved as the result of our screening processes. Our side did not accept the 132,000 figure nor the 116,000 figure. If the eventualities of determining numbers to be returned to your side fitted either of those figures, it was, of course, indicated to you that such figures would be acceptable to us.

The figure that we gave you yesterday is the result of the application of the principle and the associated understandings

COL HICKMAN: (Cont'd) which our side presented to you on 1 April. From your statement at our meeting on 2 April I am sure that your side understood that it was our intention to apply our understandings in the screening process. This figure is a valid estimate of the number of prisoners of war who will return to your side without the application of force or, in the case of Republic of Korea personnel, who will go to your side under the principle of voluntary repatriation.

Our side is willing, of course, to allow to return to your side those prisoners of war who may change their present attitude toward repatriation between the time of their initial expression of their views and the completion of the overall exchange of prisoners of war between the two sides. Putting it in another way, we are completely willing and anxious for all prisoners of war meeting these criteria established by our two understandings of 1 April to go to your side if such is the determination under the criteria.

The screening that was done by the United Nations Command was conducted with fairness and impartiality under the general methods and procedures which we discussed with you in prior Item 4 meetings. The length of time employed by our side in reaching the estimate which we gave you yesterday indicated the extent of the individual interviews which we employed in order to determine as fairly as we could those individuals to be repatriated. The fact that the figure was not one which either your side or our side may have anticipated does not indicate that it was not done thoroughly and conscientiously and in accordance with the principle ennunciated in our understandings.

COL TSAI: You are very aware of the fact that we completely cannot agree to the second paragraph of the understandings submitted by your side. On April 2nd I pointed out to your side that, in connection with the principle of adjustment, I must also point out that among the prisoners of war in the custody of either side--that is, among the captured personnel of the one side held by the other side--there exists a

COL TSAI: (Cont'd) fundamental difference between the non-Koreans and those Koreans who originally resided in the area of the other side, on the one hand, and other Koreans who originally resided in the area of the detaining side, on the other hand. The principle of our side in dealing with both these categories of prisoners of war is well known to your side, and we completely cannot agree with the second item of the understandings submitted by your side.

As to the result of the so-called screening, it is only a clear exposition of your intention to retain our captured personnel as well as the exposition of the result of the illegal control managed by your side. In the meeting your side has openly admitted that by different methods, different results could be obtained. It is clear that the result of your screening is just the reflection of the facts produced under your control. Our side absolutely cannot agree with such results managed by your side.

With respect to the figure, your side stated, day in and day out, that your side was willing to settle the questions within the framework of the provision in principle proposed by our side on March 21st. However, the figure presented by your side yesterday has completely repudiated the basis of our discussion and completely departed from the provision in principle proposed by our side on March 21st. Nobody with sound intelligence could understand that "within the framework of the figure 132,000" means the figure 70,000.

Here I can only say that you flagrantly repudiated what you have said before. You are not willing to settle the present issues and you are not willing to reach a reasonable agreement on the issues.

Under such conditions, I propose that we recess until the usual time tomorrow morning.

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COL HICKMAN: We agree to recess.

Meeting recessed at 1143 hours.

OFFICIAL:

H. M. BRIGGS,
CAPTAIN, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

21 April 1952

SUBJECT: Forty-fourth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 21 April 1952

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, USN, COL D S Somerville, USA, and LTCOL A M Butler, USA, Staff Assistants; 1st LT R F Underwood, USA, 1st LT T F May, USA, and Mr K M Chung, DAC, Interpreters; PVT P W Fetzko, USA, Stenographer.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: Yesterday you indicated that we had repudiated the basis of our prior earlier discussions. We indicated before our long recess that our side could not prophesy a round figure, that only a screening process could disclose the number to be repatriated to our side.

All of our plans for screening were leveled at obtaining the true figure, not an arbitrary one. Our side would have abided by a figure of 132,000, 116,000, or, even had it so turned out, 135,000.

Actually, the figure has turned out to be an estimated 70,000. That figure has resulted from a carefully worked out screening process. It has not worked out as a result of any desire on our part to retain your people for the sake of retention. It has resulted from the application of the understanding which we presented to you on 1 April. It is the figure which we could not prophesy and is the one disclosed by the facts.

Now, we are aware that your side never agreed to accept as such our second understanding of 1 April. In a similar manner, I am sure your side is aware that our side never agreed to accept your understanding that all prisoners of war whose residence was not in the area of the detaining side should be unconditionally repatriated. On the other hand, your remarks on April 2nd indicated to us your appreciation of the fact that our side would employ our principle

COL HICKMAN: (Cont'd) and our understanding of 1 April in connection with the United Nations Command screening processes. I quote from the April 2nd record: "We think that if we continue to spend our time on argument over the principles and understandings themselves, we may not be able to get any results speedily, but viewed from another angle, the contents of the principles and understandings will necessarily be reflected in the specific lists, and both sides have agreed that such specific lists must be agreed upon by both sides before they become valid." In the light of these remarks of your side, there does not seem to be any basis for your indications of a repudiation. That you did not expect this figure is beyond our control. The figure merely represents the facts.

COL TSAI: In your statements this morning and yesterday, you said that the figure of 70,000 submitted by your side on April 19th was obtained on the basis of the principle and understandings put forth by your side on April 1st. As I pointed out yesterday, our side already clearly told your side on April 2nd that our side definitely could not agree to Item 2 of your proposed understandings. Item 2 of your proposed understandings of 1 April is, in actuality, an application to all of our captured personnel of your so-called "voluntary repatriation" or "no forced repatriation". That is tantamount to making our side accept completely the views of your side; tantamount to requiring our side to yield completely to the views of your side. Our side is always willing to settle questions through negotiations, but settlement of questions must be sought on the basis of fairness and reasonableness. Any yielding to the views of your side is absolutely impossible.

As I have pointed out yesterday, the round number of 70,000 submitted by your side has lost all connection with the framework of our proposal of 21 March, which your side indicated many times that your side was willing to accept. As a matter of fact, it was

COL TSAI: (Cont'd) because your side gave repeated indications that you were willing to accept our proposal of 21 March and to seek a solution within the framework of our proposal, that is, a solution in the vicinity of the total of 132,000, and because your side specifically indicated that a total number of personnel whom your side would repatriate to our side would be close to 116,000—it was only because of this that our side suggested that both sides should first determine tentatively the round number of persons to be repatriated so as to seek a reasonable compromise within the figure of 132,000 and 116,000 and then reach an over-all solution, step by step, on the basis of the round number.

The figure submitted by your side on April 19th, however, entirely overthows the basis and the premises of this matter of determining the figure of the round number. Therefore, your figure of 70,000 definitely cannot serve as a basis for our discussion of the round numbers.

Your side surely is aware that any agreement takes two sides. It is impossible and impracticable to expect that in these military armistice conferences conducted by both sides on an equal footing, our side would completey yield to the unilateral views of your side by actually accepting totally your "voluntary repatriation" or "no forced repatriation". Our side has always been willing to settle questions through negotiations; such is still our attitude. However, if you should take our willingness to settle questions through negotiations as a sign of weakness on our part you will be mistaken—gravely mistaken.

I would like to tell you unequivocally that our side absolutely cannot accept your round figure of 70,000. Furthermore, I wish to point out that your round figure of 70,000 has overthrown the basis for further negotiation. In the interest of an armistice I again recommend that your side consider all over again the round figure

COL TSAI: (Cont'd) submitted by your side on April 19th.

COL HICKMAN: I have two or three comments. Firstly, I think your reaction to the 70,000 figure ignores the dismay with which our side heard the figure of 11,559 on 18 December. I am not meaning to imply that the figure of 70,000 represents in any measure or in any degree a retaliatory process, because it does not. It represents instead a fair and honest exposition of the application of our principles and understandings. It represents, as conscientiously as we are able to determine, not how our side feels about the matter, but how the captured personnel themselves feel about it.

Our side does not expect you in these conferences to yield, except to accept those armistice provisions which are reasonable. On the other hand, not going into detail on the point, we do not expect you to apply one principle for personnel you have captured during the war and then say that we cannot apply a similar principle while the armistice negotiations are in progress. You have already received your quid pro quo, unilaterally and in advance. I need only to remind you that percentagewise the 70,000 figure represents a much higher percentage of people to be returned to you than the approximately twenty percent you would return of the captured personnel of our side.

Again, I wish to emphasize that the 70,000 figure is not an arbitrary one and is not one picked by us to achieve any percentage or any arbitrary retention of your personnel. I mentioned this because of your reference to the fact that it would be tantamount to your yielding to a unilateral view of our side.

Our side of course is always willing to negotiate, that is why we are here in this area to attempt to resolve our differences. In our negotiations, however, the 70,000 figure is a firm one. We agreed to the move in our staff officers sessions of accepting

COL HICKMAN: (Cont'd) your principle of releasing and repatriating all prisoners of war at the time of the signing of the armistice. I shall not labor that point other than to say that wars have many times been fought over principles no more important than that one.

It was definitely our understanding that your side realized that our side was going to apply in the preparation of our revised lists our understandings and principles of 1 April. We thought that you realized that we were going to utilize these provisions contained in our understandings to achieve for the individual captured personnel in our custody, on an informal basis, what your side had accomplished as a major military policy thoughout the war.

COL TSAI: I think that up to now you are still repeatedly stating that you are dealing with all the captured personnel of our side with your so-called "voluntary repatriation" principle. That is a question which has been argued for a long time. Our side cannot agree to that principle.

With respect to this long-argued question on the principle, in order to settle this question we made our March 5th proposal, March 21st provision in principle, and March 27th understandings. These proposals themselves were presented to you for a compromise solution of the present issue between both sides.

Your delegates in the sub-committee meetings repeatedly indicated that your side was willing to solve the questions through compromise and negotiations. However, up to now your side is still holding fast to that principle of yours without any change. That principle that your side is using in dealing with the question of the prisoners of war absolutely cannot be accepted by our side. Therefore, where is the compromise, where are the negotiations, as your side has said? We can only find that your side is demanding of our side complete acceptance of the unilateral pro-

COL TSAI: (Cont'd) position of your side.

I wish to tell you clearly that here, sitting opposite your side, are the delegates of the Korean People's Army and the Chinese People's Volunteers, who are on the equal footing with your side for the settlement of the question. Any intention of trying to ask our side for the acceptance of the unilateral propositions of your side--such an attitude and the propositions for such intentions are impracticable and impossible. And the situation is that your side even ridiculously said that your side was willing to accept our principle. Our side has not been so foolish yet.

Since the opening of the second series of the staff officers meetings, and after our side had presented on 21 March the provision in principle, your side repeatedly indicated that your side was willing to settle the questions within the framework of our proposal of 21 March. Those indications can be easily found in the record. For instance, on 28 March your side said, and I quote--the words may not be the exact words because we do not have our English record copy here with us: "I reiterate our belief that to solve the question within the framework of your 21 March proposal is possible." And on 1 April your side said, and I quote: "We indicated that possibly 116,000 would more nearly indicate the magnitude of exchange." Of course, you understand that our side would not agree to that figure of 116,000; however, we considered that if we could first reach a round figure through negotiation between the figures of 132,000 and 116,000 and find a compromise between the two figures, that compromise figure might be a tentative step for the settlement of the issue between the two sides. Only when your side made those indications, we, on 2 April, proposed that we start our work on checking the list. However, now you entirely overthrow such a basis for negotiations.

Since 5 March, in order to settle the existing questions

COL TSAI: (Cont'd) between both sides, our side has been making continuous efforts for a settlement. However, your side even takes such sincere efforts of our side as a sign of weakness and takes advantage of such efforts of our side. I think you are wrong--you are entirely wrong. You say that that figure presented by your side was not the result of your manipulation but a fact. I must point out that this is an assertion contrary to the facts. Ever since the beginning of the discussions of Agenda Item 4, your side has been intending to retain a large number of captured personnel of our side under all the pretexts. This can be proved by many facts. In order to achieve such intent of your side, many illegal activities are being conducted by your side in the prisoner-of-war camps of your side. The captured personnel of our side are forced to accept your instructions, or your intimidation, and to refuse to be repatriated. Such activities of your side have produced many bloody incidents. At this same table you openly indicated that different results would be achieved through different methods. That explains what results can be obtained through your manipulation. The figure of 70,000 is a result of your manipulation. There is no impartiality, no fairness whatsoever. While your side is so doing, we cannot but doubt whether your side has the sincerity to seek for a reasonable armistice. We cannot but doubt whether any useful result could be achieved in such kind of meetings here. However, for the interest of an armistice in Korea, and for the interest of captured personnel of both sides, I again sincerely recommend that your side consider all over again the round figure submitted by your side on April 19th.

Now I propose that we recess until the usual time tomorrow.

COL HICKMAN: I have two brief comments I would like to make before recessing.

It is true that different results are obtainable by different methods in connection with determining repatriation of prisoners

COL HICKMAN: (Cont'd) of war. That fact does not, however, explain the figure of 70,000. Your implication is unfounded that we use the same criteria for the Republic of Korea personnel as for those whose residence is on your side. Our screening of the Republic of Korea prisoners of war and civilian internees was designed to afford these two groups a choice--that is, the principle of voluntary repatriation. Our processing of the Chinese People's Volunteers and North Korean Army personnel was designed to separate those who would violently oppose repatriation from those who would not. Our processes were designed to determine the greatest number who could be sent to your side without the application of force. Our side was not engaging in an idle act when we inquired if your side cared to submit an amnesty declaration. We made use of that declaration in an effort to secure a maximum number of people who would not require force to return to your side. Had a sincere effort not been made by our authorities, or had less stringent standards been employed, the number, I am sure, would have been much smaller. Therefore, I reiterate that the 70,000 figure is now a fact to be reckoned with in future negotiations necessary for achieving an armistice agreement.

My second point is that, so far as you are concerned, Colonel Tsai, it is my opinion that you are personally striving to reach an agreement with us on prisoner-of-war matters. Nevertheless, you have facing you an accomplished fact which your side created during the time prior to the beginning of armistice negotiations, the fact of your side has weeded out a great number of prisoners of war captured by your side whose views may have been unfavorable to our side. When you allege an attempted unequal provision that we are striving to achieve, it is difficult for you to be able to rationally eliminate that accomplished fact from any right which our side now has to accomplish the same purpose and the same end result. We are not asking you as a negotiator to agree to our

COL HICKMAN: (Cont'd) now doing what your side has already done, but instead we are asking that you merely accept our right to do what your side has already unilaterally accomplished. Viewed from that light, the inequality which you mentioned is not apparent.

I have no further comments; unless you have, we agree to recess until 1100 hours tomorrow.

COL TSAI: At this stage, any pretext made by your side now, or any obsolete pretexts picked up again by your side, could not support that unreasonable figure submitted by your side on 19 April. You must remember that your side has illegally classified the captured personnel of our side as civilians. Speaking on the principle, neither side could try to force the other side to yield completely to the proposition of the former side.

Speaking of the figures, your side should not repudiate what your side was willing to accept. If your side has sincerity for an armistice and if your side is for the interest of the prisoners of war, including the captured personnel of your side, you must consider all over again the figure submitted by your side on 19 April.

I propose that we recess now.

COL HICKMAN: We agree.

Meeting recessed at 1247 hours.

OFFICIAL:

H. M. BRIGGS,
CAPTAIN, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

22 April 1952

SUBJECT: Forty-fifth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 22 April 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL J A Norell, USA, CAPT O W Spahr, Jr., USN, LTCOL A M Butler, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; 1st LT R F Underwood, USA, 1st LT T F May, USA, and Mr K M Chung, DAC, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL HICKMAN: I have one administrative problem. Our prisoner-of-war sub-committee on the marking and location of prisoner-of-war camps, with our representative, Lieutenant Colonel Butler, would like to meet with your side following our staff officers session today if such arrangements are agreeable to your side.

COL TSAI: Colonel Wang Chien will meet with Colonel Butler at the time as your side suggested. (See Enclosure 1)

Now I am going to make the following statement:

The principle proposed by our side on March 21st included the approximate numbers of prisoners of war to be repatriated by both sides, and such numbers are a part of the principle. Of this fact your side is fully aware. On March 26th your side stated: "You have used in your application of principle of March 21st an exact figure, and we felt that it was a part of your principle that we should arrive at an ultimate round figure which would be the agreed basis for release and repatriation." Meanwhile, your side indicated many times your willingness to settle the question within the framework of our proposal of March 21st. Now obviously that framework is represented by the approximate figure of 132,000.

On April 1st your side expressed your specific opinion regarding the approximate number, stating: "We consider that 132,000 fails to

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COL TSAI: (Cont'd) take into consideration all pertinent factors and, therefore, would be likely to be too high for an exact figure." You further stated: "Possibly 116,000 would more nearly indicate the magnitude of exchange." Therefore it cannot possibly be mistaken nor can it be denied that your side indicated in these meetings your acceptance of the framework of our proposal of March 21st, including the approximate figure therein. It was only under this prerequisite that our side proposed to determine the approximate numbers first. Now your side has submitted the figure of 70,000. It is so far apart from that given in the framework and thus, in effect, completely overthrows the basis upon which both sides were to determine the round figures through negotiations so as to settle the problem. The overthrow of this basis is also tantamount to negating all the efforts we have made since March 26th in an attempt to reach agreement.

Your side attempted to cover up your overthrowing of the basis already accepted by your side by quoting a passage from my statement of April 2nd. As I have already pointed out in the same statement, I clearly indicated that our side definitely could not agree to paragraph 2 of your understandings. Therefore, your argument is basically invalid.

In your statement of yesterday you attempted to find excuses in defense of the entirely unreasonable figure of 70,000 submitted by your side. You attempted to confuse and bundle up the captured personnel of our side presently in your custody with those of the captured personnel of your side who were released before the beginning of these armistice negotiations and about whom our side has made full explanation in these meetings. Such an attempt of your side certainly will not succeed. The lists of prisoners of war exchanged between both sides on December 18, 1951 is the basis for our present discussion on the repatriation of war prison-

COL TSAI: (Cont'd)

ers. Your side has overthrown the basis on which both sides were to determine first the approximate figures, and is now further attempting to overthrow the basis for the present discussions of the question of repatriation of war prisoners. However, I must point out clearly that the data of the prisoners of war already prepared and submitted by each side is, as a basis, unshakable.

But since the beginning of the discussion of Agenda Item 4, more than four months have been taken up. Yet, now, your side has been trying to overthrow successively the bases for negotiation and discussion which have actually been established. In view of such an attitude on your part we cannot but gravely doubt whether your side has any intention of settling questions reasonably. The premise and method of determining the round numbers first, as proposed by our side, is fair and reasonable and unmistakably clear. The round numbers submitted by our side through this principle and method is also fair and reasonable, and all of these can be made public before the eyes of the people of the whole world. But what about your side? Your side has submitted an absurd figure and sought to disguise and argue for it by excuses which are entirely invalid. Your side has even dug up out of the grave defunct arguments which were long since refuted. Can such an attitude and course of action be designed to settle the question? Can they be taken as showing sincerity for negotiating?

As I pointed out yesterday, any agreement takes two sides. In the interest of an armistice, in the interest of the prisoners of war of both sides, the question must be settled on the basis of reason and negotiation. Therefore, your side must consider all over again the absurd and unreasonable round figure submitted by your side on April 19th and abandon your preposterous proposition of full application of the so-called "voluntary repatriation" or "no forced repatriation".

COL HICKMAN: The statements made by us yesterday were actually not made in defense of the figure that we furnished you on 19 April, because the figure is one which is factual and one which was established by virtue of individual determinations by the prisoners of war and civilian internees themselves.

Your statement of today is largely a recapitulation of your former arguments to which our side has already made response. However, as to the point about our side pulling old arguments out of the grave, any reference of ours to former valid situations or acts of your side is never out-dated. Such references yesterday were made in response to your statement that our present stand was one-sided and unilateral and did not take into consideration mutuality.

You brought up again today your belief that our side has repudiated the agreement which we made on 2 April with respect to the determination of a round figure. Had our side been willing to select an arbitrary figure, we, of course, would not have had to recess and go through a screening process in order to arrive at any such arbitrary figure. That our side did not know what the screening process would reveal was made clear to your side time after time in the days immediately preceding the 2nd of April. In any reference which we made to the figure of 116,000, we were indicating that such a figure would be nearer the correct one, in our opinion, than 132,000. But any conclusion that we agreed to a figure of 116,000—agreed either expressly or impliedly—is not correct. I repeat that our remarks many times were to the effect that only by a screening process could we determine what the round number would be .

Now what is the framework of your proposal of 5 March? It is: number one, the retention of your principle of the repatriation of all prisoners of war at the time of the signing of the armistice; number two, such repatriation to be on the basis of round numbers; number three, a checking of the lists of prisoners of war to be repatriated. Now, with respect to the second one of those elements, any number mutually agreed upon would be within your framework. It

COL HICKMAN: (Cont'd) was obvious to us that your side, even as you explained yesterday, was not unwilling to accept a figure less than 132,000. The fact that the figure which resulted from our screening processes of voluntary repatriation for the Republic of Korea personnel of two classes and of a determination of no forced repatriation for the other personnel in our custody--the fact, as I say, that this figure is one lower than might have been expected does not alter the fact that that figure is one which must be reckoned with from now on.

If I did not misunderstand you, you implied that there are aspects of the current effort to reach agreement which our side is reluctant to expose to public view. I assure you that such is not the case. Our side is quite willing to state the case fully at any time and to all of world opinion to form its own conclusion as to whether we could have done anything different from what we have done. We have nothing to hide or to cover up in connection with the figure or in connection with the methods of arriving at the figure.

COL TSAI: I do not intend to make response to those irrelevant points in your statement.

You are aware that the round figures given in the provision in principle submitted by our side on March 21st is a part of the principle our side proposed. Your side indicated that your side was willing to settle the questions within that framework. Those statements made by your side were recorded by us as the statements made by the representatives of your side. The absurd figure presented by your side on April 19th lost any connection with the principle proposed by our side on March 21st and the figure given therein. Such a figure presented by your side only indicates that your side intends to retain nearly 100,000 personnel of our side. You must understand that such an intention and such a figure cannot be established. Anyone with the least ability of judgement, anyone with the least knowledge of arithmetic, is able to understand that the framework of the figure of 132,474 is absolutely not the figure of

COL TSAI (Cont'd)

70,000.

The prisoner-of-war lists and the figures resulting from the lists as exchanged on December 18, 1951 are the legal basis of the figure throughout the discussion of Agenda Item 4. Any attempt to overthrow this basis is illegal and will not be accepted. Our proposal of March 5th, our provision in principle of March 21st, and our understandings proposed on March 27th, are made on the basis of the prisoner-of-war lists exchanged on December 18th. Those proposals, provision in principle, and understandings, are a practicable and reasonable compromise. They have taken into consideration the opinions of both sides and have made a compromise with the conflicting opinions of both sides. Even at present your side is still attempting to apply your so-called "voluntary repatriation" principle to all the captured personnel of our side. That is no compromise and such a proposition of your side is extremely unreasonable. It is impossible and impracticable for one side to ask the other side in any armistice negotiation, on equal footing of both sides, to accept its own proposition regarding any matter. If your side does not change such a unilateral attitude and is not willing to return to the position of settling the questions through negotiations, no progress is possible. If you do not consider all over again such an absurd figure as submitted by your side on April 19th, no result can be expected from our further discussion.

With respect to the facts, nothing can be more revealing than the facts. Ever since the beginning of the discussion of Agenda Item 4, your side has been trying with every method, under every possible pretext, to attempt to retain a large number of the captured personnel of our side. Your side has illegally classified a large number of the captured personnel of our side as civilians. In addition to your activities in the prisoner-of-war camps, your side even has invited those who have nothing to do with the present

COL TSAI: (Cont'd) Korean war to help your side in such activities. Your side even adopts the barbarous methods through forcibly tattooing on the bodies of the captured personnel of our side the slogans which were against their will. By such means, your side intends to make them afraid of coming back to their homes and your side has even threatened them with massacre. You think that by so doing you can obtain the result as you want. However, I must point out to you clearly that the side sitting opposite to you at this conference would not tolerate such actions of your side. Our side is always willing to settle the questions through negotiations. From March 5th to April 2nd, our side has continuously made all the efforts we could. However, your side thinks that such efforts of our side are a sign of weakness and therefore your side is taking advantage of such efforts of our side. Your side even takes the sincerity of our side for an armistice as a sign of weakness. As I have stated yesterday, you are entirely wrong.

The prisoner-of-war lists exchanged on December 18, 1951 are the legal basis for both sides in the discussion of the question of prisoners of war. It is impossible for anyone to try to overthrow that basis. You, as the representatives of your side, made the statements and indications at the meetings. It is not so easy for your side to overthrow or repudiate such statements or indications. It is also impossible for your side to apply your own unilateral, unreasonable proposition to all the captured personnel of our side.

Since the resumption of the staff officers meetings on April 19th, you have repudiated the bases for the negotiations agreed before. And also you have made statements inconsistent with what your side made before. Furthermore, your side refuses to consider all over again the figures presented by your side. I doubt whether any result could be brought about through such discussions. If you are still willing to reach an agreement, if you are more interested in an armistice than in retention of the captured personnel of our

COL TSAI: (Cont'd) side, you must withdraw such an absurd figure and abandon the absurd and unreasonable item 2 of the understandings maintained by your side. For the interest of an armistice and for the interest of the prisoners of war of both sides, I once again seriously request your side to reconsider your position.

Unless you have anything further to say, I propose that we recess until eleven o'clock tomorrow morning.

COL HICKMAN: I have a brief remark to make prior to recessing.

Our side is definitely interested in securing an early armistice. As, of course, has been shown during the past many months, our side is unwilling to conclude an armistice on the basis of the unilateral views of your side. We are always hopeful, nevertheless, of negotiating a solution which can be made acceptable to both sides.

Next, as to the lists exchanged on 18 December, our view is that they provided the legal basis for starting our discussions. Prior to 18 December, our knowledge of our captured personnel held by your side consisted of an official notification through Geneva of 110 prisoners of war. This official information of 110 was coupled with our intercepted broadcast information from your GHQ—your general headquarters—of upwards of 65,000 of our personnel captured by you during the first nine months of the war. I will not recount old arguments, but will merely state that the lists exchanged on 18 December is far from the final and full answer as to the legal or moral obligations which may be said to be imposable on both sides.

Now to make final comment, the figure of 70,000 does not represent the intent of our side. It represents, instead, the intent of the separate individuals who made up the groups screened by our side under the criteria of our two understandings of 1 April. Representing as it does the product of those individual intents, it is a basic fact which cannot be dismissed. Action taken by either side should not operate to alter materially this basis fact.

COL HICKMAN: (Cont'd) This figure is one to be accepted in connection with future negotiations.

If you have no further comments, we agree to recess until 1100 tomorrow.

COL TSAI: I am not going to make any statements irrelevant to the matters under discussion here. The understandings submitted by your side on April 1st are the unilateral propositions of your side. We oppose such understandings and we are going to continue to oppose such understandings. The prisoner-of-war lists exchanged on December 18th are the legal basis for the negotiations. We maintain such a basis and we will continue to maintain such a basis.

We propose to recess now.

COL HICKMAN: We agree.

Meeting recessed at 1239 hours.

OFFICIAL:

H. M. BRIGGS,
CAPTAIN, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR

Enclosure 1 Meeting Concerning Prisoner-of-War Camps, Held at Pan Mun Jom, 22 April 1952

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

MEMORANDUM FOR THE RECORD: 22 April 1952

SUBJECT: Meeting Concerning Prisoner-of-War Camps, Held at Pan Mun Jom, 22 April 1952.

Representatives Present:

UNITED NATIONS - LTCOL A M Butler, USA; 1st LT T F May, USA, Interpreter, Mr. K M Chung, DAC, Interpreter.

COMMUNISTS - - - Col Wang Chien, CCF; Tien Chin, CCF, Interpreter, Hsu Un Hai, CCF, Interpreter.

Meeting convened at 1245 hours.

COL BUTLER: In compliance with the provisions of Article 23 of the Geneva Convention, the United Nations Command reports to your side the location of six newly established United Nations Command prisoner-of-war camps. These new prisoner-of-war camps are in addition to the camps previously reported to your side on 23 January 1952. The new prisoner-of-war camps are located in the general vicinity of the following towns: PUSAN, YONGCHON, MANSAN, SANG MUDAI, CHEJU-DO and NONSAN. I now submit to you 1:50,000 and 1:250,000 maps on which are plotted the geographic locations of the newly established prisoner-of-war camps. Prisoner-of-war camps are indicated on the maps by a black circle. At a later date the United Nations Command will report to your side the nationality and names of prisoners of war at each of the prisoner-of-war camps as reported.

(Colonel Butler hands maps to Colonel Wang.)

COL WANG: I have noted your reporting of the locations of the newly established United Nations Command prisoner-of-war camps. I will take the maps back and study them.

Meeting adjourned at 1255 hours.

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

23 April 1952

SUBJECT: Forty-sixth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 23 April 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC; Staff Officers; COL J A Norell, USA, CAPT O W Spahr, Jr., USN, COL D S Somerville, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; 1st LT T F May, USA, and Mr K M Chung, DAC, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Do you have anything to say?

COL HICKMAN: Yes.

I do not wish to restate our former arguments, still valid, about the legality and the propriety of the United Nations Command reclassifying, as civilian internees, our own people. Nor do I feel it necessary to go into detail again about our side having no desire to retain your people; we merely cannot force anyone in our custody to be repatriated. I make these particular remarks merely to indicate to you that I noted in the record of yesterday your comments on those two points. Our views on them are unchanged from those previously expressed. Our side is entirely willing to negotiate an armistice. Like you profess to be, we are desirous of securing an armistice at an early date.

As we indicated several weeks ago, we were willing to accede on the pronounced principle of yours if we can achieve the end result desired by our side. The end result is represented by the 70,000 figure which is the product of the individual intents of the prisoners of war in our custody. As we told you, we conscientiously sought to separate those violently opposed to repatriation--violently opposed to returning to your side--from those not so opposed. I emphazise again that the standard employed was not that of "voluntary repatriation"--except for the Republic of Korea personnel--and was not the "free choice" which your side employed throughout the war. The

COL HICKMAN: (Cont'd) standard employed was the minimum one of "no forced repatriation" Had "free choice" been used, the number not to be repatriated would have been much larger.

Your side indicated yesterday, inferentially at least, that our side coerced your people in order to retain them; that we thereby reduced the figure to be repatriated. Our side is willing to concede to your side the right to be assured on this figure. We are willing, after the armistice agreement is signed and after the exchange of prescribed prisoners of war is effected--and if you so desire--to maintain further temporary custody of the former prisoners of war held by us and not repatriated to your side, so that you may assist in a re-screening of this group. We visualize that if you are interested in such re-screening that it might be done generally in one of two ways: By some international group, such as, but not limited to, the International Committee of the Red Cross in the presence or not, as you desire, of military observers of both sides. Or, second, by joint Red Cross teams in the presence or not, as you desire, of military observers of both sides. As a result of this verification, any former prisoner of war remaining in our temporary custody who indicated he would not forcibly resist delivery to your side would be so delivered. In this fashion, you could assure yourselves that in addition to 70,000, all prisoners of war who do not forcibly resist repatriation would be returned to your side. In this fashion, after the exchange of the 70,000 and the 12,000, you would be able to discharge fully your obligation to the captured personnel of your side, if you sincerely believe that our side has engaged in any coercion.

COL TSAI: In your statement this morning you were trying to find any justification for all kinds of instigations conducted by your side in your prisoner-of-war camps. I tell you that you cannot find any real justification for what you have done. The various activities of your side in your prisoner-of-war camps--ranging from inciting by the brigands from Taiwan, forced tattooing of the captured personnel of our side, and forced writing of blood petitions, to the repeated

COL TSAI: (Cont'd) large-scale massacres of the captured personnel of our side--have fully explained the policy and concrete measures of your side not to return the captured personnel of our side.

Such policy and measures caused your side to present the absurd round figure of 70,000 to be repatriated, and you dubbed this round number a "factual" one. In order to establish this fact of your creation, your side stated: "Action taken by either side should not operate to alter materially this basic fact. This figure is one to be accepted in connection with further negotiations." In effect, this figure is merely something created by your side through your acts of coercion and manipulation at the expense of the lives and wills of the captured personnel of our side. It is entirely devoid of any factual ground, even less can it be called a "fact". Under your military control, there are completely no conditions for our people to express their own will at all.

We absolutely do not recognize any of the so-called screening and its results conducted by your side. Our side absolutely cannot agree to any such course of action taken by your side. This figure, which does not in the least represent actual facts, is meaningless and our side absolutely cannot consider it. In taking such a course of action and presenting such an absurd figure, your side is in effect attempting to make our side accept completely, through this round figure, the principle of so-called "voluntary repatriation" of your side. That principle of "voluntary repatriation" is, in effect, a principle of forced retention of the captured personnel of our side. It has met with firm opposition from our side for the past four months and that is what our side absolutely cannot accept.

Your side has expressed many times its willingness to settle the question within the framework of our side's proposal of 21 March. Yet your side is insisting on paragraph 2 of the understandings proposed by your side on 1 April and is therefore trying to trans-

COL TSAI: (Cont'd)

form our proposal of 21 March into your proposal of forced retention of our personnel in captivity. That is to say, in substance your side is still insisting up to this moment that our side should be entirely subjugated to the unilateral and unreasonable proposition of the so-called voluntary repatriation of your side. Your side has overthrown the basis for further negotiations. Such insistence by your side on our acceptance of your absurd and unreasonable proposition of forced retention of the captured personnel of our side will not have its way and will not achieve its aim. Such insistence by your side only makes us more doubtful whether your side really intends to settle questions through negotiations and to reach an armistice at an early date. In the interest of reaching an armistice, our side has made an extremely great effort by proposing the principle of adjustment on 27 March, which is the only reasonable compromise solution of the present issue. This fair and reasonable stand of ours is unchangeable.

The principle proposed by our side on March 21st and the understandings proposed by our side on March 27th are the most fair and reasonable solution for the present issue. They were made on the basis of our proposal of February 3rd. In our proposal of February 3rd, in order to take care of the interests and welfare of the prisoners of war, we proposed a provision that those captured personnel of our side whose original residences were in your area and who desire to return to resume a peaceful life after return to their homes, may not be repatriated. However, those captured personnel of our side whose original residences were in our area and all those non-Korean captured personnel of our side should all be repatriated to our side so that they can also return to their homes and resume a peaceful life. I cannot see any justification or pretexts for your side to deprive them of their right to resume a peaceful life. Your side adopts all kinds of measures to attempt to retain a large number of the captured personnel of our side. With such intention of your

COL TSAI: (Cont'd) side you have been consistently insisting upon your unilateral proposal and asking our side to completely accept the proposition of your side. Your side does not adopt the way of negotiations.

There can be only one explanation for such an attitude of your side—that is, you are not willing to reach a fair and reasonable armistice, although verbally you said that you are willing to have an armistice. Since the resumption of the staff officers meeting on April 19th, you have overthrown the basis of negotiations of both sides. Under such conditions we cannot see that any progress would be possible and any agreement would be possible.

Today you attempt to delay dealing with the question of the release and repatriation of more than 100,000 captured personnel of our side to the time after armistice. It not only indicates that your side is still asking our side to yield completely to your principle of forced retention, it also would earn more time for your side to continue to accomplish the work of instigation by your side in the prisoner-of-war camps. However, I must point out to your side that it won't work, and it is impossible to be worked out.

COL HICKMAN: I think I should inform you that during the month of July--the first month of the armistice talks--some 4,000 members of the Chinese People's Volunteers tattooed themselves in protest to returning to your side, long before prisoner-of-war discussions had even begun. The fact that your side has employed in your forces individuals who are so violently opposed to returning to you is a fact not created by our side, but a fact which is based upon personal desires and beliefs and perhaps ideologies of the individuals themselves. It may not be a part of your military policy to accept the individual concept of freedom that was exemplified by the attitude of the United Nations Command in its provision for voluntary repatriation. We advocated that view, presented to you our reasons for it, and finally, in a spirit of compromise, reduced our requirement for settlement of this issue to that of "no forced repatri-

COL HICKMAN: (Cont'd) ation" eliminating thereby, except for the South Koreans, the provision of any free choice and substituting the provision of "no violent opposition to repatriation". In order to indicate clearly to your side that we were not prompting any individual who might violently oppose return to your side, we formally proposed that the determination of the individual be made in the presence of neutral teams, and in the presence of both belligerents, in the neutral zone at Pan Mun Jom.

Next, not being able to secure your acceptance of that proposal, we conceived of the proposition, and presented it here in executive session, that we would be willing to remove the expressed requirement in the Armistice Agreement for the principle of "no forced repatriation" and secure our end result by practical means. This last effort on our part is one that is, or should be, well understood by your side, inasmuch as your side has in like manner disposed of some four-fifths of the captured personnel of our side, unilaterally, without quid pro quo, and without consulting us in any way. Your talk about inequality falls on deaf ears, because we know you have done what we are currently proposing in our present negotiatory effort. Our side has kept in our custody not only all of the Chinese People's Volunteers and the North Korean Army personnel, but also all of the Republic of Korea personnel whom we have taken into custody from the beginning of the war. Your side had no comparable problem to that of the Republic of Korea personnel in our custody, because in a similar situation your side would only have released them and utilized them. You actually did such releasing and such utilization of the personnel who came from our side.

This morning we have invited you to participate in a re-screening if you so desire, of the personnel of your side, in order to assure yourselves that opposition of some of your people to return to your side is a fact--a fact which cannot be disregarded in any negoti-

COL HICKMAN: (Cont'd) ations.

I have outlined the successive steps taken by our side in connection with repatriation to show you which side is attempting to settle this question on a negotiatory basis and which side is seeking an early armistice. We will not reach a solution through such unshakable stands as you have announced. We can reach agreement only through negotiation of all issues. Our side has this morning suggested a means which should remove any doubt as to the sincerity of our efforts to negotiate.

If you have no further statements, we propose a recess until eleven o'clock tomorrow.

COL TSAI: Ever since the beginning of the discussion of the question of prisoners of war, you have been persistently insisting on your so-called voluntary repatriation. Although during the course of the discussions you have used various names for your propositions--such as "free choice", "no forced repatriation", and so forth--yet in spite of all the different forms of the same proposition of your side, the real substance of your proposition is forced retention of large numbers of captured personnel of our side. That number of the captured personnel of our side which your side intends to retain is so great that it is in the vicinity of 100,000. Your insistence on our complete acceptance of your unilateral proposition is what you call your willingness to negotiate, your willingness for compromise! The provision of principle we proposed on March 21st and the understandings we proposed on March 27th themselves are a reasonable compromise in principle of the propositions of both sides. The principle of our March 21st proposal and the understandings submitted by our side on March 27th are neither the proposition of unconditional repatriation of all prisoners of war, as maintained by our side, nor the principle of forced retention of prisoners of war on which your side up to this moment is still insisting. Is it not very clear

COL TSAI: (Cont'd) which side is making continuous efforts to try to reach an early agreement and which side is unilaterally demanding the other side to yield to its proposition? After you indicated many times that you were willing to settle the questions within the framework of that principle, and after you have made indication regarding the round figures which are a part of the principle submitted by our side, we agreed that we enter into the work of checking the lists since April 5th. However, after the resumption of the staff officers meetings on April 19th, your side has overthrown the basis for negotiations and repudiated the statements which you made as the representatives of your side. Is that the indication of your willingness for negotiations, your willingness for reaching an early armistice?

Under our proposal of March 21st and understandings of March 27th, the prisoners of war will be able to resume a peaceful life and rejoin their families and join the peaceful reconstruction work. What is your principle? You insist that a large number of prisoner of war should be completely displaced and they may not be able to return to their homes to join their families forever. Does that mean you are concerned about the interests of the prisoners of war?

In order to explain or justify your own proposition, you said that even in July of last year there were 4,000 captured personnel of our side who were tattooed. Such a statement of yours cannot support your proposition at all. Instead, it explains that your policy and measures of coercing the captured personnel of our side are always the same.

I must clearly and unmistakably point out that we did negotiate, we are negotiating, and we are willing to negotiate in the spirit of negotiation. However, you must understand that our principle of March 21st and understandings of March 27th themselves are the

COL TSAI: (Cont'd) reasonable compromise of the propositions of both sides. Our attitude towards such a reasonable compromise of the propositions of both sides is unshakable.

We agree to your proposal for recess until tomorrow.

COL HICKMAN: We have offered you the opportunity to ascertain for yourselves whether the basis proposed by us for the exchange of prisoners of war is realistic. We do not understand your insistence that it is not realistic when you, at the same time, do not wish to ascertain whether such insistence has any basis. Before initiating the screening of prisoners of war, the official statement of your side regarding amnesty was announced to all prisoners of war in the custody of the United Nations Command. Prisoners of war were admonished that their individual decisions were most important and that in making their own decisions the matter would be carefully considered from every standpoint. They were enjoined to consider their families in connection with the results of their decisions. They were reminded that prisoners of war not violently opposed to repatriation would be guaranteed return to their authorities at the time prisoners of war are exchanged, whereas those violently opposed to repatriation could not be given any guarantees as to their future disposition. It is of course, impossible for me to assess the innermost feelings and ideas of the individual prisoner of war to determine all the factors which caused him to make the decision that he made. Our side certainly did not hold out any promises or offers to the individuals concerned. We were seeking the round figure on the basis of our understandings of 1 April. We gave you the figure in accordwith our agreement. I personally do not consider this to be in any measure a repudiation. We have today offered verification if you wish it. The results of our processing cannot, however, be dismissed. They need to be reckoned with by both sides.

If you have nothing further to say, I agree to recess.

COL TSAI: Your understandings of April 1st is the unilateral proposition of

COL TSAI: (Cont'd) your side. Therefore, any result under such understandings is only the indication of your unilateral proposition. We will not consider such results, and we cannot agree to such results.

As to the facts of your attempting to retain forcefully the captured personnel of our side, if you are interested in those facts, you may make the requests and I will consider to try to satisfy your interest in that sphere.

I agree to recess.

(At Colonel Hickman's request, Communist interpreter repeated last statement, beginning with, "As to the facts..."

Meeting recessed at 1257 hours.

OFFICIAL:

H. M. BRIGGS,
CAPTAIN, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

24 April 1952

SUBJECT: Forty-seventh Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mun Jom, 24 April 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; COL J A Norell, USA, COL D S Somerville, USA, LTCOL A M Butler, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; LT H G Underwood, USNR, and 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; COL Wang Chien, CCF, Staff Assistant; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Let us start the meeting.

The round figure of 70,000 presented by your side to indicate the number of war prisoners to be repatriated by your side has completely overthrown the basis of negotiations on the Agenda Item 4—that is, the lists of war prisoners exchanged between both sides on 18 December last year and the framework of the principle for repatriation of war prisoners submitted by our side on March 21st. This round figure presented by your side, in fact, preserves completely intact the unreasonable proposition on which your side insisted when discussions were started on Item 4, four and one-half months ago. It is an open violation of the Geneva Convention, from which your side frequently quotes. It means refusal to release and repatriate without delay all prisoners of war after the cessation of hostilities. This round figure presented by your side requires, in effect, that our side yield completely to your attempt to retain large numbers of the captured personnel of our side under the pretext of the so-called "voluntary repatriation." It has overthrown the basis of these executive sessions. Under such circumstances our side considers that the executive sessions have lost any function which might have facilitated the negotiations and

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COL TSAI: (CONT'D) can only be turned into an instrument of your side to delay the armistice negotiations and blindfold the people of the world. Our side wishes to notify your side formally that the form of the executive session is abrogated from now on and open negotiations are accordingly reinstated.

If you have any opinion, I would like to hear it.

COL HICKMAN: As we agreed, of course, at the beginning, it is your prerogative, as it has been ours, to discontinue the executive sessions at any time. We regret the precipitate action taken, however, without prior consultations with us in this tent on the subject. We consider that further negotiation of the remaining issues without the advantage of executive session may well make the discussions more difficult and more prolonged. If the decision of your side is now final, we, of course, accept it. If your side cares to accept the probable increased delay in our negotiations because of the elimination of the advantages of the executive session, there is, of course, nothing that our side can do about it.

Have you any further comments in this regard?

COL TSAI: We can inform you clearly that we are always exerting all efforts at any time under any form of the meetings to try to reach a speedy settlement of the remaining issues between both sides. If your side has the same desire for a speedy settlement of the question as our side has, the settlement of the question can be reached under any form of the meetings. However, if your side is still taking the attitude of insisting on our complete yielding to your proposition, any settlement would not be possible under any form of the meeting. Therefore, whether an agreement would be delayed is entirely up to your side.

On April 22nd, in this tent, your side clearly stated to our side that you were quite willing at any time to make our negotiations open. I remember very well what your side said before.

COL TSAI: (CONT'D) Since your side has overthrown the basis of negotiations accepted by both sides previously, therefore our side notifies you that now we are willing to conduct open negotiations. Of course, if your side has any new proposal in this respect, we are willing to hear it.

COL HICKMAN: I would like to state that the remarks I made about our willingness to have the entire facts presented to world opinion was in answer to your implication that our side was in some way ashamed of the results attained. My statement to that effect is still a correct one. But that is not to say that we may not be able to negotiate more readily in executive session than in open session.

I am not sure what you meant by your last remark. I should like to inquire if you now wish to take advantage of your privilege of unilateral abrogation of the executive sessions, and if this decision of your side is final.

COL TSAI: With respect to the question of the form of the meetings, on our part we consider that since you have overthrown the basis of negotiations the continuation of the executive sessions bears no meaning now. However, for the sake of courtesy, I was asking your side's opinion about the form of the meetings. If you consider that your side wants to continue the executive sessions, you may present your opinion.

COL HICKMAN: I would like to have a fifteen-minute recess if that is agreeable.

COL TSAI: We agree.

Meeting recessed at 1127 hours.

Meeting reconvened at 1148 hours.

COL HICKMAN: I do not have to point out to you the difference between unilateral abrogation of the executive sessions and a consultation between both sides to effect this purpose. Had your side consulted with us on this problem, we should have recommended the continuation

COL HICKMAN: (CONT'D) of the executive sessions as providing the best medium for the resolution and the negotiation of the remaining issues. Abrogation of these sessions will unquestionably, in our view, delay the attainment of an armistice.

If I am to interpret your statement of this morning as constituting an unequivocal and unilateral abrogation of the executive session and interpret your action as final, our side can only propose a recess until such time as both sides are prepared to resume the meeting in open session. Notification of such readiness can be made by the liaison officers. On the other hand, if I am to interpret that you are consulting with us on this question, we feel that it would be advantageous for both sides to continue the executive sessions for the present.

COL TSAI: In order to study your last statement, I propose that we recess for fifteen minutes.

COL HICKMAN: We agree.

Meeting recessed at 1157 hours.

(Recess extended to 1330 hours at request of Communists)

Meeting reconvened at 1330 hours.

COL TSAI: Let's begin now.

According to the understandings agreed upon by both sides when we entered into executive sessions, either side may discontinue the executive session when it feels necessary. Therefore, the question raised by your side this morning of unilateral determination actually does not exist. Furthermore, if your side also has the sincerity toward a speedy settlement of the questions, the form of the meetings is fundamentally not important.

Our side has always been willing to settle the questions through negotiations. However, since the resumption of the staff officers meetings on April 19th, your side has completely overthrown the basis of negotiations constituted by our proposal of

COL TSAI: (CONT'D) March 21st. Under such conditions, our side has been still exerting all the efforts, but your side is insisting on your unilateral proposition. Therefore, the executive session now loses its basis. Thus, the continuation of the executive session very obviously cannot reach any result. Therefore, this morning, our side stated that on our part we desire to discontinue the executive session.

Nevertheless, if your side considers that the continuation of the executive session would be helpful to the settlement of the questions and if your side is willing to return to the basis of our proposal of 21 March for the settling of the questions, we are willing to continue to hear your opinion. We are willing to continue to try in this way, if it is for the interest of the armistice and for the interest of the negotiations by both sides.

In order that both sides continue the consideration of the question of the further discussions of the form of the meetings, we would like to suggest that we recess until tomorrow and we will continue to exchange our opinions regarding this question in tomorrow's session.

COL HICKMAN: We agree with the continuation of that discussion at tomorrow's meeting.

Meeting recessed at 1345 hours.

OFFICIAL:

H. M. BRIGGS,
CAPTAIN, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR

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GENERAL HEADQUARTERS
UNITED NATIONS COMMAND
ADVANCE

25 April 1952

SUBJECT: Forty-eighth Meeting of Staff Officers on Details of Agreement on Agenda Item 4, Held at Pan Mum Jom, 25 April 1952.

Representatives Present:

UNITED NATIONS - COL G W Hickman, Jr., USA, and COL J C Murray, USMC, Staff Officers; CAPT O W Spahr, USN, COL D S Somerville, USA, LTCOL A M Butler, USA, and CHSCLK G G Fuller, USNR, Staff Assistants; LT H G Underwood, USNR, and 1st LT T F May, USA, Interpreters.

COMMUNISTS - - - COL Tsai Cheng Wen, CCF, and COL Lee Pyong Il, NKA, Staff Officers; Interpreters and Stenographers.

Meeting reconvened at 1100 hours.

COL TSAI: Now let us begin the meeting.

Do you have any opinion about the resumption of the basis for the continuation of the executive session?

COL HICKMAN: Yes. As we indicated yesterday, your side—or for that matter our side—has the right and the power unilaterally to end our executive sessions. Our point yesterday in discussing that unilateral power of rescinding executive sessions was merely this: Our two sides had gone into executive session after mutual consultation; it seemed fitting, therefore, that the abrogation of the executive sessions be dealt with in like manner. It was our view yesterday, as it is our view today, that executive sessions offer or provide a more suitable medium for negotiating all the remaining issues than do open sessions.

You of course realize that our side cannot make any substantive agreement or any concession as a condition precedent to remaining in executive session. We merely feel that, regardless of the topics or trend of the negotiations in the next few days, progress can be more rapidly and successfully made in executive session than in open session. We urge its continuance for the present. These comments summarize the views of our side.

COL TSAI: Yesterday I pointed out clearly and unmistakably the understandings

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COL TSAI: (CONT'D) agreed on by both sides on 24 March regarding our entering into the executive sessions; that is, such form of the meetings will continue until either side wishes to resume open sessions. Actually we may enter into open negotiations without having to wait for your consideration of it. However, since yesterday your side expressed your willingness to continue the executive sessions, we gave you time for further consideration in order that there is a chance for your side to consider to resume the basis for the continuance of the executive sessions. In the executive sessions since April 19th, your side has overthrown our basis for further negotiations. That makes the executive session unable to be a useful form to promote the progress of the negotiations. However, up to now, you are only using empty words stating that you are willing to negotiate but no actual actions have been taken by your side to prove such willingness of your side. Instead, your side insists on the unilateral principle of your side in attempting to retain large numbers of the captured personnel of our side. As I stated yesterday, such an aim of yours cannot be achieved at any time and in any form of the meetings.

Unless you present some proposal which would be sufficient for the resumption of the basis of negotiations based upon our March 21st proposal, we do not see any reason for the continuation of the executive sessions. After hearing your statement this morning, we consider that it is time for us to resume the open sessions. Therefore, I now declare that we enter into the open sessions and I am going to make the following statement:

I believe that if your side is willing to settle the questions through negotiations, we can continue our discussion the same in the open sessions. In order to break the deadlock of long standing on Agenda Item 4 and expedite agreement, our side made a proposal

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COL TSAI: (CONT'D) on 5 March that the principle that both sides should release and repatriate all the prisoners of war following the armistice be first established on the basis of the factual data of prisoners of war already ascertained between both sides; that is, the principle of total repatriation be established on the basis of the prisoners of war presently held by both sides. On March 21st our side further submitted the following wording of the principle: "After the Armistice Agreement is signed and becomes effective, the Korean People's Army and the Chinese People's Volunteers shall release and repatriate all of the 11,559 prisoners of war in their custody and the United Nations Command shall release and repatriate all of the 132,474 prisoners of war in its custody. The lists of the names of the prisoners of war stated above shall be finally checked by the staff officers of both sides." This proposal of ours was entirely reasonable. It laid the foundation for the executive sessions. At the request of your side, our side agreed, on March 25th, that the staff officers' meeting be henceforth in executive session.

In view of the fact that there are Korean prisoners of war in the custody of each side who originally dwelt in the area presently controlled by the detaining side and that both sides have agreed to guarantee that the prisoners of war will resume a peaceful life upon being released and repatriated following the armistice, our side indicated the willingness that adjustment be made in dealing with the individuals of the stated group of people as special cases, so that they may return home to join their families and resume a peaceful life in accordance with their own desire. On March 27th our side proposed the understandings on the principle of adjustment for the repatriation of prisoners of war, to the effect that all non-Korean prisoners of war and those Korean prisoners of war who

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COL TSAI: (CONT'D) are not natives of the area controlled by the detaining side shall be repatriated in their entirety, while those Korean prisoners of war who are natives of the area controlled by the detaining side can be exempted from repatriation if they themselves desire to return home to resume a peaceful life. This principle of adjustment, which takes care of every aspect of the problem and is both humane and reasonable, should have easily settled the issue between the two sides with regard to the principle of repatriation of prisoners of war.

However, on April 1st your side submitted your own version of the principle and understandings in which your side advocated the same "voluntary repatriation" which your side has always claimed and, in effect, continued to attempt to retain large numbers of our captured personnel. Under such circumstances, it was obviously difficult as yet for both sides to reach agreement on the principle. However, in view of the fact that your side attempted repeatedly to indicate the willingness to settle the problem within the frame-work of our March 21st proposal and specifically indicated that the number of prisoners of war whom your side were to repatriate would be close to 116,000, and for the sake of progress in the meetings, our side proposed on April 2nd that the checking of the prisoner-of-war lists be first proceeded with, so that a reasonable compromise figure might be found between 132,000 and 116,000 as a round number of prisoners of war whom your side were to repatriate and so that the deadlock of the conference might be broken. On April 4th, your side agreed to our side's proposal, and from that date the meeting went into recess while both sides proceeded to do preparatory work.

On April 19th when these sessions were resumed, your side presented the round figure of 70,000 as the number of captured personnel of our side whom your side will repatriate. That means you want to

COL TSAI: (CONT'D) retain large numbers of the captured personnel of our side now in your hands, thus repudiating the specific indications previously made by your side in connection with our proposal of March 21st and the round figures provided therein. This figure of 70,000 simply bears no comparison with the total number of 132,000 as given in the lists of prisoners of war which were formally submitted by your side on December 18th. However, the revised round figure presented by our side to indicate the number of captured personnel of your side whom we shall repatriate included newly-captured prisoners of war and amounts to 12,000—exceeding the total given in the lists submitted on December 18th. The sincerity of our side in solving the problem is self-evident.

Since April 19th, the insistence by your side on this ridiculous figure has proved that your side is not in the least willing to abandon the unreasonable proposition of forced retention of tens of thousands of captured personnel of our side. Thus, these executive sessions have been rendered meaningless.

Your side insists on the application of the so-called "voluntary repatriation" to all of the captured personnel of our side; but the aim of your side—that is, the ultimate result which you are pursuing—is forced retention of more than 100,000 of the captured personnel of our side. You have made use of the Chiang Kai-shek and Syngman Rhee special agents to perpetrate all kinds of criminal activities in the prisoner-of-war camps of your side, tattooing the captured personnel of our side, forcing them to write petitions in blood, and even not hesitating to resort to bloody massacres and to carry out bloody criminal activities. These facts are well known to all the people of the world. You must know that the captured personnel of our side are under the military control of your side, and that such criminal acts of yours are in open and

COL TSAI: (CONT'D) direct violation of the Geneva Convention, and will not be permitted by just people all over the world.

Your side tries to use the fact that our side had released the prisoners of war before the lists were formally exchanged between both sides on December 18th, 1951 to justify your attempt to retain our captured personnel after the exchange of the lists of both sides on December 18th. You should be aware that the prisoners of war were released long before December 18th and that they cannot in the least be confused with the prisoners of war included in the lists formally exchanged between both sides on December 18th. I wish to tell you frankly that the lists formally submitted cannot be repudiated at will. Your attempt to do so only serves to reveal that your side is premeditatingly overthrowing the basis for and deliberately delaying negotiations. Ever since discussions began on Agenda Item 4, we have been insisting that both sides should unconditionally release and repatriate all the prisoners of war under their respective custody after the signing of the armistice. Our proposition is absolutely just and is absolutely fair and reasonable.

Your side, however, unreasonably insists upon this proposition of so-called "voluntary repatriation" which is not at all tenable. Under your military control, how could there be the conditions for expression of free will and purpose? There has never been anything as "voluntary repatriation" throughout history. This proposition is in itself invalid. It is a direct violation of the Geneva Convention, from which your side has been quoting so readily and frequently. I think that in your hearts you yourselves are also aware that your proposition is in no way justifiable. As a result, the discussions on the question of prisoners of war during the period from December 11, 1951 to March 5, 1952. has yielded no

COL TSAI: (CONT'D)

result.

In the interest of reaching an agreement, we submitted the compromise proposal of March 5th, recommending that an agreement be sought first in the lists already exchanged between both sides on 18 December and that the question of the repatriation of 44,000 of our captured personnel who are illegally re-classified by your side as civilian internees be laid aside for the time being but settled later through negotiation when the main agreement has been reached. This was a great concession on our side. On March 21st our side further submitted the principle governing the repatriation of prisoners of war as well as the round numbers of prisoners of war to be repatriated by both sides. Although your side claimed that you were willing to solve the problem within the framework of our principle of March 21st, you considered that the figure of 132,000 was too great to indicate the number your side should repatriate, whereas the figure of 116,000 could be considered. In order to reach an armistice in Korea, and realizing the desire for peace of people all over the world, and in accordance with the universal desire of the prisoners of war to go home to enjoy a peaceful life, our side submitted the principle of adjustment of March 27th. In accordance with this principle of adjustment, "voluntary repatriation" would, in effect, be applied to a portion of the prisoners of war in the respective custody of both sides and "unconditional repatriation" applied to the remaining prisoners of war. Thus, in regard to principle, the propositions of both sides were accommodated to the maximum possible extent; and with regard to number, a figure between 132,000 and 116,000 was sought.

In these negotiations, conducted on an equal footing, this proposal of ours is the only reasonable compromise solution. This proposal of ours shows to all the people of the whole world how we

COL TSAI: (CONT'D) look forward to the materialization of an armistice in Korea, and how willing we are to solve the problem on a fair and reasonable basis. But your side insists on the application of the so-called "voluntary repatriation" to all the captured personnel of our side in an attempt to retain upwards of 100,000 of our captured personnel. Does this not drastically demonstrate that your side has no intention of solving the question through negotiation and speedily attaining an armistice?

In fact, the aim of your side is not to solve the question through negotiations on a fair and reasonable basis. Your side is not in the least concerned with the interests of the tens of thousands of captured personnel of our side and their families. Your true purpose is to delay these negotiations, or even to wreck them, so as to satisfy your desire of gathering cannon fodder for your further extending the war in collaboration with your friends Chiang Kai-shek and Syngman Rhee.

In order to realize an armistice in Korea, we are still willing to solve the question through negotiations. But we maintain that our proposed wording of principle of March 21st and the compromise principle of adjustments of March 27 constitute the only reasonable basis for the solution of the problem of prisoners of war. In the interests of an armistice in Korea, I request that your side reconsider your stand.

COL HICKMAN: We have noted both your statement for obvious propaganda reasons and for abrogating the executive sessions. Our side will need some little time to prepare to resume open sessions, and we therefore request a recess until we notify you through liaison officers of the time of our readiness to resume discussions.

COL TSAI: I must point out that every point in our statement is made either on the basis of the facts or on the basis of our reasonable

COL TSAI: (CONT'D) proposition. The change of the form of the meetings does not harm our further negotiations for the settlement of the remaining issues between both sides. Our side expressed yesterday our opinion regarding the ending of the executive sessions, and we gave you time for consideration. However, your side has no desire to resume the basis for further discussions in executive sessions. Therefore, we have declared the ending of the executive sessions. Your side has said long ago that the proposition of your side can be opened to the people of the whole world. Therefore, where is the need for preparation on account of the change of the form of the meetings? It further proves that your side is utilizing the form of the executive session to blindfold the people of the world. To such point of yours, we cannot agree.

You say that you request a recess for a certain period. We can only say that it explains that you are going to stall the negotiations further. We cannot agree to that opinion of your side and we actually oppose that opinion. In the executive sessions you overthrew the basis for negotiations. You had no sincerity in settling the questions, but you utilized that form of the meetings to blindfold the people of the world. Now, when we enter into the open sessions of the staff officers, in accordance with the understandings agreed by both sides, you deliberately take the pretext to try to delay the proceedings of the staff officers meetings. We are firmly opposed to that intention of your side. Therefore, for the interest of the further proceedings of the meetings, we propose that we meet at eleven o'clock tomorrow morning to continue our meetings.

COL HICKMAN: The change in the nature of the negotiations is obvious. We, this morning, opposed return to open sessions but such opposition availed nothing. The recapitulation of yours in your long statement

COL HICKMAN: (CONT'D) was one which your side has made in general several times. There is no doubt in my mind that your side knew that our side was aware that such points of view had been made before by your side; hence, my statement that it was for propaganda purposes. I could equally well recapitulate, out of hand, the views and feelings of our side. I shall not this morning do so. My efforts in this tent are for negotiations, not for the creation of propaganda material.

My request for a recess was made on the same basis of mutual dealing that such requests have always been made. We, too, do not feel that because open sessions are now beginning, negotiation is impossible. My request for a brief recess was based upon our current unreadiness to take the necessary steps tomorrow to make any particular progress in such negotiations. If you insist, however, I am quite willing to meet with you tomorrow at 1100. I can perhaps give you a counterpart tomorrow of your long statement of today, if you wish it. I am, however, personally not interested in, or desirous of, insulting your intelligence to that extent. I will leave it up to you.

COL TSAI: We have expressed to your side many times that we are always willing at any time to settle the questions through negotiations. Of course we oppose, and we are going to continue to oppose, the unreasonable and unilateral propositions of your side. You are quite aware that when you propose a recess, there is nothing we can do to prevent your side from doing so. Therefore, if you insist to recess, as you have proposed, until you notify us through liaison officers, we are unable to disagree to that proposal of your side. My last statement was opposed to your stalling the conference under any pretests. I did not oppose to any right of your side to ask for a recess.

COL HICKMAN: My impression of the actions of your side in abrogating the executive

COL HICKMAN: (CONT'D) sessions is--insofar as your desire to negotiate is concerned--that such actions are stronger than your verbal statement of your desire to negotiate.

As to my request for a recess, I put it in the form of a request because I did not wish to take advantage of a possible right of our side not to meet again tomorrow. We prefer not to meet until we are ready following whatever reconsideration we need to make of all factors confronting us; but, as I say, I am prepared to meet with you in order to indicate to you that I do not care to take unilateral action in this regard. Therefore, unless you object, we will notify you when we are ready to meet again.

COL TSAI: We have made many efforts in both the open sessions and executive sessions of the staff officers meetings. If your side is really willing to settle the questions as you have said, there is nothing encumbering further discussion in any form of the meetings. It is only because your side overthrew the basis for negotiations in the executive sessions that our side has had to end such form of the meetings.

Since your side requests more time to consider your position, we agree to your request for recess. On the part of our side, we are always prepared and are awaiting the discussion of your side.

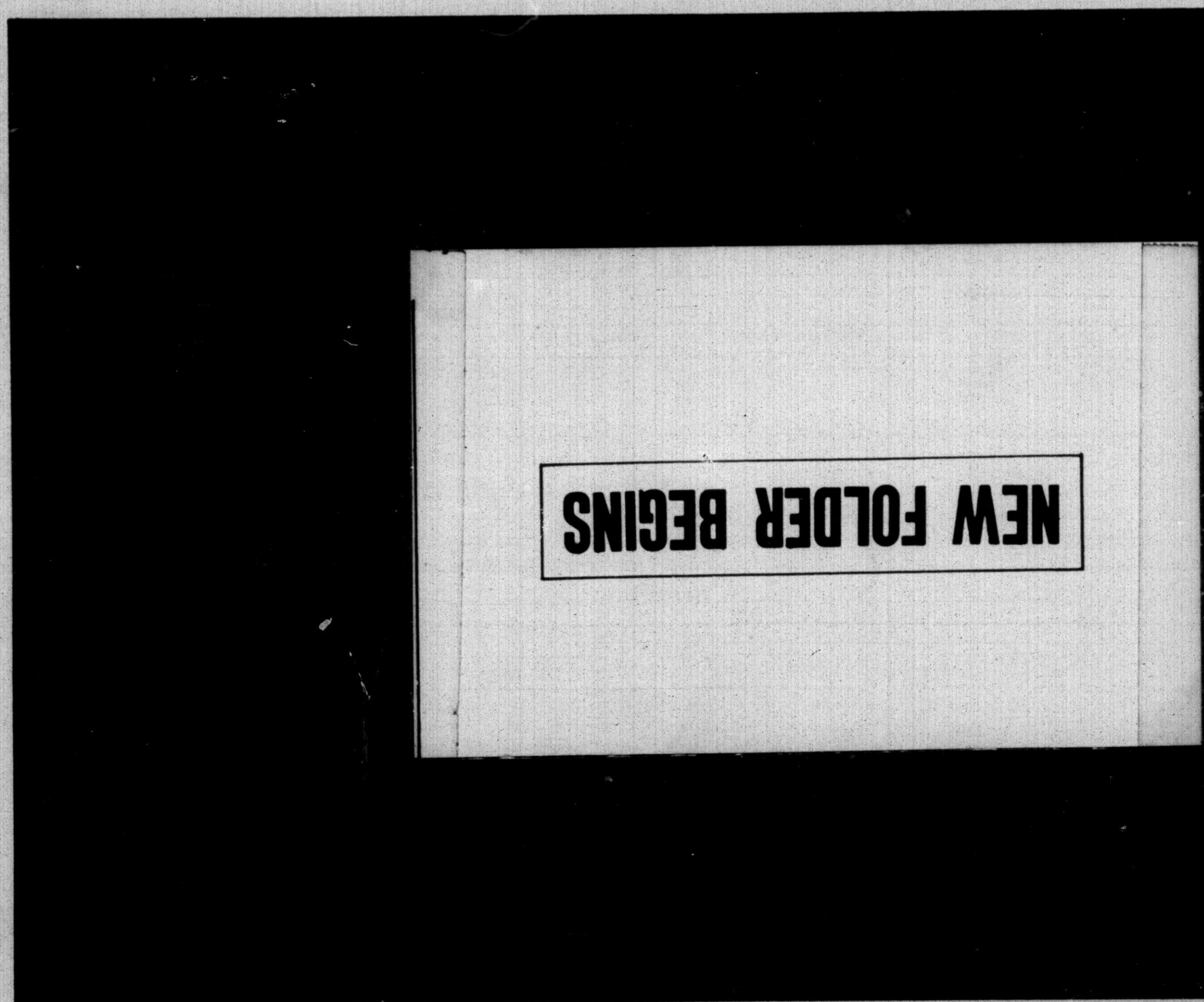
Meeting recessed at 1228 hours.

OFFICIAL:

H. M. BRIGGS;
CAPTAIN, USN,
Secretary.

AUTHENTICATED:

HALSEY M. SETTLE, Jr.
Lieutenant Commander, USNR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HEADQUARTERS
UNITED NATIONS COMMAND ADVANCE
APO 500

10 May 1952

MEMORANDUM FOR THE RECORD:

Subject: Meeting of POW Camp Committee at Pan Mun Jom

PERSONNEL PRESENT:

For United Nations Command

LCOL A. M. Butler, USA
2nd LT K. Wu, USA

For Communist Forces

COL Tsai Cheng Wen
Pi Chi Lung

Meeting convened at 1120 hours.

COL BUTLER: The United Nations Command submits to your side the location of an additional prisoner-of-war hospital camp located at Tongnae. The geographical location of this camp is plotted on a 1:50,000 map and indicated by a black circle.

This information is in accordance with our agreement of 23 January 1952. There is also a 1:250,000 map which gives you the relative location of the camp in the southern part of Korea. (Hands maps to Col. Tsai.)

COL TSAI: I have received the maps from your side. If I find anything that is not clear to us, I will talk over the matter with you.

Meeting recessed at 1122 hours.

OFFICIAL:

H. M. BRIGGS,
Captain, USN,
Secretary.

AUTHENTICATED:

Raymond Moley Jr

RAYMOND MOLEY, Jr.,
Lieutenant, USNR.

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