

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1953 No. 25

Overgelegd aan de Staten-Generaal door de Minister  
van Buitenlandse Zaken

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A. TITEL

*Handvest der Verenigde Naties; San Francisco, 26 Juni 1945  
(Korea Resolutie, Tunesië Resolutie, Marokko Resolutie  
en Oostenrijk Resolutie)*

B. TEKST

De Engelse tekst van het Handvest is bekendgemaakt bij Koninklijk besluit van 21 December 1945 (*Stb.* No. F 321).

C. VERTALING

D. GOEDKEURING

E. BEKRACHTIGING

F. TOETREDING

G. INWERKINGTREDING

Zie *Trbl.* 1951 No. 44.

J. GEGEVENS

Zie laatstelijk *Trbl.* 1952 No. 165.

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De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 399ste bijeenkomst op 3 December 1952 met 54 stemmen vóór (waaronder Nederland), 5 tegen en 1 onthouding een resolutie aangenomen inzake een wapenstilstand in **Korea** en inzake het daarmee samenhangende probleem van de krijgsgevangenen.

Zie: *Trbl.* 1951 No. 74 voor het Verdrag van Genève van 12 Augustus 1949 betreffende de behandeling van krijgsgevangenen, naar welk Verdrag in de onderhavige resolutie wordt verwezen; *Trbl.* 1951 Nos. 44 en 69 voor de resoluties van de Algemene Vergadering d.d. 1 Februari en 18 Mei 1951 inzake de interventie van de Centrale Volksregering van de Volksrepubliek China in Korea; uitgave No. 26 (1951) van het Ministerie van Buitenlandse Zaken betreffende de Koreaanse oorlog en de Verenigde Naties; *Trbl.* 1952 No. 81 voor de Overeenkomst tussen het Koninkrijk der Nederlanden en de Verenigde Staten van Amerika betreffende het deelnemen van de Nederlandse strijdkrachten aan de actie van de Verenigde Naties in Korea.

De Engelse tekst van de onderhavige resolutie luidt als volgt:

*The General Assembly,*

*Having received* the special report of the United Nations Command of 18 October 1952 on "the present status of military action and armistice negotiations in Korea" and other relevant reports relating to Korea,

*Noting with approval* the considerable progress towards an armistice made by negotiation at Panmunjom and the tentative agreements to end the fighting in Korea and to reach a settlement of the Korean question,

*Noting further* that disagreement between the parties on one remaining issue, alone, prevents the conclusion of an armistice and that a considerable measure of agreement already exists on the principles on which this remaining issue can be resolved,

*Mindful* of the continuing and vast loss of life, devastation and suffering resulting from and accompanying the continuance of the fighting,

*Deeply conscious* of the need to bring hostilities to a speedy end and of the need for peaceful settlement of the Korean question,

*Anxious to expedite and facilitate* the convening of the political conference as provided in article 60 of the draft armistice agreement,

*Affirms* that the release and repatriation of prisoners of war shall be effected in accordance with the "Geneva Convention relative to the Treatment of Prisoners of War", dated 12 August 1949, the well-established principles and practice of international law and the relevant provisions of the draft armistice agreement;

*Affirms* that force shall not be used against prisoners of war to prevent or effect their return to their homelands, and that they shall at all time be treated humanely in accordance with the specific provisions of the Geneva Convention and with the general spirit of the Convention;

*Accordingly requests* the President of the General Assembly to communicate the following proposals to the Central People's Government of the People's Republic of China and to the North Korean authorities as forming a just and reasonable basis for an agreement so that an immediate cease-fire would result and be effected; to invite their acceptance of these proposals and to make a report to the General Assembly during its present session and as soon as appropriate:

### PROPOSALS

1. In order to facilitate the return to their homelands of all prisoners of war, there shall be established a Repatriation Commission consisting of representatives of Czechoslovakia, Poland, Sweden and Switzerland, that is, the four States agreed to for the constitution of the Neutral Nations Supervisory Commission and referred to in paragraph 37 of the draft armistice agreement, or constituted, alternatively, of representatives of four States not participating in hostilities, two nominated by each side, but excluding representatives of States that are permanent members of the Security Council.

2. The release and repatriation of prisoners of war shall be effected in accordance with the "Geneva Convention relative to the Treatment of Prisoners of War", dated 12 August 1949, the well-established principles and practice of International Law and the relevant provisions of the draft armistice agreement.

3. Force shall not be used against the prisoners of war to prevent or effect their return to their homelands and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner or for any purpose whatsoever. This duty is enjoined on and entrusted to the Repatriation Commission and each of its members. Prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the General Convention and with the general spirit of that Convention.

4. All prisoners of war shall be released to the Repatriation Commission from military control and from the custody of the detaining side in agreed numbers and at agreed exchange points in agreed demilitarized zones.

5. Classification of prisoners of war according to nationality and domicile as proposed in the letter of 16 October from General Kim Il Sung, Supreme Commander of the Korean People's Army, and General Peng Teh-Huai, Commander of the Chinese People's Volunteers, to General Mark W. Clark, Commander-in-Chief, United Nations Command, shall then be carried out immediately.

6. After classification, prisoners of war shall be free to return to their homelands forthwith, and their speedy return shall be facilitated by all parties concerned.

7. In accordance with arrangements prescribed for the purpose by the Repatriation Commission, each party to the conflict shall have freedom and facilities to explain to the prisoners of war "depending upon them" their rights and to inform the prisoners of war on any matter relating to their return to their homelands and particularly their full freedom to return.

8. Red Cross teams of both sides shall assist the Repatriation Commission in its work and shall have access, in accordance with the terms of the draft armistice agreement, to prisoners of war while they are under the temporary jurisdiction of the Repatriation Commission.

9. Prisoners of war shall have freedom and facilities to make representations and communications to the Repatriation Commission and to bodies and agencies working under the Repatriation Commission and to inform any or all such bodies of their desires on any matter concerning themselves, in accordance with arrangements made for the purpose by the Commission.

10. Notwithstanding the provisions of paragraph 3 above, nothing in this Repatriation Agreement shall be construed as derogating from the authority of the Repatriation Commission (or its authorized representatives) to exercise its legitimate functions and responsibilities for the control of the prisoners under its temporary jurisdiction.

11. The terms of this Repatriation Agreement and the arrangements arising therefrom shall be made known to all prisoners of war.

12. The Repatriation Commission is entitled to call upon parties to the conflict, its own member governments, or the Member States of the United Nations for such legitimate assistance as it may require in the carrying out of its duties and tasks and in accordance with the decisions of the Commission in this respect.

13. When the two sides have made an agreement for repatriation based on these proposals, the interpretation of that agreement shall rest with the Repatriation Commission. In the event of disagreement in the Commission, majority decisions shall prevail. When no majority decision is possible, an umpire agreed upon in accordance with the succeeding paragraph and with article 132 of the Geneva Convention of 1949 shall have the deciding vote.

14. The Repatriation Commission shall at its first meeting and prior to an armistice proceed to agree upon and appoint the umpire who shall at all times be available to the Commission and shall act as its Chairman unless otherwise agreed. If agreement on the appointment of the umpire cannot be reached by the Commission within the period of three weeks after the date of the first meeting this matter should be referred to the General Assembly.

15. The Repatriation Commission shall also arrange after the armistice for officials to function as umpires with inspecting teams

or other bodies to which functions are delegated or assigned by the Commission or under the provisions of the draft armistice agreement, so that the completion of the return of prisoners of war to their homelands shall be expedited.

16. When the Repatriation Agreement is acceded to by the parties concerned and when an umpire has been appointed under paragraph 14 above, the draft armistice agreement, unless otherwise altered by agreement between the parties, shall be deemed to have been accepted by them. The provisions of the draft armistice agreement shall apply except in so far as they are modified by the Repatriation Agreement. Arrangements for repatriation under this agreement will begin when the armistice agreement is thus concluded.

17. At the end of ninety days, after the Armistice Agreement has been signed, the disposition of any prisoners of war whose return to their homelands may not have been effected in accordance with the procedure set out in these proposals or as otherwise agreed, shall be referred with recommendations for their disposition, including a target date for the termination of their detention to the political conference to be called as provided under article 60 of the draft armistice agreement. If at the end of a further thirty days there are any prisoners of war whose return to their homelands has not been effected under the above procedures or whose future has not been provided for by the political conference, the responsibility for their care and maintenance and for their subsequent disposition shall be transferred to the United Nations, which in all matters relating to them shall act strictly in accordance with international law.

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De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 404de bijeenkomst op 17 December 1952 met 44 stemmen vóór, 3 tegen en 8 onthoudingen (waaronder Nederland) een resolutie inzake **Tunesië** aangenomen, waarvan de Engelse tekst luidt als volgt:

*The General Assembly,*

*Having debated* the question proposed by thirteen Member States in document A/2152,

*Mindful* of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

*Considering* that the United Nations, as a centre for harmonizing the actions of nations in the attainment of their common ends under the Charter, should strive towards removing any causes and factors of misunderstanding among Member States, thus reasserting the

general principles of co-operation in the maintenance of international peace and security,

1. *Expresses its confidence* that, in pursuance of its proclaimed policies, the Government of France will endeavour to further the effective development of the free institutions of the Tunisian people, in conformity with the Purposes and Principles of the Charter;

2. *Expresses the hope* that the parties will continue negotiations on an urgent basis with a view to bringing about self-government for Tunisians in the light of the relevant provisions of the Charter of the United Nations;

3. *Appeals* to the parties concerned to conduct their relations and settle their disputes in accordance with the spirit of the Charter and to refrain from any acts or measures likely to aggravate the present tension.

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De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 407de bijeenkomst op 19 December 1952 met 45 stemmen vóór, 3 tegen en 11 onthoudingen (waaronder Nederland) een resolutie inzake **Marokko** aangenomen, waarvan de Engelse tekst luidt als volgt:

*The General Assembly,*

*Having debated* the "Question of Morocco", as proposed by thirteen Member States in document A/2175,

*Mindful* of the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

*Considering* that the United Nations, as a centre for harmonizing the actions of nations in the attainment of their common ends under the Charter, should strive towards removing any causes or factors of misunderstanding among Member States, thus reasserting the general principles of co-operation in the maintenance of international peace and security,

1. *Expresses the confidence* that, in pursuance of its proclaimed policies, the Government of France will endeavour to further the fundamental liberties of the people of Morocco, in conformity with the Purposes and Principles of the Charter;

2. *Expresses the hope* that the parties will continue negotiations on an urgent basis towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations;

3. *Appeals* to the parties to conduct their relations in an atmosphere of goodwill, mutual confidence and respect and to settle their disputes in accordance with the spirit of the Charter, thus refraining from any acts or measures likely to aggravate the present tension.

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De zevende Algemene Vergadering van de Verenigde Naties heeft in haar 409de bijeenkomst op 20 December 1952 met 48 stemmen vóór (waaronder Nederland), geen tegen en 2 onthoudingen een resolutie aangenomen betreffende het herstel van **Oostenrijk** als vrije en onafhankelijke Staat. Zie de "American Journal of International Law (1944), Official Documents", blz. 7, voor de Verklaring betreffende Oostenrijk van 30 October (1 November) 1943, naar welke Verklaring in de onderhavige resolutie wordt verwezen.

De Engelse tekst van de resolutie luidt als volgt:

*The General Assembly,*

*Recalling* the terms of resolution 190 (III) of 3 November 1948, whereby an appeal was made to the great Powers to renew their efforts to compose their differences and establish a lasting peace,

*Recalling* the terms of the Moscow Declaration of 1 November 1943, whereby the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America recognized that Austria should be re-established as a free and independent State,

*Recalling further* that the Government of France joined the three above-mentioned Governments in the said declaration as of 16 November 1943,

*Considering* that, in the spirit of the said declaration, the four Powers accepted the responsibility of re-establishing a free and independent Austria, and, to that end, have entered into negotiations towards the conclusion of an Austrian treaty,

*Noting with concern* that those negotiations, which have been under way intermittently since 1947, have hitherto failed to bring about the proposed objective,

*Taking into account* that such a state of affairs, still prevailing after a lapse of seven years since the liberation of Austria at the end of the Second World War, and arising from the inconclusive stage of the aforementioned negotiations, does constitute a source of deep disappointment for the Austrian people, who have by themselves made successful efforts towards the restoration and democratic reconstruction of their country,

*Recognizing* that only through the unhampered exercise by the Austrian people of their freedom and independence can these efforts attain full realization,

*Taking further into account* that such a state of affairs hinders the full participation by Austria in the normal and peaceful relations of the community of nations and the full exercise of the powers inherent in its sovereignty,

*Having in mind* that the solution of this problem would constitute an important step towards the elimination of other areas of disagreement and therefore towards the creation of conditions favourable to the accomplishment of world peace,

*Desiring* to contribute to the strengthening of international peace and security and the developing of friendly relations among nations in conformity with the Purposes and Principles of the Charter,

*Addresses an earnest appeal* to the Governments concerned to make a renewed and urgent effort to reach agreement on the terms of an Austrian treaty with a view to an early termination of the occupation of Austria and the full exercise by Austria of the powers inherent in its sovereignty.

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Uitgegeven de zestiende Maart 1953.

*De Minister van Buitenlandse Zaken,*  
J. W. BEYEN.