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DRAFT MEMO FROM THE PRESIDENT

12/1/72

MEMORANDUM FOR: HENRY A. KISSINGER

SUBJECT: Your Instructions for the December 4
 Negotiating Round

Following are your instructions for the final negotiations in Paris beginning December 4, 1972. The general framework remains as it has always been: we seek the best possible agreement; we will not sign it until we are convinced it is sound; and we will not delay signing it in any way once we are convinced it is sound. The agreement as it now stands is close to being acceptable, but we must have a few more changes before we can approve it and recommend it to our allies.

It must be made absolutely clear to the North Vietnamese negotiators that the concerns of both sides must be met. Just as they claim their principles, so do we have principles which we must and will respect. We have an obligation to continue presenting as forcefully as possible the concerns of our allies as well as our own views on what is required to make the agreement as satisfactory as possible. Accordingly, if the North Vietnamese are intransigent across the board, I will be prepared to authorize you to suspend the negotiations. If on the other hand, the North Vietnamese make a reciprocal effort and agree to the minimal changes

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that we require, I will be prepared to authorize you to consider the agreement complete, with the assurance that there will be no further changes requested, except possible nonsubstantive technical aspects.

Following are your guide lines on the specific issues:

-- Mention of the PRG. You should attempt to delete the titles of the governments, including the PRG, from the Preamble. Failing this, you should make every effort to alleviate the problem that this issue presents to the GVN along the lines that have been discussed so as to make clear that no legal recognition is involved because of reference to titles.

-- Political Provisions. You must get the North Vietnamese to change the Vietnamese translation to correspond to the English phrase "administrative structure" rather than the present implication in Vietnamese that it is a "governmental structure". You should continue to attempt to delete reference to "three equal segments" by substituting more general language referring to all political tendencies in South Vietnam, but if this proves impossible, you are authorized to drop this demand if we can get satisfaction on other issues.

-- North Vietnamese Withdrawals. You are authorized to drop the request for a "one to one basis" for demobilization of Vietnamese armed forces, if this proves impossible to obtain, but you should make every effort to insert a clause which says that the parties will do their utmost to accomplish

reduction and demobilization of troops within three months. You should make a maximum effort to have included somewhere in the agreement a principle that the South Vietnamese can point to as requiring North Vietnamese withdrawal from their country. In this regard, you should make a maximum effort to include in the chapter on the DMZ respect for "each other's territory" as well as for the DMZ. You should also continue to try to arrange for de facto North Vietnamese withdrawals from MR-1.

-- South Vietnamese Civilian Prisoners. We cannot accept the North Vietnamese demand that we delete Article 8(c) which separates the question of South Vietnamese civilian prisoners from the release of our own POW's and civilians.

-- Withdrawal of U.S. Civilians. If required by the negotiating situation, you are authorized to include the withdrawal of certain U.S. civilians, provided this is formulated in a way that does not significantly affect support of the GVN's defense.

-- Laos and Cambodia. In this chapter you should attempt to add the principle that the countries of Indochina should not use force against one another. In addition, you should attempt to make the ceasefire in Laos occur more rapidly than the present agreement which stipulates that this will come within 30 days after a Vietnam ceasefire. You should also work out the best feasible arrangements for a cessation of offensive activities in Cambodia and early ceasefire in that country.

You are authorized to use the above elements in the fashion you deem most advantageous to effect the minimum changes we need. In addition, you should hand over those unilateral statements that you believe will further improve the context of the agreement. You should also reiterate our view that the protocols on the ICCS, and the Four-Party and Two-Party Joint Military Commissions, should be signed at the same time as the overall agreement.

Once we have achieved a satisfactory final agreement, you are authorized to work out with the North Vietnamese a fixed timetable leading toward signature of the agreement within ten days to two weeks after the conclusion of your negotiations in Paris.