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~~SECRET~~ 061354Z MAR 73 EXCLUSIVELY EYES ONLY VIA BUNKER CHLS
ZFR MY RUEIHW 0166 0651225 O 061212Z MAR 73. THIS MSG ZFS.
FROM: WHITE HOUSE
TO : AMBASSADOR BUNKER, KATHMANDU
CITE: WHS3162
FROM: C.S. WHITEHOUSE SAIGON 0389 IMMEDIATE
TO: THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER
AMBASSADOR BUNKER, KATHMANDU
MARCH 6, 1973

1. THE GVN TOOK SOME IMPORTANT STEPS TODAY TO IMPROVE THE SITUATION HERE. I HAVE SENT MESSAGES TO THE DEPARTMENT REPORTING THAT PRESIDENT THIEU HAS AUTHORIZED THE RELEASE OF 7,000 PRISONERS IN PHASE II AND THAT THE GVN WILL BE SENDING A DELEGATION LED BY THE DEPUTY PRIME MINISTER, DR. NGUYEN LUU VIEN, TO PARIS ON MARCH 12 TO MEET WITH THE PRG.



***** WHSR COMMENT *****

RELAYED TO KATHMANDU

PSN:005554 RECALLED PAGE 01 OF 01 TOR:065/15:13Z DTG:061320Z MAR 73

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E.O. 12356, Sect. 3A
NSC 8/24/93 F9301193
By [Signature] NARA, Date 9/16/93
SA 99

~~TOP SECRET/SENSITIVE/EXCLUSIVELY EYES ONLY~~

February 28, 1973

VIA BUNKER CHANNELS

TO: AMBASSADOR BUNKER EYES ONLY
FROM: HENRY A. KISSINGER HK

1. For your information, we have just put out the following statement regarding Secretary Rogers' meeting in Paris with Foreign Minister Trinh on the issue of the next increment of POW releases.

Begin text. In a private meeting between Secretary of State Rogers and Foreign Minister Trinh, the Foreign Minister stated his government intended to fully carry out the provisions of the Paris Agreement dealing with POW's. In this connection, he gave the assurance of his government that all POW's held by his government would be released within the 60-day period set forth in the Agreement. With regard to the next phase of release of the POW's, which under Article 8(b) of the Ceasefire Protocol and Article 4 of the Prisoner Protocol is due this week, Foreign Minister Trinh said that the matter would be discussed at once in the Joint Military Commission in order to work out the detailed arrangements.

The President has directed Secretary Rogers to proceed with the other business of the Conference as scheduled as soon as the arrangements for the next phase of the prisoner release are completed. End text.

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2. You should have General Woodward call an urgent meeting of the Joint Military Commission in order to work out details of the next phase of the POW releases. General Woodward ^{and GVN member} should also be prepared to work ^{at that meeting} out satisfactory assurances for the security of the DRV and PRG members of the Military Commissions.

3. With reference to Saigon 0380, we are in urgent need of a reply from President Thieu regarding the steps he is prepared to take on the actions discussed in that message. It is particularly urgent that President Thieu shows restraint as long as there are any prisoners remaining under Communist control.

Warm regards.

SENT

SA 99 C-54

SECRET/SENSITIVE/EYES ONLY

February 26, 1973

VIA BUNKER CHANNEL

TO: AMBASSADOR BUNKER
FROM: HENRY A. KISSINGER

We are extremely disturbed by continuing incidents of harassments of communist members of Joint Commissions which are obviously sanctioned, if not inspired, by the GVN.

We do not sanction any violations of the Agreement, and these are particularly stupid and self-defeating. I do not see what possible advantage they gain Saigon domestically while internationally they are giving the GVN a very bad image. They make our task of highlighting possible communist violations, which are less visible, all the more difficult. They put us needlessly on the defensive. And they now threaten to delay or complicate the release of American POWs - whatever the justice of Hanoi's linking these two issues, the fact remains that the GVN will come under the most severe attack here if the American people and Congress think it is partially responsible for holding up the return of our men.

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Please take this up with the GVN on an urgent basis, going to Thieu personally if you think this is necessary in order to get effective action. Tell the GVN that they must immediately stop sponsoring and encouraging harassment, and assure proper security and treatment of the Joint Commission members. Please send us a ~~prompt~~ report on the results of your approach. Warm regards.

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~~TOP SECRET~~ SENSITIVE 240026Z JAN 73 EXCLUSIVELY EYES ONLY

VIA BUNKER CHANNELS

TO: AMBASSADOR BUNKER
FROM: HENRY A. KISSINGER
CITE: WHS3115

ARTICLE 8(A) OF AGREEMENT REQUIRES EXCHANGE OF LISTS OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS TO TAKE PLACE SATURDAY. COULD YOU VERIFY THAT GVN WILL BE READY TO PERFORM? COULD GVN GET ITS LIST TO PARIS IN TIME IF PARIS IS USED AS THE VENUE? I HAVE ASKED SULLIVAN ABOUT PROCEDURES.

WARM REGARDS.

BT

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***** WHSR COMMENT *****

HAK, SCOWCROFT, LORD, HOWE, KENNEDY

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By MMO NARA, Date 9/16/93

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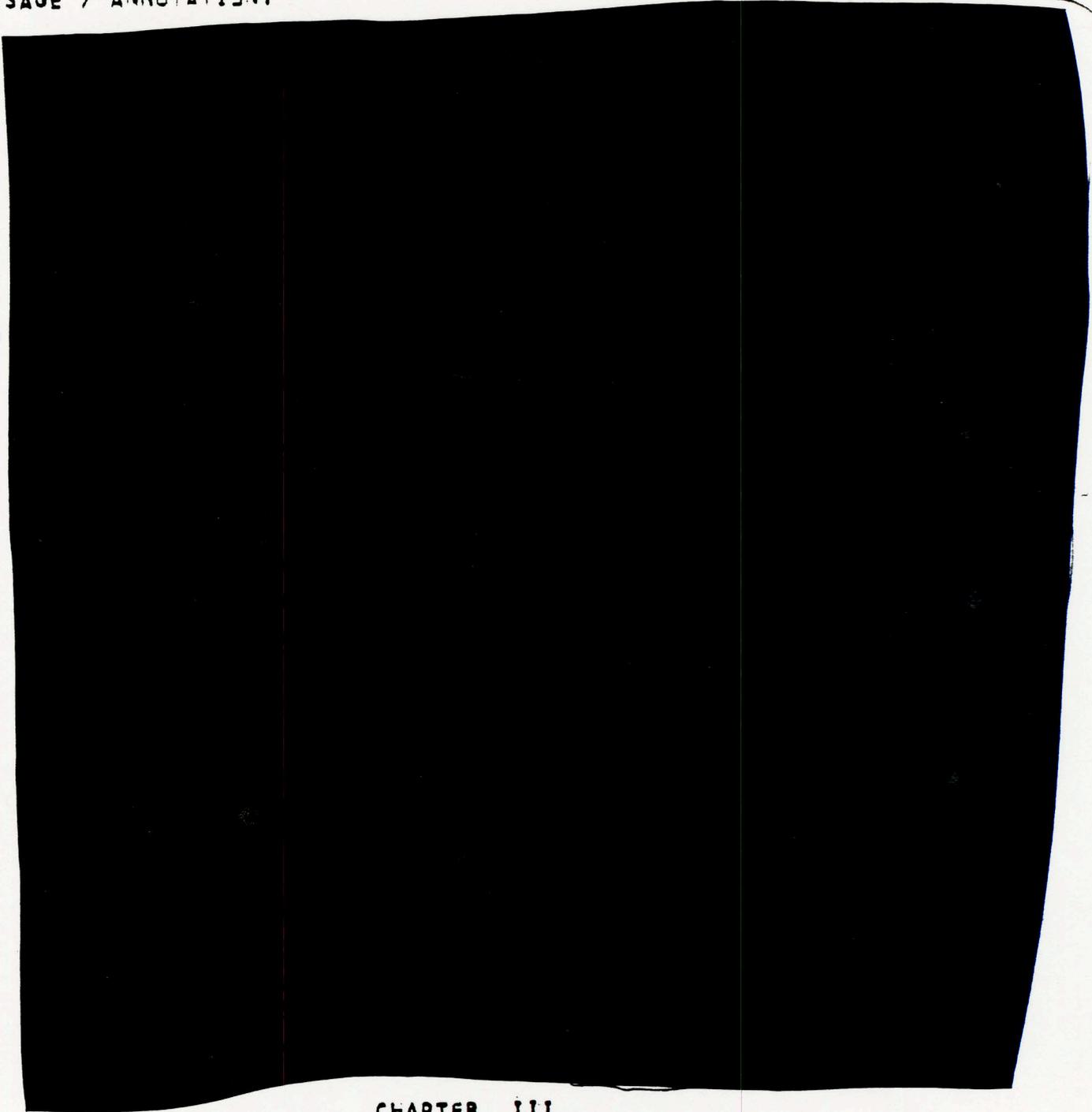
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PAGE 144 SITUATION(S) MESSAGE(S) LISTING

DATE 01/29/73//029

SITUATION: BACKCHANNEL
SUBJECT CATEGORY: OUTGOING

MESSAGE / ANNOTATION:



CHAPTER III
THE RETURN OF CAPTURED MILITARY PERSONNEL
AND FOREIGN CIVILIANS, AND CAPTURED

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E.O. 12356, Sect. 3.4
NSC 9/23/93 F9301194
By: MMX NARA, Date 9/30/98

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AGE 145 SITUATION(S) MESSAGE(S) LISTING

DATE 01/29/73//029

SITUATION: BACKCHANNEL
SUBJECT CATEGORY: OUTGOING

MESSAGE / ANNOTATION:

AND DETAINED VIETNAMESE CIVILIAN PERSONNEL
ARTICLE 8. -A) THE RETURN OF CAPTURED MILITARY PERSONNEL
AND FOREIGN CIVILIANS OF THE PARTIES SHALL BE CARRIED OUT SIMUL-
TANEOUSLY WITH AND COMPLETED NOT LATER THAN THE SAME DAY AS
THE TROOP WITHDRAWAL MENTIONED IN ARTICLE 5. THE PARTIES SHALL
EXCHANGE COMPLETE LISTS OF THE ABOVE-MENTIONED CAPTURED MILITARY
PERSONNEL AND FOREIGN CIVILIANS ON THE DAY OF THE SIGNING OF
THIS AGREEMENT.

B) THE PARTIES SHALL HELP EACH OTHER TO GET INFORMA-
TION ABOUT THOSE MILITARY PERSONNEL AND FOREIGN CIVILIANS OF
THE PARTIES MISSING IN ACTION, TO DETERMINE THE LOCATION AND
TAKE CARE OF THE GRAVES OF THE DEAD SO AS TO FACILITATE THE
EXHUMATION AND REPATRIATION OF THE REMAINS, AND TO TAKE ANY
SUCH OTHER MEASURES AS MAY BE REQUIRED TO GET INFORMATION ABOUT
THOSE STILL CONSIDERED MISSING IN ACTION.

C) THE QUESTION OF THE RETURN OF VIETNAMESE CIVILIAN
PERSONNEL CAPTURED AND DETAINED IN SOUTH VIETNAM WILL BE
RESOLVED BY THE TWO SOUTH VIETNAMESE PARTIES ON THE BASIS OF
THE PRINCIPLES OF ARTICLE 21 B) OF THE AGREEMENT ON THE
CESSATION OF HOSTILITIES IN VIETNAM OF JULY 20, 1954. THE

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ZCZC WHS165
DE RUEIHW #0173 0740500
O 150458Z MAR 73
FM THE WHITE HOUSE

TO AMBASSADOR BUNKER

~~TOP SECRET~~ 150458Z EYES ONLY VIA BUNKER CHANNELS WHS3168

MARCH 14, 1973

TO: AMBASSADOR BUNKER
FROM: HENRY A. KISSINGER
REFS: SAIGON 0391
SAIGON 0388

WE HAVE RECEIVED ANOTHER STRONG COMPLAINT FROM THE NORTH VIETNAMESE ON THE HANDLING OF PRISONERS AND THE RELEASE OF CIVILIANS. THEIR COMPLAINT WITH REGARD TO THE RELEASE OF 5,000 CIVILIAN DETAINEES IS NOT WITHOUT JUSTIFICATION. ALTHOUGH THE WHOLE ISSUE IS SOMEWHAT CONFUSING, THERE IS NO QUESTION THAT WHEN IN HANOI I ASSURED THE NORTH VIETNAMESE THAT 5,000 CIVILIAN DETAINEES WOULD BE PROMPTLY RELEASED.

IT IS MOST IMPORTANT THAT WE BE ABLE TO GIVE THE NORTH VIETNAMESE A FORTHCOMING RESPONSE ON THIS ISSUE. DOES THIEU'S ACKNOWLEDGMENT TO AMBASSADOR WHITEHOUSE ON MARCH 8 THAT THE GVN IS PREPARED TO TURN OVER 5,081 PRISONERS MEAN THAT THEY INTEND TO DO SO IN THE NEAR FUTURE? EXACTLY HOW MANY CIVILIAN PRISONERS DOES THE GVN NOW SAY THAT THEY HOLD?

PLEASE DISCUSS THIS AS SOON AS POSSIBLE WITH PRESIDENT THIEU AND TELL HIM THAT IT IS ESSENTIAL THAT WE BE ABLE TO GIVE THE NORTH VIETNAMESE A FORTHCOMING RESPONSE ON THE ISSUE OF CIVILIAN DETAINEES UNDER ARTICLE 80. THIS IS ESSENTIAL BECAUSE OF THE DIFFICULT OPTIONS WE HAVE TO CONSIDER. WE WOULD LIKE TO BE ABLE TO GIVE THEM A SPECIFIC DATE ON WHICH THE GVN EXPECTS TO RELEASE THE GROUP OF 5,000 CIVILIANS.

WARM REGARDS.

BEGIN MARCH 14 MESSAGE FROM NORTH VEITNAMESE.

REVIEWING THE IMPLEMENTATION OF THE PROVISIONS OF THE AGREEMENT AND OF THE PROTOCOL ON THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL, THE DRVN SIDE DEEMS IT NECESSARY TO CALL TO THE ATTENTION OF THE US SIDE THE FOLLOWING SITUATION:

***** *WHSR COMMENT*****

HOWE, LORD

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NSC, Van Tassel authority 9/15/92
By ADH NARA, Date 9/15/92
(SA99)

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1) ON THEIR PART, THE DRVN SIDE AND THE PRGRSVN SIDE HAVE SCRUPULOUSLY CARRIED OUT THE RETURN OF CAPTURED US MILITARY PERSONNEL AND FOREIGN CIVILIANS AT THE RATE AND THE TIME AGREED UPON.

A) THE DRVN SIDE HAS RETURNED IN PHASE 1, FEBRUARY 12, 1973, 116 MEMBERS OF US MILITARY PERSONNEL INCLUDING ONE MAN RETURNED IN ADDITION TO THE PLANNED LIST; IN PHASE 2, MARCH 4, 1973, 106 MEMBERS OF US MILITARY PERSONNEL AND 2 MEMBERS OF THAI MILITARY PERSONNEL, BESIDES, AS A GESTURE OF GOOD WILL, ON FEBRUARY 13, 1973 THE DRVN RETURNED TO THE US GOVERNMENT 20 MEMBERS OF US MILITARY PERSONNEL EARLIER THAN HAD BEEN PLANNED. IN ALL, THE DRVN SIDE RETURNED TO US SIDE 244 MEMBERS OF US MILITARY PERSONNEL, THAT IS MORE THAN A HALF OF US MILITARY PERSONNEL CAPTURED AND DETAINED IN NORTH VIET NAM, EXCEEDING THE PROPORTION THAT HAD BEEN AGREED UPON.

B) THE PRGRSVN SIDE HAS ALSO RETURNED IN PHASE 1, FEBRUARY 12 AND 13, 1973, 27 MEMBERS OF US MILITARY PERSONNEL AND ONE MEMBER OF CANADIAN MILITARY PERSONNEL, AND PHASE 2, MARCH 5, 1973, 28 MEMBERS OF US MILITARY PERSONNEL AND 8 MEMBERS OF CIVILIAN PERSONNEL OF THE UNITED STATES AND OF OTHER FOREIGN COUNTRIES. AT THE SAME TIME, IN PHASE 1, FROM FEBRUARY 12 TO 20, 1973 THE PRGRSVN SIDE HAS RETURNED TO DRVN SIDE 1037 MEMBERS OF CAPTURED VIETNAMESE MILITARY PERSONNEL AND IS NOW PROCEEDING WITH THE RETURN OF 1250 OTHER MEMBERS OF CAPTURED VIETNAMESE PERSONNEL IN PHASE 2.

THE CENTRAL FOUR-PARTY JOINT MILITARY COMMISSION AND THE ICCES, AFTER VISITING THE DETENTION PLACES OF THE DRVN SIDE AND THE PRGRSVN SIDE, HAVE ACKNOWLEDGED THAT THE DRVN SIDE AND THE PRGRSVN SIDE HAD FULLY IMPLEMENTED THE PROVISIONS REGARDING THE TREATMENT OF CAPTURED PERSONS DURING THEIR DETENTION, AND THE COMMUNICATION TO THEM OF THE FULL TEXT OF THE PROTOCOL.

2) ON THE OTHER HAND, THE US AND RVN SIDE HAVE NOT STRICTLY IMPLEMENTED THE AGREEMENT AND THE PROTOCOL ON THE RETURN OF CAPTURED PERSONS.

A) THE US AND RVN SIDE HAS DELIBERATELY ACTED CONTRARILY TO THE AGREEMENT BETWEEN THE PARTIES IN THE CENTRAL FPJMC THAT ON FOURTH OF THE TOTAL NUMBER OF CAPTURED AND DETAINED PERSONS SHOULD BE RETURNED AT EACH PHASE, THUS PROVOKING DELAY IN THE PHASE 2 RETURN OF CAPTURED AND DETAINED VIETNAMESE MILITARY PERSONNEL.

B) ONE MONTH AND A HALF HAVE ELAPSED SINCE THE SIGNING OF THE AGREEMENT, YET, NOT A SINGLE MEMBER OF CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL HAS BEEN RETURNED BY THE RVN SIDE TO THE PRGRSVN SIDE.

AS MENTIONED IN THE DRVN MESSAGE OF MARCH 2, 1973, THE RVN SIDE HAS PUT FORTH A LIST OF CAPTURED AND DETAINED CIVILIAN PERSONNEL OF THE PRGRSVN WHICH COMPRISED ON 5081 PERSONS, WHILE IN REALITY IT IS DETAINING PRGRSVN CIVILIAN PERSONNEL TOTALLING TENS OF THOUSANDS. IT ALSO FABRICATED A NUMBER FAR EXCEEDING

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REALITY OF ITS CIVILIAN PERSONNEL CAPTURED AND DETAINED BY THE PRGRSVN, IN ORDER TO HAVE A PRETEXT TO DELAY THE RETURN OF CAPTURED AND DETAINED PRGRSVN CIVILIAN PERSONNEL.

THUS, THE US SIDE HAS NOT CORRECTLY IMPLEMENTED THE DRVN-US UNDERSTANDING REGARDING THE RETURN OF CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL, AND HAS NOT CORRECTLY CARRIED OUT DR. KISSINGER'S PROMISE ON FEBRUARY 11, 1973 IN HANOI.

C) THE RVN SIDE HAS EVEN ACTED CONTRARILY TO ARTICLE 8 OF THE PROTOCOL WHICH STIPULATES THAT ALL DETAINED PERSONS MUST BE ACCORDED HUMANE TREATMENT, IN ACCORDANCE WITH INTERNATIONAL USAGE; IT IS EVEN ENGAGED IN LIQUIDATION MANY CAPTURED AND DETAINED VIETNAMESE MILITARY AND CIVILIAN PERSONNEL.

THE RVN SIDE HAS NOT IMPLEMENTED ARTICLE 13 OF THE PROTOCOL PROVIDING FOR MAKING PUBLIC AND COMMUNICATING TO THE CAPTURED PERSONS THE FULL TEXT OF THE PROTOCOL ON THE RETURN OF CAPTURED AND DETAINED PERSONS, AND HAS CREATED MANY DIFFICULTIES TO THE IMPLEMENTATION OF ARTICLES 9 AND 11 OF THE PROTOCOL RELATING TO THE INSPECTION OF DETENTION PLACES.

3) THE DRVN SIDE STRESSES THAT THE US-RVN SIDE MUST BEAR FULL RESPONSIBILITY FOR THE SERIOUS SITUATION DESCRIBED ABOVE. THE DRVN SIDE DEMANDS THAT THE US AND RVN SIDE:

A) COMPLETE THE PHASES OF THE RETURN OF CAPTURED AND DETAINED AT THE RATE AND TIME AGREED UPON;

B) RETURN VIETNAMESE CIVILIAN PERSONNEL CAPTURED AND DETAINED IN SOUTH VIETNAM IN KEEPING WITH DRVN-US UNDERSTANDINGS, IN THE FIRST PLACE, RETURN THE 5000 MEMBERS OF VIETNAMESE CIVILIAN PERSONNEL MENTIONED IN DR. KISSINGER'S STATEMENT OF FEBRUARY 11, 1973.

C) IMMEDIATELY STOP THE KILLING OF CAPTURED AND DETAINED VIETNAMESE MILITARY AND CIVILIAN PERSONNEL; IMMEDIATELY IMPROVE THEIR LIVING CONDITIONS DURING THEIR DETENTION AS STIPULATED IN ARTICLE 8 OF THE PROTOCOL; TO MAKE PUBLIC AND COMMUNICATE TO ALL CAPTURED AND DETAINED VIETNAMESE MILITARY AND CIVILIAN PERSONNEL THE FULL TEXT OF THE AGREEMENT AND OF THE PROTOCOL ON THE RETURN OF CAPTURED AND DETAINED PERSONS OF THE PARTIES.

D) TO ALLOW RED CROSS SOCIETIES OF THE COUNTRIES TO BE AGREED UPON AND THE JOINT MILITARY TEAMS TO INSPECT THE DETENTION PLACES AS STIPULATED IN ARTICLE 9 AND 11 OF THE PROTOCOL ON THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS, AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL. END MESSAGE.

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