

SA 99

B-97

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~TOP SECRET/SENSITIVE~~  
EXCLUSIVELY EYES ONLY

November 29, 1972

MEMORANDUM FOR:

HENRY A. KISSINGER

FROM:

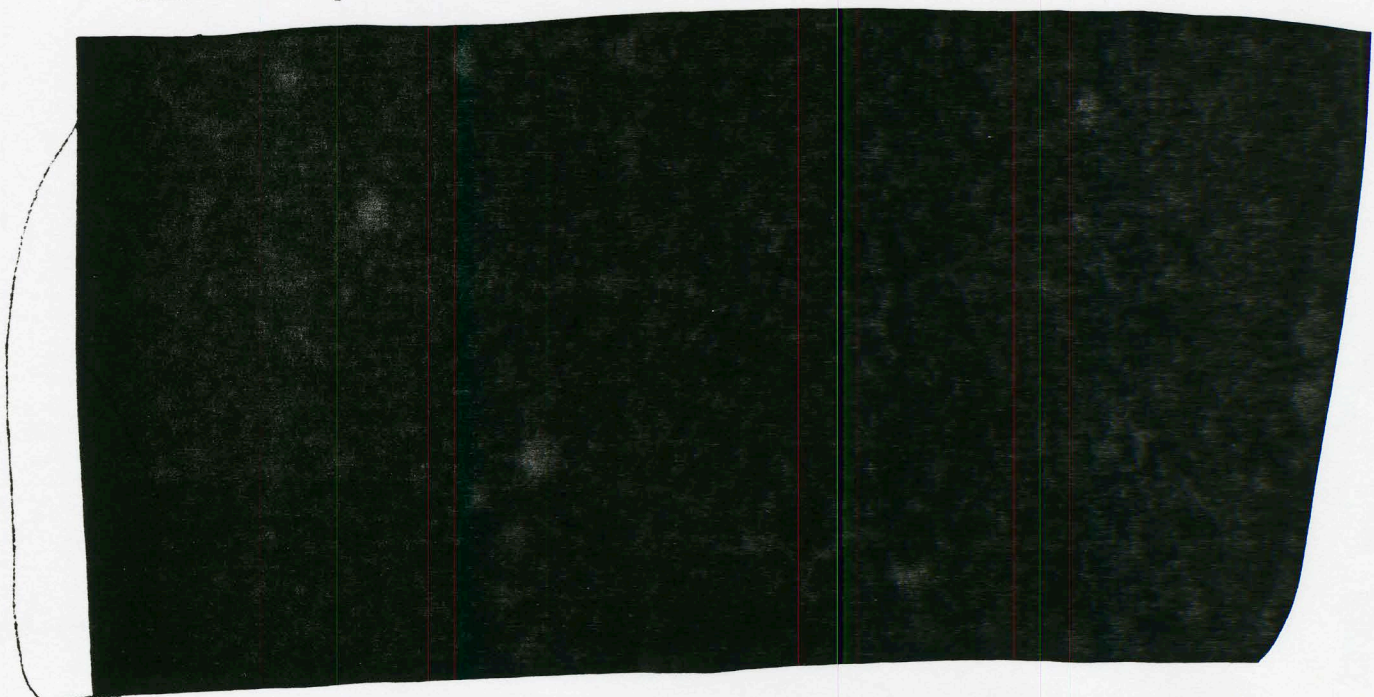
WINSTON LORD *W*

SUBJECT:

Thieu's Rationale for Accepting  
the Agreement

Assuming we get the changes we seek next week in the Agreement, following is a rationale which Thieu could use in explaining publicly why he accepts the Agreement. This might be useful in your talks with Duc, or in any event with the South Vietnamese at some point.

Thieu's acceptance could run as follows:



. The Agreement is a first step, not a final settlement, which stops the fighting and secures the release of American prisoners, and leaves the negotiations on the key issues to the Vietnamese parties themselves. Thus a final settlement can be negotiated in a calmer ceasefire atmosphere and directly between the Vietnamese people.

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

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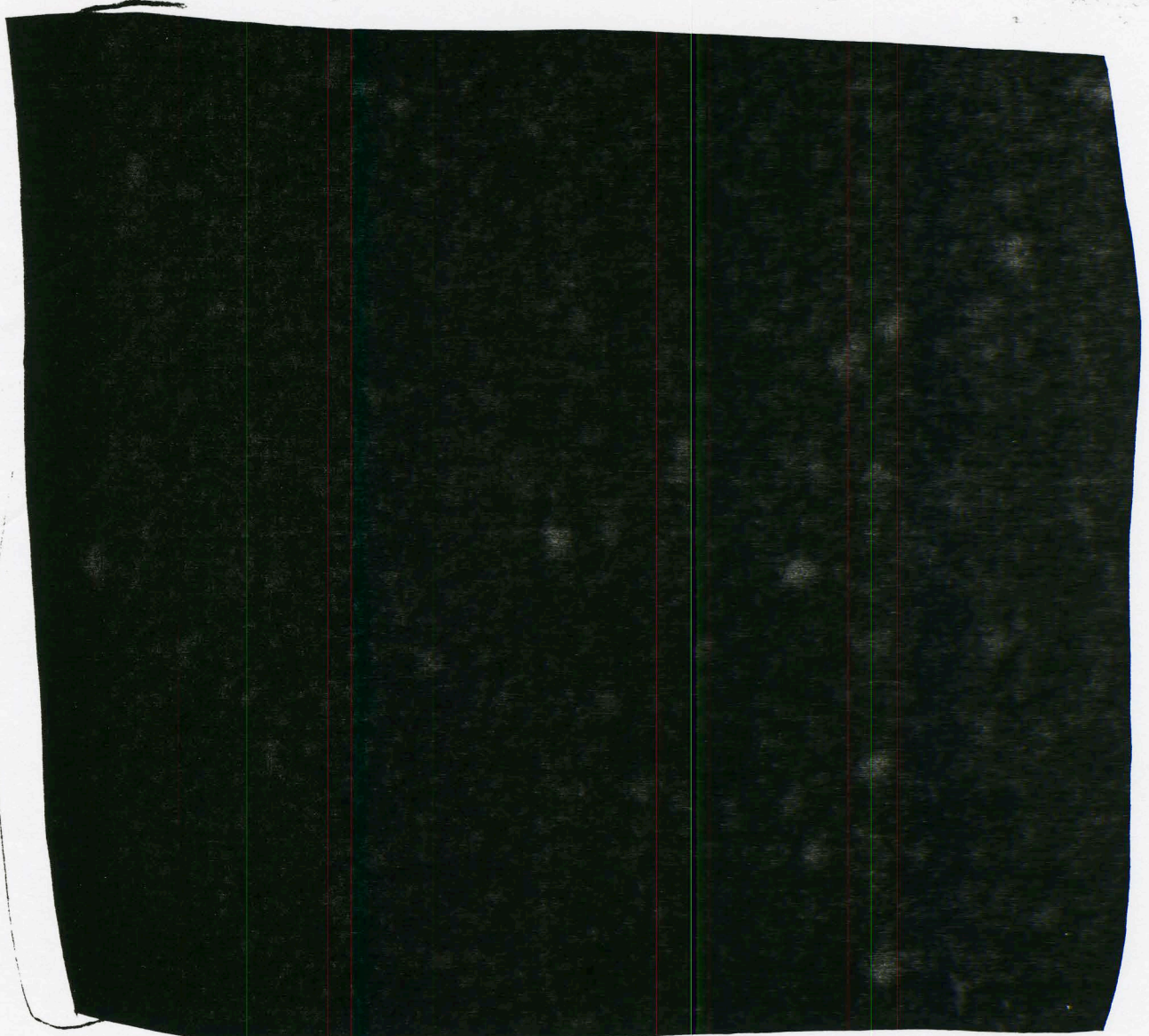
E.O. 12356, Sect. 3.4

NSC 9/22/93 F9301191

By *MMO* NARA, Date 9/30/93

SA 99





-- Thus all our essential concerns have been met except the issue of North Vietnamese troops. This will now be the subject of negotiations between us and the communists, together with the questions of civilian prisoners and the political future of South Vietnam.



cc: General Haig



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4:11 PM HAK

HK

23 December 1972

MEMORANDUM FOR: Dr. Henry A. Kissinger  
Assistant to the President  
for National Security Affairs

SUBJECT : Notes on a Possible U.S. Game Plan

1. Musing over the matters we discussed in our 21 December telephone conversation has stimulated some thoughts that are outlined below for your consideration. These are personal views, not official ones. They get into matters far outside my (or the Agency's) official parish. Since I am currently on leave, please take them as the informal thoughts of a private citizen who would like to help the President in any way he can. These thoughts are offered in a full awareness that some of them are rough or embryonic. I also recognize that some of my suggestions may not be feasible for reasons of which I am ignorant or have not considered, some may relate to actions that are already in train, and some may have already been considered and rejected for good and sufficient reasons of which I am also unaware.

2. Desiderata. It seems to me that there are three things we need to accomplish, if possible, as soon as we can.

a. We need to get Hanoi off its wicket of stonewalling on the 20 October draft and attempting to use that draft to torpedo our relations with the GVN and thus enormously improve Communist political prospects in South Vietnam.

(1) I have given considerable thought to the concept we discussed of trying to pitch Hanoi with a purely military deal that avoids the political thicket by ignoring all political questions. I may be suffering from a lack of imagination, but

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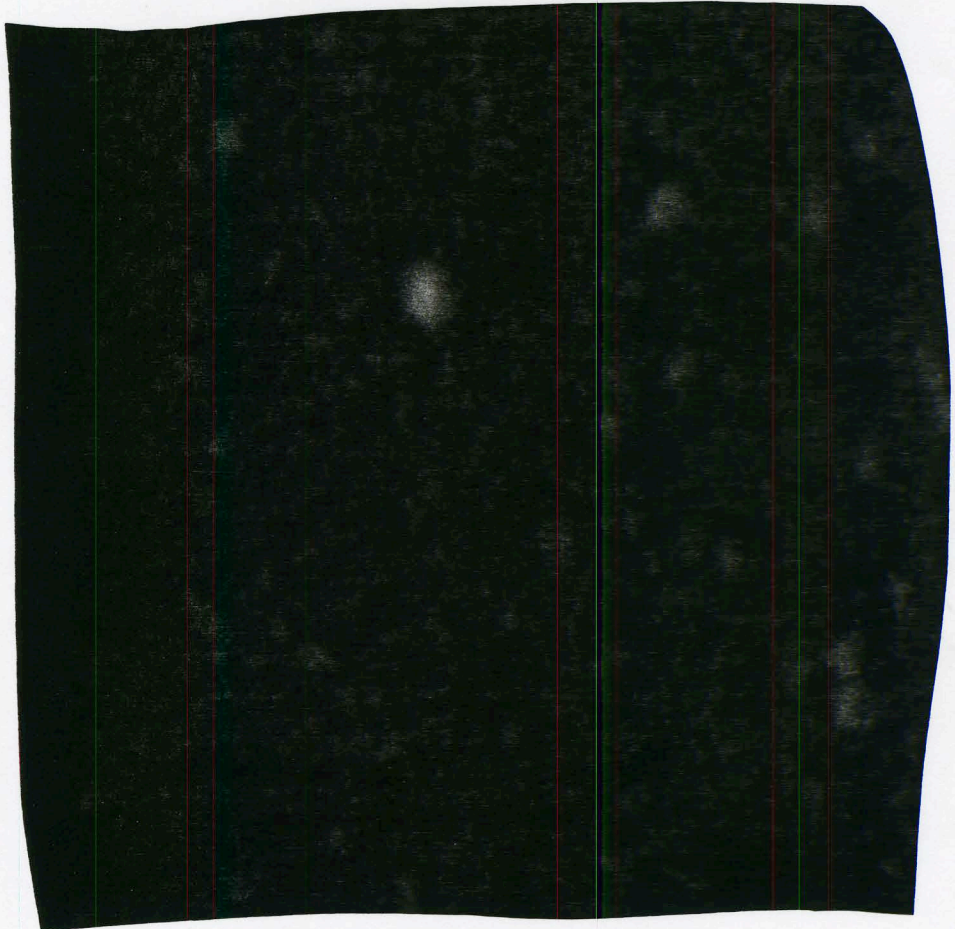
By MKO NARA, Date 9/30/93

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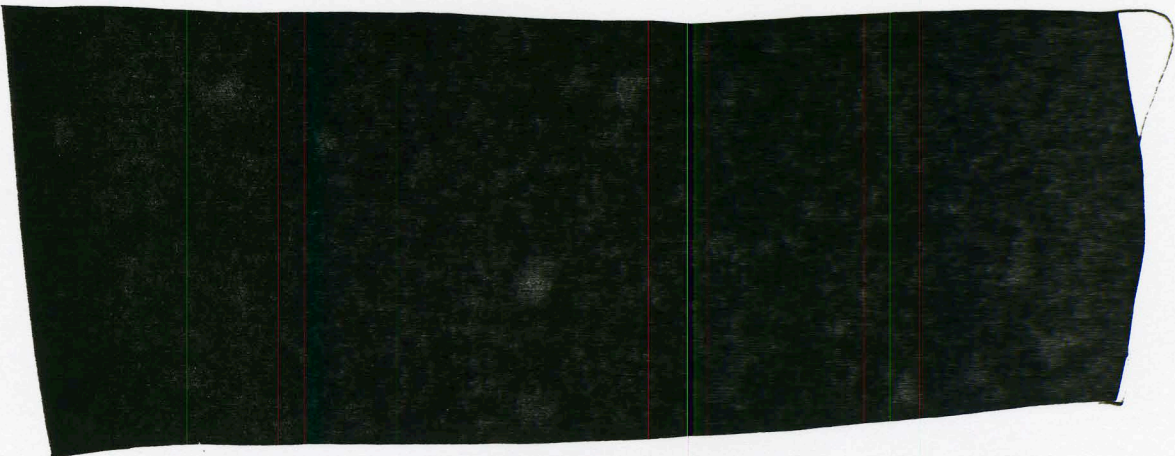
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this seems to me to be a blind alley. For one thing, Hanoi's primary interests are political, not military, hence it is hard to envisage Hanoi seriously entertaining, let alone buying, any such proposal. For another, given the Politburo's psychology it would be counterproductive for us to float any such proposal at this time. Hanoi would read it as a sign of weakness demonstrating that we are prepared to give them a politically free hand in return for our prisoners and U.S. disengagement. This, in turn, would probably serve to make the North Vietnamese even more intransigent.








10. The Sequential Game Plan. Against the backdrop of the pressure actions just described, a sequential game plan might unfold roughly as follows.

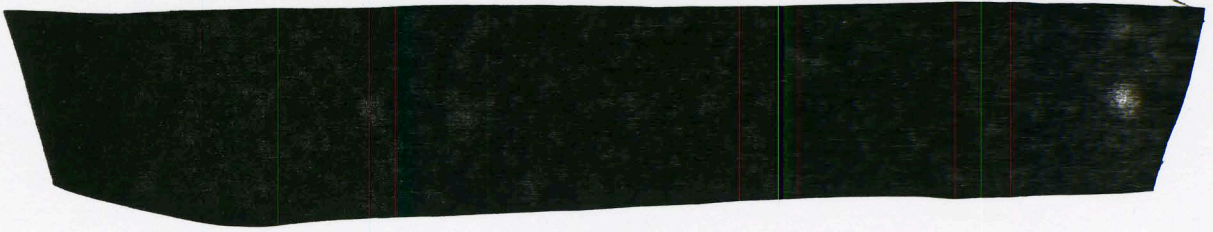
a. Within the next few days, we publicize -- and keep open -- a standing invitation to Hanoi to resume private talks whenever the North Vietnamese are ready to resume serious negotiations.

b. We prepare, as quickly as possible, our consolidated agreement draft -- with matching English and Vietnamese texts -- as described above. This draft should embody what we consider fair and acceptable proposals affording essential protection to U.S. interests (e.g., prisoner return), reasonable protection to legitimate GVN interests (including language that, at a minimum, eliminates any North Vietnamese right to send or station NVA troops in the South), and establishing a meaningful inspection/supervision system.





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*g. a. c. z.*  
George A. Carver, Jr.

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TELEGRAM

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TO RUEHC/SECSTATE WASHDC 6517

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~~SECRET~~ SECTION 2 OF 2 USDEL FRANCE 24055

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B) IN EACH OF THE NINE REGIONS OF SOUTH VIET NAM, A REGIONAL FOUR-PARTY JOINT MILITARY COMMISSION WILL BE SET UP.

THE NINE REGIONS OF SOUTH VIET NAME ARE:

REGION 1: QUANG TRI, THUA THIEN.

REGION 2: QUANG DA, QUANG NAM, QUANG NGAI.

REGION 3: BINH DINH, PHU YEN, KHANH HOA.

REGION 4: KONTUM, GIA LAI, DAC LAC.

REGION 5: LAM DONG, TUYEN DUC, NINH THUAN, BINH THUAN.

REGION 6: BINH LONG, PHUOC LONG, BINH DUONG, BIEN HOA, LONG

KHANH, PHUOC TUY, BINH TUY, TAY NINH, LONG AN.

REGION 7: SAI GON, GIA DINH.

REGION 8: KIEN TUONG, KIEN PHONG, MY THO, GO CONG, BEN TRE.

REGION 9: AN GIANG, VINH LONG, TRA VINH, LONG XUYEN, RAACH GIA, CAN THO, SOC TRANG, CA MAU.

EACH PARTY'S DELEGATION TO THE REGIONAL FOUR-PARTY JOINT MILITARY COMMISSION IS COMPOSED OF THREE TO FIVE MEMBERS HEADED BY AN OFFICER OF COLONEL RANK OR THE EQUIVALENT AND A NUMBER OF SUPPORT PERSONNEL.

C) IN EACH PROVINCE OF SOUTH VIET NAM, A PROVINCIAL FOUR-PARTY JOINT MILITARY COMMISSION WILL BE SET UP. EACH PARTY'S DELEGATION TO THE PROVINCIAL JOINT MILITARY COMMISSION IS COMPOSED OF THREE MEMBERS HEADED BY AN OFFICER OF LIEUTENANT-COLONEL RANK OR THE EQUIVALENT AND A NUMBER OF SUPPORT PERSONNEL.

## ARTICLE 10

THE TWO-PARTY JOINT MILITARY COMMISSION HAS THE FUNCTION TO ACT ON BEHALF OF THE TWO SOUTH VIETNAMESE PARTIES IN DRAWING UP PLANS AND DETERMINING THE MODALITIES OF COORDINATING, FOLLOWING, AND INSPECTING THE IMPLEMENTATION OF PROVISIONS MENTIONED IN ARTICLE 17 OF THE AGREEMENT ON ENDING THE WAR AND REESTORING PEACE IN VIET NAM, AND TO NEGOTIATE AND SETTLE ALL MATTERS RELATED TO THE IMPLEMENTATION OF THOSE PROVISIONS.

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E.O. 12356, Sect. 3.4

DOS 9304568

1/28/94

By MZO NARA, Date 4/12/94

SA 99

## NODIS REVIEW

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transferred to IM/IS/FPC

Cat. B - Transferred to IM/IO/FPC

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Cat. C - Caption removed:

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2 - USDEL FRANCE 24055, DECEMBER 14 (SECTION 2 OF 2)

THE CONCRETE TASKS OF THE TWO-PARTY JOINT MILITARY COMMISSION ARE:

A) TO DETERMINE THE AREAS CONTROLLED BY EACH PARTY; TO DETERMINE THE MODALITIES OF TROOP STATIONING, OF REPLACEMENT OF ARMAMENTS, MUNITIONS AND WAR MATERIAL AFTER THE CEASEFIRE BECOMES EFFECTIVE, THE MODALITIES OF IMPLEMENTATION OF THE AGREEMENTS BETWEEN THE TWO SOUTH VIETNAMESE PARTIES ON THE REDUCTION OF THEIR MILITARY EFFECTIVES AND THE DEMOBILIZATION OF THE TROOPS BEING REDUCED.

2) TO COORDINATE, FOLLOW AND INSPECT THE IMPLEMENTATION OF THE ABOVE-MENTIONED PROVISIONS OF THE AGREEMENT; TO COORDINATE, FOLLOW AND INSPECT THE ENFORCEMENT OF THE CEASEFIRE THROUGHOUT SOUTH VIET NAM AFTER THE FOUR-PARTY JOINT MILITARY COMMISSION HAS ENDED ITS ACTIVITIES.

C) TO DETER AND TO DETECT VIOLATIONS, TO DEAL WITH CASES OF VIOLATION AND SETTLE CONFLICTS AND MATTERS OF CONTENTION BETWEEN THE TWO SOUTH VIETNAMESE PARTIES RELATING TO THE PROVISIONS MENTIONED ABOVE.

ARTICLE 11

A) EACH SOUTH VIETNAMESE PARTY SHALL DESIGNATE A MILITARY DELEGATION TO PARTICIPATE IN THE CENTRAL TWO-PARTY JOINT MILITARY COMMISSION. EACH DELEGATION IS COMPOSED OF FIVE TO SEVEN MEMBERS HEADED BY A GENERAL OFFICER OR THE EQUIVALENT AND A NUMBER OF SUPPORT PERSONNEL.

THE CENTRAL JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES WILL SET UP WHEN REQUIRED SUB-COMMISSIONS TO ASSIST IT. EACH SUB-COMMISSION WILL HAVE AN EQUAL NUMBER OF OFFICERS FROM EACH DELEGATION.

THE HEADQUARTERS OF THE CENTRAL TWO-PARTY JOINT MILITARY COMMISSION WILL BE LOCATED IN SAIGON.

B) IN EACH OF THE NINE REGIONS OF SOUTH VIET NAM MENTIONED IN ARTICLE 9(B) OF THIS PROTOCOL, A REGIONAL TWO-PARTY JOINT MILITARY COMMISSION WILL BE ESTABLISHED. EACH PARTY'S DELEGATION TO THE REGIONAL TWO-PARTY JOINT MILITARY COMMISSION IS COMPOSED OF THREE TO FIVE MEMBERS HEADED BY AN OFFICER OF COLONEL RANK OR THE EQUIVALENT AND A NUMBER OF SUPPORT PERSONNEL.

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TELEGRAM

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-3- USDEL FRANCE 24055, DECEMBER 14 (SECTION 2 OF 2)

C) IN EACH PROVINCE OF SOUTH VIET NAM, A PROVINCIAL TWO-PARTY JOINT MILITARY COMMISSION WILL BE SET UP. EACH PARTY'S DELEGATION TO THE PROVINCIAL TWO-PARTY JOINT MILITARY COMMISSION IS COMPOSED OF THREE MEMBERS HEADED BY AN OFFICER OF LIEUTENANT-COLONEL RANK OR THE EQUIVALENT AND A NUMBER OF SUPPORT PERSONNEL.

D) IN EACH DISTRICT IN SOUTH VIET NAM, A DISTRICT JOINT MILITARY TEAM OF THE TWO SOUTH VIETNAMESE PARTIES WILL BE SET UP.

E) A NUMBER OF PORTS, AIRFIELDS IN SOUTH VIET NAM, A NUMBER OF POINTS OF ENTRY ALONG THE BORDER COMMON TO SOUTH VIET NAM AND LAOS OR COMBODIA, AND SOUTH OF THE DEMILITARIZED ZONE, SHALL HAVE EACH A JOINT MILITARY TEAM OF THE TWO SOUTH VIETNAMESE PARTIES FOR COORDINATING THE IMPLEMENTATION OF ARTICLE 7 OF THE AGREEMENT. THE JOINT MILITARY TEAM STATIONED SOUTH OF THE DEMILITARIZED ZONE MAY OPERATE IN THE SOUTHERN PART OF THE DEMILITARIZED ZONE.

ARTICLE 12

A) THE FOUR-PARTY JOINT MILITARY COMMISSION AND THE JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES OPERATE ON THE PRINCIPLE OF CONSULTATION AND UNANIMITY, WITHOUT A CHAIRMAN.

B) THE JOINT MILITARY COMMISSIONS WILL DISPATCH WITHOUT DELAY ONE OR MORE JOINT TEAMS, AS REQUIRED BY SPECIFIC CASES, TO ANY PART OF SOUTH VIET NAM, ON THE REQUEST OF ONE PARTY, TO INVESTIGATE ALLEGED VIOLATIONS OR THREATENED VIOLATIONS OF THE AGREEMENT AND ASSIST THE PARTIES IN FINDING MEASURES TO PREVENT RECURRENCE OF SIMILAR CASES.

C) THE FOUR-PARTY JOINT MILITARY COMMISSION AND THE JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES AT ALL LEVELS, AND THE TEAMS OF THESE COMMISSIONS, MAY ENGAGE IN OBSERVATION AT THE PLACES WHERE THIS IS NECESSARY TO EXERCISE THEIR FUNCTIONS.

ARTICLE 13

IN CARRYING OUT ITS TASKS, THE FOUR-PARTY JOINT MILITARY COMMISSION AND THE JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES SHALL:

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**TELEGRAM**

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-4- USDEL FRANCE 24055, DECEMBER 14 (SECTION 2 OF 2)

A) INFORM THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION ABOUT THE IMPLEMENTATION OF THE PROVISIONS UNDER THEIR RESPECTIVE RESPONSIBILITY, AND THEY MAY REQUEST THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION TO WITNESS THE IMPLEMENTATION AT THE PLACES WHERE THIS IS NECESSARY.

B) IN CASE THE DELEGATIONS TO THE FOUR-PARTY JOINT MILITARY COMMISSION

THE JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES CANNOT REACH AGREEMENT ON THE SETTLEMENT OF A MATTER OF CONTENTION OR A CASE OF VIOLATION, THE JOINT MILITARY COMMISSIONS WILL REFER THE QUESTION TO THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION TO ASK FOR ITS ASSISTANCE. IN THIS CASE, THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION MAY DISPATCH CONTROL TEAMS TO INVESTIGATE, IF IT FINDS THIS NECESSARY.

ARTICLE 14

A) THE CENTRAL FOUR-PARTY JOINT MILITARY COMMISSION, THE CENTRAL JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES AND THE REGIONAL JOINT MILITARY COMMISSIONS SHALL BE OPERATING IMMEDIATELY AFTER THE CEASE-FIRE COMES INTO FORCE. THE PROVINCIAL JOINT MILITARY COMMISSIONS AND THE JOINT MILITARY TEAMS OF THE TWO SOUTH VIETNAMESE PARTIES OPERATING IN DISTRICTS, AT AIRFIELDS, PORTS AND POINTS OF ENTRY SHALL BE IN PLACE NO LATER THAN FIFTEEN DAYS AFTER THE CEASE-FIRE COMES INTO FORCE.

B) THE CENTRAL FOUR-PARTY JOINT MILITARY COMMISSION AND ITS SUBORDINATE ORGANS SHALL END THEIR ACTIVITIES WITHIN SIXTY DAYS AFTER THE COMPLETION OF THE WITHDRAWAL OF U.S. TROOPS AND THOSE OF THE OTHER FOREIGN COUNTRIES ALLIED WITH THE UNITED STATES AND THE REPUBLIC OF VIET NAM AND OF THE RETURN OF CAPTURED AND DETAINED PERSONS.

C) THE CENTRAL TWO-PARTY JOINT MILITARY COMMISSION AND ITS SUBORDINATE ORGANS SHALL END THEIR ACTIVITIES ON THE DECISION OF THE GOVERNMENT SET UP AFTER THE GENERAL ELECTIONS IN SOUTH VIET NAM.

ARTICLE 15

THE PARTIES SHALL PROVIDE FULL PROTECTION AND ALL NECESSARY ASSISTANCE AND COOPERATION TO THE JOINT MILITARY COMMISSIONS,

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**TELEGRAM**

-5- USDEL FRANCE 24055, DECEMBER 14 (SECTION 2 OF 2)

INCLUDING THEIR TEAMS, IN THE DISCHARGE OF THEIR TASKS.

THE JOINT MILITARY COMMISSIONS AND THEIR PERSONNEL SHALL ENJOY IMMUNITIES WHILE CARRYING OUT THEIR TASKS.

THE PERSONNEL OF THE JOINT ORGANIZATIONS MAY CARRY PISTOLS AND WEAR SPECIAL INSIGNIA DECIDED UPON BY THE JOINT MILITARY COMMISSIONS.

ARTICLE 16

THE DELEGATION OF EACH PARTY TO THE FOUR-PARTY JOINT MILITARY COMMISSION AND THE TWO-PARTY JOINT MILITARY COMMISSION SHALL HAVE THEIR OWN OFFICES, COMMUNICATION, LOGISTICS AND TRANSPORTATION MEANS, INCLUDING AIRCRAFT WHEN NECESSARY.

THE LOCAL ADMINISTRATION IN WHOSE AREA THE FOUR-PARTY JOINT MILITARY COMMISSION AND THE TWO-PARTY JOINT MILITARY COMMISSION, INCLUDING THEIR CONTROL TEAMS, ARE STATIONED AND OPERATE SHALL PROVIDE THEM WITH ACCOMMODATION, DAILY-USE ARTICLES, TRANSPORTATION MEANS AND OTHER NECESSITIES SO AS TO FACILITATE THEIR ACTIVITIES.

ARTICLE 17

THE EXPENSES FOR THE COMMON ACTIVITIES OF THE FOUR-PARTY JOINT MILITARY COMMISSION SHALL BE COVERED EQUALLY BY THE FOUR PARTIES, AND THE EXPENSES FOR THE ACTIVITIES OF THE JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES SHALL BE COVERED EQUALLY BY THESE TWO PARTIES.

THE EXPENSES FOR THE ACTIVITIES OF EACH PARTY IN THE JOINT MILITARY COMMISSIONS SHALL BE COVERED BY THAT PARTY.

ARTICLE 18

THE FOUR-PARTY JOINT MILITARY COMMISSION AND THE JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES SHALL DETERMINE THEIR RESPECTIVE FORMS OF ORGANIZATION AND METHODS OF WORK.

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**TELEGRAM**

-6- USDEL FRANCE 24055, DECEMBER 14 (SECTION 2 OF 2)

ARTICLE 19

THIS PROTOCOL COMES INTO FORCE AS OF ITS SIGNING.

DONE IN PARIS ON -----, 1972,  
IN VIETNAMESE AND ENGLISH. BOTH THE VIETNAMESE AND THE  
ENGLISH TEXTS ARE OFFICIAL AND EQUALLY AUTHENTIC.

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TELEGRAM

R 051230Z MAY 73  
FM AMEMBASSY SAIGON  
TO SECSTATE WASHDC 1234  
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CONTROL: 1 5 0 70  
RECD: 05 MAY 73 3:01E

~~SECRET~~ SECTION 2 OF 7 SAIGON 7299

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EFFORT IS NOT MADE SOON TO ESTABLISH A TRUE CEASEFIRE, THE PRESENT WAR, NO PEACE SITUATION COULD GRADUALLY DEGRADATE INTO LARGE-SCALE FIGHTING. FURTHERMORE, IF IMPROVEMENTS IN THE SITUATION ARE NOT VISIBLE IN THE NEXT FEW WEEKS, THE CANAL WILL LIKELY DROP OUT OF THE JOCS, WHICH COULD WELL END THAT BODY'S HELPFUL RESTRAINING INFLUENCE ON THE SITUATION. I, THEREFORE, BELIEVE WE MUST TAKE STEPS NOW TO MAINTAIN MOMENTUM IN THE SEARCH FOR A STABLE CEASEFIRE, END SURELY.

11. NEGOTIATIONS BETWEEN THE SOUTH VIETNAMESE PARTIES.  
AT PRESENT NEGOTIATIONS.

9. THE FIRST PLENARY SESSION OF THE BIPARTITE POLITICAL TALKS BETWEEN THE GVN AND THE PRG WAS HELD NEAR PARIS ON MARCH 19. AFTER A SUCCESSION OF STERILE MEETINGS ATTEMPTING TO AGREE ON AN AGENDA, THE GVN ON APRIL 25 PROPOSED AN AGREEMENT IN TEN ARTICLES PROVIDING FOR GENERAL ELECTIONS FOR A BODY EMPOWERED TO DECIDE THE FUTURE OF SOUTH VIETNAM. THIS PROPOSAL IN EFFECT MET THE PRG'S DEMAND FOR ELECTIONS FOR A "CONSTITUTIONAL ASSEMBLY", BUT IT RETAINED THE GVN DEMAND THAT THE NVA WITHDRAW FROM SOUTH VIETNAM BEFORE THE ELECTION IS HELD, THUS GUARANTEEING ITS REJECTION.

10. AT THIS SAME MEETING, THE PRG ALSO PROPOSED GENERAL ELECTIONS, BUT ONLY AFTER THE RELEASE OF CIVILIAN PRISONERS AND THE ESTABLISHMENT OF DEMOCRATIC FREEDOMS. HOWEVER, THE PRG PRESENTATION WAS MORE LADEN WITH PROPAGANDA AND LESS PRECISE THAN THE GVN PROPOSAL, AND THIS, I THINK, GAVE THE GVN A CLEAR EDGE.

11. THE GVN'S APPROACH TO POLITICAL NEGOTIATIONS WITH THE PRG SHOWS A NEW BUOYANCE FOLLOWING PRESIDENT THIEU'S RETURN FROM HIS VISIT TO THE UNITED STATES. I THINK HE BROUGHT BACK A NEW AWARENESS OF THE IMPORTANCE OF PUBLIC OPINION OUTSIDE VIETNAM AND A NEW CONFIDENCE IN THE GVN'S ABILITY TO FIGHT THE COMMUNISTS. HE ALSO RECOGNIZED THAT THE COMMUNISTS DO NOT WANT NEGOTIATIONS IN THE NEAR FUTURE. THIEU SEEMS DETERMINED TO PERSIST AND THE PRG TO AGREE TO ELECTIONS

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E.O. 12356, Sect. 3.4

DOS 9304568 1/28/94

By WZO NARA, Date 4/12/94

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NODIS REVIEW	
Cat. A	Caption removed: transferred to IM/IS/FPC
Cat. B	Transferred to IM/IS/FPC with additional access controlled by C/S
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Reviewed by	<u>gkeary</u>
Date	<u>10/18/93</u>



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# TELEGRAM

-2- SAIGON 7880, SECTION 2 OF 7, MAY '73

OR SUFFER THE POLITICAL CONSEQUENCES OF REFUSING. I THINK THIS IS A SOUND COURSE FOR HIM TO FOLLOW, BUT I THINK GVN INSISTENCE ON WITHDRAWAL OF THE NVA FROM SOUTH VIET-NAM BEFORE AN ELECTION IS HELD IS UNREALISTIC AND SHOULD BE DROPPED.

12. IT IS CLEAR THAT A POLITICAL SETTLEMENT IN SOUTH VIET-NAM CAN COME ONLY AFTER LONG AND PAINFUL NEGOTIATIONS. HOWEVER, I AM ENCOURAGED THAT THE TWO SIDES ARE CONTINUING TO TALK AND THAT THEIR MAIN POINTS OF DIFFERENCE AT PARIS SEEM TO HAVE NARROWED. IT IS ALSO A GOOD SIGN THAT, DESPITE THEIR DISAPPOINTMENTS WITH THE CEASEFIRE, SOME GVN LEADERS STILL FEEL THAT THE PRG MAY ULTIMATELY DECIDE TO NEGOTIATE IN EARNEST. THE GVN COULD MAKE SOME CONCESSIONS, PARTICULARLY REGARDING PRIVILEGES AND IMMUNITIES FOR THE PRG, WHICH WOULD COST THEM NOTHING BUT WOULD GREATLY IMPROVE THE NEGOTIATING ATMOSPHERE. ALONG THIS LINE, I HAVE URGED THEM TO PERSUADE THE PRG DELEGATION TO MOVE FROM DAVIS-STATION TO A MORE CONVENIENT AND SUPPORTABLE LOCATION IN SAIGON.

## 8) THE TWO-PARTY JOINT MILITARY COMMISSION.

13. THE TWO-PARTY JOINT MILITARY COMMISSION (TPJMC), ONE MONTH AFTER ITS INAUGURATION, HAS MADE SOME SMALL STEPS FORWARD BUT HAS YET TO ACCOMPLISH MOST OF THE PURPOSES FOR WHICH IT WAS FORMED. IN THE BI-WEEKLY MEETINGS OF THE CHIEFS OF DELEGATIONS, AND MORE FREQUENT MEETINGS OF THE FOUR SUBCOMMISSIONS, THE TWO DELEGATIONS ARE REGULARLY ADDRESSING A RANGE OF PROCEDURAL MATTERS AND SOME SUBSTANTIVE ISSUES. ALTHOUGH AGREEMENTS HAVE BEEN RARE, THERE IS SLOW PROGRESS IN SOME AREAS--PRIVILEGES AND IMMUNITIES AND LIAISON FLIGHTS. THUS FAR, HOWEVER, THE ONLY SUBSTANTIVE PROGRESS HAS BEEN IN THE RELEASE OF SMALL NUMBERS OF CIVILIAN DETAINEES. THROUGH APRIL 30 THE PRG RELEASED 385 TO THE OTHER SIDE, THE GVN 100.

14. ON THREE CRUCIAL ISSUES--EFFECTIVE ENFORCEMENT OF THE CEASEFIRE, RETURN OF THE LAST MILITARY POW'S AND DEPLOYMENT OF PRG ELEMENTS TO THE FIELD--NEGOTIATIONS ARE AT A STANDSTILL. IN EACH INSTANCE, THE PRG HAS EITHER FORESTALLED DISCUSSION ON PROCEDURAL GROUNDS, OR HAS PUT FORWARD DEMANDS WHICH THE GVN WILL NOT ACCEPT. THE PRG CONTINUES TO CALL FOR MEETINGS OF LOCAL COMMANDERS, AT WHATEVER LEVEL, TO ARRANGE LOCAL CEASE-FIRES, AND HAS REJECTED A COMPROMISE GVN PROPOSAL FOR SUCH MEETINGS UNDER THE AEGIS OF EQUAL-RANKING TPJMC OFFICERS. ALSO, THE PRG HAS TRIED TO MAKE THE RELEASE OF 410 ARVN POWS IT STILL ADMITS HOLDING CONDITIONAL ON THE RETURN OF 210 FORMER COMMUNIST SOLDIERS WHO "RALLIED" TO THE GVN. THE

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**TELEGRAM**

-3- SAIGON 7880, SECTION 2 OF 7, MAY '73

OWN HAS OFFERED TO LET THE TRUNG AND LO'S INTERVIEW THOSE  
MEN TO VERIFY THEIR DESIRE NOT TO RETURN.

15. AN IMPORTANT REASON FOR THIS LACK OF PROGRESS IN THE TRUNG  
IS THE ABSENCE OF LT. GENERAL TRAN VAN TRA, THE CHIEF OF THE PRO  
DELEGATION. I DOUBT THAT NEGOTIATIONS IN THE TPJAC CAN ACCOM-  
PLISH MUCH UNTIL TRA OR ANOTHER REPRESENTATIVE WITH FULL POWERS  
IS SENT TO SAIGON.

(C) THE JOCS.

16. THE JOCS HAS NOT BEEN ABLE TO FILL THE ROLE ENVISAGED FOR  
IT IN THE PARIS AGREEMENT. ONE REASON FOR THIS IS THAT THE  
TPJAC IS NOT FUNCTIONING AS DIVISION 4 OF THE AGREEMENT.

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TELEGRAM

R 051232Z MAY 73  
FM AMEMBASSY SAIGON  
TO SECSTATE WASHDC 1235  
BT

CONTROL: 1 5 0 62  
RECD: 05 MAY '73 3:00P

~~SECRET~~ SECTION 3 OF 7 SAIGON 7880

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ANOTHER IS THAT THE COMMISSION'S TWO COMMUNIST MEMBERS BY VARIOUS DEVICES HAVE PREVENTED THE ICCS FROM REPORTING ADVERSELY ON THE PRG/NVA. SO FAR THEY ARE PERSISTING IN THIS ATTITUDE DESPITE OUR FORCEFUL REPRESENTATIONS TO THE POLISH AND HUNGARIAN GOVERNMENTS.

17. COMMUNIST ATTACKS ON ICCS HELICOPTERS, ESPECIALLY THE DOWNING OF AN ICCS HELICOPTER IN QUANG TRI IN EARLY APRIL WITH THE LOSS OF ALL ABOARD, HAS CAUSED THE ICCS TO LIMIT ITS MOVEMENTS. ALSO, PRG REFUSALS TO GUARANTEE THE SAFETY OF ICCS TEAMS HAVE ABORTED ICCS INVESTIGATIONS IN A NUMBER OF CASES. FAILURE OF THE PRG TO PROVIDE THE ICCS COOPERATION AND SUPPORT HAS PREVENTED THE ICCS FROM MOVING TO THESE TEAM SITES IN PRG AREA. (GVN SUPPORT FOR THE ICCS IS NOW ADEQUATE.)

18. THE CANADIANS BY THEIR VIGOROUS LEADERSHIP AND FORTHRIGHT ATTITUDE HAVE KEPT THE ICCS FUNCTIONING WITHIN THE LIMITS IMPOSED BY THESE CONDITIONS. LARGELY AS A RESULT OF THE CANADIANS' EFFORTS THE ICCS HAS BEEN A USEFUL INFLUENCE IN RESTRAINING BOTH SIDES AND IN CONTRIBUTING TOWARD THE GRADUAL DAMPENING DOWN OF HOSTILITIES.

#### D) EXCHANGE OF POWS.

19. DURING THE FIRST 60 DAYS OF THE CEASEFIRE, THE GVN RETURNED TO THE OTHER SIDE 26,508 NVA AND VC PRISONERS OF WAR. ANOTHER 238 EPW REGUSED REPATRIATION. IN THE SAME PERIOD, THE PRG RETURNED 4,956 RVN PW AND STATED THAT ANOTHER 62 RVN PW REFUSED REPATRIATION. SINCE MARCH 28, THE PRG HAS RELEASED A TOTAL OF 90 RVN PW IN SMALL GROUPS WITHOUT PRIOR NOTIFICATION. AS OF APRIL 20, THERE WERE 586 ENEMY POWS IN RVN CAMPS, INCLUDING OVER 200 CAPTURED SINCE THE CEASEFIRE. OF THESE 586, 123 WERE CAPTURED BY THE U.S.

20. FURTHER EXCHANGE OF POWS IS STALLED OVER CONFLICTING CLAIMS. THE GVN BELIEVES THE COMMUNISTS ARE STILL HOLDING BACK THOUSANDS OF POWS AND IT INSISTS THAT THE

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By M22 NARA, Date 4/12/94

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Date: <u>10/18/93</u>	



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# TELEGRAM

-2- SAIGON 7880, SECTION 3 OF 7, MAY '73

PRG RELEASE 410 GVN POWS IT IS HOLDING IN THE PLEIKU AREA BEFORE FURTHER EXCHANGES CAN TAKE PLACE. THE PRG REFUSES TO RELEASE THESE 410 UNTIL THE GVN TURNS OVER 210 OF THE 238 COMMUNIST POWS WHO HAVE REFUSED REPATRIATION. HOWEVER, I EXPECT THIS IMPASSE WILL EVENTUALLY YIELD TO NEGOTIATION IN THE TPJMC.

## E. FOUR-PARTY JOINT MILITARY TEAM

11. THE FOUR-PARTY JOINT MILITARY TEAM (FPJMT) ON DEAD AND MISSING PERSONS DID LITTLE MORE THAN AGREE ON PROCEDURAL MATTERS DURING ITS FIRST MONTH OF EXISTENCE. HOWEVER, THE TEAM IS NOW TAKING UP SUBSTANTIVE MATTERS, AND THE DRV DELEGATION HAS INVITED A FPJMT ELEMENT TO VISIT NORTH VIETNAM IN MAY TO VISIT THE GRAVES OF THE 23 U.S. SERVICEMEN WHO DIED IN CAPTIVITY AND WORK OUT ARRANGEMENTS FOR THE REPATRIATION OF THEIR REMAINS.

22. THE U.S. DELEGATION HAS SUBMITTED TO THE COMMUNIST SIDE THE NAMES OF 100 MIA AND BNR (BODIES NOT RECOVERED) PERSONNEL REQUESTING WHATEVER INFORMATION CAN BE PROVIDED ON THESE CASES. THE DELEGATION WILL SOON TABLE THE COMPLETE LIST OF ALL 1300 MIA AND 1100 BNR PERSONNEL. IT IS ALSO MAKING ARRANGEMENTS WITH THE GVN TO INVESTIGATE SEVERAL CRASH SITES IN GVN CONTROLLED TERRITORY. THESE FIRST INVESTIGATIONS WILL HELP TO ESTABLISH PROCEDURES FOR LATER CRASH SITE INVESTIGATIONS IN PRG AND CONTESTED TERRITORY.

## F) CIVILIAN DETAINEES

23. THERE WAS A SMALL BREAKTHROUGH IN THE NEGOTIATIONS ON CIVILIAN DETAINEES IMMEDIATELY BEFORE X PLUS 90 WHEN AGREEMENT WAS REACHED ON THE EXCHANGE OF 750 GVN-HELD DETAINEES FOR 637 PRG PRISONERS. HOWEVER, PROCEDURAL SNARLS OVER ICCS PARTICIPATION IN THE RELEASE HAS, SO FAR, ALLOWED THE EXCHANGE OF ONLY 100 GVN DETAINEES FOR PRG DETAINEES. THE GVN HAS ALSO OFFERED TO RETURN ANY OF THE 21,007 "COMMON CRIMINALS" IT CLAIMS TO HOLD IF THE PRG PROVES TO ITS SATISFACTION THAT THEY ARE COMMUNIST CADRE. THIS IS IN ADDITION TO THE 4,337 (5,081 MINUS THE 750 IN THE FIRST RELEASED) "COMMUNIST CRIMINALS" THE GVN ADMITS TO.

24. THE GVN HAS COMPILED AND SUBMITTED TO THE PRG A "WHITE BOOK" CONTAINING THE NAMES AND CURRICULUM VITAE OF 67,501 CIVILIANS "MISSING" SINCE THE 1954 CEASEFIRE. THE PRG HAS, SO FAR, NOT ADMITTED THE EXISTENCE OF ANY MORE THAN THE 637 PRISONERS THEY HAVE AGREED TO RELEASE.

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TELEGRAM

-3- SAIGON 7880, SECTION 3 OF 7, MAY '73

25. THE NAMES OF FORMER ASSEMBLYMAN TRAN NGOC CHAU AND WELL-KNOWN PACIFIST ACTIVIST MADAM NGO DA THANH HAVE FIGURED IN RECENT REPORT GM CHAU IS REPORTEDLY ON THE LIST OF 750 DETAINEES THE GVN HAS AGREED TO RELEASE TO THE COMMUNISTS. MADAM THANH HAS GONE ON A HUNGER STRIKE AND HAS BEEN HOSPITALIZED.

26. DURING HIS UNITED STATES TRIP THIEN PUBLICLY OFFERED TO LET "ANYONE" INSPECT THE PLACES WHERE CIVILIANS ARE BEING DETAINED. MEMBERS OF THE FOREIGN PRESS HAVE ASKED TO DO THIS AND I HAVE URGED THIEN TO MAKE GOOD ON HIS PROMISE. I HAVE ALSO URGED HIM TO RELEASE A SUBSTANTIAL NUMBER OF THE NON-COMMUNIST OPPOSITIONISTS WHO ARE NOW DETAINED IN THE INTEREST OF REMOVING ONE OF THE MOST SERIOUS CRITICISMS OF HIS GOVERNMENT.

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TELEGRAM

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FM USDEL FRANCE

TO RUEHC/SECSTATE WASHDC 5516

INFO RUMJIR/AMEMBASSY SAIGON 1239

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~~SECRET~~ SECTION 1 OF 2 USDEL FRANCE 24255

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SUBJECT: DRV DRAFT PROTOCOL ON CEASEFIRE AND JOINT MILITARY COMMISSIONS

FOLLOWING IS TEXT OF DRV DRAFT PROTOCOL GIVEN U.S. ON DECEMBER 12. THIS DRAFT IS NOT REPEAT NOT BEING GIVEN HERE TO GVNDEL, NOR TO ANY OTHERS, SUCH AS CANADIANS AND INDONESIANS.

QUOTE

UNOFFICIAL TRANSLATION  
PROTOCOL ON THE CEASE-FIRE IN SOUTH VIET NAM AND THE JOINT MILITARY COMMISSIONS

THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF VIET NAM,  
WITH THE CONCURRENCE OF THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM,

THE GOVERNMENT OF THE UNITED STATES, WITH THE CONCURRENCE  
OF THE GOVERNMENT OF THE REPUBLIC OF VIET NAM,

IN IMPLEMENTATION OF THE FIRST PARAGRAPH OF ARTICLE 2,  
ARTICLE 3, ARTICLE 16 AND ARTICLE 17 OF THE AGREEMENT ON ENDING  
THE WAR AND RESTORING PEACE IN VIET NAM SIGNED ON ..... WHICH  
PROVIDE FOR THE CEASE-FIRE IN SOUTH VIET NAM AND THE ESTABLISHMENT OF A FOUR-PARTY JOINT MILITARY COMMISSION AND A TWO-PARTY JOINT MILITARY COMMISSION,

HAVE AGREED UPON THE FOLLOWING:

CEASE-FIRE IN SOUTH VIET NAM

ARTICLE I

THE HIGH COMMANDS OF THE PARTIES IN SOUTH VIET NAM SHALL  
ISSUE PROMPTLY AND IN TIME ORDERS TO ALL REGULAR AND IRREGULAR  
ARMED FORCES AND THE ARMED POLICE UNDER THEIR COMMAND TO COMPLETELY END HOSTILITIES THROUGHOUT SOUTH VIET NAM, AT THE EXACT TIME

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Cat. A	Caption removed:
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-2- USDEL FRANCE 24055, DECEMBER 14 (SECTION 1 OF 2)

STIPULATED IN ARTICLE 2 OF THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIET NAM.

ARTICLE 2

AS SOON AS THE CEASE-FIRE COMES INTO FORCE AND UNTIL REGULATIONS ARE ISSUED BY THE JOINT MILITARY COMMISSIONS, ALL GROUND, RIVER, SEA AND AIR COMBAT FORCES OF THE PARTIES IN SOUTH VIET NAM SHALL REMAIN IN-PLACE.

A) ALL MOVEMENT OF GROUND COMBAT FORCES OF THE PARTIES, INCLUDING ARMED PATROLS OUTSIDE THEIR RESPECTIVE BASES OR GARRISON POINTS, SHALL BE STOPPED.

B) BOMBERS AND FIGHTERS OF ALL TYPES SHALL BE GROUNDED. WAR VESSELS OF ALL TYPES SHALL BE LYING AT ANCHOR AT THEIR BASES AT THE EXACT TIME WHEN THE CEASE-FIRE COMES INTO FORCE AND SHALL NOT LEAVE THEIR BASES.

ARTICLE 3

IN ORDER TO AVERT CONFLICT AND ENSURE NORMAL CONDITIONS FOR THE ARMED FORCES OF THE TWO SOUTH VIETNAMESE PARTIES, AND PENDING OFFICIAL REGULATIONS ISSUED BY THE JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES, AS SOON AS THE CEASE-FIRE COMES INTO FORCE, THE ON-THE-SPOT COMMANDERS OF THE TWO PARTIES SHALL MEET WITH A VIEW OF REACHING AN AGREEMENT ON TEMPORARY MEASURES TO AVERT CONFLICT AT THE PLACES WHERE FORCES OF THE TWO PARTIES ARE IN DIRECT CONTACT AND TO ENSURE SUPPLY AND MEDICAL CARE FOR TROOPS OF THE TWO PARTIES.

ARTICLE 4

ALL REGULAR AND IRREGULAR ARMED FORCES AND THE ARMED POLICE OF THE PARTIES IN SOUTH VIET NAM SHALL OBSERVE THE PROHIBITION OF THE FOLLOWING ACTS:

A) FIRING OF ANY WEAPON, USE OF ANY TOXIC CHEMICAL OR BACTERIOLOGICAL WEAPON:

B) ARMED ATTACKS WITH ANY WEAPON AGAINST MILITARY PERSONNEL AND CIVILIAN PERSONNEL OF THE PARTIES AND CIVILIANS:

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TELEGRAM

3 USDEL FRANCE 24055, DECEMBER 14 (SECTION 1 OF 2)

C) ALL COMBAT ACTIVITIES ON THE GROUND, ON RIVERS, ON THE SEA AND IN THE AIR;

D) ALL HOSTILE ACTS, TERRORISM AND REPRISALS BY EITHER PARTY;

E) ALL NIBBLING ATTACKS, COMMANDO OPERATIONS, RECONNAISSANCE AND PROVOCATION ACTIVITIES DIRECTED AGAINST THE AREAS UNDER THE CONTROL OF THE OTHER PARTY;

F) ALL ACTS OF SABOTAGE AGAINST PUBLIC PROPERTY AND ACTS ENDANGERING THE PEOPLE'S LIFE AND PROPERTY.

THE ABOVE-MENTIONED PROHIBITIONS SHALL NOT HAMPER AND RESTRICT CIVILIAN SUPPLY FOR THE AREAS UNDER THE CONTROL OF THE OTHER PARTY AND THE PEOPLE'S FREEDOM OF MOVEMENT, FREEDOM TO WORK AND TO ENGAGE IN TRADE.

ARTICLE 5

EACH PARTY SHALL IMMEDIATELY CARRY OUT AND COMPLETE WITHIN ....DAYS THE REMOVAL, DEACTIVATION OF MINEFIELDS, EXPLOSIVES, TRAPS AND OTHER DANGEROUS DEVICES PLACED PREVIOUSLY, SO AS NOT TO HAMPER THE MOVEMENT AND WORK OF THE POPULATION.

ARTICLE 6

THE MAINTENANCE OF LAW AND ORDER IN SOUTH VIET NAM IS ENSURED BY CIVILIAN PERSONNEL (VICILIAN POLICE OR SECURITY PERSONNEL) OF EACH SOUTH VIETNAMESE PARTY IN THE AREAS UNDER ITS CONTROL. THESE PERSONNEL SHALL STRICTLY RESPECT THE PROHIBITIONS STIPULATED IN ARTICLE 4 OF THIS PROTOCOL. THEY ARE ALLOWED TO CARRY ONLY PISTOL

ARTICLE 7

AS SOON AS THE CEASE-FIRE COMES INTO FORCE, THE JOINT MILITARY COMMISSION OF THE TWO SOUTH VIETNAMESE PARTIES SHALL:

A) DETERMINE THE AREAS CONTROLLED BY EACH PARTY;

B) DEFINE THE TROOP STATIONING MODALITIES SO AS TO AVERT CONFLICT BETWEEN THE ARMED FORCES OF THE TWO PARTIES;

C) DETERMINE MEASURES TO ENSURE NORMAL CONDITIONS OF THE

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**TELEGRAM**

-4 - USDEL FRANCE 24055, DECEMBER 14 (SECTION 1 OF 2)

ARMED FORCES OF THE TWO SOUTH VIETNAMESE PARTIES, SUCH AS TRANSPORTATION, SUPPLY, MEDICAL CARE, TRAINING, MOVEMENT OF INDIVIDUAL MILITARYMEN, ETC.

## THE JOINT MILITARY COMMISSIONS

### ARTICLE 8

THE FOUR-PARTY JOINT MILITARY COMMISSION HAS THE FUNCTION TO ACT ON BEHALF OF THE FOUR PARTIES IN DRAWING UP PLANS AND FIXING THE MODALITIES TO CARRY OUT, COORDINATE, FOLLOW AND INSPECT THE IMPLEMENTATION OF THE PROVISIONS MENTIONED IN ARTICLE 16 OF THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIET NAM, AND TO NEGOTIATE AND SETTLE ALL MATTERS CONCERNING THE IMPLEMENTATION OF THOSE PROVISIONS.

THE CONCRETE TASKS OF THE FOUR-PARTY JOINT MILITARY COMMISSION ARE:

- A) TO DETERMINE THE MODALITIES FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE AGREEMENT ON THE CEASEFIRE, THE WITHDRAWAL FROM SOUTH VIET NAM OF U.S. TROOPS AND THOSE OF THE OTHER FOREIGN COUNTRIES ALLIED WITH THE UNITED STATES AND THE REPUBLIC OF VIET NAM, THE DISMANTLING OF THE U.S. MILITARY BASES AND THOSE OF THE OTHER FOREIGN COUNTRIES ALLIED WITH THE UNITED STATES AND THE REPUBLIC OF VIET NAM IN SOUTH VIET NAM AND THE RETURN OF PERSONS CAPTURED AND DETAINED IN VIET NAM;
- B) TO COORDINATE, FOLLOW AND INSPECT THE IMPLEMENTATION OF THE ABOVE-SAID PROVISIONS OF THE AGREEMENT BY THE FOUR PARTIES;
- C) TO DETER AND TO DETECT VIOLATIONS, TO DEAL WITH CASES OF VIOLATION, AND TO SETTLE CONFLICTS AND MATTERS OF CONTENTION BETWEEN THE PARTIES RELATING TO THE ABOVE-MENTIONED PROVISIONS.

### ARTICLE 9

A) EACH PARTY TO THE PARIS CONFERENCE ON VIET NAM SHALL DESIGNATE A MILITARY DELEGATION TO PARTICIPATE IN THE CENTRAL JOINT MILITARY COMMISSION OF THE FOUR PARTIES. EACH DELEGATION IS COMPOSED OF FIVE TO SEVEN MEMBERS, HEADED BY A GENERAL OFFICER OR THE EQUIVALENT, AND A NUMBER OF SUPPORT PERSONNEL.

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-5- USDEL FRANCE 24055, DECEMBER 14 (SECTION 1 OF 2)

THE CENTRAL FOUR-PARTY JOINT MILITARY COMMISSION WILL BE SET UP WHEN NECESSARY SUB-COMMISSIONS TO ASSIST IT. EACH SUB-COMMISSION WILL HAVE AN EQUAL NUMBER OF OFFICERS FROM EACH DELEGATION.

THE HEADQUARTERS OF THE CENTRAL FOUR-PARTY JOINT MILITARY COMMISSION WILL BE LOCATED IN SAIGON.

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ARTICLE 6

(A) THE COMMISSION HEADQUARTERS AND ITS STAFF IN SAIGON COM-  
PRISE AN EQUAL NUMBER OF REPRESENTATIVES AND A NUMBER OF SUPPORT  
PERSONNEL FROM EACH OF THE FOUR MEMBER COUNTRIES OF THE COMMISSION  
IN TOTAL NO MORE THAN ONE HUNDRED (100) PERSONS.

(B) EACH FIXED TEAM OR MOBIL TEAM COMPRISES FOUR MEMBERS,  
ONE FROM EACH MEMBER COUNTRY OF THE COMMISSION, AND A NUMBER OF  
SUPPORT PERSONNEL, THE TOTAL NUMBER NOT EXCEEDING SIX (6)  
PERSONS.

(C) THE TOTAL NUMBER OF REPRESENTATIVES AND PERSONNEL OF THE  
COMMISSION SHALL NOT EXCEED TWO HUNDRED AND FIFTY (250) PERSONS,  
ALL OF THEM BEING NATIONALS OF THE FOUR MEMBER COUNTRIES OF THE  
COMMISSION. THE COMMISSION MAY EMPLOY AN ADDITIONAL NUMBER OF  
VIETNAMESE NATIONALS AS SUPPORT PERSONNEL.

(D) THE REPRESENTATIVES AND PERSONNEL OF THE COMMISSION CARRY  
NO WEAPONS.

ARTICLE 7

THE COMMISSION AND ITS TEAMS SHALL OPERATE ON THE PRINCIPLE  
OF CONSULTATION AND UNANIMITY.

THE COMMISSION AND ITS TEAMS SHALL ACT AS A SINGLE BODY  
COMPRISING REPRESENTATIVES OF ALL FOUR MEMBERS COUNTRIES. EACH  
MEMBER COUNTRY HAS THE RESPONSIBILITY OF ENSURING ITS PRESENCE  
AT ALL LEVELS OF THE COMMISSION. IN CASE A REPRESENTATIVE IS  
ABSENT, THE CONCERNED COUNTRY SHALL DESIGNATE IN TIME A PERSON  
TO REPLACE HIM.

ARTICLE 8

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E.O. 12356, Sect. 3.4

DOS 9304568 1/28/94

By 1112 NARA Date 4/12/94

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TELEGRAM

-2- USDEL FRANCE 24056, DECEMBER 14 (SECTION 2 OF 2)

(A) THE COMMISSION SHALL CARRY OUT ITS TASKS ON THE PRINCIPLE OF RESPECT FOR THE SOVEREIGNTY OF SOUTH VIET NAM.

(B) THE COMMISSION SHALL ENJOY FULL COOPERATION FROM THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF VIET NAM, THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM, THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF VIET NAM.

(C) THE FOUR PARTIES OR THE TWO SOUTH VIETNAMESE PARTIES SHALL AGREE ON THE LOCATIONS AND THE ACTIVITIES OF THE TEAMS OF THE COMMISSION. THE PARTY IN WHOSE AREAS THESE TEAMS ARE STATIONED OR OPERATE SHALL DESIGNATE ITS LIAISON OFFICERS BESIDE THOSE TEAMS SO AS TO PROVIDE THEM COOPERATION AND ASSISTANCE IN THE DISCHARGE OF THEIR DUTIES.

(D) IN CONTROLLING AND SUPERVISING THE CEASE-FIRE AND INVESTIGATING VIOLATIONS OF ARTICLE 18(B) OR ARTICLE 18(C) OF THE AGREEMENT, THE TEAMS OF THE COMMISSION SHALL HAVE BESIDE THEM LIAISON OFFICERS FROM THE FOUR PARTIES OR THE TWO SOUTH VIETNAMESE PARTIES.

(E) THE PARTY IN WHOSE AREAS THE COMMISSION IS STATIONED OR OPERATES SHALL BE RESPONSIBLE FOR ENSURING ITS SAFETY, AND AFFORDING EVERY POSSIBLE ASSISTANCE AND COOPERATION TO THE COMMISSION IN THE EXERCISE OF ITS FUNCTIONS.

## ARTICLE 9.

(A) THE COMMISSION SHALL MAINTAIN CONTACT WITH THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF VIET NAM, THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM, THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF VIET NAM THROUGH THEIR RESPECTIVE LIAISON MISSIONS BESIDE THE COMMISSION IN SAIGON.

(B) THE COMMISSION SHALL BE INFORMED IN ADVANCE BY EACH OF THE FOUR PARTIES OR OF THE TWO PARTIES ABOUT THE PROPOSED PLANS AND TIME-TABLE FOR THEIR ACTIVITIES CONCERNING THOSE PROVISIONS OF THE AGREEMENT WHICH FALL UNDER THE CONTROL AND SUPERVISION OF THE COMMISSION.

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3 - USDEL FRANCE 24056, DECEMBER 14 (SECTION 2 OF 2)

(C) IN CONTROLLING AND SUPERVISING THE IMPLEMENTATION OF THE MILITARY PROVISIONS OF THE AGREEMENT, THE COMMISSION SHALL CLOSELY COOPERATE WITH THE FOUR-PARTY JOINT MILITARY COMMISSION OR THE TWO-PARTY JOINT MILITARY COMMISSION.

(D) IN SUPERVISING THE HOLDING OF THE FREE AND DEMOCRATIC GENERAL ELECTIONS DESCRIBED IN ARTICLE 9(B) AND ARTICLE 12(B) IN ACCORDANCE WITH THE MODALITIES TO BE AGREED UPON BETWEEN THE NATIONAL COUNCIL OF NATIONAL RECONCILIATION AND CONCORD AND THE COMMISSION, THE COMMISSION SHALL RECEIVE FULL COOPERATION AND ASSISTANCE FROM THE COUNCILS OF NATIONAL RECONCILIATION AND CONCORD AT THE CENTRAL AND LOWER LEVELS.

ARTICLE 10

THE COMMISSION SHALL ENJOY THE STATUS APPLIED FOR A DIPLOMATIC MISSION.

ARTICLE 11

THE COMMISSION MAY USE COMMUNICATIONS AND TRANSPORTATION MEANS NECESSARY FOR CARRYING OUT ITS FUNCTIONS. THE PARTY IN WHOSE AREAS THE COMMISSION IS STATIONED OR OPERATES SHALL PROVIDE THE COMMISSION WITH THE NECESSARY MEANS, AND THE COMMISSION SHALL PAY FOR THESE.

ARTICLE 12

THE EXPENSES FOR THE ACTIVITIES OF THE COMMISSION SHALL BE COVERED BY THE PARTIES IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE:

(A) EACH MEMBER COUNTRY SHALL PAY THE SALARIES AND OTHER ALLOWANCES TO ITS OWN PERSONNEL.

(B) THE EXPENSES FOR THE ACTIVITIES OF THE COMMISSION SHALL BE COVERED BY A FUND TO WHICH ALL PARTIES CONTRIBUTE IN THE FOLLOWING PROPORTIONS:

THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF VIET NAM:

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-4- USDEL FRANCE 24056, DECEMBER 14 (SECTION 2 OF 2)

THE PROVISIONAL REVOLUTIONARY GOVERNMENT  
OF THE REPUBLIC OF SOUTH VIET NAM:

THE GOVERNMENT OF THE UNITED STATES OF  
AMERICA

THE GOVERNMENT OF THE REPUBLIC OF VIET NAM:

EACH MEMBER COUNTRY OF THE COMMISSION:

ARTICLE 13

THE COMMISSION AND A NUMBER OF ITS TEAMS SHALL BE READY TO  
OPERATE AND IN PLACE AS SOON AS THE CEASE-FIRE COMES INTO FORCE  
TO CONTROL AND SUPERVISE THE CEASE-FIRE, THE WITHDRAWAL OF TROOPS  
AND THE RETURN OF CAPTURED AND DETAINED PERSONS OF THE PARTIES.  
OTHER TEAMS SHALL BE READY TO OPERATE AND IN PLACE WITHIN FIFTEEN  
TO THIRTY DAYS AFTER THE CEASE-FIRE COMES INTO FORCE.

ARTICLE 14

OTHER ARRANGEMENTS CONCERNING THE INTERNAL ORGANIZATION OF THE  
COMMISSION SHALL BE DECIDED BY THE COMMISSION ON THE PRINCIPLE OF  
RESPECT FOR THE SOVEREIGNTY OF SOUTH VIET NAM.

ARTICLE 15

THIS PROTOCOL SHALL COME INTO FORCE AS OF ITS SIGNING. IT  
SHALL BE STRICTLY IMPLEMENTED BY ALL THE CONCERNED PARTIES.

DONE IN PARIS ON 1972 IN VIETNAMESE AND  
ENGLISH. BOTH THE VIETNAMESE AND THE ENGLISH TEXTS ARE  
OFFICIAL AND EQUALLY AUTHENTIC.

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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~TOP SECRET~~/SENSITIVE

ACTION

October 23, 1972

MEMORANDUM FOR:

HENRY A. KISSINGER

FROM:

AL HAIG

SUBJECT:

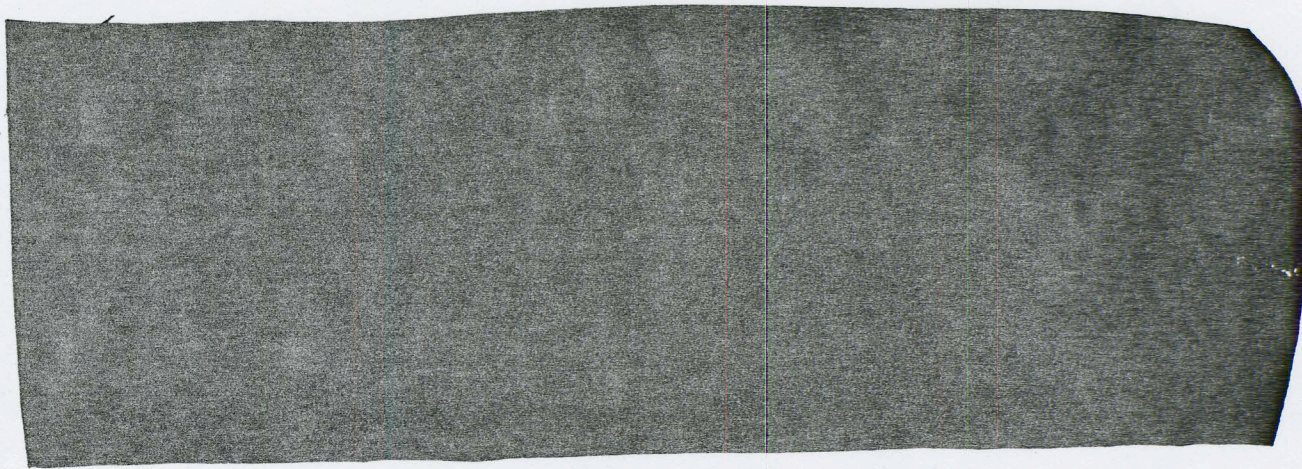
Ceasefire Contingency Planning

On a contingency basis we studied the plan in detail on an extremely close-hold basis only within your own office. The purpose of this examination was to identify as precisely as possible the myriad of tasks which the U. S. Government would have to undertake in implementation if an agreement along the lines of the draft were reached.

Each of the provisions was examined and related to any other provisions which were relevant. Then the specific tasks were identified and a tentative primary agency responsibility assigned. The tasks then were time-phased to assure completion in accord with the provisions of the agreement.

Close coordination of all aspects of the implementation will be essential. Thus, we believe that overall supervision should be exercised by the WSAG with the tasks assigned to four WSAG Working Groups as shown at Tab A.

NOT RELATED TO  
POW/MIA'S



Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

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Working Group B -- Defense chairs

- Plans for mine-sweeping and deactivation
- Plans for immediate equipment delivery and transfer
- Plans for withdrawal (personnel and equipment and base dismantling)
- Plans for POW's - MIA
- Plans for Attaches - Staffing and Functions
- Plans for equipment replacement
- Plans for Command and Control - Military Operations in SEA
- Plans for observation of ceasefire enforcement

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## . WORKING GROUP - B

Organization - Defense (Chairman)

State

CI A

TASKS1. Immediate (D + 2)-- Prisoners

- . Prepare prisoner and MIA list for US.
- . Prepare prisoner list of GVN POW and prisoners held by GVN.
- . Prepare plan for receiving and evacuating released US POWs.

NOT RELATED TO  
POW/MIA'S-- Identification of POW and MIA

- . Prepare plan for search and identification of US POW and MIA throughout Indochina including in North Vietnam. (DOD/State) (Organization, staffing, support, and procedures.)
- . Establish means for US participation in Four-Party Joint Commission activities concerning POW return and MIA identification in North Vietnam. (Coordinate with Working Group A)

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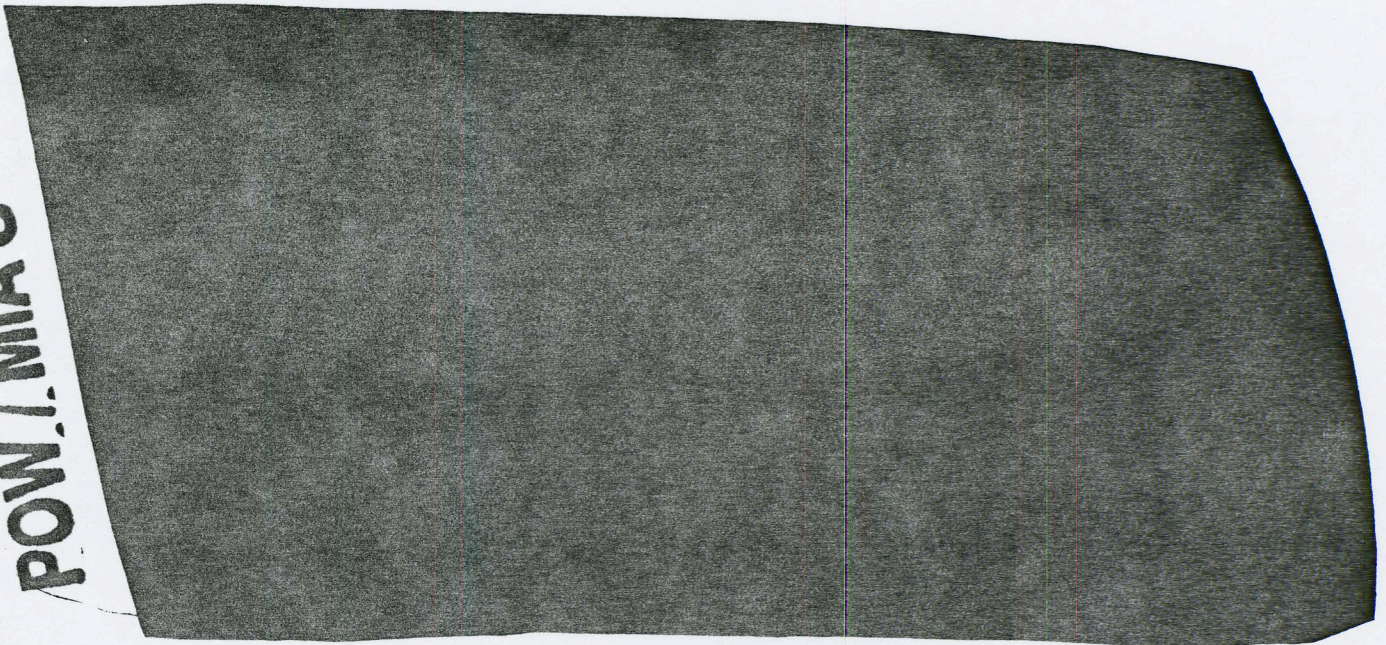
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TASKS

Defense - Military

NOT RELATED TO  
POW/MIA'S



Prisoners

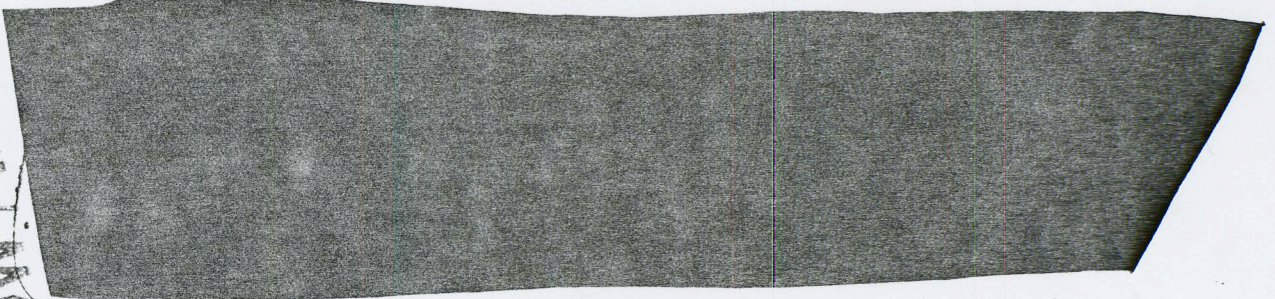
- Prepare prisoner and MIA list for US (DOD/State)
- Prepare prisoner list of GVN POW and prisoners held by GVN (State to assist GVN)
- Prepare plan for receiving and evacuating released US POWs. (DOD/State)
- Prepare plan for release of GVN held prisoners (in coordination with GVN to discharge Four Party Joint Commission responsibilities). (State)

Identification of POW and MIA

- Prepare plan for search and identification of US POW and MIA throughout Indochina including in North Vietnam. (DOD/State)

Organization, staffing, support, and procedures.

NOT RELATED TO  
POW/MIA'S



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JOINT COMMISSIONS

Tasks for U.S.

NOT RELATED TO  
POW/MIA'S

Four Party Joint Commission

-- Prisoner lists prepared (State/DOD)

- Priority

- Develop plans for replacement of materiel (see Two Party Task)
- Plans for movement of prisoners (DOD)  
(Do "four parties" go to North Vietnam or rely on ICCS)  
(How provide transport for prisoners?)
- Plan for location and identification of MIA (DOD).

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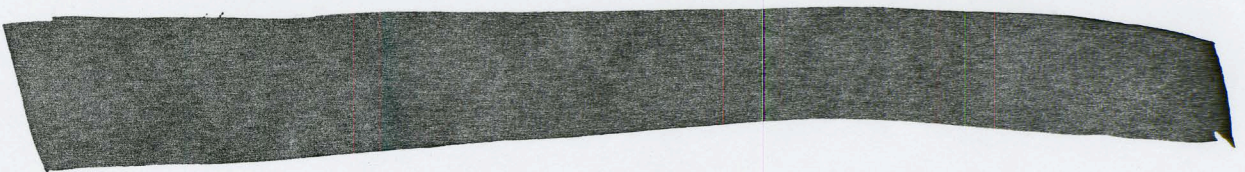
ICCS

- Immediate

- Notify Parties (at least Canada and Indonesia) (State).
- Have contingency replacements if Canada or Indonesia will not participate (State).
- Organize (State/DOD)
  - How function.
  - What is composition of teams for supervision and control of:
    - (a) Ceasefire, prisoner release, withdrawal and replacement.
    - (b) Election and SVN forces (reports to Two-Party).
  - Finance.
  - Provision for Logistical Support.
- Movement to SVN (State/DOD).

Paris Conference to develop details on:

- Two Party - Areas controlled and modalities of stationing.
  - Arrangements for elections.
- Four Party - Modalities of enforcing ceasefire.
  - Modalities for release of prisoners.
  - Agreements on details of control of replacement materiel.
  - Modalities of operation and support for ICCS.



NOT RELATED TO  
POW/MIAS

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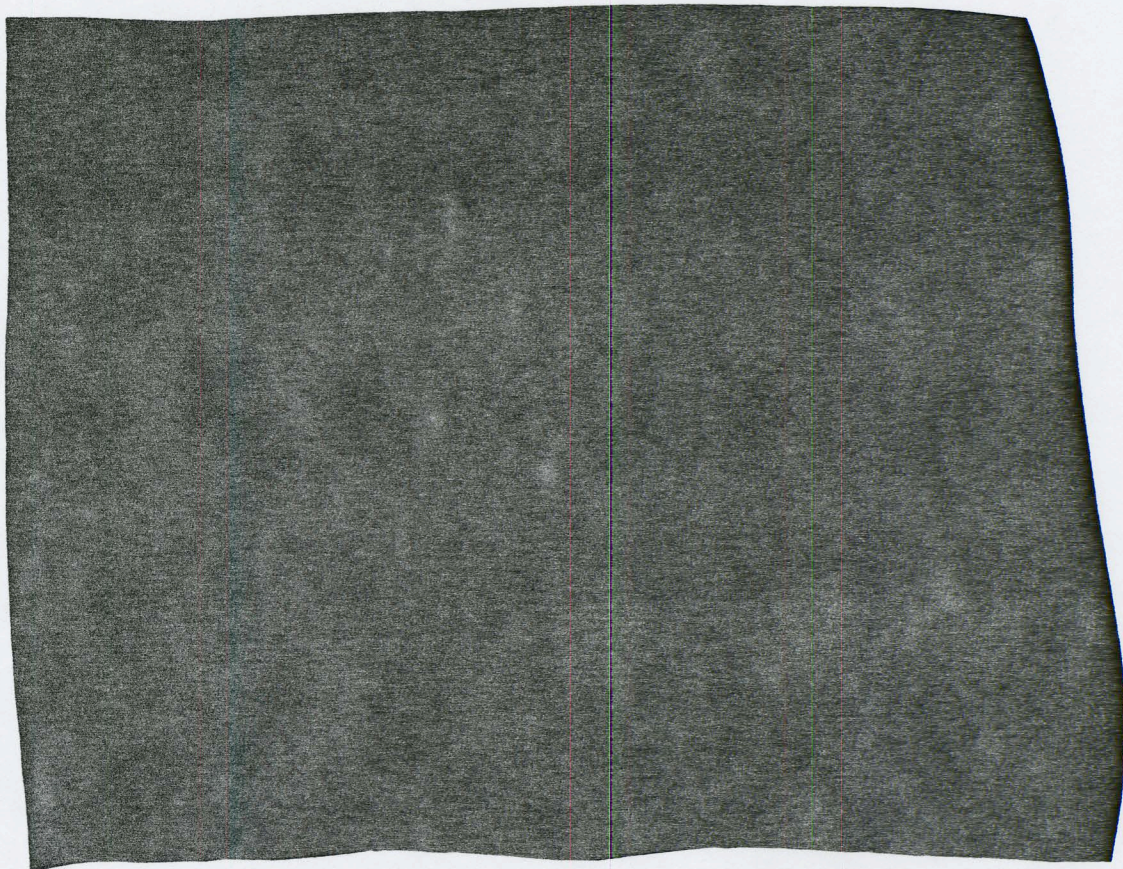


FOUR PARTY JOINT COMMISSION (Article 11)

-- Parties are [U.S.  
[GVN  
[DRV  
[PRG

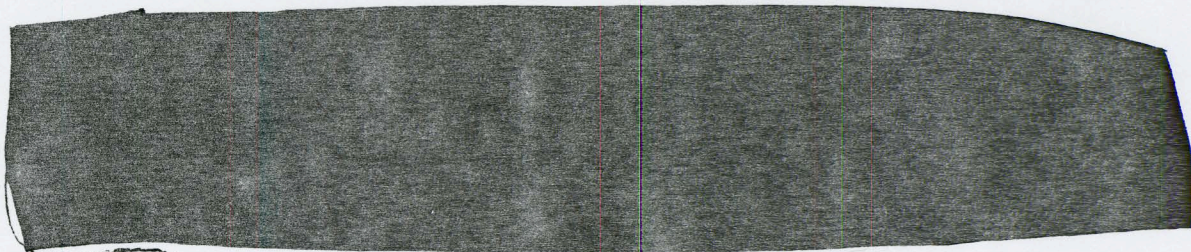
Responsible for joint implementation by the four parties of:

NOT RELATED TO  
POW / MIA'S



- Article 8 - Return of prisoners coinciding with period of troop withdrawal.
- Identification of MIA.
- Release of civilian prisoners by the GVN.

NOT RELATED TO  
POW / MIA'S



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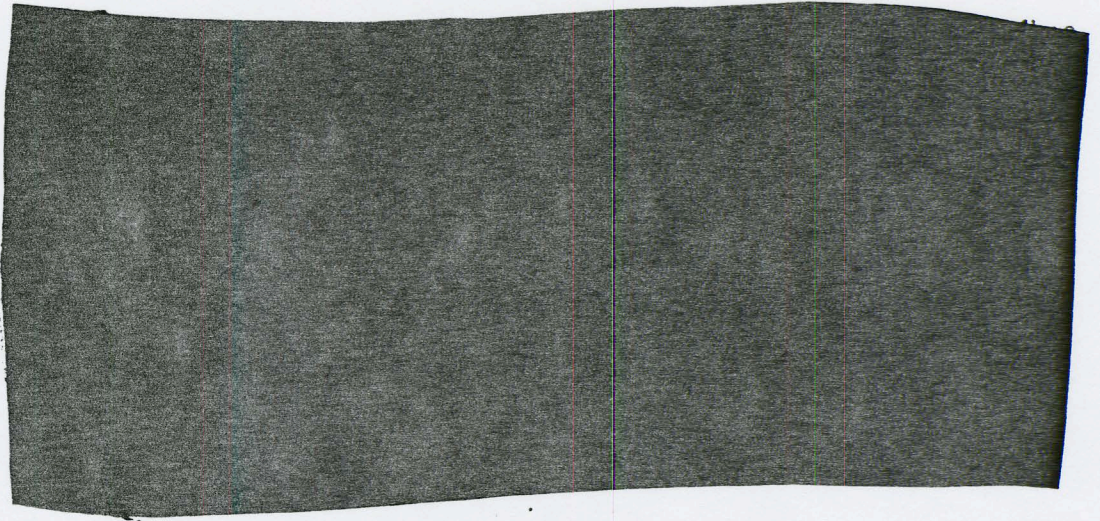


INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION (ICCS)  
(Article 13)

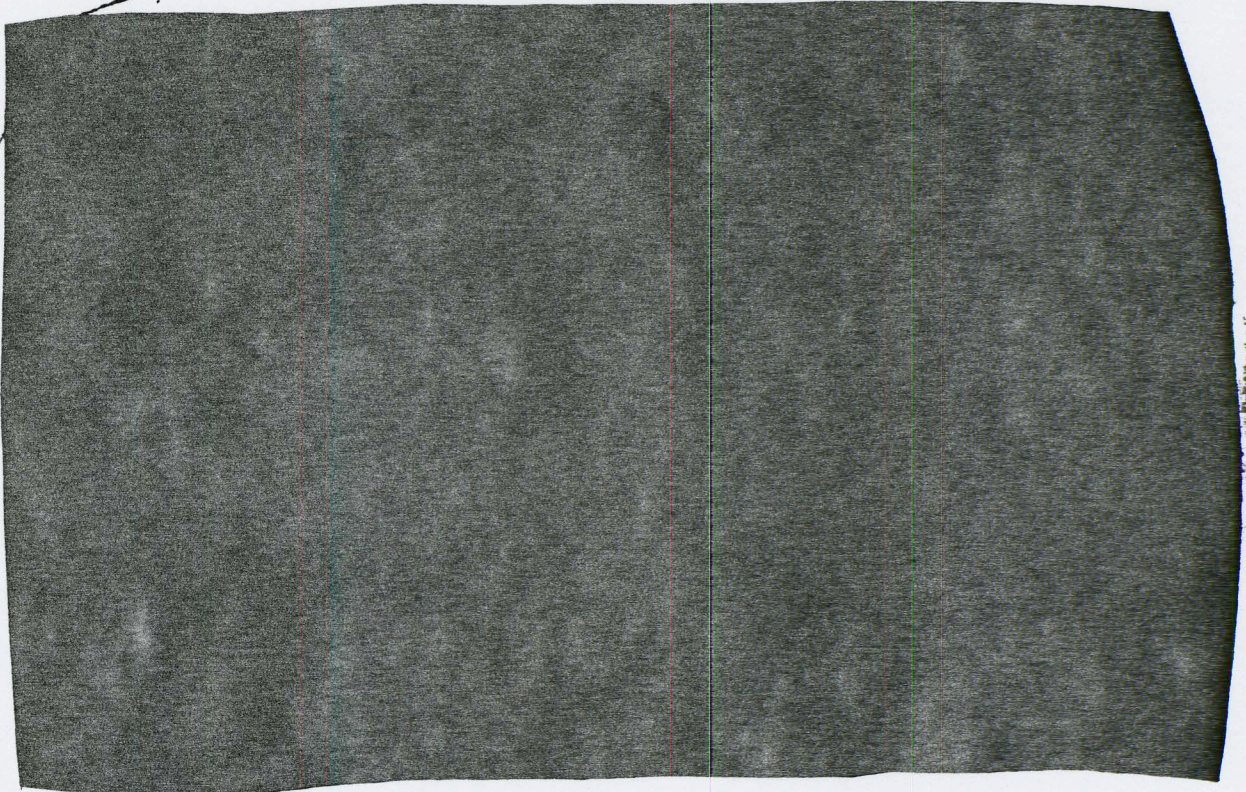
Parties are [Canada ]  
[Indonesia] ----- Chair rotates  
[Hungary ]  
[Poland ]

Begins operating when ceasefire comes into force.

Reports (1) to - The four parties - US, GVN, PRL, DRV - for control  
and supervision of implementation of:



-- Article 8 - Return of prisoners.



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POW / MIA'S

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~~TOP SECRET~~ SENSITIVETHE SECRETARY OF DEFENSE  
WASHINGTON, D C 20301

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Ceasefire Agreement

I have had long and detailed discussions with Ken Rush and Tom Moorer on what must appear to you as a critical dilemma in the current negotiations being conducted by Henry Kissinger and Le Duc Tho. On one hand, the North Vietnamese appear to be stiffening by re-opening issues once considered settled and prompting their forces in South Vietnam to prepare for action that would violate the terms of the proposed agreement. On the other hand, the US has encouraged the US people and the rest of the world to believe that peace is at hand and that our POW's would be home momentarily.

Ken Rush, Tom Moorer, and I believe that the dilemma is more apparent than real. We jointly believe that you have only one viable, realistic choice. That choice is to sign the agreement now. Our reasons are described below.

We believe that you will no longer get the support of Congress for continuation of the war if our POW's are not returned to the US promptly. Congress is fully aware of your generous offer of May 8, 1972. Congress is likewise fully aware that the nine points contained in the current proposed agreement as accepted by the North Vietnamese is a far better agreement for both the US and South Vietnam than your May 8 proposal -- the same proposal used by me before Congress to gain support for our last Supplemental Budget request to cover the increased cost of the war in Southeast Asia. I know from my direct talks with Congressional leaders in the last few days that they do not understand why we are delaying the signing of the agreement -- why we are delaying the return of US POW's. Any further delay, or any action that increases US military involvement like the increased bombing of North Vietnam, will destroy the remaining flicker of support you now have from both the Senate and the House.

The same feelings, I believe, are shared by the American people, particularly the families of our POW's and MIA's, and world leaders, both allied and communist. These world leaders respect you for your many initiatives that have moved the world toward a generation of

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(SA 99)



peace. They just will not understand your reluctance to approve an agreement for the end of the war when that agreement is so much better than your own May 8 announcement. I am concerned that you are putting in jeopardy your reputation as a world leader and your future effectiveness on the world scene.

I believe the far better course of action is to sign the agreement now, get all our POW's home and get an accounting of our MIA's, and then test the sincerity of the North Vietnamese. If the test proves that the North Vietnamese have deceived us, then is the time to take action to help the GVN in the South, if such help proves necessary. I am of the strong belief that little US help would be required to permit the South Vietnamese to handle any attempts of the North Vietnamese and/or Viet Cong to challenge the security of South Vietnam. Vietnamization has been successful. It was designed to give the South Vietnamese the capability to defend themselves against a North Vietnamese threat twice the size of the present NVA force in South Vietnam.

We should not be surprised nor alarmed to read intelligence reports indicating that the NVA/VC goals in South Vietnam have not changed. We should expect that they will try to gain their objectives in new ways following a ceasefire. But that should not dissuade us from signing the agreement because South Vietnam is capable now of satisfactorily defending themselves against whatever attempts are made by North Vietnam. President Thieu may take exception to this reasoning. But I am convinced that he will always find reasons for demanding the continued direct military involvement of the US until you finally say no.

Therefore, Ken Rush, Tom Moorer and I strongly recommend:

- a. Avoiding any increased US military action at this time.
- b. Signing the agreement now.
- c. Pressing for the immediate return of our POW's and the accounting for our MIA's.
- d. Putting the onus on the North Vietnamese to honor a ceasefire agreement.
- e. Reacting to any North Vietnamese violations ~~only~~ after our POW's are returned -- thereby gaining support from Congress and the rest of the world.

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