TO: ALL POSTS

GUIDANCE SAV. 7 CONFIDENTIAL

MILITARY AID TO VIET NAM - QUESTION OF NOTIFYING THE I.C.C.

The sending of Australian military aid to South Viet Nam gives rise to some risk of our being cited in an I.C.C. report for contravening Article 16 of the 1954 Geneva Agreements which specifically prohibits the introduction into Viet Nam of any troop reinforcements and additional military personnel.

2. The Australian Government has decided that it should NOT formally notify the I.C.C. of the arrival in Viet Nam of the additional Australian Army Training Team (Viet Nam) personnel; because, in accordance with the terms of the Geneva Agreements, notification is a matter for South Viet Nam to decide.

3. For your information it is the Australian Government's view that:

(1) formal notification might invite citation by the I.C.C. as evidence of violation of the Geneva Agreements, without otherwise serving any useful purpose. It is understood that the situation within the I.C.C. for Viet Nam is currently such that no action is taken by the I.C.C. on the many North Vietnamese protests it receives, but that it would be more difficult for the I.C.C. to avoid taking formal cognizance of the matter if it were informed directly by an outside Government of its intention to send military personnel to the Republic of Viet Nam;

(2) it would cut across the established policies of the United States and South Viet Nam of employing forces in excess of the levels set by the Geneva Agreements in order to resist Viet Cong attacks inspired by North Viet Nam;

(3) it would set a precedent which might be embarrassing to Australia in the future.

Although Australia is not a signatory of the 1954 Geneva Agreements it is not desired to stress this.

E.A. (3014/9/4)
(3014/10/15)
DEFENCE
P.M.'s.

Military aid for South Vietnam