Select Committee on
POW/MIA Affairs

United States Senate
Washington, DC 20510
(202) 224-2306

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CHRONOLOGY

August, 1965--ICRC appeals to combatants to observe Geneva Conventions with respect to POWs. That requires: ICRC mediation, humane treatment, exchange of lists, ICRC visits and protection for civilians. US, South Vietnam (SVN) accept; North Vietnam (NVN), Viet Cong (VC) do not.

August, 1969--Secret talks begin between National Security Adviser Henry Kissinger and North Vietnamese officials Le Duc Tho and Xuan Thuy.

10/7/70--Nixon proposes the immediate, simultaneous, unconditional release by both sides of all POWs in Indochina. According to Congressional Research Service, a total release of all prisoners at that time would have included 458 Americans.

Dec. 1970--North Vietnam turns over a list of 335 American POWs.

2/28/71--Appendix to House Foreign Affairs Committee (HFAC) hearing lists number of US personnel that N. Vietnam, the VC and Laos have admitted holding either by permitting mail or through propaganda broadcasts.

5/31/71--In secret talks, US proposes POW return upon setting of a date for US withdrawal. (rejected by NVN on 6/26/71) Source: Nixon Memoirs (584)

7/1/71--NVN publicly proposes a 7 point plan in which POW releases are advanced from after the war to part of an overall settlement.

10/11/71--In secret talks, US proposes an 8 point plan, promising a total withdrawal from South Vietnam of US forces within six months of an agreement, contingent upon release of all military men and innocent civilians captured throughout Indochina that would begin and end simultaneously with the troop withdrawals.


2/3/72--General Nutter inserts into record of HFAC hearing the circumstances of 14 airmen whose fate should be known by the Vietnamese.

3/16/72: US delegation at Paris submits six demands to NVN on the prisoner issue, including a demand for the inspection of POW camps by an impartial, neutral organization. U.S. delegation chief William J. Porter asks if NVN would accept such visits to prisoners in return for a firm commitment on both sides to
refrain from efforts to liberate prisoners from the locations visited. Hanoi negotiator Nguyen Thanh Le denounced the proposal on the following day (CRS)

March 1972--North Vietnam releases 251 POW letters to Seymour Hersh.

4/23/72: UPI reports that Pathet Lao spokesman Soth Petrasay says discussions on the release of American POWs held in Laos could begin as soon as the US orders a total bombing halt. Soth is quoted as saying that the prisoners are detained in secure places inside various caves in northern Laos. "Although we regard them as criminals and pirates, they are being treated humanely."

5/8/72: Nixon announces the mining of North Vietnamese ports; proposes that US troops be withdrawn from Vietnam within 4 months of the release of American POWs and an internationally supervised ceasefire. Once the American POWs are released and the ceasefire begins, the U.S. would "stop all acts of force throughout Indochina." CRS

7/19/72--formal peace talks begin in Paris, with negotiating teams headed by Kissinger and Le Duc Tho.

8/1/72--North Vietnam proposal on POWs:

"The total release of people of the parties, military men and civilians, captured during the Vietnam war (including American pilots captured in North Vietnam) will be carried out simultaneously and completed on the same day as the aforesaid troop withdrawal. The parties will exchange the lists of people of the parties captured during the Vietnam war on the day of the signing of the overall agreement."

8/17/72--US counter-proposal:

"The release of all military men and innocent civilians captured throughout Indochina will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured throughout Indochina on the day of the signing of the overall agreement."

8/22/72--CRS document says DOD stats indicate 5 Americans captured in Laos (288 missing); 104 captured in South Vietnam (499 missing); and 413 captured in North Vietnam (453 missing). Total captive 522.

9/26/72--New NVN peace proposal includes same POW/MIA provision as 8/1.

10/1/72 US counter-proposal--

"The release of all military men and innocent civilians captured
during the Vietnam war throughout Indochina including American servicemen captured in North Vietnam will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout Indochina on the day of the signing of the overall agreement. As part of the overall agreement there will be provision for verification of those still considered missing in action throughout Indochina after POW lists have been exchanged."

10/8-10/12 more talks in Paris. North Vietnam peace plan offers a settlement without the removal of Thieu. Agreement virtually complete.

10/17/72 Nixon's memoirs characterizes Kissinger-Le Duc Tho meeting of this date (694):

"The Communists also opposed our strict interpretation of the provisions for the replacement of war materiel and failed to give us satisfactory language regarding American POW/MIs being held in Laos and Cambodia."

10/20-22/72 According to Nixon memoirs (695):

"The North Vietnamese were now clearly determined to get a pre-election agreement. They sent a reply completely accepting our position on the questions of arms replacement and unconditional release of our POWs in North Vietnam. I sent a cable to Pham Van Dong saying the agreement could now be considered complete. Only the matter of the unilateral declarations, which included the arrangements for a ceasefire and the return of American POWs in Laos and Cambodia, still had to be clarified...On October 21, the North Vietnamese replied by accepting our position on the unilateral declarations."

10/20-24/72: Kissinger goes to Saigon, but fails to persuade President Thieu to accept the agreement.

10/26/72: Kissinger press conference. "Peace is at hand." Same day, NVN makes draft peace agreement public and attacks US for failing to sign agreement.

11/7/72: Nixon re-elected.


12/12/72: In Paris, NVN gives US a draft protocol on the ceasefire in Vietnam and the joint military commissions. MACV planners observed that the North Vietnamese proposal did not contain key provisions suggested by the Americans concerning communications channels among the belligerents on captured and missing personnel. The MACV officers believed that the United States could not ensure the release of all captured Americans or
account properly for the missing unless such channels were opened. These objections were communicated to Washington through Ambassador Bunker." (Dillard, Sixty Days to Peace, 25)

12/16/72 Kissinger announces deadlock in talks and blames Hanoi.

12/18/72-12/30--Operation Linebacker II (Christmas bombing of Hanoi and Haiphong.

1/2/73: technical experts resume meeting in Paris following cessation of bombing of North Vietnam. Part of their job was to reach "understandings" to accompany the treaty.

According to Dillard-35: "Kissinger and Tho had themselves negotiated the more important ones, such as that which linked release of American prisoners of war solely to the withdrawal of U.S. combat forces. Others had been worked out by Kissinger and Xuan Thuy. Still others had been reached through the deliberations of American and North Vietnamese teams of technical experts under the direction of Ambassador Sullivan. Included in this wide variety of understandings were the transfer of bases and equipment to the South Vietnamese, the return of American prisoners held by the Pathet Lao, the use of U.S. influence with Thieu to return civilian detainees etc."

1/8-1/13, 1973--Kissinger and Le Duc Tho meet in Paris and arrive on a draft agreement, including understandings and protocols.

1/21/73--After warnings from Nixon that U.S. aid will be cut off, Thieu agrees to the settlement.

1/23/73--Kissinger and Tho initial settlement.

1/24/73 Kissinger press conference: "The return of American personnel and the accounting of missing in action is unconditional and will take place within the same time frame as American withdrawal...We will discuss the issue of economic reconstruction of all of Indochina, including North Vietnam, only after the signature of the agreements and after the implementation is well advanced. And the definition of any particular sum will have to await the discussion which will take place after the agreements are in force...there are no secret understandings...We have been told that no American prisoners are held in Cambodia. American prisoners held in Laos and North Vietnam will be returned to us in Hanoi."

Dillard-92: "the North Vietnamese had given assurances that all American military and civilian persons detained in Laos would be released no later than 60 days following the signing of the agreement. But this understanding, technically outside the agreement's purview, was not incorporated into the formal document itself. The North Vietnamese also had assured the American negotiators that Hanoi would be responsible for making the necessary arrangements with the Pathet Lao. Drawing on those
assurances, Kissinger had announced during his press conference on 24 January that these prisoners would be returned in Hanoi."

1/27/73 Paris Peace Accords signed. List of prisoners provided by North Vietnam. Does not include any Americans captured in Laos

Memorandum by George Aldritch, a legal adviser to U.S. delegation: "The DRV has assured us that, although not covered by the agreement, 'all U.S. military and civilian prisoners detained in Laos shall be released no later than 60 days following the signature of the agreement.' The DRV has also assured us that it would be responsible for making the necessary arrangements with the Pathet Lao."

1/28/73 Washington Post, "Sen. Mike Mansfield said Dr. Kissinger had advised Members of both Houses that there had been no negotiations or agreements on possible aid to North Vietnam. "Before anything about this is done, Congress will be consulted," Kissinger was quoted as saying.

1/29/73: Deputy Chiefs of Delegations meet in Saigon, US represented by Brig. Gen. John Wickham. He "cited the incomplete lists of prisoners of war given to the United States in Paris, which did not include American prisoners in Laos. He requested that corrections to the list be provided and that the names of prisoners held in Laos be furnished as soon as possible."

1/30/73, Amb. William J. Porter, before Senate Foreign Relations Committee (SFRC): "The United States has not made any firm commitment to the reconstruction of North Vietnam during the post ceasefire period beyond an understanding that we will discuss with them the possibilities of reconstruction."

1/31/73: Nixon press conference: "I cannot give you the figure (of aid to North Vietnam) because it is a matter that has to be negotiated."

1/31/73: State Department officials quoted as saying "we firmly expect to have a list of POWs to cover Laos."

2/1/73 N. Vietnam provides Laos POW list (7 military and 2 civilian Americans, 1 Canadian)--US considers this a supplement to Jan. 27 list; Vietnamese receive secret message from Nixon outlining procedures for implementing Article 21 of the Paris accords (dealing with reconstruction).

2/1/73: At Deputy Chiefs Meeting, Gen. Wickham asks the North Vietnamese to reply to American requests "for information, including the dates, numbers to be released, places of detention and places of release in North Vietnam, South Vietnam and Laos. He also called for nominations for national Red Cross society representatives to visit prisoner of war camps. Another request was for arrangements to secure information on personnel not
included on the published lists, including death certificates to help account for the missing and provide for the return of remains." (Dillard 57)

2/3/73: First meeting of the Prisoner of War Subcommission. Agreement that there would be 48 hour notice of releases. Exchange of information about proposed dates, places etc. (Dillard -72)

2/5/73: American EC47 goes down in Laos.

2/8/73: Sec. State Rogers before HFAC: "We have not made any commitment for any reconstruction or rehabilitation effort. We did say we would be helpful."

2/9/73 U.S. bombing resumes in Cambodia. Continues until halted by Congress on August 15.

2/10-2/14: Kissinger trip to Hanoi. Discusses POW issues, reconstruction aid and other questions of implementation.

2/12/73: First release of American prisoners: 116 by NVN, 27 by VC.

2/13/73 notification received that 20 additional POWs would be released on Feb. 20.

2/15/73: White House Press Secretary Ziegler: "...no dollar figures were discussed by Kissinger in Hanoi."

2/18/73 NVN release 20 POWs

2/19/73: Pathet Lao spokesman Soth Petrasys quoted as saying that his group is holding American POWs who will be released after a ceasefire in Laos goes into effect. Petrasys says the Pathet Lao has "a detailed accounting of prisoners and where they are being held...if they were captured in Laos, they will be returned in Laos."

2/21/73: Ceasefire agreement reached in Laos. (see also 9/14/73) Article 5 requires the parties to "return to each other all persons regardless of nationality that were captured during the war, including those imprisoned for cooperating with the other side. Their return will be carried out according to procedures set up by the two sides and, at the latest, must be completed within 60 days following the establishment of the Provisional Gvt. of National Union and the Joint National Political council. After all those who were captured have been returned, each side has the duty to gather information on those missing during the war and report the information to the other side."

2/26/73 at this point, 54% of withdrawal of U.S. troops had been completed
3/4-73 NVN releases more POWs

3/5/73 Viet Cong release

3/14/73 NVN releases 108

3/15/73 VC release 32

3/19/73: American delegate at the Prisoner of War Subcommission meeting asks whether the 10 captives from Laos would be returned at the Gia Lam airfield near Hanoi. The North Vietnamese replied that they had no authority to discuss the release of prisoners captured in Laos. During a coffee break, the Hanoi delegate approaches the American representative and tells him that the Pathet Lao are responsible for negotiating with the USG the release of any American prisoners detained by them. (Dillard 92)

3/20/73: General Weyand cables Admiral Moorer, Chairman of Joint Chiefs, to report on meeting day before. Weyand asks that Moorer take action to clarify the understanding between Kissinger and Tho to insure release of Laotian prisoners by 28 March.

3/21-22/73: Joint Chiefs of Staff instruct the US delegation to insist that the withdrawal of US forces be completed concurrent with the release of all US prisoners throughout Indochina. The withdrawal would begin after the United States had received a list of all remaining prisoners, including those held by the Pathet Lao... (Dillard 94)

3/22/73: North Vietnam and Viet Cong announce plans for releasing the last groups of American POWs (not including those on the Laos list), but say that U.S. demand that they also release POWs captured in Laos is 'beyond the jurisdiction of the agreement." Both North Vietnam and the Viet Cong protest the American threat to delay troop withdrawal.

Godley cables that efforts to obtain a release of prisoners through the Laotian Joint Commission were at a complete standstill. Emphasized importance that the Americans on the Laos list provided by the North Vietnamese be released under the terms of the Paris Agreement, rather than relying on the Laotian ceasefire. (Dillard 93-4)

3/24/73 NVN re-states position that military prisoners captured in Laos were beyond the terms of the agreement. Provide plan for 40 prisoners on the 27th and 67 on the 28th. The total of 107 indicated that the Laos prisoners were not on the list. Demanded complete troop withdrawal by the 28th.

3/25/73: North Vietnam and VC again reject US position that final withdrawal should be linked to release of prisoners of the Pathet Lao. US again insists on linkage, but accepts possible Pathet Lao role in release. US demands that release take place prior to March 28.
3/26/73: Acting on instructions from the military assistant to the Chairman of the Joint Chiefs, Gen. Woodward meets privately with Gen. Hoa. Hoa says that they accept the Kissinger-Tho understanding, that they are actively negotiating with the Pathet Lao, and that they expect those negotiations to succeed. He urged the US not to tie the issues together because they are not covered by the accord and because this infringes on the sovereignty of the Pathet Lao. Woodward proposes separate, concurrent tracks, with negotiated withdrawals and with Hanoi arranging for full prisoner release, March 27-29. Hoa said he needed to consult Hanoi before responding, but there was no need for an American visit to the Pathet Lao prior to receiving a response from Hanoi. (Dillard 97)

Evening of March 26, Hoa tells Woodward that the Pathet Lao had agreed to release the prisoners in Hanoi on March 28.

3/27/73: "Bui Tin: 'the Pathet Lao have assured us that the American POWs they hold will be released and that the Pathet Lao are making preparations for the release."

VC release 32 POWs

3/28/73; release of the Laos prisoners in a ceremony in which only US and Pathet Lao participated--to maintain illusion that it resulted from US-Laotian negotiations and not negotiations under the Paris agreement (Dillard 98)

NVN releases 40 POWs

Eagleburger sends memo to Secretary of Defense Richardson saying "we still have the Laos POW/MIA question unresolved" and recommending a series of steps for applying pressure on the Pathet Lao.

3/29/73: NVN releases 67 POWs; total of 587 POWs returned. Operation Homecoming complete.

President Nixon in televised address to nation: "For the first time in 12 years, no American military forces are in Vietnam. All of our American POW's are on their way home. The 17 million people of South Vietnam have the right to choose their own government without outside interference, and because of our program of Vietnamization, they have the strength to defend that right. We have prevented the imposition of a communist government by force on South Vietnam."

4/12/73: Shields: "we have no indication at this time that there are any Americans alive in Indochina."

4/17/73: U.S. breaks off talks with Hanoi on economic aid; alleges ceasefire violations by the Communists and failure to withdraw troops from Cambodia.
May 23, 1973, Gen. Kingston, head of JCRC,: There is no indication that any Americans listed as missing in action in SE Asia are still alive.

--several returned POWs testified before HFAC that did not believe it likely that other POWs were left behind in North Vietnam.

July 29, 1973: US sends diplomatic note to Vietnam protesting failure to comply with POW/MIA provisions of the Paris Accords.

Sept. 14, 1973: Govt. of Laos and Pathet Lao finally agree to implement February agreement, paving way for the establishment of a coalition gvt. in that country

12/5/73: Frank Sieverts testifies before HFAC: "in our recent direct discussions with Pathet Lao representatives, they have used a phrase that they would only be able to account for what they called a feeble percentage of the men whose names we have provided, which amounts to well over 300 in Laos."

"The Secretary (Kissinger) personally raised this subject at the United Nations in September with Phoumi Vongvichit, Foreign Minister and Acting Prime Minister of Laos, and a representative of the Pathet Lao side in the coalition gvt., making clear the importance we attach to arranging for searches in Pathet Lao controlled areas, which could be conducted by U.S. or neutral country teams, by the ICRC, or by local people."

12/15/73: An American and a South Vietnamese shot and killed while conducting a crash site investigation near Saigon.

1/22/74--Rep. Ben Gilman reports on conversation with Pathet Lao spokesman Col. Soth Petrasi, who states that the PL holds no prisoners other than Emmet Kay, a civilian pilot. Gilman also talks with Gen. Pang Pao, Commander of the Hmong guerilla army who tells him that "8 to 10 young American pilots were being held by the North Vietnamese for the purpose of extracting technical information." Gilman notifies Sieverts and Shields and is assured that they will investigate.

1/28/74--Sieverts tells Senate Foreign Relations Committee that the Gen. Pang Pao report is unsubstantiated.
THE VIETNAM AGREEMENT AND PROTOCOLS, SIGNED JANUARY 27, 1973

AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

The Parties participating in the Paris Conference on Vietnam, with a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

Chapter I
THE VIETNAMESE PEOPLE'S FUNDAMENTAL NATIONAL RIGHTS

Article 1

The United States and all other countries respect the independence, sovereignty, unity, and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam.

Chapter II
CESSATION OF HOSTILITIES—WITHDRAWAL OF TROOPS

Article 2

A cease-fire shall be observed throughout South Vietnam as of 2400 hours G.M.T., on January 27, 1973.

At the same hour, the United States will stop all its military activities against the territory of the Democratic Republic of Vietnam by ground, air and naval forces, wherever they may be based, and end the mines in the territorial waters, ports, harbors, and waterways of the Democratic Republic of Vietnam. The United States will remove, permanently deactivate or destroy all the mines in the territorial waters, ports, harbors, and waterways of North Vietnam as soon as this Agreement goes into effect.

The complete cessation of hostilities mentioned in this Article shall be durable and without limit of time.

Article 3

The parties undertake to maintain the cease-fire and to ensure a lasting and stable peace.

As soon as the cease-fire goes into effect:
(a) The United States forces and those of the other foreign countries allied with the United States and the Republic of Vietnam shall remain in-place pending the implementation of the plan of troop withdrawal. The Four-Party Joint Military Commission described in Article 10 shall determine the modalities.
(b) The armed forces of the two South Vietnamese parties shall remain in-place. The Two-Party Joint Military Commission described in Article 17 shall determine the areas controlled by each party and the modalities of stationing.
(c) The regular forces of all services and arms and the irregular forces of the parties in South Vietnam shall stop all offensive activities against each other and shall strictly abide by the following stipulations:
All acts of force on the ground, in the air, and on the sea shall be prohibited;
All hostile acts, terrorism and reprisals by both sides will be banned.

Article 4

The United States will not continue its military involvement or interfere in the internal affairs of South Vietnam.

Article 5

Within sixty days of the signing of this Agreement, there will be a total withdrawal from South Vietnam of troops, military advisers, and military personnel, including technical military personnel and military personnel associated with the pacification program, arms and munitions, and war material of the United States and those of the other foreign countries mentioned in Article 3 (a). Advisers from the above-mentioned countries to all paramilitary organizations and the police force will also be withdrawn within the same period of time.

Article 6

The dismantlement of all military bases in South Vietnam of the United States and of the other foreign countries mentioned in Article 3 (a) shall be completed within sixty days of the signing of this Agreement.

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1 Weekly Compilation of Presidential Documents, Jan. 29, 1973, pp. 45-64.
From the enforcement of the cease-fire to the formation of the government provided for in Articles 3 (b) and 14 of this Agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam.

The two South Vietnamese parties shall be permitted to make periodic replacement of armaments, munitions and war material which have been destroyed, damaged, worn out or used up after the cease-fire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision.

Chapter III
THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS, AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

Article 8
(a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously 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 information about those military personnel and foreign civilians of the parties missing in action, to determine the location and look for 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 two South Vietnamese parties will do so in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

Chapter IV
THE EXERCISE OF THE SOUTH VIETNAMESE PEOPLE'S RIGHT TO SELF-DETERMINATION

Article 9
The Government of the United States of America and the Government of the Democratic Republic of Vietnam undertake to respect the following principles for the exercise of the South Vietnamese people's right to self-determination:
(a) The South Vietnamese people's right to self-determination is sacred, inalienable, and shall be respected by all countries.
(b) The South Vietnamese people shall decide themselves the political future of South Vietnam through genuinely free and democratic general elections under international supervision.
(c) Foreign countries shall not impose any political tendency or personality on the South Vietnamese people.

Article 10
The two South Vietnamese parties undertake to respect the cease-fire and maintain peace in South Vietnam, settle all matters of contention through negotiations, and avoid all armed conflict.

Article 11
Immediately after the cease-fire, the two South Vietnamese parties will:
Achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other;
Ensure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise.

Article 12
(a) Immediately after the cease-fire, the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect and mutual non-elimination to set up a National Council of National Reconciliation and Concord of three equal segments. The Council shall operate
on the principle of unanimity. After the National Council of National Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels. The two South Vietnamese parties should sign an agreement on the internal matters of South Vietnam as soon as possible and do their utmost to accomplish this within ninety days after the cease-fire comes into effect, in keeping with the South Vietnamese people's aspirations for peace, independence and democracy.

(b) The National Council of National Reconciliation and Concord shall have the task of promoting the two South Vietnamese parties' implementation of this Agreement, achievement of national reconciliation and concord and assurance of democratic liberties. The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9 (b) and decide the procedures and modalities of these general elections. The institutions for which the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties. The National Council of National Reconciliation and Concord will also decide the procedures and modalities of such local elections as the two South Vietnamese parties agree upon.

Article 13

The question of Vietnamese armed forces in South Vietnam shall be settled by the two South Vietnamese parties in a spirit of national reconciliation and concord, equality and mutual respect, without foreign interference, in accordance with the postwar situation. Among the questions to be discussed by the two South Vietnamese parties are steps to reduce their military effectiveness and to demobilize the troops being reduced. The two South Vietnamese parties will accomplish this as soon as possible.

Article 14

South Vietnam will pursue a foreign policy of peace and independence. It will be prepared to establish relations with all countries irrespective of their political and social systems on the basis of mutual respect for independence and sovereignty, and accept economic and technical aid from any country with no political conditions attached. The acceptance of military aid by South Vietnam in the future shall come under the authority of the government set up after the general elections in South Vietnam provided for in Article 9(b).

Chapter V

THE REUNIFICATION OF VIETNAM AND THE RELATIONSHIP BETWEEN NORTH AND SOUTH VIETNAM

Article 15

The reunification of Vietnam shall be carried out step by step through peaceful means on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation by either party, and without foreign interference. The time for reunification will be agreed upon by North and South Vietnam.

Pending reunification:
(a) The military demarcation line between the two zones at the 17th parallel is only provisional and not a political or territorial boundary, as provided for in paragraph 4 of the Final Declaration of the 1954 Geneva Conference.
(b) North and South Vietnam shall respect the Demilitarized Zone on either side of the Provisional Military Demarcation Line.
(c) North and South Vietnam shall promptly start negotiations with a view to reestablishing normal relations in various fields. Among the questions to be negotiated are the modalities of civilian movement across the Provisional Military Demarcation Line.
(d) North and South Vietnam shall not join any military alliance or military bloc and shall not allow foreign powers to maintain military bases, troops, military advisors, and military personnel on their respective territories, as stipulated in the 1954 Geneva Agreements on Vietnam.

Chapter VI

THE JOINT MILITARY COMMISSIONS, THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION, THE INTERNATIONAL CONFERENCE

Article 16

(a) The Parties participating in the Paris Conference on Vietnam shall immediately designate representatives to form a Four-Party Joint-Military Commission with the task of ensuring joint action by the parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam.
Article 3(a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that Article;

Article 3(c), regarding the cease-fire between all parties in South Vietnam;

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3(a);

Article 8(a), regarding the return of captured military personnel and foreign civilians of the parties;

Article 8(b), regarding the mutual assistance of the parties in getting information about those military personnel and foreign civilians of the parties missing in action.

(b) The Four-Party Joint Military Commission shall operate in accordance with the principle of consultations and unanimity. Disagreements shall be referred to the International Commission of Control and Supervision.

(c) The Four-Party Joint Military Commission shall begin operating immediately after the signing of this Agreement and end its activities in sixty days, after the completion of the withdrawal of U.S. troops and those of the other foreign countries mentioned in Article 3(a) and the completion of the return of captured military personnel and foreign civilians of the parties.

(d) The four parties shall agree immediately on the organization, the working procedure, means of activity, and expenditures of the Four-Party Joint Military Commission.

Article 17

(a) The two South Vietnamese parties shall immediately designate representatives to form a Two-Party Joint Military Commission with the task of ensuring joint action by the two South Vietnamese parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 3(b), regarding the cease-fire between the two South Vietnamese parties;

Article 3(c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 5, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this article;

Article 8(c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 13, regarding the reduction of the military effectiveness of the two South Vietnamese parties and the demobilization of the troops being reduced.

(b) Disagreements shall be referred to the International Commission of Control and Supervision.

(c) After the signing of this Agreement, the Two-Party Joint Military Commission shall agree immediately on the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

Article 18

(a) After the signing of this Agreement, an International Commission of Control and Supervision shall be established immediately:

(b) Until the International Conference provided for in Article 19 makes definitive arrangements, the International Commission of Control and Supervision will report to the four parties of matters concerning the control and supervision of the implementation of the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam;

Article 3(a), regarding the cease-fire by U.S. forces and those of other foreign countries referred to in that Article;

Article 3(c), regarding the cease-fire between all the parties in South Vietnam;

Article 5, regarding the withdrawal from Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3(a);

Article 8(a), regarding the return of captured military personnel and foreign civilians of the parties.

The International Commission of Control and Supervision shall form control teams for carrying out its task. The four parties shall agree immediately on the location and operation of these teams. The parties will facilitate their operation.

(c) Until the International Conference makes definitive arrangements, the International Commission of Control and Supervision will report to the two South Vietnamese parties on matters concerning the control and supervision of the implementation of the following provisions of this Agreement:
The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 3(b), regarding the cease-fire between the two South Vietnamese parties;

Article 3(c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this Article;

Article 8(c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 9(b), regarding the free and democratic general elections in South Vietnam;

Article 13, regarding the reduction of the military effectiveness of the two South Vietnamese parties and the demobilization of the troops being reduced.

The International Commission of Control and Supervision shall initiate its activities immediately on the location and operation of these teams. The two South Vietnamese parties will facilitate their operation.

(a) The International Commission of Control and Supervision shall be composed of representatives of four countries: Canada, Hungary, Indonesia and Poland. The chairmanship of this Commission will rotate among the members for specific periods to be determined by the Commission.

(b) The International Conference of Control and Supervision shall carry out its tasks in accordance with the principle of respect for the sovereignty of South Vietnam.

(c) The International Commission of Control and Supervision shall operate in accordance with the principle of consultations and unanimity.

(d) The International Commission of Control and Supervision shall begin operating when a cease-fire comes into force in Vietnam. As regards the provisions in Article 18(b) concerning the four parties, the International Commission of Control and Supervision shall end its activities when the Commission's tasks of control and supervision regarding these provisions have been fulfilled. As regards the provisions in Article 18(c) concerning the two South Vietnamese parties, the International Commission of Control and Supervision shall end its activities on the request of the government formed after the general elections in South Vietnam provided for in Article 9(b).

(e) The four parties shall agree immediately on the organization, means of activity, and expenditures of the International Commission of Control and Supervision. The relationship between the International Commission and the International Conference will be agreed upon by the International Commission and the International Conference.

The parties agree on the convening of an International Conference within thirty days of the signing of this Agreement to acknowledge the signed agreements; to guarantee the ending of the war, the maintenance of peace in Vietnam, the respect of the Vietnamese people's fundamental national rights, and the South Vietnamese people's rights to self-determination; and to contribute to and guarantee peace in Indochina.

The United States and the Democratic Republic of Vietnam, on behalf of the parties participating in the Paris Conference on Vietnam, will propose to the following parties that they participate in this International Conference: the People's Republic of China, the Republic of France, the Union of Soviet Socialist Republics, the United Kingdom, the four countries of the International Commission of Control and Supervision, and the Secretary General of the United Nations, together with the parties participating in the Paris Conference on Vietnam.

Chapter VII

REGARDING CAMBODIA AND LAOS

Article 20

(a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreement on Cambodia and the 1952 Geneva Agreements on Laos, which recognized the Cambodian and the Lao peoples' fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

(b) Foreign countries shall put an end to, all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs.
Chapter VIII
THE RELATIONSHIP BETWEEN THE UNITED STATES AND THE DEMOCRATIC REPUBLIC OF VIETNAM

Article 21
The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to post-war reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

Article 22
The ending of the war, the restoration of peace in Vietnam, and the strict implementation of this Agreement will create conditions for establishing a new, equal and mutually beneficial relationship between the United States and the Democratic Republic of Vietnam on the basis of respect for each other's independence and sovereignty, and non-interference in each other's internal affairs. At the same time this will ensure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia.

Chapter IX
OTHER PROVISIONS

Article 23
This Agreement shall enter into force upon signature by plenipotentiary representatives of the parties participating in the Paris Conference on Vietnam. All the parties concerned shall strictly implement this Agreement and its Protocols. Done in Paris this twenty-seventh day of January, One Thousand-Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]
For the Government of the United States of America:
WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Republic of Vietnam:
TRAN VAN LAM,
Minister for Foreign Affairs.

[Separate Numbered Page]
For the Government of the Democratic Republic of Vietnam:
NGUYEN DUY TRIEN,
Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam:
NGUYEN THE BINH,
Minister for Foreign Affairs.

AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,
The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

[Text of Agreement Chapters I-VIII Same As Above]
Chapter IX
OTHER PROVISIONS
Article 23


Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY THANH,
Minister for Foreign Affairs.
Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel

The Parties participating in the Paris Conference on Vietnam, in Implementation of Article 8 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel:

Have agreed as follows:

The Return of Captured Military Personnel and Foreign Civilians

Article 1

The parties signatory to the Agreement shall return the captured military personnel of the parties mentioned in Article 8(a) of the Agreement as follows:

All captured military personnel of the United States and those of the other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to United States authorities;

All captured Vietnamese military personnel, whether belonging to regular or irregular armed forces, shall be returned to the two South Vietnamese parties; they shall be returned to that South Vietnamese party under whose command they served.

Article 2

All captured civilians who are nationals of the United States or of any other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to United States authorities. All other captured foreign civilians shall be returned to the authorities of their country of nationality by any one of the parties willing and able to do so.

Article 3

The parties shall today exchange complete lists of captured persons mentioned in Articles 1 and 2 of this Protocol.

Article 4

(a) The return of all captured persons mentioned in Articles 1 and 2 of this Protocol shall be completed within sixty days of the signing of the Agreement at a rate no slower than the rate of withdrawal from South Vietnam of United States forces and those of the other foreign countries mentioned in Article 5 of the Agreement.

(b) Persons who are seriously ill, wounded or maimed, old persons and women shall be returned first. The remainder shall be returned either by returning all from one detention place after another or in order of their dates of capture, beginning with those who have been held the longest.

Article 5

The return and reception of the persons mentioned in Articles 1 and 2 of this Protocol shall be carried out at places convenient to the concerned parties. Places of return shall be agreed upon by the Four-Party Joint Military Commission. The parties shall ensure the safety of personnel engaged in the return and reception of those persons.

Article 6

Each party shall return all captured persons mentioned in Articles 1 and 2 of this Protocol without delay and shall facilitate their return and reception. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced.
THE RETURN OF CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

Article 7

(a) 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, which reads as follows:

"The term 'civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities."

(b) The two South Vietnamese parties will do so in a spirit of national reconciliation and accord with a view to ending hatred and enmity in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

(c) Within fifteen days after the cease-fire comes into effect, the two South Vietnamese parties shall exchange lists of the Vietnamese civilian personnel captured and detained by each party and lists of the places at which they are held.

TREATMENT OF CAPTURED PERSONS DURING DETENTION

Article 8

(a) All captured military personnel of the parties and captured foreign civilians of the parties shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages upon personal dignity. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

(b) All Vietnamese civilian personnel captured and detained in South Vietnam shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages against personal dignity. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

Article 9

(a) To contribute to improving the living conditions of the captured military personnel of the parties and foreign civilians of the parties, the parties shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where captured military personnel and foreign civilians are held.

(b) To contribute to improving the living conditions of the captured and detained Vietnamese civilian personnel, the two South Vietnamese parties shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where the captured and detained Vietnamese civilian personnel are held.
WITH REGARD TO DEAD AND MISSING PERSONS

Article 10

(a) The Four-Party Joint Military Commission shall ensure joint action by the parties in implementing Article 8 (b) of the Agreement. When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military team shall be maintained to carry on this task.

(b) With regard to Vietnamese civilian personnel dead or missing in South Vietnam, the two South Vietnamese parties shall help each other to obtain information about missing persons, determine the location and take care of the graves of the dead, in a spirit of national reconciliation and concord, in keeping with the people's aspirations.

OTHER PROVISIONS

Article 11

(a) The Four-Party and Two-Party Joint Military Commissions will have the responsibility of determining immediately the modalities of implementing the provisions of this Protocol consistent with their respective responsibilities under Articles 16 (a) and 17 (a) of the Agreement. In case the Joint Military Commissions, when carrying out their tasks, cannot reach agreement on a matter pertaining to the return of captured personnel they shall refer to the International Commission for its assistance.

(b) The Four-Party Joint Military Commission shall form, in addition to the teams established by the Protocol concerning the cease-fire in South Vietnam and the Joint Military Commissions, a subcommission on captured persons and, as required, joint military teams on captured persons to assist the Commission in its tasks.

(c) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional sub-commission and provisional joint military teams to carry out its tasks concerning captured and detained Vietnamese civilian personnel.

(d) The Four-Party Joint Military Commission shall send joint military teams to observe the return of the persons mentioned in Articles 1 and 2 of this Protocol at each place in Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return. The Two-Party Joint Military Commission shall send joint military teams to observe the return of Vietnamese civilian personnel captured and detained at each place in South Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return.

Article 12

In implementation of Articles 18 (b) and 18 (c) of the Agreement, the International Commission of Control and Supervision shall have the responsibility to control and supervise the observance of Articles 1 through 7 of this Protocol through observation of the return of captured military personnel, foreign civilians and captured and detained Vietnamese civilian personnel at each place in Vietnam where these persons are being returned, and at the last detention places from which these persons will be taken to the places of return, the examination of lists, and the investigation of violations of the provisions of the aforementioned Articles.

Article 13

Within five days after signature of this Protocol, each party shall publish the text of the Protocol and communicate it to all the captured persons covered by the Protocol and being detained by that party.

Article 14

This Protocol shall come into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.
[Separate Numbered Page]

For the Government of the United States of America:

WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Republic of Vietnam:

TRAN VAN LAM,
Minister for Foreign Affairs.

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,
Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam:

NGUYEN THE BINH,
Minister for Foreign Affairs.

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In Implementation of Article 8 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel,

Have agreed as follows:

[Text of Protocol Articles 1-13 same as above]

Article 14


The Protocol shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Democratic Republic of Vietnam:

TRAN VAN LAM,
Minister for Foreign Affairs.
Protocol on the International Commission of Control and Supervision

(White House press release dated January 24)

Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the International Commission of Control and Supervision

The parties participating in the Paris Conference on Vietnam, in Implementation of Article 18 of the Agreement signed on this date providing for the formulation of the International Commission of Control and Supervision, have agreed as follows:

Article 1

The implementation of the Agreement is the responsibility of the parties signatory to the Agreement.

The functions of the International Commission are to control and supervise the implementation of the provisions mentioned in Article 18 of the Agreement.

In carrying out these functions, the International Commission shall:

(a) Follow the implementation of the above-mentioned provisions of the Agreement through communication with the parties and on-the-spot observation at the places where this is required;

(c) When necessary, cooperate with the Joint Military Commissions in determining and detecting violations of the above-mentioned provisions.

Article 2

The International Commission shall investigate violations of the provisions described on Article 18 of the Agreement on the request of the Four-Party Joint Military Commission, or of the Two-Party Joint Military Commission, or of any party, or, with respect to Article 9(b) of the Agreement on general elections, of the National Council on National Reconciliation and Concord, or in any case where the International Commission has other adequate grounds for considering that there has been a violation of those provisions. It is understood that, in carrying out this task, the International Commission shall function with the concerned parties' assistance and cooperation as required.

Article 3

(a) When the International Commission finds that there is a serious violation in the implementation of the Agreement or a threat to peace against which the Commission can find no appropriate measure, the Commission shall report this to the four parties to the Agreement so that they can hold consultations to find a solution.

(b) In accordance with Article 18 (f) of the Agreement, the International Commission's reports shall be made with the unanimous agreement of the representatives of all the four members. In case no unanimity is reached, the Commission shall forward the different views to the four parties in accordance with Article 18 (h) of the Agreement, or to the two South Vietnamese parties in accordance with Article 18 (c) of the Agreement, but these shall not be considered as reports of the Commission.

Article 4

(a) The headquarters of the International Commission shall be at Saigon.

(b) There shall be seven regional teams located in the regions shown on the annexed map* and based at the following places:

Region I: Hue; Region II: Danang; Region III, Pleiku; Region IV, Phan Thiet; Region V, Bien Hoa; Region VI, My Tho; and Region VII, Can Tho.

The International Commission shall designate three teams for the region of Saigon-Sea Island.

*See map on p. 530.
There shall be twenty-six teams operating in the area shown on the annexed map and based at the following places in South Vietnam:

Region I. Quang Tri, Phu Bai.
Region II. Binh Thuan, Tac Binh, Chol Lap.
Region III. Kontum, Hoa Binh, Phu Cat, Tay An, Ninh Hoa, Ban Me Thuot.
Region IV. Da Lat, Ban Lang, Phan Rang.
Region V. An Loc, Ninh Binh, Ben Cat, Cu Chi, Tan An.
Region VI. Moc Hau, Gia Long, Tram.
Region VII. Tri Ton, Vinh Long, Ninh Binh, Khanh Hung, Quang Long.

(d) There shall be twelve teams located as shown on the annexed map and based at the following places: Gio Linh (to cover the area south of the Provisional Military Demarcation Line), Le Van Duyet, Ben Het, Duc Co, Chu Lai, Quy Nhon, Nha Trang, Vinh Tau, Xa Mat, Bien Hoa Airfield, Hong Ngu, and Can Tho.

(e) There shall be seven teams, six of which shall be available for assignment to the points of entry which are not listed in paragraph (d) above and which the two South Vietnamese parties choose as points for legitimate entry to South Vietnam for replacement of armaments, munitions, and war matériel permitted by Article 7 of the Agreement. Any team or teams not needed for the above-mentioned assignment shall be available for other tasks, in keeping with the Commission’s responsibility for control and supervision.

(f) There shall be seven teams to control and supervise the return of captured and detained personnel of the parties.

Article 5

(a) To carry out its tasks concerning the return of the captured military personnel and foreign civilians of the parties as stipulated by Article 8 (c) of the Agreement, the International Commission shall, during the time of such return, send one control and supervision team to each place in Vietnam where the captured persons are being returned, and to the last detention places from which those persons will be taken to the places of return.

(b) To carry out its tasks concerning the return of the Vietnamese civilians captured and detained in South Vietnam mentioned in Article 8 (c) of the Agreement, the International Commission shall, during the time of such return, send one control and supervision team to each place in South Vietnam where the above-mentioned captured and detained persons are being returned, and to the last detention places from which those persons shall be taken to the places of return.

Article 6

To carry out its tasks regarding Article 9 (b) of the Agreement on the free and democratic general elections in South Vietnam, the International Commission shall authorize additional teams, when necessary. The International Commission shall discuss this question in advance with the National Council of National Reconciliation and Concord. If additional teams are necessary for this purpose, they shall be formed thirty days before the general elections.

Article 7

The International Commission shall continually keep under review its size, and shall reduce the number of its teams, its representatives or other personnel, or both, when those teams, representatives or personnel have accomplished the tasks assigned to them and are not required for other tasks. At the same time, the expenditures of the International Commission shall be reduced correspondingly.

Article 8

Each member of the International Commission shall make available at all times the following numbers of qualified personnel:

(a) One senior representative and twenty-six others for the headquarters staff.
(b) Five for each of the seven regional teams.
(c) Two for each of the other international control teams, except for the teams at Gio Linh and Vinh Tau, each of which shall have three.
(d) One hundred sixteen for the purpose of providing support to the Commission Headquarters and its teams.

Article 9

(a) The International Commission, and each of its teams, shall act as a single body comprising representatives of all four members.

(b) Each member has the responsibility to ensure the presence of its representatives at all levels of the International Commission. In case a representative is absent, the member concerned shall immediately designate a replacement.
Article 10

(a) Each party shall provide the International Commission with true and full cooperation, assistance, and protection for the performance of its functions.

(b) Where a team is stationed or operating, the concerned party shall ensure that the team has the protection it requires for the performance of its functions.

(c) Each party shall guarantee the safety of the members of the International Commission and of its delegations while they are in a controlled area.

(d) Wherever a team is stationed or operating, the concerned party shall assign a liaison officer to the team to cooperate with and assist it in carrying out its tasks without hindrance and supervision. When a team is carrying out its tasks, the concerned party shall have the opportunity to accompany it and provide the necessary assistance.

(e) Each party shall give the International Commission advance notice of any changes taking place in the parties' areas of responsibility.

(f) The International Commission, including its teams, shall enjoy all necessary assistance and cooperation from the parties concerned.

Article 11

In supervising the holding of the free and democratic general elections described in Articles 9 (b) and 12 (b) of the Agreement, the parties shall cooperate with the International Commission.

Article 12

The International Commission and its personnel who have the nationality of a member state shall, while carrying out their tasks, enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

Article 13

The International Commission may use the means of communication and transport necessary to perform its functions. Each South Vietnamese party shall make available to the International Commission, upon request, facilities and facilities as necessary for the performance of its functions.

Article 14

The expenses for the activities of the International Commission shall be borne by the parties and the members of the International Commission in accordance with the provisions of this Article:

(a) Each member country of the International Commission shall pay the salaries and allowances of its personnel.

(b) The International Commission shall provide a fund to which each of the four parties shall contribute twenty percent (20%) of its expenses.

(c) Within 30 days of the date of entry into force of this Protocol, each of the four parties shall pay the International Commission an initial sum equivalent to four million, five hundred thousand (4,500,000) French francs in convertible currency.

(d) The International Commission shall prepare its own budgets. After the International Commission approves a budget, it shall be transmitted to all parties for their approval. Only after the budgets have been approved by the four parties shall they be obliged to make their contributions. However, in case the parties to the Agreement do not agree on a new budget, the International Commission shall temporarily have its expenditures based on the previous budget, except for extraordinary expenditures for the acquisition of equipment, and the parties shall continue to make their contributions on that basis until a new budget is approved.
Article 16

Meetings shall be convened at the call of the Chairman. The International Commission shall adopt other working procedures appropriate for the effective discharge of its functions and consistent with respect for the sovereignty of South Vietnam.

Article 17

The Members of the International Commission may accept the obligations of this Protocol by sending notices of acceptance to the four parties signatory to the Agreement. Should a member of the International Commission decide to withdraw from the International Commission, it may do so by giving three months' notice by means of notice to the four parties to the Agreement, in which case those four parties shall consult among themselves for the purpose of agreeing upon a replacement member.

Article 18

This Protocol shall enter into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Drafted in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three. In Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

(Separate Numbered Page)

For the Government of the United States of America:

William J. Rogers,
Secretary of State.

For the Government of the Republic of Vietnam:

Thay Van Lam,
Minister for Foreign Affairs.

(Separate Numbered Page)

For the Government of the Democratic Republic of Vietnam:

Nguyen Duy Trinh,
Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam:

Nguyen Thi Minh,
Minister for Foreign Affairs.

Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the International Commission of Control and Supervision

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam, the Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam, in implementation of Article 18 of the Agreement on Ending the War and Restoring Peace in Vietnam, signed on this date providing for the formation of the International Commission of Control and Supervision, have agreed as follows:

(Text of Protocol Articles 1-17 same as above)

Article 18

Protocol on the Cease-Fire in South Viet-Nam and the Joint Military Commissions

[White House press release dated January 24]

Protocol to the Agreement on Ending the War and Restoring Peace in Viet-Nam Concerning the Cease-Fire in South Viet-Nam and the Joint Military Commissions:

The parties participating in the Paris Conference on Vietnam,

In implementation of the first paragraph of Article 2, Article 5, Article 6, Article 16, and Article 17 of the Agreement on Ending the War and Restoring Peace in Viet-Nam signed on this date which provide for the cease-fire in South Vietnam and the establishment of a Four-Party Joint Military Commission and a Two-Party Joint Military Commission,

Have agreed as follows:

"CEASE-FIRE IN SOUTH VIETNAM"

Article 1

The High Command of the parties in South Vietnam shall issue prompt and timely orders to all regular and irregular armed forces and the armed police under their command to completely end hostilities throughout South Vietnam, at the exact time stipulated in Article 2 of the Agreement and ensure that these armed forces and armed police comply with these orders and respect the cease-fire.

Article 2

(a) 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 Vietnam shall remain in place; that is, in order to ensure a stable cease-fire, there shall be no major redeployments or movements that would extend each party's area of control or would result in contact between opposing armed forces and clashes which might take place.

(b) All regular and irregular armed forces and the armed police of the parties in South Vietnam shall observe the prohibition of the following acts:

(1) Armed patrols into areas controlled by opposing armed forces and sights by bomber and fighter aircraft of all types, except for unarmed flights for proficiency training and maintenance;

(2) Armed attacks against any person, either military or civilian, by any means whatsoever, including the use of small arms, mortars, artillery, bombing and strafing by airplanes and any other type of weapon or explosive device;

(3) All combat operations on the ground, on rivers, on the sea and in the air;

(4) All hostile acts, terrorism or reprisals; and

(5) All acts endangering lives or public or private property.

Article 3

(a) The above-mentioned prohibitions shall not hamper or restrict:

(1) Civilian supply, freedom of movement, freedom to work, and freedom of the people to engage in trade, and civilian communication and transportation between and among all areas in South Vietnam;
(2) The use by each party in areas under its control of military support elements such as engineer and transportation units, in repair and construction of public facilities and the transportation and supplying of the population;

(3) Normal military proficiency training conducted by the parties in the areas under their respective control with due regard for public safety.

(b) The Joint Military Commissions shall immediately agree upon corridors, routes, and other regulations governing the movement of military transport aircraft, military transport vehicles, and military transport vessels of all types of one party going through areas under the control of other parties.

Article 4

In order to avert conflict and ensure normal conditions for those armed forces which are in direct contact, and pending regulation by the Joint Military Commissions, the commanders of the opposing armed forces at those places of direct contact shall meet as soon as the cease-fire comes into force with a view to reaching an agreement on temporary measures to avert conflict and to ensure supply and medical care for those armed forces.

Article 5

(a) Within fifteen days after the cease-fire comes into effect, each party shall do its utmost to complete the removal or deactivation of all demolition objects, mines, pit props, obstacles or other dangerous objects placed previously, so as not to hamper the population's movement and work, in the first place on waterways, roads and railroads in South Vietnam. Those mines which cannot be removed or deactivated within that time shall be clearly marked and must be removed or deactivated as soon as possible.

(b) Emplacement of mines is prohibited, except as a defensive measure around the edges of military installations in places where they do not hamper the population's movement and work and movement on waterways, roads and railroads. Mines and other obstacles already in place at the edges of military installations may remain in place if they are in places where they do not hamper the population's movement and work and movement on waterways, roads and railroads.

Article 6

Civilian police and civilian security personnel of the parties in South Vietnam, who are responsible for the maintenance of law and order, shall strictly respect the prohibitions set forth in Article 2 of this Protocol. As required by their responsibilities, normally they shall be authorized to carry pistols, but when required by unusual circumstances, they shall be allowed to carry other small individual arms.

Article 7

(a) The entry into South Vietnam of replacement arms, ammunition, munitions, and war material permitted under Article 7 of the Agreement shall take place under the supervision and control of the Two-Party Joint Military Commission and of the International Commission of Control and Supervision and through such points of entry only as are designated by the two South Vietnamese parties. The two South Vietnamese parties shall agree on these points of entry within fifteen days after the entry into force of the cease-fire. The two South Vietnamese parties may select as many as six points of entry which are not included in the list of places where terms of the International Commission of Control and Supervision are to be based contained in Article 4(d) of the Protocol concerning the International Commission. At the same time, the two South Vietnamese parties may also select points of entry from the list of places set forth in Article 4(d) of that Protocol.

(b) Each of the designated points of entry shall be available only for that South Vietnamese party which is in control of that point. The two South Vietnamese parties shall have an equal number of points of entry.

Article 8

(a) In implementation of Article 8 of the Agreement, the United States and the other foreign countries referred to in Article 8 of the Agreement shall take with them all their armaments, munitions, and war material. Transfers of such items which would leave them in South Vietnam shall not be made subsequent to the entry into force of the Agreement except for transfers of communications, transport, and other non-weapon material to the Four-Party Joint Military Commission or the International Commission of Control and Supervision.

(b) Within five days after the entry into force of the cease-fire, the United States shall inform the Four-Party Joint Military Commission and the International Commission of Control and Supervision of the general plans for timing of complete troop withdrawals which shall take place in four phases of fifteen days each. It is anticipated that the numbers of troops withdrawn in each phase are not likely to be widely different, although it is not feasible to ensure equal numbers. The approximate numbers to be withdrawn in each phase shall be given to the Four-Party Joint Military Commission and the International Commission of Control and Supervision sufficiently in advance of actual withdrawals so that they can properly carry out their tasks in relation thereto.
Article 9

(a) In implementation of Article 6 of the Agreement, the United States and the other foreign countries referred to in that Article shall dismantle and remove from South Vietnam or destroy all military bases in South Vietnam of the United States and of the other foreign countries referred to in that Article, including weapons, airplanes, and other military equipment at these bases, for the purpose of making them unusable for military purposes.

(b) The United States shall supply the Four-Party Joint Military Commission and the International Commission of Control and Supervision with necessary information on plans for base dismantlement so that these Commissions can properly carry out their tasks in relation thereto.

THE JOINT MILITARY COMMISSIONS

Article 10

(a) The implementation of the Agreement is the responsibility of the parties signatory to the Agreement.

The Four-Party Joint Military Commission has the task of ensuring joint action by the parties in implementing the Agreement by serving as a channel of communication among the parties, by 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, and by negotiating and settling all matters concerning the implementation of these provisions.

(b) The concrete tasks of the Four-Party Joint Military Commission are:

(1) To coordinate, follow and inspect the implementation of the above-mentioned provisions of the Agreement by the four parties;

(2) To deter and 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;

(3) To dispatch without delay one or more joint teams, as required by specific cases, to any part of South Vietnam, to investigate alleged violations of the Agreement and to assist the parties in finding measures to prevent recurrence of similar cases;

(4) To engage in observation at the places where this is necessary in the exercise of its functions;

(5) To perform such additional tasks as it may, by unanimous decision, determine.

Article 11

(a) There shall be a Central Joint Military Commission located in Saigon. Each party shall designate immediately a military delegation of fifty-nine persons to represent it on the Central Commission. The senior officer designated by each party shall be a general officer, or equivalent.

(b) There shall be seven Regional Joint Military Commissions located in the regions shown on the annexed map and based at the following places:

Each party shall designate a military delegation of sixteen persons to represent it on each Regional Commission. The senior officer designated by each party shall be an officer from the rank of Lieutenant Colonel to Colonel or equivalent.

c) There shall be a joint military team operating in each of the areas shown on the annexed map and based at each of the following places in South Vietnam:

Region I
Quang Tri
Thu Duc

Region II
Hoi An
Than Ky
Chu Lai

Region III
Kontum
Hau Ben
Thu Cat
Thuy An
Ninh Hoa
Ban Me Thuot

Region IV
Da Lat
Bao Loc

Region V
Phan Rang
An Loc
Xuan Loc
Ben Cat
Cu Chi
Tan An

Region VI
Moc Hoa
Glong Trom

Region VII
Tri Ton
Vinh Long
VI Than
Khánh Hùng
Quan Long
Article 12

(a) In accordance with Article 17 of the Agreement which stipulates that the two South Vietnamese parties shall immediately designate their respective representatives to form the Two-Party Joint Military Commission, twenty-four hours after the cease-fire comes into force, the two designated South Vietnamese parties' delegations to the Two-Party Joint Military Commission shall meet in Saigon so as to reach an agreement as soon as possible on organization and operation of the Two-Party Joint Military Commission, as well as the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

(b) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Two-Party Joint Military Commission shall simultaneously assume the tasks of the Two-Party Joint Military Commission at all levels, in addition to their functions as delegations to the Two-Party Joint Military Commission.

(c) If, at the time the Four-Party Joint Military Commission ceases its operation in accordance with Article 16 of the Agreement, agreement has not been reached on organization of the Two-Party Joint Military Commission, the delegations of the two South Vietnamese parties serving with the Four-Party Joint Military Commission at all levels shall continue temporarily to work together as a provisional two-party joint military commission and to assume the tasks of the Two-Party Joint Military Commission at all levels until the Two-Party Joint Military Commission becomes operational.

Article 13

In application of the principle of unanimity, the Joint Military Commissions shall have no chairman, and meetings shall be convened at the request of any representative. The Joint Military Commissions shall adopt working procedures appropriate for the effective discharge of their functions and responsibilities.

Article 14

The Joint Military Commissions and the International Commission of Control and Supervision shall closely cooperate with and assist each other in carrying out their respective functions. Each Joint Military Commission shall inform the International Commission about the implementation of those provisions of the Agreement for which that Joint Military Commission has responsibility and which are within the competence of the International Commission. Each Joint Military Commission may request the International Commission to carry out specific observation activities.
Article 15

The Central Four-Party Joint Military Commission shall begin operating twenty-four hours after the cease-fire comes into force. The Regional Four-Party Joint Military Commissions shall begin operating forty-eight hours after the cease-fire comes into force. The joint military teams based at the places listed in Article 11 (c) of this Protocol shall begin operating no later than fifteen days after the cease-fire comes into force. The delegations of the two South Vietnamese parties shall simultaneously begin to assume the tasks of the Two-Party Joint Military Commission as provided in Article 12 of this Protocol.

Article 16

(a) The parties shall provide full protection and all necessary assistance and cooperation to the Joint Military Commissions at all levels, in the discharge of their tasks.

(b) The Joint Military Commissions and their personnel, while carrying out their tasks, shall enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

(c) The personnel of the Joint Military Commissions may carry pistols and wear special insignia decided upon by each Central Joint Military Commission. The personnel of each party while guarding Commission installations or equipment may be authorized to carry other individual small arms, as determined by each Central Joint Military Commission.

Article 17

(a) The delegation of each party to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission shall have its own office, communications, logistics and transportation means, including aircraft when necessary.

(b) Each party, in its area of control shall provide appropriate office and accommodation facilities to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission at all levels.

(c) The parties shall endeavor to provide to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission, by means of loan, lease, or gift, the common means of operation, including equipment for communication, supply, and transport, including aircraft when necessary. The Joint Military Commissions may purchase from any source necessary facilities, equipment, and services which are not supplied by the parties. The Joint Military Commissions shall possess and use these facilities and equipment.

(d) The facilities and the equipment for common use mentioned above shall be returned to the parties when the Joint Military Commissions have ended their activities.

Article 18

The common expenses of the Four-Party Joint Military Commission shall be borne equally by the four parties, and the common expenses of the Two-Party Joint Military Commission in South Vietnam shall be borne equally by these two parties.

Article 19

This Protocol shall enter into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America:

WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Republic of Vietnam:

TRAN VAN LAM,
Minister for Foreign Affairs.

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY THIEN,
Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam:

NGUYEN THE HINH,
Minister for Foreign Affairs.
Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the Cease-Fire in South Vietnam and the Joint Military Commissions

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,
The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,
In implementation of the first paragraph of Article 2, Article 3, Article 5, Article 6, Article 16 and Article 17 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date which provide for the cease-fire in South Vietnam and the establishment of a Four-Party Joint Military Commission,
Have agreed as follows:

[Text of Protocol Articles 1-18 same as above]

Article 19


Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS, Secretary of State.

For the Government of the Republic of Vietnam:

NGUYEN DUY THIEN, Minister for Foreign Affairs.

Protocol on Mine Clearing in North Vietnam

[White House press release dated January 24]

Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the Removal, Permanent Deactivation, or Destruction of Mines in the Territorial Waters, Ports, Harbors, and Waterways of the Democratic Republic of Vietnam

The Government of the United States of America,
The Government of the Democratic Republic of Vietnam,
In implementation of the second paragraph of Article 2 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date,
Have agreed as follows:

Article 1

The United States shall clear all the mines it has placed in the territorial waters, ports, harbors, and waterways of the Democratic Republic of Vietnam. This mine clearing operation shall be accomplished by rendering the mines harmless through removal, permanent deactivation, or destruction.

Article 2

With a view to ensuring lasting safety for the movement of people and watercraft and the protection of important installations, mines shall, on the request of the Democratic Republic of Vietnam, be removed or destroyed in the indicated areas; and whenever their removal or destruction is impossible, mines shall be permanently deactivated and their emplacement clearly marked.

Article 3

The mine clearing operation shall begin at twenty-four hundred (2400) hours GMT on January 27, 1973. The representatives of the two parties shall consult immediately on relevant factors and agree upon the earliest possible target date for the completion of the work.
Article 4

The mine clearing operation shall be conducted in accordance with priorities and timing agreed upon by the two parties. For this purpose, representatives of the two parties shall meet at an early date to reach agreement on a program and a plan of implementation. To this end:

(a) The United States shall provide its plan for mine clearing operations, including maps of the minefields and information concerning the types, numbers and properties of the mines;
(b) The Democratic Republic of Vietnam shall provide all available maps and hydrographic charts and indicate the mined places and all other potential hazards to the mine clearing operations that the Democratic Republic of Vietnam is aware of;
(c) The two parties shall agree on the timing of implementation of each segment of the plan and provide timely notice to the public at least forty-eight hours in advance of the beginning of mine clearing operations for that segment.

Article 5

The United States shall be responsible for the mine clearance on inland waterways of the Democratic Republic of Vietnam. The Democratic Republic of Vietnam shall, to the full extent of its capabilities, actively participate in the mine clearance with the means of surveying, removal and destruction and technical advice supplied by the United States.

Article 6

With a view to ensuring the safe movement of people and watercraft on waterways and at sea, the United States shall in the mine clearing process supply timely information about the progress of mine clearing in each area, and about the remaining mines to be destroyed. The United States shall issue a communique when the operations have been concluded.

Article 7

In conducting mine clearing operations, the U.S. personnel engaged in these operations shall respect the sovereignty of the Democratic Republic of Vietnam and shall engage in no activities inconsistent with the Agreement on Ending the War and Restoring Peace in Vietnam and this Protocol. The U.S. personnel engaged in the mine clearing operations shall be immune from the jurisdiction of the Democratic Republic of Vietnam for the duration of the mine clearing operations.

The Democratic Republic of Vietnam shall ensure the safety of the U.S. personnel for the duration of their mine clearing activities on the territory of the Democratic Republic of Vietnam, and shall provide this personnel with all possible assistance and the means needed in the Democratic Republic of Vietnam that have been agreed upon by the two parties.

Article 8

This Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam shall enter into force upon signature by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam. It shall be strictly implemented by the two parties.

Dated in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:
WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Democratic Republic of Vietnam:
NGUYEN VAN THIEN,
Minister for Foreign Affairs.
September 15, 1992

Mr. Neal E. Kravitz
Investigative Counsel
Select Committee on POW/MIA Affairs
Washington, D.C. 20510-6500

Dear Neal:

Further to your letter of September 1, I am pleased to transmit herewith a properly declassified copy of the 13-page document from Judge Aldrich's files which appears to be a set of "side understandings" to the 1973 Paris Peace Accords.

Although I recall that both Judge Aldrich and Ambassador Sullivan indicated in their depositions that the attached documents appear to represent the "final" side agreements, I regret that I cannot authenticate them for the Committee since I am unable to locate any official record of these documents among the Department's official treaty files.

Insofar as the broader declassification effort is concerned, I have been following the process closely and have been informed that the Department is preparing imminently to release over 15,000 POW/MIA-related cables. Although I regret we have been tardy in responding to Bill's July 14 letter, I know that the declassification team has been working hard on those items as well and that we should be able to produce the relevant documents in the near future.

Sincerely,

James G. Hergen
Assistant Legal Adviser
East Asian and Pacific Affairs

Attachment: a/s
A. Aircraft Carriers (and Oral Assurances)

B. Cessation of United States Reconnaissance Activities Against the Territory of the Democratic Republic of Vietnam

C. Withdrawal of United States Civilian Personnel Working in the Armed Forces of the Republic of Vietnam

D. On the Phrase "Of the Parties" in Article 8 (a) and (b) of the Agreement

E. The Return of Vietnamese Civilian Personnel Captured and Detained in South Vietnam

F. Unanimity

G. Relationship Between the International Commission of Control & Supervision and the International Conference

H. Regarding Laos and Cambodia

I. Cambodia (U.S. Unilateral Statement)
Aircraft Carriers

In view of the prolonged hostilities which are now being brought to a close in Vietnam and in order to contribute to the relaxation of tensions between the United States and the Democratic Republic of Vietnam, the U.S. side states its firm intention to station its aircraft carriers at least three hundred nautical miles from the coast of North Vietnam after the withdrawal of its armed forces from South Vietnam. This statement does not, of course, affect transit.
Dr. Kissinger: We will discuss it with them and we will let you know. Does that mean that Madame Binh would leave Paris?

Le Duc Tho: [Laughs] Yes, on the two delegations if there will be change, then this possibility will happen.

Dr. Kissinger: I think it is safe to say that Paris will not be the same. [Laughter] All right, do you have any other problems?

Le Duc Tho: These questions I have raised to you extra. But actually we have only the four first questions.

Dr. Kissinger: All right. Well, I have a few other items, Mr. Special Adviser, which will not take long, including the ones you mentioned. I want to propose two minor understandings to you and I have to read to you an oral understanding about aircraft carriers. The first one concerns US aircraft carriers off the shores of South Vietnam. May I read it?

Le Duc Tho: Please.

Dr. Kissinger: [Reads from Tab A]: "After the withdrawal of US armed forces from South Vietnam, the US has the firm intention of not stationing its aircraft carriers at less than 100 nautical miles from the shores of South Vietnam. This of course does not affect transit." This is the same as our written understanding, this phrase.

Le Duc Tho: I agree with you.

Dr. Kissinger: The second concerns aircraft carriers off the shores of North Vietnam: "Immediately after the US and the DRV have signed the Agreement on Ending the War and Restoring Peace in Vietnam, the US has the firm intention of moving its aircraft carriers out of the Gulf of Bac Ho, the Gulf of Tonkin, nearly 300 miles from the shores of North Vietnam. This of course does not affect transit." This is just for 60 days, until the written understanding goes into effect. We have already talked to the Chinese: they will be just on the other side of Hainan Island. [Laughter] No, you will see this come about next week.

Le Duc Tho: I agree with you. The same as the other day.
Cessation of United States Reconnaissance Activities Against the Territory of the Democratic Republic of Vietnam

With respect to reconnaissance activities, the US side confirms that with the coming into effect of the Agreement on Ending the War and Restoring Peace in Vietnam, reconnaissance activities against the territory of the Democratic Republic of Vietnam will cease completely and indefinitely.
Withdrawal of United States Civilian Personnel Working in the Armed Forces of the Republic of Vietnam

The United States affirms that it will withdraw from South Vietnam all its civilian personnel working in the armed forces of the Republic of Vietnam and not reintroduce them. The numbers of the above-mentioned civilian personnel will be reduced gradually. Their withdrawal will be completed within 12 months of the signing of the Agreement on Ending the War and Restoring Peace in Vietnam, and the majority of them will be withdrawn within 10 months of the signing of the Agreement. Pending their withdrawal from South Vietnam, none of the above-mentioned civilian personnel will participate in military operations or operational military training.
On the Phrase "of the Parties" in
Article 3 of the Agreement

It is understood between the United States and the Democratic Republic of Vietnam that the phrase "of the parties" in Article 8(a) and (b) of the Agreement on Ending the War and Restoring Peace in Vietnam covers all personnel of the parties and from any other country.
The Return of Vietnamese Civilian Personnel
Captured and Detained in South Vietnam

The U.S. side reaffirms the statement of Dr. Henry A. Kissinger, Assistant to the President of the United States, on October 17, 1972, that the United States will use its maximum influence to secure the return of Vietnamese civilian personnel captured and detained in South Vietnam. In the spirit of national reconciliation and concord between the two South Vietnamese parties, the U.S. will exert this influence to promote the return of the greater part of such detainees within sixty days of the signing of the Agreement on Ending the War and Restoring Peace in Vietnam and the return of all such detainees within ninety days, in accordance with the terms of the Agreement.
UNANIMITY

It is understood between the United States and the Democratic Republic of Vietnam that the word "unanimity" in Articles 12 (a), 16 (b), and 18 (f) of the Agreement on Ending the War and Restoring Peace in Vietnam and in the protocols to the Agreement means "unanimous decision".
Nothing in the Protocol to The Agreement on Ending the War and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision shall prejudice Articles 18 (b), 18 (c) and 18 (h) of the Agreement with respect to arrangements the International Conference is to make for the relationship between the International Commission and the International Conference.
Regarding Laos and Cambodia

The following is understood between the United States and the Democratic Republic of Vietnam:

Message in the Name of the Prime Minister of the Government of the Democratic Republic of Vietnam, October 21, 1972, in Reply to the Message of the President of the United States Dated October 20, 1972:

Once more, in order to show its good will, the Government of the Democratic Republic of Vietnam wishes to make clear its viewpoint regarding the unilateral statements mentioned by the United States in its message of October 20, 1972 as follows:

(a) Concerning the understandings on the part of the Democratic Republic of Vietnam as mentioned during the private meetings in September and October of the current year, the DRV side will carry out, without any change, what it has declared to the U.S. side. But it should be made clear that the questions of Laos and Cambodia must be settled in accordance with the sovereignty of these two countries. Both the Government of the Democratic Republic of Vietnam and the Government of the United States have the obligations to respect the sovereignty of Cambodia and Laos pledged by the two parties in Article 15 [Article 20] of the agreement on Vietnam, which has been agreed upon.

However, the Democratic Republic of Vietnam side will do its utmost to come to an agreement with its allies, with a view of finding a satisfactory solution to the questions with which the United States is concerned. The DRV side is of the view that certainly the ending of the war in Vietnam will positively contribute to rapidly restoring peace in Laos and Cambodia.

(b) With respect to Laos, the Democratic Republic of Vietnam and the United States have agreed on the following:

"On the basis of respect for the principles of the 1962 Geneva Agreement on Laos, the Democratic Republic of Vietnam and the United States welcome the current negotiations between the two concerned Lao parties, and will actively contribute toward rapidly bringing these negotiations to a successful conclusion,"
so as to make possible a ceasefire in Laos within one month after the 'Agreement on Ending the War and Restoring Peace in Vietnam' comes into force.

"After the ceasefire in Laos, the foreign countries in Laos will arrange the modalities of the implementing Article 15 b) Article 20 b) of the 'Agreement on Ending the War and Restoring Peace in Vietnam.'"

The Lao Patriotic Front has informed the DRV side that it is ready to agree with the other side on a ceasefire in Laos within one month of October 31, 1972 or within a shorter period of time, and that the Americans captured in Laos will be promptly released, before December 30, 1972.

(c) After the war in Vietnam is ended, the DRV side will actively contribute to restoring peace in Cambodia. The DRV side has been clearly informed that there is no American captive in Cambodia.

(d) The DRV side declares that Article 15 b) Article 20 b) providing that foreign countries shall stop all military activities in Laos and Cambodia, completely withdraw from and refrain from re-introducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material -- is applied to all foreign armed forces, including those of the United States, Thailand and the Vietnamese parties, etc.

Message from the President of the United States to the Prime Minister of the Government of the Democratic Republic of Vietnam Dated October 22, 1972:

The President notes with appreciation the message from the Prime Minister of the Democratic Republic of Vietnam which satisfies all his points with respect to Laos and Cambodia as well as U.S. prisoners.
Additional Understandings

1. In the private meeting of January 20, 1973, between the U.S. and the DRV, it was agreed, after consultation with the concerned Lao parties, that the period of one month following the signature of the Agreement, specified in the above exchange of messages with respect to a ceasefire in Laos, will be reduced to a period of no more than fifteen days. In the private meeting of January 9, 1973, it was furthermore agreed that all U.S. military and civilian prisoners detained in Laos shall be released no later than sixty days following the signature of the Agreement.

2. Because of the rearrangement and renumbering of the articles of the Agreement, as agreed to between the U.S. and DRV on November 21, 1972, Article 15 referred to in the above-quoted exchange of messages is now Article 20 of the Agreement.
The United States reiterates its view, as expressed by the President in his message of October 20, 1972, and by Dr. Kissinger in the private meetings of October 11, 1972, and January 10, 1973, that if, pending a settlement in Cambodia, offensive military activities are undertaken there which would jeopardize the existing situation, such operations would be contrary to the spirit of Article 20 (b) of the Agreement and to the assumptions on which the Agreement is based.
The President: I think he shares my views that it's too early to comment on the future policies of the new government. No one knows the composition of it yet. And I think it would be premature to comment.

Q. In your public statements so far you haven't mentioned the 1977 Geneva conference possibilities or a Palestinian homeland.

Q. He mentioned it yesterday at the handout. 4

Q. Not publicly.

Q. That's a public hand-out. It was placed right in your hand.

Q. Are you going to visit us in the Middle East, Mr. President, this year?

The President: Well, some day, I hope. I'm not much on foreign travel. I don't know.

Q. After each one of these meetings you usually think you are more optimistic or less. What is your impression now?

The President: Well, it's hard to tell. I think a lot of the uncertainty there is involved in the recent election results in Israel. There's no way to predict what the formation of the government might be yet or what their policies might be after they are ultimately evolved.

So, that is not encouraging or discouraging. But it's much more difficult to predict at this point.

Q. Could you tell us how your views have evolved on the Palestinian homeland as a entire state or as part of the Jordanian state?

The President: No, my views are not firmed on what the composition of the Palestinian homeland might be. But all of the U.N. resolutions have contemplated a homeland for the Palestinians. And this is obviously something that will have to be accommodated.

4 A notice to the press dated May 24 summarized the meeting that day between President Carter and Crown Prince Fahd. In part, it says:

"The President went over in detail the core issues: territorial and security problems, the nature of peace in the Middle East, and the Palestinian question, both the immediate problem of Palestinian representation in the negotiations and the question of a Palestinian homeland in the final settlement. They agreed that the major effort should continue toward trying to reconvene the Geneva conference in the second half of 1977. They also agreed that this conference should be well prepared so as to offer the best possible prospects for success."

Former President Nixon's Message to Prime Minister Pham Van Dong

Department Announcement

The Department released on May 19, 1977, the text of a message dated February 1, 1973, from former President Nixon to the Prime Minister of the former Democratic Republic of Vietnam, Mr. Pham Van Dong. The existence and substance of this document have already been made public, including public references by the recipient. Its author has indicated no objection to its release. In light of all present circumstances, we have determined that the message is no longer deemed sensitive, and it has been declassified.

TEXT OF MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TO THE PRIME MINISTER OF THE DEMOCRATIC REPUBLIC OF VIETNAM


The President wishes to inform the Democratic Republic of Vietnam of the principles which will govern United States participation in the postwar reconstruction of North Vietnam. As indicated in Article 21 of The Agreement on Ending the War and Restoring Peace in Vietnam signed in Paris on January 27, 1973, the United States undertakes this participation in accordance with its traditional policies. These principles are as follows:

1) The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.

2) Preliminary United States studies indicate that the appropriate programs for the United States contribution to postwar reconstruction will fall in the range of $3.25 billion of grant aid over five years. Other forms of aid will be agreed upon between the two parties. This estimate is subject to revision and to detailed discussion between the Government of the United States and the Government of the Democratic Republic of Vietnam.

Department of State Bulletin
3) The United States will propose to the Democratic Republic of Vietnam the establishment of a United States-North Vietnamese Joint Economic Commission within 30 days from the date of this message.

4) The function of this Commission will be to develop programs for the United States contribution to reconstruction of North Vietnam. This United States contribution will be based upon such factors as:

(a) The needs of North Vietnam arising from the dislocation of war;
(b) The requirements for postwar reconstruction in the agricultural and industrial sectors of North Vietnam's economy.

5) The Joint Economic Commission will have an equal number of representatives from each side. It will agree upon a mechanism to administer the program which will constitute the United States contribution to the reconstruction of North Vietnam. The Commission will attempt to complete this agreement within 60 days after its establishment.

6) The two members of the Commission will function on the principle of respect for each other's sovereignty, non-interference in each other's internal affairs, equality and mutual benefit. The offices of the Commission will be located at a place to be agreed upon by the United States and the Democratic Republic of Vietnam.

7) The United States considers that the implementation of the foregoing principles will promote economic, trade and other relations between the United States of America and the Democratic Republic of Vietnam and will contribute to insuring a stable and lasting peace in Indochina. These principles accord with the spirit of Chapter VIII of The Agreement on Ending the War and Restoring Peace in Vietnam which was signed in Paris on January 27, 1973.

UNDERSTANDING REGARDING ECONOMIC RECONSTRUCTION PROGRAM

It is understood that the recommendations of the Joint Economic Commission mentioned in the President's note to the Prime Minister will be implemented by each member in accordance with its own constitutional provisions.

NOTE REGARDING OTHER FORMS OF AID

In regard to other forms of aid, United States studies indicate that the appropriate programs could fall in the range of 1 to 1.5 billion dollars depending on food and other commodity needs of the Democratic Republic of Vietnam.

U.S.-Vietnamese Officials Meet for Second Round of Talks

U.S. Delegation Statement

The delegations, led by American Assistant Secretary of State for East Asian and Pacific Affairs Richard Holbrooke and Vietnamese Vice Minister of Foreign Affairs Phan Hien, met on June 2 and 3 for a total of about seven hours at the American Embassy in Paris. Each side presented its views in an atmosphere which was cordial and friendly. The delegations agreed to meet again in the near future to continue their talks aimed at normalizing relations. The exact time and place for the next meeting will be decided upon by mutual agreement.

The Vietnamese delegation provided new information about 20 Americans missing in action who died in Vietnam. There will be no public announcement of these names until the identifications have been confirmed by the U.S. Central Identification Laboratory in Hawaii after the return of the remains. The families of the men whose names are on the list are being informed by their respective military services. Arrangements for the return of the remains will be worked out through the technical channels established for the exchange of information on the subject. The U.S. delegation expressed its appreciation for this positive action on the part of the Socialist Republic of Vietnam.