

(b) United States military aid to Vietnam is being rapidly accelerated;

(c) Although no official notification to ICSC of this increase is contemplated, the Western press is publishing credible details with no official denials from any source;

(d) The increase is being justified in public, and prospectively through the GRVN letter to the Commission, by reference to prior violations by North Vietnam.

2. We have been hopeful that the Commission might take early and effective action about violations by the North, particularly in respect of the Nam case and subversion in general. This is now being actively pursued. The Indian position will be of critical importance.

3. In connection with increased military imports by the South, in excess of current ceilings under the Cease-Fire Agreement, we have sought to alert the State Department to the difficulties with which the Canadian Delegation and the Commission will be faced. It has been our hope that, consistent with our responsibilities in the Commission, it would be possible to avoid action in the Commission embarrassing to the U.S. We made it clear, however, that the possibility of doing this would depend upon:

(a) The Indian attitude;

(b) The extent to which the Commission is presented with "irrefutable evidence" of contravention of the Agreement;

(c) The adoption of a "non-committal" public attitude as to the scale of assistance;

(d) The avoidance of attempts to justify the scale of assistance as retaliation for violations by the North;

(e) The importance of under-playing publicity connected with the proposed increase in aid;

(f) The need to maintain as much as possible of the prestige and effectiveness of the Commission, both with Vietnam and also with Laos in mind.

It was made clear to the State Department that "we would have serious reservations about instructing the Canadian Delegation to take in the Commission a position manifestly in contradiction with the Cease-Fire Agreement."

4. In Ottawa's instruction Y648 of December 2, an argument was presented vigorously that the U.S. must seek to avoid placing us in a situation where we would be faced with the alternative either of voting against the U.S. action or taking a position clearly in violation of the Cease-Fire Agreement. This instruction may be summarized as follows:

"If specific avowal by RVN of measures which would clearly be a violation of CFA could be avoided, if U.S. can refrain from official confirmation of measures that would be a violation, and if movement of personnel and material can be arranged in such a way as to avoid an explicit demonstration that terms of 1954 are being evaded, we believe it might be possible to forestall an unfavourable decision in the Commission. The State Department should understand, however, that this is the most they can expect; and they should realize the Commission cannot make a positive declaration that measures are in accord with the Geneva Agreement in view of violations by the North."

5. It seems obvious from 1 (b), (c) and (d) that it may prove difficult to avoid a citation by the Commission of the United States and South Vietnam for violation of the Agreement. Assuming the Commission makes progress in investigating charges against the North, what would be the United States reaction if such a citation were made?

6. On the other hand, such a citation might:

(a) Lead to increasing doubt about the applicability and effectiveness of any of the provisions of the Cease-Fire Agreement and the virtual cessation of Commission activities, except perhaps in relation to maintaining a "presence" in Vietnam capable of detecting open hostilities;