

5. Turning more directly to your recent conversations, the argument put forward in paragraph 3 of your reference telegram is not repeat not one we could make in Commission in support of proposed increases. DRVN violations may be both flagrant and notorious, but Commission has never been able to convict DRVN of these violations, and we would therefore have no repeat no firm base in Commission decisions from which to advance argument of this kind. Moreover, in last year's decision concerning MAAG increases Indian Chairman refused in unequivocal language to entertain argument of this kind as sufficient excuse for even relatively minor increases proposed at that time. (See excerpts from minutes of those meetings sent to you by bag.)

6. Even a sympathetic attitude on part of Canadian and Indian delegations could not repeat not lead to Commission decision justifying increase to level of French forces present in Vietnam at time of cease fire. Statements of Indian and Canadian delegations in 1960 effectively closed off this line of reasoning. You will recall that when RVN formally notified Commission in February 1960 that further increase in MAAG was being made it justified this increase in part by contending that interpretation of Article 17, by which RVN had been permitted to import war materials to replace arms destroyed or exported by French expeditionary corps, could be applied also to Article 16 relative to introduction of military personnel. In discussions between Canadian and Indian delegations at that time Indians told our delegation they were most disturbed by this argument and that they could never agree to it. They asked our delegation to make clear in its statement supporting increase that argument was not repeat not valid. Candel did so, and Indel then placed themselves on record in agreement with Candel statement.

7. Above considerations do not repeat not imply that we are not repeat not in sympathy with USA aims or that we do not repeat not recognize difficulties USA faces in present situation. However, Canada has assumed certain obligations under 1954 Agreements, and terms of this agreement, past decisions of Commission and statements of Canadian and Indian delegations on record represent a framework within which decisions of Commission in present circumstances must of necessity be formulated.

8. You may assure State Department we will do all we can to cooperate. In turn, however, USA must recognize difficulties and limitations of our position and must avoid placing us in situation where we would be faced with alternative either of voting against USA action or of taking position clearly in violation of CFA. If specific avowal by RVN of measures which would clearly be a violation of CFA could be avoided, if USA 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. State Department should understand, however, that this is most they can expect; and they should realize Commission cannot repeat cannot make a positive declaration that measures are in accord with Geneva Agreement in view of violations by North.

[H.C.] GREEN