

DRVN dels usually writing only in support of RVN or PRG complaints. In addition, the Commission's regional hqs and sub-regional teams are receiving complaints alleging violations of the ceasefire.

4. By no/no means all the complaints the ICCS received were cast in terms that made an investigation by the ICCS possible or practicable. We can assume that the Parties are by now sufficiently aware of how the ICCS operates and that when Parties make no/no request for an ICCS investigation, it is because the Party concerned either wishes no/no investigation to take place or does not/not regard an investigation as likely to be productive. In the first weeks of the Commission's operation, all of the complaints specifically requesting an ICCS investigation came from the RVN or USA dels to the JMC. We seized upon every available opportunity to urge that the Commission should investigate such complaints and succeeded in obtaining positive decisions on all complaints where ICCS action was requested. However, we were obliged in these cases to settle for investigations of a more ltd scope than envisaged in the Agreement. The debate within the Commission over what the Commission was empowered to investigate, the inability of the FPJMC to establish its regional hqs in accordance with schedules outlined in the Agreement, and the conditions of insecurity prevailing in the countryside as a result of continued hostilities—all of these militated against our ability to initiate decisive Commission action in investigating most ceasefire violations. The Khe Sanh case, however, marked something of a turning point. For the first time, we were unable to get agreement within the Commission to take any action whatsoever in connection with a complaint that unequivocally attracted the Agreement and necessitated an investigation. The arguments put forward by the Hung and Pol dels in refusing to agree to an investigation were specious and unconvincing, such as the argument that there were quote inadequate grounds unquote (aerial photos) to justify an investigation, and it was clearly a matter where they simply did not/not wish the investigation to take place. The arguments of these two dels in respect of the Sa Huynh reports also reflect their partiality towards the PRG/DRVN. Our regional teams have met with similar obstructive tactics on the part of the two dels.

5. Only recently has the Commission begun to receive from the PRG and DRVN dels reports requesting ICCS investigations of various provisions of the Agreement including its ceasefire provisions. These complaints, like the Khe Sanh complaint from the RVN, are drafted in such a way that, in keeping with the position we have established, we must agree that their investigation is mandatory. The alacrity with which the Pol and Hung dels deal with these allegations of ceasefire violations stands in stark contrast to their treatment of RVN and USA complaints. Despite several investigations that have been ordered at the central and regional levels of ceasefire violations, however, neither the ICCS nor its teams have yet established that any Party has violated the ceasefire Agreement in a specific instance.

6. Withdrawal of foreign forces (Article 5). The Agreement provides for the withdrawal of all USA forces and those of other foreign countries allied to the USA and RVN, together with armaments and other war material belonging to them, within 60 days of the ceasefire. Withdrawals of American and Korean troops started, according to the USA del, immedly after the cease-fire but the ICCS