

does not see itself limited by Articles 16 and 17 with regard to military help and war materials. In fact, South Vietnam is fighting for its existence in the face of continued violation of Articles 16, 17 and 24 by the DRVN. The basis in international law for the South Vietnamese action is that when there is a material breach of an agreement by one party, the other is relieved of the responsibility for full compliance until the first complies. The U.S.A. action is designed to counteract breaches by North Vietnam, and the U.S.A. maintains its readiness to go back to the previous position if and when the North Vietnamese start complying with the terms of the Agreement. Smith did not know to what extent there might be further additions to the 100 additional military personnel already mentioned. He undertook to try to get further information on this point from Washington. He referred to the argument which had been used by the South Vietnamese to justify the last increase i.e. that the number of MAAG personnel was not yet up to the total of U.S.A. and French military instructors in Vietnam at the time of the cease fire and said that they were not going to attempt to justify this new increase on those grounds.

3. He said he had been asked to stress that the U.S. proposals do not represent an intent by the U.S.A. to upset the Geneva Agreements in general. The U.S. continues to see the agreements as the basis for a *modus vivendi* at least for the time being. Nor was it the intent to upset the control arrangements. With all the Commission's difficulties and restrictions, it still served a useful purpose.

4. On June 2 Smith telephoned to say that the South Vietnamese had been asked not to inform the Commission formally of the intended increase at the present time or to make a public announcement. On June 6 Smith called to say that the 100 additional military personnel for MAAG were already in South Vietnam and that regular notification procedures had been used.

J.M. TEAKLES

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*Le secrétaire d'État aux Affaires extérieures
au commissaire de la Commission internationale de surveillance
et de contrôle pour le Vietnam*

*Secretary of State for External Affairs
to Commissioner, International Commission for Supervision
and Control for Vietnam*

TELEGRAM Y-337

Ottawa, June 5, 1961

SECRET. CANADIAN EYES ONLY. OPIMMEDIATE.

Reference: Our Tel Y-305 May 26 and your Tel 132 Jun 1.†

Repeat for Information: Washington, London, Delhi, Laosdel Geneva, Paris (Priority),
CCOS, DM/DND, DGPO, CGS (Priority) from Ottawa.

PROPOSED MAAG INCREASE

Smith of USA Embassy called on Department May 30 for further discussion of USA plan to increase MAAG. He said Americans were also talking to UK and France, and planned within a few days to talk to Indians in Delhi. He said proposal had been discussed with South Vietnamese who had concurred. He had no further information on numbers. In general, he repeated reasons contained in Washington telegram 1560 May 15 for proposed increase. He particularly emphasized that American plans did not represent an intention by USA to upset either Geneva Agreements in general or the control arrangements.