

served by clarifying the position at this stage than by allowing present unsatisfactory stalemate to continue indefinitely.

5. For Delhi, Saigon: In light of Indian views about stalemate in Commission as expressed by Gundevia, we would like to have your own opinion on whether a move to formulate a report to Co-Chairmen along lines indicated above would be timely and useful.

723.

DEA/50052-A-40

*Le secrétaire d'État aux Affaires extérieures  
au haut-commissaire en Inde*

*Secretary of State for External Affairs  
to High Commissioner in India*

TELEGRAM Y-59

Ottawa, February 28, 1961

CONFIDENTIAL. OPIMMEDIATE.

Reference: Your Tel 124 of Feb. 16† and Saigon Tel 56 of Feb. 23† and 59 of Feb. 25.†  
Repeat for Information: Saigon, London, Washington (Priority), DGPO, DND, DMOP,  
DND from Ottawa.

VIETNAM COMMISSION: MINORITY STATEMENT AND SUBVERSION

We have refrained from commenting on the suggestion that you might have a further discussion with Gundevia in general terms about a special report to the co-chairman partly because we wished to have Woodsworth's views, and also because of your point that a special report at this time might cut across efforts to get the Commission on record as to its competence and duty to investigate complaints about supervision. We note from Saigon's telegram 56 of February 23 that Woodsworth considers the chances of getting Indians to go along with a special report are slight, and that a more active policy in the Commission is likely to be more productive. For the time being, therefore, we are prepared to drop the idea of a special report.

2. We have also considered carefully the arguments for and against a minority statement on subversion. We have concluded that the essential point is to get the Commission on record as having the competence and duty to entertain and investigate complaints concerning acts detrimental to peace and security in Vietnam which might be fomented by one party against the other. We note that on February 10 the Indian Chairman took the position that the Poles should be given until March 3 to appoint a representative to the legal committee and declined to support Canadian move to have subversion cases returned to Commission for immediate consideration. This stand has prevented any action on the subversion issue during the Eleventh Interim Report period.

3. In the circumstances, I should be glad if you would take an early opportunity to remind the Indians of the statement agreed last summer<sup>31</sup> and of Woodsworth's understanding with Ansari that the statement would be adopted by majority decision if Poles refused to discuss subversion cases within a reasonable period. You should impress on the Indians the importance we attach to having the statement accepted by the Commission at the earliest possible date. In our view, the inability of the Commission to come to grips with the subversion problem constitutes a serious failure to live up to its responsibilities since the competence of Commission under Articles 10, 19 and 24 read with Article 27 is legally incontestable. Moreover some evidence that the Commission is prepared to take a stand on this issue could bring about a more

<sup>31</sup> Voir/See Volume 27, document 563.