

12. Since December 1961, the Commission's teams in South Vietnam have been persistently denied the right to control and inspect which are part of their mandatory tasks. Thus these teams, though they were able to observe the steady and continuous arrival of war material, including aircraft carriers with helicopters on board, were unable, in view of the denial of controls, to determine precisely the quantum and nature of the war material unloaded and introduced into South Vietnam.

13. On the other hand, the Commission received a communication from the liaison mission of the Republic of Vietnam, dated December 9, 1961, stating that:

"In the face of aggression directed by the so-called 'Democratic Republic of Vietnam' against the Republic of Vietnam in flagrant violation of the Geneva Agreement, the Government of the Republic of Vietnam has requested the Government of the U.S.A. to intensify the aid in personnel and material which the latter was already granting to Vietnam. The right of self-defence being a legitimate and inherent attribute of sovereignty, the Government of the Republic of Vietnam found itself constrained to exercise this right and request for increased aid, since North Vietnam continues to violate the Geneva Agreement and to do injury to the life and property of the free people of Vietnam.

These measures can end as soon as the North Vietnam authorities will have ceased the acts of aggression and will have begun to respect the Geneva Agreement."

14. The Commission considered this communication from the Government of the Republic of Vietnam, and drew the attention of the South Vietnamese mission to the provisions of articles 16 and 17 of the Geneva Agreement and the procedures laid down thereunder by the International Commission for the import of war material and the introduction of military personnel, and to the obligations resulting therefrom. The Commission also informed the mission that its complaints regarding allegations of subversion and aggression by the North were under the active examination of the Commission separately.