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STATEMENT BY THE HONOURABLE PAUL MARTIN
SECRETARY OF STATE FOR EXTERNAL AFFAIRS

MESSAGE FROM THE INTERNATIONAL COMMISSION IN LAOS TO
THE CO-CHAIRMEN OF THE 1961-62 GENEVA CONFERENCE

The Secretary of State for External Affairs, the Honourable Paul Martin, today made available in Ottawa message No. 35 of September 16, 1965, from the International Commission for Supervision and Control in Laos to the two Co-Chairmen of the 1962 Geneva Conference, which has just been released by the British Co-Chairman.

In issuing the report Mr. Martin made the following statement. The message establishes that regular units of the armed forces of North Vietnam, numbering up to 650 men, entered Laos during 1964 with arms and munitions, and that they engaged in hostilities with Laotian Government forces on Laotian soil. These acts of aggression against Laos represent gross violations by the Democratic Republic of Vietnam (North Vietnam) of the Declaration on the Neutrality of Laos and its Protocol, both of which were signed by the Government of North Vietnam and 13 other governments in July 1962.

Canada participated in the 1961-62 Geneva Conference in the hope that a solemn agreement guaranteeing the neutrality and integrity of Laos would remove that country from the arena

of world conflict and enable it to pursue its development in an atmosphere of peace and stability. To contribute to that goal, Canada also agreed to serve, along with India and Poland, on the International Commission which, under the terms of the agreements, was given the responsibility of supervising the implementation of the undertakings of the signatories.

It was hoped that with the reaching of agreement after more than a year of strenuous negotiations, conditions had been created for the achievement of peace in Laos. This investigation by the International Commission (in which the Polish Delegation declined to participate) makes it clear, however, that North Vietnam has violated most of the important provisions of the 1962 Declaration on the Neutrality of Laos as well as Articles 4 and 6 of its Protocol.

This is the first report of the Laos Commission which establishes that major violations of the 1962 Agreements on Laos have been committed by a signatory power.

In the light of these findings, the Canadian Government is gravely concerned about this course of developments in a country whose neutrality and integrity have been solemnly guaranteed by an international agreement freely entered into by all the parties concerned.



LAOS COMMISSION MESSAGE NO.35 OF SEPT. 16, 1965

BACKGROUND NOTE

Message No. 35 of September 16, 1965, from the International Commission for Supervision and Control in Laos to the Co-Chairmen of the 1961-62 Conference on the Settlement of the Laotian Question, is based on the results of an investigation carried out by the Commission at the request of the Prime Minister of Laos, Prince Souvanna Phouma, following the capture by Laotian Government forces in September, 1964, of three North Vietnamese soldiers.

The Geneva Conference of 1961-62 was summoned in order to achieve a peaceful settlement of the Laotian question which threatened to bring about the large-scale involvement of major powers in the hostilities between the various parties in Laos. It was recognized that the escalation of hostilities which was taking place in Laos represented a threat to the peace of the world, and it was accepted by members of the conference that peace in Laos could be ensured only by an agreement which confirmed the respect of the members of the conference for the sovereignty, independence, unity and territorial integrity of Laos and non-interference in its internal affairs. After more than a

year of negotiations, all members of the conference agreed to and signed the Declaration on the Neutrality of Laos which spelled out undertakings designed to guarantee the neutrality of that country; they also signed a Protocol to the Declaration which set out in greater detail the specific undertakings of the signatories and the machinery for supervising the implementation of those undertakings.

The 1962 Declaration included undertakings by the signatories that they would not commit or participate in any way/^{in any act} which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos (Article 2(a)); that they would not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos (Article 2(b)); that they would refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos (Article (c)); that they would not introduce into Laos foreign troops or military personnel in any form whatsoever (Article 2(g)), and that they would not use the territory of any country, including their own, for interference in the internal affairs of Laos (Article 2(j)). The Protocol to the Declaration (which had the same binding force as the Declaration) specifically prohibited the introduction of foreign regular or irregular troops, foreign paramilitary formations and foreign military personnel into Laos (Article 4), and also prohibited the introduction into Laos of

armaments, munitions and war material generally except such quantities of conventional armaments as the Royal Government of Laos might consider necessary for the defence of Laos (Article 6).

It is against this background that the developments set out in the Commission's Message No. 35 must be set. The Message is based on the report of an investigation carried out by a Commission team which, between November 12 and December 21, 1964, interviewed the three North Vietnamese prisoners and ten other witnesses. The prisoners who, according to the Commission's report, "appeared to give their evidence freely and without hesitation" and "did not seem to be under duress" claimed that they entered Laos between February 1964 and September 1964 as regulars of the North Vietnamese armed forces and as members of complete North Vietnamese army units varying in size from 50 to about 650 soldiers; that they brought their personal weapons and ammunition with them, and that they, together with other soldiers of their groups, fought on Laotian territory against the Royal Laotian armed forces, until their capture. The Commission points out that although, for reasons beyond its team's control -- i.e., the refusal of the Communist forces to permit the team to pursue its investigations in the areas of Laos under Communist military control,

"... a complete verification or authentication of the evidence given by the prisoners has not been possible, the Commission is satisfied in regard to the veracity

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of the evidence presented to it. Basing itself entirely on this evidence, the Commission believes that it would not be wrong to consider that violations of Articles 4 and 6 of the Protocol to the Declaration on the Neutrality of Laos signed at Geneva on 23 July 1962 have occurred."

A perusal of the evidence presented to the Commission by the North Vietnamese prisoners themselves and by other witnesses, makes it clear not only that violations of Articles 4 and 6 of the 1962 Protocol have occurred, but that North Vietnam has also violated clauses (a), (b), (c), (g) and (j) of Article 2 of the Declaration; the Commission, however, relates its findings only to the provisions of the Protocol to the Declaration.

Paragraph 17 of the Commission's message indicates that "for reasons beyond the team's control, neither the team nor the Commission was permitted to verify and authenticate in a legalistic manner the evidence provided by the three prisoners and by the other witnesses."

It goes on in this connection to remind the Co-Chairman that in a previous message of January 21, 1965, (concerning a violation of the Cease Fire provisions of the 1962 Protocol by the Communist Neo Lao Haksat Forces) the Commission has commented that

"... because the Neo Lao Haksat (the Communist faction in Laos) refuses to extend the appropriate facilities to the Commission under the Protocol, the Commission finds

it difficult to avoid the inference that the Neo Lao Haksat is unwilling to permit investigations because any such investigation might bring to light evidence that the Protocol has indeed been violated."

Shortly after the Commission was informed by the Laotian Government of the capture of the North Vietnamese prisoners, it received a letter from the Communist Neo Lao Haksat authorities alleging that United States aircraft based in South Vietnam had bombed and otherwise attacked Laotian territory and that, from time to time, these aircraft had parachuted South Vietnamese military personnel with arms and equipment into Laos. Although the Neo Lao Haksat authorities did not request an investigation, the Commission appointed a team to ascertain the facts, and the Laotian Government has agreed to cooperate. The Commission has indicated, in its message, its intention of proceeding with this investigation. Its ability to do so, however, will depend on the cooperation of the Neo Lao Haksat authorities who, in the past, have not permitted Commission teams to enter the territory under their control in pursuance of the Commission's responsibilities under the 1962 Protocol.

This is the first report of the Laos Commission which establishes conclusively major violations of the 1962 Geneva Agreements on Laos by the North Vietnamese authorities. Other North Vietnamese troops have been captured since, some in an attack on a military

training school of the Laotian Government, and others in a major offensive a few days ago against Laotian forces at Thakhek. The Commission will provide the Co-Chairmen with reports on these incidents in due course.