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The Secretary of State for External Affairs, the Honourable Howard Green, commented today on the special report of the International Supervisory Commission for Vietnam. He said:

The International Supervisory Commission for Vietnam, by majority vote of its Indian and Canadian members, has concluded:

- (a) that "armed and unarmed personnel, arms, munitions and other supplies" have been sent from North Vietnam into South Vietnam "with the object of supporting, organizing and carrying out hostile activities, including armed attacks, directed against the armed forces and administration" of South Vietnam;
- (b) that the North Vietnamese authorities have allowed North Vietnamese territory to be used "for inciting, encouraging and supporting hostile activities in the zone in the south aimed at the overthrow of the administration" in South Vietnam;
- (c) that South Vietnam has received military aid from the United States in quantities which appear to be in excess of those permitted by the Geneva Agreement of 1954, and has made military arrangements with the United States which amount to a factual -- though not to a formal -- military alliance.

These are the principal conclusions of a special report signed in Saigon on June 2 by the representatives of India and Canada. The report, which was addressed to the foreign ministers of Britain and the Soviet Union, acting as Co-Chairmen of the Geneva Conference of 1954 which drew up the Agreements ending the Indo-China war, was made public today. The third member of the International Commission, the representative of Poland, dissented from the findings of the majority.

The Canadian Government fully endorses these conclusions of the International Commission. It considers that the report establishes beyond any reasonable doubt that North Vietnam has engaged, for a number of years and with rising intensity in 1960 and 1961, in subversive activities of an aggressive nature directed against South Vietnam. The Commission's report also makes clear that the increased military aid which South Vietnam has received since December 1961 was requested for the purpose of dealing more effectively with these subversive activities. The report brings out the fact that the South Vietnamese Government has undertaken to end these extraordinary measures "as soon as the North Vietnamese authorities have ceased their acts of aggression and have begun to respect the Geneva Agreement".

The recommendations of the Commission, directed to preserving peace in Vietnam by ensuring compliance with the provisions of the Geneva Agreement, have the full support of the Canadian Government.

I earnestly hope that these recommendations of the International Supervisory Commission for Vietnam will be heeded, and that the "threat of resumption of open hostilities", which the Commission reports to be growing in that country, will thereby be averted. Canada remains prepared to co-operate effectively to that end with its partners in the Commission.

Special Report of the International Commission
for Supervision and Control in Vietnam,
June 2, 1962

The International Commission for Supervision and Control in Vietnam presents its compliments to the Co-Chairmen of the Geneva Conference on Indochina, and has the honour to refer to paragraph 2 of their message of May 8, 1956, in which the Co-Chairmen asked the Commission to inform them in case the Commission encountered any difficulties in its activities which could not be resolved on the spot, and simultaneously had urged both the parties in Vietnam to extend to the Commission all possible cooperation and assistance. The International Commission had assured the Co-Chairmen in its message of May 27, 1956, that it would continue to persevere in its efforts to maintain and strengthen peace in Vietnam and affirmed its determination to perform its duties within the framework of the Geneva Agreement.

2. The International Commission has from time to time submitted to the Co-Chairmen interim reports giving a resume of its activities as well as a brief review of progress made by the two parties in the implementation of the provisions of the Agreement. In these reports, apart from other things, the Commission had pointed out its difficulties, particularly with regard to the tendency of the parties to refuse to accept and implement the Commission's recommendations and decisions and their persistence in maintaining their own stand in certain cases. The Co-Chairmen were also informed about the difficulties which the Commission's fixed teams were experiencing with regard to the performance of their mandatory tasks of control and inspection, in terms of their responsibilities under Articles 35 and 36(d) of the Agreement.

3. In its 11th Interim Report, which covered the period from February 1, 1960 to February 28, 1961, the Commission had mentioned that, in spite of certain difficulties and the lurking danger in Vietnam, the active presence of the Commission and its work had helped in preserving peace.

4. Since the presentation of the 11th Interim Report, the situation in Vietnam has shown signs of rapid deterioration. The Commission is obliged to make this special report to the Co-Chairman with regard to serious allegations of aggression and subversion on the part of the Democratic Republic of Vietnam against the Republic of Vietnam and the serious charges of violation of articles 16, 17 and 19 of the Geneva Agreement by the Republic of Vietnam in receiving military aid from the U.S.A.

The Polish delegation dissents from the views expressed in the special report. The statement of the Polish delegation is forwarded herewith.

5. Reference is invited to paragraph 24 of the 10th Interim Report and paragraph 32 of the 11th Interim Report, in which mention was made of the concern which the Republic of Vietnam has been expressing over the problem of subversion in South Vietnam. Mention was also made in paragraph 61 of the 11th Interim Report of complaints which the Commission had received from the Government of the Republic of Vietnam, accusing the Government of the Democratic Republic of Vietnam of aggression in the Kontum and Pleiku provinces during October 1960. Complaints of this nature continued to increase during 1961. In June 1961 the Commission made known its stand regarding its competence to entertain and examine complaints of this nature in terms of specific articles of the Geneva Agreement.

6. The Commission also received several complaints from the High Command of the People's Army of Vietnam (PAVN), making serious allegations with regard to the increased introduction of U.S.A. military personnel into South Vietnam along with substantial quantities of war material in contravention of articles 16 and 17. All these allegations were forwarded to the South Vietnamese mission for comments. The party in most cases denied these allegations. But the Commission was not in a position to make a precise assessment as to the correctness or otherwise of these allegations, as the Commission's teams at most points of entry have not been able to carry out effective inspections and controls. However, the South Vietnamese mission did state, in July 1961, that whatever American aid its Government was receiving was meant to fight communist subversion in South Vietnam, and in support of this contention it had also referred to the text of

the communique published after the visit of the U.S.A. Vice-President Johnson to Saigon in May 1961.

7. While the Commission continued to function in this difficult atmosphere, a communication was received on September 9, 1961, from the liaison mission of the Republic of Vietnam, alleging that PAVN forces had launched another action in the Kontum region on September 1, 1961. A letter containing these allegations was forwarded to the liaison mission of the PAVN High Command for its comments. In its reply under its letter No. 492/CT/I/B dated December 11, 1961, the mission stated that "the PAVN High Command will resolutely reject all decisions taken by the International Commission relating to so-called 'subversive activities' in South Vietnam, a question which has no relevance to the Geneva Agreement." It further informed the Commission that "henceforth the mission would find itself constrained to resolutely reject all possible requests for comments of this kind."

8. In the meanwhile, in early October 1961, the Secretariat of State for Foreign Affairs of the Republic of Vietnam alleged that Colonel Hoang Thuy Nam, chief of the Vietnamese mission in charge of relations with the International Commission, had been kidnapped. Later, the Secretary of State for Foreign Affairs informed the Commission of the murder of Colonel Nam. Complicity of the authorities in the North in the kidnapping and murder of Colonel Nam was alleged. Reference is invited to the Commission's message No. IC/ADM/V-5/61/4097, dated November 9, 1961, in this regard. Since the allegations were of a serious nature, the Commission requested the South Vietnamese mission to furnish prima facie evidence to support their charge of the complicity of the Northern party in this incident. The Commission received detailed communications from the mission on October 24, 1961 and November 16, 1961, with a large number of documents and photographs in support of their contention. The mission also stated that "the Government of the Republic of Vietnam is confident that the case of Colonel Hoang Thuy Nam should be taken not as an isolated case but as part of an extensive plan of subversion and terrorism deliberately decided on by the Hanoi authorities - a plan which with this assassination enters a new phase of execution and is

designed for seizing power in South Vietnam." In November 1961 the Commission considered these letters, containing numerous allegations, and referred them to its legal committee for examination "with a view to determining whether the allegations and evidence therein prima facie attract any provisions of the Geneva Agreement".

9. The Legal Committee has made a careful examination of the various allegations, and the evidence produced to support them in the form of documents and other material, and has made the following report, with the Polish member dissenting:

"We have studied the Agreement on the Cessation of Hostilities in Vietnam, the South Vietnamese mission's letters No. 4660/PDWN/CT/TD/2 dated October 24, 1961 and No. 5078/PDWN/CT/TD/2 dated November 16, 1961, and related references from the Commission, together with evidentiary material made available by the South Vietnamese mission in connection therewith, and have reached the following conclusions:

(1) The Agreement on the Cessation of Hostilities in Vietnam proceeds on the principle of the complete cessation of all hostilities in Vietnam, respect by either party of the zone assigned to the other, and the inescapable responsibility of the parties for the fulfilment of the obligations resulting therefrom.

Article 10 of the Agreement states expressly the obligation of the two parties to order and enforce the complete cessation of all hostilities in Vietnam.

Article 19 of the Agreement casts an obligation on the two parties to ensure that the zones assigned to them are not used for the resumption of hostilities or to further an aggressive policy.

Article 24 of the Agreement proceeds on the principle of the inviolability of the demilitarized zone and the territories assigned to the two parties, and states expressly that the armed forces of each party shall respect the territory under the military control of the other party and shall commit no act and undertake no operation against the other party.

Article 27 of the Agreement affirms expressly the responsibility of the commanders of the forces of the two parties for ensuring full compliance with all the provisions of the Agreement by all elements and military personnel under their command.

It follows that the using of one zone for the organization or carrying out of any hostile activities in the other zone, violations by members of the armed forces of one party of the territory of the other party, or the commission by any element under the control of one party of any act directed against the other party, would be contrary to the fundamental provisions of the Agreement, which enjoin mutual respect for the territories assigned to the two parties.

(2) Having examined the complaints and supporting material sent by the South Vietnamese mission, the committee has come to the conclusion that in specific instances there is evidence to show that armed and unarmed personnel, arms, munitions and other supplies have been sent from the zone in the North to the zone in the South with the object of supporting, organizing and carrying out hostile activities, including armed attacks, directed against the armed forces and administration of the zone in the South. These acts are in violation of articles 10, 19, 24 and 27 of the Agreement on the Cessation of Hostilities in Vietnam.

(3) In examining the complaints and supporting material, in particular the documentary material sent by the South Vietnamese mission, the committee has come to the further conclusion that there is evidence to show that the PAVN has allowed the zone in the North to be used for inciting, encouraging and supporting hostile activities in the zone in the South aimed at the overthrow of the administration in the South. The use of the zone in the North for such activities is in violation of articles 19, 24 and 27 of the Agreement on the Cessation of Hostilities in Vietnam.

(4) The committee considers that further investigation is necessary to reach a final conclusion as to whether the kidnapping and murder of Colonel Nam, late chief of the South Vietnamese mission, was a part of the activities referred to in sub-paragraphs(2) and (3) above,

and prohibited under articles 19, 24 and 27 of the Agreement. The South Vietnamese mission has furnished prima facie evidence to warrant such a full investigation of the case by the Commission.

(5) We shall submit in due course a full report setting out in detail the complaints made by the South Vietnamese mission, evidence forwarded in relation to these complaints, and our specific observations thereon."

10. The Commission accepts the conclusions reached by its legal committee that there is sufficient evidence to show beyond reasonable doubt that the PAVN has violated articles 10, 19, 24 and 27 in specific instances. On the basis of the fuller report that is being prepared by the legal committee covering all the allegations and incidents, the Commission will take action as appropriate in each individual case. The Polish delegation dissents from these conclusions.

11. Concurrently with the developments referred to in paragraphs 7 and 8 above, and subsequently, the Commission received communications from the PAVN High Command and its liaison mission alleging direct military intervention in South Vietnam by the Government of the U.S.A., and ever-increasing import of war material and introduction of military personnel in violation of the Geneva Agreement. The allegations, amongst others, were (a) the conclusion of a bilateral military agreement between President Ngo Dinh Diem and U.S.A. Ambassador Nolting; (b) the gradual introduction of about 5,000 U.S.A. military personnel into South Vietnam, "which will soon be increased to 8,000"; (c) the arrival of four aircraft carriers - Core, Breton, Princeton and Croaton - on different occasions, bringing in helicopters, other aircraft, military equipment and military personnel; (d) the introduction by the U.S.A. of approximately 4 companies of helicopters, many jet fighters, fighters/fighter bombers and transport planes, along with military vehicles and other stores; (e) the visits of a large number of high U.S.A. military experts and dignitaries to Saigon for inspection and guidance, particularly those of General Maxwell Taylor, Admiral H. Felt and General Lemnitzer; (f) the establishment of a U.S.A. Military Assistance Command with a four-star General, Paul D. Harkins, as its chief.

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.

15. In the light of the stand of the Commission, as stated in paragraph 14 above, the numerous allegations received from the PAWN High Command have been receiving the attention of the Commission with a view to the strict implementation of articles 16 and 17 of the Agreement and the procedures laid down thereunder.

16. A summary of the allegations made by the PAWN High Command from December 1961 up to May 5, 1962, would place the number of military personnel and the quantum of important war materials introduced into South Vietnam at approximately 5,000 personnel "which are likely to increase to 8,000 shortly", 157 helicopters, 10 reconnaissance aircraft, 34 jet aircraft, 34 fighters/fighter bombers, 21 transport aircraft, 35 unspecified aircraft, 45 armoured and 20 scout cars, "numerous" armoured boats and amphibious craft, 3,000 tons and 1,350 cases of war material, and 7 warships (exclusive of 5 destroyers of the U.S.A. Seventh Fleet alleged to have come for training). Most of the letters containing the allegations referred to in this paragraph and paragraph 11 above were sent to the liaison mission of the Republic of Vietnam for its early comments; but no satisfactory replies have been received. Also, in some cases, the Southern party has been asked to state the reasons, if any, why violations of article 17(e) relating to prior notification, as well as violations of articles 16 and 17 governing the introduction of military personnel and war material themselves, should not be recorded against it.

17. As the Commission has been denied the mandatory controls, as pointed out earlier in paragraph 12 above, it has not been able to make a precise assessment of the number of military personnel and the quantum of war material brought in. However, from December 3, 1961 up to May 5, 1962, the Commission's teams have controlled the entry of 72 military personnel and observed, but not controlled, 173 military personnel, 62 helicopters, 6 reconnaissance aircraft, 5 jet aircraft, 57 fighters/fighter bombers, 25 transport aircraft, 62 unspecified types of aircraft, 102 jeeps, 8 tractors, 8 105mm howitzers, 3 armoured cars (tracked), 29 armoured fighting vehicle trailers, 404 other trailers, and radar equipment and crates, 5 warships, 9 LSTs (including 4 visiting LSTs), 3 LCTs, 5 visiting

aircraft carriers, and spares of various kinds. In respect of some of the instances of import of war materials between December 3, 1961, and January 16, 1962, violations under article 17(e) as well as violations of article 25 have been recorded against the Republic of Vietnam for its failure to notify arrivals and imports as required by the Geneva Agreement and for not affording all possible assistance to the Commission's teams in the performance of their tasks.

18. In regard to the claims for credits made by the Southern party in justification of certain imports, the Commission wishes to point out that, insofar as major items of war material are concerned, except in a limited number of cases, there is no established credit in favour of the Republic of Vietnam. On the other hand, for some of these items there is already a debit against it. In this context it must be borne in mind that, even where credit exists, according to article 17(b) of the Agreement a party can only import war material "piece-for-piece of the same type and with similar characteristics". However, controls not having been permitted, the Commission is not in a position to satisfy itself whether this essential requirement has in fact been fulfilled even in cases where credit exists.

19. As regards the allegation of the PAVN High Command that a U.S.A. Military Assistance Command has been set up in South Vietnam in violation of article 19, the Commission requested the party to furnish the following information: (1) whether such a U.S.A. Command has been set up; (2) the basis on which it has been established; (3) the purpose for which it has been constituted; (4) its strength; (5) the scope of its activities. The South Vietnamese mission, in its letter dated March 15, 1962, has not furnished the necessary information required by the Commission, other than stating that this Military Assistance Command is not a military command in the usual sense of the term and that its only function is to supervise and manage the utilisation of American personnel and equipment. The mission stated further that there was no military alliance between the U.S.A. and the Republic of Vietnam as no treaty of this nature had been ratified by either Government.

20. Taking all these facts into consideration, and basing itself on its own observations and on authorized statements made in the U.S.A. and the Republic of Vietnam, the Commission concludes that the Republic of Vietnam has violated articles 16 and 17 of the Geneva Agreement in receiving increased military aid from the U.S.A. in the absence of any established credit in its favour. The Commission is also of the view that, though there may not be any formal military alliance between the Governments of the U.S.A. and the Republic of Vietnam, the establishment of a U.S.A. Military Assistance Command in South Vietnam, as well as the introduction of a large number of U.S.A. military personnel beyond the stated strength of the MAAG (Military Assistance Advisory Group), amounts to a factual military alliance, which is prohibited under article 19 of the Geneva Agreement.

21. The Commission would also like to bring to the notice of the Co-Chairmen a recent and deliberate tendency on the part of both parties to deny or refuse controls to the Commission's teams, thereby completely immobilising their activities and hindering the Commission in the proper discharge of its obligations to supervise the implementation of articles 16 and 17 of the Geneva Agreement. During the last few months there has been a near-complete breakdown so far as this important function of the Commission is concerned. The Commission considered the situation, and addressed detailed communications to the two parties recommending the resumption of normal controls immediately. (Copies of the letters sent to the two parties are attached as annexure 1 to this report). The Commission however regrets to inform the Co-Chairmen that there has been no improvement in this regard.

22. The International Commission wishes to draw the serious and earnest attention of the Co-Chairmen to the gravity of the situation that has developed in Vietnam in the last few months. Fundamental provisions of the Geneva Agreement have been violated by both parties, resulting in ever-increasing tension and the threat of resumption of open hostilities. In this situation, the role of the Commission for the maintenance of peace in Vietnam is being greatly hampered because of

denial of cooperation by both parties. The Commission, therefore, earnestly recommends to the Co-Chairmen that, with a view to reducing tension and preserving peace in Vietnam, remedial action be taken, in the light of this report, so as to ensure that the parties: (a) respect the zone assigned to the other party; (b) observe strictly the provisions of articles 16, 17 and 19 of the Geneva Agreement in respect of the import of war material and the introduction of military personnel; (c) commit no act and undertake no operation of a hostile nature against the other party; (d) do not allow the zones assigned to them to adhere to any military alliance and to be used for resumption of hostilities or to further an aggressive policy; (e) cooperate with the International Commission in the fulfilment of its tasks of supervision and control of the implementation of the provisions of the Geneva Agreement.

23. The International Commission for Supervision and Control in Vietnam takes this opportunity to renew the assurances of its highest consideration to the Co-Chairmen of the Geneva Conference on Indochina.