

External Affairs
Supplementary Paper No. 55/2

FIRST INTERIM REPORT
Of The Activities of
THE INTERNATIONAL COMMISSION
For Supervision and Control
IN LAOS

(11th August 1954 - 31st December 1954)

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D.927 - ICL/55,
Dt. 7th February, 1955.

CORRIGENDA

-to-

The First Interim Report (11th August 1954 - 31st December 1954)
of the activities of
The International Commission for Supervision and Control in Laos

| Serial Nos. | Text/Appendix | Chapter, Page, Para & Line | Addition/Alteration |
|-------------|---------------|--|--|
| 1 | Text | Introduction | <u>Read</u> "1955" <u>for</u> "1954" |
| 2 | -do- | Ch.II, P2, Para 1, Line 9 | <u>Read</u> "representative" <u>for</u> "representatives" |
| 3 | -do- | Ch.II, P4, Para 8, Line 8 | <u>Delete</u> "also" |
| 4 | -do- | Ch.III, P29, Para 66, last line | Add "similarly" after "Laos" |
| 5 | -do- | Ch.VI, P52, 5th line from the bottom | Insert para No.101 for para beginning with "The basic ..." |
| 6 | -do- | Ch.VI, P53, Para 101, Sub- para (b), Line 4 | <u>Insert</u> "they" between "that" and "never" |
| 7 | -do- | Ch.X, P73, Para 137A(4), Line 2 | <u>Delete</u> "on" and <u>Insert</u> "in Laos" after "/or" |
| 8 | -do- | Ch.XI, P86, Para 152, Line 11 | <u>Add</u> quotation (") <u>after</u> "it will" |
| 9 | Appendix A | Page v, line 8 | <u>Read</u> "Nov.3" <u>for</u> "Nov.2" |
| 10 | -do- | B Page viii, Column d, last line | <u>Delete</u> "By road RC/13" |
| 11 | -do- | B Page viii, Column e, 2nd line from the bottom | <u>Read</u> "Remain" <u>for</u> "Roman" |
| 12 | -do- | C Page xi, Column 4, bottom line | Read "Political" for "Civil" |
| 13 | -do- | D Page xvi, Para (d), Line 4 | <u>Add</u> "and Special Report" <u>after</u> "Daily Situation Report" |
| 14 | -do- | I Page xxxiii, 3rd and 4th line from bottom | Transpose the two names, Souvanna Phouma and Souphannou Vong |

AGENDA
 -to-
 First Interim Report (15th August 1954 - 31st December 1954)
 the activities of
 International Commission for Supervision and Control in Laos

D. 927 - 101/55
 Dt. 7th February, 1955.

| Text \ Appendix | Chapter, Page, Para & Line | Addition/Deletion |
|-----------------|---|--|
| -do- | I Page xxxiii, 3rd and 4th line from bottom | Transpose the two names, Souphannon Phouma and Souphannon Vong |
| -do- | D Page xvi, Para (d), line 4 | Add "and Special Report" after "Daily Situation Report" |
| -do- | C Page xi, Column 1, bottom line | Read "Political" for "Civil" |
| -do- | B Page viii, Column e, 2nd line from the bottom | Read "Remain" for "Remain" |
| -do- | B Page viii, Column d, last line | Delete "By road RC\13" |
| -do- | Appendix A Page v, line 8 | Read "Nov. 3" for "Nov. 2" |
| -do- | Para 152, Line 11 | Ch. XI, p. 86, "it will" after |
| -do- | Line 2, Para 137A(+), Ch. X, p. 73 | Delete "on" and insert "in Laos" after "\or" |
| -do- | Para 101, Sub-para (b), line 4 | Ch. VI, p. 53, Insert "they" between "that" and "never" |
| -do- | the bottom, 5th line from Ch. VI, p. 52 | Insert para No. 101 for para beginning with "the basic..." |
| -do- | line, Para 66, last Ch. III, p. 29 | Add "similarly" after "Laos" |
| -do- | Para 8, line 8, Ch. II, p. 4 | Delete "also" |
| -do- | Para 1, line 9, Ch. II, p. 2 | Read "representative" for "representatives" |
| Text | Introduction | Read "1955" for "1954" |

D.1139-ICL/55
February 14, 1955

INTERNATIONAL COMMISSION
FOR SUPERVISION AND CONTROL IN LAOS

No. F.1(7)-ICL/55/280

Vientiane, the 14th Feb., 1955.

MEMORANDUM

Subject: First Interim Report - corrigenda

Further to International Secretariat Memorandum

No. F.1(7)-ICL/55/235 dated Vientiane, the 7th February, 1955,
please insert the enclosed as page (xix-a).

(Signed) **K.M. KANNAMPILLY**
Deputy Secretary-General (Admin)

D.1139-ICL/55
February 14, 1955

INTERNATIONAL COMMISSION
FOR SUPERVISION AND CONTROL IN LAOS

Vientiane, the 14th Feb., 1955.

1.1(7)-ICL/55/280

MEMORANDUM

Subject: First Interim Report - corrigenda

Further to International Secretariat Memorandum
E.1(7)-ICL/55/235 dated Vientiane, the 7th February, 1955.
Please insert the enclosed as page (xix-a).

(Signed) K.M. KANNAMPILLY
Deputy Secretary-General (Admin)

(xix-a)

QUESTIONS TO BE ASKED DURING INVESTIGATION OF
COMPLAINTS REGARDING FORCED RECRUITMENT
ref: ch.vii.p.62

1. What is your name?
2. What is the number of your battalion, company, platoon etc. ?
3. Do you have an identity card?
4. What is your nationality?
5. What is the date of your recruitment?
6.
 - i. Where were you recruited?
 - ii. Were you recruited by force?
7. Where are you proceeding?

(s-xix)

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I N T R O D U C T I O N

On 20th July, 1954, the "Agreement on the Cessation of Hostilities in Laos" was signed at Geneva. As provided in it, an International Commission for Supervision and Control in Laos was established in Vientiane on 11th August, 1954, composed of representatives of the States of Canada, India and Poland.

This is an interim report of the activities of the Commission from the date of its establishment till 31st December, 1954, and an account of the extent to which the terms of the Geneva Agreement have been implemented.

Vientiane,

15th January, 1954.

I N T R O D U C T I O N

On 20th July, 1954, the "Agreement on the Cessation of Hostilities in Laos" was signed at Geneva. As provided in it, an International Commission for Supervision and Control in Laos was established in Vientiane on 15th August, 1954, composed of representatives of the States of Canada, India and Poland.

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Vientiane,

15th January, 1954.

ESTABLISHMENT AND ORGANISATION

Establish-
ment of
the Inter-
national
Commission

1. The Geneva Agreement on the cessation of hostilities in Laos by its Article 25 stipulated:

"An International Commission shall be responsible for control and supervision of the application of the provisions of the Agreement on the cessation of hostilities in Laos. It shall be composed of representatives of the following States:

Canada, India and Poland.

It shall be presided over by the representatives of India. Its Headquarters shall be at Vientiane."

2. In accordance with this, on 11th August, 1954, Brigadier A.S. Pathania, Mr. F.G. Ballachey and Mr. S.B. Soltysiak, as representatives of India, Canada and Poland respectively, formed themselves into the International Commission for Supervision and Control in Laos.

3. Major General P.S. Gyani, Alternate Delegate of India, arrived on 21st August, 1954. Under his Chairmanship, the International Commission was engaged in the task of organising itself, establishing liaison and finalising the rules of procedure for disengagement and regroupment of the forces of the two Parties.

4. The Delegate of India, Ambassador Dr. J.N. Khosla, who had till then been acting as Chairman of the International Commission in Vietnam, arrived in Vientiane and assumed charge as Chairman of the International Commission on 4th September, 1954. Ambassador Mr. M. Graniewski, the Delegate of Poland, arrived on 14th September and Ambassador Mr. L. Mayrand, the Delegate of Canada, reached Vientiane on 1st October, 1954.

5. Thus it was only by the beginning of October, 1954, that the final composition of the International Commission was effected. Each Delegate, who has the personal rank of Ambassador, is assisted by one or two Alternate Delegates and also by Military and Political Advisers.

6. The International Commission is served by an International Secretariat. The Chairman of the International Commission is also, ex-officio, the Secretary-General of the International Secretariat. Under him there are three Deputy Secretaries-General, one each from India, Canada and Poland. For various reasons, principally accommodation, the Secretariat could not get itself well organised till the end of September. The Deputy Secretary-General from India assumed his duties on 4th September and those from Canada and Poland arrived on 5th October and 1st November, 1954 respectively.

7. The work of the Secretariat is divided among the three Deputy Secretaries-General. The

Inter-
national
Secret-
ariat

Deputy Secretary-General from India is in charge of all work connected with administration and conferences. For the latter purpose, he is assisted by a Conference Secretary. The Deputy Secretaries-General from Canada and Poland, between themselves, are in charge of work connected with the various sections of the Geneva Agreement. Publicity work and public relations are handled by a Public Relations Officer.

8. Both in the Secretariat as well as with the Teams, difficulty was experienced in the initial stages owing to the absence of qualified English/French translators and interpreters. The French Liaison Mission in Vientiane was very helpful during this period. The situation has eased since the arrival of some interpreters recruited in Geneva and in India, though even now all the Teams do not have interpreters attached to them. Apart from this, very often the need has also arisen for translation and interpretation from Laotian and Vietnamese languages also. The absence of interpreters for those languages, particularly for the Laotian language, has often held up investigations. In some parts of the country people talk and understand only local dialects, posing peculiar problems to the Inspection Teams.

9. To assist it in its work, the International Commission has set up three Committees: the Military Committee, the Political Committee and the Administrative Committee. The Military Committee consisting of the senior-most military members of the three National Delegations is responsible for studying the military aspects of problems arising out of the work of the International Commission and making recommendations thereon to the Commission. It generally supervises the operational part of the Commission's functions, particularly, with regard to the Fixed and Mobile Inspection Teams.

Committee

10. The Political Committee, also consisting of a member from each of the three National Delegations, examines, co-ordinates and determines priorities of complaints, and studies and evaluates reports received by the International Commission from the Parties or members of the public or from its Teams.

11. Matters of administrative detail are attended to by the Administrative Committee, presided over by the Administrative Officer of the International Secretariat and with the Administrative Officers of the three National Delegations as members. This Committee holds periodical meetings with officers of the French Liaison Mission in Vientiane to discuss problems connected with accommodation, transport, supplies and general logistic problems affecting the Teams.

12. In order to carry out its functions as laid down in the Geneva Agreement, the International Commission was required to set up Fixed and Mobile Inspection Teams. Transportation difficulties, accentuated by bad weather and difficult terrain, prevented the setting up of the Teams as quickly as the Commission would have desired. There was also the question of acute lack of accommodation both at Vientiane and at the centres where the Teams were to be based. This necessitated up to the middle of October

Fixed
Mobile
Teams

the staggering of the arrivals of the officers who were to constitute the Teams, as it was not possible to house all of them at Vientiane while waiting for accommodation to be made ready at the Team sites. Accommodation problems in Vientiane were and continue to be, if any thing, more difficult than elsewhere in Laos.

13. The International Commission now has 11 Teams in the field, six Fixed and five Mobile. These were positioned on the dates as given below:-

| | | |
|----------|-------------|---------------|
| 7.9.54 | Fixed Team | SAVANNAKHET |
| 17.9.54 | Fixed Team | PAKSE |
| 1.10.54 | Mobile Team | LUANG PRABANG |
| 7.10.54 | Mobile Team | SAVANNAKHET |
| 11.10.54 | Fixed Team | SOP HAO |
| 14.10.54 | Fixed Team | PHONG SALY |
| 19.10.54 | Fixed Team | VIENTIANE |
| 20.10.54 | Fixed Team | XIENG KHOUANG |
| 21.10.54 | Mobile Team | PHONG SALY |
| 26.11.54 | Mobile Team | PAKSE |
| 27.11.54 | Mobile Team | XIENG KHOUANG |

14. The Commission has not yet been able to establish a Fixed Team at Tchepone owing to the absence of any accommodation there and also since the road passing through Tchepone has been unusable. The road is now under repair and the Commission is considering stationing a Fixed Team at Tchepone.

15. The Teams have often experienced difficulty in carrying out their duties, again mainly due to transportation difficulties. Even within 45 Kms of Vientiane one of the Teams had to proceed by jeep, by country boat and on foot for fourteen days to conduct an investigation. In the northern provinces of Phong Saly and San Neua, the maintenance of the Teams is becoming a very serious problem. In both the provinces provisions have to be airdropped, and the uncertain weather, even now when there is no monsoon, has often made such drops precarious, obliging our Teams to go without normal provisions for days. There are no modern means of surface transport at all, and the movement of the Teams has perforce to be by helicopter or light aircraft. Even with helicopter transport, the uncertain weather conditions made every journey quite an adventure, and one of the Teams had to trek for three days after their helicopter crashed, before they were sighted and rescued.

16. There is no railway in Laos. The road system has deteriorated as a result of long years of war and the monsoon rains. Bridges demolished and culverts washed away make even existing stretches of roads unusable, particularly during the monsoon. In most parts of the northern provinces of Phong Saly and Sam Neua, there are only pony tracks and foot-paths over jungle-clad hills.

17. The International Commission realised early that if the mobility of the Teams was to be ensured, a considerable amount of air-transport would be necessary. It was also realised that in the northern provinces, due to the difficult nature of the ground and lack of proper air-fields for Dakotas, air support would have to be restricted to light aircraft and helicopter.

Transportation

18. The International Commission has great pleasure in placing on record its appreciation of the help it has received from the French authorities in this matter. They have provided Dakota aircraft at Vientiane for despatch of mail and personnel to Savannakhet, Pakse, Lung Prabang and Plaine-des-Jarres. They have also been very helpful in providing light aircraft and helicopters within their availability.

19. No satisfactory start, however, could be made for reconnaissance or positioning of Teams in the northern provinces until almost the end of September owing to the fact that initially all available helicopters were being used for evacuation of casualties, and, later in September, due to very bad weather. During the month of October, the weather was clear and the Commission was able to extend its activities in the north.

20. During the month of November, however, availability of helicopters and light aircraft became very much restricted. These aircraft were stationed at outlying air-strips and airports where there was no special provision for the specialised maintenance of the helicopter. Most spare parts had to be flown from Saigon. Furthermore, the withdrawal of French forces from the North made the task still more difficult. The arrangements were ad-hoc, and the effect of constant use during October also began to tell. This was unfortunate, as it occurred at the moment when the Commission needed maximum air facilities, as a number of investigations and withdrawals were in hand. Unfortunately, the situation was made worse by a spell of bad weather and the crash of one helicopter in Phong Saly. Considerable air effort, particularly in helicopters and light aircraft, was used in search and rescue work in connection with this crash as well as that of a civilian Dakota in an adjacent province.

21. The bad weather has persisted in December also. This, happening during what should be considered as clear weather period, has made the International Commission give serious thought to the problem of maintaining its Teams in this part of Laos and of carrying out its functions under the Geneva Agreement during the long monsoon months.

22. The problem of ensuring continuous availability of a sufficient number of light aircraft and helicopters to the Inspection Teams is also engaging the attention of the Commission. The provision of helicopters particularly is vital, because without them large areas of the country will be inaccessible to the Teams.

23. Signal communication facilities for the International Commission are provided by a detachment of the Corps of Signals (INDIA). All equipment has been supplied by the French authorities.

Communications

24. Wireless telegraphic communication has been established between the International Commission Headquarters in Vientiane and all the Fixed Teams. In addition, each Mobile Team has a Signal detachment. These detachments accompany these Teams whenever they go out on specified investigations. One special station has also been set up at Boun Neua to provide communication to Phong Saly. This has facilitated quick call up of helicopters.

25. In Vientiane itself, telephonic communications is provided for the International Secretariat and the three Delegations by the establishment of the Commission's own telephone exchange-"DOVE".

26. For communication among the three Commissions, a wireless net has been established covering Hanoi, Phnom, Penh and Saigon.

Medical
Cover

27. For providing medical service for the members of the International Commission, there are two doctors: one from India and one from Poland. The Commission maintains a five-bed, non-diet, sick bay in Vientiane. Full medical facilities including hospitalisation are available from the French Military Hospital in Vientiane. Supplies of medicines, drugs and other materials are procured from the French Army authorities in Laos.

28. The Commission's Teams receive medical attention from local French Military Hospitals except in the two provinces of Phong Saly and Sam Neua, where the Commission has stationed a Nursing-cum-Sanitary Assistant in each place. In addition to these, each Fixed and Mobile Team is also supplied with a First-aid kit.

Meetings

29. Since its inception on 11th August, 1954, the International Commission has held 56 meetings. In addition to these, the International Commission has held 5 meetings with the Joint Commission. The first meeting with the Joint Commission, which was informal, took place at Khang Khay on 13th August, 1954. The second meeting took place at the airport of Plaine-des-Jarres, 26 Kms. from Khang Khay, on 18th August, 1954, while the third meeting was held on 8th September at Khang Khay. It was realised by then that these brief meetings with the Joint Commission were not enough to discuss fully the problems that had to be solved. The next meeting, therefore, was held at Vientiane and lasted from 29th September until 5th October, 1954. The last conference with the Joint Commission, also at Vientiane, continued from 29th October until 6th November, 1954. During these long sessions, the International Commission was able, by persuasion and advice, to iron out some of the differences of views between the two Parties and to suggest lines of agreed action.

30. Besides these formal meetings, there were constant consultations among the three Delegations and informal meetings with the Parties separately. This method of negotiation by formal and informal approach, stressing the spirit of the Geneva Agreement rather than sticking to narrow interpretations of the text, has been of great help in producing an atmosphere of reconciliation and friendliness in which differences of views could be discussed without bitterness and serious issues settled amicably.

31. It is gratifying to put on record that in spite of inevitable differences of opinion and approach, all decisions of the Commission have been unanimous. The members of the Inspection Teams have likewise shown unanimity in most of their findings. The occasional divergences of views have been in matters of detail, in the

Unanimity

appraisal of a factor or a situation and in devising ways and means in tackling a particular situation.

32. All members of the International Secretariat and the three National Delegations carry identity cards issued by the Secretary-General. In addition to this, the members of the Teams are also provided with credentials in four languages: English, French, Laotian and Vietnamese. Most of the vehicles used by the Commission and its Teams are already painted white; painting of the others will be completed soon. All vehicles of the Inspection Teams fly white flags. The buildings occupied by the Commission and the Teams also fly the International Commission flag.

Security

Medical Cover

33. Article 38 of the Geneva Agreement provides that the Secretariats-General of the three Commissions shall be responsible for co-ordinating their work and for relations between them. Accordingly, in November 1954, a meeting was held at Hanoi of the three Secretariats-General, at which matters of common interest, particularly with regard to administration, staff requirements, maintenance of accounts, public relations and handling of complaints and petitions were discussed and decided on, subject to confirmation by the respective Commissions. It was also decided to hold such co-ordination meetings at regular intervals.

Co-ordination of the three Secretariats General

34. The International Commission suffered a serious loss on the 24th of December, 1954, when Mr. J.H. Thurrott of the Canadian Delegation died in a jeep accident. Mr. Thurrott had been the Canadian Delegate on the Commission for a while in September; and after the arrival of Mr. L. Mayrand, continued to render valuable service as Political Adviser to the Canadian Delegation and as a member of the Political Committee. Genial and friendly, "Jack" had won the affection of all in the Commission, and every one felt his death as a personal loss of a warm hearted friend and a valuable colleague.

Death of Mr. J.H. Thurrott

35. In this first report of its activities, the Commission would like to record its appreciation of the services rendered to the cause of peace in Laos by Mr. J.H. Thurrott.

36. In the chapters that follow will be found detailed accounts of the extent to which the terms of the Geneva Agreement have been carried out, and how far the Commission has been able to fulfil its functions till 31st December, 1954.

Progress Report

C H A P T E R: III

REGROUPMENT AND WITHDRAWAL OF FORCES

37. The following time table was laid down by the Geneva Agreement for the implementation of the clauses dealing with the indigenous and foreign forces in Laos.

Time-Table

6th August, 1954 - Simultaneous cessation of hostilities throughout the territory of Laos (Article 2).

Annex

15th August, 1954 - The date by which the Franco-Laotian forces and the Vietnamese People's Volunteer / "Pathet Lao" forces should communicate to each other their plans for the transfer of all troops to be regrouped in Provisional Assembly Areas (Article 4 a). The forces of the Laotian National Army would remain in situ (as on 6th August, 1954) during the entire duration of the operations of disengagement and transfer of foreign forces and fighting units of "Pathet Lao". (Article 12).

21st August, 1954 - The date by which the disengagement, regroupment and transfer to Provisional Assembly Areas of all except the forces of the Laotian National Army should be completed. (Article 11).

19th November, 1954 - The date by which:

(a) the withdrawal and transfer from the Provisional Assembly Areas out of Laos, of the Military forces, supplies and equipment of the French Union and the Vietnamese People's Volunteer forces, should be completed. (Article 4 a).

(b) the transfer into the provinces of Phong Saly and Sam Neua of all Fighting Units of "Pathet Lao" not demobilised on the spot.

Four Categories of Forces

38. The forces in Laos were divided into four categories viz. the Laotian National Army, the forces of the French Union, the Fighting Units of "Pathet Lao" and the Vietnamese People's Volunteer forces. In the first stage, the opposing forces were to be disengaged (separated) from one another; in the second, the forces of the French Union, the "Pathet Lao" and the Vietnamese People's Volunteers were to be regrouped in the Provisional Assembly Areas; in the third stage:

(a) the Vietnamese People's Volunteers were to be completely withdrawn from Laos;

(b) the French Union forces were to be withdrawn, except for 5,000 men, as laid down under Articles 6 and 8.

(c) the fighting units of "Pathet Lao" (except for any military personnel who wished to be demobilised where they were stationed) were to be withdrawn and finally assembled in the provinces of Phong Saly and Sam Neua.

39. In all this, the primary responsibility lay with the Joint Commission:-

Responsibility of the Joint Commission

- (a) Article 12 charged it with the task of fixing the site and boundaries of the Provisional Assembly Areas;
- (b) Article 3(b) required the Joint Commission to ensure the safety of the troops on the move or in the process of being withdrawn. "In particular, while the forces of one party are withdrawing by a line of communication passing through the territory of the other party (roads or waterways) the forces of the latter party shall provisionally withdraw two kilometres on either side of such line of communication, but in such a manner as to avoid interfering with civilian traffic";
- (c) under Article 4(c), it was to determine the routes for the withdrawal from Laos of the forces of the French Union and Vietnamese People's Volunteers (not of the "Pathet Lao");
- (d) Article 28 required the Joint Groups of the Joint Commission to follow the forces in their movement.

Co-ordination of the th Secretariats General

40. The International Commission was empowered to supervise and control the withdrawals under the following articles of the Geneva Agreement:

Supervision by the International Commission

- (a) Article 4(f), which charged the International Commission to supervise the implementation of measures to ensure the safety of the forces during withdrawal and transfer;
- (b) Article 27(a), which vested in it the right to control the withdrawal of foreign forces in accordance with the provisions of the Agreement on the cessation of Hostilities and to see that frontiers were respected;
- (c) Article 26, which empowered it to set up Fixed and Mobile Teams for the purposes of supervision, investigation and observation.

Forces to Progress Report

41. The final and effective disengagement of the forces depended on their regroupment in separate Provisional Assembly Areas. Article 12 stipulated that:-

Disengagement and Regroupment in Provisional Assembly Areas

- (a) the Vietnamese People's Volunteers and the French Union forces would each have 5 Provisional Assembly Areas;

(b) the fighting units of "Pathet Lao" would be concentrated in 12 Provisional Assembly Areas, one in each province of Laos;

(c) the troops of the Laotian National Army would remain in situ.

42. In accordance with Article 4(a), the two Parties communicated to each other, before 15th August, 1954, their transfer and assembly plans.

43. The Franco-Laotian side, in a communication dated 9th August, 1954, proposed 5 Provisional Assembly Areas for the French Union forces (3 in the northern provinces of Xieng Khouang, Luang Prabang and Vientiane and 2 in the southern provinces of Savannakhet and Pakse).

44. The Vietnamese People's Volunteers/"Pathet Lao" side, in a communication dated 10th August, 1954 proposed 5 Provisional Assembly Areas for the Vietnamese People's Volunteers (one each in the northern provinces of Phong Saly, Vientiane and Xieng Khouang and one each in the southern provinces of Savannakhet and Attapeu) and 8 Provisional Assembly Areas for the "Pathet Lao" (one each in the provinces of Luang Prabang, Xieng Khouang, Vientiane, the whole of the province of Sam Neua, the whole of the province of Phong Saly but excluding the area allotted to Vietnamese People's Volunteers, and one each in the southern provinces of Thakhek, Saravane and Pakse) instead of 12 to which they were entitled.

45. According to the Franco-Laotian side, the Vietnamese People's Volunteers/"Pathet Lao" side verbally agreed to the Franco-Laotian project of 9th August, 1954, but did not, in spite of two reminders, send any written confirmation of their approval. On 14th August, 1954, the Franco-Laotian side informed the International Commission that they would start moving their troops from 15 August to the Provisional Assembly Areas selected by them.

46. Regarding the Vietnamese People's Volunteers/"Pathet Lao" project of 10th August, 1954, the Franco-Laotian side said that:

(a) the Provisional Assembly Areas were too large;

(b) many of the Provisional Assembly Areas of the Vietnamese People's Volunteers and the fighting units of "Pathet Lao" were contiguous and were, therefore, against the principle of disengagement.

47. In view of these objections, the Vietnamese People's Volunteers/"Pathet Lao" side made fresh suggestions on 17th August, 1954. They reduced almost all the Provisional Assembly Areas except those in the provinces of Phong Saly and Sam Neua. The Franco-Laotian side agreed to these revised areas, provided the Vietnamese People's Volunteers/"Pathet Lao" forces completed their withdrawal from the proposed Provisional

Transfer and Assembly Plans

Recommendation of the International Commission

The Agreement signed by the Commission on August 29-30

Assembly Areas in Saravane, Attapeu and Pakse by 30th September, 1954, and from Savannakhet, Thakhek and Vientiane by 15th October, 1954.

48. As regards the provinces of Phong Saly and Sam Neua, the Franco-Laotian side, basing themselves on Article 12, rejected the Vietnamese People's Volunteers/"Pathet Lao" contention of constituting the totality of the province of Phong Saly into Provisional Assembly Areas for the Vietnamese People's Volunteers/"Pathet Lao" forces and the whole of the province of Sam Neua for the fighting units of "Pathet Lao" only. The Vietnamese People's Volunteers/"Pathet Lao" side based their proposal concerning the provinces of Phong Saly and Sam Neua as regards the fighting units of "Pathet Lao" on Articles 12 and 14 of the Agreement read together. On 18th August 1954, both the Delegations submitted to the International Commission for its recommendation, a list of their differences, including those concerning the Provisional Assembly Areas.

responsibility of the Joint Commission
Transfer
- SA
Assembly
Plans

49. The problem received the attention of the International Commission from the very beginning. At its 8th meeting (26th - 29th August), it decided to ask the Joint Commission to bear in mind the following points while fixing the Assembly Areas:

Recommendation of the International Commission

- (a) actual strength of the forces to be assembled in each area;
- (b) the necessity for facilitating supervision and check by the Joint Groups and Fixed and Mobile Teams of the International Commission;
- (c) the locations occupied by the Laotian National Army to be excluded;
- (d) roads and routes for supplying Laotian National Army to be excluded;
- (e) withdrawal routes to be taken into consideration.

50. Almost simultaneously, on 30th August, 1954, the Joint Commission signed an agreement which indicated a similarity of approach between it and the International Commission.

51. The agreement of 30th August between the two Parties was on the following points:

The Agreement signed by the Joint Commission on August 29-30

- (a) Provisional Assembly Areas - The 5 Provisional Assembly Areas for the French Union troops remained the same as proposed in the Franco-Laotian side's communication of 9th August, 1954. Those for the Vietnamese People's Volunteer and the "Pathet Lao" forces were further reduced in area, and in addition a change was made in that the Vietnamese People's Volunteers were allotted a Provisional Assembly Area in the province of Sam Neua instead of the

province of Xieng Khouang. Further, the Agreement specified that the Vietnamese People's Volunteers were to have 5 and the fighting units of "Pathet Lao" to have 6 Provisional Assembly Areas. In this agreement, it should be noted, no mention was made concerning the Provisional Assembly Areas for the fighting units of "Pathet Lao" in the provinces of Phong Saly and Sam Neua. This complete absence of any reference was to be the cause of bitter controversy later. The Vietnamese People's Volunteers/"Pathet Lao" side quoted it as an assurance on the part of the Franco-Laotian side to consider the two provinces, not as Provisional Assembly Areas, but as the final assembly area for the fighting units of "Pathet Lao". The Franco-Laotian side, on the other hand, said protestingly that they were only trying to facilitate the signing of an agreement by avoiding controversial matters;

(b) regroupment of Vietnamese People's Volunteers/"Pathet Lao" forces in the Provisional Assembly Areas was fixed for 5th September, 1954. The French Union troops had completed their concentration by 21st August, 1954, in conformity with Article 11;

(c) routes of withdrawal of the French Union and Vietnamese People's Volunteer forces from the Provisional Assembly Areas out of Laos as well as the routes within Laos for the movement of the fighting units of "Pathet Lao" were also drawn up;

(d) withdrawal of all the above-mentioned forces, excepting those covered by Articles 6, 8 and 14, was to be completed by 21st November, 1954.

52. A subsequent letter dated 9th September, 1954 from the Vietnamese People's Volunteers/"Pathet Lao" side proposed certain changes in the route of withdrawal from Lower Laos and proposed that withdrawal from:

- (a) the province of Pakse should commence between 15th and 20th September;
- (b) the province of Attopeu between 15th and 20th October;
- (c) the province of Saravane between 20th and 30th October.

53. All these suggestions regarding the route and schedule of withdrawal of Vietnamese People's Volunteers/"Pathet Lao" troops were accepted by the Franco-Laotian side on 13th September, 1954.

54. Another agreement was signed between the two parties on 29th August, 1954 on the subject of Joint Groups. The Franco-Laotian suggestion, at first, was to have, under the Joint Commission, twelve Joint Groups scattered in different areas of Laos. The Vietnamese People's Volunteers/"Pathet Lao" side, on the other hand, proposed the establishment of Joint Sub-Committees in the frontier areas under the control of the Joint Commission. In the next set of proposals, the Vietnamese People's Volunteers/"Pathet Lao" side suggested the creation of Joint Sub-Commissions (one at Mahaxay for Middle Laos and the other at Paksong for Lower Laos), in place of the Frontier Sub-Committees. The Franco-Laotian side accepted this proposal, but still insisted on having twelve Joint Groups (six under the Joint Commission and three under each Joint Sub-Commission in Middle Laos and Lower Laos). The agreement of 29th August finally provided for two Joint Sub-Commissions as suggested by the Vietnamese People's Volunteers/"Pathet Lao" side and for ten instead of twelve Joint Groups as suggested by the Franco-Laotian side.

Joint Groups

55. Further agreements were registered on 13th September when the Franco-Laotian side acceded to the following requests made by the Vietnamese People's Volunteers/"Pathet Lao" side:

Ancillary Agreements

(a) evacuation of the wounded and sick from Lower Laos, The Franco-Laotian side agreed to have them transferred to and treated at Pakse;

(b) assembly and transportation of Vietnamese People's Volunteers/"Pathet Lao" armaments and munition stocks of Lower Laos. The Franco-Laotian side agreed to transport 15 tons of Vietnamese People's Volunteers/"Pathet Lao" armaments (six from Bassac and nine from East Muong May) from Pakse to Ban Naphao. A bilateral agreement was signed on 17th September, 1954;

(c) supply for Vietnamese People's Volunteers/"Pathet Lao" troops in Lower and Middle Laos and in Vientiane. The Franco-Laotian side agreed to supply the Vietnamese People's Volunteers/"Pathet Lao" forces with rice during regroupment and withdrawal provided the latter stopped what the Franco-Laotian side called recruitment.

56. The sites and boundaries of the Provisional Assembly Areas having been fixed, the only remaining problem after 30th August was to get an overall agreement regarding the withdrawal of forces thus assembled. The Franco-Laotian side reported having completed the regroupment of French Union forces by 21st August. On 11th September, the International Commission enquired if the Vietnamese People's Volunteers/"Pathet Lao" side too had completed the regroupment of their forces. The Commission was informed that regroupment had been completed in the province of Saravane, Pakse and Attapeu. Relating to other provinces, information was not received from the Vietnamese

Action by the International Commission

People's Volunteers/"Pathet Lao" side until 29th September, when they announced at the meeting of the International Commission with the Joint Commission that regroupment had been completed.

57. Neither party, however, gave to the other or to the International Commission precise information regarding the movement of its troops sufficiently in advance as to make supervision effective. On this subject, the Vietnamese People's Volunteers/"Pathet Lao" side stated on 9th September that the withdrawal of 3,000 Vietnamese People's Volunteers and 1,400 "Pathet-Lao" troops would start from Pakse, Attapeu and Saravane on 15th September, 15th October and 20th October respectively. Only a list of the location of French Union troops was received from the Franco-Laotian side on 27th September.

58. The International Commission, therefore, brought the subject up at its meeting with the Joint Commission between 29th September and 5th October. It succeeded in securing some information from both sides. The Vietnamese People's Volunteers/"Pathet Lao" side gave the total strength of their effectives and their routes of withdrawal.

59. The Chief of the Franco-Laotian Delegation, however, made it clear that he "had no objection to inform the International Commission in good time of the details of troops withdrawals", but that "as long as he did not know the dates of withdrawal and the size of the forces of the other party, the Franco-Laotian Delegation would not give any information of its own troops of the same nature." Following this, the Vietnamese People's Volunteers/"Pathet Lao" side, at the request of the International Commission, gave a breakdown of their troops according to each Provisional Assembly Area. They stated that troops would start withdrawing from Vientiane area on 1st October. On 5th October, they further intimated that two "Pathet Lao" Companies had already been withdrawn from the provinces of Savannakhet and Thakhek, and that one more "Pathet Lao" Company and one Vietnamese People's Volunteers battalion would start evacuating on 20th October and 15th November respectively. At its meeting of 9th October, the International Commission noted once again that the two parties had failed to inform it of the agreed dates of withdrawal. On 12th October, the Vietnamese People's Volunteers/"Pathet Lao" side gave a more detailed plan of withdrawal. The Franco-Laotian side too forwarded a rough plan as well as a schedule of withdrawals on 13th October. At this stage, it was apparent that more detailed information would not be forthcoming and that the Joint Commission and the International Commission would have to ensure satisfactory execution of the withdrawals on the information so far made available.

60. The International Commission had planned to keep itself informed of the progress of withdrawals through its Fixed Teams which were in constant touch with the Joint Sub-Commission/Joint Groups and, in addition, had arranged to send out Mobile Teams to check the moves at starting points and at suitable places en route. In view of the fact, however, that precise information could not be provided by either of the parties sufficiently in advance, the Commission decentralised supervision of withdrawals to the Fixed and Mobile Teams in their areas of

Detailed
Informa-
tion

Supervision
of With-
drawals

responsibility. The Teams were given all the information that was available and were directed to obtain details of the actual date and time of moves from local Commanders or Joint Sub-Commissions.

Joint
troops

61. On 1st November, 1954, the subject was again reviewed at a meeting of the International Commission with the Joint Commission. Both sides assured the Commission that their forces were carrying out the withdrawals satisfactorily. The Vietnamese People's Volunteers/"Pathet Lao" side stated that their units had been completely withdrawn from the provinces of Vientiane, Attapeu, Pakse, Savannakhet and Saravane and that those assembled in the other provinces would be evacuated according to schedule. The Franco-Laotian side, too, stated that all except 250 French Union troops (not including those which could be retained in Laos under Articles 6 and 8) had left the country. It might be noted that the Delegations to the Joint Commission were under the impression that withdrawals and transfers were to be completed by 21st November. The parties were informed by the International Commission in a communication dated 4th November that the withdrawal should be completed by 0800 hours on 19th November, 1954, as laid down under Article 4(a) of the Geneva Agreement. The evacuation of all French Union troops, except those which were to be maintained in Laos under Articles 6 and 8, was completed by 19th November. The last Vietnamese People's Volunteers units left Lower Laos on 15th November and Middle Laos on 16th November. Those stationed in Phong Saly had to postpone their final date of departure because of the lack of transport and medical arrangement and completed their withdrawal by 22nd November.

Completion
of With-
drawals

Detailed
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william
greeman

62. The International Commission has pleasure in reporting that, by and large, withdrawals were carried out without any clash or incident between the forces of the two parties. The details of withdrawals of which prior notice was given and the supervision as carried out by the International Commission is given in Appendices "A" and "B". The Commission would, however, like to bring out some of the salient problems and difficulties experienced in the course of supervising these withdrawals.

Difficulties
Experienced
in carrying
out Super-
vision

63. The problem of the withdrawal of the French Union Forces was not clear-cut in that the French High Command was entitled to leave behind at Seno a force of 3,500 men and also transfer 1,500 French personnel to the Laotian National Army. Therefore, the French forces did not merely have to leave the country but also to disperse their personnel to the various places where they were required by the Royal Laotian Government. In the case of troops for the French Union Garrison at Seno, they even brought a sub-unit from Vietnam, to complete the battalion. The procedure adopted by the French High Command was to disperse the personnel for the Laotian National Army directly from the Assembly Areas and concentrate the remainder of the French forces in Seno. Owing to lack of surface communications in the North, the forces from Luang Prabang and Plaines-Jarres were moved to Seno in small detachments as and space was available in any of the aircraft on routine flights from those places. Some of these reorganised units were retained at Seno as part of the 3,500 personnel and the

Withdrawal
of French
Union
Forces

tion
e Inter
national
division
-with-
drawals

others moved out along with other surplus units from Seno. Thus, the main exodus out of Laos of the French Union Forces was from Seno.

Withdrawal of Viet-
namese
People's
Volunteers
and the
"Pathet
Lao"
Forces

64. The Provisional Assembly Areas of the Vietnamese People's Volunteers/"Pathet Lao" forces were located in the areas away from the main arterial roads. Access to these areas by surface transport was difficult and restricted in that all the tracks and roads leading to them had been damaged and the various rivers and small streams could not be forded by motor vehicles. Secondly, their routes of withdrawal too were mostly cross country along foot-paths except for a very small portion of the road in the area of Saravane. It was reported that these units had no facilities for providing wireless communication and consequently no exact information could be given with regard to the progress of withdrawal along the route or of last minute changes in their plans. Their plans were liable to interference by climatic conditions and occasional floods in the rivers across their routes. Lastly, they also had to organise special dumps of rice-supplies along their route and it was reported by them that the programme of dumping of these stocks was not always to schedule. This was due, according to them, to the fact that the Franco-Laotian side had failed to give them rice under the agreement of 13th September.

Identifi-
cation of
Units

65. Identification of either the Vietnamese People's Volunteers or the "Pathet Lao" units was not possible. No details as to the identity of these units were given, nor could they be checked by the Joint Groups or the International Commission Teams as they wore no badges or distinguishing signs by which personnel could be identified. It was only possible to ascertain the number of the personnel in a column, and whichever column was controlled its numbers were noted. The French Union Units, on the other hand, were easily identifiable. Their strength and identity was noted down whenever a check was made.

Co-operation
between
Two Parties
in Joint
Groups

66. The Commission would like to draw attention to the fact that owing to a considerable amount of distrust and also differences of opinion with regard to the positioning of Joint Groups, all the withdrawals were not actually followed by the Joint Groups. In the northern provinces only one withdrawal, that is from the "Pathet Lao" Provisional Assembly Area in the province of Luang Prabang, was actually followed by a Joint Group. The Vietnamese People's Volunteer forces withdrawing from the Assembly Areas of Sam Neua and Phong Saly and the Vietnamese People's Volunteers/"Pathet Lao" forces withdrawing from the Provisional Assembly Area of Tourakom in the province of Vientiane, were not followed by the Joint Groups. But the troops from Tourakom were partly checked by the Joint Group along with an International Team at the frontier of Laos. The French Union Forces, leaving Luang Prabang and Plaine-des-Jarres and Vientiane by air, were not checked by the Joint Groups. In the southern provinces within the Paksong Sub-Commission zone, some attempt was made by the Joint Groups to follow the withdrawals, but there were a number of complaints by both the parties that some of the moves took place without the knowledge of the Joint Groups. Complaints were received

from the Vietnamese People's Volunteers/"Pathet Lao" side that their representatives were not informed of the schedule of moves of the French Union Forces leaving Seno. Similarly, complaints were made by the Franco-Laotian representatives that the Vietnamese People's Volunteers/"Pathet Lao" forces had deviated from their authorized route and had also changed the schedule at the last minute. The withdrawals carried out in the area under the control of the Mahaxay Sub-Commission, however, seemed to have been quite satisfactory. Each time when the failure to follow a withdrawal by either of the parties was reported of the International Teams, they went out to check the column personally in addition to the normal plans that they had made for carrying out their own checks.

Withdrawal
of
the
French
Union
Forces
and
the
Vietnamese
People's
Volunteers

67. Owing to last minute non-availability of helicopters, the withdrawals of the Vietnamese People's Volunteer troops in the province of Phong Saly and Sam Neua and of the "Pathet Lao" troops in the province of Luang Prabang could not be satisfactorily checked by the International Teams.

Transport
Difficulties

68. It is to be noted that during the period from August until the first week of October, when the Delegations to the Joint Commission were not giving each other precise information regarding the movements of troops of either Party, certain number of troops of both the Parties withdrew, particularly during September, without the knowledge of either the Joint Commission or the International Commission. This concerns particularly the French Union troops which moved out of the Assembly Areas of Luang Prabang and Plaine-des-Jarres and Vientiane in small detachments or even at times in ones and twos. Owing to the fact that personnel for all our Teams had not arrived during September and no Fixed Teams could be located at either Luang Prabang or Plaine-des-Jarres, the Commission could not have checked them. In the case of Vietnamese People's Volunteers/"Pathet Lao" forces, there were reports of their units moving in September without giving prior information. As a result of one such complaint, a Mobile Team was rushed out at short notice to verify this information, but owing to transport difficulties this Team could not actually reach the required place. But the Vietnamese People's Volunteers/"Pathet Lao" Delegation on the Joint Sub-Commission at Mahaxay confirmed that one Vietnamese People's Volunteers unit had moved on 28th September, and that owing to various problems, such as floods etc., sufficient notice could not be given to the other party.

Withdrawals
During August
& September

Identifi-
cation of
Units

Co-operation
between
the
two
Parties
in
Joint
Groups

69. In conclusion it may be said that owing to difficult terrain and monsoon weather, particularly till the end of September, and mutual distrust between the two Parties, and the fact that the Commission staff and its Teams did not get fully set up till early October, the withdrawals were not checked in toto by either the Joint Groups or the International Teams. While it is true that some movements and withdrawals were carried out during the month of September, the Commission is satisfied that the bulk of the withdrawals were carried out during October and November and that those were checked to a considerable extent. It is reiterated that there were

Conclusion

no clashes between the two Parties on the routes of withdrawal, nor were there any major incidents in the Provisional Assembly Areas at the time of evacuation by the forces of either Party. Finally, it is stressed that the Commission has had to rely to some extent on the assurances given by the two Parties that they have completely withdrawn their forces in accordance with the terms of the Geneva Agreement.

C H A P T E R : IV

SPECIAL CONVENTION REGARDING VIETNAMESE PEOPLE'S VOLUNTEERS SETTLED IN LAOS BEFORE HOSTILITIES

70. Article 4, para (b) of the Geneva Agreement reads: "The withdrawals of the Vietnamese People's Volunteers from Laos to Vietnam shall be effected by provinces. The position of those volunteers who were settled in Laos before the hostilities shall form the subject of a special convention."

71. The International Commission in its letter of 30th August to the Heads of the Franco-Laotian and Vietnamese People's Volunteers/"Pathet Lao" Delegations requested that the subject of the special convention be given a high priority and that the convention be drawn up as early as possible in view of the fact that the withdrawal and transfer of the Peoples Volunteers of Vietnam were to be completed within 120 days from the day on which the Cease Fire Agreement entered into force. It requested further that the special convention take into account, not only the Vietnamese who were settled in Laos and now belonged to the Vietnamese People's Volunteers but also similar Vietnamese who might be serving in the "Pathet Lao" and French Union Forces. The Vietnamese who were not defined by the convention as having the right to settle in Laos should then be transferred to the Assembly Areas set apart for foreign forces.

72. The points of view of both sides were presented at the session of the International Commission with the Joint Commission on 29th and 30th September, 1954.

73. The Franco-Laotian Party represented that it had presented the other Party with a rough draft for such a convention and was anxious for its conclusion because it was essential to the realisation not only of the disengagement of the forces of the Vietnamese People's Volunteers from those of "Pathet Lao" (Article 12) but also to the withdrawal and transfer of the Vietnamese People's Volunteers. The Franco-Laotian side promised to submit another draft after consulting the Royal Government, both to the International Commission and to the other Party. The Franco-Laotian Delegation, however, declared that should the convention not be signed by the date by which the forces of the Vietnamese People's Volunteers were to leave Laos, the Royal Government had decided that no exception would be made with respect to those individuals who were settled in Laos before the hostilities and were of Vietnamese nationality.

Letter to the Parties

View points of the Parties

74. The Vietnamese People's Volunteers/"Pathet Lao" Delegation represented that while all Vietnamese Volunteers who had fought in Laos would be completely withdrawn to Vietnam before the due date, the Vietnamese immigrants settled in Laos had the right to enjoy fundamental democratic freedoms as well as the right to reside in Laos just as any immigrant from any other country. It added that should the Franco-Laotian Party wish to settle the situation in a different manner, that would be the responsibility of the two Governments concerned - the Government of the Democratic Republic of Vietnam and the Royal Government of Laos. As the matter was a political one, the Vietnamese People's Volunteers/"Pathet Lao" Delegation was not competent to enter into discussion on this question, but was ready to study any proposal that the Franco-Laotian Delegation may make, and to advise its High Command on it.

75. At the request of the International Commission, the question of the special convention was again raised during the meeting of the International Commission and the Joint Commission, on 2nd November, 1954. Declaration by Vietnamese People's Volunteers "Pathet Lao" Delegation

76. The Chief of the Vietnamese People's Volunteers/"Pathet Lao" Delegation made the following declaration:

77. "Article 4, paragraph (b) of the Geneva Agreement states that the withdrawal of the Vietnamese People's Volunteer forces from Laos to Vietnam will be effected by provinces and that the position of these Volunteers who have settled in Laos before the hostilities would form the subject of a special convention. Following the policy of peace rigorously followed by the Government of the Democratic Republic of Vietnam the Government of the Democratic Republic of Vietnam and the High Command of the Vietnamese People's Volunteers are firmly decided to implement the Geneva Agreement by withdrawing totally all the Vietnamese People's Volunteer forces from the territory of Laos, thus rendering it unnecessary to set up a special convention regarding the position of these Vietnamese Volunteers who have settled in Laos before the hostilities.

78. As a representative of the High Command of the Vietnamese People's Volunteers army, I solemnly declare that the High Command of the Vietnamese People's Volunteers army has decided to withdraw completely all the forces of the Vietnamese People's Volunteers from Laos to Vietnam in conformity with the date provided for in the Geneva Agreement. The High Command of the Vietnamese People's Volunteer Forces will make a similar declaration concerning the complete withdrawal of all forces of the Vietnamese People's Volunteers from the territory of Laos to Vietnam".

79. The Chief of the Franco-Laotian Delegation took note of this declaration which, according to him, was made in lieu of the special convention and requested its transmission also to the Royal Laotian Government. He pointed out that this declaration was a unilateral decision and was against the text which was freely signed by both the parties. Reaction of the Franco-Laotian Delegation

80. By way of further clarification as to whether the Volunteers established in Laos before the hostilities, but who joined the "Pathet Lao" forces, were included among those to be withdrawn from Laos before 19th November,

the Chief of the Vietnamese People's Volunteers/"Pathet Lao" Delegation said that his declaration referred to all Volunteers of Vietnam who had fought in Laos.

Not a live issue

81. In the circumstances the Commission feels that for the time being the question of the special convention is not a live issue.

CHAPTER: V

REMOVING AND NEUTRALISING MINES

82. Article 3 of the Geneva Agreement stipulated that all operations and movement entailed by the cessation of hostilities and regrouping must proceed in a safe and orderly fashion. In this respect, it particularly provided, in Article 3(a), that within a number of days to be determined by the Joint Commission, each Party should be responsible for removing and neutralising mines, booby traps, explosives and any other dangerous substance placed by it. In the event of its being impossible to complete the work of removal and neutralisation in time, the Party concerned was required to mark the spots by placing visible signs there.

Khang Khay Agreement

83. A further agreement was signed between the two Parties at Khang Khay on 29th August, 1954 that all such mines and booby traps on the routes of withdrawal and important lines of communication and vicinity of populated areas would be removed, and in case such removal was impossible, they would be fenced in. This agreement was also to apply within the Provisional Assembly Areas.

Removal Operations

84. The removal and neutralising of mines and booby traps for ensuring the safety and regrouping of forces in an orderly fashion did not raise any problem. Generally speaking, the forces of the two Parties were not in close contact with each other and did not have to move to their regrouping zone through areas held by the other Party. It was reported, in fact, that the mines and booby traps were systematically laid only in a few places and these were properly marked and were generally within a barbed wire enclosure. Some mines and booby traps were said to have been laid at odd places as "nuisance minefields", of which neither side had maintained charts, but these were in jungles round about the hide-outs of irregular troops.

Implementation

85. Both the Parties gave an assurance on 29/30th September, 1954 that the agreement had been fully implemented. The International Commission records with pleasure that throughout the move of the forces to the regrouping areas and during their withdrawal that followed, there was no complaint or report of any casualty due to mines or booby traps.

88. The Vietnamese People's Volunteers/"Pathet Lao" side, on the other hand, submitted on 17th August, 1954, a project regarding the procedure for the exchange of prisoners of war and civilian internees. The following were the salient features:

CHAPTER: VI
PRISONERS OF WAR AND CIVILIAN INTERNEES

86. Quite early in its career, the International Commission took up the question of liberation and repatriation of the prisoners of war and civilian internees with the Joint Commission.

Article 16 of the Geneva Agreement laid down that:-

"The liberation and repatriation of all prisoners of war and civilian internees detained by each of the two Parties at the coming into force of the present Agreement shall be carried out under the following conditions:-

(a) all prisoners of war and civilian internees of Laotian and other nationalities captured since the beginning of hostilities in Laos, during military operations or in any other circumstances of war and in any part of the territory of Laos, shall be liberated within a period of thirty (30) days after the date when the cease fire comes into effect;

(b) the term "civilian internees" is understood to mean all persons who, having in any way contributed to the political and armed strife between the two Parties, have been arrested for that reason or kept in detention by either Party during the period of hostilities;

(c) all foreign prisoners of war captured by either Party shall be surrendered to the appropriate authorities of the other Party, who shall give them all possible assistance in proceeding to the destination of their choice".

This specified that:-

(i) only those taken prisoners or detained in Laos would be the subject of an exchange;

(ii) all Laotian and foreign prisoners of war and civilian internees would be liberated by 5th September, 1954.

87. The International Commission at its fourth meeting (17th August, 1954) decided to ask the Vietnamese People's Volunteers/"Pathet Lao" and Franco-Laotian Delegations to submit to it, lists, numbers and plans of the release of prisoners of war and civilian internees. The Commission noted at its meeting of 1st September, 1954 that the Franco-Laotian Delegation had communicated the numbers of prisoners of war and civilian internees.

Lists,
Numbers
Plans of
Release

88. The Vietnamese People's Volunteers/"Pathet Lao" side, on the other hand, submitted on 17th August, 1954, a project regarding the procedure for the exchange of prisoners of war and civilian internees. The following were the salient features:-

(a) all prisoners of war and civil internees will be liberated and handed over by each Party. Each Party is responsible for handing over to the other all prisoners of war and civil internees;

(b) prisoners of war who are not of Laotian nationality and civilian internees of Vietnamese nationality will be handed over and received at Sam Son (Province of Thanh Hoa, Vietnam);

(c) prisoners of war and political officers of Laotian nationality of each side will be handed over and received at a suitable place in the Province of Sam Neua (Laos);

(d) Laotian civilian internees will be liberated in the provinces in which they were captured;

(e) the Joint Commission* for Laos is responsible for the handing over of prisoners of war and civilian internees as follows:-

(i) handing over of prisoners of war and political officers - The two Parties will send special envoys to the place earmarked, to carry out the plan of the Commission and to report to the Joint Commission regarding the prisoners of war and officers of their side;

(ii) if necessary, the Joint Commission will detail special envoys to control the handing over of civil internees in the different provinces. The local civil authorities should give all possible help to these operations.

89. The Franco-Laotian Delegation immediately agreed, but only to point (b) of the Vietnamese People's Volunteers/"Pathet Lao" project, in conformity with which 195 French Union prisoners of war were handed over by the Vietnamese People's Volunteers/"Pathet Lao" side on 11th September, 1954 in exchange for 109 (35 prisoners of war and 74 civil internees) Vietnamese liberated by the Franco-Laotian side on 8th September, 1954. The bulk of the Laotian prisoners of war remained unaccounted for, and thus the two Parties failed to keep to the timetable laid down under Article 16 of the Geneva Agreement. The International Commission contacted them again, but no agreement could be reached between the Parties before 27th September, 1954.

90. The agreement between the Vietnamese People's Volunteers/"Pathet Lao" and the Franco-Laotian Delegations of 27th September, 1954 incorporated all the five points enumerated above of the Vietnamese People's Volunteers/"Pathet Lao" project of 17th August, 1954. It divided all prisoners into three categories -

* No special organisation for exchange should be set up.

Number
Claimed
-V-
Number
Released

Agreement
Between
Parties

- (a) prisoners of war and political internees of non-Laotian or Vietnamese nationality;
- (b) Laotian prisoners of war and political internees; and
- (c) ordinary civilian internees of Laotian nationality.

It gave the exact number of prisoners held by each Party under each category, and laid down that the first category should be exchange at Sam Son in the province of Thanh Hoa (Vietnam), the second at Hua Muong in the province of Sam Neua (Laos) and the third either at Ban Phon Hong (Laos) and Mahaxay (Laos) or at a place selected by the local authorities of the place of detention. In all, the Vietnamese People's Volunteers/"Pathet Lao" and the Franco-Laotian sides agreed to exchange, in addition to 309 prisoners released on 8th and 11th September, 1954, 266 prisoners of all categories held by the former and 101 held by the latter, by 10th October, 1954. Finally the two Parties contracted to make enquiries as regards the prisoners of war and civil internees claimed by the other but still remaining untraced.

91. The progress made with regard to the problem of prisoners of war and civil internees can be gauged by comparing the actual release figures and the claims during the period anterior and posterior to the agreement of 27th September, 1954.

Number
Claimed
-Vs-
Number
Released

1. French Union prisoners of war and civil internees

| Date | Held by the PVV/PL according to F/L | Admitted by the PVV/PL | Released by the PVV/PL |
|---|-------------------------------------|---|--|
| Before 27th September, 1954 | 167 PsOW 10 CIs | 350 PsOW 6 Pol Inter- nees | 195 PsOW (F/L say 5 more were released) |
| Between 27th September and 10th October | | 250 PsOW (as stated by the PVV/PL at the meeting of the International Commission with the Joint Commission on 29 Sept. 1954). | 150 PsOW |
| Total | 177 | 606 | 345 |

* No special organization for exchange should be set up.

II. Laotian Prisoners of War and Civil Internees

| Date | Held by the PVV/PL according to F/L | Admitted by the PVV/PL | Released by the PVV/PL |
|--|--|-----------------------------|---------------------------|
| Before 27 Sept. 1954 | 383 PsOW 703 CIS | 27 PsOW 38 Pol Internees | 5 PsOW (F/L deny this) |
| Between 27 Sept. and 10 October 1954 | 518 PsOW | 45 PIs | |
| Total | 1604 | 110 | 5 (F/L deny this) |

III. Vietnamese Prisoners of War and Civil Internees

| Date | Held by the F/L accord- ing to PVV/ PL | Admitted by the F/L | Released by the F/L |
|---|---|--------------------------------------|--|
| Before 27 Sept. 1954 | 293 PsOW & CIS | 36 PsOW 74 Cis & Pol Internees | 36 PsOW 73 Pol In- ternees |
| Between 27 Sept. and 10 Oct. 1954 | 50 PsOW & CIS | 19 Pol Internees | 19 Pol Internees |
| Total | 343 | 129 | 128 (ex- cluding one in hospital) |

IV. "Pathet Lao" Prisoners of War and Civil Internees

| Date | Held by F/L according to PVV/PL | Admitted by the F/L | Released by F/L |
|---|---------------------------------------|---|--------------------|
| Before 27 Sept. 1954 | 55 PsOW & CIS | 15 PsOW 14 Pol Internees (of whom 2 escaped) | |
| Between 27 Sept. and 10 Oct. 1954 | 99 PsOW & CIS | 52 Cis (of whom 7 escaped) | |
| Total | 154 | 81 (including 9 who escaped) | 45 |

92. It will be noted from the tables that:- II

(a) both the Vietnamese People's Volunteers/"Pathet Lao" and the Franco-Laotian sides failed to keep to the schedule of release. Up to 10th October, 1954 the Vietnamese People's Volunteers/"Pathet Lao" side had released 350 prisoners of war and civil internees instead of 716 as promised by them. Similarly, the Franco-Laotian side released 173 instead of 210 prisoners of war and civil internees;

(b) each Party claimed that the other had a greater number of prisoners of war and civil internees than it actually admitted. This was most glaring in the case of Laotians presumed to be held by the Vietnamese People's Volunteers/"Pathet Lao" side (see Table II). Similar divergencies may also be noted in Table III;

(c) the Franco-Laotian side accused the Vietnamese People's Volunteers/"Pathet Lao" side of holding 703 Laotian civil internees. The Vietnamese People's Volunteers/"Pathet Lao" side, on the other hand, denied having held any civil internees at any time,

93. The situation was rendered confused by the claims which the Franco-Laotian side forwarded subsequent to the agreement of 27th September, 1954. The first one, dated 29th September, 1954 gave precise figures, according to each province, of the Laotian civil internees alleged to be held by the Vietnamese People's Volunteers/"Pathet Lao" side. But the total number of civil internees (557) given in this document was less than that (703) given by the Franco-Laotian side on 23rd September, 1954. This figure was increased to 758 on 19th October, 1954 in a second document and finally to 900 as given in a document of 20th December, 1954. The most significant rise was in the case of the province of Xieng Khouang, where the Franco-Laotian figures went up from 28 to 187. The same document of 20th December, 1954 brought up the number of Laotian prisoners of war to 999.

94. The Vietnamese People's Volunteers/"Pathet Lao" and Franco-Laotian figures, 606 and 177 respectively, regarding the French Union prisoners of war and civil internees, however, remained the same as before, and no attempt was made by the latter to claim the additional French Union prisoners of war and civil internees offered by the former. As a possible explanation of this divergence, the Franco-Laotian Delegation stated, at the meeting of the International Commission with the Joint Commission on 29th September, that during the war, there were several mobile groups which came from South Vietnam, North Vietnam and Central Vietnam which fought in Laos and lost certain men who were taken prisoners but within units which did not belong to Laotian Forces. They added that that was probably the reason why the other Party was handing over more prisoners than the Franco-Laotian side had claimed. In fact, towards the end of September, 1954 the Franco-Laotian Delegation had requested the Vietnamese People's Volunteers/"Pathet Lao" Delegation to hand over 400 prisoners of war who were captured in Laos but belonged actually to the French Army in Vietnam.

Prisoners of Laotian Nationality

Prisoners of War & Civil Internees of French Union

| | | |
|---|-----------------------|--------------------------|
| Claimed | Admitted | Released after 10 Oct. |
| held as follows: | | |
| Vietnamese PsOW & CIs - 56 | According to F/L - 11 | (released outside Laos) |
| "Pathet Lao" PsOW & CIs - 112 | According to F/L - 47 | According to PVV/PL - 47 |
| (excluding 20 unspecified PsOW & CIs whether PVV or PL) | Total | <u>58</u> / <u>47</u> |

100. The following are the differences existing between the Vietnamese People's Volunteers/"Pathet-Lao" and the Franco-Laotian sides (Appendix C):

Divergence

(a) as against 2,076 prisoners of war whom the Franco-Laotian side claimed, the Vietnamese People's Volunteers/"Pathet Lao" side declared that they held 761 (excluding 10 who died) but actually released 859. As against 685 prisoners of war and civil internees whom the Vietnamese People's Volunteers/"Pathet Lao" side claimed, the Franco-Laotian side declared that they held 232 (excluding 9 who escaped and 53 who died) and released 231 (excluding one sick). Thus, both the Vietnamese People's Volunteers/"Pathet Lao" and the Franco-Laotian sides completed the exchanges as originally agreed to by the two Parties on 27th September, 1954;

(b) as against 167 French Union prisoners of war whom the Franco-Laotian side claimed for the Laotian theatre of war, the Vietnamese People's Volunteers/"Pathet Lao" side declared that they held 600. The release figure according to the Vietnamese People's Volunteers/"Pathet Lao" side was 694 (including 59 Cambodians); according to the Franco-Laotian, 634 (excluding 59 Cambodians). The International Commission, in its letter of 14th December, 1954, recommended that the Franco-Laotian side should be asked to intimate to the Commission whether 167 prisoners of war claimed by them figured among 694 French Union prisoners of war released according to the Vietnamese People's Volunteers/"Pathet Lao" side. The Franco-Laotian side replied that information about 97 only of these had so far been received from the other Party;

(c) as against 10 French Union civilians (of whom 7 were clergymen) demanded by the Franco-Laotian side, the Vietnamese People's Volunteers/"Pathet Lao" side said that they held 6,

and released 6. The Franco-Laotian side agreed that they had received 6, of whom 4 were clergymen and 2 civilians;

(d) the Vietnamese People's Volunteers/"Pathet Lao" side claim to have liberated 1,079 prisoners of war and 61 political internees before the cease fire, between April, 1953 and July, 1954. If these are added to the figures of Laotians exchanged after the cease fire, the total release would then be 1,747 prisoners of war (excluding 59 Cambodians) and 193 political internees, as against 999 prisoners of war and 900 civil internees claimed by the Franco-Laotian side. The International Commission has recommended that the Joint Commission should compare the nominal rolls to check whether the 876⁺ prisoners of war still claimed by the Franco-Laotian side are included in the list of 1,079 prisoners of war claimed to have been released by the Vietnamese People's Volunteers/"Pathet Lao" side. The Franco-Laotian side has replied that the list of 1,079 prisoners of war given to them does not tally with their own;

(e) the Vietnamese People's Volunteers/"Pathet Lao" side claimed 399 Vietnamese People's Volunteers prisoners of war and civil internees, and were handed over 139 (excluding one sick) whom the Franco-Laotian side admitted having held. Similarly, out of 266 "Pathet Lao" prisoners of war and civil internees demanded by the Vietnamese People's Volunteers/"Pathet Lao" side, 81 were reported by the Franco-Laotian side to be under detention, but actually 92 were released. The International Commission has asked the Franco-Laotian side to submit an explanation regarding the balance of prisoners of war and civil internees still claimed by the Vietnamese People's Volunteers/"Pathet Lao" side. A similar explanation was asked for from the Vietnamese People's Volunteers/"Pathet Lao" side;

(f) there were glaring differences regarding the number and categories of prisoners of war and civil internees exchanged. In most cases, the differences were due to the difficulty in fixing the identity or the category of the person exchanged. Thus, on 11th September, 1954, the Franco-Laotian side claimed to have received 200 French Union prisoners of war. The Vietnamese People's Volunteers/"Pathet Lao" side say that they handed over 195 French Union prisoners of war and 5 Laotian prisoners of war. Similarly, the Vietnamese People's

* According to a letter from the Franco-Laotian side of 20th December, this number has increased to 965.

Volunteers/"Pathet Lao" side claim that of the 88 persons handed over by the on 15th October, 1954, 7 were Laotian prisoners of war and 81 Laotian political internees - the Franco-Laotian side say that 13 were prisoners of war and 75 were civil internees. Out of 220 Vietnamese and "Pathet Lao" prisoners of war and civil internees handed over by the Franco-Laotian side, 36 according to the Franco-Laotian side were Vietnamese prisoners of war, 38 Vietnamese political internees, 54 Vietnamese civil internees, 15 "Pathet Lao" prisoners of war, 32 "Pathet Lao" political internees and 45 "Pathet Lao" civil internees. According to the Vietnamese People's Volunteers/"Pathet Lao" side there were 25 Vietnamese prisoners of war, 19 political internees, 74 civil internees, 7 "Pathet Lao" Prisoners of War, 6 political internees, 71 civil internees and 18 had not taken part in any political or military activity. These 18, according to the Vietnamese People's Volunteers/"Pathet Lao" side, should not have been exchanged, since they were not covered by Article 16 of the Geneva Agreement. Similarly, at least on two occasions, according to the Franco-Laotian side, the prisoners who were to have been handed over by the Vietnamese People's Volunteers/"Pathet Lao" side were replaced by others;

(g) two classes of prisoners of war (the Cambodians captured in Laos but not belonging to the French Union forces in Laos, and the People's Volunteers of Vietnam who fought in Laos but were captured in Vietnam) were separately exchanged under Article 16 of the Geneva Agreement. 59 Cambodians and 11 Vietnamese were released by the Vietnamese People's Volunteers/"Pathet Lao" side and the Franco-Laotian side respectively. The Vietnamese People's Volunteers/"Pathet Lao" side have not, however, acknowledged receipt of these 11 Vietnamese;

(h) certain differences in the claims and the actual release figures may be due to the prisoners having died in captivity;

(i) according to the Vietnamese People's Volunteers/"Pathet Lao" side, 13 French Union and 10 Laotian prisoners of war and political internees died in captivity. The Franco-Laotian side on the other hand, have communicated a list of 53 dead "Pathet Lao" prisoners of war and civil internees.

The basic difference in the complaints lodged by the Vietnamese People's Volunteers/"Pathet Lao" side and those by the Franco-Laotian side is that while the former say that the latter are handing over to them "civilian instead of prisoners of war and political internees", the Franco-Laotian side say that the Vietnamese People's

Political
Internees
and
Ordinary
Civilian
Internees

Volunteers/"Pathet Lao" side have been detaining a large number of civilians. These civilians may be conveniently described in the following categories:-

(a) Political Internees

are those who took part in political activities. The exact Franco-Laotian and Vietnamese People's Volunteers/"Pathet Lao" claims are not known. The Franco-Laotian side say that they have handed over 70 political internees (38 Vietnamese and 32 Laotian). The Vietnamese People's Volunteers/"Pathet Lao" side claim to have released 61 Laotian political internees before the cease fire and handed over another 132 political internees (126 Laotians and 6 French Union) after the cease fire;

(b) Ordinary Civilian Internees

The Vietnamese People's Volunteers/"Pathet Lao" side deny holding any ordinary civil internees. They assert that their organisation was based on voluntary co-operation and that never followed a policy of victimisation. Hence they have scrupulously maintained that the 193 Laotian civilians so far released or handed over by them were all political internees and not ordinary civilian internees. The Franco-Laotian side, on the other hand, have received most of these prisoners as ordinary civilian internees. They have moreover given a list, according to each province, of civil internees presumed to be held by the other Party. They have accused the Vietnamese People's Volunteers/"Pathet Lao" side of detaining in Sam Neua 180 administrative officers and other civilians belonging to that province as well as civilians (like the former Governor of Xieng Khouang) of other provinces. Their second accusation is that the Vietnamese People's Volunteers/"Pathet Lao" side refused to hand over many of the prisoners on the plea that these prisoners wished to stay under the "Pathet Lao" administration. How far this is correct, it is difficult to estimate. By 31st December, 1954, the position of the Vietnamese People's Volunteers/"Pathet Lao" side, in this regard, was not known.

The exact number of civil internees now claimed by the Vietnamese People's Volunteers/"Pathet Lao" side is 226, besides some among the 20 persons mentioned above as "unspecified". The Franco-Laotian side handed over to them 99 ordinary civil internees (54 Vietnamese and 45 "Pathet Lao"). The Vietnamese People's Volunteers/"Pathet Lao" side accuse that many of these civilians "never took part in any political or military activity and hence should not have been exchanged" under Article 16 of the Geneva Agreement.

102. The schedule of release of prisoners of war and civil internees laid down in the Geneva Agreement was not adhered to.

Conclusion

The whole issue of prisoners of war and civil internees has been complicated by the contradictory statements emanating not only from the two Parties but also at times from the same Party. These contradictions, as has been mentioned above, have resulted partly from the different categorisation of the same prisoners of war and civil internees by the two Parties. Sometimes, they have been due to faulty calculation. Discrepancies may also have crept in because of the capture or release of some prisoners of war and civil internees outside Laos.

103. There are other possibilities, not necessarily proven by evidence in specific cases, but common in any warfare of guerilla nature, that may have contributed to the considerable discrepancies evident in this report.

104. Defections and desertions are bound to occur where two factions of one race are in political conflict. It could be assumed that some prisoners of war claimed by either side are not rightly classed as such but were in fact deserters. Others, having been taken prisoner, may have joined the ranks of their former opponents.

105. In jungle warfare the method of handling prisoners of war and internees differs from that in orthodox warfare and permits increased escapes and deaths from exposure, malnutrition and tropical diseases.

C H A P T E R: VII

COMPLAINTS (FORCED RECRUITMENT)

106. While the disengagement and regroupment of troops under the Geneva Agreement was in progress, the Franco-Laotian Delegation complained to the Vietnamese People's Volunteers/"Pathet Lao" Delegation in their letters of 27th August and 3rd September, 1954 regarding forces recruitment alleged to have been carried out by the latter. They maintained that the Vietnamese People's Volunteers/"Pathet Lao" side, taking advantage of their prolonged control over large areas in Laos, due partly to the delays in regrouping, and partly to the delay in the positioning of Joint Groups, had forcibly recruited after 6th August, Laotians in all the provinces of Laos. It was alleged that these recruits were being transferred since 15th August, 1954, by secret routes to Vietnam or to the provinces of Phong Saly and Sam Neua for political indoctrination. After an intensive training, it was further alleged, they were either to be attached to the "Pathet Lao" forces in Phong Saly and Sam Neua or to be sent back to the other provinces of Laos for carrying out political propaganda on behalf of the "Pathet Lao". The Franco-Laotian Delegation expressed their willingness to withdraw the complaint provided the Vietnamese People's Volunteers/"Pathet Lao" side released the recruits and stopped further recruitment of the kind.

Franco-Laotian Allegation

Political Internees and Ordinary Civilian Internees

Denial of Charge by Viet-
namese People's
Volun-
teers
"Pathet
Lao" Dele-
gation

107. By a letter of 8th September, 1954 the Viet-
namese People's Volunteers/"Pathet Lao" Delegation denied
the allegation of the other Party concerning forced
recruitment.

108. Between 27th August and the end (of September,
1954, the two Delegations exchanged a number of communi-
cations in the matter. Copies of these letters were also
endorsed to the International Commission which kept itself
acquainted with further developments. On 20th September,
1954, the International Commission requested the Viet-
namese People's Volunteers/"Pathet Lao" Delegation to
give a fuller statement on the allegations made. The
Vietnamese People's Volunteers/"Pathet Lao" Delegation,
in their reply, dated 25th September, 1954 again denied
having done any forced recruitment and stated that at
the moment they were only regrouping their forces in
accordance with the Geneva Agreement.

Control
of Viet-
namese
People's
Volun-
teers
"Pathet
Lao" Bat-
talions
Marching
out of
Laos

109. While the question was under discussion in
the Commission, a communication was received on 27th
September from the French Liaison Mission requesting for
the despatch of a Mobile Team to Ban Pha Nop in order to
control 3 Vietnamese People's Volunteers/"Pathet Lao"
battalions which were made up of allegedly forces
recruits and which were expected to pass from that
place into Vietnam on 28th-29th September. The Commission
immediately decided to send a Team. Unfortunately, the
Team was delayed en route because of lack of adequate air
transport. The Team, however, from the information
received from the Vietnamese People's Volunteers/"Pathet
Lao" Delegation of the Joint Sub-Commission, Mahaxay,
reported that one battalion of the Vietnamese People's
Volunteers/"Pathet Lao" side had actually passed into
Northern Vietnam on 28th-29th September, but whether
there were amongst them any forced recruits, the Team
could not, naturally, say. Henceforth the two Parties
to the Geneva Agreement were asked to ensure that they
gave sufficient notice to the International Commission
before their troops marched out of the country. On 5th
October, 1954, at a meeting of the International
Commission with the Joint Commission at Vientiane, the
Franco-Laotian Delegation presented the allegation re-
garding forced recruitment by the Vietnamese People's
Volunteers/"Pathet Lao" side.

Contention
of
Franco-
Laotian
Dele-
gation

110. The contention of the Franco-Laotian
Delegation was:-

- (a) only a legally constituted Government had
the right to recruit;
- (b) the "Pathet Lao", not having been recognised
as a Government by the signatories of the
Geneva Agreement, had no such right to
recruit;
- (c) hence, all recruitment carried on by the
"Pathet Lao", especially after 6th August,
1954, was, legally speaking, "forced
recruitment";
- (d) all such recruits were being withdrawn into
the provinces of Phong Saly and Sam Neua

112. The International Commission gave serious consideration to the matter and agreed to make the necessary investigation and asked:-

(a) the Franco-Laotian and Vietnamese People's Volunteers/"Pathet Lao" side to inform the International Commission at least 4 days in advance of the plans of evacuation from the Provisional Assembly Areas, since the question of forced recruitment was linked with evacuation plans;

(b) the Franco-Laotian and Vietnamese People's Volunteers/"Pathet Lao" Delegations to facilitate the work of the investigating Teams by furnishing them with the necessary documents, witnesses, etc.;

(c) the Franco-Laotian side to supply it with the necessary light aircraft and other means of communication to carry out the investigation;

(d) the International Commission for Vietnam to check the presence of alleged forced recruits among the Vietnamese People's Volunteers/"Pathet Lao" troops which withdrew from Ban Pha Nop through the Muggia Pass into Vietnam on 29th September.

113. The International Commission decided that more importance should be laid on the actual checking of the presence of the alleged forced recruits among troops rather than evaluation of paper evidence. For the purpose of investigation on the spot, the International Commission directed the Teams, among other methods, to make random selection of witnesses while checking transfer of troops, or holding investigations, and follow this up with individual interrogation.

114. On 12th October, 1954 the Vietnamese People's Volunteers/"Pathet Lao" Delegation lodged a complaint with the International Commission against the Franco-Laotian side that the latter was procuring evidence with regard to alleged forced recruitment from the people through threat of violence and/or actual violence.

115. Accordingly, the following investigations into the alleged forced recruitment as well as allegation of intimidation for procuring evidence regarding forced recruitment, were conducted by the various Teams of the International Commission, for which purpose a set of questions were made available to the Teams by the International Commission (copy attached as Appendix 'D'):-

(a) in Lao Ngam, in the province of Pakse, the Fixed Team examined witnesses between 4th and 6th October, 1954, and came to the conclusion that enquiries "did not reveal the presence of any forced recruits among the Vietnamese People's Volunteers/"Pathet Lao" troops;

International Commission Undertakes Investigation

Method of checking

Alleged intimidation by Franco-Laotian side

Investigation by Teams of International Commission and Results of investigation

(b) at Ban Pha Nop, in the province of Thakhek, on 12th October, 1954, the Team of the International Commission carried out investigation in Ban Pha Nop and vicinity concerning the complaint of alleged forced recruitment. The Team made a sample interrogation and came to the conclusion that they saw no evidence of any Laotian nationals having been forcibly recruited within the two battalions they checked. Among the persons the Team interviewed, no one had stated that they had been recruited in 1954;

(c) between 17th and 29th October, 1954, in the area of Nam Lik and Nam Ngum in the province of Vientiane, the Mobile Team examined 21 witnesses. The evidence gathered by the Team "did not substantiate the allegations concerning forced recruitment by the Vietnamese People's Volunteers/"Pathet Lao" side nor the allegation of the Vietnamese People's Volunteers/"Pathet Lao" side that "statements on forced recruitment were taken by the Franco-Laotian forces by use of threat of force or actual force".

Further investigation in this area could not be conducted because the Vietnamese People's Volunteers/"Pathet Lao" members and interpreter of the Joint Group were recalled to Vientiane by the Vietnamese People's Volunteers/"Pathet Lao" Delegation in the Joint Commission on 29th October, 1954.

(d) At Khang Khay, at the seat of the Joint Commission, the Fixed Team of Xieng Khouang on 25th October, 1954 examined 4 out of the 13 young Laotians produced by the Franco-Laotian side as having been forcibly recruited. From the evidence produced by the Franco-Laotian side the Team did not find it "possible to judge with any degree of accuracy" whether forced recruitment had been carried out.

The Vietnamese People's Volunteers/"Pathet Lao" Delegation recorded its protest against the statements made by the 4 witnesses and declared that they were false.

(e) At Khang Khay, at the seat of the Joint Commission, on 1st November, 1954, the Fixed Team had to examine 3 alleged forced recruits. From the papers produced by the Franco-Laotian side, the 3 persons, in the opinion of the Team, appeared to have been "enrolled before 6th August, 1954, and therefore did not fall under the category of forcibly recruited personnel". Interrogation of these three persons could not take place owing to non-availability of interpreters of the Vietnamese People's Volunteers/"Pathet Lao" side;

(f) on 3rd November, 1954, in the course of withdrawals of Vietnamese People's Volunteers/"Pathet Lao" troops, the Fixed Team of

Savannakhet interrogated at Ban Pha Nop 3 girls, mentioned by the Franco-Laotian side. All three declared they were not forcibly recruited;

(g) on 4th November, 1954, the Fixed Team of Xieng Khouang while checking withdrawal of troops in the area of Muong Ngam, interrogated two witnesses, presented by each party. All four witnesses stated that no forced recruitment had been carried out in the area of Muong Ngam;

(h) at Muong Cham, in the province of Vientiane, on 5th November, 1954, the Mobile Team, while checking the withdrawal of the "Pathet Lao", made investigation with regard to the allegation of forced recruitment. The Team came to the conclusion that "no instances of forced recruitment were discovered or reported to the Team";

(i) at Khang Khay, at the seat of the Joint Commission, the Fixed Team, on 19th November, 1954, examined 6 out of 15 persons produced by the Franco-Laotian side and came to the conclusion that they had been recruited before 6th August, 1954. From among the rest, the four who were chosen for interrogation, stated that they had deserted while serving in Sam Neua. The Team, therefore, concluded that it was "not possible to state that forced recruitment was carried out";

(j) at Khang Khay, at the seat of the Joint Commission, the Fixed Team, on 1st December, 1954, interviewed three out of 9 alleged forced recruits. The Team stated that "from the testimony of these witnesses alone, without supporting evidence which will require detailed investigation on the ground, it was not possible to state categorically whether forced recruitment was carried out or not";

(k) at Luang Prabang, the Mobile Team on 4th December, 1954 interrogated three "Pathet Lao" soldiers brought by the National Laotian Army from Outay. The three "Pathet Lao" soldiers stated during their interrogation that they joined the army, "since one man from each house was detailed by the village head to join the forces", and that they had joined the "Pathet Lao" forces approximately two months earlier. At Outay, they stated, they fell ill and were left behind by the "Pathet Lao" column; they wanted to go with the column but could not, because of illness.

116. It should be pointed out that, owing to the need for interpretation, the hearing of witnesses had to take place in the presence of representatives of the two parties.

Presence of Both Parties at Investigation

117. It should also be mentioned that on their part the Vietnamese People's Volunteers/"Pathet Lao" side accused the Franco-Laotian side of "forced recruitment of young men to gang of pirates".

Vietnamese People's Volunteers "Pathet Lao" Complaint

118. On 15th December, 1954, the International Commission, at the request of the Vietnamese People's Volunteers/"Pathet Lao" Delegation, who wished to have their name cleared of the accusation, decided that its Teams should continue to check the fighting units of the "Pathet Lao" with regard to the allegations of forced recruitment, particularly now in the two northern provinces.

Investigation in Northern Provinces

119. In fact, the International Commission had given direction to its Teams to check and/or interrogate whenever necessary among the troops of the Fighting Units of "Pathet Lao" with regard to complaints of alleged forced recruitment. In the two northern provinces, the International Commission's Teams have standing instructions to investigate into the charge of forced recruitment, simultaneously carrying out investigation into other complaints. Further investigation, elsewhere also, remain to be conducted.

Conclusion

120. In conclusion, it may be stated that the investigation carried out by the International Commission on the subject of forced recruitment was rendered difficult by its inability to check the withdrawal of all Vietnamese People's Volunteers/"Pathet Lao" troops out of Laos or to check entry of "Pathet Lao" troops into Phong Saly and Sam Neua, due to lack of or insufficient notice of withdrawals and routes of withdrawal, due to inadequate transport facilities, and, lastly, due to weather conditions in Laos, which during the monsoon months were most unpredictable. In spite of all these difficulties, it will be evident that the International Commission carried out spot investigation through random selection among the troops practically throughout the whole country.

C. H. A. P. T. E. R.: VIII

DEMOCRATIC FREEDOMS

121. "A protracted civil war is apt to leave deep scars on the body-politic. Danger to life and property, reprisals and discrimination against individuals and organisations for their activities during the hostilities can be real.

Effect of Civil War

122. In its military aspect, the Geneva Agreement (Article 4 e) provides that while the withdrawals and transfers of the forces are proceeding, the two Parties shall not permit any destruction or sabotage of any public property or any attack on the life and property of the local civilian population.

Safeguarding Life and property during movement of Forces

Guarantee-
ing Demo-
cratic
Freedoms

Royal Go-
vernment
Decla-
ration

Complaints

Publici-
sing Re-
levant
Clauses

Method
Super-
vision
discussed

Relevant
Articles
of
Geneva
Agreement

123. Again, Article 15 of the Agreement stipulates that "each Party undertakes to refrain from any reprisals or discrimination against persons or organisations for their activities during the hostilities and also undertakes to guarantee their democratic freedoms".

124. The unilateral declaration of the Royal Government, made at Geneva with reference to Article 3 of the Final Declaration of the Geneva Powers, states that in its "desire to ensure harmony and agreements among the peoples of the Kingdom", the Royal Government was resolved "to take the necessary measures to integrate all citizens, without discrimination, into the national community and to guarantee them the enjoyment of the rights and freedoms for which the Constitution of the Kingdom provides."

125. Several complaints have been received from both sides of attacks on life and property and violations of civil liberties and democratic freedoms. These range from ordinary manhandling to murder, from forcible requisition of live-stock to plunder, from obstruction of civilian traffic to forced recruitment, and from acts of terrorism to intimidation. The International Commission launched many enquiries through its Teams, which have been dealt with elsewhere in this Report.

126. The question of giving wide publicity to the Clauses relating to democratic freedoms has engaged the attention of the International Commission.

127. Accordingly, at its meeting held on 17th November, 1954, the International Commission decided to address a letter to the Joint Commission and to the Parties drawing their attention to the relevant clauses mentioned above; and also to Article 17 under which "the Commanders of the forces of the two Parties shall ensure that persons under their respective commands who violate any of the provisions of the present Agreement are suitably punished". The Parties were requested to take effective steps to disseminate and publicise these provisions of the Agreement by all possible means. In addition, the International Commission has undertaken to publicise provisions relating to democratic freedoms through its own Teams.

C H A P T E R: IX
PROHIBITION OF THE INTRODUCTION OF FRESH TROOPS,
MILITARY PERSONNEL, ARMAMENTS AND MUNITIONS

128. The International Commission is responsible for supervising the implementation of the Clauses regulating the introduction into Laos of military personnel and war material and also of those relating to rotation of personnel and to supplies for French Union Security Forces maintained in Laos as provided for in Article 6, 7, 8, 9 and 10 of the Geneva Agreement.

129. It is obvious that the only authority which can import armaments, munitions and military equipment into Laos is the Royal Government, subject to the provisions of Articles 9 and 10. The right of the French High Command would be limited to rotations of arms and personnel as provided for under Articles 6, 7 and 8.

130. According to Article 9, the introduction into Laos of armaments, munitions and military equipment of all kinds is prohibited, with the exception of a specified quantity of armaments in categories specified as necessary for defence of Laos.

131. In order to supervise the implementation of this Article, the International Commission has requested the Royal Government to inform the Commission of such specified quantities and categories of armaments to be imported by them. The Royal Government have not, as yet, given these specifications but have promised to do so soon.

132. Immediately after the withdrawals were completed, the French Mission was requested by a letter on the 20th November to supply a detailed break-down of officers and NCOs of the French Military Mission to the Royal Government and the locations where they were to be stationed, as well as the break-down of the 3,500 personnel to be maintained under Article 8 of the Geneva Agreement. The Royal Laotian Government have provided a break-down of officers and NCOs of the French Military Mission. A break-down of the 3,500 personnel at the Seno Base as on 6th November, 1954 was also provided by the Commander of the Seno Base to the International Commission Fixed Team at Savannakhet.

133. The International Commission decided that a satisfactory method should be evolved to enable the International Commission Fixed and Mobile Teams to carry out supervision under Articles 27(c) and (d). For this purpose a meeting of its Military Committee with representatives of the Laotian National Army High Command, the French Liaison Mission and of the Command of the French Base at Seno was held on 20th December, 1954. All the authorities concerned were prepared to give the numbers of the French personnel to be maintained in Laos under Articles 6 and 8 and also to provide facilities for examination of necessary documents, etc. to facilitate check by the International Commission Teams. The French Liaison Mission was also prepared to provide information to facilitate checking of the personnel on the ground, but in this respect they emphasised that this facility would have to take into account the rights of the Royal Government to ensure the security of information regarding its armed forces. Similarly, a procedure for checking the entry of armaments into Laos was discussed.

134. Basing itself on the above, the Military Committee prepared draft instructions laying down the procedure for carrying out the necessary supervision. This is being sent to the Royal Government and the French High Command for their agreement.

Authority to Import Arms and Ammunition

Specified Quantity & Category

Information requested from Royal Government

Break-down of French Military Personnel

Publicising Re-levant Classes

Method of Supervision discussed

Relevant Articles to Geneva Agreement for rotation of personnel to rotation of personnel in Laos as provided for in Article 6, 7, 8, 9 and 10 of the Geneva Agreement.

135. Pending the finalisation of these arrangements for supervision, control and movement of military personnel and war materials into Laos, the International Commission has issued provisional instructions to its Fixed and Mobile Teams to get into touch with local commanders to receive the necessary information regarding the entry of arms and military personnel, to check all such entries, and to report the particulars to the Commission. Eight movements of incoming and outgoing convoys have been recorded by the International Commission's Teams after 20th November, 1954. Only six of them were, however, checked; of the remaining, one was notified too late and the other had departed earlier than foreseen. It has been reported that the main reason for the delay in notification is the fact that some of the convoys consist of civilian vehicles and that the civilian companies do not stick to schedule. It is to be noted, however, that the bulk of the stores so far reported to have entered Laos were engineering equipment necessary for road-building and bridging.

136. The Commission hopes to be able to set up a satisfactory system of supervision and control in this regard at an early date.

C H A P T E R: X

INCIDENTS AND INVESTIGATIONS

137. All the incidents which were submitted to the Commission during the period under report may be classified under the following heads:

A. Allegations of acts of a military nature, such as:

- 1) attacks, threats of attacks, occupation of territory;
- 2) parachuting of troops and war materials on the territory under the military control of the other Party;
- 3) distribution of arms among the population;
- 4) presence of Vietnamese People's Volunteer troops outside the Assembly Area on/or after 19th November, 1954.

B. Allegations of acts of violence against civil population and infringement of democratic liberties, such as:

- 1) murders and tortures;
- 2) threats and acts of terrorism against the population;
- 3) arrests and detention of persons;
- 4) looting, illegal requisitions, illegal taxation and destruction of property.

GROUP A

Provisi-
onal
Instruc-
tions
issued
to Teams

Conclu-
sion

Alleged
Acts of
Military
Nature

Alleged
Acts of
Violence
against
civil popu-
lation

C. Miscellaneous (investigations into the positions of Laotian National Army troops and others).

Miscellaneous
Processing
Complaints

138. The Commission investigated into such incidents only where one Party or both Parties approached the Commission directly requesting an intervention or investigation.

139. When a complaint was received from a Party or from the Joint Commission, addressed to the International Commission, it was processed through the Political Committee, and if the nature of the complaint was of a serious type, it received the immediate attention of the International Commission. The International Commission and/or its Political Committee issued instructions to the International Commission's Teams in the area where the alleged incidents occurred, to carry out the necessary investigations. In order to facilitate investigations into complaints, the International Commission decided to draw up a priority list of complaints from both sides. Due care was taken, while preparing this list, of the nature, seriousness, number and the date of occurrence of the complaints. This list was strictly adhered to except in special cases where the nature of complaint was of a very serious type and was a threat to peace. In such cases the International Commission took immediate action superseding, for the time being, the priority list. Intimation of the proposed investigation was also given to the Joint Commission and/or local representatives of the Parties so that the Team could get all facilities. Whenever deemed necessary, the Team was assisted with a questionnaire, not exclusive in character, for the purpose of carrying out the investigation. This questionnaire was in addition to the standing "Notes for Guidance of Inspection Teams" issued by the International Commission. The Team not only recorded evidence from the parties concerned, but took every opportunity of interrogating witnesses through random selection. The report of the Team received the immediate attention of the International Commission which decided upon the line of further action.

Informations
requests
from
break-down
personnel
Method of
Super-
begging
Atsok
Military
Nature

140. The following paragraphs given details of investigations carried out by the Commission excluding the series of investigations regarding allegations by the Franco-Laotian Party of forced recruitment by the Vietnamese People's Volunteers/"Pathet Lao" Party and irregularities regarding withdrawal, regroupment and assembly of forces of the two Parties which are mentioned in Chapters III and VII.

Details of
Investiga-
tions

141. From among the allegations submitted by the Franco-Laotian Party, the following were subjects of investigations carried out by the International Commission:

Allegation
by Franco-
Laotian
Party and
results of
investiga-
tion

GROUP A

- 1) 34th and 38th Companies of the Vietnamese People's Volunteers coming from North Vietnam arrived on 23rd August, 1954 at Ou Neua and Ou Tay where they were still on 30th September;

(4) looking, illegal requisitions, illegal taxation and destruction of property.

2) on 25th September, 1954, a Vietnamese People's Volunteers detachment in the region of Ou Neua and Ou Tay attacked Laotian National Army units causing losses on both sides;

3) between 28th August and 2nd September, 1954, in the region of Ou Tay, the Vietnamese People's Volunteers/"Pathet Lao" forces attacked several times Franco-Laotian units which withdrew, but were attacked again on 5th September, 1954;

4) on 30th September, 1954, the 34th Company of the Vietnamese People's Volunteers was stationed at Ou Neua, outside their Provisional Assembly Area;

5) one Franco-Laotian unit stationed near Ou Neua was attacked on 4th October, 1954 resulting in Franco-Laotian losses - 1 killed, 7 injured, 2 taken prisoners;

6) on 15th October, 1954, 40 soldiers of the Vietnamese People's Volunteers were stationed at Ou Neua, outside their Assembly Area;

7) on 5th November, 1954, 400 soldiers of the Vietnamese People's Volunteers were at Ou Neua showing aggressive attitude.

The Fixed Team at Phong Saly was instructed by the International Commission to investigate into these complaints. The Team had intended to record the evidence of the Laotian National troops seen by the Team on its arrival at Ou Neua. But on arriving at the air-field the next day, the Team found that the Laotian National troops had moved away. The "Pathet Lao" Commanders informed the Team that the Laotian National troops had left during the previous night. Therefore, no evidence from the Franco-Laotian side could be gathered. It may be added that the Team was not even accompanied by the Joint Group or Liaison Officers. The Team further stated that they saw no Vietnamese People's Volunteers soldiers at Ou Neua, and the Commander of the "Pathet Lao" troops in this district reported that there were no Vietnamese People's Volunteers troops in his district. In addition, the Team saw no Laotian National Army troops at Ou Tay, while they were conducting investigations there on 17th and 18th November.

8) On 22nd September, 1954, Vietnamese People's Volunteers personnel in civilian clothes, estimated at about a platoon strength, were close to Boun Neua which was held by Laotian National Army troops.

As a result of the investigation carried out at Boun Neua, it was gathered by the Fixed Team from Phong Saly that Vietnamese People's Volunteers troops, about 50 men strong, were at Boun Neua at the end of August. On 22nd September, 1954, however, they were no longer there.

9) At Ban Nam Dou, Lower Laos, 2 Vietnamese People's Volunteers soldiers were outside their Assembly Area, guarding a rice dump.

The Fixed Team from Pakse found that 1 Vietnamese People's Volunteers soldier was present looking after the rice dump which was on the official transfer route.

10) On 20th November, 1954, a Vietnamese People's Volunteers/"Pathet Lao" detachment, about 200 strong, was in an area 8 kms. south of Ou Tam Khay, Pakse province. The detachment was alleged by the Franco-Laotian side to carry out strong propaganda activity and to obtain supplies at Ban Veune, and to have fired some rounds on 19th November, 1954.

The Fixed Team from Pakse, after carrying out investigation, stated that there were no Vietnamese People's Volunteers/"Pathet Lao" soldiers armed or otherwise in the area, and came to the conclusion that the complaint lodged was baseless and that it was made without making any prior inquiries.

GROUP B

1) In the Lao Ngam area the "Pathet Lao" forced the population to pay taxes designed to defray the expenses of the soldiers going to Sam Neua and requisitioned supplies.

According to the report submitted by the Fixed Team from Pakse, the evidence given by the inhabitants showed that no taxes were imposed and no requisitions were made.

2) Vietnamese People's Volunteers troops in the Nam Ngum valley requisitioned rice from the population.

After investigation, the Mobile Team from Vientiane came to the conclusion that the allegation was not substantiated.

GROUP C

1) At Ban Pha Nop on 15th November, 1954, the "Pathet Lao" delegate and the interpreter of the Joint Sub-Commission, Mahaxay, presided over a meeting of the population, thus exceeding their competence as members of the Joint Sub-Commission.

After interviewing witnesses, the Fixed Team from Savannakhet arrived at the conclusion that the meeting had actually been held and that the above-mentioned "Pathet Lao" representatives were present there, but that the population had been assembled to bid farewell to the Vietnamese People's Volunteers troops, and that the "Pathet Lao" delegate told the people that the Vietnamese People's Volunteers/"Pathet Lao" forces were leaving that area and going to Vietnam and advised them to stay in their villages and devote themselves to peaceful work.

From among the allegations submitted by the Vietnamese People's Volunteers/"Pathet Lao" Party, the following were subjects of investigations carried out by the International Commission:

Allegations by the PVV/PL Party and Results of Investigation

GROUP A

- 1) On the night of 22nd November, 1954, the town of Sam Neua was attacked by an armed band maintained by the Franco-Laotian Party.

The Political Committee of the International Commission after having considered the observations made by the Sub-Team, Sam Neua, came to the conclusion that the complaint was not substantiated.

- 2) On 23rd August, 1954, one Dakota paraded 24 men at Boun Neua;
- 3) on 24th August, 1954, two Dakotas paraded 25 men, 7 packages of weapons and 24 packages of rice, at Boun Neua;
- 4) on 27th August, 1954, one Dakota paraded 21 men and 7 packages at Boun Neua;
- 5) on 30th August, 1954, one Dakota paraded 6 men and several packages of arms at Boun Neua. On the same day another aircraft landed on the field at Boun Neua, and 2 Laotian officers disembarked;
- 6) on 3rd September, 1954, one Dakota paraded 4 packages of arms and 22 packages of rice;
- 7) from 23rd August, 1954, till 3rd September, 1954, a detachment of Laotian National Army troops was paraded and prepared defensive positions transforming Boun Neua into a new fortified position.

Results of investigation regarding complaints

2 to 7 above:--

The Fixed Team from Phong Saly came to the following conclusions:

* With regard to the allegations of personnel and supplies, the Vietnamese People's Volunteers/"Pathet Lao" forces claimed that they paraded relief of personnel and supplies.

Many cases of parachuting of men have been stated, but the exact number of men could not be established. It was stated also that rice and supplies were dropped. Maintenance and repairs on the airstrip were also reported. There were some trenches, weapon pits and sentry posts at the airfield. There are no barbed wire defences.

8) On 29th August, 1954, two sections of Laotian National Army soldiers were parachuted in the region of Ou Neua and Ou Tay;

9) on 5th September, 1954, Laotian National Army paratroops fired shots at the Vietnamese People's Volunteers/"Pathet Lao" elements, wounding 9 and taking 2 prisoners, in the above region;

10) on 29th September, 1954, 'pirates' under French officers attacked a small "Pathet Lao" detachment, killing 1 soldier;

11) on 30th September, 1954, 60 other 'pirates' under French officers attacked in the same region a small "Pathet Lao" detachment, killing 1 soldier;

12) on 4th November, 1954, Franco-Laotian paratroops accompanied by 'pirates' attacked for the fourth time "Pathet Lao" units and occupied Ou Neua.

The Fixed Team from Phong Saly investigated into complaints 8 to 12 above and reported as follows:

The evidence of Franco-Laotian soldiers could not be gathered, as, on arrival of the Team at the airfield on 12th November, 1954, the Team found that the soldiers had moved away. The Team came to the conclusion that some attack on Ou Neua village had taken place. The Team saw burnt houses and ascertained that the population partly took refuge in the forest and lived in fear. Also, according to the evidence of witnesses, there were no Franco-Laotian troops in the place of investigation between 5th October and 3rd November, 1954, but the Franco-Laotian troops came near the village on 4th November and stayed there till the Team came. The Team saw them on 11th November, 1954, and they withdrew in the night of 11th-12th November, 1954. The presence of Franco-Laotian troops created a fear of attack among the population. From the evidence gathered at Ou Neua and Ou Tay, it appears that some Franco-Laotian troops with French Commanders were parachuted on 29th August, 1954.

* With regard to paratroops, the Franco-Laotian side claimed that they parachuted reliefs of personnel and supplies. The Vietnamese People's Volunteers/"Pathet Lao" side claimed that they were new combatants and new armaments.

13) On 7th August, 1954, one Laotian National Army platoon occupied Ban Khi One Nhai, a village located in the "Pathet Lao" Provisional Assembly Area of Lao Ngam.

The Fixed Team from Pakse ascertained that the village was occupied in the morning of 6th August, 1954 and left on 8th September, 1954. However, there were no data to indicate the exact time of arrival of the troops at Ban Khi One Nhai, whether it was before or after 0800 hours, i.e. before or after the cease fire entered into force.

14) The Franco-Laotian forces set up new posts outside the Provisional Assembly Area in order to encircle it.

The Fixed Team from Pakse stated that the 856th Laotian National Army unit occupied the Pha Pho and Pha Lay areas from 30th September, 1954 to 7th October, 1954.

15) In the Provisional Assembly Area, Senoi Boualaha, the Franco-Laotian Command had forcibly organised armed bodies of young men since the beginning of the month of September, 1954. In the complaint 7 villages were enumerated in which rifles were distributed.

The Fixed Team from Savannakhet interrogated witnesses. The evidence obtained from the witnesses was not sufficiently conclusive to warrant an opinion by the Team.

GROUP B

1) On 19th October, 1954, a gang consisting of 80 'pirates' and led by 2 French officers encircled the village of Ban Sop Say, searched all the houses and arrested 9 persons;

2) on 20th October, 1954 the same gang encircled the village of Ban Nam Tip, searched all the houses, and arrested 8 inhabitants 3 of whom were "Pathet Lao" officers. They were tied, subjected to most savage tortures and afterwards killed. The gang took away by force all the belongings of the population.

The Political Committee found:

(1) that the allegations of a raid on the village, looting, molestation, shooting and killing were substantiated by the evidence recorded by the International Commission's Team from Sophao;

(2) according to the recorded evidence, the above-stated acts of violence were committed by "100 Meos and two French men. It appeared from the report that the Franco-Laotian Delegation did not at the time of investigation deny and/or challenge the allegations of the presence and participation in this incident by the two French men".

The Political Committee recommended that the attention of the Franco-Laotian Delegation be drawn to the evidence recorded regarding the presence and participation of the two French officers in this incident. It further recommended that the Delegation should also be requested for an early report in the matter in accordance with the statement of Mr. Bardet, the Chairman of the Franco-Laotian Delegation in the Joint Group, during the course of the investigations, that the Franco-Laotian Delegations was not trying in any way to support such an incident, and that if that raid had really happened, it constituted a violation. Mr. Bardet had also declared that the Franco-Laotian Delegation gave its word that it would report the case to its Headquarters so that sanction and damages would be duly considered.

3) At Boun Neua the Franco-Laotian forces compelled 13 people of the local population to repair the landing ground. A similar act was repeated on 27th August, 1954.

The Fixed Team from Phong Saly stated that it was possible that civilians had been used for doing repair work at the airfield. There was no evidence, however, that they were compelled to do so.

4) In the Lao Ngam area, in the village of Ban Khi One Nhai, situated in the Provisional Assembly Area, on 7th August, 1954, a unit of Laotian National Army forces threatened the civilian population and committed acts of violence.

The Fixed Team from Pakse reported that because of unconvincing evidence, it was impossible either to confirm or to deny the allegation.

5) On 6th October, 1954, in the village of Ban Thalot, the Chief of the Muong of Tourakome and Lieutenant Khamsay arrested an inhabitant of a village situated in the Provisional Assembly Area. Further, on their order, 1 man and 2 women were arrested in the house of the Vietnamese People's Volunteers/"Pathet Lao" Delegation of the Joint Group at Phong Nong. The arrested persons were tortured. The villagers were threatened by the Chief of the Muong and Lieutenant Khamsay.

The Mobile Team from Vientiane after interviewing witnesses came to the conclusion that there had been coercion. The evidence conclusively proved that Lieutenant Khamsay of the Laotian National Army assaulted 2 villagers while they were being interrogated.

The Commission brought the incident to the attention of the appropriate authorities and requested that necessary disciplinary action be taken and necessary instructions be issued to their officers to prevent recurrence of such incidents.

GROUP C

The Franco-Laotian Party, in the Joint Sub-Commission at Paksong, had deliberately been creating difficulties to prevent the Vietnamese People's Volunteers officers of the Joint Group from contacting the French Union units during their regroupment.

Investigation by the Fixed Team from Pakse showed that this anomaly was due to the Joint Commission at Khang Khay not giving specific instructions to the Joint Groups. The Team was of the opinion that as the withdrawal of forces had been completed, no further action was necessary at the time when the investigation was carried out.

Investigation carried out by the International Commission on its own initiative

- 1) Checking the presence of Laotian National Army troops, their strength, commanders and cadres of French officers as on the day of investigation and on 22nd July, 1954 and 6th August, 1954 at Boun Neua.

From the evidence gathered by the Fixed Team from Phong Saly it appeared that at the time of the investigation (beginning of November) there were 150 to 200 Laotian National Army troops under Capt. Kham Son and Sgt. Chief Carmona. The Team stated discrepancies between the evidences by Capt. Kam Son, Sgt. Chief Carmona and "Pathet Lao" witnesses. In this connection it was not possible to determine whether Laotian National Army troops had been at Boun Neua on 22nd July and 6th August, 1954 or not.

- 2) Checking as above of Laotian National Army forces at Ou Neua.

This could not be carried out because of the absence of the Laotian National Army troops at Ou Neua during the Phong Saly Fixed Team's visit there between 12th and 18th November, 1954.

3) Checking as above of Laotian National Army troops at Ou Tay.

This could not be carried out because of the absence of Laotian National Army troops at Ou Tay during Phong Saly Fixed Team's visit there between 12th and 18th November, 1954.

142. In spite of many difficulties, the International Commission was able to make systematic and effective investigations into the allegations, which not only helped to bring down the number of incidents but also contributed to ease the mounting tension. It should be noted here that after the cease-fire, when the advance party of the International Commission was installed in Vientiane, shooting had stopped; but years of conflict had left an atmosphere which was tense and bitter. Before the International Commission could organise the minimum requirements for its Secretariat and the Teams, and before it could establish contact effectively with the Parties and ensure transport facilities, the Parties started making complaints against each other. While conducting investigations into complaints, the International Commission felt that the Parties had not always made sufficient prior effort to discuss and settle these among themselves.

Conclusion

143. Perhaps it was due to the existing tension and suspicion between the Parties that they had, particularly in the initial stages, some difficulty in entering into discussion and settling the different complaints among themselves. Instead, they hastily transmitted the complaints to the International Commission. The records of the complaints would indicate that sometimes the Parties transmitted the complaints to the International Commission without first carefully checking the facts. Sometimes, they failed also to offer sufficient and accurate information. The International Commission did all that it could, under difficult circumstances, which were sometimes accentuated by paucity of transport facilities, lack of prompt and adequate liaison from the Parties and unpredictable climatic conditions.

144. A table of reported incidents and investigations carried out up to 31st December, 1954, is given as Appendices 'E' and 'F'.

CHAPTER XI
THE PROVINCES OF PHONG SALY AND SAM NEUA

145. The most difficult and delicate problem that the International Commission in Laos is facing today is that of the two Northern Provinces of Phong Saly and Sam Neua. The main Articles of the Geneva Agreement concerned with these regions are 12, 14 and 19.

Difficult and Delicate Problem

146. Article 12 of the Geneva Agreement provided for 12 Provisional Assembly Areas, one for each of the 12 provinces of Laos, for the scattered "Pathet Lao" forces.

147. Under Article 13, the foreign forces (the Vietnamese People's Volunteers and the French Union forces) were to finally withdraw from Laos. The Laotian National Army under Article 12 were to remain in situ during the entire duration of the operations of disengagement and transfer of foreign forces and the fighting units of "Pathet Lao".

148. Under Article 14 all the fighting units of "Pathet Lao" were finally to move into the two northern provinces.

149. The problem of the two provinces had a military as well as a political aspect. Its military aspect was further defined by Article 14, which stated:

"Pending a political settlement, the fighting units of "Pathet Lao", concentrated in the Provisional Assembly Areas, shall move into the Provinces of Phong Saly and Sam Neua except for any military personnel who wish to be demobilized where they are. They shall be free to move between these two Provinces in a corridor along the frontier between Laos and Vietnam bounded on the south by the line Sop Kin, Na Mi, Sop Sang, Muong Son. Concentration shall be completed within one hundred and twenty (120) days from the date of entry into force of the present agreement".

150. In this context, Article 19 also should be noted, for it laid down that "the armed forces of each Party shall respect the territory under the military control of the other Party and engage in no hostile act against the other Party".

151. The term "political settlement" in Article 14 has not been defined in the Agreement.

152. The Royal Government of Laos in its unilateral declaration made on 20th July, 1954, with reference to Article 3 of the Final Declaration of the Geneva Powers, declared "itself resolved to take the necessary measures to intergrate all citizens, without discrimination, into the national community and to guarantee them the enjoyment of the rights and freedoms for which the Constitution of the Kingdom provides; affirms that all Laotian citizens may freely participate as electors or candidates in general elections by secret ballot". As regards the two provinces, it stated that it will promulgate measures to provide for special representation in the Royal Administration of the provinces of Phong Saly and Sam Neua, during the interval between the cessation of hostilities and the general elections, of the interests of Laotian nationals who did not support the Royal forces during hostilities".

(d) both Parties should submit details of their forces in each province;

Clauses relating to the Two Provinces

Military and Political Aspects of the Problem

Article 19 of Geneva Agreement

Royal Government Declaration

153. It should be noted that for quite a long time after the first meeting of the International Commission on 11th August, 1954, the military aspect was the more important one, since it was intimately connected with the plans regarding the establishment of Provisional Assembly Areas for the immediate regroupment of forces.

Military Aspect

154. The Franco-Laotian side asserted that there were on or before 6th August, 1954 (the cease-fire date), areas in Phong Saly and Sam Neua which were under control of their "Special Commandos." According to the Franco-Laotian side, the exercised military control over the Western parts of the two Provinces. The Vietnamese People's Volunteers/"Pathet Lao" side referred to these Commandos as "pirates" and refused to recognise them as forming part of the Laotian National Army.

Claims and Counter-claims

155. The Vietnamese People's Volunteers/"Pathet Lao" party claimed that they had complete military control over the Provinces and that the "Pathet Lao" has now complete control over the Provinces; also that no Franco-Laotian troops have existed there since March 1953. They, however, accused the Franco-Laotian side of having paradropped some regular Laotian National Army Units after 6th August, 1954.

Military and Political Aspects of the Problem

156. The Franco-Laotian side, on the other hand, contend that there were very few "Pathet Lao" units in Phong Saly and Sam Neua.

157. The Franco-Laotian side rejected the Vietnamese People's Volunteers/"Pathet Lao" Party's contention of constituting the totality of these two provinces into Provisional Assembly Areas for their troops and into final assembly areas for the "Pathet Lao" troops only.

158. On 18th August, both the Delegations submitted the matter to the International Commission for its recommendation. The problem was discussed at the 8th meeting (26th-29th August) of the International Commission and it was decided that, in view of the possibility of a meeting between the Prime Minister of Laos and the leader of the "Pathet Lao", the Commission should abstain from making too rigid a recommendation and aim particularly at summoning the two Parties to reconcile their points of view.

Problem referred to International Commission

159. Since the personnel necessary for the International Commission's Investigation Teams had not till then arrived in Laos, the Commission, in its letter of 30th August, 1954, recommended that the Joint Commission itself take the following measures:

Recommendation of International Commission

- (a) investigation by Joint Groups, in view of the stipulation in Article 12 regarding Laotian National Army Units in situ, as to whether there were any such units located in the two provinces or whether these two provinces were entirely under the control of "Pathet Lao",
- (b) both Parties should submit details of their forces in each province;

Difficulties and Delicate Problem

(c) the question of sites for the reception of the forces of "Pathet Lao" in the two provinces should be more exhaustively examined by the Joint Commission;

The Corridor

160. The International Commission further stated that the corridor, as given in paragraph 1 of Article 14 of the Geneva Agreement, did not form part of the concentration areas for stationing "Pathet Lao" units, but could be only used by them for free movement between the two provinces.

Views of Two Parties

161. Almost simultaneously, on 30th August, the two Parties in the Joint Commission signed an agreement fixing the number and extent of the Provisional Assembly Areas for the Vietnamese People's Volunteers, "Pathet Lao" and French Union forces. The agreement, however, nowhere mentioned the two provinces of Phong Saly and Sam Neua, and was thus to be the cause of bitter controversy later. No reference regarding this omission was made to the International Commission until 7th September when the Franco-Laotian side informed the International Commission that according to them the question of assembly areas in these two provinces was "still pending". No compromise arrangement could be arrived at, since the Vietnamese People's Volunteers/"Pathet Lao" Party continued to claim the totality of the two provinces as the final assembly area for the "Pathet Lao" troops, and the Franco-Laotian side denied their right to do so.

FVV/PL Contention

162. The contention of the Vietnamese People's Volunteers/"Pathet Lao" Party was as follows:-

(a) the terms used in Article 14 clearly specified that the fighting units of "Pathet Lao" shall move into the two provinces of Phong Saly and Sam Neua, pending a political settlement. This meant that the transferred fighting units of the "Pathet Lao" would station themselves throughout the two provinces, because the term "province" implied the totality of the territory within its limits and, if it had been otherwise, the wording would have been that the fighting units of "Pathet Lao" would move into a zone within the two provinces";

(b) the fact that no reference was made in the agreement of 30th August to Phong Saly and Sam Neua clearly indicated that the two provinces constituted in their totality the final regroupment area for the forces of the "Pathet Lao", and that no Laotian National Army Units existed there. This fact caused the two Delegations to give up selecting in the two provinces, Provisional Assembly Area necessary for the disengagement of the forces of the two Parties in regions where they were.

FVV/PL

163. The Franco-Laotian contention was based on the following points:-

(a) article 12 of the Geneva Agreement provided that "Pathet Lao" forces be stationed in 12 Provisional Assembly Areas, i.e. one area

per province. This indicated that there was also an area in each of the provinces of Phong Saly and Sam Neua;

(b) article 14 stipulated that the "Pathet Lao" forces would assemble in the two provinces, but did not provide that each of these provinces constituted in its entirety an Assembly Area;

(c) taking into consideration the sovereignty of the Royal Government, as recognised by the Geneva Agreement, the administrative capitals (Phong Saly and Sam Neua) of these two provinces were expected to be included in the zones allocated to the Laotian National Army;

(d) the Laotian National Army "in situ" should have a separate area, since Article 11 prescribed "cease-fire by the separation of forces";

(e) the two provinces were not dealt with in the agreement of 30th August on the Provisional Assembly Areas, because the Franco-Laotian Delegation was only trying to facilitate the signing of the agreement by avoiding controversial matters.

164. The above arguments were put forward by the two Parties at the meetings of the International Commission with the Joint Commission between 29th September and 5th October, 1954. On the last day of the meeting, the International Commission requested each of the two Parties to send to it by 12th October an aide-memoire giving the background of the dispute regarding the two provinces and their interpretation of the Geneva Agreement. The subject was again discussed, in the light of these aides-memoire (Appendices 'G' and 'H'), at the meeting which the International Commission held with the Joint Commission between 29th October and 6th November, 1954.

165. The Franco-Laotian Party then reasserted the sovereignty of the Royal Laotian Government over these two provinces, and wanted the other Party to agree to the establishment of Royal Administration by locating the Governors appointed by the Royal Government at the capitals of the two provinces. As a temporary measure, until a final political settlement had been arrived at, the Franco-Laotian Delegation proposed a division of the two provinces into two military zones, one consisting of the Laotian National Army Units in situ and the other of the "Pathet Lao" Units which were to be concentrated there by 19th November, 1954. The division was to be made after taking into consideration the questions of communication, supply, resources and population.

166. The Vietnamese People's Volunteers/"Pathet Lao" Party rejected the Franco-Laotian Party's plan of partitioning the region and asserted that the problem of the two provinces was a political problem, included "in the ensemble of problems tied up with the general political settlement" and that hence the "Pathet Lao" units should remain stationed there till such a political settlement,

Proposal of Two Parties

Franco-Laotian Aide-Memoire

PVV/PL Proposal

as envisaged in the Geneva Agreement, had been reached. They added that "there was absolutely no necessity for the provinces to be the subject of any other settlement if the political settlement had not yet been reached". They made it clear that they would refuse to admit the presence of any Laotian National Army Units in the two provinces and to accept Royal Administrative Control over any part of the two provinces until a political settlement had been finally arrived at.

"Pathet Lao" Declaration

167. At a meeting between the International Commission and the Joint Commission on 4th November, 1954, the "Pathet Lao" Delegate read out a declaration (Appendix 'I') that the "Pathet Lao" forces recognise the Royal Government and that in principle the administration of "Pathet Lao" in the two provinces of Phong Saly and Sam Neua "is classified under the supreme authority of the Royal Government".

Existence of Two Forces side by side

168. The main problem of the two Provinces, after 19th November, 1954, has been two-fold:-

(1) Existence of two forces side by side:

There are two forces present in the two Provinces - the Royal Laotian Units and "Pathet Lao" Units. In order to prevent incidents, disengagement of these troops is absolutely essential. The International Commission, with a view to determining the areas under the control of the Royal Laotian troops and the "Pathet Lao" Units, respectively, had ordered enquiry as to the position, strength and location as on 6th August, 1954, etc., of the former on the basis of the claim made by them.

Political Settlement in Laos

(2) Political settlement in Laos: The "Pathet Lao" fighting units having recognised the sovereignty of the Royal Government in principle, insist on a political settlement as envisaged in Article 14, before the Royal Administration can be re-established in the areas under their occupation in the two Provinces. However, they, as well as the Royal Government, have expressed eagerness to settle through negotiations their differences in a spirit of harmony and compromise.

International Commission's Recommendation

169. The International Commission, in order to press for an early and amicable settlement passed the following resolution on 3rd December 1954:-

"The International Commission for Supervision and Control in Laos:

(a) in view of the fact that the Joint Commission have been unable to reach Agreement on the interpretation of Article 14 of the Geneva Agreement;

(b) bearing in mind the spirit of the said Geneva Agreement;

- (c) in view of the Declaration by the Royal Government of Laos relative to Article 3 of the Final Declaration annexed to the said Geneva Agreement;
- (d) in view of the Declaration of the then Prime Minister, Prince Souvanna Phouma, on 4th November, 1954, and also that of the Prime Minister H.E. M. Katay D. Sasoritha on 23rd November, 1954, (Appendices J & K)
- (e) in view of the Declaration by Prince Souphannou Vong of 28th December, 1954 and that of 4th November, 1954, by Colonel SINGKAPO in the name of the fighting units of "Pathet-Lao";
- (f) having been notified that the withdrawals of foreign forces provided for under the said Geneva Agreement were completed on 19th November, 1954;

(g) being of the opinion that nothing, in these conditions, now stands in the way of the political settlement envisaged in Article 14 of the said Geneva Agreement and that the Declarations mentioned in paragraphs (d) and (e) above clear the way for direct contacts between the two Parties concerned for reaching such a political settlement; recommends: that representatives of the Royal Government and of the fighting units of "Pathet Lao" examine together the means to adopt with a view to attaining this political settlement, inter alia as regards the re-establishment of the Royal Administration in the two Provinces of Sam Neua and Phong Saly."

170. The response from both sides has been prompt. In fact, the "Pathet Lao" Delegation arrived in Plaines-Jarres on the 30th of December. The Royal Government representatives were to go there in the beginning of January. Although the meetings are understood to be in the nature of preliminary contacts, it is hoped they will pave the way for a political settlement in the near future.

171. The International Commission is watching the developments with keen interest. While the two sides are conferring together, the International Commission feels that it should avoid taking any decision or step which may tend to disturb the atmosphere.

172. It is unfortunate, however, that locally there has been some evidence of increasing tension in the two provinces. This is perhaps inevitable when two forces, after six years of open and violent conflict, are now situated so near to each other. There have been a number of complaints. Such complaints, received prior and subsequent to the 19th of November, may broadly be classified under the following: -

173. Vietnamese People's Volunteers/"Pathet Lao" Complaints:

"Pathet Lao" Delegation
 Existence of two forces side by side
 Political Settlement in Laos
 Response from sides
 Increasing Tension
 PVV/PL Complaints

- (a) occupying of new positions after 6th August;
- (b) extension of Franco-Laotian positions and re-inforcement of personnel;
- (c) paratropping of troops and war material.
- (d) attacks on Vietnamese People's Volunteers/"Pathet Lao" units and capture of their personnel.
- (e) assaults by armed bands, acts of violence against persons and property.
- (f) acts in violation of the democratic freedoms of the civil population.
- (g) forces recruitment.

174. Franco-Laotian Complaints:

- (a) attacks on the Royal Laotian Army units.
- (b) stationing of PVV outside their Provisional Assembly Area and their presence subsequent to the date fixed for the withdrawal of foreign forces.
- (c) preventing officials of the Royal Laotian Government from carrying out their administrative functions.
- (d) acts in violation of the democratic freedoms of the civil population.
- (e) forced recruitment.

175. The Fixed and the Mobile Teams at Phong Saly were instructed by the International Commission to carry out enquiries at Boun Neua, Ou Neua, Ou Tay, Pong Nang, Malitao, Lao Meo Chai and Lyvay. Similarly, the Fixed Team at Sam Neua was directed to investigate into the complaints at Hua Xieng, Hua Muong, Houei Thau and Ban Saloui. The progress was slow. The Teams were considerably hindered in their work by the paucity of roads and aircraft, exceptionally bad climatic conditions, by the frequent absence of Joint Groups, by the constant and simultaneous demand on their services at different parts of the two provinces. The International Commission, therefore, had to draw up a list of priorities for investigation, the main consideration being seriousness of the complaint and prevention of further incidents. Enquiries already undertaken or ordered by it are being carried out, along with the general investigation into the location of Laotian National Army troops.

176. At the same time, the International Commission has appealed to both sides as follows:-

"Having noted with concern recent incidents in the provinces of Phong Saly and Sam Neua, the Commission recommends that the Franco-Laotian and the Vietnamese People's Volunteers/"Pathet Lao" Commands issue

Complaints by Franco-Laotian side

Investigation by International Commission Teams

Appeal to both sides

all kinds which find themselves in these two provinces so that those units refrain from all activities which could lead to incidents involving the units of the other Party.

177. The Commission considers its duty to record that, if the political settlement is delayed, the situation in the north may deteriorate, and clashes between the two forces may become more frequent and more serious.

Possible Repercussions if settlement be delayed

CHAPTER: XII

GRAVES OF MILITARY PERSONNEL AND PRISONERS OF WAR

178. Article 18 of the Geneva Agreement stipulates that the Joint Commission shall fix the procedure and the time limit by and within which the personnel of the Graves Service are to remove the bodies of deceased military personnel of their Party including the bodies of the deceased prisoners of war. It adds that the Commander of the forces of each Party shall communicate to the other all information in his possession as to the places of burial of all military personnel of the other Party.

Relevant Article of Geneva Agreement

179. A project by the Vietnamese People's Volunteers/"Pathet Lao" Party giving the principles on which an agreement might be drawn up between the two Parties was forwarded early in August, but no progress was made. The International Commission at its various meetings with the Joint Commission has reminded both Parties of the necessity of implementing this clause and reporting progress. At its meeting with the Joint Commission on 30th October, 1954, the Commission particularly emphasised the humanitarian aspect of this subject and asked the Parties to give this subject importance and priority, and to exchange the lists of deceased personnel, giving places of burial. A date by which these lists might be exchanged was also suggested. Both agreed at that time to give this problem their earnest attention.

Humanitarian Aspect of the Problem

180. The Commission regrets to report that so far the Joint Commission has not been able to come to an agreement on this very important subject. The Franco-Laotian Delegation claim that they gave a list to the Vietnamese People's Volunteers/"Pathet Lao" Delegation, but that because the Vietnamese People's Volunteers/"Pathet Lao" Delegation failed to reciprocate, the list was withdrawn. They further state that a list of 10 names handed in at a later date by the Vietnamese People's Volunteers/"Pathet Lao" Party was incomplete and unworkable in that the places of burial were not mentioned.

Lack of Agreement within Joint Commission

181. The Vietnamese People's Volunteers/"Pathet Lao" Delegation have recently addressed a memorandum to the International Commission giving the differences of opinion between the two Parties with regard to the procedure for implementing this clause. The main differences according to the Vietnamese People's Volunteers/"Pathet Lao" Delegation are:-

Points of Difference

- (a) that the Vietnamese People's Volunteers/"Pathet Lao" side want 9 months within which the operation of exhumation should be completed, whereas the Franco-Laotian side want it done within 2 months;
- (b) that the Vietnamese People's Volunteers/"Pathet Lao" and the Franco-Laotian sides are not agreed on the regions of responsibility of each Party for the purpose of issue of lists of deceased military personnel and of the places of burial;
- (c) that the Vietnamese People's Volunteers/"Pathet Lao" side consider that it is not within the sphere of responsibility of the Joint Commission in Laos to decide the question of graves of French Union prisoners of war who were captured in Laos but died in prisoners of war camps in Vietnam;
- (d) that the Vietnamese People's Volunteers/"Pathet Lao" side consider that the number of specialists for working on each team should be five, whereas the Franco-Laotian side consider this number too big;
- (e) that the Franco-Laotian side had not agreed to exchanging additional lists from time to time.

182. The parties have now proposed to the International Commission that a Joint meeting be held between the International Commission and the Joint Commission to settle this issue. This proposal is under the consideration of the International Commission and it is hoped to hold such a Joint meeting by the end of January, 1955.

C H A P T E R: XIII

PUBLIC RELATIONS WORK

183. The Commission's aim in respect of Public Relations Work has been:

- (a) to secure the co-operation of the two Parties in publicising the terms of the Geneva Agreement;
- (b) to impress on the Parties the need to refrain from indulging in adverse propoganda, in public, against each other, which might accentuate differences and hamper the implementation of the Agreement;
- (c) to utilise the limited information and publicity channels available to create among the public in Laos and abroad an outlook of appreciation of the problems and tasks which the Parties and the Commission face and to ensure a climate of confidence, trust and understanding amongst the Parties in the work of the Commission.

Joint Meeting to decide issue

Aim and Method

184. With these broad objectives, the Public Relations Work of the Commission has been done with considerable success. The Commission has discouraged news about differences amongst, and complaints of, the Parties. It has directed its efforts not so much to giving or securing publicity, but to diminishing chances of hasty and unwarranted criticism which might hinder progress of the implementation of the Geneva Agreement. All releases emanating from the Commission are approved unanimously. Such releases are factual and are made as comprehensive as possible.

Possible
Reper-
cussion
if
settled
be del
Internal
Publicity

185. There are no organised normal press and publicity facilities in Laos. The Government of Laos publish a daily French bulletin (500 copies) and a bi-weekly Laotian language bulletin (350 copies), both mimeographed. There is also the Lao National Radio with about 3,000 listeners. But diffusion of news through these channels is limited. Therefore, the importance of personal contacts with Members of the Government, the Parties to the Agreement and the public at all levels, cannot be over-emphasised.

Relevant
Articles
Geneva
Agreement

186. The International Commission, at its meeting with the Joint Commission on 29th September, 1954, called upon the Parties to refrain from using words or expressions on the radio or in the press, which may widen the rift between them. This has, in fact, been emphasised time after time, formally and informally, with some good effect. Recently, the Commission requested the two Parties to publicise, throughout the territory of Laos, Articles 15 and 17 of the Agreement and the portion of the Declaration of the Royal Government of Laos made at Geneva with reference to Article 3 of the Final Declaration concerning democratic freedoms.

Human
rights
meeting
pro-
posed
issue

187. The only News Agency, which has a resident correspondent in Laos, is the Agence France Presse. In the interest of accuracy and to ensure widest diffusion for its press releases, the Commission also decided to transmit them to the External Publicity Division of the Ministry of External Affairs, New Delhi, for release to the World Press. Copies are made available to the Canadian and Polish Embassies in New Delhi for onward transmission to their countries. By arrangement with the respective International Commissions, messages are also simultaneously released at Hanoi, Phnom Penh and Saigon.

External
Publicity

188. Visiting journalists, whose number recently has been on the increase, have been given a fair and objective picture of the activities of the Commission and the problems it is facing. It may be added that the leaders of the three Delegations have always agreed upon unanimous views on vital issues before meeting press correspondents. Their unanimity of approach, while giving interviews to the journalists, has had a wholesome effect on news-reporting in the World Press.

Two
Parties
within
Joint
Commission

189. Co-ordination of the working methods and relations among the Public Relations Officers of the three Commissions in Vietnam, Cambodia and Laos were discussed at a Conference held in Hanoi in November, 1954 and several useful steps were agreed to. These include:-

Co-ordinat
tion

(a) accreditation of press correspondents concurrently to the three Commissions;
 (b) travel and other facilities and codes for them;

(c) exchange of relevant information and press clippings affecting one another, and
 (d) visual publicity.

190. Correspondents accredited to the Vietnam Commission are now accredited also to the Laos Commission.

General

191. The Public Relations Section has been arranging the regular supply of newspapers and magazines given by the Delegations to the various Teams, many of them in remote corners of the country. News items relating to the working of the Commission published in the World Press are brought to the notice of the Members of the Commission and, if necessary, to that of the authorities in Laos.

192. Hitherto, the Commission has been handicapped in the absence of a film cameraman and a photographer. The Laotian Government and the French Army Services have been helpful in this regard. The proceedings of the meetings of the International Commission with the Joint Commission and the activities of the Delegates and Members of the Commission have been covered and distributed by these services. But in order that visual publicity, suited to the requirements of the Commission, may be systematically undertaken, a cameraman is being appointed for the three Commissions with Headquarters in Hanoi.

CHAPTER: XIV

CONCLUSION

Progress made

193. In the preceding chapters, an attempt has been made to give in outline an account of the activities of the International Commission in Laos, since its installation in Vientiane. The Commission has pleasure in recording that satisfactory progress has been made.

Efforts made by Parties to fulfil their obligations

194. The material difficulties which the International Commission had to face, particularly in respect of transport, seriously hindered the progress of its work, especially in the early stages. But even more serious were the difficulties that arose out of vagueness of some of the provisions of the Geneva Agreement. This accentuated the already existing divergence of opinion within the Joint Commission, constituted by the Parties, which had been made responsible for the implementation of the Agreement. Differences, however, were not unexpected, a civil strife having raged in the land for years, leaving deep scars on the body-politic which time alone could heal. Despite these differences, it must be recorded that the Parties have made a real effort to fulfil their major obligations in regard to the military aspect of the Agreement. Apart from some occasional and

minor lapses, they have rallied round, particularly when urged by the Commission, to carry out these important tasks. Thus, notwithstanding early delays, withdrawals were carried out in time, and almost without incident. For this the Parties deserve credit.

195. Some tasks and problems still remain. The most delicate, difficult and at the same time important problem that awaits solution is that of the two Northern provinces of Phong Saly and Sam Neua. With the withdrawal of foreign forces, the only ex-antagonists left in the country are the troops of the Laotian National Army and the fighting units of "Pathet Lao", and the only places where these two forces will be left near to each other are the provinces of Phong Saly and Sam Neua. Already reports of some incidents have been received. It is apprehended that unless the political settlement envisaged in the Geneva Agreement is reached at an early date, the provinces might become a source of constant friction and jeopardise the very objectives of the Agreement. The efforts made in this direction by the International Commission have already been described. The hopeful sign is the prospect of negotiations starting between the two Parties in January 1955.

Prospects of Solution of the Problem of the Northern Provinces

196. The Commission has the pleasure to record the help and cooperation that it has received from many sources during the period under review. First of all, the Parties to the Geneva Agreement, in spite of differences of opinion between themselves, have generally shown willingness and readiness to listen to the Commission's advice and to assist the Commission in carrying out its duties as envisaged in the Geneva Agreement. The Commission is thankful to the High Commands of the Franco-Laotian and Vietnamese People's Volunteers/ "Pathet Lao" Parties and to their representatives on the Joint Commission in this regard. The consideration that the Commission has received from the Royal Laotian Government, the cooperation that has always been available from the local authorities in the country and from the "Pathet Lao" authorities in the Northern provinces, must also be mentioned. The Commission is particularly thankful to the French Liaison Mission in Vientiane for its unstinted help in supplies and services. Above all, the members of the International Secretariat deserve praise and thanks for the way they served the Commission under very difficult living and working conditions.

Help and Co-operation Received

Sd/ J.N. Khosla Delegate of India and Chairman Sd/ Léon Mayrand Delegate of Canada

Sd/ Marian Graniewski Delegate of Poland

Signed this 15th day of January, 1955 at Vientiane, Laos.

APPENDIX A
 WITHDRAWAL OF VIETNAMESE PEOPLE'S VOLUNTEERS/"PATHET LAO" TROOPS

(1)

| Serial No. | Units | Position on August 21. | Date of Departure & Transport | General route of withdrawal | Strength | Remarks concerning J8 spot checking and informed that the withdrawal was closed (h) |
|------------|--------------|--------------------------------------|--|-------------------------------|----------------------|--|
| (a) | (b) | (c) | (d) | (e) | (f) | (g) |
| 1 | "Pathet Lao" | MUONG NGOI, (Luang Prabang) | Nov 17-18 (advanced to Nov 13) by Road | MUONG NGOI, PHONG SALLY | One Coy. of 150 men. | The International Commission's Mobile Team, LUANG PRABANG and Fixed Team, PHONG SALLY could not check the withdrawal of PL on Nov 13 from MUONG NGOI to MUONG KHUOA because of the non-availability of helicopters. |
| 2 | "Pathet Lao" | MUONG MO, MUONG NGAN (XIENG KHOUANG) | Nov 3-5 by Road | MUONG NGAN, SOP HONG, VIETNAM | --do-- | The International Commission's Fixed Team, Xieng Khouang sent to MUONG NGAN on Nov 4, reported that PL withdrew two months ago. The PVV/PL later explained that the troops had to move out of MUONG NGAN, because of the lack of rice, to another locality situated in the same Provisional Assembly Area. They stated that they left the area according to schedule forwarded to the Joint Appraisal Commission (The International Commission's |
| 3 | "Pathet Lao" | MUONG KHONG | Feb 50-52 | MUONG KHONG | 800 men | The International Commission's |

(11)

(a) (b) (c) (d) (e) (f) (g) (h)

| | | | | | | |
|---|--------------------------------|--------------------------------------|--|-------------------------------------|---|---|
| 3 | "Pathet Lao" Lao | MUONG PHUONG (Vientiane) | Sep 20-25 (Forced to remain in PVV area in TOURAKOM due to shortage of rice) By Road | XIENG MI, SOP SAY, MUONG CHAM | KEN NOI on Sep 30-Oct 5, SOP PHEUNG on Oct 12-15, enter SAM NEUA by Nov 19. | Four Coys. of 800 men. (The International Commission's Mobile Team, Vientiane checked at MUONG CHAM the withdrawal of 100 men PVV and 285 PL on Nov 5. The Team was told that 400 BVV and 300 PL had passed through MUONG CHAM two days earlier.) |
| 4 | Vietnamese People's Volunteers | TOURAKOM (Vientiane) | Oct 1-5 By Road | XIENG MI, SOP SAY, MUONG CHAM | SUM BONG on Oct 12-15, VANG FIENG on Nov 1-3, enter Vietnam. Nov 5-7 | One Battalion of 500 men |
| 5 | -do- | OU TAY - MUONG VA (Phong Saly) | Nov 8-10 By Road | MUONG VA, SOP NAO, VIETNAM | PHONG SALLY on Nov 11-12, MUONG HUN XIENG HUNG on Nov 14, HA CHAK on Nov 18, enter Viet Nam Nov 20-21 (This route though different from that laid down under KHANG KHAY Agreement of August 30 was agreed to by Joint Group) | One Battalion of 500 men |

The International Commission's Fixed Team, PHONG SALLY could not check the withdrawal of about 460 PVV at OU TAY on Nov 8, owing to lack of helicopter but checked at PHONG SALLY on Nov 11-12, failed again to contact them at SOP NAO on Nov 21, since they crossed the place on Nov 19. The team was informed that the remaining 18 sick and wounded and their guards were on the way.

| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) |
|-----|--------------------------------------|--------------------------------------|----------------------|--|--|--|---|
| 9 | "Pathet Leo" | MUONG NONG (Savannakhet) | Oct 20-25 By Road | THAT HAI, MUONG PHINE, MUONG SEN, NA NHOM, KAVAK, NA PANG, BAN PHA NOP. | NA KA PO on Oct 23-27, BAN PHA NOP on Oct 28-31 (actual passage on Nov 3) enter SAM NEUA by Nov 19. | One Battalion of 550 men | Fixed Team, Savannakhet checked 500 PL at BAN PHA NOP on Nov 3. |
| 10 | Vietnamese People's Volunteers | SENOI - BOUALAFA (Savannakhet) | Nov 15-17 By Road | NA NHOM, KAVAK, NA PANG, BAN PHA NOP | Leave Nov 8, BAN PHA NOP Nov 18-19, but actual passage through Ban Pha Nop on Nov 16. Frontier crossed on Nov 17. | One Battalion of 500 men | Fixed Team, Savannakhet checked the last unit consisting of 422 PVV at BAN PHA NOP on Nov 16. |
| 11 | -do- | MUONG MAY (Attopen) | Oct 15-20 By Road | MUONG MAY, HIN LIT, PHAN KONG TOM, BAN THONG, LAO NGAM, KENG, LA VAO, KENG, SIM, - Follow Route No. 23 up till THAT HAI - 9 Kilo- metres west of MUONG PHINE, MUONG SEN, NA NHOM, KAVAK, NA PANG, BAN PHA NOP | LAO NGAM on Oct 25-28, NA KA PO on Nov 10-12, BAN PHA NOP on Nov 16-18, cross frontier Nov 19 - (changed schedule LAO NGAM on Oct 29-30, MUONG PHINE on Nov 5, NA KA PO Nov 10, BAN PHA NOP on Nov 14-15). | A large group of men, according to the PVV/PL, evacuated early and were near LAO NGAM about Oct 2. 500 men were checked in Mahaxay area on Nov 3, and on the same day at BAN PHA NOP, by the Fixed Team, Savannakhet. 2 Coys representing the last PVV/units in this area left Attopen on Oct 21, were checked on Oct 22 on route 13 and on Oct 24 at LAO NGAM by Fixed Team, Pakse. They left LAO NGAM on Oct 28 and were rechecked (strength given here 296 persons, 22 ponies, 4 elephants) on Oct 30 near B. KENG SIM. They followed a route which had not been agreed upon but saved a day's march. They were checked at NA KA PO on Nov 10 (strength 311 persons, 22 ponies, 4 elephants) and at BAN PHA NOP on Nov 14 by Fixed Team, Savannakhet. | |

WITHDRAWAL OF FRENCH UNION TROOPS

(The French Union troops from the Provisional Assembly Areas of Savannakhet and Pakse were partly checked. Those from the Provisional Assembly Areas of Luang Prabang, Vientiane and Plaine-des-Jarres (except one mule company) were not checked. The High Command of the French Union forces informed the International Commission of only a part of their effectives in each sector. The strength of some units was also not given. It was the intention of the Commission that all the French Union troops should be checked. Owing to short notices a part of this personnel moving out was not checked.)

| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) |
|------------|------------------------------------|-------------------------------------|---|-------------------------|--------------------------------|----------|--|
| Serial No. | Units | Position on August 21 | Date of departure & transport | Date of arrival at SENO | Date of arrival at border | Strength | Remarks concerning checking |
| 1 | Platoon (European Commandos) | LUANG PRABANG (Luang Prabang) | September 9 to 23 By Air | - | Out of Laos September 9 to 23. | - | Fixed or Mobile Team not located in the area at the time of withdrawal. No advance information given to enable Commission to send special team from Vientiane. |
| 2 | 2/2 REI (Foreign Legion Battalion) | NAM BAC, MUONG SUNG (Luang Prabang) | September 9 to 23 (Earlier scheduled to leave NAM BAC by Road on August 14) By Air. | - | Out of Laos September 9 to 23. | - | - |

Note: - If use the intention of the International Commission that all LAO/FR troops in NIGGLE and POUKIN areas (Savannakhet and Plaine des Jarres) and at BAN PHA MOE on Nov 14 should be checked at the time of withdrawal. The strength of the LAO/FR units were checked at BAN PHA MOE on Nov 14. The units were checked at BAN PHA MOE on Nov 14. The units were checked at BAN PHA MOE on Nov 14. The units were checked at BAN PHA MOE on Nov 14.

--do--

| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) |
|-----|--|--|---|--|--------------------------|--|--|
| 3 | Tabors Command staff in Far East | PLAINE-DES- JARRES (Xieng Khouang) | Sep 15-30 Oct 9-20 Nov 1-15 By Air | Sep 15-30 Oct 9-20 Nov 1-15 | Out of Laos | - | Fixed or Mobile Team not located in the area at the time of withdrawal. No advance information given to enable Commission to send special team from Vientiane. |
| 4 | 5th Dragon Squadron | -do- | Sep 13-30 By Air | Remain at SENO | - | - | |
| 5 | 805 Mule Company | -do- | Oct 9-20 (actual departure was on Nov 12) By Air | Nov 12-13 | Out of Laos Nov 13-14 | Men - 180 Mules - Sold Kit - 4 tons on November 13-14. | The International Commission's Fixed Team, Savannakhet, checked at Seno |
| 6 | Engineer Corps 76/3 | -do- | Nov 1-15 By Air | - | Out of Laos | - | Not controlled because no advance information given on Oct 31-52. |
| 7 | 2/11 EME Mobile Company | -do- | Oct 10-15 By Air | Remain at SENO | Out of Laos | - | Fixed or Mobile Team not located in the area at the time of withdrawal. No advance information given to enable Commission to send special team from Vientiane. |
| 8 | 1st Troop of 55th Mule Company | -do- | By Air | End of September after selling mules & equip- ment | Out of Laos | - | |

| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) |
|-----|--|---------------------------|--|--|--|--|---|
| 9 | 2nd Troop of 5 RSM (5th Moroccan Spahis) | VIENTIANE (Vientiane) | Oct 8 by River Mekong Nov 1-15 By Air. | (Savannakhet (on Oct 14 (Pakse on Oct 17)) Remain at Seno | Out of Laos Out of Laos Nov 1-15. of 1500 | - | The unit was not checked at Vientiane. The International Commission's Fixed Team was informed after the troops had left Pakse. |
| 10 | EMGT 517, 1/517 | SAVANNAKHET (Savannakhet) | - | Remain at Seno | - | - | Allegations. Commission to send aircraft team from Savannakhet to investigate. No |
| 11 | 8th Tabor Marocain | SENO (Seno) | Nov 1-15 (actual departure was Oct 24) By Road RC 13 | Savannakhet Oct 24/25 | Out of Laos Nov 3-18 (actual crossing of place on Oct 26-27) | Officers and Sub-Officers - 100 Troops - 814 Jeeps - Dodge - 15 cwt - Military Vehicles - 10 Civil Vehicles - 50 | The International Commission's Fixed Team Savannakhet checked on Oct 24-25. The Fixed Team, Pakse checked two companies at the Cambodian border on Oct 26-27. |
| 12 | 2/3 RTA (Algerian Infantry Battalion) | SENO (Seno) | By road RC 13 | Remain at Seno | - | - | Allegations. Commission to send aircraft team from Savannakhet to investigate. No |

Note: - This is a preliminary report and is subject to change. It is based on information received from the field and is not intended to be a final report.

PRISONERS OF WAR AND CIVIL INTERNEES

| Nationality | Held by PWV/PL according to F/L | Admitted by PWV/PL | Released by PWV/PL | According to PWV/PL | According to F/L |
|-------------------------------|---------------------------------|--|--------------------|---|------------------------------------|
| French Union Prisoners of War | 167 | 600 | 634 | 635 (4 of these were of Vietnamese nationality) | 634 |
| French Union Civil Internees | 10 | 6 Political Internees | 6 | 6 Political Internees | 6 (4 Clergymen, 2 Civil Internees) |
| Laotian Prisoners of War | 999 | 29 | 33 | 126 Civil Internees | 59 Cambodian Prisoners of War |
| Laotian Civil Internees | 900 | 81 Political Internees 45 Political Internees 10 Died in captivity | 126 | 126 Civil Internees | 118 Civil Internees |
| Total | 2076 | 771 (of whom 10 died) | 859 | | 851 |

| Nationality | Held by F/L according to PWV/PL | Admitted by F/L | Released by F/L |
|--|---------------------------------|---|---|
| | | According to F/L | According to PWV/PL |
| PVV Prisoners of War) PWV Civil Internees) | 399 | 140 (11 Prisoners of War (held outside Laos) (36 Prisoners of War) (19 Political Internees (74 Civil Internees | 128 (25 Prisoners of War (19 Political Internees (74 Civil Internees (10 - not Prisoners of War, Political Internees or Civil Internees. |
| PL Prisoners of War) PL Civil Internees) | 266 | 81 (15 Prisoners of War (14 Political Internees (of whom 2 escaped) (52 Civil Internees (of whom 7 escaped) | 92 (7 Prisoners of War (71 Civil Internees (6 Political Internees (8 - not Prisoners of War, Political Internees or Civil Internees |
| Unspecified Prisoners of War and Civil Internees (whether PWV or PL) | 20 | 20 Unspecified Prisoners of War and Civil Internees 53 Died in captivity | |
| Total | 685 | 294 (of whom 9 escaped and 53 died) | 220 |

Note:- PWV/PL claim to have released 1079 Prisoners of War before cease-fire from April to July 1953 and 61 Political Internees from November 1953 to July 1954. (24)

The Team should work in close cooperation with its Chairman. Its assistance will be French and English. All unanimous reports and communications to be International Commission will be sent in English, but in case of disagreement, reports may be sent in English or French. Communications to the Commission should be sent in English along with an unofficial French translation. Members must not issue any press or radio communique, or hold any press conference.

INTERNATIONAL COMMISSION
FOR SUPERVISION AND CONTROL IN LAOS

NOTES FOR GUIDANCE OF FIXED TEAMS

INTRODUCTION

1. The Fixed Teams are the agents of the International Commission under whose direction they function and to whom they are responsible. They are the means, in their particular areas or on their assignments, by which the International Commission fulfils its responsibilities for control, observation, inspection and investigation connected with the implementation of the provisions of the Geneva Agreement.

GENERAL

2. (a) Each Team will normally consist of two members from each country. The senior member will be the representative of the country and the other will be an alternate member. As in the International Commission, the senior member from India will be the Chairman. An alternate member will not vote unless the other member is not present. He may, however, give his opinion at any meeting. The Team is not legally constituted if any one of the three countries is not represented.

(b) Any disagreement about interpretation of the responsibilities of the Team under the Geneva Agreement or under these Instructions, should be referred to the International Commission for clarification or instruction. However, such referral should not delay the investigation or enquiry if the majority decides that the matter is urgent. The Team should cooperate, and it is desirable that its reports should be unanimous. In case of disagreement within the Team about the findings or report of an investigation or enquiry, the dissenting view should be incorporated in a report to the International Commission.

(c) In so far as is practicable, the Team should ensure that one representative of each country remains at the base when the Team moves to carry out an investigation or enquiry away from the locality.

(d) The Team will have the assistance of such personnel as interpreters including those locally recruited, cipher operators, signallers and others as required.

ORGANIZATION OF WORK

A P P E N D I X 'D'

3. The Team should work in close cooperation with its Chairman. The Chairman may request secretarial assistance from the members of the Team. The official languages will be French and English. All unanimous reports and communications to be International Commission will be sent in English, but in case of disagreement, reports may be sent in English or French. Communications to the Commanders of the French or Laotian Forces or the Vietnamese People's Volunteers and "Pathet Lao" or to civilian officials should be sent in English along with an unofficial French translation. Members may communicate to their national representatives on the International Commission, if necessary, in their own language and in their own ciphers. The Indian member will be responsible for providing the channel of communication of messages to the International Commission. Normal means of communication will be signals provided by the Indian Delegation. In dealing with the Parties, the principal spokesman for the Team will be the senior Indian member. All work of the Team will be strictly confidential. The Team must not issue any press or radio communique, or hold any press conference.

RESPONSIBILITIES

- (a) Each Fixed Team will be allotted the area within which it will operate. It will be given a map indicating its area of responsibility. Within this area of operation the responsibilities and functions of each Team will include:-
- (a) investigating any reported incidents or complaints, whether civil or military, which may appear to be in violation of the terms of the Geneva Agreement.
 - (b) supervising and investigating movements and transfers of the military forces, installations, supplies and equipment of the two parties in accordance with the transfer plans, as well as the provisional assembly areas of both the Franco-Laotian and Vietnamese People's Volunteers/Pathet Lao Forces, keeping in view the safe disposition of the forces;
 - (c) supervising at ports, airfields and all places of entry on the river and land routes along the frontiers of Laos the implementation of the provisions regulating the introduction into Laos of military personnel and war materials assembled or in parts;
 - (d) supervising the implementation of the clauses of the Agreement on the cessation of hostilities relating to the rotation of personnel and to supplies for French Union Security Forces maintained in its area;
 - (e) controlling the release of prisoners of war and civilian internees;

Note: - PVV/PL claim to have released 1079 Prisoners of War before cease-fire from April to July 1953 and 61 Political Internees from November 1953 to July 1954.

(f) any other duties and responsibilities which may be assigned to the Team by the International Commission, from time to time.

II (a) The Team should settle minor incidents or remove causes for incidents by using its influence on the interested parties and attempt to bring them to an amicable settlement. When there is a question of interpretation of the Geneva Agreement or of establishing the fact of a violation of the Agreement, the Team must only gather evidence and forward it to the International Commission with such observations as the members consider necessary.

(b) Where there is need for interviewing witnesses on questions relating to implementation of the Geneva Agreement, the Team should make every endeavour to secure two interpreters of local languages, one from each Party. If for any reason this is not possible, the Team should state the reason for this in its report.

(c) If, during an investigation of a specific question, the Team receives from any source information about another incident, or another complaint, it shall take action if the locality of such incident or complaint is accessible and in the area of responsibility of the Team. This may include the possibility of getting evidence which could be relevant for another question coming before the International Commission or a question which could, at a later date, be relevant for the International Commission. The Team shall, in any case, investigate such new report if it is of a specially serious nature or if important evidence might not be available at a later date. The secondary investigation should not, however, interfere with the implementation of the primary task for which the Team went out.

(d) The Team should try to get as full and complete information as possible regarding the subject of investigation. The Team will hear witnesses produced by either of the Parties. Every effort should be made by the Team to find witnesses and evidence in addition to that produced by interested parties. The Team must accept and forward to the Commission all documentary evidence produced and must not refuse to interview witnesses whose evidence might be of value in connection with the investigation. The Team should indicate whether a document or witness was produced by an interested party or was obtained independently by the Team itself and make any observations it wishes to make on the evidence.

RIGHTS OF THE TEAMS

5. Within the limits of its area of operation, each Team shall have the right to move freely and shall receive from the local civil and military authorities all facilities it may require for the fulfilment of its tasks (provision of personnel, access to documents needed for supervision, summoning of witnesses needed for enquiries, security and freedom of movement of the Inspection Teams, etc.). It shall have at its disposal such modern means of transportation and communication as it may require.

LIAISON AND KNOWLEDGE OF THEIR AREAS

6. Each Team should ensure that liaison is maintained with the Sub-Commissions and Joint Groups operating within its area. It must establish and maintain liaison with the local military Commanders of both the Parties. Each Team should ensure that it has such Liaison Officers from the Parties as may be required, depending on the assignment and area of operations. It should also get to know the local civil officials and have knowledge of local administration and conditions in its area. It should have such knowledge of the locations and strength of all military forces of both sides in its sector, including any changes and movements that may take place, as it may require for the fulfilment of its task. Information thus obtained from either side should not be divulged.

REPORTS

7. The following reports will be submitted:-

- (a) Daily situation report giving report up to 1600 hours. Nil reports will be sent.
- (b) Weekly report giving a summary of new information, decisions and actions taken by the Team. This report should also include a summary of all the activities of the Team during the week including administrative matters. The report should be supported by copies of documents that may have been received or examined by the Team.
- (c) Special Reports. These may be submitted at any time by the Team on its own initiative or when called for by the International Commission. Special reports will also be submitted on the results of investigations of specific incidents, violations of the Agreement or matters referred to the Team by the Joint Group, local military Commanders and local civil authorities.
- (d) Special Situation Reports. These should include any information or results of investigations, which in the opinion of the Team must be communicated urgently to the Commission and cannot await Daily Situation Report. Examples of such cases are:-

NOTES FOR THE GUIDANCE OF MOBILE TEAMS

(i) When the Team anticipates violation of the provisions of the Agreement.

(ii) When as a result of violation, there has been loss of life or property.

8. Reports must be signed by the senior officers of the three countries, unless one of the members does not agree, when action as per paragraph 2 (b) may be taken.

9. All reports will be **SECRET**.

GENERAL

10. No clerks or typewriters are being provided. Reports will, therefore, be in manuscript - one copy only need be sent and one copy will be retained by the Team.

11. All the vehicles of the Fixed Team shall be painted white. All members shall wear the International Commission's armbands and fly the International Flag on their vehicles. Each member will at all times carry the International Commission's Identity Card as well as the Credential issued to him.

International Commission for clarification of instructions, should be referred to the International Commission for clarification of instructions. However, such referral should not delay the investigation or enquiry if the majority decides that the matter is urgent. The Team should cooperate, and it is desirable that its reports should be unanimous. In case of disagreement within the Team about the findings or report of an investigation or enquiry, the dissenting view should be incorporated in a report to the International Commission.

(c) The Team will have the assistance of such personnel as interpreters, including those locally recruited, cipher operators, signallers and others as required.

ORGANIZATION OF WORK

3. The Team should work in close cooperation with its Chairman. The Chairman may request secretarial assistance from the members of the Team. The official languages will be English and French. All unanimous reports and communications to the International Commission will be sent in English, but in case of disagreement, reports may be sent in English or French. Communications to the Commanders of the French or Laotian Forces or the Vietnamese People's Volunteers and "Patrol Lao" or to civilian officials should be sent in English along with an unofficial French translation. Members may communicate to their national representatives on the International Commission, if necessary, in their own language and in their own ciphers. The Indian Member will be responsible for providing the channel of communication of messages to the International Commission and/or National Delegation. Normal means of communication

NOTES FOR THE GUIDANCE OF MOBILE TEAMSINTRODUCTION

1. The Mobile Teams are the agents of the International Commission under whose direction they function and to whom they are responsible. They are the means, on their particular assignments, by which the International Commission fulfils its responsibilities for control, observation, inspection and investigation connected with the implementation of the provisions of the Geneva Agreement.

GENERAL

2. (a) Each Team will normally consist of one member from each country. The member from India will be the Chairman. The Team is not legally constituted if any one of the three countries is not represented.
- (b) Any disagreement about interpretation of the responsibilities of the Team under the Geneva Agreement or under these Instructions, should be referred to the International Commission for clarification or instruction. However, such referral should not delay the investigation or enquiry if the majority decides that the matter is urgent. The Team should cooperate, and it is desirable that its reports should be unanimous. In case of disagreement within the Team about the findings or report of an investigation or enquiry, the dissenting view should be incorporated in a report to the International Commission.
- (c) The Team will have the assistance of such personnel as interpreters, including those locally recruited, cipher operators, signallers and others as required.

ORGANISATION OF WORK

3. The Team should work in close cooperation with its Chairman. The Chairman may request secretarial assistance from the members of the Team. The official languages will be English and French. All unanimous reports and communications to the International Commission will be sent in English, but in case of disagreement, reports may be sent in English or French. Communications to the Commanders of the French or Laotian Forces or the Vietnamese People's Volunteers and "Pathet Lao" or to civilian officials should be sent in English along with an unofficial French translation. Members may communicate to their national representatives on the International Commission, if necessary, in their own language and in their own ciphers. The Indian Member will be responsible for providing the channel of communication of messages to the International Commission and/or National Delegation. Normal means of communication

will be signals provided by the Indian Delegation. In dealing with the Parties, the principal spokesman for the Team will be the Indian Member. All work of the Team will be strictly confidential. The Team must not issue any press or radio communique, or hold any press conference.

4. For administrative convenience, a Mobile Team may be located in the same station as a Fixed Team. A Mobile Team will be available as a reserve to the International Commission to carry out such specific tasks as may be given to it by the International Commission. As far as possible, a Mobile Team will be employed in the area with which it is familiar, but it must be prepared to be sent out to any part of LAOS at a short notice.

RIGHTS OF THE TEAMS

5. Within the scope of its assignment, each Team shall have the right to move freely and shall receive from the local civil and military authorities all facilities it may require for the fulfilment of its tasks (provision of personnel, access to documents needed for supervision, summoning of witnesses needed for enquiries, security and freedom of movement of the Inspection Teams, etc.). It shall have at its disposal such means of transportation, observation and communication as it may require.

LIAISON AND KNOWLEDGE OF THEIR AREAS OF ASSIGNMENT

6. It should ensure that the Sub-Commissions and Joint Groups operating within the scope of its assignment maintain liaison and contact with it. It must establish contact and get to know local military Commanders of both the parties. Each Team should ensure that it has such Liaison Officers from the Parties as may be required, depending on the assignment and area of operations. It should also get to know the local civil officials and have knowledge of local administration and conditions in its area of assignment. Any information obtained from either side should not be divulged.

REPORTS

7. The following reports will be submitted:-

- (a) Daily Situation Report giving report up to 1600 hours. Nil reports will be sent.
- (b) Special Reports. These may be submitted at any time by the Team on its own initiative or when called for by the International Commission.
- (c) Special Situation Reports. These should include all information or results of investigation which may be sent up by message, which in the opinion of the Team must be urgently communicated to the Commission and cannot await Daily Situation Report or Special Report. Examples of such cases are:-

(xix)

(i) when the Team anticipates violation of the provisions of the Agreement;

(ii) as a result of violation, there has been loss of life or property.

8. Reports must be signed by the senior officers of the three countries, unless one of the members does not agree, when action as in para 2 (b) may be taken.

9. All reports will be SECRET.

10. No clerks or typewriters are being provided. Reports will, therefore, be in manuscript - one copy only need be sent and one copy will be retained by the Team.

11. All the vehicles of the Mobile Team shall be painted white. All members shall wear the International Commission's armbands and fly the International Flag on their vehicles. Each member will at all times carry the International Commission's Identity Card as well as the Credential issued to him.

12. Owing to very bad state of land communications, the Team must be prepared to move about on foot or by use of local animal transport. When possible, light aircraft and helicopters will be provided. Provisionally they are located as follows:-

PLAINE-DES-JARRES - One Light Aircraft and One Helicopter.

LUANG PRABANG - One Light Aircraft and One Helicopter.

VIENTIANE - One Light Aircraft.

SENO - One Light Aircraft.

Normally, the Team will be informed as to the mode of transport and necessary arrangements that have been made. The Team should, however, maintain liaison for transport purposes with the local authorities.

Each Team has been provided with a mobile wireless set. Whenever the Team proceeds on its task, it should take the set along with it. Owing to difficulties of transport, it may not always be possible to take the mobile wireless equipment with the Team. In such cases the Team will communicate by using the local communications available.

(a) Special Reports:----- These may be submitted at any time by the Team on its own initiative or when called for by the International Commission.

(b) Special Situation Reports. These should include all information or results of investigation which may be sent up by message, which in the opinion of the Team must be urgently communicated to the Commission and cannot await Daily Situation Report or Special Report. Examples of such cases are:-

TABLE OF REPORTED INCIDENTS AND INVESTIGATIONS CARRIED OUT UP TO 31st DECEMBER, 1954

Complaints Received from Franco-Laotian Party

| Nature of Complaints | Total | | | | | | |
|--|-------------------|-------------------------------|-----------------|-------------------------|--------------------------|-----------------------|-------------|
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | No. of Complaints | No. of For I.C.'s Information | Lodging Protest | Requesting Intervention | Requesting Investigation | Ordered Investigation | Carried out |
| A Attack; Threat of attack; Occupation of territory; Presence outside assembly area. | 53 | 25 | 2 | 2 | 24 | 15 | 9 |
| Paratropping of troops and War materials on the territory under military control of the other Party. | | | | | | | |
| Distribution of arms among the population for warlike purposes. | | | | | | | |
| Presence of PVV troops after 19-11-54 | 5 | 2 | | | 3 | 22 | 1 |
| TOTAL of A Complaints | 58 | (27) | 2 | (2) | (27) | (17) | 10 |

| Nature of Complaints | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
|--|-----------|----------|----------|----------|----------|----------|----------|----------|
| B Murder and Torture | 2 | - | - | - | - | - | - | 1 |
| Presence of BAA floods | | | | | | | | |
| Bombing | | | | | | | | |
| Threat and Act of terrorism against the population | 2 | 1 | - | - | 1 | - | - | - |
| Description of same above | | | | | | | | |
| Arrest and Detention of persons | 10 | 3 | 1 | 1 | 5 | 1 | 1 | - |
| Complaints on the petition | | | | | | | | |
| Arrest and Detention of persons | | | | | | | | |
| Looting; Illegal requisition; Illegal taxation and Destruction of property | 7 | 4 | - | - | 3 | 2 | 2 | - |
| Presence of petitioners | | | | | | | | |
| Occurrence of petitioners | 22 | 5 | 5 | 5 | 5 | 12 | 2 | 2 |
| Witness: unless of witness: | | | | | | | | |
| Total of B | 19 | 8 | 1 | 1 | 9 | 3 | 3 | 1 |
| Nature of Complaints | | | | | | | | |
| Investigation | | | | | | | | |
| Comb-: Investig- | | | | | | | | |
| No. of: for I.C.s | | | | | | | | |
| Notes | | | | | | | | |

Complaints received from the Commission

| Nature of Complaints (Miscellaneous) | (1) | (2) | (3) | (4) | (5) | (6) | (7) |
|---|------------|-----------|----------|----------|-----------|-----------|-----------|
| Provocative propaganda | 6 | 3 | 2 | - | 1 | 1 | 1 |
| Violation of air space | - | - | - | - | - | - | - |
| Obstruction to payment for purchase of rice and authorities | - | - | - | - | - | - | - |
| Obstruction to contact units and authorities | - | - | - | - | - | - | - |
| Obstruction to civil traffic | 2 | 2 | - | - | - | - | - |
| Positions of LMA troops in Northern Provinces | 16 | - | - | - | 16 | 16 | 3 |
| Total of C | 24 | 5 | 2 | - | 17 | 17 | 4 |
| TOTAL of A, B and C | 101 | 40 | 5 | 3 | 53 | 37 | 17 |

Combyrute Receiway from LAA/ET 1912

LEVEL OF RECORDED INCIDENTS AND INVESTIGATIONS COVERED ONE ON TO 31st DECEMBER 1954

TABLE OF REPORTED INCIDENTS AND INVESTIGATIONS CARRIED OUT UP TO 31st DECEMBER, 1954

Complaints Received from FVV/FL Party

| Nature of Complaints | Total No. of Com- plaints | For I.C.'s Informa- tion | Lodg- ing Protest | Request- ing Inter- vention | Request- ing Investi- gation | Investigation | Ordered | Carried out |
|---|------------------------------------|--------------------------------|-------------------------|--------------------------------------|---------------------------------------|---------------|-----------|-------------|
| | | | | | | | | |
| A Attack; Threat of attack; Occupation of territory; Presence outside assembly area | 61 | 18 | 8 | 2 | 33 | 12 | 8 | |
| B Paradropping of troops and War materials on the territory under military control of the other Party | 9 | - | - | - | 9 | 9 | 8 | |
| C Distribution of arms among the population for warlike purposes | 1 | - | - | - | 1 | 1 | 1 | |
| TOTAL of A | 71 | 18 | 8 | 2 | 43 | 22 | 17 | |

| Nature of Complaints | (1) | (2) | (3) | (4) | (5) | (6) | (7) |
|--|-----|-----|-----|-----|-----|-----|-----|
| B Murder and Torture | 15 | 2 | 2 | 1 | 1 | 1 | 2 |
| Threat and Act of terrorism against the population | 9 | 3 | 3 | 1 | 4 | 1 | 1 |
| Arrest and Detention of persons | 26 | 9 | 3 | 3 | 11 | 4 | 3 |
| Looting; Illegal requisition; Illegal taxation and Destruction of property | 10 | 4 | 4 | - | 2 | - | - |
| C Miscellaneous | 60 | 5 | 18 | 9 | 27 | 7 | 6 |
| Arrest and Detention of persons | 9 | 3 | 3 | 1 | 4 | 1 | 1 |
| Looting; Illegal requisition; Illegal taxation and Destruction of property | 10 | 4 | 4 | - | 2 | - | - |
| Miscellaneous | 41 | 2 | 11 | 2 | 21 | 6 | 5 |
| TOTAL | 115 | 19 | 35 | 14 | 44 | 14 | 11 |

APPENDIX 'G'LETTER NO. 129/VL DATED 20th OCTOBER, 1954 FROM
THE VIETNAMESE PEOPLE'S VOLUNTEERS/"PATHET LAO"
DELEGATION ADDRESSED TO THE INTERNATIONAL COMMIS
SION

The problem of the two provinces of Phong Saly and Sam Neua is a political problem, included in the ensemble of problems tied up with the general political settlement. This problem must be settled at the same time as other political problems as catered for in the Geneva Agreement, after the fighting units of "Pathet Lao" have regrouped in the two provinces.

But the Franco-Laotian Delegation has proposed to solve this problem in the framework of military questions, and therefore the Vietnamese People's Volunteers/"Pathet Lao" Delegation considers it necessary to clarify its point of view on this question as follows:-

-I-

Article 14, Chapter III of the Geneva Agreement states:-

"Pending a political settlement, the fighting units of "Pathet Lao", concentrated in the Provisional Assembly Area, shall move into the Provinces of Phong Saly and Sam Neua, except for any military personnel who wish to be demobilised where they are. They shall be free to move between these two Provinces in a corridor along the frontier between Laos and Vietnam bounded on the south by the Line Sop Kin, Na Mi, Sop Sang, Muong Son.

"Concentration shall be completed within one hundred and twenty (120) days from the date of entry into force of the present Agreement."

The implementation of the Geneva Agreement and bearing in mind the concrete and true situation in Laos, the decision on the regroupment and withdrawal of forces, signed at Khang Khay on 30th August, 1954, laid down six Provisional Assembly Areas for the fighting units of "Pathet Lao" and stated at the same time that all these units, thus assembled in the six Provisional Assembly Areas, will transfer themselves to the two provinces of Phong Saly and Sam Neua to await a final political settlement.

(a) From a legal point of view: the two above-mentioned Agreements have already clearly laid down that the whole of the two provinces of Phong Saly and Sam Neua constitutes the final regroupment area for all the fighting units of "Pathet Lao", for; -

1) The terms used in Article 14 have clearly specified that the fighting units of "Pathet Lao" "shall move into the two provinces of Phong Saly

and Sam Neua, pending a political settlement." This means that the transferred fighting units of "Pathet Lao" will station themselves throughout the two provinces because the term "province" implies the totality of the territory within its limits and, if it had been otherwise, the wording would have been that the fighting units of "Pathet-Lao" would move into a zone within the two provinces."

Furthermore, the same article states: "pending a political settlement, the fighting units of "Pathet Lao" shall move into the two provinces." This means also that till a political settlement has been reached, the fighting units of "Pathet Lao" will remain stationed in the two provinces to await this political settlement, and there is absolutely no necessity for them to be the subject of any other settlement if the political settlement has not yet been reached.

(2) The decision on the regroupment and withdrawal of forces, signed at Khang Khay on 30th August, 1954 has laid down only six Provisional Assembly Areas for the fighting units of "Pathet Lao" but made no reference to the provinces of Phong Saly and Sam Neua. This provision clearly indicates that the two provinces of Phong Saly and Sam Neua constitute in their totality the final regroupment area for the forces of "Pathet Lao", and that in these two provinces there exist no units of the forces of the other party; this fact caused the two Delegations to give up selecting in the two provinces Provisional Assembly Areas necessary for the disengagement of the forces of the two Parties in regions where they are.

(b) On the subject of negotiations carried out in a spirit of mutual concessions, no one can deny that the "Pathet Lao" Party, always peace loving, has already made great concessions. Before the signing of the Agreement, the forces of "Pathet Lao" controlled almost half of the whole territory of Laos having large bases of operations in the provinces of Luang Prabang, Vientiane, Thakhek, Savannakhet, Saravane, Attopeu, Pakse, etc. These bases contained "Pathet Lao" administrative organisations, armed forces, regular and irregular, and organisations of the National United Front, Neo Lao Issara. Now that the

Agreement has been signed, in order to implement effectively the cease-fire and the disengagement of the forces of the two Parties, with a view to a rapid re-establishment of a lasting peace in Laos, the fighting units of "Pathet-Lao" had to evacuate these bases, and overcome incredible difficulties entailed in marches of over a thousand kilometres to rejoin the two provinces of Phong Saly and Sam Neua, to await for a short while a final political settlement. These considerable concessions and these almost super-human efforts have sufficiently proved our will for peace and our sincere spirit of always wanting to negotiate to arrive at a freely consented unification of the two Parties.

It is in a spirit of concession that we accepted to assemble the fighting units of "Pathet Lao" in the two provinces of Sam Neua and Phong Saly only, entirely liberated and placed under the control of the "Pathet Lao" since April, 1953 and February, 1954, whereas the "Pathet Lao" forces controlled at this time large areas in the 10 other provinces. But we have reached the limit of our concessions and we consider that the Agreement giving the "Pathet Lao" the two provinces as a Provisional Assembly Area, pending a political solution which will settle the problem of unification of Laos, is an entirely reasonable measure, consistent with our sentiments and our peaceful stand which always remains unchanged from the beginning till the present.

- II -

The point of view of the Franco-Laotian Delegation on this problem of the two provinces can be summed up in the two following points:-

- place this problem in the framework of military question in order to ask for its settlement before a political settlement;
- asking that the presence of the Laotian National Army in these two provinces be recognised in order to obtain a stationing area in these two provinces.

(a) As was mentioned earlier, the problem of the two provinces is a political problem to be solved by the representatives of the "Pathet Lao" Government and those of the Royal Government in the coming negotiations, at the same time as other political problems. As far as the military aspect of this problem is concerned, it has already been settled: this military settlement is the determination of a regroupment zone constituted by the two provinces and allotted to the fighting units of "Pathet Lao", pending a final political settlement, in accordance with the spirit of Article 14 of the Geneva Agreement.

The Franco-Laotian Delegation has submitted certain proposals which it terms military measures to be taken before any political settlement. But at a first glance itself it appears that these measures are not of a military nature, on the contrary these measures are exactly political, included in the ensemble of political problems to be discussed shortly by the representatives of the two Governments concerned. For, proposals such as the delimitation of zones of influence of the forces of the two Parties, the placing of a representative of the Royal Government in the two provinces, with his Headquarters in the capital of each province, are they not questions of a political nature? All these questions, clearly of a political nature, are not, in our opinion, within the sphere of responsibility of the Delegations of the Military Command of the two Parties in the Joint Armistice Commission, but must be discussed and settled in the coming political conferences between representatives of the "Pathet Lao" Government and those of the Royal Government.

(b) The argument of the Franco-Laotian Delegation that there exists in the two provinces elements of the Laotian National Army is entirely without foundation.

1) The two provinces Sam Neua - Phong Saly are provinces reserved to the "Pathet Lao"; the "Pathet Lao" Liberation Forces worked therein since long and were able to create several strong and large bases. In April, 1953 the province of Sam Neua was completely liberated, as was a little later the province of Phong Saly in February, 1954. The forces of the French Union and the Laotian National Army in these two provinces were almost entirely wiped out, there only remained a very small portion who had succeeded in running away to the provinces of Luang Prabang and Xieng Khouang. Since then, "Pathet Lao" Administrative Organizations of all levels, from the level "BAN" (Village) to the level KHOENG (province), have been set up in these two provinces; the population is happy to live peacefully and happily under the regime of the "Pathet Lao" Administration. No unit of the French Union or the Laotian National Army forces appeared there.

2) But since the cease-fire, taking advantage of our respect for the Agreement, the Franco-Laotian forces have wilfully committed serious violations of the Agreement:

With contempt for all Agreements and decisions signed, Franco-Laotian elements endeavoured to enter secretly or openly, or to drop by parachute in several areas inside the two provinces which Article 14 of the Geneva Agreement has earmarked as the final regroupment zone for all fighting units of "Pathet Lao". The successive para landings in Boun Neua carried out from 23rd August to date are a striking example, against which we have on several occasions protested without ever being able to extract one reply even from the Franco-Laotian Delegation.

Furthermore, the Franco-Laotian Command has assembled in these two provinces vagabond elements to form them into groups of "pirates", has supplied them with the necessary means and has incited them to acts of plunder, sabotage, terrorism against the civil population. We call them "pirates", not because we wish to use a hostile term as the Franco-Laotian Party often suggests, but simply because of the nature of their activities, these being only acts of plunder, destruction, acts against the life and property of the population, thefts, etc.. which are not of a military character. All these incidents relating to para-drops, penetrations and fresh extensions by Franco-Laotian elements, hostile acts with the use of arms against our troops after the cease-fire, clearly indicate the hidden intentions of the Franco-Laotian Party, whose sole aim is to make official the presence of elements who have recently penetrated (in the two provinces of Phong Saly and Sam Neua) or dropped and of these groups of pirates-saboteurs which the Franco-Laotian Party falsely terms "units of the Laotian National Army", to reduce to naught Article 14 of the Geneva Agreement.

Thus, the Franco-Laotian Party, not only has not honestly implemented the clauses of Article 14 and of the decisions of Khang Khay, but is also trying to provoke serious incidents in flagrant violation of the spirit and letter of the Agreements, thus creating fresh difficulties and fresh obstacles to the final political settlement and to the implementation of the clauses of the Agreement, particularly to the transfer of the fighting units of "Pathet Lao" to the two provinces of Phong Saly - Sam Neua and to the withdrawal of the forces of the Vietnamese People's Volunteers to Vietnam.

C O N C L U S I O N

All the above-mentioned facts show clearly that the Vietnamese People's Volunteers/"Pathet Lao" Party has till now spared no efforts to sincerely implement the Agreements, whereas the Franco-Laotian Party is always showing signs of a lack of goodwill and is endeavouring by all means possible to interpret them wrongly. But in the spirit of rapidly re-establishing a lasting peace and a peace consistent with the Geneva Agreement and those of Khang Khay, the Vietnamese People's Volunteers/"Pathet Lao" Delegation always wishes that a reasonable solution to the problem of the two provinces be found as soon as possible in the next meetings between the two Presidents of the two Governments, Royal and "Pathet Lao". This is also the hope and will of all the Laotian people in the ten other provinces who, after 8, 9 years of heroic and difficult resistance, only wish to live in peace. This settlement is also the hope and will of all the fighting units of "Pathet Lao" as well as that of the "Pathet Lao" Government who, as everybody else, only hopes to see a Laotian country "PACIFIED, UNIFIED, INDEPENDENT and DEMOCRATIC."

(Translation from original Vietnamese)

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the Vietnamese People's Volunteers to the withdrawal of the forces of Saly - Sam News and to the withdrawal of the forces of the Agreement, particularly to the transfer of the fight- settlement and to the implementation of the clauses of difficulties and fresh obstacles to the final political spirit and letter of the Agreements, thus creating fresh provoke serious incidents in flagrant violation of the of the decisions of Khang Khay, but is also trying to not honestly implemented the clauses of Article 14 and Thus, the Franco-Laotian Party, not only has

A P P E N D I X 'H'

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LETTER NO. 820/C.M.L. DATED 10th OCTOBER, 1954
FROM THE FRANCO-LAOTIAN DELEGATION ADDRESSED TO
THE INTERNATIONAL COMMISSION

During the last plenary assembly of the International Commission and the Joint Commission held in Vientiane, you had asked the Heads of both the Delegations for a concise Aide-mémoire defining the point of view of each one of them on the question of Phong Saly and Sam Neua provinces.

I have the honour to enclose the Aide-mémoire drafted by the Franco-Laotian Delegation to the Joint Armistice Commission in Laos.

A I D E - M E M O I R E

DRAWN UP FOR THE INTERNATIONAL COMMISSION TO DE-
FINE THE POINT OF VIEW OF THE FRANCO-LAOTIAN DE-
LEGATION ON THE JOINT COMMISSION ON THE QUESTION
OF "PHONG SALY" - "SAM NEUA"

I. ORIGIN OF THE PROBLEM

- 1)- Units of the Laotian National Army are stationed in the two provinces of Phong Saly and Sam Neua. The adverse Party officially denies the existence of these units, at the same time fighting against them in order to destroy them before any control has been made by the International Commission.

It is up to the International Commission to verify the presence of these units and to have the "cease-fire" respected in these two provinces as in the rest of Laos.

- 2)- The Agreements and Final Declaration of the Geneva Conference recognise that the sovereignty of the Royal Laotian Government extends over the whole of the territory of Laos. That Government, therefore, must be able to reposition its administration in the provinces of Phong Saly and Sam Neua, as an expression of its sovereignty.

It is the duty of the International Commission to see to it that the adverse Party does not continue to oppose this.

- 3)- Article 12 of the Geneva Agreement provides that "Pathet Lao" forces be stationed in 12 Provisional Assembly Areas, i.e. of one area per province. This means that there is an area in each of the provinces of Phong Saly and Sam Neua (1).

N.B.:-(1) Since the territory of Laos comprises 12 provinces, Phong Saly and Sam Neua are included.

Article 14 stipulates that "Pathet Lao" forces will assemble in the provinces of Phong Saly and Sam Neua without defining that each of these provinces constitutes in its entirety an Assembly Area.

This lack of definition is at the origin of divergent interpretations of the two Parties. The Franco-Laotian Delegation referring to the basis of agreements - "Cease-fire by the separation of forces" prescribed by Article 11 - has concluded in the necessity of an equitable separation (2) as being the only means to separate forces which two months after the end of hostilities are still engaged in murderous operations.

The first three points seem to have been approved by the International Commission in its letter ICSC/13 of 30th August.

- 4)- A fourth point must be the subject of a decision on its part. It seems that, taking into consideration the sovereignty recognised by the Agreement of the Laotian Government, the administrative capitals of these two provinces - Phong Saly and Sam Neua - can only be situated inside the zones allocated to the Laotian National Army.

II. SOLUTION PROPOSED BY THE FRANCO-LAOTIAN DELEGATION

The provisional division of these two provinces could be established along the following lines:-

- a) necessity to centre the assembly of Laotian National Army and "Pathet Lao" units in regions of which the greater part was held by them at the time of the "Cease-Fire";
- b) need to provide liaison between the two regions assigned to the fighting units of "Pathet Lao" in order to respect the liaison possibilities which are granted them by Article 14;
also between the regions allocated to the Laotian National Army in these provinces and in the contiguous provinces of Xieng Khouang and Luang Prabang;
- c) need to take into account in this provisional division which may mean that certain areas held by the Laotian National Army and "Pathet Lao" at the time of the "Cease-Fire" will have to be abandoned, of economic resources, of the importance of population and the possibility of getting any supplies;
- d) need to include Sam Neua and Phong Saly in the zones reserved for the Royal Government of Laos, these chief towns being the obligatory Headquarters of the Representatives of this Government, the

N.B. (2) The Northern corridor of the province of Luang Prabang being only for the "Pathet Lao" units just an area of free circulation and not of assembly as defined in Article 14, Chapter III.

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only one recognised in Geneva. Presence of the fighting units of "Pathet Lao" in the Royal administration, as the Royal Government of Laos took upon itself in its unilateral declaration made during the signature of the Agreement.

The Franco-Laotian Delegation would have liked to study these proposals during meetings of the Joint Commission in order that these proposals be the subject of a decision at the military level.

Unfortunately the Delegation of the adverse Party formally refuses to accept these proposals, being unable to accept either the setting up of the administrative authorities of the Royal Government of Laos in these two provinces, or their division as long as no political agreement has been entered into by the "Pathet Lao" and the Royal Government.

(Translation from original French)

As representative of the Armistice Commission for LAOS, I declare that the "Pathet Lao" forces recognise the Royal Government and that in principle the administration of "Pathet Lao" in the two provinces of Sam Neua and Phong Saly is classified under the Supreme Authority of the Royal Government. More than ever the declaration of 28th October by Prince Souphannon Vong and the declaration that I have just made at this meeting give sufficient proof of our goodwill for peace and of our sincere spirit of co-operation with the Royal Government in order to implement the Geneva Agreement, consolidate peace and unify the Kingdom of LAOS. This goodwill towards peace and this sincere spirit for co-operation on the part of the "Pathet Lao" is the most essential element to create conditions favourable to the negotiations to take place in future between the two princes, Souvanna Phouma and Souphannon Vong and King Kaysi. Negotiations which should give happy prospects of a political settlement for consolidating peace and unifying the Kingdom of LAOS.

(Translation from original French)

DECLARATION MADE BY COLONEL SINGKAPO ON 4TH
NOVEMBER, 1954, AT THE MEETING OF THE INTER-
NATIONAL COMMISSION WITH THE JOINT COMMISSION
AT VIENTIANE.

Mr. Chairman, Messrs Ambassadors and Members of the International Commission, Messrs Representatives of the forces of the French Union and of the Laotian National Army. On 28th October in a place within the regroupment area of the fighting units of "Pathet Lao", Prince Souphannou Vong made the following declaration:-

" I solemnly declare that the forces of "Pathet Lao" are ready to co-operate with the Royal Government in order to implement the Geneva Agreement, consolidate peace and unify the Kingdom of Laos."

As representative of the "Pathet Lao" at the Joint Armistice Commission for LAOS, I declare that the "Pathet Lao" forces recognise the Royal Government and that in principle the administration of "Pathet Lao" in the two provinces of Sam Neua and Phong Saly is classified under the Supreme Authority of the Royal Government. More than ever the declaration of 28th October by Prince Souphannou Vong and the declaration that I have just made at this meeting give sufficient proof of our goodwill for peace and of our sincere spirit of co-operation with the Royal Government in order to implement the Geneva Agreement, consolidate peace and unify the Kingdom of LAOS. This goodwill towards peace and this sincere spirit for co-operation on the part of the "Pathet Lao" is the most essential element to create conditions favourable to the negotiations to take place in future between the two princes, Souvanna Phouma and Souphannou Vong and Khang Khay, negotiations which should give happy prospects of a political settlement for consolidating peace and unifying the Kingdom of LAOS.

(Translation from original French)

STATEMENT OF PRINCE SOUVANNA PHOUMA ON
4TH NOVEMBER, 1954.

I note with great satisfaction the statement made to the International Commission by M. Singkapo in the name of Prince Souphannou Vong. It marks a step forward towards the realisation of the desire expressed by the Royal Government in their Declaration at Geneva of bringing about the integration of all their citizens in the national community, without discrimination.

The statement of M. Singkapo will also contribute to dissipate a malaise in the public opinion by making a formal denial of the subversive propaganda which was manifesting itself in numerous villages and which questioned the supreme authority of His Majesty the King and that of his Government.

This statement shall be submitted to the future responsible government for its appreciation. The latter will not be able to do otherwise than follow the undertakings contained in the Governmental Declaration of which an official cognizance was taken by the 9 Powers represented at the Geneva Conference.

The unity of Government implies of necessity the unity of administration and unity of the Armed Forces.

The gesture that has just been made permits one to hope that the government called upon to succeed the Ministry which I had the honour to lead will, without major difficulties, arrive at an internal political settlement as necessitated by the march of events.

The Kingdom of Laos will emerge strengthened.

(Translation from original French in the "Lao Presse" of 4th November, 1954).

EXTRACT FROM A SPEECH MADE BY H.E. KATAY D. SASORITH ON 23RD NOVEMBER, 1954, WHILE PRESENTING HIS GOVERNMENT TO THE NATIONAL ASSEMBLY

I would have liked indeed to be able to appeal also on this question to certain select men, who form part of this last group of resistance, called "Pathet Lao". Unfortunately, it is not possible to contact them in the shortest possible time, when, considering the exceptional gravity of the present situation, the governmental crisis cannot be prolonged without compromising the future of the country. But as soon as you would have given us your confidence, we shall work with all our ardour and with all our patriotic belief for the integration of all partisans of the "Pathet Lao" into the national community. And we undertake to offer our resignation as soon as this integration has been realised in order to give to the National Assembly the possibility of associating with the task of national restoration the most competent and most capable children of the land without distinction of origin or of blood.

The gesture that has just been made permits one to hope that the government called upon to succeed the Ministry which I had the honour to lead will, without major difficulties, achieve its internal political settlement as necessitated by the march of events.

The Kingdom of Laos will emerge strengthened.

(Translation from original French in the "Lao Presse" of 25th November, 1954)

(Translation from original French in the "Lao Presse" of 25th November, 1954)

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