

THIRD INTERIM REPORT
OF
THE INTERNATIONAL COMMISSION
FOR SUPERVISION AND CONTROL IN VIET-NAM

FEBRUARY 11, 1955

TO

APRIL 10, 1955.

THIRD INTERIM REPORT

OF

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INTERNATIONAL COMMISSION
FOR SUPERVISION AND CONTROL

No. PS. 62/55

Place Hanoi

Date April 25, 1955

The Rt. Hon. Sir Anthony Eden,
K.G., M.C., M.P.,
Prime Minister,
10 Downing Street,
LONDON, S.W.I.

Sir,

I have the honour to forward herewith five copies in English and five in French of the Third Interim Report of the International Commission for Supervision and Control in Vietnam on the progress of implementation of the Agreement on the Cessation of Hostilities in Vietnam during the period 11th February to 10th April 1955.

2. Twelve spare copies (English and French) of the Report are enclosed for distribution to members of the Geneva Conference as decided by the co-Chairmen on the First Interim Report.

3. While the Indian and Polish Delegates on the Commission consider that the Third Interim Report should be submitted in the same way as the two previous interim Reports, the Canadian Delegate on the Commission is of the view that the attention of the co-Chairmen should be specifically drawn to certain aspects of the Report - copy of a note by the Canadian Delegation on this subject is attached.

I have the honour to be
Sir,
Your most obedient servant,

(M.J. Desai)
Chairman,
International Commission for Supervision
and Control in Vietnam.

Encl: as above.

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NOTE BY THE CANADIAN DELEGATION

The attention of the co-Chairmen of the Geneva Conference is drawn to paragraphs 11 and 19 of the Third Interim Report concerning the implementation of Article 14(d) in the zone under the control of the PAVN High Command.

2. These paragraphs indicate that progress in the implementation of Article 14(d) will continue to be unsatisfactory unless administrative arrangements and transport facilities are urgently improved, that the delay in respect of Article 14(d), which has a specific time limit within which the implementation must be completed, has been a matter of serious concern to the Commission and that it is not possible to state at this stage that Article 14(d) will be implemented in full within the time limit laid down.

3. In view of the short time remaining before the end of the 300-day period, and the record to date, the Canadian Delegation requests that the question of the implementation of Article 14(d) be referred to the members of the Geneva Conference, in accordance with paragraph 13 of the Final Declaration.

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INTRODUCTION

The International Commission for Supervision and Control in Viet-Nam has so far submitted two Interim Reports covering its activities from 11th August, 1954 to 10th February, 1955.

2. This is the third Interim Report of the Commission containing a summary of its activities from 11th February, 1955 to 10th April, 1955 and a review of the progress made by the two parties in the implementation of the Agreement and should be read along with the relevant chapters of the two earlier Interim Reports.

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CHAPTER I

ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIET-NAM.

FIXED AND MOBILE TEAMS

The Commission has, in view of the serious difficulties in maintaining communications with the Fixed Team at MUONG SEN, decided that this team should, during the monsoon period, be located at a suitable centre along the Vinh-Muong Sen road from where the team can carry out its control duties in its zone and sphere of action. The location is being settled in consultation with the High Command of the P.A.V.N.

2. During the period under review, 25 Mobile Teams of the Commission were sent out for investigations under Article 37 making a total of 77 since the Commission started its activities.

CHAPTER II

CEASE-FIRE, PROVISIONAL MILITARY DEMARCATION LINE AND DEMILITARISED ZONE.

SUPERVISION OF DEMARCATION LINE AND DEMILITARISED ZONES

3. Mobile element of the Fixed Team, DONG HOI, has been entrusted with the duty of supervising the provisional demarcation line and the demilitarised zone, its zone of action being 10 kms on each side of the demarcation line. The Team started work on 6th April, 1955 and will report to the Commission after a month what permanent arrangements are required for the supervision of the provisional demarcation line and the demilitarised zones.

CHAPTER III

REGROUPMENT PLAN

CENTRAL VIETNAM PROVISIONAL ASSEMBLY AREA.

HAIPHONG PERIMETER.

4. The Commission took up with the two parties the question of working out detailed plans of withdrawals and transfers in these areas in good time in the interest of smooth and orderly transfer. The parties have arrived at agreement in these matters except on a few minor points, decisions on which are still to be taken. The withdrawals and transfers will begin on 22nd April and be completed by 16th - 18th May. The Commission is making effective arrangements for the supervision of these withdrawals and transfers through its Mobile Teams in accordance with the task of supervision assigned to it under Article 36(a) of the Agreement.

5. The withdrawal of personnel and equipment from the Haiphong perimeter by the French Union High Command is proceeding in

accordance with the concrete suggestions the Commission had made to the parties regarding the principles and modalities to be observed in effecting such withdrawals. Complaints and counter-complaints are being dealt with by the Commission and its agencies in accordance with these suggestions accepted by both parties.

At the instance of the French Union High Command, the Commission has taken similar action to control evacuation of equipment and material from the provisional assembly area in Central Viet-Nam to secure orderly transfer of public property and public services.

CHAPTER IV
PRISONERS OF WAR AND
CIVILIAN INTERNEES

ARTICLE 21. 6. Both parties state categorically that they have carried out their obligations under Article 21 and released all prisoners of war and civilian internees. Each party has, however, made claims against the other. Some progress has been made during the period under report in the clearing of claims and counter-claims made by the parties. The Commission has had detailed discussions with the two parties on this question and has impressed upon them the necessity for settling these claims and counter-claims as expeditiously as possible. The two parties have agreed to settle all the pending claims and counter-claims expeditiously and by the 10th June, 1955 at the latest.

PROBLEM OF
'RALLIES'
AND
DESERTERS.

7. The problem of 'rallies' and deserters has been discussed with the two parties and a satisfactory practical solution has been worked out. The D.R.V.N. authorities have agreed to hand over to the French Union Forces such persons who express a desire to be so handed over provided no disciplinary action is taken against them. The French High Command has, however, reserved its position to take such action against non-Vietnamese deserters, as distinguished from prisoners of war, as may be required under military law. The Vietnamese deserters are, however, protected by Article 14(c). During the period under review, 222 persons falling under this category have been handed over by the P.A.V.N. to the French authorities. 369 'Rallies' who did not wish to be handed over to the French authorities were repatriated through China. The Commission observes these releases through its teams to see that there is no forced repatriation.

8. All the 70 civilian internees accepted as such by both parties in the investigation referred to in paragraph 8 of the 2nd Interim Report and 23 of the balance of 61 disputed

cases have been released. The remaining cases and further complaints from the D.R.V.N. authorities about illegal detention of other civilian internees are under investigation. Two similar complaints from the French High Command were investigated but no persons claiming to be prisoners of war or civilian internees were traced. The Commission detail with the High Command of the P.A.V.N. for expeditious remedial action.

CHAPTER V

DEMOCRATIC FREEDOM UNDER ARTICLE 14(c) AND (d) OF THE GENEVA AGREEMENT.

COMPLAINTS REGARDING NON-IMPLEMENTATION OF ARTICLES 14(c) AND 14(d)

9. The implementation of these articles of the Agreement continued to be a matter of serious concern to the Commission throughout the period under review. Since the last Report, the Commission sent out 10 Mobile Teams for investigation in respect of alleged breaches of freedom of movement and 5 Mobile Teams for investigation in respect of alleged breaches of democratic freedoms.

ARTICLE 14(c)

10. Of the incidents mentioned in paragraph 116 of the First Interim Report and some new incidents reported since, investigations have been completed in 6 cases and the Commission has made its recommendations involving action by the High Command of the French Union Forces under Article 22 for violation of Article 14(c) in four cases.

The D.R.V.N. authorities continue to send in complaints relating to alleged violation of Article 14(c) in the form of reprisals and illegal detention of former resistance workers. The French authorities have, on the other hand, sent in complaints regarding alleged interference by the D.R.V.N. through their sympathisers with the administration in areas controlled by them. A Mobile Team of the Commission is investigating these charges and counter-charges in Central Viet-Nam where the problem is particularly acute.

ARTICLE 14(d)

11. The first returns received at the end of February in accordance with paragraph 11 of the recommendations mentioned in paragraph 10 of the Second Interim Report were not satisfactory. The reports of Mobile Teams that had been sent out to LUU MY (subject of separate Press Release) and THUAN NGHIA in NGHE AN Province showed that the situation in these areas was particularly unsatisfactory in that the recommendations of the Commission were not being implemented fully. In view of this and the large volume of complaints that continued to come in, the Commission decided to send three Mobile Teams to make a fortnight's survey of the provinces of NAM DINH, NINH BINH, THAI BINH, THAN HOA,

NGHE AN and HA TINH where the problem appeared to be particularly acute. The preliminary reports of these teams have shown that progress in the implementation of Article 14(d) will continue to be unsatisfactory unless administrative arrangements and the provision of transport facilities are urgently improved. The Commission has taken up these questions in detail with the High Command of the P.A.V.N. for expeditious remedial action.

CHAPTER V

The Commission will continue to supervise the implementation of Article 14(d) in the general exercise of the task assigned to it under Article 36 though, in the light of the progress made in the implementation of this Article so far, it is not possible to state at this stage that Article 14(d) will be implemented in full within the time-limit laid down.

12. The complaints regarding forced evacuation referred to in paragraph 12 of the Second Interim Report and some others received since, have been investigated. The reports of the teams have not yet been reviewed by the Commission and the reviews when made will be the subject of a separate Press Release. Meanwhile, Commission's teams at HAIPHONG and QUI NHON are controlling evacuation of personnel to make sure that there is no forced repatriation to and from either zone.

13. The trial of the arrested persons referred to in paragraph 15 of the Second Interim Report has still not started. They have, however, been released on bail by the Court and some of them have been sent the same day for compulsory residence in Haiphong under an executive order of the Government of the State of Viet-Nam passed under an ordinance. The possibility of conflict between the provisions of Article 14(d) and the continuance of this order, particularly as transfer of the Haiphong perimeter starts by sectors from 22nd April, has been taken up by the Commission with the French High Command.

CHAPTER VI

NEW MILITARY PERSONNEL, EQUIPMENT AND BASES IN VIET-NAM.

14. The reports of Mobile Teams sent to CAO BANG in the North and LOC NINH in the South and the report of the control operations at DONG DANG by the mobile element of the LANG SON team mentioned in paragraph 17 of the Second Interim Report have been reviewed. No violations of Articles 16 or 17 were noticed by these teams. In view of the desirability of more effective control of import of war materials and personnel, the Commission has, with the concurrence of the High Commands

concerned, made the following arrangements for stricter control of entry and exit of war material and personnel:-

1. Change of location of Fixed Team from LANG SON to DONG DANG.

2. Continuance of Mobile Team controls at CAO BANG and LOC NINH till 31st May, 1955.

CHAPTER VII

PROGRESS REPORT.

15. Appendix I of the First Interim Report which gave in a statement form action required to be taken under various articles of the Agreement and the progress made till 10th December, 1954, was amended to some extent by the Second Interim Report. The following further changes have occurred in the light of developments that have taken place during the period 11th February to 10th April, 1955:-

<u>Item No.</u>	<u>Task.</u>	<u>Remarks.</u>
22	Haiphong Evacuation (15-2)	Final details worked out by the two parties.
27	Central Viet-Nam last instalment evacuation (15-2)	-do-
38	International Commission to supervise demarcation line and demilitarised zone. (36-b)	Arrangement made by establishing a Mobile Team in the demilitarized zone for supervising this area.

CHAPTER VIII

CONCLUSIONS

16. Reference was made in paragraphs 21 to 23 of the Second Interim Report to the want of co-operation between the parties to the Agreement, to the failure by the parties to carry out their obligations under the Agreement due to intransigence of local civil or/and military authorities and the general warning given by the Commission to both High Commands regarding need for specific action under Article 22 where required. During the period under report, the Commission has had several occasions to recommend to the High Commands that specific action be taken by them under Article 22 against particular local authorities concerned for violation of the provisions of Article 35

regarding grant of all facilities required by the team from local civil and military authorities. Four cases of this type in the Vinh region have been referred to the High Command of the P.A.V.N. and two in the NHA TRANG region to the High Command of the French Union Forces during the period under report.

17. While the Commission has, in view of the complicated administrative and other problems which the parties have had to face, shown a great deal of patience, the action of some local civil authorities in the North in dealing with matters relating to implementation of Article 14(d) and some in the South dealing with matters relating to Article 14(c) have retarded the implementation of the democratic freedoms under these Articles in various areas. It must be added that there are substantial areas in Viet-Nam where there have been no investigations by the Commission's teams and the extent of implementation of these articles in those areas can only be inferred from the extent of implementation ascertained in specific areas which were the subject of investigation by the Commission's teams.

18. The provisions of Article 35 which require the concurrence of the High Command for Mobile Team investigations except along the frontiers and the dependence of the Commission's teams on local civil and military authorities for logistic and security arrangements has led to delays and even obstruction in some cases which have retarded the implementation of various Articles of the Agreement. The Commission has, in addition to bringing specific cases of delays or obstruction by the local authorities to the notice of the High Command, told both High Commands that they must assume responsibility for the actions of the subordinate officials.

19. The delay in the implementation of Article 14(d) which has a specific time-limit within which the implementation must be completed, has been a matter of serious concern to the Commission so far as the zone under the control of the P.A.V.N. High Command is concerned (vide paragraph 11). In addition, there have been in recent investigations, cases where one group of people demonstrated against another group and, though non-violent in its attitude to the Commission's team, caused obstruction to the Team's investigation. The implementation of Article 21 and the delays in investigation in this connection in the zone of the French High Command have been the cause of some anxiety to the Commission particularly as the reasons therefor mentioned in paragraph 22 of the Second Interim Report still continue despite the provisions of Article 27. There has, in addition, been another undesirable development, viz., demonstrations involving

violence, against the Commission's Teams and the personnel working with them as referred to in paragraph 16.

20. The Commission hopes that the High Commands of both parties will take all measures necessary to ensure full co-operation and assistance both from the High Commands as stipulated in Article 25 and from the local civil and military authorities as stipulated in Article 35 and secure effective implementation of all provisions of the Agreement throughout Viet-Nam.

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