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**NINTH INTERIM REPORT
OF
THE INTERNATIONAL COMMISSION FOR
SUPERVISION AND CONTROL
IN VIET-NAM
MAY 1, 1958
TO
JANUARY 31, 1959.**

Final Affairs
Elementary Paper
2973

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CHAPTER I

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

...

1. The Commission held 39 meetings for

the transaction of its day to day business bringing

INTRODUCTION

the total number of meetings from its inception to 200.

This is the Ninth Interim Report

of the International Commission for Supervision

and Control in Viet-Nam containing a summary

of its important activities from May 1, 1958 to

January 31, 1959, and a brief review of the

progress made by the two Parties in the

implementation of the provisions of the Agreement

on the Cessation of Hostilities in Viet-Nam.

This Report should be read with the relevant

chapters of the eight earlier Interim Reports.

During the interval Brigadier Chandras Shekhar acted

as the representative of India. In October 1958,

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CHAPTER I

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

INTRODUCTION

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CHAPTER I -

1. The Commission held 39 meetings for the transaction of its day to day business bringing the total number of meetings from its inception to 506. During the period under review, six Mobile Teams of the Commission were sent out for investigation, reconnaissance and control making a total of 144 since the Commission started its activities.

2. Since the transfer of the Commission's headquarters from Hanoi to Saigon in April 1958, the Commission paid periodical visits to Hanoi.

3. Ambassador T.N. Kaul, representative of India, left in June 1958 and Ambassador S.S. Ansari took over as representative of India in July 1958. During the interval Brigadier Chandra Shekhar acted as the representative of India. In October 1958, Mr. T. Le M. Carter was replaced by Mr. J.P. Erichsen-Brown as Canadian Commissioner.

4. In paragraph 7 of the Eighth Interim Report a reference was made to the complaints from the Royal Cambodian Government alleging border incidents and threats of violation of Cambodian territory by the troops of the Republic of Viet-Nam. During the period under review, the International Commission for Supervision and Control in Cambodia forwarded to this Commission copies of some fresh

complaints of similar nature received directly by it and copies of some complaints sent directly to the Government of the Republic of Viet-Nam by the Royal Government of Cambodia and a letter sent by the representative of the Government of the Republic of Viet-Nam to the Royal Government of Cambodia. It also forwarded a copy of the report of the investigation by the Ad Hoc team of the International Commission for Supervision and Control in Cambodia, which stated that there had been an incident of violation of the Cambodian border in the Province of STUNG TRENG by the armed forces of the Republic of Viet-Nam and which gave information concerning the verification of 90 Vietnamese persons most of whom had claimed to be former members of the resistance movement in Viet-Nam, and all of whom had escaped from the custody of the South Viet-Nam authorities and illegally entered into Cambodian territory. The Commission forwarded the complaints regarding border violations to the Government of the Republic of Viet-Nam expressing the hope that direct communications and negotiations which the two Governments were having, would lead to amicable settlement in all these cases and requested the Government of the Republic of Viet-Nam to communicate to this Commission the result of the settlement arrived at, in due course, for onward transmission to the International Commission for Supervision and Control in Cambodia.

Regarding the 90 escapees from South

Viet-Nam mentioned above, the International Commission for Supervision and Control in Cambodia received a request from the Royal Government of Cambodia to intervene with this Commission to address the Ministry of Foreign Affairs of the Democratic Republic of Viet-Nam to take over, at the earliest, these persons who had asked for an authorisation to go to North Viet-Nam. The International Commission for Supervision and Control in Cambodia has forwarded this request of the Royal Government of Cambodia to this Commission. This is under consideration.

the armed forces of the Republic of Viet-Nam and which gave information concerning the verification of 90 Vietnamese persons most of whom had claimed to be former members of the resistance movement in Viet-Nam, and all of whom had escaped from the custody of the South Viet-Nam authorities and illegally entered into Cambodian territory. The Commission forwarded the complaints regarding border violations to the Government of the Republic of Viet-Nam expressing the hope that direct communications and negotiations which the two Governments were having, would lead to amicable settlement in all these cases and requested the Government of the Republic of Viet-Nam to communicate to this Commission the result of the settlement arrived at, in due course, for onward transmission to the International Commission for Supervision and Control in Cambodia.

Regarding the 90 escapees from South

CHAPTER II

PROVISIONAL MILITARY DEMARCATION LINE
AND DEMILITARIZED ZONE

...

5. The position with regard to the implementation of the recommendations and final suggestions for the administration of the Demilitarized Zone and the situation regarding the freedom of movement of permit-holders across the Demarcation Line, referred to in paragraph 8 of the Eighth Interim Report, has shown no improvement during the period under report.

6. The Commission's team reported several instances of persons entering the Southern part of the Demilitarized Zone with permits issued by the Chief of the QUANG TRI Province. The Commission once more drew the attention of the Government of the Republic of Viet-Nam to the provisions of Article 7 of the Geneva Agreement and pointed out that, in the absence of a decision of the Joint Commission to that effect, the issue of permits by the Chief of the QUANG TRI Province is not appropriate. The Commission considered some of these instances and the comments of the Government of the Republic of Viet-Nam. In 13 cases the Commission decided that there was a violation of Article 7 of the Geneva Agreement and in six cases asked the Government of the Republic of Viet-Nam to show cause why a finding of violation of Article 7 should not be recorded. The remaining cases reported by the team are under consideration.

The Government of the Republic of Viet-Nam again informed the Commission that, in the absence of the Joint Commission, if no other authority is empowered to issue permits, all relations of the Demilitarized Zone

with the remaining part of the country would be severed and the normal life in the Demilitarized Zone would be hampered, and, therefore, the Chief of the QUANG TRI Province has to provide the civil population with permits. The letter is under consideration.

The specific comments of the Government of the Republic of Viet-Nam on certain queries made by the Commission regarding the incident of entry of 200 civilians into the Southern part of the Demilitarized Zone referred to in paragraph 9 of the Eighth Interim Report are awaited. During the period under report, the Commission received 49 complaints from the P.A.V.N. High Command alleging, in a number of instances, violation of the Demilitarized Zone and acts of provocation by the Government of the Republic of Viet-Nam and 14 complaints from the Government of the Republic of Viet-Nam alleging, in a number of instances, violation of the Demilitarized Zone and acts of provocation by the P.A.V.N. High Command. In some of the cases under enquiry mentioned in paragraph 9 of the Eighth Interim Report and to some of the complaints received during the period under review, the Government of the Republic of Viet-Nam and the P.A.V.N. High Command have replied denying the allegations made by the other Party. The Commission forwarded these denials to the complaining Party and closed a number of these cases. The remaining cases are under enquiry.

7. Mention was made in paragraph 10 of the Eighth Interim Report of the Commission's request to the Embassy of the Republic of France in Saigon to maintain the status quo and to continue the arrangements made by the Government of the Republic of France in July 1956 till alternative arrangements were made. On May 2, 1958,

the Embassy of the Republic of France confirmed that the withdrawal of the French Mission from the Joint Commission took place as scheduled on April 15, 1958 and that it was final. The Government of the Republic of Viet-Nam informed the Commission that not being a signatory to the Geneva Agreement it could not take part, under any form, in the activities of the Joint Commission. The P.A.V.N. High Command stated its readiness to open discussions with the Party concerned for the resumption of the activities of the Joint Commission. Drawing the attention of both the Parties to the views of the Commission on the question of the functioning of the Joint Commission expressed in paragraph 16 of the Seventh Interim Report and paragraphs 40 and 41 of the Eighth Interim Report, the Commission informed the Parties that the Government of the Republic of France having withdrawn its Mission to the Joint Commission and the Government of the Republic of Viet-Nam not having agreed to participate in it, the Joint Commission provided for in Article 30 of the Geneva Agreement for facilitating the execution of the provisions concerning joint action by the two Parties and charged under Article 33, among other things, with the express task of ensuring the observance of the demarcation line between the regrouping zones and of the demilitarized sectors, cannot, therefore, be revived to resume its activities. The Commission emphasised that prompt action by the Parties, through the Joint Commission, to settle complaints of alleged violation of Article 7 and of non-implementation of provisions of the Articles concerning the Demarcation Line and the Demilitarized Zone, especially of Articles 8 and 9, is of great importance for preservation of the demilitarized character of the Demilitarized Zone created

with the express intention of acting as a buffer zone and avoiding any incidents which might result in the resumption of hostilities. The Commission further informed the Parties that it was faced with a situation in regard to the revival of the Joint Commission which it could not resolve on the spot as long as the Government of the Republic of Viet-Nam maintained its attitude and that the Commission would inform the Co-Chairmen of this situation which has arisen in Viet-Nam for their urgent consideration and for such action as they may consider necessary to facilitate the work of the Commission to persevere in its efforts to maintain and strengthen peace in Viet-Nam on the basis of the fulfilment of the Geneva Agreements on Viet-Nam. The Commission expressed the hope that, in the meantime, the Parties will agree to make necessary arrangements to preserve the demilitarized character of the buffer zone and to avoid any incidents which might result in the resumption of hostilities and informed the Parties that it would continue in its efforts, which it is already making as noted in the following paragraph, to bring the Parties together.

8. In paragraph 11 of the Eighth Interim Report a reference was made to the request by the Commission to the Government of the Republic of Viet-Nam and to the High Command of the P.A.V.N. for a meeting of the representatives of the two Parties under the aegis of the Commission to solve some of the important problems in the Demilitarized Zone. The Commission is pursuing the matter with the Parties.

9. A special Mobile Team maintained by the Commission in the Demilitarized Zone continued to perform, as far as possible, the duties of supervision and control in the Zone.

During the period under report, the Commission informed the Government of the Republic of Viet-Nam that in order to facilitate immediate communication to the team from the bridge over the Demilitarized Zone, which the Commission considered essential, it should make arrangements to provide telephone communication to the Mobile Team 76 from the P.A.V.N. Delegation headquarters at HO XA referred to in item 3 - Appendix 'B' to the Seventh Interim Report. The Government of the Republic of Viet-Nam stated that as the site of the Mobile Team 76 was located in the Southern zone and it was provided with all logistic facilities necessary for occasional communication with the Northern zone, the telephone communication requested by the Commission was not essential and that the question of installation of this telephone line might arise only in case the Mobile Team 76 were to be divided into two elements - one stationed in the Demilitarized Zone North and the other in the Demilitarized Zone South. The Commission did not accept this position and recommended that the telephone line stated above be installed by the 15th of December, 1958. The Government of the Republic of Viet-Nam reiterated its viewpoint mentioned above and the Commission informed the Government of the Republic of Viet-Nam after the period under review, on 17th February 1959, that the failure to provide telephone communication between the Mobile Team 76 and HIEN LUONG Bridge required by the Commission pursuant to Article 35 of the Geneva Agreement constituted lack of co-operation under Article 25 of the Agreement.

10. The question of solving the problem of war graves with the assistance of the Red Cross Societies of the two sides, referred to in paragraph 13 of the

During the period under report, the Commission informed the Government of the Republic of Viet-Nam that

Eighth Interim Report, is being pursued by the Secretary-General. During the period under report, some fresh complaints were received on this subject from the P.A.V.N. High Command. In the case of a cemetery at QUI NHON mentioned in Protocol 24, the Government of the Republic of Viet-Nam informed the Commission of its proposed transfer to another location stating hygienic and administrative grounds. The Commission forwarded this to the P.A.V.N. High Command which proposed a meeting of the two Parties to settle this question. The Government of the Republic of Viet-Nam stated that it was their internal matter and did not agree to a meeting and transferred the cemetery to another location. The P.A.V.N. High Command alleged violation of Article 23 and Protocol 24 on the ground that the transfer was made without its agreement. This was forwarded to the Government of the Republic of Viet-Nam. Their reply has since been received and is under consideration.

of the Republic of Viet-Nam reiterated its viewpoint mentioned above and the Commission informed the Government of the Republic of Viet-Nam after the period under review, on 17th February 1959, that the failure to provide telephone communication between the Mobile Team 76 and HINH LUONG Bridge required by the Commission pursuant to Article 35 of the Geneva Agreement constituted lack of co-operation under Article 25 of the Agreement.

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CHAPTER III

DEMOCRATIC FREEDOMS UNDER ARTICLES
14(c) AND 14(d).

11. During the period under report there was no change in the stand of the Government of the Republic of Viet-Nam with regard to Article 14(c) as reported to the Co-Chairmen separately and as mentioned in paragraph 19 of the Seventh Interim Report. The Commission, while reviewing the situation, reaffirmed its stand with regard to Article 14(c) and expressed its regret over the attitude maintained by the Government of the Republic of Viet-Nam. In 65 complaints and in the case of alleged detention of persons in HOI AN jail under Article 14(c) forwarded to the Government of the Republic of Viet-Nam, referred to in paragraph 14 of the Eighth Interim Report, the Government of the Republic of Viet-Nam did not give any reply. The Commission held that the Party had not afforded all possible assistance and co-operation under Article 25 of the Geneva Agreement to enable the Commission to supervise the implementation of Article 14(c) in these cases. The Commission expressed the hope that the Government of the Republic of Viet-Nam would reconsider and revise its attitude with regard to this Article.

12. The Commission forwarded, for comments, to the Government of the Republic of Viet-Nam, 64 fresh complaints under Article 14(c), received from 1st October 1957 to 31st August 1958 from the P.A.V.N. High

Command. The Commission decided to review the situation after four months. Two complaints received thereafter were also forwarded for comments. In one case of alleged food poisoning and shooting, resulting in alleged deaths of a large number of former resistance members detained as political prisoners in PHU LOI concentration camp, the Government of the Republic of Viet-Nam forwarded a copy of the communique issued by the Director of PHU LOI camp denying the allegations of food poisoning and deaths among the detainees at PHU LOI and stating that these persons were detained for activities after the conclusion of the Geneva Agreement. A further communication has been received from the P.A.V.N. High Command in this case. In the other case of alleged arrest and torture of Miss Tran Thi Ly, the Government of the Republic of Viet-Nam after preliminary enquiry stated that the allegation was without any foundation. These communications are under consideration. Remaining complaints received during the period under review are under examination.

13. Forty-one pending complaints against the P.A.V.N. High Command under Article 14(c) were forwarded to the P.A.V.N. High Command for their comments. Their reply is awaited.

14. During the period under review, the Commission received 49 complaints from the P.A.V.N. High Command against the Government of the Republic of Viet-Nam and no complaints against the P.A.V.N. High Command alleging violation of Article 14(c).

15. The reply of the Government of the Republic of Viet-Nam regarding implementation of the Commission's recommendations and compliance with the Commission's requests in the eight cases referred to in paragraph 15 of the Eighth Interim Report, is still awaited. The Commission considered the Interim and Special Reports of the Mobile Team 103 and, in view of the difficulties experienced by the Mobile Team 103 in the discharge of its tasks, the Commission held that its team did not receive from the local civil and military authorities in South Viet-Nam all facilities for the fulfilment of its task in terms of Article 35 and, therefore, the inspection team was not afforded all possible assistance and co-operation in terms of Article 25 of the Geneva Agreement. The Commission held, Canadian Delegation dissenting, that separately listing and keeping under observation of former resistance members in the District of DUY XUYEN in 1954-55 after the cease-fire, amounted to discrimination under Article 14(c) of the Geneva Agreement.

16. During the period under report, there was no change in the position with regard to the implementation by the Government of the Republic of Viet-Nam of the Commission's recommendations referred to in paragraph 17 of the Eighth Interim Report.

17. Reference was made in paragraph 18 of the Eighth Interim Report regarding 985 petitions from QUYNH LUU District in North Viet-Nam forwarded to the P.A.V.N. High Command for comments. Their

replies have been received and are under examination by the Commission.

18. The Government of the Republic of Viet-Nam did not give its concurrence to the deployment of Mobile Team 110 referred to in paragraph 19 of the Eighth Interim Report.

19. In paragraph 20 of the Eighth Interim Report a reference was made to the settlement of residual cases under Article 14(d). During the period under report also there was no progress.

inspection team was not afforded all possible assistance and co-operation in terms of Article 25 of the Geneva Agreement. The Commission held Canadian Delegation dissenting, that separately listing and keeping under observation of former resistance members in the District of DUY XUYEN in 1954-55 after the cease-fire, amounted to discrimination under Article 14(c) of the Geneva Agreement.

16. During the period under report, there was no change in the position with regard to the implementation by the Government of the Republic of Viet-Nam of the Commission's recommendations referred to in paragraph 17 of the Eighth Interim Report.

17. Reference was made in paragraph 18 of the Eighth Interim Report regarding 985 petitions from QUYNH IJU District in North Viet-Nam forwarded to the P.A.V.N. High Command for comments. Their

CHAPTER IV

PRISONERS OF WAR AND CIVILIAN INTERNEES

20. The Commission's recommendation for release in the case of one civilian internee mentioned in paragraph 21 of the Eighth Interim Report was not implemented by the Government of the Republic of Viet-Nam. The Commission held, Canadian Delegation dissenting, that in this case there was a violation of Article 21 and decided that it would take action under Article 13 of the Geneva Agreement for non-implementation of its recommendation and inform the Members of the Geneva Conference.

21. During the period under report, the Commission decided, Canadian Delegation dissenting, that five persons were civilian internees and their further detention by the Government of the Republic of Viet-Nam constituted a violation of Article 21 of the Geneva Agreement and recommended their release and handing over to the P.A.V.N. High Command. Compliance of the Party is awaited. In the cases of 25 persons, the Commission held, Canadian Delegation dissenting, that the release in South Viet-Nam of 24 persons by the Government of the Republic of Viet-Nam and the release of one person by the French authorities, was inconsistent with Article 21(c). In the case of two civilian internees, who were released in August, 1954 by the French authorities in the HAIPHONG area, the Commission held that their release was not in conformity with the procedure laid down under Article 21(c). The remaining cases are under

consideration of the Freedoms Committee of the Commission.

22. During the period under review, the Secretary-General continued his efforts to explore the possibility of having the requests for search for missing prisoners-of-war/civilian internees dealt with without prejudice to the duty of the Commission in this regard by the Red Cross Societies of the two zones referred to in paragraph 22 of the Eighth Interim Report. Information regarding requests for search for prisoners-of-war received from each side continued to be exchanged through the Commission by the Parties.

CHAPTER V

**BAN ON THE INTRODUCTION OF FRESH TROOPS,
MILITARY PERSONNEL, ARMS AND MUNITIONS -
MILITARY BASES IN VIET-NAM.**

23. Reference was made in paragraph 24 of the Eighth Interim Report to the control at PHUC HOA in North Viet-Nam by a mobile team and of the NHA BE harbour in South Viet-Nam by the Commission's Fixed Team. As the P.A.V.N. High Command did not intimate any change in its attitude on the question of keeping a mobile team at PHUC HOA in North Viet-Nam on continuous control, the Commission did not decide to deploy a mobile team at PHUC HOA during the period under review. However, once a week the mobile element of the DONG DANG Fixed Team went on control of the North boundary upto and including PHUC HOA. In August 1958, the Government of the Republic of Viet-Nam agreed to the daily control of the NHA BE harbour and the Commission's team carried out this control.

24. A new airfield was under construction in South Viet-Nam which, according to the Party, was to replace the former airfield at BAN ME THUOT already being controlled by a Commission's Team. The Government of the Republic of Viet-Nam informed the Commission that the new airfield would be put into service early in March 1959. The Commission has decided to carry out reconnaissance of the new airfield and has requested the Government of the Republic of Viet-Nam to inform the date when the new airfield at BAN ME THUOT will come into operation.

During the period under review, the P.A.V.N. High Command complained that the QUANG-NGAI airfield in South Viet-Nam had been repaired and enlarged. The Government of the Republic of Viet-Nam informed the Commission that the airfield of QUANG-NGAI existed before cessation of hostilities and it was not being enlarged but repaired for landing light tonnage planes to ensure connection between the town of QUANG-NGAI and other places when communication by road was dislocated due to floods. The Commission requested the Government of the Republic of Viet-Nam to make arrangements for its team of Air Advisers to reconnoitre this airfield. Their reply is awaited.

25. In paragraph 25 of the Eighth Interim Report a reference was made to the reply of the Government of the Republic of Viet-Nam regarding the seven airfields referred to in paragraph 44 of the Seventh Interim Report. The Commission requested the Government of the Republic of Viet-Nam to intimate to the Commission the date on which the Commission's team of Air Advisers could carry out the reconnaissance of these airfields. Their reply is awaited.

26. The team reports on the reconnaissance of the LAI CHAU area and of the off-shore islands in North Viet-Nam referred to in paragraph 26 of the Eighth Interim Report were considered by the Commission. The Commission decided to carry out the reconnaissance of the road LAI CHAU - NAM COUM. The concurrence of the P.A.V.N. High Command has been received. With regard to the off-shore islands the Commission required the P.A.V.N. High Command to make arrangements for air

reconnaissance by the Commission's team of Air Advisers and their concurrence is awaited.

27. In paragraph 27 of the Eighth Interim Report a reference was made to the request of the Commission to the P.A.V.N. High Command for the visit of the team of Air Advisers of the Commission to the BACH MAI airfield.

The P.A.V.N. High Command informed the Commission that the BACH MAI airfield had been converted into barracks and had no installations for the landing and taking off of planes, and, therefore, it was not necessary to control this airfield and the Commission would be informed of any new decision taken by the P.A.V.N. High Command with regard to the request of the Commission for the visit of the team of Air Advisers to the BACH MAI airfield. The Commission again requested the P.A.V.N. High Command to inform the Commission when it would be possible for the Commission's team of Air Advisers to carry out the reconnaissance of the BACH MAI airfield. The P.A.V.N. High Command stated that it would advise the Commission when the BACH MAI airfield would be put into use again. This is under consideration.

28. The reply of the Government of the Republic of Viet-Nam referred to in paragraph 28 of the Eighth Interim Report regarding the control of the BIEN HOA airfield in South Viet-Nam was considered by the Commission. The Commission did not accept the proposal of the Government of the Republic of Viet-Nam for an informal visit and requested the Secretary-General to contact the Party to arrange for the reconnaissance of the BIEN HOA airfield by the Commission's team of Air Advisers as decided by the Commission. The Air Advisers'

team visited the BIEN HOA airfield on 4th July 1958.

The Government of the Republic of Viet-Nam has been requested to produce documents required by the team of Air Advisers who have been directed to examine these documents and submit their report. Compliance by the Government of the Republic of Viet-Nam is awaited.

29. The situation with regard to time notice restrictions on movements of teams to certain areas in South Viet-Nam, referred to in paragraph 29 of the Eighth Interim Report, remained unchanged. Despite a revision by the Commission in the time notice, in the case of one Fixed Team, the team was not able to go out on control duties. The Commission, Canadian Delegation dissenting, informed the Government of the Republic of Viet-Nam that it did not afford all possible assistance and co-operation to the Commission in terms of Article 25 of the Geneva Agreement and, therefore, the Commission was unable to exercise control and supervision in terms of Article 36(d) at several places through the mobile elements of its Fixed Teams at TOURANE, NHA TRANG, QUI NHON, CAP ST. JACQUES, TAN CHAU and SAIGON, as long as the Party maintained its attitude. The Government of the Republic of Viet-Nam was also informed that the Commission would, under Article 43, inform the Members of the Geneva Conference that the Commission's activities were being hindered in these cases as the Party did not allow the Commission to exercise control and supervision as considered necessary by the Commission and that the Commission was forced to restrict its supervision and control only to what the Party permitted.

30. Regarding the complaint of the P.A.V.N. High Command concerning the presence as observers of representatives of the Republic of Viet-Nam at the SEATO Conference held in Manila in the month of March 1958, referred to in paragraph 30 of the Eighth Interim Report, the reply of the Government of the Republic of Viet-Nam that it did not send representatives to attend the SEATO Conference in question has been forwarded to the P.A.V.N. High Command. The Commission forwarded to the Government of the Republic of Viet-Nam for comments four other complaints of the P.A.V.N. High Command alleging the presence of representatives of the Republic of Viet-Nam at a Conference and at military and naval manoeuvres of the SEATO held during 1957 and 1958.

31. In paragraph 32 of the Eighth Interim Report a reference was made to the American Military Mission called TERM (Temporary Equipment Recovery Mission). The Commission considered all relevant reports and documents connected with TERM and informed the Government of the Republic of Viet-Nam that the Commission was of the view that TERM should be able to complete its remaining work by the end of June 1959 and that, the status of TERM being temporary, TERM should cease to exist thereafter and its personnel should leave the Republic of Viet-Nam.

32. The situation in regard to MAAG, referred to in paragraph 32 of the Eighth Interim Report, remained unchanged.

33. During the period under report, the Commission recorded procedural contravention by the Government of the Republic of Viet-Nam under Article 16(f) in 27 cases and under Article 17(e) in six cases. In four cases

where no notification was given and the Team was not allowed to carry out physical control, the Commission decided that all possible assistance and co-operation under Article 25 of the Geneva Agreement was not afforded to it by the Government of the Republic of Viet-Nam. These cases pertain to a period prior to the period covered by this report.

During the period under report, the Commission received a few notifications under Articles 16 and 17 from the P.A.V.N. High Command. The Commission did not record any violation under these Articles against the P.A.V.N. High Command.

During the period under report, the Commission received from the P.A.V.N. High Command 16 and 26 complaints alleging violation of Articles 16 and 17 respectively by the Government of the Republic of Viet-Nam.

34. The Commission has been receiving complaints from the P.A.V.N. High Command alleging increase in the strength of American military personnel in South Viet-Nam. The Commission examined the Team reports for the period 7th January, 1956 to 28th December, 1957 with regard to the arrivals and departures of military personnel in the Republic of Viet-Nam. On the basis of information available to it, it was seen during this period that 2,002 American military personnel arrived in South Viet-Nam and 1,243 left this country and thus the arrivals exceeded the departures by 759 persons. The Government of the Republic of Viet-Nam was informed that the Commission was holding in abeyance for further consideration the implications to be drawn under Article 16 of the Cease-Fire Agreement and requested its comments. The Government of

the Republic of Viet-Nam informed the Commission that checking of these figures was under way and they would communicate the result thereof to the Commission. Their further communication is awaited.

35. During the period under report a few instances of the difficulties experienced by the Fixed Team SAIGON referred to in paragraph 34 of the Eighth Interim Report were reported. The Commission is pursuing the matter.

During the period under review, there were a number of cases where no notifications of airplane movements were given, and/or where manifests were not produced before the Fixed Team SAIGON on the ground that the planes in question were in transit or landed for refuelling only. The Commission called for corrective action.

36. In paragraph 35 of the Eighth Interim Report a reference was made to the Report of the Senior Military Advisers on the question of the Commission's teams having access to control tower registers and registers at sea ports in South Viet-Nam. The Commission held that in case of airports where the control was daily or any other airport which may be subject to daily control in the future, the Government of the Republic of Viet-Nam would be required to show the registers only to verify "a specific case" or to investigate "a specific complaint" as and when such contingency arose. It was further decided, Polish Delegation dissenting, that the Commission's teams be allowed access to registers showing external traffic only at the other airports. In the case of one airport where the Government of the Republic of Viet-Nam stated that there was no manned control tower in existence, the Commission instructed its Fixed Team to verify. Regarding

the Commission's teams not having similar access to registers maintained at sea ports, the Commission expressed its concern and recommended to the Government of the Republic of Viet-Nam to make necessary arrangements as soon as possible. The Government of the Republic of Viet-Nam has informed that control tower registers at airports and registers at sea ports where the control is daily, cannot be shown to the Commission's team as they contain information concerning both internal and external movement. Regarding access to registers at sea ports where the control is not daily, the Government of the Republic of Viet-Nam has informed that no register is maintained as these sea ports are not open to international movement. The matter is under consideration. The Commission's teams have been given access to control tower registers in South Viet-Nam showing external traffic at other airports where the control is not daily.

37. A separate report to the Co-Chairmen mentioned in paragraph 36 of the Eighth Interim Report containing the text of the Commission's decision, the dissenting opinion of the Polish Delegation and the views of the Indian and Canadian Delegations, has already been forwarded vide the Commission's letter No. IC/ADM/VIII-IR/58/901 dated the 7th June 1958.

A copy of the Commission's decision was forwarded to both the Parties. On 14th June 1958, the P.A.V.N. High Command stated that this decision of the Commission was contrary to the spirit and letter of the Geneva Agreement, to Protocol 23 of the Central Joint Commission and was beyond the competence of the Commission.

The Commission was further informed that the Government of the Democratic Republic of Viet-Nam had placed this matter before the Co-Chairmen of the Geneva Conference and had requested them to review the decision of the Commission and that the Commission should, therefore, defer the implementation of its decision pending the recommendation of the Co-Chairmen of the Geneva Conference. A copy of the letter dated 14th June, 1958, from His Excellency the Prime Minister of the Democratic Republic of Viet-Nam addressed to the Co-Chairmen raising the issue was also forwarded to the Commission. The Commission drew the attention of the P.A.V.N. High Command to the fact that on 7th June 1958, the Commission communicated its decision to the Co-Chairmen and on 14th June 1958, the Government of the Democratic Republic of Viet-Nam addressed a communication to the Co-Chairmen on this decision of the Commission. The Commission informed the P.A.V.N. High Command that it received no communication from the Co-Chairmen on the point raised by the Government of the Democratic Republic of Viet-Nam nor was it informed by the Government of the Democratic Republic of Viet-Nam of any reply received by them to their letter to the Co-Chairmen. The Commission also informed the P.A.V.N. High Command that in arriving at the decision the Commission carefully considered the provisions of the Geneva Agreement, the Protocol signed between the Parties and the Final Declaration, and that the Commission had in the past reviewed its decisions under the Geneva Agreement, and would continue to do so whenever it considered necessary, in the performance of its tasks of supervision and control of the execution of the provisions of the Agreement by the Parties. The Commission further informed the

P.A.V.N. High Command that, while any communication may be addressed to the Co-Chairmen by any Party, the Commission did not find any provision in the Agreement for an appeal against the decision of the Commission by the Parties to the Co-Chairmen or for the Commission deferring implementation of its decision pending such an appeal. The Commission expressed the hope that the Parties would continue to discharge their responsibilities for the execution of the Geneva Agreement and that the Parties, realising as they do the importance of maintaining peace in Viet-Nam, would give to the Commission their full co-operation and assistance in controlling and supervising the implementation of the provisions of the Geneva Agreement.

The Polish Delegation would like to add that its negative stand with regard to granting credits for war-material withdrawn from Viet-Nam by the French Expeditionary Corps remained unchanged. The Indian and Canadian Delegations would like to state that their views on this question have already been communicated to the Co-Chairmen.

38. The situation with regard to provision of water transport to the Commission's Fixed Teams in TOURANE, BA NGOI and CAP ST. JACQUES in South Viet-Nam and Fixed Team TIEN YEN in North Viet-Nam mentioned in paragraph 37 of the Eighth Interim Report did not show any improvement during the period under report. The mobile element of the Fixed Team HAIPHONG did not go out except once on control of South boundary as the water transport as required by the Commission was not made available to it by the P.A.V.N. High Command. The

CHAPTER VI

Commission decided to carry out this control by road whenever water transport could not be made available to it.

39. Some of the Commission's teams in North Viet-Nam could not go out on their mandatory control duties when considered necessary on Sundays and holidays as the P.A.V.N. High Command did not make necessary arrangements on a number of occasions to enable the Commission's teams to carry out these controls. The Commission expressed its concern and requested the P.A.V.N. High Command to afford all possible assistance and co-operation. Similar difficulties were experienced by a few teams of the Commission in South Viet-Nam on a few occasions. The Commission requested the Government of the Republic of Viet-Nam to afford all possible assistance and co-operation to the Commission's teams in this regard.

CHAPTER VI

CO-OPERATION OF THE PARTIES
TO THE AGREEMENT

40. The preceding chapters present a review, in brief, of the extent to which the Parties fulfilled their obligations with respect to the execution of the provisions of the Geneva Agreement.

41. In North Viet-Nam, the P.A.V.N. High Command, as mentioned in paragraph 23, did not intimate any change in its interpretation of Article 35, on the question of keeping a mobile team at PHUC HOA on continuous control.

In South Viet-Nam, the Commission did not receive the required co-operation in the matter of removal of the time notice restrictions on the movement of most of the mobile elements of the Commission's Fixed Teams, as mentioned in paragraph 29. The Government of the Republic of Viet-Nam maintained its interpretation of Article 14(c) and, as mentioned in paragraph 11, did not change its stand with regard to this Article. It did not co-operate in the investigation of complaints under Article 14(c). As mentioned in paragraph 15, the Mobile Team 103 of the Commission, in the discharge of its duty of investigation under Article 14(c), did not receive co-operation from the Government of the Republic of Viet-Nam. This case relates to a period prior to the period under review.

The Government of the Republic of Viet-Nam did not accept the Commission's interpretation of Article 21 and as mentioned in paragraph 20 did not

co-operate in the implementation of the Commission's recommendations regarding the release of civilian internees.

As mentioned in paragraph 33, there have been some cases of procedural contravention of Articles 16(f) and 17(e) in South Viet-Nam. Most of these cases relate to a period prior to the period under review. As mentioned in paragraph 35, there was some lack of necessary co-operation in respect of production of manifests and notifications with regard to cases under Articles 16 and 17 in South Viet-Nam.

42. The Commission has continued and will continue to discharge its duties of supervision and control under the Geneva Agreement but unless the Commission receives a larger measure of co-operation from the Parties and the difficulties hindering the Commission's activities are removed, the Commission cannot function effectively in carrying out satisfactorily its tasks in regard to the Agreement for the Cessation of Hostilities in Viet-Nam.

CHAPTER VII

CONCLUSIONS

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43. In their message dated 8th May, 1956 to the Government of the Republic of France, the Co-Chairmen invited the French authorities to discuss with the authorities of South Viet-Nam with a view to reaching an arrangement to facilitate the work of the International Commission and the Joint Commission in Viet-Nam and requested the French Government to preserve the status quo until these new arrangements were "put into effect". In its message dated 14th September, 1956 the Commission informed the Co-Chairmen of the situation which arose as a consequence of the withdrawal of the French High Command from Viet-Nam and which placed the Commission in a difficult position.

In view of the situation revealed in paragraph 7 the joint Commission cannot now be revived to resume its activities as long as the Government of the Republic of Viet-Nam maintains its attitude. An important machinery which was set up under Articles 30 and 32 of the Geneva Agreement for the execution of the provisions of the Cease-Fire Agreement requiring joint action by the two Parties and specifically charged under Article 33 to ensure observance of the Demarcation Line between the regrouping zones and of the demilitarized sectors, ceased to exist. The Commission is faced with this major difficulty which it cannot resolve on the spot and requests the Co-Chairmen to give it their urgent consideration for such action as they may consider necessary.

44. The situation in the Demilitarized Zone has shown no improvement since the Eighth Interim Report; if anything, the difficulties have further increased. Both Parties have continued to approach the Commission with complaints alleging acts of provocation and violation of the status of the Demilitarized Zone by the other. Although there was no major incident in the Demilitarized Zone and there was no outbreak of hostilities from either side, without any arrangements for the discharge of the functions of the Joint Commission to solve disputes in the Demilitarized Zone and settle complaints by prompt joint action by the Parties, effective preservation of the demilitarized character of the Demilitarized Zone created with the express intention of acting as a buffer zone and avoiding any incidents which might result in the resumption of hostilities may be jeopardized. The Commission hopes that the Parties will scrupulously maintain the status of the Demilitarized Zone and will avoid doing anything that may endanger peace in Viet-Nam. The Commission, directed by the Co-Chairmen, has persevered, and will continue to persevere in its efforts to maintain and strengthen peace in Viet-Nam in accordance with the provisions of the Geneva Agreement and is continuing to seek the co-operation of both Parties in this regard.

45. There has been no progress in the field of political settlement as envisaged in the Final Declaration of the Geneva Conference. There has been no consultation between the two Parties with

a view to holding free nation-wide elections for the reunification of Viet-Nam. This has maintained the prospect of an indefinite continuance of the Commission and its activities. The Commission hopes that this important problem is engaging the attention of the Co-Chairmen and the Geneva Powers and that they will take effective measures to resolve this problem as envisaged in the Final Declaration of the Geneva Conference.

46. The Parties persisted in giving their own interpretations which differ from those of the Commission on some of the provisions of the Agreement and continued to refuse to accept and comply with some of the decisions of the Commission, maintaining their respective stands. In fact, these difficulties have further increased. The Commission cannot discharge with any effectiveness its functions specified in the Geneva Agreement which are the basis for the Commission's activities unless the Commission's interpretations and decisions are accepted as final by the Parties and unless all the provisions of the Agreement are strictly observed by them. However, despite its effectiveness to discharge its responsibilities under the Agreement being seriously affected, the Commission has continued and will continue to supervise and control the execution by the Parties of the Articles of the Agreement throughout Viet-Nam to the extent permitted by the Parties. The Commission hopes that both the Parties will give the Commission their full co-operation and assistance in controlling and supervising the implementation of the provisions of

the Geneva Agreement and enable the Commission to discharge its functions effectively and to its full satisfaction. The Commission requests the Co-Chairmen and through them the Members of the Geneva Conference to take such measures as they may consider appropriate to resolve the difficulties which hinder the Commission's activities in order to enable the Commission to discharge its duties in accordance with the Geneva Agreements.

Sd/-

(S.S. Ansari)
INDIA

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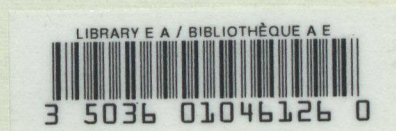
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CANADA

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(Wladyslaw Goralski)
POLAND

SAIGON,

March 10, 1959.



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25/-

(S. S. Ansari)
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SALON,

10th 10, 1959.