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CANADIAN STATEMENT REGARDING THE
INTERNATIONAL COMMISSION FOR SUPERVISION AND
CONTROL IN VIET-NAM -- SEPTEMBER 29, 1972

DEPARTMENT OF EXTERNAL AFFAIRS
MINISTÈRE DES AFFAIRES EXTÉRIEURES

We have noted with surprise that the Indian authorities have made public the text of a recent resolution of the International Commission for Supervision and Control in Viet-Nam to transfer the headquarters of the Commission back to Hanoi from Saigon with effect from September 30, 1972. This resolution was contained in a message addressed to the British and Soviet Co-Chairmen of the 1954 Geneva Conference. At the same time, the Indian authorities have released a joint statement made by the Indian and Polish delegations during the course of the Commission's formal meeting of September 28 which passed the resolution. The joint statement formed part of an attachment to the Commission's message to the Co-Chairmen.

It has not been the practice in the International Commission in Viet-Nam to publish the proceedings of its formal meetings nor the texts of messages addressed to the Co-Chairmen of the 1954 Geneva Conference.

The material that has been published by the Indian authorities represents an incomplete account of what the Commission agreed, at its September 28th meeting, to convey to the Co-Chairmen. It was also agreed to attach a statement made by the Canadian delegation disputing the interpretation of the situation expressed in the joint Indian-Polish statement. The omission of the Canadian statement from what has been published has distorted both the context and content of the Commission's agreed communication to the Co-Chairmen.

The occasion for the Commission's transfer of its headquarters back to Hanoi where it was located between 1954 and 1958, was a decision by the host government in Saigon that the Indian Delegation and the Indian component of the Commission's secretariat should leave the territory of the Republic of Viet-Nam. This decision arose from a bilateral dispute between the Government of India and the Government of the Republic of Viet-Nam, following India's establishment of full diplomatic relations with North Viet-Nam in January 1972, while limiting its relations with the Republic of Viet-Nam to the Consular level.

The Canadian position from the outset has been that this disagreement was a purely bilateral matter, that both parties were entirely within their sovereign rights in acting as they did, and that it was not for the International Commission to take sides. At the same time, Canada recognized that the Commission would have to deal with the administrative implications for its day-to-day headquarters operations in Saigon.

The recent developments in the Commission are one aspect of a complex state of affairs which has paralyzed the Commission and rendered it ineffective for many years. In the Canadian view, therefore, it is misleading to assign blame for recent developments to any one party as the joint Indian-Polish statement attempts to do or to allege that it affects "the competence or normal functioning" of an organization that has not exercised competence or functioned normally for many years. The Canadian Government acknowledges, however, that it would have been impossible at the Commission's recent meeting, to reach agreement on a full account of the reasons for the Commission's ineffectiveness in recent years. The Canadian view was that all that was required and appropriate in these circumstances was a simple administrative resolution recording the Commission's decision to move the headquarters of the Chairman and the Secretary-General of the Commission back to Hanoi. It was just such a resolution that was passed unanimously by the Commission at its formal meeting on September 28. The Indian and Polish delegations, however, wished to attach to the agreed message

to the Co-Chairmen conveying the decision, a joint statement giving their interpretation of the situation. The Canadian delegation was obliged, therefore, to ask that a statement of its position also be attached. The Delegation's statement, which was made by the Canadian Commissioner, Mr. R. David Jackson, was as follows: (attached)

September 29, 1972

Canadian Delegation Statement
at the
Formal Meeting of the
International Commission for
Supervision and Control in Viet-Nam
Saigon, September 28, 1972

The Canadian Delegation to the International Commission for Supervision and Control (ICSC) in Viet-Nam does not consider that statements elaborating upon the resolution passed unanimously by the Commission on this date are necessary. However, as the Polish and Indian delegations have made a joint statement elaborating their view of events, we feel that it is incumbent on the Canadian Delegation also to make a statement correcting certain misconceptions and errors which it believes appear in the foregoing statement.

While voting for the resolution passed, the Canadian Delegation takes strong issue with both the substance and the tone of the joint statement by the Polish and Indian delegations. The Canadian Delegation agrees that the headquarters of the Chairman and the Secretary-General of the Commission should be transferred from Saigon to Hanoi, but considers this transfer to be an internal administrative decision of the Commission within its own competence which does not require a formal resolution of the Commission or a report to or advice from the Co-Chairmen of the Geneva Conference of 1954.

The Canadian Delegation considers that any difficulties now confronting the Commission are essentially a reflection of the long-standing paralysis of its apparatus, rather than a consequence of recent developments. Despite the repeated efforts by the Canadian Delegation to ensure that the Commission fulfil the terms of the mandate accorded to it by the Geneva Conference of 1954, the other delegations have for the past several years consistently refused to allow it to perform its prime responsibilities, the most important of which are the investigation of alleged violations of the Agreement on the Cessation of Hostilities in Viet-Nam of 1954, the determination of their validity and their reporting as necessary to the Co-Chairmen, while observing an attitude of strict impartiality towards all parties directly interested or involved. Since the ICSC and the processes of consultation and control established by the Geneva Agreement of 1954 have to all intents and purposes been dormant for many years, the Canadian Delegation does not believe that the present difficulties in the relations between the governments of India and the Republic of Viet-Nam have disrupted the activities of the Commission or threatened or undermined the machinery of the Geneva Conference. Indeed the Canadian Delegation considers the present disagreement between the governments of India and the Republic of Viet-Nam to be a purely bilateral matter of no concern to the ICSC.

The Canadian Delegation holds that it is the sovereign responsibility of the host governments to accord or to deny facilities to the ICSC. The

Canadian Delegation notes that the Government of the Republic of Viet-Nam has in the past voluntarily accorded such facilities to the Commission, although it is not a signatory to the Agreement on the Cessation of Hostilities of 1954, has undertaken no juridical commitments under this Agreement and has in fact protested against the conditions of the Armistice in a declaration by the State of Viet-Nam of July 21, 1954. The Canadian Delegation does not consider the references made in the joint statement to articles of the Agreement to be appropriate or relevant or the charges made to be valid.

The Canadian Delegation has always been, remains and will continue to remain ready to carry out the terms of the mandate accorded to it by the Geneva Conference of 1954. The Government of Canada is, moreover, prepared to consider seriously any revised or new mandate which the Conference may in future accord to the ICSC in Viet-Nam, if that mandate is designed to restore peace and stability to Viet-Nam and promises to be effective in its purpose.