

A D D E N D U M

Fifth Int. Report Ext. Affairs Supp.
Paper No. 55/18: Chapter V -
BAN ON THE INTRODUCTION OF FRESH TROOPS
ETC., para. 23 - line 4 should read
"special responsibilities under Article
36(d)"

External Affairs
Supplementary Paper

No. 55/18

INTERNATIONAL COMMISSION FOR SUPERVISION

AND CONTROL IN VIET-NAM

FIFTH INTERIM REPORT

(For the period August 11, 1955 to December 10, 1955)

INTERNATIONAL COMMISSION FOR SUPERVISION

AND CONTROL IN VIET-NAM

FIFTH INTERIM REPORT

(For the period August 11, 1955 to December 10, 1955)

TABLE OF CONTENTS

.....

	Page
INTRODUCTION ...	1
<u>CHAPTER I</u>	
ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIETNAM ...	2
<u>CHAPTER II</u>	
PROVISIONAL MILITARY DEMARCATIION LINE AND DEMILITARIZED ZONE ...	3
<u>CHAPTER III</u>	
DEMOCRATIC FREEDOMS UNDER ARTICLES 14(C) AND (D) ...	4
<u>CHAPTER IV</u>	
PRISONERS OF WAR AND CIVILIAN INTERNEES ...	6
<u>CHAPTER V</u>	
BAN ON THE INTRODUC- TION OF FRESH TROOPS, MILITARY PERSONNEL, ARMS AND MUNITIONS - MILITARY BASES IN VIETNAM ...	8
<u>CHAPTER VI</u>	
CO-OPERATION OF THE PARTIES TO THE AGREEMENT ...	11
<u>CHAPTER VII</u>	
CONCLUSIONS ...	14

TABLE OF CONTENTS

Page

1

INTRODUCTION

CHAPTER I

ESTABLISHMENT AND
MACHINERY OF THE
INTERNATIONAL
COMMISSION IN
VIETNAM

2

CHAPTER II

PROVISIONAL MILITARY
SEPARATION LINE AND
DEMILITARIZED ZONE

3

CHAPTER III

DEMOCRATIC FREEDOMS
UNDER ARTICLES 14(C)
AND (D)

4

CHAPTER IV

PRISONERS OF WAR
AND CIVILIAN INTERNEES

6

CHAPTER V

PLAN ON THE INTRODUC-
TION OF FRESH TROOPS,
MILITARY PERSONNEL,
ARMS AND MUNITIONS -
MILITARY BASES IN
VIETNAM

8

CHAPTER VI

CO-OPERATION OF
THE PARTIES TO
THE AGREEMENT

11

CHAPTER VII

CONCLUSIONS

14

INTRODUCTION.

The International Commission for Supervision and Control in Vietnam has so far submitted four Interim Reports covering its activities from August 11, 1954 to August 10, 1955.

2. This is the Fifth Interim Report of the Commission containing a summary of its activities from August 11, 1955 to December 10, 1955 and a review of the progress made by the two parties in the implementation of the Agreement on the cessation of hostilities in Vietnam (hereafter referred to as the Agreement). This Report should be read along with the relevant chapters of the four earlier Interim Reports.

INTRODUCTION.

The International Commission for Supervision and Control in Vietnam has so far submitted four Interim Reports covering its activities from August 11, 1954 to August 10,

1955.

This is the Fifth Interim Report of the Commission containing a summary of its activities from August 11, 1955 to December 10, 1955 and a review of the progress made by the two parties in the implementation of the Agreement on the cessation of hostilities in Vietnam (hereafter referred to as the Agreement). This Report should be read along with the relevant chapters of the four earlier Interim Reports.

CHAPTER I.

ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIETNAM.

During the period under review, 13 mobile teams of the Commission were sent out for investigations under Article 37 making a total of 132 since the Commission started its activities.

2. During its visit to Saigon in October 1955, the Commission discussed with the French High Command and the civilian authorities the implementation of its decision to move its Headquarters from Hanoi to Saigon. Various questions raised are being considered by the Commission and the authorities concerned but no final conclusions have been reached so far.

ESTABLISHMENT AND MACHINERY OF THE
INTERNATIONAL COMMISSION IN VIETNAM.

During the period under review, 13 mobile teams
of the Commission were sent out for investigations under
Article 37 making a total of 132 since the Commission
started its activities.

During its visit to Saigon in October 1955, the
Commission discussed with the French High Command and the
Vietnam authorities the implementation of its decision to
move its Headquarters from Hanoi to Saigon. Various questions
raised are being considered by the Commission and the autho-
rities concerned but no final conclusions have been reached
at this time.

CHAPTER II.

PROVISIONAL MILITARY DEMARCATION LINE AND DEMILITARIZED ZONE.

3. Article 33 specifically charges the Joint Commission with the execution of the provisions regarding the demarcation line and the demilitarized zone. The Commission feels that the parties in the Joint Commission are not working as cooperatively as they should in discharging their joint responsibilities in regard to the administration of the demilitarized zone. Several disputes arose regarding the administration of the demilitarized zone and the Commission had the present arrangements reviewed by its Operations Committee and made to both parties on 12th September, 1955, certain tentative suggestions for the improvement in the administrative arrangements including security measures and control procedures whose adoption and implementation would, in the view of the Commission, help in avoiding incidents along the demarcation line and in the demilitarized zone.

4. The French High Command accepted the suggestions generally without offering specific comments on each of the suggestions and also proposed a review of the Central Joint Commission Protocol on the status of the demilitarized zone. While accepting certain suggestions and rejecting others the P.A.V.N. High Command stated that any amendment of the status of the demilitarized zone would be premature. The P.A.V.N. High Command also stated that all that was required was a strict observance of the Agreement and the Protocol of the Central Joint Commission which provides for the settlement of all incidents by direct discussion between the two parties. The Commission has informed the parties that certain specified suggestions would be converted into formal recommendations unless the parties ask for particular modifications. The Commission was awaiting their further replies.

5. The Commission paid a visit to the demilitarized zone on both sides of the demarcation line and inspected the arrangements which have been made by the two parties to carry out the provisions of Articles 6, 7 and 8 of the Agreement.

6. The French High Command through its delegation in the Joint Commission remains responsible for the execution of the provisions of Articles 6, 7 and 8 regarding the demarcation line and the demilitarized zone. It has, however, no authority over the Civil Administration in the demilitarized zone which is run by the authorities under the control of the Republic of Vietnam.

7. This divorce of authority from responsibility in the South, along with inadequate administrative arrangements in the area of the demilitarized zone which the Commission's suggestions to both parties were designed to correct, are the chief causes of difficulties in this important area.

CHAPTER III.

DEMOCRATIC FREEDOMS UNDER

ARTICLES 14(C) and (D).

8. Complaints of alleged violations of Article ARTICLE 14(C) continued to be made by the P.A.V.N. High Command. Some of these complaints referred to the demilitarized zone and there were also allegations against the French High Command of violation of Article 7. In all, 46 complaints were made by the P.A.V.N. High Command. The latter also forwarded a large number of petitions alleging reprisals in the form of arrests and murders. There were also two complaints by the French High Command against the P.A.V.N. High Command for violation of Articles 7 and 14(c).

9. The Commission forwarded the majority of complaints to the High Command concerned for comments and reports of remedial action taken if allegations were found to be true but decided to investigate through mobile teams complaints pertaining to four areas, viz., Provinces of Chau Doc, Thua Thien, Quang Tri and the Demilitarized Zone. The Commission is still seized with 76 cases concerning alleged reprisals under Article 14(c).

10. None of these mobile team investigations was carried out during the period under report. In the first three cases, the French High Command declined to concur for the reasons given in paragraph 40 of this report but some information was passed on to the Commission concerning two cases. In the fourth case, the team went out for a few days to the demilitarized zone, but it had to be withdrawn temporarily for reasons given in paragraph 41 of this report.

11. The inability of the Commission to send mobile team to investigate alleged violations of Article 14(c) is causing serious concern to the Commission. This failure was due to (a) the inability of the French High Command to carry out by itself its obligations under Article 25 to protect fully and to assist and co-operate with the Commission and its teams in the tasks allotted to them, and (b) the lack of agreement on the part of the Republic of Vietnam to facilitate investigations in conformity with its informal offers of practical cooperation.

12. In the Fourth Interim Report, the Commission ARTICLE 14(D) presented to the Co-Chairmen a general review of the implementation of Article 14(d), during the 300 day period, and the extension period. The Commission reported in paragraph 33 of that report that it was following up certain categories of residual cases which had still not been settled by the 20th of July. A provisional list of these categories was also mentioned. Since then the Commission has considered the question of follow-up action on these residual cases and has made detailed suggestions in this connection to the two High Commands on 22nd October, 1955. The Commission felt that this was necessary as further implementation of Article 14(d) could be carried out only with the cooperation of the two parties. Replies have been received from the two High Commands. The P.A.V.N. High Command in its reply expressed the wish to discuss the whole problem in the basis of the Commission in order to reach an agreement on the basis of the Commission's recommendations. The Commission is pursuing this matter and has invited both parties for a discussion with the Freedoms Committee of the Commission.

13. During the period under review, the Commission sent out two Mobile Teams to investigate complaints made by the French High Command that Article 14(d) was not being properly implemented in the monastery of Chau Son and in the seminaries of Xa Doai.

14. The Commission considered the report of Mobile Team 82 which carried out the investigations in the cases of 14 Trappist monks in the Chau Son monastery and agreed with the findings of the team that the allegations made, namely, that the Trappist monks were not being permitted to move to the South, were not correct and in fact the monks declared that they had never applied for permits to go. However, the case of one monk who has been charged with a common law offence is being studied by the Legal Committee.

15. In the month of July, the Commission had sent Mobile Team F-42 to the seminaries of Xa Doai to investigate a complaint made by the French High Command that the seminarists were not being permitted to move South. Mobile Team F-42 was unable at that time to interview all the seminarists as some of them were on vacation but reported that those who had been interviewed, namely 8, stated that they had withdrawn their applications of their own free will. To complete the task of Mobile Team F-42, the Commission sent another Mobile Team F-44 to the seminaries.

16. The team proceeded for the investigation in the month of October and had to be withdrawn five weeks later without it having carried out its investigation. The reasons for its withdrawal and the present position about this investigation are given in paragraph 39.

The inability of the Commission to send mobile teams to investigate alleged violations of Article 14(c) is causing serious concern to the Commission. This failure was due to (a) the inability of the French High Command to carry out by itself its obligations under article 25 to protect fully and to assist and co-operate with the Commission and its teams in the tasks allotted to them, and (b) the lack of agreement on the part of the Republic of Vietnam to facilitate investigations in conformity with its informal offers of practical cooperation.

In the Fourth Interim Report, the Commission presented to the Co-Chairmen a general review of the implementation of article 14(d) during the 300 day period and the extension period. The Commission reported in paragraph 33 of that report that it was following up certain categories of residual cases which had still not been settled by the SOF of July. A provisional list of these categories was also mentioned. Since then the Commission has considered the question of follow-up action on these residual cases and has made detailed suggestions in this connection to the High Commands on 22nd October, 1953. The Commission felt that this was necessary as further implementation of Article 14(d) could be carried out only with the cooperation of the two High Commands. Replies have been received from the two High Commands. The P.A.V.N. High Command in its reply expressed the wish to discuss the whole problem in the General Joint Commission in order to reach an agreement on the basis of the Commission's recommendations. The Commission is pursuing this matter and has invited both parties for a discussion with the Freedom Committee of the Commission.

CHAPTER IV.

PRISONERS OF WAR AND
CIVILIAN INTERNEES

17. During the period under report, 114 more "rallies" for deserters were transferred to the French Union High Command in groups and these operations were observed by the Commission's teams. Regarding civilian internees, the latest position is as follows:—

F.U.F. P.A.V.N.

1. Number released upto 10th December, 1955 (excluding 93 mentioned in the Third Interim Report and 67 mentioned in the Fourth Interim Report) by

2. Number of recommendations for release made by Commission under Article 21 to	25	-
3. Number of cases under consideration on complaints against	144	5

19. In two cases, one concerning 16 civilian internees of Chinese nationality released in Haiphong by the French Union High Command before the transfer of Haiphong to the P.A.V.N. High Command and the other concerning 13 of Viet-Nameese nationality released unilaterally by the French High Command, the Commission, on complaints received from the P.A.V.N. High Command, has declared that these releases were inconsistent with Article 21 of the Agreement.

20. As stated in para 6 of the Third Interim Report and para 10 of the Fourth Interim Report, each party, while claiming categorically that it has carried out its obligations under Article 21, continued to make claims against the other party in respect of prisoners-of-war and civilian internees. In its further efforts to get the parties to clear these claims and counter-claims, the Commission met the two Liaison Missions and impressed upon them the necessity for giving full and adequate information in order to enable the Commission, in specific cases, to locate the prisoners concerned and determine their status.

21. The French High Command brought to the notice of the Commission five more cases where it claimed prisoner-of-war status under Article 21. Later it made another complaint that 141 Viet-Nameese officers had been or were being kept in detention in prisoners-of-war camps after the cease-fire. A team of the Commission carried out an investigation and on the basis of its investigation the Commission came to the conclusion that the allegations had not been proved. As the

Commission felt that the 141 ex-prisoners of war who were employed in construction yards after their release might not have been able to exercise their choice about the zone of residence, it decided that their cases would be treated as residual cases remaining to be disposed of under Article 14(d) of the Agreement.

22. As regards the first complaint, the Canadian Delegation came to a different conclusion: that the five prisoners-of-war were released some time after the cease-fire but should have been handed over to the French High Command in accordance with Article 21. No definite conclusion was reached by the Canadian Delegation on the allegation that they were detained as prisoners-of-war for one year after the cease-fire, but there was evidence to indicate that they were under some form of restricted liberty as a result of which they could not exercise their right under Article 14(d). As regards the second complaint, the Canadian Delegation came to the conclusion that the general allegation was neither proved nor disproved, but considered that these and similar cases coming to the notice of the Commission, should be dealt with in accordance with Article 21 if the former prisoners-of-war were released after the cease-fire, or in accordance with Article 14(d) if released before the cease-fire, but held under some restriction on liberty while working in construction camps or work yards after their release.

Number of recommendations for release made by Commission under Article 21

25

Number of cases under consideration on complaints against

144

In two cases, one concerning 18 civilian internees of Chinese nationality released in Haiphong by the French Union High Command before the transfer of Haiphong to the P.A.V.N. High Command and the other concerning 13 of Viet-Namese nationality released unilaterally by the French High Command, the Commission, on complaints received from the P.A.V.N. High Command, has declared that these releases were inconsistent with Article 21 of the Agreement.

As stated in para 6 of the Third Interim Report and para 10 of the Fourth Interim Report, each party, while claiming categorically that it has carried out its obligations under Article 21, continued to make claims against the other party in respect of prisoners-of-war and civilian internees. In its further efforts to get the parties to clear these claims and counter-claims, the Commission met the two Liaison Missions and impressed upon them the necessity for giving full and adequate information in order to enable the Commission, in specific cases, to locate the prisoners concerned and determine their status.

The French High Command brought to the notice of the Commission five more cases where it claimed prisoner-of-war status under Article 21. Later it made another complaint that 141 Viet-Namese officers had been or were being kept in detention in prisoners-of-war camps after the cease-fire. A team of the Commission carried out an investigation and on the basis of its investigation the Commission came to the conclusion that the allegations had not been proved.

Commission felt that the 141 ex-prisoners of war who were employed in construction yards after their release might not have been able to exercise their choice about the zone of residence, it decided that their cases would be treated as residual cases remaining to be disposed of.

A D D E N D U M

Fifth Int. Report Ext. Affairs Supp.
Paper No. 55/18: Chapter V -
BAN ON THE INTRODUCTION OF FRESH TROOPS
ETC., para. 23 - line 4 should read
"special responsibilities under Article
36(d)"

CHAPTER V.

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

23. Arrangements made for the supervision and control of execution by the parties of provisions of Article 16 to 20 of the Agreement and additional measures taken by the Commission to discharge its special responsibilities under Article 36(b) have been given in Chapter VI of the first four Interim Reports. The mobile team arrangements made for the continuous control of introduction of military material and personnel on the Vietnam-Cambodian border and the Vietnam-Chinese border continued throughout the period under report. The P.A.V.N. High Command agreed temporarily to the establishment of a team at Cao Bang outside the zone of action as an exceptional case. After some time the Commission transferred that team to Phuc Hoa within the zone of action with its task remaining unchanged. It started functioning at the new location from the 16th of November, 1955.

24. Mention was made in para 36 of the Fourth Interim Report of the review of the zones and spheres of action of the Fixed Teams consequent on the completion of withdrawals and transfers. Final concurrence of the High Commands with some comments have been received and the Commission's decisions on the latter have been communicated to them. The new zones and spheres of action as decided by the Commission were to come into effect from the 15th of December, 1955.

25. For greater effectiveness and more efficient maintenance, the Commission decided that the Fixed Team at Muong Sen should be located at CON CUONG. The concurrence of the P.A.V.N. High Command for the provisional establishment of this Fixed Team at CON CUONG was obtained.

26. The Commission completed the investigation of the two complaints made by the P.A.V.N. High Command referred to in para 37 of the Fourth Interim Report. As regards the first complaint it found that 6 liaison airplanes and 7 helicopters were landed at Saigon in March 1955 for the use of the International Commission and that a team of the International Commission had controlled their import and the Commission was satisfied that no illegal entry had taken place. As regards the second complaint the Commission found from the evidence produced before it that the French Union Forces High Command had imported a number of L-19 aircraft before the cease-fire and that they transferred 27 of them to the Vietnamese Air Force on June 17, 1955, and considered that this transfer was an internal one and not contrary to the Articles of the Agreement.

27. The Commission received four more complaints from the P.A.V.N. High Command, one regarding visits of foreign military missions to South Vietnam and of South Vietnam military missions to other countries, two about introduction of arms and ammunitions by two ships and the fourth about the building at Nha Ban of an air field which it was alleged could be utilized for introduction of war material. As a result of the first complaint the Commission has stated that notifications should be given by both parties regarding visits of foreign military missions. The Commission investigated the two complaints about the introduction of arms and ammunition and

found that in one case the ship had only carried fodder and in the other case no such ship had come to the port in question and hence no violation of Articles 16 or 17 had taken place in either case. With regard to the fourth complaint the Commission decided to carry out a reconnaissance of the airfield before coming to a final decision.

28. The Saigon Fixed Team reported to the Commission that military aircraft including US navy planes were visiting the Saigon airport regularly. No advance notification of these movements was being received by the team. The Commission informed the French Liaison Mission that these planes should have been included in the aircraft forecast normally given to the Team and that it should take necessary steps in future to see that the forecasts submitted to the Team are full and accurate.

29. The Commission also received one complaint from the French High Command about the introduction of war material into North Vietnam. The complaint was that in October 1955, 14 railway wagons had come to Hanoi from Moscow via Peking with armament and other articles, and that after unloading the freight the wagons were not going back to Moscow. On investigation the Commission found that the complaint was not supported by any evidence.

30. The P.A.V.N. High Command has sent in two more complaints regarding the failure of the French High Command to send necessary notifications under Articles 16(f) and 17(e) about the introduction of war materials, etc., into South Vietnam. The French Liaison Mission informed the Commission that they were providing the information to the Joint Commission during its meetings but were not obliged under Protocol 23 to give those documents to the P.A.V.N. Delegation. The Commission has recommended that notifications should be given in written form and is pursuing this matter with the two High Commands in order to reach a satisfactory solution of this question in accordance with Articles 16(f) and 17(e).

31. Certain problems regarding the control of shipping on the Mekong river arose during this period. The French High Command took the stand that it was not the duty of the Liaison Officer of the High Command with the Fixed Team at Tan Chau to stop the ships proceeding to or coming down from Phnom Penh, for purposes of exercising control on introduction of war material or military personnel. It also raised the question of the rights of ships on rivers open to international navigation.

32. The Commission informed the French High Command that the duties of the Liaison Officer arising out of Article 25 and of the local authorities arising out of Article 35 require them to assist and cooperate with the team in the performance of its tasks and therefore on a request from the team it would be incumbent on the Liaison Officer to arrange with the local civil or military authorities and the captains of the ships in order that the team may carry out its tasks under Articles 16 and 17.

33. Matters arising out of the second contention of the French High Command, viz., the rights of ships on rivers open to international navigation and their compatibility with the duties of the Commission under Articles 16, 17 and 36(d) are being studied by the Legal Committee of the Commission.

34. In the meanwhile, in order to improve the arrangements to ensure that no war material or military personnel was introduced into Vietnam by ships from Phnom Penh, the Commission has suggested to the Commission for Cambodia that the Team at Phnom Penh should notify by wireless Fixed Teams at Tan Chau and Cap St. Jacques details of ships leaving Phnom Penh with war material and military personnel so that the latter can exercise necessary control. This matter is being discussed with that Commission.

35. Difficulties were also encountered about the control of the Saigon airport, as in August the team's movements came to be restricted to the VIP stand and the parking area. The Commission deputed a team of its Military Advisers to report to the Commission whether these restrictions interfered with the exercise of adequate control. On its recommendation the Commission has informed the French High Command, among other things, that the team must have access to the VIP enclosure and to the customs building and that it must be permitted to go to the loading and unloading area whether it be in the civil or military section of the aerodrome. The question of control will be reviewed after six weeks in the light of experience.

84. In the meanwhile, in order to improve the arrangements to ensure that no war material or military personnel was introduced into Vietnam by ships from Phnom Penh, the Commission has suggested to the Commission for Cambodia that the Team at Phnom Penh should notify by wireless Fixed Teams at Tan Chau and Cap St. Jacques details of ships leaving Phnom Penh with war material and military personnel so that the latter can exercise necessary control. This matter is being discussed with that Commission.

85. Difficulties were also encountered about the control of the Saigon airport, as in August the team's movements came to be restricted to the VIP stand and the parking area. The Commission deputed a team of its Military Advisers to report to the Commission whether these restrictions interfered with the exercise of adequate control. On its recommendation the Commission has informed the French High Command, among other things, that the team must have access to the VIP enclosure and to the customs building and that it must be permitted to go to the loading and unloading area whether it be in the civil or military section of the aerodrome. The question of control will be reviewed after six weeks in the light of experience.

CHAPTER VI.

COOPERATION OF THE PARTIES TO THE AGREEMENT.

36. During the period under report, recommendations were made to the French High Command for action under Article 22 against persons under their control for violation of Article 14(c) in three cases which occurred in October 1954 and of Article 35 in one case. Final reports about action taken on these recommendations are still awaited.
37. The Commission decided to send 16 mobile teams, 12 to the territory of the P.A.V.N. High Command, 3 to the territory of the French High Command and 1 to the demilitarized zone on both sides of the demarcation line.
38. An analysis of the details about the 12 mobile teams sent to the territory of the P.A.V.N. High Command shows that 3 mobile teams (F-43, 81 and 83) were sent for road reconnaissance, 6 (84, 86, 89, 91, 92 and 94) to supervise the handing over of deserters or "rallies" and 2 (82 and F-44) to investigate alleged violations of Article 14(d). The twelfth team's (88) task was control and supervision of the frontier in the areas of Phuc Hoa, Tra Linh, Soc Giang and Trung Khanh Phu. On consideration of the reports of the reconnaissance teams the Commission has decided to undertake certain further reconnoissances. Thus out of these 12 teams 10 fulfilled the tasks assigned to them. 1(88) is still in the field and 1 (F-44) had to be withdrawn.
39. Mobile Team F-44 spent five weeks in the field. After some procedural delay the team received certain information about the case from the local authorities but could not proceed with the investigation inside the seminaries first on the grounds that influenza was prevalent and then because of the refusal of the religious authorities to allow the Team to enter the seminaries. As the Commission did not think that an investigation outside the seminaries could be as thorough and effective as inside it decided to withdraw the Team pending further consideration of this matter. Because of the general belief that seminaries are not religious institutions which normally prohibit entry of secular persons and the fact that a previous team had been allowed to enter these seminaries to conduct an investigation, the Commission decided to draw the attention of the P.A.V.N. Liaison Mission to the great delay caused in the investigation and the Commission's anxiety about this case and the need for the P.A.V.N. authorities to discuss this matter with the religious authorities at XA DOAI and persuade them to agree to the investigations being held inside the seminaries. The matter is pending and the Commission is awaiting a progress report on this matter from the P.A.V.N. Liaison Mission.
40. The Commission decided to send three mobile teams to the territory of the French High Command to investigate alleged serious violations of Article 14(c). In each case the French High Command referred the matter to the Government of the Republic of Vietnam. In one case, (90) the latter declined to grant concurrence stating that the incident involved was a matter of internal civil administration, in another (85) they have declined so far to grant concurrence to the despatch of the team on the grounds of insecurity in the area and in the third (93) the French High Command are still waiting for the concurrence of the authorities of the Republic of Vietnam. As a result, these three teams have

not been able to start investigations although the decisions to despatch them were taken by the Commission on September 20, August 25 and October 1, 1955, respectively.

41. The Commission sent mobile team 87 to the demilitarized zone to investigate alleged violations of Articles 7 and 14(c). There was considerable delay in the arrival of the French Liaison Officer and the French Interpreter; the P.A.V.N. authorities insisted that the team could not proceed to investigate the one incident in the north without the French Liaison staff and that it should investigate the four incidents in the south of the demarcation line before it investigated the incident in the north. Before the team could proceed any further the French High Command laid down amongst others a condition that the Liaison Officers of the two High Commands must wear civilian clothes when they cross the demarcation line and enter the demilitarized zone of the other High Command. As this question was expected to take some time before it could be settled the Commission decided to withdraw this team temporarily. The French High Command has informed the Commission that the Government of the Republic of Vietnam has reconsidered its position and has agreed that the liaison officers may wear military dress in the demilitarized zones. This condition having been withdrawn, the Commission has decided to send the team back into the field.

42. Mention was made in the last Report about Mobile Teams 24 and 61. These teams have not been able to resume their investigation so far. The Government of the Republic of Vietnam have laid down conditions for these teams among others that the liaison officers of the P.A.V.N. High Command must wear civilian clothes in their territory and the teams must give 48 hours notice before they go to any place. The Commission is trying to arrive at a satisfactory arrangement about the general question of dress worn by the liaison officers of one command in the territory of the other command outside the demilitarized zone, but the Commission is unable to accept the condition that its teams must give 48 hours notice before they can move out of their headquarters. The despatch of these teams is still pending.

43. Although some information was passed on to the Commission, because of lack of concurrence for new teams and unacceptable conditions for these two old teams the Commission has not been able to carry out any investigations through mobile teams about alleged violations of Article 14(c) in the South.

44. Mobile Team 47 of the Commission is encountering delays in investigating the cases of prisoners claimed by the P.A.V.N. High Command as civilian internees.

45. The Government of the Republic of Vietnam is also insisting on 48 hours or 24 hours notice for the movement of other teams, fixed and mobile, in the South generally on grounds of security instead of the two hours notice laid down by the Commission. This is seriously hampering the movement of the teams in the South. In one case things came to such a pass that within its own sphere of action Mobile Team 76 was arrested by a village Headman with the help of the local inhabitants. The Headman stated that he had received orders to arrest the team. It was only due to the calm and collected behaviour of the team that it did not get involved in a serious incident.

46. The Commission's teams in the South also encountered some other restrictions in carrying out their control duties. The Commission has taken up these matters with the French High Command.

47. From time to time the Commission's teams in the North found some obstacles in the way of their day to day movements. The Commission has been taking them up with the P.A.V.N. High Command and has been getting them removed.

48. In spite of restrictions and difficulties the Commission is continuing its task of patrolling the demarcation line and the regions bordering the land and sea frontiers of Vietnam.

49. The French High Command have approached the Commission stating that the implementation of the purely military provisions of the Agreement is now drawing to its end and that the activities of the International Commission now tend more and more to come within the framework of the political provisions of the Agreement. Therefore the French High Command thinks it fit that henceforward the liaison mission of each of the two parties should be composed essentially of civilians. The Commission considered that it was a matter for each High Command to lay down the branch of service (civil or military) from which their Liaison Officers should be deputed. Secondly in view of the composition of the Joint Commission and its special responsibilities in the demilitarized zone laid down in Articles 31, 32 and 33(c), the Commission considered that in this area the representatives of the High Commands were obliged to have military status and should be in uniform if so required by their High Command. At the same time, out of practical considerations, the Commission suggested to both the High Commands certain conditions under which the Liaison Officers of one command may work with the Commission in the territory of the other outside the demilitarized zone. The replies of the two commands about these suggestions are awaited.

CHAPTER VII.

CONCLUSIONS.

50. Appendix I of the Fourth Interim Report gave the latest position in a statement form of the action taken till August 10, 1955 and that to be taken in future under various Articles of the Agreement. The action still to be taken remains the same.
51. Further political developments involving the transfer of authority in the zone of the French High Command have made it increasingly difficult for it to carry out by itself its obligations under the Agreement in respect of the Commission's activities in that zone. As a result of these developments, the French High Command, which is the signatory of the Agreement, in most cases can only take action to fulfil its obligations with the specific concurrence of the authorities of the Republic of Vietnam, which did not sign the Agreement and do not consider themselves bound by it, and in cases where they decline to act, the French High Command can only transmit their views to the Commission.
52. In paragraphs 44 and 45 of the Fourth Interim Report, the Commission, with the Canadian Delegation submitting a minority report, drew the attention of the Co-Chairmen to the transfer of authority by the French High Command to the Republic of Vietnam, which did not subscribe to the Geneva Agreement. This had created uncertainties about the sanction for its operations in the zone south of the demarcation line and had faced the Commission with the prospect of continuing its activities indefinitely. The majority asked the Co-Chairmen and the Geneva Powers to resolve these difficulties at an early date.
53. The review of the four months activities presented in this report, in the view of the majority of the Commission, shows a further deterioration of the situation in Vietnam, causes serious concern about the implementation of the Geneva Agreement particularly in view of the continued non-acceptance of the Geneva Agreement and the Final Declaration of the Geneva Conference by the Republic of Vietnam, and also confirms the fear expressed by the majority of the Commission in the Fourth Interim Report that the Commission cannot work with any effectiveness unless the difficulties mentioned in these paragraphs are resolved by the Co-Chairmen and the Geneva Powers without further delay.
54. The Canadian Delegation considers that the position set forth in the Canadian Minority Note in the Fourth Interim Report has not substantially changed during the period covered by the present report. Despite certain difficulties, in the view of the Canadian Delegation, there have been indications of an increased measure of practical cooperation with the Commission on the part of the authorities of the Republic of Vietnam, which was not a signatory of the Agreement. At the same time the Canadian Delegation restates its view that the present arrangement is unsatisfactory under which the Commission must in fact depend more and more on the protection, assistance and cooperation of the Government of the Republic of Vietnam, although it can only claim this support through the agency of the French High Command. The Canadian Delegation reaffirms the hope expressed in its minority report that the parties directly concerned would be able to work out a more durable and dependable arrangement which will place the

Commission in a more favourable position to carry out its functions, while the Commission continued to supervise and control the execution by the parties of the Agreement throughout Vietnam, to the extent made possible by the cooperation of the French High Command and the Government of the Republic of Vietnam on the one hand and the High Command of the P.A.V.N. on the other.

55. The Commission notes that the views of its members expressed in the Fourth Interim Report are now under consideration by the Co-Chairmen in consultation with the members of the Geneva Conference.

56. From this review of the activities presented in this report, it is clear that until these difficulties are settled, the Commission cannot function as satisfactorily as it should in carrying out its tasks in regard to the Agreement for the cessation of hostilities in Vietnam.

Sd/- G. PARTHASARATHI
INDIA

Sd/- D.M. JOHNSON
CANADA

Sd/- J. MICHALOWSKI
POLAND

HANOI,
January 8, 1956.



The review of the four months activities presented in this report, in the view of the majority of the Commission, shows a further deterioration of the situation of the Geneva Agreement particularly in the area of the Geneva Conference by the Republic of Vietnam, and also confirms the fear expressed by the majority of the Commission in the Fourth Interim Report that the Commission cannot work with any effectiveness unless the difficulties mentioned in these paragraphs are resolved by the Co-Chairmen and the Geneva Powers without further delay.

54. The Canadian Delegation considers that the position set forth in the Canadian Minority Note in the Fourth Interim Report has not substantially changed during the period covered by the present report. Despite certain difficulties in the view of the Canadian Delegation, there have been indications of an increased measure of practical cooperation with the Commission on the part of the authorities of the Republic of Vietnam, which was not a signatory of the Agreement. At the same time the Canadian Delegation reiterates its view that the present arrangement is unsatisfactory under which the Commission must in fact depend more and more on the protection and cooperation of the Government of the Republic of Vietnam, although it can only claim this support through the agency of the French High Command. The Canadian Delegation reaffirms the hope expressed in its minority report that the parties directly concerned would be able to work out a more durable and dependable arrangement which will place the