

External Affairs  
Supplementary Paper

No. 58/6

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

. . .

MAY 1, 1957  
TO  
APRIL 30, 1958

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

...

MAY 1, 1957  
TO  
APRIL 30, 1956

## INTRODUCTION

This is the Eighth Interim Report of the International Commission for Supervision and Control in Viet-Nam containing a summary of its important activities from May 1, 1957 to April 30, 1958, 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 seven earlier Interim Reports.

## INTRODUCTION

This is the Eighth Interim Report of the International Commission for Supervision and Control in Viet-Nam containing a summary of its important activities from May 1, 1957 to April 30, 1958, 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 seven earlier Interim Reports.

CHAPTER I

ESTABLISHMENT AND MACHINERY OF THE  
INTERNATIONAL COMMISSION IN VIET-NAM

1. The Commission held 82 meetings for the transaction of its day to day business bringing the total number of meetings from its inception to 467. 12 Mobile Teams for investigation, reconnaissance and control were sent out making a total of 138 since the Commission started its activities.
2. With the assistance and co-operation of both Parties, the Commission completed the transfer of its headquarters from Hanoi to Saigon and started functioning officially at Saigon from April 1, 1958 with a sub-office at Hanoi. The Commission's proposals in this regard were forwarded to the Co-Chairmen of the Geneva Conference in the Commission's letter No. IC/ADM/1-32/57 dated December 20, 1957 (Appendix A).
3. During the period under review the Commission personnel was reduced by 194. As a result of this and of the reduction in the frequency of the Commission's air courier service to Hanoi after the Commission's move to Saigon, there was a reduction of about £24,000 in the Commission's monthly expenditure.
4. The Secretaries-General of the Commissions in Viet-Nam, Laos and Cambodia held their Fifth Co-ordination Conference in July, 1957 and Sixth Conference in November, 1957 in accordance with the provisions of Article 45 of the Geneva Agreement. Various administrative matters of common interest to the three Commissions were discussed and the Conference decisions were adopted by the three Commissions.
5. In view of the casualties suffered in this Commission referred to in paragraph 9 of the Seventh Interim Report and those suffered in the other Commissions, a scheme was finalised for the insurance of the members of the three Supervisory Powers in Indo-China against death and physical injury caused

while on duty with the Commissions. The scheme came into operation from April 1, 1958 and will cost £15,221.15.5 by way of premium per year for the personnel of the three Commissions.

6. Ambassador A. Szymanowski, Representative of Poland, left on May 7, 1957 and Ambassador W. Goralski took over on July 15, 1957 as Representative of Poland. During the interval Mr. J. Goldblat acted as Representative of Poland.

7. In paragraph 5 of the Seventh 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. The Commission considered these and forwarded the former to the Government of the Republic of Viet-Nam for information, expressing the hope that direct communications and negotiations on the subject which the two Governments were having would lead to amicable settlement in all these cases. The Government of the Republic of Viet-Nam replied that the requests of the Royal Government of Cambodia have always been considered with the greatest care, and the findings of the enquiries communicated directly and in due time to the Royal Government.

CHAPTER II

PROVISIONAL MILITARY DEMARCATION LINE  
AND DEMILITARIZED ZONE

8. During the period under review, the position with regard to the implementation of the recommendations and final suggestions for the administration of the Demilitarized Zone remained the same as reported in paragraph 11 of the last Report.

The situation regarding the freedom of movement of permit holders across the Demarcation Line, mentioned in paragraph 12 of the Seventh Interim Report, did not show any improvement. The Commission pointed out to the Government of the Republic of Viet-Nam that issue of temporary permits by their administrative authorities in the absence of a decision of the Joint Commission to that effect is not appropriate and invited their attention to Article 7 of the Agreement.

9. During the period under review the Commission received 62 complaints from the P.A.V.N. High Command alleging in a number of instances violation of the Demilitarized Zone by the Government of the Republic of Viet-Nam and 15 complaints from the Government of the Republic of Viet-Nam alleging in a number of instances violation of the Demilitarized Zone by the P.A.V.N. High Command. The allegations in some of the complaints referred to in paragraph 13 of the Seventh Interim Report and in some of the complaints of violation of the Demilitarized Zone and of acts of provocation, forwarded during the period under review, have been denied by each Party concerned. The Commission forwarded these denials to the complaining Party. In other cases inquiry is in progress.

While seeking comments of the Government of the Republic of Viet-Nam the Commission expressed its deep concern over the incident about the entry of 200 civilians into the Southern part of the Demilitarized Zone referred to in paragraph

13 of the Seventh Interim Report and forwarded letters to both Parties advising them of the importance and the need for respecting the status of the Demilitarized Zone and the necessity for the Parties and individuals to refrain from committing any act in the Demilitarized Zone which may endanger peace in Viet-Nam. The Parties, in reply to the Commission's letter, assured the Commission that they would scrupulously maintain the status of the Demilitarized Zone.

10. In paragraph 15 of the Seventh Interim Report, the Commission had referred to the exchange of correspondence between the Commander-in-Chief of the P.A.V.N. High Command and the Embassy of the Republic of France in Saigon through the Commission. There was a further exchange of correspondence during the period under review. This has, however, not resulted in the resumption of the activities of the Joint Commission.

On March 7, 1958, the Commission was informed by the Embassy of the Republic of France in Saigon that with effect from April 15, 1958, it would be withdrawing the French Mission to the Joint Commission, thus terminating the arrangement worked out by it in consultation with the Government of the Republic of Viet-Nam for the purpose of resumption of activities of the Joint Commission. As it would be of assistance to its tasks, the Commission requested the Embassy 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 are made. Their reply is awaited.

11. With a view to solving some of the important problems in the Demilitarized Zone, the Commission, in April, 1958, requested the Government of the Republic of Viet-Nam and the High Command of the P.A.V.N. to nominate representatives for a meeting, under the aegis of the Commission, to discuss questions relating to permits, navigation on the Bon Hai river,



the manning of the joint post at Cua Tung on the mouth of the Ben Hai river and other administrative questions in the Demilitarized Zone. Their response is awaited.

12. The Commission is maintaining a special mobile team in the Demilitarized Zone, which is performing, as far as possible, the duties of supervision and control in the Zone.

13. The question of war graves had been referred to in paragraph 17 of the Seventh Interim Report. During the period under review, the Commission received some fresh complaints on this subject from the P.A.V.N. High Command. As the Parties did not meet to explore the possibilities of an expeditious solution of the problems and as the Joint Commission did not resume functioning, the Commission asked the Secretary-General to contact the Parties and, in addition to other efforts, to explore the possibilities of solving the problem of war graves with the assistance of the Red Cross Societies of the two sides.

the manning of the joint post at Gas Tany on the mouth of the  
Ben Hai river and other administrative questions in the De-  
militarized Zone. Their response is awaited.

12. The Commission is maintaining a special mobile team  
in the Demilitarized Zone, which is performing, as far as  
possible, the duties of supervision and control in the Zone.

13. The question of war graves had been referred to in  
paragraph 17 of the Seventh Interim Report. During the period  
under review, the Commission received some fresh complaints on

this subject from the P.A.V.N. High Command. As the Parties  
did not meet to explore the possibilities of an expedition  
solution of the problem and as the Joint Commission did not

resume functioning, the Commission asked the Secretary-General  
to contact the Parties and, in addition to other efforts, to  
explore the possibilities of solving the problem of war graves  
with the assistance of the Red Cross Societies of the two sides.

CHAPTER III

DEMOCRATIC FREEDOMS UNDER ARTICLE  
14(c) AND 14(d)

14. 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 mentioned in paragraph 19 of the Seventh Interim Report. The Commission, while reviewing the situation with regard to complaints under Article 14(c) against the Government of the Republic of Viet-Nam, mentioned in paragraphs 19, 24, 25 and 26 of the Seventh Interim Report, and others pending with it on October 1, 1957, reaffirmed its grave concern about this situation. In cases where the recommendations for deployment of mobile teams for investigation of complaints were not implemented, in cases where concurrence for deployment of mobile teams was not given, in 14 cases of violation of Article 14(c) recorded by the Commission during the period under review where its recommendations for release had not been implemented, and in 204 cases where the Government of the Republic of Viet-Nam did not give any replies to the complaints forwarded to it, the Commission held that the Party had not afforded all possible assistance and co-operation under Article 25, and decided to inform the Members of the Geneva Conference under Article 43 that the Government of the Republic of Viet-Nam had not implemented the recommendations concerned and had hindered the activities of the Commission in supervising the implementation of Article 14(c). The Commission decided to review the situation after four months.

The Commission forwarded to the Government of the Republic of Viet-Nam for comments complaints under Article 14(c) received up to September 30, 1957, from the P.A.V.N. High Command. The complaints received thereafter are under consideration of the Commission, except a complaint concerning alleged detention of persons in HOI-AN jail which was forwarded for

CHAPTER III

comments.

During the period under review the Commission received 87 complaints from the P.A.V.N. High Command against the Government of the Republic of Viet-Nam and 19 complaints from the Government of the Republic of Viet-Nam against the P.A.V.N. High Command alleging violation of Article 14(c).

15. The Commission considered one part of the report of Mobile Team 103, referred to in paragraph 21 of the Seventh Interim Report, and held that the cases of eight persons examined by the Team were covered by Article 14(c), that their detention constituted a violation of this Article and recommended their release. The Commission further recommended that action under Article 22 of the Agreement be taken against the officials responsible for detention of these persons. Implementation of the recommendations is awaited. In the case of two out of the eight persons reported by the local authorities to have been set free by the provincial authorities, the Government of the Republic of Viet-Nam was requested to confirm this.

In four cases where the persons concerned had expressed their desire to go to the North, it was requested that they be given a choice of zone of residence and facilities to move accordingly and that their cases be treated as residual cases under Article 14(d). Compliance by the Party is awaited.

16. With regard to the case under Article 14(c) of the 147 detainees referred to in paragraph 22 of the Seventh Interim Report, as the Government of the Republic of Viet-Nam did not make available the dossiers and judgments of the persons concerned the Commission held that the Party had not afforded all possible assistance and co-operation in terms of Article 25. The Government of the Republic of Viet-Nam was informed that the Commission was, therefore, no longer in a position to decide the case and was compelled to close it and would inform the Members

of the Geneva Conference under Article 43 that its activities had been hindered in this case.

17. The position with regard to the implementation of the Commission's recommendations by the Government of the Republic of Viet-Nam during the period under review and the position with regard to the recommendations pending implementation at the time of the Seventh Interim Report (vide paragraph 23 of the Seventh Interim Report) remained unchanged.

18. With reference to paragraph 30 of the Seventh Interim Report, the Commission, during the period under review, forwarded for comments to the High Command of the P.A.V.N. 316 petitions from QUYNH LUU District in North Viet-Nam attracting the residual categories of Article 14(d), referred to in paragraph 33 of the Fourth Interim Report, and 669 petitions in which it was alleged that the petitioners who had applied for permits to go to the South were not given any permits but from which it was not clear whether the applications had been made before or after July 20, 1955. The comments of the High Command are awaited. The remaining petitions made miscellaneous allegations against one Party or the other and did not attract any provisions of the Agreement.

19. The Commission was not able to deploy Mobile Team 110 to investigate complaints under Article 14(d), referred to in paragraph 29 of the Seventh Interim Report, as the Government of the Republic of Viet-Nam did not give its concurrence.

20. There was no progress during the period under review regarding the settlement of residual cases under Article 14(d) mentioned in paragraph 27 of the Seventh Interim Report.

of the Geneva Conference under Article 13 that its activities had been hindered in this case.

17. The position with regard to the implementation of the Commission's recommendations by the Government of the Republic of Viet-Nam during the period under review and the position with regard to the recommendations pending implementation at the time of the Seventh Interim Report (vide paragraph 23 of the Seventh Interim Report) remained unchanged.

18. With reference to paragraph 30 of the Seventh Interim Report, the Commission, during the period under review, forwarded for comments to the High Command of the P.A.V.N. 316 petitions from QUYNH HUU District in North Viet-Nam attracting the residual categories of Article 14(d), referred to in paragraph 23 of the Fourth Interim Report, and 669 petitions in which it was alleged that the petitioners who had applied for permits to go to the South were not given any permits but from which it was not clear whether the applications had been made before or after July 20, 1955. The comments of the High Command are awaited. The remaining petitions made miscellaneous allegations against one Party or the other and did not attract any provisions of the Agreement.

19. The Commission was not able to deploy Mobile Team 110 to investigate complaints under Article 14(d), referred to in paragraph 29 of the Seventh Interim Report, as the Government of the Republic of Viet-Nam did not give its concurrence.

20. There was no progress during the period under review regarding the settlement of residual cases under Article 14(d) mentioned in paragraph 27 of the Seventh Interim Report.

CHAPTER IV

PRISONERS OF WAR AND CIVILIAN INTERNEES

. . .

21. In paragraph 36 of the Seventh Interim Report, reference was made to the cases of alleged civilian internees which the Commission was not able to decide as the recommendation for furnishing copies of dossiers had not been implemented by the Government of the Republic of Viet-Nam. During the period under review, the Government of the Republic of Viet-Nam furnished extracts of 108 judgments with respect to these pending cases involving 125 persons. The Commission held, Canadian Delegation dissenting, that one person was a civilian internee and recommended his release. The Commission further held in the 27 cases of other persons that their release in South Viet-Nam was inconsistent with Article 21(c). The remaining cases are under consideration of Mobile Team 47.

Of the civilian internees recommended for release (vide paragraph 36 of the Seventh Interim Report), the Government of the Republic of Viet-Nam released three persons and handed them over to the High Command of the P.A.V.N.

22. The Parties continued to exchange through the Commission information regarding requests for search of prisoners-of-war received from each side. The Commission requested the Secretary-General to explore the possibility of having the requests for search of missing prisoners-of-war/civilian internees dealt with by the Red Cross Societies of the two zones without prejudice to the duty of the Commission in this regard.





CHAPTER V

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

...

23. During the period under review the Commission reduced the strength of seven of its Fixed Teams and increased the strength of its Fixed Team, Saigon, by one member each. The Commission withdrew Mobile Team 79 which had been located at LOC NINH.

24. In paragraph 40 of the Seventh Interim Report, the Commission had referred to the question of keeping a Mobile Team at PHUC HOA in North Viet-Nam. During the period under review, as the P.A.V.N. High Command did not agree to continuous control at PHUC HOA, the Commission could keep a Team at PHUC HOA only for two months and the Team had then to be withdrawn.

During the absence of a Mobile Team at PHUC HOA, the mobile element of the DONG DANG Fixed Team went to the PHUC HOA area and visited it a number of times.

In paragraph 57 of the Seventh Interim Report a reference was made to the question of control of NHA BE harbour in South Viet-Nam. The Government of the Republic of Viet-Nam did not agree to the control of NHA BE harbour by the Commission's team except when the Party itself notified loading or unloading of war material in that port.

The Commission re-affirmed its stand as mentioned in the above referred paragraphs of the Seventh Interim Report and informed the Party concerned, in each of the two cases mentioned above, that the Party did not afford all possible assistance and co-operation to the Commission in terms of Article 25 and, therefore, the Commission was unable to exercise control and supervision in terms of Article 36(d) at the places mentioned as long as the Party maintained its attitude. They were also informed that the Commission would, under Article 43, inform

CHAPTER V

the Members of the Geneva Conference that the Commission's activities were being hindered in each of the two cases, as the Party concerned did not allow the Commission to exercise control and supervision as considered necessary by the Commission, and the Commission was forced to restrict its supervision and control only to what the Party permitted.

25. The Commission completed reconnaissance of the airfields in South Viet-Nam referred to in paragraph 42 of the Seventh Interim Report and decided, Polish Delegation dissenting, that it was not necessary to control any of them. As regards the new airfields referred to in paragraph 44 of that Report, the Government of the Republic of Viet-Nam informed that while some of these were not fit for use, the others were damaged by typhoon.

26. Reconnaissance of the LAI CHAU area in North Viet-Nam, referred to in paragraph 46 of the Seventh Interim Report, was carried out and the report of the Team is under consideration. Reconnaissance of BAO LAC and HA GIANG could not be carried out, as the P.A.V.N. High Command reported bad road conditions due to heavy rains. Reconnaissance of the off-shore islands in North Viet-Nam referred to in paragraph 47 of the Seventh Interim Report was carried out and completed in April, 1958. The Team's report is under consideration.

27. During the period under review, the Commission requested the P.A.V.N. High Command to make necessary arrangements for a visit of the Air Advisers to the BACH MAI airfield, with a view to ascertaining the need for reviewing its previous decisions to control the airfield, as the P.A.V.N. High Command stated that the airfield is not in use. The reply of the P.A.V.N. High Command is awaited.

28. In paragraphs 43 and 45 of the Seventh Interim Report, references were made to the question of control of BIEN HOA airfield in South Viet-Nam and GIA LAM airfield in North Viet-Nam.

In view of the contention of the Government of the Republic of Viet-Nam that BIEN HOA airfield was never used for the landing of foreign planes, the Commission decided on a fresh reconnaissance. The Government of the Republic of Viet-Nam did not agree to the reconnaissance, as it claimed BIEN HOA to be a military base and stated that it was being used only for training of pilots and not for landing of foreign aircraft. The Commission has reiterated its request and has asked that facilities and assistance be given to the Commission in order to satisfy itself about the points raised by the Party. The Government of the Republic of Viet-Nam has sent a reply which is under consideration.

In the light of the controls carried out, the Commission reviewed its previous decision to control GIA LAM airport every month, and decided on the control of the airport once every three months.

29. There has been no change in the situation with regard to time notice restrictions on team movements to certain areas in South Viet-Nam, referred to in paragraph 53 of the Seventh Interim Report. The Commission has, as a special case, revised the time notice in the case of one Fixed Team, which will be reviewed after three months, and is continuing investigations into the difficulties experienced by the other Teams.

During the period under report, the Mobile elements of the Commission's Fixed Teams at TOURANE, QUI NHON, NHA TRANG, CAP ST. JACQUES and TAN CHAU in South Viet-Nam were, as a rule, unable to go out on control duties. In North Viet-Nam, the Mobile elements of the Commission's Fixed Teams at VINH and DONG HOI could not go out on control duties for some time but this has been resolved.

30. In paragraph 56 of the Seventh Interim Report reference was made to the alleged factual materialisation of a military alliance between the Republic of Viet-Nam and the

member countries of SEATO. A new complaint of the P.A.V.N. High Command concerning the presence of the representatives of the Republic of Viet-Nam at the SEATO Conference held at Manila in March, 1958 as observers has been sent to the Government of the Republic of Viet-Nam for comments.

31. In paragraphs 55 and 56 of the Seventh Interim Report, references were made to the American Military Missions called TERM (Temporary Equipment Recovery Mission), MAAG (Military Assistance Advisory Group), TRIM (Training Reorganisation and Inspection Mission) and CATO (Combat Arms Training Organisation).

32. The Government of the Republic of Viet-Nam submitted a report on TERM personnel up to September 30, 1957 and a statement of damaged or worn out material of American origin shipped out of Viet-Nam up to May 31, 1957. Monthly reports asked for by the Commission have been submitted thereafter, though not on time, and no change in TERM personnel has been reported.

The Government of the Republic of Viet-Nam furnished information about eight places where TERM is working, and the Commission decided to carry out spot checks in four of the eight places, and has carried out these spot checks in three places. The reports of the Teams are under consideration. Regarding the question when this Mission, which is claimed to be temporary, would be completing its task and leaving Viet-Nam, the Government of the Republic of Viet-Nam has replied that it is impossible to forecast when TERM will cease its activities. The matter is under consideration.

As regards MAAG and other organizations referred to above, the Government of the Republic of Viet-Nam did not supply information on all the points requested by the Commission and the Commission expressed grave concern that all assistance and co-operation in this matter had not been offered in terms of Article 25 and asked the Mission in charge of relations with the Commission to supply the necessary information. The

received a few notifications under Articles 16 and 17 from the Canadian Delegation dissented from this decision citing Article 25 because it held that the essential information had already been supplied. Indian and Polish Delegations would like to point out that the Commission had unanimously decided earlier that the information furnished was inadequate and unsatisfactory and had expressed its concern over the non-receipt of a reply within the specified period and only then was Article 25 cited. A reply has since been received enclosing a copy of the Agreement of December 23, 1950, under which, according to the Party, MAAG operates and the reply is under consideration.

33. During the period under review, the Commission considered the case of introduction of 22 armoured launches into South Viet-Nam by the French High Command in 1956 and held, Canadian Delegation dissenting, that this introduction was in violation of Article 17 and Protocol 23. The introduction had taken place before any credit under Article 17 had been established. The Commission has, however, adjusted this introduction against a credit given subsequently. In another case of introduction of 11 boxes of field artillery parts into South Viet-Nam, the Commission held that as no prior permission of the Commission was obtained and the introduction of the items was not notified, the introduction of artillery parts was a violation of Article 17 of the Geneva Agreement. The Commission also held in a case of introduction of guns and machine-gun parts into South Viet-Nam that there was a violation of Article 17(e) and Protocol 23.

The Commission further recorded procedural contraventions of Article 16(f) in 11 cases and of Article 17(e) in six cases. In four cases under Articles 16 and 17, it decided that all possible assistance and co-operation under Article 25 of the Agreement were not afforded to it by the Government of the Republic of Viet-Nam.

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 review, the Commission received from the P.A.V.N. High Command 31 and 45 complaints alleging violations of Articles 16 and 17 respectively by the Government of the Republic of Viet-Nam.

34. As regards the question of physical control of the cargo of the incoming aircraft at Saigon airport, referred to in paragraph 54 of the Seventh Interim Report, the Government of the Republic of Viet-Nam informed the Commission that military planes transporting military personnel or war material would stop at the civilian parking area in order to allow physical control after unloading, but not of the material inside the planes. Since the receipt of this letter there have, however, been some instances where incoming planes have proceeded directly to the military parking area to which the Commission's Team has no access and in some cases no manifest concerning personnel or cargo were produced. The Commission has asked the Secretary-General to discuss the difficulties of the Saigon Fixed Team with the Mission in charge of relations with the Commission in an effort to solve them. The matter is being pursued.

35. The Commission's teams have been experiencing difficulties in the matter of having access to the control tower registers at airfields and registers at sea-ports. The P.A.V.N. High Command has, "as an exception", agreed to make available for inspection these registers, when required by the Commission's teams, where the control is not daily. Since November, 1957 the teams in the North have access to control tower registers at Gia Lam airport and to port registers at Campha, the only two places where the Commission has asked for these registers.

The Government of the Republic of Viet-Nam has not so far acceded to the Commission's request. The Commission has directed its Senior Military Advisers to explain to the Party the Commission's point of view and the necessity and requirements of the teams having access to these registers and recommend what action should be taken to meet the requirements of the Commission. Their report is under consideration.

36. The Commission has been receiving claims for credit for the replacement of war material under Article 17(b) from the Government of the Republic of Viet-Nam and also of war material exported by the French High Command from the cease-fire up to June 30, 1956.

The Commission has worked out and accepted the principles and procedures under which such claims for credit are to be granted, the Polish Delegation dissenting to granting of credit for war material taken out of Viet-Nam by the withdrawing French Union Forces in Viet-Nam.

The details of these decisions, together with the reasons for the attitudes adopted by the Delegations, will be the subject of a separate report to the Co-Chairmen.

37. In paragraphs 48 and 49 of the Seventh Interim Report reference was made to the question of provision of water transport to the Commission's teams in North and South Viet-Nam respectively. During the period under review, the Commission decided that water transport was not necessary for Fixed Team VINH in North Viet-Nam. The P.A.V.N. High Command has not provided water transport to Fixed Team TIEN YEN and the Government of the Republic of Viet-Nam has not provided this transport to Fixed Teams TOURANE, BA NGOI, NHA TRANG, CAP ST. JACQUES and SAIGON. It has also not made available an aircraft prescribed by the Commission for the use of the CAP ST. JACQUES Fixed Team. The Government of the Republic of Viet-Nam, however, has offered to make available an aircraft to the Commission and has laid down certain terms and conditions which are under examination by the Commission.





CHAPTER VI

CO-OPERATION OF THE PARTIES TO THE AGREEMENT

38. The foregoing chapters set forth, in brief, the performance of the Parties with respect to the implementation of the provisions of the Geneva Agreements.

It will be seen from these chapters that while in North Viet-Nam the Commission generally continued to receive the necessary co-operation, it did not as mentioned in paragraph 24 receive the required co-operation in keeping a team at PHUC HOA for continuous control.

In South Viet-Nam the Commission received during the period under review an increased measure of co-operation from the Government of the Republic of Viet-Nam with respect to the supplying of copies of documents concerning civilian internees, though the implementation of the Commission's recommendations to release some civilian internees in which the Party maintained its own interpretation of Article 21 did not show any improvement. There has been an increased measure of co-operation from the Government of the Republic of Viet-Nam with regard to notifications under Articles 16 and 17, but as mentioned in paragraph 33 there have been some cases of procedural contravention of Articles 16(f) and 17(e) and some lack of necessary co-operation in respect of physical control of incoming aircraft. The Commission did not receive the required co-operation in the matter of control of NHA BE harbour as mentioned in paragraph 24 and supply of full information regarding MAAG within the time specified - vide paragraph 32. As mentioned in paragraph 14 the Government of the Republic of Viet-Nam did not afford the necessary assistance and co-operation to the Commission in cases under Article 14(c).

39. The persistence of the Parties in not accepting the Commission's interpretation of the provisions of the Agreements

CHAPTER VI

and their failure to implement the recommendations made to them by the Commission have rendered it difficult for the Commission to supervise the implementation of the Articles concerned. The Commission will, as hitherto, continue to discharge its duties under the Geneva Agreements, but would like to emphasize that the lack of co-operation from the Parties seriously affects the effectiveness of its supervision and control. The Commission can, therefore, discharge its responsibilities only to the extent permitted by the Parties, and not as decided by the Commission in accordance with the Geneva Agreements. The Commission hopes that in the future a larger measure of co-operation will be forthcoming from the Parties and the difficulties which have persisted so far will cease to hinder its activities.

supplying of copies of documents concerning civilian internees, through the implementation of the Commission's recommendations to release some civilian internees in which the Party maintained its own interpretation of Article 21 did not show any improvement. There has been an increased measure of co-operation from the Government of the Republic of Viet-Nam with regard to notifications under Articles 16 and 17, but as mentioned in paragraph 33 there have been some cases of procedural contravention of Articles 16(2) and 17(e) and some lack of necessary co-operation in respect of physical control of incoming aircraft. The Commission did not receive the required co-operation in the matter of control of WHA BE Harbours as mentioned in paragraph 34 and supply of full information regarding MAAE within the time specified - vide paragraph 32. As mentioned in paragraph 35 the Government of the Republic of Viet-Nam did not afford the necessary assistance and co-operation to the Commission in cases under Article 16(e). The persistence of the Parties in not accepting the Commission's interpretation of the provisions of the Agreements

CHAPTER VII

CONCLUSIONS

40. It is a matter of concern to the Commission that the Joint Commission has not resumed functioning and discharging its responsibilities under the Geneva Agreements. As mentioned in paragraph 10, the practical working arrangements recommended by the Co-Chairmen in their messages dated May 8, 1956, to the Government of the Republic of France and the Parties, have not materialised in respect of the functioning of the Joint Commission, and thus a lacuna has been created in the implementation machinery of the Geneva Agreements in Viet-Nam.

41. Although there was no major incident in the Demilitarized Zone, the Commission is concerned about the maintenance of the status and statute of the Demilitarized Zone. The Commission hopes that in the absence of the Joint Commission which is responsible for enforcing the provisions of Articles 7 and 8 requiring joint action there will be no violation of these Articles in the Demilitarized Zone. As mentioned in paragraph 9 there have been allegations of acts of provocation, which, though minor in themselves, might have set off a major incident. The absence of the Joint Commission and the consequent lack of arrangements for the resumption of its activities and the discharge of its functions, specially in the Demilitarized Zone, hampers the implementation of the Geneva Agreement in this important area. The Commission is making efforts to resolve this difficulty and seeking the co-operation of the two Parties in this regard. Should, however, the efforts of the Commission prove unsuccessful, the Commission will bring the matter to the notice of the Co-Chairmen for such action as they may consider necessary.

The minority view of the Polish Delegation is to add to the above paragraph: "The Commission's efforts in this

regard did not bring yet any results as the Government of the Republic of Viet-Nam had refused to take part in the Joint Commission". The Indian and Canadian Delegations would like to state that the views of the two Parties on this question are still under the consideration of the Commission.

42. While the Commission appreciates the measure of co-operation received from each Party, it feels concerned about the tendency of the Parties to refuse to accept and comply with the decisions of the Commission and their persistence in maintaining their stands in certain cases. This tendency, if allowed to continue, will seriously affect the supervisory and control duties of the Commission and the Commission will not be able to discharge these duties to its full satisfaction. It is, therefore, hoped that the Parties, realising as they do, the importance of maintaining peace in Viet-Nam, will give the Commission their full co-operation and assistance in controlling and supervising the implementation of the provisions of the Geneva Agreements. In spite, however, of the difficulties experienced by the Commission, the Commission has made, and will continue to make, all possible efforts to maintain and strengthen peace in Viet-Nam in accordance with the provisions of the Geneva Agreements.

43. The Commission notes that there has been no consultation between the two Parties with a view to holding free nation-wide elections for the reunification of the country, and to resolving the political problems and thus facilitating an early termination of the activities of the Commission and the fulfilment of its tasks. The Commission is confident that this important problem is engaging the attention of the Co-Chairmen and the Members of the Geneva Conference.

(T. N. Kaul)  
INDIA

(T. LOM. Carter)  
CANADA

(Wladyslaw Goralski)  
POLAND

SAIGON,  
June 5, 1958.

Reference: Chapter I, Paragraph 2.

INTERNATIONAL COMMISSION FOR SUPERVISION & CONTROL IN VIETNAM

No. ICSC/ADM/I-32/57

Camp des Mares  
Saigon  
20th December, 1957

Excellencies,

I have the honour to forward a Special Resolution, dated 19th December, 1957, of the International Commission for Supervision and Control in Viet-Nam on the transfer of its headquarters from Hanoi to Saigon.

In view of the overall economy involved and the desirability of such a transfer, the Commission is making necessary arrangements, in anticipation of your approval of its recommendations in paragraph 2 of the Resolution, and expects to start the transfer of its headquarters from 1st of February, 1958, and complete it by 1st of March, 1958.

Please accept, Excellencies, the assurances of my highest esteem.

Sd/- T.N. KAUL  
Chairman

International Commission for Supervision and Control in Viet-Nam

1. His Excellency Rt. Hon'ble Selwyn Lloyd,  
Her Majesty's Principal Secretary of State  
for Foreign Affairs,  
LONDON.

2. His Excellency Mr. Andrei Gromyko,  
Minister for Foreign Affairs,  
Government of the U.S.S.R.,  
MOSCOW.

SPECIAL RESOLUTION

The International Commission for Supervision and Control in Viet-Nam,

Bearing in mind

(a) that the Commission was established on August 11, 1954, with its headquarters at Hanoi,

(b) the Commission's decision to transfer its headquarters to Saigon after a period of one year and its inability to implement this decision so far owing to various difficulties as reported to the Co-Chairmen in the Interim Reports,

Noting

that it is now possible and practicable to transfer the Commission's headquarters to Saigon with the co-operation and agreement of the Government of the Republic of Viet-Nam, and also effect an appreciable economy in the Commission's expenses thereby,

Resolves

that its headquarters be transferred from Hanoi to Saigon as from March 1, 1958.

2. The Commission is glad to note, as will be seen from Appendix "A" indicating the financial implications of the transfer and other administrative economies, that there will be a net saving of about £6,700/- per month in "Common Pool Expenses" and of about £1,600/- per month in "Local Expenses" of the Viet-Nam Commission. The Commission notes with satisfaction that as a result of the proposed transfer of its headquarters to Saigon, there will be an estimated additional saving of about £9,200/- per month in the "Common Pool Expenses" of all the three Commissions by a change in the type of aircraft and frequency of the Commission's air courier service. The Commission, however, notes that as against this there will be a non-recurring expenditure of about £20,000/-

(iii)

required for the transfer of the headquarters to Saigon. According to the present classification, this amount is chargeable to "Local Expenses" in South Viet-Nam. But as it is due entirely to the Commission's decision to move its headquarters to Saigon, and in view of the recurring economies in "Common Pool" and "Local Expenses" referred to above, the Commission resolves that the Co-Chairmen be requested to approve that this item of non-recurring expenditure of about £20,000/- be charged to the "Common Pool".

3. The Commission further notes that according to the present arrangement between the French authorities and the Government of the Republic of Viet-Nam, "Local Expenses" in South Viet-Nam are limited to two million VN piastres or about £10,000 per month. After the move of the Commission's headquarters to Saigon, the monthly "Local Expenses" of the Commission will increase to about three million VN piastres. (about £15,000/-) per month. As there will be an overall saving in the recurring expenses both under "Local Expenses" and "Common Pool", which will consequently reduce the total liability of the Government of the Republic of France under each head, the Commission resolves to increase, in agreement with the French authorities, the monthly "Local Expenses" of the Commission in South Viet-Nam to about £15,000 per month.

4. In view of the overall economy involved and the desirability of effecting the transfer as early as possible, the Commission resolves that necessary arrangements be worked out in anticipation of the Co-Chairmen's approval to enable the Commission to start the transfer by February 1, 1958 and complete it by March 1, 1958.

Appendix A  
(referred to in para 2 of Resolution)

Statement showing the financial effect of the  
move of the Headquarters of Viet-Nam  
Commission from Hanoi to Saigon

I. RECURRING CHARGES

Particulars	at Hanoi		at Saigon		Net Savings (+) Additional Expenditure (-) per month	R E M A R K
	£ Stg	£ Stg	£ Stg	£ Stg		
<u>COMMON POOL</u>						
(1) Board	12,585	8,652		3,933		
(2) <u>Transport:</u>						
(a) Air	105Y			105		Y Long Sen Courier
(b) Road	3,147	500		2,647		
<u>Total</u>	<u>15,837</u>	<u>9,152</u>		<u>6,685</u>		
<u>LOCAL EXPENSES</u>						
(1) Residential Accommodation	4,746	4,003		743		
(2) Office Accommodation	844	450		394		Electricity, water, etc.
(3) Salaries of Local Staff	1,471	1,000		471		
<u>Total</u>	<u>7,061</u>	<u>5,453</u>		<u>1,608</u>		

NOTE: From the above statement, it will be seen that the expenditure on "Local Expenses" in South Viet-Nam will be increased by about £5,500 per month. This will mean an increase in the "on account" advance paid to the Government of the Republic of Viet-Nam through the French Embassy from two million VN piastres to three million VN piastres per month. Against this, there will be an overall reduction of £1,600, i.e. 320,000 VN piastres per month in the "Local Expenses" being incurred for the Commission in Viet-Nam.



(v)

II. NON-RECURRING CHARGES:

Common Pool	Nil
Local Expenses	£20,000

---

AIR COURIER SERVICE

Present monthly expenditure on Stratoliner (3 services per week)	£22,428
Estimated monthly expenditure on Dakota - 2 services per week (minimum 130 flying hours)	£13,248
	<hr/>
Saving per month	£ 9,180
	<hr/>

LIBRARY E A / BIBLIOTHÈQUE A E



3 5036 01046120 3

NON-RECURRING CHARGES:

Common Pool	W11
Local Expenses	F20,000

AIR COURIER SERVICE

Present monthly expenditure on Stratoliner ( } services per week)	F22,428
Estimated monthly expenditure on Dakota - ( } services per week (minimum 130 flying hours)	F13,248
<u>Saving per month</u>	<u>F 9,180</u>