

PRO T O C O L
TO THE AGREEMENT ON ENDING THE WAR AND
RESTORING PEACE IN VIETNAM

Concerning the Cease-Fire in South Vietnam and
the Joint Military Commissions

The parties participating in the Paris Conference on Vietnam,

In implementation of the first paragraph of Article 2, Article 3, Article 5, Article 6, Article 16 and Article 17 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date which provide for the cease-fire in South Vietnam and the establishment of a Four-Party Joint Military Commission and a Two-Party Joint Military Commission, and related matters,

Have agreed upon the following :

Cease-Fire in South Vietnam

ARTICLE 1

The high commands of the parties in South Viet-Nam shall issue prompt and timely orders to all regular and irregular armed forces and the armed police under their command to completely end hostilities throughout South Viet-Nam, at the exact time stipulated in Article 2 of the Agreement and ensure that these armed forces and armed police comply with these orders and respect the cease-fire.

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ARTICLE 2

(A) As soon as the cease-fire comes into force and until regulations are issued by the Joint Military Commissions, all around, river, sea and air combat forces of the parties in South Viet-Nam shall remain in place ; that is, in order to ensure a stable cease-fire, there shall be no major redeployments or movements that would extend each party's area of control or would result in contact between opposing armed forces and clashes which might take place.

(B) All regular and irregular armed forces and the armed police of the parties in South Viet-Nam shall observe the prohibition of the following acts :

(1) Armed patrols into areas controlled by opposing armed forces and fights by bomber and fighter aircraft of all types, except for unarmed flights for proficiency training and maintenance ;

(2) Armed attacks against any person, either military or civilian, by any means whatsoever, including the use of small arms, mortars, artillery, bombing and strafing by airplanes and any other type of weapon or explosive devise ;

(3) All combat operations on the ground, on rivers, on the sea and in the air ;

(4) All hostile acts, terrorism or reprisals ; and

(5) All acts endangering lives or public or private property.

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ARTICLE 3

(A) The above-mentioned prohibitions shall not hamper or restrict :

(1) Civilian supply, freedom of movement, freedom to work, and freedom of the people to engage in trade, and civilian communication and transportation between and among all areas in South Viet-Nam ;

(2) The use by each party in areas under its control of military support elements, such as engineer and transportation units, in repair and construction of public facilities and the transportation and supplying of the population ;

(3) Normal military proficiency training conducted by the parties in the areas under their respective control with due regard for public safety.

(B) The Joint Military Commissions shall immediately agree on corridors, routes, and other regulations governing the movement of military transport aircraft, military transport vehicles, and military transport vessels of all types of one party going through areas under the control of other parties.

ARTICLE 4

In order to avert conflict and ensure normal conditions for those armed forces which are in direct contact, and pending regulation by the Joint Military Commissions, the commanders of the opposing armed forces at those places of direct contact shall meet as soon as the cease-fire comes into force with a view to reaching an agreement on temporary measures to avert conflict and to ensure supply and medical care for these armed forces.

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ARTICLE 5.

(A) Within fifteen days after the cease-fire comes into effect, each party shall complete the removal or deactivation of all demolition objects, mine fields, traps, obstacles or other dangerous objects placed previously, so as not to hamper the population's movement and work, in the first place on waterways, roads and railroads in South Viet-Nam. Those mines which are waiting to be removed or deactivated shall be clearly marked, and must be removed or deactivated as soon as possible.

(B) Emplacement of mines is prohibited, except as a defensive measure around the edges of military installations in places where they do not hamper the population's movement and work, and movement on waterways, roads and railroads. Mines and other obstacles already in place at the edges of military installations may remain in place if they are in places where they do not hamper the population's movement and work, and movement on waterways, roads, railroads.

ARTICLE 6

Civilian police and civilian security personnel of the parties in South Viet-Nam, who are responsible for the maintenance of law and order, shall strictly respect the prohibitions set forth in Article 2 of this Protocol. As required by their responsibilities, normally they shall be authorized to carry pistols but when required by unusual circumstances, they shall be allowed to carry other small individual arms.

ARTICLE 7

(A) The entry into South Viet-Nam of replacement armaments, munitions, and war materials permitted under Article 7 of the Agreement shall take place under the supervision and control of the Two-Party Joint Military Commission and of the International Commission of Control

and Supervision and through such points of entry only as are designated by the two South Vietnamese parties. The two South Vietnamese parties shall agree on these points of entry within fifteen days after the entry into force of the cease-fire. The two South Vietnamese parties may select as many as six points of entry which are not included in the list of places where teams of the International Commission of Control and Supervision are to be based contained in Article 4 (D) of the Protocol concerning the International Commission. The two South Vietnamese parties may also select points of entry from the list of places set forth in Article 4 (D) of that Protocol.

(B) Each of the designated points of entry shall be available only for that South Vietnamese party which is in control of that point. The two South Vietnamese parties shall have an equal number of points of entry.

ARTICLE 8

(A) In implementation of Article 5 of the Agreement, the United States and the other foreign countries referred to in Article 5 of the Agreement shall take with them all their armaments, munitions, and war material. Transfers of such items which would leave them in South Viet-Nam shall not be made subsequent to the entry into force of the Agreement except for transfers of communications, transport, and other non-combat material to the Four-Party Joint Military Commission or the International Commission of Control and Supervision.

(B) Within five days after the entry into force of the cease-fire, the United-States shall inform the Four-Party Joint Military Commission and the International Commission for Control and Supervision of the general plans for timing of complete troop withdrawals which shall take place in four phases of fifteen days each. It is anticipated that

the numbers of troops withdrawn in each phase are not likely to be widely different, although it is not feasible to ensure equal numbers. The approximate numbers to be withdrawn in each phase shall be given to the Four-Party Joint Military Commission and the International Commission of Control and Supervision sufficiently in advance of actual withdrawals so that they can properly carry out their tasks in relation thereto.

ARTICLE 9

(A) In implementation of Article 6 of the Agreement, the United States and the other foreign countries referred to in that article shall dismantle and remove from South Viet-Nam or destroy all military bases in South Viet-Nam of the United States and of the other foreign countries referred to in that article, including weapons, mines, and other military equipment at these bases, for the purpose of making them unusable for military purposes.

(B) The United States shall supply the Four-Party Joint Military Commission and the International Commission of Control and Supervision with necessary information on plans for base dismantlement so that those commissions can properly carry out their tasks in relation thereto.

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THE JOINT MILITARY COMMISSIONSARTICLE 10

(A) The implementation of the Agreement is the responsibility of the parties signatory to the Agreement, The Four-Party Joint Military Commission has the task of ensuring joint action by the parties in implementing the Agreement by serving as a channel of communication among the parties, by drawing up plans and fixing the modalities to carry out, coordinate, follow and inspect the implementation of the provisions mentioned in Article 16 of the Agreement, and by negotiating and settling all matters concerning the implementation of those provisions.

(B) The concrete tasks of the Four-Party Joint Military Commissions are :

- 1) To coordinate, follow and inspect the implementation of the above-mentioned provisions of the Agreement by the four parties ;
 - 2) To deter and detect violations, to deal with cases of violation, and to settle conflicts and matters of contention between the parties relating to the above mentioned provisions ;
 - 3) To dispatch without delay one or more joint teams, as required by specific cases, to any part of South Viet-Nam, to investigate alleged violations of the Agreement and to assist the parties in finding measures to prevent recurrence of similar cases ;
 - 4) To engage in observation at the places where this is necessary in the exercise of its functions ;
 - 5) To perform such additional tasks as it may, by unanimous decision, determine.
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ARTICLE II

(A) There shall be a Central Joint Military Commission located in Saigon. Each party shall designate immediately a military delegation of fifty-nine persons to represent it on the Central Commission. The senior officer designated by each party shall be a general officer, or equivalent.

(B) There shall be seven regional Joint Military Commissions located in the regions shown on the annexed map and based at the following places

<u>Regions</u>	<u>Place</u>
I	Hue
II	Da Nang
III	Pleiku
IV	Phan Thiet
V	Bien Hoa
VI	My Tho
VII	Can Tho

Each party shall designate a military delegation of sixteen persons to represent it on each regional commission. The senior officer designated by each party shall be an officer from the rank of Lieutenant Colonel to Colonel, or equivalent.

(C) There shall be a joint military team based at each of the following places in South Viet Nam :

Region I

1. Quang Tri
2. Phu Bai

Region II

1. Hoi An
2. Tam Ky
3. Chu Lai

Region III

1. Kontum
2. Hau Bon
3. Phu Cat
4. Tuy An
5. Ninh Hoa
6. Ban Me Thuot

Region IV

1. Da-Lat
2. Bao-Loc
3. Phan Rang

Region V

1. An Loc
2. Xuan Loc
3. Bon Cat
4. Cu Chi
5. Tan An

Region VI

1. Moc Hoa
2. Giong Trom

Region VII

1. Tri Ton
2. Vinh Long
3. Vi Thanh

4. Khanh Hung

5. Quan Long

Each party shall provide four qualified persons for each joint military team. The senior person designated by each party shall be an officer from the rank of Major to Lieutenant Colonel, or equivalent.

(D) The Four-Party Joint Military Commission shall send joint military teams to observe the return of the persons mentioned in Article 1 and 2 of this Protocol at each place in Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return. The Two-Party Joint Military Commission shall send Joint Military teams to observe the return of Vietnamese civilian personnel captured and detained at each place in South Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return.

(E) Each party shall be authorized to provide support and guard personnel for its delegations to the Central Joint Military Commission and Regional Joint Military Commissions, and for its members of the joint military teams. The total number of support and guard personnel for each party shall not exceed five hundred and fifty.

F) The Central Joint Military Commission may establish such joint sub-commissions, joint staffs and joint military teams as circumstances may require. The Central Commission shall determine the numbers of personnel required for any additional sub-commissions, staffs or teams it establishes, provided that each party shall designate one-fourth of the number of personnel required

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and that the total number of personnel for the Four-Party Joint Military Commission, to include its staffs, teams and support personnel, shall not exceed three thousand three hundred.

G) The delegations of the two South Vietnamese parties may, by agreement, establish provisional sub-commissions and joint military teams to carry out the tasks specifically assigned to them by Article 17 of the Agreement, and may, where necessary for that purpose, agree to assign personnel additional to those assigned to the two South Vietnamese delegations to the Four-Party Joint Military Commission.

ARTICLE 12

A) In accordance with Article 17 of the Agreement which stipulates that the two South Vietnamese parties shall immediately designate their respective representatives to form the Two-Party Joint Military Commission, twenty-four hours after the cease-fire comes into force, the two designated South Vietnamese parties' delegations to the Two-Party Joint Military Commission shall meet in Saigon so as to reach an agreement as soon as possible on organization and operation of the Two-Party Joint Military Commission, as well as the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

B) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the Two South Vietnamese parties' delegations to the Four-Party Joint Military Commission at all levels shall simultaneously assume the tasks of the Two-Party Joint Military Commission at all levels, in addition to their functions as delegation to the Four-Party Joint Military Commission.

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C) If, at the time the Four-Party Joint Military Commission ceases its operation in accordance with Article 16 of the Agreement, agreement has not been reached on organization of the Two-Party Joint Military Commission, the delegations of the two South Vietnamese parties serving with the Four-Party Joint Military Commission at all levels shall continue temporarily to work together as a provisional Joint Military Commission and to assume the tasks of the Two-Party Joint Military Commission at all levels until the Two-Party Joint Military Commission becomes operational.

ARTICLE 13

In application of the principle of unanimity, the Joint Military Commissions shall have no chairman, and meetings shall be convened at the request of any representative. The Joint Military Commissions shall adopt working procedures appropriate for the effective discharge of their functions and responsibilities.

ARTICLE 14

The Joint Military Commissions and the International Commission of Control and Supervision shall closely cooperate with and assist each other in carrying out their respective functions. Each Joint Military Commission shall inform the International Commission about the implementation of those provisions of the Agreement for which that Joint Military Commission has responsibility and which are within the competence of the International Commission. Each Joint Military Commission may request the International Commission to carry out specific observation activities.

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ARTICLE 15

The Central Four-Party Joint Military Commission shall begin operating twenty-four hours after the cease-fire comes into force. The Regional Joint Military Commissions shall begin operating forty-eight hours after the cease-fire comes into force. The Joint Military Teams based at the places listed in Article 11 (A) of this Protocol shall begin operating no later than fifteen days after the cease-fire comes into force. The delegations of the two South Vietnamese parties shall simultaneously begin to assume the tasks of the Two-Party Joint Military Commission as provided in Article 12 of this Protocol.

ARTICLE 16

A) The parties shall provide full protection and all necessary assistance and cooperation to the Joint Military Commissions at all levels, in the discharge of their tasks,

B) The Joint Military Commissions and their personnel, while carrying out their tasks, shall enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

C) The personnel of the Joint Military Commissions may carry pistols and wear special insignia decided upon by each Central Joint Military Commission. The personnel of each party while guarding Commission installations or equipment may be authorized to carry other individual small arms, as determined by each Central Joint Military Commission.

ARTICLE 17

A) The delegation of each party to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission shall have its own offices, communication, logistics and transportation means, including aircraft when necessary.

B) Each party, in its areas of control shall provide appropriate office and accommodation facilities to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission at all levels.

C) The parties shall endeavor to provide to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission, by means of loan, lease, or gift, the means of operation, including common-use equipment for communication, supply, and transport, including aircraft when necessary. The Joint Military Commissions may purchase from any source necessary facilities, equipment, and services which are not supplied by the parties. The Joint Military Commissions shall possess and use these facilities and this equipment.

D) The facilities and the equipment for common use mentioned above shall be returned to the parties when the Joint Military Commissions have ended their activities.

ARTICLE 18

The common expenses of the Four-Party Joint Military Commission shall be borne equally by four parties, and the common expenses of the Two-Party Joint Commission in South Vietnam shall be borne equally by these two parties.

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TWO SIGNATURE VERSION

ARTICLE 19

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam concerning the cease-fire in South Vietnam and the Joint Military Commissions shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Protocol shall be strictly implemented by all the parties concerned.

Done in Paris this _____ day of _____, 1973 in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

FOUR SIGNATURE VERSION

ARTICLE 19

This Protocol shall enter into force upon signature by representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Done in Paris on _____ 1973, in Vietnamese and English. The Vietnamese and the English texts are official and equally authentic.