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

DECEMBER 11, 1954

TO

FEBRUARY 10, 1955

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INTRODUCTION

The International Commission for Supervision and Control in Viet-Nam made its first Interim Report covering its activities from 11th August to 10th December, 1954.

2. This is the second Interim Report of the Commission containing a summary of its activities from 11th December, 1954 to 10th February, 1955 and a review of the progress made by the two parties in the implementation of the Agreement and should be read along with the relevant Chapters of the First Interim Report.

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CHAPTER I.

ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIETNAM.

FIXED TEAMS.

The last two fixed teams of the Commission at Muong Sen and Tran Chau were established on 13th December, 1954, as mentioned in para 40 of the first Interim Report and 26 mobile teams of the Commission were sent out during the period under review for investigations under Article 37 making a total of 54 since the Commission started its activities.

CHAPTER II.

CEASE-FIRE, PROVISIONAL MILITARY DEMARCATION LINE AND DEMILITARISED ZONE.

SUPERVISION OF
DEMARCATION
LINE AND
DEMILITARISED
ZONES.

2. The Commission has decided, with the concurrence under Article 35 of the High Command concerned, to send a mobile to the Hue region for supervision of the demilitarised zone south of the provisional demarcation line and the task of supervision of the demilitarised zone north of the provisional demarcation line will be performed by the mobile element of the fixed team at Dong Hai in the north.

CHAPTER III.

REGROUPMENT PLAN.

POINT CAMAU.

3. The withdrawals and transfers from the provisional assembly area of Point Camau scheduled to take place at the end of 200 days have been completed on the 7th February, 1955, in an orderly manner. The withdrawals and transfers were supervised by

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the Commission's teams. A copy of the instructions sent to these teams is attached as Appendix I.

CENTRAL VIET-
NAM PROVISIONAL
ASSEMBLY AREA.

4. The Commission has decided that it cannot support the request made by the French High Command that the High Command of the P.A.V.N. should, in addition to the territories in the Central Viet-Nam provisional assembly area from which they have withdrawn, withdraw from further territory and transfer it to the High Command of the French Union Forces at the end of the 200 days period. While communicating this decision to both parties, the Commission has asked them in the interest of smooth and orderly transfer of power, to discuss details of withdrawals and transfers in these areas in advance and to make detailed plans and indicate these to the Commission so that it can make effective arrangements for supervision of these withdrawals and transfers through its mobile teams in accordance with the task assigned to it under Article 36 (a) of the Agreement.

HAIPHONG
PERIMETER.

5. The Commission has, during the period under review, considered in detail the complex problems arising out of the withdrawal and transfer of the Haiphong perimeter at the

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end of the 300 day period. The French Union High Command, which is in control of this perimeter till the end of the 300 day period, has to withdraw personnel and equipment several months ahead to avoid a bottleneck in transport towards the end of the period and at the same time the withdrawals have to be so effected that the transfer is smooth and orderly, there is no destruction or sabotage of any public property and no injury to the life and property of the civilian population and no interference in local civil administration (Articles 14 and 15). The Commission has, after considering the various documents and memoranda presented by the two sides detailed complaints and counter-complaints and after several discussions with the parties, made concrete suggestions to the parties regarding the principles to be observed in effecting withdrawals and the manner in which the International Commission will exercise its supervision so that the obligations undertaken by the parties under the Agreement are duly carried out and the rights guaranteed under the Agreement are duly safeguarded. A copy of the suggestion made to the parties is given as Appendix II.

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CHAPTER IV:

PRISONERS OF WAR AND
CIVILIAN INTERNEES.

CLAIMS AND
COUNTER-CLAIMS
UNDER ARTICLE
21,

6. Little progress has been made in clearing off claims and counter-claims made by the parties to each other and the Commission has reviewed the latest position and made specific recommendations to the parties to dispose of claims and counter-claims within two weeks from 10th February, 1955. Cases of disagreement will, at the end of the period, be taken up for direct investigation and settlement by the Commission.

PROBLEM OF
'RALLIES' AND
DESERTERS

7. The problem of 'rallies' and deserters is still under discussion between the Commission and the parties and though no methods of solution have been worked out, the nature and the size of the problem is being settled with the co-operation of the parties before starting discussions on the methods of solution. A letter received from the High Command of the French Union Forces asking for specific action from the High Command of the Forces of the P.A.V.N. on four points in connection with prisoners of war, civilian internees and 'rallies' and deserters has been discussed in the Commission and the P.A.V.N. High Command approached for its views.

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ATMOSPHERE
BETWEEN
THE
PARTIES.

8. The atmosphere between the parties in the solution of complicated cases of prisoners of war, civilian internees, and "rallies" and deserters is not as co-operative as envisaged in the general scheme of the agreement. Complaints from the P.A.V.N. High Command against the French Union High Command for delays in releasing those accepted as civilian internees in POULO CONDRE and for release of 16 Chinese civilian internees from Haiphong otherwise than in accordance with Article 21(c) and similar complaints from the French Union High Command against the High Command of the P.A. for release of prisoners of war and civilian internees otherwise than in accordance with Article 21(c). are under investigation.

CHAPTER V.

DEMOCRATIC FREEDOMS UNDER ARTICLES 14(c) AND (d) OF THE GENEVA AGREEMENT.

COMPLAINTS
AGAINST NON-
IMPLEMENTATION
OF ART. 14(c)
& (d) CONTINUE.

9. The implementation of these articles of the Agreement has been a matter of serious concern to the Commission throughout. Since the last

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report, the Commission had to send out 5 mobile teams for investigations in respect of alleged breaches of freedom of movement and 2 mobile teams for investigations in respect of alleged breaches of democratic freedoms.

**ACTION BY THE
COMMISSION.**

10. Specific recommendations under Article 39 have been made to the parties to secure effective implementation of the provisions of Article 14(d) within the time-limit specified in the Article. A copy of the recommendations made is given as Appendix III.

11. The International Commission received complaints from the French Liaison Mission regarding obstructions in the exercise of freedom of movement to people at BA LANG and LUU MY. The BA LANG investigations have been completed and recommendations made by the Commission in that case have been the subject of a press release.

12. The Commission has received complaints from the Liaison Mission of the P.A.V.N. regarding the existence in
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the refugee camps in South Viet-Nam of persons who were forcibly evacuated and who wished to return to the North. Two mobile teams of the Commission are carrying out investigations in the refugee camps at THUA THIEN and BIEN HOA.

13. The Commission has made its recommendations in the case of complaints against breaches of Article 14(c) in all cases mentioned in paragraph 108 of the first interim report and has recommended action under Article 22 in four cases where, in the Commission's view, the local civil and military authorities in charge had violated the provisions of the Agreement dealing with democratic liberties and the principles to be observed during regroupment.

ARTICLES 14(c) AND 15(d)

14. Investigations in respect of incidents mentioned in paragraph 116 of the first interim report and some new incidents reported since are still in progress.

15. The Commission has taken a decision in the case of arrests of

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members of the Movement for the Defence of Peace in Saigon which was the subject matter of a complaint from the High Command of the P.A.V.N. The Commission, while refusing to interfere with the local civil administration in either zone in a matter under judicial investigation, has reserved to itself the right to be kept informed of the developments in the case of these arrested persons and asked the French Union High Command to suspend execution of the eventual judgment in this case to allow the Commission to review the final findings of the Court with a view to assessing whether the findings do or do not conform to the Articles of the Geneva Agreement and whether any recommendations by the Commission to the authority in control of the zone are necessary under Article 39.

CHAPTER VI.

NEW MILITARY PERSONNEL, EQUIPMENT AND BASES IN VIET-NAM.

STRICTER CONTROL OF IMPORT OF WAR MATERIAL AND ROTATION OF PERSONNEL.

16. The question of issuing comprehensive instructions to the Commission's teams referred to in

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paragraph 106 of the first Interim Report has been finalised in consultation with the two High Commands and except for the frontier of Viet-Nam along the Red River Delta in the North and POINT CA MAU in the South, in respect of which reconnaissance surveys are being made, the whole frontier of Viet-Nam is divided into zones of action for the fixed teams established under the Agreement. Copy of the instructions to the fixed teams is given as Appendix IV.

17. The Commission has despatched a mobile team to CAU BANG in the North and another to LOC NINH in the South for a period of four weeks to control the import of war material and the rotation of personnel along the Viet-Nameese-Chinese and the Viet-Nameese-Cambodian border and with instructions to report all aspects of the case in full detail to enable the Commission to decide whether it is necessary to establish more permanent arrangements at these or other points to discharge its functions of supervision over the

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implementation of Articles 16 and 17 of the Geneva Agreement. During the same period of four weeks, another point on the Viet-Nameese-Chinese border DONG DANG will be similarly continuously controlled by the mobile element of the fixed team at LANG SON.

PROTOCOL OF
"WAR MATERIAL."

18. The parties have signed a protocol agreeing to certain categories of arms, munitions etc. to be regarded as war material in respect of import of which notification under Article 17(e) is required and the difficulty in this respect reported in paragraph 105 of the first Interim Report has been met by this protocol - vide Appendix V.

GENERAL GIAP'S
LETTER OF 5TH
DECEMBER 1954,
INTERIM REPLY.

19. The Commission has sent an interim reply to the letter dated 5th December, 1954, from General Giap, Commander-in-Chief of the People's Army of Viet-Nam. Copy of the reply is given as Appendix VI.

CHAPTER VII.

PROGRESS REPORT.

20. Appendix I of the first Interim Report which gave in a statement
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form action required to be taken under various articles of the Agreement and the progress made till 10th December, 1954, requires the following changes in the light of developments that have occurred during the period 11th December, 1954 to 10th February, 1955.

<u>ITEM NO.</u>	<u>TASK</u>	<u>REMARKS</u>
26	Point Camau evacuation (15-2)	... Completed.
30	Notification to Joint and International Commissions of arrivals and departures of war material, arms and munitions of all types [17 (e)]	The parties have signed on 14th January a protocol in the Joint Commission in respect of categories of war material, import of which requires notification under Article 17(e). Copy of the protocol is given as Appendix V.
34	Duty imposed on parties to punish persons violating the Agreement (22)	Specific recommendations for action under Article 22 have been made in four cases as mentioned in para 13 of this report.
35	Joint Commission to determine time-limit and procedure for exhuming and removing bodies (23).	The parties have on 1st February, 1955, signed a protocol in the Joint Commission determining the time limit and procedure for exhuming and removing bodies.
38	International Commission to supervise demarcation lines and demilitarised zone [36 (b)]	Supervision arranged through a mobile team based on Hue region and the mobile element of the fixed team at Dong-Hoi.
40	International Commission to supervise at ports, air-fields and along all frontiers the carrying out of the provisions of the Agreement regarding reinforcement of personnel and material [36 (d)]	Detailed instructions issued vide appendix IV of this report. Continuing commitment.

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CHAPTER VIII

CONCLUSION

21. By its very structure, the Agreement, which is a balanced document, attempts to reconcile the interests and the sovereignty of the authorities in control of the two zones and, while it puts on the two parties the responsibility for the execution of the Agreement (Article 28), it gives the Commission the task of supervision over the proper execution by the parties of the provisions of the Agreement. Effective implementation of the Agreement requires close co-operation between the parties to the Agreement and this has, in various ways, been lacking during the period under report. Each party is more keen to get the Commission to denounce the other than to take reasonable measures to get the Agreement implemented. The Commission's findings as in the BA LANG case, show how, in many cases, the narrow or hostile attitude of local authorities of both parties is responsible for delay or difficulties in the effective implementation of the Agreement.

22. The Commission has been insisting on the co-operation of the two High Commands

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promised under Article 25 and taking every possible occasion to correct the atmosphere of suspicion and distrust. While the French High Command has been trying hard to carry out its obligations under the Agreement, there have been cases, as in the case of the civilian internees at POULO CONDORE, where they have not been able to implement the Commission's decision in view of the independent attitude taken by the Government of South Viet-Nam which has not signed the Agreement. There has, however, been no case so far where either of the High Commands has refused to put into effect a recommendation made by the Commission.

23. There have been cases of intransigence on the part of local civil or military authorities and the Commission's teams have, on occasions, not got the facilities they are entitled to receive in the fulfilment of their task under Article 35. The Commission has informed both the High Commands that they will, in future, ask for specific action under Article 22 against local civil or military authorities who do not give the necessary facilities to the Commission's teams or in any way obstruct the teams in the fulfilment of their task.

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(APPENDIX II)

The following shall be considered as "public property":

(i) Property belonging to the State or public institutions including municipality. In respect of State or municipal-aided institutions, there will be marginal cases which would have to be decided by the Commission on the basis of the facts relating to each case;

(ii) Services of public utility managed by the State; and

(iii) Files and documents which are required for the effective operation of those enterprises. This will include all files necessary for the current working of the enterprises. (They will not include personal files of those employees who would be leaving Haiphong or police records).

II. (i) The date to be taken into consideration for determining the quantity and details of public property which is to be transferred would be relevant only as far as implementation of Articles 14(b) and 15(d) was concerned;

(ii) The territory is to be handed over to the authorities of the Democratic Republic within the time limit fixed under Article 15(f)(2) of the Geneva Agreement; but the handing over must be so arranged as to ensure that there was no break in the transfer of responsibility; and (iii) in the light of Article 15(d), during the period of re-groupment, there should be no destruction or removal of public property which would by interruption of public services or definite lowering of their standards, or in any other way result in injury to the life and property of the civil population or interference with the local civil administration.

III. Article 15(d) of the Geneva Agreement will apply fully to private enterprises of public utility.

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Private enterprises of public utility will include water supply, electricity, railways, port and air-ports.

The removal of military equipment at present in use in any of the above-mentioned services would be permitted under the provisions of Article 15(a) subject to the provisions of Articles 14(b) and 15(d), as elaborated under II (iii).

IV. There would be no hard and fast rules relating to the quantity of spare parts which the French authorities should leave behind. Where there were contracts which specified the details relating to the spare parts and fuel, they should be accepted as basis for determining the amount of reserves and spares to be left. In all other cases, reserves and spares should be fixed only on a study of the facts. In case of any disagreement, the International Commission should examine and decide what the stock of reserves and spares should be.

The evacuation of spare parts over and above those which must be left behind under the above provisions should be allowed without any restriction.

V. As regards the staff members working in public utility services, while there should be no question of compelling them to remain in Haiphong, the French High Command should ascertain which members of the staff were leaving and inform the other party in time so that advance arrangements could be made to obtain the replacement in order to ensure that there was no break in the transfer of responsibility.

VI.(i) The French authorities would submit to the Inter-

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national Commission by the 1st February, 1955, complete inventories of property of public services. These inventories would be prepared in the light of the principles enumerated above;

(ii) The inventories will be divided into two lists: (a) articles which the French authorities proposed to leave in Haiphong, and (b) articles proposed to be removed from Haiphong;

(iii) An Ad Hoc Committee of the International Commission would examine these lists in the light of the principles proposed by the International Commission and agreed to by the parties. If necessary, on the spot inquiries could be made by the Commission's teams of experts;

(iv) On the basis of the Committee's report, the Commission would, after consultation with the parties, decide which materials could be allowed to be removed.

(v) If the French authorities wish to remove any equipment before the Commission had examined the inventories, they should give the International Commission at least 72 hours notice. The Commission would try to examine the particular cases and decide whether the removal of equipment was justified or not. If the Commission is unable to reach decision in time and if the French authorities insisted on removing the equipment, they may be permitted to do so provided they give a specific guarantee that the equipment removed will be replaced or due compensation given at a later stage if it was decided that the removal was in

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contravention of the articles of the Agreement, either by agreement between the two sides or on adjudication by the Commission. As a rule, before the articles were removed, the teams of the Commission would inspect, identify and record the technical specification, quantity etc. of what would be removed.

VII. Property belonging to private persons or enterprises other than those which are mentioned in Point III above shall be evacuated or left on the spot according to the wishes expressed by the persons or enterprises concerned and their decision will be final.

If any difficulty should arise in the dismantling or evacuation of such property, the International Commission will be notified in time.

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APPENDIX III

RECOMMENDATIONS TO THE TWO HIGH COMMANDS FOR
PROPER IMPLEMENTATION OF ARTICLE 14(d)

(1) The permit procedure should be a simple and uniform one, which will enable an intending evacuee to obtain within a maximum period of about 15 days from the date of receipt of the complete application in the concerned office, a permit to go to the zone of his choice. This permit should enable him to travel from the place of his present residence directly to the other zone, subject, of course, to his being granted permission to enter that zone by the authorities in charge of the zone. The Commission recommends that such permission should also be normally granted by the authorities concerned. To facilitate this procedure and quick disposal of applications, the Commission recommends that authority to receive applications from individuals and to issue the necessary permits, after the requisite verifications and consultations where essential with the higher authorities, should be delegated by the Central authority in both the zones to their officers in charge of the communes, and the verifications should be limited to the minimum essential. In other words, it should be possible for an applicant to present an application in a simple form, containing the essential details such as, name, age, permanent address, the zone in which he intends to live permanently etc., to the Head of the Commune, certified, if necessary by a responsible officer who is in a position to identify the applicant preferably the Chief of the Village or the Commune. The applicant should then be able to obtain a permit from the office within a maximum period of about fifteen days. Any internal consultation or verification required between the

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Commune Office and the offices of the district or province should be a matter entirely for the authorities and the applicant should not be required to take his application personally from one office to another.

(2) In the case of persons residing in a place different from that of their permanent homes, applications should be accepted by the local office, provided the identity of the applicant is certified by a competent authority, to be prescribed, and permits should be issued from the same office.

(3) Permits should be normally valid for a period of two months from the date of issue and if the permit holder is unable to utilise the permit in time, it should be automatically extended without any further check till the 18th May, 1955.

(4) The applicant should be informed within fourteen days of the date of the completed application whether a permit is granted or refused; and in the latter case, the reasons for the refusal should also be indicated in all possible cases and the applicant should have a right of appeal to higher authority, who should dispose of such an appeal within a period of about 10 days from the date of receipt of the appeal. This will, of course, be without prejudice to the right of such persons to approach the Commission or its teams in regard to any matter affecting their rights under the Geneva Agreement.

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(5) There should be separate applications from each adult with a declaration regarding his decision to stay where he^{is}/or to go and live in the other zone; but in regard to children who are under age, permits should be granted on a proper application presented by the parents or the legal guardian. It should be left to the parents or to the legal guardian to decide the wishes of such minor children in regard to the zone of their future residence. In the case of disagreement between the parents on this point, it should be settled by the person who has got the legal right for the custody of the children until the children attain majority.

(6) There should be no detailed inquiry into the motives of persons before permits are granted and a simple declaration of a definite wish to go and live in the other zone given with the full knowledge of the implications of Article 14(d) should be considered adequate for this purpose. To implement this in practice, the Commission suggests that the authorities of the 2 zones should consider incorporating the provisions of Article 14(d) on the application form with a simple explanation of its contents, and a declaration by the applicant that he had read and understood those provisions, or that these were read out to him and fully understood by him, should be enough for the grant of a permit.

(7) Permits should be granted to all persons who have not been either convicted or are undergoing trial for any offence under the prevailing common law. In

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regard to persons under trial the authorities in charge of the area where such^a person who applies for a permit to go to the other zone now resides, should endeavour to complete the proceedings quickly so that, in the event of acquittal, the person concerned will have adequate time to obtain a permit and to complete his journey to the other zone before the expiry of 300 days from the date of cease fire.

The Commission may have to consider, at a later stage, if any action is required under the Agreement in regard to persons who are convicted or are now undergoing trial for common law offences but are likely to be released after the expiry of 300 days, in the event of any such persons now indicating their desire to exercise their right to go and live in the other zone.

(8) The persons who migrate to the other zone for taking up permanent residence should be allowed by the authorities in charge of the area of their present residence reasonable facilities to take with them their moveable property after discharging their outstanding dues. This latter condition should apply only in regard to the dues payable to the Government or any private dues which may have become subject of judicial proceedings. Settlement of complaints regarding private dues which are not the subject of judicial proceedings should be a matter for the individuals concerned and the grant of permit with the right to take moveable property should not be held up because of any allegations in this regard against an applicant by other individuals.

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(9) Transport facilities at a reasonable cost should be made available by the authorities in the two zones to all intending evacuees. In regard to destitutes, where some financial assistance is required, the State should consider the question of giving such assistance and if this is not possible, permission should be granted to non-political organisations to provide assistance in such cases, if they offer such assistance.

(10) The intending evacuees should have freedom to meet and discuss in a peaceful and orderly manner what they wish to do in respect of their future residence so long as such rights are not exercised in a manner which tends to constitute interference with normal administration or in contravention of existing laws and regulations.

(11) The parties should indicate to the Commission, once a fortnight, the number of applications received by their permit offices from persons wishing to go and live in the other zone, the number of permits issued, and the number of applications refused, together with the reasons for the refusal, and any other relevant information regarding freedom of movement which they wish to bring to the Commission's notice. The statement should be by provinces

(12) Although the people in these areas are generally aware of their rights under Article 14(d), in view of certain misunderstandings about the real intentions and the Article referred to earlier, it would be useful if further detailed announcement is made by the authorities controlling the two zones about the contents and limits of democratic rights, including freedom of movement with reference to Articles 14(c), 14(d) and 15(d) and the facilities available in each area for the implementation of Article 14(d) including the permit procedure.

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