

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

            
APRIL 11, 1955

TO

AUGUST 10, 1955.

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## INTRODUCTION.

The International Commission for Supervision and Control in Viet-Nam has so far submitted three Interim Reports covering its activities from 11th August 1954 to 10th April 1955.

2. This is the Fourth Interim Report of the Commission containing a summary of its activities from 11th April 1955 to 10th August 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 three earlier Interim Reports.

3. Advantage has been taken in this review to present as complete a picture as possible of the performance of the two parties under various Articles of the Agreement. The period under review goes beyond the 300 day period mentioned in Article 15 for the disengagement of combatants and withdrawals and transfers of military forces, equipment and supplies in the two regrouping zones on either side of the provisional military demarcation line. The review also deals with the political and administrative measures under Article 14 taken in connection with the completion of the regrouping arrangements within the 300 day period.

## CHAPTER I.

### ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION IN VIET-NAM.

During the period under review 42 mobile teams of the Commission were sent out for investigations under Article 37 making a total of 119 since

the Commission started its activities.

2. The Commission decided on the 2nd December 1954 to move its headquarters from Hanoi to Saigon during the second year of its activities. The preliminary arrangements made in this connection had, however, to be postponed due to the disturbances of 20th July at Saigon.

## CHAPTER II.

### CEASE-FIRE, PROVISIONAL MILITARY DEMARICATION LINE AND DEMILITARIZED ZONE.

3. The Commission has established a mobile team at GIO LINH to supervise the provisional demarcation line and the demilitarized zones, the zone of action of the team being five and the sphere of action being 20 kilometers on each side of the demarcation line. Although the responsibility rests with the Joint Commission under Article 33, the Commission is keeping in continuous touch with the supervision arrangements of the demarcation line and the demilitarized zones in order to fulfil its responsibilities under Article 36(b) and will adapt its supervisory machinery to the requirements of the situation from time to time.

## CHAPTER III.

### REGROUPMENT PLAN.

4. Withdrawals and transfers in accordance with the regroupment plan effected till 10th April have been described in the three earlier Interim Reports. The complicated arrangements required to deal with withdrawals and transfers without any break in the transfer of responsibilities and without in any way

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adversely affecting the various public services run either by the State or by private enterprises so as to ensure that there was no destruction or sabotage of any public property and no injury to the life and property of the civil population, have also been dealt with in earlier reports. Suggestions made to the two parties in this connection were given in Appendix II of the Second Interim Report.

5. The administration of these suggestions in connection with the last phase of withdrawals and transfers, which dealt with the Central Viet-Nam provisional assembly area and the Haiphong perimeter, involved considerable work for the Commission and its teams. The parties were able to deal with the problems of withdrawal of armed personnel and withdrawal and transfer of civil administration at the Joint Commission with a little assistance from the International Commission but were unable to deal with the transfer of public properties and essential services consistent with Articles 14(b) and 15(d) of the Agreement and in accordance with the Commission's suggestions referred to above. The Commission and its teams of experts had to deal with all the details involved in the transfer of public properties and the complicated public services in the Haiphong perimeter. Withdrawals and transfers were not only effected before the due date, i.e. the expiry of the 300 day period, but the public properties and the essential services were handed over intact and in running order in all the areas transferred and the High Commands concerned were able to withdraw their military forces, equipment and supplies in good order

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in accordance with the principles laid down in Article 15. The Haiphong Committee set up by the Commission submitted 32 reports on claims and counter-claims of the parties which were considered by the Commission and necessary recommendations made to the parties. The transfer of Haiphong perimeter and the Central Viet-Nam provisional assembly area involved inspection on the ground by (1) 10 visits of the Haiphong Committee of Commission experts to Haiphong to verify the details of equipment, machinery and the nature of the service; (2) 10 detailed inspections by the Haiphong Fixed Team of the machinery and equipment being removed and (3) 13 inspections by the Commission's Fixed Team in Qui Nhon of the machinery and equipment being removed.

6. The manner in which the withdrawals and transfers were effected satisfied both parties to the Agreement and improved the general atmosphere of co-operation and good-will between the P.A.V.N. and the French High Commands. The following extracts speak for themselves:-

Extract from General Vo Nguyen Giap's speech made at a tea party on 17th May 1955 organized by the High Command of the P.A.V.N.

"On May 16, 1955, that is 3 days before the time limit fixed by the Geneva Agreement, the last units of the Viet-Nam People's Army left Southern Viet-Nam to regroup into the North. Simultaneously, the Viet-Nam People's Army in the North completed the taking over of newly liberated regions and towns, including Haiphong perimeter.

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"We ought to mention here the efforts made by both signatories to the Agreement and by the International Commission for Supervision and Control in Viet-Nam.

"I also take this opportunity to express my thanks to the members of the International Commission for their efforts in the past and their notable contribution to the achieving of regroupment and transfer of military forces of the two parties.

"The completion of the regroupment and transfer of military forces has laid foundation for the continuation of the execution of the Geneva Agreement and for the strengthening of peace in the days to come."

Extract of letter No. 5882/Cab/CD dated Saigon, June 2nd, 1955, from General Ely, Le General d'Armee Commissaire General de France et Commandant en Chef en Indochine to His Excellency Mr. Ambassador Desai, Chairman of the International Commission for Supervision and Control, Hanoi.

"Before I leave, I should like to express to you my deep appreciation for the work you have done here.

"Indeed, it is thanks to the conciliatory work of the International Commission which you have been leading with such authority and tact that an important part of the Decisions of the Geneva Agreement, despite innumerable difficulties, has been executed in a practical manner.

"For my part, I shall never forget that it is your efforts which have allowed the clarification of the problem of prisoners, have allowed a great many people to benefit from the rights given by Article 14(d), and have, finally allowed the transfer of

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territories and the regroupment of forces in favourable conditions.

"Above all, in the course of an experiment which I am sure will constitute a remarkable precedent on the international plane, you have succeeded in creating, in particularly difficult circumstances, a climate of detente."

#### CHAPTER IV.

#### PRISONERS OF WAR AND CIVILIAN INTERNEES.

7. As stated in paragraph 68 of the First Interim Report, both parties to the Agreement claimed that they had fulfilled their obligations under Article 21 and had no prisoners of war or civilian internees in their custody. Appendix III to the First Interim Report gives the figures of prisoners of war and civilian internees released. Since then, while several general and some specific complaints have been made by the parties, there has been no substantial alteration of the figures given in Appendix III of the First Interim Report except in the categories of civilian internees and of deserters, some of whom are classed by the P.A.V.N. High Command as "rallie". Paragraphs 7 and 8 of the Third Interim Report refer to repatriation of 222 "rallie" or deserters through the French Union Forces High Command and of 369 "rallie", who did not wish to be handed over to the French Union Forces High Command through China, and the release of 93 civilian internees to the P.A.V.N. High Command.

8. During the period under report 46 more "rallie" or deserters were handed over to the French Union

Forces High Command and 25 more were repatriated through China. Both these operations were observed by the Commission's teams to make sure that none of these persons were prisoners of war nor were being repatriated against their wishes though the Commission is not concerned under the Agreement with the problem of deserters.

9. As regards civilian internees, the latest position is as follows:-

	<u>F.U.F.</u>	<u>P.A.V.N.</u>
1. Number released till 10th August 1955 (excluding 93 mentioned in the Third Interim Report) by ..	67	-
2. Number of recommendations for release made by Commission under Article 21 to ..	33	-
3. Number of cases under consideration on complaints against ..	165	-

10. As stated in paragraph 6 of the Third Interim Report, each party, while claiming categorically that it has carried out its obligations under Article 21, continued to make claims against the other party in respect of prisoners of war and civilian internees. The efforts made by the Commission to get the parties to clear these claims and counter-claims have resulted in information being exchanged between the two parties on the claims and counter-claims. The total number of claims and counter-claims made and the replies given by the parties to each other are shown in Appendix II.

11. The exchange of information has not led to any more prisoners of war being traced but has established de

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definite information about some prisoners of war claims in the categories of : (a) died while prisoners of war, (b) handed over or escaped and (c) classed as deserters or "rallie". In addition to direct exchange of information between the parties, some cases have been referred to the Commission for intervention with the other party and the Commission is getting information from the other side and passing it on to the High Command which sent the original request for intervention, leaving it to the party concerned to make definite claims either in the Joint Commission or to prefer a formal complaint to the International Commission.

12. Although both sides categorically state that they have entirely fulfilled their obligations under Article 21, the classification of prisoners of war into those released during the hostilities, those released after the cessation of hostilities and deserters claimed as "rallie" by the P.A.V.N. and civilian internees and common law prisoners and the differing stands taken by the two sides as regards the correct classification in particular cases have necessitated detailed enquiries in some of the residual cases under Article 21.

Five cases came before the Commission in July where prisoner of war status under Article 21 was claimed by the French High Command and the P.A.V.N. High Command took the stand that four of them were taken prisoner during the hostilities and also released during the hostilities and, therefore, did not fall under Article 21 and that the fifth was a deserter or "rallie". The Commission decided that

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immediate facilities be given to these five for repatriation to the zone of their choice, leaving the question of their status undetermined. Prisoner of war status was claimed by the local French Liaison Mission for 47 other persons who went South along with refugees in July but no formal complaint was received in this connection till 10th August. In this case, as well as in another petition received by the Commission regarding non-release of 100 prisoners of war, the Commission left it to the French High Command to put in a formal complaint for determining the status of the persons concerned and further action, if any, under Article 21. Similar enquiries under Article 21 will continue in the 165 pending cases and other prisoners in jails in the south claimed as civilian internees by the P.A.V.N.

#### CHAPTER V.

##### POLITICAL AND ADMINISTRATIVE MEASURES IN THE TWO REGROUPING ZONES AND DEMOCRATIC FREEDOMS UNDER ARTICLES 14(c) AND (d).

13. As the essential purpose of the Agreement in Viet-Nam was to settle military questions with a view to ending hostilities and to regroup the forces of the two parties to the Agreement in each regrouping zone south and north of the provisional demarcation line, Article 14 of the Agreement provided for political and administrative measures in the two regrouping zones "pending general elections which will bring about the unification of Viet-Nam". The same Article provided for establishment of stable

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peaceful conditions and renunciation of old hostilities by each party undertaking under Article 14(c) "to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee their democratic liberties" and also provided for freedom from fear by allowing those who, in spite of the undertaking given by the parties under Article 14(c), felt like changing the zone of their residence by giving them freedom of movement to go to the zone of their choice under Article 14(d) until the movement of troops into the regrouping zones was completed.

14. As outlined in Chapter III, regroupment of the forces of the two sides north and south of the provisional demarcation line was completed within the 300 day period and the civil administration of the parties concerned had been established in the regroupment areas in accordance with Article 14(a). The extent to which the parties to the Agreement have discharged their obligations under Article 14(c) to refrain from reprisals and discrimination and under Article 14(d) to give facilities to those who wish to go and live in the zone assigned to the other party have been reviewed in Chapter V of the first three Interim Reports. While the obligation under Article 14(c) is a continuing commitment undertaken by the parties, the undertaking to give facilities for movement under Article 14(d) was limited to the 300 day period and the following paragraphs give the performance of each party under these Articles including extension upto the 20th July of facilities under Article 14(d) upto and

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inclusive of 10th August 1955.

15. In view of Articles 28 and 29 which put the responsibility for the execution of the Agreement on the parties and the responsibility for control and supervision of this execution on the International Commission, the extent of implementation reported below is based on specific areas and specific cases where investigations were carried out by the Commission in discharge of its responsibility of control and supervision. While this gives a general idea as to the extent of implementation of these articles of the Agreement throughout Viet-Nam, it must be admitted that there have been substantial areas in Viet-Nam where the Commission has not carried out detailed investigations. The Commission cannot therefore say that, except for the cases mentioned in the following paragraphs, there have been no reprisals or discrimination under Article 14(c) or that everyone, with the exception of those mentioned in paragraph 33, have had full facilities to go and live in the zone assigned to the other party under Article 14(d).

16. So far as the execution of these articles was concerned, little was done by the Joint Commission to further the execution by the parties of their undertakings under Articles 14(c) and 14(d). It may be noted in this connection that though the parties accepted in principle the Commission's recommendation on the appointment of a Committee on Freedoms (paras 81-83 and Appendix V of the First Interim Report), they did not implement the suggestion referred to

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in para 82 of the First Interim Report and the Commission had to spend a large amount of time and energy to make the parties carry out their obligations under these articles.

ARTICLE  
14(c)

17. Appendix III gives the number of complaints received by the Commission in connection with alleged violation of Article 14(c) by the P.A.V.N. High Command and by the F.U.F. High Command, the number of investigations undertaken, the number of cases in which recommendations were made by the Commission, the extent to which they were implemented and the number of pending cases.

18. In the execution of Article 14(c), the Commission has proceeded on the basis that those in charge of civil and military administration in the regrouping areas are bound to see that no member of the civil or military administration under their control violates the provisions of this Article and to ensure that any violation by persons or groups not connected with civil or military administration is promptly remedied by undertaking necessary investigations to bring the offender concerned to book, in accordance with the prevailing laws and regulations in the zone concerned.

19. An analysis of the alleged violations investigated and established by the Commission shows 13 violations involving injury to life or property in the area just taken over by the French High Command during the first stage of regroupment in September and October 1954 and subsequent violations, 2 in number from November 1954 to the beginning of August 1955, involving in most cases loss of liberty and in some cases loss of life.

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20. An analysis of the number of incidents investigated shows that they involved injury to life in 319 cases and loss of liberty in 203 cases. Adequate redress by execution of the Commission's recommendations has not been made in quite a few cases (see Appendix III).

21. Reference has been made in paragraph 121 of the First Interim Report to the failure of the French High Command to ensure that effective civil and military administration was established in areas taken over by them and in paragraph 22 of the Second Interim Report and paragraph 19 of the Third Interim Report to the difficulties experienced by the Commission in some cases despite the efforts of the French High Command to carry out their obligations to co-operate and assist the Commission under Article 25 in the zone under their control due to the independent attitude taken up by the Government of the State of Viet-Nam which has not signed the Geneva Agreement. The declared opposition of the Government of the State of Viet-Nam to the Geneva Agreement makes it obvious that the French High Command is not in a position to enforce execution of its undertaking under Article 14(c) to refrain from reprisals and discrimination against persons or organisations on account of their activities during the hostilities or to guarantee their democratic liberties. The French High Command is also finding it more and more difficult to carry out its obligation, under Article 25, to assist and co-operate fully with the Commission in the investigation of complaints alleging violation of Article 14 (c) and

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the prompt execution of the Commission's recommendations after investigations are completed.

ARTICLE  
14(d)

22. Implementation of this Article can be divided into five phases :

First phase:

From the cease-fire to the 31st October 1954 - (Initial phase).

Second phase:

From 1st November 1954 to 1st February 1955 - (period of concentration, incidents and mass evacuation).

Third phase:

1st February to 18th May 1955 - (period of surveys and recommendation by the Commission and orderly and organised evacuation).

Fourth phase:

From 18th May to 20th July 1955 - (extension period).

Fifth phase:

Period after 20th July 1955.

23. Details of the progress of implementation, the difficulties encountered, the inadequacies of the administrative and transport arrangements, complicated and involved administrative procedures and narrowness of local authorities have been described in Chapter V of each of the first three Interim Reports. On a review of the execution of the Article up to 10th April 1955, the Commission expressed its view in para 11 of the Third Interim Report that "in the light of the progress made in the implementation of this Article so far, it is not possible to state at this stage that Article

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14(d) will be implemented in full within the time-limit laid down." The review of part of the third and of the fourth and fifth phases given below brings the report of the progress of implementation of Article 14(d) up-to-date and also indicates the action taken by the Commission with the participation of the parties to devise a procedure for dealing with the problem after 18th May as desired by the Co-Chairmen on a review of the Third Interim Report and certain residual aspects of the question which are being tackled by the Commission since 20th July 1955, the date on which the extension period agreed to by the parties came to an end.

THIRD TO  
FIFTH PHASES

24. Copy of the recommendations made by the Commission to the two High Commands for proper implementation of Article 14(d) was given in Appendix III of the Second Interim Report of the Commission. The Commission's supervision over the execution of the Article and the implementation of the recommendations was exercised through its mobile investigation teams. The total number of mobile team investigations in respect of the implementation of Article 14(d) during the whole period of the Commission's activities was 34 out of a total of 119 mobile team investigations undertaken by the Commission in pursuance of its task of supervision and control of the execution of various Articles of the Agreement.

25. Appendix IV gives the figures showing the number of persons who moved to the zone of their choice during the period between the cessation of hostilities and the expiry of the extension period

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on 20th July 1955. A few movements have taken place since in a few residual cases followed up by the Commission.

26. Throughout its activities in connection with the supervision of execution of Article 14(d), the Commission has acted on the principle that the choice has to be exercised by the individual of his own free will and vague allegations by third parties that certain people were forced either by religious or political organisations or by the civil authorities to change their zone of residence or prevented from changing the zone of residence, do not by themselves constitute any evidence one way or the other. In all ~~its~~ investigations, the Commission concentrated on contacting through its teams the individuals to whom freedom of choice regarding the zone of residence was alleged to have been denied and to take necessary action to secure to them freedom of movement to the zone of their choice.

27. The P.A.V.N. authorities sent in about 320,000 petitions from friends and relations of those who had gone south making allegations about forced evacuation by the F.U.F. High Command and asking the Commission's assistance to get them back. Allegations were also made in thousands of petitions of third parties and in complaints sent in by the French High Command regarding obstructions put in the way of persons who wanted to go and live in the other zone by the local authorities of the High Command of the P.A.V.N.

28. In the investigation of complaints regarding forced evacuation by two mobile teams in the refugee camps in the State of Viet-Nam, the Commission teams

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had to face hostile demonstrations but they persisted in their task, contacted about 25,000 people in the refugee camps out of a total of 121,000 and, on the basis of the enquiry, reported that there was no foundation for the allegation that thousands of persons were victims of a systematic propaganda and many of them wished to go back to the P.A.V.N. zone and that none of the persons contacted by the teams complained of forced evacuation or expressed a desire to return to the P.A.V.N. zone. The other mobile team investigations of the Commission arose out of complaints against the P.A.V.N. authorities. In each case the Commission made necessary recommendations to remove the obstructions when noticed and also to take action against obstructive or narrow attitude of local authorities and sent its teams to revisit the areas as in the cases at BA LANG and LUU MY to see that its recommendations were carried out and the persons concerned were given permits and facilities to move to the zone of their choice.

29. A review of the mobile team investigations undertaken by the Commission in connection with the implementation of this Article shows that :

- (i) at each stage difficulties arose in the implementation of this Article of the Agreement due to narrow and complicated administrative procedures in the areas in the control of the P.A.V.N. and the confused administrative arrangements and lack of system in the areas under the control of the French High Command;

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- (ii) religious, social and local influences were used by both sides either to persuade persons to change their zone of residence or to dissuade them from exercising the freedom of choice regarding the zone in which they wanted to live;
- (iii) the demand for permits and facilities under Article 14(d) was the largest in the areas under the control of the P.A.V.N. High Command and it was generally met except in the areas of NGHE AN and HA TINH before 18th May and that there was very limited demand for permits and facilities till April in the areas under the control of the French Union Forces, but the sudden demand that arose thereafter involving a few thousand could not be fully met by the local authorities due either to their unwillingness to give facilities or inadequate administrative and transport arrangements;
- (iv) while admitting that the huge volume of demand for permits and facilities that the authorities under the control of the P.A.V.N. High Command had to face entailed great strain on their administrative and transport resources, it must be stated that the work of the Commission's investigation teams was obstructed or delayed in several cases by narrowness of local officials and in

... 19/-

a few cases by organised social groups who were hostile to those who wanted to go and live in the zone under the control of the French High Command. The bulk of these obstructions and hindrances were met and overcome by the Commission's teams but this involved a serious strain on the personnel of the Commission and its teams and also delayed the implementation of Article 14(d).

30. Short of a nationwide census to ascertain each individual's choice of zone of residence and following this up by executive action to implement this choice, the Commission could not satisfy itself that every one in Viet-Nam who wanted to change the zone of his residence had done so before 18th May 1955. All that the Commission could do and was expected to do in the discharge of its responsibility of supervision and control, was to see generally that the necessary administrative and transport arrangements were adequate and that there was no pressure or obstacle to the free exercise of the choice regarding zone of residence and to secure extension of these facilities for a limited period if justified in the light of its experience.

31. It was obvious that by 18th May the bulk of the persons who wanted to change the zone of their residence had succeeded in doing so. Neither of the parties to the Agreement asked for extension of the time limit under Article 14(d). The parties made general allegations about forced evacuation or hindrances to evacuation more for getting the

... 20/-

Commission to condemn one side or the other than out of any solicitude for the interests of the individuals whose right of freedom of movement was affected by these pressures or obstructions. In the absence of any request from the parties, the Commission itself reviewed the position as regards implementation of the Article in the light of its experience of mobile team investigations and made the following suggestions to both parties to extend the period for grant of permits and facilities under Article 14(d) without a formal amendment of the Agreement :

- (i) Action taken by the two parties till the 18th of May for the execution of Article 14(d) of the Agreement and the Commission's recommendations of 1st February 1955 will be continued by both sides till 20th July.
- (ii) Permits and facilities for movement to the zone of their choice will continue to be given to all those who wish to go and live in the other zone and who have not been able to carry out this movement either due to difficulties of transport or other difficulties including failure to express formally their desire to go and live in the other zone before 18th May 1955, due to reasons beyond their control.
- (iii) Permits and facilities will continue to be given to those who might change their mind regarding their zone of residence even during the period during which these suggestions will be adopted and acted on

by both parties, only one option being allowed during this period.

- (iv) The Commission will continue to supervise the completion of the task by the two parties during the period in which these suggestions are worked by both parties and will continue to undertake investigations where it decides that these are necessary in order to ascertain whether there is any breach of Article 14(d) and recommend remedial measures to be taken to correct the breaches, if any.
- (v) The two parties will make adequate publicity arrangements to ensure that the people of both zones are fully aware of their rights during this period and the methods of exercising them freely without hindrance or obstruction.
- (vi) The two parties to the Agreement will continue to discuss with each other and settle all outstanding problems in connection with liberty of movement to go and live in the other zone and refer cases of disagreement, if any, to the Commission for settlement in accordance with the suggestions outlined above.

32. Both parties accepted the suggestions made, the modalities for execution being left to them for being worked out in the Joint Commission. It will be seen from Appendix IV that 4749 persons went from north to south during this extended period and 1671 persons came from south to north. The Commission

... 22/-

got reports from several fixed teams in the south that the local authorities had not received orders about the permits and facilities to be given during this period of extension and the reports received from the Saigon Headquarters show that permits and facilities were not given to 3531 persons who wanted to come north. It is obvious that the increase in the number of persons who wanted to move from the south to go and live in the zone under the command of the P.A.V.N. during the period of extension up to 20th July was due to fear of reprisals or discrimination in view of the anti-Geneva Agreement and anti-communist propaganda taken up by the State of Viet-Nam during June and July.

33. While the bulk of the persons who wanted to change their zone of residence have succeeded in doing so and while the Commission cannot do anything for those who did not make their choice before 18th May or 20th July, the Commission, in consultation with the parties, is following up certain residual cases where persons have expressed their desire to move to the other zone before 18th May or before 20th July. These residual cases fall in the following categories :

- (i) Persons who have been granted permits but who have not been able to move to the zone of their choice.
- (ii) Persons who applied for permits before 20th July but have not received them.
- (iii) First party petitions received before 20th July.

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- (iv) Questions of common law prisoners and the exercise of the freedom of choice under Article 14(d) by those who are in custody either as under-trials or as prisoners undergoing regular sentences.
- (v) Persons punished for political or common law offences and, though not in custody, under forced residence.
- (vi) Persons not granted permits because of their failure to pay state dues, including some cases of land-owners investigated by the Commission's teams.
- (vii) Cases of priests and nuns who were not granted permits because of the refusal of their religious superiors to allow them to move.

34. These residual matters will be followed up by the Commission but in view of the definite stand taken by the Government of the State of Viet-Nam against the Geneva Agreement, and the strained relations between the parties, there is no chance of securing extended facilities for freedom of movement to those who may have failed to exercise their choice before 20th July 1955.

#### CHAPTER VI.

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

35. Arrangements made for the supervision and control of execution by the parties of the provisions of Articles 16 to 20 of the Agreement and additional measures taken by the Commission to discharge its special responsibility under Article 36(d) have been given in

the Geneva Powers at a very early date.

46. The Canadian Delegation accepts the Fourth Interim Report, with the exception of paragraphs 24 to 34 of Chapter V dealing with freedom of movement, and paragraph 21 of Chapter V and the concluding paragraphs 44 and 45 of Chapter VIII dealing with co-operation of the parties to the Agreement and problems of the future. The views of the Canadian Delegation as given to the Commission during the discussions are set out in the following paragraphs in substitution for the paragraphs in question.

Sd/-  
(M.J.DESAI)  
INDIA

Sd/-  
(D.M.JOHNSON)  
CANADA

H A N O I,  
1st October 1955.

Sd/-  
(J.MICHALOWSKI)  
POLAND

CANADIAN AMENDMENT TO PARAGRAPHS  
24 TO 34 OF CHAPTER V CONCERNING  
FREEDOM OF MOVEMENT.

1. "In addition, the Canadian Delegation considered that in view of the seriousness of the problem and the record to date, and in the light of the short time remaining before May 18, the attention of the Co-Chairmen should be drawn to the situation with respect to freedom of movement

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in accordance with the provisions of paragraph 13 of the Final Declaration. This view was appended to the Third Interim Report in the form of a note by the Canadian Delegation.

2. "Copy of the recommendations made by the Commission to the two High Commands for proper implementation of Article 14(d) was given in Appendix III of the Second Interim Report of the Commission. The Commission's supervision over the execution of the Article and the implementation of the recommendations was exercised through its mobile investigation teams. The total number of mobile team investigations in respect of implementation of Article 14(d) during the whole period of the Commission's activities was 34 out of a total of 119 mobile team investigations undertaken by the Commission in pursuance of its task of supervision and control of the execution of various articles of the Agreement.

3. "Appendix IV gives the figures showing the number of persons who moved to the zone of their choice during the period between the cessation of hostilities and the expiry of the extension period on 20th July, 1955. A few movements have taken place since in a few residual cases followed up by the Commission.

4. "After April 10, the Commission continued its efforts to secure progress in the implementation of Article 14(d). Further rapid surveys and investigations by mobile teams were conducted and additional suggestions for improvement were made to the P.A.V.N. High Command in whose zone the

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problem of implementing the Article had from the outset been acute. On the eve of the expiration of the 300-day period, the Commission reviewed in detail the final reports of the rapid survey teams that had been at work in the North. The reports of the teams showed that individuals wishing to exercise their right of option to move South were not in fact being permitted and helped to do so, but in some cases were being prevented and hindered from doing so. An atmosphere of suspicion, fear and rumour, which was in part the natural legacy of the war years, prevailed in areas under the control of the P.A.V.N. Forces throughout the 300-day period, and the authorities concerned seemed either unwilling or unable to dissipate it. This atmosphere of fear and suspicion served to inhibit and restrict the free exercise of the right of option and was in itself an impediment to effective investigation, as it was throughout the period from the cease-fire a contributing factor in the unsatisfactory implementation of Article 14(d) in the Northern Zone.

5. "The reports of the teams also indicated that, as had been the case in the earlier investigations at PHAT DIEM, TRALY, BA LANG, LUU MY, THUAN NGHIA and THO NINH, there was good reason to believe that the authorities in the areas visited had taken special measures both before the arrival of the teams and during their investigation to prevent the discovery of the full facts and to prevent effective contact between would-be evacuees and the Commission's representatives.

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Soldiers, political cadres and local militia were frequently stationed in the houses of the Catholic population with instructions to prevent them from leaving their homes in order to contact the teams. The complaint which the Commission had addressed to the P.A.V.N. in respect of the use of soldiers in this regard at BA LANG was reiterated after the investigation at THUA NINH by Team 43. Evidence also came before the teams that persons desirous of contacting them had frequently been called away from their villages to meetings organized by the local authorities to coincide with the arrival of the teams. In other cases, would-be evacuees were grouped in village churches and local officials and P.A.V.N. Liaison Officers attempted to keep the team from entering the church compounds on the grounds that services were in progress. It was obvious in many cases that the local clergy had been intimidated and in some cases subjected to lengthy terms of forced residence and imprisonment.

6. "The reports of the teams disclosed further that incidents of obstruction and hindrance had made it difficult for them to complete their tasks effectively. A common experience was to encounter organized groups of persons presenting petitions complaining about forced evacuation and demonstrating in a noisy and disorderly manner, with the effect that not only was the limited time available to the team for its investigation squandered, but also would-be evacuees were intimidated. In the light of this type of obstruction the Commission pointed out to the P.A.V.N. Liaison Mission that the organized presentation

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of petitions hampered investigations and created a social atmosphere not conducive to the free exercise of the choice of zone of residence. In at least a dozen instances, intending evacuees were physically molested by such hostile crowds and sometimes forcibly dragged away before they had an opportunity of meeting the team. Team 56 on its visit to HA TINH on five occasions saw individuals physically molested and dragged by force from the presence of the team. It was this team which intervened when two soldiers physically restrained a woman from leaving her house in order to speak to the team about her inability to obtain a permit. On three separate occasions the P.A.V.N. Liaison Mission was asked by the Commission to ensure that there would be free accessibility to the team. Nevertheless, it was still necessary for further complaint to be made by the Commission after the second visit of Team 55 to the area of its investigation.

7. "A further example of this type of obstruction occurred at XA DOAI where the Liaison Officer did not perform the duties he was supposed to perform and did not prevent a crowd of 500 persons from impeding the team's investigation and from whisking away the Director of the seminary in the very presence of the team. The net result of this serious delinquency on the part of the P.A.V.N. Liaison Officer, whose duty it was to ensure the security of the team and the orderliness of an investigation, was that the team was not able to interview the Director, who was in a position to give the best information available regarding the situation in the seminary. In addition,  
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there were signals from the team on three occasions referring to the further lack of co-operation of the Liaison Officer.

8. "In our view this phenomenon was not a mere social manifestation but an organized plan. While it has been impossible for the Commission to prove that these measures were organized as a matter of policy by the authority in control of the North, owing to the frequency and the common features of this form of obstruction in all provinces investigated there would seem to be little doubt that these obstructions and hindrances had been deliberately planned. Coupled with the general lack of co-operation from Liaison Officers and local authorities, the difficulties encountered by the teams operated to prevent them from obtaining a full appreciation of the size and the extent of the problem with respect to the non-implementation of Article 14(d) in the zone under the control of the High Command of the P.A.V.N. In this connection it should also be remembered that the rapid survey teams worked under very severe limitations as to time and area of investigation.

9. "At the end of the 300-day period adequate documentary evidence was not available to show the number of applications received, the number approved, the number of permits issued and the number of people who had changed the zone of their residence. Teams visiting local authorities were frequently unable to obtain a clear picture of the implementation of Article 14(d) in the North in view of the conflicting statistics and evasive answers received. Statistics

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were also not available to show how many of the persons who had changed their zones had been issued with permits. Moreover, by May 18, action on most of the 11,422 first party petitions received in the North and the not more than 1,000 petitions in the South asking for assistance for individuals and families wishing to change the zone of their residence had yet to be taken.

10. "On the strength of about 320,000 petitions from third parties alleging that friends and relations had been forced to move South under pressure from the F.U.F. High Command, two mobile teams carried out investigations in refugee camps in the State of Viet-Nam. In spite of demonstrations hostile to the P.A.V.N. Liaison Officers attached to these teams, the task was completed. Some 25,000 out of a total of 121,000 in these camps were contacted by the teams, which reported that there was no evidence of forced evacuation and none of the persons interviewed wished to return to the North. Throughout the 300-day period the Commission considered numerous allegations of forced evacuation, but in no instance was evidence discovered to substantiate these complaints.

11. "It should be pointed out that no problem with respect to freedom of movement existed in the South up until the closing days of the 300-day period. Crowds of persons who had been issued with permits but who were anxious for the early arrangement of transport facilities demonstrated on two occasions in Saigon. Arrangements were made and at the close of the 300-day period some 2,000 evacuees from the South were on the high seas.

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12. "While according to Appendix IV, 888,127 persons who wanted to change the zone of their residence had succeeded in moving from the North to the South and 2,598 persons from the South to the North by 18th May, the Commission could not say what the dimensions of the remaining problem were. It felt constrained however to point out to the parties that work under Article 14(d) remained to be done. Although no request was received from either party for formal extension of Article 14(d) complaints and counter-complaints had been received. Accordingly the Commission made the following suggestions to both parties:

- (i) Action taken by the two parties till the 18th of May for the execution of Article 14(d) of the Agreement and the Commission's recommendations of 1st February 1955 will be continued by both sides till 20th July.
- (ii) Permits and facilities for movement to the zone of their choice will continue to be given to all those who wish to go and live in the other zone and who have not been able to carry out this movement either due to difficulties of transport or other difficulties including failure to express formally their desire to go and live in the other zone before 18th May 1955, due to reasons beyond their control.
- (iii) Permits and facilities will continue to be given to those who might change their

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mind regarding their zone of residence even during the period during which these suggestions will be adopted and acted on by both parties, only one option being allowed during this period.

- (iv) The Commission will continue to supervise the completion of the task by the two parties during the period in which these suggestions are worked by both parties and will continue to undertake investigations where it decides that these are necessary in order to ascertain whether there is any breach of Article 14(d) and recommend remedial measures to be taken to correct the breaches, if any.
- (v) The two parties will make adequate publicity arrangements to ensure that people of both zones are fully aware of their rights during this period and the methods of exercising them freely without hindrance or obstruction.
- (vi) The two parties to the Agreement will continue to discuss with each other and settle all outstanding problems in connection with liberty of movement to go and live in the other zone and refer cases of disagreement, if any, to the Commission for settlement in accordance with the suggestions outlined above.

13. "Both parties accepted the suggestions made, although the French acceptance was in principle only  
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pending agreement on certain conditions they wished to impose on the extended arrangements. These were principally in relation to the modalities for the execution of the arrangement, and the Commission suggested that they should be worked out by the parties in the Joint Commission. It offered, however, to arbitrate those points on which agreement could not be reached. It will be seen from Appendix IV that according to figures supplied by the P.A.V.N., 4,749 people went from north to south during this extended period and according to figures from the French Liaison Mission, 1,671 people went from south to north. The Commission got reports from several fixed teams in the South that the local authorities had not received clear cut orders about the permits and facilities to be given during this period of extension and the reports received from the Saigon Headquarters show that permits and facilities were not given to persons who applied for permits to come north after May 18. Due to this difficulty the problem in the South has not been completely cleared.

14. "As has been shown, in the early stages the P.A.V.N. authorities did not take adequate action under Article 14(d) and did not fulfil their obligations. After the recommendations of the 1st February, the position gradually improved and the recommendations of the Commission regarding procedure were communicated to all local authorities. In spite of this, however, there was not full and satisfactory implementation by the local authorities in some cases. After the survey teams toured the various affected areas the position further improved in spite of the grudging co-operation

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of the authorities, but remained unsatisfactory up to the end of the 300-day period. Although some progress was made under the extended arrangements, a number of residual problems remained unsolved on July 20, and the Commission was still unable to say that the implementation of Article 14(d) in the north had been satisfactory. It is clear that the measure of co-operation and of fulfilment of their obligations by the northern authorities during the 300-day period was less than the Commission had a right to expect under the Geneva Agreement and was responsible for the failure to implement Article 14(d) more satisfactorily.

15. "In the light of the above, it is still not possible to say whether all persons wishing to move from one zone to the other have been able to do so. It is the Commission's duty, by whatever means may be appropriate, to see that the provisions of Article 14(d) are in fact implemented to the satisfaction not only of the parties but of the Commission itself and of the real "consumers", that is, those individuals wishing to exercise their right of option. Therefore, since Article 14(d) has still not been satisfactorily implemented, the Commission has continuing responsibilities, particularly toward those persons who had expressed a desire to move from one zone to another before July 20 and had submitted either an application to the authorities or a petition to the Commission, or had been prevented from taking either of these concrete steps by circumstances beyond their control. In the light of these problems, it is the Commission's view that a further extension of time will be required to ensure complete and adequate implementation of the

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provisions of freedom of movement. The Commission, in consultation with the parties, intends to follow up and complete, in so far as possible, the action that remains to be taken in respect of the following categories of persons:

- (i) Persons who have been granted permits but who have not been able to move to the zone of their choice.
- (ii) Persons who applied for permits before 20th July but have not received them.
- (iii) Persons covered by first party petitions received before 20th July.
- (iv) Persons prevented by fear, physical obstruction or other circumstances beyond their control from applying for a permit or from putting in a petition before July 20.
- (v) Question of common law prisoners and under-trials, and the exercise of the freedom of choice under Article 14(d) by those who are in custody either as under trial or as prisoners undergoing regular sentences.
- (vi) Persons punished for political or common law offences and, though not in custody, under forced residence.
- (vii) Persons not granted permits because of their failure to pay state dues including cases of land-owners.
- (viii) Cases of priests and nuns who were not granted permits because of the refusal of their religious superiors to allow them

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to move.

16. "In the continuing performance of its responsibilities in respect of the above classes of persons, the Commission of course retains the right to utilize such measures of supervision, including the employment of mobile teams on investigation and on rapid surveys as it may see fit. While the further implementation of the provisions respecting freedom of movement will continue to be under the supervision of the Commission, the Commission has the right to expect co-operation and assistance from the parties under Article 35 and other Articles of the Agreement.

17. "It will be noted that (iii) above refers only to first party petitions. The question of the disposal and use of the large volume of third party petitions relating to Article 14(d) is still under consideration. The Commission will, of course, take such action as further study of this matter by the Secretariat and the Freedoms Committee may indicate to be necessary.

18. "From this review it will be evident that a major portion of the time and energy of the Commission has been spent on supervision and control of the provisions of Article 14(d). Over 30 mobile team field investigations have been conducted, in addition to the regular tasks of the fixed teams and their mobile elements arising out of the practical supervision of this provision. In this field, as in others, the Geneva Agreement clearly places responsibility for the execution of the Agreement on the parties. Within the limits of its task of supervision and control under Article 14(d) the Commission

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has sought to ensure that the right of option of individual residents in Viet-Nam was respected and that the obligations of the authorities were enforced. The Commission has intervened throughout that period by making concrete and practical recommendations and suggestions to the parties, and by despatching mobile teams to the field in an effort to see that these recommendations and suggestions would be adequately carried out.

19. "Full implementation of the provisions of Article 14(d) would mean that every individual in each zone wishing to exercise his right of option would in fact have been permitted and helped to do so freely and without restraint within the period up to May 18 and up to July 20. The Commission is not only unable to report that full implementation in this sense has been achieved, but it recognises that this problem has not yet been fully solved.

20. "On the other hand, given the political and social circumstances existing in Viet-Nam, the particular difficulties which have been encountered in the North and the limitations on the Commission's functions arising out of the responsibilities assigned to it by the Geneva Agreement, the work that has been done by the Commission towards ensuring as full implementation of Article 14(d) as possible represents an achievement which should be recorded. In completing its remaining tasks, as outlined in previous sections of this report, the Commission would be continuing its efforts to carry out its humanitarian obligations both in the letter and the spirit of the Geneva Agreement."

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CANADIAN AMENDMENT TO PARAGRAPH 21  
OF CHAPTER V AND PARAGRAPHS 44 AND  
45 OF CHAPTER VIII DEALING WITH CO-  
OPERATION OF THE PARTIES TO THE  
AGREEMENT AND PROBLEMS OF THE FUTURE.

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21. "As has been indicated above, the Commission received the co-operation of the parties in carrying out the military provisions of the cease-fire Agreement and in particular the provisions relating to the regroupment of forces, to the provisional demarcation line and the demilitarized zone, and to the ban on the introduction of troops, reinforcements, additional military personnel, arms, munitions and other war material.

22. "During the past two or three months, however, the Commission has encountered difficulties in carrying out some of its other tasks in South Viet-Nam. This was largely due to the fact that with the completion of the regroupment of forces with which the French High Command and the P.A.V.N. High Command, as military commands, were directly concerned, the Commission has become increasingly concerned with matters arising out of the Cease-Fire Agreement, which in South Viet-Nam are not, for constitutional and administrative reasons, the direct responsibility of the French High Command, although the French High Command continues to be responsible to the Commission under the Agreement.

23. "The situation in connection with these matters has been affected by the fact that the authorities in South Viet-Nam directly concerned with them are responsible to the Government of the State

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of Viet-Nam and not to the French High Command, and by the fact that the Government of the State of Viet-Nam is not a signatory to the cease-fire Agreement, and does not at present regard itself as bound by its terms. Hence the French High Command despite its best efforts to co-operate fully with the Commission cannot, without the co-operation of the Government of the State of Viet-Nam, fully implement its obligations under Article 25 of the Cease-Fire Agreement. This situation, which is now under review by the parties directly concerned, has an adverse effect on the work of the Commission and the implementation of the cease-fire Agreement.

24. "This situation has also, on occasion, placed in jeopardy the security of the Commission's personnel, some of whom suffered loss of property during the unfortunate incidents on July 20th, on which a separate report has been sent to the Co-Chairmen. The Government of the State of Viet-Nam has expressed its regret at these occurrences and is arranging to make good the losses suffered by the Commission's personnel.

25. The International Commission derives its authority from the cease-fire Agreement and must depend for the proper execution of its responsibilities on the protection, assistance and co-operation of the parties to the Agreement - that is to say, the French High Command and the High Command of the P.A.V.N. In dealing with many of the problems with which it is now engaged, the Commission must in fact depend more and more on the protection, assistance and co-operation of the Government of the State of Viet-Nam, although it can only claim this support through the agency of

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the French High Command. The Government of the State of Viet-Nam has given informal assurances of full protection and practical co-operation to the Commission as an International Peace Commission, but is not at present formally engaged to provide the protection, assistance and co-operation which the Commission has a right to expect. The Commission is of the view that this ad hoc arrangement is not satisfactory, and expresses the hope that the parties directly concerned will be able to work out a more durable and dependable arrangement which would place the Commission in a more favourable position to carry out its functions.

26. "In the meantime the Commission will continue to supervise and control the execution by the parties of the Agreement throughout Viet-Nam, to the extent made possible by the co-operation of the French High Command and the Government of the State of Viet-Nam on the one hand, and the High Command of the P.A.V.N. on the other."

Sd/-

(D.M. JOHNSON)  
CANADA

H A N O I,  
1st October, 1955.

## CLAIM STATEMENTS CONCERNING PRISONERS OF WAR.

Nature of claim or reply received.	Claims made by F.U.F.		Claims made by P.A.V.N.		REMARKS.
	According to F.U.F.	According to P.A.V.N.	According to F.U.F.	According to P.A.V.N.	
I. Total claims	30,373	30,440	13,615@	15,164	@ This figure as now given by French Liaison Mission in its letter No.6704/MFLCI/AV dated 20-7-1955 is 12856.
II. Replies received	28,793	29,940	12,647@	11,462	@ This figure has been taken from the first fortnightly report for the period ending 31st July 1955.
Deceased ..	4%		7%		
Handed over ..	17%		59%		
Escaped ..	-		12%		
Deserted or rallied	8%				Includes 5% repatriated through China & U.S.S.R.
Unknown or not on record	71%		20%		
Disputed ..	-		2%		
III. Number of claims to which no reply given by parties:					
Original requests under investigation	1,580	500	968	3,702	These figures are obtained after subtracting the number of replies from the total number of claims.
IV. Cases referred to Joint Commission					
(a) Already discussed					No figures supplied to the Commission
(b) under discussion					
V. Number of individuals in cases referred to the Commission for action with the other party.	328		259		These figures have been collected from Commission records.

APPENDIX III.

STATEMENT GIVING STATISTICAL DETAILS OF COMPLAINTS  
AND INVESTIGATIONS IN CASES OF DAMAGE TO  
LIFE AND PROPERTY.

...

	<u>F.U.F</u>	<u>P.A.V.N.</u>
1. Number of complaints received by the Commission in connection with alleged violations of Article 14(c) from ..	12	66
2. Number of complaints in which investigations undertaken by Commission's teams from ..	3	38
3. Number of pending investigations in territory controlled by ..	10	-
4. Number of cases in which loss or damage to life and property established against ..	15	-
5. Number of cases in which corrective action recommended to ..	13	-
6. Number of cases in which these recommendations were implemented by ..	7	-

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FIGURES OF MOVEMENT OF POPULATION IN VIET-NAM UNDER ARTICLE 14(d).NORTH ZONE TO SOUTH ZONE.

	PERIOD		
1) Total arrivals (Figures given by the State of Viet-Nam)	Ending 19th May 1955	By air	213,635
		By sea	550,824
		Across provisional demarcation line	12,344
		By other means	41,324
		Total	<u>818,127</u>
2) Estimate of arrivals not registered (Figures given by the State of Vietnam in April)			70,000
		Total	<u>888,127</u>
3) Figures given by P.A.V.N.	19th May - 20th July 1955		4,749
	Upto 20th July 1955	Total	<u>892,876</u>

SOUTH ZONE TO NORTH ZONE.

1) Figures given by the State of Vietnam	Ending 19th May 1955		2,598
2) Figures given by the French Liaison Mission	19th May to 20th July 1955		1,671
	Upto 20th July 1955 - Total		<u>4,269</u>