

OPTIONAL FORM 89 (7-80)

## FAX TRANSMITTAL

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| To           | DET 1 | From    | JTF-FA   |
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SECTION 01 OF 02

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AMPN/SUBJ: ASSESSMENT OF OVERALL SOCIALIST REPUBLIC OF VIETNAM (SRV) COOPERATION ON FIVE AGREEMENTS FOR OCT 92//

REF/A/RMG/JOINT STAFF/210042ZMAR92//

RMKS/1. FOL ASSESSMENT PER REF A, SUBMITTED FOR YOUR REVIEW.

A. AGREEMENT 1. INCREASED ACCESS TO RECORDS, ARCHIVES AND MUSEUMS.

(1) IN DISCUSSIONS BETWEEN GEN VESSEY'S DELEGATION AND SENIOR SRV OFFICIALS ON 19 OCT 92, THE SRV AGREED TO ALLOW U.S. RESEARCH TEAMS TO INVESTIGATE DOCUMENTS IN HANOI AND DA NANG. JOINT TASK FORCE-FULL ACCOUNTING (JTF-FA) RESPONDED BY FORMING AN INITIAL THREE-MAN ARCHIVAL RESEARCH TEAM WHICH ASSEMBLED IN HANOI 30 OCT 92 TO BEGIN A FOUR MONTH ASSIGNMENT. MR. DESTATTE, DIA RESEARCH SPECIALIST AND OVERALL COORDINATOR, MET WITH SENIOR COLONEL TRAN BIEN, VIETNAMESE OFFICE FOR SEEKING MISSING PERSONS (VNOSMP) SENIOR MILITARY OFFICER ON 28 AND 29 OCT 92 TO DISCUSS IMPLEMENTATION OF THE AGREEMENT. DURING THESE DISCUSSIONS, THE VIETNAMESE PUT FORTH THEIR VIEWS REGARDING PERSONNEL AND EQUIPMENT NEEDED TO SUPPORT THE ACTIVITY, AMOUNTS AND TYPES OF ARCHIVAL DATA AND LOCATION, METHODS TO FIND AND SHARE INFORMATION AND FUNDING OF RESEARCH ACTIVITIES. AS A START, THE ARMY MUSEUM IS EQUIPPING A ROOM IN THE MAIN BUILDING FOR THE RESEARCH TEAM.

(2) MR. TED SCHWEITZER, OSD REPRESENTATIVE TO JTF-FA, ARRIVED IN HANOI 29 OCT 92. HE WILL JOIN THE EFFORT AND ASSIST THE OVERALL COORDINATOR IN ESTABLISHING A MATERIAL RETRIEVAL AND ANALYSIS PROGRAM BASED ON HIS PREVIOUS EXPERIENCE WITH VIETNAMESE ARCHIVES.

B. AGREEMENT 2. IMPLEMENT CREDIBLE LIVE SIGHTING MECHANISM.

(1) DURING OCT 92, THE SRV FACILITATED ONLY TWO ADVANCE-NOTICE INVESTIGATIONS: AN INVESTIGATION OF HOA LO PRISON (HANOI, HILTON) 1 OCT 92 AND A RE-INVESTIGATION IN THE CAO BANG-LANG SON AREA 21 OCT 92. THIS COMPARES TO THREE INVESTIGATIONS CONDUCTED THE PREVIOUS MONTH.

(2) AT THE SEPTEMBER TECHNICAL TALKS, THE SRV AGREED TO PERMIT A SECOND FULL-TIME LSI TO WORK IN HANOI; THIS LSI ARRIVED IN HANOI 28 OCT 92. FURTHER, THE VNOSMP ASSIGNED TWO THREE-MAN

TEAMS TO PROVIDE FULL-TIME SUPPORT TO OUR TWO INVESTIGATORS. ON 26 OCT 92, THE HANOI-BASED LSI PRESENTED THE VNOSMP WITH A LIST OF 16 ACTIVE CASES REQUIRING INVESTIGATION. ON 30 OCT 92, JTF-FA AGAIN REMINDED THE SRV OF THE PHONG-NEEDHAM AGREEMENT TO CONDUCT ONE LSI PER WEEK, AND THAT NONE HAD BEEN CONDUCTED DURING THE CURRENT WEEK. A CASE WAS READY FOR INVESTIGATION, THE SRV FAILED TO INVESTIGATE. THE INCREASED NUMBER OF CASES IN THE VNOSMP SHOULD HAVE AT LEAST POSSIBLE TO MEET THE GOAL OF ONE INVESTIGATION PER WEEK.

AGREEMENT 3. IMPROVED MEANS OF EXTENDING SOME PARTIALS OVER THE NEXT TWO YEARS, TO INCLUDE FIVE INVESTIGATIONS IN THE NEXT 18 MONTHS. THE 18TH JFA WAS CONCLUDED 17 SEP 92. THE 20TH JFA, COMPRISED OF 4 INVESTIGATION AND 2 RECOVERY TEAMS TOTALING 63 PERSONNEL, BEGAN ON SCHEDULE, 21 OCT 92. THE CURRENT JFA, CONFIGURATION RESULTED FROM NEGOTIATIONS IN LATE SEP 92. THE VIETNAMESE REPEATEDLY REAFFIRM THEIR COMMITMENT TO ACHIEVING THE GOAL OF COMPLETING AT LEAST AN INITIAL INVESTIGATION OF THE 135 DISCREPANCY CASES BY MID-JANUARY 1993.

D. AGREEMENT 4. CONTINUE TRILATERAL EFFORTS TO RESOLVE BORDER CASES. DURING THE TECHNICAL TALKS AT THE END OF SEP 92, THE VIETNAMESE AGREED TO TRILATERAL TALKS. HOWEVER, NO SIGNIFICANT PROGRESS ON THIS ISSUE HAS OCCURRED SINCE THEN. OF NOTE, DURING THE RECENT CAMBODIA JFA, SOC ARMY COORDINATED WITH PAVN, INFORMING THEM OF JFA AIR OPERATIONS AND FIELD INVESTIGATIONS NEAR THE VIETNAM BORDER.

E. AGREEMENT 5. RENEW UNILATERAL EFFORTS TO RECOVER AND RETURN REMAINS OF UNACCOUNTED FOR IN VIETNAM. SRV DID NOT RETURN ANY REMAINS DURING OCT 92. U.S. AND VIETNAMESE EXPERTS WILL EVALUATE REMAINS CURRENTLY HELD BY SRV AND ANY REMAINS RECOVERED DURING THE 20TH JFA DURING THE NEXT JOINT FORENSIC REVIEW WHICH IS SCHEDULED FOR DEC 92.

## 2. SUMMARY.

## A. ARCHIVAL RESEARCH.

(1) CLEARLY, THE MOST IMPORTANT DEVELOPMENT IN OCT 92 WAS VIETNAM'S RELEASE OF DOCUMENTARY EVIDENCE AND ACCEPTANCE OF DRAMATICALLY EXPANDED JOINT ARCHIVAL RESEARCH PROGRAM. THE FIRST ARCHIVAL RESEARCH TEAM ARRIVED IN HANOI 30 OCT 92 AND BEGAN WORK IN EARNEST 7 NOV 92. IN THE MEANTIME, JTF-FA DET TWO CONTINUES TO PREPARE FOR THE ARRIVAL OF A SECOND ARCHIVAL RESEARCH TEAM TO BE POSTED IN DANANG. ADDITIONAL PERSONNEL TO MEET THE REQUIREMENTS OF THE NEW PROGRAM WILL BE REQUESTED BY USCINCPAC AFTER FURTHER MISSION

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ANALYSIS, THE VIETNAMESE RESPONSE, AND IN LINE WITH LOGISTICAL REALITIES.

(2) MANY QUESTIONS STILL REMAIN. MG NEEDHAM, CJTF-FA, TRAVELED TO SRV 3 NOV 92 TO MEET WITH THE U.S. RESEARCH TEAM AND VIETNAMESE OFFICIALS IN ORDER TO WORK OUT THE DETAILS OF THE PROGRAM. THESE INCLUDE THE CONCEPT OF OPERATIONS, NUMBERS OF PERSONNEL ON BOTH SIDES AND FUNDING AND EQUIPMENT REQUIREMENTS. THIS DEVELOPMENT MARKS A SIGNIFICANT BREAKTHROUGH IN THE PROCESS. THE TYPE AND QUALITY OF MATERIAL WHICH THE SRV PROVIDE AND THE LEVEL OF COOPERATION SUSTAINED, HOWEVER, WILL ULTIMATELY DETERMINE HOW USEFUL THIS PROGRAM WILL BECOME IN ACCOUNTING FOR OUR MISSING.

B. LIVE SIGHTING INVESTIGATIONS. THE VIETNAMESE WOULD LIKE TO CONCLUDE THE LIVE SIGHTING INVESTIGATION PROGRAM AS SOON AS POSSIBLE. EVEN THOUGH THEY HAVE AGREED TO CONTINUE SUPPORTING THE U.S. LSI EFFORT, LITTLE SIGNIFICANT PROGRESS OCCURRED IN OCT 92 IN TERMS OF THE NUMBER OF LIVE SIGHTING INVESTIGATIONS ACCOMPLISHED, BUT THE SRV AGREED TO PERMIT A SECOND FULL-TIME LSI TO WORK IN HANOI. THE SECOND INVESTIGATOR AND ADDITIONAL SUPPORT PROMISED TO THE TWO LSI'S SHOULD LEAD TO GREATER PROGRESS.

C. JOINT OPERATIONS. AT THE LAST TECHNICAL TALKS, JTF-FA PROPOSED 7 TEAMS COMPOSED OF 70 PERSONNEL FOR THE 20TH JFA. SIMILAR TO THE EXPERIENCE PRIOR TO THE 19TH JFA, THIS PLAN CHANGED THROUGH NEGOTIATIONS. THE PARTIES AGREED TO HAVE 1 INVESTIGATION TEAM INSTEAD OF 2 TO WORK IN THE NORTHERN PROVINCES RESULTING IN 6 TEAMS WITH A TOTAL OF 63 PERSONNEL. THE 20TH JFA GOT UNDERWAY AS SCHEDULED. IN GENERAL, THE VIETNAMESE HAVE COOPERATED AND EVIDENTLY REMAIN COMMITTED TO COMPLETING THE INITIAL INVESTIGATIONS OF THE 135 DISCREPANCY CASES. THIS GOAL IS STILL ATTAINABLE. FUTURE ISSUES INCLUDE INTEGRATING THE RESULTS OF ARCHIVAL RESEARCH WITH THE EFFORTS OF INVESTIGATION TEAMS AND THE COURSE WHICH THE JFA'S WILL TAKE AFTER JAN 93.

D. TRI-LATERAL COOPERATION. TO DATE, THERE IS NO INDICATION THAT THE VIETNAMESE HAVE SHARED ANY SIGNIFICANT INFORMATION ON BORDER

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CASES WITH LAOS OR CAMBODIA. HOWEVER, VIETNAM'S RECENT RELEASE OF DOCUMENTATION AND PROMISE TO PROVIDE ARCHIVAL INFORMATION MAY LEAD TO A WILLINGNESS TO SHARE INFORMATION WITH THE OTHER COUNTRIES. MOREOVER, SOME OF THE NEWLY REVEALED DOCUMENTATION IS LIKELY TO HELP DETERMINE THE FATES OF SOME OF THE BORDER CASES. JTF-FA INTENDS TO PRESS THIS ISSUE IN ORDER TO MAINTAIN THE MOMENTUM. TO THIS END, JTF-FA PLANS TO PROPOSE ANOTHER TRILATERAL MEETING WITH THE LAO, SRV AND U.S., TO TAKE PLACE SOMETIME IN FEB 93, AFTER THE CONCLUSION OF THE 21ST JFA. JTF-FA WILL ALSO PRESS THE PROCEDURAL DIMENSION OF THIS ISSUE. SOC'S APPROACH TO VIETNAM REGARDING FLIGHT OPERATIONS AND INVESTIGATIONS IN THE BORDER AREA WHICH VIETNAM ACKNOWLEDGED PROVIDES AN EXAMPLE OF PROGRESS.

E. UNILATERAL RETURN OF REMAINS. JTF-FA HAS RAISED THIS POINT REPEATEDLY WITH THE VIETNAMESE. HOWEVER, IT BECAME EVIDENT DURING THE LAST TECHNICAL TALKS THAT THE SRV WANTS TO REDEFINE THIS ISSUE. FOR THE VIETNAMESE, UNILATERAL EFFORT MEANS UNOSMP RECOVERIES, OR GOVERNMENT ATTEMPTS TO OBTAIN REMAINS FROM PRIVATE CITIZENS WHO WOULD THEM IN VIOLATION OF SRV LAW. THE GOVERNMENT ADMITS A DILEMMA IN THIS CASE. THE SRV HAS NOT STRINGENTLY ENFORCED THE LAW, SAYING IT FEARS THAT DOING SO WOULD CAUSE PRIVATE HOLDERS TO DESTROY REMAINS THEY HAVE. AT THE SAME TIME, THE SRV STEADFASTLY INSISTS IT DOES NOT HAVE ANY WAREHOUSED REMAINS. JTF-FA WILL CONTINUE TO PRESS THIS ISSUE.//

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