

rality. Each list will include from  $\frac{1}{4}$  to  $\frac{1}{2}$  of the total membership of the Upper House.

3. Senators will serve for six years. One half of the Senate will be re-elected every three years. Senators may be re-elected.

4. Members of the first Upper House will be divided into two groups by drawing lots. The first group will serve six years, the second group three years.

5. The election of one half of the Upper House must take place at least two months before the term of that half of the Upper House ends.

#### *Article 34*

Candidates for the Upper House must be citizens 30 years of age by election day, must meet all the conditions prescribed in the senatorial election law and those prescribed in Article 32.

#### *Article 35*

1. If for any reason a vacancy occurs in the Lower House more than two years prior to the end of the term, an election will be held within three months to choose a replacement.

2. If for any reason a vacancy occurs in the Upper House, the election of the replacement will be held concurrent with the next regular election of one-half of the Upper House.

#### *Article 36*

Procedures and conditions for the candidacies and election of representatives and senators, including ethnic minority representatives, will be prescribed by law.

#### *Article 37*

1. Representatives or senators cannot be prosecuted, pursued, arrested or judged for any statement or vote in the National Assembly.

2. During their entire term of office, except in cases of flagrant violation of the law, representatives and senators cannot be prosecuted, pursued, arrested or judged without the approval of three-fourths of the total number of representatives or senators.

3. In cases of flagrant violation of the law, prosecution or detention of representatives or senators must cease if the House concerned so decides.

4. Representatives and senators have the right to keep secret the origin of documents presented to the National Assembly.

5. Responsibilities of representatives or senators are not compatible with any other elected position.

6. Representatives and senators may serve as instructors at universities and advanced technical schools.

7. Under no circumstances may a representative or senator or his spouse bid in or sign a contract with a Government agency.

#### *Article 38*

1. In cases of treason or other serious crime, representatives or senators may be removed from office by the House concerned.

2. Removal from office must be proposed by  $\frac{2}{3}$  of the total number of representatives or senators.

3. The resolution to remove a member from office must be approved by  $\frac{2}{3}$  of the total number of representatives or senators.

4. The representative or senator concerned has the right to defend himself in debate during all phases of the removal procedure.

#### *Article 39*

The National Assembly has the authority to:

1. Vote legislation.
2. Ratify treaties and international agreements.
3. Determine declarations of war and holding of peace talks.
4. Determine declaration of a state of war.
5. Control the Government in the carrying out of national policy.
6. Within the framework of each House, pass on the validation of the election of representatives or senators.

#### *Article 40*

1. Each House, with the agreement of  $\frac{2}{3}$  of its membership, has the right to request the Prime Minister or Government officials to appear before it to answer questions regarding the execution of Government policy.

2. Committee chairmen in each House have the right to request Government officials to appear before sessions of their committees to report on problems relating to various ministries.

#### *Article 41*

The senate has the right to open investigations regarding the execution of national policy and to request public agencies to produce documents necessary in its investigations.

#### *Article 42*

1. The National Assembly has the right to recommend the replacement of part or all of the Government by a two-thirds majority vote of the total number of representatives and senators.

2. The recommendation is binding unless the President has special reasons for rejecting it.

3. In the event of rejection by the President, the National Assembly has the right to vote final approval of the recommendation by a three-quarters majority vote of the total number of representatives and senators. This recommendation by the National Assembly is binding from the day it is voted.

#### *Article 43*

1. Representatives and senators have the right to introduce bills.

2. The President may introduce bills.

3. Bills must be submitted to the office of the Lower House.

4. If the Lower House approves or rejects a bill, it must transmit the bill to the office of the Upper House within three consecutive days.

5. If the Upper House agrees with the viewpoint of the Lower House, the bill will be transmitted to the President for promulgation or will be abolished.

6. If the Upper House does not agree with the viewpoint of the Lower House, it must return the bill to the Lower House within three consecutive days along with an explanation for its action.

7. In the latter case, the Lower House has the right to vote final approval of the bill with a two-thirds majority of its total membership.

8. If the Lower House is unable to reach a two-thirds majority, the viewpoint of the Upper House will be considered as approved.

9. The time limit for debating and voting on a bill in the Upper House may not exceed half the time required to debate and vote on the bill in the Upper House.

#### *Article 44*

1. Bills approved by the National Assembly will be transmitted to the President within three consecutive days.

2. The President must promulgate the law within 15 days from the date of receipt.

3. If the National Assembly appraises the matter as urgent, the bill must be promulgated within 7 consecutive days.

4. If the President does not promulgate the Bill within the specified period of time, the bill will automatically become law and will be promulgated by the Chairman of the Upper House.

#### *Article 45*

1. Within the period allowed for promulgation the President has the right to send a message outlining his reasons and requesting the National Assembly to reconsider one or more articles of the bill.

2. In this case, the National Assembly will meet in joint plenary session to vote final approval of the bill with an absolute majority of the total number of representatives and senators. If the National Assembly votes to reject the amendment proposed by the President, the bill will automatically become law and will be transmitted to the President for promulgation.

#### *Article 46*

1. The draft budget must be submitted to the office of the Lower House prior to September 30.

2. Representatives and senators have the right to propose additional expenditures but must at the same time propose equivalent new receipts.

3. The Lower House must vote on the budget prior to November 30 and transmit the approved version to the Upper House by December 1 at the latest.

4. The Upper House must vote on the draft budget before December 31.

5. During the above-mentioned period, if the Upper House reconsiders one or more provisions of the draft budget, then the procedures outlined in Article 43 will be applied. In the event that the draft budget has not been finally voted by December 31, the President has the right to sign a decree authorizing expenditure of one-twelfth of the previous budget until the Lower House has voted final approval of the draft budget.

#### REGULATIONS

#### *Article 47*

1. Each House will meet in regular and extraordinary sessions.

2. Every year each House will meet in two regular sessions, one session beginning on the first Monday of April; the other beginning on the first Monday of October. A session cannot last for more than ninety days. However, the Lower House can prolong its session in order to vote final approval of the draft budget.

3. Either House may meet in extraordinary sessions when so requested by the President or one-third of the representatives or senators. When extraordinary sessions are convened by the President, the President will set the agenda.

#### *Article 48*

1. Each House will meet in open session except when more than half the members present in the House request a closed session.

2. In open sessions complete reports of the debate and documents presented will be printed in the official journal.

#### *Article 49*

1. Each House will elect its chairman and permanent officers.

2. Each House may establish permanent committees.

3. Each House is responsible for establishing its own internal rules.

4. The officers of the two Houses will meet together to determine procedures for maintaining liaison between Houses.

#### *Article 50*

1. The chairman of the Upper House will convene and preside over joint plenary sessions of both Houses.

2. If the chairman of the Upper House is unable to perform this function, it will be carried out by the chairman of the Lower House.

#### CHAPTER IV. THE EXECUTIVE

#### *Article 51*

Executive authority is vested by the people in the President.

#### *Article 52*

1. The President and Vice-President run together on one list and are elected by the entire nation by direct and secret ballot.

2. The term of office of the President and Vice-President is four years. The President and Vice-President can be re-elected once.

3. The term of office of the President and Vice-President ends precisely at 12:00 noon on the last day of the forty-eighth month from the day they took office and the term of the new President and Vice-President begins at that time.

4. The election of the new President will be held on a Sunday, four weeks before the incumbent's term ends.

#### *Article 53*

Citizens meeting the following conditions may run for President and Vice-President:

1. Must have Vietnamese citizenship from day of birth and continuous residence in Viet-Nam for ten years as of date of election. Time spent on official assignment abroad or in political exile is considered as residence in Viet-Nam.

2. Must be 35 years of age as of election day.

3. Must have legal draft status.

4. Must enjoy full rights of citizenship.

#### *Article 54*

1. The supreme court will establish a list of candidates, will control the fairness of the election and will announce the result.

2. Candidates will receive equal means in the electoral campaign.

3. Procedures and conditions governing candidacies and election of the President and Vice-President will be prescribed by law.

*Article 55*

When assuming office the President, witnessed by the supreme court and National Assembly, shall take the following oath before the nation:

"I solemnly swear before the nation to protect the fatherland, respect the Constitution, serve the interests of the people, and to the best of my ability fulfill my duties as President of the Republic of Viet-Nam."

*Article 56*

1. Duties of the President and Vice President may terminate prior to the end of their terms of office in the following circumstances:

- a. Death.
- b. Resignation.
- c. Impeachment.

d. Serious and prolonged illness such that the incumbent can no longer carry out his duties. This disability must be recognized by three-fourths of the total membership of the two Houses of the National Assembly after complete medical examination.

2. In the event that the duties of the President are terminated more than one year prior to the end of his term of office, the Vice President will temporarily assume the Presidency for a period not to exceed three months in order to organize the election of a new President and Vice President for a new term of office.

3. In the event that the duties of the President, are terminated within one year prior to the end of his term of office, the Vice President shall assume the Presidency for the remainder of the term, except in cases of impeachment of the President.

4. If for any reason the Vice-President is unable to assume the Presidency, the chairman of the Upper House will assume the office for a period not to exceed three months in order to organize an election for a new President and Vice President.

*Article 57*

The President promulgates laws within the period determined in Article 43.

*Article 58*

1. The President appoints the Prime Minister. Upon the proposal of the Prime Minister, the President appoints members of the Government.

2. The President has the right to reorganize all or part of the Government on his own initiative, or upon the recommendation of the National Assembly.

*Article 59*

1. The President appoints, with the approval of the Upper House, chiefs of diplomatic missions and rectors of universities.

2. The President represents the nation in international relations and receives letters of accreditation of diplomatic envoys.

3. The President signs and, after ratification by the National Assembly, promulgates treaties and international agreements.

*Article 60*

The President is the supreme commander of the Armed Forces of the Republic of Viet-Nam.

*Article 61*

1. The President grants all types of decorations.
2. The President has the right to grant amnesty and pardon for criminals.

*Article 62*

1. The President determines national policy.
2. The President presides over the Council of Ministers.

*Article 63*

1. The President communicates with the National Assembly by message. In each regular session, and whenever the President considers it necessary, he will advise the National Assembly of the situation in the country and of the Government's domestic and foreign policies.

2. The Prime Minister and other Government officials may participate in sessions of the National Assembly or its committees in order to present and explain matters relating to national policy and its execution.

*Article 64*

1. In special situations, the President may sign decrees declaring states of emergency, curfew or tension over part of all or the territory of the country.

2. The National Assembly must meet no later than twelve days after the date of promulgation of the decree in order to ratify, amend or reject it.

3. If the National Assembly rejects or amends the President's decree, the special situations which were decreed will end or be modified accordingly.

*Article 65*

In a state of war, and when elections cannot be held, the President, with the approval of two-thirds of the National Assembly, has the right to prolong the terms of office of some of the elected bodies of the country and to appoint some province chiefs.

*Article 66*

1. The Vice President is chairman of the Culture and Education Council, the Economic and Social Council and the Ethnic Minority Council.

2. The Vice President cannot hold any other position in the Government.

*Article 67*

1. The Prime Minister directs the Government and the administrative agencies of the nation.

2. The Prime Minister is responsible before the President for carrying out national policy.

*Article 68*

1. The President, Vice President, Prime Minister and members of the Government cannot hold any position in the private sector whether it is remunerated or not.

2. Spouses of persons holding the above positions may not participate in Government bids or contracts.

*Article 69*

1. It is the task of the National Security Council to: examine all matters relating to national defense; propose measures appropriate to the maintenance of national security; propose the declaration of states of emergency, curfew, tension or war; propose declarations of war or holding of peace talks.

2. The President is chairman of the National Security Council.

3. A law shall prescribe the organization and procedures of the National Security Council.

## LOCAL ADMINISTRATION

*Article 70*

1. The principle of local separation of power is recognized for legal regional entities; villages, provinces, cities, and the capital.

2. The organization and regulation of local administration shall be prescribed by law.

*Article 71*

1. Deliberative bodies and the heads of executive agencies of local administrative units will be popularly elected by direct and secret ballot.

2. At the village level, village chiefs may be elected by village councils from among village council members.

*Article 72*

The heads of executive agencies of local administrative units are:

- Villages—Village Chief.
- Provinces—Province Chiefs.
- Cities—Mayor.
- Capital—Mayor.

*Article 73*

The deliberative bodies of local administrative units are:

- Villages—Village Council.
- Provinces—Province Council.
- Cities—Municipal Council.
- Capital—Municipal Council.

*Article 74*

The Government will appoint two civil servants who have the responsibility to assist mayors, province chiefs and village chiefs in administrative and security matters, as well as other administrative personnel.

*Article 75*

Members of deliberative bodies and heads of executive agencies of local administrative units may be dismissed by the President if they violate the constitution, laws of the nation, or national policy.

## CHAPTER V. JUDICIARY

*Article 76*

1. Independent judicial power is vested in the Supreme Court and is exercised by judges.

2. A law shall establish the organization and administration of the judiciary.

*Article 77*

Every court must be established by law with an element which judges and an element which prosecutes, both of which are professionally qualified. Courts must respect rights of defense.

*Article 78*

1. The responsibilities of judges and prosecuting judges are clearly delineated, and the two are governed by separate regulations.

2. Judges make decisions according to their consciences and the law, under the control of the Supreme Court.

3. Prosecuting judges monitor the application of the law in order to protect public order, under the control of the Ministry of Justice.

*Article 79*

Presiding judges can be relieved of their functions only in cases of mental or physical incapacity, conviction or violation of discipline.

*Article 80*

1. The Supreme Court includes from 9 to 15 judges chosen by the National Assembly and appointed by the President from among a list elected by the association of judges, association of prosecutors and association of lawyers.

2. Judges of the Supreme Court must be judges or lawyers who have served at least ten years in the judiciary.

3. The term of office of judges of the Supreme Court is six years.

4. The number of electors of the association of judges, association of prosecutors and association of lawyers must be equal.

5. The organization and regulation of the Supreme Court will be prescribed by law.

*Article 81*

1. The Supreme Court is empowered to interpret the constitution, to decide on the constitutionality of all laws and decree-laws, and to decide on the constitutionality and legality of decrees and administrative decisions.

2. The Supreme Court is empowered to decide on the dissolution of a political party whose policy and activities oppose the republican regime.

3. In these cases, the Supreme Court will meet in plenary session. Representatives of the legislative or executive branches may participate in order to present their viewpoints.

4. Decisions declaring the unconstitutionality of a law or the dissolution of a political party require a three-fourths vote of the total number of Supreme Court judges.

*Article 82*

The Supreme Court is empowered to decide appeals from lower courts.

*Article 83*

The Supreme Court has a separate budget and is empowered to establish regulations governing the judiciary.

*Article 84*

1. The Judicial Council has the following responsibilities:

To propose the appointment, promotion, transfer and disciplining of judges;

To advise the Supreme Court in matters relating to the judiciary.

2. The Judicial Council will be composed of judges elected by the association of judges.

3. The organization and regulation of the Judicial Council will be prescribed by law.

#### CHAPTER VI. SPECIAL INSTITUTIONS

##### *Article 85*

The Special Court is empowered to remove from office the President, Vice President, Prime Minister, Ministers, Secretaries of State, Supreme Court Justices and members of the Inspectorate in cases of treason or other high crimes.

##### *Article 86*

1. The Special Court is chaired by the Chief Justice of the Supreme Court and consists of five representatives and five senators.

2. When the Chief Justice of the Supreme Court is accused the chairman of the Upper House sits as presiding judge.

##### *Article 87*

1. A motion to bring charges and citing reasons therefore must be supported by more than one half of the total number of representatives and senators. The motion must be signed by two-thirds of the total number of representatives and senators. In the particular case of the President and Vice President the motion must be signed by two-thirds of the total number of representatives and senators and it must be approved by a majority vote of three-quarters of the total number of representatives and senators.

2. The functions of the accused must be suspended from the date of approval of the motion by the National Assembly until the decision of the Special Court is rendered.

3. The Special Court decides removal from office by a three-quarters majority vote of its membership. In the particular case of the President and Vice President, the decision must be by a four-fifths majority vote of total membership.

4. The accused will enjoy the rights of defense during the entire proceedings.

5. After having been removed from office the accused may be tried by an ordinary court.

6. A law will establish the organization, administration and procedures of the Special Court.

##### *Article 88*

The Inspectorate is empowered to—

1. Inspect, control and investigate personnel of all public and private agencies directly or indirectly engaged in corruption, speculation, influence peddling or acts harmful to the national interest.

2. Inspect accounts of public agencies and commercial enterprises.

3. Audit the property of personnel of public agencies including the President, Vice President, Prime Minister, representatives, senators, Chief Justice of the Supreme Court and the chairman of the Inspectorate.

4. In the cases of the chairman and members of the Inspectorate, the audit of personal property will be conducted by the Supreme Court.

##### *Article 89*

1. The Inspectorate is empowered to propose disciplinary measures against government personnel or to request prosecution by competent courts.

2. The Inspectorate has the right to publicly announce the results of its investigations.

##### *Article 90*

1. The Inspectorate includes from 9 to 18 inspectors, one-third designated by the National Assembly, one-third by the President, and one-third by the Supreme Court.

2. Inspectors will enjoy those guarantees necessary for them to carry out their responsibilities.

##### *Article 91*

1. The Inspectorate has an autonomous budget, and is empowered to establish regulations governing its internal organization and the inspectorate branch.

2. The organization and regulation of the Inspectorate will be prescribed by law.

##### *Article 92*

1. The Armed Forces Council advises the President in matters relating to the armed forces, especially promotion, transfer and disciplining of soldiers of all ranks.

2. The organization and regulation of the Armed Forces Council will be prescribed by law.

##### *Article 93*

1. The Culture and Education Council has the responsibility to advise the Government in the drafting and execution of cultural and educational policy. A national academy will be established.

2. With the approval of the National Assembly, the Culture and Education Council may select representatives to brief the National Assembly on related matters.

3. The Culture and Education Council may contribute ideas before the National Assembly debates laws relating to culture and education.

##### *Article 94*

1. The membership of the Culture and Education Council includes: one-third designated by the President; two-thirds elected by public and private cultural and educational organizations and by parent-teachers associations.

2. The term of office of the Culture and Education Council is four years.

3. The organization and regulation of the Culture and Education Council will be prescribed by law.

##### *Article 95*

1. The Economic and Social Council has the responsibility to advise the Government in economic and social matters.

2. With the approval of the National Assembly, the Economic and Social Council may select representatives to brief the National Assembly on related matters.

3. The Economic and Social Council may contribute ideas before draft laws and economic and social programs are debated.

*Article 96*

1. The membership of the Economic and Social Council includes: one-third designated by the President; two-thirds nominated by industrial and commercial organizations and by labor unions having an economic and social character.

2. The term of office of the Economic and Social Council is four years.

3. The organization and regulation of the Economic and Social Council will be prescribed by law.

*Article 97*

1. The Ethnic Council representing the ethnic minorities living on the territory of Viet-Nam, has the responsibility to advise the Government in matters affecting ethnic minorities.

2. With the approval of the National Assembly, the Ethnic Council may select representatives to brief the National Assembly on related matters.

3. The Ethnic Council may contribute ideas before draft laws, programs, and plans affecting ethnic minorities are debated.

*Article 98*

1. The membership of the Ethnic Council includes: one-third designated by the President; two-thirds elected by the ethnic minorities.

2. The term of office of the Ethnic Council is four years.

3. The organization and regulation of the Ethnic Council will be prescribed by law.

CHAPTER VII.—POLITICAL PARTIES AND OPPOSITION

*Article 99*

1. The Nation recognizes that political parties have an essential role in a democratic system.

2. Political parties may be organized and may operate freely, according to the procedures and conditions prescribed by law.

*Article 100*

The Nation encourages progress toward a two-party system.

*Article 101*

The Nation recognizes the formalization of political opposition.

*Article 102*

Regulations governing political parties and political opposition will be prescribed by law.

CHAPTER VIII. AMENDING THE CONSTITUTION

*Article 103*

1. The President or an absolute majority of the total number of representatives or an absolute majority of the total number of senators has the right to propose amendments to the constitution.

2. The proposal must cite reasons and must be submitted to the office of the Upper House.

*Article 104*

A joint committee will be established to research the proposed amendment and report to joint plenary sessions of the Assembly.

*Article 105*

The resolution to amend the constitution must be supported by two-thirds of the total number of representatives and senators.

*Article 106*

The President promulgates a law amending the constitution according to the procedures prescribed in Article 34.

*Article 107*

Article 1 of the constitution and this Article may not be amended or deleted.

CHAPTER IX. TRANSITIONAL PROVISIONS

*Article 108*

The Provisional Charter of June 19, 1965, is automatically invalidated from the date of promulgation of the constitution.

*Article 109*

During the transitional period, the national assembly popularly elected on September 11, 1966, representing the people of the nation, will, in the legislative sphere:

1. Draft and approve: laws for the election of the President, Vice President, Upper House, and Lower House, laws organizing the Supreme Court and Inspectorate; political party and press regulations.

2. Ratify treaties.

*Article 110*

From the time the first President assumes office, the national assembly popularly elected on September 11, 1966 assumes legislative powers until the first National Legislative Assembly is convened.

*Article 111*

During the transitional period, the National Leadership Committee and the Central Executive Committee will continue in power until the first President and Vice President assume office.

*Article 112*

During the transitional period, courts presently in operation will continue to exercise judicial authority until the judicial organs prescribed in this constitution are established.

*Article 113*

The assembly elected on September 11, 1966 will establish a list of candidates, will control the propriety and will announce the result of the election of the first President and Vice President.

*Article 114*

During the first presidential term the President may appoint province chiefs.

*Article 115*

The election of the President and Vice President must be organized no later than six months from the date of the promulgation of this constitution.

*Article 116*

The election of the National Assembly and the organization of the Supreme Court and Inspectorate must be carried out no later than twelve months from the date the first President assumes office.

*Article 117*

The other structures prescribed by the constitution must be established no later than two years from the date the first National Assembly is established.

**TEXT OF AIDE-MEMOIRE OF MARCH 14, 1967, FROM SECRETARY-GENERAL U THANT TO PARTIES CONCERNED IN VIET-NAM CONFLICT<sup>1</sup>**

On many occasions in the past the Secretary-General of the United Nations has expressed his very great concern about the conflict in Viet-Nam. That concern is intensified by the growing fury of the war resulting in the increasing loss of lives, indescribable suffering and misery of the people, appalling devastation of the country, uprooting of society, astronomical sums spent on the war and last but not least, his deepening anxiety over the increasing threat to the peace of the world. For these reasons, in the past three years or so, he submitted ideas and proposals to the parties primarily involved in the war with a view to creating conditions congenial for negotiations which unhappily have not been accepted by the parties. The prospects for peace seem to be as distant today than ever before.

Nevertheless, the Secretary-General reasserts his conviction that a cessation of the bombing of North Viet-Nam continues to be a vital need, for moral and humanitarian reasons and also because it is the step which could lead the way to meaningful talks to end the war.

The situation being as it is today, the Secretary-General has now in mind proposals envisaging three steps:

- (a) A general stand-still truce.
- (b) Preliminary talks.
- (c) Reconvening of the Geneva Conference.

In the view of the Secretary-General, a halt to all military activities by all sides is a practical necessity if useful negotiations are to be undertaken. Since the Secretary-General's three-point plan has not been accepted by the parties, he believes that a general stand-still truce by all parties to the conflict is now the only course which could lead to fruitful negotiations. It must be conceded that a truce without effective supervision is apt to be breached from time to time by one side or another, but an effective supervision of truce, at least for the moment, seems difficult to envisage as a practical possibility. If the parties directly involved, in the conflict are genuinely motivated by considerations of peace and justice, it is only to be expected that earnest effort will be exerted to enforce the truce to the best of their ability. Should a

<sup>1</sup> United Nations press release 683 dated Mar. 28, 1967.

public appeal by the Secretary-General in this personal capacity facilitate the observance of such a truce, he would gladly be prepared to do so. Appeals to that affect by a group of countries would also be worthy of consideration.

Once the appeal has been made and a general stand-still truce comes into effect, the parties directly involved in the conflict should take the next step of entering into preliminary talks. While these talks are in progress, it is clearly desirable that the general stand-still truce will continue to be observed. In the view of the Secretary-General, these talks can take any of the following forms:

(1) Direct talks between the United States of America and the Democratic Republic of Viet-Nam.

(2) Direct talks between the two Governments mentioned in one above, with the participation of the two Co-Chairmen of the Geneva Conference of 1954.

(3) Direct talks between the two Governments mentioned in one with the participation of the members of the International Control Commission.

(4) Direct talks between the two Governments mentioned in one with the participation of the two Co-Chairmen of the Geneva Conference of 1954 and of the members of the International Control Commission.

The Secretary-General believes that these preliminary talks should aim at reaching an agreement on the modalities for the reconvening of the Geneva Conference, with the sole purpose of returning to the essentials of that Agreement as repeatedly expressed by all parties to the conflict. These preliminary talks should seek to reach an agreement on the timing, place, agenda and participants in the subsequent formal meeting—the reconvening of the Geneva Conference. The Secretary-General deems it necessary to stress that the question of participants in the formal negotiations should not obstruct the way to a settlement. It is a question which could be solved only by agreeing that no fruitful discussions on ending the war in Viet-Nam could take place without involving all those who are actually fighting. Since the Government in Saigon as well as the National Front of Liberation of South Viet-Nam are actually engaged in military operations, it is the view of the Secretary-General that a future formal conference could not usefully discuss the effective termination of all military activities and the new political situation that would result in South Viet-Nam without the participation of representatives of the Government in Saigon and representatives of the National Front of Liberation of South Viet-Nam.

In transmitting these proposals to the parties directly concerned, the Secretary-General believes that he is acting within the limits of his good offices purely in his private capacity. He hopes that the divergent positions held by the parties both on the nature of the conflict and the ultimate political objectives will not prevent them from giving their very serious attention to these proposals. Indeed, he takes this opportunity to appeal to them to give their urgent consideration to his proposals.

**TEXT OF THE UNITED STATES REPLY TO A PROPOSAL  
MADE BY THE SECRETARY-GENERAL ON MARCH 14, 1967<sup>1</sup>**

**AIDE MEMOIRE**

As the Secretary-General knows, the United States and other Governments have, over many months, approached Hanoi, both publicly and privately, with proposals to end the conflict in Vietnam. To date, all such efforts have been rebuffed. The Government of North Vietnam has refused to agree to discussions without preconditions or to take reciprocal actions leading toward a cessation of hostilities.

For this reason, the Government of the United States would be most interested in learning whether Hanoi is willing to enter into such discussions or to take reciprocal actions leading to peace in Vietnam. The United States has been, and remains willing to enter into discussions without preconditions with Hanoi at any time.

To this end, the United States accepts the three-step proposal in the Aide Memoire of the Secretary-General of 14 March 1967 envisaging:

- (a) A general stand-still truce;
- (b) Preliminary talks;
- (c) Reconvening of the Geneva Conference.

The United States believes it would be desirable and contributory to serious negotiations if an effective cessation of hostilities, as the first element in the three-point proposal, could be promptly negotiated.

It would, therefore, be essential that the details of such a general cessation of hostilities be discussed directly by both sides, or through the Secretary-General, the Geneva Conference Co-Chairmen or otherwise as may be agreed. The United States is prepared to enter into such discussions immediately and constructively.

The United States is also prepared to take the next steps in any of the forms suggested by the Secretary-General to enter into preliminary talks leading to agreement as to the modalities for reconvening of the Geneva Conference.

Of course, the Government of South Vietnam will have to be appropriately involved throughout this entire process. The interests and views of our allies would also have to be taken fully into account.

The United States again expresses its appreciation to the Secretary-General for his untiring efforts to help bring about a peaceful settlement and an end to the conflict in Vietnam.

**SAIGON REPLY TO U THANT MARCH 14 PROPOSAL: Text  
of the March 19, 1967, Aide Memoire from the Republic of  
Vietnam in reply to U Thant's March 14, 1967, Aide Memoire<sup>2</sup>**

The Government of the Republic of Vietnam has carefully examined the aide memoire which was handed by His Excellency U Thant, Secretary General, to Ambassador Nguyen Duy Lien, observer of the Republic of Vietnam at the United Nations.

<sup>1</sup> U.S. mission to the United Nations press release 31 dated Mar. 18, 1967.  
<sup>2</sup> Saigon, Vietnam, Press in English, Mar. 29, 1967.

The Government of the Republic of Vietnam is thankful to His Excellency U Thant for his untiring search for an early end to the conflict in Vietnam and appreciates the constructive spirit in which the Secretary General's proposals were made.

The Government of the Republic of Vietnam agrees in principle with the main points of the Secretary's proposals, but in order that those proposals could be more easily implemented, the Government of the Republic of Vietnam submits the following:

1. A military truce cannot be effective without prior agreement on details and control. Therefore, in order to discuss the details of the truce, the Government of the Republic of Vietnam proposes that representatives of the High Command of the Hanoi government forces and those of the Republic of Vietnam armed forces should meet at the demilitarized zone, or at any other place the Hanoi government may choose.

If the Government of North Vietnam agrees to this proposal, the representatives of the High Command of the Republic of Vietnam armed forces will be ready to meet with them within a week's notice.

2. The Government of the Republic of Vietnam is in full agreement with the Secretary General when he states that an international conference is necessary to find a permanent political solution to the Vietnamese problem. But in order to gain time and thus achieve an earlier settlement, the Government of the Republic of Vietnam proposes that, instead of holding preliminary talks prior to the full-fledged conference, a Geneva-type international conference be held as soon as possible after the truce is effectively enforced. Such a conference should have the participation of all interested Governments.

This, however, does not preclude the holding of preliminary talks as provided for in the Secretary General's aide memoire if these should prove necessary. These preliminary talks shall include the Government of the Republic of Vietnam, and the Government of North Vietnam, the Government of the United States, among other interested governments.

**DRV ON U THANT PROPOSAL, MARCH 27, 1967: Hanoi--A  
Vietnam News Agency correspondent today asked the spokesman  
of the Foreign Ministry of the DRV to comment on the following  
news reports<sup>1</sup>**

Bulletin Number 24 of the Information Service of the United Nations in New Delhi, India, in its issue on 6 March 1967 quoted U Thant, Secretary General of the United Nations, as declaring that Hanoi views the hostilities as a civil war in South Vietnam, with Hanoi helping one side and the United States the other. Hanoi held that if the United States was willing to withdraw support for Saigon, there might be a possibility of reciprocity.

Of late, Western reports also made known that U Thant had proposed a solution to the Vietnam problem. It consists of an appeal of an overall cease-fire followed by a preliminary meeting of a number of parties concerned to discuss the reconvening of the Geneva Conference and finally by the reconvening of the Geneva Conference.

The spokesman of the Foreign Ministry of the Democratic Republic of Vietnam declared:

It is as clear as daylight that the United States is committing aggression against South Vietnam and bombing and shelling the DRV and that the Vietnamese people are victims of the aggression. The whole world has vehemently condemned the U.S. imperialists' war of aggression and strongly supported the patriotic strug-

<sup>1</sup> Hanoi VNA International Service in English, Mar. 27, 1967.

gle of the Vietnamese people. The reports by the U.N. Information Service do not tally with reality in Vietnam and are contrary to the views of the Government of the DRV. As the United States is committing aggression against Vietnam, the correct way to settle the Vietnam problem is that the United States must stop its aggression. That is the basic spirit of the four-point stand of the Government of the DRV and the five-point statement of the NFSLV. The world's people fully support this just stand.

To call on both sides to cease fire and hold unconditional negotiations while the United States is committing aggression against Vietnam and taking serious steps in its military escalation in both zones of Vietnam is to make no distinction between the aggressor and the victim of aggression, to depart from reality, and to demand that the Vietnamese people accept the conditions of the aggressors.

By the way, it is necessary to underline once again the views of the Government of the DRV, which has pointed out that the Vietnam problem has no concern with the United Nations and the United Nations has absolutely no right to interfere in any way in the Vietnam question.

### UNITED NATIONS STATEMENT, APRIL 1, 1967<sup>1</sup>

Questioned by newsmen on his arrival at Headquarters this morning, the Secretary-General, U Thant made the following comments:

Asked whether he considered it necessary to work out the details of a cease-fire before it went into effect, he said that preliminary talks on details would be out of the question until the bombing of North Viet-Nam stopped; that was the position of Hanoi.

As to the time a stand-still truce could take effect, he said, "That is for somebody to propose." To a later question in this vein, he said, "Somebody has to propose that at such and such time, on such and such a date" it would go into effect. This is a necessary step, he added.

U Thant, in response to a question regarding interpretation of his present proposals, said: "The plain fact is there has been a lot of misunderstanding." He had proposed his three-point plan more than a year ago—13 months ago; and there had been no move to accept it. "Shall we go on pressing those three points indefinitely without effect? Or shall we come out with an adaptation of the proposals to suit the prevailing mood of the parties?" He said more people were dying in Viet-Nam, and there was more devastation and destruction going on.

Asked if he still held to the earlier three points, he said, in his view, they still applied, "Cessation of the bombing is a pre-requisite" for other moves in line with the adapted proposals, and "it must be accompanied by a general understanding on a stand-still truce. Supervision of the truce, in the present circumstances, is impractical."

He was awaiting further developments.

<sup>1</sup> United Nations press release No. 3351 dated Apr. 1, 1967.