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OFFICIAL DOCUMENTS 1954 GENEVA CONFERENCE

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LIST OF
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JAN 14, 1955

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UNOFFICIAL TRANSLATION

JOINT ARMISTICE COMMISSION FOR VIETNAM

PROTOCOL 23

Concerning supervision of movements in and out of Vietnam of armed forces, military personnel, arms, munitions and other war materiel.

INTRODUCTION:

- 1/- In the present agreement, both parties have attempted to specify the procedures for checking movements in and out of Vietnam of armed forces, military personnel, arms, munitions and other war materiel in compliance with Articles 16, 17 and 20 of the Agreement on the Cessation of Hostilities in Vietnam.
- 2/- Representatives of the Vietnamese People's Army have stressed the guiding principle according to which checking of entries and exits of arms, munitions and other war materiel must be as strict as possible and at the same time this supervision must not interfere with the introduction into Vietnam of materiel required for the peaceful reconstruction of the country.
- 3/- Representatives of the French Union take note of this concept and consider, on the one hand, that this distinction is not within the province of the Joint Armistice Commission and, on the other hand, that the existing texts took it into account adequately.

* * *

PREAMBLE:

The two parties, reaffirming their will strictly to respect the Agreement on the Cessation of Hostilities in Vietnam, undertake -- each in its respective regrouping zone -- to permit no introduction into Vietnam of any reinforcements of armed forces, military personnel, arms, munitions and other war materiel, whatever the source or destination, and to effect only those rotations and replacements authorized under the conditions and limitations specified in the Geneva Agreement and the present Protocol. All possible facilities will be granted the International Control Commission and its inspection teams in the performance of their mission of supervision and control in this respect.

- CHAPTER I -

- ROTATION OF TROOPS AND MILITARY PERSONNEL -

- 1/- Units rotated shall never be larger than a battalion -- or the corresponding echelon for air and naval forces, i.e.:
- Infantry: battalion
 - Artillery: battalion
 - Armory: battalion
 - Air Force: Squadron
 - River Navy: "Dinassaut"
 - Navy: Singlo vessel
- 2/- Rotation shall be conducted on a man-for-man basis provided, however, that in any one quarter neither party shall introduce more than fifteen thousand five hundred (15,500) members of its armed forces into Vietnam under the rotation policy.
- 3/- From the date of entry into effect of the Agreement on the Cessation of Hostilities in Vietnam, and during the period of regrouping of forces provided for in Article 2 of the said Agreement, under the heading of arrivals and departures of individual personnel of the French Union Forces north of the provisional military demarcation line, not more than 50 men, including officers, shall during any one month be permitted to enter on a temporary duty basis or after a short period of leave or temporary duty outside Vietnam. A monthly report shall be prepared on this subject and sent to ICC and JAC.
- 4/- At the end of any given quarter from the time of the entry into effect of the Agreement on the Cessation of Hostilities in Vietnam, the total number of individual military personnel arriving in Vietnam must not exceed the total number of individual military personnel leaving Vietnam.
- 5/- Rotation units and groups of personnel, as well as above-mentioned individual military personnel of either party entering or leaving Vietnam, shall enter or leave Vietnam at the points enumerated in Article 20, Chapter III of the Cease-Fire Agreement. Any entry or exit of armed forces or military personnel other than through those points constitutes a violation of the Agreement.
- 6/- Each party shall notify in writing JAC and ICC, at least 48 hours in advance, of all movement involving rotation of armed forces, groups of military personnel, or individual military personnel entering or leaving Vietnam. Seventy-two hours after their arrival or departure a report shall be submitted to the two above-mentioned Commissions. Each advance notice and report shall indicate:

- a/- Rotation, leave, or temporary duty.
- b/- Point of arrival or departure.
- c/- Date of arrival or departure.
- d/- Number of persons arriving or departing.
- e/- Number and category of weapons carried.

In the case of above-mentioned individual military personnel arriving in Vietnam, the anticipated date of their departure must be mentioned. If, at the end of the period forecast, they are not yet able to leave Vietnam, a report shall be sent to JAC and ICC 48 hours before the deadline.

*
* *
*

- CHAPTER II -

- ARMS, MUNITIONS, AND WAR MATERIEL

A/- DETERMINATION OF ARMS, MUNITIONS, AND WAR MATERIEL -

7/- The Agreement on the Cessation of Hostilities in Vietnam (Chapter III, Article 17) specifies the following:

"With effect from the date of entry into force of the present Agreement, the introduction into Viet-Nam of any reinforcements in the form of all types of arms, munitions and other war material, . . .

"It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics. . . ."

Consequently, the two parties have, by mutual agreement, classified the following categories as arms, munitions and other war materiel alluded to under Article 17 of the Agreement on the Cessation of Hostilities:

ARMS -

a) All types ^{and} ~~of~~ caliber of fire arms, such as:

- Automatic pistols and revolvers
- Rifles, automatic rifles, carbines, submachine guns,
- Browning automatic rifles, machine guns, light, medium and heavy.

- Jet weapons: rockets, bazookas, rocket-guns P.I.A.T., S.K.Z., etc.
- Grenade launchers, Frag and A.T.
- Mortars, howitzers and all types and caliber guns, etc.
- Flame throwers

b) All other weapons not mentioned above, except side arms (other than fire-arms).

AMMUNITION -

- Projectiles of all caliber
- All types of grenades
- A.P. and A.T. mines, river mines, ground mines
- All types of bombs
- Napalm
- Torpedoes
- Explosives and pyrotechnics for military use (those for civilian use not included).

VEHICLES -

a) Combat Vehicles

- All types of tanks
- Armoured vehicles, wheeled, half-tracked and full-tracked
- Amphibious armoured vehicles (weasels, L.V.T.'s, amphibious track $\frac{1}{2}$ ton, LxL, etc.)
- Armoured locomotives and cars

b) Transport Vehicles armoured or provided with facilities for military radio or armament, and all military transport vehicles, bearing distinctive military markings, intended to equip military transport units.

AIRCRAFT -

a) Air Force and Navy jet or propelled combat aircraft:

- Fighters, bombers
- Bomber-fighters
- Fighter-bombers
- Military observation planes (such as RF 8F, Privateers, RB26, etc.)

b) Transport planes:

- All military type planes such as those: equipped with weapon mounts, personnel and equipment drop devices, bomb-release mechanisms, etc.
- All transport planes intended for Army units.

c) Other aircraft:

- Military planes for liaison, observation, and training.
- Helicopters carrying more than 7 passengers, and helicopters intended for Army units.

d) Lighter-than-air craft (balloons):

- All military aerostation craft, defensive or offensive.

e) Further, all craft manufactured and designed for bombing, strafing, reconnaissance, military training, military liaison are considered as war materiel whether or not they are equipped for military use.

NAVY -

- War vessels (coastal and sea-going).
- Combat river craft.
- Landing craft.

ENGINEER EQUIPMENT:-

- Mine detectors.
- All engineer equipment bearing distinctive military markings, intended for engineer units, such as military bridges, assault boats, etc.

SIGNAL:-

- - All military type instruments.

RADAR:-

- All military type equipment: lookout, fire control.

VISUAL SIGNALS ("OPTIQUE") -

- All adjustment and fire control devices.

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MISCELLANEOUS:

- Bullet-proof vests; splinter-proof clothing, etc. . .

When one party wishes to add to this list, it may submit additions to JAC for discussion.

8/- Each party undertakes to permit no introduction into Vietnam of arms, munitions and other war materiel in the form of unassembled parts for subsequent assembly. No unassembled part, no spare part for arms, munitions, or other war materiel of all types may be introduced into Vietnam.

B/- CONTROL CONDITIONS AND PROCEDURES -

9/- When one party wishes to replace arms, munitions and other war materiel destroyed, damaged, worn out or used up after the cessation of hostilities, it must first submit a report and sufficient justification to JAC and ICC.

Arms, munitions and other war materiel in question must actually be shown to ICC.

Replacement can take place only after approval of ICC which will have certified that the replacements are indeed for arms, munitions and other war materiel destroyed, damaged, worn out or used up after the cessation of hostilities.

In no case may this materiel be reused by the parties. Consequently it must, under the supervision of ICC, be either exported from Vietnam or destroyed on the spot before introduction of arms, munitions, and other war materiel as replacements. →

Once these conditions have been fulfilled, the arrival of replacement materiel shall not be delayed.

10/- After steps specified in Article 9 above have been taken, the report to ICC on arms, munitions, and other war materiel destroyed, damaged, worn out or used up after the cessation of hostilities opens a credit for the interested party for the materiel in question. Utilization of this credit may be more or less deferred; but the total of arms, munitions, and other war materiel introduced as replacements may not at any given moment exceed the total of arms, munitions, and other war materiel destroyed, damaged, worn out or used up which is to be replaced.

11. Control at arrival: arms, munitions, and other war materiel introduced to replace materiel certified by ICC as destroyed, damaged, worn out or used up shall be shown upon arrival to the local ICC inspection team. The said team is authorized to verify whether this materiel actually corresponds to the materiel to be replaced (in number, category, characteristics). Consequently, depots shall eventually be established at the points of entry to check arms, munitions, and other war materiel upon arrival.

Any introduction of arms, munitions, and other war materiel which would not actually correspond to materiel to be replaced (in number, category, characteristics) would constitute a violation of the Agreements. Each time that ICC shall note such a case the materiel must be sent out of Vietnam.

12/- Replacements must take place strictly in accordance with the principle of "piece-for piece of the/type and with similar characteristics".

These terms shall be interpreted as follows:

- Piece-for-piece: Arms, munitions, and other war materiel, or spare parts for these pieces certified destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced either by a new unit replacing a unit, or a new spare part replacing a spare part.
- Of the same type: Arms, munitions, and other war materiel for replacement purposes must be identical to those replaced, of the same category and same model.
- Similar characteristics: A new part introduced into Vietnam as replacement must not have a combat strength (demolition power, fire power, killing power, explosive power, speed, precision, armoured protection, range . . .) greater than ^{had} the part to be replaced ~~had~~ before it was destroyed, damaged, worn out or used up.

13/- With regard to either party, replacement of used up ammunition is strictly limited to the quantity actually consumed in general military training after the cessation of hostilities.

The party wishing to effect such replacements must first present adequate evidence to JAC and ICC. Replacement may take place only after ICC has certified that the ammunition in question was actually consumed in general military training.

14/ Advance notice of movements:

Each party shall notify JAC and ICC at least two days in advance of all arrivals and departures of arms, munitions, and other war materiel which may take place. In order that the ICC control team shall actually be notified 48 hours before arrival of materiel, the advance notification must take into account the means of communication in use.

15/- Report of delivery:

Whenever one party or the other shall take delivery of war materiel this shall be the subject of a report of delivery which shall be sent to ICC and JAC within a period of 72 hours, and shall indicate the use made of the war materiel thus replaced. Advance notices and reports must state in detail: category, quantity, type, characteristics, date and point of entry or exit.

16/- Replacement of arms, munitions, and other war materiel is not authorized for French Union Forces stationed north of the provisional military demarcation line during the withdrawal period provided for in Article 2 of the Agreement. In accordance with Article 17 (b) of Chapter III of the said Agreement, when Navy units of the French Union Forces, engaged in transport operations between the regrouping zones, enter ports situated in the provisional regrouping sector of the French Union north of the provisional military demarcation line, they must be subject to inspection by ICC when the latter so desires.

17/- All entries and exits of arms, munitions, and other war materiel shall be subject to ICC supervision and shall take place only at those passage points listed in Article 20, Chapter III of the Agreement on the Cessation of Hostilities in Vietnam. Any transgression of this provision will constitute a violation of the Agreement.

18/- Arms, munitions, and other war materiel carried by units and rotation personnel arriving in Vietnam must in no case exceed in number or in combat strength (category, characteristics) those carried by the armed forces and personnel relieved. Individual military personnel, leaving or entering Vietnam for temporary duty or for a brief leave, are authorized to carry, for self-defense, light arms such as pistols, revolvers or submachine guns, and a reasonable quantity of ammunition. The above mentioned personnel temporarily entering Vietnam shall, upon leaving the country, take with them the self-defense weapons which they brought into Vietnam.

19/- It behooves ICC to establish a suitable system for checking arrivals of arms, munitions, and other war materiel for replacement purposes, and corresponding materials to be replaced, under conditions established by the present Protocol.

20/- Each party, in its respective regrouping zone, is fully responsible for any introduction into Vietnam of arms, munitions, and other war materiel contrary to the provisions of the Agreement on the Cessation of Hostilities and to those of the present Protocol.

21/- At each point of entry and exit under its jurisdiction, each of the two parties must be able to designate liaison officers responsible for maintaining relations with the ICC Fixed Team stationed at that point.

General, Chief of the Delegation
of the High Command of the French
Union Forces in Indo-China.

EXECUTED AT QUINH KHE January 14, 1955.
For the General, Chief of the Delegation
of the Vietnamese People's Army.

Signed:

GENERAL de BREISSON

Signed:

Colonel LE QUANG DAO.

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N°1174-UBLL/S

SAIGON, June 1, 1956

URGENT

HOANG-THUY-NAM, Special Assistant,
Attached to the Presidency of the
Republic

to

Mr. Rene Millet, Head of the Geneva
Agreements Section

SAIGON

SUBJECT: Checking of Entry and Exit of Personnel
and War Materiel

REFERENCE: - Note N° 1650-DAP of April 21, 1956, from
the Secretariat of State for Foreign
Affairs to the High Commissariat of the
Republic of France in Vietnam
- Your letter N° 3167-MFLCI/EM/OPS of April 25,
1956 to the ICC

Within the framework of its declaration of April 6, 1956, the Government of the Republic of Vietnam agreed to provide effective cooperation to the ICC in the accomplishment of its mission. Consequently, at its (ICC's) request it was provided -- through the French Liaison Mission -- with all information relating to personnel and war materiel entering and leaving the territory of Vietnam.

I have the honor to inform you that, specifically with respect to outshipments of war materiel, my Government reserves the right for each outshipment subsequently to import a corresponding or lesser quantity of materiel of the same category.

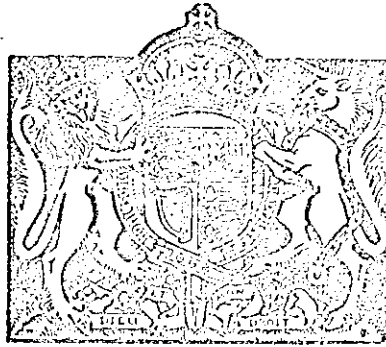
I would be grateful if you would inform the ICC of this general reservation of rights which covers implicitly all of our outshipments of war materiel.

(Signed)

HOANG-THUY-NAM, Special Assistant,
Attached to the Presidency of the
Republic

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010624



Vietnam No. 1 (1955)

First and Second Interim Reports of the
International Commission for Supervision
and Control in Vietnam

August 11, 1954 to December 10, 1954
and
December 11, 1954 to February 10, 1955

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
May 1955*

LONDON
HER MAJESTY'S STATIONERY OFFICE
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Cmd. 9461

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FOREWORD

The Agreements on the Cessation of Hostilities in Cambodia, Laos and Vietnam were signed at Geneva on July 20, 1954, and published in "Miscellaneous No. 20 (1954)," Cmd. 9239. Provision was made in these Agreements for the establishment in each of the three countries of an International Commission, consisting of representatives of Canada, India and Poland, to control and supervise the application of the Agreements.

On January 28, 1955, the Government of India, acting on behalf of the Indian Chairman of the International Supervisory Commission for Vietnam, transmitted to the two co-Chairmen of the Geneva Conference on Indo-China (Sir Anthony Eden and M. Molotov) copies of the First Interim Report of the International Supervisory Commission for Vietnam. Her Majesty's Government and the Soviet Government agreed that this report should be published simultaneously in all capitals concerned once copies had been received by all members of the Geneva Conference. It was also agreed that the same procedure should be adopted for the Commission's Second Interim Report, of which copies were received at the Foreign Office on March 8, 1955. The present White Paper contains the text of the first report and its appendices as received from the Government of India, together with the text of the second report and certain of its appendices.

Although Her Majesty's Government are naturally in no way responsible for the contents of these reports, there is one factual error to which they wish to draw attention, as this concerns a matter for which the Commission are not directly responsible. Paragraph 29 of the First Interim Report states that "In accordance with Article 26 of the Agreement, the costs involved in the operations of the International Commission are to be shared equally between the two parties." In fact, as the House of Commons was informed by the Parliamentary Under-Secretary of State, Foreign Office, on December 20, 1954, it was agreed at the final meeting of the Geneva Conference on Indo-China (page 8 of "Miscellaneous No. 20 (1954)," Cmd. 9239) that Sir Anthony Eden and M. Molotov, as the two Chairmen, should submit to the Conference proposals for meeting the costs of the three International Supervisory Commissions in Indo-China. After consultations among the interested Powers, Her Majesty's Government and the Soviet Government have agreed to recommend to the members of the Geneva Conference a scheme elaborated by the Government of India on behalf of the Three Powers providing the members of the Supervisory Commission: India, Canada and Poland. This scheme provides that a proportion of the costs should be financed by the Supervisory Powers themselves and the remainder from a "common pool" to be established by the members of the Conference. This scheme is now being considered by the members of the Conference, who will also have to agree on their respective contributions to the common pool.

*Foreign Office,
March 1955.*

**FIRST INTERIM REPORT OF THE INTERNATIONAL COMMISSION
FOR SUPERVISION AND CONTROL IN VIETNAM**

August 11, 1954 to December 10, 1954

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INTRODUCTION

The "Agreement on the Cessation of Hostilities in Vietnam" signed at Geneva on the 20th of July, 1954,⁽¹⁾ provides for the setting up of an International Commission composed of three Member States, viz., Canada, India and Poland, for the control and supervision over the application of the provisions of the said Agreement in Vietnam. As required under Article 44 of the Agreement, an International Commission was established in Hanoi on the 11th of August, 1954. This Report is a summary of the activities of the Commission from the 11th of August, 1954, to the 10th of December, 1954, and a review of the progress made by the two parties in the implementation of the Agreement.

⁽¹⁾ "Miscellaneous No. 20 (1954)," Cmd. 9239, Page 27, *et seq.*

CHAPTER I
ESTABLISHMENT AND MACHINERY OF THE INTERNATIONAL COMMISSION

Chapter VI of the Geneva Agreement, and, in particular, Articles 29, 34 and 36 provide for the establishment of an International Commission composed of representatives of Canada, India and Poland to ensure the control and supervision of the execution of this Agreement by the two signatory parties. The functions and duties of the Commission have been specified under Article 36 and include the tasks of control, observation, inspection and investigation connected with the application of the provisions of the Agreement on the Cessation of Hostilities and, in particular:—

- (a) The control of the movement of the Armed Forces of the two parties effected within the framework of the regroupment plan;
- (b) The supervision of the demarcation lines between the regroupment areas and also the demilitarised zones;
- (c) The control of the operations of releasing prisoners of war and civilian internees; and
- (d) The supervision at ports and airfields as well as along the frontiers of Vietnam of the execution of the provisions of the Agreement on the Cessation of Hostilities regulating the introduction into the country of armed forces, military personnel and of all kinds of arms, munitions and war material.

2. In accordance with the above Articles, and in accordance with Article 44 of the Agreement, which provides that the Commission shall be set up at the time of the Cessation of Hostilities in Indo-China, the Commission was established in Hanoi on the 11th of August, 1954. The Commission consists of three Members who have the personal rank of Ambassador. The composition of the Commission is as follows:—

Chairman: Ambassador M. J. Desai, India.
Members: Ambassador Sherwood Lett, Canada.
 Ambassador P. Ogrodzinski, Poland.
Alternates: Major-General K. P. Dhargalkar, India.
 Mr. Marcel Cadieux, Canada.
 M. M. Bibrowski, Poland.

The representative of India presides over the Commission. For the due fulfilment of its functions of supervision and control, the International Commission has established the following machinery:—

National Delegations

3. Each Member of the Commission is assisted by a Delegation from his own country. It consists of an Alternate Delegate and Military and Political Advisers. The National Delegations, besides providing Political and Military Advisers to the Ambassadors also furnish the personnel for manning various Committees and inspection teams of the International Commission.

The International Secretariat

4. The International Commission is serviced by a Secretariat General. The main functions of this Secretariat, which works under the control of the Secretary-General, are:

- (a) To arrange and organise meetings and to keep the records of the International Commission;

- (b) To follow up the decisions of the Commission;
- (c) To maintain liaison between the Commission and other bodies which are responsible for implementation of the Agreement;
- (d) To assist the Commission in controlling the operations of the Fixed and Mobile Teams;
- (e) To examine petitions and complaints; and
- (f) To give due publicity to the activities of the Commission.

5. The Indian Member, who is the Chairman of the Commission, is also *ex officio* Secretary-General, in pursuance of a decision to this effect taken by the three countries constituting the International Commission. He has thus a dual capacity. As Chairman, he presides over the meetings of the Commission, and, as Secretary-General, he controls the executive machinery of the International Secretariat and is the chief executive of the Commission. The advantage of combining these posts in the hands of one person is to maintain a closer link between the making of decisions and their implementation.

6. There are three main Branches in the International Secretariat, each in charge of a Deputy Secretary-General.

7. The Administration Branch deals with all administrative problems—personnel, logistics, &c. It also maintains liaison with the French and the Democratic Republic authorities.

8. The Operations Branch plans and assists the Commission in controlling the work of the Fixed and Mobile Teams and executing the decisions of the Commission regarding the conduct of special investigations.

9. The Petitions Branch receives from individuals and organisations by post, through petition boxes and through the Teams, petitions relating to various Articles of the Geneva Agreement. These petitions after examination are forwarded to the appropriate parties for investigation and report.

10. In addition, there is a Public Relations Section under a Public Relations Officer which gives publicity to the activities of the Commission through Press Communiqués and maintains contacts with the Press.

11. The Commission held 5 Press Conferences—2 in Hanoi and 3 in Saigon. In addition, the Commission has issued a number of Press Releases focusing the attention of the world Press on various decisions taken by the Commission.

12. Soon after the Commission was set up in Hanoi, it realised the difficult conditions of travel and communication between various parts of Vietnam. It decided to have a system of accreditation of Press correspondents and 78 foreign and local correspondents have so far been accredited to the Commission. While contacts with the Press are not as easy and smooth as they should be due to difficulties of travel and communication, the Commission has, within the limits of the regulations for Press correspondents in both zones, endeavoured to give the Press maximum facilities possible.

Committees

13. The Commission has formed the following Committees to assist it in the more detailed phases of its work:

- (1) The Operations Committee composed of Military Advisers from the three Delegations to co-ordinate the work of the Operations Branch and to advise the Commission on the military and logistic problems relating to the operation of the teams in the field.

- (2) The Freedoms Committee composed of Political Advisers from the three Delegations to co-ordinate the work of the Petitions Branch and to advise the Commission on the implementation by the parties of the Geneva Agreement relating to democratic freedoms and freedom of movement.
- (3) The Administration Committee to co-ordinate the work of the Administration Branch and to assist in the processing of the administrative problems of the Commission.

The Commission, from time to time, appoints *Ad Hoc* Committees to deal with specific problems.

Fixed and Mobile Teams

14. *Fixed Teams*.--In accordance with Article 35 of the Agreement, Fixed Teams, composed of an equal number of officers of each Delegation have been installed at the following places on the following dates:—

North of the Demarcation Line

Lang Son	11. 9.1954.
Lao Kay	17. 9.1954.
Dong Hoi	20. 9.1954.
Haiphong	7.10.1954.
Tien Yen	14.10.1954.
Vinh	14.10.1954.
Muong Sen	(to be installed on 13.12.1954).

South of the Demarcation Line

Saigon	11. 9.1954.
Cap St. Jacques	17. 9.1954.
Tourane	20. 9.1954.
Qui Nhon	7.10.1954.
Ba Ngoi	14.10.1954.
Nha Trang	14.10.1954.
Tan Chau	(to be installed on 13.12.1954).

15. The Fixed Teams have been set up to assist the Commission in the proper execution of its responsibilities and, in particular, for purposes of control, investigation, inspection and observation. The Teams are responsible for ensuring the implementation of Articles 16, 17, and 18, and, for this purpose, have been established at important "Points of Entry" into Vietnam, as indicated in Article 20 of the Agreement. The Teams also receive and forward petitions to the Commission. The Teams send in regular Reports of their activities to the Commission and are, in fact, the "eyes and ears of the International Commission." To assist the Fixed Teams, the parties have provided local Liaison Officers.

16. The Commission is frequently required to make use of the Fixed Teams for the conduct of enquiries and investigations which are in the neighbourhood of their fixed points. In such circumstances, the Fixed Teams work as Mobile Teams. Moreover, each Fixed Team has a Mobile Team component within itself and the Commission has, therefore, suggested to the two parties that they define the zones of action of the Fixed Teams and

spheres of action for all the mobile team elements within the 14 Fixed Teams. In the light of the discussions with the parties, the Commission is formulating a set of detailed instructions for its Fixed Teams.

17. *Mobile Teams*.—In addition to the Teams mentioned above, the International Commission has, in accordance with Article 35 of the Agreement, made use of Mobile Teams composed of an equal number of officers of each Delegation for the conduct of special enquiries and investigations, and for the supervision over operations to be executed by the two parties under the Agreement. The Commission has employed to date 28 such Mobile Teams which have undertaken, among others, the following tasks:

18. Investigation of alleged incidents, supervision of exchange of prisoners of war, supervision of transfer of authority under the regroupment plan and supervision of the movement of evacuees from the North under Article 14 (d). Details of these activities are given in specific Chapters in this Report. The Commission has under consideration the question of setting up Mobile Teams to supervise the provisional demarcation line and demilitarised zone described in Chapter I of the Agreement.

19. After discussion with the two parties, the Commission has decided that each of its Mobile Teams entrusted with investigation should be accompanied by one Liaison Officer and one Interpreter from each side. The presence of these representatives of the two parties assists the Teams in their work by:—

- (1) Providing liaison with the respective High Commands;
- (2) Making suggestions in the matter of collecting available evidence; and
- (3) Avoiding misinterpretation of the evidence given in the local language.

20. These Liaison Officers have, however, nothing to do with the assessment of the evidence and the preparation of the Report to the Commission which are the responsibility of the Teams.

Headquarters and Saigon Office

21. Under the Cease-Fire Agreements of Laos and Cambodia, the International Commission established in those States have been specifically located at Vientiane and Phnom Penh, respectively. Under the Agreement on the Cessation of Hostilities in Vietnam, however, no specific location has been defined for the Headquarters of the International Commission. The International Commission provisionally located its Headquarters in Hanoi and has paid periodic visits to Saigon.

22. The Commission has given consideration to the question of its Headquarters in Vietnam. It felt that for proper performance of its task, it had to be in the closest possible contact with both the High Commands. The Commission decided, therefore, to establish its second Headquarters in Saigon. This was started in a small way from the 6th of December, 1954, consisting of political and military representatives from each Delegation. Two Mobile Teams have been placed at the disposal of the Saigon Headquarters. While the Headquarters remain at Hanoi, the Commission periodically visits Saigon. The Commission has decided to remain at Hanoi until the beginning of August 1955, when it will transfer its Headquarters to Saigon. After its move, it will maintain a second Headquarters organisation at Hanoi, on the pattern of the one now being developed at Saigon. The Commission has communicated this decision to the two parties to enable them to make necessary arrangements.

Joint Commission and the Liaison Missions

23. Under Article 28 of the Agreement, the responsibility for the execution of the Agreement on the Cessation of Hostilities rests with the parties, and to carry out this responsibility, in respect of joint actions by the two parties, a Joint Commission has been set up under the provisions of Article 30. In accordance with Articles 31 and 32, the Joint Commission is composed of an equal number of representatives of the Commanders of the two parties. The President of the French Delegation is Brigadier-General de Brebisson⁽²⁾ and the President of the Delegation of the People's Army of Vietnam is General Van Tien Dung.

24. The Joint Commission which formerly had its headquarters at Phu Lo, is now installed outside Haiduong. There are three Joint Sub-Commissions at Quynh Khe in North Vietnam, Quang Tri in Central Vietnam and Phung Hiep in South Vietnam.

25. While the International Commission has been charged under Article 36 of the Agreement with the supervision of the implementation of the Agreement by the two parties, the responsibility for the execution of the Agreement rests with the two parties under Article 28. The Commission has, therefore, stressed the necessity for co-operation by the two High Commands and has endeavoured to retain the co-operation of both parties when controversial matters were under discussion. Apart from discussion with the Liaison Mission and the Chiefs of Delegations at the Joint Commission, informal approaches have been made whenever necessary to members of the two High Commands with a view to seeking solutions of problems without making formal recommendations.

26. The day-to-day contact between the International Commission and the parties, is maintained, however, through the Liaison Missions in Hanoi appointed by the two High Commands.

Immunities and Privileges, Insignia, &c.

27. A draft protocol was prepared defining the immunities and privileges which the Commission desired should be made available to its personnel. This protocol has been accepted by the High Command of the People's Army of Vietnam, but is still under the consideration of the French High Command.

28. In this connexion, the Commission has issued identity cards and arm bands to all its personnel. The Commission's vehicles have been painted white and have special numbers. The Commission flies its own flag on its buildings and cars.

Budgetary and Logistical Arrangements

29. In accordance with Article 26 of the Agreement, the costs involved in the operations of the International Commission are to be shared equally between the two parties. The International Secretariat is preparing a budget of expenditure to be shared ultimately between the two parties and this will be submitted for the approval of the co-Chairmen of the Geneva Conference. It has been agreed that the expenditure of the National Delegations will be borne by the Member countries except boarding, lodging and necessary logistic support which will be shared by the two parties.

⁽²⁾ General de Brebisson took over from General Delteil in the third week of October, 1954.

30. Indian Army Signals have established a wireless net covering the three countries of Vietnam, Cambodia and Laos, to provide communications among the three Commissions and the Teams.

31. The French High Command has arranged an air courier service between Saigon, Phnom Penh, Vientiane and Hanoi thrice a week for carrying personnel and mail of the three Commissions. Arrangements for road transport have also been made by the parties at both Commission Headquarters, Hanoi and Saigon and for the Fixed and Mobile Teams.

Co-ordination of the Three Secretariats-General

32. Article 45 of the Geneva Agreement provides that the International Commission for Supervision and Control in Vietnam shall act in close co-operation with the International Commissions for Supervision and Control in Cambodia and Laos. It further provides that the Secretariats-General of the three Commissions shall be responsible for co-ordinating their work and for relations between them. In pursuance of this provision, the first co-ordination meeting was held in Hanoi from the 11th of November, 1954, to 15th of November, 1954. Most of the problems discussed were administrative and included technical questions regarding Conference procedure, financial and accounting arrangements, publicity work, disposal of petitions and complaints and Secretariat organisation. It was decided that these Conferences of the Secretariats-General of the three Commissions should be held periodically.

33. The Commissioners wish to record their appreciation of the co-operation and assistance which they have received from the staff of the Secretariat-General; of the good work of the Fixed and Mobile Teams, often performed under rigorous and unusual circumstances; and of the valuable help afforded by the staff of the three National Delegations.

Progress Report

34. Action required to be taken under the various Articles of the Agreement and the progress so far are indicated in the statement (Appendix I) attached to this Report.

CHAPTER II

CEASE-FIRE, PROVISIONAL MILITARY DEMARCATION LINE AND DEMILITARISED ZONE

Cease-fire

35. The Structure of the "Agreement on the Cessation of Hostilities in Vietnam" is based upon the cease-fire throughout the country and upon the regroupment of Forces on the two sides of the provisional demarcation line.

36. Articles 10 and 11 of the Agreement provide for specific dates and times at which cease-fire shall be effected. As Article 44 of the Agreement provides for the setting up of an International Commission at the time of the Cessation of Hostilities, the International Commission was not required and was not able to supervise the operations of cease-fire.

37. Since the cease-fire became effective, the Commission has received no reports of renewal of hostilities in any part of Vietnam. A number of

incidents have been reported, in particular, in Central Vietnam; evidence available to the Commission would indicate that these incidents are not violations of Articles 10 and 11. They are clashes which took place between the Armed Forces of one side and local population. These incidents have been dealt with by the Commission and are described in Chapter VII of this Report.

Provisional Military Demarcation Line and Demilitarised Zone

38. In accordance with Chapter I of the Agreement on the Cessation of Hostilities in Vietnam, a provisional military demarcation line has been fixed as indicated in the map attached. A demilitarised zone of a width of 5 kilometres on either side has been created as a buffer zone to avoid any incidents which might result in the resumption of hostilities.

39. Neither of the parties has so far reported to the Commission any violations of the Agreement so far as Chapter I is concerned.

40. It has been provided under Article 36 (b) that one of the main responsibilities of the Commission is to supervise the demarcation lines between the regroupment areas and also the demilitarised zone. As in the initial stages the Commission's Mobile Teams have been engaged in enquiries and investigations which demanded immediate attention, it has not been possible for the Commission so far to establish any Mobile Teams in the demilitarised zone or near the demarcation line. The Commission, however, has two Fixed Teams on either side of the demarcation line and in proximity to the demilitarised zone. They are Dong Hoi in the North and Tourane in the South. The Commission is now considering, in consultation with the two parties, the question of installing further inspection teams, if necessary, for carrying out the Commission's responsibilities under Article 36 (b).

CHAPTER III

REGROUPMENT PLAN

Relevant Provisions

41. Paragraph 6 of the Final Declaration of the Geneva Powers dated 21st of July, 1954, makes it clear that the essential purpose of the Agreement relating to Vietnam is to settle military questions, with a view to ending hostilities and that the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary. Chapter II *inter alia* provides for a regroupment of the Forces of the French Union south of the provisional demarcation line and those of the People's Army of Vietnam north of the provisional demarcation line. Article 15 (f) 1 provides for the creation of provisional assembly areas, both in the North and in the South, for the concentration of Forces on either side, whilst the regrouping process is going on. The provisional assembly areas may be seen on the map (Appendix II). The provisional assembly areas in the North consist of the perimeters of Hanoi, Haiudong and Haiphong. In the South, there are four provisional assembly areas, viz.: (i) The area consisting of Quang Nai and Binh Dinh provinces in Central Vietnam; (ii) The area of Point Camau; (iii) The area of Plaine des Jones; and (iv) The area of Xuyen Moc. (See areas (i), (ii), (iii) and (iv) on the map.)

Implementation of Article 15 (f) 1

42. The Commission is satisfied that the provisions of Article 15 (f) 1 have been complied with, and that within 15 days after the cease-fire the Forces of both sides had effectively withdrawn to these provisional assembly areas. A case was reported to the Commission by the French Liaison Mission about the existence of three or four thousand partisans in the area of Pakha, who, during the hostilities, were actively supporting the French Union Forces. These partisans had, after the cease-fire, neither laid down their arms nor moved into the French provisional assembly area in the North. The matter was brought to the attention of the Commission in the beginning of October although the situation described was stated to have been existing at the end of August. The facts of the case are being investigated by the Commission through the two parties.

43. The next phase in the process of regroupment is the progressive withdrawals and transfer of military forces from the provisional assembly areas, described above, to the regroupment area assigned to the particular party. The programme for withdrawals and transfers, both for military forces and for the civil administration, has been laid down in Article 15 2. The principles governing the withdrawals have been stated in Article 15 (a), (b), (c), (d) and (e) and also in Articles 12 (b) and 14 (a) and (b).

44. One of the specific duties entrusted to the Commission under Article 36 (a) is control of the movement of Armed Forces of the two parties evacuated within the framework of the regroupment plan. The Commission has, since its inception, been seized of this question and has participated actively with the parties in the implementation and supervision of these Articles of the Agreement.

45. Realising that the intention of the above-mentioned Articles is that the regroupment plan should take place in such a manner that there is no break in the transfer of responsibilities and that all the operations and movements involved proceed in a safe and orderly fashion, the Commission recommended to the two parties that they should, in the Joint Commission, prepare plans for orderly withdrawals and transfers, both of military forces and of civil administration. The Commission offered the assistance of its own Mobile Teams to guide and supervise these operations.

Implementation of the Regroupment Plan North of the Provisional Demarcation Line

46. Under the provisions of Article 15 (f) 1, the French Union Forces had concentrated in the provisional assembly areas of Hanoi, Haiduong and Haiphong, and, in accordance with Article 15 2, they are required to withdraw from the Hanoi perimeter at the end of 80 days, from the Haiduong perimeter at the end of 100 days and from the Haiphong perimeter at the end of 300 days.

Military Transfer of Hanoi and Haiduong

47. The International Commission held a series of Conferences with the two Liaison Missions, well before the transfer was effected and emphasised time and again the necessity of an orderly transfer of power. It advised the two parties to get together and prepare a plan of withdrawal and transfer. On the advice of the International Commission, the two parties of the Joint Commission appointed a number of sub-committees for dealing with this question and a protocol was signed between the two parties for the transfer of Hanoi perimeter sector by sector. The Commission took notice of this

plan and placed at the disposal of the two parties five Mobile Teams for supervising the transfer. The military transfer of the Hanoi perimeter was effected in five days, *i.e.*, from 6th to 10th of October, 1954. The town and its suburbs were transferred sector by sector under the supervision of the Commission's Mobile Teams and not a single incident occurred during this operation. Members of the Commission witnessed the handing-over operation at various points in the city on the 9th of October, 1954.

Transfer of Civil Administration and Public Services in Hanoi

48. Besides the military operation described above, two other problems arose during the transfer of responsibilities. These problems were visualised by the Geneva Powers and provision was made for them under Article 14 (b), *viz.*—

- (a) The orderly transfer of the civil and administrative services, including civil police, administrative offices, posts and telegraphs, &c.; and
- (b) The orderly transfer of the essential and public services, including water supply, electricity, transport, &c.

49. The above problems were not as easy to settle as the question of military withdrawals and transfers. Several problems arose as to the methods of handing over and the Commission assisted in working out the procedures. An example of the type of assistance the Commission was able to afford was the action taken in the case of a petition from the workers of the Hanoi Post Office to the effect that the Management was dismantling the equipment and it was likely that the workers would be thrown out of employment. The Commission invited the two parties for discussions and repeated that it was most essential that plans should be prepared for handing over the civil administration and the public essential services in the same manner as the plans for military withdrawals and transfers. After discussions, the two parties in the Joint Commission signed a protocol providing for the advance arrival in Hanoi of civil servants and police of the Democratic Republic. The officials arrived according to the following programme:—

2nd October, 1954	...	...	285 Democratic Republic civil servants.
5th October, 1954	...	...	150 Democratic Republic civil police.
8th October, 1954, and 9th October, 1954			214 Democratic Republic military police.
9th October, 1954	...	...	The City would be evacuated by the French Union Forces.

50. With regard to the transfer of public offices and utilities, such as, the Posts and Telegraphs, complaints had been made by the representatives of the Democratic Republic as well as the workers that essential equipment was being removed to Haiphong by the French authorities. After discussion with the two parties, it was agreed that inventories should be prepared of the stocks and equipment in each establishment. These inventories were to be prepared by the two parties in the presence of the Commission's Mobile Teams. The adequacy of stocks left behind would thereafter be examined by the Democratic Republic authorities, and if they were found to be inadequate, the International Commission could be approached. A protocol embodying the above principles was signed by the two parties. The programme laid down above and the terms of the protocol were carried out by the two parties with the help of the Commission's Mobile Teams.

51. The position was more difficult in the case of essential services like water supply, electricity and transport. These services were operated by private concerns. Contracts had been given to these firms in the year 1928 which did not expire till 1957. The authorities of the Democratic Republic

were prepared to validate these contracts and expressed a desire that the existing Management should continue to operate in order to ensure that there was no interruption in these services. The private firms, however, were not willing to continue, and stated their intention of leaving Hanoi before 8th of October, 1954. After discussions with the two parties, the International Commission proposed the following measures to ensure that there was no break in essential services:

- (a) All essential equipment for the running of these installations should be left behind.
- (b) Sufficient supply of coal for two months and spare-parts and other equipment for two years should be left behind.
- (c) Although the Management of these firms would pass on to the Democratic Republic authorities, technicians and specialised personnel should be induced to remain, provided the Democratic Republic authorities would give necessary guarantees in respect of their persons and property.
- (d) Specialised personnel of the Democratic Republic could be invited to Hanoi so as to effect the change-over of these services gradually before the date of evacuation.

52. All the above proposals were acted on by both parties and just as in the case of military withdrawals and transfers, the transfer of civil and administrative services, public buildings and public offices, and essential public services was carried out successfully by the two parties. No break occurred in any of these services in spite of the difficult circumstances in which they were transferred.

53. The above arrangements which were adopted for the transfer of Hanoi on the 10th of October, 1954, *i.e.*, at the end of 80 days, were equally successfully applied to the transfer of Haiduong perimeter at the end of 100 days, *i.e.*, on the 30th of October 1954.

54. The Commission has drawn the attention of the two parties to the successful transfer of administrative and public services as well as the orderly transfer of military authority in Hanoi and Haiduong and has recommended that they should adopt a similar procedure for the transfer of all the other provisional assembly areas. Transfer of Hanoi and Haiduong showed that orderly transfer could only take place if the two parties co-operated in the process and, well in advance of the dead-line, held joint discussions and agreed upon an integrated plan of withdrawal and transfer. The Commission has issued instructions to its Fixed Teams on this subject and, in particular, to those Teams which are situated in the provisional assembly areas.

Implementation of the Regroupment Plan South of the Demarcation Line

55. Under the provisions of Article 15 2, the programme of withdrawal of the forces of the People's Army of Vietnam from areas South of the provisional demarcation line has been laid down as follows:—

Forces of the People's Army of Vietnam

Ham Tan and Xuyenmoc provisional assembly area ...	80 days
Central Vietnam provisional assembly area—First instalment	80 days
Plaine des Jones provisional assembly area	100 days
Central Vietnam provisional assembly area—Second instalment	100 days
Point Camau provisional assembly area	200 days
Central Vietnam provisional assembly area—Last instalment	300 days

56. The withdrawals and transfers were effected before the due dates in the provisional assembly areas of Ham Tan, Xuyenmoc, Plaine des Jones and Quang Ngai and were, with the exception of Plaine des Jones, observed by the Commission's Mobile Teams.

57. In the case of the provisional assembly area of Central Vietnam, however, withdrawals had to be conducted in three instalments as indicated in the Article. Although three instalments have been mentioned, one at the end of 80 days, the second at the end of 100 days and the third at the end of 300 days, the Agreement is silent on the extent and nature of these instalments. It is for the parties to arrive at a mutually satisfactory agreement on the slices to be transferred at each stage. Though the parties have not yet arrived at such a settlement on the basis of agreed principles, provisional protocols were signed between them and withdrawal from and transfer of certain agreed areas have been carried out at the end of 80 days and 100 days in the Central Vietnam provisional assembly area. The dispute has been placed before the International Commission for settlement. The French authorities have taken the view that Central Vietnam should be evacuated in three equal and proportionate stages. The Democratic Republic authorities, however, claim that they had already withdrawn from certain areas at the end of 80 and 100 days though there was no provision in Article 15 2 for such territorial withdrawals from the provisional assembly area of Central Vietnam.

58. Protocols were signed for limited withdrawals on the 80th and 100th days, and their evacuations took place without any conflict between the two parties but the dispute still persists. The Commission advised the parties to discuss the matter once again in order to arrive at an agreement, if possible. If the parties cannot reach agreement in a reasonable time, the Commission will undertake to make recommendations based on information supplied by both sides.

CHAPTER IV

PRISONERS OF WAR AND CIVILIAN INTERNEES

Prisoners of War

59. One of the first problems which the International Commission and the two parties were faced with in the implementation of the Geneva Agreement was the question of exchanging prisoners of war and civilian internees. The conditions under which prisoners of war and civilian internees are to be exchanged are defined under Article 21 of the Agreement. Article 21 (a) provides that prisoners of war and civilian internees captured since the beginning of hostilities in Vietnam during military operations or in any other circumstances of war and in any part of the territory of Vietnam shall be liberated within a period of 30 days after the date when the cease-fire becomes effective in each theatre.

60. According to the above programme, the release of prisoners of war should have been completed on the following dates:—

Northern Vietnam	...	...	...	26th August, 1954
Central Vietnam	...	...	...	31st August, 1954
Southern Vietnam	...	...	...	10th September, 1954

61. In view of the time-limits laid down above, the parties started discussion on this question at an early stage. There were some disputes initially concerning procedures, and when the International Commission met the Joint Commission at Trung Gia on the 13th of August, 1954, it was surprised to find that the exchange of prisoners had not yet commenced.

The Democratic Republic authorities demanded full lists of all the prisoners the French were going to release and the French authorities claimed that they had many more prisoners than the lists which had been supplied by the Democratic Republic showed. The Commission was able to effect a compromise. The French authorities agreed to prepare a full list of prisoners of war and civilian internees whom they held and the Democratic Republic authorities agreed to start exchanges before they received the final list. On the 14th of August, 1954, a protocol was signed and exchanges commenced at three points in North Vietnam (including Viet-Tri and Sam-Son).

62. In accordance with this protocol, several thousand prisoners were exchanged in the first few days. Some physical and technical difficulties, however, arose, including heavy rains and cyclonic winds, which made the current in the Red River so strong that boats carrying French prisoners to Viet-Tri could not proceed up the Red River. On the other side, the roads in Northern Vietnam were flooded and the Democratic Republic prisoners could not be brought to Viet-Tri from the camps inland. There were other complaints and counter-complaints such as inaccuracy of lists, difficulties in actual transfer of prisoners and inadequacy of staff, &c.

63. As the International Commission was specifically charged under Article 36 (c) of the Agreement with the duty of controlling the operations of releasing prisoners of war and civilian internees and as the Commission was very anxious that the provisions of Article 21 should be fully implemented by the parties, the International Commission met the Joint Commission at Phu Lo on the 25th of August, 1954, and made the following proposal to the parties:—

- (a) That the exchange must proceed with the utmost speed and must not be delayed for any reason other than those caused by physical and administrative difficulties;
- (b) That the transfer of prisoners in North Vietnam should be completed eight days after the 26th of August, 1954;
- (c) That the exchanges should be completed in Central Vietnam on the scheduled date, *i.e.*, the 31st of August, 1954;
- (d) That discussions should be started immediately regarding exchange in South Vietnam, the scheduled date being the 11th of September; and
- (e) That to improve the atmosphere and also to help expedite the release of prisoners of war and civilian internees, the two High Commands should send Joint Teams to inspect the camps and prisoners of both sides.

64. After considerable discussion, the parties accepted these proposals and the exchanges continued.

65. To supervise the operations of exchange, the International Commission sent out a Mobile Team to Viet-Tri.

66. On the 9th of September, 1954, *i.e.*, at the end of the time-limit laid down under Article 21 (a), the position of the exchange of prisoners stood as follows:—

- (1) Figures supplied by the French Authorities:—
 - (a) Prisoners released by the French Union Forces ... 65,477
 - (b) Prisoners released by the Popular Army ... 11,706
- (2) Figures supplied by the Democratic Republic Authorities:—
 - (a) Prisoners released by the Popular Army ... 11,882
 - (b) Prisoners released by the French Union Forces ... 65,465

67. There have been discrepancies in the figures as indicated above and during the past three months the Commission has been receiving claims and counter-claims made by both sides. The Commission accordingly on the 4th of November, 1954, formally requested the parties to submit consolidated statements showing:—

- (a) The number of prisoners of war and civilian internees released up to date;
- (b) The number of prisoners of war and civilian internees still in detention and in whose cases specific demand has been made by one party or the other; and
- (c) The approximate period within which the parties hoped to settle all the pending cases under the terms of Article 21.

68. To this letter, both the parties replied that they had fulfilled their obligations under Article 21 and that they had not retained any prisoner of war or civilian internee of the other side. The parties, however, stated that they were investigating the claims made by each other. Appendix III is a statement showing the position regarding prisoners of war and civilian internees according to the latest information available to the Commission.

69. One of the possible reasons for the discrepancies between the figures supplied by the French and the figures supplied by the Democratic Republic might be that the figures supplied by both sides include all members of their Forces who are missing and believed to be prisoners of war. Many of these persons may have died or disappeared during the hostilities without having been prisoners of war. The International Commission is pursuing the matter with the two parties.

70. Besides the exchange of prisoners of war and civilian internees, other matters arising out of Article 21 have come before the Commission during the last three months. They include the problems of deserters, of the grant of asylum by the International Commission and of civilian internees wrongly classified as ordinary criminals and thus deprived of the benefit of Article 21.

The Problem of Deserters

71. It would appear that during hostilities, several hundred members of the French Union Forces deserted to the Forces of the People's Army of Vietnam. One such group of persons including European and African members of the French Foreign Legion who are alleged to have "gone over" to the other side, came to the notice of the Commission. Both the High Commands have by common agreement excluded these persons from the exchange of prisoners of war operation. This question is under consideration in consultation with the parties.

72. The Commission has asked both parties to furnish details of the size of this problem, the number of deserters involved and the positions taken by both parties on this question. The Democratic Republic authorities have also been asked to furnish a list of such persons in their custody. Apart from the question of disposal, it is hoped that such a list will enable the Commission to locate missing persons on whose behalf petitions are being constantly received.

The Question of Asylum

73. Another question which came to the Commission for decision was how to deal with persons who claimed asylum with the Commission.

74. The Commission decided that it would not be possible or desirable to grant asylum. After discussions with the two Liaison Missions, the Commission decided that pending investigation of individual cases by the Commission, the persons concerned should be kept in the temporary custody of the competent local authorities on an "under trial" basis and should be made available whenever the Commission desired.

75. As cases of this type may occur again, the Commission has issued instructions to all its Fixed Teams asking them to follow this procedure.

The Question of Political Prisoners

76. The benefits of Article 21 have also been extended to "civilian internees," who have been defined to include all persons, who, having in any way contributed to the political and armed struggle between the two parties have been arrested for that reason and have been kept in detention by either party during the period of hostilities. Article 14 (c) of the Agreement also provides that each party undertakes to refrain from any reprisals or discrimination against persons or organisations on account of their activities during the hostilities and to guarantee their democratic liberties.

77. While the bulk of the civilian internees under Article 21 were released along with the release of prisoners of war, the authorities of the Democratic Republic claimed that a considerable number of civilian internees were still being kept in detention in several prison camps in South Vietnam, including Poulo-Condore, Chi-Hoa, Gia-Dinh, Cai-Von, Tan-Au, Tra-Vinh and My-Tho, Poulo-Condore being the most important of these prisons. The Commission sent a Mobile Team accompanied by Liaison Officers of both sides to the Island of Poulo-Condore to investigate these complaints. The team examined the prison and has requested permission to scrutinise the dossiers of some of the prisoners in the Ministry of Justice at Saigon. After considering the report of the team, the Commission asked the French authorities to arrange for the release of 70 persons who were admitted to be political prisoners by both sides and to carry out further investigations into the other 61 disputed cases of prisoners.

CHAPTER V

DEMOCRATIC FREEDOMS GUARANTEED UNDER THE GENEVA AGREEMENT

Relevant Provisions of the Geneva Agreement

78. The preceding Chapters of this Report have been mainly descriptive of military and semi-military operations in the implementation of the Agreement on cease-fire in Vietnam. The Agreement contains, besides, important Articles of a political nature defining and guaranteeing certain fundamental liberties and freedoms to the people of this country. Besides guaranteeing, in general, "democratic liberties," specific assurances have been given in Articles 14 (c), 14 (d) and 15 (d).

79. The International Commission, realising the fundamental importance of these three Articles particularly in the peculiar political climate of this country engendered by eight years of war, has since its inception, given a

great deal of attention to the implementation of these provisions. The first stage was to give due publicity to these rights available to the public. The Commission, therefore, issued a statement (Appendix IV) on the 2nd of September, 1954, giving a clear interpretation of these provisions of the Geneva Agreement. This statement was released to the press. The Commission in addition, asked the parties to give wide publicity to these provisions of the Agreement by means of posters, handbills, newspaper notices, radio announcements and broadcasts.

80. During the period under review, the Commission received 17,397 petitions which can generally be classified under the following heads:—

(1) Petitions received up to 10th of December, 1954 ...	17,397
(2) Petitions dealing with matters of principle, freedom of movement, democratic freedoms, &c., dealt with by the Commission through teams or other methods ...	11,035
(3) Petitions dealing with specific individual complaints referred to the parties for investigation ...	2,201
(4) Pending cases ...	4,161

81. The Commission discussed with the two Liaison Missions the necessity of establishing a Committee of the Commission to deal with Article 14 (c) and (d) of the Agreement guaranteeing democratic liberties and freedom of movement from one zone to another. As a result of these discussions, the Commission passed a resolution on the 19th of October, 1954, creating a Committee on Freedoms (Appendix V). The main functions of this Committee are to control and supervise the action taken by the two parties under the provisions of Article 14 (c) and (d), to maintain close liaison with the two parties with a view to being informed at all times of the steps taken and plans developed by them for the implementation of these Articles and to recommend to the Commission principles, procedures and other arrangements which may provide acceptable solutions to problems arising in this connexion. For this purpose, the Committee is authorised to take action through the Commission's inspection teams, if necessary.

82. The Commission also recommended to the parties that a corresponding Committee composed of their representatives should be created to consider initially all issues arising out of Article 14 (c) and (d) and to work out detailed arrangements for their solution.

83. The parties have accepted the recommendation in principle and are discussing modalities of its implementation in the Joint Commission. The Commission has been utilising the members of its own Committee on Freedoms for consideration of questions arising under these Articles.

Implementation of Article 14 (c), i.e., Democratic Freedoms in General and Freedom from Reprisals and Discrimination

84. In view of the troubled condition of Vietnam after eight years of war and frequent changes of administration and power, the necessity of guaranteeing democratic liberties to individual citizens is paramount. In particular, it is quite necessary to assure the people of this country that whatever may have been their political sympathies, the authorities will refrain from any reprisals or discrimination against them. With the regroupment of forces on either side of the demarcation line, political sympathisers and supporters of one side often find themselves in the zone controlled by the other side, and in normal circumstances, might have been liable to persecution for their past activities. In Chapter IV, a description has already been given of the implementation of Article 21 which provides for the release of civilian

internees. The bulk of these civilian internees or political prisoners has been released and action is being taken to release those who may still remain in jails for political offences.

85. The Commission has recommended to both parties the importance of observing the spirit of Article 14 (c) by refraining from detention, arrest or prosecution of persons on the sole ground of their holding particular political opinions. One important complaint of the alleged violation of this principle involving the arrest of 24 persons in the South, made by the Democratic Republic of Vietnam authorities, is under consideration.

86. While ordering investigation through its mobile teams into incidents (*Vide* Chapter VII) the Commission has borne in mind the provisions of Article 14 and the teams have been briefed accordingly (Appendix VI).

Implementation of Article 14 (d), *i.e.*, Freedom of Movement

87. In the month of September and in the first week of October, 1954, sporadic complaints and petitions were received about obstacles to free movement from North Vietnam to South Vietnam and about forced evacuation to the South. The Commission addressed the two parties and emphasised their responsibilities under Article 14 (d), *viz.*, that they should not merely permit civilians to move from one zone to the other according to their choice, but should actively assist them to do so, as provided in the said Article. Early in October, the French Liaison Mission endorsed a complaint made by the South Vietnam Government alleging that obstacles were being placed by the Democratic Republic Government on the free movement of evacuees in the areas of Nam Dinh, Phat Diem, Bui Chu, Than Binh, Ninh Giang and Phu Ly. To investigate these complaints the Commission sent out mobile teams to Nam Dinh and to Phat Diem. At Nam Dinh, the mobile team found no evidence of any person wishing to go to the South being obstructed or hindered in the exercise of their right under Article 14 (d), but received petitions alleging that the French authorities and the church authorities had exercised pressure on certain persons to move to the South. The Democratic Republic authorities have endorsed these petitions and have asked the Commission to investigate this part of the problem in addition to the investigation of the question of freedom of movement. The Commission is investigating these complaints under its normal procedure.

88. At Phat Diem, the Mobile Team found about 10,000 refugees congregated in the area and unable to move. The team also found that the machinery for giving permits and providing necessary transport facilities was not adequate to deal with this situation. The refugees had congregated particularly in the compounds of the seminary, the cathedral and the convent. The Commission sent its Committee on Freedoms to the spot, and after discussion with the Democratic Republic Liaison Mission, suggested a special procedure for dealing with the abnormal situation at Phat Diem. These arrangements consisted of special permit offices in the places where the evacuees had congregated and delegation of powers to the local authorities to grant such permits. On the suggestion of the International Commission, the authorities of the Democratic Republic also made arrangements for giving food and medical aid to the refugees and necessary arrangements for transporting them from Phat Diem to the French zone in the Haiphong perimeter. There were 8,268 refugees transported by motor boats from Phat Diem to Xa Trung in the French zone during a period of ten days. Under instructions from the Commission, a team is preparing a report on the causes which led to this concentration.

89. Meanwhile, complaints were received by the Commission that similar concentrations of refugees existed in various other places in the Red River Delta, viz., at Bui Chu, Thai Binh, Ninhgiang, Phu Ly and Tra Ly. An allegation was made by the French authorities that thousands of refugees who had come down in small boats by the river were stranded on a sand bank and were in danger of being drowned at the mouth of the river Tra Ly. They added that French naval vessels had entered the territorial waters of the Democratic Republic to effect "rescues." The Democratic Republic authorities strongly objected to this action on the ground that it constituted violation of their sovereignty. They claimed that there was no danger of any persons being drowned and that they were prepared to take full responsibility for the safety of the people in their zone. The Commission considered the matter and decided that unless the two parties agree to such a measure, the Commission will not recommend assistance by French naval vessels for transport of refugees from the Democratic Republic territory. The responsibility for implementing Article 14 (d) is that of the administration of the zone and the Commission's duty is to enforce this responsibility. The Commission sent a Mobile Team to Tra Ly to investigate the allegations.

90. The Mobile Team had certain difficulties based on the narrow interpretation given to its instructions by the Liaison Officer of the Democratic Republic. This did not prevent the Team assessing whether people were in danger of being cut off by tides and drowning. The conclusion of the Team, for the area visited, was: "We found no evidence of people being in danger of being cut off by high tide."

91. Apart from the special procedure evolved at Phat Diem, the Commission, having received reports that a number of persons desired to move from North Vietnam to the French-controlled zone, recommended to the Democratic Republic authorities that they should provide adequate normal machinery for the grant of permits and for transport and other arrangements, so that their obligations under Article 14(d) may be fulfilled and to avoid abnormal situations such as the one at Phat Diem. Complaints to the effect that no arrangements had been made and the Democratic Republic authorities were, in fact, obstructing the passage of refugees, however, persisted. The Commission considered the matter, and, whilst admitting that the Democratic Republic authorities had the right to set up necessary administrative machinery for regulating the issue of permits and the movement of refugees and stating emphatically that the Commission would not be a party to any panicky and unorganised exodus of refugees, held that the administrative processes should not be so clumsy, slow and complex as in effect to defeat the provisions of Article 14 (d).

92. To resolve this situation and to ascertain the facts the Fixed Team at Vinh has been directed to study the situation in the area of Than Hoa and Vinh and the Commission sent two Mobile Teams to the areas of Bui Chu, Nam Dinh and Thai Binh. These teams have been instructed to ascertain what procedures are in force, whether these procedures are adequate, and, if not, what improvements can be suggested. A copy of one of the briefs is attached (Appendix VII). The investigations are in progress.

93. For a permanent solution of this question and with a view to assuring itself that the parties will be in a position to fulfil their responsibilities under Article 14 (d) within the time limits prescribed, the Commission has authorised its Committee on Freedoms to examine the entire question in consultation with the two parties.

CHAPTER VI

NEW MILITARY PERSONNEL, EQUIPMENT AND BASES IN VIETNAM

Relevant Provisions of the Agreement

94. One of the specific tasks entrusted to the International Commission under the provisions of Article 36 (d) is the supervision at ports and airfields as well as along all frontiers of Vietnam of the execution of the provisions of the Agreement on Cessation of Hostilities regulating the introduction into the country of Armed Forces, military personnel and all kinds of arms, munitions, and war materials. The Geneva Powers have in paragraph 4 of their Final Declaration dated 21st of July, 1954, taken special note of those clauses of the Agreement.

95. The relevant provisions of the Agreement are: Article 16 which prohibits the introduction into Vietnam of any troop reinforcements and additional military personnel and which makes special provision for regulation of rotation of troops; Article 17 which prohibits introduction into Vietnam of any reinforcements of all types of arms, munitions and other war material such as combat aircraft, naval craft, pieces of ordnance, jet engines, jet weapons and armoured vehicles and which makes special provision for normal replacement of material; Article 18 which prohibits the establishment of new military bases throughout the territory of Vietnam; and Article 19 which prohibits the establishment of military bases under the control of a foreign State.

Control of Articles 16 and 17

96. For the effective control of Articles 16 and 17 of the Agreement, "specific points of entry" have been fixed for rotation of personnel and replacement of materials at the following places:—

North of the provisional military demarcation line:

Lao Kay, Lang Son, Tien-Yen, Haiphong, Vinh, Dong-Hoi and Muong-Sen.

South of the provisional military demarcation line:

Tourane, Qui Nhon, Nha Trang, Bang Hoi, Saigon, Cap St. Jacques and Tanchau.

In accordance with the provisions of Article 35 of the Agreement the International Commission has located Fixed Teams at the above points of entry. In Chapter I of this Report a brief description has been given of the installation and work of these Fixed Teams. The main duties of the Fixed Teams are as specified under the Agreement to control the provisions of Articles 16 and 17. To facilitate the work of the team, they are assisted by a Liaison Officer of the Local administration who enables them to obtain the co-operation of all other services concerned, viz., customs, dockyard, aerodrome, &c. The teams are to conduct checks in pursuance of notifications received under Articles 16 (f) and 17 (e) and in addition conduct observation in connexion with their task of control. The Commission has instructed its teams to conduct their investigations as far as possible on the ground, i.e., at the airports and docks. In special cases, however, where such examination is not possible, the teams have been allowed to board vessels even if they be foreign vessels in consultation and co-operation with the local administration.

97. Notifications are being received from the French High Command under Article 16 (f). No such notifications have so far been received from the People's Army of Vietnam High Command. No notifications have so far been received from either High Command under Article 17 (e). It is understood that discussions are going on in the Joint Commission as to what items should be regarded as "war material" in respect of which notification under Article 17 (e) is necessary.

98. Some confusion arose in the initial stages because certain movements of personnel and war material were internal movements only. In a few cases, the French authorities asserted that the Commission had no *locus standi* to examine such internal movements. But in order to check whether the movement was internal or external, it was necessary for the International Commission's Fixed Teams to examine all war materials which entered the ports. The Commission has, therefore, instructed its teams to check all exports and imports of war material and personnel, whether the local authorities give notice or not.

99. If the team discovered entry of war material or personnel where no notice had been given, it was open to the local authorities to explain that no notice was given because the movement was internal. The veracity of the statements made could be checked at the Commission's Headquarters where such statements of import and export would be received from all the Fixed Teams.

100. To date, the Commission has received two specific complaints from the Democratic Republic authorities alleging violations of Article 17:—

- (a) a report that on the 8th of August, 1954, the ship *Esperanzat* was alleged to have unloaded war material at Tourane.
- (b) A report that on the 5th of October, 1954, the ship *Vietnam* was alleged to have arrived with a load of aircraft engines and two thousand persons.

With regard to the first specific allegation, the Fixed Team was not at Tourane on the date mentioned and, in fact, the Commission itself was not set up until the 11th of August, 1954. The matter is, however, being investigated by the Commission's Fixed Team at Tourane. With regard to the second specific allegation, details have been asked for from the Democratic Republic Liaison Mission and the Commission is conducting investigation through its own team.

101. Besides these, one general complaint was received in a letter dated the 5th of December, 1954, from General Giap, Commander-in-Chief of the People's Army of Vietnam, regarding violations under various Articles of the Agreement including Article 19. The complaint is being considered by the Commission.

102. The Commission also received a complaint from the French Liaison Mission on the 27th of November, 1954, alleging that important quantities of war material had been imported by the High Command of the People's Army of Vietnam since the coming into force of the Geneva Agreement. The French authorities suggested that for an effective check over the northern frontier, it would be necessary to install Fixed Teams at Cau-Bang and Lai-Chau; and also to supervise through a mobile team the cross roads of Cau-Bang and Bau-Lang and the Lai-Chau cross road. Regarding the request for new Fixed Team locations, the Commission was of the opinion that it could not recommend alterations in the points of Fixed Teams locations

specified under Article 35 without adequate experience of the working of the teams in their present locations. The Commission has requested the French authorities to furnish further details on the basis of which they have made these serious allegations and, in the meantime, a reconnaissance survey of the northern frontier area is being undertaken through two Mobile Teams to check whether there is any physical possibility of import of war materials through points of entry other than those already fixed under Article 20 of the Agreement, particularly in the areas mentioned in the French complaint.

103. Besides these alleged violations, no other complaints have been received by the Commission in respect of violations of Articles 16 and 17 of the Agreement.

Rotation of Troops

104. Article 16 permits the normal rotation of units and groups of personnel under conditions laid down in sub-paragraphs (a), (b), (c), (d), (e) and (f). Regular notifications under Article 16 (f) are being received by the Commission. Copies of these notifications are also being sent at the request of the Commission directly to the Fixed Teams which exercise control on these movements under Article 16 and report to the Commission.

105. The Commission has been receiving reports from its Fixed Teams regarding difficulties which are being experienced in the implementation of Article 17 as no notifications under Article 17 (e) have so far been received from either High Command. The teams have been told in specific cases that the movements are internal or that no notifications are being sent under Article 17 (e) as discussions as to an agreed list of war material, entry and exit of which should be notified under Article 17 (e) are still going on between the two High Commands in the Joint Commission.

106. The Commission has, therefore, undertaken a detailed study of various articles of the Agreement dealing with the tasks of the teams, and the matter is under consideration of the Commission for decision and issue of comprehensive instruction to all teams, to make the work of the teams more effective.

Military Bases

107. Articles 18 and 19 prohibit the establishment of new military bases in Vietnam and also prohibit the establishment of military bases under the control of a foreign state. To date except for the general complaint referred to in paragraph 101, the Commission has not received any specific complaint from either of the parties regarding violations of Articles 18 and 19. In order that further instructions to its Fixed Teams may be given, the Operations Committee of the Commission has undertaken the study of the following questions:—

- (i) What is a "military base"? The definition of "military base" to be worked out in the light of various circumstances prevailing at various phases. For instance, the connotation of the words "military base" would be different before and after the completion of the process of regroupment.
- (ii) What constitutes a "new base" and what constitutes an "extension" of an old base?
- (iii) What methods of control will be effective to carry out the Commission's obligations under Article 18?

CHAPTER VII
INCIDENTS IN CENTRAL AND SOUTH VIETNAM

108. As has been mentioned in the previous Chapter, incidents which are reported to have occurred in the areas of South and Central Vietnam have been brought to the notice of the Commission by both parties during the last two months. The places where these incidents occurred and the dates of their occurrence are as follows:—

(i) Ai-Nghia	...	...	...	...	16. 8.1954
(ii) Ha Lam	...	...	...	...	4. 9.1954 to 7.9.1954
(iii) Chi-Thanh	...	...	...	...	7. 9.1954
(iv) Cam-Lo	...	...	...	...	10. 9.1954
(v) Tam-Ky	...	...	...	...	27. 9.1954
(vi) Cho-Ben	...	...	...	...	25.10.1954 to 28.10.1954

109. All these incidents occurred as a result of clashes which took place between forces of the French Union High Command or Civil and Military Police and local populations and resulted in injury to life and property.

110. In the initial stages the parties reported these incidents to the Commission unofficially while discussions regarding the action to be taken were being carried on by the Joint Commission at Phu Lo. The parties, however, found it difficult to agree on the procedure for investigation. The authorities of the Democratic Republic wanted to send a joint team of the Joint Commission and a team from the International Commission to conduct the investigation on the spot. The French Authorities held the view that this matter was not within the scope of the functions of the Joint Commission and proposed that the investigation should be carried out solely by one of the International Commission's Inspection Teams. The parties approached the Commission for its intervention and the Commission, after hearing both parties, proposed a practical solution which would be without prejudice to the juridical stand taken by either party, viz., that the incidents should be investigated by teams of the International Commission. Representatives of the two parties would assist the teams during the investigation and would bring to their notice any relevant evidence. They would not, however, participate in the appraisal of the facts and in the preparation of the report. Both parties accepted this solution as a practical procedure in the circumstances and this mode of enquiry has now been adopted by the Commission for all similar investigations conducted by its Mobile Teams.

111. In accordance with the above, Mobile Teams of the International Commission proceeded to conduct on the spot investigations at the scenes of these incidents. Evidence of witnesses on both sides was recorded and the teams have submitted their reports to the International Commission.

112. The Commission considered the incidents which took place at Ai-Nghia. The reports of the team and the facts of the case as available in them were examined by the Commission in the letter and spirit of the Geneva Agreement, that is to say, in the light of the following:—

- (1) To what extent did the authorities of both sides in the area conform to the letter and spirit of the Articles of the Geneva Agreement after the signature of the Agreement and prior to the occurrence of these incidents.
- (2) Whether there was provocation from the civil population who in the exercise of democratic freedoms under Article 14 (c) exceeded the usual limits and created a situation involving violence.

- (3) Whether such a situation hampered withdrawal and transfer of authority or constituted interference with the local civil administration.
- (4) Whether the action taken by the authorities involved injury to life and property of the civil population.
- (5) If it did, whether it was in excess of the requirements of the situation to enforce law and order and to remove interference to civil administration.
- (6) If excess was established under (5), the methods proposed to settle the incidents by rendering redress to the aggrieved parties and/or recommendations to the parties to take action against excess of authority on the part of the officials concerned.

113. It will be seen that the above issues have been framed with reference to the assurances contained in Article 14 (c) regarding democratic liberties, the principles contained in Article 15 regarding the manner in which withdrawals and transfers of military forces will take place, and the procedure laid down in Article 22 regarding punishment of those responsible for the violation of any of the provisions of the Agreement by the two High Commands.

114. For further detailed consideration of the reports received regarding all these incidents, the Commission has created an *Ad Hoc* Committee of legal experts from each delegation. The Commission has reserved its conclusions on these incidents and possible recommendations to be made to the parties until the review has been completed by the *Ad Hoc* Committee.

115. These incidents occurred during the withdrawals and transfers of military forces prescribed under Article 15. The Commission noted that the principles laid down in Article 15 and in Article 14 (b) were not effectively applied in these areas of Central and South Vietnam. For instance, it was noted that civil administration did not always accompany the military forces and at times, there was a complete vacuum in certain areas of both civil and military administration of either side. The Commission has, on a preliminary review of these incidents, pointed out that if the parties plan the operation of withdrawal and transfer in accordance with the principles and directions laid down in the Geneva Agreement such incidents are less likely to recur. The Commission pointed out to the parties the excellent example of the transfer of Hanoi and Haiduong and has requested them to complete further withdrawals and transfers in accordance with this procedure.

116. Apart from the incidents mentioned above, the following subsequent incidents in Central and South Vietnam have been brought to the notice of the Commission:--

(i) Thai Dong (Quang Nam) ...	6-7th of October, 1954
(ii) Xuan Quang (Quang Nam) ...	17th of October, 1954
(iii) Khanh Thanh Tan (Mo Cay) ...	13th of September, 1954
(iv) Binh Thanh (Cho Moi) ...	11th and 12th of November, 1954
(v) Nhan Phong (Binh Dinh) ...	3rd of November, 1954
(vi) Trung Trinh Soa Long (Phu Yen) ...	29th of October, 1954
(vii) Hoa Thung (Phu Yen) ...	21st of September, 1954
(viii) Anchan (Phu Yen) ...	26th of October, 1954

Those at (i) to (viii) are being investigated by the Commission's Mobile Teams which have been fully briefed as to the points on which investigations are to be made.

CONCLUSION

117. The foregoing review is a summary of the activities of the International Commission for Supervision and Control in Vietnam during the first four months of its existence.

118. Despite difficulties of communication, frayed tempers due to eight years of strife and differences in the degrees of effectiveness of administration in various parts of Vietnam, the provisions of the Agreement which are of a military or semi-military nature have on the whole been carried out according to the time-schedules and directions given in the Agreement. These are detailed in Chapters II and III. As regards prisoners of war and civilian internees dealt with under Chapter IV, by and large, the parties have and are carrying out the directions under Article 21, and the bulk of the exchanges have been completed, though the time schedule has not been maintained mainly due to administrative difficulties.

119. The two parties in the Joint Commission have on occasions been unable to arrive at mutually satisfactory arrangements to execute the Agreement. On such occasions, the International Commission has been approached for intervention. The International Commission has consistently appealed to the parties to approach problems arising out of the Agreement in a practical spirit and not in a narrow formalistic manner. The Commission feels that a practical approach would be in the long run the most effective way of ensuring that the provisions of the Agreement are properly carried out and it is only in this spirit that the two parties can jointly fulfil the obligations which they have accepted at Geneva.

120. It is obvious from the review that there is room for improvement in the implementation by both parties of the Articles of the Agreement dealing with democratic freedoms--Chapters V and VI of the Report. The Commission realises that in a climate of suspicion and fear engendered by eight years of strife and with administrative difficulties of some magnitude which the parties have had to face, effective implementation of the provisions of the Agreement dealing with democratic freedoms is bound to be a difficult matter, but the Commission feels that, while difficulties exist, both sides have been sadly lacking in a sense of purpose and urgency in dealing with these matters.

121. The failure of the French High Command to ensure that effective and civil military administration was established in areas taken over by them in Central and South Vietnam and the practical denial of democratic freedoms involved in the number of incidents resulting in injury to life and property of the civil population which have occurred and still continue to occur show that not enough has been accomplished as yet to establish a stable administration which alone can guarantee effectively the exercise of democratic freedoms under Article 14 (c).

122. Similarly, the High Command of the People's Army of Vietnam, while they did co-operate with the Commission and took measures to secure freedom of movement in the case of about 8,000 Phat Diem refugees, have so far done little to develop adequate administrative arrangements, with the result that complaints continue to pour in. Restrictions on internal movements from province to province and a cumbersome system of permits can hardly assist in the effective exercise of the right of freedom of movement under Article 14 (d).

123. Apart from informal recommendations and suggestions made already from time to time in the past, the Commission is keeping both these

questions under constant review to assist the parties in the effective implementation of the Agreement.

124. Both sides have been generous in their assistance as regards logistic support to the Commission and its Fixed and Mobile Teams, concerning matters dealt with under Chapter VI. However, both sides have preferred narrow legalistic interpretation of the Articles of the Agreement regarding the tasks and the spheres of movement of the Commission's teams. The Commission is taking up the matter with both sides on the basis of experience of the last few months, but it must be stated that our Fixed and Mobile Teams have displayed considerable patience and perseverance in the face of restrictions and obstacles they have met in the form of inefficiency of local administration, the narrowness of local officials or general misunderstanding regarding their tasks.

125. In the control of import of war materials and rotation of personnel, the Commission has, as stated in Chapter VI, placed its Inspection Teams at fixed points laid down in the Agreement. Difficulties encountered have been discussed with the parties concerned and spot checks of the entry of equipment and material are from time to time carried out at these points even though no notifications have so far been received under Article 17 (e). The frequency of control at these fixed points and the adequacy of these for purposes of carrying out the Commission's responsibility for supervision under Article 36 are being kept under review in the light of experience.

126. The Commission is satisfied that, on the whole, the specific points noted in the Final Declaration of the Geneva Powers dated the 21st of July, 1954, have been borne in mind by both sides and that they have made and continue to make efforts to implement the Agreement on the Cessation of Hostilities in Vietnam signed on the 20th of July, 1954.

M. J. DESAI,
Chairman, India.

SHERWOOD LETT,
Member, Canada.

P. OGRODZINSKI,
Member, Poland.

December 25, 1954.

APPENDIX I

IMPLEMENTATION OF THE PROVISIONS OF THE
GENEVA AGREEMENT AS OF DECEMBER 10, 1954

<i>Task</i>	<i>Com- pleted</i>	<i>In pro- gress</i>	<i>Not com- menced</i>	<i>Remarks</i>
1. Fixing of military demarcation lines (1)	*			
2. Establishing demilitarised zone (1)	*			
3. Joint Commission to establish rules for navigation of waterways that coincide with 17th parallel (3)		*		Information about the question has not been received from the Joint Commission.
4. Evacuation of islands north and south of the 17th parallel (4)		*		No complaints have been received from either side.
5. Withdrawal of troops, &c., from the demilitarised zone within 25 days of the cease-fire	*			ditto
6. Determination by Joint Commission of numbers of persons and arms permitted to enter demilitarised zone (8)		*		The International Commission has received no complaint concerning this article.
7. Cessation of hostilities (10 and 11)	*			This question was handled by the Joint Commission.
8. Each side to inform the other of plans for movement of troops from zone in 25 days (11)	*			
9. Removal of mines and modalities of withdrawal and regrouping (12)		*		No complaints have been received from either side. These questions are handled by the Joint Commission.
10. Determination of air corridors and air safety routes by Trung Gia Commission (13)	*			
11. Giving notice in advance of withdrawal by party withdrawing so that there is no break in carrying out of responsibilities in the area affected (14 (b))		*		Evacuation from Provisional Assembly Areas has been supervised by the International Commission. This task is a continuing commitment and studies have been undertaken for future eventualities.
12. Avoidance of reprisals and guarantee of democratic liberties (14 (c))		*		Continuing commitment that is under continuous supervision and review of the Commission.
13. A duty on each party to help civilians wishing to move from one zone to another 14 (d))		*		The International Commission has investigated in a number of places the facilities for the movement of people from one zone to another. Steps have been taken for an examination of the general problem in consultation with the two sides.
14. Withdrawals and transfer (15 (a))		*		
15. Transfer of troops to be made in successive proportionate military instalments (15 (b))		*		A decision of the Central Mixed Commission approves a <i>plan de transfert</i> providing for this to be done in respect of troops of both parties.

(References are to Articles of Agreement)

<i>Task</i>	<i>Com- pleted</i>	<i>In pro- gress</i>	<i>Not com- menced</i>	<i>Remarks</i>
16. Principles to be observed in withdrawals and transfers (15 (d))				Under continuous supervision and review by the Commission.
17. Joint and International Commissions are to ensure that steps are taken to safeguard forces in the course of withdrawal and transfer (15 (e))				Teams accompany forces withdrawing, but take no active steps on safeguarding of forces. Detailed plans are prepared in the Joint Commission, but the presence of the teams is itself considered to be some safeguard.
18. Trung Gia and Joint Commissions to determine exact procedure for troop withdrawals and transfers	*			
19. No troops to be stationed closer than 1,500 metres from the Provisional Assembly Areas (15 (f))				No complaints received.
20. Hanoi evacuation (15-2) ...	*			
21. Hai Duong evacuation (15-2) ...	*			
22. Haiphong evacuation ...			*	Preliminary conversations have begun with the two sides about the withdrawal plan. International Commission proposes to assist at the evacuation.
23. Ham Tam and Xuyen Mee evacuation (15-2)	*			
24. Central Vietnam first and second instalment evacuations (15-2)	*			
25. Plaine de Jones evacuations (15-2)	*			
26. Point Camau evacuation (15-2)				The International Commission proposes to assist at the evacuation.
27. Central Vietnam last instalment evacuation (15-2)			*	The International Commission proposes to assist at the evacuation. Negotiations concerning the size of the second instalment and whether the P.A.V.N. may withdraw from a further portion of the area before the 300-day limit are in progress.
28. Notification by each party to the Joint and International Commissions of arrivals and departures of personnel, including individuals. Daily reports to be submitted to both Commissions (16(f))			*	The Commission is receiving notifications from the French Union High Command. No notifications have so far been received from the P.A.V.N. High Command.
29. International Commission to supervise and inspect the rotation of units and arrivals and departures of individuals at points of entry (16 (g))			*	Arrangements have been made for supply of copies of notification under 16 (f) to the Fixed Teams for purpose of supervision.
30. Notification to Joint and International Commissions of arrivals and departures of war material, arms and munitions of all types (17 (e))			*	The Joint Commission has not yet agreed on what items will be considered as "war material." Teams are making spot checks and inspection of entries and exits of equipment.

(References are to Articles of Agreement)

Task	Com- pleted	In pro- gress	Not com- menced	Remarks
31. International Commission through its teams is to supervise and inspect replacements of material permitted under the Agreement (17 (f))			*	
32. Liberation of prisoners of war and civilian internees (21(a))				Both sides state that to the best of their knowledge they have surrendered all prisoners of war and civilian internees. Questions concerning possible outstanding cases raised by either side are currently under review in the Commission, particularly in relation to persons whose status is contested. No complaints received so far.
33. Duty imposed upon the parties to assist prisoners of war and civilian personnel (internees) to proceed to their own country or zone of choice (21 (c))				
34. Duty imposed on parties to punish persons violating the Agreement (22)				The Commission has often approached the parties to correct or adjust their policy and avoid violation of provisions of the Agreement, but no violations of the Agreement have been determined or formal recommendation made so far.
35. Joint Commission to determine time limit and procedure for exhuming and removing bodies (23)			*	Information about discussion of this question in the Joint Commission received on December 10, 1954.
36. International Commission to set up Fixed and Mobile Teams (35)			*	
37. International Commission to control movement of armed forces (36 (a))				Observers from the International Commission generally attend in their official capacity whenever large-scale movements of armed forces are under way. Arrangements for these inspections are being discussed with the two sides.
38. International Commission to supervise demarcation lines and demilitarised zone (36 (b))			*	
39. International Commission to control the release of prisoners of war and civilian internees (36 (c))				See Item 32. Control was exercised by observation and investigation.
40. International Commission to supervise at ports, airfields and along all frontiers the carrying out of the provisions of the Agreement regarding reinforcement of personnel and material (36 (d))			*	This duty is being carried out by teams. More detailed instructions are under preparation and will be issued shortly.
41. International Commission to study reports on violations or threats of serious violations submitted by Inspection Teams (39)				Continuing commitment.

(References are to Articles of Agreement)

<i>Task</i>	<i>Com- pleted</i>	<i>In pro- gress</i>	<i>Not com- menced</i>	<i>Remarks</i>
42. International Commission to pass recommendations on questions where Joint Commission unable to agree on interpretation of the Agreement or on appraisal of fact (40)				Continuing commitment.
43. International Commission may recommend additions and amendments to Geneva Agreement (41)				No recommendation made so far.
44. International Commission is to inform the Geneva Conference Powers of any case where the activities of the Commission have been hampered (43)				No occasion for such report has arisen so far.
45. Establishment of the International Commission (44)				
46. Co-ordination (45)				Continuing commitment.
47. Reduction in activities of the Commission (46)				No reasons for such decision so far.

(References are to Articles of Agreement)

APPENDIX II

