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SAVA 73-100

13 June 1973

MEMORANDUM FOR THE DIRECTOR

SUBJECT: Preliminary Comments on Paris Developments

1. We now have in hand the text of the new Agreement Henry has negotiated in Paris -- the so-called "joint communique" -- relayed to us via the U.S. Delegation's NODIS cable [redacted] (13 June). This document takes on additional meaning if read in conjunction with and in light of three very informative Restricted Handling cables received from Tom Polgar on 13 June: SAIGON [redacted] Polgar's general wrap-up of the past few days' events; SAIGON [redacted] the text of his 13 June memo to Ambassador Whitehouse on his session with General Quang that morning (sent to Washington and Paris on the Ambassador's privacy link); and SAIGON [redacted] [redacted]

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[redacted]

turning to substantive questions, one internal matter deserves highlighting. Polgar and the Station clearly performed with great distinction. Their activities probably were decisive in getting and keeping the GVN in line. Polgar and his colleagues did themselves and the Agency proud and performed a signal service to the U.S. Government.

2. On the military side, the "communique" (i.e., new Agreement) stipulates that at 1200 Zulu on 14 June (0800 EDT and 2000 Saigon time the same day) the "high commands of the two South Vietnamese parties" are to give orders to all of their

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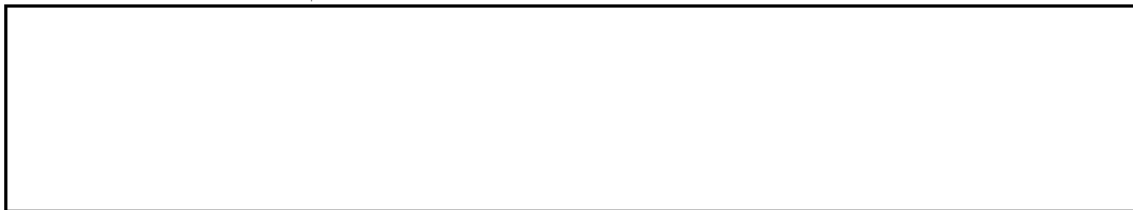
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forces "to strictly observe the cease-fire throughout South Vietnam beginning at 0400 hours, GMT, June 15, 1973, and scrupulously implement the Agreement and its protocols." (0400 Zulu on 15 June translates to midnight on 14 June here and noon on 15 June, in Saigon.) There is a related stipulation (in the cable's paragraph 5) about accomplishing "a return of the armed forces of the two South Vietnamese parties to the positions they occupied at the time the cease-fire entered into force on January 28, 1973."

3. What all this means is that Vietnam is likely to be quite noisy between now and midnight on 14 June our time. Unless Henry has exerted pressure or worked out a side deal not reflected in the formal text, the Communists will probably launch their land-grabs and attempt to seize as much strategic real estate as possible before the new cease-fire's implementation deadline.* The 28 January clause is an additional hooker. What it can mean is that the Communists will have grounds for claiming control over areas they grabbed just prior to the original Paris Agreement's effective date, even though the GVN booted them out of such areas (e.g., Sa Huynh) shortly thereafter and even if they cannot regain possession of such areas prior to the "new" cease-fire's effective hour.

4. On the political side, buried in the text of the "communique" is the end result of the great Article 9 flap which so exercised the GVN and which, as Polgar's cables explain in detail, was one of Thieu's major sticking points. In the original (27 January) Paris Agreement, Article 9 is the first Article under Chapter 4: "The exercise of the South Vietnamese people's right to self-determination." Its text reads as follows:



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"The Government of the United States of America and the Government of the Democratic Republic of Vietnam undertake to respect the following principles for the exercise of the South Vietnamese people's right to self-determination:

"(a) The South Vietnamese people's right to self-determination is sacred, inalienable, and shall be respected by all countries.

"(b) The South Vietnamese people shall decide themselves the political future of South Vietnam through genuinely free and democratic general elections under international supervision.

"(c) Foreign countries shall not impose any political tendency or personality on the South Vietnamese people."

5. Thieu and the GVN were extremely anxious to re-affirm all parties' commitment to Article 9 (b). This clause clearly points in the direction of a head-to-head plebescite, something Thieu knows he would win hands down under present circumstances. The Communists also know this and therefore want no part whatsoever of any such plebescite-type electoral contest in the foreseeable future. Over the medium term they would like to replace the current Senate and House (and the GVN current constitution) with some form of constituent assembly in which they are allotted in advance a sizeable proportion of the seats -- at least one-third and, ideally, fifty percent or better. In the near term, the Communists want to focus (exclusively if possible) on the tri-partite "National Council of National Reconciliation and Concord" which -- as Thieu quite properly suspects -- the Communists would like to transmute into some form of interim coalition government in which the Communist voice would be at least equal to that of the GVN.

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6. The pertinent language of the "communique" reflects a papered-over compromise in which the GVN gains more than it loses. The direct reference to Article 9 is blurred. The "communique" marches along, Article by Article (specifically flagged) through Article 8. In the chain of direct reference, it then skips to Article 11, after which (in the next paragraph -- 10 in the cable) it comes back to the substance of Article 9. That paragraph does quote, i.e., repeat, the language of the 27 January Agreement's Article 9 (b), though that quote is immediately followed with a clause waving the flag for the tripartite NCNRC which is to "be formed as soon as possible, in conformity with Article 12 of the Agreement." The GVN, however, gets in one more lick a few lines later via an explicit stipulation that "the two South Vietnamese parties shall agree through consultations on the institutions for which the free and democratic general elections provide for in Article 9 (b) of the Agreement will be held."

7. On the whole, if the GVN can hang on militarily during the next 30-odd hours, its immediate political position is theoretically enhanced rather than jeopardized. If the Communists can be induced or compelled to participate in a plebescite-type election within the reasonably near future, the GVN should be able to score a major political victory.

8. The real long term kicker is of course Article 20 and Article 7 (of the original, 27 January text). Article 20's language obligates North Vietnam to withdraw all of its forces from Laos and Cambodia. The "communique" stipulates that "Article 20 of the Agreement, regarding Cambodia and Laos shall be scrupulously implemented." The "communique" also stipulates, a little earlier, that -- in line with Article 7 -- the "two South Vietnamese parties" will not introduce new troops into South Vietnam or any new war materiel save for authorized, ICCS-supervised, one-to-one replacements of used or worn out equipment imported solely through designated entry points. If North Vietnam in fact abides by these provisions, the GVN should be in reasonably good shape. To put it mildly, I am extremely skeptical of Hanoi's good intentions in this regard.

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9. Taken as a whole, the new Agreement (the "communique") turns me instinctively to Horace ("parturient montes, nascetur ridiculus mus"). Unless there are understandings which do not appear in the official "communique," the new Agreement has no more teeth in it to enforce compliance than did the 27 January Agreement. We have the means, within limits, to bring about a greater degree of compliance by the GVN, and presumably some combination of threats and inducements -- from Moscow and Peking as well as Washington -- has been or can be brought to bear on Hanoi. There is nothing in the new text itself, however, which firmly commits either Hanoi or the Viet Cong to anything they were not already committed to in January. If Hanoi succeeds in enlisting our aid in pressing the GVN to "live up" to the GVN's reasonably specific commitments, while finessing compliance with the Communists' much more generally stated obligations (e.g., Articles 7, 9 and 20), the overall politico-military balance in South Vietnam will tilt perceptibly in the Communists' favor.

/s/

George A. Carver, Jr.

Special Assistant for Vietnamese Affairs

cc: DDCI
DDO
ADDO
C/EA

O/DCI/SAVA:GACarver/mee

Orig - DCI

1@ - cc's

1 - GAC Chrono ✓

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1 - Memos TO and FROM DCI

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