

State Dept. review completed

ON-FILE NSC RELEASE INSTRUCTIONS APPLY

WHILE SITUATED SET EYES ONLY

TOP SECRET 72 AUG 28 AM 10:30

MORI/CDF
C03322158

H/W VOLUNTARY REENCIPHERMENT SAIGON 0143 SECTION 1 OF 2

NOT SENT TO SC
Kennedy
~~Howe~~
Ford

TOP SECRET SENSITIVE 281015Z AUG 72 [REDACTED] (BUNKER) 25X1
FROM: AMBASSADOR BUNKER SAIGON 0143 IMMEDIATE
TO: THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER
REFS: A) WHS 2146; B) SAIGON 0141; C) SAIGON 0142

SECTION ONE OF TWO

1. I HAVE JUST RECEIVED FROM THIEU THE FOLLOWING DOCUMENTS CONCERNING OUR PEACE PROPOSAL:

- 1) ASSESSMENT OF THE REPUBLIC OF VIET-NAM ON POINT 4 IN THE U. S. PROPOSAL.
- 2) CONTENT OF POINT 4 PROPOSED BY THE REPUBLIC OF VIET-NAM (TO REPLACE POINT 4 IN THE U.S. PROPOSAL).
- 3) EXPLANATION OF POINT 4 AS PROPOSED BY THE REPUBLIC OF VIET-NAM.
- 4) MEMORANDUM SETTING FORTH THE GVN VIEWS ON OUR RESPONSE TO THE GVN AUGUST 18 COMMENTS ON OUR PROPOSED PEACE OFFER.
- 5) DRAFT OF "THE U.S. 10-POINT PEACE PROPOSAL" (MINUS POINT 4) (AS SUGGESTED BY THE GRVN).
- 6) U.S. PROPOSAL ON CONDUCT OF NEGOTIATIONS (AS SUGGESTED BY THE GRVN).

2. I AM SENDING POINTS 1, 2, AND 3 IN THIS MESSAGE AND POINTS 4, 5, AND 6 IN THE IMMEDIATELY FOLLOWING MESSAGE. I REGRET DELAYS IN SPITE OF CONSTANT URGING ON THE IMPORTANCE OF GETTING THIS TO YOU.

ASSESSMENT OF THE REPUBLIC OF VIET-NAM
ON POINT 4 IN THE U.S. PROPOSAL

IT IS THE VIEW OF THE GVN THAT A POLITICAL SOLUTION FOR SOUTH VIET-NAM, AS CONTEMPLATED IN POINT 4 OF THE U.S. MEMO OF AUGUST 17, 1972, PRESENTS SERIOUS DIFFICULTIES ON THESE TWO MAJOR POINTS:

1/- THE ARBITRARY MODALITY OF CHOICE OF MEMBERSHIP OF THE CNR, AND RATIO 50/50 OF MEMBERSHIP BETWEEN THE GVN AND THE NLF IN THE CNR.

2/- A COMMITMENT TO REVISE THE CONSTITUTION, AND THE MODALITIES CONTEMPLATED FOR SUCH REVISION.

THESE ARE THE REASONS FOR THE GVN'S STRONG RESERVATION ON THESE TWO BASIC POINTS.

1. A)- THE 50/50 RATIO DOES NOT REFLECT THE RELATIVE POLITICAL STRENGTHS OF THE GVN AND NLF, AND THEREFORE IS NOT IN CORRECT APPLICATION OF THE PRINCIPLE OF SELF-DETERMINATION OF THE SOUTH VIETNAMESE PEOPLE.

B)- THE "VETO" POWER OF THE GVN IN A 50/50 SET-UP IN THE CNR IS ILLUSORY, IN VIEW OF THE COMMUNIST COMMON PRACTICE OF VARIOUS KINDS OF PRESSURE AGAINST NON-COMMUNIST MEMBERS. THIS SYSTEM THEREFORE IS VERY DANGEROUS FOR THE SURVIVAL OF A FREE SOUTH VIET-NAM.

C)- THE ACCEPTANCE OF A 50/50 RATIO BETWEEN THE GVN AND THE NLF WILL GIVE THE SO-CALLED GRP A DE FACTO EQUALITY WITH THE GVN, AND THEREBY WILL HAVE DISASTROUS REPERCUSSIONS FOR THE GVN DOMESTICALLY AND INTERNATIONALLY.

D)- THE CNR WITH 3 COMPONENTS WILL BE CONSIDERED A DE FACTO COALITION GOVERNMENT IN WHICH THE COMMUNISTS ARE GIVEN 50 PER CENT OF THE COMPOSITION, AND WHICH IS IMPOSED UPON THE SOUTH VIETNAMESE PEOPLE.

2. THE CONSTITUTION IS THE LEGAL FOUNDATION OF THE REPUBLIC OF VIET-NAM. THE GVN, ISSUED FROM THE CONSTITUTION, CANNOT PLEDGE THE REVISION OF THE CONSTITUTION IN AN INTERNATIONAL AGREEMENT.

THE GVN CAN HOWEVER CONSIDER THE POSSIBILITIES OF ALLOWING THE NLF TO PARTICIPATE IN THE POLITICAL LIFE OF SOUTH VIET-NAM, IN THE FRAMEWORK OF EXISTING CONSTITUTIONAL PROCEDURES.

CONTENT OF POINT 4 PROPOSED BY
THE REPUBLIC OF VIET-NAM
(TO REPLACE POINT 4 IN THE U.S. PROPOSAL)

4. THE SETTLEMENT OF THE INTERNAL POLITICAL AFFAIRS IN SOUTH VIET-NAM SHOULD BE BASED ON THE RIGHT TO SELF-DETERMINATION OF THE PEOPLE OF SOUTH VIET-NAM, IN THE RESPECT OF PEACE, WITHOUT ANY FOREIGN PRESSURE, AND THROUGH GENUINELY FREE AND DEMOCRATIC ELECTIONS.

ELECTORAL PROCEDURES SHOULD GUARANTEE GENUINE FREEDOM AND EQUALITY DURING THE CAMPAIGNING AND IN THE BALLOTING TO ALL CITIZENS, IRRESPECTIVE OF THEIR POLITICAL TENDENCIES.

A)- A NEW PRESIDENTIAL ELECTION WILL BE HELD WITHIN 5 MONTHS AFTER THE SIGNING OF THE OVERALL AGREEMENT, INCLUDING AN INTERNATIONALLY SUPERVISED GENERAL CEASEFIRE. ALL THE POLITICAL PARTIES IN SOUTH VIET-NAM CAN PARTICIPATE IN THE ELECTION AND PRESENT CANDIDATES.

THERE WILL BE INTERNATIONAL SUPERVISION FOR THIS ELECTION.

B)- THIS ELECTION WILL BE ORGANIZED AND SUPERVISED BY A COMMITTEE OF NATIONAL RECONCILIATION. THIS COMMITTEE WILL DETERMINE THE MODALITIES OF THE ELECTION, THE QUALIFICATIONS OF THE CANDIDATES, GUARANTEE THE EQUALITY IN THE BALLOTING AND CONTROL THE RESULTS OF THE ELECTION.

TOP SECRET SENSITIVE

EYES ONLY

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~~TOP SECRET SENSITIVE~~

'72 AUG 28 AM 10: EYES ONLY

TOP SECRET SENSITIVE 231015Z AUG 72 VIA CAS CHANNELS (BUNKER)
FROM: AMBASSADOR BUNKER SAIGON 0143 IMMEDIATE
TO: THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER

FINAL SECTION OF 2

C)- THE COMPOSITION OF THE COMMITTEE OF NATIONAL RECONCILIATION WILL BE FIXED AFTER A REFERENDUM.

AN INTERNATIONAL COMMISSION, WITH THE PARTICIPATION OF THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM AND THE NLF, WILL ORGANIZE AND SUPERVISE THE REFERENDUM AT A TIME MUTUALLY AGREABLE BY THE TWO SIDES AFTER THE SIGNING OF THE OVERALL AGREEMENT, IN ORDER FOR THE ENTIRE PEOPLE OF SOUTH VIET-NAM TO REGISTER THEIR PREFERENCE FOR THE FREE AND DEMOCRATIC NATIONAL REGIME OR THE NLF.

THE COMPOSITION OF THE COMMITTEE OF NATIONAL RECONCILIATION WILL BE FIXED IN PROPORTION TO THE NUMBER OF VOTES BOTH SIDES RECEIVED IN THE REFERENDUM.

THE COMMITTEE OF NATIONAL RECONCILIATION WILL ASSUME ITS FUNCTIONS RIGHT AFTER ITS FORMATION.

D)- ONE MONTH BEFORE THE PRESIDENTIAL ELECTION TAKES PLACE, THE INCUMBENT PRESIDENT AND VICE-PRESIDENT WILL RESIGN. THE CHAIRMAN OF THE SENATE, AS CARETAKER HEAD OF THE GOVERNMENT, WILL ASSUME ADMINISTRATIVE RESPONSIBILITIES EXCEPT FOR THOSE RESPONSIBILITIES

PERTAINING TO THE ELECTION, WHICH WILL REMAIN WITH THE COMMITTEE OF NATIONAL RECONCILIATION.

E)- AFTER HE ASSUMES OFFICE, THE PRESIDENT ELECT WILL FORM A GOVERNMENT OF NATIONAL RECONCILIATION IN WHICH THE POLITICAL FORCES WILL BE REPRESENTED IN PROPORTION TO THE NUMBER OF VOTES THEY HAVE RECEIVED IN THAT ELECTION.

F)- ALL THE POLITICAL FORCES IN SOUTH VIET-NAM WILL BE GUARANTEED TO PARTICIPATE IN THE POLITICAL LIFE OF THE NATION IN DEMOCRACY AND PEACE.

THERE WILL BE NO DISCRIMINATION OR REPRISAL AGAINST ANY CITIZEN OR GROUP ON ACCOUNT OF THEIR ACTIVITIES IN THE PERIOD OF HOSTILITIES.

EXPLANATION OF POINT 4 AS PROPOSED BY
THE REPUBLIC OF VIET-NAM

1. WE CONSIDER THAT THE PEOPLE OF SOUTH VIET-NAM SHOULD DETERMINE BY THEMSELVES THE POLITICAL SYSTEM OF SOUTH VIET-NAM THROUGH GENUINELY FREE AND DEMOCRATIC ELECTIONS AND BY WAY OF ONE MAN ONE VOTE. TO MAKE THE ELECTION IMPARTIAL, A COMMITTEE OF NATIONAL RECONCILIATION WILL ASSUME THE RESPONSIBILITY TO ORGANIZE AND SUPERVISE THE ELECTION.

THERE WILL BE INTERNATIONAL SUPERVISION FOR THIS ELECTION.

WE ALSO CONSIDER THAT, TO GUARANTEE TO THE OTHER SIDE TO PARTICIPATE IN THE ELECTION, A REFERENDUM WILL BE ORGANIZED AND SUPERVISED BY AN INTERNATIONAL COMMISSION WITH THE PARTICIPATION OF THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM AND THE NLF, TO ENABLE THE PEOPLE, THROUGH THEIR BALLOTS, TO DECIDE ON THE FREE AND DEMOCRATIC NATIONAL REGIME OR THE NLF.

WE CONSIDER THAT THIS IS A VERY DEMOCRATIC, CONSTRUCTIVE, LOGICAL, JUST AND HONORABLE FORMULA WHICH REFLECTS FAITHFULLY THE ASPIRATIONS OF THE ENTIRE PEOPLE OF SOUTH VIET-NAM, RESPECTS THE RIGHT TO SELF-DETERMINATION OF THE PEOPLE OF SOUTH VIET-NAM, AND ILLUSTRATES THE SPIRIT OF NATIONAL RECONCILIATION.

2. MOREOVER, THE REFERENDUM BY ITSELF CAN BE CONSIDERED AS A SUFFICIENT POLITICAL SOLUTION. HOWEVER, WITH OUR MAXIMUM GOOD-WILL FOR PEACE AND NATIONAL RECONCILIATION, WE ALSO PROPOSE A NEW PRESIDENTIAL ELECTION, EVEN IN THE CASE THE NATIONALIST SIDE HAS THE MAJORITY OF THE VOTES IN THE REFERENDUM.

3. FURTHERMORE, AFTER THE PRESIDENTIAL ELECTION, THE PRESIDENT ELECT WILL ALSO FORM A GOVERNMENT OF NATIONAL RECONCILIATION TO INCLUDE ALL THE POLITICAL FORCES IN PROPORTION TO THE VOTES RECEIVED IN THE REFERENDUM, IN ORDER FOR THEM TO JOINTLY PARTICIPATE ACTIVELY IN THE ADMINISTRATION OF THE NATION.

3. WARM REGARDS.

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SAIGON OPR NOTE: CANCEL SEGMENTS 021 AND 022.