

# **Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the International Commission of Control and Supervision**

The parties participating in the Paris Conference on Vietnam,

In implementation of Article 18 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the formation of the International Commission of Control and Supervision,

Have agreed as follows:

## **Article 1**

The implementation of the Agreement is the responsibility of the parties signatory to the Agreement.

The functions of the International Commission are to control and supervise the implementation of the provisions mentioned in Article 18 of the Agreement. In carrying out these functions, the International Commission shall:

- (a) Follow the implementation of the above-mentioned provisions of the Agreement through communication with the parties and on-the-spot observation at the places where this is required;
- (b) Investigate violations of the provisions which fall under the control and supervision of the Commission;
- (c) When necessary, cooperate with the Joint Military Commissions in deterring and detecting violations of the above-mentioned provisions.

## **Article 2**

The International Commission shall investigate violations of the provisions described in Article 18 of the Agreement on the request of the Four-Party Joint Military Commission, or of the Two-Party Joint Military Commission, or of any party, or, with respect to Article 9 (b) of the Agreement on general elections, of the National Council of National Reconciliation and Concord, or in any case where the International Commission has other adequate grounds for considering that there has been a violation of those provisions.

It is understood that, in carrying out this task, the International Commission shall function with the concerned parties' assistance and cooperation as required.

### **Article 3**

(a) When the International Commission finds that there is a serious violation in the implementation of the Agreement or a threat to peace against which the Commission can find no appropriate measure, the Commission shall report this to the four parties to the Agreement so that they can hold consultations to find a solution.

(b) In accordance with Article 18 (f) of the Agreement, the International Commission's reports shall be made with the unanimous agreement of the representatives of all the four members. In case no unanimity is reached, the Commission shall forward the different views to the four parties in accordance with Article 18 (b) of the Agreement, or to the two South Vietnamese parties in accordance with Article 18 (c) of the Agreement, but these shall not be considered as reports of the Commission.

### **Article 4**

(a) The headquarters of the International Commission shall be at Saigon.

(b) There shall be seven regional teams located in the regions shown on the annexed map and based at the following places:

<i>Regions</i>	<i>Places</i>
I	Hue
II	Danang
III	Pleiku
IV	Phan Thiet
V	Bien Hoa
VI	My Tho
VI	Can Tho

The International Commission shall designate three teams for the region of Saigon-Gia Dinh.

(c) There shall be twenty-six teams operating in the areas shown on the annexed map and based at the following places in South Vietnam:

#### *Region I*

Quang Tri  
Phu Bai

#### *Region II*

Hoi An  
Tam Ky  
Chu Lai

#### *Region III*

Kontum  
Hau Bon

Phu Cat  
Tuy An  
Ninh Hoa  
Ban Me Thuot

*Region IV*

Da Lat  
Bao Loc  
Phan Rang

*Region V*

An Loc  
Xuan Loc  
Ben Cat  
Cu Chi  
Tan An  
Region VI  
Moc Hoa  
Giong Trom

*Region VII*

Tri Ton  
Vinh Long  
Vi Thanh  
Khanh Hung  
Quan Long

(d) There shall be twelve teams located as shown on the annexed map and based at the following places:

Gio Linh (to cover the area south of the Provisional Military Demarcation Line)

Lao Bao  
Ben Het  
Due Co  
Chu Lai  
Qui Nhon  
Nha Trang  
Vung Tau  
Xa Mat  
Bien Hoa Airfield  
Hong Ngu  
Can Tho

(e) There shall be seven teams, six of which shall be available for assignment to the points of entry which are not listed in paragraph (d) above and which the two South Vietnamese parties choose as points for legitimate entry to South Vietnam for replacement of armaments, munitions, and war material permitted by Article 7 of the Agreement. Any team or teams not needed for the above- mentioned assignment shall be available for other tasks, in keeping with the Commission's responsibility for control and supervision.

(f) There shall be seven teams to control and supervise the return of captured and detained personnel of the parties.

#### **Article 5**

(a) To carry out its tasks concerning the return of the captured military personnel and foreign civilians of the parties as stipulated by Article 8 (a) of the Agreement, the International Commission shall, during the time of such return, send one control and supervision team to each place in Vietnam where the captured persons are being returned, and to the last detention places from which these persons will be taken to the places of return.

(b) To carry out its tasks concerning the return of the Vietnamese civilian personnel captured and detained in South Vietnam mentioned in Article 8 (c) of the Agreement, the International Commission shall, during the time of such return, send one control and supervision team to each place in South Vietnam where the abovementioned captured and detained persons are being returned, and to the last detention places from which these persons shall be taken to the places of return.

#### **Article 6**

To carry out its tasks regarding Article 9 (b) of the Agreement on the free and democratic general elections in South Vietnam, the International Commission shall organize additional teams, when necessary. The International Commission shall discuss this question in advance with the National Council of National Reconciliation and Concord. If additional teams are necessary for this purpose, they shall be formed thirty days before the general elections.

#### **Article 7**

The International Commission shall continually keep under review its size, and shall reduce the number of its teams, its representatives or other personnel, or both, when those teams, representatives or personnel have accomplished the tasks assigned to them and are not required for other tasks. At the same time, the expenditures of the International Commission shall be reduced correspondingly.

#### **Article 8**

Each member of the International Commission shall make available at all times the following numbers of qualified personnel:

(a) One senior representative and twenty-six others for the headquarters staff.

- (b) Five for each of the seven regional teams.
- (c) Two for each of the other international control teams, except for the teams at Gio Linh and Vung Tau, each of which shall have three.
- (d) One hundred sixteen for the purpose of providing support to the Commission Headquarters and its teams.

#### **Article 9**

- (a) The International Commission, and each of its teams, shall act as a single body comprising representatives of all four members.
- (b) Each member has the responsibility to ensure the presence of its representatives at all levels of the International Commission. In case a representative is absent, the member concerned shall immediately designate a replacement.

#### **Article 10**

- (a) The parties shall afford full cooperation, assistance, and protection to the International Commission.
- (b) The parties shall at all times maintain regular and continuous liaison with the International Commission.  
During the existence of the Four-Party Joint Military Commission, the delegations of the parties to that Commission shall also perform liaison functions with the International Commission. After the Four-Party Joint Military Commission has ended its activities, such liaison shall be maintained through the Two-Party Joint Military Commission, liaison missions, or other adequate means.
- (c) The International Commission and the Joint Military Commissions shall closely cooperate with and assist each other in carrying out their respective functions.
- (d) Wherever a team is stationed or operating, the concerned party shall designate a liaison officer to the team to cooperate with and assist it in carrying out without hindrance its task of control and supervision.  
When a team is carrying out an investigation, a liaison officer from each concerned party shall have the opportunity to accompany it, provided the investigation is not thereby delayed.
- (e) Each party shall give the International Commission reasonable advance notice of all proposed actions concerning those provisions of the Agreement that are to be controlled and supervised by the International Commission.
- (f) The International Commission, including its teams, is allowed such movement for observation as is reasonably required for the proper exercise of its functions as stipulated in the Agreement. In carrying out these functions, the International Commission, including its teams, shall enjoy all necessary assistance and cooperation from the parties concerned.

**Article 11**

In supervising the holding of the free and democratic general elections described in Articles 9 (b) and 12 (b) of the Agreement in accordance with modalities to be agreed upon between the National Council of National Reconciliation and Concord and the International Commission, the latter shall receive full cooperation and assistance from the National Council.

**Article 12**

The International Commission and its personnel who have the nationality of a member state shall, while carrying out their tasks, enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

**Article 13**

The International Commission may use the means of communication and transport necessary to perform its functions. Each South Vietnamese party shall make available for rent to the International Commission appropriate office and accommodation facilities and shall assist it in obtaining such facilities. The International Commission may receive from the parties, on mutually agreeable terms, the necessary means of communication and transport and may purchase from any source necessary equipment and services not obtained from the parties. The International Commission shall possess these means.

**Article 14**

The expenses for the activities of the International Commission shall be borne by the parties and the members of the International Commission in accordance with the provisions of this Article:

(a) Each member country of the International Commission shall pay the salaries and allowances of its personnel.

(b) All other expenses incurred by the International Commission shall be met from a fund to which each of the four parties shall contribute twenty-three percent (23 %) and to which each member of the International Commission shall contribute two percent (2 %).

(c) Within thirty days of the date of entry into force of this Protocol, each of the four parties shall provide the International Commission with an initial sum equivalent to four million, five hundred thousand (4,500,000) French francs in convertible currency, which sum shall be credited against the amounts due from that party under the first budget.

(d) The International Commission shall prepare its own budgets. After the International Commission approves a budget, it shall transmit it to all parties signatory to the Agreement for their approval. Only after the budgets have been approved by the four parties to the Agreement shall they be obliged to make their contributions. However, in case the parties to the Agreement do not agree on a new budget, the International Commission shall temporarily base its expenditures on the previous budget, except for the extraordinary, one-

time expenditures for installation or for the acquisition of equipment, and the parties shall continue to make their contributions on that basis until a new budget is approved.

#### **Article 15**

(a) The headquarters shall be operational and in place within twenty-four hours after the cease-fire.

(b) The regional teams shall be operational and in place, and three teams for supervision and control of the return of the captured and detained personnel shall be operational and ready for dispatch within forty-eight hours after the cease-fire.

(c) Other teams shall be operational and in place within fifteen to thirty days after the cease-fire.

#### **Article 16**

Meetings shall be convened at the call of the Chairman. The International Commission shall adopt other working procedures appropriate for the effective discharge of its functions and consistent with respect for the sovereignty of South Vietnam.

#### **Article 17**

The Members of the International Commission may accept the obligations of this Protocol by sending notes of acceptance to the four parties signatory to the Agreement. Should a member of the International Commission decide to withdraw from the International Commission, it may do so by giving three months notice by means of notes to the four parties to the Agreement, in which case those four parties shall consult among themselves for the purpose of agreeing upon a replacement member.

#### **Article 18**

This Protocol shall enter into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

DONE in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

*[Separate Numbered Page]*

For the Government of the United States of America  
William P. Rogers  
*Secretary of State*

For the Government of the Republic of Vietnam  
Tran Van Lam  
*Minister for Foreign Affairs*

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For the Government of the Democratic Republic of Vietnam  
Nguyen Duy Trinh  
*Minister for Foreign Affairs*

For the Provisional Revolutionary Government of the Republic of South Vietnam  
Nguyen Thi Binh  
*Minister for Foreign Affairs*