

Mr. Nixon and the

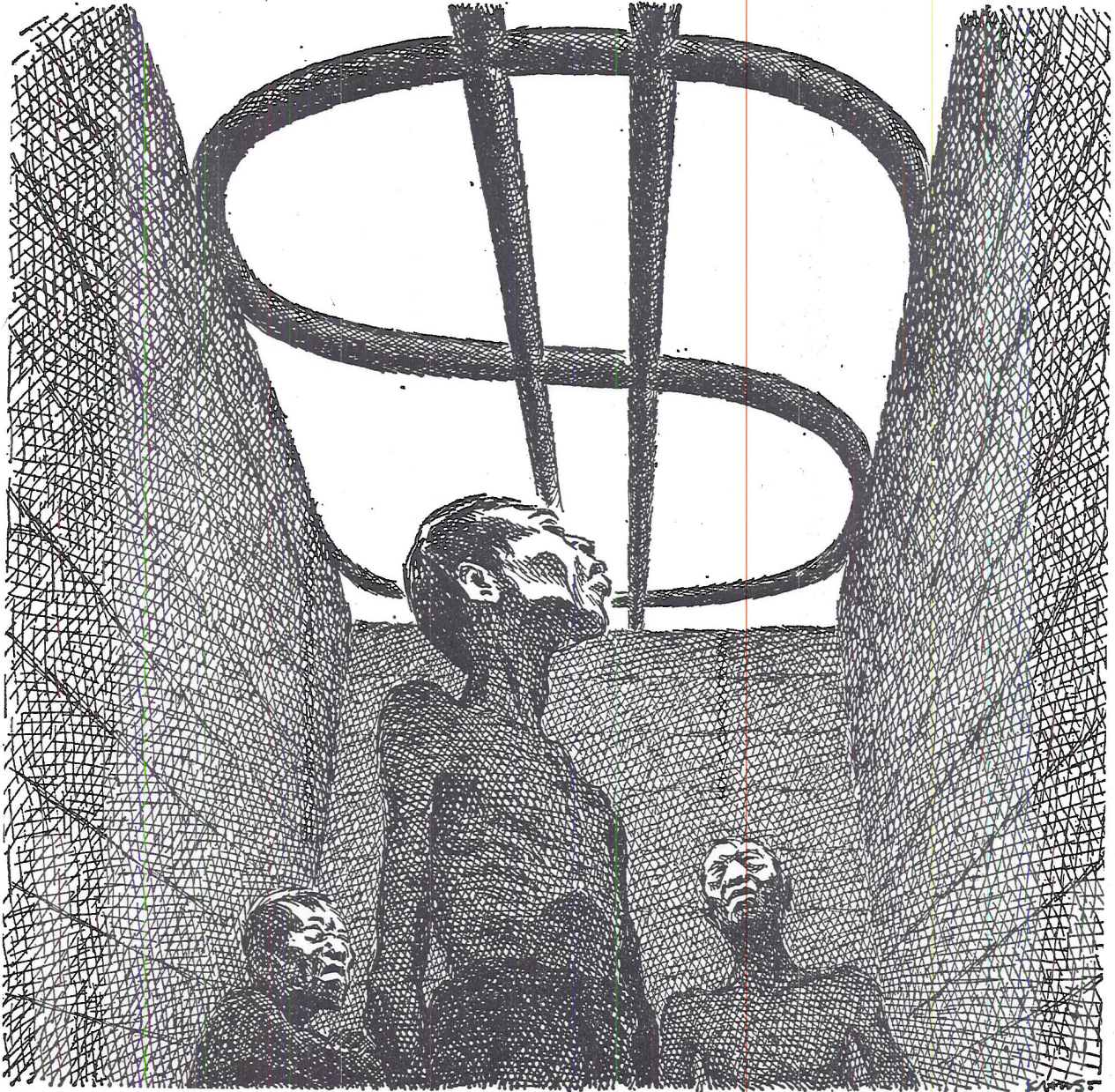
By RICHARD FALK

PRINCETON, N. J.—The basic concern that emerges from extended new discussions with the delegations to the Paris peace talks of North Vietnam and the Provisional Revolutionary Government of South Vietnam is their continuing belief that the prisoner issue is a smokescreen behind which President Nixon intends to go on with the war.

Nothing that Mr. Nixon has done or said since he became President gives the Vietnamese reason for hope that Washington genuinely desires a rapid negotiated settlement of the war. On their part, Ambassador Xuan Thuy reaffirmed the central importance of setting a reasonable date for total U.S. withdrawal as the only precondition for prisoner release. This means, Mr. Thuy emphasized, that discussions could begin at once thereafter on how, not whether, to release the prisoners — the rate and physical means of release.

The North Vietnamese officials emphasized over and over again that they have neither reason nor desire to hold Americans captive once there is clear evidence that the United States intends to end its combat role in Vietnam and to commit itself to total withdrawal. Xuan Thuy pointed out that North Vietnam and the provisional government have already indicated exceptional responsiveness on the prisoner issue by making it very plain that arrangements for release could be effectuated during the withdrawal process rather than, as is normal, after the end of hostilities. The North Vietnamese are certainly correct when they point out that by virtue of international law and diplomatic practice prisoner release is normally a postwar phenomenon. All the North Vietnamese and the provisional government are asking for is a reasonable date certain, and even those Americans whose only negotiating interest is to get the prisoners back could not expect the Vietnamese to settle for less. Mr. Thuy sought to put the prisoner issue back in the context of the war as a whole. Although he expressed sympathy for the plight of American prisoner families, he emphasized the long suffering endured by the Vietnamese people throughout the course of this cruel war that has been going on in his country since World War II, a war in which Vietnamese deaths each week in recent years have by far exceeded the total number of Americans held captive by Hanoi. Mrs. Binh, chief of the provisional government, asked that Americans eager to resolve the prisoner issue understand Vietnamese feel-

Prisoner Smokescreen



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ings as well as their own—"Don't the American people know that the blood of the Vietnamese people is also red? And don't they know that the Vietnamese people also have families?"

The Vietnamese negotiators believe that the Nixon Administration is using the prisoner issue as a pretext to justify the pursuit of the same old American objective of sustaining by military means a client regime in Saigon. The North Vietnamese believe that no matter what they did about the prisoner issue the U.S. Government would not be willing to end its combat role within the next few months. Although the North Vietnamese are prepared to make every effort to expose the hypocrisy of President Nixon's posture on negotiations, they are

pessimistic about any real change.

From the Vietnamese perspective it is essential that something firm and reliable be obtained in exchange for agreeing to early prisoner release. Nothing Mr. Nixon has said or done about his withdrawal intentions gives North Vietnam any incentive to move. There has been no final withdrawal date set, there has been no exclusion of "a residual force," there has been no indication of a willingness to end the use of air and naval power, there have been no indications of a time limit or even an upper ceiling on post-withdrawal military aid to the Saigon regime, and there have been no assurances about the U.S. combat role in the rest of Indochina.

In essence, then, we derived the

following firm conclusions from these detailed discussions: the North Vietnamese have been neither fooled nor intimidated by Mr. Nixon's exaggerated emphasis on the prisoner issue as the obstacle to ending the Vietnam war; at the same time, the North Vietnamese are fully prepared to make satisfactory arrangements for prisoner release; the United States can obtain such a result only by setting a reasonable date for total withdrawal; failure to set a date for total withdrawal will both extend the war and postpone prisoner release indefinitely.

Richard Falk, Milbank Professor of International Law at Princeton, has just returned from Paris where he met with Vietnam peace negotiators.