

# Transcript of Kissinger's News Briefing to

Following is a transcript of Henry A. Kissinger's news conference in Washington yesterday on the Vietnam cease-fire accord, as recorded by The New York Times:

## Opening Statement

Ladies and gentlemen:

The President last evening presented the outlines of the agreement and by common agreement between us and the North Vietnamese we are today releasing—we have today released—the text and I'm here to explain—to go over briefly—what these texts contain and how we got there, what we have tried to achieve in recent months and where we expect to go from here.

Let me begin by going through the agreement, which you have read.

The agreement, as you know, is in nine chapters. The first affirms the independence, sovereignty, unity and territorial integrity as recognized by the 1954 Geneva Agreements on Vietnam—agreements which established two zones, divided by a military demarcation line.

Chapter II deals with a cease-fire. The cease-fire will go into effect at 7 o'clock Washington time on Saturday night. The principal provisions of Chapter II deal with permitted acts during the cease-fire and with what the obligations of the various parties are with respect to the cease-fire.

### Withdrawal of Forces

Chapter II also deals with the withdrawal of American and all other foreign forces from Vietnam within a period of 60 days and it specifies the forces that have to be withdrawn. These are, in effect, all military personnel and all civilian personnel dealing with combat operations. We are permitted to retain economic advisers and civilian technicians serving in certain of the military branches.

Chapter II further deals with the provisions for resupply and for the introduction of outside forces. There is a flat prohibition against the introduction of any mili-



Associated Press

Henry A. Kissinger explaining the details of the Paris agreement at a White House news conference yesterday.

tary forces into South Vietnam from outside of South Vietnam, which is to say that whatever forces may be in South Vietnam from outside South Vietnam—specifically North Vietnamese forces—cannot receive reinforcement, replacement or any other form or augmentation by any means whatsoever.

With respect to military equipment, both sides are permitted to replace all existing military equipment on a one-to-one basis under international supervision and control.

### Return of Prisoners

There will be established, as I will explain when I discuss the protocols, for each side three legitimate points of entry through which all equipment—all replacement equipment—has to move.

These legitimate points of entry will be under international supervision.

Chapter III deals with the return of captured military personnel and foreign civilians as well as with the question of civilian detainees within South Vietnam. This, as you know, throughout the negotiations, presented enormous difficulties for us. We insisted throughout that the question of American prisoners of war and of American civilians captured throughout Indochina should be separated from the issue of Vietnamese civilian personnel detainees, partly because of the enormous difficulty of classifying the Vietnamese civilian personnel by categories of who was detained for reasons of the civil war and who was detained for criminal activities.

And secondly, because it

was foreseeable that negotiations about the release of civilian detainees would be complex and difficult and because we did not want to have the issue of American personnel mixed up with the issues of civilian personnel in South Vietnam, this turned out to be one of the thorniest issues that was settled at some point and kept reappearing throughout the negotiations.

It was one of the difficulties we had during the December negotiations.

As you can see from the agreement, the return of American military personnel and captured civilians is separated in terms of obligations and in terms of the time frame from the return of Vietnamese civilian personnel. The return of American personnel and the accounting of missing-in-action is unconditional and will take place within the same time frame as the American withdrawals.

### 3 Months to Negotiate

The issue of Vietnamese civilian personnel will be negotiated between the two Vietnamese parties over a period of three months and, as the agreement says, they will do their utmost to resolve this question within a three-month period.

So I repeat: the issue is separated both in terms of obligations and in terms of the relevant time frame from the return of American prisoners, which is unconditional.

We expect that American prisoners will be released in—at intervals of two weeks or 15 days in roughly equal installments.

We have been told that no American prisoners are held in Cambodia. American prisoners held in Laos and North Vietnam will be returned to us in Hanoi. They will be received by American medical evacuation teams and flown on American airplanes from Hanoi to places of our own choice, probably Vientiane.

There will be international supervision of both this provision and of the provision for the missing-in-action and

# Explain Vietnam Cease-Fire Agreement



Associated Press

President Nixon meeting yesterday with Congressional leaders. From left: Robert C. Byrd, Senate majority whip; Senators Hugh Scott, minority leader; Mike Mansfield, majority leader; the President, and Gerald R. Ford, the House minority leader. The meeting, at which Vietnam was discussed, was at the White House.

all American prisoners will, of course, be released within 60 days of the signing of the agreement. The signing will take place on Jan. 27 in two installments, the significance of which I will explain to you when I have gone through the provisions of the agreement and the associated protocols.

Chapter IV of the agreement deals with the right of the South Vietnamese people to self-determination.

Its first provision contains a joint statement by the United States and North Vietnam in which those two countries jointly recognize the South Vietnamese people's right to self-determination, in which those two countries jointly affirm that the South Vietnamese people shall decide for themselves the political system that they shall choose and jointly affirm that no foreign country shall impose any political solutions on South Vietnamese people.

The other principal provi-

sions of the agreement are that in implementing the South Vietnamese people's right to self-determination, the two South Vietnamese parties will decide — will agree — among each other on free elections for officers to be decided by the two parties at a time to be decided by the two parties.

#### Will Not Impose Solutions

These elections will be supervised first—and organized first—by an institution which has the title of National Council for National Reconciliation and Concord, whose members will be equally appointed by the two sides, which will operate on the principle of unanimity and which will come into being after negotiations between the two parties, who are obligated by this agreement to do their utmost to bring this institution into being within 90 days.

Leaving aside the technical jargon, the significance

of this agreement — of this part of the agreement—is that the United States has consistently maintained that we would not impose any political solutions on the people of South Vietnam.

The United States has consistently maintained that we would not impose a coalition government or a disguised coalition government on the people of South Vietnam.

If you examine the provisions of this chapter you will see, first, that the existing government in Saigon can remain in office; secondly, that the political future of South Vietnam depends on agreement between the South Vietnamese parties and not on an agreement that the United States has imposed on these parties.

Thirdly, that the nature of this political evolution, the timing of this political evolution, is left to the South Vietnamese parties and that the organ that is created to see

to it that the elections that are organized will be conducted properly is one in which the South Vietnamese parties — each of the South Vietnamese parties — has a view.

The other significant provision of this agreement is the requirement that the South Vietnamese parties will attempt—will bring about—a reduction of the armed forces and that the forces being reduced will be demobilized.

The next chapter deals with the reunification of Vietnam and the relationship between North and South Vietnam.

In the many negotiations that I've conducted over recent weeks not the least arduous was the negotiation conducted for the ladies and gentlemen of the press who constantly raised issues with respect to sovereignty, existence of South Vietnam as a

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political entity and other matters of this kind.

I will return to this issue at the end when I sum up the agreement. But it is obvious that there is no dispute in the agreement between the parties that there is an entity called South Vietnam and that the future unity of Vietnam as it comes about will be decided by negotiations between North and South Vietnam, that it will not be achieved by military force.

#### Coercion Ruled Out

Indeed, that the use of military force with respect to bringing about unification or any other form of coercion is impermissible according to the terms of this agreement.

Secondly, there are specific provisions in this chapter with respect to the demilitarized zone. There is a repetition of the agreement of 1954, which makes the demarcation line along the 19—along the 17th parallel—provisional, which means pending reunification.

There's a specific provision that both North and South Vietnam shall respect the demilitarized zone on either side of the provisional military demarcation line.

And there is another provision that indicates that among the subjects that can be negotiated will be modalities of civilian movement across the demarcation line, which makes it clear that military movement across the demilitarized zone is in all circumstances prohibited.

#### Issue of the DMZ

Now this may be an appropriate point to explain what our position has been with respect to the DMZ:

There has been a great deal of discussion about the issue of sovereignty and about the issue of legitimacy, which is to say which government is in control of South Vietnam, and finally about why we laid such great stress on the issue of the demilitarized zone.

We had to place stress on the issue of the demilitarized zone because the provisions of the agreement with respect to infiltration, with respect to replacement, with respect to any of the military provisions would have made no sense whatever if there was not some demarcation line that defined where South Vietnam began.

If we had accepted the proposition, it would have, in effect, eroded the demilitarized zone. Then the provisions of the agreement with respect to restrictions about the introduction of men and material into South Vietnam would have been unilateral restrictions applying only to the United States and only to our allies and, therefore, if there was to be any meaning to the separation of military and political issues—if there was to be any permanence to the military provisions that have been negotiated—then it was essential that there was a definition of where the obligations of this agreement began.

And as you can see from the text of the agreement, the principles that we defended were essentially achieved.

Chapter VI deals with the international machinery and we will discuss that when I discuss—when I talk about—the associated protocols of the agreement.

#### Laos And Cambodia

Chapter VII deals with Laos and Cambodia. Now the problem of Laos and Cambodia has two parts: one part concerns those obligations which can be undertaken by the parties signing the agreement—that is to say the three Vietnamese parties and the United States—those measures that we can take which affect the situation in Laos and Cambodia; a second part of the situation in Laos has to concern the nature of the civil conflict that is taking place within Laos and Cambodia and the solution of which, of course, must involve as well the Laotian parties—the two Laotian parties—and the innumerable Cambodian factions.

Let me talk about the provisions of the agreement with respect to Laos and Cambodia and our firm expectations as to the future in Laos and Cambodia.

The provisions of the agreement with respect to Laos and Cambodia reaffirm as an obligation to all the parties the provisions of the 1954 agreement on Cambodia and of the 1962 agreement on Laos, which affirms the neutrality and right to self-determination of those two countries. And they are therefore consistent with our basic position with respect also to South Vietnam.

#### Use of Bases Prohibited

The provisions of the agreement specifically prohibit the use of Laos and Cambodia for military and any other operations against any of the signatories of the Paris agreement or against any other country. In other words, there is a flat prohibition against the use of base areas in Laos and Cambodia. There is a flat prohibition against the use of Laos and Cambodia for infiltration into Vietnam or for that matter into any other country.

Finally, there is a requirement that all foreign troops be withdrawn from Laos and Cambodia and it is clearly

understood that North Vietnamese troops are considered foreign with respect to Laos and Cambodia.

Now as to the conflict within these countries, which could not be formally settled in an agreement which is not signed by the parties of that conflict. Let me make this plain without elaborating.

It is our firm expectation that within a short period of time there will be a formal cease-fire in Laos, which in turn will lead to a withdrawal of all foreign forces from Laos and, of course, to the end of the use of Laos as a corridor of infiltration.

#### Change by Force Barred

The situation in Cambodia, as those of you who have studied it will know, is somewhat more complex because there are several parties headquartered in different countries and therefore we can say about Cambodia that it is our expectation that a de facto cease-fire will come into being over a period of time relevant to the execution of this agreement.

Our side will take the appropriate measures to indicate that it will not attempt to change the situation by force.

We have reason to believe that our position is clearly understood by all concerned parties and I will not go beyond this in my statement.

Chapter VIII deals with the relationship between the United States and the Democratic Republic of Vietnam.

As I have said in my briefings on Oct. 26 and on Dec. 16 and as the President affirmed on many occasions—the last time in his speech last evening—the United States is seeking a peace that heals.

We have had many armistices in Indochina. We want a peace that will last. And therefore it is our firm intention in our relationship to the Democratic Republic of Vietnam to move from hostility to normalization and from normalization to conciliation and cooperation.

#### Protocols Discussed

And we believe that under conditions of peace, we can contribute throughout Indochina to a realization of the humane aspirations of all the people of Indochina and we will in that spirit perform our traditional role of helping people realize these aspirations in peace.

Chapter IX of the agreement is the usual implementing provision.

So much for the agreement.

Now let me say a word about the protocol.

There are four protocols, or implementing instruments, to be agreed—on the return of American prisoners, on the implementation and institution of an international control commission, on the regulations with respect to the cease-fire and the implementation and institution of a joint military commission among the concerned parties and the protocol about the deactivation and removal of mines.

I have given you the rele-

vant provisions of the protocol concerning the return of prisoners. They will be returned at periodic intervals in Hanoi to American authorities and not to American private groups. They will be picked up by American airplanes except for prisoners held in the southern part of South Vietnam which will be released at designated points in the South again to American authorities.

We will receive on Saturday—the day of signing of the agreement—a list of all American prisoners held throughout Indochina and those parties, it is to say—all parties have an obligation to assist each other in obtaining information about the prisoners missing in action and about the location of graves of American personnel throughout Indochina.

The international commission has the right to visit the last place of detention of the prisoners as well as the place from which they are released.

#### Size of Commission

Now, to the international control commission.

You will remember that one of the reasons for the impasse in December was the difficulty of agreeing with the North Vietnamese about the size of the international commission, its function or the location of its teams.

On this occasion there is no point in reviewing all the differences. It is, however, useful to point out that at that time the proposal of the North Vietnamese was that the international control commission have a membership of 250, no organized logistics or communication, dependent entirely on its authority to move on the party it was supposed to be investigating and on behalf of. Its personnel was supposed to be located in Saigon, which is not the place where most of the infiltration that we were concerned with was likely to take place.

We have distributed to you an outline of the basic structure of this commission.

Briefly stated, its total number is 1,160, drawn from Canada, Hungary, Indonesia and Poland.

#### Seven Regional Teams

It has a headquarters in Saigon. It has seven regional teams, 26 teams based in localities throughout Vietnam which were chosen either because forces were in contact there or because we estimated that these were the areas where the violations of the cease-fire were most probable.

There are 12 teams at border crossing points. There are seven teams that are set aside for points of entry which have yet to be chosen for the replacement of military equipment. That is for Article 7 of the agreement. There will be three on each side and there will be no legitimate point of entry into South Vietnam other than those three points.

The other border and coastal teams are there simply to make certain that

#### One Team at DMZ

There is one team—one reinforced team—located at the demilitarized zone and its responsibility extends along the entire demilitarized zone. It is, in fact, a team and a half. It is 50 per cent larger than a normal border team. And it represents one of the many compromises that were made between our insistence on two teams, their insistence on one team and by a brilliant stroke we settled on a team and a half.

With respect to the operation of the international commission, it is supposed to operate on the principle of unanimity, which is to say that its reports—if they are commission reports—have to have the approval of all four members.

However, each member is permitted to submit its own opinion so that as a practical matter any member of the commission can make a finding of a violation and submit a report in the first instance to the parties.

The international commission will report for the time being to the four parties to the agreement.

#### Institutions Planned

We expect an international conference will take place—we expect at the foreign ministers' level—within a month of signing the agreement. That international conference will establish a relationship between the international commission and itself or any other international body that is mutually agreed upon, so that the international commission is not only reporting to the parties that it is investigating.

For the time being, until the international conference has met, there was no other practical group to which the international commission could report. In addition to this international group there are two other institutions that are supposed to supervise the cease-fire.

There is, first of all, an institution called the four party joint military commission, which is composed of ourselves and the three Vietnamese parties, which is located in the same places as the international commission, charged with roughly the same functions but as a practical matter, it is supposed to conduct the preliminary investigations. Its disagreements are automatically referred to the international commission and moreover any party can request the international commission to conduct an investigation regardless of what the four-party commission does and regardless of whether the four-party commission

has completed its investigation or not.

After the United States has completed its withdrawal the four party military commission will be transformed into a two-party commission composed of the two South Vietnamese parties.

The total number of supervisory personnel, therefore, will be in the neighborhood of 4,500 during the period that the four-party commission is

in existence and in the neighborhood of about 3,000 after the four-party commission ceases operating and the two-party commission comes into being.

#### Removal of Mines

Finally, there is a protocol concerning the removal and deactivation of mines which is self-explanatory and simply explains—discusses—the relationship between our efforts and the efforts of the D.R.V. concerning the removal and deactivation of mines, which is one of the obligations we have undertaken in the agreement.

Now let me point out one other problem: on Saturday, Jan. 27, the Secretary of State on behalf of the United States will sign the agreement bringing the cease-fire and all the other provisions of the agreement and the protocols into force. He will sign in the morning a document involving the four parties and in the afternoon a document between us and the Democratic Republic of Vietnam and these documents are identical except that the preamble differs in both cases.

The reason for the somewhat convoluted procedure is that while the agreement provides that the two South Vietnamese parties should settle their disputes in an atmosphere of national reconciliation and concord, I think it is safe to say that they have not yet quite reached that point.

#### Parties Not Named

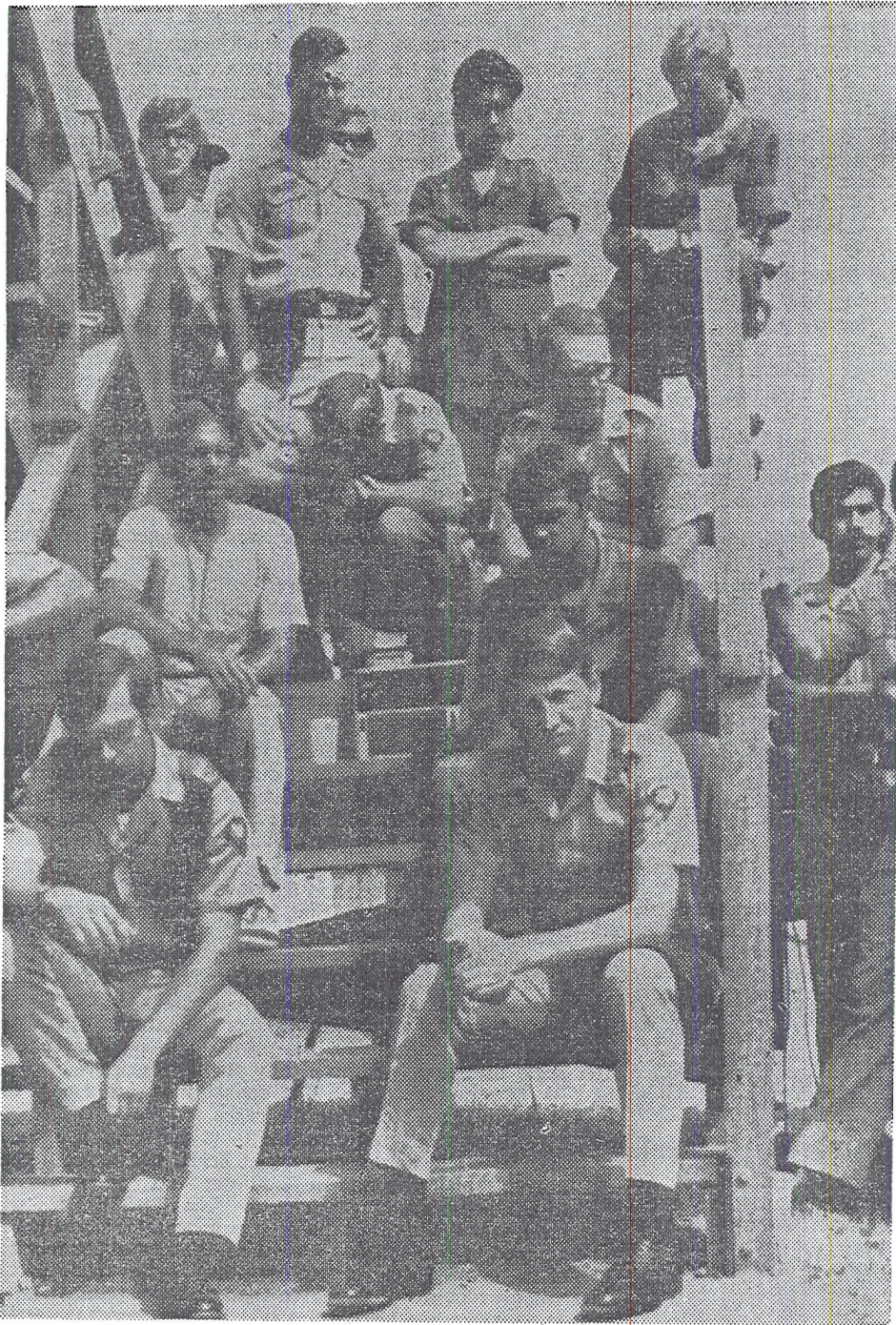
Indeed, that they have not yet been prepared to recognize each other's existence. This being the case, it was necessary to devise one document in which neither of the South Vietnamese parties was mentioned by name and therefore no other party could be mentioned by name on the principle of equality.

So the four-party document—the document that will have four signatures—can be read with great care and you will not know until you get to the signature page whom exactly it applies to. It refers only to "the parties participating in the Paris Conference" which are of course well-known to the parties participating in the Paris Conference.

It will be signed on two separate pages—the United States and the GVN is signing on one page and the Democratic Republic of Vietnam and its ally is signing on a separate page. And this procedure has aged us all by several years.

Then there is another document which will be signed by the Secretary of State and the Foreign Minister of the Democratic Republic of Vietnam in the afternoon. That document in its operative provisions is word-for-word the same as the document which will be signed in the morning and which contains the obligations to which the two South Vietnamese parties are obligated. It differs from the document only in the preamble and in its concluding paragraph. And in the preamble it says, "The United States with the concurrence of the Government of the Republic of Vietnam and the D.R.V. with the concurrence

no other entry occurs and any other entry is by definition illegal. There has to be no other demonstration except the fact that it occurred. This leaves one team free for use in particular at the discretion of the commission and, of course, the seven teams that are being used for the return of prisoners can be used at the discretion of the commission after the prisoners are returned.



Associated Press

Americans at Tan Son Nhut airport in Saigon listened to the speech by President Nixon. President Thieu was addressing the South Vietnamese at the same time.

of the Provisional Revolutionary Government." And the rest is the same.

And then the concluding paragraph has the same adaptation. That document, of course, is not signed by either Saigon or its opponent and therefore their obligations are derived from the four-party document.

#### Ceremonies Explained

Now I don't want to take any time in going into the abstruse legalism. I simply wanted to explain to you why there were two different signature ceremonies. That is why, when we handed out the text of the agreement, we appended to the document which contains the legal obligations which apply

to everybody — namely the four parties — why we appended another section that contained a different preamble and a different implementing paragraph which is going to be signed by the Secretary of State and the Foreign Minister of the Democratic Republic of Vietnam and this will be true with respect to the agreement and three of the protocols.

The fourth protocol regarding the removal of mines applies only to the United States and the Democratic Republic of Vietnam and therefore we are in the happy position of having to sign only one document.

Now then, let me summarize for you how we got some of the aspects of the agreement that we considered significant and then I will answer your questions.

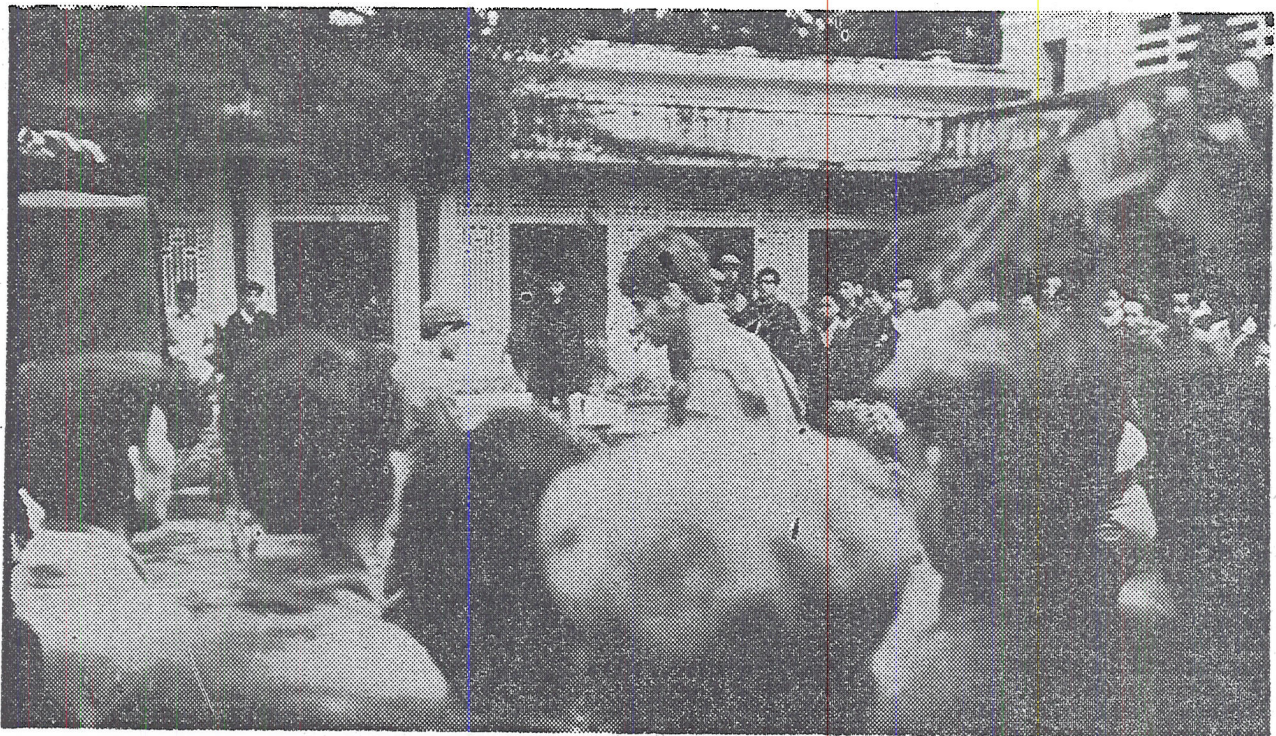
As you know, when I met with this group on Dec. 16, we had to report that the negotiations in Paris seemed to have reached a stalemate.

We had not agreed at that time, though we didn't say so, on the—we could not find a formula to take into account the conflicting views with respect to signing. There were disagreements with respect to the DMZ and with the associated aspects of what identity South Vietnam was to have in the agreement.

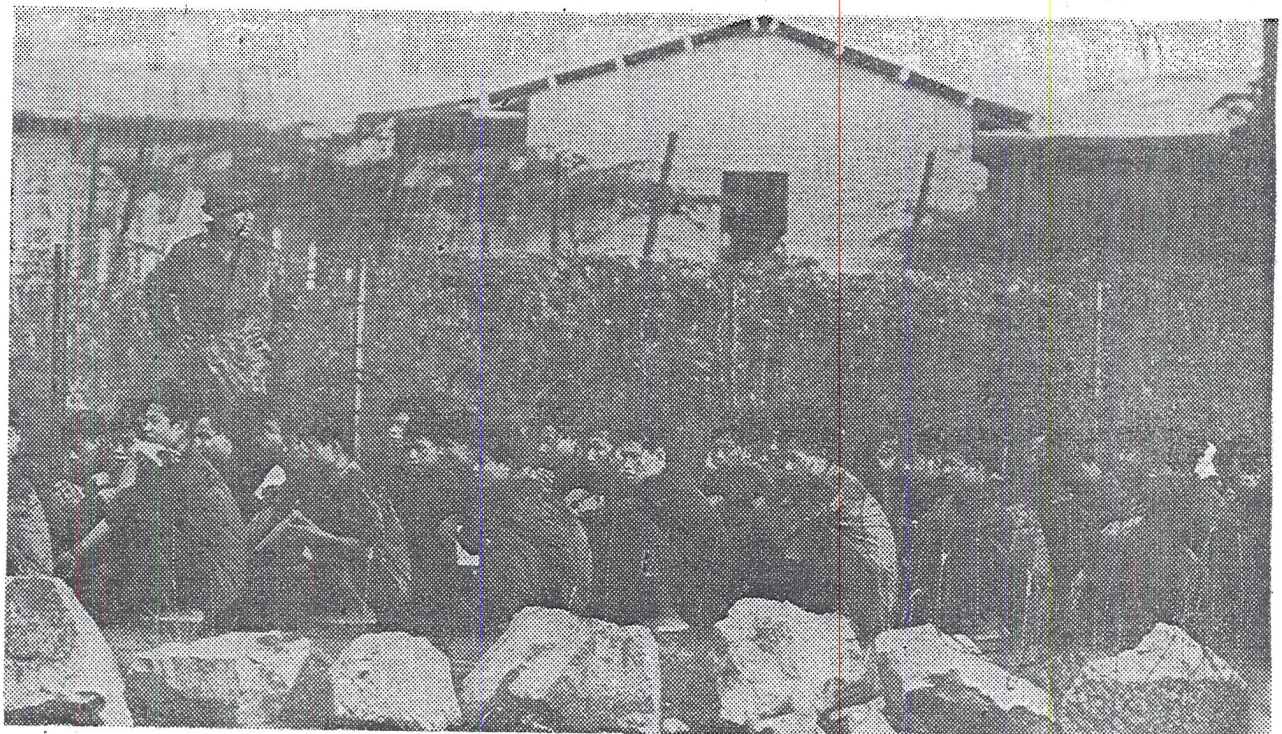
There was a total deadlock with respect to the protocols, which I summed up in the Dec. 16 press conference.

#### 'Totally at Variance'

The North Vietnamese approach to international control and ours were so totally at variance that it seemed impossible at that point to



An American prisoner of war being displayed to North Vietnamese civilians and American visitors in Hanoi last month. Photo was taken by the Rev. Michael Allen of Yale, who was in that capital during the latest bombings.



Enemy prisoners being kept behind barbed wire following a recent clash in the Mekong Delta region of South Vietnam. The protocol just agreed to in Paris covers the release of military and civilian prisoners on both sides.

Yves Del/Gamma

come to any satisfactory conclusion. And there began to be even some concern that the separation which we thought we had achieved in October between the release of our prisoners and the question of civilian prisoners in South Vietnam was breaking down.

When we reassembled on Jan. 8, we did not do so in the most cordial atmosphere that I remember. However, by the morning of Jan. 9 it became apparent that both sides were determined to make a serious effort to break the deadlock in negotiations.

And we adopted a mode of procedure by which issues in the agreement and issues of principle with respect to the protocols were discussed at meetings between Special Adviser Le Duc Tho and myself while concurrently an American team headed by Ambassador Sullivan and a Vietnamese team headed by Vice Minister Thach would work on the implementation of the principles as they applied to the protocols.

For example, the special adviser and I might agree on the principle of border control posts and their number. But then the problem of how to locate them, according to what criteria and with what mode of operations, presented enormous difficulties.

And let me on this occasion also point out that these negotiations required the closest cooperation throughout our Government—between the White House and the State Department, between all the elements of our team. And that therefore the usual speculation of who did what to whom is really extra-

ordinarily misplaced. Without a cooperative effort by everybody, we could not have achieved what we have presented last night and this morning.

The special adviser and I then spent the week first on working out the unresolved issues in the agreement and then the unresolved issues with respect to the protocols. And, finally, the surrounding circumstances of schedules and procedures.

#### Few Issues Remained

Ambassador Sullivan remained behind to draft the implementing provisions of the agreements that had been achieved during the week. The special adviser and I remained in close contact. So by the time we met again yesterday the issues that remained were very few indeed and were settled relatively rapidly.

And I may on this occasion also point out that while the North Vietnamese are the most difficult people to negotiate with that I have ever encountered when they do not want to settle, they are also the most effective that I have dealt with when they finally decide to settle.

So that we have gone through peaks and valleys in these negotiations of extraordinary intensity.

Now then, let me sum up where this agreement has left us. First with respect to what we said we would try to achieve, then with respect to some of its significance and finally with respect to the future.

First, when I met this group on Oct. 26 and delivered myself of some epigrammatic phrases, we obviously did not want to give a complete checklist and we did not want to release the agreement as it then stood, because it did not seem to us desirable to provide a checklist against which both sides would then have to measure success and failure in terms of their prestige.

At that time, too, we did not say that it had always been foreseen that there would be another three or four days of negotiations after this tentative agreement had been reached. And the reason why we asked for another negotiation was because it seemed to us at that point that for a variety of reasons, which I explained then and again on Dec. 16, those issues could not be settled within the time frame that the North Vietnamese expected.

It is now a matter of history and it is therefore not essential to go into a debate of—on what we based this judgment. But that was the reason why the agreement was not signed on Oct. 30 and not any of the speculations that had been so much in print and on television.

#### Controls to Be in Place

Now what did we say on Oct. 26 we wanted to achieve?

We said first of all that we wanted to make sure that the control machinery would be in place at the time of the cease-fire. We did this because we had information that there were plans by the other side to mount a major offensive to coincide with the signing of the cease-fire agreement. This objective has been achieved by the fact that the protocols will be signed on the same day as the agreement, by the fact that the international control commission and the four party military commission will meet within 24 hours of the agreement going into effect or no later than Monday morning, Saigon time, that the regional teams of the international control commission will be in place 48 hours thereafter and that all other teams will be in place within 15 and a maximum to 30 days after that.

Second, we said that we wanted to compress the time interval between the cease-fire we expected in Laos and Cambodia and the cease-fire in Vietnam. For reasons which I have explained to you we cannot be as specific about the cease-fires in Laos and Cambodia as we can about the agreements that are being signed on Saturday.

But we can say with confidence that the formal cease-fire in Laos will go into effect in a considerably shorter period of time than was envisaged in October, and since the cease-fire in Cambodia depends to some extent on developments in Laos we expect the same to be true there.

#### Ambiguities Removed

We said that certain linguistic ambiguities should be removed. The linguistic ambiguities were produced by the somewhat extraordinary negotiating procedure whereby a change in the English text did not always produce a correlative change in the Viet-

namese text. All the linguistic ambiguities to which we referred in October have in fact been removed. At that time I mentioned only one, and therefore I'm pleased to recall it.

I pointed out that the United States position had consistently been a rejection of the imposition of a coalition government on the people of South Vietnam. I said then that the National Council of Reconciliation was not a coalition government nor

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was it conceived as a coalition government. The Vietnamese language text, however, permitted an interpretation of the word administrative structure as applied to the National Council of Reconciliation which would have lent itself to the interpretation that it came close or was identical with a coalition government.

You will find that in the text of this agreement the word "administrative structure" does not—no longer exists, and therefore this particular, shall we say, ambiguity has been removed.

I pointed out in October that we had to find a procedure for signing which would be acceptable to all the parties for whom obligations were involved. This has been achieved.

I pointed out on October 26 that we would seek greater precision with respect to certain obligations, particularly without spelling them out as they applied to the demilitarized zone and to the obligations with respect to Laos and Cambodia. That, too, has been achieved.

#### South's Sovereignty Noted

And I pointed out in December that we were looking for some means which—some expression which would make clear that the two parts of Vietnam would live in peace with each other and that neither side would impose its solution on the other by force. This is now explicitly provided and we have achieved formulations in which in a number of the paragraphs of Article 14, 18 (e) and 20, have specific references to the sovereignty of South Vietnam. There are specific references, moreover to the same thing in Article 6 and Article 11 of the I.C.C.'s protocol. There are specific references to the right of the South Vietnamese people to self-determination and therefore we believe that we have achieved substantial changes that we mentioned on October—or adaptations that we asked for on Oct. 26.

We did not increase our demands after Oct. 26, and we substantially achieved the clarifications which we sought.

Now then, it is obvious that a war that has lasted for 10 years will have many elements that cannot be completely satisfactory to all the parties concerned, and in the two periods the North Vietnamese were working with dedication and seriousness on a conclusion—the period in October and the period after we resumed talks in Jan. 8. It was always clear that a lasting peace could come about only if neither side sought to achieve everything that it had wanted.

Indeed its stability depended on the relative satisfaction and therefore on the relative dissatisfaction of all the parties concerned. And therefore it is also clear that when—whether this agreement brings a lasting peace or not depends not only on its provisions but also on the spirit in which it is implemented. It will be our challenge in the future to move the controversies that could not be stilled by any one document from the level of military conflict to the level of positive human aspirations and to absorb the enormous talents and dedication of the people of Indochina in tasks of construction rather than in tasks of destruction.

We will make a major effort to move to create a framework where we hope in a short time the animosities and the hatred and the suffering of this period will be seen as aspects of the past and where the debates concerned differences of opinion as to how to achieve positive goals.

#### 'Less Brutal Means'

Of course the hatred will not rapidly disappear, and of course people who have fought for 25 years will not easily give up their objectives. But also people who have suffered for 25 years may at last come to know that they can achieve their real satisfaction by other and less brutal means.

The President said yesterday that we have to remain vigilant and so we shall. But we shall also dedicate ourselves to positive efforts, and as for us at home, it should be clear by now that no one in the war has had a monopoly of anguish and that no one in these debates has had a monopoly of moral insight. And now that at last we have achieved an agreement in which the United States did not prescribe the political future to its allies, an agreement which should preserve the dignity and the self-respect of all of the parties. And together with healing the wounds in Indochina, we can begin to heal the wounds in America.

And now I'll be glad to answer your questions.

#### Questions and Answers

Q. [What supervision] do you envisage over the Ho Chi Minh Trail by an international agency?

A. We expect that the International Control Commission that exists in Laos will be reinstated. We have also provided for the establishment of border teams—as you can see from the maps—at all the terminal points

of the Ho Chi Minh Trail into South Vietnam. And therefore we believe that there will be international supervision of the provisions both within Laos and within South Vietnam. Marvin.

Q. One of the major problems has been the continued presence of North Vietnamese troops in the South. Could you tell us first, so far as you know, how many of these troops are there in the South now, and do you have any understanding or assurance that these troops will be withdrawn?

A. Our estimate of the number of North Vietnamese troops in the South is approximately 145,000. Now, I want to say a number of things with respect to them.

First, nothing in the agreement establishes the right of North Vietnamese troops to be in the South. Secondly, the North Vietnamese have never claimed that they have a right to have troops in the South. And while opinions may differ about the exact accuracy of that statement, from a legal point of view it is important because it maintains the distinction that we too maintain.

Thirdly, if this agreement is implemented, the North Vietnamese troops in the South should over a period of time be subject to considerable reduction. First, there is a flat prohibition against the introduction of any outside forces for any reason whatsoever. So that the normal attrition of personnel cannot be made up by the reinfiltration of outside forces—I'm talking now about the provisions of the agreement.

Secondly, there is a flat prohibition against the presence of foreign forces in Laos and Cambodia and therefore a flat prohibition against the use of the normal infiltration corridors.

#### Zone Activity Prohibited

Thirdly, as the agreement makes clear, military movement of any kind across the demilitarized zone is prohibited, both in the clause requiring respect for the demilitarized zone, which by definition excludes military personnel, and second, in the clause that says only modalities of civilian movement can be discussed, not of any other movement between North and South Vietnam.

And fifthly, there is a provision requiring the reduction and demobilization of forces on both sides, the major part of which on the South Vietnamese side is believed by all knowledgeable observers to have arrived from outside of South Vietnam.

Therefore, it is our judgment that there is no way that North Vietnam can live up to that agreement without there being a reduction of the North Vietnamese forces in South Vietnam, without this being explicitly stated

Of course, it is not inconceivable that the agreement will not in all respects be lived up to. In that case, adding another clause that will not be lived up to, specifically requiring it, would not change the situation. It is our judgment and our expectation that the agreement will be lived up to and therefore we believe that the problem of these forces will be taken care of by the evolution of events in South Vietnam. Peter.

#### Clarification on Troops

Q. Can I try to get a clarification of that point? Several times I think you said it is understood that North Vietnamese troops in Laos and Cambodia are considered foreign troops. A. That is right.

Q. Are they so considered? A. I said it was, Peter.

Q. Well, you said it in answer to Marvin's question. But is it so considered in South Vietnam? Is North Vietnam a foreign entity in South Vietnam according to this agreement?

A. This is one of the points

on which the bitterest feeling rages. And which it is best not to deal with in a formal and legalistic manner. As I have pointed out, in this agreement there are repeated references to the identity of South Vietnam, to the fact that the South Vietnamese people's right of self-determination is recognized both by the D.R.V. and by the United States; to the fact that North and South Vietnam shall settle their disputes peacefully and through negotiation, and other provisions of a similar kind.

Therefore, it is clear there is no legal way by which North Vietnam can use military force against South Vietnam. Now whether that is due to the fact that there are two zones temporarily divided by a provisional demarcation line or it's because North Vietnam is a foreign country with relation to South Vietnam—that is an issue which we have avoided making explicit in the agreement, and on which opinions—and in which ambiguity has its merits.

#### Legal Use of Force Ruled Out

From the point of view of the international position, and from the point of view of the obligations of the agreement, there is no legal way by which North Vietnam can use military force vis-à-vis South Vietnam to achieve its objectives.

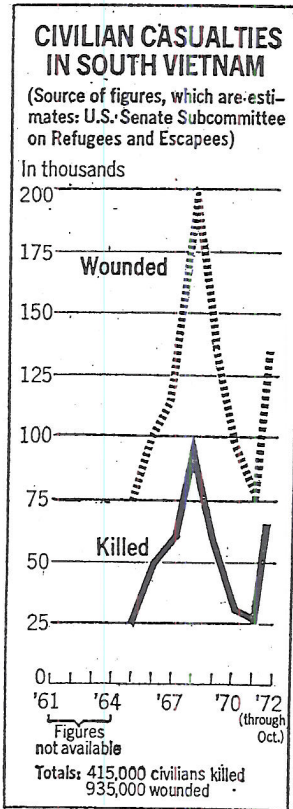
Q. By what means was the United States able to convince President Thieu to accept the presence of North Vietnamese troops in South Vietnam?

A. First of all, it is not easy to achieve through negotiations what had not been achieved on the battlefield. And if you look at the settlements that have been made in the postwar period, the lines of demarcation have always, almost always, followed the lines of actual control.

Secondly, we have taken the position throughout that the agreement cannot be analyzed in terms of any of its provisions. But it has to be seen in its totality, and in terms of the evolution that it starts.



Thirdly, we have not asked President Thieu, nor has he accepted the presence of North Vietnamese troops in South Vietnam as a legal right. Nor do we accept that as a legal right. We have since October, 1970, proposed a cease-fire in place. A cease-fire in place always has to be between the forces that exist. The alternative of continued war also would have maintained the forces in the country. Under these conditions, they are cut off from the possibility of renewed infiltration, they are prevented from undertaking military action.



The New York Times/Jan. 25, 1973

Their resupply is severely restricted.

And President Thieu, after examining the totality of the agreement, came to the conclusion that it achieved the essential objectives of South Vietnam of permitting his people to bring about self-determination, and of not posing a security risk that he could not handle with the forces that we have equipped and trained. Mr. Horner?

Q. Dr. Kissinger, because of a news report from Paris this morning that actually there were some 15 or 20 protocols of which only four are being made public, were there any secret protocols agreed to?

A. The only protocols that exist are the protocols that have been made public.

Q. Wait a minute—what about understandings?

A. There are with respect to certain phrases read into the record certain statements as to what they mean. But these have been explained in these briefings and made clear. There are no secret understandings.

Q. It's been widely speculated that the 12-day saturation bombing of the North was the key to achieving the agreement that you found acceptable. Was it? And if not, what was?

A. I was asked in October whether the bombing or mining of May 8 brought about the breakthrough in October. I said then that I did not want to speculate on North Vietnamese motives; I have too much trouble analyzing our own. I will give the same answer to your question.

But I will say that there was a deadlock which was described in the middle of December, and there was a rapid movement when negotiations resumed on the technical level on Jan. 3, and on the substantive level on Jan. 8. These facts have to be analyzed by each person for himself.

#### Basis for Confidence

I want to make one point with respect to the question about understanding. It is obvious that when I speak with some confidence about certain developments that happened with respect to Laos and other places, that this must be based on exchanges that have taken place. But for obvious reasons I cannot go further into them. The formal obligations of the parties have all been revealed and there are no secret formal obligations.

Q. [Is there an] amount to which the United States is committed in rebuilding, in the construction you referred to in North Vietnam, in reparations or whatever it's going to be? Any dollar amount?

A. We will discuss the issue of economic reconstruction of all of Indochina, including North Vietnam, only after the signature of the agreements. And after the implementation is well advanced. And the definition of any particular sum will have to await the discussions which will take place after the agreements are in force.

Q. Dr. Kissinger, is there any understanding with the Soviet Union or with Communist China that they will take part in an international conference or will help toward the preservation of the framework of the agreement?

A. Formal invitations to the international conference have not yet been extended. But we expect both the Soviet Union and the People's Republic of China to participate in the international conference which will take place within 30 days of the signature of the agreement.

We have reason to believe that both of these countries will participate in this conference. Now with respect to their willingness to help this agreement become viable, it is, of course, clear that peace in Indochina requires the self-restraint of all of the major countries. And espe-

\*SEE SYLVAN FOX,  
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cially of those countries which on all sides have supplied the wherewithal for this conflict.

We on our part are prepared to exercise such restraint.

We believe that the other countries—The Soviet Union and the Peoples Republic of China—can make a very major contribution to peace in Indochina by exercising similar restraint.

#### More U.S. Troops?

Q. If the peace treaty is violated and if the I.C.C. proves ineffective, will the United States ever again send troops into Vietnam?

A. Well I—

Q. What was the question?

A. The question is whether the United States will ever again send troops into Vietnam if the peace treaty is violated and if the international control commission proves ineffective. We don't—I don't want to speculate on hypothetical situations that we don't expect to arise.

Q. What agreement or understanding is there on the—on the role that will be played by the so-called neutralist or third-force groups in Vietnam in the National Council of Reconciliation?

A. The question is what agreement or understanding is there with respect to the so-called neutralist forces that exist in Vietnam in the so-called National Council of Reconciliation. We have taken the position throughout that the future political evolution of South Vietnam should be left to the greatest extent possible to the South Vietnamese themselves and

Vietnamese themselves and should not be predetermined by the United States. Therefore, there is no understanding in any detail on the role of any particular force in South Vietnam.

#### Elections Favored

The United States has always taken the view that it favored free elections but, on the whole, the essence of this agreement is to leave the political evolution of South Vietnam to negotiation among the various South Vietnamese parties or factions.

Q. Dr. Kissinger, about a year ago President Nixon outlined a peace proposal which included a provision for President Thieu to resign prior to election. Is there any similar provision in this agreement?

A. That proposal was in a somewhat different context. In any event, there is no such provision in this agreement and this again is a matter that will have to be decided by the Vietnamese parties within the context of whatever negotiation they have. But there's no requirement of any kind like this in the agreement.

Q. Dr. Kissinger, when do you expect the first American planes to arrive in Hanoi to pick up the prisoners?

A. Our expectation is that the withdrawals will take—that the withdrawals as well as the release of prisoners will take place in roughly equal increments of—within days each over the 60-day period. So, within 15 days each over the 60-day period. So, within 15 days of Jan. 27.

Q. You've addressed yourself to . . .

A. That's the outside time. It could be faster.

Q. . . the earliest time, sir.

A. Well, I can't give any earlier time than within 15 days.

Q. You've addressed yourself to this general area before, Doctor, but the question keeps coming up. Would you just review for us briefly how you feel that the agreement that you've reached differs from one that could have been reached, say, four years ago.

A. Four years ago, the North Vietnamese totally refused to separate political and military issues. Four years ago, the North Vietnamese insisted that, as a



In Virginia Beach, Va., Mrs. Charlotte Christian wept as she heard President Nixon's announcement Tuesday night. Her husband, Navy Lieut. Comdr. Mike Christian, has been a prisoner of war for more than six years. With her are her daughters, Sandy, 11, at left; Pam, 7, center, and Debbie, 13.

Associated Press

condition to negotiation, the existing governmental structure in South Vietnam would have to be disbanded and only after this governmental structure had been disbanded and a different one had been installed would they even discuss much less implement any of the other provisions of the agreement. And therefore, until Oct. 8 of this year, all of the various schemes that were constantly being discussed foundered on the one root fact of the situation that the North Vietnamese until Oct. 8 of this year demanded that a political victory be handed to them as a precondition for a discussion of all military questions.

It was not until Oct. 8 this year that the North Vietnamese ever agreed to separate these two aspects of the problem, and as soon as it was done, we moved rapidly.

Then there was the second phase which I have described, which included the changes that were made between October and January which produced this agreement.

#### Identity of South Vietnam

Q. Earlier you said that as of Dec. 16, there were various disagreements which you then listed, and the first one was the question of the demilitarized zone and associated aspects over what identity South Vietnam should have under the agreement. Can you elaborate on this and most particularly can you elaborate on it from the standpoint of whether you're referring here to President Thieu's objections?

A. I have made clear what exactly was involved. We have here several issues: one, is there such a thing as a South Vietnam even temporarily until unification; secondly, who is the legitimate ruler of South Vietnam. This is what the civil war has been all about; thirdly, what is the demarcation line that separates North Vietnam from South Vietnam.

Now we believe that the agreement defines adequately the demarcation line. It defines adequately what the identity is to which we refer. It leaves open to negotiation among the parties the political evolution of South Vietnam and therefore the definition of what ultimately will be considered by all South Vietnamese the legitimate rule.

The President has made clear yesterday that as far as the United States is con-

cerned, we recognize President Thieu. This is a situation that has existed in other countries and these were the three principal issues involved, of which two have international significance and were settled within the agreement and the third has significance in terms of the political evolution of South Vietnam and that has been left to the self-determination of the South Vietnamese people.

As to the question of President Thieu's objections and comments, and so forth, we said on Oct. 26 that obviously in a war fought in South Vietnam, in a war that has had hundreds of thousands of casualties of South Vietnamese, enormous devastation

within South Vietnam, it stands to reason that the views of our allies will have to be considered. There's nothing wrong or immoral for them to have such views.

Second, their perception of the risks has to be different from our perception of the risks. We are 12,000 miles away. If we made a mistake in our assessment of the situation, it will be painful. If they made an assessment—a mistake in the assessment of the situation, it can be fatal, and therefore they have had a somewhat less flexible attitude. Where we in some respects have wanted to—had at some points been content with more ambiguous formulations, they were not.

Nevertheless, it is also obvious from any reader of the Saigon press and of their official communications that we did not accept all of their comments and that we carried out precisely what the President had said and what was said at the various press conferences in which I presented the U.S. Government's view, namely that we would make the final determination as to when the American participation in the war should end.

Those parts of their comments that we thought were reasonable we made our own; those that we did not we did not. And once we had achieved an agreement with the North Vietnamese that we considered fair and just and honorable, we presented it with great energy and conviction in Saigon.

Q. You say you made some of his points your points. What did he get in January that he didn't have in October?

A. I do not want to discuss what he got. I can only point out what the—I pointed out the list of objectives we set ourselves in October and what was achieved. I point out the changes that were achieved between October and January. We believed them to be substantial, and I do not want to make a checklist of saying which originated in Saigon, which originated in Washington. I think somebody in the rear has been very patient.

Q. Did you first feel strength in the negotiations as a result of the saturation bombing?

A. The term "saturation bombing" has certain connotations. We carried out the—what was considered to be necessary at the time in order to make clear that the United States could not stand for an indefinite delay in the negotiations.

My role in the negotiations was to present the American point of view. I can only say that we resumed the negotiations on Jan. 8 and the breakthrough occurred on Jan. 9 and I will let those facts speak for themselves.

Q. What is now the extent and the nature of the American commitment to South Vietnam?

A. The United States, as the President said, will continue economic aid to South Vietnam. It will continue that military aid which is permitted by the agreement. The United States is prepared to gear that military aid to the actions of other countries and not to treat it as an end in itself and the United States expects all countries to live up to the provisions of the agreement.

RONALD ZIEGLER. I think we have time for two more questions.

Q. You say that you —

MR. KISSINGER. If Ron had real courage he wouldn't have recognized you.

#### Why More Arms?

Q. The two South Vietnamese parties, you say, shall be permitted to make periodic replacements of armaments, munitions and war materials which have been destroyed. Why do we have to put any more war materials in there? Why should they be in there, and will these materials come from the United States or what countries?

A. Well let's separate two things—what is permitted by the agreement and what we shall do. What is permitted by the agreement is that military equipment that is destroyed, worn out, used up or damaged can be replaced. The reason for that provision is that if for any reason the war should start at any level, it would be an unfair restriction on our South Vietnamese allies to prohibit them from replacing their weapons if their enemies are able to do so. The second question is the degree therefore to which these weapons have to be replaced—will depend on the degree to which there is military activity. If

there is no military activity in South Vietnam, then the number of weapons that are destroyed, damaged or worn out will of course be substantially less than in other circumstances. Secondly, what will be the United States position?

This depends on the overall situation. If there is no military activity, if other countries do not introduce massive military equipment into Vietnam, we do not consider it an end in itself to give military aid, but we believe that it would be unfair and wrong for one country to be armed by its allies while the other one has no right to do so.

#### Plans for Warships

Q. What is the plan for the rather sizable United States military force offshore in warships off South Vietnam and also at B-52 bases in Thailand? Will these forces be reduced and is there an understanding with the North Vietnamese that you have not mentioned to us here that would reduce those forces?

A. There is no restriction on American military forces. That is not mentioned in the agreement. One would expect as time goes on that the deployment of our naval forces will take account of the new situation. As you know, we have kept many of our forces on station for longer than the normal period of time, and we have had more carriers in the area than before. But this is not required by the agreement and this is simply a projection of what might happen.

The same is true with respect to Thailand. There are no restrictions on our forces in Thailand. It has always been part of the Nixon doctrine that the deployment of our forces will be related to the degree of the dangers and has not an abstract quality of its own, so that as a general rule one can say that in the initial of the agreement before one knows how it will be implemented, the deployment will be more geared to the war situation, and as the agreement is being implemented, the conditions of peace will have a major impact on it.

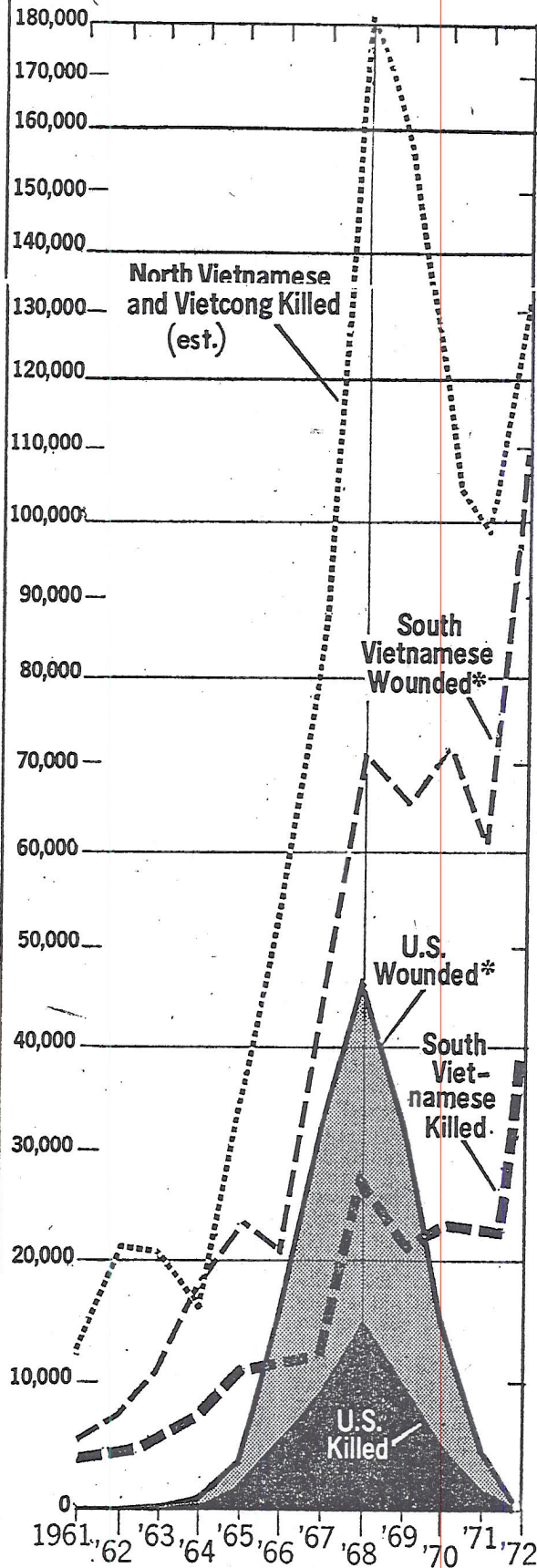
But this is simply a projection of our normal policy and is not an outgrowth required by the agreement.

Q. Thank you, gentlemen. Thank you.

Q. Have you worked yourself out of a job?

# MILITARY CASUALTIES

(Sources: U.S. Defense Department, for American figures; South Vietnamese command, for South Vietnamese figures and North Vietnamese and Vietcong estimates)



\*Requiring hospitalization. U.S. also lists the wounded who do not require hospitalization. South Vietnam does not.

**Totals from Jan. 1, 1961 through Jan. 13, 1973:**

45,933 Americans killed, 153,300 wounded (303,616, if less seriously wounded are also added)

183,528 South Vietnamese killed, 499,026 wounded

924,048 North Vietnamese and Vietcong killed