

How Compromise Was Reached

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PARIS, Jan. 24—The cease-fire documents published today came three months after intermittent but often extremely tense negotiations and 11 days of intensive bombing after a draft agreement was reached last October.

How much do the agreements differ and how were the compromises reached? Henry A. Kissinger said there was "substantial improvement" in the new text over the one that the United States refused to sign last fall. Le Duc Tho said the contents were "basically the same."

Both were, naturally, justifying the positions they had taken, but the measure of how much the changes mattered also reflected points of view that still conflict.

For North Vietnam, the principle of ultimate reunification, recognition of Vietcong status in the South, and American withdrawal had been preserved.

Many Details Spelled Out

For the United States, the division of North and South was at least temporarily preserved with the Government of President Nguyen Van Thieu restocked with arms and the planned cease-fire supervisory machinery defined and strengthened.

The most important advance between the two agreements, however, was that the second one spelled out the many details that had been left aside in the October document drawn up in four frantic days.

It did not give President Thieu much more satisfaction than before. But he accepted it.

Three months ago, on Oct. 20, Hanoi said, and Washington has never denied, that President Nixon wired Premier Pham Van Dong that agreement was "complete." *

But Mr. Thieu multiplied his objections, Washington reconsidered, and a few days later the United States told Hanoi that negotiations would have to be reopened.

At a news conference on Oct. 26, after Hanoi had published an outline of the draft agreement, Mr. Kissinger said that there were "six or seven minor points" requiring "clarification," and they could be settled in one more round of talks "lasting no more than three or four days."

Saigon's Furious Complaint

The full October document has never been made public. The outline presented nine points, which summarize the nine chapters of today's agreement and contain much of the key language. There had been no annexes at that time, but the plan was to work them out after the agreement had been initialed.

1-25-73
NYT

Saigon's first, furious complaint was that the October document made no direct reference to the demilitarized zone and the line dividing North and South, thus implying that South Vietnam was no longer to be considered a national entity.

The omission has never been explained. Obviously Hanoi had proposed the initial language that only implied the existence of the dividing line by a vague reference to the 1954 Geneva accords and many references to events in "South Vietnam" and to "South Vietnamese forces."

But why had not the United States inserted a direct clause? Not long after, Hanoi's spokesman said publicly that North Vietnam still accepted a "military demarcation line" as in the Geneva terms, providing that it has not to become "a political or territorial" border.

There may have been an oversight by the United States, one of those things that happen when exhausted men push on hard issues and forget the obvious, easier ones.

Thieu Began To Press Case

The October deadlines passed, and day after day went by without producing any sign of the peace that a weary and disillusioned world had thought so near.

In that period, President Thieu began to argue his case on many more points — he wanted all North Vietnamese troops withdrawn from the South; he warned that the proposed National Council of Reconciliation might turn into a coalition government with the Communists; he pointed out the need to seal off the northern border, both to prevent future infiltration and to support Saigon's claim to sovereignty.

Saigon drew these up as a list of counter-proposals. They were Mr. Thieu's maximum demands, and would have represented in effect a victory of South Vietnamese resistance that had not been won on the battlefield.

The United States took up some and rejected others. Finally, on Nov. 20, Mr. Kissinger and Le Duc Tho resumed their talks in Paris.

The versions of what happened in the following two rounds of nerve-wracking talks are dramatically different.

The Communist side said that the United States opened all the central issues of agreement, in effect trying to take away everything Hanoi thought it had gained in October.

Publicly, Mr. Kissinger has said this was not so. Privately, however, he has told friends that he did not let Washington's maximum demands "on the

High Tension, Much Discord Marked Road to Accord

table" but took them back so fast that he felt sure Hanoi would understand it was an exercise for the record-book, not a real retraction of important concessions that had produced the October compromise.

While the full record has never been made available, dribbles leaked out and allusions were made showing at least the main issues of dispute. These were the following:

¶The demilitarized zone, which Saigon wanted redefined in such a way that it would not only be a clear national border but also would be effectively sealed.

¶The North Vietnamese troops, whose presence in the South Mr. Kissinger said the United States would accept after American withdrawal, but with a demand for a firm and clear pledge of future withdrawal.

¶The national council, which the United States sought to have clearly defined as an "administrative structure" with no implication of government power. * *

¶Language, with the United States seeking equal authority for the English and Vietnamese texts, while Hanoi considered only the Vietnamese text as definitive.

¶International supervision, which the United States sought to spell out in detail to assure reasonably effective operation.

In addition, there was the question of the details of how the belligerents would join in policing each other's faithfulness in carrying out the cease-fire pledges.

New Demands Reported

Suddenly, according to Mr. Kissinger, the North Vietnamese reacted with drastic new demands of their own, destroying major gains the United States thought that it had won.

They withdrew the promise to release all American prisoners when United States forces left, and linked repatriation of American P.O.W.'s with the release of the political prisoners in Saigon's jails and camps.

They sought a counter-definition of the North-South dividing line that would open it to free movement between what they habitually call the "two zones" of Vietnam, thus permitting them to send forces south again at any time.

Kissinger Was Shocked

There were other demands that shocked Mr. Kissinger. Were they put seriously, in an effort to stall and keep the talks going on indefinitely while Hanoi planned new battlefield manoeuvres?

* * KISSINGER,
NY TIMES 27 OCT 72
P. 2

* SEE FLORA LEWIS
NYTIMES 27 OCT 72

From what he has said, Mr. Kissinger thought the dizzying series of small concessions and fierce new demands was meant to paralyze negotiations.

Or was it a tactic, an angry North Vietnamese ploy to show that two could play at the game of appearing to have agreed and then taking it back, at the game of asking for concessions going far beyond the original basis of compromise established in October?

The only hard evidence is that throughout this period, the Communists kept calling publicly for signature of the October agreement as it stood. That implied restoration of the concessions they had made and seemed to be withdrawing.

Throughout the negotiations, each side's secret assessment of how eager the other side really was to get a truce played on the diplomatic price-setting.

It seems likely Hanoi calculated that it had appeared too anxious after the October disillusion, and felt a need to convince Washington that it would rather fight than buckle on anything but trivia.

Finally, President Nixon decided that he would put up with no more of what was called "a charade" before the American people. Mr. Kissinger was called home and the extraordinarily heavy bombing began.

Mr. Tho said later that it started "a few hours" after he reached Hanoi. He insisted that the negotiations really had not broken down at that point and that he had only gone home to report to his Government.

But the two capitals kept in contact. On Jan. 3, the experts began meeting again to work on the technical agreements about how a cease-fire would be put into effect, drawing maps, haggling over policing provisions.

On Jan. 8, Mr. Kissinger and Mr. Tho met again, their third round of talks since October.

By that time, both sides had made their point. Then the real bargaining began.

It brought mutual satisfaction.

DMZ Reference Restored

The reference to the DMZ was inserted, but with provisions no stronger than those of the 1954 Geneva declaration that Hanoi has always upheld. In fact, Hanoi gained a little over the Geneva agreement, which expressly forbade military traffic across the demarcation line, a ban only implied in the new agreement.

And Hanoi won insertion of a new provision for future North-South consultation to permit civilian traffic.

On the prisoner issue, the United States regained the pledge for the release of all its P.O.W.'s and civilians held when the last G.I. goes home. But Hanoi won a form of United States responsibility for promoting release of political prisoners in the South, not in the October accord to the great distress of the Vietcong.

Continuous United States involvement in the issue of Saigon's political prisoners, from which Washington had hoped to disengage itself, is spelled out in the new agreement without quite putting the words together.

It is the result of new provisions giving the mixed military commission, composed of the United States and the three Vietnamese belligerents, certain responsibilities for all prisoners, including Vietnamese civilians.

For the first 60 days after cease-fire, the United States will have some 615 men and officers working on the commission, and some of them are supposed to stay on for as long as the Vietnamese prisoner issue is not resolved.

The issue of the National Council of Reconciliation and Concord was settled by simply dropping the conflicting language that described it and adding another "national" to its name.

Saigon wanted the word to come third in the title so as not to imply some kind of nationwide authority. Hanoi insisted that it should come first for the same reason.

Two 'Nationals in Title'

In the end, both got what they wanted and the new name has two "nationals." It is now the "National Council of National Reconciliation and Concord."

The crucial issue of the terms on which the Saigon Government and the Vietcong's Provisional Revolutionary Government recognized—or refused—to recognize—each other's formal status claims was settled, after excruciating effort, by an exquisite design of diplomatic ingenuity.

The body of the documents does not name any government at all, just the "parties," except where there are specific undertakings by the United States. But that shifted the quarrel to how the signers would be named, the last bitter struggle that kept the experts working right up to the moment Mr. Kissinger came back to initial the agreements.

Finally, they found a way to put what was in effect "the shape of the table" on paper.

The heart of the issue was the same one that had stalled the four-member Paris conference for 7 months in 1969, expressed then in terms of the shape of the table at which they would sit. It was resolved in the compromise of the "Kleber principle" of "our side, your side."

That permits Saigon and the United States to consider they are signing a "two-sided" agreement with the Communists, placing the Vietcong as a mere adjunct of North Vietnam, while the Communists can assert that they have signed a "four-sided" agreement among four Governments of equal standing.

The trick was to put two sets of first and last pages on each document and to have two signing ceremonies, one on the "our side-your side" basis, the other with four delegations but with the Communists signing on a separate page from Saigon.

There are other changes of lesser importance. The International Control Commission was never so difficult an issue as it was made to appear, and that, too, came out as a compromise.

Hanoi emerged a great deal happier about it all than Saigon, which is extremely apprehensive. But the ultimate test of how much all the wrenching over words really mattered will come in the months and years ahead in the political struggle that will follow the war.