

# Texts of Notes by North Vietnam and

Special to The New York Times

WASHINGTON, April 24—

Following, as made public by the State Department today, are the texts of notes distributed to the countries that participated in the recent Paris conference on Vietnam, by North Vietnam on April 16 and by the United States over last weekend:

## By North Vietnam

[1]

The Paris agreement on ending the war and restoring peace in Vietnam has been signed on the basis of respect for the independence, sovereignty, unity and territorial integrity of Vietnam and the South Vietnamese people's right to self-determination. It meets the eager aspiration for peace of all countries in the world, and constitutes a major contribution to the cause of peace, self-determination, and national independence of the peoples.

Pursuant to their commitment under the Paris agreement and the Act of the International Conference on Vietnam, the Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam have strictly respected and scrupulously implemented the agreement and the protocols. On the other hand, the U.S. Government and the Government of the Republic of Vietnam have seriously violated many essential provisions thereof.

Since the cease-fire came into force, the South Vietnam People's Liberation Armed Forces have scrupulously observed it in all theaters of operations, have remained in place, and stopped all offensive operations and hostile acts. But the Government of the Republic of Vietnam, with the backing of the United States, has failed to observe the cease-fire, thereby seriously violating Articles 2 and 3 of the agreement. It has launched tens of thousands of operations involving regiment or division-size infantry units with air and artillery support to encroach on the areas under the control of the Provisional Revolutionary Government.

As a result, in the past two months and more, the cease-fire has not yet been effective in South Vietnam; the bloodshed has continued; the people have not yet enjoyed peace, and have continued to suffer so much suffering and mourning. This is an extremely serious situation which jeopardizes the implementation of the agreement as a whole, and poses a direct threat to peace in South Vietnam.

[2]

The U.S. Government has had to end the war in both South and North Vietnam, and to withdraw its troops and those of its allies from South Vietnam. But at variance with Articles 5 and 6 of the agreement, the withdrawing U.S. troops have not taken away their armaments and have not dismantled their bases. Moreover, the United States has left behind over 10,000 military personnel disguised as civilian advisers, and it has illegally brought big quantities of armaments, munitions and war material into South Vietnam in flagrant violation of articles 5 and 7 of the agreement.

[3]

With regard to the removal and destruction of mines in the territorial waters, ports, harbors, and waterways of North Vietnam, the Government of the Democratic Republic of Vietnam has afforded all favorable conditions for the U.S. side to carry it out rapidly and effectively.

But the U.S. Government has deliberately delayed the mine-clearing operations, thus prolonging in fact the blockade of the territorial waters of the Democratic Republic of Vietnam. So far, it has exploded only three out of the tens of thousands of mines it is duty-bound to clear.

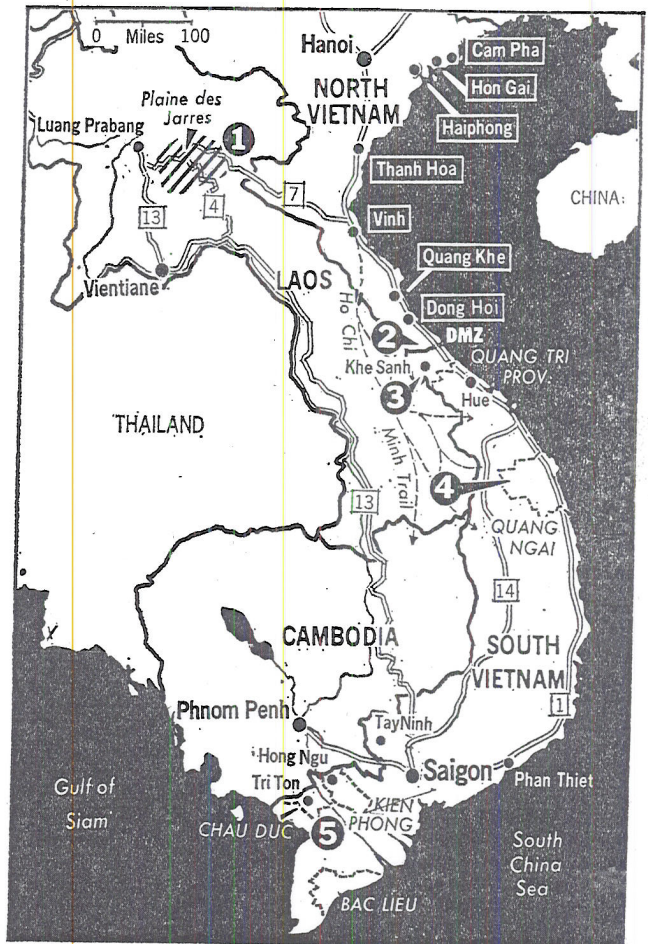
[4]

Pursuant to Article 8 of the agreement, the Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam have returned within

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# U.S. Sent to Peace

## Conference Participants



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Hanoi accused U.S. of stalling on clearing mines from North Vietnamese ports (names in panels), of backing Saigon forces in "tens of thousands of operations" and of otherwise violating accord. U.S. denied the charges and accused Hanoi of numerous breaches, including improving road system in Laos (1), pouring men and supplies into South Vietnam across DMZ (2) and by other routes, trying to build a road from Laos into Quang Tri Province (3) and Quang Ngai (4) and staging fierce assaults in Chau Duc Province (5) and elsewhere.

the prescribed time-limit all American military personnel and foreign civilians captured and held in North and South Vietnam. In the same period of time, the Provisional Revolutionary Government of the Republic of South Vietnam has also returned to the Government of the Republic of Vietnam the captured and detained military personnel of the latter.

In contrast, the Government of the Republic of Vietnam has failed to return to the Provisional Revolutionary Government of the Republic of South Vietnam all military personnel captured and held by it. Moreover, in the past two months and more, it has not returned any civilian personnel arrested and detained by it to the Provisional Revolutionary Government of the Republic of South Vietnam. As a result, hundreds of thousands of political prisoners have not so far been allowed to return to their families, and are still being detained, and subjected to the worst tortures and treatments in the prisons of South Vietnam.

This constitutes an extremely serious situation which is in flagrant violation of Article 8C of the agreement, and at variance with the pledge of the U.S. Government. Public opinion in Vietnam and in the world is raising indignant condemnations, and demanding the Government of the Republic of Vietnam immediately return to the Provisional Revolutionary Government of the Republic of South Vietnam the civilian personnel still being detained.

#### [5]

In the areas under its control, the Government of the Republic of Vietnam has frenziedly intensified its measures of constraint and coercion against the people, carried out repressions and persecutions against patriots and peace-loving people, and those who do not belong to the ruling clique. It has launched tens of thousands of police and "pacification" operations which are in no way different in terms of scale and atrocity from wartime operations, it maintains in force wartime laws and regulations and has enacted many new Fascist laws. The freedoms of movement, of residence, of work, of the press, of gathering, etc., continue to be denied to the people.

#### [6]

At variance with Article 8 of the Act of the International Conference on Vietnam, the United States has undertaken with its aircraft including B-52's the bombing of the Lao territory right after the signing of the Agreement on Restoring Peace and Achieving National Concord in Laos: and it is intensifying carpet-bombings in Cambodia, thus seriously violating the independence, sovereignty, unity, territorial integrity and neutrality of Laos and Cambodia.

#### [7]

Obviously, over the past two months and more, the Government of the United States and the Government of the Republic of Vietnam have brazenly and system-

atically violated many essential provisions of the Paris agreement on Vietnam. The U.S. Government has not yet brought strictly to an end its military involvement and its interference in the internal affairs of South Vietnam, where it is still trying to carry out neocolonialism. If the violations of the Paris agreement on Vietnam should continue, peace cannot be maintained for a long period in South Vietnam. This would be completely at variance with the South Vietnamese people's eager aspirations for peace, independence, democracy, national reconciliation and concord, and with the desire for peace of the world's peoples.

To consolidate and maintain a lasting peace in Vietnam and Indochina, the U.S. Government and the Government of the Republic of Vietnam must scrupulously and strictly implement the Paris agreement on Vietnam and the annexed protocols. The Government of the Republic of Vietnam must stop all encroaching operations against the liberated zone, all police and "pacification" operations in the areas under its control,

carry into effect democratic liberties for the people of these areas, and return to the Provisional Revolutionary Government of the Republic of South Vietnam all military and civilian personnel it is holding. The U.S. Government must strictly bring to an end its military involvement and its interference in the internal affairs of South Vietnam, scrupulously carry out its obligation concerning the removal of mines in North Vietnam, and cease all acts encroaching on the sovereignty and security of the Democratic Republic of Vietnam.

The Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam as well affirm once again their unswerving position of strictly respecting and scrupulously implementing all provisions of the Paris agreement and the Act of the International Conference on Vietnam.

In its last part, the note sent to the U.S. and the Saigon administration pointed out that in face of this situation, the Government of the Democratic Republic of Vietnam, pursuant to Article 6 of the Act of the International Conference on Vietnam, demands that the U.S. Government and the Government of the Republic of Vietnam stop at once these violations, strictly respect and scrupulously implement all provisions of the Paris agreement and the Act of the International Conference on Vietnam.

The D.R.V. Foreign Ministry proposes that the governments of the Soviet Union, China, Poland, Hungary, Canada, Indonesia, Britain and France "firmly condemn the serious violations of the agreement and the act by the U.S. Government and the Government of the Republic of Vietnam and urge these two governments to stop at once these violations, to strictly respect and scrupulously implement all provisions of the Paris agreement and the Act of the International Conference on Vietnam."

## By the United States

#### [1]

The Department of State of the United States of America presents its compliments to the Ministry of Foreign Affairs/Ministry of External Affairs of — and has the honor to refer to a note dated April 16, 1973, transmitted by the Government of the Democratic Republic of Vietnam to the Government of the United States and, it is assumed, also to the other signatories of the Act of the International Conference on Vietnam.

#### [2]

In its note, the Government of the Democratic Republic of Vietnam, on its own behalf and occasionally also in the name of the "Provisional Revolutionary Government," purports to describe the situation in South Vietnam and lodges charges against the Government of the United States and the Government of the Republic of Vietnam.

#### [3]

The United States rejects as utterly groundless the accusations of the Democratic Republic of Vietnam, and views this note as an ill-disguised attempt by the Democratic Republic of Vietnam to divert attention away from its own numerous and extremely serious violations of the cease-fire.

#### [4]

Contrary to the contentions listed in the note, it is abundantly clear that the main obstruction to peace consists of the military activities carried out by the Democratic Republic of Vietnam and forces under its control in South Vietnam, Laos and Cambodia in direct and unexcusable contravention of the Agreement on Ending the War and Restoring Peace in Vietnam and the Agreement on the Restoration of Peace and Reconciliation in Laos.

#### [5]

Of extreme concern is the vast quantity of military equipment shipped clandestinely since Jan. 28 from North Vietnam into South Vietnam without the least effort to observe Articles 7 and 20 of the peace agreement of Jan. 27. Evidence is overwhelming of continued illegal movement of equipment and supplies out of North Vietnam for the use of the military forces opposing the legitimate governments of those countries. Included in the supplies reaching South Vietnam are over 400 tanks and armored vehicles, 300 artillery pieces of various types and vast quantities ammunition, vehicles, etc.

For example, from the time of the Vietnam cease-fire through April 18, 1973, over 27,000 short tons of military supplies have been moved through the demilitarized zone into South Vietnam. In the same period, over 26,000 short tons were moved from North Vietnam into Laos. Also during this period, we have detected over 17,000 military truck movements from North Vietnam into Laos and over 7,000 crossing the demilitarized zone into South Vietnam. None of the peace-keeping organs established by the peace agreement has been given the op-

portunity to monitor these shipments.

#### [6]

Evidence of an intention to persist in violations of Article 20 of the agreement is the substantial effort being made to upgrade the road system within Laos and adjoining parts of South Vietnam. Bridge and drainage ditch construction have been observed on Route 7, the primary route into the Plain of Jars from North Vietnam and on Routes 4 and 4/7 which transit the northern plain in an east-west direction. Furthermore, there is evidence of continuing North Vietnamese efforts to construct a road from southern Laos into Quang Tri and Quang Ngai Provinces. This cross-border route is not close to any of the designated entry points and its only logical use could be as a clandestine supply highway into the central coastal regions of South Vietnam.

#### [7]

The Democratic Republic of Vietnam also has moved military personnel and military equipment in and through the demilitarized zone in direct violation of Articles 7 and 15 (B) of the peace agreement and of Article 7 of the cease-fire protocol.

#### [8]

In most serious violation of the agreement, more than 30,000 North Vietnamese army personnel are known to have continued moving through Laos and Cambodia into South Vietnam after the ceasefire on Jan. 28. These combat replacements have greatly increased the capability of North Vietnamese army units in the South. In addition there is evidence that the new North Vietnamese army organizations, such as anti-aircraft artillery units, entered South Vietnam after Jan. 28. For example, the Khe Sanh airfield complex has recently been ringed with SA-2 missiles, which clearly were not present prior to the cease-fire.

#### [9]

Not content with illegally building up its military potential, the Democratic Republic of Vietnam has since the cease-fire actually employed these and other forces under its command to launch attacks on hamlets, villages and Republic of Vietnam military positions throughout the country in unequivocal violation of the fundamental purpose of the peace agreement as embodied in Articles 2 and 3. The assaults have generally consisted of mortarings and shellings, frequently followed by ground attacks in an obvious effort to expand the area controlled by forces under North Vietnamese command. In some cases the assaults were of such intensity as to require withdrawal of Government defending forces, for example, from positions at Hoang Hau near Hue, on the Cambodian border in Chau Duc Province and in Bac Lieu Province. Other beleaguered outposts long occupied by the Republic of Vietnam armed forces continue to hold out despite persistent harassment, such as at Tonle Cham in Tay Ninh, at Rach Bap in Binh Duong and in

the Hong Ngu and Cai Cai districts of Kien Phong Province.

[10]

North Vietnamese forces, moreover, continue larger military offensives aimed at opening up new supply routes and expanding their control, such as in the Sa Huynh area of southern Qung Ngai Province.

[11]

Troops under the control of the Democratic Republic of Vietnam also have placed many mines in violation of Article 5 of the cease-fire protocol and have tried to interfere with resumed train service. Earlier this month, in Phu Yen Province, a mine was set under a train and a ground attack was launched on a track repair crew.

[12]

These forces, moreover, have fired mortars and artillery indiscriminately into many cities, refugee camps and other centers of population, for example in Tan Chau and Phan Thiet, caus-

ing heavy civilian casualties. They have even mortared the team locations of the International Commission of Control and Supervision at Tri Ton and Hong Ngu.

[13]

In addition to widespread attacks on Republic of Vietnam territorial security forces, agents of the Democratic Republic of Vietnam have continued their acts of terrorism including assassinations, tossing grenades in public places, minings of public thoroughfares and widespread abductions.

[14]

Another serious impediment to peace is the record of the Democratic Republic of Vietnam and the "Provisional Revolutionary Government" of clear and calculated obstructionism in the Four-Party Joint Military Commission. Both consistently refused to participate meaningfully in any Four-Party Military Commission investigation which would not benefit their cause. Accordingly, they blocked or prevented investigation of the downing of a CH-47 helicopter of the Sa Huynh attack and the Khe Sanh missile installation, to cite only three representative examples.

[15]

The tactic to stall and obstruct was also clearly evident in the refusal to deploy fully to the field. The North Vietnamese deployed to only five of the seven regional headquarters, and their associates of the "Provisional Revolutionary Government" to only one. Deployment to subregional teams was minimal. The "Provisional Revolutionary Government" had less than one-quarter of its authorized contingent functional at any one time.

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Thus the Democratic Republic of Vietnam and the "Provisional Revolutionary Government" must bear the responsibility for failure of the Four-Party Joint Military Commission to fulfill its assigned functions.

[17]

Of particular concern to the United States is the failure to date of the Democratic Republic of Vietnam to provide information about Americans missing in action in Indochina or about those known to have died there, as required by Article 8 (B) of the Paris agreement.

[18]

The charges levied against the United States by the Democratic Republic of Vietnam in its note, include the allegation that the United States gave "backing" to the Government of the Republic of Vietnam in failing to observe the cease-fire and thereby seriously violated Articles 2 and 3 of the Agreement on Ending the War and Restoring Peace in Vietnam. The entire charge is without foundation. The United States concentrated instead after Jan. 28 on observing the terms of the agreement scrupulously by withdrawing its own military forces from Vietnam and refraining from participating in any hostilities in Vietnam. Any arms and military equipment provided to the Republic of Vietnam have been strictly in accordance with Article 7 of the Paris agreement and Article 7 of the cease-fire protocol.

[19]

The Democratic Republic of Vietnam also alleges that the withdrawal of United States forces has been concluded in a manner at variance with Articles 5 and 6 of the Paris agreement and accuses the United States of failing to withdraw its armaments and dismantle its bases as required by those articles. Article 5, however, required withdrawal only of those armaments, munitions, and war material which the United States (or allies of the United States and the Republic of Vietnam) may have owned in South Vietnam at the date of or subsequent to the date of entry into force of the agreement. It did not require the withdrawal from South Vietnam of any armaments which the United States, prior to the entry into force of the agreement, no longer owned because of prior transfer. This was the meaning of the phrase "of

the United States" in Article 5. The same phrase with the same meaning was used in Article 6 with respect to military bases to be dismantled. The United States has fully complied with these provisions. All military equipment and military base facilities formerly owned by the United States forces in South Vietnam which remained there after March 28, had been transferred to the Government of the Republic of Vietnam prior to Jan. 27.

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The referenced note makes the further charge that the United States has supplied arms, munitions, and war materials to the Republic of Vietnam in violation of the agreement and its cease-fire protocol. This charge is simply without merit. Article 7 of the agreement permits the South Vietnamese parties to replace, on a piece-for-piece basis, destroyed, damaged,

worn out or used up armaments, munitions and war material. The United States and the Republic of Vietnam have established procedures for monitoring arms shipments, to insure compliance with these restrictions, and records are being maintained which verify this compliance. Introduction of these replacements, as well as these records and procedures, are always open to inspection and observation of the International Commission of Control and Supervision and the Two-Party Joint Military Commission. Introduction of these replacements has been restricted to those three points of entry that have been designated by the Republic of Vietnam under the terms of the agreement.

[21]

The contention in the note of the Democratic Republic of Vietnam that the United States has left behind over 10,000 military personnel disguised as civilian advisers has no basis in fact and is undoubtedly an attempt to draw attention from the large numbers of North Vietnamese armed forces in the South. The United States, in accordance with Article 5 of the peace agreement, has withdrawn its troops and its military and police advisers. There remain in South Vietnam only about 200 American military personnel, belonging to the defense attaché office, the embassy marine security guard and the team attempting to resolve the status of the missing in action. There are no military persons disguised as civilians. As publicly stated, the total number of official American personnel in South Vietnam is less than 9,000, the large majority of whom are filling logistics and maintenance functions which are soon to be taken over by the South Vietnamese.

[22]

Other Americans are performing the kinds of functions conducted by diplomatic, consular and aid missions throughout the world. The purposes and functions of the personnel of the United States remaining in South Vietnam are fully known to the Government of the Democratic Republic of Vietnam and are completely in keeping with the Jan. 27 agreement.

[23]

The United States also is accused of violating Article 8 of the Act of Paris by virtue of its military activities in Laos immediately after the conclusion of the cease-fire agreement between the Lao parties. United States military activities since the cease-fire have been very limited. They were conducted at the request of Premier Souvanna Phouma. They were made necessary by, and were in direct response to major and flagrant violations of that agreement by the North Vietnamese and Pathet Lao forces, specifically the post-cease-fire attacks at Pak Song on Feb. 23 and Tha Vieng on April 13.

[24]

The Democratic Republic of Vietnam further alleges United States violation of the "independence, sovereignty, unity, territorial integrity and neutrality" of Cambodia by continuing to conduct military activities in that country. In fact, these activities are limited to air-support operations in response

to the continued military operations in Cambodia by the Democratic Republic of Vietnam, and were requested by the Khmer Republic itself. In late January, the Government of the Khmer Republic suspended all offensive operations and the United States likewise halted offensive air operations. However, the reaction of the Democratic Republic of Vietnam and Cambodian forces under its control was a total military offensive, despite obligations assumed by the Democratic Republic of Vietnam in Article 20 of the agreement and Article 8 of the Act of Paris. In order to induce compliance with those essential provisions, without which the entire Vietnam agreement would be endangered, the United States is giving air support to the Khmer forces.

[25]

With respect to allegations by the Democratic Republic of Vietnam concerning the continued detention of South Vietnamese civilians, the Government of the Republic of Vietnam will doubtless wish to rebut them, but the Government of the United States wishes to point out that "the Provisional Revolutionary Government" has offered to release only several hundred civilian prisoners despite the fact that it has captured many thousands. This is an issue where reciprocity is clearly essential.

[26]

The allegation that the United States Government was deliberately delaying mine-clearing operations is patently false.

The United States mine-clearing operation has progressed as rapidly as safety, available forces, weather and restrictions imposed by the Democratic Republic of Vietnam would allow. We have been able to adhere to our agreed schedule despite the loss of two helicopters. Every available United States mine-countermeasures unit has been marshaled for this operation. In fact, a force significantly greater than that originally proposed by the United States and accepted by the Democratic Republic of Vietnam has been employed.

[27]

The fact that only a few mines have been observed to explode is completely understandable and not at all surprising. As has been carefully explained to the Democratic Republic of Vietnam representatives on numerous occasions, the mines have a variable neutralization capability that can be programmed and which has resulted in the neutralization of most of them by now. Nevertheless, adequate safety cannot be guaranteed unless all affected areas are methodically swept with proper equipment by highly trained personnel.

[28]

However, in view of the many serious violations of other provisions of the agreement by the Democratic Republic of Vietnam, which have been discussed above, the United States has decided to suspend its mine-clearance operations. This suspension is justified as a response to the numerous material breaches of the agreement by the Democratic Republic of Vietnam in accordance with the rule of international law is set forth in Article 60 of the 1969 Convention on the Law of Treaties. The United States is, of course, prepared to resume mine-clearance operations as soon as the Democratic Republic of Vietnam begins to act in compliance with its obligations under the agreement.

[29]

The Government of the United States thus categorically rejects the general and the specific charges that it has violated the terms of the Agreement on Ending the War and Restoring Peace in Vietnam. For its part, except as noted above, the Government of the United States again affirms its intention to adhere to the terms of the agreement of Jan. 27 and will exert its best efforts to help bring about a lasting peace in Indochina. It calls on the Democratic Republic of Vietnam and all other parties to the final act of the International Convention on Vietnam to lend their support to this endeavor.

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