

# Both Sides Broke Truce

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Each day now, on opposite sides of Saigon's Tansonnhut airfield, the cease-fire signed in Paris more than two years ago, is doubly mocked.

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In a secluded sector of the airfield, North Vietnamese and Vietcong members of the moribund military commissions created in 1973 to enforce the accord, have found a new way to pass their idle time. They are

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busy issuing daily victory statements hailing the encirclement of Saigon by North Vietnamese and Vietcong forces closing in on the capital.

At the passenger end of the airfield, no new stimulus is required for despair. Panic-stricken South Vietnamese, with influence and money enough to pay or bribe their way into prized airplane seats, are the lucky ones who can flee from the explosion of war that derides the cease-fire agreement.

And yet, neither side in the war has chosen to renounce the anachronistic cease-

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fire accord. The reason is that, even unenforced the accord still serves other purposes for both sides.

That was demonstrated last week when the South Vietnamese government invoked the 1973 agreement, and the American promises that accompanied it, to charge the United States publicly with defaulting on pledges for the replacement of war weapons. President Ford, to the consternation of many U.S. critics, accepted the complaint as justified, labeling the Nixon administration's assurances of 1973 one of America's "solemn commitments."

In the days ahead, as the war in South Vietnam approaches a climax, more will be heard about the aborted cease-fire agreement of 1973, especially from the Communist side, experts agree.

The war has swept over the battle lines and the military clauses and the multiple, ineffectual control commissions of the 1973 accord. It is the political portion of the Paris agreement that North Vietnam and the Vietcong are now resurrecting, with a powerful military advantage to back up their demands.

Hanoi's leadership, and the Provisional Revolutionary Government of South Vietnam (Vietcong) are invoking their interpretation of the political provisions of the Paris accord to end the war and determine who shall rule in Saigon.

This amounts to the terms for surrender of the Saigon government, couched in the legal framework of an internationally "guaranteed" accord that already has the imprimatur of the world's major powers, who joined in endorsing the Paris accord in March, 1973, two months after the cease-fire was signed.

American officials scoff at this Communist attempt to apply selectively a portion of the original Paris agreement. "After they tore up the cease-fire?" one senior U.S. official said scornfully last week.

Regardless of official American disdain, the Communist side appears to hold all the cards to impose its will. The Communist military offensive, which produced a rout of South Vietnamese President Nguyen Van Thieu's army with comparatively little fighting, now shares priority with the Communist political offensive.

The Communist challenge to Thieu's rule is simplistically projected:

"Since early March, the South Vietnamese people and the People's Liberation Armed Forces, punishing the Americans and Thieu for sabotaging the Paris agreement on Vietnam, have ... repeatedly won very great victories on all battlefields ...

"The Nuyen Van Thizu clique—the main obstacle to the settlement of the present political problems in South Vietnam—(must) be toppled in order to set up in Saigon an administration which is really eager for peace, independence, democracy and national concord and will scrupulously implement the Paris agreement on Vietnam."

"The PRGRSV (Provisional Revolutionary Government of the Republic of South Vietnam) is ready to negotiate with such an administration with a view to promptly resolving the problems of South Vietnam."

Most Americans recall little of the complexities of the tortuously negotiated Paris "Agreement on Ending the War and Restoring Peace in Vietnam," dramatically signed on Jan. 27, 1973.

Probably what they remember is that it produced what the United States wanted most — the withdrawal of all remaining American troops from South Vietnam and the release of some 600 American prison-

ers of war, with a claim of "peace with honor" from President Nixon, and a Nobel Peace Prize for Henry A. Kissinger. Kissinger's negotiating counterpart, North Vietnam's Le Duc Tho, with longer foresight, spurned the Nobel Prize offered to him, on grounds that peace was still out of reach for Vietnam.

Laos was the only Indochina nation that soon achieved complete surcease from the war; Cambodia won no benefit. North Vietnam obtained the invaluable end of the American air war on its territory. This proved to be the most significant Communist gain of all from the Paris settlement, especially after Congress legislated an absolute cutoff on any form of American combat throughout Indochina, after Aug. 15, 1973.

The core of a settlement in Vietnam always has been who shall rule. However, the sections of the Paris agreement on determining political control were the most deliberately ambiguous items in the cease-fire accord.

Immediately after a cease-fire, the two South Vietnamese parties, the Saigon government and the PRG or Vietcong representatives, were directed to consult to establish a National Council of Reconciliation and Concord, of three equal segments. The third segment was intended to be a neutral third force, selected by the two adversaries.

The national council, under the accord, was to organize "free and democratic general elections" to select a government for South Vietnam, and all decisions of the council were to be reached by unanimity.

This political formula was a virtual guarantee for stalemate.

At the signing of the accords, the Saigon government and the Vietcong officially refused even to recognize each other's existence, requiring elaborate circumventions in the signing ceremonies.



... authors of ill-fated Vietnam cease-fire accord  
LE DUC THO HENRY A. KISSINGER

“. . . The hatred will not rapidly disappear,” Kissinger conceded, “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 least come to know that they can achieve their realization by other and less brutal means.”

The one thin hope that the Nixon administration privately held for averting continued warfare in South Vietnam after the American troop withdrawal was to draw North Vietnam into sharing in a multibillion-dollar Indochina war reconstruction program.

This offer was written into the Paris accord as an American commitment. It, too, ended up ultimately as a source of recrimination, when U.S.-North Vietnamese negotiations collapsed with an American refusal to proceed with the reconstruction program on the ground that Hanoi was violating other portions of the Paris accord.

There is no question that both sides greatly violated the accord. The real dispute has been over which side violated it the most, up to the recent Communist offensive, which resolved that question by rolling over two-thirds of South Vietnam.

Under international law, however, a violation of an accord by one side frees the other side from compliance with an agreement.

No evidence exists to prove which side made the first violation of the accord. But there is agreement among specialists that the Saigon government committed more violations in the early stages of the cease-fire, initially to recoup what it charged was territory-grabbing by the Communist side just before the cease-fire was to become effective.

The agreement to a “standstill cease-fire” was virtually imposed by the United States on President Thieu. He violently objected that it left in place in South Vietnam 145,000 North Vietnamese troops in “leopard spot” pockets across the countryside, instead of requiring a withdrawal of Hanoi’s forces back to North Vietnam.

The United States contended that the standstill cease-fire concession was offset by North Vietnam’s abandonment of its demand for the overthrow of the Thieu regime, as U.S. forces pulled out of the war.

To President Thieu, however, the whole package was an unbalanced bargain at Saigon’s expense. He also resented the commitment to the three-segment national political council, and set out to thwart its creation, as well as to push back North Vietnam’s forces.

In order to induce Thieu to go along with the Paris accord, the United States rushed into South Vietnam war material officially valued at \$753 million, and unofficially estimated to be worth hundreds of millions more, just before the accord was signed.

Also the Nixon administration hastily transferred legal title to South Vietnam for great stocks of war material, to elude the requirement that war supplies of the United States would be withdrawn along with the departing American troops. A confidential U.S. memorandum, which surfaced later, conceded that “our interpretation of the phrase ‘of the United States,’” was Vietnam’s negotiators.

In addition, the United States committed itself to supplying South Vietnam with thousands of U.S. “civilian contract” technicians and other personnel to continue training and maintaining South Vietnam’s armed forces, circumventing a ban on American “military personnel” or advisors after American forces were pulled out.

North Vietnam, engaged in its own pattern of circumventions or violations of the accord.

Hanoi’s leaders from the outset of the Paris accord followed a more passive strategy in the fighting in the south, concentrating initially on political competition, while building up military resources in the south for major effectiveness at a later stage, when the likelihood of American re-entry in the war had passed.

To fulfill this objective, North Vietnam effectively blocked plans for establishing control points to verify the limitations in the Paris accord on war supplies entering South Vietnam.

Simultaneously, North Vietnam, violating other portions of the accord, concentrated

great effort on constructing an elaborate system of improved roads through the Demilitarized Zone dividing North and South Vietnam, and across Laos and Cambodia. Over these routes North Vietnam sent large numbers of illegal troops and great quantities of war supplies into staging areas for the war in the south.

Thieu largely frustrated North Vietnam’s political strategy in the south, while achieving military gains at the expense of North Vietnam and the Vietcong. Each side blocked the other’s attempt to use the provisions of the Paris accord to advantage. Not surprisingly, every clause in the accord eventually was rendered inoperable

Political talks between Saigon and the Vietcong outside Paris stalemated; so did U.S. attempts to get an accounting from North Vietnam of Americans missing in action.

Twice Kissinger and Le Duc Tho met in Paris in 1973 to try to salvage the shattered accord.

In June, they announced a new cease-fire effective June 14 and an agreement purporting to end cross-violations of the original accord. After a fleeting surge of hope for greater honoring of the redoubled pledges, the fighting and violations resumed their more normal pattern. In December, 1973, Kissinger and Le Duc Tho met for a last try at new compliance. That was too unproductive to warrant even a formal declaration.

On Jan. 4, 1974, President Thieu publicly declared that “the war has restarted.” He claimed that pre-emptive actions of the South Vietnamese forces had forestalled a Communist offensive. Now Thieu ordered his troops to strike the Communist forces “in their base areas.”

Specialists call that the second phase of the post-cessate-fire war. The third phase inevitably followed soon after with a Communist order in March, 1974, to regain the territory lost during the cease-fire, and to attack the South Vietnamese troops in their base areas. Last year the Communist side regained most of the territory it lost in 1973.

Early last January, the Communist conquest of Phuocbinh, the first district capital to be lost by South Vietnam since the Paris accord, symbolized the fourth and crucial phase of the intensified war.

It was the fall of Phuocbinh and the abandonment of Phuoclong Province that led Thieu to conclude that he must retrench, withdraw his forces to a shrunken battle zone, conceding that he could not hold all of South Vietnam without the support of American air power to repel this first major Communist offensive since 1972.

American military analysts agree that the congressionally mandated curtailment of U.S. military support for South Vietnam was a significant factor in that decision by Thieu to pull back his troops and conserve supplies. At the time, however, American strategists did not regard the withdrawal from Phuoclong Province as a decisive turning point.

What no U.S. strategist anticipated was Thieu's subsequent decision in mid-March for a wholesale, badly coordinated withdrawal of forces that produced a chaotic rout.

On past performance, many specialists believe, it is not North Vietnam's preferred strategy to plunge headlong at Saigon's defenses, even if Hanoi's leaders believe they have the capacity to take the capital by storm.

Instead, North Vietnam is believed more likely to try to press its political option of forcing a collapse of the Thieu government, to proceed through the stages of political takeover originally projected in the 1973 Paris accord. This would provide a mantle of legality for pro-Communist rule in Saigon.