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周辺環境與件

印度支那聯邦形成 論議의 歴史的 考察

The Historical Development of Indochinese Federation

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要 約 文

本 研究의 目的은 仏蘭西의 印支聯邦과 仏蘭西聯合의 歷史的 発展過程을 分析하고, "베트남"主導下에 "라오스", "캄보디아"를 包含하여 印支聯邦을 構成하려는 "베트남"民主共和国(DRV)의 努力 또는 政策을 考察하는데 있다. 그러나 本 研究는 仏蘭西의 印度支那 植民政策에 관한 全般的인 研究는 아니다.

印支半島에 대한 仏蘭西의 支配는 1850年代에 시작되었으며, 그 후 50年동안 "라오스", "캄보디아", "베트남"의 支配에 까지 점차로 拡大되었다. 1899年에 仏蘭西는 이 地域에 仏蘭西聯合을 組織하였는데, 그것은 "라오스", 캄보디아"의 仏保護領과 "코친차이나"植民地 그리고 仏保護領 "안남"과 "통킹"으로 構成되었다. 仏蘭西의 統治는 1940年代에 日本에 의해 대치되었다.

1945年 日本의 降伏에 뒤이어 仏蘭西는 印支에 復帰하여 仏蘭西聯合下의 仏蘭西印支聯邦을 結成함으로써 잃었던 植民地回復에 努力하였다. 仏蘭西는 1946年3月6日의 協定에 의하여 DRV를 "印支聯邦과 仏蘭西聯合의 構成国으로서의 自信의 政府, 議会, 軍隊, 財政을 가지는 自由国"으로 認定하였다. 이것은 DRV를 仏蘭西가 主導하는 "聯合"에 끌어들여 植民地聯邦에 従属시키고자 하는 措置인 것이다. 이로써 DRV는 仏蘭西 聯合下의 印支聯邦 構成国이 되었으며, 仏蘭西의 印支聯邦은 "안남", "통킹", 코친차이나"의 全国土와 "라오스", "캄보디아"를 包含하기로 되어 있었다. 胡志明은 英聯邦内의 "카

나다"와 "오스트레일리아"와 같은 位置의 独立国이라고 생각하였다. 그러나 仏蘭西政府는 DRV를 独立国으로 認定하지 않았다. 1946年12月에 이르러 敵対感情이 爆発하여 마침내 印支戦이 발발하였다. 印支戦은 1954年의 "제네바"会議로 종결되었다.

"베트남"과의 계속되는 戦争에도 불구하고, 仏政府는 1948年6月5日 "베트남"国의 独立을 認定하였는데, "베트남"国은 "안남", "통킹", "코친차이나"의 全地域으로 構成되며, "바오다이"前王을 首領으로 하고 仏蘭西 聯合内에 包含된다는 것이었다. 美国과 英国은 "베트남"国, "라오스", "캄보디아"를 "仏蘭西聯合内의 独立国"으로서 認定하였다. "베트남"国은 1954年 "제네바"協定이 締結될 때까지 "仏蘭西聯合内의 独立国"으로 存続하였다. "제네바協定"은 独立된 "베트남"에 完全한 主権을 부여하였고, 그후 "베트남"共和国(越南)으로 명명되었다.

"캄보디아"의 "시아누크"公은 印支에 관해 注目할 만한 두가지 提議를 하였다.

1961年 "시하누크"는 南"베트남"과 "라오스", "캄보디아"를 包含하여 強大国에 의하여 保障된 印度支那中立地帯를 創設할 것을 提案하였다. "시하누크"는 1963年12月에 南"베트남"과 "캄보디아"로 構成되는 印支中立聯邦을 提議하였다. 그는 聯邦은 暫定的인 解決方式으로 存立할 것이라고 主張하였다. 그의 提議에 따르면, 두 国家의 外交活動을 共同으로 遂行하되 相互 견제하면서 行動하는 것이었다.

그러나 DRV나 民族解放戦線(NLF) 어느 側도 印支聯邦構成에 관하여 公開的으로 言及한 적은 없다. 또한 胡志明이 印支聯邦을 形成하기 위하여 "라오스"와 "캄보디아"를 征服하려고 計劃하였다는 証拠도 없다. 1975年 "베트남"이 統一될 때 까지 DRV의 最大目標는 "베트남"의 統一이었다. 그런데 "베트남"의 統一은 DRV의 究極目標, 즉 "라오스"와 "캄보디아"를 包含하는 印支聯邦 結成을 위한 첫번째 段階이었던것 같다. "베트남"은 "라오스"와 "캄보디아"가 過去 몇세기동안 従属国이었던 慣例에 따라, 両国이 "베트남"의 政策에 呼応해 주기를 主張할 것은 틀림없는 것이다.

"베트남" 統一 以後, DRV는 "라오스"와 "캄보디아"를 事実上 그들의 統制下에 두어, 우월한 位置에서 "라오스"와 "캄보디아"를 調整하는 事実上(de facto)의 印支聯邦을 形成하고 있다.

아시아의 모든 国家의 利益을 위하여 "하노이"側의 向方을 신중히 注視할 必要가 있다.

目　　次

I. 序 論 - 問題의 提起

최근의 印度支那는 「베트남」의 「캄보디아」侵入과 中·越戰爭등으로 인해 소용돌이 속에 휘말려 있다. 武力에 의해 「베트남」統一을 이룩한 「베트남」共産政權은 이에 그치지 않고 그들의 窮極目標라고 할 수 있는 印支聯邦形成을 획책하고 있다. 「베트남」은 「라오스」와 友好協力条約을 체결하여 軍事的인 占領을 合理化하였으며, 「캄보디아」에 대해서는 親中共의 「폴·포트」 旧共産政權을 몰아내고 「헹 삼린」을 주축으로한 親「베트남」·親蘇政權을 樹立하였다.

이와같은 印度支那에서는 「베트남」의 勢力膨脹은 印支聯邦의 形成에 관한 論議를 불러 일으키고 있다. 베트남의 印支聯邦化는 印度支那의 勢力均衡体制를 互解시키는 것으로서, 이 地域의 平和를 危脅할 뿐만 아니라 共産圈內는 물론 世界的인 紛爭要因이 될 可能性이 크다고 하겠다. 印支聯邦의 形成与否는 아직도 要因에 의하여 作用될 여지가 남아 있으나, 일단은 그 基盤이 形成되어 가고 있으며, 또 「베트남」은 계속해서 印支聯邦形成을 위한 政策을 추구해 나갈 것이다.

이러한 印度支那問題는 歷史的으로 把握함으로써 그 根源을 보다 잘 理解할 수 있겠다. 印度支那에 있어서의 聯邦은 仏蘭西가 植民統治를 위하여 印支聯邦을 結成하면서 최초로 이루어졌다. 그후

印支戦과 「제네바」協定으로 印支聯邦이 崩壊되기까지 仏蘭西는 印支聯邦을 仏蘭西聯合内의 構成国으로 하였었다.

仏蘭西聯合이란 仏蘭西의 植民地支配를 合理化하기 위하여 만들어진 植民地体制라고 할 수 있다. 仏蘭西聯合은 第2次世界大戦 以後인 1946年 第4共和国憲法에서 종래의 仏蘭西本国•植民地保護領의 総合体라고 규정하였다. 당시의 仏蘭西議会는 共和党, 社会党, 人民共和派(MRP)의 左派 3党이 多数를 차지하고 있었기 때문에, 植民地政策이 그다지 노골적이지는 않았다. 따라서 仏蘭西聯合에 관하여, "仏蘭西人은 恣意的인 植民地体制를 排撃하고…… 海外의 人民에 대하여 人種이나 宗教의 차별없이 平等의 기초하에 일종의 聯合을 형성한다"고 하였다.[1)]

그러나 그후 仏蘭西本国에서 反動勢力이 일어나자, 植民地支配를 위한 政策은 第2次世界大戦 前보다 훨씬 더 노골적으로 帝国主義化하게 되었다. 이에 따라 仏蘭西聯合의 実体는 仏蘭西의 植民地와 従属国의 被圧迫民族으로 부터 최대한 利益을 収奪하기 위한 植民地体制임이 들어났다. 1958年에 가서는 과거 仏蘭西帝国의 後身이었던 仏蘭西聯合이 仏蘭西共同体(Commuauté Française)로 代置되었다.

公式的으로는 印度支那聯邦(L'Union Indochinoise)이라고 불렸던 仏領印度支那는 仏蘭西聯合의 構成国이었다. 印度支那聯邦은 仏蘭西의 保護領이었던 「안남」(Annam: 中部 베트남), 「통킹」(Tongking:

北部 베트남), 「라오스」(Laos), 「캄보디아」(Cambodia)와 仏領西의 直轄植民地이었던 「코친차이나」(Cohinchina : 南部베트남)로 이루어져 있었다.

印度支那聯邦은 仏領西의 印度支那植民統治에 抗爭하고 領土的 統一을 이루려하는 民族解放運動을 저지하고 仏領西의 印度支那支配를 확립하려는 体制이었다. 즉 仏領西는 「베트남」을 形成하고 있는 「통 킹」, 「안 남」, 「코친차이나」를 分立시키고, 여기에 「라오스」와 「캄보디아」를 合해서 印度支那聯邦을 組織하고 이를 다시 仏領西聯合의 構成国으로 한다는 構想이었다.

그러므로 本稿에서는 이와같은 視点에서 印支聯邦의 背景 成立 및 崩壞過程을 살펴보고자 하며, 状況은 다르나 최근에 다시 일고 있는 印支聯邦說에 대한 展望과 評価를 해보고자 한다. 그런데 仏領西聯合부터 해체되 印支聯邦에 이르기까지 베트콩과 하노이側의 資料를 包含시켜서 体系的인 歷史的 考察을 試圖하려 하였으나, 資料의 制限에 부딪쳐 만족할 만한 研究가 되지 못하였다.

즉 하노이側과 베트콩은 印支聯邦에 관한 어떠한 声明이나 提議를 公式的으로 한적도 없으며, 이렇다할 言及도 전혀 찾아 볼 수 없었기 때문에 보다 実証的인 資料에 接할 수가 없었다. 따라서 새로운 印支聯邦說에 관해서는 주로 이와 관련된 몇가지 要因의 分析에 의하여 論考하였다.

Ⅱ. 佛·印支關係의 史的 背景

仏·印支関係는 1626年 「알렉산드르·드·로데」(Alexandre de Rhodes)神父가 印支内에서 宣教와 더불어 仏文化를 紹介하였던 때부터 시작된다고 할 수 있다. 「로데」神父는 「통킹」에 들어와 安南人과 같이 生活하면서 베트남에 크게 貢献한 것으로 전해진다.

仏蘭西가 政府次元에서 이地域에 関心을 나타낸 것은, 西山党에게 몰리고 있던 안남国王 阮福英의 全土平定에 대한 1802年의 支援에서 엿볼 수 있다. 仏蘭西의 植民統治를 위한 征服은 스페인人 宣教師処刑을 구실로 하여 1859年 「사이곤」을 侵入하였을 때부터 비롯되었다. 仏蘭西는 「사이곤」侵入 決果로 체결된 1862年의 「사이곤条約」에 의하여 안남皇帝로부터 「코친차이나」의 비옥한 델타地域을 割譲받음으로써 植民統治를 시작하였다. 그리고 1864年에는 「캄보디아」를, 1884年에는 「안남」과 「통킹」을 仏領으로 만들었으며, 1893年에는 「라오스」를 保護領으로 함으로써 印度支那에 대한 征服을 마무리지었다.

印支에 대한 仏蘭西의 植民統治는 強力한 権力을 가진 総督을 中心으로 하여 高度의 中央集権的 行政統制에 의하여 行하여졌다. 또한 植民統治는 経済·文化·政治의 모든 分野에 걸친 철저한 同化政策을 特徴으로 하였으며, 収奪과 弾圧으로 일관했었다. 이에

1903年에 안남国民党이 反仏独立運動을 위하여 結成됨으로써 反仏運動이 전개되었는데, 1914年에는 失敗로 끝난 反仏蜂起가 있었다. 그 당시의 民族解放運動은 西欧的 類型의 온건한 民族主義性格을 띠고 있었으나, 1917年 러시아革命이 성공한 이후로는 과격한 프롤레타리아革命運動의 性格을 나타내기 시작하였다. 1929年 胡志明의 베트남共産党, 「구엔·다이·흑」의 베트남国民党이 결성됨으로써 모든 階級을 망라한 民族統一前線을 형성하여 安沛暴動과 같은 과격한 反仏運動을 전개하기에 이르렀다.

第2次世界大戦이 일어나고 日本軍이 進駐하자 反仏運動은 反日抗争으로 전환되었다. 胡志明이 이끄는 베트남独立同盟(Viet-Minh)과 抗日게릴라統合組織인 베트남解放軍이 결성되어 抗日勢力의 主軸을 이루었다. 日本軍은 「베트남」, 「라오스」, 「캄보디아」등 仏領印度支那総督府를 閉鎖하는 한편 베트남에 独立을 인정하고 「바오다이」를 내세워 政権을 樹立하였다. 그리고 亜細亜는 亜細亜人의 것이란 口号아래 베트남에 대한 間接統治를 꾀하였다.

1945年 8月 日本의 敗戦과 더불어 「바오다이」政権이 무너지자 이 機会를 이용하여 胡志明은 「베트민」(越南独立同盟)을 기반으로 하여 同年 9月 「하노이」에서 베트남民主共和国(DRV)을 樹立 宣布하였다.

한편 「포츠담」協定에 의하여 同年 8月末부터 9月사이에 日本軍의 武装解除를 目的으로 北緯16度線을 境界로 北쪽은 中国軍

이, 南쪽은 英国軍이 각각 進駐하였다. 그러나 聯合軍은 「포츠담」 協定과 反하여 印支半島에 대한 仏蘭西의 復帰를 認定함으로써 1946年 1月 仏軍이 英国軍과 교체하여 「코친차이나」에 進駐하였다.[2)]

仏蘭西는 그후 既得権을 주장하여 北部베트남을 占領하고 있는 中国軍(国府軍)과 協商을 하였다. 이 결과 中·仏協定이 맺어지고 中国軍이 撤収함으로써 仏蘭西는 印支半島를 植民地로 다시 찾게 되었다. 그러나 이에 独立을 宣布하고 合法性을 주장하는 胡志明政権이 커다란 障碍勢力으로 남아 있었다. 仏蘭西는 강경책으로 武装解除를 시키려 하였으나 胡志明의 완강한 反抗으로 方針을 変更하여 平和的인 交渉을 시작하였다.

Ⅲ. 印支聯邦과 佛·越協商

仏蘭西와 胡志明間의 交渉過程은 初期에 예상외로 순조롭게 進行되었다. 1946年 3月 6日 仏政府는 베트남民主共和国을 独立国家(independent state)로서가 아닌 〃自由国(free state)〃으로서 인정할 것이며 「베트민」政府와 印支의 장래에 대한 〃友好的이고도 솔직한 協商〃을 하기로 하였다.[3] 3月6日의 豫備協定에서 仏政府는 〃베트남民主共和国이 자신의 政府와 議会 軍隊 및 財政을 유지하는 自由国으로서 仏蘭西聯合内의 印支聯邦을 구성하는 하나의 構成員으로 인정한다〃고 하였다.[4] 同 協定内容의 原文을 参照하면 다음과 같다. 〃France recognized the Democratic Republic of Vietnam as a free state with its own government, parliament, army, and finances, forming part of The Indochinese Federation and The French Union〃.[5] 그러나 3月6日의 協定에 특정한 内容을 부여하기 위한 계속적인 試図는 仏蘭西当局과 베트민政府間의 協商過程에서 失敗하였다. 즉 仏蘭西는 베트남을 形成하고 있는 「통킹」 「안남」 「코친차이나」를 分立시키고 여기에 「라오스」 「캄보디아」와 함께 印度支那聯邦을 結成하여 仏蘭西聯合의 構成国으로 한다는 構想을 고집하여, 胡志明이 領土的統一(「안남」 「통킹」 「코친차이나」)을 실현하겠다는 主張을 받아 들이지 않았다. 이와같은 仏蘭西의

「베트남」分割独立의 主張은 「베트남」의 寶庫라고 할 수 있는 「코친차이나」를 계속 支配하겠다는 意図에서 나온 것이며 胡志明은 이를 受諾하지 않았던 것이다.

결과적으로 「코친차이나」는 印度支那聯邦内의 하나의 自由国으로 남게 되었으며, 仏蘭西는 統制道具로서 1946年2月4日 「코친차이나」顧問会議(Advisory Council for Cohinchina)를 창설하여 이용하였다. 「코친차이나」顧問会議는 仏蘭西가 任命하는 4名의 仏蘭西人과 8名의 「베트남」人으로 構成되었다. 同 顧問会議는 仏蘭西의 指示下에 「코친차이나」臨時自治政府의 形成을 要求하여 그와 같은 새로운 機能을 수행하게 되었다.[6]

4月17日부터 5月11日까지 「달랏」(Dalat)会談이 進行되었으나 失敗로 돌아갔다. 仏代表団은 植民地行政官이나 技術者들로, 仏蘭西政府를 代弁한다거나 政治的인 協定을 맺을 만한 当局者는 한사람도 없었다. 그러나 베트남代表団은 비록 胡志明은 包含되지 않았으나 外相을 비롯한 政治的 人物들로 구성되었다. 仏蘭西는 南部베트남에서의 休戦, 「코친차이나」 国民投票 그리고 仏蘭西聯合内에서의 베트남人의 主権의 範囲등에 관한 根本的인 問題들을 論議하기를 회피하였다.[7]

和解(rapprochment)을 可能하게 하는 第2次 「달랏」会議가 열렸다. 그러나 仏蘭西는 仏蘭西와 印度支那国民과의 関係가 단지 「하노이」側의 代表만이 参席하는 会議로는 確立될 수 없다고 하

면서, 仏保護領인 「캄보디아」과 「라오스」, 「코친차이나」共和国, 自治地域, 行政的으로는 存在하지 않는 実体인 南部안남의 代表들만을 招請하고, 하노이側은 招請하지 않았다. 同 会議에서는 印度支那聯邦의 組織方法을 決定하기로 되어 있었다.[8)]

中断되었던 対話를 위해 폰테이느블루会談(Fontainebleau Conference)이 개최되어 많은 経済 및 財政問題에 관한 暫定協定이 맺어졌다. 그러나 「코친차이나」国民投票 등 政治的 問題에 관한 討議를 仏蘭西側이 거부하자 会談은 실패로 끝나고 말았다. 以後 仏蘭西는 점점 더 武力에 의하여 問題解決을 하려고 하였다. 1946年3月6日 〃仏·越豫備協定〃에 의해서 仏蘭西는 베트남民主共和国을 승인하였으나 「코친차이나」를 둘러싼 「베트민」과의 마찰은 同年 「달랏」会談과 「폰테이느블루」会談을 통한 協商努力을 日紙化하게 만들었다. 同年 12月 「하이퐁」地区에서 베트남人과 仏蘭西駐屯軍間에 衝突事件이 일어나자 이것이 導火線이 되어 両者間에는 8年間에 걸친 印支戦争이 全域에 걸쳐 발생하였다.

仏蘭西는 胡志明과 베트민에 대한 베트남人들의 支持를 약화시키고자 旧안남皇帝 「바오다이」(Bao Dai)를 베트남의 国家元首로 추대하여 仏蘭西聯合의 테두리内에 「베트남」国을 成立시켰다. 따라서 仏蘭西는 앞에서 言及한 「베트민」과의 協定 및 戦争에도 불구하고, 1948年6月5日에 仏蘭西聯合内에서의 「베트남」国 独立을 인정하였다.[9)] 1949年3月8日 「바오다이」皇帝와 仏大統領 「오리오」

(Auriol) 間에 協定이 締結되어, 仏保護領 「통킹」 「안남」의 全域과 「코친차이나」植民地로 구성된 「베트남」国을 仏蘭西聯合内의 独立国으로 承認하였다.[10]

이로써 仏蘭西는 베트남国을 仏蘭西聯合의 構成国으로 하는 동시에, 「베트남」 「캄보디아」 및 「라오스」의 소위 印支 3 国에게 外交 国防이외의 分野에서 対内的 主権을 行使하는 소위 聯合国 (Associated Statehood)의 地位를 부여하였다.[11] 이것은 仏蘭西의 植民統治 意図를 은폐하는 形式的名分을 내세워 주는 것에 불과하였던 것이다.

IV. 印支聯邦의 崩壞過程

印支半島 全域에서 武力衝突이 일어나자 (仏蘭西는 이를 国際共産主義에 대한 反共戦이라고 宣布하고 철저한 掃蕩戦을 전개하였다. 戦争初에는 装備나 兵力面에서 우세한 仏蘭西가 「코친차이나」에서의 再支配를 既定事実化하였으나, 前述한 바와같이 人気없는 「바오다이」를 옹립함으로써 非共産主義者인 民族主義勢力의 対仏協力을 얻지 못하여 軍事作戦上 많은 곤란을 당하게 되었다.[12]

反面 胡志明은 戦争中 共産主義의 宣伝과 工作活動을 中止하고 民族主義를 강조하여 온건한 民族主義者와 中間階層의 協力을 얻는데 집중한 결과, 民衆과의 結合이 可能하였고 民衆을 胡志明式 細胞組織에 끌어 넣는데 成功하였다. 1949年末 中国大陸에서 中共이 우세하게 되자 対越盟援助를 増加함으로써 胡志明軍은 1950年부터 強勢를 보이기 시작하였다.

이를 契機로 印支戦은 새로운 段階로 접어 들게 되었고, 이에 美国은 仏蘭西와 南베트남軍에 援助를 시작하였다. 즉 美国은 南베트남에 대한 発言権을 강화하고 仏蘭西를 代身하여 南베트남의 後見人으로 등장하였다.

이러는 가운데 1953年初 胡志明이 스웨덴記者에게 平和解決에 応할 意思가 있다고 発表함으로써 平和協商의 기운이 싹트기 시작하였다. 1954年初 「베를린」4個国外相会議에서 東南亜問題도 討

議되었는데, 여기에서 同年 4月에 東南亞問題에 관한 「제네바」会議(Geneva Conference)를 開催하기로 합의하였다.

1954年4月26日부터 7月21日까지 열린 「제네바」会議는 印支問題에 관하여 西方側間에도 意見의 合致를 보지 못한채 진행되었다. 会議進行中에 政權이 바뀐 仏蘭西는 可能한한 빠른 時日內에 協定을 맺으려 하였고, 美国은 「디엔 비엔 푸」戰鬪에 西方側이 共同介入하자고 하였으며, 英国은 이에 부정적인 反応을 나타내었다. 한편 蘇聯과 中共은 時期的으로 西方側과 正面対決하기를 피하고 있었으므로 平和的 解決을 원하였다. 결국 同年 7月21日 印支休戦에 관한 「제네바」協定과 首席代表들의 口頭通告에 의한 最終宣言(Final Declaration)이 채택되었다.[13]

「제네바」協定 第1条는 "暫定的인 分界線을 確定하고 雙方軍隊는 同 分界線 両側으로 移動 再集結하며, 仏蘭西聯合軍은 同 分界線의 南쪽 베트남人民軍은 그 北쪽에 駐屯한다.[11]고 規定하였다. 이로써 「베트남」은 北緯17度線을 暫定的인 境界線으로 하여 南北으로 分断되었다. 第14条에서는 "「베트남」統一을 위한 総選挙때까지 各 集結地域에서의 民間行政은 그 軍隊를 집결시키는 当事者 담당한다."고 規定함으로써,[15] 同 協定이 総選挙때까지의 暫定措置이며, 仏蘭西와 「베트민」이 南北「베트남」의 行政主体가 됨을 명시하였다.

그러나 南部「베트남」当局은 最終宣言을 거부하면서, 「베트남」에

서의 실질적이고도 지속적인 平和를 回復하기 위하여 모든 努力을 경주할 것이라고 宣言하였다.[16] 南部「베트남」의 協定調印拒否는 「제네바」協定의 履行에 問題를 내포하게 만들었다. 즉, 「제네바」協定에 의해 1956年 7月에 南北「베트남」統一自由選挙가 실시될 예정이었으나, 南「베트남」当局이 同 協定에 調印하지 않았다는 理由로 이에 不応하였던 것이다.

결국 同 協定은 南北「베트남」統一総選挙가 실시되지 않을 경우 각각 다른 行政主体가 존재하는 南北分断을 永続化시켜줄 소지를 내포하고 있었다. 「베트남」의 政治的 解決을 위한 最終宣言에 대해서 「바오다이」政權은 「베트남」分割反対를 理由로, 美国은 東南아시아에서 中共의 勢力膨脹의 機会를 준다는 理由로 각각 不参하였다. 그리고 美国은 南部「베트남」에서 「고딘 디엠」을 支援하여 共和制를 선포하고 2年後로 예정된 総選挙를 거부하였다.[17] 이리하여 統一을 위한 総選挙 主張을 해온 胡志明은 이에 불만을 품고 平和的 統一政策을 포기하였다. 1960年以後 胡志明은 大規模 浸透工作을 展開함으로써 武力에 의한 統一을 획책하였다.

어떻든 「제네바」会議最終宣言에서 強大国이 印支3国(「베트남」, 「라오스」, 「캄보디아」)의 主権·独立·統一·領土保全의 尊重을 約束함으로써,[18] 印支聯邦은 崩壊되고 印度支那에서의 仏蘭西聯合은 자동적으로 解体되기에 이르렀다.

V. 새로운 印支聯邦의 萌芽

美国의 支援에 의해 政権을 장악한 「고딘 디엠」政権은 취약한 政権基盤을 다지기 위해 카톨릭教優待의 族閥独裁政治를 강화하였다. 이러한 南部「베트남」의 不正 腐敗등으로 民心의 離叛現象이 나타나자, 小数 잔류하였던 地下의 「베트민」勢力이 反政府勢力과 결탁함으로써 「베트콩」(Vietcong : 越南民族解放戦線)이 1960年에 出現하게 되었다. 「베트콩」의 出現은 武力闘争을 의미하는 것이었다. 1961年 「케네디」行政府가 들어서면서 美国의 越南戦 介入이 増大되고, 戦争은 拡大一路를 걷게 되었다.[19]

그런데 美国은 越南戦의 政治的 軍事的 性格을 잘못 認識하고 있었다. 즉 越南戦을 단순히 民主主義와 共産主義의 対決로 보았으며, 게릴라戦에 대한 戦術的 誤謬를 범하였던 것이다. 戦争이 交錯状態에 빠진 가운데 1968年 共産側의 旧正功勢가 치열해지자, 美国은 越南戦에서의 軍事的 勝利가 불가능함을 깨닫고 平和協商을 提議하기에 이르렀다.

「베트남」問題를 平和的으로 해결하기 위한 파리平和会談이 1968年 5月 31日 開催되었다. 以後 同 会談은 初期 서로의 立場과 主張을 探索하는 段階에서 1970年의 交錯状態에 빠진 段階를 거쳐 本会議와 秘密交渉을 병행하는 段階로 진행되었다. 파리平和会談은 1973年1月 27日 마침내 〃「베트남」에서의 戦争終結과 平和回復에

관한 協定〃을 締結하였다.

파리平和協定은 「베트남」人民의 基本的 諸民族의 權利, 敵対行為의 종식과 軍隊의 撤収 및 捕虜釈放, 南「베트남」人民의 自決權行使, 「베트남」統一과 南北「베트남」의 関係등에 관하여 規定하였다.[20] 특히 第3条에서 「사이공」政權과 臨時革命政權部隊(「베트콩」)에 現状·現地維持를 지시한 것[21]은 事実上 軍事的으로 南「베트남」에서의 두개의 実体를 승인한 것이었다. 또 第4章에서는 南「베트남」을 独立·単一政治単位로 인정하되, 南北「베트남」의 統一은 「베트남」政府 樹立후로 미루어졌다. 이러한 파리平和協定은 当事者인 美国·越盟·越南·「베트콩」이 모두 参席 서명하였고, 軍事的인 問題와 政治的인 問題의 解決을 有期的으로 결부시켰다는 점에서 「제네바」協商보다는 進一步한 것이라고 할 수 있다.

그러나 同 協商過程에서 美国과 「하노이」는 사실상 「사이공」側을 배제하였으며, 明分을 찾던 美国은 당초의 主張보다 상당한 양보를 하였다. 즉 「사이공」政府의 南「베트남」에서의 唯一合法性 主張에서 그 合法性 自体를 부인하는 「베트콩」의 政治的 存在를 認定하게 되었고, 一方的인 美軍의 撤収등을 受諾하였던 것이다. 이리하여 対美依存度가 높았던 「사이공」政府가 美国의 保障을 잃게됨으로써, 결국 「베트남」은 共産側의 主導下에 統一되기에 이르렀다.

그런데 「베트남」民主共和国의 統一政策은 그들의 窮極目標를 達成하기 위한 先行措置이었다고 할 수 있다. 즉 「베트남」民主共和国은 새로운 印支聯邦을 結成하기 위한 先行条件으로서 「베트남」統一을 이룩하려 했던 것이다. 새로운 印支聯은 「베트남」을 主導国으로 하여 「라오스」 「캄보디아」를 包含하는 것을 의미한다. 이러한 聯邦을 形成하기 위해서는 分断된 状態下에서는 無意味하므로 優先的으로 「베트남」을 統一하는 것이 중요하였던 것이다.

「베트남」의 統一은, 첫째 1954年의 分断에 대한 民族的 悲運을 제거하고, 둘째 北쪽의 經済的 圧迫을 해소하는데 도움이 되며, 셋째 北쪽에 統合시키겠다는 南部人에 대한 약속을 이행하고, 넷째 北部베트남政権에 危脅을 주는 베트남人의 忠誠心을 北쪽으로 전환시키기 위한 것이다.[22] 이러한 베트남民主共和国의 統一政策은 越南戦을 勝利로 이끌면서 실현되었으며, 나아가 그들의 窮極目標인 印支聯邦의 樹立을 計劃하게 되었다.

그러나 여기서 주목해야 할 것은 胡志明이나 「베트민」이 「라오스」 「캄보디아」를 「하노이」支配下에 넣어서 印支聯邦을 計劃했다는 확실한 証拠나 공식적인 言及등은 찾아 볼 수 없다는 점이다.[23] 다만 역사적으로 볼때 「베트남」이 北京에 従属되는 것을 저항했었다는 民族的인 問題와, 한때 仏聯合内에서 「베트남」主導下의 印支聯邦이 形成되었다는 점을 考慮할때, 「라오스」나 「캄보

디아」를 「베트남」政策에 追従하는 隣接国으로 만들어 北京의 勢力膨脹에 対抗하고 印度支那에 자신의 勢力을 구축하기 위하여 印支聯邦을 구상할 可能性은 많다고 볼 수 있다.[24] 또한 「라오스」와 「캄보디아」両国은 역사적으로 일찌기 어느정도 「베트남」의 従属国이었다는 事実로써도 그 可能性은 크다고 보겠다.

한편 「캄보디아」의 시아누크(Sihanouk)는 1961年에 「베트남」「라오스」, 「캄보디아」를 包含하는 印度支那中立地帯를 強大国 保障에 의하여 形成할 것을 提議했었다.[25] 그리고 1963年 12月에는 「캄보디아」와 南「베트남」을 包含한 中立化된 印支聯邦의 創設을 提議하였다.[26] 시아누크는 그 당시 베트남의 統一을 불가능하다고 보았으며, 그가 提議한 聯邦制度가 暫定的인 解決策이 될것으로 보았던 것이다.

이와같은 印支聯邦説은 今年들어 「베트남」이 「캄보디아」救国統一前線(KNUFNS)이라는 親베트남·親蘇의 傀儡政権을 앞세워 「캄보디아」를 侵功, 「폴 포트」(Pol Pot)政権을 몰아냄으로써[27] 보다 具体化되고 있다. 또한 「베트남」은 1977年에 이미 軍事的으로 점령한 「라오스」와 友好協力条約을 締結하여 事実上 属邦化하였다. 「베트남」은 友好協力条約에 따라 「라오스」에 대하여 経済 軍事 社会등 모든 分野에 걸쳐 援助하게 되어 있으며, 이에 근거하여 「베트남」은 3萬名의 兵力을 「라오스」에 駐屯시키고 있다.

日本의 毎日新聞의 報道에 의하면 「베트남」은 최근 「캄보디아」

領内에 数萬名의 「베트남」民間人을 대거 移住시킴으로써 「캄보디아」를 사실상 合併하려 하고 있다. 美政府消息通은 「베트남」政府의 치밀한 計劃아래서 「베트남」 「캄보디아」国境부근의 「캄보디아」領土와 「메콩」江 東部地域에 「베트남」人을 移住 定着시켰으며, 이들은 政府와 밀접한 関係를 갖고 있는 〃自発的인 移住支援者〃들로서 政府의 財政的 뒷받침을 받고 있다고 한다.

이러한 事実은 「베트남」政府가 「캄보디아」를 政治·軍事的 側面에서 뿐만 아니라 社会·人種的인 面에서도 同化 合併시키려는 것으로 해석할 수 있다. 따라서 「베트남」民間人을 「캄보디아」에 대거 移住 定着시킴으로써 「라오스」 「캄보디아」등 印度支那国家들을 合併시켜 印支聯邦을 구성하려는 膨脹政策의 첫 措置를 취한 것으로 볼 수 있다.[28]

VI. 關聯國家의 印支聯邦論議

「베트남」의 印支聯邦說은 東南아시아의 勢力均衡을 크게 動搖시키고 있으며, 이에 関聯된 国家들의 反応은 印支聯邦에 形成에 커다란 作用要因이 되고 있다. 따라서 印支問題에 관련된 国家들의 立場 및 対応策을 살펴봄으로써, 이러한 要素들이 印支聯邦의 形成에 어떻게 作用하는가를 評価해 볼 必要가 있겠다.

「베트남」의 印支聯邦說에 가장 민감한 反応을 보인 国家는 中共이다. 「베트남」이 「캄보디아」를 侵功, 1979年 1月 7日 親中共「폴포트」政権을 축출하자, 同年 2月 訪美中인 鄧小平은 「베트남」과 蘇聯에 경고발언을 하고, 同月 7日에는 日本指導者들에게 「베트남」에 〃본때를 보여주겠다〃고 언명하였으며, 同月 17日 마침내 中共은 「베트남」에 進攻하였다.[29]

仏国西植民主義와 소위 美帝国主義에 対抗하여 30年間 함께 싸웠던 두 共産国家는 이미 오랜 歴史的인 紛争来歴을 갖고 있다. 歴史的 民族的 紛争要因을 지니고 있던 両国은, 越南戦 終戦後 中共이 経済·軍事援助를 중단함에 따라 「베트남」이 親蘇化하면서 関係가 悪化되었다. 1978年 11月 「베트남」이 蘇聯과 友好条約을 締結하자, 中共은 이 条約은 中共을 포위하기 위한 軍事同盟条約이라고 지적하면서 〃東方의 「쿠바」인 「베트남」에 대해 警戒를 게을리 할 수 없다〃고 하였다.[30] 「쿠바」가 「아프리카」에서

蘇聯의 代理人으로 활약하는 것을 보아온 中共으로서는 「베트남」이 東南亞에서 第2의 「쿠바」役을 맡는 것을 바라지는 않을 것이다.

中共은 「베트남」侵攻에 대한 声明書에서 "「베트남」의 侵略行為를 견제하지 않는다면 東南亞는 물론 아시아 全体의 平和와 安定을 危脅하게 된다.[31]고 밝혔다. 本来 아시아에서의 蘇聯의 覇權主義를 경계해온 中共은 「베트남」의 勢力膨脹에 당황하지 않을 수 없었다. 따라서 이 地域에서의 中共의 立場은 覇權主義勢力의 浸透를 배격하고, 이를 위해서 「캄보디아」에 親中共政權을 복귀시키며, 「아세안」諸国과의 関係를 더욱 增進시키는 것이라고 할 수 있다.

이와같은 中共의 立場은 中·越協商에서 中共副外相 韓念龍이 ① 両国戦争捕虜交換 ② 「라오스」 「캄보디아」駐屯 「베트남」軍의 撤収 ③ 西沙群島의 中共領有權 인정 및 南沙群島로 부터의 「베트남」軍 撤収 ④ 1957年~'58年 国境의 暫定認定 ⑤ 相互 相対方 国家에 対抗하는 軍事同盟에의 加入禁止 ⑥ 印支, 東南亞, 餘他世界에서의 覇權排擊 ⑦ 「베트남」居留 華僑 및 中共居留 「「베트남」人의 權利 利益保障 ⑧ 中共으로 脫出한 16萬 華僑의 「베트남」송환을 提案한 것에서도 잘나타나 있다.[32] 中共은 「베트남」과의 協商을 통해서도 蘇聯·「베트남」勢力의 印支 및 東南亞 進出을 견제하고 있다.

「베트남」内 「캄란」湾을 海空軍基地化한[33] 蘇聯은 東南亞地域

에서의 勢力膨脹을 기도함으로써, 이 地域에서의 美国 日本 및 中共에 대한 優位를 확보하려고 하고 있다. 蘇聯은 1978年 11月4日 「베트남」과 相互友好協力条約을 締結하고 어느 一方이 他国의 攻撃을 받을 경우 雙務間 協議를 통해 共同対処할 것을 약속하였다. 그리고 「베트남」을 발판으로 하여 「캄보디아」를 親蘇化시켰다.

中·越戦이 발발하자 蘇聯은 「코시긴」首相의 声明을 통해 "너무 늦기전에 侵攻을 中止하도록"경고하는 한편, 全軍에 戦闘態勢命令을 내리고 中·蘇国境地域에서 모종의 武力示威를 하였다.[34] 그리고 蘇聯은 1979年 1月 15日 「유엔」安保理에서 「캄보디아」의 즉각 休戦과 모든 外国軍의 撤収, 엄격한 内政不干渉을 触求하는 非同盟国들의 決議案에 拒否権을 행사하였다.[35] 이와같은 蘇聯의 態度는 中共南쪽의 南支那海와 西太平洋 그리고 印度洋으로 進出할 수 있는 前進基地로서 「베트남」을 중요시하고 있음을 의미하며, 이러한 「베트남」을 戦略要衝으로 확보하기 위하여는 周辺勢力(특히 中共)에 対抗하기 위하여 「베트남」의 印支聯邦形成을 支援하고 있음을 示唆해 준다.

越南戦에서 불명예스런 敗戦을 경험한 美国은 中·蘇가 직접 간접으로 관련되어 있는 印支問題에 관하여 신중한 태도를 취하고 있다. 蘇聯과 「베트남」, 中共과 「캄보디아」로 연결되는 力学関係로 인해 美国은 蘇聯과의 「데탕트」, 中共과의 友好関係를 고려하지 않을 수 없다. 따라서 美国은 印度支那의 安定回復에 力点

을 두고 있는 것 같다.

그러나 美国이 海洋勢力으로서 伝統的인 対蘇 封鎖政策을 추구해 왔다는 事実에 입각한다면, 美国으로서는 蘇聯이 「베트남」을 基地로 東南亜에 進出하여 南支那海를 장악한다는 것은 커다란 威脅이 아닐 수 없다. 이러한 理由로 해서 美国은 越南戦後 「베트남」과의 関係正常化를 위해 1976年 11月 「파리」会談 以後 세차례의 公式会談과 「유엔」에서의 수차례 接触을 가져왔다. 1978年 9月 「뉴욕」에서 美·「베트남」秘密修交会談이 열렸으나 両側의 異見으로 修交協定까지는 締結하지 못하였으며, 지난 8月 10日에는 「레스터 울프」下院議員을 団長으로한 美議会代表団이 「베트남」을 訪問하여 関係正常化를 論議하였다.

美国은 対「베트남」修交条件으로 「캄보디아」로 부터의 撤軍, 対蘇条約 파기, 不法移民中止등을 「베트남」側에 요구한 것으로 알려졌다.[36] 이러한 美側 要求가 「베트남」側에 의해 거절되었으나, 美国과 「베트남」은 계속 修交協商을 벌일 것으로 豫想된다. 왜냐하면 「베트남」은 戦後復旧事業을 위해 美国의 経済 科学 技術援助를 절실히 必要로 하고 있으며, 「캄보디아」와의 国境戦, 華僑紛争등의 要因으로 시작된 中·越戦, 対蘇依存度의 深化등으로 아시아에서의 힘의 立場이 悪化되고 있기 때문이다.

한편 美国은 「캄보디아」問題 解決을 위해 「시아누크」公을 지도자로 하는 中立国을 만들려는 工作을 関係国間에 추진하고 있다

고 日本의 読売新聞이 밝혔다.[37] 즉 美国은 「캄보디아」中立 推進方案으로서 ① 올 가을에 다가올 緊急事態에 대비하여 関係国과 「유엔」등의 国際機構에 의한 食糧援助를 条件으로 「헹삼린」新政権과 「폴포트」旧政権사이의 戦闘中止 종용 ②「제네바」難民国際会議등을 통한 国際与論의 圧力으로 「캄보디아」로 부터의 外国(「베트남」)軍의 撤収実現 ③ 이와같은 基盤위에서 民族自決原則에 의해 美·中·蘇를 비롯 「아세안」등 関係国의 보증아래 「第3政権」의 樹立에 努力한다는 것등을 골자로 한다고 보도하였다.

그러므로 이 地域에 있어서의 美国의 基本立場은 第3国의 介入도는 그에의한 紛争의 拡大를 비제하는 것이라고 할 수 있다. 이것은 中·越戦당시 中共의 対「베트남」侵攻에 대한 警告, 「캄보디아」에서의 「베트남」軍撤収 主張 및 「캄보디아」中立化 추진, 「베트남」의 対蘇条約 폐기 主張등에서 잘 나타나고 있다.

「캄보디아」가 함락된직후 東南亜周辺国인 「아세안」(ASEAN: 東南亞国家聯合) 5個会員国들은 「자카르타」에서 印支半島의 긴장상태, 中·蘇対決의 可能性, 새로운 「프놈펜」政権의 承認問題등에 관해서 숙의하였다. 「아세안」諸国은 「도미노」理論대로 自国들이 연쇄적인 赤化威脅의 対象이 되지 않을까 念慮하고 있다. 더우기 「아세안」 대부분의 国家가 共産게릴라活動에 시달리고 있으며, 특히 泰国은 가장 隣接해 있는 国家로서 더욱 심각하다. 「방콕포스트」紙는 "「베트남」의 「프놈펜」占領은 「베트남」이 侵略的

이고 帝国主義勢力이라는 것을 분명하게 드러냈다"고 論評했고, 「말레이지아」의 「뉴 스트레이트 타임즈」紙는"「베트남」의 약속은 믿을 수 없는 것이기 때문에 「아세안」은 「하노이」와의 関係를 再検討해야 한다"고 主張하였다.[38]

「아세안」의 外相들은 지난 1月12日 「방콕」에서 緊急会議를 열고, 「캄보디아」의 「폴포트」旧政権의 合法性을 확인한 「유엔」安保理의 決定을 지지하였다. 또한 「베트남」膨脹主義에 대한 対策으로 「유엔」의 介入과 「아세안」会員国들의 共同戦略이 必要하다는데 合意하였다.[39] 지난 8月16日의 「아세안」外相会議는 「베트남」의 즉각적인 「캄보디아」撤収, 「폴포트」前政権의 法統再確認, 「유엔」감시하의 「캄보디아」総選実施등 3個項을 強力히 要求하였다.[40]

이와같은 「아세안」의 態度는 自国領土로 까지 共産化가 拡大되는 것과, 東南亜의 強国으로 등장한 「베트남」의 勢力膨脹에 安保威脅을 느끼고 있음을 의미한다. 따라서 泰国 「말레이지아」 「필리핀」 「인도네시아」 「싱가포르」등 5個 「아세안」会員国들은 蘇聯의 支援으로 「라오스」와 「캄보디아」를 合併, 印支聯邦을 구성할 것으로 예상되는 「베트남」의 意図에 심각히 対処하고 있다.

以上을 종합해 볼때 印支聯邦에 관한 関係国의 立場은 印支聯邦形成을 支援, 企図하는 蘇聯·「베트남」과 이를 제지하려는 中共·美国·「아세안」으로 両分되어 있다고 하겠다. 印支聯邦説에 대한 갈등은 앞으로 中·蘇関係 및 美国의 向上에 보다 流動的으로 左

右될 可能性이 높다. 이러한 渦中속에서도 이미 「라오스」 「캄보디아」에 대한 影響力을 拡保한 「베트남」은 蘇聯의 支援下에 現状態를 既定事実化하고, 印支聯邦 構築을 위한 計劃을 추진해 나갈 것은 分明하다. 이를 위해서 「베트남」은 対外的인 不定的 要因을 緩和하려 하고 있다. 그 例로서 「베트남」은 「아세안」을 자극시키지 않기 위하여 「아세안」과 多辺 또는 義務的인 条約내지 不可侵協定을 締結할 것을 提議한 것으로 알려 졌으며,[41] 美国과는 계속 修交意思를 보이고 있고, 中共과는 国境協商을 통해서 「캄보디아」内의 基盤形成을 위한 時間을 벌고 있는 것 등을 들 수 있겠다.

Ⅶ. 結　　論

「베트남」軍機關紙 「관 도이 난 단」은 「프놈펜」을 함락한 후, 「베트남」 「캄보디아」 「라오스」의 「印支3個国聯合」을 구축할 수 있을 것이라고 하면서, 3個国은 "새로운 生存을 위해 相互聯合할 것이지만 各己 完全한 獨立国家로서 団結을 構築할 것"이라고 하였다.[42] 蘇聯의 印度支那膨脹政策에 편승한 「베트남」은 「라오스」와 「캄보디아」를 勢力圏에 넣으므로써 印支聯邦形成의 基盤을 이루었다고 볼 수 있다.

그러나 새로운 印支聯邦이 成立되기에는 아직도 몇가지 問題點이 남아 있다. 「베트남」과 「캄보디아」는 본래 仏蘭西聯合下의 印支聯邦때부터 「베트남」中心의 人種差別에 대한 「캄보디아」의 民族感情으로 인해 敵對的 感情을 지니고 있었다. 이러한 理由때문에 「캄보디아」救国統一前線은 「베트남」의 꼭두각시가 아니라는 印象을 주고 「캄보디아」人의 支持를 얻기 위해 비교적 온건한 行動綱令을 채택 발표했었다. 한편으로는 종래의 東南亜勢力 均衡의 互解에 따른 對外的인 作用因에 부딪치고 있다. 이것은 앞에서 論述한 美国·中共·「아세안」의 反應을 의미한다.

그러므로 印支聯邦의 成立與否는 「캄보디아」의 内政 즉 「헹삼린」政權의 安定與否,[43] 蘇聯의 印支膨脹主義와 中共의 反覇權闘争間의 關係, 그리고 「아세안」諸国의 態度와 美国의 政策方向 등의 作用變數에 左右된다고 볼 수 있다. 「베트남」은 이러한 作用要

因에 伸縮性 있게 對處하여 印支에서의 勢力을 확보하고 印支聯邦 形成을 다져나갈 것이다. 특히 美国과 「아세안」은 態度變化의 可能性이 없지 않으며 이것은 「베트남」이 對蘇依存度를 어느정도 감소시킨다면 더욱 그 可能性을 높여줄 것이고, 결과적으로 「베트남」에 有利하게 變化할 것이다.

이와같은 印支問題는 强大国의 利害關係와 印支民族의 利益間의 충돌에서 발생된 問題로서, 「이데올로기」보다는 民族主義에 그 問題의 本質을 두고 있다.

仏蘭西가 印支聯邦을 結成하여 分割植民統治를 하자 「베트남」民族은 領土的 統一의 民族解放運動을 전개하였다. 「제네바」協定에 의하여 印支聯邦은 붕괴되나 「베트남」은 또다시 分斷되었고, 이는 越南戰을 일으키는 結果가 되었던 것이다. 「하노이」側은 統一政策 수행과정에서 共産主義보다는 民族主義를 강조하였으며, 이러한 事実은 「베트남」統一後 中共에의 從屬에서 벗어나기 위한 새로운 印支聯邦을 計劃하게 하였다고 볼 수 있다.

그러므로 印支聯邦은 「베트남」民族의 生存을 위한 하나의 勢力膨脹이라고 할 수 있다. 이런 點에서 仏蘭西聯合下의 印支聯邦과 「베트남」 主導下의 印支聯邦說은 그 目的과 狀況에 差異가 있으나, 다같이 膨脹主義政策이라는 점에서 共通點을 지니고 있다. 膨脹主義는 現狀打破를 의미하므로 이것이 国際紛爭의 要因이 됨을 분명한 사실이다. 따라서 「베트남」의 印度支那半島 聯邦化는 東南亜는 물론 共産圏内의 紛爭 및 世界的인 갈등의 要因도 内包하고 있는 것이다.

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별 첨 자 료

The Cease-Fire Agreement

Agreement on Ending the War and Restoring Peace in Vietnam

The parties participating in the Paris conference on Vietnam,

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

CHAPTER I

The Vietnamese People's Fundamental National Rights

Article 1

The United States and all other countries respect the independence, sovereignty, unity and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam.

CHAPTER II

Cessation of Hostilities, Withdrawal of Troops

Article 2

A cease-fire shall be observed throughout South Vietnam as of 2400 hours G.M.T., on Jan. 27, 1973.

At the same hour, the United States will stop all its military activities against the territory of the Democratic Republic of Vietnam by ground, air and naval forces, wherever they may be based, and end the mining of the territorial waters, ports, harbors and waterways of the Democratic Republic of Vietnam. The United States will remove, permanently deactivate or destroy all the mines in the territorial waters, ports, harbors and waterways of North Vietnam as soon as this agreement goes into effect.

The complete cessation of hostilities mentioned in this article shall be durable and without limit of time.

Article 3

The parties undertake to maintain the cease-fire and to insure a lasting and stable peace.

As soon as the cease-fire goes into effect:

(a) The United States forces and those of the other foreign countries allied with the United States and the Republic of Vietnam shall remain in place pending the implementation of the plan of troop withdrawal. The Four-Party Joint Military Commission described in Article 16 shall determine the modalities.

(b) The armed forces of the two South Vietnamese parties shall remain in places. The Two-Party Joint Military Commission described in Article 17 shall determine the areas controlled by each party and the modalities of stationing.

(c) The regular forces of all services and arms and the irregular forces of the parties in South Vietnam shall stop all offensive activities against each other and shall strictly abide by the following stipulations:

All acts of force on the ground, in the air and on the sea shall be prohibited.

All hostile acts, terrorism and reprisals by both sides will be banned.

Article 4

The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam.

Article 5

Within 60 days of the signing of this agreement, there will be a total withdrawal from South Vietnam of troops, military personnel, including technical military persoonel and military personnel associated with the pacification program, armaments, munitions and war material of the United States and those of the other foreign countries mentioned in Article 3 (a). Advisers from the above-mentioned countries to all paramilitary organizations and the police force will also be withdrawn within the same period of time.

Article 6

The dismantlement of all military bases in South Vietnam of the United States and of the other foreign countries mentioned in Article 3 (a) shall be completed within 60 days of the signing of this agreement.

Article 7

From the enforcement of the cease fire to the formation of the government provided for in Articles 9 (b) and 14 of this agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers and military personnel, including technical military personnel, armaments,

munitions and war material into South Vietnam.

The two South Vietnamese parties shall be permitted to make periodic replacement of armaments, munitions and war material which have been destroyed, damaged, worn out or used up after the cease-fire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of Control and Supervision.

CHAPTER III

The Return of Captured Military Personnel and Foreign Civilians, and Captured and Detained Vietnamese Civilian Personnel

Article 8

(a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the day of the signing of this agreement.

(b) The parties shall help each other to get information about those military personnel and foreign civilians of the

parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

(c) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two south Vietnamese parties on the basis of the principles of Article 21 (b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954. The two South Vietnamese parties will do so in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within 90 days after the ceasefire comes into effect.

CHAPTER IV

The Exercise of the South Vietnamese People's Right to Self-Determination

Article 9

The Government of the United States of America and the Government of the Democratic Republic of Vietnam undertake to

respect the following principles for the exercise of the South Vietnamese people's right to self-determination:

(a) The South Vietnamese people's right to self-determination is sacred, inalienable and shall be respected by all countries.

(b) The South Vietnamese people shall decide themselves the political future of South Vietnam through genuinely free and democratic general elections under international supervision.

(c) Foreign countries shall not impose any political tendency or personality on the South Vietnamese people.

Article 10

The two South Vietnamese parties undertake to respect the cease-fire and maintain peace in South Vietname, settle all matters of contention through negotiations and avoid all armed conflict.

Article 11

Immediately after the cease-fire, the two South Vietnamese parties will:

Achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other.

Insure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership and right to free enterprise.

Article 12

(a) Immediately after the cease-fire, the two South itenamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect and mutual nonelimination to set up a National Council of National Reconciliation and Concord of three equal segments. The council shall operate on the principle of unanimity. After the National Council of National Reconciliation and Concord has assumed its functions, the two South Vienamese parties will consult about the formation of councils at lower levels. The two South Vietnamese parties shall sign an agreement on the internal matters of

South Vietnam as soon as possible and do their utmost to accomplish this within 90 days after the cease-fire comes into effect, in keeping with the South Vietnamese people's aspirations for peace, independence and democracy.

(b) The National Council of National Reconciliation and Concord shall have the task of promoting the two South Vietnamese parties's implementation of this agreement, achievement of national reconciliation and concord and insurance of democratic liberties. The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9 (b) and decide the procedures and modalities of these general elections. The institutions for which the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties. The National Council of National Reconciliation and Concord will also decide the procedures and modalities of such local elections as the two South Vietnamese parties agree upon.

Article 13

The question of Vietnamese armed forces in South Vietnam shall be settled by the two South Vietnamese parties in a

spirit of national reconcilation and concord, equality and mutual respect, without interference, in accordance with the postwar situation. Among the questions to be discussed by the two South Vietnamese parties are steps to reduce their military effectives and to demobilize the troops being reduced. The two South Vietnamese parties will accomplish this as soon as possible.

Article 14

South Vietnam will pursue a foreign policy of peace and independence. It will be prepared to establish relations with all countries irrespective of their political and social systems on the basis of mutual respect for independence and sovereignty and accept economic and technical aid from any country with no political conditions attached. The acceptance of military aid by South Vietnam in the future shall come under the authority of the government set up after the general elections in South Vietnam provided for in Article 9 (b).

CHAPTER V

The Reunification of Vietnam and the Relationship Between North and South Vietnam

Article 15

The Reunification of Vietnam shall be carried out step by step through peaceful means on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation by either party, and without foreign interference. The time for reunification will be agreed upon by North and South Vietnam.

Pending reunification:

(a) The military demarcation line between the two zones at the 17th Parallel is only provisional and not a political or territorial boundary, as provided for in paragraph 6 of the Final Declaration of the 1954 Geneva Conference.

(b) North and South Vietnam shall respect the demilitarized zone on either side of the provisional military demarcation 1 line.

(c) North and South Vietnam shall promptly start negotiations with a view to re-establish normal relations in various fields. Among the questions to be negotiated are the modalities

of civilian movement across the provisional military demarcation line.

(d) North and South Vietnam shall not join any military alliance or military bloc and shall not allow foreign powers to maintain military bases, troops, military advisers and military personnel on their respective territories, as stipulated in the 1954 Geneva Agreements on Vietnam.

CHAPTER VI

The Joint Military Commissions, The International Commission of Control and Supervision, The International Conference.

Article 16

(a) The parties participating in the Paris conference on Vietnam shall immediately designate representatives to form a Four-Party Joint Military Commission with the task of insuring joint action by the parties in implementing the following provisions of this agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam.

Article 3 (a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that article.

Article 3 (c), regarding the cease-fire between all parties in South Vietnam.

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3 (a).

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3 (a).

Article 8 (a), regarding the return of captured military personnel and foreign civilians of the parties.

Article 8 (b), regarding the mutual assistance of the parties in getting information about those military personnel and foreign civilians of the parties missing in action.

(b) The Four-Party Joing Military Commission shall operate in accordance with the principle of consultations and unanimity. Disamgreements shall be referred to the International Commission of Control and Supervision.

(c) The Four-Party Military Commission shall begin operating immediately after the signing of this agreement and end its activities in 60 days, after the completion of the withdrawal of U.S. troops and those of the other foreign countries mentioned in Article 3 (a) and the completion of the return of

captured military personnel and foreign civilians of the parties.

(d) The four parties shall agree immediately on the Organiation, the working procedure, means of activity and expenditures of the Four-Party Joint Military Commission.

Article 17

(a) The two South Vietnamese parties shall immediately designate representatives to form a Two-Party Joint Military Commission with the task of insuring joint action by the two South Vietnamese parties in implementing the following provisions of this agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Miliary Commission has ended its activities.

Article 3 (b), regarding the cease-fire between the two South Vietnamese parties.

Article 3 (c) regarding the cease-fire between all Parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities.

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this article.

Article 8 (c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 13, regarding the reduction of the military, effectives of the two South Vietnamese parties and the demobilization of the troops being reduced.

(b) Disagreements shall be referred to the International Commission of Control and Supervision.

(c) After the signing of this agreement, the Two-Party Joint Military Commission shall agree immediately on the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

Article 18

(a) After the signing of this Agreement, an International Commission of Control and Supervision shall be established immediately.

(b) Until the international conference provided for in Article 19 makes definitive arrangements, the International Commission of Control and Supervision will report to the four parties on matters concerning the control and supervision of the implementation of the following provisions of this agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam.

Article 3 (a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that article.

Article 3 (c), regarding the cease-fire between all the parties in South Vietnam.

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3 (a).

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3 (a).

Article 8 (a), regarding the return of captured military personnel and foreign civilians of the parties.

The International Commission of Control and Supervision shall form control teams for carrying out its tasks. The four parties shall agree immediately on the location and operation of these teams. The parties will facilitate their operation.

(c) Until the international conference makes definitive arrangements, the International commission of Control and

Supervision will report to the two South Vietnamese parties on matters concerning the control and supervision of the implementation of the following provisions of this agreement.

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military commission has ended its activities.

Article 3 (b), regarding the cease-fire between the two South Vietnamese parties.

Article 3 (c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities.

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this article.

Article 8 (c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam.

Article 9 (b), regarding the free and democratic general elections in South Vietnam.

Article 13, regarding the reduction of the military effectives of the two South Vietnamese parties and the demobilization of the troops being reduced.

The International Commission of Control and Supervision shall form control terms for carrying out its tasks. The two South Vietnamese parties shall agree immediately on the location and operation of these teams. The two South Vietnamese parties will facilitate their operation.

(d) The International Commission of Control and Supervision shall be composed of representatives of four countries; Canada, Hungary, Indonesia and Poland. The chairmanship of this commission will rotate among the members for specific periods to be determined by the commission.

(e) The International Commission of Control and Supervision shall carry out its tasks in accordance with the principle of respect for the sovereignty of South Vietnam.

(f) The International Commission of Control and Supervision shall operate in accordance with the principle of consultations and unanimity.

(g) The International Commission of Control and Supervision shall begin operating when a cease-fire comes into force in Vietnam. As regards the provisions in Article 18 (b) concerning the four parties, the International Commission of Control and Supervision shall end its activities when the

commission's tasks of control and supervision regarding these provisions have been fulfilled. As regards the provisions in Article 18 (c) concerning the two South Vietnamese parties, the International Commission of Control and Supervision shall end its activities on the request of the government formed after the general elections in South Vietnam provided for in Article 9 (b).

(h) The four parties shall agree immediately on the organization, means of activity and expenditures of the International Commission of Control and Supervision. The relationship between the international commission and the international conference will be agreed upon by the International Commission and the International Conference.

Article 19

The parties agree on the convening of an international conference within 30 days of the signing of this agreement to acknowledge the signed agreements; to guarantee the ending of the war, the maintenance of peace in Vietnam, the respect of the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination; and to contribute to and guarantee peace in Indochina.

The United States and the Democratic Republic of Vietnam, on behalf of the parties participating in the Paris conference on Vietnam, will propose to the following parties that they participate in this international conference; the People's Republic of China, the Republic of France, the Union of Soviet Socialist Republics, the United Kingdom, the four countries of the International Commission of Control and Supervision, and the Secretary General of the United Nations, together with the parties participating in the Paris conference on Vietnam.

CHAPTER VII

Regarding Cambodia and Laos

Article 20

(a) The parties participating in the Paris conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao peoples' fundamental national rights, i.e., the independence, sovereignty, unity and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

The parties participating in the Paris conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty and territorial integrity, and noninterference in each other's internal affairs.

CHAPTER VIII

The Relationship Between the United States and the Democratic Republic of Vietnam

Article 21

The United States anticipates that this agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

Article 22

The ending of the war, the restoration of peace in Vietnam and the strict implementation of this agreement will creat conditions for establishing a new, equal and mutually beneficial relationship between the United States and the Democratic Republic of Vietnam on the basis of respect for each other's independence and sovereignity and noninterference in each other's internal affairs. At the same time this will insure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia.

CHAPTER IX

Other Provisions

Article 23

This agreement shall enter into force upon signature by plenipotentiary representatives of the parties participating in the Paris Conference on Vietnam. All the parties concerned shall strictly implement this agreement and its protocols.

Done in Paris this 27th day of January, 1973, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the
United States of America
William P. Rogers
Secretary of State
For the Government of the
Republic of Vietnam
Tran Van Lam
Minister for Foreign Affairs

For the Government of the
Democratic Republic of Vietnam
Nguyen Duy Trinh
Minister for Foreign Affairs

For the Provisional Revolutionary
Government of the Republic of
South Vietna
Nguyen Thi Binh
Minister for Foreign Affairs

2-Party Version

Agreement on Ending the War

and

Restoring Peace in Vietnam

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them;

Test of agreement Chapters I-VIII same as above

CHAPTER IX

Other Provisions

The Paris agreement on Ending the War and Restoring Peace in Vietnam shall enter into force upon signature of

this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The agreement and the protocols to it shall be strictly implemented by all the parties concerned.

Done in Paris this 27th day of January, 1973, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the
United States of America
William P. Rogers
Secretary of State

For the Government of the
Democratic Republic of Vietnam
Nguyen Duy Trinh
Minister for Foreign Affairs

Protocol on the Cease-Fire

Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam; Concerning the Cease-Fire in South Vietnam and the Joint Military Commissions

The parties participating in the Paris conference on Vietnam,

In implementation of the first paragraph of Article 2, Article 3, Article 5, Article 6, Article 16 and Article 17 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date which provides for the cease-fire in South Vietnam and the establishment of a Four-Party Joint Military Commission and a Two-Party Joint Military Commission,

Have agreed as follows:

Cease-Fire in South Vietnam

Article 1

The high commands of the parties in South Vietnam shall issue prompt and timely orders to all regular and irregular armed forces and the armed police under their command to completely end hostilities throughout South Vietnam, at the exact time stipulated in Article 2 of the Agreement and insure that

these armed forces and armed police comply with these orders and respect the cease-fire.

Article 2

(a) As soon as the cease-fire comes into force and until regulations are issued by the Joint Military Commissions, all ground, river, sea and air combat forces; that is, in order to insure a stable cease-fire, there shall be no major redeployments or movements that would extend each party's area of control or would result in contact between opposing armed forces and clashes which might take place.

(b) All regular and irregular armed forces and the armed police of the parties in South Vietnam shall observe the prohibition of the following acts;

(1) Armed patrol into areas controlled by opposing armed forces and flights by bomber and fighter aircraft of all types, except for unarmed flights for proficiency training and maintenance;

(2) Armed attacks against any person, either military or civilian, by any means whatsoever, including the use of small arms, mortars, artillery, bombing and strafing by airplanes and any other type of weapon or explosive device;

(3) All combat operations on the ground, on rivers, on the sea and in the air.

(4) All hostile acts, terrorism or reprisals; and

(5) All acts endangering lives or public or private property.

Article 3

(a) The above-mentioned prohibitions shall not hamper or restrict:

(1) Civilian supply, freedom of movement, freedom to work and freedom of the people to engage in trade, and civilian communication and transportation between and among all areas in South Vietnam.

(2) The use by each party in areas under is control of military support elements, such as engineer and transportation units, in repair and construction of public facilities and the transportation and supplying of the population.

(3) Normal military proficiency conducted by the parties in the areas under their respective control with due regard for public safety.

(b) The Joint Military Commissions shall immediately agree on corridors, routes and other regulations governing

the movement of military transport aircraft, military transport vehicles and military transport vessels of all types of one party going through areas under the control of other parties.

Article 4

In order to avert conflict and insure normal conditions for those armed forces which are in direct contact, and pending regulation by the Joint Military Commissions, the commanders of the opposing armed forces at those places of direct contact shall meet as soon as the cease-fire comes into force with a view to reaching an agreement on temporary measures to avert conflict and to insure supply and medical care for these armed forces.

Article 5

(a) Within 15 days after the cease-fire comes into effect, each party shall do its utmost to complete the removal or deactivation of all demolition objects, mainfields, traps, obstacles or other dangerous objects placed previously, so as not to hamper the population's movement and work, in the first place on waterways, roads and railroads in South Vietnam. Those mines which cannot be removed or deactivated within

that time shall be clearly marked and must be removed or deactivated as soon as possible.

(b) Emplacement of mines is prohibited, except as a defensive measure around the edges of military installations in places where they do not hamper the population's movement on waterways, roads and railroads. Mines and other obstacles already in place at the edges of military installations may remain in place if they are in place where they do not hamper the population's movement and work, and movement on waterways, roads and railroads.

Article 6

Civilian police and civilian security personnel of the parties in South Vietnam, who are responsible for the maintenance of law and order, shall strictly respect the prohibitions set forth in Article 2 of this protocol. As required by their responsibilities, normally they shall be authorized to carry pistols, but when required by unusual circumstances, they shall be allowed to carry other small individual arms.

Article 7

(a) The entry into South Vietnam of replacement armaments, munitions and war material permitted under Article 7 of the agreement shall take place under the supervision and control of the Two-Party Joint Military Commission and of the International Commission of Control and Supervision and through such points of entry only as are designated by the two South Vietnamese parties. The two South Vietnamese parties shall agree on these points of entry within 15 days after the entry into force of the cease-fire. The two South Vietnamese parties may select as many as six points of entry which are not included in the list of places where teams of the International Commission of Control and Supervision are to be based contained in Article 4 (d) of the protocol concerning the international commission. At the same time, the two South Vietnamese parties may also select points of entry from the list of places set forth in Article 4 (d) of that protocol.

(b) Each of the designated points of entry shall be available only for that South Vietnamese party which is in control of that point. The two South Vietnamese parties shall have an equal number of points of entry.

Article 8

(a) In implementation of Article 5 of the agreement, the United States and the other foreign countries referred to in Article 5 of the agreement shall take with them all their armaments, munitions and war material. Transfers of such items which would leave them in South Vietnam shall not be made subsequent to the entry into force of the agreement except for transfers of communications, transport and other non-combat material to the Four-Party Joint Military Commission or the International Commission of Control and Supervision.

(b) Within five days after the entry into force of the cease-fire, the United States shall inform the Four-Party Joint Military Commission and the International Commission of Control and Supervision of the general plans for timing of complete troop withdrawals which shall take place in four phases of 15 days each. It is anticipated that the numbers of troops withdrawn in each phase are not likely to be widely different, although it is not feasible to insure equal numbers. The approximate numbers to be withdrawn in each phase shall be given to the Four-Party Joint Military Commission and the International Commission of Control and Supervision sufficiently

in advance of actual withdrawals so that they can properly carry out their tasks in relation thereto.

Article 9

(a) In implementation of Article 6 of the agreement, the United States and the other foreign countries referred to in that article shall dismantle and remove from South Vietnam or destroy all military bases in South Vietnam of the United States and of the other foreign countries referred to in that article, including weapons, mines and other military equipment at these bases, for the purpose of making them unusable for military purposes.

(b) The United States shall supply the Four-Party Joint Military Commission and the International Commission of Control and Supervision with necessary information on plans for base dismantlement so that those commissions can properly carry out their tasks in relation thereto.

The Joint Military Commissions

Article 10

(a) The implementation of the agreement is the responsibility of the parties signatory to the agreement.

The Four-Party Joint Military Commission has the task of insuring joint action by the parties implementing the agreement by serving as a channel of communication among the parties, by drawing up plans and fixing the modalities to carry out, coordinate, follow and inspect the implementation of the provisions mentioned in Article 16 of the agreement, and by negotiating and settling all matters concerning the implementation of those provisions.

(b) The concrete tasks of the Four-Party Joint Military Commission are:

(1) To coordinate, follow and inspect the implementation of the above-mentioned provisions of the agreement by the four parties.

(2) To deter and deter violations, to deal with cases of violation, and to settle conflicts and matters of contention between the parties relating to the above-mentioned provisions.

(3) To dispatch without delay one or more joint teams, as required by specific cases, to any part of South Vietnam, to investigate alleged violations of the agreement and to assist the parties in finding measures to prevent recurrence of similar cases.

(4) To engage in observation at the places where this is necessary in the exercise of its functions.

(5) To perform such additional tasks as it may, by unanimous decision, determine.

Article 11

(a) There shall be a Central Joint Military Commission located in Saigon. Each party shall designate immediately a military delegation or 59 persons to represent it on the central commission. The senior officer designated by each party shall be a general officer, or equivalent.

(b) There shall be seven Regional Joint Military Commissions located in the regions shown on the annexed map and based at the following places:

REGIONS	PLACES
I	Hue
II	Danang
III	Pleiku
IV	Phanthiet
V	Bienhoa
VI	Mytho
VII	Cantho

Each party shall designate a military delegation of 16 persons to represent it on each regional commission. The senior officer designated by each party shall be an officer from the rank of lieutenant colonel to colonel, or equivalent.

(c) There shall be a joint military team operating in each of the areas shown on the annexed map and based at each of the following places in South Vietnam:

Region I	Region III	Region IV
Quangtri	Kontum	Dalat
Phubai	Haubon	Baoloc
	Phucat	Phanrang
Region II	Tuyan	
Hoian	Ninhhoa	
Tamky	Banmethuot	
Chulai		

Region V	Region VI	Region VII
Anloc	Mochoa	Triton
Xuanloc	Giongtrom	Vinhlong
Bencat		Vithanh
Cuchi		Khanhhung
Ianan		Quanlong

Each party shall provide four qualified persons for each joint military team. The senior person designated by each party shall be an officer from the rank of major to lieutenant colonel, or equivalent.

(d) The Regional Joint Military Commissions shall assist the Central Joint Military Commission in performing its tasks and shall supervise the operations of the military teams. The region of Saigon Giadinh is placed under the responsibility of the central commission, which shall designate joint military teams to operate in this region.

(e) Each party shall be authorized to provide support and guard personnel for its delegations to the Central Joint Military Commission and Regional Joint Military Commissions, and for its members of the joint military teams. The total number of support and guard personnel for each party shall not exceed 550.

(f) The Central Joint Military Commission may establish such joint subcommissions, joint staffs and joint military teams as circumstances may require. The central commission shall determine the numbers of personnel required for any additional subcommissions, staff or teams it establishes, provided that each party shall designate one-fourth of the number of personnel required and that the total number of personnel for the Four-Party Joint Military Commission, to include its staffs, teams and support personnel, shall not exceed 3,300.

(g) The delegations of the two South Vietnamese parties may, by agreement, establish provisional sub-commissions and joint military teams to carry out the tasks specifically assigned to them by Article 17 in the agreement. With respect to Article 7 of the agreement, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall

establish joint military teams at the points of entry into South Vietnam used for replacement of armaments, munitions and war material which are designated in accordance with Article 7 of this protocol. From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional subcommission and provisional joint military teams to carry out its tasks concerning captured and detained Vietnamese civilian personnel. Where necessary for the above purposes, the two parties may agree to assign personnel additional to those assigned to the two South Vietnamese delegations to the Four-Party Joint Military Commission.

Article 12

(a) In accordance with Article 17 of the agreement, which stipulates that the two South Vietnamese parties shall immediately designate their respective representatives to form the Two-Party Joint Military Commission, 24 hours after the cease-fire comes into force, the two designated South Vietnamese parties' delegations to the Two-Party Joint Military Commission shall meet in Saigon so as to reach an agreement as soon as

possible on organization and operation of the Two-Party Joint Commission, as well as the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

(b) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission at all levels shall simultaneously assume the tasks of the Two-Party Joint Military Commission at all levels, in addition to their functions as delegations to the Four-Party Joint Military Commission.

(c) If, at the time the Four-Party Joint Military Commission ceases its operation in accordance with Article 16 of the agreement, agreement has not been reached on organization of the Two-Party Joint Military Commission, the delegations of the two South Vietnamese parties serving with the Four-Party Joint Military Commission at all levels shall continue temporarily to work together as a provisional two-party joint military commission and to assume the tasks of the Two-Party Joint Military Commission at all levels until the Two-Party Joint Military Commission becomes operational.

Article 13

In application of the principle of unanimity, the Joint Military Commissions shall have no chairmen, and meetings shall be convened at the request of any representative. The Joint Military Commissions shall adopt working procedures appropriate for the effective discharge of their functions and responsibilities.

Article 14

The Joint Military Commissions and the International Commission of Control and Supervision shall closely cooperate with and assist each other in carrying out their respective functions. Each Joint Military Commission shall inform the international commission about the implementation of those provisions of the agreement for which that Joint Military Commission has responsibility and which are within the competence of the international commission. Each Joint Military Commission may request the international commission to carry out specific observation activities.

Article 15

The Central Four-Party Joint Military Commission shall begin operating 24 hours after the cease-fire comes into force.

The Regional Four-Party Joint Military Commissions shall begin operating 48 hours after the cease-fire comes into force. The Joint military teams based at the places listed in Article 11 (c) of this protocol shall begin operating no later than 15 days after the cease-fire comes into force. The delegations of the two South Vietnamese parties shall simultaneously begin to assume the tasks of the Two-Party Joint Military Commission as provided in Article 12 of this protocol.

Article 16

(a) The parties shall provide full protection and all necessary assistance and cooperation to the Joint Military Commissions at all levels, in the discharge of their tasks.

(b) The Joint Military Commissions and their personnel, while carrying out their tasks, shall enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

(c) The personnel of the Joint Military Commissions may carry pistols and wear special insignia decided upon by each Central Joint Military Commission. The personnel of each party while guarding commission installations or equipment may be authorized to carry other individual small arms, as determined by each Central Joint Military Commission.

Article 17

(a) The delegation of each party to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission shall have its own offices, communication, logistics and transportation means, including aircraft when necessary

(b) Each party, in its areas of control, shall provide appropriate office and accommodation facilities to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission at all levels.

(c) The parties shall endeavor to provide to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission, by means of loan, lease or gift, the common means of operation, including equipment for communication, supply and transport, including aircraft when necessary. The Joint Military Commissions may purchase from any source necessary facilities, equipment and services which are not supplied by the parties. The Joint Military Commissions shall possess and use these facilities and this equipment.

(d) The facilities and the equipment for common use mentioned above shall be returned to the parties when the Joint Military Commissions have ended their activities.

Article 18

The common expenses of the Four-Party Joint Military Commission shall be borne equally by the four parties, and the common expenses of the Two-Party Joint Military Commission in South Vietnam shall be borne equally by these two parties.

Article 19

The protocol shall enter into force upon signature by plenipotentiary representatives of all the parties participating in the Paris conference on Vietnam. It Shall be strictly implemented by all the parties concerned.

Done in Paris this 27th day of January, 1973, in Vietnamese and English. The vietnamese and English texts are official and equally authentic.

For the Government of the
United States of America
William P. Rogers
Secretary of State

For the Government of the
Republic of Vietnam
Tran Van Lam
Minister for Foreign Affairs

For the Government of the
Democratic Republic of
Vietnam
Nguyen Duy Trinh
Minister for Foreign Affairs

For the Provisional
Revolutionary Government of
the Republic of South Vietnam
Nguyen Thi Binh
Minister for Foreign Affairs

2 - Party Version

Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the Cease-Fire in South Vietnam and the Joint Military Commissions

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In implementation of the first paragraph of Article 2, Article 3, Article 5, Article 6, Article 16 and Article 17 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date which provide for the cease-fire in South Vietnam and the establishment of a Four-Party Joint Military Commission and a Two-Party Joint Military Commission,

Have agreed as follows:

(Text of protocol Articles 1-18 same as above)

Article 19

The protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam Concerning the Cease-fire in South Vietnam and the Joint Military Commissions shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam, The protocol shall be strictly implemented by all the parties concerned.

Done in Paris this 27th day of January, 1973, in Vietnamese and English. The vietnamese and English texts are official and equally authentic.

For the Government of the
United States of America
William P. Rogers
Secretary of State

For the Government of the
Democratic Republic of Vietnam
Nguyen Duy Trinh
Minister for Foreign Affairs

Protocol on Control Commission

Protocol to the Agreement on Ending the
War and Restoring Peace in Vietnam;
Concerning the International Commission
of Control and Supervision

The parties participating in the Paris conference on Vietnam,

In implementation of Article 18 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this providing for the formation of the International Commission of Control and Supervision,

Have agreed as follows:

Article 1

The implementation of the agreement is the responsibility of the parties signatory to the agreement.

The functions of the international commission are to control and supervise the implementation of the provisions mentioned in Article 18 of the agreement. In carrying out these functions, the international commission shall:

(a) Follow the implementation of the above-mentioned provisions of the agreement through communication with the parties and on-the-spot observation at the places where this is required.

(b) Investigate violations of the provisions which fall under the control and supervision of the commission.

(c) When necessary, cooperate with the Joint Military Commissions in deterring and detecting violations of the above-mentioned provisions.

Article 2

The international commission shall investigate violations of the provisions described in Article 18 of the agreement on the request of the Four-Party Joint Military Commission, or of the Two-Party Joint Military Commission or of any party, or, with respect to Article 9 (b) of the agreement on general elections, of the National Council of National Reconciliation and Concord, or in any case where the international commission has other adequate grounds for considering that there has been a violation of those provisions. It is understood that, in carrying out this task, the international commission shall function with the concerned parties' assistance and cooperation as required.

Article 3

(a) When the international commission finds that there is a serious violation in the implementation of the agreement or a threat to peace against which the commission can find no appropriate measure, the commission shall report this to the four parties to the agreement so that they can hold consultations to find a solution.

(b) In accordance with Article 18 (f) of the agreement, the international commission's reports shall be made with the representatives of all the four members. In case no unanimity is reached, the commission shall forward the different views to the four parties in accordance with Article 18 (b) of the agreement, or to the two South Vietnamese parties in accordance with Article 18 (c) of the agreement, but these shall not be considered as reports of the commission.

Article 4

(a) The headquarters of the international commission shall shall be at Saigon.

(b) There shall be seven regional teams located in the regions showns on the annexed map and based at the following places:

REGIONS	PLACES
I	Hue
II	Danang
III	Pleiku
IV	Phanthiet
V	Bienhoa
VI	Mytho
VII	Cantho

The international commission shall designate three teams for the region of Saigon-Giadinh.

(c) There shall be 26 teams operating in the areas shown on the annexed map and based at the following places in South Vietnam:

Region I	Baoloc
Quangtri	Phanrang
Phubai	Region V
Region II	Anloc
Hoian	Xuanloc
Tamky	Bençat
Chulai	Cuchi
Region III	Tanan
Kontum	Region VI
Haubon	Mochoa
Phucat	Giongtrom
Tuyan	Region VI
Tinhhoa	Triton
Banmethuot	Vinhlong
Region IV	Vithanh
Dalat	Khanhhung
	Quanlong

(d) There shall be 12 teams located as shown on the annexed map and based at the following places: Giolinh (to cover the area south of the provisional military demarcation line)

Laobao	Vungtau
Benhet	Xamat
Ducco	Bienhoa Airfield
Chulai	Hongngu
Quinhon	Cantho
Nhatrang	

(c) There shall be seven teams, six of which shall be available for assignment to the points of entry which are not listed in paragraph (d) above and which the two South Vietnamese parties choose as points for legitimate entry to South Vietnam for replacement of armaments, munitions and war material permitted by Article 7 of the agreement. Any team or teams not needed for the above-mentioned assignment shall be available for other tasks, in keeping with the commission's responsibility for control and supervision.

(f) There shall be seven teams to control and supervise the return of captured and detained personnel of the parties.

Article 5

(a) To carry out its task concerning the return of the captured military personnel and foreign civilians of the parties as stipulated by Article 8 (a) of the agreement, the international commission shall, during the time of such return, send one control and supervision team to each place in Vietnam

where the captured persons are being returned, and to the last detention places from which these persons will be taken to the places of return.

(b) To carry out its tasks concerning the return of the Vietnamese civilian personnel captured and detained in South Vietnam mentioned in Article 8 (c) of the agreement, the international commission shall, during the time of such return, send one control and supervision team to each place in South Vietnam where the above-mentioned captured and detained persons from which these persons shall be taken to the places of return.

Article 6

To carry out its tasks regarding article 9 (b) of the agreement on the free and democroatic general elections in South Vietnam, the international commission shall organize additional teams, when necessary. The international commission shall discuss this question in advance with the National Council of National Reconciliation and Concord. If additional teams are necessary for this purpose, they shall be formed 30 days before the general elections.

Article 7

The international commission shall continually keep under review its size, and shall reduce the number of its teams, its representatives or other personnel, or both, when those teams, representatives or personnel have accomplished the tasks assigned to them and are not required for other tasks. At the same time, the expenditures of the international commissions shall be reduced correspondingly.

Article 8

Each member of the international commission shall make available at all times the following numbers of qualified personnel:

(a) One senior representative and 26 others for the headquarters staff.

(b) Five for each of the seven regional teams.

(c) Two for each of the other international control teams, except for the teams at Giolinh and Vungtau, each of which shall have three.

(d) One hundred sixteen for the purpose of providing support to the commission headquarters and its teams.

Article 9

(a) The international commission, and each of its teams, shall act as a single body comprising representatives of all four members.

(b) Each member has the responsibility to insure the presence of its representatives at all levels of the international commission. In case a representative is absent, the member concerned shall immediately designate a replacement.

Article 10

(a) The parties shall afford full cooperation, assistance and protection to the international commission.

(b) The parties shall at all times maintain regular and continuous liaison with the international commission. During the existence of the Four-Party Joint Military Commission, the delegations of the parties to that commission shall also perform liaison functions with the international commission. After the Four-Party Joint Military Commission has ended its activities, such liaison shall be maintained through the Two-Party Joint Military Commission, liaison missions or other adequate means.

(c) The international commission and the Joint Military Commissions shall closely cooperate with and assist each other in carrying out their respective functions.

(d) Wherever a team is stationed or operating, the concerned party shall designate a liaison officer to the team to cooperate with and assist it in carrying out without hindrance its task of control and supervision. When a team is carrying out an investigation, a liaison officer from each concerned party shall have the opportunity to accompany it, provided the investigation is not thereby delayed.

(e) Each party shall give the inernational commission reasonable advance notice of all proposed actions concerning those provisions of the agreement that are to be controlled and supervised by the international commission.

(f) The international commission, including its teams, is allowed such movement for observation as is reasonably required for the proper exercise of its functions as stipulated in the agreement. In carrying out these functions, the international commission, including its teams, shall enjoy all necessary assistance and cooperation from the parties concerned.

Article 11

In supervising the holding of the free and democratic general elections described in Articles 9 (b) and 12 (b) of the agreement in accordance with modalities to be agreed upon between the National Council of National Reconciliation and Concord and the international commission, the letter shall receive full cooperation and assistance from the national council.

Article 12

The international commission and its personnel who have the nationality of a member state shall, while carrying out their tasks, enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

Article 13

The international commission may use the means of communication and transport necessary to perform its functions. Each South Vietnamese party shall make available for rent to the international commission appropriate office and accommodation facilities. The international commission may receive from the parties, on mutually agreeable terms, the necessary means of communication and transport and may purchase from

any source necessary equipment and services not obtained from the parties. The international commission shall possess these means.

Article 14

The expenses for the activities of the international commission shall be borne by the parties and the members of the international commission in accordance with the provisions of this article:

(a) Each member country of the international commission shall pay the salaries and allowances of its personnel.

(b) All other expenses incurred by the international commission shall be met from a fund to which each of the four parties shall contribute twenty-three per cent (23%) and to which each member of the international commission shall contribute two per cent (2%).

(c) Within 30 days of the date of entry into force of this protocol, each of the four parties shall provide the international commission with an initial sum equivalent to four million five hundred thousand (4,500,000) French francs in convertible currency, which sum shall be credited against the amounts due from that party under the first budget.

(d) The international commission shall prepare its own budgets. After the international commission approves a budget, it shall transmit it to all parties signatory to the agreement for their approval. Only after the budgets have been approved by the four parties to the agreement shall they be obliged to make their contributions. However, in case the parties to the agreement do not agree on a new budget, the international commission shall temporarily base its expenditures on the previous budget, except for the extraordinary, one-time expenditures for installation or for the acquisition of equipment, and the parties shall continue to make their contributions on that basis until a new budget is approved.

Article 15

(a) The headquarters shall be operational and in place within 24 hours after the cease-fire.

(b) The regional teams shall be operational and in place, and three teams for supervision and control of the return of the return of the captured and detained personnel shall be operational and ready for dispatch within 48 hours after the cease-fire.

(c) Other teams shall be operational and in place within 15 to 30 days after the cease-fire.

Article 16

Meetings shall be convened at the call of the chairman. The international commission shall adopt other working procedures appropriate for the effective discharge of its functions and consistent with respect for the sovereignty of South Vietnam.

Article 17

The members of the international commission may accept the obligations of this protocol by sending notes of acceptance to the four parties signatory to the agreement. Should a member of the international commission decide to withdraw from the international commission, it may do so by giving three months' notice by means of notes to the four parties to the agreement, in which case those four parties shall consult among themselves for the purpose of agreeing upon a replacement member.

Article 18

The protocol shall enter into force upon signature by plenipotentiary representatives of all the parties participating

in the Paris conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Done in Paris this 27th day of January, 1973, in Vietnamese and English. The Vietnamese and English texts are officially and equally authentic.

For the Government of the
United States of America
William P. Rogers
Secretary of State

For the Government of the
Republic of Vietnam
Tran Van Lam
Minister for Foreign Affairs

For the Government of the
Democratic Republic of Vietnam
Nguyen Duy Trinh
Minister for Foreign Affairs

For the Provisional
Revolutionary Government of
the Republic of South Vietnam
Nguyen Thi Binh
Minister for Foreign Affairs

2 - Party Version

Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the International Commission of Control and Supervision

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In implementation of Aricle 18 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the formation of the International Commission of Control and Supervision,

Have agreed as follows:

(Text of protocol Articles 1 - 17 same as above)

Article 18

The protocol to the Paris Agreement on Ending the war and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister

for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The protocol shall be strictly implemented by all the parties concerned.

Done in Paris this 27th day of January, 1973, in Vietnamese and English. The vietnamese and English texts are official and equally authentic.

For the Government of the
United States of America
William P. Rogers
Secretary of State

For the Government of the
Democratic Republic of Vietnam
Nguyen Duy Trinh
Minister for Foreign Affairs

Protocol on the Prisoners

Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam; Concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel

The parties participating in the Paris conference on Vietnam.

In implementation of Article 8 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel.

Have agreed as follows:

The Return of Captured Military Personnel and Foreign Civilians

Article 1

The parties signatory to the agreement shall return the captured military personnel of the parties mentioned in Article 8 (a) of the agreement as follows:

All captured military personnel of the United States and those of the other foreign countries mentioned in Article 3 (a) of the agreement shall be returned to United States authorities.

All captured Vietnamese military personnel, whether belonging to regular or irregular armed forces, shall be returned to the two South Vietnamese parties; they shall be returned to that South Vietnamese party under whose command they served.

Article 2

All Captured civilians who are nationals of the United States or of any other foreign countries mentioned in Article 3 (a) of the agreement shall be returned to United States authorities. All other captured foreign civilians shall be returned to the authorities of their country of nationality by any one of the parties willing and able to do so.

Article 3

The parties shall today exchange complete lists of captured persons mentioned in Articles 1 and 2 of this protocol.

Article 4

(a) The return of all captured persons mentioned in Articles 1 and 2 of this protocol shall be completed within

60 days of the signing of the agreement at a rate no slower than the rate of withdrawal from South Vietnam of United States forces and those of the other foreign countries mentioned in Article 5 of the agreement.

(b) Persons who are seriously ill, wounded or maimed, old persons and women shall be returned first. The remainder shall be returned either by returning all from one detention place after another or in order of their dates of capture, beginning with those who have been held the longest.

Article 5

The return and reception of the persons mentioned in Articles 1 and 2 of this protocol shall be carried out at places convenient to the concerned parties. Places of return shall be agreed upon by the Four-Party Joint Military Commission. The parties shall insure the safety of personnel engaged in the return and reception of those persons.

Article 6

Each party shall return all captured persons mentioned in Articles 1 and 2 of this protocol without delay and shall facilitate their return and reception. The detaining parties shall not deny or delay their return for any reason, including

the fact that captured persons may, on any grounds, have been prosecuted or sentenced.

The Return of Captured and Detained Vietnamese Civilian Personnel

Article 7

(a) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21 (b) of the agreement on the Cessation of Hostilities in Vietnam of July 20, 1954, which reads as follows:

"The term 'civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities."

(b) The two South Vietnamese parties will do so in a spirit of national reconciliation and concord with a view to ending hatred and enmity in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within 90 days after the cease-fire comes into effect.

(c) Within 15 days after the cease-fire comes into effect the two South Vietnamese parties shall exchange lists of the Vietnamese civilian personnel captured and detained by each party and lists of the places at which they are held.

Treatment of Captured Persons During Detention

Article 8

(a) All captured military personnel of the parties and captured foreign civilians of the parties shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages upon personal dignity. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter and the medical attention required for their state of health. They shall be allowed to exchange postcards and letters with their families and receive parcels.

(b) All Vietnamese civilian personnel captured and detained in South Vietnam shall be treated humanely at all

times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment and outrages against personal dignity. The detaining parties shall not deny or delay their return for any reason including the fact that captured persons may, on any grounds, have been prosecuted or sentenced. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter and the medical attention required for their state of health. They shall be allowed to exchange postcards and letters with their families and receive parcels.

Article 9

(a) To contribute to improving the living conditions of the captured military personnel of the parties and foreign civilians of the parties, the parties shall, within 15 days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where captured military personnel and foreign civilians are held.

(b) To contribute to improving the living conditions of the captured and detained Vietnamese civilian personnel, the two South Vietnamese parties shall, within 15 days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where the captured and detained Vietnamese civilian personnel are held.

With Regard to Dead and Missing Persons

Article 10

(a) The Four-Party Joint Military Commission shall insure joint action by the parties in implementing Article 8 (b) of the agreement. When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military Team shall be maintained to carry on this task.

(b) With regard to Vietnamese civilian personnel dead or missing in South Vietnam, the two South Vietnamese parties shall help each other to obtain information about missing persons, determine the location and take care of the graves of the dead, in a spirit of national reconciliation and concord, in keeping with the people's aspirations.

Other Provisions

Article 11

(a) the Four-Party and Two-Party Joint Military Commissions will have the responsibility of determining immediately the modalities of implementing the provisions of this protocol consistent with their respective responsibilities under Articles 16 (a) and 17 (a) of the agreement. In case the Joint Military Commission, when carrying out their tasks, cannot reach agreement on a matter pertaining to the return of captured personnel they refer to the international commission for its assistance.

(b) The Four-Party Joint Military Commission shall form, in addition to the teams established by the protocol concerning the cease-fire in South Vietnam and the Joint Military Commissions, a subcommission on captured persons and, as required, joint military teams on captured persons to assist the commission in its tasks.

(c) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional subcommission and provisional joint military teams to carry out

its tasks concerning captured and detained Vietnamese civilian personnel.

(d) The Four-Party Joint Military Commission shall send joint military teams to observe the return of the persons mentioned in Articles 1 and 2 of this protocol at each place in Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return. The Two-Party Joint Military Commission shall send joint military teams to observe the return of Vietnamese civilian personnel captured and detained at each place in South Vietnam where such persons are being captured, and at the last detention places form which these persons will be taken to the places of return.

In implementation of Articles 18 (b) and 18 (c) of the agreement, the International Commission of Control and Supervision shall have the responsibility to control and supervise the observance of Articles 1 through 7 of this protocol through observation of the return of captured military personnel, foreign civilians and captured and detained Vietnamese civilian personnel at each place in Vietnam where these persons are being returned, and at the last detention places from which these persons will

be taken to the places of retun, the examination of lists and the investigation of violations of the provisions of the above-mentioned articles.

Article 13

Within five days after signature of this protocal, each party shall publish the text of the protocol and communicate it to all the captured persons covered by the protocol and being detained by that party.

Article 14

This protocol shall come into force upon signature by plenipotentiary representatives of all the parties participating in the Paris conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Done in Paris this 27th day of January, 1973, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the
United States of America
William P. Rogers
Secretary of State

For the Government of the
Republic of Vietnam
Tran Van Lam
Minister for Foreign Affairs

For the Government of the
Democratic Republic of Vietnam
Nguyen Duy Trinh
Minister for Foreign Affairs

For the Provisional
Revolutionary Government of
the Republic of South Vietnam
Nguyen Thi Binh
Minister for Foreign Affairs

2 - Party Version

Protocol to the Agreement on Ending the
War and Restoring Peace in Vietnam;
Concerning the Return of Captured
Military Personnel and Foreign
Civilians and Captured and Detained
Vietnamese Civilian Personnel

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In implementation of Article 8 of the Agreement on Ending the War and restoring Peace in Vietnam signed on this date providing for the return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel,

Have agreed as follows:

(Text of protocol Articles 1 - 13 same as above)

Article 14

The protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The protocol shall be strictly implemented by all the parties concerned.

Done in Paris this 27th day of January, 1973, in Vietnamese and English The Vietnamese and English texts are official and equally authentic.

For the Government of the
United States of America
Willam P. Rogers
Secretary of State

For the Government of the
Democratic Republic of Vietnam
Nguyen Duy Trinh
Minister for Foreign Affairs

Protocol on Clearing Sea Mines

Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam; Concerning and Removal Permanent Deactivation or Destruction of Mines in the Territorial Waters, Ports, Harbors and Waterways of the Democratic Republic of Vietnam

The Government of the United States of America,

The Government of the Democratic Republic of Vietnam,

In implementation of the second paragraph of Article 2 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date,

Have agreed as follows:

Article 1

The United States shall clear all mines it has placed in the territorial waters, ports, harbors and waterways of the

Democratic Republic of Vietnam. This mine-clearing operation shall be accomplished by rendering the mines harmless through removal, permanent deactivation or destruction.

Article 2

With a view to insuring lasting safety for the movement of people and watercraft and the protection of important installations, mines shall, on the request of the Democratic Republic of Vietnam, be removed or destroyed in the indicated area; and whenever their removal or destruction is impossible, mines shall be permanently deactivated and their emplacement clearly marked.

Article 3

The mine-clearing operation shall begin at twenty-four hundred (2400) hours G.M.T. on Jan. 27, 1973. The representatives of the two parties shall consult immediately on relevant factors and agree upon the earliest possible target date for the completion of the work.

Article 4

The mine-clearing operation shall be conducted in accordance with priorities and timing agreed upon by the two parties.

For this purpose, representatives of the two parties shall meet at an early date to reach agreement on a program and a plan of implementation. To this end:

(a) The United States shall provide its plan for mine-clearing operations, including maps of the minefields and information concerning the types, numbers and properties of the mines.

(b) The Democratic Republic of Vietnam shall provide all available maps and hydrographic charts and indicate the mined places and all other potential hazards to the mine-clearing operations that the Democratic Republic of Vietnam is a ware of.

(c) The two parties shall agree on the timing of implementation of each segment of the plan and provide timely notice to the public at least 48 hours in advance of the beginning of mine-clearing operations for that segment.

Article 5

The United States shall be responsible for the mine clearance on island waterways of the Democratic Republic of Vietnam. The Democratic Republic of Vietnam shall, to the full extent of its capabilities, actively participate in the

mine clearance with the means of surveying, removal and destruction, and technical advice supplied by the United States.

Article 6

With a view to insuring the safe movement of people and watercraft on waterways and at sea, the United States shall in the mine-clearing process supply timely information about the progress of mine clearing in each area, and about the remaining mines to be destroyed. The United States shall issue a communique when the operations have been concluded.

Article 7

In conducting mine-clearing operations, the U.S. personnel engaged in these operations shall respect the sovereignty of the Democratic Republic of Vietnam and shall engage in no activities inconsistent with the Agreement on Ending the War and Restoring Peace in Vietnam and this protocol. The U.S. personnel engaged in the mine-clearing operations shall be immune from the jurisdiction of the Democratic Republic of Vietnam for the duration of the mine-clearing operations.

The Democratic Republic of Vietnam shall insure the safety of the U.S. personnel for the duration of their mine-clearing

activities on the territory of the Democratic Republic of Vietnam, and shall provide this personnel with all possible assistance and the means needed in the Democratic Republic of Vietnam that have been agreed upon by the two parties.

Article 8

This protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam shall enter into force upon signature by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam. It shall be strictly implemented by the two parties.

Done in Paris this 27th day of January, 1973, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the
United States of America
Willlam P. Rogers
Secretary of State

For the Government of the
Democratic Republic of Vietnam
Nguyen Duy Trinh
Minister for Foreign Affairs

Text of Paris Declaration on Vietnam Signed March 2

Act of the International Conference on Vietnam

the Government of Canada;

the Government of the People's Republic of China;

the Government of the United States of America;

the Government of the French Republic;

the Provisional Revolutionary Government of the Republic of South Vietnam;

the Government of the Hungarian People's Republic;

the Government of the Republic of Indonesia;

the Government of the Polish People's Republic;

the Government of the Democratic Republic of Vietnam;

the Government of the United Kingdom of Great Britain and Northern Ireland;

the Government of the Republic of Vietnam, and

the Government of the Union of Soviet Socialist Republics;

in the presence of the Secretary General of the United Nations;

With a view to acknowledging the signed agreements guaranteeing the ending of the war, the maintenance of peace

in Vietnam, the respect of the Vietnamese people's fundamental national rights, and the South Vietnamese people's right to Self-determination, and contributing to and guaranteeing peace in Indochina;

Have agreed on the following provisions, and undertake to respect and implement them:

Article 1

The parties to this act solemnly acknowledge, express their approval of and support the Paris agreement on ending the war and restoring peace in Vietnam signed in Paris on Jan. 27, 1973, and the four protocols to the agreement signed on the same date (hereinafter referred to respectively as the agreement and the protocols).

Article 2

The agreement responds to the aspirations and fundamental national rights of the Vietnamese people, i.e., the independence, sovereignty, unity and territorial integrity of Vietnam, to the right of the South Vietnamese people to self-determination, and to the earnest desire for peace shared by all countries in the world. The agreement constitutes a major contribution to

peace, self-determination, national independence and the improvement of relations among countries. The agreement and the protocols should be strictly respected and scrupulously implemented.

Article 3

The parties to this act solemnly acknowledge the commitments by the parties to the agreement and the protocols to strictly respect and scrupulously implement the agreement and the protocols.

Article 4

The parties to this act solemnly recognize and strictly respect the fundamental national rights of the Vietnamese people, i.e., the independence, sovereignty, unity and territorial integrity of Vietnam, as well as the right of the South Vietnamese people to self-determination. The parties to this act shall strictly respect the agreement and the protocols by refraining from any action at variance with their provisions.

Article 5

For the sake of a durable peace in Vietnam, the parties to this act call on all countries to strictly respect the

fundamental national rights of the Vietnamese people, i.e., the independence, sovereignty, unity and territorial integrity of Vietnam and the right of the South Vietnamese people to self-determination and to strictly respect the agreement and the protocols by refraining from any action at variance with their provisions.

Article 6

(A) The four parties to the agreement or the two South Vietnamese parties may, either individually or through joint action, inform the other parties to this act about the implementation of the agreement and the protocols. Since the reports and views submitted by the International Commission of Control and Supervision concerning the control and supervision of the implementation of those provisions of the agreement and the protocols which are within the tasks of the commission will be sent to either the four parties signatory to the agreement or to the two South Vietnamese parties, those parties shall be responsible, either individually or through joint action, for forwarding them promptly to the other parties in this act.

(B) The four parties to the agreement or the two South Vietnamese parties shall also, either individually or through

joint action, forward this information and these reports and views to the other participant in the international conference on Vietnam for his information.

Article 7

(A) In the event of a violation of the agreement of the protocols which threatens the peace, the independence, soverignty unity or territorial integrity of Vietnam, or the right of the South Vietnamese people to self-determination, the parties signatory to the agreement and the protocols shall, either individually or jointly, consult with the other parties to this act with a view to determining necessary remedial measures.

(B) The international conference on Vietnam shall be reconvened upon a joint request by the Government of the United States of America and the Government of the Democratic Republic of Vietnam on behalf of the parties signatory to the agreement or upon a request by six or more of the parties to this act.

Acticle 8

With a view to contributing to and guarantering peace in Indochina, the parties to this act acknowledge the commitment of the parties to the agreement to respect the independence,

sovereignty, unity, territorial integrity, and neutrality of Cambodia and Laos as stipulated in the agreement, agree also to respect them and to refrain from any action at variance with them, and call on other countries to do the same.

Article 9

This act shall enter into force upon signature by plenipotentiary representatives of all 12 parties and shall be strictly implemented by all the parties. Signature of this act does not constitute recognition of any party in any case in which it has not previously been accorded.

Done in 12 copies in Paris this 2nd day of March, 1973, in English, french, Russian, Vietnamese and Chinese. All texts are equally authentic.

for the Government of the United States of America, the Secretary of State,

WILLIAM P. ROGERS

for the Government of the French Republic, the Minister for Foreign Affairs,

MAURICE SCHUMANN

for the Provisional Revolutionary Government of the Republic of South Vietnam, the Minister for Foreign Affairs,

NGUYEN THI BINH

for the Government of the Hungarian People's Republic, Minister of Foreign Affairs;

JANOS PETER

for the Government of the Republic of Indonesia, the Minister for Foreign Affairs.

ADAM MALIK

for the Government of the Polish People's Republic, the Minister for Foreign Affairs.

STEFAN OLSZOWSKI

for the Government of the Democratic Republic of Vietnam, the Minister for Foreign Affairs,

NGUYEN DUY TRINH

for the Government of the United Kingdom of Great Britain and Northern Ireland, the Secretary of State for Foreign and Commonwealth Affairs,

ALEC DOUGLAS-HOME

for the Government of the Republic of Vietnam, the Minister for Foreign Affairs,

TRAN VAN LAM

for the Government of the Union of Soviet Socialist Republics, the Minister for Foreign Affairs,

ANDREI A. GROMYKO

for the Government of Canada, the Secretary of State for External Affairs,

MITCHELL SHARP

for the Government of the People's Republic of China, the Minister for Foreign Affairs,

CHI PENG-FEI

ABSTRACT

Chin-Wee Chung

The Historical Development of Indochinese Federation

The purpose of this study is to analyze the historical development of the French Indochinese Federation and the French Union and to trace the DRV's (the Democratic Republic of Vietnam) effort or official policy for building a federation of Indochnia that would include Laos and Cambodia, with Vietnam as dominating senior member. This work is not intended, however, to be an exhausitive study of the French colonial policy toward Indochnia.

French control over the Indochinese peninsula began in the 1850s and was gradually extended over half a century to include Laos, Cambodia and Vietnam. In 1899, the French organized the area as the French Indochniese Union, consisting of the French Protectorates of Laos and Cambodia, the French colony of Cochin-China, and the French Protectorates of Annam and Tongking. French rule was replaced by the Japanese in the 1940s.

Following the capitulation of the Japanese forces in 1945, the French returned to Indochina and cried to its lost colonies by forming the French Indochinese Federation within the French Union. By the agreement of March 6, 1946, France recognized the Democratic Republic of Vietnam as "a free state with its own government, parliament, army, and finances, forming part of the Indochinese Federation and the French Union" - a formular putting the DRV into a colonial federation which would in turn form a "union" with the Frech authority. The DRV would be part of a federation of Indochnia and of the French Union. The French Indochinese Federation would cover the whole country, that is, Annam, Tongking, and Cochin-China and Laos and Cambodia as associated states. The implication for Ho Chi Minh was that independence would be just as effective for Vietnam as that of Canada and Australia within the British commonwealth. But the French government did not recognize the DRV as an independent state. By December 1946, major hostilities had broken out and the French Indochinese War had begun, a war that ended at the Geneva Conference of 1954.

Despite the continued conflict with the Vietminh, the French government agreed on June 5, 1948, to recognize the independent "State of Vietnam", consisting of the entire area of Annam, Tongking, and Cochin-China, within the French Union with former Emperor Bao Dai as its head. The United States and the United Kingdom recognized the State of Vietnam, Laos, and Cambodia as "independent states within the French Union." The State of Vietnam continued as an "independent state within the French Union" until the conclusion of the 1954 Geneva Agreement, which transferred full sovereignty to an idenpendent Vietnam thereafter termed the Republic of Vietnam (South Vietnam).

It is worthwhile to note that Cambodian Prince Sihanouk made two interesting proposals concerning Indochina. In 1961, Sihanouk suggested the creation of an Indochina neutral zone to include South Vietnam, Laos, and Cambodia, to be guaranteed by a big-power conference. Sihanouk in December 1963 proposed the creation of a neutralized federation of Indochina, to consist of Cambodia and South Vietnam. He asserted that federation would serve as an interim settlement. According to his proposal, the foreign affairs of the two countries would be conducted jointly; each would act as a check on the other.

As far as can be determined, neither the DRV nor the National Liberation Front never commented publicly on the Indochinese federation idea. There are no known evidence that Ho Chi Minh planned to take over Laos and Cambodia to form a federation of Indochina. Until the unification of Vietnam in 1975, the DRV's chief objective was reunification; and the reunification would be the first step toward what was probably the DRV's ultimate goal, a federation of Indochina that would include Laos and Cambodia. Looking retrospectively, Vietnam will undoubtedly seek to insist on the general conformity of Laos and Cambodia to Vietnamese policies as it did to some extent in earlier centuries when both countries were in part its vassals.

Following the unification, the DRV virtually took over Laos and Cambodia, thus forming a de facto federation of Indochnia with Vietnam as controlling member. For the interests of every Asian country, it is worth paying a careful attention to where Hanoi goes from here.