



SECOND INTERIM REPORT

of the activities of

**THE INTERNATIONAL
COMMISSION FOR SUPERVISION
AND CONTROL IN LAOS**

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1st January—30th June 1955

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INTRODUCTION

The First Interim Report of the International Commission for Supervision and Control in Laos was submitted to the Co-Chairmen on 15th January, 1955 and covered the period from 11th August to 31st December, 1954.

The present Report on the activities of the Commission relates to the period 1st January to 30th June, 1955 and gives an account of the extent to which the terms of the Geneva Agreement were implemented.

This Report should be read in continuation of the First Interim Report.

VIENTIANE, LAOS;
26th August, 1955.



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CHAPTER I'

DISSOLUTION OF THE JOINT COMMISSION

1. It is specified in the Geneva Agreement that while the "control and supervision of the application of the provisions of the Agreement" are vested in the International Commission under Article 25, the responsibility for "the execution of the Agreement" lies under Article 24, with the Parties themselves. Therefore the Parties set up under Article 28 at Khang Khay a Joint Commission consisting of the representatives of the Vietnamese People's Volunteers/'Pathet Lao' High Command on the one hand and those of the Franco-Laotian High Command on the other.

2. The International Commission since its inception was closely associated with the Joint Commission in the implementation of the military clauses of the Geneva Agreement, leading to the final withdrawal of foreign troops on 19th November, 1954.

3. The Royal Laotian Government, on the plea that the withdrawals had been completed, instructed the Franco-Laotian Delegation on the Joint Commission on 20th December, 1954 to recall their representatives on the Joint Sub-Commissions of Mahaxay and Paksong, and on the Joint Groups, by 1st January, 1955, and to regroup them all at Khang Khay.

4. The Royal Laotian Government thereafter proposed to the International Commission that the Joint Groups be disbanded, since Article 28 of the Geneva Agreement stipulated that "the Joint Groups shall follow the forces in their movements and shall be disbanded once the withdrawal plans have been carried out." The Royal Government alleged that the continued activity of these Joint Groups constituted "a foreign interference in the affairs of the Kingdom."

5. The International Commission informed the Royal Government on 7th January, 1955 that though "the action taken by the Franco-Laotian side in regrouping their personnel from the Joint Groups was within the letter and spirit of the Geneva Agreement and the Khang Khay Agreement, it would have been conducive to harmony and goodwill had the Franco-Laotian side consulted the Vietnamese People's Volunteers/'Pathet Lao' side before taking action." It added that "the Joint Sub-Commissions in Central and Lower Laos were created under the Khang Khay Agreement for certain tasks. Before regrouping the Joint Sub-Commissions the International Commission feels that the Parties in the Joint Commission should examine whether these have been fulfilled by the Joint Sub-Commissions. In case of disagreement on this point, they may again come to the Commission for a recommendation."

6. The Vietnamese People's Volunteers/'Pathet Lao' Delegation protested vehemently against this unilateral action of the Franco-Laotian Delegation. The contention of the Vietnamese People's Volunteers/'Pathet Lao' Delegation was that:—

- (a) It was specified in the Khang Khay Agreement that the two Joint Sub-Commissions were created, one in Middle Laos,

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and the other in Lower Laos, "to facilitate in their zone of competence the work of the Joint Commission on which they depend and for the implementation of the clauses of the Geneva Agreement." Thus, since the clauses of the Geneva Agreement had not yet been fully implemented, it was proper that these joint organisations should be retained.

- (b) It was specified in the Khang Khay Agreement that the Joint Groups were to "participate in the execution of the clauses of the Agreement on the cessation of hostilities." The clauses of the Geneva Agreement not having been fully implemented, the Joint Groups had to be retained to "participate in the execution of the clauses of the Agreement."
- (c) The withdrawal of Joint Groups meant an annulment or amendment of the Khang Khay Agreement and should therefore have been submitted, as a question of principle, to a detailed discussion between the two Parties, and should never have been decided upon by one of them only.
- (d) These joint organisations were being employed in the settlement of numerous questions not solved until then, particularly the question of payments and the violations of Article 15 of the Geneva Agreement which were engaging the serious attention of the International Commission and the two Parties.

7. On 14th January, the Franco-Laotian Delegation went further and announced their wish for the immediate dissolution of the Joint Commission itself.

8. The problem was considered by the International Commission at its meeting of 18th January. It was decided that the two Parties should be asked to submit to it before 24th January, memoranda, jointly or separately, stating their points of view. It was further agreed that the subject should be discussed at the next meeting with the Joint Commission.

9. The Franco-Laotian Delegation pointed out in their memorandum that the Joint Commission had been set up, under Article 28, "to facilitate the implementation of the clauses relating to the withdrawal of foreign forces", and that this withdrawal having been completed, the Joint Commission had outlived its utility. They added that the issues which remained to be solved under the Geneva Agreement were wholly concerned with the internal political arrangement of Laos, and a Joint Political Committee consisting of only the Royal Laotian and 'Pathet Lao' representatives had been set up at Plaine-des-Jarres for this purpose.

10. The objections which the Vietnamese People's Volunteers/'Pathet Lao' Delegation raised against the disbandment of the Joint Groups were repeated with much greater emphasis at the time of the suspension of the activity of the Joint Commission. The contention of the Vietnamese People's Volunteers/'Pathet Lao' Delegation was that the Joint Commission had been created under the terms of

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the Geneva Agreement and of the Khang Khay Agreement of 30th August, 1954 and hence it could not be dissolved unless the clauses of the two Agreements had been fully implemented. There were various problems and incidents during the execution of the above two Agreements which required the attention of the Joint Commission. The dissolution would not only be against the letter and the spirit of the Agreements signed at Geneva and Khang Khay but create innumerable difficulties for the International Commission in the execution of its task of supervision and control.

11. It should be observed that these differences were never discussed between the Parties at any session of the Joint Commission.

12. The subject was discussed by the two Parties for the first time at their meetings with the International Commission towards the end of January, 1955. Considering that the Franco-Laotian Delegation had already, by a unilateral decision on their part, withdrawn from the Joint Commission, these meetings were held under difficult circumstances. Though this unilateral decision did not amount to a dissolution of the Joint Commission, it deprived the Franco-Laotian Delegation of all authority. In fact, from 31st January, 1955 following an express order from the Royal Laotian Government, the meetings had to be continued without even the physical presence of the Royal Laotian representatives. The French Union Delegation refused to make any fresh proposal that went beyond the instructions given them by the Royal Laotian Government.

13. The Franco-Laotian Delegation asserted their right to make a unilateral decision, citing International Law which allowed a Party to denounce an agreement when the agreement did not set any definite time limit for its implementation. They pointed out moreover that Article 22 of the Geneva Agreement envisaged the creation of successors to the signatories to the Geneva Agreement.

14. The Franco-Laotian Delegation demanded that the Joint Commission, containing "a military foreign body", should be disbanded and that the Vietnamese People's Volunteers and French Union Delegations should cease to function in Laos in a Liaison Mission or in any other capacity. They suggested that the International Commission could be aided in its task by a Joint Royal Laotian/'Pathet Lao' Mission with Headquarters in Vientiane and that contact with the High Commands of the French Union Forces and of the Democratic Republic of Vietnam should if necessary, be established through the French High Representative in Laos and the International Commission at Hanoi respectively.

15. The Vietnamese People's Volunteers/'Pathet Lao' Delegation agreed that the task of the International Commission could be facilitated if a Liaison Mission were established in Vientiane for a more direct contact between the Commission and the two Parties.

16. On 12th February the leader of the Vietnamese People's Volunteers/'Pathet Lao' Delegation closed the debate with a statement

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agreeing to instal a 'Pathet Lao' Liaison Mission with the International Commission but maintaining that a Mission which consisted only of 'Pathet Lao' Delegates was not sufficiently qualified to represent both the Vietnamese People's Volunteers High Command and the High Command of the Fighting Units of 'Pathet Lao'. According to their view the Vietnamese People's Volunteers Delegation, as one of the Parties of the Geneva Agreement, should continue to function in Laos until this Agreement had been fully implemented.

17. The Joint Commission ceased to function on 15th February, 1955.



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CHAPTER II

NEGOTIATIONS : POLITICAL & MILITARY

A : Political Negotiations

18. The Commission noted with satisfaction that following its own recommendation of 3rd December, 1954 (reproduced in full in the First Interim Report, 94—96 pp.), the Royal Laotian Government expressed a desire to enter into political talks with the representatives of the 'Pathet Lao'. The two Parties agreed, at the very beginning of the period under review, that a Consultative Political Conference be immediately convened in order to "consolidate peace and realise the unification of the Fatherland". It was further suggested by the 'Pathet Lao' that the two Delegations might examine the question of the cessation of all acts of hostilities and draw up a common declaration for publication throughout Laos.

19. This Joint Declaration, signed at the Consultative Political Conference at Plaine-des-Jarres on 18th January, 1955 stated:

"The two Parties gave proof of mutual sincerity and recognised the necessity to collaborate in order to implement together the Geneva Agreement, consolidate peace, grant democratic freedoms to the people, realise the unity of the country and complete the independence of the Fatherland. The two Parties have agreed that they will endeavour to settle by negotiations all questions concerning the independence of the country in order to obtain good results."

20. The 'Pathet Lao' wished to treat the Consultative Political Conference as a preliminary meeting which might lead to the creation of a Joint Political Council for the settlement of basic political problems and the holding of "free general elections by secret ballot, in accordance with the spirit and the letter of the Final Declaration made at the Geneva Conference".

21. After protracted deliberations, the two Parties agreed to issue on 9th March, 1955 a joint statement the full text of which is given as Appendix 'A'.

22. The two Delegations further agreed that the Consultative Political Conference should henceforward meet at Vientiane where the 'Pathet Lao' was to maintain a separate Delegation.

23. The Commission took note of these political declarations but pointed out on 29th March that it had not received "any official communication as to these negotiations, the problems discussed and settled, progress made, and the difficulties the two Parties are encountering in respect of a political settlement". In the absence of this information, it was unable to evaluate the political situation and offer such advice and suggestions as might, in its opinion, help

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the Parties to come to a settlement. The Commission, therefore, requested that it be kept regularly informed of the progress of the work of the Conference.

24. In reply, the Royal Government stated in a letter dated 8th April, 1955 that political talks were being impeded because the 'Pathet Lao' "consider themselves still under the authority of the Vietminh High Command, and as having conquered the provinces of Phong Saly and Sam Neua". The Royal Government, therefore, suggested that:

- (a) Royal Administration be re-established effectively in the provinces of Phong Saly and Sam Neua in conformity with the Geneva Declaration;
- (b) The units of the 'Pathet Lao' in these provinces be collected in fixed assembly areas connected by a corridor as indicated in Article 13 of the Geneva Agreement;
- (c) Pending general elections marking their integration into the national community, these units could be represented in the Royal Administration of the two provinces.

25. The Royal Government further demanded that the Commission should, in consultation with both the Parties, organise general control of these units.

26. The 'Pathet Lao' reply was received on 22nd April, 1955. It accused the Royal Government of co-operating with the United States of America and repeated an earlier request that a Joint Political Council, consisting of three delegates from each of the two Parties, be set up immediately to solve all outstanding political problems. The task of this Council would be:

- (a) To settle amicably all disputes and to enforce a strict implementation of the Joint Declaration of 9th March, 1955, particularly in regard to the provinces of Sam Neua and Phong Saly;
- (b) To define and guarantee democratic freedoms;
- (c) To prepare for free general elections, with such changes in the electoral laws, as would guarantee universal suffrage and provide for control of all abuses at the time of the elections;
- (d) To form a national coalition government with the 'Pathet Lao';
- (e) To settle the problem of integration of the two provinces.

27. The 'Pathet Lao' suggested the following broad procedure for the Joint Political Council:

- (a) The Council should have no President and should avoid decision by voting on any issue;
- (b) If the Parties failed to reach agreement they should refer to their headquarters for advice and guidance;

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- (c) Important agreements dealing with questions of principle should be signed by the Prime Minister of the Royal Government and the Head of the Forces of 'Pathet Lao'. Less important agreements should be signed by the Heads of the two Delegations but would become effective only after approval by their principals;
- (d) The seat of the Joint Political Council should be in Vientiane.

28. These rival proposals were not accepted by the Parties. Nonetheless, they met in a political conference at Plaine-des-Jarres on 19th April, 1955. However, six days later, the Royal Laotian Government withdrew from it claiming that no basis for agreement existed.

29. The Royal Laotian Government suggested examining at these meetings "those problems considered the most urgent". They proposed that the separation of the armed elements of both Parties in the provinces of Sam Neua and Phong Saly should be considered so that the Joint Declaration of 9th March, 1955 (Appendix 'A') could be implemented and the establishment of the Royal Administration in the two northern provinces made easier.

30. The Royal Government also suggested the creation of a Joint Political Commission placed under the supreme authority of the Royal Government with the primary task of settling the civil and military problems of the two provinces. This proposal, the Royal Government added, "makes a great concession by admitting the principle of immediate incorporation of the 'Pathet Lao' into the Royal Administration of the two provinces, whereas the Geneva Agreement only provides a representation of the Fighting Units of 'Pathet Lao' on the Royal Administration". The Royal Government were opposed to the creation of a Joint Political Commission endowed with authority over the Government. The Geneva Agreement, did not in their opinion, envisage the settlement of the problem by "a merger of two authorities both having a governmental competence but an integration into a National Community which already has its institutions and its government".

31. On 3rd May, 1955, the Canadian Delegation introduced a Draft Interpretative Resolution aimed at guiding the Parties in their negotiations for the political settlement (see Appendix 'B'). This raised a discussion as to whether the Commission had the right to make recommendations in this field. It was agreed that the Commission may offer interpretations to the Parties by analogy with Article 33 of the Geneva Agreement, provided the subject matter was included in the Agreement itself. In the opinion of the Polish Delegation, however, neither the question of the establishment of Royal Administration in the provinces of Phong Saly and Sam Neua nor that of political settlement came within the scope of competence of the Commission, and any interference by the Commission in these matters would mean enlarging its powers and

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functions beyond the limits of the Geneva Agreement. The Commission's activities could only be maintained in the form of good offices with the approval of both Parties. On 21st May, the Canadian Delegation agreed to postpone discussion on its Draft Resolution on the understanding that it would, instead, raise the question of the establishment of Royal Administration in the two northern provinces as such.

32. On 4th June, 1955 the Commission drew the attention of both Parties to its recommendation of 3rd December, 1954 and observed that inordinate delay and lack of progress in bringing about a political settlement were causing concern. The Commission had welcomed the Joint Declaration of 9th March by which both Parties had agreed not to resort to force or take any aggressive action in the two northern provinces. However, no amelioration had resulted and the frequency and seriousness of incidents had increased. In the circumstances, the Commission urged both Parties to reopen and continue their negotiations for an early political settlement.

33. The Commission added that it would always be ready to offer its good offices, at the request of the Parties.

34. The Royal Laotian Government had originally decided, in accordance with the usual procedure to hold the general elections on 28th August, 1955. However, on 6th June, 1955 the 'Pathet Lao' sent a letter to the Royal Laotian Government asking that they "stop immediately the illegal elections, stop immediately the despatch of forces to attack the two provinces, and resume immediately the political conference so that the two Parties can discuss and take all necessary action to organise general elections throughout the territory of Laos, can ensure for all Laotian citizens freedom of voting, of being elected and freedom to carry out electoral campaigns, in conformity with the spirit and the letter of the Geneva Agreement and the Joint Declaration of the nine participating powers".

35. On the other hand, on 7th June, 1955 the Royal Government informed the Commission that the general elections were approaching and that as long as Royal Administration was not re-established in the provinces of Phong Saly and Sam Neua, it would not be possible to organise elections in those areas in accordance with the electoral law. However, the National Assembly in a joint session on 10th June decided to postpone the date of election to 25th December, 1955.

36. On 15th June, 1955 the Commission wrote a letter to the Royal Government the text of which is reproduced in paragraph 70.

37. The position of the 'Pathet Lao' in this regard was re-stated in a communication dated 30th June, 1955 to the Royal Government:—

"As to the question relating to the two provinces, from the beginning of the talks to this day, in the conferences.

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as well as in the letters addressed to the Royal Government and also to the International Commission, the Political Delegation of the 'Pathet Lao' Forces has never refused to examine this question, but reciprocally, it has suggested to the Political Delegation of the Royal Government to examine the proposal of the 'Pathet Lao' Forces. This is the only regular procedure which is in conformity with the principles of justice and equality.

"Of all the questions put forward at the Conference, the Political Delegation of the 'Pathet Lao' Forces feels that the one concerning free general elections with a view to bringing together all the Laotian citizens into the national body is a matter which must be studied in all priority. For it constitutes a fundamental political settlement which embraces within itself many other questions, and if this problem could be settled, it would enable the settlement of all the others."

B: Military Negotiations

38. Article 12 of the Geneva Agreement provided that there should be twelve Provincial Assembly Areas, one to each province, for the reception of the Fighting Units of 'Pathet Lao'. However, in the Agreement signed at Khang Khay by the two Parties in the Joint Commission on 29th-30th August, 1954, no mention was made concerning the Provisional Assembly Areas for the Fighting Units of 'Pathet Lao' in the provinces of Phong Saly and Sam Neua [Reference paragraph 51(a) of the First Interim Report].

39. This fact, together with the 'Pathet Lao' interpretation of Article 14 that the 'Pathet Lao' had been given the two provinces in their entirety, went to support their claim that the Royal Government had no right to these provinces, that the Royal Government troops were interlopers and should withdraw. They asserted, in other words, that these two provinces belonged to them administratively and militarily and that this was agreed to as a compensation for their agreement to withdraw from all the other ten provinces.

40. On the other hand, the Royal Government claimed that the true significance of Article 14 was that the 'Pathet Lao' were to restrict themselves in the regroupment zones in the two provinces with a connecting corridor, and that this did not mean that the Royal Government had forfeited their right of free movement in these two provinces. In this interpretation the Royal Government claimed that the only significance of Article 14 was that the 'Pathet Lao' were given limited rights in the two provinces and in the corridor and had no right of movement in the other provinces. At the same time, the Royal Government, being a sovereign authority, had unrestricted right to move forces anywhere in the territory of Laos.

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41. With such a situation, it was inevitable that opposing forces frequently found themselves against each other and clashes took place. It is true that Article 19 had prescribed that each force should respect the territory under the military control of the other, but since no demarcation had taken place, it was impossible to decide which territory belonged to whom. There was also the additional difficulty of defining the words "territories under the military control".

42. The Commission had decided by majority vote that some Royal troops existed in the two northern provinces before and at the time of the Cease Fire of 6th August, 1954, although it was not possible to find out either their precise strength or position. The fact is that before the Cease-Fire, the military situation in these two areas was extremely fluid and that neither of the High Commands knew precisely where their men were, and if they did know, they were not prepared to disclose the details. After the Commission's pronouncement that the Royal forces did, in fact, exist in the northern provinces prior to 6th August, 1954, it was claimed by the 'Pathet Lao' that they had no right to be there and that they should, therefore, withdraw. The Commission decided that in the face of these two conflicting interpretations of the Geneva Agreement, there was no possibility of either the Commission agreeing on a common interpretation or both the Parties accepting it. Yet the incidents and clashes continued and it was obvious that if they were to be prevented, some solution, without affecting the legal claims and liabilities of the Parties, had to be found. Various solutions were examined by the Commission, but it became increasingly evident that, without both sides agreeing to such a solution, no effective work could be done or the declaration by the Parties made on 9th March, 1955, implemented.

43. Accordingly, the Commission called upon both the Parties to send their military delegations to Vientiane and open talks with a view to arriving at a solution which would ensure that military incidents did not take place. After considerable delay and hesitation, the delegations met in Vientiane on 27th June and the talks were opened. The Military Committee of the Commission had been charged with the working out of different solutions for the consideration of the Parties and they were asked by the Commission to assist the Parties informally at each stage and keep the Commission informed of developments. These talks are still continuing, and although some progress has been made, the eventual solution is not yet in sight.

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CHAPTER III

PHONG SALY AND SAM NEUA

44. The insufficient clarity of Article 14 of the Geneva Agreement has continued to be the main source of difficulty for the Commission as well as for the Parties, with regard to the provinces of Phong Saly and Sam Neua.

45. While it may be assumed that the 'Pathet Lao' have actual military control over most of the area, they claim both administrative and military control over the totality of the two provinces. The Royal Laotian Government assert that their sovereign authority implies the right to the effective administration of these provinces; and that, as regards the military aspect, the Fighting Units of 'Pathet Lao' should have been limited to the regroupment zones envisaged in Article 12, together with the right of circulation in the corridor described in Article 14.

46. Broadly speaking, the 'Pathet Lao' and the Royal Laotian Government interpretations of Article 14 were shared by the Polish and the Canadian Delegations respectively. The Polish Delegation felt, moreover, that since unanimity on this issue was not possible it would be best for the Commission not to discuss it. The Indian Delegation took the view that unless the decision of the Commission on this important subject was acceptable to both the Parties, no purpose would be served by a legal interpretation by the Commission. The Indian Delegation did not, however, rule out the possibility of discussing it at a suitable opportunity. In the circumstances the Commission has not yet given its own interpretation of Article 14.

47. It will, however, be remembered that the Commission, with a view to implementing Article 19, decided in October, 1954 to investigate the strength and position of the Laotian National Army units in Phong Saly and Sam Neua at the time of the Cease-Fire. This was necessary in view of the Vietnamese People's Volunteers/ 'Pathet Lao' Delegation's contention that all Franco-Laotian forces had been expelled from there in March 1953 and that those now present had been paradropped after 6th August, 1954. While these investigations went on, the Commission in January, 1955 directed a Sub-Committee of its Military Committee to examine documents, maps, nominal rolls, load manifests and personal diaries submitted by the Franco-Laotian Delegation in support of their above claim.

48. In the opinion of the Indian and the Canadian members of the Sub-Committee, "the documents produced are valid and substantiate the statement of the French Liaison Mission as reiterated in their brief, that Commando units were operating in the province of Sam Neua from 21st July to 6th August, 1954 inclusive, and that such Commandos and their affiliated 'auto defence' troops occupied posts in the area indicated by the map attached as Appendix 'B' to their report. It is not within the power of the two Delegates to indicate that such Commandos were in possession or control of any definite area or place."

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49. The Polish member of the Sub-Committee was of the opinion that the Franco-Laotian claims could not be confirmed since the documents examined and submitted by the French Liaison Mission did not seem to be the original ones. He, felt, however, that they might be taken into consideration after checking the actual facts on the spot by Commission Teams.

50. This divergence of opinion regarding the authenticity of the documents became more manifest at the 63rd Meeting of the Commission held on 2nd February, 1955. At this meeting the Canadian Delegation suggested that the general enquiry into the present strength, etc., of the Laotian National Army troops in the northern provinces should be discontinued. In its opinion there was conclusive documentary evidence about the presence of these elements in Sam Neua prior to the Cease-Fire. It further proposed that the French Liaison Mission should be invited to submit similar documentary proof concerning the presence of the Laotian National Army elements in the province of Phong Saly "if the particular documents are available."

51. The Canadian Delegation submitted a resolution in the above sense for the approval of the Commission.

52. The Polish Delegation repeated its earlier view that no conclusion about the presence of the Laotian National Army troops either in Phong Saly or in Sam Neua was possible on the basis of available evidence. It stated that investigations on the ground should be undertaken in both the provinces to determine the facts.

53. An incident at Nong Khang in the province of Sam Neua indicated the importance of a decision on this point. The Indian and Canadian Delegations considered that the incident was the result of a violation of Article 19 by the 'Pathet Lao' and invoked Article 32 in support of a resolution. (Appendix 'C').

54. The Polish Delegation, on the other hand, declared that the presence of the Franco-Laotian troops in Sam Neua and Phong Saly was a violation of Article 14 which, in its opinion, had given the two provinces in their totality to the 'Pathet Lao' as a regroupment area, and that the voting on the resolution was invalid as it tended to amend the Geneva Agreement and therefore required unanimity.

55. This was one of the occasions when the Canadian Delegation contended that the situation in the two northern provinces could not be resolved until the Commission took a decision on the interpretation of Articles 14 and 19. In its opinion it would be difficult for the two Parties to reach agreement on either the political or the military settlement unless they knew the Commission's views on the legality of the opposing claims.

56. The implications of Articles 14 and 19 were further discussed at several meetings of the Commission. The Polish Delegation

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expressed its inability to agree to the Canadian resolution referred to in Paragraph 51 above, on the ground that the Franco-Laotian groups which operated in the two provinces were for "spying, scouting and diversional activities" and could not be given the status of troops. It also insisted that the presence of regular troops before 6th August, 1954 could not be proved from documents.

57. On 7th April, the Canadian Delegation submitted a second resolution declaring that the "map, documents and reports taken as a whole, establish that Royal Government forces did operate in areas of the provinces of Phong Saly and Sam Neua before and up to 6th August, 1954 and that the territory which they militarily controlled on that date should, therefore, be respected by the other Party under Article 19 of the Geneva Agreement."

58. At this stage, the Indian Delegation pointed out that the question of the right of the Laotian National Army troops to remain in the northern provinces depended on the interpretation of Article 14 and should be kept separate from the immediate aim of removing chances of conflict between the two forces actually in position in the two provinces. It, therefore, proposed a demarcation of the area under the military control of the troops of both Parties with the proviso that their positions would not be strengthened.

59. Referring to the Indian proposals for removing the chances of an immediate conflict, the Polish Delegation stated that "the proposal concerning the demarcation of the position of the Laotian National Army troops in the two northern provinces is incorrect and restricts the rights of one of the Parties, rights which are guaranteed by the Geneva Agreement." The Polish Delegation was, therefore, of the opinion that under these conditions the most appropriate course would be to repeat to both the Parties the recommendation of 3rd December, 1954, (see First Interim Report pp. 94—96) and stress especially the necessity for a full implementation of the common declaration of the Parties dated 9th March (*vide* Appendix 'A').

60. The Polish Delegation was emphatic that no attempt should be made either to give legal recognition to the presence of Laotian National Army troops or to divide the provinces between the opposing forces. In its view a settlement of this problem should be left to the Parties. Any attempt to define zones of occupation by different forces in these provinces would be contrary to Article 19 which in the original French version referred to mutual respect of territory 'placed' under military control of Parties. The Laotian National Army had, therefore, no legal right to be in the two provinces which had been 'placed' under the 'Pathet Lao' under Article 14. The Polish Delegation was, however, willing to accept a purely provisional determination of the positions occupied by the Laotian National Army troops and to create around each of these positions an appropriate no-man's-land.

61. In view of the dangerous situation existing in these two provinces, the Commission made the following recommendation on

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20th April, 1955:—

“The International Commission has noted that the Parties are interpreting Article 14 in a contradictory way. The International Commission has received certain complaints from both sides regarding violation of Articles 19 and 14 based on such contradictory interpretations. The International Commission is looking into such complaints but in the meantime, without prejudging the rights of the Parties under Article 14 of the Geneva Agreement which will be considered by the International Commission at a later stage, the International Commission calls upon both Parties to send their representatives immediately to meet the Military Committee of the International Commission who, after taking into consideration the information and views given by both Parties and in consultation with them, would inform the International Commission regarding the posts of the Royal Laotian Government located in the two northern provinces bearing in mind the nature of military control, size of the post and consideration of local supply and maintenance. Supply and maintenance of Royal Laotian Government troops from outside will be done under the supervision of the International Commission. The International Commission will consider the proposal of the Military Committee in due course and thereafter make recommendation to both the Parties designating the area in which the troops of the Royal Laotian Government are located in the provinces of Phong Saly and Sam Neua and outside which areas the Fighting Units of ‘Pathet Lao’ are at present, free to move about. Under Article 19, the Royal Laotian Government troops, therefore, should not extend their areas nor the Fighting Units of ‘Pathet Lao’ should infringe into the area thus demarcated to the Royal Laotian Government troops.

The Military Committee, while making its recommendation in this regard, will indicate a zone of about 2 kilometres, depending on the local conditions, around the boundary of the Royal Laotian Government areas from which the armed forces of either side will be excluded in order to prevent any likelihood of violation of Article 19 of the Geneva Agreement.

“The International Commission recommends further that the Royal Laotian Government troops will not, with effect from the date of this recommendation, increase the strength of these posts; similarly, the Fighting Units of ‘Pathet Lao’ will not add to their present strengths in the provinces of Phong Saly and Sam Neua.”

62. The Indian and the Canadian Delegations voted in favour of the resolution. The Polish Delegation declared that the voting was

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invalid under Article 34, paragraph 2, since the resolution, in its opinion, meant an amendment of Article 14 and therefore could only be adopted unanimously.

63. In their reply on 23rd April, the Royal Laotian Government took the view that the resolution authorised the violation of Article 19 by the Vietnamese People's Volunteers/'Pathet Lao' forces and was contrary to the provisions of Articles 12 and 14 of the Agreement and that its implementation would render impossible the re-establishment of the Royal Administration in the provinces of Phong Saly and Sam Neua. However, as requested by the Commission, the Royal Government nominated two persons to be in touch with the Military Committee of the Commission.

64. In reply, the Commission pointed out that the resolution was "passed under Article 19 of the Geneva Agreement for the practical purpose of preventing further incidents between Laotian National Army forces on the one hand and Fighting Units of 'Pathet Lao' on the other." The Commission emphasized that "the recommendation of 20th April is without prejudice to the rights of the Parties under Article 14, which still remains to be interpreted." In a subsequent letter the Royal Government indicated that their criticism should not be treated as a rejection of the recommendation.

65. The 'Pathet Lao' rejected it stating that "Articles 14 and 19 of the Geneva Agreement can only be understood and interpreted in this way, i.e. that the Royal Party must respect the two provinces of regroupment of the 'Pathet Lao' forces, just as the 'Pathet Lao' forces have always respected, from the date of Cease-Fire until now, the ten provinces under the control of Royal Party and did not cause in these ten provinces any regrettable incident."

66. Meanwhile, the discussion regarding the presence of Laotian National Army in the two provinces was continued and an amended version of the Canadian resolution mentioned in paragraph 57 above was adopted with the support of the Indian and Canadian Delegations and against Polish opposition. It declared that "the documents and reports submitted by the French Liaison Mission taken as a whole, establish that Royal Government forces did operate in areas of the provinces of Phong Saly and Sam Neua before and up to 6th August, 1954."

67. On 24th May, the Canadian Delegation submitted a resolution on the question of re-establishment of Royal Administration in the two northern provinces. (see Appendix 'D').

68. The Polish Delegation stated that while it was not opposed to the re-establishment of Royal Administration in principle, it was of the opinion that the Parties themselves should decide the issue without any direct intervention of the Commission. The Delegation felt that the resolution might encourage the Royal Government to bring the two provinces under their administration by force.

69. The Indian Delegation was prepared to treat the resolution as basis for discussion. But, in view of the military control which

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the 'Pathet Lao' exercised over the two northern provinces, it did not consider that an immediate re-establishment of Royal Administration, as recommended by the Canadian Delegation, was practicable.

70. On 14th June the Canadian Delegation supported the text of the following letter addressed to the Royal Government and agreed to postpone consideration of its resolution:—

"The Geneva Agreement in Laos, does not make any specific mention of the establishment of the Royal Administration in any part of Laos, but the right of the Royal Government to the actual administration of the two provinces may be deduced from the recognition by the Geneva Powers of the unity of Laos and the sovereignty of the Royal Government over the entire country. This has never been disputed and has been recognized in principle by the Fighting Units of 'Pathet Lao' in their Declaration of 4th November, 1954.

"The Commission realize, however, that in view of the conditions prevailing in the provinces of Phong Saly and Sam Neua it would be difficult to establish the Royal Administration in these provinces effectively without the political settlement envisaged in Article 14 of the Agreement. It is presumed that whatever arrangement may be arrived at between the Parties will conform to the basic pattern of the Geneva Agreement.

"The Commission, therefore, reiterates its hope that the talks between the Parties will be resumed without delay and that all efforts will be made to pursue them until the political settlement is reached."

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CHAPTER IV

DEMOCRATIC FREEDOMS

71. The Commission at its meeting of 17th November, 1954, recommended that the two Parties should give wide publicity to Articles 15, 17 and 25 of the Geneva Agreement together with the relevant part of the Royal Government Declaration at Geneva regarding Democratic Freedoms.

72. On 4th February, 1955, at a meeting of the International Commission with the Joint Commission, the Franco-Laotian Delegation stated that thousands of leaflets in Laotian had been distributed and that adequate publicity had also been given through the "*Lao Presse*" and other media of information including radio.

73. The Vietnamese People's Volunteers/'Pathet Lao' Delegation said that they had taken no action to implement the Commission's recommendation as no agreed translation had been arrived at. They also said that the responsibility for this work should rest with each Party within the regions under its control.

74. The Commission pointed out that it had not asked for an agreed translation and that it was implied that each Party should take action in the area under its effective control. The Vietnamese People's Volunteers/'Pathet Lao' Delegation then agreed to take suitable action.

75. During the last six months the Commission received a number of complaints, mostly from 'Pathet Lao' authorities (*vide* 'B' of Appendix 'E') alleging violation of Article 15. The charges ranged from allegations of arrest and assassination of ex-members of the resistance movement to firing by Government troops on gatherings of civilians resulting in deaths and injuries. Complaints were also received that meetings of more than three persons had been banned and freedom of speech restricted.

76. In all twentyfour complaints were received from the 'Pathet Lao' side and eight from the Royal Laotian Government.

77. The Commission asked its Teams to investigate three complaints from the 'Pathet Lao' side and at the same time requested the Royal Laotian Government for reports on most of the other 'Pathet Lao' complaints. The Royal Government denied any breach of Article 15 and stated that in some instances arrests were made in accordance with the existing laws. The Royal Government maintained that the demonstrations against which they took action had all been inspired by foreign "agents"; as an example they cited a woman, reported by the 'Pathet Lao' to have been killed in a demonstration, as a "Vietnamese agent".

78. All the Royal Laotian Government complaints were referred to the 'Pathet Lao' authorities for investigation.

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79. A large number of replies from both the Parties are still to be received.

80. The Royal Government have given their opinion that the High Command of the 'Pathet Lao' is not authorised to collect complaints on violation of Article 15 in any area under their direct administration. The Commission has noted this view of the Royal Government and is considering what further action should be taken in this field.



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CHAPTER V

COMPLAINTS AND INVESTIGATIONS

81. The majority of the investigations ordered by the Commission during the period under review were carried out by the Fixed and Mobile Teams in Phong Saly, Sam Neua and Xieng Khouang (see Appendices 'E' & 'F').

Sam Neua

82. The Fixed Team, Sam Neua, conducted the following investigations:

- (i) *Presence of 10 Vietnamese People's Volunteers Officers in Sam Neua.*—The Franco-Laotian Delegation complained that 10 Vietnamese People's Volunteers Officers were stationed in Sam Neua even after the withdrawal of foreign forces and that two among them were holding official posts in the province.

The result of the investigation neither proved nor disproved the allegation.

- (ii) *Ban Saleui.*—The Franco-Laotian Delegation complained that the Royal Laotian National Guards stationed at Ban Saleui were overwhelmed and taken prisoners by the 'Pathet Lao'.

The Team found evidence that the troops of both sides were moving in the area, but it was not clear who entered first the village of Ban Saleui. The Team also found that the 'Pathet Lao' had encircled the village and taken some prisoners without any bloodshed. The Commission concluded that there were frequent movements of troops of both Parties in the area and took note of the findings and also of the recommendation of the Political Committee that in order to stop incidents, Articles 12 and 14 should be clarified.

- (iii) *Houei Thao.*—Due to the close proximity of the forces of both Parties at Houei Thao, the Commission received numerous complaints of incidents around the post.

Several of these were investigated into by the Teams which came to the conclusion that there had been some movement of 'Pathet Lao' forces in the area and that incidents were likely to continue unless separation of the opposing forces could be achieved.

The Commission recommended to both the Parties that they adhere to the Cease Fire Agreement.

- (iv) *Xieng Kho.*—The 'Pathet Lao' complained that their post was attacked and plundered by the Laotian National

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Army. While the Team agreed that there was evidence of an attack by an armed group, in the opinion of the Canadian and Indian members, there was not sufficient evidence to prove that the attackers were members of the Laotian National Army. The Polish member was, however, of the opinion that there was sufficient evidence to indentify the armed group as a military unit of the Franco-Laotian Party. Because of the long period of time between the date of the incident and the investigation and because of the uncertainty of the evidence, no action was taken by the Commission on the report of this investigation.

- (v) *Muong Peun*.—The Royal Laotian Government complained in May that the 'Pathet Lao' encircled Muong Peun and that an attack was imminent. The Indian and Canadian members of the Team were of the opinion that the 'Pathet Lao' established new posts and occupied new villages whenever possible around the Laotian National Army post at Muong Peun resulting in an encirclement of the post. The Polish member's opinion was that the 'Pathet Lao' posts did not create complete encirclement of Muong Peun and that the nearest 'Pathet Lao' post was 3 kilometers away from the Laotian National Army post at Muong Peun and two of the tracks leading to the posts were not blocked by the 'Pathet Lao'. The Polish member also reported that Laotian National Army reinforcements arrived during the Team's stay in Muong Peun. The Commission recommended to both the Parties that they adhere strictly to the Cease-Fire Agreement.

Xieng Khouang

83. The Mobile Team at Xieng Khouang, before it was withdrawn in April, conducted the following investigation:—

Nong Khang.—The Franco-Laotian Party complained that the 'Pathet Lao' had encircled the post of Nong Khang forcing the Laotian National Army to withdraw. The majority findings of the investigating Team are contained in the Resolution in Appendix 'C'.

On 25th February, the Commission passed, by a majority vote, a Resolution based on the reports of the Team. The Polish Delegation refrained from voting on the Resolution as a whole and raised a point of order that under Article 34, paragraph 2, it required a unanimous vote, as, in its opinion, it attempted to amend the Agreement. The Chairman overruled this objection and held that no unanimity was necessary as the Resolution was merely designed to find a solution to a particular incident. The Resolution was accordingly declared passed by the Chairman by a majority vote under paragraph 1 of Article 34.

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There followed a discussion in the Commission as to whether the difference of opinion on the point of order raised by Polish Delegation should not be referred to the Co-Chairmen of the Geneva Conference. It was finally decided there was no need to follow this course. The recommendation was formally sent to the 'Pathet Lao' and the Royal Laotian Government on 23rd and 28th April respectively.

The Polish Delegation then urged that their point of view should be conveyed by the Secretariat to the Parties simultaneously with the text of the Resolution. The Chairman ruled that no provision existed for informing the Parties of a minority opinion and refused to accept the Polish request. Thereupon the Polish Delegation declared that the Resolution was "not binding for anybody" and announced its intention—which it carried out later—to inform the Parties direct of its point of view.

The reply from the High Command of the Fighting Units of 'Pathet Lao' rejecting the recommendation was received only on 11th June. (see Appendix 'G').

84. The Fixed Team, Xieng Khouang, conducted the following investigations:

- (i) *Muong Peun*.—The Commission received complaints from both Parties concerning attacks on each other in the Muong Peun area during the months of January, February and March. Two investigations were carried out. The Team found that both sides were using encirclement and pressure tactics resulting in threats of annihilation and intimidation towards each other. On some occasions, fighting took place. The Team found that the villages in the area changed hands quite frequently—sometimes through evacuation and at other times as a result of force. In view of the numerous complaints in this area, the Commission ordered a Sub-Team to be sent to Muong Peun area where it has since remained.
- (ii) *Hua Xieng*.—The Royal Laotian Government alleged that Fighting Units of 'Pathet Lao' attacked the Laotian National Army post at Hua Xieng. While the Indian and Canadian members of the Team concluded that the 'Pathet Lao' had attacked this post, the Polish member felt that there was insufficient evidence to substantiate this allegation. The Commission is still considering the report of investigation.

Phong Saly

85. The Mobile Team, Phong Saly, conducted the following investigations:

- (i) *Lyvay*.—The Team was ordered to find out if Laotian National Army units were present in the area between

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22nd July and 6th August, 1954. The Team did not find any Laotian National Army troops in the village at the time of investigation, but found evidence that the Laotian National Army forces were near Lyvay at the end of August but had left in September or October. The Commission concluded that the Laotian National Army's action in this area was a violation of Article 12 and requested the Royal Government to take suitable action under Article 17.

- (ii) *Boun Neua*.—Again, due to the proximity of the forces of both sides, the Commission received numerous complaints concerning incidents in this area. These included allegations of ambushes, taking of prisoners and clashes between troops. Findings of the investigation Team into most of these incidents appeared to be inconclusive. However, the Team did find that on one occasion, Laotian National Army troops surrounded the nearby village of Sengtham and took prisoners. Some of the reports from Boun Neua are still under consideration.
- (iii) *Malitao*.—The Team was ordered to find out if the Laotian National Army units were present in the area during the period 22nd July to 6th August, 1954. The Team found evidence that the Laotian National Army were in this area for three years except for a time when it was held by the Vietnamese People's Volunteers. The Team also concluded that the Franco-Laotian forces returned to Malitao after the Vietnamese People's Volunteers had left the area in September. The International Commission agreed that this movement by the Laotian National Army forces in September was a violation of Article 12 and asked the High Command of the Laotian National Army to take action under Article 17.
- (iv) *Outay*.—On the 'Pathet Lao' complaint that Outay had been captured by the Laotian National Army, an investigation was ordered. This has been completed, but the report has not yet been received by the Commission.

Vientiane

86. The Fixed Team, Vientiane, carried out the investigation concerning some documents reported to have been found by the Laotian National Army on the body of a North Vietnamese officer killed in December near Muong Peun. The Royal Laotian Government claimed that the presence of these documents on the body of the Democratic Republic of Vietnam officer supported their allegation that members of the Democratic Republic of Vietnam army were continuing their activities in the provinces of Phong Saly and Sam Neua. The result of the investigation is still under consideration by the Commission.

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87. The Commission has ordered the Fixed Teams in Sam Neua and Phong Saly to investigate as soon as possible the following complaints:

- (i) *Sopnao* Complaint relating to illegal introduction of armament for the 'Pathet Lao' forces.
- (ii) *Ou Neua* 'Pathet Lao' complaint that the Franco-Laotian forces occupied this place on 27th January.
- (iii) *Phong Saly Sector* . Royal Laotian Government complaint that regular Vietnamese People's Volunteers elements are present in this sector.
- (iv) *Malitao* 'Pathet Lao' complaint regarding the presence of Kuomintang elements in Malitao sector of Phong Saly province.
- (v) *Houei Thong* 'Pathet Lao' complaint regarding the murder of a witness who had given evidence to the Commission's Team.
- (vi) *Moung Peong* 'Pathet Lao' complaint relating to murders and plunder in this region.
- (vii) *V'ang Mo* 'Pathet Lao' complaint relating to murders and armed attacks in this village.
- (viii) *Muong Poun* . . . Royal Laotian Government complaint on the illegal introduction of armaments for the 'Pathet Lao' forces.
- (ix) *Phieng Luong* . . . Royal Laotian Government complaint regarding the presence of the Democratic Republic of Vietnam army elements in this sector.

Difficulties encountered

88. The investigating Teams have been facing numerous difficulties: co-operation of the Parties often leaves much to be desired, interpreters have been found inadequate both in number and quality, and the difficulties of transport are both chronic and severe.

89. The lack of interpreters has proved a great handicap in conducting investigations. With the disbandment of the Joint Commission and the withdrawal of the Joint Groups, no interpreters were left with the Teams. The first request to the 'Pathet Lao' authorities for interpreters was made by the International Commission on 24th February. On 5th March, the Commission requested both the Parties to provide four interpreters for the northern provinces and a pool of interpreters at Vientiane. Although some administrative problems occasionally arose, the Commission did not experience any serious difficulties in securing Laotian National Army interpreters, but it did so in the case of 'Pathet Lao' interpreters. One 'Pathet Lao' interpreter reported for duty in Sam Neua towards the end of March. Since early May, this interpreter has been with the Sub-Team in Muong Peun and no other interpreter has been made available for the province of Sam Neua. This has meant that

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all investigations in this province except those near Muong Peun, have been held up for want of interpreters. Even in Muong Peun the investigations could not be carried out principally for want of other facilities from the 'Pathet Lao' local authorities, although a 'Pathet Lao' interpreter was available. The fixed Team in Phong Saly faced similar problems and was inactive until early May, when a 'Pathet Lao' interpreter reported for duty. Numerous letters from the Commission have been sent to the 'Pathet Lao' authorities asking them to discharge adequately their obligations under Article 26. The 'Pathet Lao' informed the Commission early in June that it was difficult for them to find sufficient French speaking Laotians to act as Interpreters. On 22nd June, the Commission sent a further letter to the 'Pathet Lao' requesting them to make all possible efforts to find the required number of interpreters, and let the Commission know definitely within ten days, whether these interpreters would be available or not.

90. Lack of air transport has also been a serious source of difficulty. The position regarding helicopters and light aircraft has lately deteriorated and the Commission is considering measures to remedy it.

91. Failure of the Parties to provide always the necessary facilities to the Commission's Teams has been another important reason for delay. The Commission has twice protested to the 'Pathet Lao' authorities against restrictions on movement of its personnel in the provinces of Phong Saly and Sam Neua. This and other failures of the Parties to provide adequate assistance and facilities to the Teams have prompted the Commission to remind them on several occasions of their responsibilities in this field.

Summary of complaints received and investigations ordered

92. The tables in Appendices 'E' and 'F' are summaries of complaints received by the Commission and of investigations ordered during the first half of 1955. Most of these investigations concerned incidents of a military nature in the two northern provinces.

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FORCED RECRUITMENT

95. The allegation regarding forced recruitment in the area of Ban Ken Dou can be considered by the Commission only after a settlement has been reached by the two Governments concerned about the disputed border.



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CHAPTER VII

COMPENSATION AND PAYMENTS

96. The Vietnamese People's Volunteers and 'Pathet Lao' forces had made purchases and obtained loans from the local population while they were stationed in Lower and Middle Laos. The agreement of the Vietnamese People's Volunteers/'Pathet Laos' Delegation to make necessary payments was embodied in a convention describing the method of realisation; this was signed on 17th October, 1954 by the Vietnamese People's Volunteers/'Pathet Lao' and Franco-Laotian representatives in the Joint Sub-Commissions at Paksong and Mahaxay (Lower Laos and Middle Laos). A claim of about six million piastres was still to be satisfied when the Vietnamese People's Volunteers/'Pathet Lao' forces completed withdrawal on the agreed date of 19th November, 1954. The convention was, however, repudiated by the Franco-Laotian Delegation at the Joint Commission at Khang Khay.

97. The Franco-Laotian Delegation argued that the convention signed by the Joint Sub-Commissions at Mahaxay and Paksong was not valid since the Khang Khay Agreement of 29th August, 1954 specifically prohibited the Joint Sub-Commissions from entering into signed accords. They were of the opinion that the payments should have been effected before the Vietnamese People's Volunteers/'Pathet Lao' forces finally withdrew. Since that was not done, the Franco-Laotian Delegation felt that the matter now came within the sole competence of the Royal Government, which refused however to re-admit Vietnamese People's Volunteers/'Pathet Lao' representatives and officials to these areas for the purpose of arranging payment. They proposed, therefore, that the Vietnamese People's Volunteers/'Pathet Lao' Delegation should hand over all documents to the Royal Laotian Government and that the latter would then make payment in the presence of representatives of the Commission.

98. The 'Vietnamese People's Volunteers/'Pathet Lao' Delegation contended that since these payments were a consequence of the process of withdrawal of their forces from these areas, they, as one of the signatories of the Geneva Agreement, had every right to be present through their representatives and officials when the claims against them were being settled. They insisted, therefore, that these payments be arranged direct by their officers. They subsequently suggested that, if necessary, the payments could be made by the Royal Laotian Government in the presence of the Vietnamese People's Volunteers/'Pathet Lao' officers in the Joint Groups and Joint Sub-Commissions.

99. This question was discussed during the last series of meeting between the International Commission and the Joint Commission. As a result, an agreement was signed between the two Parties on 12th February, 1955 by which the funds would be made available by the Vietnamese People's Volunteers/'Pathet Lao' Party to the Royal

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Laotian Government and the payments would be made by the latter under the supervision of the Commission and in the presence of the representatives of the 'Pathet Lao'. The Vietnamese People's Volunteers/'Pathet Lao' Delegation agreed to hand over all the relevant documents before 20th February, 1955.

100. However, for several weeks no attempt was made by the Parties to implement the Agreement, and on 25th March, 1955 the Commission asked the Royal Laotian Government if they had received the necessary documents and if any action had been taken to arrange payments. The Royal Laotian Government have not yet sent a reply and meanwhile the Commission has not received any complaints from any quarters.



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CHAPTER VIII

PROHIBITION OF INTRODUCTION OF FRESH TROOPS, MILITARY PERSONNEL, ARMAMENTS, MUNITION AND PRESENCE OF UNAUTHORISED FOREIGN TROOPS

101. Efforts by the Commission to implement the provisions of Chapter II of the Geneva Agreement concerning the introduction of Fresh military personnel and war material have been continued in 1955.

102. In January the Commission drew up a set of draft instructions for the guidance of its Teams and sent copies to the French Liaison Mission and the Royal Laotian Government (Appendix 'H'). The draft instructions were divided into two parts: first, dealing with the supervision of 1,500 officers and men of the French Military Mission (Article 6) and of 3,500 officers and men of the French Military establishments (Article 8); and second, dealing with the supervision and control of introduction of war material.

103. On the basis of discussions with the French and Laotian National Army High Command the Commission drew up the following interpretation of the terms of the Geneva Agreement relating to the French Military establishments:—

- (a) All units forming part of the base at Seno would maintain with them the normal war equipment as authorised for each unit.
- (b) On rotation the unit going out would take its own authorised war equipment.
- (c) When a unit leaves the establishment without personal arms or unit war equipment, the incoming relief unit would likewise come without personal arms and unit war equipment.
- (d) Replacements, piece by piece, of unserviceable war material sent out of the establishment would be in order.

These were transmitted to the Royal Government and the French Liaison Mission on 20th January, 1955.

104. In a communication dated 15th February, the French Liaison Mission accepted the above proposals, but suggested the incorporation of the additional four points:—

- (a) Having been authorised by the Geneva Agreement to maintain in Laos a strength of 3,500 men in its military establishment, France reserved the right to reach this figure at any time. The reinforcements sent to reach this figure should not therefore be considered as the introduction of fresh troops, forbidden by the first paragraph of Article 6, but as the relief for units previously withdrawn from Laos.

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- (b) The units entering into Laos under the category above should bring all the equipment organic to the unit, particularly their armament. This should apply, amongst others, to the operational detachments of the Air Force who should arrive with their aircraft, to relieve those withdrawn since the Cease Fire.
- (c) Relief of individuals should not involve any entry or exit of war materials.
- (d) Expendable stores, and particularly ammunition, should not be subject to control at entries and exits at the time of relief of complete units. The depots should be maintained permanently and replenished according to expenditure (practice firing) or to wastage (downgrading, destruction).

105. In a further communication dated 11th March, the French Liaison Mission approved of the draft instructions in general, but could not agree to an individual check of the personnel either of the French Military establishments or that of the French Military Mission with the Laotian National Army. It pointed out that it could give to the Commission only a simple periodical statement of strength but no breakdown into different categories. The French Liaison Mission agreed to the Commission exercising a check on the total strength of the French Military establishments but not those of the Laotian National Army. In the statement submitted by the French Liaison Mission only the total strength of forces at Seno Base has been shown without distinguishing between Air and Land forces.

106. The Royal Government expressed on 16th March, 1955 its complete agreement with the modifications proposed by the French Liaison Mission. It wished, however, to know what measures the Commission proposed to take to ensure against the entry of arms and foreign personnel into the two Northern Provinces.

107. On 26th April the Commission drew up a revised set of instructions for the guidance of its Teams in the supervision and control of the French Military Mission and the introduction of war materials for the Laotian National Army (Appendix 'I'). The instructions relating to the French Military Mission were later amended in the light of views expressed by the French Liaison Mission (Appendix 'J').

108. The present position is as follows:—

- (a) Instructions, as proposed by the Commission, for the control and supervision of the introduction of arms have been accepted (Appendix 'I').
- (b) Instructions, as proposed by the Commission, for the control and supervision of 1,500 members of the French Military Mission have been accepted with amendments (Appendix 'J').

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- (c) Instructions for the control and supervision of the 3,500 members of the French Military establishments are still under consideration.

SUMMARY OF RESULTS OF SUPERVISION AND CONTROL

A: War Material for the Laotian National Army

109. The Commission has received from the Royal Laotian Government an estimate of the war material considered by it as necessary for the defence of Laos in 1955. Monthly forecasts and reports on such imports during the preceding months, as foreseen under paragraph 3 Part II of the instructions, have not been forwarded to the Commission.

110. Except one convoy of 1,000 rifles, the Commission's Teams have not reported any substantial importation of war material for the Laotian National Army.

B: French Military Mission with the Laotian National Army

111. The first report on the strength of the French Military Mission having been supplied only in June, documents have not so far been checked.

C: French Military establishment at Seno

112. Pending an agreement on the procedure, and in accordance with the provisional instructions of 18th December, 1954 the Commission's Teams at Savannakhet and Pakse have been checking convoys on information furnished by the local Commanders. The Teams are not always able to ascertain whether a convoy is destined for the French Base at Seno or for the Laotian National Army, as the name of the consignee is sometimes not indicated on the documents. The authorities concerned have been requested to remove this difficulty.

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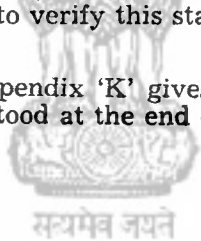
CHAPTER IX

PRISONERS OF WAR AND CIVILIAN INTERNEES

113. During the period under consideration the question of Prisoners of War and Civilian Internees was dealt with in a number of letters received from both the Parties up to the 12th of February. After that date no other letters were forwarded to the Commission on this matter and it is stated that neither Party admits having any Prisoners of War or Civilian Internees of the other Party in its custody.

114. As was to be expected, the claims of the different Parties were widely contradictory. Even making allowances for inaccurate classification as between Civilian Internees and Prisoners of War, it would appear that each Party claims that the other is holding a large number of persons belonging to it. By and large, most of the French nationals seem to have been released. But a most pessimistic interpretation of the figures supplied by the opposing sides would indicate that the Vietnamese People's Volunteers/'Pathet Lao' side are still holding between 706 and 1846 persons of the Royal Laotian Government side and that the latter are retaining 692 Vietnamese People's Volunteers/'Pathet Lao' men. The disparity in the figures of men alleged to be held by the Vietnamese People's Volunteers/'Pathet Lao' side is explained by the fact that the Vietnamese People's Volunteers/'Pathet Lao' side claim that even before the Cease Fire it released 1,140 men belonging to different categories. It has not been possible to verify this statement.

115. The table at Appendix 'K' gives a summary of claims and counter-claims as they stood at the end of June, 1955.



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CHAPTER X

REMOVAL AND NEUTRALIZATION OF MINES

116. The Commission recorded in its First Interim Report that both the Parties had given assurance that they had fully implemented the Khang Khay Agreement of 29th August, 1954 regarding the removal or fencing of all mines and booby traps on the routes of withdrawal, along the important lines of communication and in the vicinity of populated areas. During the regroupment and withdrawal of forces, no complaints or reports of any casualty due to mines and booby traps were brought to its notice.

117. However, since May, 1955 the Commission has received from both sides some complaints of this nature relating to the province of Sam Neua. The Sub-Team at Houei Thao reported that mines were obstructing the main tracks and water points in its particular area. All these complaints could not be properly investigated, but the Commission sent letters to both Parties drawing their attention to Article 3-A of the Geneva Agreement, requesting them to keep it informed if certain areas had yet to be neutralized. The Royal Laotian Government replied that they had removed all mines and booby traps laid before 6th August, 1954 and that no further ones had been laid. No reply has yet been received from the 'Pathet Lao' High Command.

118. Following a fresh complaint from the Royal Laotian Government, the Commission sent another letter to both the Parties on 25th June, 1955 stressing that the laying of mines was not only a violation of Article 3-A of the Geneva Agreement but also constituted a serious danger to the lives of the local population. The two Parties were therefore requested to clear all mines and booby traps in the areas under their military control.

119. Because of the limited number of Teams available in the province of Sam Neua and the need to concentrate on more urgent and important investigations, the complaints regarding the laying of mines and booby traps could not be enquired into.

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CHAPTER XI

WORK OF THE GRAVES COMMISSION

120. The problem of War Graves has three aspects:—

- (i) exchange of lists of names, and the location of the graves;
- (ii) number of exhumation Teams;
- (iii) time required for exhumation.

By 31st December, 1954, no progress had been made in any aspect of this work.

121. A detailed memorandum by the Vietnamese People's Volunteers/'Pathet Lao' Delegation on the subject was forwarded to the Commission on 29th December, 1954.

122. The Franco-Laotian Delegation sent on 11th January, 1955, the first list of 53 dead Vietnamese People's Volunteers/'Pathet Lao' Prisoners of War and Civilian Internees, 16 of whom they identified as among those claimed for return by the Vietnamese People's Volunteers/'Pathet Lao' side.

123. The Commission at its meeting on 22nd January, 1955, was unable to make specific recommendations in the absence of any detailed claims by the Parties. It was felt, however, that at the next meeting between the International Commission and the Joint Commission, the following points should be considered:—

- (i) the Joint Commission was to fix a procedure for finding and removing the bodies;
- (ii) the Commanders of the Forces of each Party were to exchange information concerning the places of burial;
- (iii) the Commanders of the Forces of each Party were to allow, within a specific period, facilities to the exhumation Teams for search and removal;
- (iv) the composition and strength of each exhumation Team were to be determined;
- (v) the procedure for removal of the bodies of French nationals captured in Laos who died after removal to Vietnam, was to be settled;
- (vi) time-limit for completion of the entire task was to be fixed by the Joint Commission.

124. It became clear from the first meeting which the International Commission had with the Joint Commission towards the end of January, 1955, that, although the two Delegations had failed to come to any agreement, each of them had by then prepared a fairly exhaustive plan which had been discussed with the other. At the International Commission's instance a Sub-Commission of the Joint

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Commission met privately for several days to prepare an agreed protocol, but the differences, except in the first category as indicated below, were resolved only after protracted negotiations:—

- (i) *Exchange of lists*: It was agreed that lists would be exchanged within 24 hours of the signing of the convention.
- (ii) *Number of exhumation Teams*: The Franco-Laotian Delegation suggested two Franco-Laotian Teams for Phong Saly and Sam Neua and ten Vietnamese People's Volunteers/'Pathet Lao' Teams for the rest of Laos as against a Vietnamese People's Volunteers/'Pathet Lao' proposal of four Franco-Laotian Teams in the former region and fourteen Vietnamese People's Volunteers/'Pathet Lao' Teams in the latter. Secondly, as regards the composition of the Team the Franco-Laotian Delegation suggested six members including the representative of the civil administration, while the Vietnamese People's Volunteers/'Pathet Lao' Delegation proposed that the Team members should be representatives of the signatories of the Geneva Agreement. Thirdly, the Franco-Laotian Delegation proposed the formation of a central co-ordinating Team consisting of three Vietnamese People's Volunteers/'Pathet Lao' and three Franco-Laotian representatives with its headquarters at Seno. According to the Vietnamese People's Volunteers/'Pathet Lao' Delegation, this body was to be composed of two representatives each from the Vietnamese People's Volunteers and 'Pathet Lao', the French Union and the Royal Laotian Delegations, with headquarters at Vientiane. In addition, the Vietnamese People's Volunteers/'Pathet Lao' Delegation wished to have a staff of twelve.
- (iii) *Time-limit*: The Franco-Laotian Delegation desired the operations to be completed within six months of the signing of the convention while the Vietnamese People's Volunteers/'Pathet Lao' Delegation asked for nine months but later agreed to reduce it to six and a half months.
- (iv) *Dress of the Teams*: The Franco-Laotian Delegation wanted the staff to be dressed in civilian clothes, whereas the Vietnamese People's Volunteers/'Pathet Lao' Delegation proposed military uniforms.

125. The Franco-Laotian Delegation made it clear that, keeping in mind the Vietnam Agreement involving 40,000 graves, it was adequate in their opinion to have a small body with a few Vietnamese People's Volunteers representatives for the exhumation of about 900 graves in Laos. The Vietnamese People's Volunteers/'Pathet Lao' Delegation, insisted, on the other hand, that a large and dispersed organisation was necessary because of the topographical and transport problems peculiar to Laos. They also insisted on a Central Co-ordinating Committee representing all the Parties.

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126. On 10th February a convention was signed by the Parties on the procedure for exhumation and removal of the bodies of the deceased military personnel including bodies of deceased prisoners of war. The text of the Convention is given as Appendix 'L'.

127. Following a request by the Commission for a report of progress, the Fixed Team at Savannakhet, after consultation with the Graves Co-ordinating Committee, indicated that both the Parties were agreed that the total number of graves affected was about 944 of which 130 were in Phong Saly and Sam Neua, 393 in the three southern provinces and 421 in the rest of Laos. The Fixed Team reported, however, that several difficulties still prevented the exhumation Teams from starting their work.

128. It became clear from the memoranda received from both the Parties that serious difference of opinion existed on the following points:—

- (i) *Distribution of Teams:* The Vietnamese People's Volunteers/'Pathet Lao' Delegation wished to have one Team for each province in spite of the unequal distribution of graves, on the ground that each Team would in that case have in its own area at least two months to carry out its task before the commencement of the rainy season. They contended that a great number of graves might have to be abandoned all over Laos during the rains if all the ten Vietnamese People's Volunteers/'Pathet Lao' Teams, as desired by the Franco-Laotian Delegation, were concentrated first in the three provinces of Saravane, Attapeu and Champassak, and later (from early June) in the remaining provinces. The Franco-Laotian Delegation claimed that their suggestion was based on the difficulties of providing transport and other facilities in all the provinces at the same time. The Vietnamese People's Volunteers/'Pathet Lao' Delegation added that communications were easier, during the rainy season, in the southern provinces where the graves were numerous; hence particular care should be taken to cover the remote provinces before the weather deteriorated. Further, they asserted that the Graves Convention specified one Vietnamese People's Volunteers/'Pathet Lao' Team for each of the ten provinces. There was no difference of opinion in regard to the positioning of the Franco-Laotian Teams in Phong Saly and Sam Neua.
- (ii) *Regroupment of cemeteries:* The Vietnamese People's Volunteers/'Pathet Lao' Delegation, basing themselves on Article 2(c) of the Convention, pressed that each grave should bear the name of the deceased with a suitable inscription, that in some places the graves should be grouped in cemeteries bearing appropriate citations. The Graves Co-ordination Committee had agreed to suitable inscriptions on individual graves. Later, the Royal Government made clear their categorical opposition to any inscriptions or

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citations either on individual graves or cemeteries. In any event, they objected to the construction of cemeteries. The Franco-Laotian Delegation explained that in view of this attitude of the Royal Government they were unable to accede to the request of the Vietnamese People's Volunteers/'Pathet Lao' Delegation.

129. The Royal Government later clarified their position in a letter to the Commission, dated 9th May, 1955. They considered the subject of graves "as without interest and further not in conformity with Article 18 of the Geneva Agreement." They pointed out that this Article provided only for the removal and transfer of bodies and that if the Convention on Graves had, on the other hand, referred to cemeteries this was done only to find a solution in cases where removal and transfer of bodies were impossible because of distances and transport difficulties. In other words, the Royal Laotian Government argued that cemeteries could only be accepted in most exceptional circumstances and as a hypothetical possibility and never as a part of any recognised or planned disposal. Since, in the view of the Royal Laotian Government, these exceptional circumstances could never be cited in the case of Vietnamese People's Volunteers bodies, no cemeteries for them would be allowed by the Royal Laotian Government.

130. The Military Committee of the Commission met the Graves Committee in Vientiane between 5th and 10th May. As regards the distribution of Teams, the Franco-Laotian Delegation accepted the suggestion of the Military Committee that five Teams be sent to Lower Laos, three to Middle Laos, and two to Upper Laos, and, the Vietnamese People's Volunteers/'Pathet Lao' Delegation agreed to consider this as a basis for discussion. In regard to the time-limit for the completion of the operations, the Vietnamese People's Volunteers/'Pathet Lao' Delegation said that, because of time already lost in preliminary talks, the period of operations should be extended for six months after the date of commencement of work. The Franco-Laotian Delegation insisted that the time-limit should expire on 10th August, 1955 as mentioned in the Convention.

131. During these meetings the Vietnamese People's Volunteers/'Pathet Lao' Delegation expressed a wish to consult their respective High Commands and on 12th May the Commission was informed that all the Vietnamese People's Volunteers/'Pathet Lao' representatives had been instructed to report at Hanoi and Sam Neua. The Commission requested the French Liaison Mission to arrange for their air transport. After some delay the French Liaison Mission agreed to provide necessary transport to the Vietnamese People's Volunteers and 'Pathet Lao' Delegations to return to their headquarters. The Commission has been informed that the arrangements are now being made and that these delegates would soon be transported to Hanoi and Sam Neua.

132. The Royal Laotian Government asserted that the departure of the entire Vietnamese People's Volunteers/'Pathet Lao' Delegation.

would be a repudiation of the Graves Convention, but the Commission informed them that it could not agree with this interpretation.

133. As regards the Franco-Laotian Delegation's request to start work immediately in Phong Saly and Sam Neua on the French graves, the Vietnamese People's Volunteers/'Pathet Lao' Delegation pointed out that this could be undertaken simultaneously with a general settlement of the entire problem. Since the Commission had considered the Convention valid until 10th August, irrespective of whether the Vietnamese People's Volunteers and 'Pathet Lao' Delegations returned from their headquarters or not, it made it clear that after this date the work of the graves could only proceed if a new Convention were drawn up or the old one extended by the consent of both the Parties.



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CHAPTER XII

ESTABLISHMENTS AND ORGANISATION

134. The Chief of the Polish Delegation, Mr. M. Graniewski left for Poland for reasons of health on 15th March, 1955. Since then, during the whole period under report, Mr. A. Malecki led the Polish Delegation as its Acting Chief. The Chief Military Adviser of the Polish Delegation, Lieutenant Colonel W. Wisniewski was replaced by Lieutenant Colonel Z. Moskwa in the month of June.

135. Major General P. S. Gyani, Alternate Delegate of the Indian Delegation left Laos on 27th April. Major General P. N. Kirpal has taken his place.

136. The Chairman of the Commission, Dr. J. N. Khosla (India) proceeded on leave in May and Mr. S. Sen was appointed Chairman in his capacity as the Leader of the Indian Delegation.

137. Except for a few persons who were compelled to leave for reasons beyond their control, there was no change in the International Secretariat.

138. The Fixed and Mobile Teams of the Commission continued to function. A Fixed Team was established at Tchepone on 21st March, 1955. The repair of the road passing through Tchepone had not, however, made sufficient progress by the time the rains commenced. The Commission decided, therefore, to transfer the Team from Tchepone to Xieng Khouang and utilise it temporarily for investigations in the province of Sam Neua.

139. The Fixed Team at Sophao was transferred to Sam Neua on 10th January, 1955.

140. In March, the question of the Teams, Fixed and Mobile, was reviewed by the Commission, and it was decided to withdraw all the Mobile Teams except the one in Luang Prabang. This was effected by 14th April, 1955.

141. On 30th June, the Commission had Fixed Teams at the following places in addition to the Mobile Team at Luang Prabang:—

Pakse

Savannakhet

Tchepone (temporarily at Xieng Khouang)

Vientiane

Xieng Khouang

Phong Saly

Sam Neua

The Signals Detachment continued to be maintained at Boun Neua.

142. The maintenance of the Teams in the northern provinces of Phong Saly and Sam Neua has not been easy. Long before the monsoon commenced, the Commission had considered the problem of

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supplying rations and medical stores to these Teams. The Deputy Secretary-General (Administration) and Administrative Officer of the International Secretariat visited Sam Neua, Boun Neua and Phong Saly and examined local resources and the requirements of the Teams during the rainy months, when communications by air were likely to be suspended. It was decided to build up a three months' reserve of rations and other requirements at Phong Saly and Sam Neua.

143. It was feared that the airstrip at Boun Neua might become unserviceable during the rains; but at later information from the French airforce authorities indicated that it could be used during the entire year, the Commission decided to retain the Signals Detachment and a helicopter at Boun Neua. All the northern Teams have been provided with reserve rations to safeguard against risks of supplies not being available because of weather conditions.

144. The question of illness during the monsoon months among the Commission personnel in Sam Neua, Phong Saly and Boun Neua also engaged the attention of the Commission. There are no medical facilities in the two northern provinces and it was feared that if removal of sick persons by air became impossible, the medical orderly stationed with each Team would not be able to attend adequately to instances of serious illness. This actually happened once, even before the monsoon really started, when two Polish members of the Phong Saly Team and another Polish member of a Sub-Team at Muong Peun fell ill, and could not be evacuated due to a lack of helicopters. A Medical Officer had to travel from Boun Neua to Phong Saly on foot and pony. The problem has now been more or less solved by stock-piling of sufficient medical supplies and by the appointment of a Medical Officer as a member of each Team. These officers have also given medical attention to the local population.

145. Air transport was generally satisfactory until May when the number and maintenance of helicopters and light aircraft deteriorated. The courier plane service connecting Saigon, Phnom-Penh, Vientiane and Hanoi continued. Arrangements for motor transport for Teams outside Vientiane were not always satisfactory: jeeps placed with them had been in war service for many years and broke down frequently.

146. Signal Communications of the Commission with its Teams and with Vietnam and Cambodia continued to function satisfactorily.

147. Between 1st January and 30th June, 1955, the International Commission met 58 times and also held 9 meetings with the Joint Commission. During the same period, the Military, Political and Administrative Committees held 23, 30 and 10 meetings respectively.

148. The Secretariats-General of the three Commissions in Indo-China met in a Co-ordination Conference on 3rd and 4th April at Vientiane. This meeting reviewed earlier decisions on administrative, financial and operational matters taken at the first Co-ordination Conference held in Hanoi in November, 1954.

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CHAPTER XIII

PUBLIC RELATIONS

149. During the period under review, the Commission issued twelve press communiques dealing with a variety of subjects a list of which is given in Appendix 'M'.

150. On 14th March, 1955 at the suggestion of the Canadian Delegation, it was decided that the Public Relations Officer should prepare periodical communiques on the activities of the Laos Commission and place the drafts before the meeting for approval. In practice no such communique was, however, issued.

151. On a few occasions, the Parties prematurely released to the Press documents addressed to the Commission. Consequently, the Commission addressed a communication to the Parties, on 28th April, asking them to refrain from such releases until the Commission had had time to deal with the documents in question.

152. A number of foreign correspondents and a Television Unit of the British Broadcasting Corporation visited Laos and were assisted by the Public Relations Officer, who also kept in touch with correspondents in Saigon and Hanoi. Film Units from the Governments of India, Poland and Canada were among those to whom facilities were extended.

153. Co-ordination of the working methods and relations among the Public Relations Departments of the three Commissions in Vietnam, Cambodia and Laos were discussed at the Second Co-ordination Conference of the three Secretariats-General, held in Vientiane in April. Among the decisions agreed to, were:—

- (i) Policy regarding publicising the work of each Commission should be decided by the Commission concerned;
- (ii) Facilities should be given for accredited correspondents travelling by the Commission's courier plane.

S. SEN,
Delegate of India and Chairman.

L. MAYRAND,
Delegate of Canada.

J. ZAMBROWICZ,
Delegate of Poland.

APPENDIX 'A'

Joint Declaration by the Political Conference giving undertakings to put a stop to Hostile Acts, particularly Military Activities.

In order to implement the Geneva Agreement and realise the common aim of the Royal Laotian Government and the Forces of the 'Pathet Lao' so as to satisfy the aspirations of the Laotian people who desire to see an agreement between the two parties for the tranquillity and happiness of the Fatherland.

The Political Conference between the Political Delegation of the Royal Government and the Political Delegation of the Forces of 'Pathet Lao' (Lao Itsala), meeting from 20th January, 1955 to 8th March, 1955, unanimously recognise that both Parties must adopt practical measures to give effect to their spirit of sincere co-operation, by, first of all, causing all hostile acts to cease so as to put an end to the tense situation and to create favourable conditions which will enable the Political Conference to settle the fundamental political questions concerning both Parties.

In order to achieve the above aim, the Political Delegation of the Royal Laotian Government, in the name of the Royal Laotian Government, declares that it undertakes not to permit the recurrence of hostile acts of any nature against the 'Pathet Lao', particularly military actions. The Political Delegation of 'Pathet Lao', in the name of the Forces of 'Pathet Lao', declares that it undertakes not to permit the recurrence of hostile acts of any nature against the Royal Laotian Government, particularly military actions.

The conference is of the opinion that the Military Command of each Party should issue necessary orders to all officers and men under it to put an immediate end to all reciprocal hostile acts, particularly military actions.

The conference is firstly convinced that, with the sincere spirit of negotiation and co-operation between the two Parties, this Joint Declaration will have good results and will create conditions favourable to the Joint Political Council which will be set up to settle all political questions concerning both Parties.

Plaine des Jares, 9th March, 1955.

The Political Delegation of the Forces of 'Pathet Lao'. The Head of the Delegation.

Sd: Phaya Phoumi Vongvichit.

The Political Delegation of the Royal Laotian Government, The Head of the Delegation.

Sd: Phaya Oun Heuan Norasing.

(Translation from original French).

APPENDIX 'B'

Resolution submitted by the Canadian Delegation on 3rd May, 1955 regarding negotiations for the Political settlement between the two parties.

The International Commission for Supervision and Control in Laos:

A. In view of its letters No. F.3/(6)-ICL/55/738 and 739 of March 29, 1955, addressed to the Commander-in-Chief of the Fighting Units of 'Pathet Lao' and to the Prime Minister of the Royal Laotian Government requesting them to report on the progress of the negotiations for the political settlement mentioned in Article 14 of the Geneva Agreement;

B. In view of the replies given by the Prime Minister of the Royal Laotian Government in his letters No. 23/SP-MP of April 6 and No. 7/CO-SP/MP of April 8, and by the Head of the Political Delegation of the Fighting Units of 'Pathet Lao' in his letter No. 63/DPPL of April 22, 1955;

C. Feeling that certain misconceptions bearing on the interpretation of the Geneva Agreement prevent the negotiations from reaching a satisfactory conclusion;

D. Deems it necessary to enact the following advisory opinions:—

- (i) The essential object of the political settlement as envisaged in Article 14 of the Geneva Agreement is the reintegration of the non-demobilized Fighting Units of 'Pathet Lao' into the national community.
- (ii) The re-establishment of the Royal Government administration in the provinces of Phong Saly and Sam Neua was meant to take place immediately after the cessation of hostilities and should not, therefore, be made dependent upon the conclusion of the political settlement—the only requirements being (a) that the Royal Government will take the necessary measures to integrate all citizens, without discrimination, into the national community and to guarantee them the enjoyment of the rights and freedoms for which the Constitution of the Kingdom provides; (b) that all Laotian citizens may freely participate as electors or candidates in general elections by secret ballot; and (c) that the Royal Government will promulgate measures to provide for special representation in the Royal Administration of these two provinces, pending the general elections, of the interests of Laotian nationals who did not support the Royal forces during the hostilities;
- (iii) Similarly, the question of democratic rights should not be treated as a condition of political settlement—the International Commission, in other respects, being responsible for the supervision and control of the provisions of Article 15 of the Geneva Agreement, according to which "each Party undertakes to refrain from any reprisals or discrimination against persons or organizations for their activities during the hostilities and also undertakes to guarantee their democratic freedom";

- (iv) Similarly, questions having to do with the eventual amendment of the Constitution and the electoral law should not constitute a pre-requisite of the political settlement, since the Geneva Agreement contains no provision to that effect;

E. Recommends:

- (i) That the two Parties should bear the above advisory opinions in mind, in their continued negotiations;
- (ii) That, while any question may of course be agreed upon by mutual consent, no Party should retard the conclusion of the political settlement by requests alien to its essential object if the other Party refuses to accept the same.



APPENDIX 'C'

Resolution concerning the Nong Khang incident

The International Commission considered the report of the Mobile Team, Xiang Khouang concerning the investigation conducted at Nong Khang with regard to the complaint of the Franco-Laotian Party *vide* their telegram No. 1721/CM, dated 14th January, 1955.

2. Based on the evidence in the report, the International Commission records:—

- (a) that there was no actual assault carried out by the 'Pathet Lao' troops against the Laotian National Army post at Nong Khang and that no soldier was reported killed;
- (b) that the 'Pathet Lao' troops, reported to be about 40 strong, entered the village of Nong Khang on 10th January, 1955, thus violating the 2 kilometer zone established around the post at Nong Khang, the decision regarding which was conveyed by the same Team to both the Parties on 21st December, 1954, and confirmed by the International Commission *vide* their message No. ICSC/288, dated 22nd December, 1954;
- (c) that taking into consideration the offensive action taken by the 'Pathet Lao' in—
 - (i) violating the 2 kilometer zone as stated in paragraph (b) above;
 - (ii) the approach by certain 'Pathet Lao' soldiers to close vicinity of the airfield;
 - (iii) the presence of 'Pathet Lao' soldiers in the vicinity of the water point, thus denying the use of that water to the Laotian unit;

and furthermore, the continued apprehension of an attack by the 'Pathet Lao' forces, coupled with the known presence of a certain number of 'Pathet Lao' soldiers in the surrounding villages at Nong Deng, Muong Sanan and Nathon, the Franco-Laotian Commander ordered the huts and stores to be destroyed and withdrew his forces to Houei Thao on 14th January, 1955, on which date the 'Pathet Lao' later took control of the airstrip;

- (d) that on January 17, 1955, 'Pathet Lao' forces refused to comply with the request of the Team that they should evacuate the vicinity of Nong Khang airstrip;
- (e) that, on the basis of first information received from the Team, the International Commission sent on January 18, the following telegram addressed to Chief, Franco-Laotian Dele-

gation; Chief, Vietnamese People's Volunteers/'Pathet Lao' Delegation:—

"ICSC/50. Intercom received a very serious complaint of an alleged attack on Nong Khang on January 13. Intercom immediately instructed its Team to proceed to Nong Khang for preventing further incident and for investigation. Intercom is awaiting a comprehensive report from its Team and will give necessary recommendation as soon as the report is received. Intercom takes grave view of the fact that adequate action does not appear to have been taken by the Parties to implement the recommendation of the Intercom as contained in message No. ICSC/288 of December 22. Intercom desires to draw the immediate attention of the High Command of both sides and request urgent action in this regard to prevent recurrences of such situation in the future and also the Joint Commission to take such measures that will restore the situation and maintain peace."

The Joint Commission did not take any action on it, nor was the situation restored.

3. The International Commission regrets:—

- (a) that the 'Pathet Lao' forces have violated the recommendation of the International Commission referred to in paragraph 2(b);
- (b) that the International Commission's recommendation to the Joint Commission referred to in paragraph 2(e) above was not complied with;
- (c) that the 'Pathet Lao' forces in this case did not ensure the implementation of Article 19 of the Geneva Agreement under which "the armed forces of each Party shall respect the territory under the military control of the other Party and engage in no hostile act against the other Party".

4. In conclusion, the International Commission:—

- (a) reiterates that the 'Pathet Lao' forces should restore the situation as it was on 29th December, 1954 and in accordance with the International Commission's recommendation to the Joint Commission, made in its telegram No. ICSC/50, dated 18th January, 1955, and addressed to the Chiefs of the Franco-Laotian and Vietnamese People's Volunteers/'Pathet Lao' Delegations and that, therefore, the 'Pathet Lao' forces should immediately evacuate the Nong Khang airstrip and the 2 kilometer zone defined in the letter of December 24, from the Chairman of the investigating Team to the Commander of the 'Pathet Lao' troops, in which the 'Pathet Lao' Commander was told that "your forces should not come within 2 kilometers from Nong Khang";

At the same time, the International Commission does not intend to pre-judge the issue with regard to the presence of Laotian National Army troops on 6th August, 1954 in the area concerned; The decision in regard to this question will

be given after further investigations which have already been ordered. This recommendation is being made in order to prevent the Parties from deciding issues by force;

- (b) requests the Commander-in-Chief of the Fighting Units of 'Pathet Lao' to take suitable action under Article 17 of the Geneva Agreement; and
- (c) requests the Commander-in-Chief of the Fighting Units of 'Pathet Lao' to inform the International Commission as to the action taken regarding paragraphs 4(a) and (b) above.



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APPENDIX 'D'

Resolution submitted by the Canadian Delegation on 24th May, 1955 regarding re-establish of Royal Administration in the Provinces of Phong Saly and Sam Neua.

The International Commission for Supervision and Control in Laos,

- I. Considering that the sovereignty, the independence, the unity and the territorial integrity of Laos were recognised in the Geneva Settlement and expressly underwritten by all the members of the Geneva Conference in paragraph 12 of their Final Declaration;
- II. Considering that political administration is an attribute of sovereignty and that the authority of the Royal Government to the exclusive exercise of this function throughout the whole of Laos is apparent from the terms of its Declaration of July 21, 1954 at Geneva, of which note was taken in paragraph 3 of the Final Declaration of the Conference;
- III. Considering that the terms of this Declaration of the Royal Government can be invoked as a guide to the interpretation of Article 14 of the Agreement and to the nature of the political settlement envisaged therein;
- IV. Considering that the Declaration of November 4, 1954 made by the 'Pathet Lao' Delegate on the Joint Commission, viz., "that the 'Pathet Lao' forces recognise the Royal Government and that in principle the administration of 'Pathet Lao' in the two provinces of Sam Neua and Phong Saly is classified under the supreme authority of the Royal Government", was recognition of the existing legal situation;
- V. Considering that the Royal Government was entitled as from August 6, 1954, to exercise directly its right of administration in the provinces of Sam Neua and Phong Saly;
- VI. Considering that, in so far as the International Commission is concerned, the actual re-establishment of the Royal Administration in the provinces of Sam Neua and Phong Saly was delayed because of the belief in the possibility of an early political settlement;
- VII. Considering that, by its unanimous Resolution dated December 3, 1954, the International Commission recommended that representatives of the Royal Government and 'Pathet Lao' should examine together the means to adopt with a view to attaining, within the framework of the political settlement envisaged in Article 14 of the Geneva Agreement, the re-establishment of the Royal Administration in the provinces of Sam Neua and Phong Saly;
- VIII. Considering that the negotiations have so far led neither to the political settlement nor to the re-establishment of the

Royal Administration in the provinces of Sam Neua and Phong Saly and that, until this is accomplished, the unity and integrity of Laos and the sovereignty of the Royal Government remain impaired;

- IX. Considering that the question of the re-establishment of the Royal Administration in the provinces of Sam Neua and Phong Saly is independent from that of the political settlement envisaged in Article 14 of the Geneva Agreement;
- X. Considering that the re-establishment of the Royal Administration in the provinces of Sam Neua and Phong Saly has become immediately imperative in view of the approaching general elections;
- XI. Recommends:
 - (a) That the Royal Administration in the provinces of Sam Neua and Phong Saly should be re-established without further delay;
 - (b) That the Royal Government, in resuming administration of the provinces of Sam Neua and Phong Saly, should abide by the terms of its unilateral Declaration at Geneva of July 21, 1954, referred to above;
 - (c) That the Fighting Units of 'Pathet Lao' should endeavour within a limit of eight days from the date of the receipt of this recommendation, to concert with the Royal Government the appropriate arrangements for the re-introduction of the Royal Administration;
 - (d) That, if at the end of this period no agreement has been reached, both Parties will fully inform the International Commission of the situation and of their attitude.

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APPENDIX 'E' *Table of Reported Incidents and of Investigation carried out from 1st January to 30th June 1955*

Complaints received from 'Pathet Lao'

Nature of complaints	Total No. of Com- plaints	Out of the total number			Investigation	
		For I.C.'s informa- tion	Lodging protest	Request- ing inter- vention	Request- ing investi- gation	Ordered Carried out
	(1)	(2)	(3)	(4)	(5)	(6) (7)
Brought forward from 1954 complaints	..	..	..	..	..	6 3
Brought forward from 1954 Existence of Laotian National Army posts	..	..	..	..	..	.. ..
A. Attack, threat of attack, skirmish, occupation of territory	25	..	..	6	19	8 5
Clandestine introduction of arms	..	..	..	..	..	.. ..
Illegal depots of arms and ammunition	..	..	..	..	..	.. ..
Arrests of Military personnel	2	..	..	1	1	1 1
Introduction of new troops into Laos	1	..	1	..	..	1 ..
Placing of mines	1	..	..	..	1	.. ..
TOTAL OF A	29	..	1	7	21	10 6

APPENDIX 'E'—*contd.*

Nature of complaints	(1)	(2)	(3)	(4)	(5)	(6)	(7)
B. Attacks on civilians and murders	10	..	2	1	7	1	..
Other violations of democratic freedom	14	..	..	10	4	2	1
TOTAL OF B	24	..	2	11	11	3	1
TOTAL OF A AND B	53	..	3	18	32	13	7

APPENDIX 'F'

Table of Reported incidents and of investigations carried out from 1st January to 30th June, 1955.

Complaints received from Royal Laotian Government.

Nature of complaints	Total No. of com- plaints	Out of the total number			Investigation	
		For I.C.'s. infor- mation	Lodging protest	Request- ing inter- vention	Request- ing investi- gation	Ordered Carried out
	(1)	(2)	(3)	(4)	(5)	(6) (7)
Brought forward from 1954 complaints		..	..	..	..	7* 6
Brought forward from 1954 Existence of Laotian National Army posts		..	..	..	..	13** 4
A. Attack, threat of attack, skirmish, occupation of territory	24	1	5	3	15	10 7
Clandestine introduction of arms	2	..	..	..	2	2
Illegal depots of arms and ammunition	1	1	..	..	..	.. .. ..
Arrests of Military personnel	..	..	..	..	..	.. .. ..
Introduction of new troops into Laos	4	..	..	2	2	.. 4 ..
Laying of mines	4	1	..	2	1	.. .. ..
TOTAL OF A	35	3	5	7	20	16 7

*Investigation on Hua Xiong cancelled.

**Cancelled investigations 9.

APPENDIX 'F'—*contd.*

Nature of complaints	(1)	(2)	(3)	(4)	(5)	(6)	(7)
B. Attacks on civilians and murders	1	..	1	..	..	..	..
Other violations of democratic freedom	9	2	..	7	..	..	..
TOTAL OF B	10	2	1	7	..	..	..
TOTAL OF A AND B	45	5	6	14	20	16	7

APPENDIX 'G'

Letter from the High Command of the Fighting Units of 'Pathet Lao', dated 11th June, 1955 rejecting Nong Khang Resolution.

We have the honour to acknowledge receipt of your Resolution regarding the question of Nong Khang. A verbal note from the Polish Delegation concerning this Resolution was also received by us.

We give here below our position and our point of view with regard to the said Resolution:—

- (i) Nong Khang is a region, part of the province of Sam Neua. Even before the cease-fire, Nong Khang as well as the whole of the territory of the two provinces of Sam Neua and Phong Saly was entirely controlled by the civil authorities and the 'Pathet Lao' troops.

Taking advantage of the situation which arose after the "cease-fire", the Franco-Laotian side paradropped a certain number of officers with the task of regrouping the last remnants of the gangs of pirates till then in shelter in the neighbouring forest. At the same time, it secretly sent infantry reinforcements and incorporated by force the young villagers of the region for the occupation of Nong Khang.

Exposed to the vehement indignation of the inhabitants of the region, faced with the disapproval of the whole population, as a result of energetic protests by the 'Pathet Lao' Delegation at the Joint Commission, the Armed Groups of the Royal Government occupying Nong Khang had to evacuate the place and, since then, the 'Pathet Lao' troops have returned to continue their task of control.

The above mentioned facts clearly indicate that the Franco-Laotian side has seriously violated Articles 14 and 19 of the Geneva Agreement. They also indicate that the 'Pathet Lao' side has rigorously implemented the said Agreement and has given proof of its will for Peace and Conciliation.

- (ii) Article 14 of the Geneva Agreement clearly states that pending a political settlement, the 2 provinces of Sam Neua and Phong Saly constitute the regroupment zone for the Fighting Units of 'Pathet Lao'. Nong Khang being a region which is part of the province of Sam Neua, it follows that the presence of the 'Pathet Lao' forces in this area to watch over the security of the population is, in any case, perfectly in accordance with the spirit and letter of the Geneva Agreement.
- (iii) Besides, the note from the Polish Delegation points out that the Resolution of 25th February, 1955 aims at amending Article 14 of the Geneva Agreement. But as it has

not been adopted unanimously by the International Commission, it cannot be considered as valid and in good form.

For the above mentioned reasons, we regret not being able to accept your Resolution of 25th February, 1955.

We have the pleasure to forward to you, Mr. Chairman and all the members of the International Commission our sincere wishes.

(Translation from original French.)



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APPENDIX 'H'

Instructions for the guidance of fixed and mobile teams in relation to the control of war materials for the French Forces in Laos and the Royal Laotian Army and for personnel of the French Union Forces in Laos.

INTRODUCTION

1. These instructions are issued in continuation of "Notes for the guidance of Fixed Teams" with particular reference to the procedure for exercising supervision and implementation of the under-mentioned clauses of the Geneva Agreement. They may be revised from time to time.

- (a) Article 6.—Introduction of forces after the "Cease Fire".
- (b) Article 7.—Prohibition of new bases.
- (c) Article 8.—Maintenance of 3,500 French Forces at Seno Base.
- (d) Article 9.—Introduction of "War Materials".
- (e) Article 10.—Specified "ports of Entry" for Laos.
- (f) Article 26.—Fixed and Mobile Teams and their zones of action.
- (g) Article 27.—Control of French Forces in Laos and of the importation of war material.
- (h) Article 38.—Co-operation with the International Commission in Cambodia and Viet Nam.

PART I

Supervision of 1,500 officers and men of the French Military Mission and of 3,500 Officers and men of the French Military Establishment at Seno Base.

INFORMATION TO BE PROVIDED BY THE FRENCH

- 2. (a) The French Headquarters will submit a report at the beginning of each month of the number of French soldiers in Laos—
 - (i) By the Headquarters French Military Mission in Vientiane to Headquarters International Commission with a copy for information to the Fixed Team VIENTIANE of those attached to the Royal Laotian Army in Laos.
 - (ii) By the Commander at Seno Base to the International Commission with a copy to the Fixed Team Savannakhet of those on his strength at Seno.
- (b) The respective French Commanders will also submit a report at the beginning of each month of those soldiers

who have left Laos permanently or temporarily on leave or duty during the preceding month.

- ((c) The respective French Commanders will also submit a forecast of the movement of troops, 20 or more, to the International Commission with a copy to the Team/Teams concerned, likely during the current month. They will confirm to the Team concerned the exact schedule of move sufficiently ahead to enable the Team to carry out the check.

3. On the basis of the above data, the International Commission will issue separate recommendations for its Teams in order to check the documents and when necessary, personnel on the ground. This does not affect paragraph 2(c) above. Teams will carry out these checks at their own discretion.

INSPECTIONS

- 4. (a) All inspections will be carried out by the Team accompanied by a French or Laotian Liaison Officer in accordance with the "Notes for the guidance of Fixed Teams *vide* paragraph 2(a)". If the check is to take place at any Military Establishment, the Team will visit the senior French Laotian officer of the station who will be referred to and who will make necessary arrangements for the Team to carry out its task.
- (b) The above instruction does not apply to the Air Field located within the Seno Base which will be available for the Team to visit at all times.
- (c) In accordance with "Notes for the guidance of Fixed Teams, paragraph 4 I(c)" the Team may supervise at ports, air fields and all places of entry on the river and land routes along the frontiers of Laos the implementation of the provisions regulating the introduction into Laos of Military personnel and war materials assembled or in parts.

METHOD OF CHECK

(When ordered by the International Commission *vide* paragraph 3 above.)

5. The number of French personnel in Laos will be checked by Teams by an examination of their official documents—Rolls, signed pay sheets and the like. The senior Franco Laotian officer in charge of these documents will be required to display the Nominal Roll and signed pay sheets to a Team upon request. The Team desiring to make such a check will report to the Headquarters Seno Base or the French Military Mission at Vientiane and ask the Officer Commanding permission to see these papers. This officer will then assist the Team to carry this out.

FURTHER CHECKS

6. If the International Commission should be doubtful of the authenticity of the documents noted in paragraph 5 and wish

actually to see certain personnel to satisfy themselves of their presence, they may:

- (a) In the case of those employed with the Royal Laotian Army (in accordance with Article 6) require them to be summoned, if in Vientiane, to their presence for an informal check of their identity. If stationed elsewhere in Laos with the Royal Laotian Army, arrangements will be made for these soldiers to attend an informal check by the Team at a place and at a time mutually agreeable to the Royal Laotian Army, the French Forces and the Team.
- (b) In the case of those forming part of French Forces in Laos in accordance with Article 8 of the Geneva Agreement and stationed at present in Seno, they will be required to attend individually an informal check of their identity by the Team. It will not be necessary to check the units or sub-units on parade or in barrack rooms.
- (c) Personnel whose presence is requested and who may not be available due to absence on leave, duty or sickness may be seen later if desired, at a time and place mutually agreeable to the French and French/Royal Laotian authorities.

PART II

Supervision of introduction of war material

INTRODUCTION

1. The following paragraphs indicate the procedure according to which the Team may carry out supervision with regard to the implementation of the provisions of the Geneva Agreement regulating the introduction into Laos of war material. The team may carry out a check on receipt of information *vide* paragraph 3 below as per procedure given in the subsequent paragraphs. It may on the other hand carry out a check on its own initiative as indicated in paragraph 8 below. It should be noted that these instructions which are for guidance only are not intended to make it always necessary for the Team to check all convoys. The team may use its discretion in this respect.

DEFINITION

2. In these instructions the term "war material" indicates armaments, munitions and military equipment of all kinds as noted in Article 9 of the Geneva Agreement.

FORECAST OF IMPORTS

3. Forecasts of imports of war material for the Royal Laotian Army for that month will be sent to the International Commission at the beginning of each month for transmission to the Teams concerned. These will state generally the quantity and type of material to be imported and the expected date and place of arrival and the method of transportation to be used.

4. In addition to the list submitted by the Royal Laotian Government to the International Commission as per paragraph 3 above, the local commanders of the Regions will notify the Team concerned as far as possible, 8 days in advance about the plans for the introduction or export of war material. It is important, in order to avoid delay, that the Teams of the Commission should receive the earliest possible notification of the impending arrival of war material by road, air or water. This information, in addition to the forecast in paragraph 3 above, would permit the appropriate Team to take timely action to carry out their necessary inspection. For material consigned to Seno—if by air, Saigon could perhaps notify its departure in advance. If by road, Pakse or Tchepone could inform in advance. Material to Savannakhet by water, could be notified from Pakse. Similarly, the movement by air of material to Vientiane or Luang Prabang, Xieng Khouang (Plaine-des-Jarres) from Saigon should be notified to the Team concerned as early as possible.

5. All war material to be despatched out of Laos will be notified to the International Commission by the Royal Laotian Army so that it may be checked up and the balance kept accurately. The place of loading will be specified in order that it may be inspected by the appropriate Team.

INSPECTIONS

6. All inspections will be carried out by the Team accompanied by a Liaison Officer in accordance with the "Notes for the guidance of Fixed Teams paragraph 2(a)". These inspections will be conducted at or near the places of entry by road, water or air as specified in Article 10 of the Geneva Agreement.

METHOD OF CHECK

7. (a) A vehicle, ship or airplane may be checked by the Team or a manifest produced by the driver, skipper, or pilot accepted in lieu thereof, OR a "spot check" against the manifest carried out.
- (b) The driver, skipper or pilot will be asked no questions other than those concerning his actual load as shown on his manifests, its place of origin, its destination and to whom it is consigned.
- (c) The contents of the carrying agency will be recorded at the time, for entry later. The minimum of delay to the agency will be caused and the Team has no authority to hold up the forwarding of any shipment. In any case of doubt regarding the legitimacy of a load, the Team will carefully record all details, permit it to proceed and refer to Higher Authority concerning it, as soon as possible.

ADDITIONAL CHECKS

8. These may be carried out from time to time preferably by "spot check", by Teams from Pakse or Tchepone at any appropriate place including the frontier. Undue delay to vehicles or boats will

be avoided as these may be inspected later, in any event, at Seno or Savannakhet. Teams carrying out these checks will notify the Fixed Team at Savannakhet of their results giving them the necessary details for record so that a double check on the same vehicle will not be necessary. Other Fixed or Mobile Teams may carry out checks at any appropriate place including points on the frontier on their own initiative or on the orders of the International Commission.

CHECK POINTS

9. Check points will be established for the inspection of war material at the ports of entry for inbound and outbound carrying agencies as follows:—

Road—Seno. River—Savannakhet.

Air—Seno, Vientiane, Luang Prabang and Xieng Khouang (Plaine-des-jarres).

At these places the local commanders will be prepared to facilitate the inspection duty of Commission Teams including the provision of a Liaison Officer. At Seno, they will require to establish facilities available 24 hours a day, including shelter and telephone communications, as this location will probably be a busy one for road moves.

IDENTIFICATION OF VEHICLES AND LOADS

10. The Royal Laotian Government will be responsible for providing all carrying agencies—civil and military—employed in conveying war material in and out of Laos with the following identification. Careful adherence to this rule will facilitate inspection by Teams of the International Commission and will avoid delay and confusion:—

- (a) *Identity Number.*—Each vehicle will be given a serial number, whether travelling singly or in convoy, which it will carry in a conspicuous place *en route*. A different number should be provided for each trip that the individual vehicle may make. The number may be assumed anywhere outside Laos but must be on the vehicle when it crosses the border. A number is NOT necessary for boats or airplanes.
- (b) *Load Manifests.*—The driver (pilot or skipper) of each vehicle (etc.) will be issued with a "Manifest" showing the contents and nature of his load. This may be considered a confidential document, but must be shown by him to any Team of the International Commission on request. The document should also show the driver's etc. name and have the serial number allocated by the French Command to his vehicle, (etc.) entered on the manifest. In the case of transshipment—lorry/boat/plane—or any alteration of the load, the manifest must accompany the load or a new one be made out.

LIAISON WITH CAMBODIA AND VIETNAM

11. To provide local liaison with Cambodia and Vietnam, noted in Article 38 the Fixed Team at Savannakhet is responsible for notifying the export of war materials by road or water, through Pakse to Kratie or through Tchepone to Touranne or *vice-versa*.



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APPENDIX 'I'

Instructions for the guidance of fixed and mobile teams in relation to the control of French Union personnel of the French Military Mission to the Royal Laotian Army and of Introduction of war materials for the Royal Laotian Army.

INTRODUCTION

1. These instructions are issued in continuation of "Notes for the Guidance of Fixed Teams" with particular reference to the procedure for exercising supervision and implementation of the under-mentioned clauses of the Geneva Agreement. They may be revised from time to time:—

- (a) Article 6.—Introduction of forces after the "Cease Fire".
- (b) Article 9.—Introduction of "War Materials".
- (c) Article 10.—Specified "Ports of Entry" for Laos.
- (d) Article 26.—Fixed and Mobile Teams and their zones of Action.
- (e) Article 27.—Control of French Forces in Laos and of importation of war material.
- (f) Article 38.—Co-operation with the International Commissions in Cambodia and Vietnam.

PART I

Supervision of 1,500 officers and men of the French Military Mission to the Royal Laotian Army

INFORMATION TO BE PROVIDED BY THE FRENCH MILITARY MISSION

- 2. (a) The Headquarters of the French Military Mission to the Royal Laotian Army will submit a strength return at the beginning of each month of the number of Officers and NCOs. of French Military Personnel attached to the Royal Laotian Army in Laos.
- (b) The Headquarters of the French Military Mission to the Royal Laotian Army will submit a strength return at the beginning of each month of those French Military Personnel attached to the Royal Laotian Army who have left Laos permanently or temporarily on leave or duty during the preceding month.
- (c) The Headquarters will also submit a forecast of the movement out of Laos of French troops, 20 or more, likely during the current month. They will confirm the exact schedule of such moves sufficiently in advance to enable a Team to carry out a check.

- (d) The strength states mentioned in (a) and (b) above and the forecast mentioned in (c) above will be submitted to the International Commission, Vientiane with a copy in each case submitted to the Chairman, Fixed Team, Vientiane.

3. On the basis of the above data, the International Commission will issue separate recommendations for its Teams in order to check the documents and when necessary, personnel on the ground. This does not affect paragraph 2(c) above. Teams will carry out these checks at their own discretion.

INSPECTIONS

- 4. (a) All inspections will be carried out by the Team accompanied by an officer nominated by the local Military Commander and in accordance with the "Notes for the guidance of Fixed Teams".
- (b) In accordance with "Notes for the guidance of Fixed Teams", paragraph 4 I(c) the Team may supervise at ports, airfields and at all places of entry on the river and land routes along the frontiers of Laos the implementation of the provisions regulating the introduction into Laos of military personnel.

METHOD OF CHECK

5. The number of French Military personnel attached to the Royal Laotian Army in Laos will be checked by the Team by an examination of the "FICHE CONTROL DE SOLDE" cards to support those submitted under paragraph 2 above. The Team desiring to compare the foregoing with those held by the French Military Mission will report to the Headquarters of the French Military Mission to the Royal Laotian Army in Vientiane and ask the Commanding Officer for permission to see such papers. The Commanding Officer is requested to assist the Team to carry this out.

FURTHER CHECKS

6. If the International Commission should be doubtful of the authenticity of the documents noted in paragraph 5 and wish actually to see certain personnel to satisfy themselves of their presence, they may, in the case of those employed with the Royal Laotian Army (in accordance with Article 6) require them to be summoned, if in Vientiane, to their presence for an informal check of their identity. If stationed elsewhere in Laos with the Royal Laotian Army, arrangements will be made for these soldiers to attend an informal check by the Team at a place and at a time mutually acceptable to the Royal Laotian Army, the French Military Mission and the Team. Personnel whose presence is requested and who may not be available due to absence on leave, duty or sickness, may be seen later, if desired.

PART II

Supervision of introduction of war material for the Royal Laotian Army

INTRODUCTION

1. The following paragraphs indicate the procedure according to which the Team may carry out supervision with regard to the implementation of the provisions of the Geneva Agreement regulating the introduction into Laos of war material. The Team may carry out a check on receipt of information *vide* paragraph 3 below, as per procedure given in the subsequent paragraphs. It may on the other hand carry out a check on its own initiative as indicated in paragraph 8 below. It should be noted that these instructions which are for guidance only are not intended to make it always necessary for the Team to check all convoys. The Team may use its discretion in this respect.

DEFINITION

2. In these instructions the term "war material" indicates armaments, munitions and military equipment of all kinds as noted in Article 9 of the Geneva Agreement.

FORECAST OF IMPORTS

3. Forecasts in duplicate of war material for the Royal Laotian Army for that month will be sent to the International Commission at the beginning of each month for transmission to the Teams concerned. These will state generally the quantity and type of material to be imported and the expected date and place of arrival and the method of transportation to be used.

4. In addition to the list submitted by the Royal Laotian Government to the International Commission as per paragraph 3 above the General Staff of the Armed Forces or the Transport Command of the Armed Forces as well as, wherever practicable, the local Commanders of the Regions will notify the Team concerned as far as possible, 8 days in advance about the plans for the introduction or export of war material. It is important, in order to avoid delay, that the Teams of the International Commission should receive the earliest possible notification of the impending arrival of war material by road, air or water. This information, in addition to the forecast in paragraph 3 above, will permit the appropriate Team to take timely action to carry out their necessary inspection. For material consigned to Laos—if by air, Saigon could notify its departure in advance. If by road the Transport Command of the Armed Forces could inform in advance. Material to Savannakhet by water, could be notified from Pakse. Similarly the movement by air of material to Vientiane or Luang Prabang, Xieng Khouang (Plaine-des-Jarres) from Saigon or from other airfields should be notified to the Team concerned as early as possible.

5. All war material to be despatched out of Laos will be notified to the International Commission by the Royal Laotian Army so that it may be checked up and the balance kept accurately. The place of loading will be specified in order that it may be inspected by the appropriate Team.

INSPECTIONS

6. All inspections will be carried out by the Team accompanied by a Liaison Officer in accordance with the "Notes for the Guidance of Fixed Teams, paragraph 2(a)". These inspections will be conducted at or near the places of entry by road, water or air as specified in Article 10 of the Geneva Agreement.

METHOD OF CHECK

7. (a) A vehicle, ship or airplane may be checked by the Team or a manifest produced by the driver, skipper or pilot accepted in lieu thereof, or a "spot check" against the manifest carried out, except that military aircraft may not be boarded but their contents checked at the time of loading or unloading.
- (b) The driver, skipper or pilot will be asked no questions other than those concerning his actual load as shown on his manifest, its place of origin, its destination and to whom it is consigned.
- (c) The contents of the carrying agency will be recorded at the time for entry later. The minimum delay to the agency will be caused and the Team has no authority to hold up the forwarding of any shipment. In any case of doubt regarding the legitimacy of a load, the Team will carefully record all details, permit it to proceed and refer to higher authority concerning it, as soon as possible.
- (d) When possible, in the case of road convoys, manifests will be prepared by individual vehicles.
- (e) In all cases, whether the carrying agency be convoy or single vehicles, boat or ship, or aircraft, manifests will be prepared in duplicate, one copy to be retained by the driver, skipper or pilot and one submitted to the Team carrying out the checks.

ADDITIONAL CHECKS

8. (a) These may be carried out from time to time preferably by "spot check", by Team from Pakse or Tchepone at any appropriate place including the frontier. Undue delay to vehicles or boats will be avoided as these may be inspected later, in any event, at Savannakhet. Teams carrying out these checks will notify the Fixed Team at Savannakhet of their results giving them the necessary details for record so that a double check on the same vehicle will not be necessary.
- (b) In addition to the above, other Fixed or Mobile Teams may carry out checks at any appropriate place, including points on the frontier, on their own initiative or on the orders of the International Commission.
- (c) There will be no control of movements after the foregoing checks.

CHECK POINTS

9. Check points will be established by the local Military Commanders for the inspection of war material at the ports of entry for inbound and outbound carrying agencies as follows:—

On the road, river and air routes as applicable—at Pakse, Seno, Savannakhet, Tchepone, Vientiane, Luang Prabang and Xieng Khouang (Plaine-des-Jarres).

At these places the local Commanders will be prepared to facilitate the inspection duty of Commission teams including the provision of a Liaison Officer. At Seno, they will require to establish facilities available 24 hours a day, including shelter and telephone communications, as this location will probably be a busy one for road moves.

IDENTIFICATION OF VEHICLES AND LOADS

10. The Royal Laotian Army will be responsible for providing all carrying agencies—civil or military—employed in carrying war materials in and out of Laos with the following identification. Careful adherence to this request will facilitate inspection teams of the International Commission and will avoid delay and confusion.

- (a) *Identity Number.*—Whenever possible each vehicle will be given a serial number, whether travelling singly or in convoy, which it will carry in a conspicuous place en-route. A different number should be provided for each trip that the individual vehicle may make. The number may be assumed anywhere outside Laos but must be on the vehicle when it crosses the border. A number is NOT necessary for boats or airplanes.
- (b) The driver (pilot or skipper) of each vehicle (etc.) will be issued with a "Manifest" in duplicate [see paragraph 7(e)]. These will be considered confidential. One copy will be given by him to the Team of the International Commission on request. The document should also show the driver's etc. name and have the serial number allocated by the French Command to his vehicle, (etc) entered on the manifest. In the case of transshipment—lorry/boat/plane—or any alteration or the load, the manifest must accompany the load or a new one be made out.

LIAISON WITH CAMBODIA AND VIETNAM

11. To provide local liaison with Cambodia and Vietnam, noted in Article 38 of the Geneva Agreement, the Fixed Team at Savannakhet is responsible for notifying the export of war material by road or water, through Pakse to Stung Treng or through Tchepone to Tourane or *vice versa*.

APPENDIX 'J'

Amendment to the Instructions for Check and Supervision of 1500 Personnel of the French Military Mission

Reference instructions for the guidance of Fixed and Mobile Teams for Supervision and control of the French Union personnel of the French Military Mission attached to the Laotian National Army forwarded under cover of International Commission letter No. 8(3)-ICL/55/923, dated 26th April 1955.

The International Commission has reconsidered the procedure for supervision and control as laid down in the above mentioned instructions and has decided on the following amendments.

Part I, paragraphs 5 and 6 of the Instructions to be deleted *in toto* and the following substituted:—

"5. The number of the French Military personnel attached to the Royal Laotian Army in Laos will be checked by the Team at Vientiane by examining the following documents to support those submitted under paragraph 2 above—

- (a) The register giving the details of personnel on the strength of the French Instructional staff. This will be kept in the French Military Mission Headquarters at Vientiane and would be available for the International Commission and its Teams, for check.
- (b) The individual pay cards of the personnel with the signature of the paying officer will be available for check and cross-check with the register.
- (c) The pay roll where the officer/NCO signs for having received his pay will also be available for check with the register mentioned in (a) above and the individual pay cards (b) above.

The Team proceeding with the check will have to come into contact with the Commandant of the Headquarter of the French Military Mission at Vientiane.

Outstation Teams may also carry out checks of pay rolls whenever they are available."

APPENDIX 'K'

Prisoners of War and Civil Internees

Claims of Franco-Laoian Delegation upto 30th June, 1955

Franco-Laoian/Prisoners of War/Civil Internees	Before Cease-Fire			Between Cease-Fire and 31-12-1954			Total outstanding, according to Franco-Laoian on 30-6-55.
	(1)	(2)	(3)	(4)	(5)	(6)	
		Claimed to have been handed over by Vietnamese People's Volunteers/ 'Pathet Lao',	Claimed by Franco-Laoian	Handed over according to Franco-Laoian	Handed over according to Vietnamese People's Volunteers/ 'Pathet Lao',	New Claims by Franco-Laoian between 1-1-55 and 30-6-55	
French Prisoners of War	.	..	167 (a)	693	694	..	70 } 74
French Civil Internees	.	..	10	6	6	..	4 }
Laoian National Army Prisoners of War	.	1,079 (b)	999 (b)	34	33	3	968 } 1,846
Laoian Civil Internees	.	61 (c)	900 (c)	118	126	96	878 }

(a) The discrepancy between the figures in columns 3 and 4 is due to the Franco-Laoian claim that out of 693 French Union Prisoners of War released, only 97 names appeared in the list of 167 Prisoners of War belonging to the Laoian theatre of war.

(b) Vietnamese People's Volunteers/ 'Pathet Lao' Delegation claims that 221 names are common between these two figures.

(c) Vietnamese People's Volunteers/ 'Pathet Lao' Delegation claims that 3 names are common between these two figures.

APPENDIX 'K' (Contd.)

Prisoners of War and Civil Internees

Claims of Vietnamese People's Volunteers 'Pathet Lao' Delegation upto 30th June, 1955

Vietnamese People's Volunteers/'Pathet Lao' Party's Prisoners of War and Civil Internees	Total claim upto 30-6-55 by Viet- namese People's Volunteers/'Pathet Lao'	Handed over between Cease-Fire and 31-12-54		Vietnamese People's Volunteers/'Pathet Lao' Party still claims from 1st January, 1955 until 30th June, 1955
		According to Franco- Laotian Delegation	According to Vietnamese People's Volunteers/ 'Pathet Lao' Delegation	
(1)	(2)	(3)	(4)	(5)
Vietnamese People's Volun- teers/'Pathet Lao' Prisoners of War/Civil Internees	912	231	220	692

APPENDIX 'L'

Convention on graves of Military Personnel and Prisoners of War who died in the territory of Laos

In implementation of Article 18 of the Geneva Agreement dated 20th July, 1954 on the cessation of hostilities in Laos which stipulates:—

"In cases in which the place of burial is known and the existence of graves has been established, the Commander of the forces of each Party shall, within a specified period after the entry into force of the present Agreement, permit the graves service of the other Party to enter that part of Laotian territory under his military control for the purpose of finding and removing the bodies of deceased military personnel of that Party, including the bodies of deceased prisoners of war.

The Joint Commission shall fix the procedures by which this task is carried out and the time limits within which it must be completed. The Commander of the forces of each Party shall communicate to the other all information in his possession as to the place of burial of military personnel of the other Party";

the Joint Armistice Commission in Laos has fixed the following procedure of work:—

I Exchange of Documentation

The exchange of documentation including the nominal roll together with the places of burial of military personnel and deceased Prisoners of War shall be effected in the following manner:—

- The Party of the Vietnamese People's Volunteers and of the Fighting Units of 'Pathet Lao' shall communicate the nominal roll with the places of burial of its dead who have been interred in the 10 provinces.
- The Party of the French Union forces and of the Laotian National Army shall communicate the nominal roll together with the places of burial of its dead who have been interred in the 2 provinces of Phong Saly and Sam Neua.
- Each Party shall communicate to each other all the information at its disposal regarding the places of burial of the military personnel and Prisoners of War of the other Party.
- This exchange shall occur 24 hours after the signing of the present Convention.

II Execution of the Work

(a) The execution of the work shall be the responsibility of 12 burial Teams:—

- 2 Franco-Laotian Teams for the provinces of Phong Saly and Sam Neua;

-10 Vietnamese People's Volunteers/'Pathet Lao' for the other provinces.

(b) Each Team shall include representatives of:—

—the deceased Party:—

2 officers of whom one from the Civil Registrar "1 Vietnamese People's Volunteers and 1 'Pathet Lao' for the Vietnamese People's Volunteers/ 'Pathet Lao' Party Team

"1 French Union and 1 Laotian for the Franco-Laotian Party Team

Representative from the Health Service

—the Civil and Military Administration of the Region where the grave is located:

3 Representatives whose duty it is to facilitate the work of the other Party.

(c) The Burial Team shall direct the work of exhumation and transfer of bodies, of their eventual regroupment into cemeteries and of the repairs to tombs located in their zone of competence.

When a Team has terminated its work in its zone of competence, it can be transferred to another zone, so as to expedite the work to be done throughout the territory of Laos.

(d) A Co-ordination Committee which includes an equal number of representatives of the two Parties shall be set up for the whole of Laos:

—2 Representatives of the Vietnamese People's Volunteers High Command;

—2 Representatives of the Fighting Units of 'Pathet Lao' High Command;

—2 Representatives of the Forces of the French Union High Command;

—2 Representatives of the Laotian National Army High Command.

The 4 representatives of the Vietnamese People's Volunteers and 'Pathet Lao' High Commands shall be assisted by a staff, provided with signal equipment, consisting of 10 persons, i.e.,—

—8 Vietnamese People's Volunteers;

—2 'Pathet Lao'.

The seat of the Co-ordination Committee on Graves shall be located at Savannakhet.

The responsibilities of the members of the Committee, who represent the High Commands of each Party, are as follows:—

—to establish the procedure of work of the Committee and the Teams,

- to draw up the programme of work and to ensure its implementation,
- to allocate the Burial Teams,
- to settle all questions arising during the accomplishment of the prescribed task,
- to establish liaison, either by personal contact or by correspondence:—

“with the High Commands of each Party in order to inform them of the progress of the work;

“with the International Commission in order to submit to it controversial issues arising out of the implementation of the present Convention.

- (e) The Burial Teams of each Party shall work under the direction of their representatives in the implementation of all decisions taken by the Committee.

These Teams shall submit monthly or occasional reports on the progress of work and the difficulties encountered in the achievement of their tasks.

These reports shall be made, either by correspondence using the signal communication of the other Party, or verbally.

- (f) The local authorities shall have to supply the labour as well as the necessary means of transport and liaison.
- (g) The local authorities shall be responsible for the safety of the personnel of the Co-ordination Committee and of the Burial Teams (accommodation and movement). These personnel shall be provided with passes affording them all facilities in the carrying out of their mission.
- (h) The personnel of the Co-ordination Committee and of the Teams shall wear the following dress:—
 - Military dress for the Vietnamese People's Volunteers/ 'Pathet Lao' Party;
 - Civilian or Military dress for the Franco-Laotian Party.
- (i) The rules of hygiene applicable to the exhumation and transfer of bodies shall be strictly enforced.
- (j) Labour and transport costs shall be paid directly by the Teams as the work gradually progresses and at the rates prevalent in the region concerned.
- (k) Personnel of the Co-ordination Committee and the Teams shall refrain from any interference in local internal affairs. Strictly religious ceremonies only can take place within the Teams and at the site of the grave itself.

III. TIME LIMITS

The time limit for the operations of exhumation, transfer of bodies, regroupment into cemeteries, or on the spot repairs to graves, is laid down at 6 months from the day of signing the present Convention.

The annexures laying down the details of work shall be drafted by the Co-ordination Committee on Graves within a maximum time limit of 15 days following the signing of this Convention.

Work shall commence as soon as the annexures have been signed or on the expiry of the prescribed time limit.

Signed: Colonel DANG VAN TINH

**Head of the Vietnamese People's Volunteers/
'Pathet Lao' Delegation.**

Signed: Colonel ANSIDEI

Head of the Franco-Laotian Delegation..

VIENTIANE, 10th February, 1955.



APPENDIX 'M'

Press Communiques issued since January 1955

Date	Subject
16-1-1955	Completion of first Interim Report to the two Co-Chairmen.
22-1-1955	Announcing Commission's meeting with Joint Commission.
10-2-1955	Announcement of an agreed protocol between the Parties on Graves, on the payment of debts and loans incurred by Vietnamese People's Volunteers/'Pathet Lao' during withdrawal of their forces, an assurance by the Parties accepting the Commission's recommendation to publicise the clauses in the Geneva Agreement, relating to democratic rights and freedom and discussion on the dissolution of the Joint Commission.
16-2-1955	Announcement regarding dissolution of the Joint Commission.
15-3-1955	Ambassador Marian Graniewski's departure for Poland.
31-3-1955	Co-ordination meeting of three Secretariats-General in Vientiane.
5-4-1955	Communique at the end of the Co-ordination meeting.
28-4-1955	Operation of Government forces in Phong Saly and Sam Neua before and after 6th August, 1954—majority decision of Commission.
7-5-1955	Commission's recommendation suggesting immediate steps to avoid incidents in the provinces of Phong Saly and Sam Neua without prejudice to the interpretation of Article 14.
18-5-1955	Situation at Muong Peun (Sam Neua)—investigation by the Commission's Team.
7-6-1955	Commission's letter to the Royal Laotian Government and the 'Pathet Lao' urging them to re-open and continue negotiations for an early political settlement.
16-6-1955	The establishment of Royal Administration in Sam Neua and Phong Saly vis-a-vis a political settlement.