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Paris Peace in Nine Chapters

AS the war finally came to an end last week with two coldly formal signing sessions in the silk-walled, gilt-mirrored conference room of the former Majestic Hotel in Paris, the South Vietnamese government and its Viet Cong enemies still refused even to sign the same piece of paper.

In the oddly muted ceremonies, there were only a few sedate waves at the clicking cameras, no speeches, no spoken exchanges of any kind between the dignitaries. None of the key figures of the settlement—neither President Nixon nor Henry Kissinger, neither Hanoi's Premier Pham Van Dong nor Saigon's President Nguyen Van Thieu—was even present. The three Vietnamese parties were represented by their little-known Foreign Ministers, and the U.S. by its almost forgotten Secretary of State, William Rogers, who ended up signing his name on various sheets of paper 72 times with a battery of 20 pens. As an ingenious solution to the various sensitivities, Washington and Saigon representatives signed a four-party agreement in the morning on one page, Hanoi and the Viet Cong signed on another page, and finally just Washington and Hanoi signed a two-party accord in the afternoon. Figuring out that process, sighed Kissinger, "has aged us all by several years."

The high-pressure last-minute drive to finish the accord was carried out on two levels. Working furiously through the weekend in Paris, a technical team headed by U.S. Deputy Assistant Secretary of State William Sullivan held marathon sessions with a similar Hanoi group. Still at issue as Kissinger flew back to Paris for a final top-level meeting with Hanoi's Le Due Tho were a few technical questions, such as turning P.O.W.s over to the U.S. officials.

When Kissinger and Tho met on Tuesday (their 24th round of talks in 3½ years), the atmosphere was surprisingly amiable, and instead of the anticipated two days of hard bargaining, final agreement came in just four hours. Photographers were called in to record the initialing of a completed pact by Tho and Kissinger, although this fact was not disclosed. The historic announcement was left to simultaneous broadcasts in Washington, Saigon and Hanoi.

With unmistakable pride, President Nixon appeared on TV to claim that he had finally won all the terms needed to achieve what he had sought for four years: "Peace with honor." A major result: "The people of South Viet Nam have been guaranteed the right to determine their

own future without outside interference." The agreement, he said, had "the full support" of Thieu, and he pledged that the U.S. still recognized Thieu's regime as "the sole legitimate government of South Viet Nam." He praised the 2,500,000 Americans who had fought in the war for taking part "in one of the most selfless enterprises in the history of nations."

The treaty is divided into nine "chapters" covering the same topics as the nine-point proposals upon which both sides had originally agreed in October. They are:

1. All parties respect the independence, sovereignty and unity of Viet Nam as recognized by the 1954 Geneva agreements.
2. A cease-fire throughout Viet Nam, but not simultaneously in Cambodia or Laos, will begin Jan. 27, with all military units remaining in place. Any disputes over control of territory are to be resolved by the two-party joint military commission from the South Viet Nam and Viet Cong combatants. All U.S. troops are to be withdrawn within 60 days, and all U.S. military bases in South Viet Nam are to be dismantled. There can be no re-entry of military forces into South Viet Nam, and no increase in military equipment.
3. All military prisoners must be released within 60 days. There must be a full accounting of all such prisoners at the time of the signing, and both sides must help determine the fate of soldiers missing in action, including the locating of graves. The release of civilian prisoners held in South Viet Nam must be negotiated by the two powers there.
4. The right of the people of South Viet Nam to determine their own political future is specifically affirmed. A National Council for National Reconciliation and Concord is to be created by the two South Vietnamese parties to organize internationally supervised elections. It will consist of "three equal segments," indicating that neutralists will have a role. All of its decisions must be unanimous.
5. The Demilitarized Zone is recognized as a provisional military demarcation line between two parts of Viet Nam that are expected to become reunited through peaceful negotiations between their governments. Thus the current separate entity of South Viet Nam is recognized. The DMZ is to be respected by North and South Viet Nam, but civilian movement through it will be negotiated.
6. Various joint bodies are created to help supervise the truce. These include at first a four-party joint military commission from among the recent combatants, a two-party joint military commission, the ICC (see box, page 17), and within 30 days, an international conference of 13 members.
7. The right to self-determination and neutrality of Laos and Cambodia is reaffirmed, and no foreign country is allowed to maintain military bases in either nation.
8. The U.S. pledges to aid in reconstruction efforts, specifically in North Viet Nam, and also throughout Indochina, to repair war damage.
9. All parties agree to implement the agreements.

It remained for the remarkable Kissinger to spell out all the complex provisions of the agreement and its detailed protocols in a masterly 100-

minute televised briefing. He readily conceded that "the hatred will not rapidly disappear" in Viet Nam, but he expressed the hope that "people who have suffered for 25 years may at last come to know that they can achieve their real satisfaction by other and less brutal means."

Kissinger thus portrayed the settlement as a compromise establishing a peace whose "stability depended on the relative satisfaction and therefore on the relative dissatisfaction of all the parties concerned." Asked how the U.S. got Thieu to accept it, since it does not require that North Vietnamese troops leave South Viet Nam, Kissinger observed: "It is not easy to achieve through negotiations what has not been achieved on the battlefield." Yet he also showed compassion for Saigon's earlier objections. "We are 12,000 miles away," he explained. "If we made a mistake in our assessment of the situation, it will be painful. If they made a mistake in the assessment, it can be fatal."

The agreement leaves the entire political future of South Viet Nam up to negotiations between the Saigon government and its Communist rivals, Kissinger emphasized. Then, in a rare admission by a high U.S. official, after the years of talk about Communist aggression, Kissinger said: "That is what the civil war has been all about."

On point after point, the treaty relies on vagueness to get past unsolved problems. Yet Kissinger argued that the agreement provides a basic mechanism for a resolution of Viet Nam's longstanding conflicts, depending upon "the spirit in which it is implemented." The mechanism is infinitely complex—international commissions, conferences, elections, more commissions. Only time will tell whether any of this will work. In the end, international pressure, rather than any effective on-scene deterrent, may have to be employed to police the ceasefire.

Part of that pressure will be the continued presence of large U.S. air and naval forces in the region. There is no requirement that the U.S. remove nearly 100,000 military personnel, mainly Air Force, from Thailand, Guam or its carriers off the Viet Nam coast. Whether Nixon could readily resume aerial attacks on Viet Nam in the event of a large-scale Communist truce violation is doubtful, since the political outcry at home against a renewed involvement might be fierce. The U.S. can continue to aid the Saigon government economically but not militarily (except on a piece-for-piece replacement basis).

As for the political future of South Viet Nam, this will depend heavily upon just how effectively the National Council of Reconciliation functions. Since this council operates under a unanimity rule, the possibility of deadlock is enormous. Even the offices for which elections are to be held are undefined. The Communists are given little chance to elect a President, but they are expected to demand local elections in which they could win positions that would undermine a central government.

The ultimate vagueness of the settlement is that it enables the contesting parties to read it as they see fit. Hanoi Negotiator Tho, far more ebullient than Kissinger, called it "a very great victory for the Vietnamese people," a triumph over "American imperialism." He said that it recognized the reality of "two administrations, two armies, two controlled zones" in South Viet Nam and represented another step toward "the reunification of the country." "This," he added, "is the necessary advance of history. No force can prevent this advance." Saigon's President Thieu, by contrast, saw the agreement as confirming that "our people have truly destroyed the Communist troops that have come from the North," and he said that North Viet Nam now must respect "the sovereignty and independence of South Viet Nam."

The release of the final terms will not wholly end the debate over whether the U.S. gained enough in January to justify its refusal to sign the settlement proposed in October. For one thing, the full October pact has never been published, and thus the two accords cannot be precisely

compared.

Le Due Tho insisted that the final treaty remained "basically the same" as the October version. Kissinger claimed that "substantial changes" had been made. Yet, when he listed the ones he thought most important, they seemed only of limited significance. They included these points:

CEASE-FIRE TIMING. U.S. military intelligence reported that it had intercepted Communist plans for a last-minute offensive between the announcement of a cease-fire and the installation of truce-supervision forces. The October plan apparently would have permitted an interval before the various policing commissions were to be in place. The closing of this gap may have helped prevent any significant shift in the territory controlled by the combatants.

THE ICE. The October agreement provided no details on how many foreign observers would supervise the truce, and when the bargaining began, the Communists demanded a mere token group of 250. The U.S., which originally proposed a four-nation force of 8,000, finally was satisfied with 1,160.

LAOS AND CAMBODIA. The U.S. hopes to achieve a cease-fire in Laos and Cambodia soon after the truce in Viet Nam. Although there is no provision in any version of the treaty that requires a cease-fire throughout Indochina, Kissinger contends that the required withdrawal of foreign troops from Laos and Cambodia and the prohibition of base areas there will bring about an end to military action in those countries faster than had been expected.

LINGUISTIC PROBLEMS. Kissinger argues that there were ambiguities in the bilingual texts of the October papers that have since been cleared up. He cited only one example: whether the National Council of Reconciliation would be an "administrative structure" without governing powers, as interpreted by the U.S. and Thieu, or whether it could be viewed by Hanoi as a coalition government. The final language makes it clear that this council will primarily organize new elections.

THE DMZ. This apparently was never seriously dealt with in the October draft. But when the talks broke down, Kissinger suggested that the North Vietnamese in effect wanted to ignore the DMZ as a boundary line, thereby reaffirming their contention that South Viet Nam is not a separate country, and that they were preparing to move troops through at will. The present agreement—defining the DMZ as a clearly marked if temporary dividing line and also affirming both the separate identity of South Viet Nam and the ultimate unity of the entire country—is ambiguous enough so that both the North and South Vietnamese seem reassured about their respective rights.

Whether such changes justify the U.S. bombing raids that Nixon launched as part of his demand for "serious" negotiation remains doubtful. And whether the aerial assault was actually what motivated Hanoi to return to serious bargaining is still being argued heatedly—without, so far, any answer in sight. Kissinger would only say, "There was a deadlock which was described in the middle of December, and there was rapid movement when negotiations resumed. These facts have to be analyzed by each person for himself." Tho, on the other hand, insisted that the bombings "failed completely," actually delayed a settlement and were halted because of the international outcry against them.

That bombing was indeed widely criticized as either an intrinsically "immoral" act or a use of power that was far more destructive than its probable results could justify. On that issue, the debate has barely begun.

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