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Z 120410Z JAN 73 ZYH
FM DIRNSA

TO WHITE HOUSE (ATTN: MR. D. MCMANIS: FOR SERIES CHECK)

~~TOP SECRET UMBRA GAMMA CONTROLLED ITEM~~

SECTION ONE OF TWO
TRANSMITTED HERewith IS A SOUTH VIETNAMESE MESSAGE NORMAL
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VIETNAMESE(SOUTH) CIPHER/---

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G/00/ -73 (USVCFN)

SULLIVAN BRIEFS SOUTH VIETNAMESE ON KISSINGER-THO MEETING OF 11
JANUARY

XXCC

FM PARIS: DELEGATION: (AMBASSADOR) PHAM DANG LAM 11 JAN 73 2100
TO SAIGON: PRESIDENT'S OFFICE: ((SPECIAL ASSISTANT)) HOANG DUC NHA
IMMEDIATE 10/PDVN/OP/M

~~TOP SECRET~~

THE TWO PRINCIPAL QUESTIONS DISCUSSED TODAY BETWEEN ((DR.
HENRY A.)) KISSINGER AND LE DUC THO WERE THE DMZ ((DEMILITARIZED
ZONE)) ((C VAL AND)) THE PROCEDURE FOR SIGNING.

((AMBASSADOR WILLIAM H.)) SULLIVAN INFORMED US THAT
KISSINGER AND LE DUC THO HAVE ALREADY REACHED AGREEMENT ON THE
DMZ. AT OUR REQUEST HE COMMUNICATED TO US THE FOLLOWING TEXT:

"CHAPTER 5. THE REUNIFICATION OF VIETNAM AND THE RELATIONSHIP
BETWEEN NORTH AND SOUTH VIETNAM.

"ARTICLE 15. THE REUNIFICATION OF VIETNAM SHALL BE CARRIED
OUT STEP BY STEP THROUGH PEACEFUL MEANS ON THE BASIS OF DISCUS-
SIONS AND AGREEMENTS BETWEEN NORTH AND SOUTH VIETNAM, WITHOUT COER-
SION OR ANNEXATION BY EITHER PARTY, AND WITHOUT FOREIGN INTERFERENCE.
THE TIME FOR REUNIFICATION WILL BE AGREED UPON BY NORTH AND SOUTH
VIETNAM.

"PENDING REUNIFICATION:

"A. THE MILITARY DEMARCATION LINE BETWEEN THE TWO
ZONES AT THE 17TH PARALLEL IS ONLY PROVISIONAL AND NOT A POLITICAL
OR TERRITORIAL BOUNDARY, AS PROVIDED FOR IN PARAGRAPH 6 OF THE FI-
NAL DECLARATION OF THE 1954 GENEVA CONFERENCE.

"B. NORTH AND SOUTH VIETNAM SHALL RESPECT THE DEMI-

***** WHSR COMMENT *****

SCOWCROFT, KENNEDY, HOWE--SENT TOHAK 99

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LITARIZED ZONE ON EITHER SIDE OF THE PROVISIONAL MILITARY DEMARCATION LINE.

"C. NORTH AND SOUTH VIETNAM SHALL PROMPTLY START NEGOTIATIONS WITH A VIEW TO RE-ESTABLISHING NORMAL RELATIONS IN VARIOUS FIELDS. AMONG THE QUESTIONS TO BE NEGOTIATED ARE THE MODALITIES OF CIVILIAN MOVEMENT ACROSS THE PROVISIONAL DEMARCATION LINE.

"D. NORTH AND SOUTH VIETNAM SHALL NOT JOIN ANY MILITARY ALLIANCE OR MILITARY BLOC AND SHALL NOT ALLOW FOREIGN POWERS TO MAINTAIN MILITARY BASES, TROOPS, MILITARY ADVISERS, AND MILITARY PERSONNEL ON THEIR RESPECTIVE TERRITORIES, AS STIPULATED IN THE 19((54)) GENEVA AGREEMENTS ON VIETNAM."

CONCERNING THE PROCEDURE FOR SIGNING, KISSINGER AND LE DUC THO ARE LIKEWISE AGREED IN PRINCIPLE ON THE FORMULA DESCRIBED YESTERDAY, WITH THE DIFFERENCE, THAT, INSTEAD OF SIGNING ON FOUR SEPARATE PAGES ((1 WD G)), THE U.S. AND THE GVN ((GOVERNMENT OF VIETNAM)) WILL SIGN ON ONE PAGE, WHILE THE DRV ((DEMOCRATIC REPUBLIC OF VIETNAM)) AND THE PRG ((PROVISIONAL REVOLUTIONARY GOVERNMENT)) WILL SIGN ON ANOTHER PAGE, IN ORDER TO STRESS THE CONCEPT OF TWO SIDES. LE DUC THO PROPOSED INCLUDING A CLAUSE SPECIFYING THAT ((B VAL THE ACCORD)) WILL BE SIGNED BY THE FOUR FOREIGN MINISTERS, A PROPOSAL REJECTED BY KISSINGER, WHO AGREED ONLY TO THE TERM REPRESENTATIVES. LE DUC THO INSISTED THAT THE SIGNATURE OF NGUYEN THI BINH ((1 WD G)) BE PRECEDED "IN THE NAME OF THE PROVISIONAL REVOLUTIONARY GOVERNMENT" AND FOLLOWED BY HER STATUS AS FOREIGN MINISTER. SULLIVAN WISHES TO KNOW WHICH OF THE TWO FORMULAS WE PREFER IN THE PREAMBLE: THE FIRST DOCUMENT SIGNED BY THE U.S. AND THE DRV, OR "IN CONCERT WITH," OR "WITH THE CONCURRENCE OF," AS FAR AS SULLIVAN IS CONCERNED, THE SECOND FORMULA BINDS US LESS THAN THE FIRST.

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SULLIVAN BRIEFS SOUTH VIETNAMESE ON KISSINGER-THO MEETING OF 11
 JANUARY

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LE DUC THO SUGGESTED THAT THE SIGNING CEREMONEY TAKE PLACE AT
 ((THE HOTEL MAJESTIC ON AVENUE)) KLEBER BETWEEN THE FOUR PARTIES.
 SULLIVAN ALSO ASKED US TO LET HIM KNOW THE OPINION OF OUR
 GOVERNMENT ON THIS SUBJECT. WILL THE CEREMONY BE PUBLIC OR NOT
 OR PUBLIC FOR A TWO-PARTY SIGNING ONLY?

ON THE PROTOCOLS, THE QUESTION AS TO HOW TO FIX THE CEASEFIRE
 LINE REMAINS UNRESOLVED; THE TWO HAVE LIKEWISE NOT YET AGREED ON
 THE MANPOWER ((LIMITS)) OF THE ICCS ((INTERNATIONAL COMMISSION OF
 CONTROL AND SUPERVISION)), QUARTERING PLACES, ((AND THE)) ALLOTMENT
 OF EXPENSES. TO BE MENTIONED ALSO IS THE QUESTION AS TO HOW TO
 WORK OUT THE BILATERAL COMMISSION.

AFTER THE BRIEFING BY SULLIVAN, WE ASKED HIM IF THERE ARE
 STILL SUBSTANTIVE PROBLEMS TO DISCUSS CONCERNING THE ACCORDS.
 SULLIVAN ANSWERED: "WE ARE IN A SITUATION WHERE NO MAJOR PROBLEM
 REMAINS." WE THEN REMINDED HIM THAT THE FUNDAMENTAL PROBLEM FOR
 US IS THE WITHDRAWAL OF NORTH VIETNAMESE TROOPS, ASKING THAT
 KISSINGER MAKE NEW EFFORTS. SULLIVAN LET IT BE UNDERSTOOD THAT
 THERE IS NO HOPE: YESTERDAY, KISSINGER TRIED ONCE AGAIN FOR 2 1/2
 HOURS, BUT WITHOUT RESULT. SULLIVAN CONSIDERS SEVERAL
 CLAUSES--SUCH AS RESPECT((FOR THE)) DMZ; PROHIBITION OF
 REINTRODUCTION OF TROOPS; OR THE OBLIGATION FOR NORTH VIETNAMESE
 TROOPS TO WITHDRAW FROM CAMBODIA AND LAOS--SUFFICIENT TO PROTECT
 US. WE POINTED OUT TO HIM THAT THESE CLAUSES CONCERN THE FUTURE
 AND NOT NORTH VIETNAMESE TROOPS ALREADY PRESENT IN SOUTH VIETNAM.

*****WHSR COMMENT*****

SCOWCROFT, KENNEDY, HOWE--SENT TOHAK 99

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WE ASKED WHAT PROGRESS HAD BEEN MADE ON THE PROBLEM OF CONVENING AN INTERNATIONAL CONFERENCE AND HOW THE U.S. PLANS TO RESOLVE THE DIFFICULTIES POSED BY THE PRESENCE OF THE PRG. SULLIVAN REPLIED THAT THE LOCATION HAS NOT YET BEEN DETERMINED BUT THAT THE COMPOSITION REMAINS JUST AS PLANNED. HE ((C VAL THRASHED OUT)) THE QUESTION FOR US IN ORDER TO MAKE US UNDERSTAND THAT OUR OBJECTION TO THE PRESENCE OF THE PRG CANNOT BE SOLVED.

SULLIVAN HAS TO HAVE OUR GOVERNMENT'S RESPONSE TOMORROW BEFORE THE MEETING WITH LE DUC THO ((CONCERNING:))

1. OUR CHOICE BETWEEN "IN CONCERT WITH" AND "WITH THE CONCURRENCE OF" CONCERNING THE SIGNING PROCEDURES.
2. THE SIGNING CEREMONY.
3. DRAFT PROTOCOL.

WE INSISTED AGAIN AND AGAIN ON OBTAINING AN UP-TO-DATE TEXT OF THE DRAFT AGREEMENT, BUT SULLIVAN WISHED TO KNOW FIRST THE RESPONSE OF OUR GOVERNMENT ON THE SUBJECT OF SIGNING PROCEDURES. WE ALSO EMPHASIZED THE NECESSITY FOR US TO HAVE AN UP-TO-DATE VIETNAMESE TEXT OF THE AGREEMENT AND PROTOCOLS. SULLIVAN REPLIED THAT THE TWO DELEGATIONS ARE PRESENTLY WORKING ON AN ENGLISH TEXT. AFTER TODAY'S SESSION, IT CLEARLY APPEARS TO US THAT THE AGREEMENT CAN BE CONSIDERED VIRTUALLY ACHIEVED AND THAT THERE REMAIN ONLY THE MINOR QUESTIONS CONCERNING PROTOCOLS. THIS IMPRESSION IS REINFORCED BY SULLIVAN'S INSISTANCE ON OBTAINING OUR ACCORD ON THE PROCEDURE FOR SIGNING. WITH THE FORMULA ADOPTED TODAY BY KISSINGER AND LE DUC THO, THE U.S. AND DRV WILL BE ABLE TO SIGN ALONE THE ACCORD (FIRST DOCUMENT) FORCING OUR HAND AFTERWARDS FOR THE FOUR-WAY SIGNING (SECOND DOCUMENT). IN ANY CASE, WE WOULD FIND OURSELVES THE ONLY PARTY REFUSING TO SIGN, FOR IT CAN BE FORESEEN THAT THE PRG WILL SIGN IMMEDIATELY AFTERWARDS. ((WE)) REQUEST INSTRUCTIONS ON THE QUESTIONS PRESENTED BY SULLIVAN IN ORDER TO REPLY TO THE U.S. DELEGATION TOMORROW.

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