

I wanted to tell the Special Adviser and the Minister that at the end of our previous meeting, he said that we are now entering serious negotiations. I want him to know that this is our view as well.

The Special Adviser also said that the two sides must find a middle ground between our positions in order to reach a settlement. That, too, is our view.

This is why for the last month we have reviewed each other's proposals and our own positions with great seriousness and purposefulness and why I went to South Vietnam officially to discuss the negotiations.

In your propoganda you have pictured all this activity as a meaningless charade. But you should know, that these actions represent a major effort by the United States to move toward an early settlement of the war. And I hope you have enough sources in Saigon to confirm that fact. Since you must know the real situation, we find it inconsistent with your protestations of good will that your spokesmen continue to distort our efforts and attack our negotiators.

So the first step that must be taken here is that each of us show a serious awareness of the other's real problems and that there is a mutual search for the "middle ground" between our two positions. The time is ripe for an overall solution. But I must also tell you that the time is short.

We have a new proposal today and I would like to give you its background.

I presented your plan of August 1st in Saigon. You will not be astonished to hear that these plans were not greeted with complete enthusiasm and that we were criticized even for presenting them. We had some extremely difficult exchanges.

Clearly the political issue is the basic problem we face in these negotiations. Saigon sees in your plans a device for installing a Communist government. Even if we do not agree with every point of Saigon's criticism, we do believe that its objective consequence would be to guarantee the predominance of your supporters.

Your side, on the other hand, rejects an automatic reconfirmation of the present government in Saigon.

Faced with this problem, we have sought to find a middle ground, to shape a solution that is just to both sides. Our new plan seeks to remove any unfair advantage for the incumbents without at the same time guaranteeing a Victory for any other force.

In order to speed agreed positions with Saigon we have in certain instances used neutral formulations. We want you to know that we will interpret them in the sense of our discussions here and use all our influence in other forums which may open after we agree in principle. I will indicate these interpretations to you after I have presented the plan. We will stand by all that we have told you previously as well as the new elements we now introduce formally and those we give you as informal interpretations. But I must repeat -- no progress is possible unless we grant each other's good faith and recognize that this is an objectively difficult problem.

Here then is our new proposal. It presents great difficulties for our friends -- but we are confident that if you and we agree, it can be implemented.

(Dr. Kissinger then read the attached proposal.)

Let me comment on this plan in relation to our August 14 proposals. Let me review points and give you additional comments and interpretations.

In point 2 you will notice we have reduced the time for our withdrawal from four months to three months.

In point 5 we have substituted the word "fairness" for "equality" for the sake of agreement of our associates. However, if in order to obtain agreement the word "equality" should be a decisive one, I will tell you now we are prepared to return to it. If we can settle everything else, I think we can settle that point.

Now let me come to two important sets of interpretation. One concerns point 9, ceasefire. The other concerns point 4, the political plan. First, with respect to point 9, ceasefire.

At our last session the Special Adviser said that the relation of a ceasefire to a political settlement is one of the two major remaining differences. You asserted that a ceasefire before resolution of the political questions effectively separates political from military issues. Thus, your position has been that a ceasefire should come only after all problems have been settled and after an overall agreement is signed.

Your approach to this issue is a good example of your constant attempt to have the best of both worlds. You want to keep on fighting and extend your military influence. On the other hand, you claim in advance that a settlement should yield you political dominance of areas where your forces have not extended their control.

You demand our total withdrawal from Vietnam. However, when we offer to do it, you insist that our forces stay on until we have first helped to bring about your preferred political structure.

You complained for example in the August 31 article of the Nhan Dan Commentator about the failure to recognize the PRG. But you reject a ceasefire which would lead to a de facto recognition of the PRG. The article claimed that a ceasefire now would leave the large South Vietnamese army in the field to control elections. But there was no mention of the large North Vietnamese army that would also be in the field and - according to you at our last meeting - under PRG command. In a ceasefire-in-place the two standing forces would balance out and would help ensure an equitable political process.

In May, July, and August of this year we have made a range of proposals on ceasefire. We offered an immediate ceasefire. We offered a temporary ceasefire. Failing that, we offered a mutual reduction of hostilities. You have rejected all these initiatives.

We have also proposed that a ceasefire could take place after agreement in principle and while the details were being worked out. This, too, you have rejected.

We still believe that our approach is practical and just. An early ceasefire would do the following:

- Create a political reality and thus is the best means of linking political and military issues - just the opposite of what you maintain.
- Produce a de facto control situation in the country, reflecting the real balance of forces.
- Serve humanitarian ends.

However, in order to speed a comprehensive agreement the President has decided to accept your position on this issue. I am authorized to tell you that we are now prepared to agree -- if a settlement depends on it -- that a ceasefire should take place after an overall agreement is signed. We shall interpret point 9 to mean that a ceasefire shall occur only at the end of the negotiating process. We have thus fully met your point that a comprehensive solution should precede cessation of hostilities.

- 5 -

Now let me turn to Point 4, the political issue. We agree that this has emerged as the key element.

We can agree to a solution that leaves the political evolution of South Vietnam to the free decision of its people. We specifically address your assertion that any political process within the present framework is bound to be controlled by the incumbents and will reconfirm the present power structure. Thus we have proposed a solution that removes any inequitable advantages for the current government, excludes no political force, and assures an equal chance for all forces.

Specifically, the test of popular opinion will be run by a committee composed of the elements you proposed. We have thus accepted your tripartite principle even though there is no popular mandate for such representation. And we will apply it as well to the body that will review the Constitution. In the government formed after the election we envisage a tripartite representation as well - but in proportion to the votes achieved rather than arbitrarily fixing equal shares in advance of such a vote. The distinction we make is that we are prepared to give you a veto over the control arrangements on which the fairness of the electoral outcome depends, but we will not in advance determine the outcome of the popular will.

To make this approach more concrete we are willing to give you our interpretation of some of the provisions of our proposal.

We will interpret the composition of the Committee of National Reconciliation in the tripartite sense of equal proportions that you have advanced. In other words our formulation is composed of the formula you gave us.

With respect to the Constitution these are unilateral interpretations.

Two, with respect to the Constitution, we believe, that revisions will be needed after peace is made. We believe that the Committee of National Reconciliation should play a major role in the revision, and we are prepared to interpret paragraph 4 in that sense and to use our influence in that direction. So the Committee will not end its work with the election.

It is as you described it, and it will continue after the election to work on the revisions of the Constitution. But this last point is our interpretation and will have to be an understanding between you and us.

- 6 -

The various branches of government referred to in point 4(e) refer to the executive, legislative and judicial branches, all three.

We believe that the date for the resignation of the incumbents - specified as one month before the election in our January plan - is negotiable. If this question proves important for overall agreement, we will use our influence in this direction.

We believe that these plans and these interpretations would shape a political process that is fair to all parties.

We have sought the middle ground with a concrete and reasonable proposal:

Let me summarize.

We have provided that the political structure in South Vietnam be tested by the popular will. The incumbent President would resign. There would be new popular elections. The Constitution would be subject to revision. And the South Vietnamese would also be free to decide on any other political process to form a new government.

We have accepted the principle of three main political forces and tripartite organizations for all control bodies. Thus the Committee of National Reconciliation, which would have the two crucial functions of running the elections and helping in the review of the Constitution, would be composed of representatives of the GVN, NLF and other independent political tendencies. This prevents the government from dominating the political process and guarantees all forces equality in the control and supervisory forums.

We have assured representation for your side and other forces in the future government. The various forces would gain seats in proportion to the number of votes they received in the Presidential election. Thus this government, too, would have representatives of the three forces you specify. The only thing we have not done is to guarantee the number of seats for any of the forces. That we leave to the people of South Vietnam.

We have provided for a process of several stages. Rather than freezing the political structure after one event, there would be a continuing evolution with all forces having an effective voice.

We agree that the details of this political settlement be resolved before there is a ceasefire.

- / -

We accept your position on the implementation of various aspects of an agreement. As you know, our view has been that certain aspects of a settlement, such as withdrawals and the release of prisoners, could be carried out while other details were still being worked on. While we continue to object strongly to your holding our prisoners as hostage, we are prepared to change our position on the sequence issue as well. To show our good will and to remove your fear that we might renege on an agreement in principle, we now agree that implementation of the withdrawal and prisoner provisions would not begin until all negotiations are completed and overall agreement is reached.

In addition to these new elements, we have retained our previous offers, such as U.S. neutrality toward the political process; eligibility for all political forces in all branches of government; and guarantees under Article 14 (c) of the 1954 Geneva Agreements on which you have specifically insisted.

Furthermore, we have moved up the Presidential election to five, rather than six, months after the agreement.

Mr. Minister and Mr. Special Adviser, I mentioned earlier the recent editorial in your press and also the speech by your Prime Minister. I have read both with the greatest care.

The article asks rhetorically whether the incumbent's resignation and an election would ever take place. You have our ironclad assurances on this point which we are willing to reaffirm to whatever countries you wish.

It asks whether elections could possibly be fair. We have specified that they will be controlled by a tripartite body.

It challenges the present constitution. We have provided for its review and revision to bring it into harmony with the conditions of peace.

It points out the presence of the South Vietnamese army. But your own forces would exert their influence as well, and a ceasefire would bring about a de facto division of jurisdictions.

It argues for recognition of the PRG. This is assured de facto in a ceasefire and de jure in the key organizations and the future government.

It complains about our using the designation "NLF" instead of "PRG." This is not a real issue. A standstill ceasefire would gain more acceptance for the "PRG" than any words we employ here. If we are serious, we should not waste our time on legal quibbles. The solution is that our side use the terminology we prefer, that your side use the terminology you prefer, and that both sides sign both documents.

We have made a genuine and maximum effort to take account of your concerns.

This does not mean that we are making our proposals as a take-it-or-leave-it ultimatum. If you are prepared to consider our plan, we are ready to explore modifications within its framework. But for you to wait for new major concessions will cause you once again to miss the opportune time for a settlement. And for us to suggest that such major concessions were possible would be to mislead you both on what we are willing to do and even more on what we are able to deliver.

We are vividly aware of the difficulties we have gone through in order to table this proposal today. We are also conscious of what is required of us to give you these additional interpretations. Against this background, it would be extremely unfortunate if you subjected us once again to your standard charge that we have offered nothing new. You must choose between making debating points and making real progress. You must decide whether to waste the next two months haggling over legal fine print or to use this period to agree on a course and to implement it energetically in the other forums. And time is getting short.

We want to end this war rapidly. Not only to stop the suffering, but to provide justice for both sides. Not only to cease hostilities, but to turn energies to the tasks of peace and reconciliation. Clearly our two countries and our two peoples share an overriding interest in a peace that comes soon and a peace that will last.

If you see things the same way, you will find us dedicated partners in the quest for peace.

1. The United States respects the independence, sovereignty and territorial integrity of Vietnam, as recognized by the 1954 Geneva Agreements on Vietnam.

2. The total withdrawal from South Vietnam of all troops, military advisers, and military personnel, armaments and war material belonging to the United States, and those of other foreign countries allied with the Government of the Republic of Vietnam, and the dismantlement of all U.S. military bases in South Vietnam will be completed within three months after the signing of the overall agreement.

After overall agreement is reached, the U.S. is prepared to define its level of military aid with any government that exists in South Vietnam in direct relation to other external military aid introduced into Indochina.

3. The release of all military men and innocent civilians captured throughout Indochina will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured throughout Indochina on the day of the signing of the overall agreement.

- 2 -

4. The South Vietnamese people's right to self-determination, free from any outside interference, will be respected.

a) The South Vietnamese people will decide the political future of South Vietnam through genuinely free and democratic Presidential elections, review of the Constitution, and any other political processes they agree upon which will reflect the aspirations and will for peace, independence, democracy, and national reconciliation of the entire people.

Electoral procedures will guarantee freedom and equality during the campaign and balloting for all citizens, irrespective of their political tendencies or place of residence.

A Presidential election will be held within five months of an overall agreement.

The Presidential election will be organized and supervised by a Committee of National Reconciliation which will assume its responsibilities on the date of overall agreement. This body will decide electoral procedures, determine the qualification of candidates, ensure the fairness of voting and verify the election results.

The composition of the Committee will be as follows:

- Representatives of the Republic of Vietnam to be designated by the Government of the Republic of Vietnam;

- 3 -

- Representatives of the NLF to be designated by the NLF;
- Representatives of other political and religious tendencies in South Vietnam designated by mutual agreement between the Government of the Republic of Vietnam and the NLF.

There will be international supervision of this election.

b) Before the Presidential election, the incumbent President and Vice President of South Vietnam will resign. The Chairman of the Senate will assume the responsibilities of a caretaker head of government except for those responsibilities pertaining to the Presidential elections, which will remain with the Committee of National Reconciliation.

c) When he assumes office, the new President will form a new government in which all political forces will be represented in proportion to the number of popular votes they received in the Presidential election.

- 4 -

d) After the Presidential election, the Constitution will be reviewed for its consistency with the conditions of peace, with a view to restoring a spirit of national reconciliation throughout the country.

e) The right of all political forces to participate freely and peacefully in every aspect of the political process will be guaranteed. In addition to the Presidential election, all political forces will be eligible for appointment or election to positions in various branches of government.

f) In keeping with the provisions of Article 14 (C) of the 1954 Geneva Accords, the Vietnamese parties will undertake to refrain from any reprisals or discrimination against persons or organizations on account of their activities during the hostilities and to guarantee democratic liberties.

g) For its part, the United States declares that it respects the South Vietnamese right to self-determination; it will remain completely neutral with respect to the political process in South Vietnam; and it will abide by the outcome of any political process shaped by the South Vietnamese people themselves.

5. The question of Vietnamese armed forces in South Vietnam will be settled by the Vietnamese parties themselves in a spirit of national reconciliation, fairness, and mutual respect, without foreign interference and with a view to lessening the burdens of the people.

6. The re-unification of Vietnam will be achieved step by step, through peaceful means on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation from either side and without foreign interference. The time for re-unification will be agreed upon after a suitable interval following the signing of an overall agreement.

Pending re-unification, North and South Vietnam will promptly start negotiations toward the reestablishment of normal relations in various fields on the basis of mutual respect.

In keeping with the provisions of the 1954 Geneva Agreements on Vietnam, while Vietnam is still temporarily divided, North and South Vietnam will refrain from joining any military alliance with foreign countries, and from allowing foreign countries to maintain military bases, troops and military personnel on their respective territories.

7. The Geneva Agreements of 1954 on Indochina and those of 1962 on Laos will be respected by all parties. The people of each

Indochinese country will settle their own internal affairs without foreign interference.

The problems existing between the Indochinese countries will be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, territorial integrity and non-interference in each other's internal affairs. Among the problems that will be settled is the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.

8. The countries of Indochina shall pursue a foreign policy of peace and independence. They will observe the military provisions of the Geneva Agreements of 1954 and 1962, establish relations with all countries regardless of their political and social regimes, maintain economic and cultural relations with all countries, and participate in programs of regional economic cooperation.

9. At a time mutually agreed upon a general ceasefire will be observed throughout Indochina under international control and supervision.

As part of the ceasefire the U. S. will stop all its acts of force throughout Indochina by ground, air, and naval forces, wherever they may be based, and end the mining of North Vietnamese ports and harbors.

As part of the ceasefire, there will be no further infiltration of outside forces into any of the countries of Indochina, and the introduction into Indochina of reinforcements in the form of arms munitions and other war material will be prohibited. It is understood, however, that war material, arms and munitions which have been destroyed, damaged, worn out or used up after the cessation of hostilities may be replaced on the basis of piece-for-piece of the same type and with similar characteristics.

10. a) There will be international control and supervision of the provisions under points 2, 3, 4, 5, 7, and 9 of this agreement. The composition, tasks, and organization of the international control and supervision commission and the subjects to be controlled and supervised will be agreed upon by the belligerent parties prior to the ceasefire.

b) There will be an international guarantee for the respect of the ceasefire, of the Indochinese people's fundamental national rights, for the status of Indochina and for the preservation of lasting peace in this region. The countries participating in the international guarantee and the form of guarantee will be agreed upon by the belligerent parties.