

## Press conference held by Henry Kissinger (16 December 1972)

**Caption:** On 16 December 1972, Henry Kissinger, Assistant to US President Richard Nixon for National Security Affairs, holds a press conference in Washington at which he indicates the obstacles that have arisen during the negotiations for an end to hostilities in Vietnam.

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*Dr. Kissinger:* Ladies and gentlemen: As you know, I have been reporting to the President and meeting with the Secretary of State, the Vice President, the Secretary of Defense, the Chairman of the Joint Chiefs, and other senior officials. I am meeting with you today because we wanted to give you an account of the negotiations as they stand today.

I am sure you will appreciate that I cannot go into the details of particular issues, but I will give you as fair and honest a description of the general trend of the negotiations as I can.

First, let me do this in three parts: What led us to believe, at the end of October, that peace was imminent; second, what has happened since; third, where do we go from here?

At the end of October we had just concluded three weeks of negotiations with the North Vietnamese. As you all know, on October 8 the North Vietnamese presented to us a proposal which, as it later became elaborated, appeared to us to reflect the main principles that the President has always enunciated as being part of the American position. These principles were that there had to be an unconditional release of American prisoners throughout Indochina; secondly, that there should be a cease-fire in Indochina brought into being by various means suitable to the conditions of the countries concerned; third, that we were prepared to withdraw our forces under these conditions in a time period to be mutually agreed upon; fourth, that we would not prejudge the political outcome of the future of South Viet-Nam, we would not impose a particular solution, we would not insist on our particular solution.

The agreement as it was developed during October seemed to us to reflect these principles precisely. Then, toward the end of October, we encountered a number of difficulties. At the time, because we wanted to maintain the atmosphere leading to a rapid settlement, we mentioned them at our briefings, but we did not elaborate on them.

Now let me sum up what the problems were at the end of October.

It became apparent that there was in preparation a massive Communist effort to launch an attack throughout South Viet-Nam to begin several days before the cease-fire would have been declared and to continue for some weeks after the cease-fire came into being.

Second, there was an interview by the North Vietnamese Prime Minister which implied that the political solution that we had always insisted was part of our principles — namely, that we would not impose a coalition government — was not as clear-cut as our record of the negotiations indicated.

Thirdly, as no one could miss, we encountered some specific objections from Saigon.

Under these conditions, we proposed to Hanoi that there should be one other round of negotiations to clear up these difficulties. We were convinced that with good will on both sides, these difficulties could be relatively easily surmounted and that if we conducted ourselves on both sides in the spirit of the October negotiations, a settlement would be very rapid.

It was our conviction that if we were going to bring to an end 10 years of warfare we should not do so with an armistice, but with a peace that had a chance of lasting. Therefore we proposed three categories of clarifications in the agreement.

First, we wanted the so-called linguistic difficulties cleared up so that they would not provide the seed for unending disputes and another eruption of the war. I will speak about those in a minute.

Secondly, the agreement always had provided that international machinery be put in place immediately after the cease-fire was declared. We wanted to spell out the operational meaning of the word “immediately” by developing the protocols that were required to bring the international machinery into being simultaneously

with a cease-fire agreement. This, to us, seemed a largely technical matter.

Thirdly, we wanted some reference in the agreement, however vague, however allusive, however indirect, which would make clear that the two parts of Viet-Nam would live in peace with each other and that neither side would impose its solution on the other by force. These seemed to us modest requirements, relatively easily achievable.

Let me now tell you the sequence of events since that time. We all know of the disagreements that have existed between Saigon and Washington. These disagreements are to some extent understandable. It is inevitable that a people on whose territory the war has been fought and that for 25 years has been exposed to devastation and suffering and assassination would look at the prospects of a settlement in a more detailed way, in a more anguished way, than we who are 10,000 miles away. Many of the provisions of the agreement inevitably were seen in a different context in Viet-Nam than in Washington.

I think it is safe to say that we face, with respect to both Vietnamese parties, this problem. The people of Viet-Nam, North and South, have fought for so long that the risks and perils of war, however difficult, seem sometimes more bearable to them than the uncertainties and the risks and perils of peace.

Now, it is no secret, either, that the United States has not agreed with all the objections that were raised by Saigon. In particular, the U.S. position with respect to the cease-fire had been made clear in October 1970; it had been reiterated in the President's proposal of January 25, 1972; it was repeated again in the President's proposal of May 8, 1972. None of these proposals had asked for a withdrawal of North Vietnamese forces. Therefore we could not agree with our allies in South Viet-Nam when they added conditions to the established positions after an agreement had been reached that reflected these established positions.

As was made clear in the press conference here on October 26, as the President has reiterated in his speeches, the United States will not continue the war one day longer than it believes is necessary to reach an agreement we consider just and fair.

So we want to leave no doubt about the fact that if an agreement is reached that meets the stated conditions of the President, if an agreement is reached that we consider just, that no other party will have a veto over our actions.

But I am also bound to tell you that today this question is moot because we have not yet reached an agreement that the President considers just and fair. Therefore I want to explain to you the process of the negotiations since they resumed on November 20 and where we are.

The three objectives that we were seeking in these negotiations were stated in the press conference of October 26, in many speeches by the President afterward, and in every communication to Hanoi since. They could not have been a surprise.

Now let me say a word first about what were called linguistic difficulties, which were called these in order not to inflame the situation. How did they arise? They arose because the North Vietnamese presented us a document in English which we then discussed with them, and in many places throughout this document the original wording was changed as the negotiations proceeded, and the phrases were frequently weakened compared to the original formulation. It was not until we received the Vietnamese text, after those negotiations were concluded, that we found that while the English terms had been changed, the Vietnamese terms had been left unchanged.

So we suddenly found ourselves engaged in two negotiations, one about the English text, the other about the Vietnamese text. Having conducted many negotiations, I must say this was a novel procedure. It led to the view that perhaps these were not simply linguistic difficulties, but substantive difficulties.

Now, I must say that all of these, except one, have now been eliminated.

The second category of problems concerned bringing into being the international machinery so that it could operate simultaneously with the cease-fire and so as to avoid a situation where the cease-fire, rather than bring peace, would unleash another frenzy of warfare.

So to that end we submitted on November 20, the first day that the negotiations resumed, a list of what are called protocols, technical instruments to bring this machinery into being. These protocols — and I will not go into the details of these protocols — they are normally technical documents, and ours were certainly intended to conform to normal practices, despite the fact that this occurred four weeks after we had made clear that this was our intention and three weeks after Hanoi had pressed us to sign a cease-fire agreement. The North Vietnamese refused to discuss our protocols and refused to give us their protocols, so that the question of bringing the international machinery into being could not be addressed.

The first time we saw the North Vietnamese protocols was on the evening of December 12, the night before I was supposed to leave Paris, six weeks after we had stated what our aim was, five weeks after the cease-fire was supposed to be signed, a cease-fire which called for this machinery to be set up immediately.

These protocols were not technical instruments, but reopened a whole list of issues that had been settled — or we thought had been settled — in the agreement. They contained provisions that were not in the original agreement, and they excluded provisions that were in the original agreement. They are now in the process of being discussed by the technical experts in Paris, but some effort will be needed to remove the political provisions from them and to return them to a technical status.

Secondly, I think it is safe to say that the North Vietnamese perception of international machinery and our perception of international machinery is at drastic variance, and that, ladies and gentlemen, is an understatement.

We had thought that an effective machinery required, in effect, some freedom of movement, and our estimate was that several thousand people were needed to monitor the many provisions of the agreement. The North Vietnamese perception is that the total force should be no more than 250, of which nearly half should be located at headquarters; that it would be dependent for its communications, logistics, and even physical necessities entirely on the party in whose area it was located. So it would have no jeeps, no telephones, no radios of its own; that it could not move without being accompanied by liaison officers of the party that was to be investigated, if that party decided to give it the jeeps to get to where the violation was taking place and if that party would then let it communicate what it found.

It is our impression that the members of this commission will not exhaust themselves in frenzies of activity if this procedure were adopted.

Now, thirdly, the substance of the agreement. The negotiations since November 20 really have taken place in two phases. The first phase, which lasted for three days, continued the spirit and the attitude of the meetings in October. We presented our proposals. Some were accepted; others were rejected.

But by the end of the third day we had made very substantial progress and all of us thought that we were within a day or two of completing the arrangements. We do not know what decisions were made in Hanoi at that point; but from that point on, the negotiations have had the character where a settlement was always just within our reach and was always pulled just beyond our reach when we attempted to grasp it.

I do not think it is proper for me to go into the details of the specific issues, but I think I should give you a general atmosphere and a general sense of the procedures that were followed.

When we returned on December 4, we of the American team, we thought that the meetings could not last more than two or three days because there were only two or three issues left to be resolved. You all know that the meetings lasted nine days. They began with Hanoi withdrawing every change that had been agreed to two weeks previously.

We then spent the rest of the week getting back to where we had already been two weeks before. By Saturday, we thought we had narrowed the issues sufficiently where, if the other side had accepted again one section that they had already agreed to two weeks previously, the agreement could have been completed.

At that point, the President ordered General Haig [Gen. Alexander M. Haig, Jr., Deputy Assistant to the President for National Security Affairs] to return to Washington so that he would be available for the mission, that would then follow, of presenting the agreement to our allies. At that point we thought we were sufficiently close so that experts could meet to conform the texts so that we would not again encounter the linguistic difficulties which we had experienced previously and so that we could make sure that the changes that had been negotiated in English would also be reflected in Vietnamese.

When the experts met, they were presented with 17 new changes in the guise of linguistic changes. When I met again with the Special Adviser [Le Duc Tho], the one problem which we thought remained on Saturday had grown to two, and a new demand was presented. When we accepted that, it was withdrawn the next day and sharpened up. So we spent our time going through the 17 linguistic changes and reduced them again to two. Then, on the last day of the meeting, we asked our experts to meet to compare whether the 15 changes that had been settled, of the 17 that had been proposed, now conformed in the two texts. At that point we were presented with 16 new changes, including four substantive ones, some of which now still remain unsettled.

Now, I will not go into the details or into the merits of these changes. The major difficulty that we now face is that provisions that were settled in the agreement appear again in a different form in the protocols; that matters of technical implementation which were implicit in the agreement from the beginning have not been addressed and were not presented to us until the very last day of a series of sessions that had been specifically designed to discuss them; and that as soon as one issue was settled, a new issue was raised.

It was very tempting for us to continue the process which is so close to everybody's heart, implicit in the many meetings, of indicating great progress; but the President decided that we could not engage in a charade with the American people.

We are now in this curious position: Great progress has been made, even in the talks. The only thing that is lacking is one decision in Hanoi, to settle the remaining issues in terms that two weeks previously they had already agreed to. So we are not talking of an issue of principle that is totally unacceptable. Secondly, to complete the work that is required to bring the international machinery into being in the spirit that both sides have an interest of not ending the war in such a way that it is just the beginning of another round of conflict. So we are in a position where peace can be near but peace requires a decision. This is why we wanted to restate once more what our basic attitude is.

With respect to Saigon, we have sympathy and compassion for the anguish of their people and for the concerns of their government. But if we can get an agreement that the President considers just, we will proceed with it.

With respect to Hanoi, our basic objective was stated in the press conference of October 26. We want an end to the war that is something more than an armistice. We want to move from hostility to normalization and from normalization to cooperation. But we will not make a settlement which is a disguised form of continued warfare and which brings about by indirection what we have always said we would not tolerate.

We have always stated that a fair solution cannot possibly give either side everything that it wants. We are not continuing a war in order to give total victory to our allies. We want to give them a reasonable opportunity to participate in a political structure, but we also will not make a settlement which is a disguised form of victory for the other side.

Therefore we are at a point where we are again perhaps closer to an agreement than we were at the end of October, if the other side is willing to deal with us in good faith and with good will. But it cannot do that every day an issue is settled a new one is raised, that when an issue is settled in an agreement, it is raised

again as an understanding, and if it is settled in an understanding, it is raised again as a protocol. We will not be blackmailed into an agreement, we will not be stampeded into an agreement, and if I may say so, we will not be charmed into an agreement, until its conditions are right.

For the President and for all of us who have been engaged in these negotiations, nothing that we have done has meant more than attempting to bring an end to the war in Viet-Nam. Nothing that I have done since I have been in this position has made me feel more the trustee of so many hopes as the negotiations in which I have recently participated. It was painful at times to think of the hopes of millions and, indeed, of the hopes of many of you ladies and gentlemen who were standing outside these various meeting places expecting momentous events to be occurring, while inside one frivolous issue after another was surfaced in the last three days.

So, what we are saying to Hanoi is: We are prepared to continue in the spirit of the negotiations that were started in October. We are prepared to maintain an agreement that provides for the unconditional release of all American and allied prisoners, that imposes no political solution on either side, that brings about an internationally supervised cease-fire and the withdrawal of all American forces within 60 days. It is a settlement that is just to both sides and that requires only a decision to maintain provisions that had already been accepted and an end to procedures that can only mock the hopes of humanity.

On that basis, we can have a peace that justifies the hopes of mankind and the sense of justice of all participants.

Now I will be glad to answer some of your questions.

*Q. Dr. Kissinger, could you explain what in your mind you think Hanoi's motivation was in playing what you called a charade?*

*Dr. Kissinger:* I don't want to speculate on Hanoi's motives. I have no doubt that before too long we will hear a version of events that does not exactly coincide with ours. I have attempted to give you as honest an account as I am capable of. I believe — and this is pure speculation — that for a people that have fought for so long it is, paradoxically, perhaps easier to face the risks of war than the uncertainties of peace.

It may be that they are waiting for a further accentuation of the divisions between us and Saigon, for more public pressures on us, or perhaps they simply cannot make up their mind. But I really have no clue to what the policy decisions were.

*Q. Dr. Kissinger, from your account one would conclude that the talks are now ended in terms of the series you completed. Is that true? Secondly, if it is not true, on what basis will they be resumed?*

*Dr. Kissinger:* We do not consider the talks completed. We believe that it would be a relatively simple matter to conclude the agreement, because many of the issues that I mentioned in the press conference of October 26 have either been settled or substantial progress toward settling them has been made.

Therefore, if there were a determination to reach an agreement, it could be reached relatively quickly. On the other hand, the possibilities of raising technical objections are endless. So, as Le Duc Tho said yesterday, we would remain in contact through messages. We can then decide whether or when to meet again. I expect that we will meet again, but we have to meet in an atmosphere that is worthy of the seriousness of the endeavor. On that basis, as far as we are concerned, the settlement will be very rapid.

*Q. Dr. Kissinger, you have not discussed at all the proposals that the United States made on behalf of Saigon which required changes in the existing agreement that was negotiated. Can you discuss what those were and what effect they had on stimulating Hanoi, if they did, to making counterproposals of its own?*

*Dr. Kissinger:* As I pointed out, there were two categories of objections on the part of Saigon, objections which we agreed with and objections which we did not agree with. The objections that we agreed with are

essentially contained in the list that I presented at the beginning and those were the ones we maintained. All of those, we believe, did not represent changes in the agreement, but either clarifications, removal of ambiguities, or spelling out the implementation of agreed positions.

In the first sequence of meetings between November 20 and November 26, most of those were, or many of those were, taken care of. So that we have literally, as I have pointed out before, been in the position where every day we thought it could and indeed almost had to be the last day.

The counterproposals that Hanoi has made were again in two categories. One set of changes that would have totally destroyed the balance of the agreement and which, in effect, withdrew the most significant concessions they had made. I did not mention those in my statement, because in the process of negotiation they tended to disappear. They tended to disappear from the agreement to reappear in understandings and then to disappear from understandings to reappear in protocols. But I suspect that they will, in time, after the nervous exhaustion of our technical experts, disappear from the protocols as well. So there were major counterproposals which we believe can be handled.

But then there were a whole series of technical counterproposals which were absolutely unending and which hinged on such profound questions as whether if you state an obligation in the future tense, you were therefore leaving open the question of when it would come into operation, and matters that reached the metaphysical at moments and which, as soon as one of them was settled, another one appeared, which made one believe that one was not engaged in an effort to settle fundamental issues but in a delaying action for whatever reason.

Now, those issues can be settled any day that somebody decides to be serious. Now, it is clear that the interplay between Saigon and Hanoi is one of the complicating features of this negotiation, but the basic point that we want to make here is this:

We have had our difficulties in Saigon, but the obstacle to an agreement at this moment is not Saigon, because we do not have, as yet, an agreement that we can present to them. When that point is reached, the President has made clear that he will act on the basis of what he considers just; but he has also made clear that he does not want to end such a long war by bringing about a very short peace.

*Q. Can a useful agreement be made operative without Saigon's signature?*

*Dr. Kissinger:* Well, this is a question that has not yet had to be faced and which we hope will not have to be faced.

*Q. For the agreement to be just, according to the President's terms, must there be substantial withdrawal of North Vietnamese troops from the South?*

*Dr. Kissinger:* The question of North Vietnamese forces in the South has three elements: the presence of the forces now there, their future, and the general claim that North Viet-Nam may make with respect to its right to intervene constantly in the South.

With respect to the last question, we cannot accept the proposition that North Viet-Nam has a right of constant intervention in the South.

With respect to the first question, of the forces now in the South, the United States has made three cease-fire proposals since October 1970, all of them based on the de facto situation as it existed at the time of the cease-fire, all of them approved by the Government of South Viet-Nam. Therefore, we did not add that condition of withdrawal to our present proposal, which reflected exactly the positions we had taken on January 25 and on May 8 of this year, both of which had been agreed to by the Government of the Republic of Viet-Nam.

We believe, however, that if the agreement that has been negotiated is implemented in good faith, that the

problem of the forces will tend to lose its significance, or at least reduce significance, partly because of de facto withdrawals that could occur, and partly because if the provisions with respect to Laos, Cambodia, and no infiltration are maintained, the consequences in attrition will have to be obvious.

*Q. Are we back to square one now, Dr. Kissinger, would you say?*

*Dr. Kissinger:* No. We have an agreement that is 99 percent completed as far as the text of the agreement is concerned. We also have an agreement whose associated implementations are very simple to conclude if one takes the basic provisions of international supervision that are in the text of the agreement, provisions that happened to be spelled out in greater detail in the agreement than any other aspect, and therefore we are one decision away from a settlement.

Hanoi can settle this any day by an exchange of messages, after which there would be required a certain amount of work on the agreement, which is not very much, and some work in bringing the implementing instruments into being.

*Q. Would you tell what that 1 percent is?*

*Dr. Kissinger:* Well, you know, I have found I get into trouble when I give figures, so let me not insist on 1 percent. It is an agreement that is substantially completed, but I cannot go into that. But that alone is not the problem. The problem is as I have described it in my presentation.

*Q. I am a little confused, Dr. Kissinger, as to whether what remains you would describe as fundamental or one of these technical problems, because you have ranged between the two and I am a little lost as to what is left.*

*Dr. Kissinger:* The technical implementing instruments that they have presented are totally unacceptable, for the reasons which I gave. On the other hand, I cannot really believe that they are serious. What remains on the agreement itself is a fundamental point. It is, however, a point that had been accepted two weeks previously and later withdrawn. So we are not raising a new, fundamental point. We are raising the acceptance of something that had once been accepted.

*Q. Is it a political issue?*

*Dr. Kissinger:* I really don't want to go into it.

*Q. What is the future of the Paris peace talks?*

*Dr. Kissinger:* I think that the sort of discussions that have been going on in the Paris peace talks are not affected by such temporary ups and downs as the private peace talks, so I am sure that Minister Xuan Thuy and Ambassador [William J.] Porter will find many subjects for mutual recrimination. [Laughter.]

*Q. Dr. Kissinger, isn't the fundamental point the one you raised about the right of North Vietnamese forces to intervene in the future in South Viet-Nam?*

*Dr. Kissinger:* I will not go into the substance of the negotiations.

*Q. Dr. Kissinger, you already mentioned a fundamental disagreement in which you say it is the U.S. insistence that the two parts of Viet-Nam should live in peace with each other. Is that not the fundamental disagreement here?*

*Dr. Kissinger:* As I said, I will not go into the details. I cannot consider it an extremely onerous demand to say that the parties of a peace settlement should live in peace with one another, and we cannot make a settlement which brings peace to North Viet-Nam and maintains the war in South Viet-Nam.



*Q. But isn't their position basically that Viet-Nam is one country and that this peace agreement is supposed to ratify that point?*

*Dr. Kissinger:* As I said, I will not go into the substance of the discussions, and I repeat: The issue that remained when we sent General Haig home is one that had already been agreed upon once, so it could not have been something that happened by oversight.

*Q. Dr. Kissinger, was Hanoi messaged ahead of time that you would talk to us?*

*Dr. Kissinger:* No. But I suspect you will get that message to them very quickly.

*Q. Was there any understanding in Paris before you left that each side would be free to express itself without damaging the possibility of future talks?*

*Dr. Kissinger:* No. Le Duc Tho correctly stated our agreement at the airport: that we would not go into the substance of the talks. Now, I recognize that what I am doing here goes to the edge of that understanding — [laughter] — but the President felt that we could not permit a situation to continue in which there was daily speculation as to something that was already accomplished, while the record was so clearly contrary; therefore, we owed you an explanation not of the particular issues, but of the progress of negotiations, and exactly where they stood.

*Q. Dr. Kissinger, I am not quite clear on a technical point. You talked about agreements, understandings, and protocols. Are there in fact three different sets of documents under negotiation? What are these understandings?*

*Dr. Kissinger:* There are agreements, understandings, and protocols. It always happens in a negotiation that there is some discussion which is not part of the agreement which attempts to explain what specific provisions mean and how they are going to be interpreted. This is what I meant by understanding. The protocols are the instruments that bring into being the international machinery and prisoner release. Their function is usually, in fact always, a purely technical implementation of provisions of an agreement.

These protocols do not, as a general rule, raise new issues, but rather they say, for example, with respect to prisoners, if the prisoners are to be released in 60 days, they would spell out the staging, the points at which they are released, who can receive them, and so forth.

Similarly with respect to international machinery, they would say where are the teams located, what are their functions, and so forth. Our concern is that the protocols, as we now have them, raise both political issues, which are inappropriate to implementing protocols, and technical issues, which are inconsistent with international supervision.

We have other protocols that deal with prisoners and withdrawals and mining that also present problems, but which I don't mention here because those are normal technical discussions that you would expect in the course of an agreement.

*The press: Thank you.*