

No. 25965

**FRANCE
and
VIET NAM**

Exchange of letters constituting an agreement on the repatriation of remains from French military graves in Viet Nam (with annex). Paris, 10 September 1986 and 23 September 1986

Authentic text: French.

Registered by France on 6 June 1988.

**FRANCE
et
VIET NAM**

Échange de lettres constituant un accord relatif au rapatriement des sépultures militaires françaises au Viet Nam (avec annexe). Paris, 10 septembre 1986 et 23 septembre 1986

Texte authentique : français.

Enregistré par la France le 6 juin 1988.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC
AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC
OF VIETNAM ON THE REPATRIATION OF REMAINS FROM
FRENCH MILITARY GRAVES IN VIET NAM

I

MINISTRY FOR FOREIGN AFFAIRS
THE SECRETARY OF STATE

Paris, 10 September 1986

011402

Sir,

Following the discussions between the representatives of our two Governments on the repatriation of remains from French military cemeteries in Viet Nam, I have the honour to propose to you, upon instructions from my Government, the following measures:

Item 1

SCOPE OF THE REPATRIATION

The repatriation shall cover all military personnel who died in action after 1939, whatever their ethnic or national origin, including military personnel who died in captivity.

Observing that most military cemeteries also contain the remains of military personnel or civilians who did not die in action or who died before 1939, the two delegations agree that it is not possible to separate such cases from the repatriation operations as a whole. All the French remains from the military cemeteries shall be repatriated.

In the case of civilian graves outside military cemeteries and not being handed over to France under the present repatriation operations, the Vietnamese Party shall treat them as it treats abandoned graves, in accordance with the conditions and possibilities of each region.

Item 2

DURATION OF THE REPATRIATION

The two delegations consider that it is reasonable to conclude most of these operations within a period of approximately two years. This period, which may be

¹ Came into force on 1 October 1986, in accordance with the provisions of the said letters.

extended by joint agreement if necessary, will be defined more precisely in the light of the technical and financial procedures yet to be specified.

The timetable of the exhumation and repatriation operations for each of the cemeteries is as follows:

- Tan Son Nhut, commencement of operations 1 October 1986, conclusion 31 December 1986;
- Vung Tau, conclusion 31 December 1986;
- Ba Huyen, commencement of operations in the second quarter of 1987, conclusion at the end of 1987;
- In the case of other isolated or scattered military graves which will have to be searched for under the direction of the Joint Commission provided for in item 6, operations will be started in 1988 and will continue as local conditions permit.

Item 3

MATERIALS AND SUPPLIES

The two delegations agree that the French Party shall provide the materials and supplies necessary and appropriate for the various repatriation operations involving the mortal remains of the French military personnel, where such materials and supplies are not available in Viet Nam, from 1 October 1986 onwards for Tan Son Nhut and Vung Tau and in line with the timetable laid down in item 2 for the cemetery at Ba Huyen.

In particular, the air transportation containers and the styrene receptacles shall be supplied by France. The Vietnamese Party, in agreement with the French Party, shall supply additional materials and services.

Item 4

GUIDELINES FOR THE REPATRIATION OPERATIONS

The two delegations agree that the operations in Viet Nam shall be undertaken at the least possible cost and with due respect for legal, moral and religious obligations. In particular, the remains will not be incinerated, and rules of hygiene will be rigorously enforced.

A. Steps to be taken before transportation

1. Graves at Tan Son Nhut, Vung Tau and Ba Huyen:
 - Exhumation of the bodies;
 - Transfer to styrene receptacles for loading into air transportation containers which will be brought to the site and whose dimensions will be specified by Air France;
 - Sealing of the containers;
 - Washing of the mortal remains for the graves at Vung Tau.
2. Isolated or scattered military graves.
 - Exhumation of the bodies;
 - Washing of the mortal remains;

- Transfer to styrene receptacles, which will then be placed in transportation crates each capable of carrying approximately a dozen bodies;
- Sealing of the transportation crates.

B. Transportation to the departure airfield

The Vietnamese Party shall be responsible for the direct transportation of the containers from the place where the bodies were exhumed to the departure airfield, where it shall also be responsible for loading the remains onto aircraft chartered by the French Party. It shall follow the same procedure as regards the transportation crates, once the local operation has been completely concluded.

The Vietnamese Party undertakes to issue all authorizations necessary for the repatriation, including those relating to the movement of French aircraft from the airfields where the remains are loaded, in particular the airports serving Hanoi and Ho Chi Minh City.

The French Party shall be responsible for the expenditures provided for in international and bilateral conventions with regard to transit landings necessary for the repatriation of the French remains.

Item 5

FINANCING

The two delegations agree to seek a financial and budgetary solution which will not entail excessive cost or waste.

The overall financial evaluation shall be based on the scale used in the past and shall make allowance for various factors such as the size and length of the repatriation operation, recent trends in the cost of living in France and Viet Nam, and recent movements in the currencies of the two Parties.

Making allowance for the type of grave and nature of the operations to be carried out, the cost per grave in the Tan Son Nhut, Vung Tau and Ba Huyen cemeteries shall be as stated in annex 1.

The two Parties agree that the cost of the operations listed in points (a), (b) and (c) of annex 1 shall not exceed 12.5 million French francs. This figure, including taxes and any duties payable, may not be modified.

The two Parties agree that the individual costs for the other isolated or scattered military graves shall be settled by reference to the scale jointly agreed on and applied.

Payment

Payments from the French Party to finance the operations described above shall be made into the Vietcombank in Hanoi.

Payments from the French Party shall be made in accordance with the rules of public accountancy, upon presentation of monthly accounts drawn up by the Vietnamese Party.

Item 6

JOINT COMMISSION

A Joint Commission comprising official Vietnamese and French representatives shall be established from 1 October 1986. The Vietnamese authorities shall

take any measures necessary to allow it to travel throughout Viet Nam, in accordance with the laws and regulations of the Socialist Republic of Viet Nam.

The Joint Commission shall comprise:

On the French side:

- For the Tan Son Nhut and Vung Tau Cemeteries: the Consul-General of France in Ho Chi Minh City or his representative, and three representatives of the Secrétariat d'Etat aux Anciens Combattants (National Veterans Department);
- For the Ba Huyen cemetery: the Consul-General of France in Hanoi or his representative and three representatives of the Secrétariat d'Etat aux Anciens Combattants;
- For isolated or scattered graves: the Consul of France in Hanoi or his representative;

On the Vietnamese side:

- Three representatives and an interpreter.

The members of the Joint Commission shall:

- Take part jointly in the operations to find the graves and cooperate in the successful conclusion of the various agreed operations;
- Cooperate in identifying the remains, in particular by the presence of both sides at each exhumation;
- Assist the health authorities in all matters appertaining to public hygiene;
- Resolve any questions arising out of the exhumation and repatriation of the mortal remains of French military personnel, under the present Agreement.

The costs incurred by the Vietnamese members of the Joint Commission are included in the costs listed in annex 1. The costs incurred by the French members of the Joint Commission shall be borne by the French Party, and they shall be lodged in premises belonging to the diplomatic and consular representations of France in Viet Nam.

ANNEX I

COST OF THE OPERATIONS CARRIED OUT BY THE VIETNAMESE PARTY

(Point 5)

a) Operations in Tan Son Nhut

Exhumation	456.00 FF
Transfer to containers	22.00 FF
Ground cleaning	10.00 FF
Materials	10.00 FF
Maintenance, transportation and loading of the containers onto the aircraft . . .	27.50 FF
Joint Commission cost and security	35.00 FF
Cleaning of remains	<u>10.00 FF</u>
TOTAL	570.50 FF
	per grave

b) *Operations in Vung Tau*

Exhumation	482.00 FF
Transfer to containers	22.00 FF
Washing of the bodies	80.00 FF
Materials	10.00 FF
Ground cleaning	10.00 FF
Maintenance, transportation and loading of the containers onto the aircraft...	84.60 FF
Joint Commission costs and security	<u>30.00 FF</u>
TOTAL	718.60 FF per grave

c) *Operations in Ba Huyen*

Exhumation	287.00 FF
Transfer to containers	22.00 FF
Ground cleaning	10.00 FF
Materials	14.00 FF
Maintenance, transportation and loading of the containers onto the aircraft...	85.80 FF
Joint Commission costs and security	35.00 FF
Cleaning of the bodies	<u>10.00 FF</u>
TOTAL	463.80 FF per grave

I would be grateful if you would inform me whether the above provisions meet with the approval of your Government. If so, this letter, together with your reply, shall constitute the Agreement between our two Governments, to take effect from 1 October 1986.

Accept, Sir, etc.

[Signed]

DIDIER BARIANI

His Excellency Ha Van Lau
Ambassador of the Socialist Republic
of Viet Nam in Paris

II

THE AMBASSADOR
OF THE SOCIALIST REPUBLIC OF VIET NAM IN FRANCE

Paris, 23 September 1986

Sir,

I have the honour to acknowledge receipt of your letter No. 011402 of 10 September 1986, in which, on instructions from your Government, you made the following proposals on the repatriation of French military remains in Viet Nam:

[See letter I]

I have the honour to inform you that the above provisions have been approved by my Government, and that your letter No. 011402 dated 10 September 1986, together with the present letter, shall constitute the Agreement between our two Governments on the Repatriation of Remains from French Military Cemeteries in Viet Nam, this Agreement to take effect on 1 October 1986.

Accept, Excellency, etc.

[Signed]

HA VAN LAU

Mr. Didier Bariani
Secretary of State at the Ministry for Foreign Affairs
of the French Republic
Paris
