

**The Vietnam War and the laws of war: An
examination of North Vietnam's military strategy
and its compliance with the laws of war.**

Hai Van Le

Submitted in accordance with the requirements for the degree of
Doctor of Philosophy

The University of Leeds
School of Politics and International Studies

November, 2011

The candidate confirms that the work submitted is his/her own and that appropriate credit has been given where reference has been made to the work of others.

This copy has been supplied on the understanding that it is copyright material and that no quotation from the thesis may be published without proper acknowledgement.

The right of Hai Van Le to be identified as Author of this work has been asserted by him in accordance with the Copyright, Designs and Patents Act 1988.

© 2011 The University of Leeds and Hai Van Le

Acknowledgements

The completion of this thesis has only been made possible by the support and advice of my supervisors Professor Christoph Bluth and Professor Jason Ralph. I would like to thank Professor Christoph Bluth for his thoughtful comments and his critical assessment, which are very important to my thesis. Professor Jason Ralph is a great supervisor, who helps me a lot to understand about the laws of war and is always very helpful whenever I have difficulties with my research.

I would like to thank staffs at Hanoi Central Military Library, at Vietnam National Library and researchers at the Institute of Military History of Vietnam among other libraries and institutes in Vietnam for their help in finding out the materials when I did interview and archive research there during my fieldtrips to Vietnam in 2009 and 2010.

I am greatly indebted to my parent and my family for their unconditional love and support, without which I would not have been able to start or continue the study.

My expression of appreciation would be incomplete without acknowledging the help and support from my friends in the UK as well as in Vietnam for proofreading my thesis and sharing the unforgettable moments with me.

Abstract

The thesis focuses on the Vietnamese side of the Vietnam War. Though this war is one of the wars best documented, literature about the Vietnamese side is much less in comparison with that about the American side. In the war, inherited from the long history of national defence and influenced by Marxism-Leninism on war and army, North Vietnam applied the Vietnamese strategy of people's war, calling all Vietnamese people to participate in national effort to fight against American aggression. The North Vietnam's military strategy was not consistent with the basic principles of the laws of war as it did not distinguish combatants from non-combatants. This strategy put civilian population at risk. However, the thesis demonstrates through original archive and interview based research how the People's Army of Vietnam (PAVN) was not unrestrained. It had its own rules of engagement in fighting as well as in everyday contact with civilian, in order to minimize civilian casualties and protect civilian lives and assets. Also, PAVN paid great attention to winning and maintaining support of civilian as this support was crucial for its own existence as well as its war fighting capability. One implication of studying the North Vietnam's way of war is that North Vietnam's war against America was not immoral. It also has implications on the debate about the morality of American war in Vietnam and reflection to the American's current counter-insurgency doctrine - the Petraeus Doctrine.

Table of Contents

<u>Chapter I: Introduction</u>	9
<u>1.1 Introduction</u>	9
<u>1.2 Project background</u>	19
<u>1.2.1 The unbalanced literature about the Vietnam war.</u>	20
<u>1.2.2 The Vietnam War from the North Vietnamese perspective.</u>	26
<u>1.2.3 The Vietnam War and the laws of war.</u>	31
<u>1.2.4 The implications of studying North Vietnam's military strategy and its compliance with the laws of war.</u>	38
<u>1.3 Project outline</u>	40
<u>Chapter II: The laws of war and asymmetric warfare</u>	43
<u>2.1 The laws of war and its basic principles</u>	43
<u>2.1.1 The principle of non-combatant immunity</u>	44
<u>2.1.2 Principle of proportionality</u>	51
<u>2.1.3 Principle of military necessary</u>	52
<u>2.2 Asymmetric warfare</u>	55
<u>2.3 How asymmetric warfare put pressure on the laws of war</u>	57
<u>2.4 The relationship between <i>jus ad bellum</i> and <i>jus in bello</i> and Marxism-Leninism thought about war</u>	66
<u>2.4.1 The relationship between <i>jus ad bellum</i> and <i>jus in bello</i></u>	67
<u>2.4.2 Marxism-Leninism thought about war and the relationship between <i>jus ad bellum</i> and <i>jus in bello</i></u>	70
<u>Chapter III: The Vietnam War</u>	74
<u>3.1 The Vietnam war in American perspective</u>	75
<u>3.1.1 America's changing perception about Vietnam after the World War II</u>	75
<u>3.1.2 America's commitment in Vietnam under Eisenhower administration</u>	77
<u>3.1.3 Kennedy Administration and counter insurgency in Vietnam</u>	87
<u>3.1.4 Johnson and the escalation of America's military involvement in Vietnam</u>	90
<u>3.1.5 Nixon's Vietnam war</u>	105
<u>3.2 The Vietnam war in North Vietnam's official history account</u>	112
<u>3.2.1 Phase 1- From July 1954 to the end of 1960</u>	113
<u>3.2.2 Phase 2: From 1961 to mid-1965</u>	118

<u>3.2.3 Phase 3: From mid-1965 to early 1969</u>	124
<u>3.2.4 Phase 4 the Vietnamization from 1969 to early 1973</u>	129
<u>3.2.5 Phase 5: From early 1973 to April 1975- Ending the war</u>	133
<u>Chapter IV: The North Vietnam's Military Strategy in the war against America 1954-1975</u>	139
<u>4.1 The roots of North Vietnam's military strategy</u>	139
<u>4.1.1 Vietnamese national experience to fight against foreign aggression</u>	139
<u>4.1.2 Marxism-Leninism on war and military in Vietnamese perception</u>	146
<u>4.1.3 Ho Chi Minh's military thought</u>	151
<u>4.1.4 Chinese people's war</u>	156
<u>4.2 Vietnamese people's war in the resistant war against America 1954-1975</u>	159
<u>Chapter V: Assessing North Vietnam's military conduct in the Vietnam war against the law of armed conflicts</u>	179
<u>5.1 The applicability of the law of war in the Vietnam war</u>	180
<u>5.2 Assessing the law of war in North Vietnam's military strategy and conduct in the war against America</u>	190
<u>5.2.1 The law of war in North Vietnam's military strategy in fighting against America.</u>	190
<u>5.2.2 The law of war in the organization of the North Vietnam's armed forces during the war.</u>	195
<u>5.2.3 The law of war in the mode of conduct of North Vietnam's armed forces.</u>	200
<u>5.2.4 North Vietnam's treatment of the prisoner of war</u>	203
<u>5.3 North Vietnam's rule of engagement in military conduct</u>	207
<u>Chapter VI: North Vietnam's perspective on the cause and justness of its war against America and the way it won support of Vietnamese civilian population.</u>	216
<u>6.1 North Vietnam's perspective on the cause of the Vietnam war and the justness of the Vietnamese side of the war</u>	216
<u>6.1.1 The North Vietnam's perspective on the cause and justness of its war against America</u>	217
<u>6.1.2 North Vietnam's war against America and jus ad bellum</u>	245
<u>6.1.3 North Vietnam's justification of its way of war</u>	254
<u>6.2 Civilian mobilisation in the Vietnam war</u>	259

<u>6.2.1 The importance of civilian mobilization in the North Vietnam's military strategy during the Vietnam War.</u>	259
<u>6.2.2 The aims of civilian mobilisation work</u>	266
<u>6.2.3 The content of civilian mobilisation work</u>	269
<u>6.2.4 Critics of shortcoming in the civilian mobilisation work</u>	278
<u>6.2.5 How North Vietnam get the civilian mobilisation work done?</u>	281
<u>Chapter VII: Conclusion and the implications of the research about Vietnam War and the law of war</u>	286
<u>7.1 Conclusion</u>	286
<u>7.2 Implications</u>	290
<u>7.2.1 Implication for judging the morality of North Vietnam's war against America.</u>	290
<u>7.2.2 Implication for judging the morality of American's war in Vietnam.</u>	292
<u>7.2.3 Implication for relearning the lessons of Vietnam-Petraeus Doctrine</u>	294

Chapter I: Introduction

1.1 Introduction

Why Vietnam War and the law of war?

Firstly, why Vietnam War? The Vietnam war is one of the wars best documented (DeGroot, 2000, p.2). However, Western literature about this war is unbalanced. Books, papers about American side of the war are much more extensive than those about the Vietnamese side. The war ended four decades ago, but what is known about the Vietnamese side of the war is still too little in comparison with that of the other side. My thesis, using a great deal of sources in Vietnamese language, focuses on the Vietnamese side of the war, aiming at increasing the understanding about war on the Vietnamese side and lessening the unbalance in the literature about this important war in the twentieth century.

Why North Vietnam's military strategy and the laws of war? This is a gap in literature about the Vietnamese side of the war. We already know that North Vietnam employed guerrilla tactics in fighting against America and that guerrilla warfare was not consistent with the laws of war and put civilian population at risk as guerrilla fighters did not distinguish themselves from civilian. We also know that the support of civilian population was crucial for guerrilla force to survive, not to mention to fight against such an asymmetrically powerful enemy like America. However, we don't know how North Vietnam managed to resolve this contradiction. On the one hand, North Vietnam waged a guerrilla war against America, which was inconsistent with the law of war and put their civilian population at risk. On the other, it managed to win enough support from civilian to survive and fight against America and eventually won the war. My thesis will examine North Vietnam's

compliance with the laws of war and then discuss North Vietnam's rule of engagement and the way North Vietnam won support from civilian population.

In addition, studying North Vietnam's military strategy and its compliance with the law of war not only reveals the morality of the Vietnamese side but also shed light on the debate about the America's morality in the Vietnam War. Michael Walzer argued that the American war in Vietnam is

“The war cannot be won, and it should not be won. It cannot be won, because the only available strategy involves a war against civilians; and it should not be won, because *the degree of civilian support* that rules out alternative strategies also makes the guerrillas the legitimate rulers of the country” (Walzer, 2006, p.195).

However, Walzer himself did not discuss in details how North Vietnam won that “degree of civilian support” while their strategy actually put that very civilian population at risk. This is the gap in the literature that my thesis aims to cover.

What is the research question and hypothesis?

Given the lack of literature about the Vietnamese side of the war and the gap in understanding the role of the laws of war in North Vietnam's military strategy, my research question is: Did North Vietnam comply with the laws of war in its war against America? If not, did North Vietnam follow any rule of engagement and how did North Vietnam win support from civilian?

The hypothesis I am trying to test is that: North Vietnam did not abide by the basic principles underpinning the laws of war, but it was not unrestrained. North Vietnam had its own rule of engagement to win and maintain support of civilian population.

In answering these research questions and testing the hypothesis, I will present North Vietnam's official perspective on the Vietnam War, under that perspective North Vietnam initiated its military strategy. I will also present North Vietnam's

justification of the war itself and the way of war and investigate how North Vietnam's war is justified under traditional *ad bellum* criteria.

Answering the above research question will have following implications:

The first implication is to judge the morality of North Vietnam's war against America. Though North Vietnam's way of war was not strictly consistent with basic principles of *jus in bello*, North Vietnam's war against America was not immoral. In terms of *jus ad bellum*, though it was not publicly declared, on balance North Vietnam's war was legitimate. In terms of *jus in bello*, North Vietnam followed its own rule of engagement to protect civilian and minimize civilian casualties, even if its soldiers had to accept more harm to themselves.

The second implication is to judge the morality of America's war in Vietnam. The thesis fills in the missing point of Walzer's argument about America's morality in the Vietnam war by showing how North Vietnam won support from civilian population even though its way of war put civilian population at risk. Thus, the thesis confirms Walzer's argument that America's war was "doubly untenable" as it was "the war cannot be won and should not be won" (Walzer, 2006, p.195).

The third implication is regarding current America's counter-insurgency doctrine. The research shows that winning hearts and minds of people is pivotal in winning an insurgent/counter-insurgent war. In the Vietnam War, North Vietnam was very much weaker than America militarily, however, it could still win the war as it got the support from civilian population.

What are main arguments of my thesis?

The main argument of my thesis is that though North Vietnam military strategy was not consistent with the basic principles of the laws of war, North Vietnam had its own rule of engagement to protect civilian and minimize civilian

casualties and together with the just cause, North Vietnam managed to win and maintain enough support from civilian to eventually win the war against America.

North Vietnam's military strategy in the war against America was not consistent with the basic principles of the laws of war. The strategy was inherited from the long Vietnamese history of fighting against foreign aggressors. In the fighting, Vietnamese people employed the motto of "the whole nation joining forces" and "everyone is a soldier". In the modern time North Vietnam's military strategy was influenced by Marxism and Leninism on war and army, in which the end justifies the means. According to Marxism, just war is the war that is

"waged by a people for the sake of freedom and social progress, for liberation from exploitation and national oppression or in defence of its state sovereignty against an aggressive attack" (Marxism-Leninism on war and military, 1972. p.87).

And Leninist concept of war is quite straight forward, the war is just if its cause is just and waged by progressive class. He wrote that

"There are just and unjust wars, progressive and reactionary wars, wars waged by advanced classes and wars waged by backward classes, wars waged for the purpose of perpetuating class oppression and wars waged for the purpose of eliminating oppression. Reactionary, aggressive wars cannot be just, and unjust wars retard historical progress. Just wars have progressive aims. The political content of a just war is to liberate a people from oppression and exploitation, which hold back socio-economic development" (Lenin Selected Works, Vol. 29, p.343).

Influenced by the Vietnamese traditional way of war and Marxism-Leninism thought about war, North Vietnam's military strategy in the war against America was not consistent with the basic principles of the laws of war which demand clear distinction between combatant and non-combatant and that even the cause is just,

wars are still have to be conducted justly. However, contrary to the arguments put forwarded by O'Briend (1981, p.123) that North Vietnam deliberately use "population as a shield", I will argue that the inconsistency between North Vietnam's military strategy and the principles underpinning the laws of war was not because North Vietnam deliberately violated the 1949 Geneva Conventions, which it signed on 28th June 1957, but because of the difference in the way of fighting between Vietnam and Western countries.

As North Vietnam's military strategy was not consistent with the laws of war and it essentially put civilian population at risk, how did North Vietnam win support from the civilian population? North Vietnam's armed forces had its own strict rule of engagement in relations with civilian population. Given that the support of civilian population was crucial for guerrilla force, North Vietnam paid great attention to winning hearts and minds of the people. In everyday contact with civilian, People's Army of Vietnam (PAVN) had Ten Swears, Twelve Disciplines, and other rules regulating relations between armed forces and the people. In fighting, PAVN tried to minimise civilian casualties, protect civilian lives and assets even though they had to accept more harm to themselves. To monitor and guide the job of winning hearts and minds of civilian population, North Vietnam armed forces organized a specialised organization- Department of Civilian Mobilisation, belong to General Department of Politics of PAVN. With its strong emphasis on the civilian mobilisation. North Vietnam's armed forces won enough support from people to sustain and win over America in the war.

How will I do it?

To do this research, I use qualitative research method in which I focus on, archive research and interview. I use sources both in English and Vietnamese

language. However, as the focus of the thesis is on the North Vietnam's conduct in the war, the main sources are from Vietnamese archives in Vietnamese language.

The following Vietnamese military think-tanks and archives are valuable sources of information for my thesis: The Institute of Military History, Ministry of National Defense; The Institute of Military Strategic Studies, Ministry of National Defense; People Army of Vietnam's Central Library; People's Army Publishing House. Besides, Vietnam National Library is a helpful body of knowledge for me. Several other think-tanks in Vietnam such as Hanoi Institute for International Relations- IIR (now is Diplomatic Academy of Vietnam), the War Review Board... are also good sources of information.

In the above think-tanks and archives, I found a lot of Vietnamese literature about the war. I divide the literature into three kinds, based on the level of propaganda elements embedded in each kind.

The first kind of source is the public official Vietnamese literature about the war against America, including the "*History of the Resistant War against America*" (7 volumes); "*History of People's Army of Vietnam*" (3 volumes); "*Review of Resistant wars against French and America: Reasons for Success and Lessons Learned*" (2 volumes) etc. This kind of literature is published for popular readers and is the Vietnamese official account of its resistant war against America. This kind of literature usually embeds a degree of propaganda following the will of Vietnamese Communist Party. This kind of literature tends to emphasize the achievements of the Communist side, describes the victory in more details while minimizes or even ignores the setbacks. However, this does not mean that this kind of literature is totally propaganda and has no value for research. The literature has certain percentage of truth in itself. It provides a broad overview of the Vietnam's war against America for example when the struggle started, how North Vietnam

defined its main opponents in the war, how North Vietnam justified the war toward its own people etc. It also shed light on how North Vietnam views the evolvement of the war through five phases, what were the main characteristics and strategy of each phase. Generally, the Vietnamese official and public literature about the history of the war embeds some elements of propaganda, but it is still useful in providing information about the overarching issues of the North Vietnam's war against America.

The second kind of sources of my thesis is the Party's Documents. The Vietnamese Communist Party's Documents are recently published in many volumes, each volume covers all the documents of the Party in one year. During the years of war against America. The Party's Documents include not only the documents of Vietnamese Worker Party (the official name of Vietnamese Communist Party in that period) in the North Vietnam but also documents of the Party's Central Office in the South Vietnam. the exchanging letters, notes of leaders in the North and in the South Vietnam regarding the strategy debate and the way to lead the war in South Vietnam forward.

This kind of documents, according to David Elliott (2008), is carefully censored before publication, meaning that not all the documents are published, especially those hostile to China because now Vietnam and China are friends. However, in comparison with the first kind of literature which is the official Vietnamese history account of the war, this kind of literature is much less propaganda. The Party's Documents are resolutions, directives, decrees etc. of the Party in the North Vietnam and the Party's Central Office in the South Vietnam to direct the war in South Vietnam. Party leaders wanted the subordinates in the South Vietnam to understand these documents as faithfully as possible so that they can apply them correctly in reality. These documents targeted at local leaders and heads

of military units during the war time, those who were responsible for carrying out the strategy. Thus, the purpose of these documents was not for propaganda. This kind of documents point out the North Vietnam's grand strategy in the war, the military strategy for the war, the military strategy for each period of the war, etc.

The third kind of sources for my thesis is the training materials of People's Army of Vietnam for example the series of Manual for Political Work in People's Army of Vietnam regarding the civilian mobilization including "*Some Basic Issues of Civilian Mobilization in People's Armed Forces*" (1971); "*Winning Back the People*" (1958); "*Civilian Mobilization- Textbook for Army and Reserved Forces*" (1968); "*The History of Department of Civilian Mobilization from 1947 to 2007*" (2007) etc.: the training materials about Vietnamese People's War such as "*The Art of Military Fighting of Vietnam in the War of National Liberation and Safeguarding the Fatherland*" (2004); "*Local People's War in the Resistant War against America 1954-1975*" (1996) etc.; the battle plan of important battles in the war against America recorded in "*Summary of Military Campaigns in the Resistant War against America 1954-1975*" (2001).

This kind of sources is not for public access in the Central Military Library in Hanoi. The purpose of these sources is for training soldiers/army officers, for the later generation of soldiers to learn from the experience of the previous generation. The targeted audience of these sources is soldiers and army officers. These sources are usually the products of group or specialized organizations including the individuals having actual experience in the fields. This kind of sources aims at giving the soldiers and army officers of the People's Army of Vietnam the accuracy of what happened in the past and for them to learn the lessons and apply these lessons in future. With this aim, this kind of documents has very little propaganda.

The training materials of the Vietnamese people's war point out the strategy and tactics of the people's war in the war against America, the role of civilian people in the North Vietnam's military strategy. It also provides insight on the reasons why Vietnamese military leaders appreciate the role of people and why they care for people's lives and assets in the war. The series of manual for political works in People's Army of Vietnam regarding civilian mobilization help to understand the way People's Army won support from civilian. It points out the tactics and concrete measures of People's Army of Vietnam to carry out the civilian mobilization work in army unit at different levels such as what should be done when station near a village, what should be done, what should be avoided when soldiers stay in people's house etc. The battle plans of important battles in the war against America reveals the People's Army of Vietnam's Rule of Engagement in its actual fighting during the war against America. For example, every battle plan had a part about civilian situation surrounding the battle field and this is one of factors to be considered in planning the battle. This is the main source of the thesis helping me to answer the original research questions.

To complement what might be lack in archive research, I also did interviews. I did totally 19 interviews, in which 12 were the interviews of People's Army of Vietnam veterans and 7 were the interviews of Vietnamese scholars about the war. The interview materials help me to find out things that I cannot get from archive research. For example, interview materials help me to see how the North Vietnam's policy and strategy translated in reality, specifically how the work of civilian mobilization was actually carried out by soldier during the war; how soldiers were trained about the rule of engagement; how soldiers abided by the rule of engagement of protecting civilian and minimizing civilian casualties in their fighting etc.

I chose to do interview with both veterans and scholars because veterans had the experience of what actually happened but usually lack the broad view about the war in general, or even the battle that they actually participated in. They usually know what happened with their unit and close units, but not the whole battle. Moreover, given that the war ended nearly 40 years ago, most of veterans now in their seventies, so sometime they cannot remember exactly what happened or misremember. The researchers about the war can help on these issues even though they did not participate in the war.

Among the veteran I interviewed, I tried my best to have the diversity. I chose interviewees who participated in important battles such as Ap Bac battle, Van Tuong battle, Khe Sanh battle. I chose to interview people who participated in the battles in different strategic areas according to the strategy of North Vietnam Ap Bac battle in rural and delta area; Khe Sanh battle in forest and mountainous area; Hue battle in the town and city area in Tet Offensive 1968. I also chose battles with different tactics, Ap Bac was defensive battle; Van Tuong was also the defensive battle but the People's Army was in surprise; Gia HUU, Binh Dinh battle was an ambush battle. I would like to see whether the rule of engagement to protect civilian and minimize civilian casualties was consistent in the different circumstances. The people chosen for interview and the battles chosen for example are reasonable representative.

The interviewees are people I know personally and I am trusted for them to share their stories, which they might be less willing to talk with a foreign interviewer. Before any interview, I always made sure that the interviewees were aware that the materials would be used for doing a PhD research in the UK and the interviewees could refuse to answer questions that they thought not appropriate. However, I found out that interviewees were quite willing to tell their stories, and

most of the interviews were longer than I expected. In the interviews, the veterans talked about their experience and I asked them specific questions regarding how they were trained, how they treated civilian in everyday contact as well as in fighting, how they carried out civilian mobilization, why they participated in the People's Army, how they saw the justification of the war etc.

Also, the thesis is about the Vietnam War and the laws of war, Western literature about the war and about the laws of war cannot be underestimated. Books, papers about the Vietnam War in English are extensive and very helpful for my research.

1.2 Project background

In the Cold War, due to nuclear deterrence, the US and Soviet Union dared not risk an all-out war. Thus, the contest between the two superpowers was fought in the form of arms races, covert actions, ideological campaigns, economic embargoes, and proxy wars in peripheral areas. Among the three wars that are often referred to as 'proxy wars' (Korean, Vietnam and Afghanistan), in which one of the two superpowers sent hundreds of thousands of its own troops into battle against clients of the other side, the Vietnam war arguably had the most impact on public opinion in the West on US interventions abroad. Vietnam became the place to test the strength of two contesting superpowers because 'in other places where the two superpowers confronted one another they were frozen in a stalemate that could not be broken without the risk of general war', in other words, 'Vietnam was strategic because it was peripheral'. (Lind, 2003, p.9).

Thus, the Vietnam War was not simply a struggle of Vietnamese people for national reunification and independence but it also demonstrated the military and political struggle between the Communist and non-Communist world during the

Cold War. Understanding about the Vietnam War would help to understand more about the Cold War, especially the relations between America and Soviet Union in 1950s, 1960s and early 1970s.

1.2.1 The unbalanced literature about the Vietnam war.

Since the end of the Vietnam War, there has been voluminous literature discussing almost all aspects of this war. Gerard J. DeGroot proposes an experiment: Get on the World Wide Web, choose a search engine and key in 'Vietnam war'. Press return and thousands of matches will be brought forward. Or, another way, log on to the website of a major online bookseller and again key in 'Vietnam war'. If the bookseller is a big one, the results will eventually number in the thousands (DeGroot, 2000. p.1). While DeGroot admitted that 'the results defy categorization', he did try to categorize the authors of Vietnam war literature

'Some seek explanation- of America's involvement in the war. or of the reasons for her defeat. For others, writing about the war is a necessary act of closure in response to the pain it has caused. Others still are keen to use the war as a morality tale through which to peddle a particular vision of America. And then there are those for whom the war offers an opportunity to make money in a book market which has yet to reach saturation' (DeGroot, 2000, p.1).

The issue which troubles academic writers the most, is the explanation why America got involved in Vietnam and why it lost the war. Some authors explained America's involvement as a gradually evolving problem exacerbated by America mistakes, misconceptions and hubris. These authors include Lloyd Gardner with *Approaching Vietnam*; George McT. Kahin with *Intervention*; Arthur Schlesinger with *The Bitter Heritage: Vietnam and American Democracy, 1941-1966*; and Anthony Short with *The Origins of the Vietnam War*. Other authors seek the explanation of the America's involvement in Vietnam by analysing the policy of

each consecutive administration. Among these authors are Melanie Billing- Yun with *Decision Against War: Eisenhower and Dien Bien Phu 1954*; David Anderson with *Trapped by Success: The Eisenhower Administration and Vietnam, 1953-1961*; John Newman with *JFK and Vietnam*; Jeffrey Kimball with *Nixon's Vietnam War*. Many authors focus their study on the Johnson years, for example. Larry Berman with *Planning a Tragedy* and *Lyndon Johnson's War*; George Herring with *LBJ and Vietnam*; Brian VanDeMark with *Into the Quagmire* and Gardner with *Pay Any Price* etc.

Robert A. Divine has noted that there are three broad views on explaining the origins of America's involvement in Vietnam. The first interpretation can be labelled the liberal internationalist perspective, which held that

'American leaders from Truman to Johnson had undertaken a series of incremental steps in Indochina which ended in disastrous U.S involvements. This came about by chance, not design, and if any president had known where his policies were leading the nation, he never would have approved them' (Divine, 1988, p.81).

The second view is called 'stalemate' concept, which argued that America presidents had taken a series of steps with full knowledge that none was likely to achieve the desired result. Leslie Gelb and Richard Betts explain this view in their book *The Irony of Vietnam: The System Worked* by the 'good doctor' analogy: even though the patient, South Vietnam, is likely to expire, the world would see the United States as the good doctor who did everything possible to prevent this calamity.

The third view holds that the America's involvement in Vietnam resulted from the flawed grand strategy of containment. In this view, George Kennan became the

scapegoat by 'portraying Vietnam as the logical culmination of the Cold war effort to contain communism' (Divine, 1988, p.83).

Authors about the Vietnam War are also divided on other issues. Recently Max Boot wrote that

"Among historians, the biggest division has pitted those who think that the Vietnam war was immoral and unwinnable against those who think it was a worthy effort that could have been won with different tactics and strategy"
(Boot, 2011, p.1).

In the initial American literature about its involvement in the Vietnam War, the anti-war view was a dominant voice. Robert A. Divine pointed out that

"The initial interpretation was anything but supportive of American policy: to a greater or lesser degree, nearly all the early writers on Vietnam were highly critical of America intervention.....Virtually all contemporary historical analysts of the Vietnam War shared a strong distaste for America intervention and a fervent belief that U.S policy was seriously mistaken" (Divine, 1988, p.81)

The anti-war authors were highly critical of the America involvement in Vietnam. Among the famous books of these authors are France FitzGerald's "*Fire in the Lake*" (1972), David Halberstam's "*The Best and the Brightest*" (1972), Michael Herr's "*Dispatches*" (1977), Stanley Karnow's "*Vietnam: A history*" (1983), Neil Sheehan's "*A Bright Shining Lie: John Paul Vann and America in Vietnam*" (1988) etc.

Then, in late 1970s and early 1980s, there was a trend of revisionism in literature about Vietnam War, with authors holding more sympathetic view on the America's involvement. One of the central points of the revisionist authors is the argument that the war could have been won if the United States fought in another way, though there is still no agreement on which way the America should fight. In his article last year, James McAllister stated that

“Despite the passage of four decades and the declassification of millions of pages of documents, diplomatic and military historians still have not reached a consensus as to why the United States pursued a flawed military strategy in Vietnam. Indeed, historians continue to argue about which elements of the strategy was flawed and whether any strategy could have led to success in Vietnam” (McAllister, 2010, p.95).

Within the revisionist view, some authors¹ argue that America should have fought a counterinsurgency war rather than pursuing the search and destroy mission and conventional use of forces. The nature of the Vietnam War was a guerrilla war. Thus Westmoreland and the US army fought ineffectively because they “applied a concept of warfare unsuited to their adversary”. Others² argued that the US lost the war in Vietnam because the military “waged a counterinsurgency campaign against the Vietcong instead of conventional war against North Vietnam’s main forces” (Divine, 1988, p.85). According to this school, America should wage a conventional war and let the pacification operation for South Vietnam’s armed forces to carry out. But if the Vietnam War was not an insurgency war, it was not a conventional war either. McAllister pointed out that

“Vietnam was neither a standard conventional nor a standard insurgent war. It was both at the same time” (McAllister, 2010, p.97)

Revisionist authors also challenged the view that America’s war effort was immoral.

¹ George C. Herring (1982); Andrew F. Krepinevic Jr. (1986); GuenterLewy (1978); Lewis Sorley (1999); John A. Nagl (2005).

² Harry G. Summers Jr. (1982); John M. Carland (2004); Dale Andrade (2008); Andrew J. Birtle (2008).

‘While they admit that the use of chemical defoliants, the free-fire zones, and the heavy air bombardments killed many civilians, they claim that this war was no worse in that respect than other twentieth –century conflicts’ (Divine, 1988, p.86).

Among these authors, there are Guenter Lewy with *America in Vietnam*; Norman Podhoretz with *Why We Were in Vietnam*; Michael Lind with *Vietnam: A Necessary War*.

There are also many authors who choose to focus on other aspects of the war. For example, Charles DeBenedetti (*An American Ordeal*), Tom Wells (*The War Within*), Kenneth Heinemann (*Campus Wars*), Terry Anderson (*The Movement and the Sixties*).... wrote about the anti-Vietnam war movement in 1960s. Or Daniel C. Hallin (*The Uncensored War*) and Kathleen Turner (*Lyndon Johnson’s Dual War*) focus on the media covering during the time of war.

However, all the above authors actually wrote about the America’s experience in Vietnam War rather than about the war itself. Tai Sung An wrote that

‘The overwhelming majority of these books (and current teaching of the Vietnam war at universities and colleges) have tended to concentrate heavily, if not exclusively, on the America dimension of the Vietnam war drama; that is to say, they are not about the Vietnam war or Vietnam but about the America experience in Vietnam, as if it were the crucial one that decided the course and the outcome of the war’ (Tai Sung An, 1998, p.13).

Scholarly writing about the Vietnamese side of the war has been much less in comparison with the writing about America side. According to Ang Cheng Guan, there are two explanations for this disproportion. The first is that in 1950s and 1960s, most scholars did not view Hanoi as an independent entity. The prevalent assumption at that time was that the Vietnam War was a part of the machination of Beijing and/or Moscow to control the non-communist world. Thus, North Vietnam

communist perspective was not worth studying on its own term. However, 'the realization that this assumption was too simplistic, if not altogether mistaken, only came about gradually in 1970s' (Ang Cheng Guan, 2003, p.1). Because the Vietnam war first and foremost was the struggle of Vietnamese people for national independence and reunification.

The second explanation for the imbalance in the literature is "the relative difficulty of access to the archives of communist governments" (Ang Cheng Guan, 2003, p.1). It is because of this difficulty that authors writing about Vietnam War tend to focus on America's experience in the war, this widens the gap between what one knows about American decision-making with regard to the war on the one hand, and that of the Vietnamese communist on the other.

R.B Smith divided the literature about Vietnamese side in the Vietnam War into three broad phases. The first generation of writings relied mainly on official media materials. The works of second generation were largely based on documents seized or collected during the war. Notable authors in this generation are Carlyle A. Thayer (the author of *The Origins of the National Liberation Front for the Liberation of South Vietnam*, and *War by Other Means: National Liberation and Revolution in Vietnam 1956-1960*); William J. Duiker (the author of *The Communist Road to Power in Vietnam* and *Sacred War: Nationalism and Revolution in a Divided Vietnam*); and William Turley (the author of *The Second Indochina war: A Short Political and Military History, 1954-1975*). The third generation of literature about the Vietnam War came after the end of the Cold War. The authors of this generation have more chance to access communist materials which had been unavailable to the Western academics. These authors includes Chen Jian (*Mao's China and the Cold war*), QiangZhai (*Beijing and the Vietnam Peace Talks 1965-1968: New Evidence From Chinese Sources*; and *China and the Vietnam Wars*,

1950-1975). Ronnie Ford (*Tet 1968: Understanding the Surprise*). Ilya Gaiduk (*The Soviet Union and the Vietnam War; and Confronting Vietnam: Soviet Policy Toward the Indochina Conflict, 1954-1963*), Robert K. Brigham (*Guerrilla Diplomacy: The NLF's foreign relations and the Vietnam war*)...However, these authors mostly based their research on Russian and Chinese archives, while not many work on North Vietnam archives.

There are authors that acknowledge the fact that writing about the Vietnamese side of the war is much less in comparison with literature on America side. Ang Cheng Guan, when writing the book *'The Vietnam war from the other side'*, noted that

'The literature on the Vietnam war in the English language is voluminous and continues to grow. The writings have however focused predominantly on the decisions of the United States and its role in the war. Scholarly writings that present the communist perspective of the war are meagre by comparison'. (Ang Cheng Guan, 2003, p.1).

DeGroot also share this view

'Analysis of the war is too often excessively American-centred, implying that it was within the power of the United States to shape the fate of Vietnam, as long as she chose the proper war to do so' (DeGroot, 2000, p.5).

Thus, there exists an unbalanced understanding about the Vietnam War. While the knowledge on America side of the war has been voluminous, the literature on the Vietnamese side of the war has been lacking.

1.2.2 The Vietnam War from the North Vietnamese perspective.

From North Vietnam's perspective, the Vietnam war was the anti-American war in which the Vietnamese people under the leadership of Vietnam Communist Party (then called Vietnam Worker Party) struggled for national independence and reunification. This struggle started as early as in 1954, after the defeat of France in

Dien Bien Phu and the conclusion of Geneva Agreement. Ang Cheng Guan wrote that

‘Whereas most US-centric accounts of the Vietnam war begin in 1965, from the perspective of the Vietnamese communists, July 1954 marked the beginning of a new phase in the Vietnamese struggle for reunification’ (Guan, 2002, p.6).

The Indochina phase of the Geneva Conference convened on May 8, 1954, just one day after the France’s defeat in Dien Bien Phu. In addition to four major powers (the United States, France, the United Kingdom and the Soviet Union) that had convened the conference, Laos, Cambodia, the Democratic Republic of Vietnam, the State of Vietnam and the People’s Republic of China were represented at this phase of the conference. The Geneva Conference concluded an Agreement on the Cessation of Hostilities in Vietnam signed on July 20, 1954 between France and Democratic Republic of Vietnam. No other members of the Conference signed the Agreement on the Cessation of Hostilities in Vietnam.

The Geneva Conference also adopted a Final Declaration endorsing the main points of the Agreements on the Cessation of Hostilities in Vietnam. The Final Declaration was not signed, but was accepted orally by Britain, France, the Soviet Union, the China People’s Republic and the Democratic Republic of Vietnam. The Final Declaration was not accepted by the United States or by the State of Vietnam. According to Daniel G. Partan

“Instead, the United States made a unilateral declaration taking note of the Agreement and the Final Declaration and promising that, in accordance with its obligations under Article 2(4) of the United Nations Charter, the United States would not use or threaten forces “to disturb” these agreements, and declaring that the United States “would view any renewal of the aggression in violation of the aforesaid agreement with grave concern and as seriously threatening

international peace and security. The State of Vietnam refused to accept the Final Declaration, but declared that it would not use force to resist the cease-fire, and that it would “make and support every effort to re-establish a real and lasting peace in Vietnam” (Partan, 1967, p.205).

Article 14 (a) of the Geneva Agreement entrusts the ‘civil administration in each regrouping zone’ to ‘the party whose forces are to be regrouped there’ pending ‘the general elections which will bring about the unification of Vietnam’ [Quotations from the Agreement of the Cessation of Hostilities in Vietnam].

Paragraph 7 of the Final Declaration states that

‘In order to ensure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the Member States of the International Supervisory Commission, referred to in the Agreement on the Cessation of Hostilities. Consultation will be held on this subject between the competent representative authorities of the two zones from 20 July 1955’ (Final Declaration of Geneva Conference, July 1954).

In the North Vietnam’s perspective, the first two years from 1954 to 1956 was the struggle for the Geneva Agreement to be fully abided by and implemented by Diem government, especially for the implementation of the general elections, which North Vietnam was confident that they would win. However, not only had the Diem regime refused to hold consultations on national elections with representatives of the DRV, but Diem’s control over the southern provinces was tightening. Thus, July 1956 passed without general elections being held to bring about the national unification as anticipated in the Geneva Agreement. After 1956, North Vietnam gradually and reluctantly moved from primarily political to a predominantly military approach. William Duiker wrote that

‘It seems clear that the party embarked on the road to revolutionary war in the South with some reluctance’ (Duiker, 1993, p.34).

He argued that Hanoi leaders preferred the political option because they were convinced that here they possessed a clear advantage over enemy.

Thus, from North Vietnam’s point of view, the origins of the war was because the US, in pursuit of its grand strategy, did not take into account the age-old burning aspiration of Vietnam for national independence and unity as it supported the Diem regime’s violations of Geneva Agreement especially failing to hold the general elections. General Tran Van Tra, a high-ranking military leader of Vietnam noted that

‘The Geneva Agreements of 1954 fixed July 1956 as the date of nationwide elections for the purpose of national reunification. If all parties had respected this international commitment and allowed the Vietnamese people to decide their fate for themselves, the war would not have been raged for another twenty-one years’ (Tran Van Tra, 1993, p.235).

Generally, in North Vietnam’s perspective, the US was engaged in an unjust war, which did not respect the Vietnamese people’s legitimate aspiration. The nature of the war was the Vietnamese struggle for national independence and territorial unity against the America’s aggression. It was a Vietnamese people’s war under the leadership of the Vietnam Communist Party (then it was called Vietnamese Worker Party- Dang Lao Dong Viet Nam).

However, this official narrative was disputable. On the one hand, North Vietnam accused America of violating Geneva agreement, ignoring the legitimate aspiration of Vietnamese people, waging unjust war against Vietnam. On the other hand, there were counter-arguments (American’s official position in 1966: John Norton Moore, 1968) that South Vietnam was not bound by Geneva agreements, so it did not have the obligation to cooperate in holding general election with North

Vietnam. Or that North Vietnam was an oppressive regime. the situation in the North Vietnam cannot guarantee a fair and free election, so South Vietnam was justified in rejecting cooperation with the North in holding the general election. And North Vietnam and South Vietnam had become two separate international entities and North Vietnam was accused of aggression against South Vietnam. American intervention was in collective defence of the South Vietnam. I will investigate these counter-arguments in the chapter VI of the thesis.

The strategic aim of North Vietnam in the war against America was not the direct military defeat of America, but to defeat the political will of the US to wage and/or continue the war. David W.P. Elliott noted that

‘The emphasis was not on a military defeat of the United States but, rather, on exhausting the strategic possibilities open to it. The key was to defeat the ‘aggressive will’ (*chi xam luoc*) of the United States- a psychological objective more than a military one’ (Elliott, 1993, p. 70).

In order to achieve this goal, North Vietnam employed strategies and tactics, which was summarized by Elliott in the strategic model ‘Three types of war; Three strategic zones: Three ‘points of attack’; Three types of forces’. Three types of war were special war, limited war, general war. The primary goal of North Vietnam was

‘to force the United States to recognize the unviability of each of these options, and force a choice between de-escalation leading to eventual withdrawal, on the one hand, and escalation, which was more costly and risky option, on the other’ (Elliott, 1993, p.71)

Three strategic zones were mountain-forest regions, populated delta countryside and cities. Military and political operations in each strategic regions support the others. Three ‘points of attack’ were military action, political action and military proselytizing. Three types of forces were main force, local force, and guerrilla units. These forces were used flexibly in supporting each other.

In implementing this strategic model, the battlefield extended to the whole South Vietnam, the guerrillas intermingled with people, lived among people as fish in water. Thus, the distinction between combatants and civilian became blurred. In fact, the National Liberation Front (NLF) named its paramilitary forces Dan Quan (Civilian Soldier), who were considered to be both soldier and civilian. (Walzer, 2006, p.182). One of the famous slogan of Vietnam People's Army is 'The Army and the people are like fish and water'. Peter Paret and John Shy noted that

'The frequent impossibility of distinguishing [communist] guerrillas and peaceful villagers led to inevitable brutality and injustice on the part of the [Saigon] police and [America-South Vietnamese} troops' (Cited in Tai Sung An, 1998. p.94).

However, among the authors writing about the Vietnam War on the Vietnamese side, no one ever assessed the role of the laws of war in the North Vietnam's military strategy against America. And no one ever raised and answered the question if the North Vietnam did not abide by the basic principles underpinning the laws of war, what was the rule of engagement of People's Army of Vietnam? And when North Vietnam's military strategy actually put the civilian population's lives at risk, how did it mobilize the support from these very same people? How did North Vietnam justify its way of war to the Vietnamese people? These are the gaps in the literature that my thesis will address.

1.2.3 The Vietnam War and the laws of war.

The laws of war is originated and developed in Western civilization, so there might be an argument that it is only applicable to the war among countries in the West. Vietnam belongs to the oriental civilization, and there are many elements different between the two civilizations thus the laws of war is not applicable in Vietnam. However, in my opinion this argument is not true.

It is true that the laws of war were developed in the Western civilization but we can find many basic ideas of the law of war not only in the West but also in the Eastern civilization such as India or China. For example, in China, as early as in fifth century B.C, there was a widely accepted rule that

‘No war should be begun without just cause; that enemy should be notified of pending attacks; that no injury be done to the wounded; and that the persons and properties of innocents be respected’ (Christopher, 1994. p. 8).

Moreover, in the modern time, when the laws of war were codified in international conventions, the aim of the codification process was not restricted in governing the wars among western countries. More importantly, the 1949 Geneva Conventions I, II, III and IV aimed at regulating and lessening the ferocity of the war suffered by people all over the world. As a result, now there are totally 194 countries, not just Western ones, have already ratified and become parties to the four 1949 Geneva Conventions.

Both North Vietnam and the United States were state parties to the 1949 Geneva Conventions on 28/6/1957 and 02/08/1955 respectively. And according to the Common Article 2 of 1949 Geneva Conventions

‘The present Conventions shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them’ (Geneva Convention).

The Vietnam War was obviously subjected to the four 1949 Geneva Conventions in particular and to the laws of war in general. In fact, on June 11, 1965, the International Committee of the Red Cross sent a letter to all warring parties of the Vietnam War in an attempt to promote full compliance by all parties with at least the minimal provision of the 1949 Geneva Conventions. The letter said

‘All parties to the conflict, the Republic of Vietnam, the Democratic Republic of Vietnam and the United States of America are bound by four Geneva Conventions of August 12, 1949, for the protection of the victims of war, having ratified them and having adhered thereto. The National Liberation Front is bound by the undertakings signed by Vietnam’. (International Legal Materials cited in Petrowski, 1969).

However, writings about the application of the laws of war in Vietnam War so far have mainly focused on the America’s conduct in the war, while the North Vietnam’s conduct has not been appropriately discussed.

Paul Ramsey was one of the first authors to discuss the issue of the laws of war and the Vietnam War. In his book *The Just War- Force and Political Responsibility*, Ramsey discussed the question: how shall counter-insurgency war be conducted justly? And then he applied the answer to the case of the Vietnam War. Ramsey argued that, in counter-insurgent war, the insurgents failed to distinguish themselves from civilian. Thus, they enlarged the targets that are legitimately attacked by the counter-insurgent forces. And they also enlarged the collateral damage as a result of these legitimate attacks. So, according to Ramsey, the conduct of counter-insurgency war will mainly be governed by the principle of proportionality. This means that as long as the counter-insurgent forces do not deliberately and directly attack against civilian, their attack would be just if it does more good than evil as regulated by the proportionality principle. The insurgent will be responsible for the loss of civilian lives as a result of counter-insurgent attack because it was the insurgent who enlarged the legitimate target and the collateral damage. Then Ramsey applies his argument in the Vietnam War. In this case, according to Ramsey, the American conduct in the war was not indiscriminate. He wrote that

'I myself have no hesitation in saying that the counter-insurgency in South Vietnam in its chief or central design falls within the principle of discrimination. It is directed upon combatants as these have organized themselves for war, i.e., among the people like fish in water. No Christian and no moralists should assert that it violates the moral immunity of non-combatants from direct, deliberate attack to direct the violence of war upon vast Vietcong strongholds whose destruction unavoidably involves the collateral deaths of a great many civilians' (Ramsey, [1967], 2002, p.503)

Given that the North Vietnam and Vietcong failed to distinguish themselves from the ordinary population, it is the principle of proportionality that the US was in peril of violating. On this principle, Ramsey noted that

'On the matter of weighting the greater and the lesser evil, one can only mean to say that present policy is prudentially wrong- which may be disastrous enough- not that it is inherently 'immoral'. (Ramsey, 2002, p.504).

Thus, according to Ramsey, 'no assembly of churchmen should pronounce- as did the 1966 Geneva Conference on Church and Society- that recent U.S actions in Vietnam 'cannot be justified' (Ramsey, 2002, p.510).

Lawrence C. Petrowski was the next author discussing the America's conduct in Vietnam War under the laws of war. In the article '*Law and the conduct of the Vietnam war*', he condemned America's conduct in the war. He wrote that:

'United States and Allied actions, particularly under the heading of methods of warfare, weapons employed and treatment of prisoners, disclose what seems to be a persistent, even if not planned, disregard of the basic rules, principles and standards governing the conduct of war' (Petrowski, 1969, p.485).

Henri Meyrowitz, in the article '*The Law of War in Vietnamese Conflict*', also condemned America's lack of distinction in its bombing in the North and South Vietnam, and its use of chemical weapons. Regarding the treatment of prisoners of war, he discussed the way that each side treated the other's captured combatants.

However, he noted that 'we do not possess information on the treatment of combatants made prisoners in the South by the North Vietnamese army' (Meyrowitz, 1969, p.563). Thus, his discussion also focused on the American side, not the Vietnamese side.

The next author writing about this issue is Michael Walzer who argued that America's rules of engagement in the Vietnam War did not satisfy both the principle of discrimination and the principle of proportionality. Though, America's rule of engagement seem to be discriminate, in practice, they were not able to separate the Vietnamese civilian from combatants because the battlefield in Vietnam war extended over much of the country and the struggle was protracted. Even if we supposed that these rules of engagement worked in practice, they failed to satisfy the principle of proportionality. It cannot be accepted that 'In order to save Vietnam, we had to destroy the rural culture and the village society of Vietnam' (Walzer, 2006, p.192).

More importantly, Walzer argued that in the case that the guerrilla cannot be isolated from the people, the anti-guerrilla war can no longer be fought

'not just because, from a strategic point of view, it can no longer be won.

It cannot be fought because it is no longer an anti-guerrilla war but an anti-social war, a war against entire people, in which no distinctions would be possible in the actual fighting' (Walzer, 2006, p.187).

This is where *jus ad bellum* and *jus in bello* come together. And, according to Walzer, the guerrilla war in Vietnam did reach the point where guerrilla forces cannot be isolated from people and the Vietnam War became a war that "cannot be won and should not be won".

'It cannot be won because the only available strategy involves a war against civilian; and it should not be won, because the degree of civilian support that rules out alternative strategies also makes the guerrillas the legitimate rulers of

the country. The struggle against them is an unjust struggle as well as one that can only be carried on unjustly. Fought by foreigners, it is a war of aggression; if by a local regime alone, it is an act of tyranny. The position of the anti-guerrilla forces has become doubly untenable.' (Walzer, 2006, p.195).

Another author to discuss the laws of war in the Vietnam War was William O'Brien. He admitted that the United States' conduct in the Vietnam War was 'serious violations of the conditions of the just-war *jus in bello*' (O'Brien, 1981, p.122). The United States gravely violated the basic principle of the laws of war in its excessive use of firepower, the search-and-destroy strategies and tactics and the treatment of Communist prisoners of war. However, O'Brien noted that there are other factors that should be taken into account when assessing the US's conduct in the Vietnam War.

Firstly, the violations of *jus in bello* principle were not intentional. Actually, the US commanders did try to prevent the violations but without success.

'The violations of the principles of the proportion and discrimination resulting from the interrelated practices of overuse of firepower and search-and-destroy strategies and tactics occurred despite the effort of higher commander to prevent them. The delinquencies arose as a consequence of inadequate command and control efforts, not, as in the case of strategic bombing in World War II, out of deliberate policies of using disproportionate and indiscriminate force' (O'Brien, 1981, p.123).

Secondly, the United States' violations were due to the deliberate Communist policy of 'using the population as a shield' (O'Brien, 1981, p.123)

Thirdly, the United States' conduct in Vietnam War was judged by a 'different, higher standard than that applied to the conduct of WW II and the Korean War' (O'Brien, 1981, p.124). This was because the disagreement over the just cause of the war.

Thus, considering the above factors, O'Briend argued that although the United States did violate the basic principles of *jus in bello*, these violations did not amount to the level that denies all the justification of the United States' involvement in the war. O'Briend wrote that

'The U.S and allies' violations of the *jus in bello*, most importantly in the matter of abuse of firepower and excesses in the implementation of the search-and-destroy strategies and tactics, deserve condemnation and a resolve to reform. But they do not in themselves invalidate U.S claims to having fought a just war in Vietnam.' (O'Briend, 1981, p.125).

Louise Doswald Beck, another author writing about the laws of war, also argued that America's conduct in the war was just. For example, regarding the air war against North Vietnam, he wrote that:

'During the so-called 'Christmas bombings' of Hanoi and HaiPhong (Linebacker II), over 15,000 tons of bombs were dropped over a 12-day period, but the site were said to be carefully- selected military targets. In the event, North Vietnam claimed 1,300 fatalities, which cannot compare with those of Hamburg and Dresden. Further, there is evidence that during Linebacker I, certain targets were not attacked so as to avoid civilian casualties, e.g. dams or dykes' (Doswald Beck, 1987, p.255).

And according to Doswald Beck, the major problem in Vietnam, as far as the principle of non-combatant immunity concerned, was

'less of that the bombing of the cities than that of guerrilla warfare carried out by persons who did not distinguish themselves from the civilian population and who operated within villages' (Doswald Beck, 1987, p. 255).

As we can see, all the above authors focused on judgement of the America's conduct in the war, no author has concentrated on examining the North Vietnam's conduct and its compliance with the laws of war. This is probably because of

difficulties in accessing to North Vietnamese archives. This is the gap in literature about the Vietnam War that my thesis will deal with.

1.2.4 The implications of studying North Vietnam's military strategy and its compliance with the laws of war.

** Implication to judging the morality of North Vietnam's war against America*

The first implication of the thesis is that though North Vietnam's way of conducting the war was not consistent with the basic principles of *jus in bello*, North Vietnam's war against America was not immoral. In terms of *jus ad bellum*, though it was not publicly declared, on balance North Vietnam's war was legitimate. In terms of *jus in bello*, North Vietnamese armed force followed its own rule of engagement to protect civilian and minimize civilian casualties. The enormous civilian casualties in the Vietnam War cannot be blamed totally on the Vietnamese side. If America did not intervene in Vietnam, it might not need a war for North Vietnam to reunify the country. Even if the war broke out between North and South Vietnam, and America did not help South Vietnam, the war would end very quickly and it would be much fewer civilian casualties (Falk, 1969, p.485).

In fact, it seems that America, with its superior massive fire power, caused much more civilian casualties than North Vietnam's armed forces. Lawrence C. Petrowski pointed out that "the majority of such civilian casualties are the result of air raids and artillery fire" (1969, p.495). So, America should bear a much larger responsibility for the civilian casualties in the Vietnam War.

Moreover, America's war in Vietnam was "doubly untenable" (Walzer, 2006). This point is closely related to the second implication of this research.

** Implication to judging the morality of the America war in Vietnam*

In judging America's war in Vietnam. Paul Ramsey argued that the war was morally justified even though it might be wrong (Ramsey, 2002, p.504). However, in late 1970s, Michael Walzer challenged this view, arguing that America's war in Vietnam cannot be fought and should not be fought because "it is no longer an anti-guerrilla war but an anti-social war, a war against entire people in which no distinction would be possible in the actual fighting" (Walzer, 2006, p.187). This is because the guerrilla forces in Vietnam won "the degree of civilian support" that make only available strategy involves the war against civilian and "rules out alternative strategies and also makes the guerrillas the legitimate rulers of the country" (Walzer, 2006, p.195).

In my opinion, one thing missing in Walzer's arguments was how guerrilla forces won that "degree of civilian support" while their war strategy put civilian population at risk as they did not distinguish themselves from civilians. My thesis will fill in this gap. I will argue that though North Vietnam's guerrilla warfare was not consistent with the basic principles of the laws of war and put civilian at risk, North Vietnam managed to win the support from substantial part of civilian population with its own strict rule of engagement and the just cause. As a result, my thesis will help to reaffirm Walzer's critical assessment about the morality of the America's war in Vietnam.

** Implication to learn the new lessons of Vietnam and applying it in the America's current counterinsurgency efforts in Iraq and Afghanistan*

Nowadays, America has entered a new era of war. Wars are no longer as defined in Powell doctrine as brief, decisive and infrequent. Rather, according to Bacevich (2008)

“The army (like it or not) is entering an era in which armed conflict will be protracted, ambiguous and continuous-with the application of force becoming a lesser part of the soldier’s repertoire” (Bacevich, 2008, p.3)

The new kind of conflict has many characteristics in common with the Vietnam war. To fight and win current wars, America military strategists starts to look back experience in Vietnam to relearn the lessons of Vietnam. Nowadays, what American military leaders should learn from Vietnam is no longer the caution against intervention but how to fight effectively in an insurgency/counter-insurgency war.

My thesis on North Vietnam’s strategy to win support from civilian population highlights the role of civilian support in an insurgency/counter-insurgency war. If the insurgent forces manage to win the support of substantial part of the population, then the counter-insurgent war become the “war cannot be won and should not be won” (Walzer, 2006). This results in an important lesson for America in current war in Afghanistan. For the America to win the war, it should not allow the Taliban forces to win the hearts and minds of people, America itself must win that support, so American forces not only have to fight the insurgent forces militarily but also should focus the effort on winning support from people as well.

1.3 Project outline

This first chapter has presented the overview of the project including the literature review, the significance of the topic, the research methodology and the project outline.

In the second chapter, I will discuss the laws of war and its basic principles. Among these principles, I will focus on the principle of discrimination or non-combatant immunity, against which the North Vietnam’s conduct in the war will be assessed. And also I will examine the relationship between *jus ad bellum* and *jus in*

bello in the just war tradition and the law of war and the Marxism-Leninism concept about justice in war.

In the third chapter I will present the parallel in America's perspective and Vietnamese official perspective on the war. This chapter will serve as the information basis for next chapters about North Vietnam military strategy and its way to win popular support during the war. I will not only present the Vietnam War in American perspective but also I will present the North Vietnam's perspective on the Vietnam War, under that perspective, North Vietnam military leaders planned their strategies and tactics. In the part about North Vietnam's official perspective on the war, I will use extensively the sources in Vietnamese language and translate these into English. I benefit a lot from recent publication of Vietnamese Communist Party's Documents, as this source provides the insights of Communist leaders on the evolution of North Vietnam's perception of the war.

In chapter four, I will focus on the military strategies and tactics that were used by North Vietnam in the war. I will discuss the roots of the North Vietnam's military strategy and then point out the Vietnamese style of people's war in the war against America. This chapter will draw on the author's skills as a native speaker and benefit from original archival research in The Institute of Military History, The Institute of Military Strategic Studies, and Vietnamese People's Army Central Library in Ministry of Defence in Hanoi, Vietnam.

In the fifth chapter, I will first determine the laws that govern the North Vietnam's conduct in the war. I will discuss the role of the laws of war in the North Vietnam's strategy making process and in the military's actual conduct in the war. Then I will assess the North Vietnam's military strategy against the basic principles underpinning the laws of war. In the last part of this chapter, I will point out the rule

of engagement of the North Vietnam's People's Army in everyday contact with people as well as in actual fighting.

Chapter six will explore North Vietnam's perspective on its war against America and the way it justified its way of war to Vietnamese people when its strategy actually put the civilian population at risk. In the first part of this chapter, I will discuss the North Vietnam's perspective on the cause and justness of its war against America and investigate how the war is justified under traditional *ad bellum* criteria of just war theory. And I will also investigate how North Vietnam carried out the job of civilian mobilization to win support from Vietnamese people.

Chapter seven will be the conclusion and the implications of the examination of North Vietnam's military strategy and its compliance with the laws of war. I will conclude that though North Vietnam's conduct in its war against America was not strictly consistent with principles underpinning laws of war. North Vietnam's armed forces was not unrestrained, it followed its own rule of engagement to protect civilian and minimize civilian casualties. I will also point out the implication of the research to the judgement of the morality of the North Vietnam's war against America and the morality of America's war in Vietnam. I will also draw the implication of the research for the American's current counterinsurgency conflicts in Iraq and Afghanistan.

Chapter II: The laws of war and asymmetric warfare

The aim of this chapter is to provide the theoretical framework for the discussion about North Vietnam's military strategy and its compliance with the law of war in the Vietnam War. I will locate the issue of North Vietnam's military strategy and its compliance with the law of war in the Vietnam War within the framework of the asymmetric warfare and the law of war. The tradition of just war was originated and developed in Europe, aiming at regulating wars among European states, where wars were carried out by professional armies and civilians were not allowed to participate directly in the war. In late 19th century and early 20th century, the essence of *jus in bello* was codified into positive international laws, then the international law of war aimed at regulating and reducing atrocity of all wars, not just limited to those in Europe. In recent decades, the characteristics of war have been transformed, wars now became more and more asymmetric. With this new kind of war becoming norm rather than exception, the law of war suffered great pressure.

In this chapter, firstly I will point out the basic principles of the laws of war. Then I will discuss the asymmetric warfare and how this kind of war put pressure on the laws of war. In the last part, as North Vietnam was a communist country following the Marxism and Leninism military thought, I will focus on the law of war and Marxism-Leninism, specifically the central issue of the relationship between *jus ad bellum* and *jus in bello* in the Marxism-Leninism military thought.

2.1 The laws of war and its basic principles

In just war tradition, there are moral limits defining when war should be fought- *jus ad bellum* - and also there are moral limits defining how war should be fought- *jus in bello*. *Jus in bello*, the law in war, is the second of primary divisions

of international laws of armed conflict and governs the conduct of hostilities in armed conflicts which in fact occur. The *jus in bello* is conventionally divided into 'Hague' law and 'Geneva' law. The Hague law, named after The Hague Conventions, limits the means and methods of warfare which can be legitimately used in armed conflict. This includes what kinds of weapons are allowed, their usage, tactics and general operation conduct. Geneva law, named after Geneva Conventions, seeks to ameliorate the condition of victims of armed conflict.

'The victim of armed conflict for this purpose are the wounded, sick and or shipwrecked, prisoners of war and civilians, who have common the essential quality of being, or having been rendered, hors de combat and in need of protection from the effects of hostile operations' (McCoubrey, 1992, p.190).

The *jus in bello* has long tradition, it started when the war itself came into existence. We can trace back many ideas of *jus in bello* to the ancient time in the writings such as the laws of Manu in Hindu civilization or Roman laws of war.... However, the latter half of the nineteenth century have a major formative influence upon the structures of the modern *jus in bello*. This period 'from 1860s to 1914 saw a number of substantive developments of continuing value, together with a number of attempts to codify laws of warfare' (McCoubrey, 1992, p.217). *Jus in bello* has been an important tool to govern the conduct of war. In *jus in bello*, there are principles of non-combatant immunity, military necessity and proportionality

2.1.1 The principle of non-combatant immunity

The principle of non-combatant immunity requires that 'civilian life and property should not be subjected to military force; military force must be directed only at military objectives' (Lackey, 1989, p. 59). The primary idea of non-combatant immunity was dated back to ancient time in the books such as *Book of Manu* of ancient Hindu civilization, or *Republic*, the *Laws* of Plato in Western

civilization....For example, in the *Republic*, Socrates provides the following guidance for soldier guardians of an ideal state:

‘They will not, being Greeks, ravages Greek territory nor burn habitations, and they will not admit that in any city all the population are enemies, men, women and children, but will say that only a few at any time are their foes, those, namely, who are to blame for the quarrel. And on all these considerations they will not be willing to lay waste the soil, since the majority are their friends, nor to destroy the houses, but will carry the conflict only to the point of compelling the guilty to do justice by the pressure of the suffering of the innocent’ (Cited in Christopher, 1994, p. 10).

The distinction between combatant and non-combatant was carefully developed under the Christian religion. The Christian teaching on just war permits Christian to participate in war, which meets criteria of justice; but it also limits their participation. This, Paul Ramsey argues, is the locus from which comes the distinction between combatant and non-combatant (Ramsey, 2002, p.144).

The concept of non-combatant immunity was developed from two branches, canon law and Chivalric code. In late 10th century, the Peace of God movement, which originated in South France and subsequently spread to other regions, established the concept of immunity for some sort of people. This movement sought to protect persons associated with churches, peasants and town people, as well as their property, from brigandage, vandalism, bullying and thievery by individual soldiers and armed bands, often out-of work mercenaries.

The Chivalric code governed the conduct of knight class. in which

‘Knights were to fight only other knight because only members of knightly class should be in arms’ (Johnson, 2000, p.429).

And Chivalric code requires that knight should have quality of courtesy, prowess under arm, loyalty and individual honour. Thus, Chivalric code lists types

of person against whom knights should seek to protect typically included women, children, the aged, the maimed or infirm, and mentally deficient- those who were not mentioned in the churchly thought.

In around the later part of 14th century, after the publication of Honoré Bonet's *L'Arbre de batailles*, the canonical and chivalric conceptions of non-combatancy and of how non-combatant should be treated had coalesced. After this coalescence, the idea of non-combatant immunity were continued being developed and become a principle in conducting war. Hugo Grotius wrote in his book called '*The law of war and peace*' that

'One must take care, so far as is possible, to prevent the death of innocent persons, even by accident....except for the reasons that are weighty and will affect the safety of many, no actions should be attempted whereby innocent persons may be threatened with destruction' (Christopher, 1994, p.101).

Grotius also includes in the class of innocents women, children, old men, merchant, farmers, prisoners of war and holders of religious office.

* *The distinction between combatant and non-combatant*

One of the most crucial issues in the principle of non-combatant immunity is how to distinguish non-combatant from combatant. There are always people who are not directly participating in the fighting but still make contribution to the fighting. How can we make clear distinction among these people? What kind of contribution makes them combatant? What kind not? Some critics of this principle argue that

'in modern society, the degree of integration between civilian and military functions is so tight that whatever the theoretical difference, no practical distinction can be made between the two.' (Johnson, 2000, p. 423).

However, it can be argued that there is always a distinction between combatant and non-combatant and we can distinguish between the two.

Grotius addressed this issue in his discussion of the status of third-party nations that not directly participates in the fighting but are indirectly involved through their trade with one of the belligerents. Grotius divided trading products into three categories

‘some things such as weapons, which are useful in war; other things which are of no use in war; and other which are of use both in time of war and at other times’. (Christopher, 1994, p.107).

Thus, based on these categories of trading products, Grotius classifies the role of the third-party nation in the conflicts. According to Christopher, this model

“forms the basis for modern identification of who among the civilian population can be regarded as combatants even though they are not member of the armed forces” (Christopher, 1994, p.108).

Recently, James Turner Johnson distinguishes non-combatant from combatant on the basis of the function of that person in the time of war.

‘Certain class of person are throughout named as non-combatant, and equally significantly, the reasoning behind the list of immune focuses throughout on their function in society and vis-à-vis the war’ (Johnson, 1971, p.170).

Johnson divides the functions of non-combatant into positive and negative one. Those who have positive function are people performing necessary service to society. These might include religious leaders, peasants, doctors... Those who have negative functions are people being unable because of their feebleness to bear arm. These might includes the aged, small children, the debt, the dump...Johnson also goes further to argue that

‘indirect participation- having a mental disposition favouring one side, providing food and shelter to soldiers, even if only enemy soldiers- is according to the tradition not sufficient reason to treat as combatants those normally having non-combatant status’ (John, 1971, p.170).

However, Johnson noted that a person's non-combatant status would terminate as soon as he participate directly in the war because

'in defining a non-combatant the criterion always requires only that he not participate directly in warlike acts'. (Johnson, 1971, p.170).

Michael Walzer makes distinction between combatant and non-combatant status by identifying how a person lost their right to immunity from attack. Walzer argues that

'the theoretical problem is not to describe how immunity is gained, but how it is lost. We are all immune to start with: our right not to be attack is a feature of normal human relationship' (Walzer, 2006, p.145).

Generally, according to Walzer. 'those who do not pose threat to anyone else have a basic and inalienable right to life that should not be violated' (Wheeler, 2002, p.207). And the right to immunity from attack is lost by 'those who bear arms 'effectively' because they pose a danger to other people' (Walzer. 2006, p.145).

However, the question is at what point of the civilian cooperation with military makes the civilian lose their right to immunity? Walzer wrote that

'the relevant distinction is not between those who work for the war effort and those who do not, but between those who make what soldiers need to fight, and those who make what they need to live, like all of us' (Walzer, 2006, p.146).

So, for example, the civilian who work in the ammunition factory will lose their right to immunity, while peasants, who provide food for soldier, will not.

* Doctrine of Double Effect

According to Walzer. 'Double Effect is a way of reconciling the absolute prohibition against attacking non-combatants with the legitimate conduct of military activity' (Walzer, 2006, p.153). The doctrine of double effect was first articulated by Saint. Thomas Aquinas to justify individual self-defense. His arguments go like this

‘One can kill an attacker in self-defense provided that he or she does not intend (will) the attacker’s death (either as an end or as a means). but simply endeavours to defend one’s own life, and the death of the attacker is ‘outside the intention’ or ‘*per accidens*’ (Christopher, 1994, p.57).

This argument was later developed and had profound effect on the just war thinking regarding the principle of non-combatant immunity. The doctrine of double effect holds that any acts may have intended and unintended consequences. Even if we intended good, the action still might cause unintended negative consequences. And the unintended negative consequences are excusable if the following conditions are satisfied:

- 1) The act is good in itself or at least indifferent, which means, for our purposes, that it is legitimate act of war.
- 2) The direct effect is morally acceptable- the destruction of military supplies, for example, or killing of enemy soldiers.
- 3) The intention of the actor is good, that is he aim only at the acceptable effect: the evil effect is not one of his ends, nor is it a means to his ends.
- 4) The good effect is sufficiently good to compensate for allowing the evil effect: it must be justifiable under Sidwick’s proportionality rule. (Walzer, 2006, p.153).

However, some modern theorists think that this rendition is too loose and ‘double-effect injunctions ought to be treated sceptically’ (Bellamy, 2006, p.125).

Michael Walzer pointed out that

‘simply not intend the death of civilian is too easy....What we look for in such cases is some sign of a positive commitment to save civilian lives. Not merely to apply the proportionality rule and kill no more civilians than is militarily necessary....Civilians have the right to something more. And if saving civilian lives means risking soldiers’ lives, the risk must be accepted’ (Walzer, 2006, p.156).

Thus, he rewrote the third condition listed above as followed:

3) The intention of the actor is good, that is, he aims narrowly at the acceptable effect; the evil effect is not one of his ends, nor is it a means to his ends, and aware of the evil involved, he seeks to minimize it, accepting cost to himself (Walzer, 2006, p.156).

Alex J. Bellamy made this condition clearer that

‘to display an intention not to harm non-combatants. combatants must demonstrate both that they did not deliberately seek to kill non-combatants and that they have taken every reasonable precaution to minimize the likelihood of harming non-combatant’ (Bellamy, 2006, p.125).

However, Walzer also pointed out that there is a limit to how much risk the combatant are obliged to accept

‘There is a limit to the risks that we require. These are, after all, unintended deaths and legitimate military operations, and the absolute rule against attacking civilians does not apply. War necessarily places civilian in danger; that is another aspect of its hellishness. We can only ask soldiers to minimize the danger they impose’ (Walzer, 2006, p.156).

Moreover, there are cases that the violations of the very fundamental rule of non-combatant immunity are excusable. This is the case Michael Walzer called the ‘supreme emergency’. The ‘supreme emergency’ is defined by two conditions, according to Walzer,

‘the first has to do with the imminence of the danger and the second with its nature. The two criteria must both be applied. Neither one by itself is sufficient as an account of extremity or as a defense of the extraordinary measures extremity is thought to require’ (Walzer, 2006, p.252).

To explain for this situation, Walzer took the example of British decision to bomb German cities in 1942 with the explicit purpose of ‘the destruction of civilian morale’ (Walzer, 2006, p.256).

In this case, Walzer admits that this decision violated the fundamental rule of regarding harm to non-combatant. However, he justifies that by the 'supreme emergency'. He wrote

'it does seem to me that the more certain of a German victory appeared to be in the absence of a bomber offensive, the more justifiable was the decision to launch the offensive. It is not just that such a victory was frightening, but also that it seems in those years very close; It is not just that it was very close, but also it was so frightening'. (Walzer, 2006, p.56)

2.1.2 Principle of proportionality

According to Lackey, this principle requires that 'the amount of destruction permitted in pursuit of a military objective must be proportionate to the importance of the objective' (Lackey, 1989, p.59). Or as Alex J. Bellamy put it in another way like this

'military targets may only be attacked when their military value outweighs the foreseeable destruction that will result' (Bellamy, 2006, p.124).

This principle means that, in a war, certain objectives should be excluded because it may cause too much destruction if we fulfill these objectives.

This principle should be observed in every single act in war as well as the whole war in general. Christoph Bluth, when discuss the Falklands/Malvinas conflict, states that

'each individual act of war must be submitted to an evaluation of proportionality' (Bluth, 1987, p.17).

Kenneth W. Kemp holds that the principle of proportionality should be added like this 'one may not do in a more costly way, what could equally well be done in a less costly way'. This means that in case two possible military operations can achieve the same objective and both are proportionate to the military objectives, one

must choose the less destructive one. This idea is related to the principle of military necessary.

2.1.3 Principle of military necessary

This principle holds that the destruction of life and property, even life and property of enemy, is inherently bad. So military force 'should cause no more destruction than is strictly necessary to achieve their objective' (Lackey, 1989, p.59). In order to avoid misunderstanding, Lackey makes clear that 'the principle does not say that whatever is necessary is permissible, but that everything permissible must be necessary' (p.59).

This principle also requires that certain kinds of weapons be banned, because they inflict excessive unnecessary suffering. Brian Orend wrote that

'even though soldiers may be targeted with lethal force, some kinds of lethal force- such as burning them to death with flame throwers, or asphyxiating them with nerve gas- inflict much suffering and express such cruelty that they are properly condemned' (Brian Orend, 2001, p.16).

This principle also demands that armies may never employ acts or weapons which in the words of Michael Walzer 'shock the moral conscience of mankind'. Brian Orend took rape, genocide as example of these kinds of act. He argues that

'we do not have to do a cost-benefit analysis to determine whether such acts are impermissible in warfare: we already judge such acts to be heinous crimes. The intentional destruction, and/or forcible displacement of whole peoples, as Walzer suggests, is something we find 'literally unbearable'' (Orend, 2001, p.1)

Since 19th century, these principles of just war tradition- the principle of non-combatant immunity, military necessary and proportionality were codified in many international law documents and agreements. And these principles became the backbone of the modern law of armed conflicts.

Geneva Conventions of 1864 and 1906 focus on protection of combatants who have been rendered incapable of serving in that capacity by wounds or illness.

The Hague Convention IV Respecting the Laws and Customs of War on Land in 1907 discussed many issue relating to this principle such as the definition of persons due protection is broadened by an extensive discussion of obligations toward prisoners of war (articles 4-20), the treatment of the inhabitants of territory under military occupation (article 42-56)....

The Geneva Conventions in 1949, the Geneva Protocols in 1977 and the Red Cross Fundamental Rules in 1978 also seek to protect non-combatant in various ways. Geneva Convention IV in 1949 provided various new measures for monitoring and enforcing the rules of conduct in armed conflicts (article 1, 3, and 11); The common article 2 of the 1949 Geneva Conventions expanded the scope of the law to include armed conflicts between states that are not legally wars; the 1977 Geneva Protocol II expands the scope of the law to include non-international armed conflicts.

There are also other international laws documents seek to protect the right of non-combatant in a broader sense such as in the case of genocide or limiting the use of some kind of weapons.... The Convention on Genocide ratified by the General Assembly of the UN in December 1948 gave definition of genocide and seeks to prevent it. This convention protect non-combatant from being targeted just because of their identity as member of a national, ethnical, racial or religious groups. There are also many international law documents that prohibit the use of certain kind of weapons because of its destructiveness and indiscrimination such as 1925 Geneva Protocol for Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and Bacteriological methods of Warfare; the 1981 UN Convention and

Protocols on the Use of Certain Conventional Weapons Which May Be Deem To Be Excessively Injurious or To Have Indiscriminate Effects.....

Generally, in modern time, the basic principles of the just war tradition were codified in international laws of armed conflict, in which the 1949 Geneva Conventions held the central position. However, the codification process was based mainly on the experience of European wars after the Westphalia Peace. Carl Schmitt noted that

“The formulations of the Geneva Conventions have European experiences in mind, but not the partisan wars of Mao Tse-tung and the later development of modern partisan warfare” (Schmitt, 1962, p.15).

In Europe, after the 1648 Westphalia Peace, war was something waged by one state against another, and was fought by professional armies. It was an affair for sovereign princes and for them only, civilian population had nothing to do with the war. Carl Schmitt wrote that

“The war of the *jus publicum Europaeum* was a war between states, conducted by one regular state army against another” (Schmitt, 1962, p.7).

In these *jus publicum Europaeum* wars, as civilian population were excluded from war activities, the distinction between combatant and civilian was strictly observed. In the book titled *The Transformation of War*, Martin van Creveld also wrote that

“Prince was supposed to wage war in such a way as to minimize the harm done both to their own soldiers, who deserved humane treatment if they happened to be captured or wounded, and to the civilian population. In return, that population had absolutely no right to interfere in quarrels between their sovereigns, not even when they resulted in their property being robbed and their lives put in jeopardy. (...). The distinction between the military and civilians had to be observed at all cost” (Creveld, 1991, p.37).

In 20th century, the wars were very much different from those of *jus publicum Europaeum*. While the classic European wars happened between states of roughly equal military strength and the principle of distinction was strongly observed, the modern wars usually take place between very unequal adversaries, hence the distinction between civilian and armed forces became extremely blurred on the weaker side's way of conduct in the war.

Toni Pfanner wrote that

“The wars that took place in the eighteenth and nineteenth centuries-i.e after the Peace of Westphalia- in which evenly matched government troops confronted and fought each other in open battles have sometimes been called a thing of the past, for the twentieth century wars became more complex and more unequal” (2005, p.152).

This new kind of war is called asymmetric warfare. Because of its difference from classic European wars, asymmetric war put great pressure on the basic principles of *jus in bello*.

2.2 Asymmetric warfare

In recent years, the concept of asymmetry has received growing attention in Western security circles. It has been called the ‘term du jour’ or ‘buzz word’. The phrase ‘asymmetric warfare’ has now become ubiquitous.

‘It can be readily found not only in pages of books, journal and magazines devoted to military matters, but also in more mainstream media’ (Thornton, 2007, p.5).

In fact, the asymmetric approaches, as many authors admit, are nothing new. It is ‘an idea as old as warfare itself’ (Metz, 2001, p.1). The Old Testament told the story of how the small David defeated the giant Goliath. According to Toni Pfanner, this biblical story shows that asymmetrical warfare is not new. Blank also holds that

“asymmetry is a new word for an old term’ (Blank, 2004, p.345). Metz and Johnson II in the paper titled “*Asymmetry and U.S Military Strategy: Definition, Background, and Strategic Concepts*” gave a definition that:

‘In realm of military affairs and national security, asymmetry is acting, organizing and thinking differently than opponents in order to maximize one’s own advantages, exploit an opponent’s weaknesses, attain the initiative, or gain greater freedom of action. It can be political- strategic, military strategic, operational, or a combination of these. It can entail different methods, technologies, values, organizations, time perspective. or some combination of these. It can be short-term or long-term. It can be deliberate or by default. It can be discrete or pursued in conjunction with symmetric approaches. It can have both psychological and physical dimensions. (Metz. 2001, p.6).

This definition, according to Thornton,

‘does not mention, however, that to be true asymmetric in nature, there can be no ‘matching in kind’. It also fails to note that asymmetric approaches can be adopted down at the tactical level’ (Thornton, 2007, p.20).

Then, Thornton himself suggests that

‘we do not really need to define asymmetric warfare as much as to understand what it means.....Sometimes simple is good. Asymmetric warfare is best understood as a strategy, a tactic, or a method of warfare and conflict’ (2007, p.21).

This definition, however, as the author admits, is too simple. Thus, it is little helpful in understanding the nature of asymmetric warfare. Recently, in an attempt to reconsider the use of concept asymmetric threat, Stephen Blank wrote that:

‘In contemporary writings asymmetric threats generally include terrorism, unconventional or guerrilla tactics, or guerrilla warfare as has been attempted in Iraq and Afghanistan, the use of weapons of mass destruction (WMD), cyber-warfare, or information war’ (Blank. 2004, p.345).

In 2007, in the conference of 'New battlefields, old laws' on the occasion of 100 year anniversary of The Hague Convention 1907, the asymmetric warfare was defined as follow:

Asymmetric warfare refers to belligerents of unequal power attempting to exploit each other's weaknesses. The weaker side attempts to use strategies and tactics that expose vulnerabilities in stronger side and offset the weaker side's deficiencies in size and strength. Many times one side in asymmetric conflicts is non-state actors, insurgent groups, terrorist organizations, for example. (William C. Banks, International Institute for Counter-terrorism).

It is obvious that in asymmetric warfare there must be a sense of significant difference. However, it is not that every kind of difference can be called asymmetry, because "in a sense, all warfare is asymmetrical as there are never identical belligerents" (Toni Pfanner, 2005, p.151). There are always differences between the opponents in war, but in many occasions the difference has almost no effect on the outcome of the war. Thornton states that

'It needs to be born in mind that asymmetric does not mean unequal. 'Symmetrical' implies a mirror image; sometimes that image can be smaller, but nonetheless a likeness exists. 'Asymmetrical' implies a relationship that cannot be consider to be alike' (Thornton, 2007, p.4).

This idea is also shared by Christopher Bellamy that

'Whatever differences there may be in numbers and quality, conventional military forces are still designed, trained and equipped to fight near mirror images of themselves: forces with broadly similar infrastructures. A true asymmetric conflict is where not only the means used but the ends, and vulnerabilities, are quite different.' (Bellamy, 2002, p.152).

2.3 How asymmetric warfare put pressure on the laws of war

Asymmetric warfare, with its asymmetric characteristics, put great pressure on the application of *jus in bello*. In an asymmetric war, the weaker side, lacking of the

ability to confront the stronger side directly in conventional military term, usually has to resort to methods that lie outside the 'norm' of warfare, methods that are radically different. Thornton noticed that when the weaker opponent conducts their war, 'a sense of unethical behaviour can be engendered' (Thornton, 2007, p.4). Because of unlawful conduct on the weaker side, the distinction between war and peace becomes blurred, this complicates the application of the rules of *jus in bello*.

Just war tradition was developed on the classic European experience of war where there is a clear distinction between war and peace. In just war theory, *jus ad bellum* was a branch of the laws of peace, governing the legality of the use of force by states while *jus in bello* governs the conduct of adversary once the war begin.

"At that time, if two states were at peace their relations with each other and with other states were governed by laws of peace. However, once they went to war, a legal "states of war" came into being and their relations became subject to a different legal regime, *jus in bello*." (C. Greenwood, 1983, p.221).

Now in the asymmetric war, there is no clear distinction between war and peace. Neta Crawford wrote that

"Because terrorists are potentially always ready to strike, targets of terrorism are likely in a constant state of mobilization and preparedness, and thus the line between war and peace will become extremely blurred" (Crawford, 2003, p.12).

This tactics are also employed by partisan in their war against asymmetric adversary. In the theory of partisan, Carl Schmitt wrote that

"For the modern partisan today, the binaries regular-irregular and legal-illegal often blur and cross over each other. Agility, speed, and the sudden change of surprise attack and retreat- increase mobility, in a word- are even today the hallmark of the partisan, and this has only increase with mechanization and motorization" (Schmitt, 1962, p.11).

Christopher Greenwood even questioned the legality of the war and peace distinction, he wrote that

“State practice in this century has blurred the distinction between peace and war, so much so that some writers have doubted whether it continues to have any legal relevance” (Greenwood, 1983, p.222).

Once the line between war and peace blurred, the application of rules of *jus in bello* had great difficulties. As Neta Crawford pointed out that, “*jus in bello* criteria are in jeopardy once we cannot say when the war begin and ends” (Crawford, 2003, p.12).

In asymmetric warfare, the asymmetrical legitimacy of belligerents also put pressure on the *jus in bello*. According to Toni Pfanner, since late Middle Age there has been recognition of the separation between *jus ad bellum* and *jus in bello*. This means that the war must be judged twice. A just war must have just cause as well as be conducted justly. So warring party, whether lawful or unlawful, still have the equal responsibility to abide by the laws of war. However, this is not always true in practice. Toni Pfanner notes that

“The less equal the belligerents are, the less they will be prepared to treat the adversary as legitimate. Groups classified as “terrorists” will probably be denied any legitimacy and will be considered criminals. The opposite side is not regarded as an equal; the epithets “uncivilized”, “criminal” or “terrorist” indicate that it should be denied equality at all costs. Its members will be treated as outlaws and will be ruthlessly pursued, if necessary by unconditional or illegal means” (Pfanner, 2005, p.160).

So, the asymmetry of belligerent’s legitimacy is also an obstacle for the application of *jus in bello*.

In international humanitarian laws, reciprocity is extremely important. It is one of the main motivations for belligerents to abide by the laws. In a war, one army

treats the prisoner of war well with the expectation that its troops when captured are to be treated well. Or similarly, an army's refrain from bombing towns or civilian targets was because it does not want to expose its own population to similar fate. However, the asymmetric war threatened the very core of this principle of reciprocity. Toni Pfanner wrote

“In asymmetrical wars, the expectation of reciprocity is basically betrayed and the chivalrous ethos is frequently replaced by treachery” (Pfanner, 2005, p.161).

When there is no reciprocity expectation, it become extremely difficult for the laws of war to be applied Sir Hersch Lauterpacht wrote more than fifty years ago

“It is impossible to visualize the conduct of hostilities in which one side would be bound by rules of warfare without benefiting from them and the other side would benefit from them without being bound by them” (cited in Greenwood, 1983, p.226).

In the situation where there is no reciprocity expectation, when one side choose not to abide by the laws of war, the other will feel that it might be more in its interest not to consider itself bound by the laws of war. Hence, the international humanitarian laws will fail in that case.

Now, let's see how the asymmetric warfare put pressure on each basic principle of the laws of armed conflicts.

* The principle of discrimination between combatant and non-combatant

Discrimination is the central principle of *jus in bello*, it is the shorthand for the ‘moral immunity of non-combatants from direct attack. (Ramsey, 2002, p.429). In conventional warfare in the history of Europe, where there is clear distinction between combatant and non-combatant, it is obvious that the *jus in bello* principles can and should be applied to alleviate the horror of war on society. Traditionally, in

Europe, 'if it was governments that made war. their instrument for doing so consisted of armies'. And the ordinary people were kept excluded from the war.

'Since war was a question of state, the people should be excluded from it as far as possible. This was carried to the point where they were prohibited from taking an active part in hostilities' (Creveld. 1993, p.39).

In asymmetric warfare, there is no clear distinction between combatants and non-combatants. The weaker side, being unable to face the stronger side directly in a conventional war, usually fails to distinguish themselves from civilian. In that case, the stronger side of the war will face great difficulties in carrying out the war discriminately.

In current counter terror war, terrorists always mingle with innocent people, they live among civilians, not in the barracks as conventional army. Crawford wrote that

'Counterterror war tends to be waged everywhere, all the time, the conceptual distinction between combatants and non-combatants, already difficult to make, grows even more fuzzy, as does the ability to distinguish physically between terrorists and non-combatant.' (Crawford, 2003, p.17).

Facing with this difficulty, the US simply took the policy of equating terrorist and 'those who knowingly harbour or provide aid to them' (US National Security Strategy 2002, p.5).

In guerrilla warfare, another form of asymmetric warfare, it is also very difficult to distinguish between guerrilla fighters and innocent civilians. Mao Tse-tung considered guerrilla live among people like 'fish' in 'water', he wrote that 'There is no profound difference between the farmer and the soldier' (cited in Ramsey, 2002, p. 435). Che Guevara wrote about the essence of guerrilla warfare that

'who are the combatants in a guerrilla war? On one side we have group composed of oppressor and his agents, the professional army, well armed and disciplined.... On the other side are the people of the nation or region. It is important to emphasize that guerrilla warfare is a war of the masses, a war of people' (Che Guevara, 2006, p.16).

Because there is no clear distinction between combatant and non-combatant in asymmetric warfare, it is very difficult for the stronger to carry out a discriminate military strategy and tactics.

'Those who wage counter-terror war try to discriminate between combatants and non-combatants, but this is extremely difficult' and it 'nearly impossible to fight justly' (Crawford, 2003, p.20).

In the case of counterinsurgent war, Ramsey argues that the insurgents' violation of the discrimination principle created enlarged target that can be legitimately attacked by the counter-insurgent forces. Insurgent's failure to distinguish themselves from civilian also enlarges the collateral damage resulted from the legitimate attack of counter-insurgent force. So according to Ramsey, the conduct of counter insurgency would mainly governed by the principle of proportionality. This means that as long as the counter-insurgent forces do not deliberately aim their attack against civilian, their attack would be just if it does more good than evil as the regulation of proportionality. Ramsey wrote that

'It is mainly the principle of proportionality that limits what should be done to oppose them (insurgents)' (Ramsey, 2002, p.435).

On the other side of the conflict, the weaker side does not follow the discrimination principle because their aim is to cause great effect on the stronger side's vulnerability. In its early phases, the insurgent usually use terror tactics designed to subvert the confidence of the population in the regime and in its prospect.

'The message implied in these tactics is that no one is safe anywhere as long as the regime remains in power. In order to convey this message, the revolutionaries set off bomb in crowded public places, engage in hit-and-run attacks that imperil non-combatants in the area, engage in indiscriminate acts of reprisal or intimidation against locales and areas guilty of supporting the government, and the like' (Obriend, 1981, p.180).

And, recently, the 9/11 event is the most obvious example for the indiscriminate tactics of terrorism.

The lack of sufficient distinction between combatant and non-combatant in asymmetric warfare also render great difficulty in determining the legal status of those being captured in armed conflicts. As a result, it would be difficult to treat detainees properly. Are the detainees civilian criminals? Prisoners of war? Or something else? We can see how difficult it was for the US to determine the status of detainees in Guantanamo Bay. The US denied the POWs for these detainees on the basis that

'Under Article 4 of the Geneva Convention, ...Taliban detainees are not entitled to POW status. To qualify as POWs under Article 4, al Qaeda and Taliban detainees would have to have satisfied four conditions: they would have to be a part of a military hierarchy; they would have to have worn uniforms or other distinctive signs visible at a distance; they would have to carried arms openly; and they would have to have conducted their military operations in accordance with the laws and customs of war. The Taliban have not effectively distinguished themselves from civilian population of Afghanistan. Moreover, they have not conducted their operations in accordance with the laws and customs of war. Instead, they have knowingly adopted and provided support to the unlawful terrorist objectives of the al Qaeda' (Aldrich, 2002, p. 894).

Instead, the US calls the detainees 'enemy combatant' which is defined as follow:

‘An enemy combatant shall mean an individual who was part of or supporting Taliban or Al Qaeda forces, or associated forces that are engaged in hostilities against United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces’ (Combatant Status Review Tribunal Order of the Deputy Secretary of Defense July, 2004).

However, Duffy notes that ‘as a matter of international law, this ‘enemy combatant’ classification does not, however, denote the legal status of prisoner’ (Duffy, 2005, p.397). The detainees are not considered as sick or wounded to be protected by the First and Second Geneva Conventions, nor prisoners of war to be protected by the Third Geneva Convention, nor criminal civilian to be protected by the Fourth Geneva Convention.

O’Brien also notes this difficulty in the insurgent war, another form of asymmetric warfare.

‘In the absence of substantial uniforms or distinguishing insignia, it is hard to tell guerrilla combatant from a non-combatant supporter of the revolutionaries. With the best of intentions, it is often very difficult to sort out the persons who ought to be prisoner of war and those who are properly civilian detainees’ (O’Brien, 1981, p.188).

Thus, determining the legal status of the captured in asymmetric armed conflicts is very problematic.

* The principle of military necessity and proportionality

Military necessity permits the use of force that is truly necessary for military success. In other word, wanton destruction is forbidden. In asymmetric warfare, the overall success of the war includes not only military success but also political success. Moreover, many times what considered as military necessity goes against political success.

Crawford notes that in the current counter-terror war, it is very difficult to apply the principle of military necessity. Because

‘Terrorist, like guerrillas, mingle with innocent civilians. living in the cities and in the countryside- not in barracks or on front lines as concentrated targets- wars against them cannot be decisively won in military terms unless the great power is willing to annihilate the population where they reside. But annihilation, which would surely involve killing innocent people, cannot be morally or politically acceptable and would only sow the seeds for future resentment and terrorist acts in retaliation’ (Crawford, 2003, p.18).

This dilemma also takes place in insurgent and counterinsurgent warfare. In insurgent war, military success cannot guarantee the overall success because the insurgent seeks to win on the political ground rather than on the military ground. Andrew Mack noted that ‘lacking the technological capability or the basic resources to destroy the external enemy’s military capability, they must of necessity aim to destroy his political capability’. Thus, ‘in such asymmetric conflicts, insurgents may gain political victory from a situation of military stalemate or even defeat.’ (Mack, 1975, p.177). So in some case, insurgents do not aim at defeating the counter-insurgent force by military forces, but the insurgents’ strategy was to create a situation of military stalemate. Because they still can win political gains from that situation while their adversary cannot. O’Brien also noted that

‘This principle become difficult to apply in revolutionary/counterinsurgency war because purely military success may not be congruent with the political, economic, and social success that are equally, if not more important in such conflicts.’ (O’Brien, 1981, p.178).

Next is the principle of proportionality. This principle holds that

‘In cases where the use of force is justified. it cannot be employed in absolutely any measure. Obviously, if the aim of war is the correction of injustice, then the

level of force must not be such as to create new and greater injustice' (Philips, 1984, p.29).

The nature of asymmetric warfare also put great pressure on this principle. Given the difficulty in distinguishing between combatant and non-combatant in asymmetric warfare, we will almost never know the exact numbers of how many combatants are killed and how many innocent civilians are killed as collateral damage. Thus, we would not be able to decide a military action is proportionate or not.

In the current war on terror, Crawford notes that

'If we foresee that both terrorist and non-combatants may be killed, and we cannot know in any one instance whether more non-combatants than combatants will die, the doctrine of double effect does not necessarily alleviate the problem posed by a counterterrorism war. We know we will harm non-combatants in a war against terror, unintentionally or not, and we cannot know that we will kill any terrorists' (Crawford, 2003, p.18).

In the counterinsurgent war, same difficulty also exists. In the Vietnam war, the US employed body-count to measure the success in the war. However, the fact that Vietcong force usually dressed in clothing that was almost indistinguishable from that of rural population rendered the US great difficulty to know the exact number of combatant Vietcong death. This situation not only raises the issue of violation of discrimination principle but also the violation of proportionality principle.

2. 4 The relationship between *jus ad bellum* and *jus in bello* and Marxism-Leninism thought about war

2.4.1 The relationship between *jus ad bellum* and *jus in bello*

In the works of St. Augustine, St. Thomas Aquinas and canon lawyers in early period of just war tradition, there was no separation of *jus ad bellum* and *jus in bello* in judging a war. A war is judged once by both set of rules *jus ad bellum* (the right to wage war) and *jus in bello* (the conduct of war). If a warring side fails to satisfy the *jus ad bellum* criteria then

‘every act of violence it unleashed- whether against combatants or non-combatants- had to be considered unjust because those who ordered the violence had no license for doing so’ (Bellamy, 2006, p.128).

Their logic was that soldiers who fight in aggressive side should not have the same rights as those who fight for a justifiable cause according to the legal maxim *ex injuria non oritur jus*, meaning that one should not be able to profit from one’s own wrongdoing. So the aggressors should not allow benefiting from the protection of the laws of armed conflict.

However, since late Middle Ages, the separation between *jus ad bellum* and *jus in bello* was recognized. According to J. Moussa, although the distinction between *jus ad bellum* and *jus in bello* appeared in the writing of Grotius, Vitoria and Vattel,

“It was Kant who first, in the nineteenth century, explicitly distinguished between (1) the right of going to war and (2) the right during war” (Moussa, 2008, p.966)

Toni Pfanner also noticed that:

“International law basically premises a distinction between the reasons for waging war and warfare itself. This distinction was made in the late Middle Ages and the two areas of law were called *jus ad bellum*, the right to wage war, and *jus in bello*, the law governing the conduct of war. Today this distinction is

still a crucial and decisive factor, without which there would be no chance of securing respect for international humanitarian law.” (Pfanner, 2005, p.158).

Thus, the rules of international humanitarian law should be equally applied to all sides of the conflicts, irrespective of whether it is lawful or unlawful. In 1953, Sir Hersch Lauterpacht advanced three main arguments for this equal application. Firstly, the equal application of *jus in bello* was originated from humanitarian basis, that is essential to limit the horror of war. Secondly, the laws of armed conflicts should be equally applied because it is really difficult in identifying the aggressor in the absence of an overarch authoritative determination of which party was guilty of aggression. Thirdly, Lauterpacht reviewed judicial practice in the aftermath of World War II and concluded that the overwhelming majority of decision supported the principle of equal application of international humanitarian law.

Michael Walzer also argued for the separation of *jus ad bellum* and *jus in bello*. He stated that

“war is always judged twice, first with reference to the reasons states have for fighting, second with reference to the mean they adopt....The two sorts of judgement are logically independent” (Michael Walzer, 2006, p.21).

This view is also shared by other modern just war theorists. Christopher Greenwood wrote that

‘this concurrent application of *jus ad bellum* and *jus in bello* raises the question of whether these two branches of international law can still be regarded as distinct from one another. It is concluded here that they can, and should, be so regarded.’ (Greenwood, 1983, p.231).

Moreover, contrary to the view that the two set of rules apply in distinct spheres, once hostility commences, *jus ad bellum* cease to be relevant and *jus in bello* takes control. Christopher Greenwood argued that *jus ad bellum* still operate in parallel with *jus in bello* once the war begin. He wrote that

“the whole debate is, therefore, an example of the continuing application of the *jus ad bellum* during a conflict which both parties have characterized as war” (1983, p.225).

Recently, Alex J. Bellamy also argued for the separation of *jus as bellum* and *jus in bello*. Firstly, the separation would make the war less bloody and more rule-governed.

‘If every violent act in an unjust war was considered unlawful and immoral, every member of the aggressor’s army could be justifiably seen as criminal, subject to punishment. If all participants in an unjust war are culpable, the victorious defenders might be acting justly if they summarily killed all of their enemies once the fighting was over.....However, if combatants know that they will be killed if they surrender, they are more likely to (1) fight to death and (2) use whatever means available to prevail.’ (Bellamy, 2006, p.129).

So if both set of rules, *jus ad bellum* and *jus in bello* are judged once, war would be bloodier and less rule-governed. Secondly, soldiers who fight in the war are not entitled to bear the wrong of their leader to decide to go to war.

‘The soldiers charged with fighting a war are seldom the people responsible for initiating it, and we cannot presume that the soldiers agree with what they are being asked to do. Some armies are conscript armies that force individual to fight’ (Bellamy, 2006, p. 129).

Both Alex J. Bellamy and Christopher Greenwood agree that a just war conducted unjustly would not remain a just war. Greenwood wrote that

‘it is true that the logical justification for holding that a state which is entitled to use force must comply with the *jus in bello* lies in consideration of the *jus ad bellum*, namely that an act which contravened the *jus in bello* could not be a reasonable and proportionate measure of self-defense’ (Greenwood, 1983, p.231).

Alex J. Bellamy explained this more clearly

‘if the chosen means are such that the cumulative evil unleashed by the war surpasses the cumulative good that can be reasonably expected to accrue from a successful outcome, the proposed war would fail the proportionality of ends test.’
(Bellamy, 2006, p.129).

Although recently some international law scholars³ challenge this distinction between *jus ad bellum* and *jus in bello*, generally, in order to be judged as a just war. the war must pass both set of criteria of *jus ad bellum* and *jus in bello*. A just cause being conducted unjustly would not be a just war. This is the arguments of many Western European scholars about the just war. However, there also exists a different school of thought about just and unjust war- the Marxism-Leninism about war.

2.4.2 Marxism-Leninism thought about war

In Marxist-Leninist concept of war, the justness of war depends on *jus ad bellum* criteria and the *jus in bello* criteria are subsumed under *jus ad bellum*. The war is just when it is waged by progressive class and its aims are for the advance of people. In just wars, any means is acceptable to achieve the just cause. According to Marxism,

“Any war that is waged by a people for the sake of freedom and social progress, for liberation from exploitation and national oppression or in defence of its state sovereignty, against an aggressive attack, is just war. Conversely, any war unleashed by the imperialists with the aim of seizing foreign territories, enslaving and plundering other peoples, is unjust war.” (Marxism-Leninism on war and army, 1972, p.87)

Lenin gave more concrete discussion of just and unjust wars. He wrote that

³ I. Osterdahl (2010); E. Benvenisti (2009); S.K. Sharma (2008).

“There are just and unjust wars, progressive and reactionary wars, wars waged by advanced classes and wars waged by backward classes, wars waged for the purpose of perpetuating class oppression and wars waged for the purpose of eliminating oppression. Reactionary, aggressive wars cannot be just, and unjust wars retard historical progress. Just wars have progressive aims. The political content of a just war is to liberate a people from oppression and exploitation, which hold back socio-economic development” (Lenin Selected Works, Vol. 29, p.343).

And Lenin gave examples that

“If Morocco were to declare war against France tomorrow, or India against England, or Persia or China against Russia, etc., those wars would be “just”, “defensive” wars, no matters which one was the first to attack” (Lenin, Selected Works, Vol. 18, p.220).

In Lenin’s theory about the justice of the war, when the cause is just, any means is acceptable to achieve the just cause. He wrote that

“Once the insurrection has begun, you must act with the greatest determination, and by all means, without fail, take the offensive. The defensive is the death of every uprising” (Lenin, Selected Works, Vol. 26, p.180).

According to Carl Schmitt, Lenin’s view on just war is that

“The purpose is the communist revolution in all countries of the world: whatever serves this purpose is good and just” (Schmitt, 1963, p.35).

Lenin considered the war to stop class oppression is absolute war against “absolute enemy”, in which there is no restriction in the war against absolute enemy.

Carl Schmitt wrote that

“The war of absolute enmity knows no containment. The consistent realization of absolute enmity provides its meaning and its justice. The only question therefore is this: is there an absolute enemy and who is it *in concreto*? For Lenin, the answer was unequivocal, and his superiority among all other socialist and Marxists consisted in his seriousness about absolute enmity. His concrete

absolute enemy was class enemy, the bourgeois, the western capitalist and his social order in every country in which they ruled” (Schmitt, 1962, p.36).

So we can see that, in Leninist war of absolute enmity, there is no restraint. The justness of an absolute war was not judged by *jus in bello* criteria but by *jus ad bellum* ones. In his theory, Lenin sacrificed the *jus in bello* for *jus ad bellum*.

Jus in bello originated and was developed in Europe primarily aimed at regulating the wars among European states, where wars were carried out by professional mercenaries and there exist clear distinction between combatant and non-combatant. However, in 19th and 20th centuries, the essence of *jus in bello* was codified in the international laws of armed conflicts with the aim of governing all war to reduce the war’s atrocity. When asymmetric war became the popular kind of war in international relations, the law of war was put under great pressure because of the asymmetric characteristic of the war. Especially, the guerrilla war, a kind of asymmetric war, being led by Marxism-Leninism party pose serious threat to the law of war. Because the guerrilla forces usually do not recognize the distinction between *jus ad bellum* and *jus in bello*. In the Marxism-Leninism thought on war, the end justifies the means, thus if the cause of war is just, any means is tolerable to fulfil the cause.

This chapter has presented the theoretical background for the whole thesis. The chapter started with the summary of the laws of war and its basic principles, with the focus on the principle of non-combatant immunity. Then the next part was about the asymmetric warfare and how this kind of war, which is popular today, put pressure on the laws of war. The laws of war were originated and developed in Europe with the tradition of *jus publicum Europaeum*. However, in recent history wars have been transformed and become more and more asymmetric, thus the laws of war were put under great pressure. The last part of the chapter discussed the

relations between *jus ad bellum* and *jus in bello* in Marxism-Leninism on war. The early authors of just war tradition did not separate *jus ad bellum* from *jus in bello*. War was judged once by both sets. However, in recent history, just war theorists argued for the separation between *jus ad bellum* and *jus in bello*. In Marxism-Leninism, the end of the war justify the means, meaning that in judging a war, *jus ad bellum* override *jus in bello*.

In the next chapters, North Vietnam military strategy in the Vietnam War will be discussed and assessed against the basic principles of the laws of war. The Vietnam War was an asymmetric war between America- a world superpower and Vietnam- a small, backward Asia country. So the discussion about the asymmetric warfare and the laws of war in this chapter will be the theoretical basis for the arguments in the next chapters. Also, as North Vietnam was a communist country and followed the line of Marxism-Leninism, thus the discussion of Marxism and Leninism perceptions on just and unjust war is very theoretically relevant here. Generally, what are discussed in this chapter will serve as the theoretical background for remaining chapters.

Chapter III: The Vietnam War

This chapter will provide dual narrative about the Vietnam War from the views of America and North Vietnam, which is necessary to understand the North Vietnam's military strategy. to be discussed in next chapter. The strategy of North Vietnam in the Vietnam War was to defeat America's aggressive will rather than to defeat it militarily. North Vietnam aimed to make American leaders realize that any strategy they applied in South Vietnam would eventually fail, and dissuaded America from deeper involvement. So to understand North Vietnam strategy, we must understand which strategy America employed in each specific period of the war and how North Vietnam perceived that strategy to initiate its own counter strategy. This will be the content of this chapter.

The chapter will be divided into two parts, one on the Vietnam War in American perspective and the other on Vietnamese perspective. In the first part of this chapter, I will explore America's step-by-step involvement in Vietnam from the time America supported France in its effort to keep its colonialism rule in Indochina in the first Indochina war (1946-1954) to the time America made full commitment with its ally in South Vietnam by sending its troops to bear military fighting tasks there, and until the time America withdrew all its military force from South Vietnam. In the second part, I will examine the Vietnam War as it is accounted in the official history of Vietnam. In this part, I will use extensive sources from Vietnamese archive. As the sources were written in Vietnamese, to use them I have to translate them into English by myself. It is true that the Vietnam War is so well documented and literature about the war is abundant but most of researchers writing about the war focused on the American experience in the war rather than a balanced view about the war itself. Moreover, as Vietnamese sources are not easy to access

for foreign researchers, Western researchers writing about the war in Vietnamese perspective were not able to narrate the war as it was viewed in Communist Vietnam official history of the war. This research aim to fill in that gap.

3.1 The Vietnam war in American perspective

3.1.1 America's changing perception about Vietnam after the World War II

America's perception about Indochina underwent profound changes between 1945 and early 1950s. In Indochina, during the World War II, Office of Strategic Services (the predecessor of CIA) had contact with Vietminh- the Vietnam National Independence League and supplied Vietminh with armed materials and training in their fighting against Japanese forces. After the World War II, America generally opposed to the reestablishment of colonial system. In late 1945 when the war broke out between Ho Chi Minh forces and France, America still publicly supported the former. Stoessinger wrote that:

“Roosevelt had openly opposed the return of French power to Indochina and had advocated some forms of International trusteeship for the area. If the fighting in Indochina was a colonial war, it followed that the United States should disapprove of France.....In 1945, when hostilities erupted between France and Ho Chi Minh, the president was decidedly sympathetic to the latter” (Stoessinger, 2008, p.103).

However, the advent of many events in Europe in following years after the WW II changed the America's attitude about Indochina. After the WW II, the world witnessed the competition between the Communist bloc led by Soviet Union and the free world led by America. This competition was known as Cold war, where the two superpowers refrained from fighting each other directly but competed strongly in every other field. In the early period after the WW II, there were many crises between the two blocs as the Cold war got its momentum. Along with the idea of

Iron Curtain, the United States initiated the grand strategy of Containment. The America gradually saw itself as “a leader of an embattled “free world” resisting the expansion of the ruthless totalitarian” (Stoessinger, 2008, p.103).

Obviously, the main battle was in the Europe, but gradually America came to believe that the frontier of the free world included Asia as well, especially after the Mainland China became communist ruled country. Hence, America began to redefine the nature of the struggle of people in Indochina.

“America considered the French war in Indochina as a war against the expansion of Communist and Ho Chi Minh was an agent of Comintern” (Stoessinger, 2008, p.103).

Consequently, by early 1950s, America leadership and a large segment of the America public perceived France as the free world frontally ally in the fight against Communist in South East Asia, just as what United Nations did in Korea. This also, in part, resulted from the need of America for France’s support of its strategic implementation in Europe. Truman administration was trying to convince Paris to support American defence plan for Western Europe, even including possible rearmament of West Germany. Thus, America attitude to the France’s military adventure in East Asia reversed. Peter Lowe pointed out that

“The need for French military co-operation in Europe overshadowed US dislike for French effort to restore colonial control in Indochina” (Lowe, 1998, p.96).

So between 1945 and early 1950. America’s perception about Indochina changed greatly from supporting the process of decolonization and opposing French’s return to supporting French force in the war against Vietminh in 1950s. In these years, America defined Indochina as strategically important and considered the French fighting in the area as an effort of a Western country to stop the

Communist expansion in Asia. A Vietminh victory would provide an unacceptable gain for America's adversary in the Cold war- the Soviet Union.

“A Communist success in Vietnam could not be tolerated because it would threaten the security of US interest in Europe and Asia” (Anderson, 2005, p.20).

However, America was still very restrained in the issue of military involvement in the war. Rather, America chose to provide aid to France for its continuation of the war in Indochina. John G. Stoessinger wrote that:

“President Truman never committed combat troops to Southeast Asia as he did to Korea, but he authorized material aid in 1950 and raised the level of this assistance steadily until he left office” (Stoessinger, 2008, p.105).

Gradually, the US was the main bearer of the French war's burden in Indochina. Michael Lind pointed out that

“By 1954, the U.S was paying for most of the cost of the French effort to defeat Ho Chi Minh” (Lind, 199, p.9)

However, no American forces were involved, the war was still between France and Vietnam, it was not yet American war.

3.1.2 America's commitment in Vietnam under Eisenhower administration

The first Indochina war ended with the French military defeated at Dien Bien Phu by Vietnamese forces and a settlement was reached at Geneva conference July 1954. The Geneva conference resulted in the signing of several agreements to cease hostilities in Indochina and to establish the three independent sovereign states of Laos, Cambodia and Vietnam. The accords on Vietnam provided for a “provisional military demarcation line” at the seventeenth parallel. Vietminh forces were to regroup in the north of the line, while the forces of the French Union were to regroup to the South. The line had military significance only and the political

unification of Vietnam was to be brought about through a general election in two years under the supervision of a neutral three-power international control commission consisting of Canada, India and Poland (Stoessinger, 2008, p.103).

The United States' position at Geneva conference was ambivalent. On the one hand, America public opinion favoured "toughness in US policies toward communist regimes" (Anderson, 2005, p.26) and Eisenhower administration wanted to be seen domestically as a force fighting against Communist expansion in Asia. On the other hand, America did not want to block a peaceful settlement in Indochina as French public was tired of involvement in Indochina. If the US insisted on continuing fighting the war against Communism in Vietnam, it would jeopardize French participation in European defence plan.

"Part of the America displeasure was due to the French attempts to gain Russian support for a compromise peace in Indochina in exchange for the French rejection of European Defence Community" (Lomperis, 1984, p.47).

So Eisenhower administration chose to observe the Geneva proceedings and did not actively engaged in arranging terms. The US never signed the Geneva Accord, but

"in a unilateral decision at the end of the Geneva conference, the US government pledged to "refrain from the threat or the use of force to disturb" the settlement and added that it would view any violation of the accords with grave concerns" (Stoessinger,2008, p.109).

However, in the wake of the accord signing, the United States decided to dissociate itself from the settlement and seek another solution to prevent any further territory in Asia from falling under Communist control. In a National Security Council meeting in Washington just after the Geneva conference. John Foster Dulles, then the US Secretary of State, stated that

“The remaining free areas of Indochina must be built up if the dike against Communist is to be held” (Anderson, 2005, p.26).

The US was quick in its effort to create South East Asia Treaty Organization- SEATO, an arrangement for collective security in South East Asia. Although the Geneva cease fire agreement terms prohibited Vietnam, Laos and Cambodia from joining military alliance, on the day the treaty was signed in Manila, its eight signatories (the US, Britain, Australia, New Zealand, the Philippine, Thailand and Pakistan) designed in an additional protocol that the states Cambodia, Laos and “the free territory under the jurisdiction of the state of Vietnam” (Anderson, 2005, p.26) to be under SEATO protection. Dulles Described SEATO as “no trespassing” signs to deter Communist aggression. John G. Stoessinger wrote that

“The United States thus created SEATO to offset the results of Geneva. It also decided to consider South Vietnam a separate state.Hence Geneva and the SEATO treaty meant the end of French power in Indochina and the beginning of the America effort to enter the struggle with its own military power” (2008, p.110).

So, SEATO makes the beginning of the US full commitment to deter Communism expansion in South East Asia. In that effort, America was determined to keep South Vietnam as an independent and non-communist country.

3.1.2.1 Ngo Dinh Diem’s Government

Ngo Dinh Diem was born in a Catholic family in Quang Binh province in Central Vietnam in 1901. His father had been an official in the imperial court at Hue before the French removed him. Diem attended French Catholics school in Hue and then School of Laws and Public Administration in Hanoi from which he graduated at the top of the class (Tucker, 1999, p.81). Diem gained reputation of anti-communism after he assisted Bao Dai in crushing a communist uprising in 1929. In 1933, Emperor Bao Dai appointed him Minister of Interior for Annam. But Diem

soon discovered that he had no real power and resigned. Diem was a strong Vietnamese nationalist, who opposed both French colonialism and Communism.

“Among Vietnamese, he (Diem) had a reputation for independence, honesty, and courageous criticism of French rule” (Anderson, 2005, p.28).

After Vietminh declared the independence of Democratic Republic of Vietnam in September 1945, Diem was kidnapped and was taken to Hanoi. Reportedly, Diem was asked to join Communist but he refused. Later, much to his surprise Diem was released. In the next few years, Diem travelled around the country seeking for political support. And in 1950, he decided to go abroad (Tucker, 1999, p.81). Diem spent two years in the US, where he met with some prominent American figures such as Justice William, O. Douglas, Senator John F. Kennedy and Mike Mansfield and Francis Cardinal Spellman, the Archbishop of New York-Diem's greatest American supporter (Anderson, 2005, p.28). After Geneva conference, Diem's qualities of both anti-communist and anti-colonialist were compatible with the US policies to Indochina. Although his reputation as a nationalist was tarnished by his having been abroad during much of Indo-China war, his opposition to cooperate with French colonial enhanced it. Thus Diem initially got support from some prominent American after the Geneva accord was signed in July 1954.

On June 18, 1954, Bao Dai, the last Emperor of Vietnam and then the Head of State of Vietnam, summoned Diem to his villa in Cannes and appointed him Prime Minister. Diem returned to Sai Gon on June 26, and on July 7 officially formed his new government, which claimed to embrace all Vietnamese (Tucker, 1999, p.82). Bao Dai's decision to appoint Diem was surprising for he had disliked and distrusted Diem. Possibly because of the time Diem had spent in the US and his

meeting with prominent Americans there, Bao Dai believed that Washington would back Diem.

“Bao Dai turned to Diem as a mean of trying to win US backing for the state of Vietnam as the French were at Geneva negotiating a possible exit from Indochina” (Anderson, 2005, p.29).

The US official position of Diem government was at first cautious and then wholeheartedly supported. After Geneva accord was signed, Eisenhower was eager to establish a strong anti-communist regime in South Vietnam, thus the administration looked around for a Vietnamese leader who could carry out the job. After Diem formed his government in July 1954, General J. Lawton Collins was sent to Saigon in November 1954 by Eisenhower. According to Anderson, Collins had served as one of Eisenhower’s principal field commanders in Second World War, spoke French and was personally acquainted with general Ely, who had been appointed French High Commission in Indochina (Anderson, 2005, p.27). Collin was sent to Sai Gon with specific task “to formulate a crash program to maintain a government in Sai Gon and to establish security in free Vietnam” and also “to make a judgement of Diem’s ability to provide the alternative regime Washington desired to contest the Communist-led Democratic Republic of Vietnam” (Anderson, 2005, p.27& 29). After five months in Sai Gon, Collin was very much in doubt of Diem’s success and reported that

“Diem was incapable of providing the strong leadership that South Vietnam needed” and “the regime in Sai Gon was a practically one man government that had to be substantially broadened to include other patriotic Vietnamese who opposed the communist” (Anderson, 2005, p.29).

However, in April 1955, fighting broke out between Diem government and various religious sects in the South like Cao Dai, Hoa Hao and gangster Binh Xuyen who controlled the vice trade in Sai Gon. Diem’s Vietnamese National Army with

the help of Edward Lansdale, won the battle and was able to settle down the conflict among various sects. Edward Lansdale, an air force officer who had secretly aided Philippine president Ramon Magsaysay in politically outmanoeuvring communist insurgents, was the representative of CIA director Allan Dulles. Lansdale befriended with Diem and helped him a lot in his early days as head of government.

The success of Diem in dealing with religious sects and armed gangster convinced the Eisenhower administration to reverse Collin's recommendations. Hence, since then the Eisenhower was committed wholeheartedly support for Diem to build a viable non-communist country in South Vietnam.

“It cannot be known if a shift to some other South Vietnam leader in 1955 would have changed the ultimate course of the Vietnam war, but from that point until 1963 the success of US objectives in Vietnam depended on the ability of Diem to create an effective government” (Laws Collins, 1979 cited in Anderson, 2005, p.30).

In the early days, Diem's government faced enormous obstacles. One of the most significant obstacles to the survival of the government was its own legitimacy. Anderson (2005) wrote that Diem's government

“bears the image of puppet government and it would not be able to compete politically with the nationalist appeal of the DRV.... His (Diem) constitutional authority as prime minister came from Bao Dai, whose own position was understood throughout Vietnam to have been created by France” (p.31).

Moreover, though Bao Dai appointed Diem as Prime Minister, he did not give Diem much real power.

“Although invited by Bao Dai to form a government on June 16, 1954. Diem arrived in Sai Gon to find that he had been granted no real authority” (Lomperis, 1984, p.49).

So, one of the first tasks of Diem was to create the legitimacy for himself as well as his government. Thus after settlement of conflict with religious sects Cai Dai, Hoa Hao and gangster Binh Xuyen, Diem was quick in deposing Bao Dai and establish himself as Head of State. On 30 April 1955, Diem organized a general assembly that demanded Bao Dai's resignation as Chief of State. In October 1955, Diem held a referendum between himself and Bao Dai (Lomperis, 1984, p.49). Diem was declared the winner of the referendum with 98% of vote in his favour. Then Diem and his American supporters cited the referendum as basis for the regime's authority. On 26 October 1955, using the referendum result as justification, Diem proclaimed the Republic of Vietnam with himself as president. This event was the finish of the process of creating an independent non-communist country in the South Vietnam, to counter the spread of Communism from the North Vietnam.

3.1.2.2 America's support to Diem and nation building effort in South Vietnam

According to the so-called "domino theory", which dominated the American foreign policy in Indochina in Eisenhower administration and its successors, if South Vietnam fell to the Communist, the whole region would be affected. Gary Hess wrote that

"Communist success in Vietnam would inexorably lead to the collapse of the other non-communist states. Like a row of "dominos", the nations in Southeast Asia and beyond would succumb to communism" (Hess, 2010, p.31).

Michael Lind even stated a worse outcome of the loss of Indochina to Communism according to the "Domino theory".

"It was feared that the loss of South Vietnam to Hanoi-sponsored communist insurgents would lead to communist takeovers in neighbouring countries in Indochina or Southeast Asia, or to copycat Communist or antiwestern revolutions in other areas if the developing world, or to bandwagon with or appeasement of

the Soviet Union or communist China by U.S allies and neutrals unsure of the reliability of U.S security guarantees". (Lin, 1999, p.35)

Thus the America policy toward Indochina since Geneva conference was "to seek an independent non-communist South Vietnam" (Joes. 2001, p.42). After some initial hesitation, the Eisenhower administration threw its wholehearted support to the newly created non-communist government in South Vietnam headed by Ngo Dinh Diem.

The US commitment to Ngo Dinh Diem received non-partisan political support from a group called The America Friends of Vietnam. One of prominent member of this group - Senator Mike Mansfield in October 1954 wrote that

"in the jungle of colonial decay, corruption and military defeat which characterized Sai Gon in 1954, Diem assumed the leadership with few assets other than his nationalism, his personal incorruptibility and his idealistic determination" (Joes, 2001, p.43).

Senator John F. Kennedy of Massachusetts described South Vietnam as the "cornerstone of the free world in South East Asia" and "an inspiration to indeed the world". Even in 1957, a journal on the prestigious Foreign Affairs wrote that "history may yet adjudge Diem as one of the greatest figures of twentieth century Asia" (Joes, 2001, p.43).

Internationally, the US strongly supported Diem by creating his image as great leader and the saviour of South Vietnam. One of the first US's international move to support Diem was taking the lead in the creation of SEATO on 8 September 1954. A separate protocol extended the treaty's security protection to Laos, Cambodia and the "free territory under the jurisdiction of the State of Vietnam" (Tucker, 1999, p.83).

Also to further strengthen Diem's position internationally and domestically. President Eisenhower sent high ranking US officials to visit Vietnam, including Secretary of State John Foster Dulles in 1955 and vice president Richard Nixon in 1956. Most prominently was America's reception of Diem in his visit to the US in May 1957. During the visit, Diem attended the elegant dinner and met privately with President Eisenhower and Secretary of State J.F Dulles in the White House. Diem also addressed a joint session of Congress. Publically Eisenhower and other official hailed Diem as "tough miracle man" and the "saviour" of South Vietnam. They characterized Diem's regime as an important partner with the US in the fight against global communism.

"This ceremonial treatment was intended to strengthen Diem's image as a leader. It was one of several such state visits hosted by Eisenhower for Asia and Africa leaders" (Anderson, 2005, p.32).

Domestically, the US did everything possible to help Diem to consolidate his power and eliminate other opposing armed sects. In the first few days, Diem government faced great challenges from existing French forces, Cao Dai, Hoa Hao and Binh Xuyen. By late August 1954, General Nguyen Van Hinh, the Chief of Staff of Bao Dai's Army, a French citizen and an officer in French Air Force "openly admitted to US authorities that he was talking to leaders of religious sects about coup against Diem" (Tucker, 1999, p.83). In that situation, General J. Collins, President Eisenhower's special envoy in Sai Gon, made it clear to Hinh that US aid for South Vietnamese would be cut off if Diem was to be removed by force. Tucker wrote that

"Washington's October decision to channel all aid directly to his government was critical to Diem's survival" (1999, p.83).

After assisting Diem in consolidating his power, Washington continued to provide aid to Diem government to keep nation standing. Each year the United States provided almost a quarter of billion dollars to South Vietnam. The US aid was vital to South Vietnam economy. Tucker pointed out that

“In 1955, Diem’s government collected revenues equal to only one-third of expenditures.....Totally, during the period 1954-1963, US aid came to about 1.7 billion (1999, p.87).

Anderson clearly said that

“The Southern economy would have collapsed without \$ 200 million in aid provided annually by the United States. The modestly affluent consumer culture of refrigerators and motor-bike in the cities contrast sharply with rural poverty that left some families with \$25 annual incomes after payment of rent and taxes” (Anderson cited in Peter Lowe, 1998, p.97).

Eighty percent of US aid went directly to South Vietnam military budget because “Eisenhower administration considered military security to be the most urgent needs of Sai Gon government” (Anderson, 2005, p. 32). In May 1955, the US Military Assistance Advisory Group recommended to Washington to build an army for South Vietnam of 150,000 men. After debating about the composition within 150,000 men, the process organization South Vietnamese Army completed in 1960 with seven “field divisions” of 10,450 men (Tucker, 1999, p.86).

Eisenhower administration did throw full support to Diem in creating his government and consolidating his power. Eisenhower also helped to build South Vietnam Army and paid for 85% of the cost of maintaining the 150,000 strong force. However, Eisenhower did not deploy troop in Vietnam and the number of uniformed American advisors in the Republic of Vietnam never exceeded 900 before 1961.

3.1.3 Kennedy Administration and counter insurgency in Vietnam

During his brief presidency of a thousand days, John F. Kennedy deepened the American military involvement in Vietnam considerably. By the time of Kennedy's death in 1963, over 16,000 American military advisers were in South Vietnam. This number was a huge increase from the number of 900 military advisors in the end of Eisenhower administration. The American became more identified with the highly unpopular regime of president Diem. Stoessinger (2008) wrote that

“Under Kennedy's leadership the United States entered a crucial period of transition from a marginal commitment to fateful and direct involvement” (p.111).

Kennedy, entering the White House on 20 January 1961, was convinced of the importance of the so-called “Third World” in the Cold War conflict. According to the historian Gary Hess, four words- Commitment, Credibility, Consequences and Counter insurgency- are central to Kennedy administration's Vietnam policy. (Lowe, 1998, p.98). In his inauguration speech, the President had made the commitment that the US would

“pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty” (Cited in Anderson, 2005, p.37).

To show to the world that America was up to its commitment, the Kennedy team felt that “the US need to pay close attention to internal political struggles in Vietnam and other developing nations” (Anderson, 2005, p.36). The administration chose to step up counter-insurgency war in South Vietnam. According to Anderson, the Administration's counter-insurgency plan contained military, economic, psychological, covert and financial sections. The Eisenhower administration had limited the Republic of Vietnam's (RVN) armed forces to 150,000 in its military assistance program. And by the time Eisenhower left office, the number of US

military advisor was kept under 900 men. After 4 months as the President of the US, in May 1961 Kennedy authorized a personnel ceiling of 200,000 for the South's regular military forces and expansion of local self-defence forces. Kennedy also sent 400 US army special forces to South Vietnam in order to help training Montagnard tribesmen in anti-guerrilla warfare. Also, to assure Diem of continued US support, Kennedy asked his vice president Lyndon Johnson to visit Saigon. Johnson was favourably impressed with Diem and hailed him publicly as "the Winston Churchill of Southeast Asia" (Stoessinger, 2008, p.112).

In October 1961, the President decided to send two of his own special representatives to Vietnam for an onsite fact-finding trip, Deputy National Security Advisor Walt Rostow and General Maxell Taylor. After the trip, Rostow and Taylor recommended the introduction of 8000 American combat troops into Vietnam and "stated flatly that without such a commitment Vietnam could not be saved" (Stoessinger, 2008, p.113).

The report shocked the president. Although Kennedy rejected Rostow's and Taylor's recommendations and did not send troop in Vietnam, he authorized military advisors. During 1962, the number of US military advisers reached 9000, a tenfold increase over the Eisenhower level (Anderson, 2005, p.38). And by the end of Kennedy administration, the number of US military advisors in Vietnam totalled more than 16,000. Also, Washington set up the Military Assistance Command, Vietnam (MACV) to provide an effective command structure for this mounting military effort.

Kennedy also made effort to counter the mounting insurgent operations in South Vietnam. According to Anthony Joes (2001), in February 1962, close advisors of Kennedy concluded that personal security in the villages of South Vietnam was

the key to winning the war against guerrilla. The strategic hamlet program was the centrepiece in this view.

The purpose of strategic hamlet program were: (1) separating armed guerrilla bands from sympathizers inside the hamlet (the revolutionary structure) who previously supplied them with recruits, foods and intelligence, (2) providing the opportunity to root out this infrastructure, and (3) organizing the peasants into self-defence units to resist demand or attacks by the guerrillas (Joes, 2001, p.63).

Previously in late 1950s, Diem government had carried a program of agroville to remove peasant communities from exposed areas into new and more secured locations. But the inadequate government financial assistant and the undermining activities of Vietcong led to failure of the program. In 1962, the strategic hamlet was introduced under the direction of Ngo Dinh Nhu, Ngo Dinh Diem's brother, who is the senior advisor for Diem's government. Still facing with many problems such as lack of cooperation from peasants, corruption from government, sabotage from Vietcong, the program failed to achieve its objectives. However, the program did cause difficulties to Communist insurgency in the South Vietnam.

“Radio Hanoi launched a furious and prolonged campaign denunciation of the strategic hamlets, and captured documents indicate that the Communist were greatly preoccupied with finding the right way to deal with them” (Joes, 2001, p.65)

However, in the years of Kennedy administration, the domestic situation in South Vietnam gets worse. The resentment of South Vietnam Buddhists against Diem regime became unsolvable. Diem's brother Ngo Dinh Nhu directed the regime's secret police attack on Buddhist pagodas. There were self-immolations of Buddhist monks in Sai Gon street. Facing with the situation getting worse and worse, Kennedy decided to give up support for Diem.

“On 24 August 1963, a State Department cable to Ambassador Henry Cabot Lodge in Sai Gon authorized the ambassador to demand Diem remove Nhu from the government. This instruction also permitted the embassy to inform dissident South Vietnamese generals that the United States would not interfere with a coup if Diem failed to oust his brother” (Anderson, 2005, p.39).

In November 1963, the coup was started by South Vietnamese army generals. The US embassy knew about it before hand but did not interfere. As a result, Diem and his brother were ousted and then murdered. Three weeks later, Kennedy was also assassinated in Dallas. These events marked the end of the period of relative political stability in South Vietnam and beginning of a chaotic time and the direct America military involvement in Vietnam.

3.1.4 Johnson and the escalation of America’s military involvement in Vietnam

Johnson’s sudden accession to presidency came when the political situation in South Vietnam underwent huge chaos. The coup against Diem regime did not produce a viable coalition to lead Sai Gon government. South Vietnam entered a period of coup and anti-coup with factions struggle for power.

“The removal of the Diem regime did not produce the desired stable, legitimate political order committed to American-sponsored reforms” (Lomperis, 1984, p.61).

Indeed, the death of Diem unleashed seething rivalries and factionalism and put the country back in some ways to where Diem had found in 1954. Instead of removing major obstacles to effective action against the communist, Diem’s death had destroyed the source of whatever collaboration and dynamism had existed in the South Vietnamese war effort, just as the opponents of the coup in the US mission in Sai Gon had fear it would (Joes, 2001, p.80). Politics in two years after the coup against Diem became an elaborate intrigue played on the stage of Sai Gon.

Jockeying for power were military factions, civilian bureaucrats and political parties like the Dai Viet, VNQDD and Can Lao remnants as well as Roman Catholic and Buddhist organizations.

“Before the flashy air Vice Marshal Nguyen Cao Ky stepped in on February 10, 1965, and finally stabilized the situation, there had been nine changes of governments” (Lomperis, 1984, p.62).

And Joes wrote that

“Reflecting years later on the meaning and genesis of these events, a senior Vietnamese military officer was moved to confess that the overthrow and consequently death of Diem had indeed been a great disaster for South Vietnam.” (Cao Van Vien, 1980, cited in Joes, 2001, p.81).

So, until the massive American intervention, South Vietnam was close to collapse. The immediate post-Diem military governments were utterly unable to stem the rising tide of Communist insurgency.

“The condition within South Vietnam continued to deteriorate. By the spring of 1964, vast areas of South Vietnam were under National Liberation Front (NLF) control, the strategic hamlet program was essentially moribund and the infiltration of man and material from the North had grown” (Lowe, 1998, p.102).

To make the situation worst, at the same time the North was heating up the war. In December 1963, a few weeks after the killing of Diem, the Ninth Plenum of the Communist Party Central Committee was convened in Hanoi and decided on a major escalation of the struggle. By the end of 1964 regular North Vietnam Army (NVA) elements had been introduced into the South and large Vietcong units were manoeuvring near the Sai Gon. At the end of the winter 1964-1965, almost half the population and nearly two third of the territory of South Vietnam were in

Communist hand. "The Southern Republic seemed on the verge of extinction". (Joes, 2001, p.81).

It was in this context of emergency that the Johnson administration began a rapid build up of US ground forces in South Vietnam, otherwise the country would collapse under communist regime.

As vice president of Kennedy administration and came to power after the assassination of Kennedy, Johnson had much the same perception of Vietnam as did Kennedy. According to Anderson (2005), Johnson's views were summarised by four words- Commitment, Credibility, Consequences and Combat. Four days after Kennedy's murder, Johnson approved National Security Action Memorandum No.273 that restated, in a language very similar to Truman's, the US pledge to assist the South Vietnamese "to win their contest against the externally directed and supported Communist conspiracy" (Lowe, 1998, p.101).

This memorandum was drafted by the NSC before Kennedy's death. So by approving it, Johnson stood firmly in the containment tradition. The situation in South Vietnam was so grave that simply assisting the South against the North was not enough. Thus, in June, General William C. Westmoreland was sent to Vietnam. He was one of the most accomplished combat officers. After arriving to Sai Gon and unimpressed by the pacification program so far, he immediately requested more American military personnel to help the army of Republic of Vietnam and he got the agreement from Washington. Thus, in 1965 the US army advisory strength surpassed 23,000. The Johnson administration believed that the root problem of insurgent in the South Vietnam came from the North. The administration held that the NLF was under the direction from the North Vietnam. The pace and fierce of the insurgency in the South was controlled and guided by North Vietnam leadership.

The North was also the great rear and great supplier of logistic for insurgents in the South.

So the Johnson administration was convinced that Hanoi, not NLF, was the true enemy. In order to remove the problem of Southern insurgency, the administration believed that they should deal with it from the roots. They reasoned that “pressure on the North would strengthen the South” (Anderson, 2005, p.43).

However, the coercion measures against the North Vietnam should not provoke the intervention by China, thus the America chose covert actions first. Before his death, Kennedy had approved two harassing covert activities against North Vietnam: OPLAN 34A and the DESOTO patrols. OPLAN 34A was a program of seaborne raids along the North Vietnam Coast by South Vietnam troops with American logistic support, which began in February 1964. DESOTO patrol was conducted by the 7th fleet to test North Vietnam coastal radar (Lompersis, 1984, p.65). However, these harassing programs seem unimpressed Hanoi. Hanoi still stepped up its aid to insurgents in the South through Ho Chi Minh trail. Because

“In December 1963, Hanoi, sensing a opportunity to achieve a military and political breakthrough, decided to step up its material support for insurgency, and by late 1964 units of the North Vietnamese army (PAVN) would be operating for the first time South of 17th parallel (Ruane, 2000, p.82).

Lomperis (1984) wrote that

“In April 1964, elements of the 325th PAVN Division prepared to move South. The first regiment skirted around the demilitarized zone in late September, the second regiment in October and the third regiment in December. By march, 1965, when the first America combat unit splashed ashore in Danang, in addition to groups of individuals infiltrated as “fillers”, or replacements, for local Vietcong units, 5800 regular PAVN troops were in the South” (p.64).

This was due to the North Vietnam leadership reasoned that they could get a quick victory before America would be involved directly. William Duiker wrote that Hanoi felt that

“If Washington was faced with a sudden and irreversible deterioration of the situation in South Vietnam, it might decide (as it had done in the case of China) that intervention could not succeed. Consequently, a determined effort to overturn or at least seriously weaken the Sai Gon regime in a relatively short time was vital” (Cited in Werner & Luu Doan Huynh, 1993, p.78)

So the Johnson administration opted for an air strike against the North Vietnam. And what they needed at that time was a pretext to start the air war. Then came the so called Tonkin Gulf Resolution. On 2nd August 1964, Vietnamese torpedo boats engaged in the USS Maddox, a destroyer, in the area of Gulf of Tonkin. And two days later, on 4 August, under very poor weather condition, another North Vietnam attack was reported. Later, there has been intensive debate about these attacks and

“A controversy arose between war critics and defenders as to whether the attack actually took place or, if they did, whether they were politically designed to gain public support for a more active America role” (Lomperis, 1984, p. 65).

However, right after the attack, Johnson, receiving confirmation from Admiral US Grant Sharp, commander in chief of US Pacific forces, concludes that “no doubt now existed that an attack on the destroyer had been carried out” (McNamara 1995. cited in Anderson, 2005, p. 44), ordered a retaliatory act against North Vietnam by bombing coastal bases at Vinh. Then Johnson sought the support from congress to escalate the air war against North Vietnam. The so-called Tonkin Gulf Resolution was passed almost unanimously with only two dissenting votes from the Senate. The resolution wrote that

“That the Congress approves and supports the determination of the president as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression” (Ruane, 2000, p.98).

3.1.4.1 The America’s air war in Vietnam

In order to coerce North Vietnam to stop supporting and directing insurgent force in the South, Johnson administration chose to use air power. The opportunity came in February 1965, when an American camp in Pleiku was attacked by Vietcong. Eight American were killed and 60 wounded. By coincidence, Johnson’s close aid, McGeorge Bundy was in South Vietnam at the time of the Pleiku raid. After the raid, he visited Pleiku and

“recommended a reprisal policy of sustained bombing against the North that would cease only if the Vietcong ended their insurrectionist activities” (Stoessinger, 2008, p.119).

Following Bundy’s recommendation, Johnson began the relentless bombing campaign that was to devastate North Vietnam. The bombing of North Vietnam was intensified steadily during the Operation Rolling Thunder. According to Gary Hess, in 1965, American dropped 63,000 tons of bombs in North Vietnam in 25,000 sorties, in 1966 it was 136,000 tons in 79,000 sorties and in 1967, it was 226,000 tons in 108,000 sorties (Hess, 2010, p.85).

James P. Harrison wrote that

“During “Operation Rolling Thunder” (1963-1968), an average of 800 tons of bombs a day were dropped on the North, and several times as much on the South and Laos. In the eight years of heavies warfare, the average tonnage of bombs dropped was close to 2,400 tons a day, accumulating to over 7 million tons” (Werner& Luu Doan Huynh, 1993, p.131)

Throughout the war, total bombing for Vietnam equal to about five times the estimate of the bomb tonnage dropped by Anglo-America force in World War II. The total number for bombing varies from over 5 million tons on Vietnam to 7.8 million tons on Indochina.

After the Tonkin Gulf incident and reprisals against the North Vietnam in August 1964, America initiated the Operation Barrel Roll on December 14 1964 against Ho Chi Minh trail in Laos. Then after the Pleiku raid, the operation "Flaming Dart" began on 7 February 1965. Then came the most publicized bombing in history commenced on March 2 1965 with Rolling Thunder, which continued with eight pauses until 1968. "Linebacker I" resumed bombing the North Vietnam with a revenge from the late spring to October 1972, and "Linebacker II" explosively closed the America side of air war against Hanoi- December 18-29, 1972. In South Vietnam and Laos, the bombing was carried out since 1965 without any major stop, though not as heavy as in the North. In 1969, the bombing secretly began in Cambodia and continues there with names like "Arc Light" and "Operation Menu" (Breakfast, Lunch and Dinner) until July 1973.

The total tonnage of bomb against both North and South Vietnam increased every year. It started with 300,000 tons in 1965 to over 1 million tons in 1966 and 2 million tons each year from 1967 to 1970. The peak year saw 2,966,548 bombs dropped by 400,000 combat sorties in 1968. During the "Operation Rolling Thunder" (1965-1968), an average of 800 tons of bombs a day were dropped in the North. James P. Harrison concluded that

"Vietnam will go down in history (hopefully) as the country that –small as it is– suffered more bombardment than all other put together, in all previous war"
(Harrison cited in Luu Doan Huynh & Werner, 1993, p.130-133).

However, despite fierce as it was, the American air war did not produce desired result. The North Vietnam did not stop its support for Southern insurgency.

“The most astonishing question, and one of the most overlooked aspects of the America war in Vietnam, was how the Vietnamese communist and their support could survive at all against the staggering fire power thrown at them” (Luu Doan Huynh & Werner, 1993, p.130).

The North matched the American air escalation with its own escalation through infiltration on the ground. Since withdrawal was unthinkable, there was now only one possible response for Johnson administration: to meet Vietcong challenge head-on with American combat troops on the ground.

3.1.4.2 The American ground war in Vietnam

After Diem’s death, South Vietnam politics underwent chaos and was threatened by the Communist force. The country was near the extinction. In order to save its allies, the Johnson administration chose to Americanize the war.

“In the first half of 1965, Johnson made a series of fateful decision to Americanize completely the combat against DRV and its southern allies in the NLF. This Americanization took two forms (1) a sustained and gradually increasing US air bombardment of targets in South and North Vietnam. (2) deployments to South Vietnam of entire US combats division with supporting elements” (Anderson, 2005, p.46).

As the air war did not produce the desired result, thus the American had to increase its troops in South Vietnam. In March 1965, two battalions of US marines landed at Danang to protect the US airbase there. But Johnson still was very cautious and hesitated in sending combat troops to South Vietnam.

“He would “not permit the independent nation of the East to swallowed up by Communist conquest but it would not mean sending American boys 9 or 10.000

miles away from home to do what Asian boys ought to be doing for themselves”

(Mc Mahon, 2003, p.178).

And in June 1965, Westmoreland asked for 150,000 troops more to South Vietnam to reverse the tide of failure there, while Joint Chief of Staff endorsed this request, Johnson still very hesitated. He sought the counsel from several sources. In a meeting with White House cabinet on 21 July 1965, Johnson asked:

“Options open to us: (1) Leave the country with as little loss as possible- the “bugging out” approach; (2) maintain present force and lose slowly; (3) add 100,000 men-recognizing that may not be enough- and adding more next year. Disadvantages of option 3 –risk of escalation, casualties will be high-may be a long war without victory...I would like you to start out by stating our present position and where we can go.” (Ruane, 2000, p.112)

Then after consult with his close advisers, Johnson came to decision on 28 July 1965. In the address to the Nation on that day, he stated that

“What are our goals in that war-stained land? First, we intend to convince the communist that cannot be defeated by force of arms or by superior power. They are not easily convinced. In recent months, they have greatly increased their attacks and the number of incidents. I have asked the commanding general, General Westmoreland, what more he needs to meet this mounting aggression. He has told me. We will meet his needs.

I have today ordered to Vietnam the Air Mobile Division and certain other forces which will raise our fighting strength from 75,000 to 125,000 men almost immediately. Additional forces will be needed later, and they will be sent as required.” (Ruane, 2000 p.113)

However, politically the President did not want the war to intrude on American domestic life. Internationally, the risk of a wider war with China and Soviet Union meant that the US would not go all out to annihilate the North Vietnam.

“The US believed that it could preserve a non communist South by forcing North Vietnam to withdraw its support for the Southern insurgency. Johnson wanted to escalate the America force level unit until reached North Vietnam’s breaking point, exhibiting the administration’s determination to Hanoi, yet showing restraint to minimize Chinese and Soviet intervention” (Hall, 2008, p.33).

Under the strategy of gradual escalation, the US carried out the Americanization of the war. The US troop level in Vietnam increased gradually. In the end of 1964, there were only about 23,000, and then in mid-1965 the total number of US troops in Vietnam was about 45,000. However, the number reached 385,000 in 1966 and 535,000 by early 1968. The president entrusted General Westmoreland with carrying out the ground war in South Vietnam. As being restricted not to take the war to North Vietnam, Westmoreland chose the strategy of attrition, which emphasized firepower and mobility of the US army. The aim of the attrition strategy was not control of territory but to weaken the strength of People’s Liberation Armed Forces (PLAF) and People’s Army of Vietnam (PAVN).

“The United States and South Vietnam troops reports not how much territory was wrested from Vietcong control but how many Vietcong were killed each day of combat” (Sardesai, 2005, p.107).

Westmoreland reasoned that the beginning of the end will come when the crossover point was reached.

“The cross-over point is the theoretical point in time when the US and its allies inflicted more casualties on North Vietnamese and NLF force than they could replace through recruitment. Some US officials believed that upon reaching this point the enemy would be forced to end the war on terms favourable to the US” (Hall, 2008, p.34).

Westmoreland carried out the attrition in two phases and he believed that he could stop the insurgency within 18 months. Initially he moved to secure the heavily populated coastal areas and broke the VC’s momentum. During this first phase, he

developed the logistical base necessary to support a larger force. Then Westmoreland assigned Army of Republic of Vietnam (ARVN) with pacification occupation and security tasks. This arrangement freed large US combat force. In the second phase, Westmoreland used big unit confrontation to attack the NLF in their mountainous bases and blocking infiltration from the North. During this second phase, he hoped to impose a conventional war upon guerrillas, which held distinct advantages for the US. In this phase, Westmoreland implemented big unit search and destroy operations such as Cedar Falls, Junction City...

“Search and destroy is the name given to the US tactical application of its attrition strategy. It represent the dominant tactical approach used by American forces in the war. US force took the offensive to locate, engage, and destroy enemy forces. This assumed that American fire power could inflict sufficient casualties to force the enemy to give up fighting. (Hall, 2008, p.33).

To track the effectiveness of this strategy, the pentagon devised a host of statistical measurements of the war’s progress. The most notorious of these measures was body count- that is the actual or estimated number of enemy combatant killed. However, when commander rewarded individual or unit with promotions and extra leave for high body count, it could easily be inflated. And there existed a rule that “if it’s dead and Vietnamese. it’s Vietcong”.

However, contrary to Westmoreland’s expectation, the US attrition strategy had failed to meet its objectives by the end 1967. The escalation of American armed force in Vietnam did prevent the defeat of South Vietnam. However, even with more than half of million American and allied troops in Vietnam, the military situation in Vietnam actually became stalemate. From 1965 to 1967, the American and South Vietnam forces did cause great loss to Vietcong and PAVN. According to Hall, form 1965-1967, the communist lost an estimated 79,000 combatant compared

to 13,500 American and 40,000 South Vietnamese. During the same period, however, the communist troop level in the south increased by 42,000 as they matched each US escalation and avoided the crossover point. The escalation had increased the costs of the war and money, but failed to diminish the North's threat to the South.

Moreover, the "assumption that military efforts could achieve political stability in Sai Gon and that Limited War could achieve victory quickly enough to prevent domestic unrest both proved to be incorrect" (Hall, 2008, p.40). Corruption, factionalism and continued Buddhist protest plagued Thieu-Ky government.

The increase of America's military involvement in Vietnam and its failure to achieve concrete result produced opposition to the government policy. This anti-war movement, though unorganized, grew dramatically and became one of the largest social movements in the national history. David Anderson described that

"The protest movement in the US against the Vietnam war had no single organization as source. It was basically spontaneous and ad hoc collection of various pacifists, ideological anti-imperialists and peace liberals acting individually or in separate groups. It eventually came to include thousands of people engaged in various activities including political campaigns, petition drives, lobbying of legislators, street demonstrations, draft resistances, and occasionally overt acts of violence. Many of the movements also included veterans, political activists, ministers, mothers, and even some Vietnam veterans" (Anderson, 2005, p.62)

The anti-war movement ultimately contributed to a general questioning of America's direction and values. The most common form of anti war movement was public protest. Since 1965, there were many big protests with the participation of tens of thousands of people. Most of the protest were non violent, however, some were not. Although, the US government denied being influenced by the anti-war movement, national leaders were well aware of its existence and tried various ways

to quiet it. Coinciding with the escalation of war in Vietnam, the Johnson administration launched a public drive to explain its Vietnam policy.

On 7 April 1965, Johnson, himself, had a television speech to justify the escalation of war

“Our objective is the independence of South Vietnam, and its freedom from attack. We will not withdraw, either openly or under the cloak of a meaningless agreement...Once this is clear, then it should also be clear that the only path for reasonable men is the path of peaceful settlement.” (Ruane,2000, p.108).

The ground war then entered the stalemate in 1965-1967. At the end of 1967, the president asked General Westmoreland to be back in the US to make public the progress of the war. On 21 November 1967, Westmoreland appeared before the national press and asserted

“We have reached an important point when the end begins to come into view. I am absolutely certain that whereas in 1965 the enemy was winning, today he is certainly losing. The enemy’s hopes are bankrupt” (Tucker, 1999, p.136).

However, just two months later, an important event came and changed the course of the war-the Tet offensive.

At the end of January 1968, PLAF and PAVN troops launched their most massive attack yet called Tet offensive. The DRV leaders selected the Lunar New Year celebration or Tet as time for the general offensive. Tet was the most important holiday of the year in Vietnam, when traditionally both sides had observed a cease fire. South Vietnamese military units would be at low strength with many men at home with their families for the customary celebrations and worship at family shrines (Tucker, 1999, p.136). The Tet offensive lasted 25 days, from January 31 until February 24 1968.

Scholars disagreed on what motivated the Tet Offensive. Some argued that northerners were worried about mounting losses and pursued a conventional assault as a desperate measure to stay in the war. Most, however, believed that Hanoi remained optimistic about its ultimate success. Exactly what they hoped to gain is also uncertain. Some hoped to stimulate a popular uprising and the formation of coalition government. A few might have looked for the collapse of Thieu's regime and perhaps even an America's withdrawal. A majority more likely expected a less decisive change, such as a halt to the bombing or a weakened government in Sai Gon, and view the offensive as part of a long-term strategy of "fighting while negotiating" (Hall, 2008, p.49).

While the Tet Offensive was not a total surprise to the American command, its intensity and breadth had a shocking impact that no one could disguise. The bulk of the attacks began on 31 January 1968. Communist forces struck 36 to 44 provincial capitals, 5 of 6 autonomous cities, 64 of 242 district capitals and about 50 hamlets. In the vital strategic area around Sai Gon, roughly a 30 mile zone around the capital known as the "Sai Gon circle", the communist committed the equivalent of more than two divisions. In the capital itself, communist sapper actually penetrated the US embassy (Hall, 2008, p.49).

Overall, the Tet offensive was a major communist military defeat. North Vietnamese leaders had not realized their goals, there was no crushing defeat of allied force in the South, especially the ARVN. The Vietcong suffered great loss in term of human casualties. According to Office of Military Command Vietnam, figures for the number of casualties in the first wave enduring on March 31 were America 3895, ARVN 4954, civilians 14,300 and VC/NVA 58,373. By mid-May, the number of communist dead had reached 92,000. However, once again these

figures provide a relative guide because it is usually highly inflated (Lomperis, 1984, p.77).

There also had been no general rallying of civilian population to the Communist cause, no “general uprising”. A February 1 COSVN directive calling for continuation of the offensive admitted the failure

“We failed to seize a number of primary objectives and to completely destroy mobile and defensive units of the enemy. We also failed to hold the occupied areas. In the political field we failed to hold motivate the people to stage uprising and break the enemy oppressive control” (Tucker, 1999, p. 139).

However, to some extent we can say that although the communist suffered a tactical defeat, ultimately, they achieve an enormous political victory. Because Tet offensive was a military defeat but it had great impact on the America and caused a major reassessment of America strategy in Vietnam war. Having been repeatedly told by leading political and military leaders that the communist were fading and that there was light at the end of the tunnel, the American public was stunned to find them still capable of such an effort. The new reality reinforced public discontent with the war. A Gallup poll in February 1968 showed a sharp reverse in the optimism revealed in an earlier poll in November 1967 (Lomperis, 1984, p.78).

However, Westmoreland himself rightly learned that Tet offensive was a military loss for the Communist and he

“saw an opportunity to pursue a more aggressive policy. the possibility of destroying the enemy’s will to continue the war with reinforcement he could attack PAVN base areas and sanctuaries in Laos and Cambodia and even possibly cut the Ho Chi Minh trail” (Tucker, 1999, p.145).

Thus he requested for 206,000 reinforcements. Clifford urged Johnson not to make an immediate decision on the troop request and recommended full-scale review of Vietnam policy. Clifford’s study group, after reviewing the progress of the

war, came to conclusion that the strategy of graduated response and attrition was just not working.

“A national Security Council study in early 1969 showed that even at half the 1968 casualty rate, it would take thirteen years to exhaust the manpower pool in the North. This, despite the massive America effort, only a stalemate had been achieved” (Lomperis, 1984, p.79).

Moreover, when the New York Times broke the story that Westmoreland had requested 206,000 more troops, more public protests followed. A week later, 139 members of the House of Representative voted for a resolution that called for a complete review of Vietnam policy. And in March some 78% of American expressed disapproval of Johnson’s handling of the war. (Tucker, p.148). Thus on 31 March 1968, Johnson had a television speech to the nation. He announced that he was restricting bombing of North Vietnam to the area just North of the DMZ and said that he would not seek or accept re-nomination for presidency.

“Whatever the reasons, Johnson’s 31 March speech marked a decisive turning point in the war and a return from graduated response to the pre-1965 policy of struggle to deny communist victory” (Tucker, 1999, p.149).

This was the end of America’s escalation and the next phase would be the peace with honour under Nixon administration.

3.1.5 Nixon’s Vietnam war

In the November 1968 election, Nixon defeated Humphrey by one of the narrowest popular vote margin in the US history. During the campaign, candidate Nixon had been vague about his Vietnam policies. He had promise to end the war and win the peace. Nixon understood that the American public were fed up with the war, they wanted America by “one way or another get out of Vietnam” (Anderson,

2005, p.84). However, Nixon was also afraid that America's credibility in the world would greatly be damaged.

“Nixon and Kissinger believed that America's friends and enemies abroad would be closely watching how the US extricated itself from the war. Kissinger maintained resolutely that the “peace of the world” and the stability of “international order” depended on the ability of the US to end the war with its honour and credibility as a world power intact” (Anderson, 2005, p.84).

So in order to gain peace with honour, Nixon initiated the Vietnam strategy including twin measures. The first measure was to continue the peace negotiation with North Vietnam which already started in July by Johnson. Along with public peace negotiation, Nixon and Kissinger also opened a parallel secret talk. Kissinger proposed a two-tiered approach in which the US and the DRV would negotiate a mutual withdrawal of forces from the Republic of Vietnam while the Sai Gon government and the national liberation front discussed “political reconciliation” Kissinger thought that “this position would demonstrate flexibility to both Hanoi and the Democrats” (Anderson. 2005, p.86).

To support the negotiation process, Nixon and Kissinger used the military forces to put pressure on North Vietnam. Nixon believed that the previous administration had failed because it had not used all available military force at disposal. Nixon wanted to send Hanoi the message that he would do anything, use any weapons at his disposal to end the war on his term. Nixon himself termed this as “madman theory”. He told an aide that

“I want the North Vietnam to believe that I have been reached the point where I might do anything to stop the war. We will just slip the word to them that “for God's sake, you know Nixon is obsessed about Communism. We cannot restraint him when he is angry and he has his hand on nuclear button” and Ho Chi Minh himself will be in Paris in two days begging for peace” (Tucker, 1999, p.156).

To demonstrate to North Vietnam that he really meant what he said, Nixon ordered the Operation menu to bomb PAVN sanctuary in neutral Cambodia. The military justification for bombing the Cambodia sanctuary was to prevent a PAVN thrust against Sai Gon. But Nixon's real reason for approving it was to take a step that Johnson avoid, thus make it clear that the period of escalation and restriction had ended. Nixon wanted to terrify Hanoi into peace on his terms (Tucker, 1999, p.156). Anderson (2005) wrote that

“It was meant to signal a departure from Johnson's rational approach of slow but steady increase in military pressure (enough but not too much) to the creation of an irrational context in which there were no apparent limits to the amount pressure” (p.87).

In light with this way of reasoning, the US used its military force to coerce Vietnam to accept its terms in the process of negotiation. Prior to any breakthrough in negotiation was always air campaign against North Vietnam. For example, Linebacker I preceded the draft agreement of Paris accord in October 1972 and Linebacker II was followed by the signing of Paris accord in January 1973. In these air campaigns, the target was least restricted. Many targets had been not allowed in Johnson administration, now was fully operational under Nixon. Thus, Linebackers were arguably more successful than Rolling Thunder.

Along with using military power to put pressure on North Vietnam, Nixon used its international relations to coerce North Vietnam to stop support South Vietnam insurgents. Nixon engaged dentente with Soviet Union as early as 1969. Sardesai (2005) wrote that

“The dominant foreign policy official in the State Department observed that Kissinger in 1969 and indeed for the entire period though 1972 was not a detente summit with Moscow but finding a honourable exit from Vietnam” (p.113).

Nixon also simultaneously made diplomatic overturn to China as counter weight to the Soviet Union and as a likely mediator with DRV, urging Hanoi to compromise in the same manner as China did in Geneva conference in 1954.

The second part in Nixon strategy to Vietnam was Vietnamization, which is the gradual withdrawal of America troops out of Vietnam, replaced by the increasing of South Vietnam armed force and equipment. In May 1969, Nixon promulgated a new doctrine regarding the US role in subsequent Vietnam type situations.

“In the face of future aggression that did not involve one of the nuclear powers, the US would “provide elements of military strength and economic resources approximate to our size and our interests” and would consider the defense and progress of other countries as “first their responsibility and second a regional responsibility” (Sardesai,2005, p.115).

To carry out this doctrine, phased US troop withdrawal was introduced. American combat strength was at its peak in April 1969 with 543,000 men. In June 1969, America announced that 25000 US troops would return to the US by the end of August. By summer 1970, America had 475,000 troops in South Vietnam but in 1971 this number reduced to 335,000. At the same time, the Republic of Vietnam increased its armed force from 820,000 in 1968 to more than one million in 1970 (Hall, 2008, p.61). Moreover, when the American troops withdrew from Vietnam, they turned their equipments over to the RVNAF. This included 1000,000 M16 rifles, 12000 M60 machine guns, 40,000 M70 grenade launcher and 2000 artillery pieces or heavy mortars as well as tanks, ships and planes, with more than 500 aircrafts. The RVNAF became the fought largest army in the world (Tucker, 1999, p.159).

From February 8, to March 24, 1971, to demonstrate its ability to assume the burden of fighting, South Vietnam armed forces carried out the Operation Lam Son 719 to reduce the flow of supplies from the North to the South and forestall a PAVN invasion of northern South Vietnam. South Vietnam army fought well. This operation indeed had delayed a PAVN offensive by a year. However, both side declared victory.

In a television address on April 4, 1971. Nixon stated "Tonight I can report Vietnamization has succeeded". President Thieu dubbed Lam Son 719 "The biggest victory ever". But radio Hanoi proclaimed that "The route 9 Southern Laos victory as the heaviest defeat ever for Nixon and company" (Tucker, 1999, p.167).

On January 13, 1972, Nixon announced that an additional 70,000 troops would leave Vietnam by 1 May, reducing the total force from 545,000 when he entered office to only 64,500 troops.

** Ending American military involvement in Vietnam*

Nixon fully understood that the American public was fed up with the war and whether he won the election for second term or not depends on the success of his disintegration from Vietnam. Both Nixon and Kissinger are very pragmatic and they would shape US foreign policy to their best interest. Anderson (2005) pointed out that

"They did not necessarily assume that the Thieu regime would fail and a total withdrawal of US forces from South Vietnam did not mean that other form of America assistance could not remain available to Sai Gon.... and they know that they had to end US military intervention in Vietnam before 1972 presidential election" (p.96).

Kissinger himself wrote privately that

“We are ready to withdraw all our forces by a fixed date and let objective realities shape the political future. We want a decent interval” (Cited in Anderson, 2005, p.96).

Thus, parallel with war on the ground in Vietnam and the process of Vietnamization, America carried out negotiation with North Vietnam both publicly and in secret. In the early years of the negotiation, the talk in Paris was not fruitful because the two sides' positions were too far apart. And more importantly, both sides were not serious about negotiation. Both American and Vietnam just wanted a framework of fighting while negotiating, no one was ready to make any concession for productive talk.

During the first half of 1972, both the US and DRV made their own big plays to end the America war in Vietnam. In 1972, Nixon visited China and Soviet Union. Nixon hoped that he would be able to persuade Moscow and Beijing to urge Hanoi to compromise. Facing with the possibility of being neglected by its two big allies, North Vietnam found that they needed to continue military pressure on South Vietnam to gain balance of force required for a negotiated settlement they could accept. Thus, North Vietnam launched the great Easter Offensive in 1972.

To relieve the burden of military pressure on South Vietnam, the US carried out the air campaign Linebacker I against North Vietnam. In this air campaign, the US did not apply great restriction in term of targets. This air campaign caused great loss to North Vietnam.

“Hanoi discovered that although diminished, US firepower was still very dangerous and that the PAVN was not strong enough to coerce US into settlement” (Anderson, 2005, p.103).

In October 1972, Kissinger and Le Duc Tho returned to bargaining table to discuss a cease fire in place, return of US prisoner of war, temporary continuation of

Thieu's government in office, and permission for PAVN units to remain in the South. However, these issues were protested by Thieu. The time was near the American election thus Kissinger announced that "peace was at hand", only some details remained to be decided.

After Nixon won re-election as a president in a landslide victory, the negotiation resumed. During the time of election, America introduced Operation Enhance Plus, which provided the ARVN with thousands of pieces of heavy military equipment: tank, airplanes, helicopters and artilleries. North Vietnam strongly protested the Operation Enhance Plus and withdrew some of its previous concessions. To force North Vietnam back to the table and agree on the terms of the draft accord, America carried out the Linebacker II or Christmas bombing from December 18 to 30, 1972. North Vietnam was terrified by the bomb and back to the bargaining table on January 8, 1972.

On January 27, 1973, the United States, DVN, RVN and PRG signed in Paris the Agreement Ending the War and Restoring Peace in Vietnam. Its terms were virtually identical to those that Kissinger and Tho had drafted in October. It provided for a cease-fire with PAVN and ARVN forces remaining in place, but did not specify precisely where those forces were located. All US and other foreign troops were to be out of Vietnam within 60 days, and during that same period US prisoners of war would be released. The RVN and PRG were to create a National Council of National Reconciliation and Concord to supervise compliance with the agreements and to replace for elections and reunification through "peaceful means". (Anderson, 2005, p.105-106).

Finally, American got out of the Vietnam War. However, the war did not end there. The war lasted for two more years in the South Vietnam until April 1975

when the North Vietnam gained victory over RVN and reunified the country under Communist government.

3.2 The Vietnam war in North Vietnam's official history account

According to the North Vietnam's official account of the Vietnam War, the war started in 1954, just after the end of the first Indochina war. As early as July 1954, at the 6th Plenary Session of the Lao Dong Party's Central Committee, leadership of North Vietnam identified American as the new enemy of the country. In North Vietnam's official view, the Vietnam War, or in Vietnamese language - the Vietnamese people's resistant war against America to save the country, lasted for more than 20 years, from July 1954 to April 1975. The war is usually divided into five phases as follow:

Phase 1: From July 1954 to the end of 1960. This was the period of struggle for the implementation of the Geneva agreement. During this period, North Vietnam was of the view that the revolution in the South Vietnam should focus on using political struggle rather than using armed struggle. This is the period of political struggle.

Phase 2: From 1961 to mid-1965. This was the period of fighting against the America's Special War in South Vietnam. America's Special War is the war carried out by South Vietnamese troops with America's military equipments and advisory.

Phase 3: From mid-1965 to 1969. This was the period of defeating America's Limited War in South Vietnam. In this period, America sent its own troops to carry out the ground war in South Vietnam and at the same time waged the air war against North Vietnam.

Phase 4: From 1969 to mid-1973. This was the period of Vietnamization. in which America withdrew its troops out of Vietnam but increased its aid of military equipments for the South Vietnam's armed forces to bear all the burden of the war fighting.

Phase 5: From mid-1973 to April 1975- the final phase of the war and the North Vietnam achieved its goals since 1954 of reunifying the country.

Hereafter, I will go in details of each period.

3.2.1 Phase 1- From July 1954 to the end of 1960

In North Vietnam's perspective, the 6th Plenary session of the Vietnamese Worker Party's (The official name of Vietnamese Communist Party, which was operating in secret) Central Committee from 15th - 18th July 1954 was considered as the starting point of the resistant war against America to save the country. The resolution of the session identified that

“America has become the main and direct enemy of the people in Vietnam, Laos and Cambodia” (Party Resolution, Volume 15, p.166).

According to the Military History of Vietnam, on 13th July 1954, Diem, supported by America, returned to Vietnam after being appointed as prime minister of the Vietnam State by Bao Dai. After Diem's return to Vietnam, America implemented a series of strategic moves to impose neo-colonialism on South Vietnam, in order to create a non-communist independent state in South Vietnam. America

+ Replaced France and supported Diem in his efforts to establish his rule South Vietnam

+ Built a new regime, armed forces in South Vietnam under the influence of America.

+ Carried out the campaign to exterminate the communist forces in the South and to destroy the revolutionary bases of the South Vietnamese people (Vietnamese Military History, 2003, p.236).

In order to establish the rule of a new regime, Diem resorted to many harsh measures against South Vietnamese people and revolutionary forces. Tran Van Tra wrote that

“A dictatorial family rule, under Ngo Dinh Diem, was imposed on the people of South Vietnam. It was a government that tried to maintain its rules by force of arms, jails, and bloody repression (including the use of mobile scaffolds). It even murdered those who opposed its views. Labelling them Communists” (Tra, 1993, p.235).

On the contrary, in two years after the signature of Geneva agreement, North Vietnam advocated strict adherence to the articles in the agreement. North Vietnam waged a political struggle to demand Diem government to abide by Geneva agreement and to cooperate with North Vietnam to organize a general election to reunify the country. North Vietnam did not allow the Southern cadres to resort to armed struggle. Ang Chen Guan wrote that

“In early April 1956, senior party officials in Nam Bo convened a special conference to re-evaluate the situation in the South. The meeting concluded that the tactical use of violence had not only failed to yield the desired result, but had also undermined Hanoi’s diplomatic efforts to resolve the issue. As such, any further use of violence at the point of time would be inappropriate” (Ang Cheng Guan, 2002, p.16).

Tran Van Tra described the situation in the South when the North leadership did not allow using violent means to fight against Diem's repression.

“It is hard to describe accurately how a nation angered to the extreme by the ruthless and barbarous repression of the Diem government could abide strictly by the instruction of president Ho Chi Minh and the leadership of Vietnam's Worker Party. At that time, those who resorted to arms to defend themselves were disciplined by the Party for erratic behavior, while those who refrained from violence were captured and/or killed. It was clear that Vietnamese side, both in North and South Vietnam, tried its best to maintain peace and ensure a correct implementation of the Geneva Agreement, but all these efforts were of no avail because of the Us policy of preventing South East Asia from falling into the Communist orbit” (Tran van Tra, 1993, p.235).

One question may be raised at this point is that did Hanoi truly believe in its political struggle that could coerce America and South Vietnam to fully abide by Geneva agreement and to implement the general election to reunify the country? The answer is No. As early as July 1954, at the 6th Plenary Session of the central committee of the Lao Dong party, Hanoi leadership had predicted that there would be no reunification by peaceful means. Ang Cheng Guan pointed out that

“Significantly, the session was held when the Geneva Conference was meeting on the other side of the globe. At the plenary session, the Hanoi leadership acknowledged that the country could not be reunified by peaceful means and Ho Chi Minh already indentified America as new enemy” (Ang Cheng Guan, 2002, p.14).

So why did Hanoi keep on its political struggle and demand the implementation of Geneva agreements? According to the letter to the South of Le Duan, the first secretary of Lao Dong party, he explained that North Vietnam must not use violent means and keep demanding Diem government to implement the

general election because of propaganda value. Hanoi wanted to show the world and also the South cadres regrouped in the North that they did try their best and it was the Diem regime, supported by America, who refused to abide by Geneva agreement. Also, at that time Vietnam communists had just undergone a war with France, it would need some time to recover and reorganize the economy of the North.

The general election to reunify the country as regulated in the Final Declaration of Geneva Conference never happened. The years from 1956 to 1959 communist forces in the South suffered from great loss due to Diem's policy of terrors. According to the Vietnamese Military History, from 1956 to 1958, the party in the South lost 90% of its members, about 70.000 cadres was killed and 90.000 other cadres was arrested, jailed and tortured. In 1955 there were about 60.000 party members in the South, but in 1958 there were only 5000 members left. In Zone V, about 40% of provincial party committee members, 60% of district party committee members and 70% commune party committee members were arrested and killed. Especially, in Tri Thien area, only 160 party members left out of 23,400 members in 1955 (Vietnamese Military History, 2003, p.237). According to the book "*Review of the resistant war against America to save the country: Victory and lessons*", the loss of the revolutionary movement in the South Vietnam in 1955-1958 was because

"The Party could not find out the appropriate method of struggle against Diem regime" (Vietnamese Military History, 2003, p.237).

Under the pressure of the situation, the 15th plenary session of Lao Dong party was convened in January 1959 to re-evaluate the situation and initiate the way forward for the revolution in the South. The session, chaired by Ho Chi Minh, reaffirmed that

“The principle task of the revolution in the South was to liberate the South. The immediate task is to overthrow Diem government. The revolution method is the combination of the political struggle with armed struggle, looking forward to general uprising and a protracted war” (Party Resolution, Volume 20, p.82).

The book “*Local people’s war in the war against America*” commented that

“The 15th resolution reflected the true demand of the revolution in the South Vietnam. It also reflected the desire of the cadres and the mass in the South to use violent means to counter Diem government’s policy of terror.” (Local people’s war in the war against America, 1996, p.30).

The Resolution 15 was disseminated to the South by the party members who attended the session in Hanoi. The resolution relieved the restriction on the use of forces, thus helped to bring the revolution in the South Vietnam to a new level. With the new guidelines from Hanoi, there was a wave of general uprising in the South Vietnam in later 1959. The first uprising happened in Tra Bong, Quang Ngai province in the south of central Vietnam. In the uprising, people stood up, forced the Head of District to step down and dissolved the local apparatus. Diem government sent troops to the area to re-establish law and order but failed to do that. Tra Bong was then under the control of the revolutionary forces. After Tra Bong, uprising happened in many provinces in the South Vietnam, especially in Ben Tre Province. Diem central government was not able to stop the wave of uprising in many provinces. Its armed forces could only defend the main cities and Sai Gon. Ang Cheng Guan wrote that

“The practice of attacking the enemy by combining the political struggle with the armed struggle was first employed during Ben Tre uprisings. From the uprising in Ben Tre onwards, concerted uprisings swept across the provinces of the South. Guerrilla action, once regarded by the US as long term threat to

Diem regime, was now South Vietnam's 'number one problem' (Ang Cheng Guan, 2002, p.43).

The general uprising in the South Vietnam marked the end of the period of political struggle in North Vietnam's strategy. The general uprising also showed that Diem government could not stand firmly in South Vietnam without more assistance from America. The revolution in South Vietnam entered a new level in 1960.

3.2.2 Phase 2: From 1961 to mid-1965

After the Resolution 15, mass uprising, instigated and led by the communists and supported by revolutionary armed units has swept all over South Vietnam. North Vietnam was of the view that the widespread of the uprising movement in the South was evidence that Diem regime could not sustain without further American support. The book "*Vietnamese military history*" wrote that

"Mass uprising movement in the South Vietnam showed that the America's neo-colonialism with the imposition of Ngo Dinh Diem family dictatorship has failed" (Vietnamese Military History, 2003, p.240).

Facing with the possibility of losing its influence in South Vietnam, America had to change its strategy. From 1954 to 1960, America's strategy was to rule South Vietnam through Diem government without deep interference from America. However, after the uprising movement spread all over South Vietnam, it was clear that that strategy failed. America had to introduce the strategy of Special War in South Vietnam. Special war meant that the war would be carried out by South Vietnam armed forces. America would provide South Vietnam with armed equipments and advisory. This was a type of war in the Kennedy's grand strategy of flexible response.

America initiated the following strategic measures, according to "*Vietnamese military history*":

- + Implementing the program of strategic hamlet all over South Vietnam in order to separate communist and guerrilla forces from civilian. This was considered to be the back bone of the Special War strategy.

- + Building up South Vietnam's army, carrying out assault campaign to destroy the revolutionary armed forces and also to support the strategic hamlet program.

- + Carrying out the secret war against North Vietnam (Vietnamese Military History, 2003, p.245).

In 1961, Staley-Taylor plan was adopted by the Kennedy administration to concretize these strategic measures. The plan aimed at pacifying the South Vietnam within 18 month from mid-1961 to the end of 1962. The main point of the Staley-Taylor plan was to build strategic hamlet in all over South Vietnam and forced people to live in these hamlets. The objective of the Staley-Taylor plan was to control 10 million people in 16,000 strategic hamlets in South Vietnam.

After the assassinations of Diem and Kennedy, Johnson became the president of the US. Johnson introduced Johnson-McNamara program to replace Staley-Taylor program which had failed to achieve its objectives. The purposes of the Johnson-McNamara were also to pacify South Vietnam by strategic hamlet program. However, according to North Vietnam, Johnson-McNamara plan paid more attention to increasing South Vietnam armed forces and operations to destroy revolutionary forces.

In order to counter America's Special War in Vietnam. North Vietnam outlined the following strategic guidance:

+ Intensifying the building of armed forces (both the regular and local one) and the local bases in the South.

+ Developing the guerrilla warfare in all three strategic areas, gradually improving the fighting skills of the armed forces.

+ Intensifying the aid from the North to the South by Ho Chi Minh trail on the ground and at the sea.

+ Intensifying the cause of construction of the North, implementing first five year plan on economic and second five year plan on defence. (Vietnamese Military History, 2003, p.250).

To concretize these points, Lao Dong Central Committee in North Vietnam issued several directives to provide strategic guidance for the revolution in the South. The directive of the Politburo dated 24th January 1961 wrote that

“Due to the change in power balance toward our forces, we had to change the motto of struggle: we must intensify our political struggle and at the same time intensifying the armed struggle to be in the same pace with political struggle. We will attack enemy by both political and military means” (Party Resolution, Volume 22, p.158).

This is a new level of struggle since the Resolution 15. Previously, North Vietnam always emphasized political struggle only, armed struggle was used as a supporting means only. Now, North Vietnam intensified both political and armed struggle and both were considered equally important. On 7th February 1961. Le Duan sent a letter to the Party’s Central Office of the South Vietnam, making clear the strategic guidance in the directive on 24th January 1961. Ang Cheng Guan noted in the letter Le Duan argued that

“The revolutionary struggle at that point of time should not mimic to Chinese model of protracted armed struggle whereby rural forces would first descend upon and besiege the cities before the final liberation of the whole country by the military forces. Instead, in South Vietnam and in Laos as well, the strategy should begin with separate but co-ordinated uprisings with the objective of establishing base areas and employing guerrilla warfare tactics, culminating in a general mass uprising in the final stage. The most important task was to conduct political struggle supplemented by armed struggle to regain political supremacy for the masses” (Cited in Ang Cheng Guan, 2002, p.57)

Later in July 1962, Le Duan sent another letter to the South explaining the strategy to the Vietnam’s revolution in that period. He argued that America was determined to defend South Vietnam against Communism in South East Asia. And South Vietnam was different from Laos that it did not share border with China, so it was more likely that America would send its troops to South Vietnam. In that situation, whole Vietnam would be at war with America, thus North Vietnam would not be able to carry out the current unfinished socialism revolution, and, as a result, it would not be able to support the revolution in the South. He recommended that the struggle in the South Vietnam should not cause harm to peace in the North Vietnam. He wrote that

“The main task of our country’s revolution now is to preserve peace in North to carry out the socialism revolution and to liberate the South, aiming at reunify the country” (Party Resolution, Volume 23, p.710).

With the guidance from the North to intensify the armed struggle in the South, military activities by the revolutionary forces were increased. The most notable battle in the early years of special war period was the battle of Ap Bac. This battle was the first battle of local revolutionary armed forces against regular troops of South Vietnam government with the support of America’s military equipment and

advisory. The battle took place in a commune just 40km to the south of Sai Gon. It ended with the victory belong to revolutionary forces. In North Vietnam official history of the war, this battle was an important mark of the war. The book "*Vietnamese military history*" wrote that

"The victory of Ap Bac on 2 January 1963 was an important event in the war. It revealed the capability of the revolutionary forces to defeat the America's special war" (Vietnamese Military History, 2003, p.243).

Ang Cheng Guan wrote that

"North Vietnam Politburo observed that after the Ap Bac battle of January 1963, the Americans had realized that the South Vietnam military would find it difficult to defeat the communists even with their (American) support."
(Ang Cheng Guan, 2002, p.82).

After Ap Bac battle the situation in South Vietnam get worse and worse. Anti-Diem protests broke out in many places and more frequently. Among the protests, the most influential ones were organized by Buddhism and other religious factions such as Cao Dai, Hoa Hao.... The book "*History of the resistant war against America*" wrote that

"The America's special war and Diem's regime is getting close to bankrupt beginning with the defeat at Ap Bac battle" (History of the resistant war against America, 1999, p.264).

The tension of the situation led to a series of coups against Diem and finally, Diem was assassinated in the coup on 2 November 1963, instigated by generals in the South Vietnamese army.

After Diem's death, the situation in South Vietnam was not improved but deteriorated. The politics in South Vietnam became chaos as Generals organized coups after coups against each other. At that time, facing with the danger of failure

of the Special War strategy, America intensified its war against North Vietnam to relieve the pressure for the South. The book "*Vietnamese military history*" wrote that

“Facing with the tide of attack from the revolution in the South. America intensified its activities against the North Vietnam. America created the Tonkin Gulf incident as an excuse to begin its air war against North Vietnam”
(*Vietnamese military history*, 2003, p.244).

North Vietnam was afraid of the possibility that America would bring its military forces in South Vietnam to reverse the losing tendency there. North Vietnam did prepare for that possibility but did not want that happened. On 25th September 1964, Vietnamese Worker Party’s Politburo met to re-evaluate situation and issues the guideline for the struggle in the South. Ang Chen Guan described this meeting as:

“The politburo decided to focus on developing its main fighting force in the quickest possible time. They estimated that the tasks would require at least a few year. For the meantime, it was imperative that the war be kept at a level that would not give the Americans a pretext to transform the current special war into a ‘limited/local war’ or worse still. to expand the war into the North”
(Ang Cheng Guan, 2002. p.82).

Thus, in late 1964 and early 1965, the communist forces carried out a series of operations with the hope to overthrow the South Vietnam government before America could interfere directly in the war. Thus, during these two years, there were many battles initiated by revolutionary forces in the South such as Binh Gia operation, Ba Gia operation, Dong Xoai operation.....These series of battles put an end to period of Special War in South Vietnam.

America confronted with two choices, either (1) escalating its war effort by sending its own troops in South Vietnam to bear the fighting tasks or (2) withdrawing and South Vietnam would collapse and the whole Vietnam would be under communist control. The American leadership chose the first choice-escalating the war. Then came the next phase of the war- the phase of Limited War.

3.2.3 Phase 3: From mid-1965 to early 1969.

In late 1964, America's Special War in South Vietnam was about to fail. South Vietnam government was on the edge of collapse if the American leadership did not intensify its commitments. Facing with the hard choice between intensifying the war by sending American troops to bear the fighting tasks in Vietnam and let the South Vietnam government collapse, America chose the first option. On 10th April 1965, first regiment of America marines landed on Danang beach, starting the period of pouring American and allied troops in South Vietnam. According to the book "*Local people's war in the war against America*", American leadership intended to pacify the South Vietnam in 25-30 months from mid-1965 to the end of 1967. The pacifying plan was divided in three periods.

+ From mid-1965 to the end 1965: Deployed the American troops in South Vietnam, stopped the losing tendency of the South Vietnam armed forces.

+ From 1966 to mid 1967: Carry out big operation of search and destroy to kill Viet Cong and communist forces, win back the initiative on the battle fields.

+ From mid-1967 to the end 1967: Carry out the pacification program along with search and destroy operation. Finalize the war and withdraw troops to America (Local People's War in the Resistant War against America, 1996, p.36).

The introduction of American troops in South Vietnam was a big problem for the North Vietnam, which was exactly what it had been afraid of. North Vietnam

wanted to keep the war at Special War level and won the war at that level. North Vietnam military leaders fully aware that

“The US was an opponent not to be treated flippantly, an aggressor that had the greatest economic potential and the most powerful armed forces among the imperialist powers” (Ang Cheng Guan, 2002, p.13).

So when America sent its troops to bear the direct fighting, Lao Dong Party held 11th plenary session in March 1965 and 12th plenary session in December 1965 to evaluate the situation and reaffirm the determination to fight against America. The resolution wrote that

“The current world and domestic situation do not allow America to bring its utmost economic and military strength into the battle in South Vietnam. The America’s weakest point now is still in the political front” (Party resolution, volume 26, p.516)

And in order to strengthen the country’s determination to fight against American forces, the resolution ended with the slogan that

“America and its lackey will definitely fail.

Vietnamese people will definitely win the war” (Party resolution, volume 26, p.533)

Ang Cheng Guan wrote that

“In the leadership’s analysis of the situation, although the US was economically and militarily the strongest power in the imperialist camp, it was restrained by both international as well as American domestic opinion from bringing its full power to bear. The enemy was therefore politically weak even if it was economically and militarily strong. On the other hand the communists had been able to strengthen their armed forces on every front, laid a strong foundation, and were able to hold the initiative in launching the war. ...The leadership affirmed that the communist strategy was to fight a

protracted war but the tactic should be concentrate the armed forces to exploit any opportunity to achieve a decisive victory in a relatively short time.” (Ang Cheng Guan, 2002, p.103)

The book “*Vietnamese Military History*” also commented that

“The session reaffirms that even America sent tens of thousands of troops in South Vietnam, Vietnamese army and people are still strongly determined to defeat the American and allied forces to win the war and reunify the country” (Vietnamese Military History . 2003, p.247)

After these two plenary sessions of strengthening the determination to fight and win over American forces, North Vietnam changed its economy to war time economy. According to the book “*Vietnamese Military History*”, the decision to change the national economy to war time was to make the North ready to fight America if it decided to escalate the war to the North. And, that also aimed at intensifying the North’s effort to support the South in fighting America (Vietnamese Military History, 2003, p.248).

At the same time, in the South, the Party’s Central Office of South Vietnam run an indoctrination program in all over the South’s revolutionary forces to strengthen the determination to fight and win the war against America. Leaders of the revolutionary forces in the South were of the view that revolutionary forces should not fear American forces, just fight American and they would find out the way to defeat America. On the battle field, North Vietnam initiated many battles to destroy American forces. This was the period of most fierce fighting during the war. The Communist forces carrying out the operations in Nui Thanh in May 1965 (the first clash between revolutionary and regular American forces), Van Tuong in August 1965, Dat Cuoc in November 1965, Playme in January 1966...

In the first period of the pacification program, America entrusted South Vietnam with pacification tasks in rural areas, American forces themselves carried out Search and Destroy missions aimed at Viet Cong regular armed forces. Among the operations carried out by America in this period, the most notable ones were the Operation Attleboro, Operation Cedar Fall and Operation Junction City. These were very big operations in the war, with the later was bigger than the previous one. The biggest operation was the Operation Junction City, this had the participation of 45,000 American and allied troops. However, all these operation could not achieve a decisive victory. The American forces could not destroy the Vietnam regular armed forces to fulfil its set objectives.

In October 1966, Politburo of Lao Dong party met to evaluate the situation of the war in the South. Ang Cheng Guan wrote that

“In the Politburo’s view, the communists had achieved very significant victories, both military and political, but especially military. Many valuable experiences were gained which had helped to further their understanding of the laws of national liberation. In the assessment of the communist leadership, by mid-1966, they had managed to defeat the first American counter-offensive in the South. However, the leadership noted that even though enemy had been continuously defeated, the Americans kept on increasingly its military strength and expanding the war in the hope of solving the Vietnam problem in 1967 and 1968.” (Ang Cheng Guan, 2002, p.11)

This evaluation of the situation was reiterated in the 13th plenary session of Lao Dong party Central Committee in January 1967. The book “*Vietnamese Military History*” wrote that

“While the Americans were not winning the battle, they had the potential to expand the war. On the other hand, we had successfully managed to

withstand US military power, but we were not able to achieve a decisive victory” (Cited in Vietnamese Military History, 2003, p.114).

Actually at that point of the war, Americans and Communist forces were in a strategic stalemate. No side could win decisively but no side wanted to deescalate the war. North Vietnam stated that they stuck to the strategy of protracted war, but in that particular moment, they adopted a strategy to win a decisive victory in a relative short time. Because they feared that American would send more troops in South Vietnam to break the strategic stalemate.

“The Politburo surmises that a prolonged or protracted war strategy would only lead to a further increase in US military strength and hence there was urgent need to win the war in a relative short period, ideally in 1968” (Cited in An Cheng Guan, 2002, p.117).

So the 13th Plenary Session of Vietnamese Worker Party decided that

“On the basis of protracted war strategy, at this specific moment, we had to concentrate all the forces of both North and South to win a decisive victory in South Vietnam in a relative short time” (Party Resolution, Volume 28, p.125)

In that situation, North Vietnam leadership approved the Tet Offensive proposal, which they called the General Offensive and General Uprising. The primary objective of the Tet Offensive was

“To deal him (the Americans) thundering blows so as to change the face of the war, further shake the aggressive will of US imperialism, compel it to change its strategy and de-escalate the war” (Cited in Ang Cheng Guan, 2002, p.127).

So Tet Offensive was launched on 30 and 31 January 1968- the Lunar New year in Vietnam which is called Tet, in all three main cities in South Vietnam- Sai Gon, Da nang, and Hue, 37 towns and hundreds of districts in all over South Vietnam. This offensive caused surprise and shock to Americans in South Vietnam

as well as American leadership at home. After the first attacking phase in January, North Vietnam launched the second phase in May 1968 and third phase in August 1968. These two later phases did not achieve the desired result, on the contrary the communist forces suffered from heavy loss.

However, Tet offensive had great strategic impact on American domestic politics. On 31 March 1968, Johnson made televised address, announcing that (1) He was restricting air strike to the area below the 20th degree parallel, thus sparing most of North Vietnamese territory. (2) He had authorised Averell Harriman to open negotiations whenever the Vietnamese communists were ready. (3) He would not seek another term as President (Ang Cheng Guan, 2002, p.131).

After the second and the third phase of attack in the series of Tet Offensive, Johnson had to declare stop bombing North Vietnam unconditionally on 1st November 1968. This announcement marked the end of the limited war period in the America commitments in South Vietnam.

At the same time, along with development in the battle field in South Vietnam, North Vietnam decided to open diplomatic front. In January 1967, the Lao Dong Party central committee held its plenary session. The session agreed that the diplomatic should be open to coordinate with the political and military front to counter American in South Vietnam.

3.2.4 Phase 4 the Vietnamization from 1969 to early 1973

In North Vietnam's official account of the history of the Vietnam War, Johnson's decision to deescalate the war and stop bombing North Vietnam on 1st November 1968 was the ending of the Limited War period. In other word, the decision to deescalate the war in South Vietnam meant that America had to admit its failure with the strategy of Limited War, and they had to change their strategy.

Johnson, before stepping down, had authorized the program of de-Americanization of the war. Nixon came to power in January 1969 and introduced the strategy of Vietnamization. In the view of North Vietnamese leadership, Vietnamization was different from de-Americanization. The book "*Vietnamese military history*" wrote that

"De-Americanization is only focus on military aspect of the war. While Vietnamization is a complete strategy of military, political and foreign relations" (Vietnamese military history, 2003, p.254).

The objective of Vietnamization program was to gradually withdraw American forces out of South Vietnam but at the same time increased the armed forces of South Vietnam to be able to carry out fighting tasks against communist forces.

On the revolutionary side, with the surprise of the Tet offensive, the communist forces won some victory. However, after the first phase, communist leaders launched the second and the third phases, both of which suffered from great loss. The book "*Vietnamese Military History*" wrote that

"The second and third phase of the general offensive and general uprising caused us great loss on casualties, land and people" (Vietnamese Military History, 2003, p.252).

Ang Cheng Guan wrote that

"American intelligence in 1968 calculated that the communist lost 85,000 out of 195,000 troops in the Tet offensive. Although the exact figures are not known the more recent Vietnamese accounts acknowledged that they suffered heavy losses. By the end of 1968 and the beginning of 1969, the communists had lost both territory and support. Many of their grassroots organization were smashed and their activities in the liberated area curtailed. the enemy had

pacified 9,200 hamlets of about 16 million people, out of a total 12,395 hamlets with a population of 17.5 million.” (Ang Cheng Guan, 2004, p.16).

The liberated area was narrowed from the point revolutionary forces controlled 7,700,000 people to the point that there only 4,700,000 people under their control. The years 1969-1970 was considered the most critical years for the revolutionary movement in the South Vietnam. Tran Van Tra wrote that

“The liberation forces sustained so many losses (much heavier than during any previous period) that they could not be replaced fast enough to carry out normal operations. They also had to face extremely arduous conditions under repeated enemy assaults. A large portion of the guerrilla units mobilized to attack the cities during Tet had also sustained losses that could not be made up in time for new operations. These grass-roots units also had to deal with the enemy’s new pacification schemes and the Phoenix program” (Tran van Tra, 1993, p.239).

During those difficult years for the revolutionary forces, Hanoi Politburo met in April 1969. The Politburo analyzed the weak points of the American’s Vietnamization. The Politburo asked the leaders in the South Vietnam to increase the revolutionary activities in rural areas while intensifying the pressure of struggle in the towns and cities. Then Vietnamese Worker Party’s Central Committee convened its 18th plenary session on 1 January 1970 to appraise the political and military situation since the Tet offensive of 1968 and to discuss the way forward. In the session the central committee pointed out that: Revolutionary forces must focus its struggle in the rural areas. The book “*Vietnamese Military history*” wrote that

“From April 1969 to early 1970, the Politburo, realising the mistakes of the general offensive and general uprising, changed the focus point of the revolutionary strategy to rural area. The Politburo asked cadres in the South to

make every effort to push back the enemy pacification program” (Vietnamese Military history, 2003, p.256).

Also in the 18th Plenary Session, leadership in Hanoi believed that the decisive period for the Vietnamization program would be around the end of 1970 and 1971 before the next presidential election in 1972. Thus, leadership in Hanoi asked their cadres to prepare for the intensification of fighting in 1971. In February 1971, South Vietnamese armed forces launched the Operation Lam Son 719, aiming at cutting the communist’s transportation/logistic line from the North Vietnam to the battle field in the South. The battle was in the mountainous regions, sparsely populated area in two provinces Quang Tri of South Vietnam and Savanakheth of Laos. The operation ended in May 1971. Both sides claim victory.

In 1972, the revolutionary forces launched the Easter Operation in March 1972 to win a decisive battle aiming at coercing America to stop its Vietnamization program and withdraw its forces completely from Vietnam. The Easter Operation was a very big operation on three areas of Route 9- Tri Thien, North Central Highland, and South East Delta region. The communist forces achieved important victories in the operation.

Facing with the intensification from revolutionary forces in the South Vietnam, America had to resume air attacks against the North Vietnam to relieve the pressure for South Vietnam government. The air campaign was codenamed Linebacker I.

During this period, the negotiation process between America and North Vietnam was also taking place in Paris. However, any progress on the negotiation table closely linked to the development on battlefield. Before the final Paris agreement was signed on 23 January 1973, the US had carried out the most

destructive air campaign against major cities in North Vietnam. The air campaign was called Linebacker II or Christmas bombing. The North Vietnam called it “A Dien Bien Phu on the air”.

Finally, Paris agreement was signed, and American leadership withdrew all its troops out of South Vietnam, put an end to the period of America’s direct commitment in Vietnam. And this was also the end of the Vietnamization period. Tran Van Tra summarized this period as follow

“In 1972, we took the initiative in launching new attacks which resulted in numerous victories in Quang Tri province, in Sa Thay (the High Plateau area), and in Loc Ninh (north of Sai Gon). Again the developments on the battlefield impacted heavily on the negotiation table and in October 1972, both sides came to an agreement. But it was only after the failure of the most ruthlessly destructive air raids of the U.S Air Force against Hanoi and Haiphong (twelve days and nights of continuous attacks in December 1972) that the Paris Agreements could be concluded. The United States did properly implement the provisions of the Paris Agreement on the complete withdrawal, within sixty days, of U.S troops, as well as those from other countries” (Tran Van Tra, 1993, p.239).

With the America’s withdrawal out of Vietnam, the Vietnam War changed to a new phase. The final phase of the war was the phase in which North and South Vietnam competed with each other to decide the fate of the whole Vietnam.

3.2.5 Phase 5: From early 1973 to April 1975- Ending the war

The signing of Paris agreement was considered as a victory for North Vietnam, but not the final victory. As Tran Van Tra wrote that

“We had won a victory, but not yet a complete victory” (Cited in Ang Cheng Guan p.127, volume II).

The complete victory for North Vietnam was to reunify the country. To achieve this goal, North Vietnam was willing to use any means, and if necessary, including military means. After the signing of the Paris agreement, North Vietnam leadership were of the view that it would strictly abide by the provisions of the agreement. North Vietnam leadership were hoping that the goal of national reunification would be achieved without resort to bloodshed. Luu Van Loi explained the rationale of North Vietnam's adoption of this position as follow: 1) North Vietnam feared that if they mount to a full scale war, American forces would return. 2) North Vietnam would like to win the support of Soviet Union, China and other brother countries as well as the international public, even the people in the US (Ang Chen Guan, 2002, p.127).

The Directive 3/CT/73 of the Central Office of South Vietnam on 17th March 1973 noted two possibilities for the revolution in the South Vietnam. The first is that reunification can be carried out by mainly political struggle, although military fighting may be needed at some time. The second possibility was that the reunification by fighting. Ang Cheng Guan wrote that

“According to the directive, there were two possibilities for the future course of the Vietnamese revolution. The first, the preferred route, was to achieve the victory through primarily political struggle. (...) The second was to achieve victory through resumption of the fighting war. The whole of the communist leadership would prefer not to resort to this path and did not see the military option as an immediate possibility. they realized that the possibility of a renewal of the armed struggle could not be ignored and therefore they must be ready to fight and if necessary, move quickly to destroy the enemy. (Ang, 2004, p.130).

In the first few months after the signing of Paris agreement, the revolutionary forces in the south did not have a clear strategy, and there were not many activities.

On the other side, America strictly abided by the provision of the agreement. America withdrew all its fighting forces out of South Vietnam by 29th March 1973. However, South Vietnam government was of the view that they would not respect the Paris agreement and intensify their pacification programs. Taking the advantage that the communist forces were still uncertain of their strategy, South Vietnam government won a lot of land and people. According to the book "*Vietnamese Military History*", by June 1973, in Zone 5, the revolutionary forces lost control of 260,000 people, 45 communes, 302 hamlets; In Zone 6&7, they lost control of 290,000 people, 308 hamlets; in Zone 8 they lost control of 100,000 people, 24 communes and 102 hamlets (Vietnamese Military History, 2003. p.260).

The communists, learning from the experience of the political struggle after the Geneva agreement in 1954, were quick to change their strategy. After a series of meeting within Politburo, the Central Office of South Vietnam, the Lao Dong Party convened the 21st plenary session in July 1973. The session reaffirmed that

“The road of South Vietnam revolution is through violent means. The revolution must take the strategy of violent struggle to fight against the armed forces of South Vietnam government. In any situation, we have to take every opportunity. hold on the strategy of offensive and be flexible in operations to move the revolution forward” (Party Resolution, Volume 34, p.631)

Le Duan, in his letter to the South after the Plenary Session, wrote that

“The revolution in the South can only win victory by means of continuous revolution and violence. The South Vietnam revolution must rely on the political and military strength of the people and make full use of the new factors and advantages that will be brought about by the Paris Agreement” (Party resolution, Volume 34, p.148).

North Vietnam's official history of the war considered the Resolution 21 as a turning point of the war. Under the guideline of the Resolution 21, the communist forces intensified its military preparation and organized many program to win back the land and people they had lost in previous months. At the same time, in America, Nixon had to step down as a result of the Watergate incident. So the aid of the America to South Vietnam government decreased greatly. In that situation, South Vietnam government force could not hold on what it had won before. According to the book "*People's war in the war against America*", by the end of 1973, the status quo has returned to the one before the signing of Paris agreement. The South Vietnam government was not able to organize effective counter-offensive operation against communist forces.

Realizing the strategic opportunity, Hanoi leadership held an extended Politburo meeting in December 1974. The meeting decided to liberate the South and reunify the country before the raining season in 1975, it means that before June 1975. With this decision, Communist leadership ordered the armed forces to carry out a series of operation first in Central Highland, then in Hue, Da Nang...Finally, the communist started the Ho Chi Minh campaign attacking Sai Gon, the capital city of South Vietnam. South Vietnam armed forces were not able to withstand and lost on 30 April 1975. The South Vietnam Government collapsed and the country was reunified after more than 30 year of consecutive struggle since the first Indochina war.

The chapter has presented parallel narratives about the Vietnam War in the views of America and North Vietnam. In the first part, I investigated the process of America's gradual increasing interference in the Vietnam issue. Starting with the sympathetic attitude toward Indochina in its effort of decolonization after World

War II, America gradually changed its position to supporting France in returning and maintaining its colonial regime in Indochina. France, despite receiving strong material support from America, was defeated by Vietminh force at Dien Bien Phu. America got involved in Vietnam by throwing strong support for Ngo Dinh Diem Government in the South. However, until the end of Eisenhower administration, America still refrained from sending troops to Vietnam. During Eisenhower presidency, the number of uniformed American advisors in South Vietnam was kept below 900. During Kennedy's short presidency, America deepened its involvement in Vietnam but still did not participate directly in fighting tasks. The America's intervention in Vietnam reached its climax under Johnson administration. Johnson ordered to send American troops to Vietnam to bear the main fighting tasks. The number of American troops in Vietnam in 1968 reached more than half a million. Then, in the Nixon administration, America sought to get out of Vietnam with honour. At the end of his presidency, Nixon successfully withdrew all American troops out of Vietnam. And the Republic of Vietnam collapsed in April 1975, two years after American troops had been withdrawn out of Vietnam.

The second part of the chapter presented the North Vietnam's official view of the war against America. In North Vietnam's official view, the war was divided in five phases, each phase was characterized by the North Vietnam's specific strategy to counter the America's strategy in that phase. In the first phase, which was from July 1954 to early 1960, in North Vietnam's point of view, America established its influence in South Vietnam through the government of Ngo Dinh Diem. Thus, North Vietnam employed the strategy of political struggle, calling for mass uprising to overthrow the puppet government. In the second phase, North Vietnam's strategy was to defeat America special war while trying not to trigger the America's direct intervention in military fighting. The third phase was the period to defeat America's

local war, in which American troops were introduced to Vietnam and bore direct fighting tasks. Then it came the phase of defeating America's strategy of Vietnamization. And the last phase in North Vietnam's official account of the history of the war was to defeat South Vietnam government and unified the country.

With the main points mentioned above, the chapter presented a broad view of the Vietnam War, which is important to understand the North Vietnam's strategy in the war. The North Vietnam's military strategy in the Vietnam War, which will be discussed in next chapter, was very flexible, though its core was always the people's war. The specific strategy of North Vietnam in each phase of the war depended on which strategy America employed in that phase. As ultimate aim of North Vietnam was not to defeat America militarily but to destroy America's aggressive will, North Vietnam's strategy was to make America realize that any strategy they applied in the end would fail and there was no winning strategy for America in the war in Vietnam. Thus, America's aggressive will would be deteriorated. So in order to understand North Vietnam's military strategy in the war, which will be discussed in next chapter, we must understand how America executed its war and how North Vietnam viewed the way the war evolved. The aim of this chapter is just that: providing the parallel views of how America carried out the war and how North Vietnam perceived America's strategy and the way America carried out the war and initiated its counter-strategy against America.

Chapter IV: The North Vietnam's Military Strategy in the war against America 1954-1975

This chapter is about the North Vietnam's military strategy in the Vietnam War, which will be assessed against the law of war in the next chapter. To understand the North Vietnam's military strategy more clearly, the first part of this chapter will focus on the roots, the most influential factors on the military strategy of North Vietnam. In this part, I will discuss the Vietnamese history of struggling against foreign aggression, Marxism-Leninism on war and military, Ho Chi Minh military thought and Chinese theory about people's war. Then, in the second part, I will focus on North Vietnam's military strategy to fight against America in the Vietnam War. Facing with American armed forces which were very much stronger than themselves, North Vietnam could not apply the same military strategy that had been used in the first Indochina war to win over the French. In the war against America, North Vietnam has devised their own version of people's war, which can be summarized in the strategic model "two legs, three points of attack, three strategic areas, three types of forces". Though this military strategy was influenced by Marxism-Leninism on war and military and Chinese people's war, it is original and has strong Vietnamese characteristics, as it was inherited from Vietnamese tradition of fighting against foreign aggression and Ho Chi Minh military thought.

4.1 The roots of North Vietnam's military strategy

4.1.1 Vietnamese national experience to fight against foreign aggression

Vietnam is a small and thin country in East Asia, borders with the South China Sea in the east and the south, with Laos and Cambodia in the west and with China in the North. As situated at the foremost mainland Asia, through its long history,

Vietnam encountered many foreign aggressions. Dinh Xuan Lam, a leading Vietnamese historian wrote that

“Vietnam is a rich and beautiful land, with vast natural resources, located in strategic position in Southeast Asia, at the crossroads of important land and sea routes from North to South from East to West, like a starting base from the mainland to the ocean, a bridgehead from the ocean to the mainland. That is why powerful aggressive forces always coveted and tried to attack our country with a view to exploiting and enslaving our people and using our land as a springboard to expand their influence to other directions” (Dinh Xuan Lam, 2007, p.347).

The geo-strategic position of the country makes its history become the history of struggling for its own freedom and independence. As Spence Tucker once commented that

“As a crossroads of Asia, Vietnam was destined for a stormy history” (Tucker, 1999, p.2).

The constant enemy of Vietnam during its long history was Chinese feudalism. Many Chinese dynasties attempted to subjugate Vietnam, but since the establishment of the feudalism state of Vietnam in 10th century, Chinese has never succeeded in its attempt. Thus, fighting against Chinese enemy became a main theme in the history of Vietnam.

“Over the past one thousand years, the Vietnamese have no less than seven times defeated attempts by China to assert its influence by armed force. No theme is more consistent in Vietnam history than the theme of resistance to foreign aggression” (Taylor, 1983, p.xviii)

In these wars against Chinese aggressors, Vietnamese people were always on the weaker side and had to defend their country by the force which is much smaller than their enemy's. Vietnam was just a small country in Asia, while China was an ancient civilization and called the Central Kingdom. So, in order to defend their

native land and to defeat the enemy, Vietnamese people had to devise their own way of war. They had to bring into full play the strength of the whole people of the whole nation and could not rely on the army alone.

Vo Nguyen Giap wrote that

“Our people soon built up and developed the tradition of “the whole nation joining forces” against foreign aggression. (...) And since time immemorial, there has been the popular saying “when the enemy comes to house, even the women should fight”. That is an impressive practice but also a very familiar one in our nation’s life and struggles” (Giap, 1977b, p.349)

And he came to conclusion that

“The participation of the masses in the national uprisings and wars in our country, the tradition of “the whole nation joining forces” and of the whole people fighting the enemy, enable us to affirm that national uprising and wars in our history have long been people’s uprising and people’s war” (Giap, 1977b, p.349).

The tradition of “the whole nation joining forces” is well reflected throughout the long history of Vietnam. We can see that many times in history, the whole people stand up to fight foreign aggression.

For ten centuries after the beginning of Christian era, Vietnam was under the domination by foreign feudalists. During those ten centuries, Vietnamese people continually rose up in struggle to liberate the country and won back national independence. It began with the uprising of the Trung sisters which defeated the enemy over the whole country, followed by insurrection led respectively by lady Trieu, Ly Bi, Mai Thuc Loan, Phung Hung, Khuc Thua Du and finally Ngo Quyen won back the independence for the country after the victory in 938 AD at Bach

Dang river. The Ngo Quyen's victory put an end to the period under foreign domination.

Generally during that period of foreign rule, there was no Vietnam nation, thus there was no standing army. All the uprisings were carried out by the insurgent mass led by Lac hau (civilian chief) or Lac tuong (military chief). In this period, we can only see the uprisings of people, but their insurgences never succeeded to form a sovereign state.

The Bach Dang river victory marked a turning point in the Vietnamese history.

“That was the beginning of a period when our nation, having won complete independence and having built up and developed an ever more prosperous feudal State, consolidated and preserved this independence for many centuries” (Dinh Xuan Lam, 2007, p.356)

And since then, the system of “everyone is a soldier” was set up and gradually completed through various dynasties.

The tradition of “the whole nation joining forces” and “everyone is a soldier” was especially well reflected in Tran dynasty in 13th century. It was when Vietnam's independence and freedom faced with the utmost serious challenge of Mongolia invaders.

Under Tran dynasty, the organization of the armed forces was based on the system of mobilization the forces of the whole population to participate in armed services, following the line of “the whole nation joining forces”. A great Vietnamese historian wrote that

“The military was very strong at that epoch. As a rule, troops were stationed in convenient place in peace time, and were eager to fight when the war broke out.

So under the Tran, all people were soldiers; therefore they defeated cruel enemies and strengthened the position of the nation” (Phan Huy Chu, 2001, p.358).

During the three resistant wars against Mongolia, Tran Quoc Tuan, a Vietnamese national hero and a world famous general, combined the tactics of concentrated and big battles by the regular army with small attacks on the spots by the local and village self-defence forces and the armed people from the beginning to the end of the war. The army had a very important direct and decisive role. Many outstanding battles of annihilation were successfully conducted in Dong Bo Dau, Ham Tu, Chuong Duong, Van Kiep... But the armed people were in great numbers and played a very important role too. The people in mountainous area intercepted, pinned down, wore out and annihilated many enemy forces.

“That really was a war of the entire people, of the whole nation. That was a true people’s war in feudal times. The Mongolia troops of aggression who had sown devastation over Asia and Europe, who had conquered and erased many states from the map of the world, attacked Vietnam three times but were three times ignominiously defeated by Vietnamese people” (Dinh Xuan Lam, 2007, p.362).

In 15th century, Nguyen Trai, another Vietnamese national hero, reaffirmed the strategy of people’s war. He especially highly appreciated the role of people in defending the country and in fighting against the foreign enemy. He said that “people are like water, leadership are like the boat on that water. Water can carry the boat or turn it upside down” or “people are the root of the nation” (Vietnamese History, 2007, p.45). He believed that no war can be won without the support of people. The war deemed to fail if it did not get the support from people. He led the people’s war to fight against the invader from Chinese Ming dynasty and eventually won the war.

“In the 15th century, the Lam Son insurrection under the leadership of Le Loi and Nguyen Trai, turned into a protracted national liberation war. It lasted 10 years and resulted in the Ming invaders being driven out and national independence being regained after 20 years of foreign domination” (Giap, 1977a, p.203).

Unlike the patriotic war under Tran dynasty more than two centuries earlier, this war was a national insurrection which developed into war of liberation with fighting by insurgents who developed into an army, combined with widespread uprising by the people. Nguyen Trai was very successful in combining the fighting activities of the main armed forces with the widespread fighting of local people everywhere in the country.

Vo Nguyen Giap, a 20th century Vietnamese military strategist commented that:

“Without uprising by the people, it would not have been possible to overthrow foreign local authorities, to give the insurgents greater prestige and wider fields of operation. But without the insurgent troops which later developed into an army which could conduct big battles of annihilation, it would not have been possible to defeat the war of aggression and shatter the foreign administration. The combination of the national army and the armed people recorded a further development as compared with the national defence war under Tran dynasty and was characterized by widespread uprising by the people” (Giap, 1977b, p.365-366).

These are only two among many examples of the Vietnamese tradition of “the whole nation joining forces” and the combination of the army and armed people. We can find many other examples in the long history of Vietnamese fighting against foreign aggression. It has become tradition of war fighting in Vietnam that: there is always good combination between regular army and armed people in fighting stronger enemy. As Vo Nguyen Giap wrote that

“To lead those insurrection and national wars to victory, as regards military organization, our people put into practice the motto “everyone is a soldier”, at a very early stage, mobilizing the broad masses in various forms, the highest of which was the armed people fighting beside the army. (...) Obviously, the combination of the armed people with the national army, and vice versa, has become a principle of military organization, and even of military art to achieve victory in national insurrections and national wars of liberation waged by our Vietnamese people in former times” (Giap, 1977b, p.371-372).

Then, Giap referred to the war against America

“The tradition of the whole nation joining forces in the fight against foreign aggressors, the experience of people’s insurrection and people’s war, and the experience of military organization including both the national army and the armed forces of the people have been very valuable tradition and experience of our people. They have also been quite original features rarely found in the military history of other nations. When the Vietnamese working class emerged and our Party was born, in the light of Marxism-Leninism and our Party’s political and military lines, this valuable tradition and experience was inherited and developed to new levels by our party and people, in new historical conditions, in order to defeat the most brutal aggressor of our time” (Giap, 1977b, p.375).

In modern history, Vietnam had to face with Western invaders, who were even much stronger than the Chinese empire and of course very much stronger than Vietnam. France colonized Indochina in 1858, then divided Vietnam into three areas with different ruling mechanism. While France was an industrialised country, Vietnam was still a backward agricultural country. The French army used such weapons as gun, gunship... the Vietnamese troops still used archery, sword... However, the Vietnamese constantly stood up to fight and drive French colonialists away. In the first Indochina war, which was from 1946 to 1954, Vietnamese military leaders applied the strategy of people’s war, according to the model of Chinese

People's war. In this war, there was clearly three phases as pointed out in Mao Tse-Tung's theory of people's war. Following the model of Chinese people's war, Vietnamese people finally defeated the French forces in Dien Bien Phu and won the war. However, Vietnam was still divided, only the Northern half of the country was liberated according to the Geneva accord in 1954 about Vietnam. The nationwide election was expected to be held within two years to reunify the country but this never happened. This situation led to the Vietnam War, in which America gradually sent its own troops to South Vietnam to bear the direct fighting tasks. The Vietnamese experience in the first Indochina war was very close to the war against America years later. However, in the new situation with a different context and different enemy, Vietnamese military forces had to employ different military strategy and tactics in the war against America.

4.1.2 Marxism-Leninism on war and military in Vietnamese perception

According to Marxism, the army is a special organization of state, an instrument of a given class which is used to carry out its political line by means of armed violence. In an exploiting state, the army has always been an instrument of the ruling class to repress the exploited masses in the country and to plunder and enslave other countries and peoples. Marx strongly argued for the exploited masses to organize its own army to counter the suppression of the ruling class. Marx regarded Spartacus as "the most splendid fellow in the whole ancient history. Great general, noble character, real representative of the ancient proletariat" (Marx, 1958 cited in Giap, 1977a, p.167).

Marx and Engels pointed out that under capitalism the standing army is the main instrument through which the bourgeoisie maintains its domination over

working people. So in the proletariat revolution, the workers need to smash the military machine because smashing the army of the bourgeoisie state eliminates the danger of resistance and counter offensive on its part.

Marx wrote that

“The Paris commune has taught the world proletariat a vital lesson. The first decree of the Commune was the suppression of the standing army, and the substitution for it of armed people.” (Marx, 1958, p.173).

The working class need not only smash the army of the bourgeoisie class but also build up and develop its own military organization, regarding it as sole armed force that can safeguard the success of the insurrection and develop the revolution. Marx and Engels also pointed out the way to build army of proletariat state: To arm the working class. After the bloody experience of the first great battle of the French proletariat against the bourgeoisie in 1848, Marx and Engels wrote that

“The worker must be armed and organized. The arming of the whole proletariat with rifles, muskets, cannon and munitions must be put through at once. Any attempt at disarming must be frustrated, if necessary by force” (Marx-Engels, 1958, p.113).

Marx and Engels believed that once the proletariat was armed, it would have tremendous force. They themselves saw this force in 1848 revolution in Paris. Marx wrote

“It is well known how the workers, with unexampled bravery and ingenuity, without leaders, without a common plan, without means and for the most part, lacking weapons, held in check for five days the army, the Mobile Guard, the Paris National Guard, and National Guard that streamed from the provinces”. (Marx, 1958, p.161)

And Engels eulogized the event as follows

“If 40,000 Paris workers were able to resist with such vigour a force four times as large as themselves, what great result could be achieved by all the Paris workers acting with discipline and as one man” (Marx-Engels. 1960, p.134).

Marx and Engels dealt with the question of arming the masses not only in the armed insurrections of the proletariat and in the military organization of the socialist State but also in national liberation wars. Marx and Engels drew a distinction between just wars and aggressive wars and always supported just wars, wars of liberation and self-defence waged by oppressed peoples and victims of aggression. According to Marxism,

“Any war that is waged by a people for the sake of freedom and social progress, for liberation from exploitation and national oppression or in defence of its state sovereignty, against an aggressive attack, is a just war. Conversely, any war unleashed by the imperialists with the aim of seizing foreign territories, enslaving and plundering other peoples, is an unjust war” (Marxism-Leninism on war and military, 1972, p.87).

Engels made a concrete study of contemporary events, summing up their experience so as to point out the way by which an oppressed people should wage a people's war and defeat the aggressors' professional armies. In many works dealing with the history of war Engels dwelt on the great role and effectiveness of the armed masses in just wars and self-defence wars. This idea of Engels was closely connected with the new mode of waging a people's war advocated by him. Engels wrote that

“A people who want to win back independence for themselves must not limit themselves to conventional means of waging war. Mass uprising, revolutionary wars, guerrillas everywhere- that is the only way by which a small people can defeat a large one, a less strong army can oppose a stronger and better organized one”. (Engels, Lenin & Stalin, 1970, p.27).

Generally, Marx and Engel pointed out that to establish the dictatorship of the proletariat and defend the socialist state and to succeed in the liberation war waged by oppressed people, it is necessary to arm the working class, to arm the people and to arm the revolutionary masses. North Vietnam Communist Party considered this is the theoretical basis for its revolutionary line. Vo Nguyen Giap wrote that

“It is a model of the correct appraisal of the decisive role of the masses in armed insurrection and revolutionary war. The great value of this thesis lies in the fact that for the first time in the world, it shows the proletariat and oppressed peoples the direction and most correct way to create their own organization, of a completely new type, born of the proletariat and working people fighting for the people and for their class. With a correct revolutionary line, and when the revolutionary party firmly relies on the revolutionary masses , on the workers and peasants, to build up and develop its armed organization, it can create an invincible revolutionary armed force. This view has become the theoretical basis for building the armed forces in the military theory of Marxism-Leninism. It is an extremely powerful weapon of the proletariat and all oppressed peoples in the world. It gives them wings in the revolutionary struggle to overthrow the old world and create a new one” (Giap, 1977b, p.330).

** Lenin's theses regarding building army*

The Russian Marxists headed by Lenin, applied the theses of Marx and Engels to the new historical condition when the socialist revolution and the bourgeoisie democratic revolution were carried out in the period of imperialism. Lenin's great contribution lies in the fact that he not only confirmed Marx's and Engels's principle of arming the people but also developed their ideas by setting forth the principle of the necessity of building a regular standing army of Soviet State on the basis of arming the people, a new type army of the working class and labouring people. Lenin showed that in face of the extremely great danger of aggression, if the

Soviet Republic did not want to fall an easy prey to imperialism, it needed a powerful regular standing army, well equipped and well trained, with strict discipline, centralized and unified command. Lenin pointed out that in conditions when the capitalist countries have big armies with proper training and modern equipment, when the armed force of the Soviet State were increasingly equipped with modern materials and the soldiers needed more training time to master the use of equipments along the rules of modern military art, when the imperialist were always in position to launch surprise attacks, the armed forces of the Soviet State could not be maintained in the form of people's militia but had to become a regular standing army. Lenin wrote that

“Today, the regular army must be put in the fore. It was a regular army qualitatively different from the bourgeoisie army. It was a new type of army, a people's army, a revolutionary army, a socialist army”.(Lenin, 1965, p.150)

Vo Nguyen Giap commented that

“Lenin's thesis on building the regular Soviet Red Army was a further development of Marx's and Engel's theory on the military organization of the socialist State under new historical conditions. when the socialist State was faced with a hostile encirclement by the capitalist it has pointed out to the proletariat that in the imperialist period, when imperialism, with its extremely warlike nature, has under its command huge aggressive armies, equipped with ultra-modern weapons, it is essential that the socialist State, to safeguard its security, should have a powerful regular standing army and not only the armed people.”(Giap, 1977b, p.337).

Lenin paid great attention to building up a powerful regular standing army. But also he laid special emphasis on arming the people. He highly appreciated the role of the mass in the revolution.

According to Lenin, the regular army should be built up on the basis of arming the people. He wrote that

“This is what the people have felt, and that is why when the ordinary people without education say that the Red Guards are doing the utmost to fight the exploiters, this propaganda is an invincible force. It will penetrate millions and tens of millions of people and lay a firm foundation for the work that the French Commune in the 19th century began to build, but only for a short period of time as it was defeated by the bourgeoisie. This propaganda will *build up the Socialist Red Army on the basis of arming the people*, a thing which all socialist have dream of” (Lenin, 1965, p.284).

The regular army forms the core while the armed mass forms the basis for the newly established army of the socialist state. Thus, a newly established state should pay attention to building its own regular army and at the same time to arm the masses. Vo Nguyen Giap made a comment that

“Arming the revolutionary masses in combination with building up the revolutionary army is the comprehensive principle of Marxism-Leninism regarding the form of military organization of the socialist countries’ defence system, and of wars of liberation, national defence wars and revolutionary war by the peoples in our time. This principle is developed from Marx’s and Engel’s thesis on arming the people to Lenin’s thesis on building up revolutionary army on the basis of arming the people” (Giap, 1977b, p.343).

4.1.3 Ho Chi Minh’s military thought

North Vietnam’s military strategy in the Vietnam war was devised under the guidance of Ho Chi Minh’s military thought. So in order to understand the military strategy of North Vietnam in the war, we should first learn about the Ho Chi Minh’s military thought, which is actually about Vietnamese people’s war.

Ho Chi Minh's thought, of which Ho Chi Minh's military thought is a part, is the creative application of Marxism and Leninism in the special context of Vietnam. In his thought about national liberation of colonised country, the only way to gain freedom and independence is through armed struggle. There is no peaceful way to gain independence from the colonialism or neo-colonialism.

“Having thoroughly understood the nature of imperialism and colonialism ruling their colonies by cruel force, Ho Chi Minh asserted that in order for the colonies to liberate themselves, armed struggle is the only way, using revolutionary violence against counter-revolutionary violence” (On Ho Chi Minh's military thoughts, 2002, p.130).

In the case of Vietnam, a small backward country under the rule of French colonialism for long time and the under the America neo-colonialism, the only way to achieve independence and freedom is by waging a people's war, a truly people's war which can mobilise the strength of the whole population to fight against the colonial armed forces.

Ho Chi Minh always highly appreciated the role of mass people in society. In his thought, people are the roots of society, people play the central role in society. So the cause of national liberation is the cause of the whole people. Every people in the Vietnamese society must play their part and contribute to the cause. One of the main characteristic of the Vietnamese armed struggle against French and then America was that Vietnam was much weaker than its opponents. Vietnam was in the position of the weak against the strong, the less against the many. In that situation, to win the war of national liberation, according to Ho Chi Minh, the only possible way is to wage the truly all people's war.

“In the condition of confronting with aggressors, whose economics and militaries are bigger than Vietnam's many times, people's war is the most

suitable and effective method of struggle to defeat the enemy, safeguarding the country's independence and sovereignty" (On Ho Chi Minh's military thoughts, 2002, p.188)

Every Vietnamese people must participate in fighting the enemy in their own way, using any weapons available, and fighting the enemy at anytime, anywhere. This thought of Ho Chi Minh was reflected in his call for the whole nation to fight against the France on 19th December 1946

"Every man, woman, old or young, no matter what religion, political party or ethnicity, as long as Vietnamese people, must stand up and participate in the fighting against the French colony to save the fatherland. Those who have gun use the gun, have sword use sword. If have not, use stick, stone, even digger to fight the French. Everyone must make every effort to fight against French colony and save the country" (Call for national struggle against French colony December 1946).

In the war against the America, Ho Chi Minh wrote that

"Our struggle is the all nation people's struggle, a truly people's struggle. 31 million country fellow men both in the North and in the South, no matter what old or young, male or female, must be 31 million brave soldiers to kill American troops to save the country" (Cited in History of Vietnamese people's army, 2003, p.375).

In Ho Chi Minh's military thought. armed activities do not belong to armed forces only, but are carried out by the country's people under the leadership of Communist party. Every people in Vietnam, as long as they are Vietnamese, have right and responsibility to participate in the armed struggle against the foreign invasion force to save the country. The people's army history wrote that

"Our people's patriotic war is truly people's war. Every people participate in the war, the whole country fight against enemy by the combination of strength of the army and the whole population. So the war can last very long until we finally win.

the enemy, however strong and aggressive it is, will finally be defeated” (History of Vietnamese people’s army, 2003, p.381).

Another aspect of the people’s war is that the armed forces, who held the main responsibility for carrying out the war, is the people’s army. Ho Chi Minh said that the people create the army, the army are from the people, of the people and fight for the people. Ho Chi Minh maintained that the VPA was a people’s army, the war was a people’s war, and the army must always be closely associated with the people even though weaponry and technical skills must be constantly improved. Ho Chi Minh said that

“Remember that people are our master. People are water. Army are fish. All the forces we have are from the people. People are the parent of the army”

And

“The army fight the enemy for the people but the army is not the savior of the people because it is the responsibility of the army to fight against any enemy of the people” (Ho Chi Minh’s selective works, volume 9, p.140 cited in History of Vietnamese people’s army, 2003, p.387)

In order to bring the strength of people into full play, the people’s armed force is organized in three categories: main forces, local forces and guerrilla forces. Each type of forces has its own advantages and disadvantages. When three types of force are combined, the disadvantages of each type can be negated, and the strength of this type can offset the weakness of the other. This is the best way of organisation to make full use of the strength of the whole people. The VPA official history wrote that

“The reality of the revolutionary struggle of our people prove that organising people’s armed force in three types of force to fight against the enemy is the most suitable way to bring into full play of our people’s strength. This is also

suitable with our country's special context, with our military strategy and our people's war" (History of Vietnamese People's army, 2003, p.385).

According to Ho Chi Minh's military thought, the best way to carry out the people's war is by combination of guerrilla warfare and conventional warfare. The guerrilla tactics is mainly used in the early stages of the war when the people's armed forces were still small. Ho Chi Minh wrote that

"Militia, guerrilla force is the force of the whole people, an unbeatable force. The enemy, however strong it is, when facing with these force, will definitely defeated"

In the first Indochina war, Ho Chi Minh wrote that

"Guerrilla is a force spread all over the country. It is like a giant net cover the whole country. Wherever the French go to, they were still caught by this net"(Cited in Hoang Minh Thao, 2004, p.192)

In the later phases of the war, when the regular force became strong, it will take the responsibility to fight in big unit battle. The regular force is responsible for fighting conventional war. Its task included annihilating the enemy regular force, liberating a large area, changing the posture of the war, defeating the aggressive will of the enemy and finally winning the war. To fight the war until the final victory, Vietnamese must combine the conventional war with guerrilla war. (On Ho Chi Minh's military thought, 2002, p.195).

Under the guidance of Ho Chi Minh's military thoughts, North Vietnam leaders devised detailed strategies in fighting against America in their resistant war to save the fatherland. With the long tradition of fighting against very much stronger enemy and Ho Chi Minh's thoughts on the central role of the people in society, it was easy to understand that North Vietnam military strategist would adopt the strategy of people's war. In a meeting of Vietnamese Worker Party's officers in 1960, Ho Chi Minh stated that

“Our resistant war is an all-nation war, a true people’s war”.

And he made clear that

“31 million Vietnamese country fellow men and women, both in the North and in the South, no matter old or young, male or female, must be 31 million soldiers fight against America to save the country”. (Cited in Hoang Minh Thao, 2004, p.77).

So confronted with America, a very much stronger enemy, North Vietnam military strategists took the strategy of people’s war. Because only with people’s war can Communist Vietnam stand and fight against America, only by people’s war can Communist Vietnam mobilize the strength of the whole nation and bring this strength into full play. Lin Piao, one of famous Chinese strategist of people’s protracted war wrote that:

“People’s war is the only way to mobilize and apply the whole strength of the people against enemy. the only way to expand our forces in the courses of the war, deplete and weaken the enemy, gradually switch from guerrilla to mobile warfare and finally defeat the enemy” (Cited in Lomperis.1984, p.139).

However, due to the experience in the resistant war against the French colony and the special condition in the second Indochina war, the Vietnamese people’s war is not totally the same with the Chinese people’s war model. Vietnamese strategists borrowed many element of people’s war from Chinese strategists such Mao Tse-tung or Lin Piao, but they also created their own version of people’s war.

4.1.4 Chinese people’s war

The most famous strategist for people’s war is Mao Tse-tung, though this type of war came into existence long time ago. Lomperis (1984) wrote that

“Others before Mao Tse-Tung had considered various features of a people’s war, but he detailed it as an operational blueprint for a revolutionary seizure of political

power. More than a blue print, it is hardly an exaggeration to say that his strategy of people's war has grown into an entire political philosophy" (p.133).

In Mao's writings, the people's war is divided into three stages. This is the most famous feature of Mao's strategy of people's war. He wrote that

"The first stage covers the period of the enemy's strategic offensive and our strategic defensive. The second stage will be the period of the enemy's strategic consolidation and our preparation for counter offensive. The third stage will be the period of our strategic counter offensive and the enemy's strategic retreat" (Mao Tse-tung, 1965, p.34 cited in Johnson, 1968, p.439)

Reading these stages of Mao's people's war, Lomperis (1984) contended that

"What made Mao's protracted war was that the strength to wage it came from the mobilization of the masses. What made the people's war also a war of national liberation was that the chief motive appeal in gathering mass support was to patriotic struggle for national salvation against Japanese" (p.135).

In carrying out three staged war, there are three types of war available- mobile war, guerrilla war and positional war. In each stage, a type of war plays central role. For example, the first stage of strategic defence is mainly carried out by the mobile war. However, each stage also consists of tactical mix of other stages which changes not only from one stage to another but also within each stage. Generally, three stages and three forms of warfare are very interrelated.

Mao also gave four requisites for victory by people's war which was summarised by Ralph Powell as follow:

First, a people's war must be led by a Leninist party that is by a disciplined party of revolutionaries who act as the vanguard.

Second, it must be built on mass support and a united front. In this case, mass support was meant to come primarily from poor peasants and the united front was the party vehicle to attract other classes and groups.

Third, it must be waged by a party army, that is an army organized by and loyal to the party.

Fourth, the revolution must have secure rural base areas as strategic haven or reserves both to support the fighting and to develop showcase models of the political system to come.(Powell, 1968, p249).

After Mao, Lin Piao, the Chinese minister of defence heralded as Mao's heir apparent, further developed the strategy of people's war in the publication entitled "Long live the victory of people's war" in 1965. He reaffirmed that Communist China had first developed the art of people's war and the Chinese experience was of universal relevance. He considered Mao as the founding strategist of the people's war. Lin Piao wrote that

"Comrade Mao Tse-tung's theory of people's war has been proved by the long practice of the Chinese revolution to be in accord with the objective laws of such wars and to be invincible. It has not only been valid for China, it is a great contribution to the revolutionary struggles of the oppressed nations and peoples throughout the world" (Lin Piao, 1965, p.57 cited in Loperis 1984, p.139).

David Mozingo and Robinson sum up main points in Lin Piao's strategy of people's war as follow:

1) the strategy of united front; 2) the leading role of the Communist party; 3) the formation and defense of revolutionary base area; 4) an army arising from the masses, with the peasantry solidly behind both the army and the party; 5) the continued primacy of guerrilla warfare strategy (that is. protracted war) even though the three stages are no longer important; 6) self-reliance 7) and supplemental assistance from other socialist countries is permissible. (Mozingo and Robinson, 1965, p.3 cited in Lomperis, 1984, p.140).

4.2 Vietnamese people's war in the resistant war against America 1954-1975

The above mentioned factors are those strongly influenced the North Vietnam's military strategy in the war against America. The North Vietnam's military strategy, though having some borrowed ideas from Chinese people's war and bases on the Marxism-Leninism on war and military, had the strong Vietnamese sense. This strategy inherited many characteristics from the Vietnamese tradition of fighting against foreign aggression. Moreover, Ho Chi Minh's military thought help to shape the Vietnamese military strategy to fit with the situation in Vietnam. In particular in the war against America, with its vivid experience in the first Indochina war against French, North Vietnam initiated its own strategy of people's war, tailoring it to be suitable to the new context and situation.

In the war against French or the first Indochina war 1946-1954, Vietnamese communist leaders followed the Chinese Mao's three-stage protracted war. In that war, the French armed forces were already in Vietnam when the war broke out and they were much stronger in term of military power than the Vietminh forces. The aim of the Vietnamese forces in the resistant war against French colony is to defeat the French military and force the French to go out of the Vietnamese soil. So in that context, the most suitable strategy for Vietnamese armed force to fight against French army was Chinese three stage people's war. As early as six months after fighting broke out between the French force and Viet Minh in June 1947, Ho Chi Minh appealed his country fellow men for backing the Vietminh banner and declared that they would win because "we use the strategy of a protracted war of resistance" (Lomperis, 1984, p.141). Then in September 1947, Truong Chinh, the then General Secretary of Vietnam Labour Party, wrote the article titled "*The*

Resistant war will end in victory” to concretize the strategy of protected war. In this paper, Truong Chinh was strongly influenced by Mao’s three stage war and borrowed many from Mao, though he did not acknowledge that.

“He echoed Mao’s call for a protracted war against superior force and reiterated Mao’s emphasis on self reliance. He also repeated Mao’s conviction that the people’s war depended on a strategic defensive posture and a tactical offensive one of rapid settlement engagements. Further, he borrowed Mao’s idea that the three levels of armed forces flowed into each other from the basic source of people. He even clinched this point by repeating Mao’s analogy “The people are the water and our army the fish” (Lomperis, 1984, p.142).

Truong Chinh also argued that the war must pass three stages, which he called the stage of contention, the stage of equilibrium and the stage of general counteroffensive. He wrote that

“The long-term resistance war of our people must pass through three stages. That is a necessity” (Cited in Lomperis, 1984, p.142).

So, basically according to Lomperis (1984). Truong Chinh’s “*The Resistant war will end in victory*” was “mainly an application of Mao’s strategy of people’s war to Vietnam”. (p.142)

This strategy was then reiterated in the Vietnamese Communist Party resolution. The party’s second congress in 1951 declared that

“The Party and the Government believe that our resistant war must pass through three stages.

- The first stage from 23 September 1945 to Viet Bac Campaign in winter 1947:

This was the period of strategic defence and development of our regular forces

- The second stage from Viet Bac campaign up to now: This is period of strategic contention and preparation for general counter- offensive

- The third stage is general counter offensive.” (Party resolution, Volume 12, p.125).

In the resistant war against America, which in North Vietnam's official view started as early as July 1954 and lasted until April 1975, the situation changed greatly.

As chapter 3 noted earlier, before 1965, the Americans were not directly involved in South Vietnam in terms of military affairs. America intervened through puppet government headed by Ngo Dinh Diem family. In this period, the strategic requirement for Communist Vietnam was to win the war without triggering direct US military intervention. So in the few years after Geneva agreement, North Vietnam mainly used political struggle to demand for Diem's implementation of the general election to reunify the country. Then, when it was clear that there would not be an election, the North used the political struggle in combination with gradual armed struggle. In early 1960s, sensing the possibility to win the war in short period of time, North Vietnam intensified their effort to win the war over South Vietnam before America could intervene. However, when it seemed that the Communist nearly won, the Americans sent their troops to South Vietnam to bear the fighting tasks.

The presence of American troops was disturbing for the Vietnam military leaders to find a suitable strategy. The American forces were so much stronger than Vietnamese forces that it would be unrealistic to hope for the moment when North Vietnamese armed forces became stronger and was able to defeat the America militarily. This meant that the third stage of Mao's three staged war would never come. Lomperis pointed out that

“There was the military challenge of the tremendous, superior mobility of allied forces, which was due in large part to the ubiquitous helicopter transports, and their massive firepower on the ground, which was multiplied by overlapping artillery fans. And in the air, helicopter gunships, low-flying ground support

planes, and tactical fighter bombers were poised to respond almost instantly to the ground commander's call. This made frontal assaults on the most isolated of Allied positions suicidal, and even lighting surprise attacks in the middle of the night could be broken up. How, then, was one to progress through the three stages of protracted war, if the enemy possessed greater numbers, firepower and mobility?" (Lomperis, 1984, p.147).

Thus, the North Vietnamese military leaders had to abandon the strategy of three stage war and instead, created its own version of people's war.

David Elliot acknowledged the changes in situation and the nature of the task of the war that made Vietnamese military leader abandoned three staged war. He wrote that

"The guiding concept changed from one that was predominantly offensive and military to a primarily defensive and psychological strategy. Rather than culminating in an apocalyptic counter offensive shattering the enemy's military forces, the purpose of military action in the anti-America strategy would be to deter and dissuade the United States from deeper involvement and to exhaust the strategic options open to Washington- a kind of strategic judo. This strategy would not rely on the direct military defeat of the United States, but rather would erode the very foundations of America policy and render U.S military action inconclusive." (Elliot, 1993, p.68).

and

"The emphasis was not on a military defeat of the United States but rather on exhausting the strategic possibilities open to it. The key was to defeat the aggressive will (y chi xam luoc) of the United States , a psychological objective more than a military one." (Elliot, 1993, p.70).

The advent of significant numbers of American ground combat troops further complicated matters, all of which prompted a full-fledged debate over military strategy.

“The question was, should the Americans be taken on face to face or should guerrilla tactics be given top priority?” (McDonald, 1993, p.206).

Participation in this strategic debate was top leaders in Hanoi and senior military commander in South Vietnam such as Vo Nguyen Giap- Minister of Defense, Le Duan- First Secretary of Vietnam Labour Party, Van Tien Dung- General Chief of Staff of the Army and Nguyen Chi Thanh political head of military forces in the South Vietnam. In this debate, Giap’s view and Thanh’s were at the two extremes, the guerrilla first vs the big unit first.

Giap argued for the priority of guerrilla tactics. This strategy would avoid heavy losses while enticing American troops into the difficult and wasteful task of trying to infiltrate in insurgent held areas. Meanwhile, he would gain time to train bigger force and infiltrate them into the South. According to McDonald

“Giap’s fundamental tenet about the conduct of the war was that the Vietnamese would outlast the United States not militarily but morally. ...Fighting was not the point: the point was to make the United States give up politically in the face of stubborn refusal to budge” (McDonald, 1993, p.207).

Giap believed that VietCong should revert to guerrilla tactics and avoid set-piece battles with the Americans, because even though they lacked a political base in Vietnam, the American’s superior firepower made it impossible to push them into the sea (Lomperis, 1984, p.149).

Moreover, Giap rightly realized that the guerrilla war would make great difficulty for America’s pacification program in the South Vietnam. Giap reasoned that

“American reliance on firepower used indiscriminately was self destructive because it caused heavy civilian casualties and brought criticism both with the

United States and abroad, let alone among the people whose hearts and minds they were trying to win" (McDonald, 1993, p.208).

This point was confirmed by Westmoreland, who said that

"guerrilla war posed in some ways a more difficult problems for me than the regular troops from the North because by harassing U.S and government installations they could tie down more and more troops on defence" (McDonald, 1993, p.208)

However, Nguyen Chi Thanh strongly disagreed with Giap. Thanh argued that the war should be continued with major offensive. He favoured continuing frontal assaults on American forces, no matter how bloody, over more protracted forms of guerrilla warfare. In his pen name as Truong Son, Thanh wrote that

"In fighting the Americans, big unit battles must be pursued, because Americans must be kept off balance and because without these large scale operations guerrilla warfare would get nowhere" (cited in Lomperis, 1984, p.150).

Thanh even went as far as criticizing Giap (though not mentioned him by name) of unclear theories and conservative spirit prevented him from discovering new facts, who worked in accordance with the old customs, who mechanically copied his own past experiences (McDonald, 1993, p.207).

By summer 1967, the debate was shelved, partly because of Nguyen Chi Thanh's untimely death. However, it seemed that the good combination between these two extremes won the debate. It meant that the military strategy in the South Vietnam would be the combination between guerrilla war and big unit confrontal battles. North Vietnam followed the strategy of people's protracted war, but it must always be prepared to launch offensive to win decisive victory in short period of time. This is what Le Duan and Van Tien Dung argued for, and ultimately Giap was also convinced.

In an introduction to Le Duan's writing on revolutionary strategy, he discarded the three stage resistant:

"The revolution in the South will not follow the path of protracted armed struggle, surrounding the cities by the countryside and advancing to the liberation of the entire country by using military forces as China did, but will follow a Vietnamese path." (Le Duan, 1985, p.15).

Le Duan then argued for the combination of protracted guerrilla tactics with carefully calculated big unit assault even at the time the revolutionary force still weaker than the enemy in order to change the course of the war in short time.

In his address at the 12th plenary session of the central committee of Lao Dong Party in January 1966, Le Duan first analysed the differences between the war against French and the war against America then explained the changes in military strategy. Le Duan made a comparison between the two wars, just few years in between.

"1) In both wars, we are the weaker side and fighting against very much stronger enemy. However, in the war against America, we had experience of 9 years fighting against the French and we had the North as the strong base for the revolution in the South. Thus, in term of balance of force, we are still weaker but the gap is not as big as that of the war against French

2) In the war against French, we were isolated when we started the war. But in the current war, we have the North as the base and the strong support from socialist countries.

3) The war against French started with defence and evolved through three period of strategic defence, strategic contention and counter offensive. The current war did not started with defence but with mass uprising in the South. It was the result of the combination of political struggle and armed struggle in the early years of the war." (Party resolution, Volume 26, p.486).

From the analysis the differences between the two wars, Le Duan argued that the war against America should followed the strategy of people's protracted war. However, on the basis of the people's protracted war, the revolutionary forces must be prepared to grasp the strategic opportunity whenever it arises to win the war in short time. This is what he called "a high level of people's war". Le Duan wrote that

"Previously, now and in the future, we always stick to the strategy of people's protracted war. However, due to the changes of situation in the war against America, we must be prepared to launch strike to win a decisive victory whenever the strategic opportunity appears, hence to win the war. Following the strategy of protracted war does not mean that we fight the war gradually and slowly. If we fight the war slowly and miss the strategic moment to win the war, it is terrible strategic blunder" (Party resolution, Volume 26, p.487)

Later in the meeting of Lao Dong Party Politburo in January 1967, the Politburo reiterated this strategy in the directive that

"On the basis of understanding and applying the strategy of people's protracted war, at the current specific condition, we must try our best and combine all the forces of the North and the South to grasp the strategic opportunity to win decisive victory in short period of time in the South battlefield" (Party Resolution, volume 28, p.125).

Later in the his book "The Vietnamese Revolution: Fundamental Problems, Essential Tasks", Le Duan wrote that

"If we strike at the right moment, pick the right target and couple armed assaults with popular uprisings, we can make a very important leap to change the face of war" (Le Duan, 1970, p.67).

And Van Tien Dung, the General Chief of Staff of VPA also followed the strategy of combination of guerrilla tactics with timed shock assault. He proclaimed that

“We have eliminated every military formula according to which attacks can only be launched when we possess more numerous and more powerful weapons and technical means than the enemy” (Cited in Lomperis, 1984, p.154).

Vo Nguyen Giap, the famous strategist of Vietnamese people’s army, who had defeated French colony in Dien Bien Phu, managed to integrate the people’s war with the strategy of general offensive-general uprising. He gave a set of six requirements:

First, his formula was that of a comprehensive, all people’s war associating with military forces with political forces in a grand armed and political revolution.

Second, he called for closely coordinate attacks in the three strategic areas.

Third, he demanded a thorough understanding of the ideology of the strategic defensive in a revolutionary war. The implication here was that Tet-like offensives were an integral part of people’s war, but they should be launched only after careful analysis of the concrete conditions).

Fourth, the new form still required a protracted war strategy that nevertheless displayed a willingness to exploit opportunities for larger victories.

Fifth, while attiring enemy forces continued to be an objective, the new formula called for equal attention to building up an administrative power.

And sixth, he insisted on a rule of self reliance while simultaneously seeking international assistance (Cited Lomperis, 1984, p.154).

In the process of implementing what Le Duan called “a people’s war developed to a very high level”, Vietnamese military leaders initiated a “strategic formula”:

Two legs,

Three points of attacks,

Three strategic zones,

Three types of forces.

“Two legs” means the combination of military activities and political pressure, which are just like two legs of a person. A person cannot walk comfortably with one leg, just like the war cannot be won with only military or political means. This guideline originated from the grand strategy of Communist Vietnam of defeating the aggressive will of the America- a psychological objective, rather than inflicting total defeat on the enemy- a military objective.

In Hanoi’s point of view, there were only three possible ways for the United States to attain its objective in South Vietnam. First was special war- the war was carried out by South Vietnamese military force with weapons, military equipment aided by the United States and with the help of US military advisers. This is clearly the America’s most preferable option, so it would be carried out in first place. If this kind of war failed, the second choice is limited war. Limited war means the United States bring its own armed force in the Vietnamese soil to bear the main responsibility for fighting. However, the war was limited within the territory border of South Vietnam- a limited war. If the limited war still failed, the United States faced with a strategic option between waging a general war, expands to the North Vietnam territory and risked Chinese or even Soviet involvement or withdrawing from Vietnam. The strategic objective of North Vietnam was “to progressively shut off all avenue of victory to its opponent” (Elliot, 1993, p.77). thus force the United States to choose to withdraw the earlier the better. The most successful strategy would be to persuade the America not to intervene in the war by its own forces. David Elliot commented that

“This is an approach that was as much political and psychological as military, and not based on the necessity of conclusively defeating the opponent on the battlefield” (1993, p.70).

The most suitable means to achieve the objective of persuading the United States to choose withdraw sooner rather than later, or if possible, not intervene at all, was the combination between military and political official. During the war, the North Vietnam leader emphasized the balance between political approach and military pressure. According to the History of VPA, the practice of attacking the enemy by combining the political struggle with the armed struggle was first employed during the Ben Tre uprisings after the issuing of the 15th Resolution of Lao Dong Party Central Committee in January 1959 to allow using of armed struggle in the revolutionary movement in the South (History of Vietnamese People's Army, 2003, p.114). Since the 15th Resolution, the Communist leadership in Vietnam always emphasize the balance between military struggle and political struggle, considering them as two legs of a person.

The Directive of Lao Dong Party Politburo on 24 January 1961 wrote that

“Due to the changes in situation, now we must further intensify the political struggle, at the same time intensify the military struggle to be parallel with political struggle. We must attack the enemy in both political and military fronts.”
(Party Resolution, Volume 22, p.158).

Then in the Resolution 12 of the Central Committee of the Lao Dong Party in December 1965, the Central Committee stated that

“We can only make the most of military victory if it is combined with the success in political struggle” (Party resolution, Volume, 26, p.524)

Then, the Politburo of the Lao Dong party of North Vietnam on 27 January 1967 once again reiterated that

“In the current war, we must understand the motto of combination of political struggle and military struggle. Both military and political fronts are crucial to our victory. We must intensify the military struggle and at the same time do not underestimate the role of political struggle” (Party Resolution, Volume 28, p.126)

After the end of the war, William Duiker commented on the strategy of balancing military struggle and political struggle that

“key to success would be the ability of the party’s forces in the South to bring Sai Gon to the point of collapse without at the same time provoking Washington to increase the level of U.S involvement in South Vietnam, or even take the war to the North. For this reason a combination of political struggle with low-level guerrilla warfare was considered most appropriate. The objective would not be to defeat the enemy totally, but to create a “no win” situation and lead Washington to accept a political settlement and the formation of coalition government including the NLF in Sai Gon.” (Duiker. 1981, p.207).

“The three points of attack” are military action, political action, and military proselytizing. Hanoi’s strategy was the combination of all three points of attack to weaken the morale of Sai Gon troops. After 1965, when the American troops were brought in, Hanoi also aimed proselytizing at these forces. The North Vietnamese military leaders highly appreciated the role of military proselytizing. In the book “Local people’s war in the resistant war against America” published in 1996 by the Vietnam Ministry of Defense wrote that

“The combination of three points of attack- military, political and proselytizing increases the effectiveness of an attack. An attack now not only has direct military effectiveness of destroying and killing enemy’s armed forces on the battle field, but also has indirect impact of making enemy’s military unit elsewhere self-disintegrate. The military proselytizing had profound impact on the morale of enemy’s troops.....The elimination of enemy’s troops and equipments is important. However, breaking the will of enemy’s armed force is more important. The highest level of breaking the will of the enemy’s armed forces is pushing for self-disintegration. The best way to push the enemy’s military unit to self disintegration is through military proselytising. Among the Sai Gon military unit, the local level military organization is the most like to be self-disintegrated when being proselytised” (p.165)

During the war, North Vietnam not only struck the balance between political and military struggle but also paid close attention to the role of military proselytising.

In the Directive on 27 January 1967, the Politburo of the Lao Dong Party emphasize that

“We must further promote the proselytising aiming at South Vietnam armed forces, combine the proselytising with military and political struggle to make South Vietnam armed forces self-disintegrate” (Party Resolution, Volume 28, p.141).

And the Resolution of the Region V Party Committee dated March 1967 stated that

“Our current war motto is to combine proselytising with military and political struggle to make South Vietnam armed force self disintegrate and destroy morale of American forces, long forward to defeat the enemy totally” (Party resolution, Volume 28, p.492).

Ho Chi Minh himself also laid special emphasis on military proselytizing. He did a lot of writing to contribute to this effort. One of his writing was “Letter to soldiers of South Vietnamese government”, he wrote that

“I am sure that you have good conscience for our fatherland. But you were fooled by America imperialism and its lackey and forced to fire at our country fellow men. If now you realize the truth and come back to our people, you still deserve for being a Vietnamese country fellow men.” (Cited in Hoang Minh Thao, 2004, p.87)

And Ho Chi Minh reminded Pham Hung and Hoang Van Thai when they went to the South that:

“In order to defeat the pacification plot of the enemy, we must always make good combination between military struggle with political struggle, among three points

of attack, among three types of forces and among three strategic area” (Cited in Hoang Minh Thao, 2004, p.89).

Another aspect of the combination of three points of attack is the organization of the united front which is mainly responsible for carrying out political and proselytising attack against enemy. The united front played very important role in mobilizing mass movement against Sai Gon government. The mass movement contributed to making many Sai Gon military units disintegrated.

“The three strategic areas” are mountain and forest area; delta and rural area; and town and city area. According to the Ho Chi Minh military thought, in Vietnamese style people’s war, there is no separation between the rear and the front. The war is everywhere. North Vietnamese military leaders paid special attention to coordinating activities in all three areas. However, each area has its own main focus. The mountain and forest areas are suitable for large military unit. In this area, North Vietnam’s main forces fought against American force in conventional war. The North Vietnam’s main forces can rely on the mountain and forest terrain to negate the advantage of the America force in term of fire power and military equipment. So conventional military fighting is the main activities in this area. In rural area, there should be good combination between military and political activities. The local armed forces carry out small but constant military activities against enemy’s military forces. Also, North Vietnam paid great attention to political activities in rural area to win and maintain support of general civilian population as they consider rural area as the great base for their war effort. The forces responsible for carrying out these activities are the mass people with the support of local and guerrilla forces. In towns and cities, political activities played dominant role in revolutionary movement. The mass are responsible for these activities like demonstration, strike.... In the war, on 24st January 1961, North Vietnamese

Politburo issued a directive that “provided very important strategic guidance for the revolution in the South”. This directive called for the employment of military struggle in the mountain and forest areas, a mix of military and political struggles in the delta area and an emphasis on political struggle in town and cities. The book “History of the resistant war against America” interpreted this directive as follow:

“In mountain and forest area: military fighting is the main activity. The main task in this area is killing enemy main forces to broaden our base and mobilize more forces.

In delta area: Military struggle and political struggle are equally important. However, we should base on the actual situation on the spot to prioritize either political or military activities and the level and scope of struggle.

In towns and cities: political struggle is the main activity, combine legal with secret struggle.” (History of resistant war against America, Volume 3, 1997, p.29).

The activities in one area support the activities in other area. The military action carried out by large unit in mountains and forest area help to relieve the pressure to local and guerrilla forces in rural area. Because Sai Gon had to send troop to fight against Vietcong main force in the forest area, so there would be less troops to carry out pacification program in rural and delta area. The success of VPA’s military and political activities in mountain and forest and rural areas would contribute to the political struggle in cities and towns areas. Generally the struggles in three strategic areas are very interrelated.

The Resolution IV of the Central Office of South Vietnam March 1966 emphasized the inter-relations of the revolutionary activities in three strategic areas that

“In the war against America nowadays, delta and rural area, mountain and forest area and town and city area are three strategic areas. they have strong correlations.

Understanding the role of each area and the relations among them is an important factor to ensure the victory of the revolution” (Party resolution, Volume 27, p.345)

Then, the resolution wrote that

“The strategy for three strategic areas now is: Continue attacking enemy in the town and city areas and the area under enemy’s control not narrow down its base. Mobilize the mass for uprising, destroy strategic hamlets and build our own authority in rural area. Strengthen our forces in mountain and forest area, make it become a strong base for the revolutionary movement in the South.” (Party Resolution, Volume 27, p.346)

“The three types of forces” are main forces, local forces and guerrilla units.

In North Vietnam’s military strategy, there should be an overall balance among these three types of forces and there should be good combination among these forces in achieving military targets and eventually win the war. Each type of force has its own important role, and the tasks of this type of force inter-relate and support the tasks of other types of forces.

In the war, North Vietnamese leadership paid attention to building the armed forces with three types of forces. The Politburo Directive issued on 27 January 1967 wrote that

“Our current war against America is people’s protracted war. The forces to carry out the war are people’s armed forces including regular force, local force and guerrilla force and political forces including workers, farmers, youth, women, student...” (Party resolution, Volume 28, p.126).

Then Le Duan in his address at the 12th Plenary session of the Central Committee of the Lao Dong Party stated that

“We must position the three types of forces logically. And we must combine the tasks of these forces. The enemy considered our army as one of the best army in the world because, beside our just cause and the great strategy of people’s war, our armed forces are organised into three types of forces. We

understand the strong points of each type of force and coordinate the activities of three types of forces very well" (Party Resolution, Volume 26, p.491).

By organising the army into three types of forces, the North Vietnam's way of war in the war against America was the combination between guerrilla warfare and conventional warfare. The task of regular force is to fight conventional warfare against enemy's regular force. The regular force mostly operated in mountain and forest area. It sometime entered delta and rural area to support the local force and guerrilla force there. The task of local force is to carry out battle in the assigned area. The local force is the force on the spot and it supported the activities of guerrilla forces and regular force operated in its area. The local force also received support from regular force and guerrilla force if necessary. The guerrilla force is the paramilitary force, it is both civilian and combatant. In Vietnamese language it is called Dan Quan (meaning Civilian Combatant). The guerrilla force is responsible for guerrilla warfare, causing instant unrest deep in the enemy's base and defence local people.

As mentioned in the Ho Chi Minh military thought, the only way to achieve the objective of revolution is the combination of conventional war, carried out by main forces and guerrilla war carried out by local and guerrilla force. In writing about the role of local people's war in the resistant war against America, Vietnam Ministry of Defense wrote that

"After the resistant war against French colony, our Communist party withdrew a lesson that the rule to win our people's war over enemy is the combining conventional warfare with guerrilla warfare. In the war against America, our Communist party continues to follow this rule. This became the laws of winning the war over stronger enemy". (Local people's war in the resistant war against America, 1996, p.168.)

During the war against America, North Vietnamese military leaders acknowledged and made full use of the strong points of guerrilla warfare, carried out by guerrilla and local forces. The local and guerrilla forces are responsible for constant harassment to enemy's armed forces. They did not allow the enemy to rest and regain energy. The enemy must be always in the high alert. This situation made enemy troop tired quickly and reduce armed forces' morale. Moreover, the guerrilla war force the enemy spread thin to counter the attack from revolutionary force everywhere. There is no frontline and no rear, everywhere in the country is the battle field. The enemy had to defend the whole country. This made Sai Gon military weariness. Though the United States and Sai Gon armed force outnumbered the revolutionary force, they still did not have enough troops for pacification campaign and carrying out assault on Vietcong main forces. The book "Local People's war in the resistant war against America" published by the Vietnamese Ministry of Defense made a comparison as follow:

In Korean war, the total number of American troops were 360,000. And the American military leaders in the war were able to send 340,000 troops to the front to fight against the main forces of China and North Korea. They needed only 20,000 troops in the back to secure the rear. In the Vietnam war, the US had the total of more than 500,000 troops, mainly came from America, some from allied country like South Korea, Australia. Only about 50,000 troops could be sent to the front, the rest must be kept in the back for pacification tasks and securing the rear. So only 10% of the total troops were used for fighting. This was due to the activeness of the guerrilla and local forces that forced the America to spread all over the country. This also explains why the US generals in the Vietnam war kept on asking for more troops, and during the war, the America had to mobilize the reserve force.

However, the guerrilla warfare carried out by local and guerrilla forces had a lot of disadvantage, especially when the war developed to a high level. Local and guerrilla force are very good at harassing the enemy every day, but they could not carry out big unit assault on the enemy. So they can never destroy the enemy and thus cannot finish the war. When the war developed to a high level, big unit attacks are needed to liberate a large area like a province or even several provinces, expand the revolutionary base. This kind of campaign cannot be carried out by local or guerrilla forces. So in the later stages of the war, regular forces are needed to make a strategic turning point in the path of war. As a result, the most effective strategy in a revolutionary war is to combine the activities of all three types of forces. The success of the regular force would relieve the pressure on the local and guerrilla forces and vice versa. The activities of these three types of forces are highly interrelated. David Elliot pointed out that

“The main forces would cast an umbrella of security over the bases of smaller units which, in turn, could operate in areas too constricted or exposed for the big concentrated units.” (Elliot, 1993, p.71).

The chapter has presented the North Vietnam’s military strategy in the war against America, which North Vietnam called “Vietnamese people’s war”. This was not the three-stage people’s war as initiated by Mao Tse-Tung and applied by Vietminh in the first Indochina war against the French. In the war against America, North Vietnam employed the strategy of Vietnamese protracted people’s war. This strategy was the good combination between guerrilla war and conventional war. Protracted war does not mean that fight slowly and gradually. Instead, it means that the army carry out the people’s war, but anytime the strategic opportunity arises, the army must tried its best to grasp that opportunity to win a decisive victory in relatively short period of time. This strategy called for the whole nation to join

forces in order to fight against enemy and win decisive battles to end the war. Following this strategy of Vietnamese people's war, North Vietnam did not aim at defeating American forces militarily, instead North Vietnam aim at defeating America's aggressive will. To achieve that strategic aim, North Vietnam invented the strategic model which can be summarised as: two legs, three points of attacks, three strategic zones, and three types of forces. The deep root of the North Vietnam's military strategy was the tradition of fighting against foreign aggressors in the long history of Vietnam. In modern time, that tradition of fighting was combined with the Marxism-Leninism, Chinese people's war and guided by the Ho Chi Minh's military thoughts. These are the most influential factors to the strategy.

Chapter V: Assessing North Vietnam's military conduct in the Vietnam war against the law of armed conflicts

After studying the law of war and the North Vietnam military strategy in the war, we should find out whether North Vietnam abided by the law of war in the war against America? Did North Vietnam comply with the law of war? If not, was it unrestrained in its way of fighting? What were its rules of engagement to its own civilian population? These are the questions will be answered in this chapter.

In the first part of this chapter, I will answer the question whether the law of war itself is applicable in the Vietnam War? As there might be argument that the law of war was originated in the Western civilization while Vietnam belongs to oriental civilization, so it is not applicable.

In the next part, I would assess North Vietnam's compliance with the law of war. I will focus on North Vietnam's military strategy, the North Vietnam's form of organization of the armed forces, the North Vietnam's mode of conduct during the war and North Vietnam's treatment of prisoner of war.

In the last part of the chapter, I will point out the rule of engagement of the North Vietnam's armed forces. Though North Vietnam violated the basic principles of the law of war, it did have very strict rule of engagement to protect civilian and minimize civilian casualties in the war. This rule of engagement comes not out of the fidelity to the law of war but out of the very basic need of the armed forces. As without the support of civilian population, North Vietnam's armed forces would not be able to survive, let alone to fight against such an enemy like America. Thus, the North Vietnamese People's Army had to obey very strict rule of engagement to win and maintain the support of civilian population.

5.1 The applicability of the law of war in the Vietnam war

To answer the question whether North Vietnam complied with the law of war or not, first of all we should ask whether the law of war itself applicable to the Vietnam war. There might be an argument that the law of war originated and developed in Western civilization and only applicable to the war among countries in the West. While Vietnam belongs to the oriental civilization, and there are many elements different between the two civilizations thus the law of war does not apply in Vietnam. However, in my opinion this argument is not true.

We can find many basic ideas of the law of war not only in the West but also in the Eastern civilization such as India or China. For example, in China, as early as in fifth century B.C, there was a widely accepted rule that

‘No war should be begun without just cause; that enemy should be notified of pending attacks; that no injury be done to the wounded; and that the persons and properties of innocents be respected’ (Christopher, 1994, p. 8).

In the Book of Manu, which was written by Hindu civilization in India about the fourth century B.C, there are many rules for regulating land war that are very similar to many aspects of present-day international law regarding the conduct of war.

When the king fights with his foes in battle, let him not strike with weapons concealed in wood, nor with such as are barbed, poisoned, or the points of which are blazing with fire. Let him not strike one who in flight has climbed on an eminence, nor a eunuch, nor one who joins the palms of his hands in supplication, nor one who flees with flying hair, nor one who sits down, nor one who says “I am thine”; nor one who sleeps, nor one who had lost his coat of mail, nor one who is naked, nor one who is disarmed, nor one who looks on without taking part in the fight, nor one who is fighting with another foe, nor one whose weapons are broken, nor one afflicted with sorrow, nor one who has been

grievously wounded, nor one who is in fear, nor one who has turned to the flight;
but in all cases let him remember the duty of honourable warriors. (Cited in
Christopher, 1994, p.9)

In the modern time, when the laws of war were codified in international conventions, the aim of the codification process was not restricted in governing the wars among western countries. More importantly, the 1949 Geneva Conventions I, II, III and IV aimed at regulating and lessening the ferocity of the war suffered by people all over the world. As a result, now there are totally 194 countries, not just western ones, have already ratified and become parties to the four 1949 Geneva Conventions.

Vietnam was among the countries ratifying the conventions very early. As early as 1957, Vietnam was signatory to the 1949 Geneva conventions. Theoretically, Vietnam or more specific Democratic Republic of Vietnam or North Vietnam, would abide by the Geneva Convention since 1957. Thus, North Vietnam's actual fighting in the Vietnam war, starting in 1960 from North Vietnam's point of view, should be under the regulation of the 1949 Geneva Conventions.

The fact that fighting in the Vietnam war was under the regulation of the 1949 Geneva Conventions was also the official position of International Committee of Red Cross (ICRC). As early as 1965 when the America introduced its own troops to South Vietnam to bear the direct fighting responsibilities, ICRC sought to promote the full compliance by all parties in the Vietnam conflict with the provisions of the 1949 Geneva Conventions. On June 11, 1965, the Committee addressed the following letter to the governments of Democratic Republic of Vietnam, the Republic of Vietnam, the United States, and the National Liberation Front of South Vietnam:

“The hostilities ranging at the present time in Vietnam- both North and South of 17th parallel- have assumed such proportions recently that there can be no doubt they constitute an armed conflict to which the regulations of humanitarian law as a whole should be applied.

All parties to the conflict, the Republic of Vietnam, the Democratic Republic of Vietnam and the United States or America are bound by the four Geneva conventions of August 12, 1949 for the protection of the victims of war, having ratified them and having adhered thereto. The National Liberation Front is bound by the undertaking signed by Vietnam.

Pursuant to the common article 1 of the four Geneva Conventions, “The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances”. It is likewise said in Article 2 that “The present convention shall apply to all case of declared war or of any other armed conflict which may arise between two or more of the Contracting Parties, even if the state of war is not recognized by one of them”

In keeping with its humanitarian tradition, the International Committee of Red Cross in Geneva reminds the governments of the aforesaid countries and the National Liberation Front of their obligations pursuant to the Geneva Conventions.

It is incumbent on them to implement the provisions thereof and to permit the ICRC to carry out its mission as neutral intermediary, as laid down in these Conventions.

In particular the life of any combatant taken prisoner, wearing uniform or bearing an emblem clearly indicating his membership of the armed forces, shall be spared. he shall be treated humanely as a prisoner of war. list of combatants taken prisoner shall be communicated without delay to the International Committee of Red Cross (Centre Information Agency), and the delegates of ICRC shall be authorised to visited prison camps.

In addition, parties to the conflict shall respect and protect civilians taking no part in hostilities, they shall abstain from attack against such persons and subject them to no form of violence.

The ICRC is prepared to co-operate with the authorities concerned as far as it is able in the loyal and strict application of the Geneva Conventions drawn up by the community of nations to alleviate the hardship engendered by war.

The ICRC conveys the present communication to the governments of the three aforesaid countries and will endeavour to deliver it also to the National liberation Front. I would be pleased to know what measures are taken by the governments in conformity with the duties developing upon them pursuant to the Genevaconventions" (International Review of the Red Cross, 1965, p.417-418).

Among the four addressees of the ICRC's letter, only the National Liberation Front was not the signatory of the 1949 Geneva Conventions. However, in the letter, ICRC clearly stated that

"The National Liberation Front is bound by the undertaking signed by Vietnam"(International Review of the Red Cross, 1965, p. 418).

The parties of the Vietnam War were not in agreement on the applicability of the 1949 Geneva Conventions to the conflict. The United States supported the position of ICRC. On August 10, 1965, Secretary of State Rusk replied to the ICRC letter that:

"The United States has always abided by the humanitarian principles enunciated in the Geneva Conventions and will continue to do so. In regard to the hostilities in Vietnam, the United States Government is applying the provisions of the Geneva Conventions and we expect the other parties to the conflict to do likewise.

Among the particular measures being taken to implement the Convention at the present time, the United States Government is developing plans to assist the Government of the Republic of Vietnam to expand and improve facilities and procedures to process and care for an increased number of captives taken in

combat. The two governments are also increasing program of instruction for personnel in the details of the provisions of the Conventions.

As you are aware, those involved in aggression against Republic of Vietnam rely heavily on disguise and disregard generally accepted principles of warfare. From the outset it has therefore been difficult to develop programs and procedures to resolve fully all the problems arising in the application of the provisions of the Conventions. Continues refinement of these programs and procedures in the light of experience will thus undoubtedly be necessary.”(International Review of the Red Cross, 1965, p.477).

South Vietnam also agreed with the position of America and support ICRC. Just one day after the America’s response to ICRC’s letter, South Vietnam Minister of Foreign Affairs Tran Van Do, in a replied letter, stated that

“The Government of the Republic of Vietnam is fully prepared to respect the provisions of Geneva Conventions and to contribute actively to the efforts of the International Committee of Red Cross to ensure their application. It is to be hoped that for their part the Vietcong will show the same humanitarian concern. Appropriate measures have already been considered by our Government to accelerate the promulgation and dissemination of these conventions.

I should like further to inform you that the Geneva Conventions although not yet promulgated in Vietnam have, in fact, always been applied. Vietcong prisoners have always received the most humane treatment form our civilian and military authorities”.(International Review of the Red Cross, 1965, p.478).

For the part of North Vietnam, on August 31, 1965, the country’s Minister of Foreign Affairs, Mr Bui Tan Linh, sent a reply to the request of ICRC. The reply did not answer directly to the request of ICRC but instead accused America and South Vietnam of “committing crimes in their war of aggression in Vietnam”. Howard S. Levie wrote that

“The reply received from Democratic Republic of Vietnam was the usual propaganda tirade which appears to be endemic in Communist documents, thus making it rather difficult to isolate any truly responsive portions.” (Levie. 1969, in Richard A. Falk, 1969, p. 362)

The reply read in full as follow

“I have the honour to acknowledge receipt of your letter under the date of June 11, 1965 and to reply as follows.

As all the world is aware, the United States Governments and its agent in Saigon are engaged in committing crimes in their war of aggression in Vietnam, undermining peace, violating laws and customs of war and perpetrating acts against humanity.

In order to compensate for its defeats in the undeclared war of aggression in South Vietnam, the United States Governments has, without any justification, given orders to its air and naval forces to make surprise attack on the Democratic Republic of Vietnam, in flagrant violation of the Geneva Agreements of 1954 on Vietnam and the rules of international law. It has employed napalm and phosphorous bombs, poisonous chemical products, and its aircraft and warships have indiscriminately bombed hospital, schools, roads, transport stations, markets, villages, fishing vessels, churches, pagodas, etc., massacring large number of innocent civilians and violating the Geneva Conventions of August 12, 1949, for the protection of the victims of war, as well as other rules of war.

The people and Governments of the Democratic Republic of Vietnam consider the actions of the United States Governments and its agents in Saigon as acts of piracy and regard the pilots who have carried out pirate-raids, destroying property and massacring the population of the Democratic Republic of Vietnam, as major criminals caught *in flagrant delicto* and liable for judgement in accordance with the laws of Democratic Republic of Vietnam, although captured pilots are well treated. Authorization had been granted them to correspond with their families. However, the regulations concerning mail with the exterior having been recently

infringed, the competent authorities of the Republic of Vietnam have decided temporarily to suspend this correspondence. In future, if those concerned demonstrate their willingness to observe the regulations in force in the Democratic Republic of Vietnam, the competent authorities could reconsider the question with a view to finding an appropriate solution.

In South Vietnam, the Government of the United States and its agents in Saigon are also undertaking a war of great atrocity, employing against the civilian population arms and methods of warfare which have for long been prohibited by international law. The Government of the Democratic Republic of Vietnam energetically condemns these barbarous acts committed by the Government of the United States and its agents and declares that they must take entire responsibility for the crimes which they perpetrated" (International Review of the Red Cross, 1965, p.527).

The National Liberation Front did not formally reply to the ICRC letter, but it stated that it consider the 1949 Geneva Conventions not applicable. Howard S. Levie wrote that

"The NLF, the political arm of the Vietcong, flatly refused to apply the Conventions, stating that it "was not bound by the international treaties to which other beside itself subscribed... The NLF, however, affirmed that the prisoners it held were humanely treated and that, above all, enemy wounded were collected and cared for" (Levie, 1969, in Richard A. Falk, 1969, p.362).

Three years later, due to many violations of the law of war committed by all parties to the conflict, ICRC had to issue a press release on February 9, 1968. The press release affirmed that all parties to the conflict had to abide by the elementary and universally recognized rules of humanity. The press release read:

"The International Committee of the Red Cross in Geneva is constantly being questioned about press news describing inhumane acts committed during the fighting now taking place in Vietnam.

The ICRC reminds belligerents that in all circumstances they are bound to observe the elementary and universally recognized rules of humanity. These demand that the lives of combatants who have been captured be spared, that the wounded, the sick and those giving them medical care shall be respected, that the civilian population shall not be subject to attack from the air and lastly, that summary executions, maltreatment or reprisals shall be prohibited.

The ICRC has often made known to those taking part in the hostilities the obligations they must fulfil. It ardently hopes that they will shortly put an end to this blood-stained conflict and meanwhile urgently calls upon them to observe the basic rules of humanity.” (International Review of the Red Cross, 1968, p.138).

So, in short, forget about the propaganda, what was the position of North Vietnam regarding the applicability of the law of war in Vietnam War? In the reply letter to ICRC, North Vietnam attacked on “the US and its agent in Saigon” who are “engaged in committing crimes in their war of aggression in Vietnam, undermining peace, violating the laws and customs of war and perpetrating act against humanity” (International Review of the Red Cross, 1965, p.527). It appears that the argument of the North Vietnam was: America was wrong at the beginning in waging the war of aggression and also the America itself violated the laws of war, so the American troops did not deserve to benefit from the provision of the law of war. In other word, North Vietnam would not abide by the laws of war in its fighting against America. This position was reiterated by North Vietnam when it participated in the series of conference preparing for the amendment of the 1949 Geneva Conventions in 1974. In its paper at one of the conference, North Vietnam argued that Geneva and Hague laws say nothing about justice, therefore it had become obsolete, dangerous and unfair.

“What should be the position of humanitarian law in face of these new war conditions which set unarmed or inadequately armed men and under-developed

and ill-equipped peoples against imperialism modern war machine? In our opinion, humanitarian law should, first, effectively protect human being against the war machine of aggression; secondly, take all possible measures to prevent the use of the war machine of aggression by morally condemning it as a war crime... In severely condemning the war machine of aggression as criminal, the rules prohibiting means and methods of criminal combat should be as complete and details as possible. Similarly, the inadequate and dangerous concepts of 'unnecessary injury', 'unnecessary suffering', 'due proportion' and 'military necessity' should be excluded" (Cited in Best, 1980, p.314)

And

"The time has now come to establish clearly to which side the international community's assistance will be given-to the combatant who respect humanitarian law, or to the combatant who violates humanitarian law. He who violates humanitarian law does not have the right to be well-treated under that law" (Cited in Best, 1980, p.315).

However, this argument proved to be too simple and most law scholars do not agree with. In every circumstance, the law of war should be equally applied to both sides of conflict, no matter who wage the war. The law of war should be absolute rather than reciprocal.

Richard Falk wrote that

"The violations by the other side do not vindicate our own unless committed in specific reprisal" (Falk, 1969, p.485)

Or Christopher Greenwood wrote that

"A North Vietnam suggestion that aggressor, including any regime seeking to prevent a people from exercising its right of self-determination, should be denied the benefits of the *jus in bello* made no progress" (Greenwood, 1983, p.226).

Most scholars of the laws of war agree that there should be a distinction between *jus ad bellum* and *jus in bello*. As noted in chapter I, Michael Walzer wrote that

“War is always judged twice, first with reference to the reasons states have for fighting, secondly with reference to the means they adopt.....The two sorts of judgement are logically independent. It is perfectly possible for a just war to be fought unjustly and for an unjust war to be fought in strict accordance with the rules” (Walzer, 2006, p.21).

Another argument that North Vietnam used in order to justify its position was that there was not official declaration of war between the America and Vietnam, thus the law of war was not applicable.

“The only specific legal excuse ever advanced by North Vietnam for its insistence that the Convention is not applicable, and that persons captured by it are not entitled to the humanitarian protection afforded by the Convention, has been that there is no “declared war”.” (Levie, 1969 in Richard A. Falk. 1969, p.368).

This argument based on the common article 2 of the 1949 Geneva Convention. The article provided that

“Article 2: The present convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of high contracting parties, even if the state of war is not recognized by one of them”.

So the argument of North Vietnam was that: because there is no declaration of war, the law of war was not applicable. However, this position was soon discredited by law scholars. Howard S. Levie wrote that

“It is surely beyond dispute that there is an “armed conflict” in Vietnam between two or more of the parties to the Convention. Under these circumstances, the fact there has been no declaration of war, so that a state of war is not recognized as

existing, is completely irrelevant to the requirement to apply the convention. There is, then, no validity whatsoever to the sole legal reason put forward by North Vietnam to justify its refusal to apply the Convention by which it voluntarily elected to be bound a number of years before the armed conflict in Vietnam reached its present status. The wording used in drafting the first paragraph of Article 2 leaves no doubt that it was the intent of the Diplomatic Conference which approved it that the Convention be applicable in every instance of the use of armed force in international relations- and, beyond any shadow of doubt, this intent was attained. It appears equally clear that the refusal of North Vietnam to apply the Convention under the circumstances which exist in Vietnam-whether or not the United States is waging a war of aggression- constitutes a blatant disregard of an international obligation, freely accepted.” (Levie, 1969 in Richard A. Falk, 1969, p.368).

So the North Vietnam’s position regarding the law of war was that the law is not applicable in its war against America. Its arguments were that this was not a declared war and/or the American forces should not benefit from the law of war regulation because they committed war crimes and their war was aggression. The position and arguments of North Vietnam was debatable and most law scholars did not agree with it.

5.2 Assessing the law of war in North Vietnam’s military strategy and conduct in the war against America

5.2.1 The law of war in North Vietnam’s military strategy in fighting against America.

Under the influence of the Marxism-Leninism and inherited from the tradition of struggling against foreign aggression, North Vietnam’s military strategy in the war against America was the people’s war. Vietnam Communist Party mobilized the

entire people in the country to fight against foreign invaders. In the resolution of the 9th Party's Central Committee meeting in 1970:

“The enemy is fought not only by the armed forces but also by the population, using every means available. Not only do the people intensify production and assume combat support duty, they also take direct part in the fighting. We fight the enemy not only by armed struggle but also by political actions by the masses, persuasion work among puppet, America and other troops. We launch not only military attacks but also mass uprisings of various scopes and forms. A new characteristic of the people's war in Vietnam at present is the high national and class consciousness of the masses, the scientific and tight organization of the struggle in the whole country, the flexible method of struggle- which turn all the 30-odd million Vietnamese into valiant fighters for national salvation” (Resolution of Vietnam Communist Party, Vol.14, p.222).

Vo Nguyen Giap then concretized the Party's military line that

“Our line, embodied in the watchword: Let the entire people fight the enemy is concretized in the following essential issues:

- Mobilization and organization of the entire people for war, building of the people's political forces and armed forces, the latter including three categories of troops constituting the core of the fighting people.
- Reliance on the political forces of the masses, setting up of resistance bases and rear bases of people's war; coordinating the local rear-base with the national rear-base while drawing support from the international rear-base: the socialist camp.
- Creative application of the mode of conduct and the military art of people's war, successfully opposing enemy troops more numerous and better equipped than our own, attacking the enemy by the combined force of armed struggle and political action in all strategic zones in town and country, and defeating the enemy step by step until we gained complete victory
- Strengthening of the Party's leadership in the conduct of the war, this being the decisive factor of victory” (Giap, 1977a, p.222-23).

This military strategy of North Vietnam in the Vietnam War was strongly influenced by the Marxism-Leninism and Vietnamese national experience in struggling against foreign invaders. North Vietnam official documents confirm this influence as written by Vo Nguyen Giap that

“The military line of our party stems from its correct political line, from the Marxist-Leninist theory on war and the army, from the military skill of our forefathers and from the advanced experiences of the revolutionary struggle in the world. At the same time, it reflects the wealth of precious experience acquired by our people in the practice of revolutionary struggle under the leadership of the Party in the last forty years” (Giap, 1977a, p.223).

North Vietnam’s military strategy was actually the realization of the following statement of Lenin when he called for mobilization of the entire nation to fight enemy

“Every force in the country must be summoned for this war. The whole country must be turned into a revolutionary camp. Everyone must help. (...) The country’s entire manpower and resources are placed entirely at the service of revolutionary defence” (Lenin, Collected Works, 1965, p.365)

With the strategy of mobilizing all people to participate in the cause of fighting against America, we can see that the law of war was not abided by North Vietnam military strategists. Laws of war require that civilian should be kept away from war fighting and the war can only be carried out by professional armed forces because the civilian is protected by the principle of non-combatant immunity as long as they do not participate in actual military fighting tasks. Once civilian participate directly in the fighting, they would lose the right to immunity. The North Vietnam’s military strategy which called for the participation of the whole nation to fight against America’s armed forces violates the basic principle of the law of war, i.e the principle of distinction between combatant and non-combatant.

In their actual conduct in the war. North Vietnam's military leaders always encouraged the civilian to participate in military activities. In almost any big battle in the war against America during the war, we can always notice the contribution of the civilian population. For example, in Binh Gia operation in January 1965. local civilians were used to prepare battle field such as digging tunnel, digging personal fighting hole...while the regular forces were busy with logistic tasks, transporting foods, building barricade...Or in the North BinhDinh operation in 1966, local civilians was mobilized to husk rice and provide armed forces with foods. Within one night, the local civilians could gather 700 eggs to provide for the wounded (History of the resistant war against America, 1999). There are many more examples of the participation of civilians in the military fighting tasks during the war. North Vietnam armed forces did not coerce the civilian to work for them, they only mobilized the civilian support by their propaganda program, not by coercion.

The encouragement of civilian to participate in war fighting was well illustrated in the lessons of Cu Chi. Cu Chi is an area 30km North West of Saigon, where America and South Vietnam on the one side and North Vietnam and Viet Cong on the other side fought each other severely. In 1965 and early 1966, when the American troops were just introduced in South Vietnam, Viet Cong and North Vietnamese leaders were uncertain about the way to fight American troops, even whether they can fight American or not. In February 1966, a battalion of American troops were deployed in Cu Chi to root out the Vietcong forces in this strategic area. The Viet Cong organized their forces and mobilized the support of civilian population in the area to fight against this American force. The American force, though better trained and equipped, failed to fulfil the aim of the battle and suffered great loss. After this battle of Cu Chi, Vietcong leaders draw ten lessons for the Vietnamese forces to fight against America. The North Vietnamese army leaders

then initiated a movement in the whole South Vietnam area to learn the lessons of Cu Chi. The Ten lessons of Cu Chi were:

1 Every one can fight America

2 Any weapon can be used to fight America

3 Small number or large number of force alike, one person or one group alike should fight America

4 Fight against America everywhere. Fight America in jungle, in village, in strategic hamlet. Fighting would be successful as long as we actively find the America and kill them.

5 Fight America both in day time and night time.

6 Take the opportunity of the enemy's counter offensive to kill the enemy

7 Fight the enemy in the front, in the rear. Fighting enemy everywhere they are, force the enemy into passive to fight them.

8 Fight America in the commune and in the strategic hamlet as well as fight America outside commune and outside strategic hamlet

9 Our armed forces are able to defeat any America forces – army, tank, airplane, and special forces.

10 Fighting America by armed forces, political forces and proselytizing forces.

(History of the Resistant War against America, vol.4, 1999, p.79).

These lessons was promulgated and widely learnt among armed forces throughout the South Vietnam. We can see in these lessons that North Vietnam called upon every Vietnamese people to participate in fighting America armed forces. This call of encouragement was actually against the basic principles underpinning the laws of war.

The North Vietnam's military strategy also violated the principle of necessity in the law of war. The laws of war require that certain kinds of weapons be banned, because they inflict excessive unnecessary suffering. And also the principle of

necessity demand that 'not whatever is necessary is permissible, but that everything permissible must be necessary' (Lackey, 1989, p.59). But in their strategy, North Vietnam military leader call on their people to "use every mean available" (Communist Party Documents) and "Any weapon can be used" to fight America. (Lessons of Cu chi in History of the Resistant War against America, vol.4, 1999, p.79)

This North Vietnam's strategy was originated from the thought of Engels and Lenin on war fighting. Engels once wrote about the war of liberation that

"A people who want to win back independence for themselves must not limit themselves to conventional means of waging war. Mass uprising, revolutionary wars, guerrillas everywhere- that is the only way by which a small people can defeat a large one. a less strong army can oppose a stronger and better organized one".(Engels, Lenin & Stalin, 1970, p.27).

And Lenin consider the war against imperial aggressor in a socialist country as "absolute war" and that

"The purpose is the communist revolution in all countries of the world: whatever serves this purpose is good and just" (Cited in Schmitt, 1963, p.35).

So we can see that the North Vietnam military strategy was not consistent with the principle of the military necessity.

5.2.2 The law of war in the organization of the North Vietnam's armed forces during the war.

Following the Marxism-Leninism principle of arming the revolutionary masses in combination with building up the revolutionary army, North Vietnam paid great attention to building up a modern regular army and at the same time developed strong and extensive armed forces of the masses.

Giap wrote that

“Whatever the circumstances, we must bear in mind the following law of military organization of our people: to arm the entire people, to arm the revolutionary masses and at the same time to build the people’s army, to combine the people’s army with the armed forces of the masses and vice versa” (Giap, 1977b, p.466)

And

“Along with building of the regular, modern people’s army, we must endeavour to develop the armed forces of the masses as a numerous and powerful force.” (Giap, 1977b, p.493)

And in order to mobilize the force of entire nation to fight the war against very much stronger enemy, North Vietnam has organized its armed forces into three categories. This is the creativeness of North Vietnam in applying the Marxism-Leninism in the Vietnamese revolution. This is also a development in the tradition of fighting foreign aggression of Vietnam. Vo Nguyen Giap wrote that

“Our experience in people’s war showed that the organization of the armed force into three categories-the regular force, the regional force and the people’s militia- is the best way to mobilize and organize the whole nation for combat; that great attention must be paid to the building up of regular troops while seeing to the setting up of regional forces and the people’s militia; that’s close coordination should be achieved between the building of regular forces and regional forces, of forces “on the spot” and mobile force. This is a new development of our ancestral traditions in the organization of the nation’s armed forces”. (Giap, 1977a, p.232-33).

The people’s militia- guerrillas and self- defence squads- is made up of large forces of the toiling people at the grassroots level. Without getting divorced from production work, it is the instrument of the dictatorship of the people’s power at the base. Set up in hamlets and villages, factories, street, etc., to meet the needs of

combat and the characteristics of each region, those forces form a vast network which covers the whole country; they always stand ready to fight, and to fight well, with all appropriate weapons, both rudimentary and modern, and with highly effective methods, in this way they ensure the people's protection directly, safeguard and expand political bases, play their role as shock groups in production and supply good cadres and fighters to regional and regular forces.

The regional troops form the core of armed struggle in a given region. Set up in accordance with the requirements and real conditions of each battlefield and each region, they were equipped with the necessary weapons, capable of operating either alone in the region or in close coordination with guerrillas, partisans and regulars, and of fulfilling these missions: to annihilate the enemy, step up guerrilla warfare, defend the population, and safeguard the people's power.

The regular troops are the mobile forces which operate everywhere in the country or in certain given strategic areas. They include various armies and armed services, essentially a land army of adequate strength, an air force and a navy in appropriate ratio. They had high combativeness and constitute real fist of steel; they were capable of waging large-scale annihilation battles and deal the enemy hard blows: Once involved in combat, they would liquidate big enemy units and bring about important changes in various theatres of operations.

Vo Nguyen Giap pointed out the advantages of organizing the armed force into three categories that

“The coordination between the regular forces, the regional forces and the militia and guerrilla forces, between regular war and guerrilla war is an outstanding feature of a people's war making it possible to mobilize the entire peoples against the enemy, and to use the added power of fighting a just war, the liberation war, on one's own territory. It prevented a professional army with a large number of

troops and modern equipment from waging a classical war and making the most of its strength and capabilities. The aggressors had to deal not only with the revolutionary army but also with an entire people who had risen up to join their revolutionary armed forces in a resolute resistance in all fields. The aggressor troops were submerged in the ocean of the people's war. They faced a war without front line and without rear, with a battlefield which was nowhere and everywhere. The inherent contradictions of all aggressive wars, between dispersal and concentration, occupation and mobility, further deepened. The large aggressive army, well-equipped with modern arms, became ineffective. Not only were they unable to destroy the people's armed forces, but in addition they were increasingly decimated and were finally defeated by three categories of the people's armed forces supported by the entire people." (Giap, 1977b, p.411)

The way North Vietnam organized its armed forces was in violation of the law of war. The law of war requires that each person must take a single identity. It means that a person can only be either combatant or civilian, non-combatant. Nobody can be both combatant and non-combatant at the same time. Because civilian non-combatants have the right to immunity and they are not allowed to participate directly in war fighting. While combatant can participate in war but they lost the immunity right as civilian.

In North Vietnam's three types of forces, the militia and self-defence forces do not take single identity. In Vietnamese they were called Dan Quan. Literally translated into English, it means Civilian Soldier forces. This force plays very important role both in North Vietnamese strategy and conduct during the war. But they are half civilian and half combatant. They are an armed force not detached from production. They take a direct part in production as well as in combat to defend production and defend lives and properties of the local population. Vo Nguyen Giap wrote that

“As an armed organization linked with production, being at the same time the army and the people, the militia and self-defense forces are not the regular armed forces and, as such, are to be distinguished from the main force and the regional army which are regular armed forces”.(Giap, 1977b, p.494)

The militia and self-defence forces are the broad armed forces of the masses giving a most concentrated and direct expression to the mass character of the military organization of the proletarian state. This is the armed force with the closest and most direct link with the political forces. Its combat strength directly stems from the force of the masses in the locality where it operates.

North Vietnam considered militia and self-defence forces as important as regular forces, it is one of the three categories of the people’s armed forces. North Vietnam emphasized that

“We must expand the militia and self-defence forces throughout the countryside and the towns, making them into a very big force with continuously improved quality and combat strength, suited to the all-round developments of our country in the building of socialism and to the ever higher combat requirement of the people’s war, a war to defend our socialist fatherland in the conditions of the present time” (Local People’s War in the Resistant War against America, 1996, p.493)

Thus, we can see that the North Vietnam’s military organization itself violated the laws of war as there is a type of forces- militia and self-defence forces, which do not take a single identity. This problem put law of war in the danger of non-applicability.

5.2.3 The law of war in the mode of conduct of North Vietnam's armed forces.

The most popular mode of conduct of North Vietnam military force in the war against America was the combination between guerrilla warfare and conventional warfare, and gradually advanced guerrilla war toward conventional war.

Following the line of Marxism-Leninism and national experience in the military strategy and armed force organization, North Vietnam mobilized people to participate in the fighting against America. North Vietnam armed forces was organized into three categories- the regular forces, the regional forces, and local militia or guerrilla force. With this military strategy and the form of organization, the most suitable and effective mode of fighting for North Vietnam was close combination between guerrilla warfare with conventional warfare. Vo Nguyen Giap wrote that

“Because we had a modern regular people's army and extensive forces of the masses, regular warfare and guerrilla warfare were from the beginning waged simultaneously and in close coordination” (Giap, 1977b, p.426).

Guerrilla warfare is the form of armed struggle of the large masses of people. The North Vietnam's military strategy was entire people up in arms. With this characteristic, Vietnamese people's war makes guerrilla warfare develop extensively, deeply, vigorously and multifariously. Using guerrilla fighting, the various popular strata and ethnic groups fight the enemy in their own localities, with their own weapons and means available, in all places and at all times. Hence guerrilla warfare develops a great strategic action by wearing down and destroying the enemy's forces, dispersing them to the utmost and upsetting their strategic

battle-array, while creating an advantageous strategic posture for regular armed forces, and protecting and tempering the revolutionary masses.

Not only is guerrilla warfare of great strategic importance, it has also a great revolutionary significance: it enables the revolutionary masses to start partial uprising and wrest back power at grassroots level.

However, North Vietnam well understood that guerrilla alone cannot succeed in driving away the America forces then stationed in the South Vietnam. Guerrilla must well- coordinate with conventional warfare and advance to conventional warfare.

Vo Nguyen Giap wrote that

“Guerrilla warfare must advance to regular warfare and the two must be closely coordinated. This is a general law of our protracted revolutionary war. The problem in the conduct of the war is to know when and where to turn guerrilla warfare into regular warfare, to co-ordinate them closely and appropriately in each period and on each battlefield so as to enable them to develop unceasingly and increase their strategic efficacy.” (Giap, 1977a, p.282).

So guerrilla warfare constituted the basis of regular warfare. Conventional warfare must always be closely co-ordinated with guerrilla warfare and foil all the enemy's efforts so as to help guerrilla warfare maintain and develop. Only when guerrilla warfare expands can regular warfare fully develop and progress.

With the emphasis on the guerrilla warfare as a part of its mode of conduct, North Vietnam again violated the law of war. As we have seen how the guerrilla war put great pressure on the law of war in the chapter II. In the North Vietnam's military strategy, guerrilla warfare played an essential part. We can see the importance of guerrilla warfare in the North Vietnam's military strategy debate

between North Vietnam's Minister of Defence Vo Nguyen Giap and Head of Political Bureau of North Vietnam's People Army in the South Vietnam Nguyen Chi Thanh in chapter IV. In their fighting during the war, guerrilla force usually failed to distinguish themselves from civilian. This would create great difficulties for the opponent to fight discriminately.

According to the book titled *"A Summary of Military Operations in the Resistant War against America from 1954 to 1975"* published by People's Army Publishing House in 2001, during the Vietnam war, North Vietnam carried out totally 39 big operations, and in every operation there was always the combination between the regular forces with militia and self-defence force. For example, in the An Lao Operation in December 1964, the North Vietnam's military Zone 5 used the forces of: Special force battalion 409, army battalion 93 and army battalion 95 of the regional forces, these regular army units were responsible for fighting against enemy in the main battle front. And the local militia and self-defence forces were used to deceive the enemy in diversionary direction and to fight the enemy when they withdraw.

Moreover, North Vietnam military manoeuvring had to rely on the using of militia and self-defence force. In some operations where the militia force was not strong enough, the military leaders of North Vietnam had to divide regular forces into small unit to act as the militia and self-defence force. Without militia and self-defence force, the regular armed force could not bring into full play their effectiveness. For example, in the Tay Ninh operation, in fighting America's Junction City operation, North Vietnam had to use regular armed forces as militia force. The battle area was in the west of Tay Ninh province, along the bank of the Vam Co river. The population in this area was small and scattered. Thus the militia

and self-defence forces were very weak. In order to counter the America's operation of Junction City, the army command centre of North Vietnam had to reorganize three guard battalions into self-defence unit (Summary of Operations in the resistant war against America from 1954 to 1975, 2001, p.177). These forces operated as local self-defence forces on the spot, and they operated very effectively.

This creativeness later was developed into military art:

“The typical military art of this operation was the successful applying people's war tactics in an area where little population lived and the militia and self-defence forces were very weak.” (Summary of operations in resistant war against America, 2001, p.170).

We can see that in the military strategy during the Vietnam war, North Vietnam heavily relied on the operation of guerrilla force. However, these forces usually failed to distinguished themselves from civilian. Thus, North Vietnam also violated the laws of war in its mode of conduct.

5.2.4 North Vietnam's treatment of the prisoner of war

North Vietnam's military strategy, army organization and the mode of conduct were not consistent with the basic principles of the laws of war, especially the principle of distinction between combatant and non-combatant. Regarding the treatment of American prisoners of war, North Vietnam did not consider the American prisoners or South Vietnam prisoners captured in the North Vietnam as prisoner of war according to the international laws of war. On 22nd April 1965, The General Department of Politics, Vietnamese People's Army issued an instruction no.11/CT-H regarding the way to deal with captured enemy combatant. The instruction read in full as follow:

“To avoid confusion and mistakes in handling with captured American pilots while they attacking the North and to implement correctly the guideline of our Party. Government, the General Department of Politics instruct that:

1 From now on, we will not call the enemy prisoners (both foreign and South Vietnam prisoners) the “prisoners”. The word “prisoner” will no longer be used in the propaganda. When explaining to them, we do not use the expression “the policy of tolerance toward prisoners”, so that they will not be able to rely on international humanitarian laws to refuse providing us with necessary information and insist on the treatment of POW.

We will call them captured enemy pilot, commandos....so that we will be able to treat them according to our laws.

2 Our policy to them is: No beating, no firing, no killing; Providing them with proper food; Treating the wounded; However, we are strict and highly cautious with them and at the same time we should re-educate them.

3 When capture anyone, people must inform their senior immediately. After capturing, people should search carefully and collect all the evidence, especially map and papers, to prevent the enemy from destroying these stuffs or being lost.

4 After capturing, only army officers, militias or public security officers (those who have the responsibility of detaining and escorting) have right to contact with the captured ones.

5 The quarantine and escorting should be done very carefully in secret and safety. We should be vigilant against the case that they would escape or be rescued or killed by the enemy forces.

6 We should bury carefully those died and mark the place of burying. The evidence, documents and personal stuffs of the death must be sent to General Department of Politics.” (General Department of Politics, The Work of Civilian Mobilisation and Special Propaganda in Vietnam People’s Army, p.342)

We can see clearly that North Vietnam do not want to be constrained by the international laws of war. Though North Vietnam always emphasized that captured

enemy combatants were to be treated humanely, it did not call them POW. North Vietnam wanted to treat the captured enemy combatant according to its own laws.

From the above discussion, we can see that, though North Vietnam had been signatory of 1949 Geneva Conventions, international law of war played no important role in the North Vietnam's military strategy making process. On the contrary, Marxism-Leninism on war and military and Vietnamese experience in fighting against foreign aggression had strong influence in the military strategy, the organization and the way of conduct of the North Vietnam during the war.

North Vietnam official documents always attributed the success in the war to only two factors: creative application of Marxism-Leninism military thoughts in the case of Vietnam and the inheritance and development of national experience of fighting against foreign aggression. Vo Nguyen Giap wrote that

“The creativeness of our party and people with respect to the arming of the revolutionary masses and building of the people's army springs from Marxist-Leninist thesis on military organization by the proletariat and the continuation and development of our ancestor's experience on building armed forces. Our party has closely combined modern proletarian military science with our own original national tradition, correctly applied this science and this experience to the realities of our people's struggle in the new circumstances and historical conditions of our era.” (Giap, 1977b, p.449).

In North Vietnam official perspective, the success of the Vietnamese side in the war was attributed to the Vietnam Communist Party's creativeness in applying the Marxism-Leninism military thoughts in the specific case of Vietnam and the Party's inheritance and development of the tradition of people's war against foreign aggressors in the past. Vo Nguyen Giap, the Minister of Defense of North Vietnam during the Vietnam war, wrote that:

“This success (in the fight against the Japanese fascists, French colonialist, and US imperialist) is possible because our party has mastered the full theory of Marxism-Leninism on military organization in armed uprising and revolutionary war, because it has inherited and brought to a new level our people’s tradition of nation-wide resistance and experience in organizing the armed forces during national insurrections and national wars in former times and because it has selectively learned from the experience of the world people. Our Party has creatively applied such theory and experience to the practice of insurrection and war in our country that is to the condition of a small country facing the strong forces of aggression of imperialism and colonialism, with a view to achieving the goals of our revolution set forth by our party.” (Giap, 1977b, p.315-316)

In every respect of the North Vietnam’s military strategy, it is the combination of application of Marxism-Leninism military thought and national tradition of fighting against foreign aggression that result in success. Also Vo Nguyen Giap wrote that

“Creatively applying Marxism-Leninism to the specific conditions of the revolutionary in our country, inheriting and developing the national tradition of glorious struggle against foreign aggression, our Party and our people have brought armed uprising and revolutionary war to a new level of development, and have given it a new content and a new quality, as regards political aims, as regards the forces involved and methods of struggle, and on account of its extremely great offensive power” (Giap, 1977b, p.378)

And in terms of organizing the force, Giap wrote that

“With regard to the forms of organization of the forces, our Party has creatively applied the Marxist-Leninist thesis on the military organization of the proletariat and inherited and develop the national experience of the past in organizing the armed forces” (Giap, 1977b, p.385).

Due to the strong influence of Marxism-Leninism and Vietnamese national experience and the limited role of the law of war in the military strategy making process and actual conduct, the central principles of the law of war was not properly observed. Firstly, North Vietnam violated the principle of distinction between combatant and non-combatant. North Vietnam military strategy did not distinguish the North Vietnam's armed forces from civilian. They call on all people to participate in the war and also organise a militia and self-defence forces, which is both civilian and combatant at the same time, as one in three types of forces. In its mode of conduct, North Vietnam encouraged and actually relied heavily on the mode of guerrilla warfare. And North Vietnam also encouraged its armed forces and people to use all means available to fight against America, ignoring the principle of military necessary. With these characteristics, we can see that North Vietnam's military strategy war was not consistent with the law of war.

5.3 North Vietnam's rule of engagement in military conduct

In relations with Vietnamese civilian population, North Vietnam armed forces followed very strict rule of engagement. North Vietnam always stressed the importance of the people's war with the participation of the whole population in fighting enemy. In North Vietnam's military strategy of people's war, winning the support of civilian population is vital to armed forces, not only for the armed forces to fight enemy but also for them to sustain. Thus since its foundation, People's Army of Vietnam was trained very carefully about the rules and principles in dealing with civilian population.

First and foremost, every member of armed forces has to be faithful to the Ten Swears of People's Army. The People's Army of Vietnam was founded on 22nd December 1944. Before the foundation ceremony, General Vo Nguyen Giap,

General Command of People's Army of Vietnam, had composed Ten Swears of People's Army Officer. During the foundation ceremony, every participant had to read aloud these swears. In the Ten Swears, the swear no.9 is one of the most important ones, dealing with the relationship between people's army with civilian population. The swear no.9 read as follow:

No. 9: Strictly follow these dos and don'ts in relations with people

- Three "dos": Respect people, Help people and Protect people

- Three "don'ts": Steal from people. Intimidate people, and Pester people.

To win the love and trust in people toward army, fulfil the motto army and people unites in one determination to kill enemy and save the country.

(Ten Swears of Vietnamese People's Army)

These Ten Swears are now still in force. Every people's army officer, in active or reserve, have to learn by heart and strictly follow these swears. In any flag saluting ceremony, all officers have to shout out loud together these swears. The Ten Swears remain the same during the resistance wars against French colony and America. After the war, there was a slight change in the swear no.9 as follow:

No. 9: Strictly follow these dos and don'ts in relations with people

- Three "dos": Respect people, Help people and Protect people

- Three "don'ts": Steal from people, Intimidate people, and Pester people.

To win the love and trust in people toward army, fulfil the motto army and people unites in one determination.

(Ten Swears of Vietnamese People's Army)

Beside the Ten Swears, People's Army of Vietnam has its own specific discipline in relations with people. Every Vietnamese People's Army Officer has to follow Twelve Disciplines of Army Officers in relations with people. These

disciplines were also promulgated very early. Three years after the formation of Vietnam People's army, in the nationwide conference of the political commissariat from 14th to 16th February 1947, the army leaders set out Twelve Disciplines regarding the relations with people as follow:

1 Never steal anything, even the needle and thread, from people.

2 Purchasing with people must be fair.

3 Asking for permission before borrowing anything from people, returning to people after use, compensating if break or lost.

4 No pestering people when stay at their houses, keeping people's house and garden clean and tidy.

5 Strictly obeying the ethnic policy, respect for the freedom of belief and customs and habits

6 Closely uniting with people, respecting the old, loving children and being polite toward woman

7 No intimidating or abusing people

8 Protecting facilities of the collective and state

9 Uniting, respecting and supporting organizations of local people, local party branches and local armed forces.

10 Making example of following the guidelines, policy of the Party and laws of the State.

11 Actively doing propaganda, mobilising and helping people to carry out the guidelines, policy of the Party and laws of the State.

12 Keeping the army's secrets and mobilising people to keep the state's and army's secrets.

(History of Department of civilian mobilisation. 2007, p.45)

In the resistant war against French colony or the first Indochina war. there was also the Ten Disciplines of Saving Country Army. These disciplines applied to the guerrilla forces in its early days.

- 1 Fully obey military orders
- 2 Never steal anything, even needles or thread, from people
- 3 Purchasing with people must be fair
- 4 Never take the public assets as private assets
- 5 Behave well
- 6 When stay in people's house. keep their houses and gardens tidy
- 7 Return after borrowing anything from people
- 8 Compensating if break anything of people
- 9 No bathing in front of woman
- 10 Say no to alcohol, gamble and drug

(History of Vietnamese People's Army, 2003, p.67).

We can see that in relations with civilian population, North Vietnamese armed forces have their own rule of engagement. People's Army of Vietnam has to follow strictly many rules, disciplines when contact with people. These rules of engagement not come out of the fidelity to the laws of war but out of the very basic demand of the army-the survival. Without the support from civilian population. North Vietnam's armed forces could not sustain. let alone fought against such an enemy like America.

Moreover, North Vietnam leaders always stressed and taught the people's armed force to respect people, protect people and behave well toward people to win their love and support. In the National Conference of Guerrillas and Local Force on

24th May 1947, president Ho Chi Minh gave an address that called for the respect toward people:

“Guerrilla, safeguard and local forces are the forces of the people, the force of champion, the iron wall of the father land. However strong and aggressive it is, the enemy will be the looser if encounter that wall. (...). However, we should never be arrogant. Instead, we must follow these disciplines:

1 Soldiers must share all the burden as well as the sweet thing, strictly obey the disciplines, train hard, keep secrets, be calm in front of the enemy as there is no enemy at all, patrol seriously when far away from the enemy as if the enemy is nearby.

2 In relations with people, soldiers must protect people, help people, win the heart and mind and the respect of people

(...)

4 In relations with enemy, soldiers must be determined, brave, well planned, and compete each other in the killing of enemy soldiers and grab their weapons. However, we must treat the prisoner of war humanly”. (Ho Chi Minh, 1995, Selected works, Vol. 5, p.132-133)

General Vo Nguyen Giap, in his thesis *“To arm the revolutionary masses, to build the people’s army”*, wrote that:

“With regard to the people, our officers and men serve, respect and help them with devotion, fight selflessly to defend the people’s interests, and strictly respect the discipline of the masses.” (Giap, 1977b, p.473).

North Vietnam’s emphasis on the relations between armed forces and civilian was also reflected in its actual conduct during the war. North Vietnam’s rule of engagement in the fighting is that soldiers must try their best to protect civilian lives and assets and minimize civilian casualties even if they had to accept more harm to themselves. In actual war fighting, we can see many times the army tried their best

to protect civilian, and were willing to accept more harm to themselves. It is true that North Vietnam People's Army used of civilian support in their battle preparation and fighting. However, North Vietnam Army leaders always tried their best to send the civilian out of the battle area before actual fighting broke out. This is especially true when the North Vietnam took the initiative and ambushed the enemy in the village or dense population area. The veteran soldiers I met and interviewed during my field trip to Vietnam told me that: in battle, ordinary soldier was not informed of the exact time of starting the battle beforehand. However, they always knew almost exactly when the battle was to start. Because, shortly before starting any battle, the civilian supporters were always asked to leave. So there is a rule that: when the civilian supporters left, the battle was about to start. And all they need to do were to get themselves ready and waited for the order from higher officers. One example was the battle of Ap Bac, in January 1963. Ap Bac was a small village in My Tho province, about 40 km in South of Saigon. Ap Bac was the first battle that the Vietcong guerrilla forces defeated South Vietnam's regular army with the strong support of American military equipment and firepower such as helicopter and armoured vehicles M113. In this battle, the Viet Cong guerrilla forces with the command by North Vietnam trained military leaders, set the defence battle and waiting for South Vietnam armed forces to attack at the Ap Bac villages. During the battle preparation time, many local civilians helped the armed forces in digging tunnels, digging personal fighting position, preparing foods....However, before the battle started, the Viet Cong forces had brought all the civilians out of the village. During the battle, no civilian was allowed in the battle area. The book "*History of the Department of Civilian Mobilisation from 1947 to 2007*" describes that:

“Before the fighting broke out, the elderly, woman and children, who currently living in the village, were sent out to safe area. Few hours later, the enemy approach our ambush area”. (2007, p.192)

In this battle, the Viet Cong won, opening a turning point in the war. After Ap Bac, Viet Cong force became more confident that they was fully able to defeat the Sai Gon armed forces even if they got a lot of support from America.

Another example is the ambush battle in Gia HUU commune, Chuong Hoa district, Binh Dinh province in January 1966. In early 1965, America, facing with the possibility of losing the war, Johnson decided to send American troops in South Vietnam to bear the direct fighting tasks. North Vietnam did expect that America might send troops in South Vietnam but was still surprise with the pace and scale of troops sent in. The book “*History of the resistant war against America to save the country*” wrote that

“That Johnson administration sent American troops and troops from America’s allied countries into South Vietnam to carry out the fighting tasks in the war did not make our party and leadership surprise. However, what made us surprise was the pace and the number that American troops were brought in. Within 8 months, 200,000 American and allied troops heavily equipped were present in South Vietnam soil.” (1999, Volume 4, p.31).

North Vietnam was well aware that America was very powerful and was uncertain how to fight against its forces. However, North Vietnam leaders determined that they would find the way to defeat American armed forces sooner or later. In May 1965, the Central Office of South Vietnam had a meeting to reaffirm the determination to fight against America. In the meeting, general Nguyen Chi Thanh stated that “Let’s fight American forces, and we will find the way to defeat them” (History of the resistant war against America to save the country, Volume 4, 1999, p.40). Thus, North Vietnamese military leaders organized a series of battle in

late 1965 to test the strength and find out the way to defeat America. American forces suffered some losses in this first round of fighting in part due to unfamiliarity with the terrain, and in part due to the weather, which was in rainy season that America could not make full use of their advanced weapons and military equipment.

In early 1966, America started counter-offensive in most part of South Vietnam. Battle of Gia HUU, Chung Hoa was a battle in Binh Dinh province, in which America forces attacked a stronghold of Vietcong forces. American forces did not know the exact position of North Vietnam and Vietcong forces, they forced the civilians in nearby village to go in front, using these civilian people as human shield. North Vietnam and Vietcong forces were organising the ambush. However, Vietcong soldiers were ordered not to shoot at civilian. Instead, they fired in the sky to let the civilian peoples know that there was ambush and run away. This act also revealed the ambush position of the People's Army and stripped the People's Army off the factor of sudden. But North Vietnam army chose to do that to protect the life of civilians, even though they knew that this would harm their battle fighting. The book "*History of the war against America to save our country*" wrote that

"An America battalion and two battalions of South Vietnam army forced people to go ahead of them, made them human shield. In order to protect civilian people, our soldiers were ordered to fire in the sky so people can run back out of the battle field. Then we fired at the enemy as normal" (History of the war against America to save our country, vol. 4, p.94)

Or in the battle of Van Tuong in 1965, the North Vietnam military forces, although they were surprise by the time of the attack, tried to move all civilian out of battlefield before the fighting broke out. The book "*Summary of military campaigns in the resistant war against America 1954-1975*" wrote that

“At night 17th August, 1965, five America warships and six landing ship from the sea near An Cuong village, suddenly fired into the population area. Judging that the enemy fired to prepare for landing, our armed forces quickly move the elderly, woman, children out of battle field and repair tunnel and get ready for fighting against enemy.” (Summary of military campaigns in the resistant war against America 1954-1975, p.44).

These were only three among many examples that Vietnamese forces tried their best to protect civilian people during fighting and were willing to accept more harm to themselves in order to protect civilian.

So, in conclusion, North Vietnam military strategy and conduct during the war were strongly influenced by the Marxism-Leninism military thoughts and Vietnamese national experience in fighting foreign aggression. The laws of war played no important role in North Vietnam’s military strategy making process. However, North Vietnam armed forces had its own very strict rule of engagement in relations with civilian people in everyday life as well as in war fighting. In everyday life, the Vietnam People’s Army had to behave well with the people, strictly abide by the 10 Swears of the Army and 12 Disciplines of the Army in relations with people and other rules. In actual war fighting, armed forces first tried to remove civilian out of battle field and then tried their best to protect people and minimize civilian casualties, even if they had to accept more harm to themselves.

Chapter VI: North Vietnam's perspective on the cause and justness of its war against America and the way it won support of Vietnamese civilian population.

The previous chapters show that North Vietnam was a party to the 1949 Geneva Conventions and the international laws of armed conflict did apply in the case of the Vietnam War. We also learn that North Vietnam's military strategy in the war was not in conformity with the laws of war because it failed to distinguish North Vietnamese armed forces combatant from civilian non-combatants. The military strategy of people's war, which did not distinguish between soldier and civilian, put Vietnamese civilian population at risk. Then the next questions should be asked are: What was North Vietnam's perspective on the justness of its war against America? How did North Vietnam persuade its people to accept its way of war and win support of the civilian population for its war effort? This chapter will answer these questions. In the first part of the chapter, I will present the North Vietnam's perspective on the cause and justness of its war against America and then I will use the traditional *ad bellum* criteria (e.g. just cause, last resort etc) to say how it was justified. Then in the second part, I will focus on the work of the Department of Civilian Mobilisation of the People's Army of Vietnam, which helped PAVN and Vietcong to win and maintain the support from civilian population during the war.

6.1 North Vietnam's perspective on the cause of the Vietnam war and the justness of the Vietnamese side of the war

6.1.1 The North Vietnam's perspective on the cause and justness of its war against America

Writing about the Vietnam War, many authors were struck by a very fundamental and, ironically, disputable question: Why did the United States commit a half of a million troops in a small country in Asia, which is a half of globe away. Many authors tried to give the answer such as Lloyd Gardner (*Approaching Vietnam*), George McT. Kahin (*Intervention*), Arthur Schlesinger (*The Bitter Heritage: Vietnam and American Democracy, 1941-1966*), Anthony Short (*The Origins of the Vietnam War*) etc. However, all these answers only reflect the America thinking. No Western authors ever wrote about how the Vietnamese Communists viewed the causes and the justness of their war. This might be the result of difficult access to the Vietnamese archive about the war. David W.P. Elliot wrote that

“The works on Hanoi's strategy have usually been written by and for specialists on Vietnam and have only infrequently reached out to diplomatic historians, who study U.S decision making in the Vietnam conflict. Vietnam's own writings on the history of the conflict have generally been accessible only to specialists on Vietnam” (1993, p.67).

This chapter will fill in that literature gap by presenting the Vietnamese official perception of the cause, the nature and the characteristic of the war. This will be draw from the Vietnamese sources such as the 7 volumes of “*History of the resistant war against America to save the country*”, published by People's Army Publishing House in 1997, Vietnam Communist Party's archive, and Party's Documents recently published etc.

According to Vietnamese official view, Vietnam is situated in a strategic geographical position in Asia Pacific and during its history, Vietnam faced many

foreign aggressions. Vietnam is on the maritime trade line from the West to the East, on the connection between Indian Ocean and Pacific Ocean. Vietnam is the foremost point of the continental South East Asia. Spencer Tucker (1999) wrote "as a crossroads of Asia, Vietnam was destined for a stormy history" (p.2).

In modern time, Vietnamese believed that, with its strategic position, it is an area for which both Communist bloc and Capitalist bloc competed. If the Soviet leaders want to spread Communism to South East Asia, they would need the support of Vietnam. Also, if the US wanted to stop the Communism expansion into South East Asia and even South Asia, they would need to put a hedge in Vietnam. As Vo Nguyen Giap, a leading Vietnamese military general and strategist wrote that

"Our people stand in the vanguard of the world's people fighting against imperialism headed by America imperialism. A member of the socialist camp, the Democratic Republic of Vietnam is also its forward post in Southeast Asia" (Vo Nguyen Giap, 1977a, p.256)

Vietnamese leaders strongly believed that Vietnam enjoy a strategically important position in the America grand strategy of Communism containment. The book "*History of People's Army of Vietnam*" published by The Institute of History of People's Army (2003) wrote that

"Vietnam is considered being a strategically important position in the frontline of the America's global strategy of Containment" (p.232).

After the World War II, the allied country, though victorious, were heavily destroyed except the America. German, Italia and Japan lost the war and were even more seriously destroyed. Soviet Union made great contribution to defeating fascism and was also devastated heavily. In that context, the United States became the most powerful country in the world. It was the "only economic superpower after World War II" (History of Vietnamese People's Army, 2003 p.231). As the only

super power, the strongest country after the WW II, the United States initiated and implemented the grand strategy of Containment, spearheaded at the Soviet Union and other Communist countries. The aim of the strategy Containment was to prevent any further expansion of Communism. After the victory of communist China in 1949, the United States feared that the Communism would spread all over Asia. According to domino theory, if the whole Vietnam fell into the Communism, then South East Asia and even India would follow to be Communist countries. As early as September 1951, the French General Jean de Lattre de Tassigny spoke in Washington that "Once Tonkin is lost, there is no barrier until Suez" (Tucker. 1999, p.48).

Thus, Vietnamese leadership believed that in the America strategic point of view, Indochina and specifically Vietnam had an important strategic position in the grand global Containment strategy. So, one reason for the US to intervene in Vietnam was due to its geographical position which is very important in the America's global strategy in containing the spread communism.

However, the main cause of the war, in the Vietnamese perspective was that the United States "did not take into account the age old burning aspiration of the Vietnamese for freedom and self-determination" and "wrong U.S perception that identified many post war liberation movements with communism" (Tran Van Tra, 1993, p.233).

During the later phase of the first Indochina war, the United States wanted the French to continue fighting to keep the Indochina countries out of the orbit of Communist countries. Thus the United States increased material assistance for France to continue the war. According to the sources of Vietnamese people's army history, the United States assistance for France accounted for 78% of the war expenditure. However, despite receiving great support and assistance from the

United States, the France was not able to continue the war for long. After French was defeated in the battle of Dien Bien Phu, an international conference was held in Geneva to end the war. The Indochina phase of the Geneva Conference was convened on May 8th 1954 with the participation of the Soviet Union, France, Britain, America, Laos, Cambodia, the Democratic Republic of Vietnam, the State of Vietnam, and the People's Republic of China. The Geneva conference concluded an Agreement on the Cessation of Hostilities in Vietnam, signed on July 20, 1954 by the Commander-in-Chief of the French Union Forces in Indochina, Brigadier-General Deteil and the Commander-in-Chief of the People's Army in Vietnam, Vice Minister of National Defence, Ta Quang Buu. The Geneva Conference also adopted a Final Declaration endorsing the main points of the Agreements on the Cessation of Hostilities in Vietnam. The Final Declaration was not signed but accepted orally by Britain, France, the Soviet Union, the Chinese People's Republic and the Democratic Republic of Vietnam. The Final Declaration was not accepted by the United States and the State of Vietnam. However, the State of Vietnam declared that it would not use force to resist the cease-fire, and that it "would make and support every effort to re-establish a real and lasting peace in Vietnam" (Partan, 1968, p.205).

The Agreement declared the complete cessation of the hostilities throughout Vietnam and the 17th parallel was taken as a "provisional military demarcation line". The forces of French Union "shall be regrouped" to the South of the provisional military demarcation line and the forces of People's Army of Vietnam shall be regrouped to the North of the provisional military demarcation line. (Agreement articles 1-15 and Final Declaration paragraph 1-2).

The Agreement also mentioned the arrangement for future of Vietnam

“Pending the general elections which will bring about the unification of Vietnam, the conduct of civil administration in each regrouping zone shall be in the hands of the party whose forces are to be regrouped there in virtue of the present Agreement” (Article 14 (a)).

Paragraph 7 of the Final Declaration endorsed this point that

“The Conference declares that, so far as Vietnam is concerned, the settlement of political problems, affected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general election by secret ballot. In order to ensure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will, general elections shall be held in July 1956, under the supervision of an international commission composed of representatives of the member states of the International Supervisory Commission, referred to in the agreement on the cessation of hostilities. Consultations will be held on this subject between the competent representative authorities of the two zones from 20 July onwards” (Final Declaration, paragraph 7).

The result of the Geneva Conference could not be totally satisfactory to Vietminh-the alliance forces under leadership of Vietnamese Communist Party had just defeated French forces in Dien Bien Phu. However, if the Agreements were strictly abided by all parties, the result was acceptable as it was suitable to the majority Vietnamese population's desire of peace and national reunification (Asselin, 2007 & 2011). As Tra (1993) pointed out that

“The wish of Vietnamese people is peace, national independence and unity, general welfare and happiness”. (p.235)

However, South Vietnam government declared that it was not bound by the Geneva Agreements because it did not sign or orally accept the Final Declaration.

And America also supported this position of the South Vietnam. Charles Chaumont wrote that

“On August 9th, 1955, Ngo Dinh Diem declared that his Government did not consider that it was bound in any way by the Geneva Agreements, to which it had not be a signatory, and the United States, through the voice of Mr. Foster Dulles, affirmed their agreement with the Diem Government” (Chaumont, 1969, p.133).

According to Vietnamese people’s army history, Vietnamese leaders interpreted this move of the South Vietnam and the United States as its effort to prevent the revolution of Vietnamese people.

“The aim of the United States administration was to check the further expansion of communism in Asia and Vietnam was chosen to test the United States global strategy. The United States strategic objectives in Vietnam are:

- To repress Vietnamese revolution and permanently divide Vietnam into two countries with South Vietnam become an independent non-communist country fall in the orbit of capitalist bloc.
- To push back Communism in Indochina and South East Asia.
- To circle and deter communism and revolution movement in Asia and then destroy this movement”. (The History of Vietnamese people’s army, 2003, p233.)

Thus, in the view of Vietnamese leaders the United States’ engagement in Vietnam was a part of its global strategy and ambition. America ignored the legitimate aspiration of Vietnamese people to self-determination and peaceful reunification. Vietnam was just the victim of the America’s global strategy. As General Tran Van Tra, a high ranking Vietnamese military official who was responsible for the insurgency in the South Vietnam during the war, concluded that

“Vietnam, a small, poor and backward country, ruled by France for nearly hundred years, now became the victim of the Cold war.” (Tran Van Tra, 1993, p.234).

Accusing America of aggression, the Vietnamese leaders hold that their war was the war of national liberation. The North Vietnam did not cause the war, it was forced to fight the war to drive the foreign invaders out of its country, to gain national independence and reunification.

The book "History of People's Army" wrote that

"On the America side, lasting for more than 21 years, this war was in fact the invasion of America's neo-colonialism, which was camouflaged under the pretext of "nationalism" by the South Vietnam government. On the side of Vietnamese people, this is legitimate war to gain and to safeguard the national independence and unification, a legitimate desire of any nation or people in the world." (History of Vietnamese People's Army. 2003, p.265).

Recently, in the talk with President Clinton in his visit to Hanoi in 2000, the then Vietnamese Communist Party General Secretary Le Kha Phieu said that

"I agree with you that we should not forget the past, we cannot redo the past. But the important thing is to understand it correctly, in particular here, to understand the nature of our resistance war against invasion.... The resistance war against America brought the Vietnamese people independence and reunification to advance country to socialism" (Vietnamese Embassy in the US website, accessed on December 16th 2009).

In the South Vietnam, the United States created a puppet government and carried out the subjugation of Vietnamese people through the puppet government. The United States also brought its armed forces in the South Vietnam to fight against the Vietnamese people and the liberation forces. The main task of the revolutionary armed forces of Vietnamese people in the South Vietnam was to drive America's armed force away and liberate the country. So the war in the South was the national liberation war.

In the North Vietnam, the war embedded the nature of safeguarding the national father land. The America did not bring its troops to the North Vietnam. They carried out the war against North Vietnam by their air force and using navy to block the Vietnamese sea ports. The America used air force to destroy North Vietnam's infrastructure and facilities in order to prevent and stop its effort to assist South Vietnam in the liberation war. The main task of North Vietnam armed force was to fight against America air force and safeguard the country.

So, on the whole, the Vietnamese considered their war against America was the war of national liberation. The aim of that war was to gain national independence and to reunite the country.

Vietnamese leaders also view their war as an integral part of the world revolutionary movement against imperialism. The war in Vietnam got the support from the world revolution movement, especially the socialist camp, and also it would contribute to the world struggle against imperialism. General Giap wrote that

“The Vietnamese revolution is part and parcel of the world revolution and is closely bound up with the revolutionary movement of the world's peoples”

And that

“Our people stand in the vanguard of the world's people fighting against imperialism headed by America imperialism. A member of the socialist camp, the Democratic Republic of Vietnam is also its forward post in Southeast Asia” (Vo Nguyen Giap, 1977a, p.256 & 272)

So, in their view, North Vietnam considered its war against America was both the national liberation war and an integral part of the international struggle against imperialism led by America.

With this perception in mind, North Vietnam leaders, who follow the Marxism-Leninism on war and army, hold that their war was just. General Giap himself wrote that

“Our war is a just war- a war for national liberation or a war for national defence- waged against an unjust and aggressive imperialism and aimed at implementing the political line of the Party and achieving the goals of the revolution in the interests of the Vietnamese people and nation and for the sake of world revolution” (Vo Nguyen Giap, 1977a, p.214).

Vietnam Communist Party adopted the Marxism-Leninism on war and army for their military line in the resistance war against America. According to Greg Lockhart (1989)

“Under the specific circumstances of the Vietnamese revolution, the ideology of Marxist-Leninist internationalism was the only one to define successfully the force of the nation” (p.4).

The North Vietnamese leaders judged the justness of their war under the light of Marxism-Leninism. As Marxism-Leninism pointed out that

“Any war that is waged by a people for the sake of freedom and social progress, for liberation from exploitation and national oppression or in defence of its state sovereignty, against an aggressive attack, is just war.” (Marxism-Leninism on war and army, Moscow, 1972, p.87).

So for the Vietnamese leaders, their war is just. And according to the Lenin theory of “absolute war”, when their war is just, there is no restraint in the war. This is the war against absolute enemy. General Giap wrote that

‘With an appropriate mode of conduct of the war and military art, the Vietnamese people have won great victories, brilliantly materialising this profound thought expressed by Engels 120 years ago “A people eager to wrest back independence should not confine themselves to routine modes of war prosecution. Mass insurrection, revolutionary warfare, ubiquitous guerrilla

detachments, such is the only method which makes it possible for a small nation to beat a bigger one, a weaker army to resist a stronger and better organized” (Giap, 1977a, p.294).

However, there are authors criticized this position of North Vietnam. They argued that South Vietnam was not bound by the Geneva Agreements and South Vietnam government did not have the obligations of consult with the North counterpart to hold the general election in July 1956 as regulated in the Final Declaration. There were in reality two Vietnams, North Vietnam and South Vietnam has become two separate international entities and North Vietnam waged an aggression war against South Vietnam. The following part will investigate these arguments.

** Firstly, was South Vietnam bound by Geneva Agreements?*

In North Vietnam’s perspective, though the State of Vietnam refused to accept the Final Declaration at Geneva Conference, the Republic of Vietnam should be considered to be bound by the Geneva accords. However, there is counter-arguments that South Vietnam was not bound by Geneva Agreement, more specifically South Vietnam did not have the obligation to cooperate with the North Vietnam to hold general election to reunify the country. For example John Norton Moore wrote that

“For the State of Vietnam objected and refused to be bound by the agreements prior to Geneva, at Geneva, and after Geneva, a position which was certainly clear to all of the participants at the Conference....The consistent position of the Republic of Vietnam was that it was not bound by the provision of the Accords other than to refrain from disturbing the cease-fire by force, and specifically lend credence to its position that it was not bound by the election provisions of the Accords.” (Moore, 1968, p.260).

Or in the United States' Department of State's "Legality of the United States Participation in the Defense of Vietnam". the Office of Legal Adviser wrote that

"As indicated earlier, South Vietnam did not sign the cease-fire agreement of 1954, nor did it adhere to the Final Declaration of the Geneva Conference. The South Vietnamese Government at that time gave notice of its objection in particular to the election provisions of the Accord" (1966, p.1099).

However, there was a strong argument that South Vietnam should be considered to be bound by the Geneva Accords due to its succession of responsibilities from France. At the Geneva conference, the State of Vietnam was a member of the French Union, and it was France that was ultimately responsible for the foreign affairs of the State of Vietnam. Although the State of Vietnam declined to accept the Final Declaration at the conference, France did. When France withdrew from Indochina, it transferred its full control to the State of Vietnam, which then became Republic of Vietnam on 26th October, 1955. Then, the Republic of Vietnam should carry with it the responsibilities of France when it accepted the Final Declaration at Geneva Convention. This is the arguments of Daniel Partan in his 1968 article entitled "*Legal aspect of the Vietnam conflict*". Partan pointed out three points "reasonable beyond controversy" that should be considered when decided whether South Vietnam should be bound by the Geneva Accord or not. He wrote that:

"First, the provision quoted from the Agreement on the Cessation of Hostilities in Vietnam and from the Final Declaration of the Geneva Conference demonstrate that the Conference understood that the French would be leaving Vietnam, and apparently contemplated that the provisions of these agreements could be carried out in South Vietnam by the successors to the French authorities. Second, the unilateral declaration by the State of Vietnam demonstrate that although Saigon government did not wish to accept the letter of

the Geneva Agreements, it intended to accept the cease-fire and to co-operate with efforts to achieve a peaceful settlement. Third, assuming that at the time of the Geneva Conference the French had the authority under international law to determine the international relations of the State of Vietnam, the objections expressed by the Saigon Government ought not to suffice to relieve it of whatever obligation it might not have as a successor state to carry out arrangements made by French. If protest alone could avoid responsibility, there would be little reality to the obligations the a successor state under international law.” (Partan, 1968, p.211)

Then he concluded that

“Considering the purpose of the Geneva Agreements was to bring an end to hostilities so that the political future of the area could be decided by a process of self-determination through general elections, and that this purpose is in accord with the aims of the world community as expressed in the United Nations Charter, it would make better sense to regard the obligations of the Geneva Agreements as the type of obligations that devolve upon successor states than to permit a successor state to avoid these obligations because it was not a party to the agreements”. (Partan, 1968, p.212).

This position was widely shared by other law scholars such as Eliot D. Hawkins, Quincy Wright, F.B. Schick... and even the International Commission for Supervision and Control in Vietnam established by the Agreement on the Cessation of Hostilities in Vietnam. For example, in his 1968 article entitled “*Legal aspect of the Vietnam situation*”, Quincy Wright wrote that

“Although the Government of the republic of Vietnam (Bao Dai) was not a party to these agreements, France was, and the Diem government established in the Southern Zone as successor to France was bound by them” (Wright, 1968, p.283).

Or F.B. Schick in his article “*Legal Controversies over U.S Involvement in Vietnam*” wrote that

“The conclusion may be in order that these agreements are expressive of a general public interest of a large number of states in the restoration and the maintenance of international peace and security in the region previously known as Indo-China. In view of this general public interest in the restoration and maintenance of international peace and security, any government succeeding in this area the original signatories of the Geneva Agreements, although not a signatory of them, must be considered as being legally bound by the provision of these agreements” (Schick, 1969, p.200).

The International Commission for Supervision and Control in Vietnam, in its report in 1962, accused South Vietnam of violating article 16, 17 and 19 of the Geneva Agreements. This implicitly acknowledges that the Commission considered South Vietnam be bound by the agreements. The report wrote that

“Taking all the facts into consideration, and basing itself on its own observations and authorized statements made in the United States of America and the Republic of Vietnam, the Commission concludes that the republic of Vietnam has violated articles 16 and 17 of the Geneva Agreement in receiving the increased military aid from the United States of America in the absence of any established credit in its favor. The commission is also of the view that, though there may not be any formal military alliance between the Governments of the United States and the Republic of Vietnam, the establishment of a U.S Military Assistance Command in South Vietnam, as well as the introduction of a large number of U.S military personnel beyond the stated strength of the MAAG (Military Assistance Advisory Group), amount to a factual military alliance, which is prohibited under Article 19 of the Geneva Agreement” (Cited in Partan, 1968, p.208).

By accusing South Vietnam of violating Geneva Agreements, the International Commission for Supervision and Control in Vietnam actually considered that the South Vietnam government be bound by the agreements.

** Next question is that was South Vietnam justified in refusing to implement the election provision of the Geneva Accords?*

The America was of the view that South Vietnam was not bound by the Geneva Accords, so it was justified in rejecting to cooperate with North Vietnam in holding the general election to reunify the country. The Department of State in 1966 wrote in "Legality of the United States Participation in the Defense of Vietnam" that

"Even on the premise that these provisions were binding on South Vietnam, the South Vietnamese Government's failure to engage in consultations in 1955, with a view to holding election in 1956, involved no breach of obligation. The condition in North Vietnam during that were such as to make impossible any free and meaningful expression of popular will" (1966, p.1099).

However, Charles Chaumont persuasively argued that the condition in North Vietnam cannot be an excuse to block the general election before it happened. The American's support to Diem government to reject the election was "not only a breach of the engagement undertaken by the United States, but equally interference in the internal affairs of Vietnam" (1969, p.141). Charles Chaumont clearly pointed out that

"The arrangements set up at Geneva, therefore, should have been implemented. If in the event the elections might have seemed to have taken place in conditions open to criticism, or that circumstances at that time either materially prevented them or compromised the results, or if some of the results were contested, then, and only then, the countries which took part in the Geneva Conference, in conformity with Article 13 of the Final Declaration, could "consult one another...on such measures as may prove necessary to ensure that the agreements are respected.

Nothing in these documents, therefore, permits the United States to raise obstacles *in advance* to the process of elections as prescribed. It was *only after* the event

that, together with the other powers, they could study the situation if they believed it incompatible, not indeed with their own concept of elections, but with the Geneva Agreements” (1969, p.141).

Quincy Wright also argued that the fact that the situation in North Vietnam might be unfriendly with the free election was well-known to the members of Geneva conference, but these members still endorsed the general election with delay of two years time. Quincy Wright wrote that

“The conditions in Vietnam which might impair the freedom and fairness of elections were, however, well-known to the members of the Geneva Conference when they provided categorically for the holding of elections in July, 1956, for their supervision by the International Control Commission, and for consultation to prepare for them beginning on July 20, 1955. The delay of two years was “in order to ensure that sufficient progress in the restoration of peace has been made, and that all the necessary conditions obtain for free expression of the national will”. (1968, p.280).

So, we can see that, though the State of Vietnam did not accept the Final Declaration at Geneva Conference, the Republic of Vietnam still should be considered as to be bound by the agreements as it was successor of France, which accepted the agreement, and as for the general public interest in the restoration and maintenance of international peace and security. And that South Vietnam government, supported by America, refused to consult with North Vietnam to hold the general election was a violation of Geneva agreement and went against the will of the Vietnamese people.

** Was there one Vietnam or two Vietnams?*

To answer the question whether North Vietnam waged an aggression war against South Vietnam or not, we first answer the question whether Vietnam was a “single state” or “two states”. Contrary to North Vietnam’s claim, there were

authors argued that North Vietnam and South Vietnam were at least two de facto international entities. For example, Eliot D. Hawkins wrote that

“It is submitted that the actions taken within the international community toward and by North and South Vietnam at least since 1956 show substantial acceptance of a status of de facto statehood for both entities and have displaced the provisions of 1954 Accords which bear on statehood.” (Hawkins. 1968, p.177).

Or more clearly John Norton Moore wrote that

“Whether or not the Democratic Republic of Vietnam and the Republic of Vietnam are full-fledged de jure states under international law, and there are substantial expectations that they are, they are at least separate international entities with respect to the lawfulness of the use of force. In these circumstances the D.R.V may not unilaterally resort to force against the R.V.N consistent with the vital expectations of the peoples of the world about the preservation of minimum world public order and the minimization of destructive modes of change” (Moore. 1968, -.240).

However, in North Vietnam’s view, Vietnam was one state as always reaffirmed by Hanoi government.

“Vietnam is one, the Vietnamese people are one. The U.S imperialist having encroached on the territory of the Vietnamese fatherland, every Vietnamese is duty bound to fight against them for national salvation” (cited in Partan, 1968, p.221).

The Geneva Agreements clearly did not intend to permanent separation of Vietnam. Article 1 of the Agreement on the Cessation of Hostilities in Vietnam speaks of a “provisional military demarcation line” as the dividing line between North and South Vietnam. Paragraph 6 of the Final Declaration of the Geneva Conference states explicitly that “the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial

boundary". More clearly, in paragraph 11 and 12 of the Final Declaration, the countries accepting that Declaration pledged to respect "the sovereignty, the independence, the unity and the territorial integrity" of the state of Vietnam. So, at the Geneva conference, Vietnam was considered explicitly as a single state.

The United States refused to accept the Final Declaration, but in an unilateral statement, the U.S representative at the Geneva Conference, Mr. Bedell Smith, considered Vietnam as a "nations divided against their will" and declared that his government

"will refrain from the threat or the use of force to disturb the agreements" and having in addition "taken note" of the Agreements. (Cited in Chaumont, 1969, p.131).

South Vietnam government itself did not advocate the separation of North and South Vietnam. On the contrary, it viewed Vietnam as a single state. Partan pointed out that

"As to the republic of Vietnam, the Saigon government has not sought to repudiate the view that the entire area of Vietnam constitutes one state rather than two. To do so would mean a recognition of the partition, which the Saigon Government refused to do at Geneva, and at least an implicit recognition of the authority of Hanoi as the government of a separate State of North Vietnam. To the contrary, the position of the Republic of Vietnam has been that Hanoi is at most a de facto regime exercising control over North Vietnam by force. and that Vietnam remains a single divided state divided against its will" (Partan, 1968, p.217).

So there was no doubt that Vietnam was considered as a single state at the Geneva conference. Quincy Wright shared this idea and wrote that

"It seems clear that the Conference recognized Vietnam as one state and provided that it should be united by one government in 1956." (Wright, 1968, p.278).

And Charles Chaumont also agreed that

“There is single Vietnamese people, there is a single Vietnamese nation; and the movements of the population and forces taking place from North to South and from south to North are movements within this people and this nation, whose profound unity cannot be abolished by a decision from without” (Chaumont, 1969, p.136).

It was obvious that the participant at Geneva conference considered Vietnam as single state and both North Vietnam and South Vietnam did not advocate permanent separation of North and South Vietnam.

** Then, there come the question that which government, North Vietnam's government or South Vietnam's government, was more legitimate and had more support from Vietnamese people?*

There was argument from the America that North Vietnamese regime was an oppressive dictatorship and should not be permitted to extent its rule to the South. For example the United States' Department of State wrote in the document “The Legality of the United States Participation in the Defense of Vietnam” that

“General Giap, currently Defense Minister of North Vietnam, in addressing the Tenth Congress of the North Vietnamese Communist Party in October 1956, publicly acknowledged that the Communist leaders were running a police state where executions, terror and torture were commonplace” (1966, p.1100).

However, not only North Vietnam but also there are Western authors reject this kind of arguments. There are arguments that North Vietnam government was more legitimate than the government in the South Vietnam, which was created by America and lack the support from Vietnamese people. For example, Charles Chaumont wrote that

“In so far as North Vietnam is concerned, so much has already been written on it by numerous investigators, so much can be perceived from afar of the unconquerable energy of the population and its leaders under the intense bombing to which they have been subjected for past two years. that the wholehearted adherence of the population to their regime and their struggle cannot be doubted” (Chaumont, 1969, p.145).

Or Quincy Wright wrote that

“After Ho’s forces in a seven-year war had defeated France at Dien Bien Phu in 1954, Ho was in a position to establish his authority over the whole of Vietnam and that he agreed to the cease-fire line, established by the Geneva Conference of 1954, because the compromise settlement would prevent further foreign intervention and the temporary division of Vietnam would be terminated by an election to be held in July, 1956 which would result in union under his government” (Wright, 1968, p.273).

The fact that North Vietnamese government won more support from Vietnamese people than the government in the South Vietnam after Geneva Accords was also shared by America leaders. After the Geneva Conference, there was strong belief that if the election was to be held in July 1956 as regulated in the Final Declaration, North Vietnam would win. As President Eisenhower wrote in his memoir - “Mandate for Change” that

“I am convinced that the French could not win the war because the internal political situation in Vietnam, weak and confused, badly weakened their military position. I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had election been held as of the time of fighting, possibly 80 percent of the population would have vote for the Communist Ho Chi Minh as their leader rather than Chief of State, Bao Dai. Indeed, the lack of leadership and drive on the part of Bao Dai was a factor in the feeling prevalent among Vietnamese that they had nothing to fight for”. (Cited in Wright, 1968, p.273).

Quincy Wright commented on these writing that

“It is unlikely that this estimate, if correct for 1954, would have changed radically by 1956.” (Wright, 1968, p.273).

So, although there are arguments that North Vietnamese government was oppressive, after Geneva conference, Democratic Republic of Vietnam was able to win support from Vietnamese people to the extent that if a general election was held in 1956, North Vietnamese government would win.

On the other hand, there were arguments that South Vietnamese government was just a creation of the United States and lack wide support from the Vietnamese people. Quincy Wright wrote that

“Diem’s government, although supported by United States economic, educational and military aid, was not able to eliminate Viet Cong, which in 1960 organized the South Vietnam National Liberation Front in control of much of the Southern Zone outside the major cities. Diem became increasingly dictatorial and unpopular and was assassinated on November 1, 1963. The succession of unstable governments which have followed him have never controlled half of the territory of South Vietnam” (Wright, 1968, p.279) .

Sharing this idea with Wright, Charles Chaumont argued that the establishment and then strong development of the National Liberation Front was evidence that the majority of population did not support the South Vietnam Government. He wrote that

“The establishment of the National Liberation Front in October 1960 and its development on large scale, providing ground for the assumption that the majority of the population of South Vietnam supports Vietnamese unity and independence..... The war in Vietnam is at present time essentially a war between the United States on the one hand and the National Liberation Front and the Democratic Republic of Vietnam on the other, i.e., between the American

and the Vietnamese. The military submergence of the government of South Vietnam before the United States meant that on the one hand America intervention had deprived this government of nay military freedom and that, on the other, it was not sufficiently representative to be allowed it" (Chaumont, 1968, p.134).

Then he concluded that

"In the light of later, well-known events, the artificial nature of the Diem government, and generally speaking, all the governments of South Vietnam which followed it, is very clear" (Chaumont, 1968, p.134).

Michael Walzer also argued that South Vietnamese government lacked the legitimacy to rule in the South Vietnam. He wrote that

"A government that receives economic and technical aid, military supply, strategic and tactical advice, and is still unable to reduce its subjects to obedience, is clearly an illegitimate government" (Walzer, 2006, p.99).

The fact that South Vietnam government lacked the support of from population was also the reason why America had to intervene deeper and deeper in the Vietnam War. In early 1960s, South Vietnam government was on the verge of collapse after the wide spread mass uprising in the delta area, starting with the uprising in Ben Tre province. America, then under the Kennedy administration, had to increase its aid to South Vietnam in economic and military to keep this government to stand. Then, in 1964-1965 South Vietnam government, although received great support from America, but lacked the support of population, was losing the war. America had to send its troops in South Vietnam to bear the direct fighting tasks and stop the loosing tendency. And most obviously, in 1975, just two years after America withdrew from Vietnam, South Vietnam government collapsed because it could not stand the attack from the Vietcong and North Vietnam armed

forces. The weakness of South Vietnam government revealed that its lack of support from its own population.

** Was there an aggression on South Vietnam by North Vietnam?*

There is an argument that North Vietnam waged an aggression war against South Vietnam, then America had to intervene in collective defense of South Vietnam. The United States "White Paper" published in 1965, entitled "*Aggression from the North: The Record of North Vietnam's Campaign to conquer South Vietnam*" wrote that

"South Vietnam is fighting for its life against brutal campaign of terror and armed attack inspired, directed, supplied, and controlled by the Communist regime in Hanoi. This flagrant aggression has been going on for years. Above all, the war in Vietnam is not a spontaneous and local rebellion against the established government.

In Vietnam a communist government has set out deliberately to conquer a sovereign people in a neighboring state. And to achieve its end, it has used every resource of its own government to carry out its carefully planned program of concealed aggression." (Cited in Partan, 1968, p.222).

Or John Norton Moore, who strongly supported official America's position regarding the war in Vietnam, argued that the Republic of Vietnam (RVN) and Democratic Republic of Vietnam (DRV) are separate international entities and there was an unlawful armed attack on RVN by DRV. He wrote that

"The use of the military instrument by the D.R.V against the R.V.N is not a minor aggression nor one effectuated by non-coercive means such as propaganda. It is not a mere political dispute and it is not a minor frontier incident. Nor does the attack raise the questions of the right to prevent an armed attack before it occurs. Instead, the attack, whether initiated and controlled by the D.R.V or merely substantially assisted by the D.R.V, is a

serious, sustained and determined attack on the territorial and political integrity of the R.V.N.” (Moore, 1968, p.247).

However, as noted above, Vietnam as a single state so that it cannot asserted that North Vietnam invade South Vietnam, on the contrary it was America that waged an aggressive war against the Vietnamese people as a whole. For example, William Standard in his article entitled “*United States intervention in Vietnam is not legal*” argued that Vietnam as a whole is a single state, thus it cannot be saying that North Vietnam waged an aggressive war against South Vietnam. He wrote that

“It cannot be asserted that South Vietnam is separate ‘country’ so far as North Vietnam is concerned” (cited in Moore, 1968, p.240).

Quincy Wright also shared this view about the conflict in Vietnam. He wrote that

“South Vietnam was clearly regarded as part of Vietnam before 1954 and as a “zone” of that state separated by a temporary cease-fire line by the Geneva Conference, and it seems not to have acquired sufficient government authority, stability, public support, or recognition to become an independent state under international law since then. Consequently, apart from Cease-fire Agreement and America intervention, hostilities in Vietnam should be regarded as civil strife.” (Wright, 1968, p.280).

Charles Chaumont argued that American intervention in Vietnam was not in “collective defense” of South Vietnam against the aggression from North Vietnam. It is in fact the America’s aggression war against Vietnam as a whole. He wrote that

“The war in Vietnam is at present time essentially a war between the Unites States on the one hand and the National Liberation Front and the Democratic Republic of Vietnam on the other, i.e., between the Americans and the Vietnamese” (Chaumont, 1969, p.134).

** Then, what was North Vietnam's strategy to reunify the country after the Geneva Conference?*

After Geneva, the aim of North Vietnam was to reunify the country by peaceful means, if possible, i.e. through general election or political struggle. As General Tra noted that "the national aspirations of the Vietnamese people are to achieve peace, independence, unity, and territorial integrity" (Tra, 1993, p.235). To achieve the goal of reunification by peaceful means, North Vietnam was very restrained with the reprisal measures of Diem. Tran Van Tra wrote that

"It is hard to describe accurately how a nation angered to the extreme by the ruthless and barbarous repression of the Diem government could abide strictly by the instruction of President Ho Chi Minh and the leadership of the Vietnam Worker party. At that time, those who resorted to arms to defend themselves were disciplined by the Party for erratic behaviour, while those who refrained from violence were captured and/or killed" (Tra, 1993, p.235)

At the same time, North Vietnam tried very hard to call for the South Vietnam puppet government of Ngo Dinh Diem to respect the Geneva agreement and to cooperate in holding a general election in both North and South Vietnam to reunite the country. At the initial phase of the struggle, Vietnam Worker Party (the official name of the Vietnam Communist Party, which had returned to operate in secret) always emphasized the political struggle and tried to avoid military actions. From September 5th to 7th 1954, Vietnamese Worker Party's Politburo met to discuss the 6th Central Committee Resolution. The Politburo stated that

"The party's tasks in the South Vietnam in this period is: leading South Vietnam people in the struggle for implementation of ceasefire agreement, strengthening peace, carrying out freedom and democracy, improving people's living standard, reunifying and gaining independence" (Cited in History of the resistant war against America to save the country, vol. 2, 1993, p.13).

In the first few years after Geneva Accords, North Vietnam communist leaders wanted to solve the problem of national reunification through political means. The Politburo's Resolution in June 1956 wrote that

“The form of struggle in the whole country now is political struggle not armed struggle” (Cited in History of the resistant war against America to save the country, vol. 2, 1993, p.228).

Communist leaders in North Vietnam were even accused of over-restrained by some military leaders of the revolutionary force in the South Vietnam. For example, in a letter to Nguyen Van Linh, the Party General Secretary of Southern Regional Committee, Le Duan had to reassure his comrades in the South that:

“I have reminded you that you comrades must be patient and take the direction of relying on political forces and political struggle to advance to the general uprising” (Elliot, 1993, p 75).

The fact that the North Vietnam's main approach was political struggle rather than military struggle was mentioned not only by Vietnamese authors but also by many Western authors who studied about the Vietnamese side of the war. Some of the famous names are William Duiker, Ang Cheng Guan, or David W.P. Elliot... For example Ang Cheng Guan(2002) wrote that

“According to the directive (Poliburo directive on 19th June 1959), the struggle at that point of time was necessarily a political and not a military one. Therefore they should resort to arms only in circumstances that called for self-defence” (p.17).

Ang Cheng Guan(2002) also pointed out the date when the North Vietnam leaders thought of reunifying the country by military. He wrote:

“All these activities (modernisation of VPA) indicated that up until March 1958 a military campaign for reunification was still not in the cards and was not imminent till at least after 1960” (p.26).

So, we can see that in the North Vietnam's perspective. North Vietnam wanted to reunify the country in peace, it did not want to use forces against America and South Vietnam government. But South Vietnam government, supported by America, did not abide by the Geneva agreements and use repressive measures against Viet Cong forces. This was the roots of the war. The war was the last resort for the North Vietnam leadership. The book entitled "*History of People's Army of Vietnam*" wrote that

"The causes of this war were totally from the America. In other word, the strategic objectives of the American global strategy of containment and its arrogant policy against the legitimate will of Vietnamese people to independence, peace and national reunification are the roots and the direct causes of the war" (History of Vietnamese people's army. 2003, p.234).

Another important reason for North Vietnam to choose peaceful means in reunifying the country was that it was afraid of America's intervention in the war. as North Vietnam was fully aware of the strength of America as the world's most powerful country. In other word, North Vietnam wanted to reunify the country, at the same time it did not want to have to encounter with American forces. When the America forces already intervene. North Vietnam wanted to limit America's intervention as little as possible. In explaining why North Vietnam did not apply the strategy of three phase people's war in the Vietnam War, David Elliott wrote that

"The nature of the task in the Vietnam war had changed from military defeat of an already entrenched colonial ruler to the prevention of the United States from following in their footsteps. The best strategy was obviously one that would forestall deeper American involvement, if at all possible" (Elliott, 1993. p.68).

The aim of North Vietnam in the war was to defeat South Vietnam government without triggering American intervention or, in later phase, dissuading America from deeper intervention. North Vietnam envisaged that there would be

three strategic options for America in the Vietnam war. The first option was special war. This meant that America would rely on South Vietnam government to achieve its objectives. This was obviously a low cost option for America. If special war failed, America would have to choose between withdraw or send American troops in South Vietnam to bear direct fighting. By sending troops in South Vietnam, America engaged in a local/limited war. If this war also failed, America still had two options, either withdraw or escalate the war to the all over Vietnam. North Vietnam assumed that these were the only options for America. And their strategy was to force America withdraw from Vietnam as early as possible. Elliot wrote that

“This strategy was designed to force a choice between disengagement and escalation on the United States, and was based on the assumption that these were the only strategic options open to the United States. If these options were all eliminated, the strategy would succeed. Of course, the strategy would be most successful if the United States could be convinced or compelled to choose disengagement at a low level of involvement. As it turned out, the war passed through the special war and limited war phases, escalating to level of unprecedented devastation before president Johnson finally acknowledged that the cost of further escalation were unacceptable” (Elliott, 1993, p.69).

The biggest problem for North Vietnam in carrying out this strategy was how to achieve its objective, i.e., defeating South Vietnam government and reunifying the country, without causing America’s further escalation. As Elliott wrote that

“They were faced with the problem of minimizing the extent of U.S involvement while maximizing the pressure on Saigon” (Elliott, 1993, p.75).

So the North Vietnamese strategy, in essence, was not to defeat American military force directly, but actually to defeat the America’s aggressive will. Le Duan wrote that

“We say we will defeat America, this does not mean that we will defeat America’s global strategy, defeat its military power in the world. We only mean to defeat its aggressive war in South Vietnam. Even, in the war in South Vietnam, we do not intend to shatter its military forces or killed all the America soldiers in South Vietnam. Our strategy is to defeat the enemy’s aggressive will. let America understand that they could not escalate or continue the aggressive war and finally had to withdraw from Vietnam” (Le Duan’s address at the Plenum of Central Committee 12, Vietnamese Worker Party, December 1965).

One thing obvious from this strategy was that North Vietnam always wanted to avoid fighting American forces, if possible. North Vietnam understood how asymmetric it was between its army and the America’s army. Thus, they did not choose to encounter America forces directly, but rather defeated its aggressive will.

William Duiker wrote that

“key to success would be the ability of the party’s forces in the South to bring Saigon to the point of collapse without at the same time provoking Washington to increase the level of U.S involvement in South Vietnam, or even take the war to the North.... The objective would be not to inflict a total defeat on the enemy, but to create a “no-win” situation and lead Washington to accept a political settlement and the formation of a coalition government including the NLF in Saigon” (Cited in Elliott, 1993, p.75).

So, North Vietnam wanted to reunify the country by peaceful means because firstly it strongly believed that it would win if a general election was held in July 1956 as regulated at the Final Declaration of Geneva Conference. And more importantly, North Vietnam was afraid that its use of armed struggle would trigger American forces to intervene, thus North Vietnam choose to use political struggle with the hope that it would not have to encounter America military forces.

Generally, we can see that South Vietnamese government was bound by the Geneva Accords, especially the election provision of the Final Declaration. And the South Vietnam was not justified in rejecting consultation with North Vietnam to hold the general election to reunify the country. Vietnam was a single state, so it cannot be asserted that North Vietnam wage an aggression war against South Vietnam. Between the two governments in the North Vietnam and in the South Vietnam, North Vietnam had the support of Vietnamese people while South Vietnam government was illegitimate and lack support from South Vietnamese. North Vietnam did not want to use violent to reunify the country. Actually, North Vietnam was reluctant to resort to force in achieve it legitimate aim of national reunification.

6.1.2 North Vietnam's war against America and jus ad bellum

** Legitimate authority*

In the Vietnam War, there were two Vietnamese governments, North Vietnam's government and South Vietnam's government, both claimed to be the legitimate authority of the whole Vietnam. South Vietnam government enjoyed the recognition of more than 60 nations and was member of at least 30 international organizations. North Vietnam government had the recognition of about 24 nations and participated in a number of international conferences (John Norton Moore, 1968, p.239). However, Michael Walzer argued that foreign states cannot establish or disestablish the legitimacy of a government, he wrote "What is crucial is the standing of that government with its own people" (2006, p.98). In the case of Vietnam, where

"Democracy is unknown and election are routinely managed. the test for government, as for insurgents, is self-help" (2006, p.98).

There are many authors, such as Michael Walzer, Douglas Lackey, Charles Chaumont, Quincy Wright etc. arguing that South Vietnam government did not pass the test of self-help. For example, Douglas Lackey wrote that

“No government in Saigon could have held power for six months were it not for massive and continuous infusions of American aid” (1989, p.46).

On the other hand, North Vietnamese government, gaining its credentials in the first Indochina war against French colonial rule, was able to sustain and won support from its people. As I pointed out in the above part, if an election was held in 1956 according to Geneva agreement, North Vietnam would win. This fact shows that North Vietnam had a substantial support from Vietnamese people. When the war in the South Vietnam broke out, in 1960s, North Vietnam government still enjoyed the support of the people. Charles Chaumont wrote that “the wholehearted adherence of the population to their (North Vietnam’s) regime and their struggle cannot be doubt” (1969, p.145).

So, the legitimacy of the North Vietnam government came from the support of people. and between the two governments. North Vietnam’s one was more legitimate to have the authority all over Vietnam. Thus, North Vietnam was the legitimate authority.

** Just cause*

In North Vietnam’s perspective, its war against America in the South Vietnam had just cause, it was the war for national reunification and self-determination. As I argued in the above part, Vietnam was a single state, and North Vietnam was a legitimate authority, it cannot be said that North Vietnam invaded South Vietnam as the argument of America. North Vietnam and South Vietnam were not two states. they were two zones in a single state of Vietnam.

North Vietnam's war against America was continuation of Vietnamese people's effort to gain independence and reunify the country, which had been started in 1946 against French colony in the first Indochina war. The South Vietnamese government's violation of Geneva agreement, especially the violation of election provision, renders North Vietnam with the right to suspend the cease-fire line and continue this effort. This is a principle in international law. The United States' Department of State wrote that

“The international law principle that a material breach of an agreement by one party entitles the other at least to withhold compliance with an equivalent, corresponding, or related provision until the defaulting party is prepared to honor its obligations” (Legality of the United States Participation in the Defense of Vietnam, Department of State, 1966, p.1098).

This argument was also shared by Quincy Wright in his discussion about North Vietnam's position regarding its war against America. He wrote that

“After Ho's forces in a seven-year war had defeated France at Dien Bien Phu in 1954, Ho was in a position to establish his authority over the whole of Vietnam and that he agreed to the cease-fire line, established by the Geneva Conference of 1954, because the compromise settlement would prevent further foreign intervention and the temporary division of Vietnam would be terminated by a election to be held in July 1956, which would result in union under his government. On the basis of these facts, North Vietnam contends that the Diem Government in South Vietnam succeeded to the obligations of France under the Geneva Agreement (article 27), even though Bao Dai's representative reserved on them at Geneva, and that it violated those obligations by refusing to implement the provision concerning elections and by accepting United States military contingents in South Vietnam and establishing a de facto alliance. Ho Chi Minh is therefore convinced that these continuing violations of provisions of the Geneva Agreement which had induced him to accept it, justified him by

1958 in considering the cease-fire line suspended and in continuing his efforts, begun against France in 1946, to unite Vietnam by force" (Wright, 1969, p.273).

Also, it can be argued that in South Vietnam, it was Diem government that used forces first. After consolidating his power in South Vietnam, Diem carried out a reprisal program against people who had supported or participated in Vietminh front to fight against French colony in the First Indochina war.

"In 1955 and 1956, thousands of cadres and leftist sympathizers in the South was subjected to arrest, torture, prison and execution by Diem government" (Lackey, 1989, p.48).

While at that time, North Vietnam was of the view that reunification should be achieved by peaceful means through political struggle. Armed struggle was not allowed. Tran Van Tra wrote that

"It is hard to describe accurately how a nation angered to the extreme by the ruthless and barbarous repression of the Diem government could abide strictly by the instruction of President Ho Chi Minh and the leadership of the Vietnam Worker party. At that time, those who resorted to arms to defend themselves were disciplined by the Party for erratic behaviour, while those who refrained from violence were captured and/or killed" (Tra, 1993, p.235)

So it can be said that in the South Vietnam, Diem government resort to force first. Douglas Lackey wrote that

"In these years, what we have in Vietnam is a police action- indistinguishable in a dictatorship from military operations- against a political movement. Since the NLF did not begin its campaign of violence on any scale before 1961, the first use of force in the South was by the regime in Saigon" (Lackey, 1989, p.48).

** Last resort*

The principle of last resort requires that war must be the last resort, waged after no other means could achieve a satisfactory solution. However, we should not interpret this principle too strictly. If war must truly be the last resort, then all war must

be rendered unjust, force would never be licit, because one can always continue to negotiate. Alex Bellamy wrote that

“Last resort does not require the exhaustion of every means short of force. Instead, last resort demand that actors carefully evaluate all the different strategies that might bring about the desired ends, selecting force if it appears to be the only feasible strategy for securing those ends” (Bellamy, 2006, p.123).

In the case of the Vietnam War, North Vietnam at first chose to unify the country by peaceful means through political struggle. As I argued above, this was because North Vietnam strongly believed that it had clear advantage over South Vietnam in political struggle. And North Vietnam chose peaceful means because it did not want to trigger America’s introduction of its troops to Vietnam, as North Vietnam was fully aware that America was the most powerful country in the world at that time and it would be great difficult for them to fight against American forces.

Only when the political struggle failed to achieve the just cause of national unification and self-determination did North Vietnam consider the use of force. The National Liberation Front was established as late as 1960. North Vietnam started to send a full regiment for fighting in South Vietnam as late as mid-1964, ten years after the Geneva conference.

The fact that North Vietnam carried out peaceful political struggle to reunify the country, and only when this struggle failed, did North Vietnam use military struggle shows that war was the last resort in North Vietnam’s strategy.

** Reasonable chance of success*

Reasonable chance of success demands that leaders must carefully undertake the risk assessment before going to war. In the case of the Vietnam War, when North Vietnam started its political struggle after the Geneva conference in 1954, North Vietnam had clear chance of success. Both North Vietnam and America

shared the view that if a general election was held in July 1956 as regulated in the Final Declaration of the Geneva Conference it was almost certain that North Vietnam would win. William Duiker wrote that

“One reason that Hanoi preferred the political option is that party leaders were convinced from the start that here they possessed a clear advantage over enemy” (1993, p.34).

In 1960, when North Vietnam started its military struggle to reunify the country, North Vietnam had reasonable chance to win the war. To examine the chance to success of North Vietnam, we can look at how America assessed it. In 1961, President Kennedy sent Walt Rostow and Maxwell Taylor to South Vietnam for a fact-finding trip. Returning to America, these two men recommend Kennedy to introduce 8000 American combat troops to South Vietnam, which shocked the president. Rostow-Taylor report stated flatly that “without such a commitment, Vietnam could not be saved” (Stoessinger, 2008, p.113). So it is clear that in 1961, if America did not step up its assistance to South Vietnam, North Vietnam had clear chance to win the war.

Even after Kennedy administration greatly deepened American commitment in Vietnam by increasing the military advisors more than 15 times since Eisenhower administration, from 900 to 16000, North Vietnam still had chance to win the war. According to William Duiker

“By the fall of 1964, U.S intelligence estimates were predicting a Communist victory within six months in the absence of a major U.S response” (Duiker, 1993, p.32).

So we can see clearly that even America had to admit that North Vietnam had clear chance to win the war at several points of the war if the America did not deepen its intervention.

** Proportionality*

The *ad bellum* proportionality stipulates that the violence used in the war must be proportionate to the harm suffered. The harm suffered in the case of the Vietnam War was the division of the country and the denial of national self-determination. Then, the question is that was the division and the denial of national self-determination proportionate to the use of force? Answers to this general question are variable. There is always argument that national unification and self-determination is not important enough to wage a war. However, in world history, it does not lack examples of countries go to war for national self-determination, such as America's war against British empire, Algerian force against French, Palestinian war against Israel etc.

In the case of Vietnam, given the strong Vietnamese nationalism and the country's long time under foreign rule, the country's division and denial of national-self-determination was proportionate to using violent force. Vietnam has long history of fighting against foreign rulers to gain national independence and self-determination. Taylor wrote that "no theme is more consistent in Vietnam history than the theme of resistance to foreign aggression" (1983, p. xviii). Vietnamese people are very sensitive to the issue of national independence and self-determination.

Moreover, in 1950s Vietnam had been divided and dominated by French colonialism for nearly a century. Tran Van Tra stated that "Vietnamese people had the will and the determination to sacrifice everything for independence and freedom" (Tra, 1993, p.234). Thus, at that time Vietnamese people had a burning aspiration for national reunification and self-determination.

The aspiration of Vietnamese people for independence and self-determination was reflected in the Declaration of Independence of the Democratic republic of Vietnam in September 1945, Ho Chi Minh wrote that

“The entire Vietnamese people are determined to mobilize all their spiritual and material forces, to sacrifice their lives and property, in order to safeguard their right to liberty and independence” (Ho Chi Minh, 1945).

Ho Chi Minh reiterated the aspiration of Vietnamese people in 1966 when he stated that “Nothing is more precious than independence and freedom”. (Ho Chi Minh, 1966).

So in the case of Vietnam, given its strong sense of nationalism, the use of force was proportionate to the harm suffered which is country division and denial of national self-determination.

** Right intention*

The criterion of right intention means that war must be waged for the common good, not for self-aggrandizement or because of hatred of the enemy. In the case of North Vietnam’s war, the war was waged for the national reunification and self-determination. After 1954 Geneva Agreements, Vietnam was temporarily divided into two zones, subjected to reunify in a general election to be held in 1956. However, South Vietnam, supported by America, rejected its responsibility to cooperate with North Vietnam in holding the general election. Thus the country was divided. North Vietnam first sought to reunify the country by peaceful means. Then, when political struggle did not produce desired result, North Vietnam resorted to war.

“This war ultimately led to the realization of the long held national aspirations of the Vietnamese people, that is to achieve peace, independence, unity and territorial integrity” (Tra, 1993, p.235).

With this aim, the war passes the test of right intention. However, according to Douglas Lackey, America argued that North Vietnam’s war was to spread

Communist to the South Vietnam. “to establish a communist government in South Vietnam, regardless of South Vietnamese attitude” (1989, p.47). Even North Vietnam sometime referred to itself at the forefront of communism in Asia.

However, given that North Vietnam desperately need assistance from Soviet Union and China, it is easy to understand when North Vietnam connected its war with Communism. The real purpose of the North Vietnam’s war was to reunify the country. As Charles Chaumont wrote that

“The war in Vietnam, in the eyes of the Vietnamese people, appears less a war of rival blocs than an essential denial of their own rights, and Vietnamese resistance, despite its dominant ideological colour, is not basically different from the other forms of nationalism which contributed to the disintegration of the classic type of colonialism” (1969, p.149).

The aim of the war was for national unification is also reflected in the official name of the war in Vietnamese language, which is “Resistant war against America to save the country”. This is the war to save the country, the war for national reunification and self-determination, not the war for spreading communism. This war passes the test of right intention.

In this part, I have investigated how North Vietnam’s war against America can be judged under *jus ad bellum* criteria. Though the war was not publically declared, on balance, it was just under *jus ad bellum*.

However, the Vietnam War was very controversial. There are authors acknowledge this facts, for example Michael Walzer wrote “I doubt that it is possible to tell the story of Vietnam in a way that will command general agreement” (2006, p.97). Likewise, North Vietnam’s justification of its war against America is also very controversial.

6.1.3 North Vietnam's justification of its way of war

In previous parts, we saw how North Vietnam viewed the cause of war and the justness of its war against America. Now we will see how North Vietnam justified their way of war to its own people?

Firstly, North Vietnam justified its way of war by the just cause of its war against America. In North Vietnam's perspective, the America's war was the aggression war, and the Vietnamese war as a war of national liberation. The war was for independence and national reunification. This was the just cause of the war. Under the influence of Marxism and Leninism on war and military, North Vietnam used the end to justify the means, meaning that as long as the cause is just, measures available to fulfil that just cause can be justified. Actually, in the resolutions and documents, Vietnam Communist Party always called upon Vietnamese people to use everything available to fight against the enemy. For example, in the appeal for the whole nation to stand up and fight enemy, Ho Chi Minh said:

“Men and women, old and young, regardless of religious creed, political affiliation and nationality, all Vietnamese must stand up to fight the French colonists to save the Fatherland. Those who have rifles will use their rifles, those who have swords will use their swords. Those who have no sword will use spades, hoes or sticks” (Ho Chi Minh, Selected Works, vol. 3, p.274).

Or Vo Nguyen Giap stated that

“One of the leading principles of our military art is to use every means to annihilate the enemy” (Giap, 1977a, p.278)

There used to be debate about which side have just cause in the Vietnam War. Many American laws scholars had argued that South Vietnam was actually an independent state, and the North Vietnam, under the instruction from Soviet Union and Communist China, invade South Vietnam with the aim of spread Communism

around the region. However, as I have just argued above, the Vietnam War against America on balance can be considered as just under traditional criteria of *jus ad bellum* of just war theory. And many scholars such as Douglas P. Lackey, Ovadia Ezra, Alex J. Bellamy.... agreed that just cause is on the side of North Vietnam.

The just cause of the North Vietnam's war against America is the basic point from which North Vietnam can persuade their own people to accept their way of war. North Vietnam always stressed the just cause to win support from their people.

In the book "*National Liberation war in Vietnam*", Vo Nguyen Giap wrote that:

"Ours is a just war- a war for national liberation and a war for national defence- waged against an unjust and aggressive war by imperialism and aims at implementing the political line of the Party and achieving the goal of revolution in the interest of the Vietnamese people and nation and for the sake of world revolution" (Giap, 1977a. p.214).

Or in the book of Military History of Vietnamese People's Army, the author wrote that

"It is a just war, waged against the aggressive war by America imperialism. After 21 years, America changed their war strategy one by one and Sai Gon Government and Army existed under the pretext of "nation" or "people" but they cannot change the fact that their war is an invading war of imperialism. On the side of our people, this is the war to win back and consolidate our freedom, independence and national liberation- a sacred cause that any legitimate nation or people in the world strive for. Thus our war against America to save the country is the just war. (Vietnam Military History, 2003, p.265).

The book "*Local People's war in the war against America to save the country*" wrote that

“On the enemy side, the overall characteristic of the war is the invading war of the imperialism country against another country. On our side, the most prominent characteristic is the just war against foreign invader. The aim of our war is to win our national independence” (The Local People’s war in the war against America to save our country, 1996, p.12).

Secondly, North Vietnam justified their way of war by the age old tradition of fighting against foreign aggression. To fight and win the just war against America and to reunify the country, North Vietnam’s military strategy was to mobilize the forces of the whole nation to fight against the enemy. North Vietnam highlighted the fact that this strategy was an age old tradition of the country. In the past, Vietnam had to encounter many foreign aggressions. During these struggles, as Vietnam was always on the weaker side, Vietnam used the strategy of the whole nation joining forces, in which everyone became soldier to fight against enemy. This kind of strategy became the tradition of war fighting in Vietnam. As Vo Nguyen Giap pointed out that

“Our people possess a long record of uprisings and people’s wars waged to liberate and defend the country” (Giap, 1977a, p.220)

North Vietnam used this age old tradition of the country to justify their way of war. For example in the book *“To arm the revolutionary masses to build the people’s army”* Vo Nguyen Giap wrote that

“A striking difference in the building of the armed forces of the feudal State in our country and many feudal States in Europe is the system of “everyone a soldier” instead of that of “mercenaries”. (Giap, 1977b, p.357)

And that

“The tradition of “the whole nation joining forces” in the fight against foreign aggressors, the experience of people’s insurrection including both the national army and the armed forces of the people have been a very valuable tradition and

experience of our people. They have also been quite original features rarely found in the military history of other nation”(Giap, 1977b, p.375).

In the book “*Vietnam Military History*”, when discussing the experience fighting foreign invaders, the author wrote that

“Every people contribute his or her force into fighting and driving the enemy away, that’s why our country can win the strong and aggressive enemy and increase its general power and position” (Vietnam Military History, 2003, p.415).

Moreover, in order to persuade people to accept their way of fighting, North Vietnam not only emphasized the just cause and the tradition of the whole nation joining forces to fight against enemy, but North Vietnam also argued that war was the last resort and its way of war is the only viable choice. North Vietnam always argued that it did not want war, it wanted to reunite the country in peace through general election. However, the peaceful means of reunification failed due to South Vietnam’s non-cooperation and North Vietnam had no other choice but involved in a war to gain national unification and integrity. Moreover, fighting against the enemy by the force of the whole nation under the motto “everyone is a soldier” is the only way that North Vietnam can sustain and win the war to fulfil the just cause. This is because the asymmetry of power between North Vietnam and America. North Vietnam used the power asymmetry to justify their way of war.

Vo Nguyen Giap wrote that

“It was a war of resistance waged by a small country with a backward agrarian economy, a country with embryonic armed forces which was besieged in the beginning by imperialism on all sides, but heroically fought and defeat the nearly half a million strong professional aggressive army of the imperialist power many time superior to it in armament and technique” (Giap, 1977a, p.207).

And that

“Our war against foreign aggression at present and in the past, has always been fought against the invading armies of countries definitely greater than ours in size, population and with overwhelmingly superior military forces. But while in the past, the invading countries had the same feudal regime as ours. today the aggressors are imperialist powers which are not only by far superior to us in area and population, but also possess highly developed industries, huge economic and military potential and modern armaments, while our country is not very large in area and population, and is moreover an economically underdeveloped former colonial and semi-feudal country” (Giap, 1977a, p.207).

The book “*Vietnam Military History*” also wrote that

“Vietnam, a small and under-developed country. has to counter America imperialism which is very much superior in term of economic, military and technology. So, in order to win the war, besides the determination and creativeness, we must mobilize the force of entire people.” (History of Vietnamese people’s army, 2003, p.268)

The book “*Local people’s war in the resistant war against America to save the country*” wrote that

“Vietnam is a small country but have to fight against very much stronger enemy- the America. Our population is only about one sixth of America’s; our GDP is only 1/1000 of America’s. To win that war, we have to bring into full play the strength of the entire nation, of the whole people.” (Local people’s war in the resistant war against America to save the country , 1996, p.17-18).

Now we can see clearly the arguments of the North Vietnam to persuade their people to accept their way of war run as follow. The Vietnamese war against America is a just war to save the country, aiming at achieving the goal of national reunification and self-determination. To fulfil the just cause, using violent forces is the last resort. In the war, Vietnam did not have any other choice except fought by

the force of the whole nation under the motto of “everyone is a soldier”. This is because the asymmetry in power of Vietnam and America. Moreover, this way of war is also an age old tradition of Vietnam in fighting against stronger foreign invaders in the past.

6.2 Civilian mobilisation in the Vietnam War

6.2.1 The importance of civilian mobilization in the North Vietnam’s military strategy during the Vietnam War.

The North Vietnam’s cause is just, its way of war is the only viable choice and it is inherited from age-old tradition. However, this cannot remove the fact that North Vietnam’s way of war put its own civilian people at risk. The civilian population might agree with the just cause to fight against America but they did not automatically support the armed forces. To win support from civilian population, People’s Army of Vietnam laid special emphasis on the importance of civilian mobilization work. In the army, the Department of Civilian Mobilisation is in charge of the job of civilian mobilisation. This Department belongs to General Department of Politics. It is one of the most important departments in the General Department. It was established as early as in 1947, just three year after the formation of the People’s Army of Vietnam. During the war, this department monitored, initiated policies to direct the issue of civilian mobilisation and propaganda of people’s army units.

The book “*Some basic issues of the civilian mobilization in the people’s armed forces*” pointed out that:

“Base on the class struggle point of view, mass point of view, violent revolution point of view and military and political guideline of our Party and base on the situation and tasks of our revolution nowadays, the armed forces’ civilian

mobilization works are very important. It pushes forward the Party's mass mobilization in general and makes great contribution to the revolution, to the armed struggle, to our national defence and to building our armed forces. The civilian mobilization reflects the revolutionary nature and the good tradition of our army and show that the army is not only a fighting unit but also propaganda and producing unit. The civilian mobilization is also an important part of the political work of our armed forces. (.....)

We have to fully understand the role of civilian mobilization in the armed forces, regarding it a political task, an essential activity of the armed forces and a political duty of every army officer. The VPA must carry out the civilian mobilization work properly, no matter how strong and modern it is, no matter where it fights domestically or internationally. The VPA must pay great attention to civilian mobilisation in any strategic area, in war as well as in peace, at front as well as at rear, when the revolution situation good or bad." (Some basic issues of civilian mobilisation in people's armed forces. 1971, p. 16-17)

* *Civilian mobilisation is vital to the survival of the armed force.*

North Vietnamese leaders strongly stressed the importance of civilian mobilization because for the North Vietnamese armed forces to survive, not to mention to fight against such a powerful enemy like America, the support of civilian population is crucial.

"People have been and will always be mother of the armed forces. People supply armed forces with food, with cloth and also is a source of spiritual enhancement"
(Some basic issues of civilian mobilisation in people's armed forces. 1971, p. 13)

In the early phase of the war against America, the People's Army of Vietnam were still in short of many things. According to those I interviewed during my field trip to Vietnam, army units often had to rely on civilian for food supply for various reasons. For example, in preparation for any battle, soldiers were ordered to bring with them enough food for the whole length of the battle. However, in many cases,

the actual fighting lasted longer than planned due to many unexpected problems. And this situation happened quite often in the war. In that case, the army unit then would not have enough food for its soldiers, especially for the wounded. In that case, usually the army had to rely on civilian nearby for food supply. Because in the condition of fighting, there were not enough soldiers to do the job of transporting food from the main headquarter to the battlefield. Even worst, if they were being circled by the enemy, they could not go out to get food. In that case, they totally depended on the local people for food.

That is in the condition of fighting. In everyday life of soldiers, they also needed the support of civilian. Soldiers of People's Army of Vietnam, in the early phases of the war, usually lack of many things, especially cloth. There were not enough clothes, especially warm cloths, to supply to all army units. Soldiers usually helped themselves by exchanging less necessary armed equipment for cloth with civilian people. This support from people actually helped the army a lot in their everyday life.

** Civilian mobilisation is crucial to the success of the strategy of people's war*

During the war against America the civilian support proved to be essential to North Vietnamese armed forces. As the Vietnam Communist Party adopted the strategy of people's war to fight against America forces, the first and foremost condition to carry out this war strategy was the support of wide civilian population. Without the support of wide range of people, North Vietnam could not implement the strategy of people's war. Civilian mobilisation made people understand the just cause of the war and the reasons why the strategy of people's war was adopted. Thus, civilian mobilisation helped the armed forces to win the support of civilian population.

The book "*Some basic issue of the civilian mobilisation in the people's armed forces*" wrote that

"The Party's people's war strategy is to mobilize and arm all people. call upon them and encourage them to participate in armed uprising and carry out the revolutionary war. Not only the armed forces but also the whole population fight against enemy. People fight against enemy not only by pushing forward producing, helping armed forces, but also by direct participation in the war such as joining guerrilla warfare, political struggle and military proselytising. We attack the enemy by various means and methods." (1971, p.8)

So, to implement that strategy, Party had to mobilize the whole population to build the wide political forces of the mass, and to build the armed forces with three types of forces bearing the main tasks of fighting the enemy. The party also needed to attach the armed forces with organized political forces of the mass, and the revolutionary forces of the whole nation. That is the only way to bring into full play the strength of the people's war.

* Civilian mobilisation helped to build strong rear for the armed forces in the war.

In the war against America, in order to ensure the success of people's war strategy, North Vietnamese armed forces must rely on a strong rear. North Vietnam played the role of the great rear for the whole war, while in South Vietnam, in each area and battle, North Vietnam armed forces always sought to build a strong rear for their forces. Without a strong rear, both for the whole war and for each battle and area, the strategy of people's war could not achieve victory.

North Vietnam hold that a strong rear is an important factor for the victory of the people's war, a source of recruitment and material for armed forces to fight

against enemy, and the political and moral support for the front. The stronger the rear, the bigger the victory in the front.

In order to build a strong rear, North Vietnam armed forces must build political base and revolutionary force of the mass and push forward the people's revolutionary movement. North Vietnam armed forces also had to make people understand the just cause and support it voluntarily. The wide support of people was the strongest base.

We can see that the army's civilian mobilization was extremely important to the survival and the victory of the North Vietnam People's Army in their people's war. The book *"Some basic issue of the civilian mobilisation in the people's armed forces"* wrote that

"The civilian mobilization of the people's war is a part of the revolution in our country, it is a principal issue of building and strengthening the people's army in order to win the final victory in the war against America" (1971, p.12).

And then it pointed out that

"Armed forces must do well with civilian mobilization, they have to carry out this task wherever the civilian population exist. Also they need to develop the political force and struggle movement of the mass. All activities of revolutionary armed forces must be in accordance with people's interest and for the people's interest. The armed forces must always rely on civilian population" (1971, p.13)

During the war against America, the importance of the civilian mobilisation was proved in reality. At any turning point of the war, leaders of the People's Army of Vietnam always issued instructions to highlight the civilian mobilisation work.

As early as 1959, just before the general uprising of people in the South Vietnam, the Army's General Department of Politics, by the order of the North Vietnamese Ministry of Defence issued an instruction no 13/CT-H on intensifying

civilian mobilisation work. The instruction pointed out the shortcoming of civilian mobilization and then asked that the whole armed forces to strengthen the job of civilian mobilization in the following fields:

- 1) Educate every member of every army unit of the importance of the civilian mobilisation. Army unit should encourage people to actively participate in the socialist work, especially to join co-operatives to increase the production.
- 2) Mobilize people all over the country to support the struggle against Diem regime and to reunite the country.
- 3) Push forward the propaganda campaign to make people actively participate in the cause of strengthening national defence, building the rear. Make people understand about the good nature of the army and believe in the strength of the armed forces.
- 4) Regularly educate and monitor armed forces in realizing the discipline in relations with civilian, and lead by example in abiding by the party's line and laws of the state. (History of the Department of Civilian Mobilization, 2007, p.68).

In December 1965, after America decided to bomb North Vietnam and sent their troops to bear direct fighting tasks in South Vietnam, Vietcong and North Vietnamese armed forces in the South of Vietnam were very concerned about whether they could fight American troops and how to fight them? Many people doubted that the People's Army of Vietnam could fight against America armed forces. At that moment, the General Department of Politics issued the instructions No. 32CT-H to strengthen the civilian mobilization work in the new situation. In this instruction the General Department of Politics especially stressed the need to strengthen the solidarity between army and people. In very harsh condition when the America introduced its troops to South Vietnam and its superior military technology and power together with the support of South Vietnam army, the

People's Army of Vietnam needed to build and strengthen the confidence of general population to the final victory of Vietnam and showed them that People's Army of Vietnam could defeat American armed forces. In order to do so, firstly, the army needed to consolidate the solidarity between army and civilian population. (The Work of Civilian Mobilisation and Special Propaganda in Vietnam People's Army, 2003, p.344)

In 10/1968, after Tet offensive, the General Department of Politics, again issued another instruction about promoting the civilian mobilization, strengthening the solidarity between civilian and army, promoting the army spirit to protect civilian and continue fighting against America. In this instruction, the General Department of Politics ordered that military units have to strengthen civilian mobilization works to help people clearly understand the party and the army's strategy and clearly distinguish between the enemy forces and our armed forces, make people be aware of the counter-propaganda campaign of the enemy. (The Work of Civilian Mobilisation and Special Propaganda in People's Army of Vietnam, 2003, p.354)

In November 1974, in order to prepare for the last campaign to end the war, the General Department of Politics issued an instruction No.16/CT-H on strengthening the relationship and solidarity between civilian and armed forces. (The Work of Civilian Mobilisation and Special Propaganda in Vietnam People's Army, 2003, p.381)

We can see that in any turning point of the war, the civilian mobilization was always emphasized. The North Vietnamese military leaders always paid great attention to strengthening the solidarity between army and people, making people understand the army's strategy and encourage them to support the army. Civilian

mobilization was highly appreciated in the North Vietnam's military strategy in the war against America.

During the war against America, following these instructions. People's Army of Vietnam implemented the civilian mobilization not only to general population but also to families and relatives of soldiers in the armed forces of Republic of Vietnam. North Vietnam army officers went to houses of soldiers serving in Republic of Vietnam's army, carried out propaganda with their wives, their parents and asked these people to call and advise their husband, their sons not to cooperate with South Vietnam government and come home. In order to get the cooperation from families and relatives of South Vietnamese soldiers, North Vietnam armed forces must do the work of civilian mobilization very well. For the success of military proselytizing, the civilian mobilization must success first. In 1973, the civilian mobilization department of Vietnamese people's army had a series of papers highlighting the importance of military proselytising and that the military proselytising is actually the civilian mobilization. For example, in his paper, Vo Van Thoi a researcher at the Department noted that

“The real work of military proselytising is the civilian mobilization, the revolutionary mobilisation of the mass leading to stronger cooperation of workers, farmers and soldiers” (History of the Department of civilian mobilisation, 2007, p.506)

6.2.2 The aims of civilian mobilisation work

The importance of the civilian mobilisation work is also reflected in its purposes set by the leaders of People's Army of Vietnam as follow.

Firstly, the civilian mobilization must make general population understand the plot of the enemy and enable them to distinguish the people's revolutionary armed

force from the enemy's armed forces. Then, the civilian mobilization work should make civilian population feel a vindictive hatred for the enemy and increase the people's tradition of patriotism. Civilian mobilisation work must make people aware of the real face of the America and South Vietnam government. The civilian mobilisation work must make people understand that American came to Vietnam was to subjugate Vietnam under the neo-colonialism. The America stripped the independence off the Vietnamese people and blocked the process of the country reunification. The South Vietnam government and its armed forces were the lackey of the America. It was a corrupted government and was not able to stand on its own. The civilian mobilisation must get people understand this and gradually won the support for the just cause of the North Vietnam. The book of "*History of Vietnamese people's army*" wrote that

"The intention of America was to smash the revolution in Vietnam, permanently divide our country, contain the Communism in Indochina and South East Asia and threaten socialist countries" (History of Vietnamese people's army, 2003, p.233).

The book "*Some basic issues of the civilian mobilisation in the people's armed forces*" wrote that

"Our people is very heroic, our nation has tradition of great patriotism and solidarity. The people's armed forces must carry out the civilian mobilization work in order to enrich and strengthen that revolutionary attitude and great tradition of our people, because people is the base and the source of the strength of the army to fight against any enemy" (Some basic issues....., 1971, p.19)

Secondly, the civilian mobilization must be carried out properly to increase solidarity between civilian and armed forces, making civilian population love their armed forces and support them to fight against foreign aggressors. If the army only focused on its military tasks, separated from civilian mobilization tasks, it would not

be able to bring into full play the strength of the whole nation. thus limit the general strength of the army itself, and then eventually it would fail to fulfil its own military tasks assigned by the Party.

The civilian mobilisation work of the armed forces must contrast the bad image of the enemy with the good image of the people's army. The People's Army of Vietnam is the army of the people, for the people. The army fight enemy is to save the normal life of the people. The people's army fight against enemy is for the people not for anything else. The work of civilian mobilisation must make people understand the good nature of the army, thus increase the solidarity between army and people. The book of "*Some basic issues of the civilian mobilisation in the people's armed forces*" wrote that

"The army is of the people and for the people. The army have very good tradition and nature. The army fight against enemy bravely. The army is very well-disciplined. In relations to the people, the army is always very polite and fair"
(Some basic issues of the civilian mobilisation in the people's armed forces. 1971, p.52).

The book "*Civilian mobilisation – textbook for army and reserve forces*" wrote that

"Civilian mobilization works must strengthen and increase the military-civilian solidarity as "fish and water", making that solidarity become a good tradition of our army. helping the army to fulfil successfully their tasks"(*Civilian mobilisation- text book for army and reserve forces*, 1968, p.6).

Thirdly, the civilian mobilization is to win back the support of the part of population being deceived and enticed to follow the enemy. thus increase the strength of revolutionary and at the same time decrease the strength of the enemy. North Vietnam believed that a part of civilian population were terrorised and

provided with wrong information so they followed the enemy. The job of civilian mobilization of the armed forces is not only to mobilize ordinary people but also to make people who had wrongly believed in and followed the enemy, understand the just cause of people's army and win back their support.

The book "*Winning back the people*" wrote that

"Nowadays, there is a part of civilian population living under enemy regime. Every day they are terrorized, deceived and propagandized wrongly, thus they misunderstand the just cause of our nation and follow the enemy and work for them. That means the enemy takes that part of population from us, and use them to strike against our people's army. So our task is to seize back that part of population in the hand of enemy and to unite them with other part of population to fight and win against enemy. (Winning back the people. 1958, p.2)

The book also pointed out clearly that

"The more we win back the support from people in the hand of enemy, the bigger the victory of our armed forces. The quicker we win back the support from people in the hand of the enemy, the quicker we come to victory" (p.2)

So from the specific revolutionary situation in Vietnam, as well as the strategy of people's war, the civilian mobilization became an essential part in the revolutionary strategy of North Vietnam. North Vietnam had to rely on the support of civilian population to carry out its military strategy and win the war. Otherwise, if it failed to win people's support, it would not be able to survive, not to mention to fight the enemy.

6.2.3 The content of civilian mobilisation work

Fully realized the role of civilian mobilisation in their war strategy, Vietnamese people's army leaders pointed out what every military unit has to do in civilian mobilisation work as follow: Fully abide by the Army's twelve disciplines

in relations with civilian people; Protect and help people; Support and help local organization; Carry out propaganda to people

** Fully abide by the Army's twelve disciplines in relations with civilian people*

Army's Twelve Disciplines in relations with civilian were promulgated since very early days of Vietnam People's Army. The Twelve Disciplines are the standard that every army officer or soldier must observe in the relations with people. After several times of changes, the Twelve Disciplines in relations with people are:

1) Never steal anything, even the needle and thread, from people; 2) Purchasing with people must be fair; 3) Asking for permission before borrowing anything from people, returning to people after use, compensating if break or lost; 4) No pestering people when stay at their houses, keep people's house and garden clean and tidy; 5) Strictly obeying the ethnic policy, respect for the freedom of belief and local people's customs and manners; 6) Closely uniting with people, respect the old, love children and polite toward woman; 7) No intimidate or abuse people; 8) Protecting facilities of the collective and state; 9) Uniting, respecting and supporting organizations of local people, local party branches and local armed forces; 10) Making example of following the guidelines, policy of the Party and laws of the State; 11) Actively doing propaganda, mobilising and helping people to carry out the guidelines, policy of the Party and laws of the State; 12) Keeping the army's secrets and mobilising people to keep the state's and army's secrets. (History of Department of Civilian Mobilisation, 2007, p.45).

Vietnamese people's army consider these disciplines as the foundation of their relations toward civilian population and it is the responsibility of every member of People's Army of Vietnam to fully understand and seriously abide by these disciplines. People's Army of Vietnam hold that these disciplines make the difference between Vietnamese people's army and the army of the South Vietnam's and America.

The book "*Some basic issues of the civilian mobilisation work in people's armed forces*" wrote that

"The army's twelve disciplines in relations with people are the basic disciplines regulate the relations between armed forces with people and other revolutionary organizations. The disciplines reflect the revolutionary nature of our armed forces. These disciplines are a crucial part of military discipline and ensure the solidarity between military and civilian population.....

These disciplines also reflect the ethical criteria of the armed forces, the virtue of revolutionary people and the duty of communist which is written in the Communist Party regulations" (Some basics issues..... 1971, p.35)

The book "*Civilian mobilisation- text book for army and reserved forces*" wrote that

"The twelve disciplines in relations with people reflect the good nature of our armed forces, those disciplines also highlight the basic difference between our army and the enemy's army. These disciplines would make people to love, to believe and to support our armed force and to implement the party's revolutionary tasks" (Civilian mobilisation....., 1968, p.9)

People's Army of Vietnam fully understands the importance of following these disciplines, especially in the condition of the war against America. Because they know that in the war against such a strong and powerful enemy like America, winning support from wide range of civilian population is crucial. The North Vietnam's military strength cannot be compared with America's. So the only way to fight against America is to combine the strength of armed forces and civilian. in other word, the combination of the strength of the whole nation. In that situation, every armed force member must follow the disciplines in relations with people to win their support.

The book "*Civilian mobilisation- text book for army and reserved forces*" wrote that

"Nowadays in the war against America to save our country, any attitude, action of any military personnel in relations with people has great political significance. In any event, each soldier must be alive to and act according to twelve rules in relations with people. The more difficult and hash the situation and area are, the more seriously the soldiers must abide by these rules. The soldiers must always act accordingly to show the good nature of our armed forces, thus to strengthen the military-civilian solidarity and win the civilian support. (Civilian mobilisation....., 1968, p.9).

The book continue that

"During march, operation, station or in battle, any dangerous situation broke out, the army must try their best to protect people even if they must accept harm to themselves. When operate in rural or urban areas which are recently liberated, armed forces must follow the rule and regulations of the liberated area. When operated in religious or ethnic minority area, armed forces must respect people's belief, their manners and customs.

The army must not take the advantage of the dangerous situation, or fighting situation, or the prestige of the army, or the people's good feeling toward army, to disregard the local authorities, violate local people' custom and manners. or cause harm to life of ordinary people." (Civilian mobilisation- text book for army and reserved forces, 1968, p.10).

So we can see that the twelve disciplines of the army in relations with people are very important in the North Vietnam People's Army's discipline. Every army personnel must fully understand and act according to these rules in any case. In the dangerous situation, the army must accept danger to themselves to protect people's lives and materials.

** Help and protect people*

North Vietnam armed forces not only have to fully abide by the twelve disciplines in relations with people but also have to actively help and protect people against enemy both in front as well as at rear. The tasks of the people's armed forces are not only fighting against enemy but also to help people and protect people, because eventually fighting enemy is also to ensure the happiness for the people. The Department of Civilian Mobilisation stated that

“Helping people is a good nature and tradition of our army. By acting accordingly and helping people enthusiastically, the armed forces will be loved by people. The people will believe in the Party's military line. This would create favourable condition for the propaganda work, and the people will support the army more and more in fighting the enemy. Helping people also contribute to building and strengthening the great rear for the army to fight in the front. (History of the department of civilian mobilisation, 2007, p.10).

The army's General Department of Politics requested that

“In order to carry out the job of mobilization in the front well, armed forces should be educated that protecting and helping people are as important as fighting enemy. Each army unit must have plan to carry out the civilian mobilization in every battle, ensuring that soldiers understand and consciously implement the work of civilian mobilization.” (Instruction to the Department of civilian mobilisation, 21/5/1966)

The book “*Some basic issues of civilian mobilisation in the people's armed forces*” pointed out what need to be done in the front to help and protect people

1) Fighting must go hand in hand with protecting people and winning back people's support. Army should support people in their effort to demolish enemy base and station, encourage them to kill enemy and create favourable condition for the mass to rise and struggle for the self-determination right and help the mass's guerrilla forces to develop.

2) Help and guide people in everyday life to avoid destruction of enemy strike. help people to reduce the consequences of the war. At the same time, mobilize people to fight against enemy operation and recruitment. Cooperate with local security forces to search and destroy the enemy's special forces, agent to protect local people.

3) In fighting, army must choose the way to minimize the harm to people both in term of materials and lives. Army must try their best to protect people's lives during operation, station or fighting. (Some basics issues of civilian mobilisation in the people's armed forces, 1971, p.45).

The book "*Civilian mobilisation- text book for army and reserved forces*" mentioned what need to be done to help people at rear

In the field of politics, the army must help local people authorities in the propaganda effort to make people fully understand the revolutionary line, and the line of fighting against America to save the country. The army also need to help local authorities to develop local political base, organize the mass and strengthen the mass movement.

In the fields of military, the army must help local people: Guide and help people in improving and strengthening local people's armed forces; Guide and help people's self-defence forces, guerrilla forces in their training and other tasks. Cooperate with these forces to search and destroy enemy's Special Forces and agent operating in local area; Guide and help local people and local armed forces to make and use primitive weapons against enemy, to build village into fighting base and to clear and deactivate mine; Help the youth and self-defence forces to get used to military life, so create the source for future recruitment.

In the field of economics, the army must promote the propaganda and help people in farming work to produce more food. The army can help people in seeding.

harvesting, ploughing etc. ; In case of natural calamity, army must help people to overcome quickly and return to their ordinary lives. If necessary, army must share food with local people.

In the field of culture, the armed forces must actively participate in local people cultural activities in order to build good image of the armed forces and good relations with people (Civilian mobilisation-textbook for army and reserved force, 1968).

** Support and help local people's organizations*

Local authorities and organizations are the tools of the communist party to implement and realize the Party's policies and instructions, to achieve the goal of bringing happiness to people. The army is a violent organization of the Party to protect the party and to ensure that the party's policies and instructions are carried out correctly. So, the army must support the local organization to make them as strong as possible. The party's policies and instructions cannot be implemented effectively and correctly if the local authorities and organizations are weak. Thus, eventually the people's everyday lives will be badly affected. On the other hand, if the party's policies and instructions are realized correctly, people's living standard will be improved and they would support the party and the army. Especially, people will understand and support the communist party's cause of national liberation and its military line in the war against America.

The book "*Some basic issues of civilian mobilisation in people's armed forces*" wrote that

"The party lead the revolution, implement the guideline, policies through local authority and mass union. So uniting with, respecting and supporting local party's committees, local authorities and mass organization are important

political tasks of our army. Only when these organizations are strong, can the party's policies and resolutions be implemented correctly" (Some basic issues of civilian mobilisation in people's armed forces, 1971, p.38).

Local authorities and mass organization are the reflection of the strength of local people. Vietnamese revolutionary strategy always base on mobilization of the strength of the whole population. The army have to help local authorities and mass organizations to develop the strength and also orient their strength in the direction which is useful for the revolution and for the party. The army must help local people and the local authorities to build a strong rear for them to be able to focus on fighting task in the front.

"The strength of the mass not only come from individual person, but also come from the organizations. Only when the mass organizations are strong, can they bring the strength of people into full play. Then, only when the mass organizations are strong, can they support the revolution the best." (Some basic issues of civilian mobilization in the people's army. 1971, p.43).

So the army helped and supported local and mass organizations to develop power of the mass and make full use of the power for the party's strategy in general and the armed forces military strategy in particular. The army must consider helping and supporting local authorities and mass organizations as an important political task.

** Actively propagandize and mobilize people to support revolution*

In civilian mobilization work, People's Army of Vietnam paid special attention to propaganda. The book "*Civilian mobilisation- text book for army and reserved forces*" wrote that

"Doing propaganda toward people contributes to enlightening people with revolutionary strategy, making people consciously follow the party's line and

determinedly support the armed forces to fight against enemy and to save the country. (Civilian mobilisation- text book for army and reserved forces. 1968. p.10)

The book "*History of the department of civilian mobilisation*" point out the following area of the propaganda work:

- 1) Propagandize and enlighten people with revolutionary strategy and mobilize people for armed fighting against enemy
- 2) The first and foremost aim of propaganda is to help people fully understand the true interest of the nation; clearly determine who is enemy and who is friend; fully understand the revolutionary situation, the strategy and the party's determination of fighting; understand the need of solidarity with army to fight against enemy and understand properly the way of fighting.
- 3) The army should also regularly strengthen the people's confidence in final victory of the revolution and show the people the good experience of fighting and help the mass to understand the enemy's way of war, thus base on that they can find out their own suitable way of war.
- 4) Encourage people to participate actively in implementing party's military tasks and take up arms to fight against enemy to save the country. Only when people consciously and voluntarily fight against enemy, can the people's war be successful because at that moment the people are fully understand their role, their enemy and the way to defeat the enemy, thus the movement of the whole nation fight against enemy can spread in the whole country.
- 5) The army also have to guide people how to fight enemy from its own experience. The army must show the people that they can fight the enemy effectively by real example so that they can enhance the people's confidence to fight enemy. The army also have to pay attention to combining their conventional fighting with people's guerrilla war, helping to develop guerrilla war when necessary.

6) Propagandize and mobilize people to follow party's policy and the laws. The army must be an example in following party's policy and abiding by laws. When people do not understand clearly the party's policy or instruction, army must cooperate with local organization and carry out propaganda to make people understand. The army rely on the support of civilian a lot, also it means that they have a lot of time in contact with civilian thus they must learn how to do propaganda properly and effectively. Also, the army should know that their activities and attitude toward people had great significance. If they lead by example, people would follow them voluntarily.

7) Propagandize about the nature and the tradition of the people's armed forces. Generally, people's army received much good feeling from people and people always care for the army's activities. The army must show to people their good nature and tradition, so that they received more love and support from people.

(History of the department of civilian mobilisation, 2007, p.47)

6.2.4 Critics of shortcoming in the civilian mobilisation work

Considering civilian mobilisation was an important job, the People's Army of Vietnam not only pointed out what needed to be done to win support from people but also stated what needed to avoid or in other word, the "don'ts" in the civilian mobilisation work. According to the Department of Civilian Mobilisation of People's Army of Vietnam, following are the most popular shortcoming in civilian mobilisation work.

The most popular mistake committed by armed force was causing loss to people's property. During their march, soldiers, intentionally or unintentionally, destroy people's farm. When people complain, the army unit not only not compensate for them, but argue that their military affairs are more important than the farms, thus, people should not complain about the loss. They consider the farm loss as a contribution to the military affairs. Or during their duty, soldiers stay in

people's house, using their food without thanking them. When people complain, soldiers argued that because of the emergency of military tasks, soldiers have the right to stay and eat in the house of civilian. And people should be willing to welcome soldiers as they are doing their job to defence the country.

Another mistake of the armed forces was borrowing properties of people but not return. For example, soldier borrow people's door to make bed in their barrack, or use the door to bury their comrade and do not return. Or soldiers borrow farming tools from people during their stay in or near the village, but when they leave to other place they bring these tools with them and not return or compensate to people. (History of the Department of Civilian Mobilisation, 2007, p.220).

These are very common mistakes committed by many military units and there are a lot of complaints from people about these mistakes.

The book "*Winning back people*" pointed out these specific mistakes and recommend that leaders of every army unit should ask their soldier to avoid these. The book stated that

"If we do not correct these mistakes, people will be unwilling to welcome our armed force, though they will still help the army. This would harm the solidarity between army and people. Thus, when the enemy come, it provides people with wrong information about our army and carry out counter propaganda against our army, the people will gradually lose their love and belief in our armed forces and then eventually they would change to support the enemy. If this scenario happen widely, we win finally lose the war" (Winning back people, 1958, p.5)

Another important point is that the people's army should never neglect the task of protecting civilian population. If people were left unprotected, the enemy would frighten and terrorize them and the enemy would force people to follow them

and work for them. Thus, Vietnam People's Army will lose people, and get weaker and weaker.

The book "*Winning back people*" wrote that

"Many military unit mobilize people to fight against enemy, after winning a specific battle, they go to other area. Then when the enemy go back to the village, our armed forces had gone already and the civilian population were left unprotected against the enemy. The people would be terrorised, jail, even tortured.... After several times like that the people will be very reluctant to help our armed forces because they are afraid of being left unprotected again. Gradually, our armed force lost more and more support from people. (*Winning back people*, 1958, p.6)

In some areas, armed forces did not pay proper attention to propaganda and mobilizing people who were forced to work for the enemy. Not everybody who worked for the enemy is the same. There are people actively cooperate and follow the enemy to go against the interest of our people. However, there are also people forced to work and cooperate with the enemy. People's Army of Vietnam asked their army unit not to treat every enemy personnel the same. The army should fight against those who actively work for enemy and should try to win back the support of those who were unwilling and forced to work for the enemy. The book "*Winning back people*" criticized some military units of the following mistakes:

- 1) Some military units did not pay proper attention to explaining and propagandizing the tolerance policy of PAVN toward captured enemy combatant or the surrendered. This would cause members of enemy not understands our tolerance policy, so we could not encourage them to surrender more.
- 2) Some military units did not care for the wounded enemy soldiers captured in the battle field. So when these soldiers get well, they went back to their village and spread the bad story about our army. And they would encourage people not

to follow our army. This would cause a lot of difficulties for us in doing propaganda and winning support from the people. (Winning back people, 1958. p.15).

6.2.5 How North Vietnam get the civilian mobilisation work done?

Fully aware of the importance of the civilian mobilisation works in the strategy of people`s war and the role of armed forces in carrying out the job, PAVN leaders managed to find many methods to do this job effectively.

First of all, PAVN leaders used the North Vietnam`s propaganda machine to do civilian mobilisation. During the war against America, they mostly used radio which was considered to be the most convenient means to do propaganda. The Department of Civilian Mobilisation, of General Departments of Politics is responsible for running the civilian mobilisation programs on the radio.

In the program called "*North-South Connection*" which was broadcasted 15 minutes every day, the Department composed many short stories, songs, short drama etc. about the good tradition of People`s Army Vietnam, the solidarity between military and people. This program was broadcasted steadily until the end of the war, and when the war grew fiercer, its broadcasting time was increased up to 30 minutes every day.

Besides this program, there was a program called "*Finding relatives through radio*" for people to find and inform their relatives. This program was very useful for those who have their families back in the South but they themselves regrouped in the North after the Geneva accord. The Department of Civilian Mobilisation collected letters from soldiers and other officers now in the North to broadcast to the South to inform their families in the South. During the broadcasting time, they usually added some propaganda information about the good society in the North

Vietnam. Also, members of Department of Civilian Mobilisation in the South, came to houses of soldiers who currently regrouped in the North to inform their family members and collected the letters to send to their loved ones in the North. Through these jobs, they also did the propaganda work, and gradually won support from this group of people. These families would more likely to support the Viet Cong or People's Army of Vietnam.

The propaganda job of Department of Civilian Mobilisation on the radio was very effective and it was highly appreciated by the General Department of Politics.

Besides using propaganda machine for the purpose of civilian mobilisation, PAVN also paid very much attention to mobilizing people by their concrete act and attitude. Every army unit had to implement civilian mobilization. It was a part of everyday training of the army.

From my interviews with the veterans in the war, I learnt that the army, on their long way march, if they arrived at a forest at night, they spent the night in the forest. However, if they came to a village at night, they spent the night in village. Generally each group of 3-5 soldiers stayed in one civilian's house. During their stay, soldiers did not take the food from the host family but they cooked for themselves. Sometime they ate together with the host, sometimes they ate separately. Normally, when leaving, soldiers paid a small amount of money to the host for the fuel, space...However, when the war got more and more fierce, soldiers usually stayed in civilian people's house for very short time (usually one or two nights), and the host then did not receive money from soldiers.

If their stay in the village was short (less than a week), soldiers usually helped the host family with some common jobs like farming, gardening, harvesting, roofing etc. Everyday soldiers had to help the host in cleaning and tidying up the house.

doing garden work etc. These concrete activities helped civilian people understand more about the army and the military life, and then they gradually loved and supported the people's army when necessary.

If the army intended to station near a village, soldiers usually stayed in civilian houses for some time before they could build their own barracks. When they stayed in a village for more than a week, besides helping people with the ordinary jobs as mentioned above, the military unit usually helped local organizations with such jobs as road building, house building, militia training etc. During the soldiers' stay, there were always some activities, joint organized by the army unit and the local authorities. These activities helped two sides know more about each other and increased the sympathy from the people toward the army. Even when the military unit finished building their own barracks and soldiers moved to live in their barracks, every one or two weeks, soldiers were asked to visit their host families to see whether they needed any help. This strengthened the relations between the military unit and the civilian people. Even in some case, when the military unit moved to different area already, but they still kept contact to the village they used to live. When this army unit went, next units would come. And everything was being repeated.

By doing the mobilization work through everyday contact and help people, the army won the hearts and minds of the people and they got the support from them. Thus the solidarity between civilian and military was increased and strengthened.

That was the way Vietnamese People's Army carry out their civilian mobilization when there was no fighting. Generally the aim of the army was to win the support from wide range of people and strengthen the military-civilian solidarity.

During the fighting, army tried to protect people and minimize the loss to civilian population. This was one of the most important requests of the civilian mobilization work.

In planning for any battle, the people's army usually considered the factor of civilian population living nearby. In any battle plan, the first part was always about general situation of the battle which includes the terrain, the area, the local people....Although the local civilian population was not the decisive factor to decide how the battle would be fought, it was a considering factor. For example, the battle plan of Thuong Duc battle wrote that

“Thuong Duc was liberated area, though enemy manage to control the region, we have a lot of active agent in this area. People in Thuong Duc belong to many different parties, religions, classes however most of them have good sympathy to our Communist party. We should not let the battle harm everyday life of local people, if possible. (A summary of military campaign in the resistant war against America 1954-1975, p.44).

Or another example, the plan of battle Lang Vay-Khe Sanh wrote that

“Local people, being sympathy to people's armed forces, did not cooperate with South Vietnam's army. Local people were forced to live in strategic hamlets, thus they could not provide us with information about enemy. The battle should be fought to liberate the area and destroy the strategic hamlet”. (A summary of military campaign in the resistant war against America 1954-1975, p. 62)

In actual fighting, North Vietnam's People's Army followed strict rule of engagement that: 1) Remove civilian out of battle field before fighting start. 2) During fighting, try at best to protect civilian and minimize civilian lives and assets. These rules of engagement are consistent throughout the North Vietnam's military operations during the war. The rules are applied in different battles with different tactics such as defensive, offensive, ambush etc. as noted in examples in chapter V.

This chapter has presented the North Vietnam's perspective on the cause and the justness of its war against America. In the North Vietnam's point of view, the war was caused by America's ignorance of the legitimate Vietnamese aspiration, i.e. the right of self-determination and the right to independence and integrity. It was the America who caused the war. North Vietnam did not want the war because it was fully aware of the power of American armed forces and did not want to have to encounter that armed forces in South Vietnam. So using military forces was the last resort of the North Vietnam leadership. North Vietnam strongly believed that its war against America was just. The cause of the war was to fulfil the legitimate aspiration of Vietnamese people. With that firm belief in its just cause, North Vietnam carried out the war. As its strategy was people's war, North Vietnam paid great attention to winning support of the civilian population. The support of civilian population was crucial for People's Army of Vietnam both in terms of survival and in terms of successfully carrying out the war strategy. The job of winning support from civilian was entrusted to the PAVN's Department of Civilian Mobilisation. Winning the support of civilian was the everyday works of any army unit. In the fighting, the army had to try its best to protect civilian's life and assets, even if soldiers had to accept more harm to themselves.

Chapter VII: Conclusion and the implications of the research about Vietnam War and the law of war

7.1 Conclusion

The Vietnam War, or the “Resistant war against America to save the country” as literally translated from Vietnamese, was the longest war that America committed outside the country in the 20th century. This war, which arguably had the most impact on public opinion of the West during the Cold War period, is “one of the wars best documented” (DeGroots, 2002, p.2). However, as many scholars noticed, there is an imbalance in the literature about the war. While literature about the America experience in the war is extensive, Western literature about the other side of the war, i.e. the Vietnamese side, is not appropriate. Moreover, the gap in literature continues to widen as the United States is currently involving in the wars in Iraq and in Afghanistan, more and more scholars look back to the Vietnam experience to draw lessons or analogy for the contemporary wars. The research about Vietnam War and the laws of war, which focuses on the North Vietnam’s compliance with the laws of war, its rule of engagement and its way to win support from civilian population, aims at increasing the understanding about the war on Vietnamese side.

The research confirms the hypothesis that North Vietnam’s military strategy was not consistent with the basic principles of the laws of war, but it was not unrestrained and North Vietnam had its own rule of engagement to win and maintain support of civilian population.

As noted in the chapter I Introduction, the first part of research question was whether North Vietnam complied with the laws of war in its war against America, chapter IV and V shows us that North Vietnam’s military strategy was not

formulated out of the fidelity of the laws of war. International humanitarian laws played no important part in the strategy making process in North Vietnam.

North Vietnam's military strategy is inherited from its ancestors in the long history of fighting against foreign invaders, who were usually very much stronger than Vietnamese national forces. From the history of frequent struggles against enemies, Vietnamese people formulated their own way of war for the weak against the strong. Their way of war is "everyone is a soldier" and "the whole nation joining forces" to fight against foreign aggression.

In the modern time, under the influence of Marxism- Leninism, the North Vietnam's military doctrine is the combination of the tradition and Marxist-Leninist military thoughts. Marxism pointed out that in class struggle, to achieve the end of proletariat's victory, any means is acceptable. As Engels wrote that

"A people eager to wrest back independence should not confine themselves to routine modes of war prosecution. Mass insurrection, revolutionary warfare, ubiquitous guerrilla detachment, such is the only method which makes it possible for a small nation to beat a bigger one, a weaker army to resist a stronger and better organized one" (Cited in Vo Nguyen Giap, 1977a, p.291).

When discussing the justice of the war, Lenin wrote that

"There are just and unjust wars, progressive and reactionary wars, wars waged by advanced classes and wars waged by backward classes, wars waged for the purpose of perpetuating class oppression and wars waged for the purpose of eliminating oppression. Reactionary, aggressive wars cannot be just, and unjust wars retard historical progress. Just wars have progressive aims. The political content of a just war is to liberate a people from oppression and exploitation, which hold back socio-economic development" (Lenin Collected Works, Vol. 29, p.343).

Inherited from the tradition of "the whole nation joining forces" to fight against foreign enemy and influenced by the Marxist-Leninist military thoughts,

North Vietnam's military strategy was not consistent with the basic principles of the laws of war. For example, the most central principle of distinction between combatants and non-combatants in the laws of war was not respected. On the contrary everyone is encouraged to participate in the war effort to fight against enemy. People not only produced necessities, supplied soldiers with food, shelter, helped the wounded in the battle field, carried out logistical work, and other chores but also participated in actual fighting.

The second part of the research question is that if basic principle of the laws of war were not respected, did North Vietnam follow any rule of engagement and how did it win support from civilian population. Chapter V& VI of the thesis show that North Vietnam had its own rule of engagement in relations with civilian in everyday contact as well as at the time of fighting to protect civilian and minimize civilian casualties and that North Vietnam paid great attention to winning and maintaining support from civilian population.

North Vietnam's inconsistency with the basic principles of the law of war does not mean that People's Army of Vietnam was unrestrained. PAVN had its own strict rule of engagement. In everyday life, PAVN soldiers must abide by such rules as Ten Swears, Twelve Disciplines in relations with people etc. These rules of engagement were consistent throughout the war and are still now valid in the PAVN. In fighting, North Vietnam army paid great attention to protecting ordinary people's lives and assets even if soldiers must accept more harm to themselves. PAVN tried to minimize civilian casualties by sending civilian supporters out of the battlefield before the battle start, or taking into account of civilian living around in planning any battle, choosing the way of fighting with least damage to civilian etc.

Given that North Vietnam's military strategy is Vietnamese style guerrilla warfare, winning support from civilian population is critical not only to their victory

but also to their own existence. Without civilian support, North Vietnamese armed forces were not able to survive, let alone to fight against such an enemy like America. So for their own existence, North Vietnam paid great attention to winning and maintaining the support from their people.

To win the support from civilians, North Vietnam justified their way of war by the justness of their cause. North Vietnam argued that its cause of liberating and reuniting the country is just. Its war against America was a national liberation war. Thus, North Vietnam tried its best with anything at disposal to fulfil the just cause. And North Vietnam's way of war is inherited from its ancestors in the past with the long history of fighting against foreign invaders. And this is the only viable strategy for the weak against the strong. In other word, North Vietnam could not choose its way of fighting but there was only one option available- people's war- if it wanted to win the war and fulfil the just cause. We can see in the North Vietnam's justification that the *jus ad bellum* criteria override the *jus in bello* principles.

To deliver these justifications and propaganda to civilian population, North Vietnam organized a Department of Civilian Mobilization, belonging to General Department of Politics of PAVN, to lead and supervise the job. The Department of Civilian Mobilization is a very important department in the General Department of Politics of North Vietnam People's Army. PAVN leaders requested that civilian mobilization is one of the everyday jobs of any army unit. The army, besides their fighting tasks, has political tasks of mobilizing the support of civilian population. Every army unit must implement the job of civilian mobilization whenever they contact with civilian population. With these organization and measures, during the war against America, North Vietnam could win and maintained support from wide range of people in the war. This support was crucial to the North Vietnam's final victory.

Answering the original question of how North Vietnam won the support of civilian population while their military strategy actually put the civilian lives at risks clarifies one aspect in the North Vietnam war strategy that have never been discussed in the Western literature before. This discussion by itself makes an original contribution to the Vietnam War literature. It contributes to lessening the imbalance between literature about the Vietnamese side and literature about America side in the war. By studying the Vietnamese strategy and tactics and its way to win support of civilian, the research makes the understanding about the war more balanced and to some extent help to understand the war in the American side more clearly. Moreover, studying North Vietnam's rule of engagement and its way to win support from civilian also has implications for justification of the morality of North Vietnam's war against America, for judging America's morality in the war and for the new lessons of Vietnam currently applied in America's wars of counter-insurgency in Afghanistan and Iraq.

7.2 Implications

7.2.1 Implication for judging the morality of North Vietnam's war against America.

The first implication of the research is that though North Vietnam's conduct in the war was not strictly consistent with the principles underpinning the laws of war, its war against America can still be considered as just and moral.

In terms of *jus ad bellum*, on balance North Vietnam's war was just. As argued in chapter VI, North Vietnam government was legitimate authority, it got more support from Vietnamese people than South Vietnam government. Using violent means to reunify the country was the last resort. North Vietnam had tried peaceful means but did not succeed. The cause of North Vietnam was just, it was the

war for country reunification and self-determination. This cause was proportionate to the war, given that Vietnamese people have strong sense of nationalism and when the war started, Vietnamese people had been living under foreign rule for centuries. In waging the war to reunify the country, North Vietnam had clear chance of success, and ultimately it won the war. Even though the war was not publicly declared, on balance it passed the criteria of *jus ad bellum*.

In terms of *jus in bello*, though North Vietnam's conduct in the war was not strictly consistent with principles underpinning the laws of war, it was not unrestrained, it followed its own rule of engagement to protect civilian and minimize civilian casualties. As argued in chapter V & VI, in every day contact with civilian, People's Army of Vietnam had to abide by the Ten Swear of People's Army, Twelve Disciplines in Relations with People etc. In fighting, North Vietnamese armed forces tried their best to protect civilian, minimize civilian casualties by such measures as sending civilian supporters out of battlefield before the battle begin, taking into account of the civilian living around in any battle planning etc.

From the above arguments, on balance, North Vietnam's war against America can be considered as just.

However, given that the war resulted in enormous civilian casualties, there might be argument that North Vietnam's war was immoral. The Vietnam War did produce large number of civilian casualties, but these casualties cannot be blamed totally on North Vietnam or Vietnamese side of the war. If America did not intervene in Vietnam, it might not need a war for North Vietnam to reunify the country. Even if the war broke out between North and South Vietnam, and America did not help South Vietnam, the war would end very quickly and it would be much fewer civilian casualties. Richard Falk noted that

“If the war was allowed to reach an outcome on the basis of internal play of Vietnamese, or even South Vietnamese forces, there is little doubt that North Vietnam and National Liberation Front would have long since succeeded. It is the massive America military presence, including its great weapons superiority, that accentuates recourse to illegal practices by both sides” (1969, p.485).

So, America should bear much larger responsibility for the civilian casualties in the Vietnam War. Lawrence C. Petrowski shared this view. He recognized that not only America caused civilian casualties but North Vietnam and Vietcong also did. However, he noted that

“It seems that the United States, in control of such massive firepower and virtually unbeatable militarily speaking, would be bound to do much more than it has in preventing civilian casualties and destruction of civilian property in Vietnam, no matter what the actions of the enemy” (1969, p.499).

So America’s war in Vietnam was “doubly untenable” (Walzer, 2006). This point is closely related to the second implication of this research.

7.2.2 Implication for judging the morality of American’s war in Vietnam.

Studying North Vietnam’s military strategy and its strategy to win support from civilian population can help to judge the morality of America’s conduct in the war more accurately.

In late 1960s, Paul Ramsey argued that America’s war in Vietnam is morally justified. And it is not America, but North Vietnam’s and Vietcong’s armed forces should be blamed for the huge amount of civilian casualties. Ramsey argued that because North Vietnam’s and Vietcong’s armed forces did not distinguish themselves from civilians, thus they enlarged the legitimate targets and collateral damage that can be attacked by American armed forces. (Ramsey, 2002, p.504).

In late 1970s, Michael Walzer challenged this view of Paul Ramsey by the arguments that the Vietnam War is a war that “cannot be won and should not be won” (Walzer 2006, p.195). Walzer argued that the interminglement between North Vietnam and Vietcong armed forces reached the level called *levée en masse*, where guerrilla cannot be isolated from its people. The war right of the people were passed on to the guerrilla fighters. Thus the Vietnam War is no longer an anti-guerrilla war but it is an “anti-social war, a war against entire people” (Walzer, 2006, p.187). So the America`s war in Vietnam is “doubly untenable” (Walzer, 2006, p.196).

Michael Walzer`s arguments based on the assumption that North Vietnam got support from their people for their military strategy. He himself stated that

“The war right of the people would have were they rise en masse are passed on to the irregular fighters they support and protect- assuming that the support, at least, is voluntary”. (Walzer, 2006, p.185).

However, Michael Walzer himself did not investigate in details how North Vietnam and Vietcong won the support, let alone the voluntary support, from civilian. That is why Ang Chen Guan reasonably stated that

“Too many premature judgments have been passed on America decision making and the conduct of the war without having given adequate consideration to understand how the war was actually perceived and conduct on the communist side” (Guan, 2003, p.2).

My research helps to solve this gap in Walzer`s arguments. My research points out the way North Vietnam got the support from wide range of population during its war against America. There was strong evidence that North Vietnam`s cause to reunify the country was just. North Vietnamese armed forces strictly abided by its rule of engagement during everyday contact with people and made strong effort to protect civilian lives and assets in the time of fighting. PAVN also established a specialized organization- the Department of Civilian Mobilisation- to carry out the

propaganda job and mobilize the support from civilian population. With these strategies and measures, North Vietnam managed to win enough support for its armed forces to sustain and fight against such a powerful enemy like America. Thus the result of my research contributes to strengthening Michael Walzer's arguments and reaffirms that the America's war in Vietnam is the war "cannot be won and should not be won".

7.2.3 Implication for relearning the lessons of Vietnam- Petraeus Doctrine

The third implication of the thesis is that the support of civilian population is crucial in winning an insurgent/counter-insurgent war. The thesis highlights that North Vietnam's armed forces won support from a substantial part of civilian population and thus was able to sustain and win the war against America even though it was militarily weaker than America. This produces an important lesson for America: in order to win a counter-insurgency war, America must not let the insurgent forces to win support from people. America must focus its efforts in winning hearts and minds of people, care for people's lives and assets in its military operations. This is a main theme of Petraeus doctrine, currently applied in Afghanistan and Iraq.

Before the America's involvement in Iraq in 2003, the lessons of Vietnam meant that the America should avoid getting involved in a long protracted insurgent war like the one in Vietnam. If they did enter the war, they must first satisfy a list of criteria which are very cautious. David Fitzgerald stated that "The lesson of Vietnam cautioned against any Army involvement in counter-insurgency" (2010, p.152). America's caution against involvement in long protracted war is well reflected in the Powell Doctrine. General Colin Powell, former Chairman of Joint

Chiefs of Staff, gave these criteria that must be satisfied before any troop commitment abroad. Put simply, Powell Doctrine caution against intervention unless (1) America has vital interest in the war and it is endangered (2) the objectives must be clear, (3) the US could bring overwhelming force to bear in the conflict, (4) Congressional and public support could be assured and (5) a clear exit strategy was in place. (Fitzgerald, 2010, p.152).

However, now the American army has entered a new era of war. Wars are now no longer as defined in Powell doctrine as brief, decisive and infrequent. But according to the emerging Petraeus Doctrine the armed conflict will be “protracted, ambiguous and continuous-with the application of force becoming a lesser part of the soldier’s repertoire” (Bacevich, 2008, p.3). To cope with the new strategic environment and to avoid repeating mistakes of the Vietnam War, America scholars return to Vietnam experience to relearn the lessons. The lessons of Vietnam that America military need to learn now are different from what they had learnt before, since the end of the war up until before Afghanistan war. What America should learn from Vietnam experience now is not caution against involvement in counter-insurgency war but rather how to fight a counter-insurgency war effectively. Or more clearly, how to win a war like the one happened in Vietnam few decades ago. In other word, if previous lessons focused on when to intervene, now the lesson is what should be done once the American troops have already committed in the war. Fitzgerald stated that

“No longer was Vietnam held up as an example of why the US should not engage in counter-insurgency warfare, but it was meant for example of how to conduct counter-insurgency.” (2010, p.159).

Or Jonathan Schell also shares this idea that

“To most Americans, Vietnam taught one big lesson: ‘Don’t do it again’. To today’s military, Vietnam has taught a host of little lessons, adding up to ‘Do it better’” (2010, p.5).

The study of North Vietnam military strategy in Vietnam War reveals the importance of winning the support from civilian population in a guerrilla and counterinsurgency/insurgency war. The North Vietnam’s armed forces could not be compared with America’s, they were much weaker. However, North Vietnam always stressed the importance of the political tasks in the armed forces along with the military tasks. Among the political tasks, they paid special attention to winning and maintaining the support from wide range of civilian population. This strategy originated from the fact that North Vietnam’s armed forces cannot live without the support from civilian population. And this strategy proved to be right and very effective for the North Vietnam to win the war.

General David Petraeus is current CIA Director. Previously, he was the Commander of International Security Assistance Force (ISAF) and Commander of U.S. Forces Afghanistan (USFOR-A) since June 2010. Earlier, he was Commanding General, Multi-National Force - Iraq (MNF-I) from January 2007 to September 2008. As commander of MNF-I, Petraeus oversaw all coalition forces in Iraq. During his tenure as commander of MNF-I, Petraeus helped to reverse the deterioration trend in the counterinsurgency war there. Iraq also is where he implemented the new counterinsurgency field manual FM3.24, also known as Petraeus Doctrine. Petraeus has his academic background on Vietnam war. In 1987, he earned his PhD from Princeton’s Woodrow Wilson School with a thesis titled *“The America Military and the Lessons of Vietnam: A Study of Military Influence and the Use of Force in the Post-Vietnam Era”*. Thus, it is not surprise that his doctrine was “strongly influenced by the Vietnam” as admitted by David Fitzgerald.

John A. Nagl, who is president of the Center for a New American Security and helped Petraeus write the counterinsurgency manual, stated the main points of the Petraeus Doctrine as followed:

“Its key tenets are simple, but radical: Focus on protecting civilian over killing the enemy. Assume greater risk. Use minimum, not maximum force” (Nagl & Fick, 2009).

These key tenets are clearly lessons learnt from Vietnam war. As Jonathan Schell, a researcher at The Nation Institute stated that

“Petraeus’s counterinsurgency manual, with all its talk of winning hearts and minds, is pure Vietnam”. (Schell, 2010, p.5).

Lately, with his success in the counterinsurgency war in Iraq, David Petraeus was nominated as the Commander of US and NATO forces in Afghanistan, after General Stanley McChrystal was sacked. After taking the new position in Afghanistan, on 27th July 2010, General Petraeus issued new “Counterinsurgency Guidance” for troops under his command. This 24 point guidance based on the Field Manual 3-34 and also reflects the new lessons learnt from Vietnam.

In the first guidance, Petraeus once again reaffirmed the decisive factor in a counterinsurgency war is winning the heart and mind of the people. He wrote that:

“The decisive terrain is the human terrain. The people are the center of gravity. Only by providing them security and earning their trust and confidence can the Afghan government and ISAF prevail”. (Guidance 1)

Throughout the guidance we can see the strong influence of the Vietnam experience. For example, regarding the fighting, Petraeus ordered that

“Hunt the enemy aggressively, but use only the fire power needed to win a fight. We can’t win without fighting, but we also cannot kill or capture our way to victory. Moreover, if we kill civilians or damage their property in the course of our operations, we will create more enemies than our operations eliminate. That’s exactly what the Taliban want. Don’t fall into their trap.” (Guidance 6).

In relations with the Afghan people, Petraeus ordered his troops to be kind, polite and show respect to them. He asked

“Be a good guest. Treat the Afghan people and their property with respect. Think about how you drive, how you patrol, how you relate to people, and how you help the community. View your actions through the eyes of the Afghans. Alienating Afghan civilian sows the seed of our defeat.

Build relationship, but not just with those who seek you out. Earn the people’s trust, talk to them, ask them questions and learn about their lives. Inquire about social dynamics, friction, local histories, and grievances. Hear what they say. Be aware of other in the room and how their presence may affect the answers you get. Cross-check information and make sure you have the full story. Avoid knee-jerk responses based on first impressions. Don’t be a pawn in someone else’s game.

Spend time, listen and drink lots of tea”. (Guidance 11& 12)

Generally, my thesis about the North Vietnam’s military strategy and its way to win support from wide range of civilian population in the Vietnam War reveals that the support from people is crucial to winning an insurgent/counter-insurgent war. Those who can win and maintain the support of people will eventually win the war, even though they may be militarily weaker. This is an important lesson of the Vietnam war that America is currently learning and applying in its wars in Iraq and Afghanistan under the Petraeus Doctrine.

In conclusion, North Vietnam’s military strategy in the war against America was not consistent with the basic principles underpinning the laws of war but North Vietnam had its own rules of engagement to protect civilian and minimize civilian casualties and it managed to win and maintain enough civilian support to sustain and eventually win the war against America. Studying the North Vietnam’s rule of engagement and its way of winning support from civilian population contributes to understanding more about the Vietnam war on the Vietnamese side and fills in a gap

in literature about the Vietnam War, an important event in the Cold war period in 20th century. The thesis shows that though North Vietnam's conduct in the war was not strictly consistent with the principles underpinning laws of war, its war against America was not immoral. It also contributes to confirming the Walzer's arguments that America's war in Vietnam was "doubly untenable" because it was "the war cannot be won and should not be won" (Walzer, 2006, p.195). The thesis also highlights the lessons that the support of people is crucial in winning an insurgent/counter-insurgent war, so for the America to win the current counter-insurgent wars, besides concentrating on military fighting, it should focus its effort on winning hearts and minds of people as noted in Petraeus doctrine.

Bibliography

ALDRICH, G.H., 2002. The Taliban, Al Qaeda, and the Determination of Illegal Combatants. *The American Journal of International Law* **96** (4), pp. 891-898.

ALFORD, Jr. N.H. 1966. The Legality of America Involvement in Vietnam. *The Yale Law Journal*, **75** (7), pp.1109-1121.

ANDRALE, DALE. (2008) Westmoreland was right: Learning the Wrong Lessons from the Vietnam War. *Small War and Insurgencies*, Vol.19 (No.2, June 2008), pp.145-181

ASSELIN, PIERRE. 2011. The Democratic Republic of Vietnam and 1954 Geneva Conference: A Revisionist Critique. *Cold War History*, Vol. **11** (No.2, 2011), pp.155-195.

ASSELIN, PIERRE. 2007. Choosing Peace: Hanoi and Geneva Agreement on Vietnam, 1954-1955. *Journal of Cold War Studies*, Vol.9 (no.2, Spring 2007), pp. 95-126

BACEVICH, ANDREW J. (2008) The Petraeus Doctrine. *The Atlantic*, October 2008

BELLAMY, C. 2002. 'Tool of Ill-Omen': The Shifted Conflict Paradigm and Reduced Role of Conventional Military Power. *Cambridge Review of International Affairs* **15** (1), pp.149-157.

BELLAMY, A.J. 2004. Supreme Emergencies and the Protection of Non-combatants in War. *International Affairs* **80** (5), pp.829-850.

BELLAMY, A.J. 2006. *Just Wars- From Cicero to Iraq*. Cambridge: Polity Press.

BENVENISTI, EYAL. (2009) Rethinking the Divide Between Jus ad Bellum and Jus in Bello in Warfare Against Nonstate Actors. *The Yale Journal of International Law*, Vol. 34 (2009), pp.541-548).

BEST, G. 1980. *Humanity in Warfare- The modern History of the International Law of Armed Conflicts*. London: Weidenfeld and Nicolson

BETTS, R.K. 2002. The Soft Underbelly of America Primacy: Tactical Advantages of Terror. *Political Science Quarterly* **117** (1), pp. 19-36.

BIRTLE, ANDREW J. (2008) PROVN, Westmoreland, and the Historians: A Reappraisal. *Journal of Military History*, Vol.72, (No.4, October 2008), pp.1213-1247

BLANK, S. 2004. Rethinking the Concept of Asymmetric Threats in U.S Strategy. *Comparative Strategy* **23** (4), pp. 343-367

BLUTH, C. 1987. The British Resort to Force in the Falklands/Malvinas Conflict 1982: International Law and Just War Theory. *Journal of Peace Research*, **24** (1), pp. 5-20.

BOWEN, W.Q. 2004. Deterrence and Asymmetry: Non-state actors and mass casualty terrorism. *Contemporary Security Strategy* **25** (1), pp.54-70.

BOYLE, J. 2003. Symposium: Responding to Terror Just War Doctrine and the Military Response to Terrorism. *The Journal of Political Philosophy* **11** (2), pp.153-170.

BRADLEY, M.P & YOUNG, M. 2008. *Making Sense of the Vietnam Wars: Local, National, and Transnational Perspectives*. Oxford: Oxford University Press.

BROWN, T.L. 1991. *War and Aftermath in Vietnam*. London: Routledge

BUTLER, M.J. 2003. U.S Military Intervention in Crisis. 1945-1994: An Empirical Inquiry of Just War Theory. *Journal of Conflict Resolution*, **47** (2). pp. 226-248.

CALHOUN, L. 2002. Legitimate Authority and 'Just War' in the Modern World. *Peace & Change*, **27** (1), pp.37- 57.

CARLAND, JOHN M. (2004) Winning the Vietnam War: Westmoreland's Approach in Two Documents. *Journal of Military History*, Vol.68, (No. 2. April. 2004), pp.533-574

CASSESE, A. 1980. *The New Humanitarian Law of Armed Conflict*. Napoli: Editoriale Scientifica

CAVERLEY, JONATHAN D. (2011) Explaining US. Military Strategy in Vietnam: Thinking Clearly about Causation. *International Security*, Vol. 35 (3). pp.124-143

CAWTHORNE, N. 2007. *Vietnam: A War Lost and Won*. London: Arcturus.

CHE GUEVARA, E. 2006. *Guerrilla Warfare*. Melbourne: Ocean Press

CHRISTOPHER, P. 1994. *The Ethics of War and Peace- An Introduction to Legal and Moral Issues*. New York: Prentice Hall, Inc.

CLAUDE, I.L, Jr. 1980. Just Wars: Doctrines and Institutions. *Political Science Quarterly*, **95** (1), pp.83-96.

COATS, A.J. 1997. *The Ethics of War*. Manchester: Manchester University Press.

COMMUNIST PARTY OF VIETNAM. 2005. 2006, 2007. 2008. 2009. *Documents of Communist Party of Vietnam*. Vol.14-26. Hanoi: National Politics Publishing House

COOK, M.L. 2007. Michael Walzer's Concept of 'Supreme Emergency'. *Journal of Military Ethics*, 6 (2), pp.138-151.

CRAWFORD, N.C. 2003. Just War Theory and the U.S Counterterror War. *Perspectives on Politics*, 1 (1), pp.5-25.

CREVELD, M.V. 1991. *The Transformation of War*. New York: The Free Press

CUMINGS, B. 2007. The American Way of Going to War: Mexico (1846) to Iraq (2003). *Orbis*, 51(2), pp. 195-215.

DEPARTMENT OF CIVILIAN MOBILISATION - GENERAL DEPARTMENT OF POLITICS. 2007. *History of the Department of Civilian Mobilisation from 1947 to 2007*. Hanoi: People's Army Publishing House.

DEPARTMENT OF CIVILIAN MOBILISATION - GENERAL DEPARTMENT OF POLITICS. 2003. *The Work of Civilian Mobilisation and Special Propaganda in Vietnam People's Army*. Hanoi: People's Army Publishing House.

DEPARTMENT OF CIVILIAN MOBILISATION - GENERAL DEPARTMENT OF POLITICS. 1968. *Civilian mobilisation – textbook for army and reserve forces*. Nam Ha: The Provincial Army's Political Committee.

DEPARTMENT OF STATE, OFFICE OF LEGAL ADVISER. 1966. The Legality of United States Participation in the Defense of Vietnam. *The Yale Law Journal*, **75** (7), pp.1085-1108.

DEUTSCH, E.P. 1966. The Legality of the United States Position in Vietnam. *America Bar Association Journal*, **52**, pp. 436-458.

DINH, XUAN LAM. 2007. *The History of Vietnam in general*. Hanoi: Education Publishing House

DIVINE, R.A. 1988. Vietnam Reconsidered. *Diplomatic History*, **12**(1), pp. 79-93.

DOSWALD-BECK, L. 1987. The Civilian in the Crossfire. *Journal of Peace Research*, **24** (3), pp.251-262.

DUFFY, H. 2005. *The War on Terror and the framework of international law*. Cambridge: Cambridge University Press.

DUIKER, W.S. 1981. *The Communist road to power in Vietnam*. Boulder: West View publishing house.

ELLBERG, D. 2006. Counterinsurgency Tactics Led to Haditha, My Lai. *New Perspectives Quarterly*, **23** (3), pp. 49-53

ELLIOTT, W.P.D. 1993. Hanoi's strategy in the second Indochina war. In WERNER, J. S and LUU, D.H. (ed). *The Vietnam war- Vietnamese and American Perspectives*. New York: M.E Sharpe, pp.66-94.

ELSHTAIN, J.B. 1992. *Just War Theory*. Oxford: Blackwell.

ENGELS, F., LENIN, V., & STALIN, J. 1970. *On People's War*. Hanoi: Su that Publishing House.

EVANS, M. 2005. *Just War Theory- A Reappraisal*. Edinburgh: Edinburgh University Press

EZRA, O. 2007. Moral Obligations and Immoral Wars: A Comment on Bica. *Journal of Social Philosophy*, **38** (4), pp. 644-653.

FALK, R. 1966. International Law and the United States Role in Vietnam War. *Yale Law Journal*, **75** (7), pp.1122-1160.

FALK, R. 1968. *The Vietnam War and International Law*. Princeton: Princeton University Press. Vol 1

FALK, R. 1969. *The Vietnam War and International Law*. Princeton: Princeton University Press. Vol 2

FALK, R. 1973. *The Vietnam War and International Law*. Princeton: Princeton University Press. Vol 3

FALK, R. 1976. *The Vietnam War and International Law*. Princeton: Princeton University Press. Vol 4

FITZGERALD, DAVID. (2010) Vietnam, Iraq and the Rebirth of Counter-Insurgency. *Irish Studies in International Affairs*, Vol. 21 (2010), pp.149-159

FRIEDMANN, W. 1967. Law and Politics in the Vietnamese War: A Comment. *The American Journal of International Law*, **61** (3), pp. 776-785.

GARDAM, J.G. 1993. Proportionality and Force in International Law. *The American Journal of International Law*, **87**(3), pp.391-413.

GEIB, ROBIN. (2006) Asymmetric Conflict Structure. *International Review of the Red Cross*, Vol. 83 (864, December 2006), pp. 757-777

GORRY, J. 2000. 'Just War' or Just War? The Future of a Tradition. *Politics*, **20**(3), pp. 177-183.

GRAEBNER, N.A. 1990. The Questions of Ends and Means: America policy in Vietnam. In J.N. MOORE (ed). *The Vietnam Debate- A Fresh Look at the Arguments*. New York: University Press of America, pp. 9-21.

GRAY, C. 2002. Thinking Asymmetrically in Times of Terror. *Parameters*, **XXXII** (1), pp.5-14.

GREENWOOD, C. 1983, The Relationship between jus as bellum ans jus in bello. *Review of International Studies*, **9**, pp.221-234.

GUAN, ANG CHENG. 2002. *The Vietnam War from the other side- The Vietnamese Communist Perspective*. London: RoutledgeCurzon.

GUAN, ANG CHENG. 1998. Decision-Making Leading to the Tet Offensive (1968)- The Vietnam Communist Perspective. *Journal of Contemporary History*, **33** (3), pp. 341-353.

HARTIGAN, R.S. 1967. Noncombatant Immunity: Reflections on its Origins and Present Status. *The Review of Politics*, **29** (2), pp. 204-220.

HALL, M.K. 2008. *The Vietnam war*. London: Longman

HELMUT, D.B and J.E. Capizzi. 2005. Just War Theories Reconsidered- Problems with Prima Facie Duties and the Needs for a Political Ethic. *Journal of Religious Ethics*, **33** (1), pp. 119-137.

HERRING, GEORGE, C. (1982) American Strategy in Vietnam: The Post war Debate. *Military Affairs*, vol.46, (No.2, April 1982), pp.57-63

HO CHI MINH. 1995. *Selected Works*. Hanoi: National Politics Publishing House.

HO CHI MINH. 1997. *Selected Works*. Volume 9. Hanoi: National Politics Publishing House.

HOANG, M.T. 2004. *The art of military fighting of Vietnam in the war of national liberation and safeguarding the fatherland*. Hanoi: People's Army Publishing House.

HOLLIDAY, I. 2002. When is a Cause Just?. *Review of International Studies*, **28**, pp. 557-575.

HUNT, DAVID. (2010) Dirty Wars: Counterinsurgency in Vietnam and Today. *Politics Society*, Vol. 38 (1), pp.35-66

ILESANMI, S.O. 2000. Just War Theory in Comparative Perspective- A Review Essay. *Journal of Religious Ethics*, **28** (1), pp. 139-155.

INSTITUTE OF HISTORY OF VIETNAMESE PEOPLE'S ARMY. 1997. *History of the resistant war against America (7 volumes)*. Hanoi: People's Army Publishing House

INSTITUTE OF HISTORY OF VIETNAMESE PEOPLE'S ARMY.1999. *History of Vietnamese people's army*. Hanoi: People's Army Publishing House

INSTITUTE OF HISTORY OF VIETNAMESE PEOPLE'S ARMY.2003. *History of Vietnamese military affairs*. Hanoi: People's Army Publishing House

INSTITUTE OF HISTORY OF VIETNAMESE PEOPLE'S ARMY. 1999. *History of the Resistant War against America to Save the Country 1954-1975*. Hanoi: National Politics Publishing House.

INTERNATIONAL COMMITTEE OF RED CROSS. 1965. Respect for the Rules of Humanity in Vietnam. *International Review of the Red Cross*, **5** (53), p.417-418.

INTERNATIONAL COMMITTEE OF RED CROSS. 1965. Responses to the ICRC's Appeal to have the Rules of Humanity Respected in Viet Nam. *International Review of the Red Cross*, **5** (54), p.477-478.

INTERNATIONAL COMMITTEE OF RED CROSS. 1965. Response to the ICRC appeal for respect to be given to the rules of humanity in Viet Nam. *International Review of the Red Cross*, **5** (55), p.527.

INTERNATIONAL COMMITTEE OF RED CROSS. 1968. The Requirements of Humanity in Vietnam. *International Review of the Red Cross*, **8** (84), p.138.

JAWORSKI, E. 2003. 'Military Necessity' and 'Civilian Immunity': Where is the Balance?. *Chinese Journal of International Law*, **2** (1), pp. 175-207.

JIVIDEN, D. 2004. Jus in bello in 21st Century: Reaping the Benefits and Facing the Challenges of Modern Weaponry and Military Strategy. *Yearbook International Humanitarian Law 2005*, pp.79-112.

JOES, A.T. 2001. *The war for South Vietnam, 1954-1975*. London: Praeger.

JOHNSON, A.C.1968. The third generation of guerrilla warfare. *Asian Survey* **VIII** (June 1968), pp.435-47

JOHNSON, J.T. 1971. The Meaning of Non-combatant immunity in the Just War/Limited War Tradition. *Journal of the American Academy of Religion*, **39** (2), pp. 151-170.

JOHNSON, J.T.1984. *Can Modern War Be Just?* London: Yale University Press.

JOHNSON, J.T. 2000. Maintaining the Protection of Non-Combatants. *Journal of Peace Research*, **37** (4), pp.421-448.

KASHER, A. 2007. The Principle of Distinction. *Journal of Military Ethics*, **6** (2), pp.152-167.

KEMP, K.W. 1988. Just War Theory: A Reconceptualization. *Public Affairs Quarterly*, **2**, pp.121-141.

KOONTZ, T.J. 1997. Noncombatant Immunity in Michael Walzer's Just and Unjust Wars. *Ethics & International Affairs*, **11**, pp.55-82

KREPINEVICH Jr., ANDREW F. (1986) *The Army and Vietnam*, Baltimore, Md.: John Hopkins University Press.

LACKEY, D.P. 1989. *The Ethics of War and Peace*. New York: Prentice Hall, Inc.

LE DUAN. 1970. *The Vietnamese revolution: Fundamental problems, essential tasks*. Hanoi: Su that publishing house.

LE DUAN. 1985. *Letters to the South*. Hanoi: Su that publishing house

LEE, S.P. 2007. *Intervention, Terrorism, and Torture: Contemporary Challenges to Just War Theory*. Dordrecht: Springer.

LENIN, V. 1938. *Selected Works*. London: Lawrence & Wishart Ltd. Vol. 18

LENIN, V. 1938. *Selected Works*. London: Lawrence & Wishart Ltd. Vol. 26

LENIN, V. 1938. *Selected Works*. London: Lawrence & Wishart Ltd. Vol. 29

LENIN, V. 1965. *The Armed Forces and the Revolution*. Moscow: Progress Publisher.

LEWY, G. 1978. *America in Vietnam*. New York: Oxford University Press

LEVIE, HOWARD S. 1969. Maltreatment of Prisoners of War in Vietnam. In: FALK, RICHARD A. (ed.). *The Vietnam War and the International Law*. Princeton: Princeton University Press, pp.361-397.

LIND, M. 1999. *Vietnam: The Necessary War- A Reinterpretation of America's Most Disastrous Military Conflict*. New York: The Free Press.

LOMPERIS, T.J. 1984. *The war everyone lost and won- America's intervention in Vietnam's twin struggles*. Louisiana: Louisiana State University Press.

MACK, A. 1975. Why Big Nations Lose Small Wars: The Politics of Asymmetric Conflict. *World Politics* 27 (2), pp.175-200.

MANUAL FOR POLITICAL WORKS IN VIETNAMESE PEOPLE'S ARMED FORCES. 1971. *Some basic issues of civilian mobilisation in people's armed forces*. Hanoi: People's Army Publishing House.

MANUAL FOR POLITICAL WORKS IN VIETNAMESE PEOPLE'S ARMED FORCES. 1958. *Winning back the people*. Hanoi: People's Army Publishing House

MARX, K & ENGELS, F. 1960. *Selected Works*. Moscow: Foreign Languages Publishing House.

Marxism-Leninism on war and army. 1972. Moscow: Progress Publishers

MCALLISTER, JAMES. (2011) Who Lost Vietnam? Soldiers, Civilians, and U.S Military Strategy. *International Security*, Vol. 35 (3), pp.95-123.

MCDONALD, P. 1993. *Giap- The victor in Vietnam*. London: Fourth Estate.

McMAHAN, J. 2005. Just Cause for War. *Ethics & International Affairs*, **19** (3), pp.1-21.

McMAHAN, J. 2007. The Sources and Status of Just War Principles. *Journal of Military Ethics*, **6** (2), pp.91-106.

McCOUBREY, H. 1992. *International Law and Armed Conflict*. Aldershot: Dartmouth.

MESSING, J.H. 1967. American Actions in Vietnam: Justifiable in International Law?. *Stanford Law Review*, **19**(6), pp.1307-1336.

METZ, S. & D.V. JOHNSON II. 2001. *Asymmetry and U.S Military Strategy: Definition, Background, and Strategic Concepts*. Strategic Studies Insititute.

MEYROWITZ, H. 1969. The Law of War in the Vietnamese Conflict. In R. FALK, (ed). *The Vietnam War and International Law*. Princeton: Princeton University Press, pp.516-571.

MINISTRY OF DEFENSE. 1996. *Local people's war in the resistant war against America 1954-1975*. Hanoi: People's Army publishing house.

MINISTRY OF DENFENSE. 2001. *A summary of military campaign in the resistant war against America 1954-1975*. Ha Noi: People's Army Publishing House.

MINISTRY OF DEFENSE. 2002. *Ho Chi Minh's military thoughts*. Hanoi: People's Army Publishing House

MOORE, J.N. 1967. The Lawfulness of Military Assistance to the Republic of Vietnam. *The American Journal of International Law*, **61** (1), pp. 1-34.

MOORE, J.N. 1967. International Law and the United States Role in Vietnam: A Reply. *Yale Law Journal*, **76** (6), pp. 1051-1094

MOORE, J.N. 1990. *The Vietnam Debate- A Fresh Look at the Arguments*. New York: University Press of America

MOUSSA, JASMINE. (2008) Can Jus ad Bellum Override Jus in Bello? Reaffirming the Separation of the Two Bodies of law. *International Review of the Red Cross*, Vol. 90 (No.972, December 2008), pp.963-990

MOZINGO, D.P. & ROBINSON, T.W. 1965. *Lin Piao on "people's war": China takes a second look at Vietnam*. Santa Monica: California University Press.

MYERS, R.J. 1996. Notes on the Just War Theory: Whose Justice, Which Wars?. *Ethics & International Affairs*, **10**, pp. 115-130.

NAGL, JOHN A & FICK, NATHANIEL C. (2009) Counterinsurgency Field Manual: Afghanistan Edition. Foreign Policy, January 2009.

NAGL, JOHN A. (2005) *Learning to Eat Soup with a Knife: Counterinsurency Lessons from Malya and Vietnam*, Chicago: University of Chicago Press

NURICK, L. 1945. The Distinction between Combatant and Noncombatant in the Law of War. *The American Journal of Interntional Law*, **39** (4), pp.680-697.

O'CONNOR, D.T. 1974. A Reappraisal of the Just-War-Tradition. *Ethics*, **84** (2), pp. 167-173.

O'DONOVAN, O. 2003. *The Just War Revisited*. Cambridge: Cambridge University Press.

OBREND, B. 2001. Just and Lawful Conduct in War: Reflections on Michael Walzer. *Law and Philosophy*, **20**(1), pp. 1-30.

O'BRIEN, M.L. 1981. *The Conduct of Just and Limited War*. New York: Praeger Publishers.

O'BRIEN, WILLIAM.V. (1978) The Jus in Bello in Revolutionary War and Counterinsurgency. *Virginia Journal of International Law*, Vol.18 (2), pp.194-242

ORAKHELASHVILI, ALEXANDER. (2007) Overlap and Convergence: The Interaction Between Jus ad Bellum and Jus in Bello. *Journal of Conflict & Security Law*, Vol. 12 (2), pp.157-196.

OSTERDAHL, INGER. (2010) Dangerous Liaison? The Disappearing Dichotomy Between Jus ad Bellum and Jus in Bello. *Nordic Journal of International Law*, Vol.78 (2010), pp.553-566

PAPE, R.A. Jr. 1990. Coercive Air Power in the Vietnam War. *International Security*, **15** (2), pp.103-146

PASKINS B. 2007. Realism and the Just War. *Journal of Military Ethics*, **6** (2), pp.117-130.

PAUL, T.V. 1994. *Asymmetric Conflicts: War initiation by Weaker Powers*. Cambridge: Cambridge University Press.

PETRAEUS, DAVID. (2006) Learning Counterinsurgency: Observations from Soldiering in Iraq. *Military Review*. January 2006.

PETROWSKI, L. C. 1969. Law and Conduct of the Vietnam War. In R. FALK, (ed). *The Vietnam War and International Law*. Princeton: Princeton University Press, pp. 439-515

PHAN, HUY CHU. 2001. *Rules and Regulations of Different Dynasties Classified by Categories*. Hanoi: Education Publishing House

PHILLIPS, R.L. 1975. *War and Justice*. Oklahoma: University of Oklahoma Press.

PODHORETZ, N. 1982. *Why We Were in Vietnam*. New York: Simon & Schuster.

POSNER, E.A. 2003. A Theory of the Laws of War. *University of Chicago Law Review* **70** (1), pp. 297-317.

POWELL, R.L. 1969. Maoist military doctrine. *Asian Survey* **VIII** (April 1968), pp.241-257.

PRIMORATZ, I., 2005. Civilian Immunity in War. *The Philosophical Forum*, **XXXVI** (1), pp. 41-57.

PRIMORATZ, I., 2007. *Civilian Immunity in War*. Oxford: Oxford University Press.

RALPH, J. 2007. *Defending the Society of States: Why America Opposes the International Criminal Court and Its Vision of World Society*. New York: Oxford University Press.

RAMSEY, P. 2002. *The Just War- Force and Political Responsibility*. Third Edition. Oxford: Rowman & Littlefield Publishers, Inc.

RENGGER, N. 2002. On the Just war Tradition in the Twenty-first Century. *International Affairs*, **78** (2), pp.353-363.

ROBERTS, ADAM. (2008) The Equal Application of the Laws of War: A Principle under Pressure. *International Review of the Red Cross*. Vol. 90 (No.872, December 2008), pp. 931-962.

ROBINSON, P. 2003. *Just War in Comparative Perspective*. Hampshire: Ashgate Publishing Limited.

ROHR, J.A. 1971, Just War and Selective Objectors. *Review of Politics*, 33 (2), pp.185-201.

SASSOLI, MARCO. (2007) Jus ad bellum and jus in bello- The separation between legality of the use of force and humanitarian rules to be respected in warfare: Crucial or outdated?. In SCHMITT, M. & PEJIC, J. (ed) (2007) *International Law and Armed Conflict: Exploring the Fautlines*, Leiden: Martinus Nijhoff Publishers

SARDESAI,D.R.2005. *Vietnam, past and present*. United States: West View.

SCHICK, F.B. 1969. Some Reflections on the Legal Controversies Concerning America's Involvement in Vietnam. In R. FALK, (ed). *The Vietnam War and International Law*. Princeton: Princeton University Press, pp. 158-203.

SCHMITT, CARL. (2004) *The Theory of the Partisan: A Commentary/Remark on the Concept of the Political*. Michigan State University Press.

SCHMITT, M. & PEJIC, J. (ed) (2007) *International Law and Armed Conflict: Exploring the Fautlines*, Leiden: Martinus Nijhoff Publishers

SHARMA, S.K. (2008) Reconsidering the Jus ad Bellum Jus in Bello distinction. In: STAHN, C and KLEFFNER, J.K (eds). *Jus Post Bellum-Towards a Law of Transition From Conflict to Peace*. The Hague: T.M.C.Asser Press.

SLOANE, ROBERT.D. (2009) The Cost of Conflation: Preserving the Dualism of Jus ad Bellum and Jus in Bello in Contemporary Law of War. *The Yale Journal of International Law*, Vol.34 (47), pp.48-108.

SMITH, R.B. 1983-1991. *An International history of the Vietnam war*. Basingstoke: McMillan.

SORLEY, LEWIS. (1999) *A Better War: The Unexamined Victories and Final Tragedy of America's Last Year in Vietnam* New York: Harcourt Brace

SUMMER Jr., HARRY G. (1982) *On Strategy: A Critical Analysis of the Vietnam War* Novato, California: Presidio.

SUN TZU. 1963. *The Art of War*. Oxford: The Clarendon Press.

SUTER, K. 1984. *An International Law of Guerrilla Warfare- The Global Politics of Law-making*. London: Frances Pinter Publishers.

TEICHMAN, J. 1986. *Pacifism and the Just War- A Study in Applied Philosophy*. Oxford: Basil Blackwell.

THE HARVARD LAW REVIEW ASSOCIATION. 1967. The Geneva Convention and the Treatment of Prisoners of War in Vietnam. *Harvard Law Review*, **80** (4), pp. 851-868.

THORNTON, R. 2007. *Asymmetric Warfare- Threat and Response in the Twenty-first Century*. Cambridge: Polity Press.

TOFT, I.A. 2005. *How the Weak Win Wars: A Theory of Asymmetric Conflict*. Cambridge: Cambridge University Press.

TOFT, I.A. 2001. How the Weak Win Wars: A Theory of Asymmetric Conflict. *International Security* **26** (1), pp. 93-128.

TOVY, TAL. (2010) Peasant and Revolutionary Movements: The Viet Cong as a Case Study. *War in History*, Vol.17(2), pp.217-230

TRAN, V.T. 1993. The War that should not have been. In WERNER, J. S and LUU, D.H. (ed). *The Vietnam war- Vietnamese and American Perspectives*. New York: M.E Sharpe, pp. 233-243.

TRUONG CHINH. 1963. *Primer for revolt: The communist takeover in Vietnam*. Hanoi: Truth Publishing House.

TUCKER, R.W. 1960. *The Just War- A Study in Contemporary American Doctrine*. Baltimore: The John Hopkins Press

TUCKER, S.C. 1999. *Vietnam*. Kentucky: University of Kentucky Press

VO, NGUYEN GIAP. 1977a. *National Liberation War in Vietnam*. Hanoi: Foreign Languages Publishing House

VO, NGUYEN GIAP. 1977b. *To Arm the revolutionary Masses, to Build the People's Army*. Hanoi: Foreign Languages Publishing House.

WALZER, M. 2006. *Just and Unjust War- A Moral Argument with Historical Illustrations*. Fourth Edition. New York: Basic Book

WENER, J.S and D.H. LUU. 1993. *The Vietnam war: Vietnamese and America Perspectives*. New York: M.E. Sharpe (eds).

WHEELER, N. 2002. Dying for 'Enduring Freedom': Accepting Responsibility for Civilian Casualties in the War against Terrorism'. *International Relations* 16(2), pp.205-225

WILLBANKS, J.H. 2006. *The Vietnam War*. Hampshire: Ashgate (eds)

WILLIAMS, R.E. Jr. and D. CALDWELL. 2006. Just Post Bellum: Just War Theory and the Principles of Just Peace. *International Studies Perspectives*, 7, pp.309-320.

WIZZARD, JAMES W. & CAPRON, TIMOTHY A. (2010) Exporting General Petraeus's Counterinsurgency Doctrine: An Assessment of the Adequacy of Field manual 3-24 and the U.S Government's Implementation. *Public Administration Review*, Vol.70 (3), pp.485-493.

WRIGHT, Q. 1966. Legal Aspects of Vietnam Situation. *The American Journal of International Law*, 60 (4), pp.750-769.

YODER, J.H. 1996. *When War is Unjust- Being Honest in Just- War Thinking*. Second Edition. New York: Orbis Books.

Web Resources:

- Quadrennial Defense Review- May 1997. Available from:
<http://www.fas.org/man/docs/qdr>

- National Institute for Public Policy- Understanding 'Asymmetric' Threats to the United States. Available from:
<http://www.missilethreat.com/repository/doclib/20021000-NIPP-asymmetricthreats.pdf>

- National Security Council- The National Security Strategy of the United States of America 2002. Available from:

<http://www.comw.org/qdr/fulltext/nss2002.pdf>

- Combatant Status Review Tribunal Order of the Deputy Secretary of Defense July, 2004. Available from:

<http://www.defenselink.mil/news/Jul2004/d20040707review.pdf>

- British Ministry of Defense- British Defense Doctrine. Available from:

<http://www.mod.uk/NR/rdonlyres/7E9DB317-801D-F4F->

[B89852588BC5CAA/0/20071218_jwp0_01_U_DCDCIMAPPS.pdf](http://www.mod.uk/NR/rdonlyres/7E9DB317-801D-F4F-B89852588BC5CAA/0/20071218_jwp0_01_U_DCDCIMAPPS.pdf)

- British Ministry of Defense- Strategic Defense Review. Available from:

<http://www.mod.uk/NR/rdonlyres/65F3D7AC-4340-4119-93A2->

[20825848E50E/0/sdr1998_complete.pdf](http://www.mod.uk/NR/rdonlyres/65F3D7AC-4340-4119-93A2-20825848E50E/0/sdr1998_complete.pdf)

- Symposium of '*New Battlefield, Old Law: From Hague Convention to Asymmetric Warfare*' organized by the Institute for National Security and Counterterrorism, Syracuse University. Available from:

<http://insct.syr.edu/Battlefields/events.htm>

BOOT, MAX. (2011) The war over the Vietnam war. Available from:

<http://www.maxboot.net/articles/50-the-war-over-the-vietnam-war.html>

[Access 18/10/2011].

BUEL, MEREDITH. (2010) *US Commander Says Civilian Casualties in Afghanistan Undermine Military Mission*. Available from:

<http://www.voanews.com/english/news/US-Commander-Says-Civilian-Casualties-in-Afghanistan-Undermine-the-Military-Mission--90785414.html>

[Access 20/04/2011]

FOX NEWS. (2010) *Petraeus to Modify Afghanistan Rules of Engagement.*

Available from:

<http://www.foxnews.com/politics/2010/06/25/petraeus-modify-afghanistan-rules-engagement-source-says/> [Access 20/4/2011]

GRANT, GREG (2010) *Petraeus Issues New COIN Guidance for Afghan Theater.* Available from:

<http://defensetech.org/2010/07/28/petraeus-issues-new-coin-guidance-for-afghan-theater/> [Accessed 20/4/2011].

NORTHAM, JACKIE. (2010) *Afghanistan to Test Petraeus's Master Plan.*

Available at

<http://www.npr.org/templates/story/story.php?storyId=128198136> [Access 20/04/2011]

PETRAEUS, DAVID (2010) *COMISAF'S Counterinsurgency Guidance.*

Available from

http://www.isaf.nato.int/images/stories/File/COMISAF/COMISAF_COIN_Guidance_01Aug10_.doc [Access 20/4/2011]

SCHELL, JONATHAN. (2010) *We Learned So Much, at Such Cost, in Vietnam. Why Must We Learn it All Again in Afghanistan?* Available from

<http://www.cbsnews.com/stories/2009/11/17/opinion/main5682042.shtml>
[Access 20/04/2011].

Charter of the United Nations

The Hague Convention 1907

Geneva Convention (IV) relative to the Protection of Civilians Persons in Time of War.

Geneva Convention (III) relative to the Treatment of Prisoners of War

Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea.

Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

Protocol I Additional to Geneva Conventions

Protocol II Additional to Geneva Conventions

Ten Swears of Vietnamese People's Army

Twelve Disciplines of People's Army Officers in Relations with People

Ten Disciplines of Saving Country Army