

U. S. POLICY ON ALL-VIETNAM ELECTIONS

TABLE OF CONTENTS

	<u>Page</u>
Statement of U.S. Policy.....	1
General Considerations.....	1
Courses of Action.....	2
Staff Study.....	4
The Problem.....	4
Analysis.....	4
Terms of the Geneva Agreements.....	4
Legal Obligations Under the Geneva Agreements.....	5
Difficulties Involved in Elections.....	6
Problems Involved in Avoiding the Elections.....	7
Relationship of Free Vietnamese Strength to the Election Question.....	8
Free Vietnam Position in Election Negotiations.....	8
Implications of U.S. Support for Free Vietnam Position in Elections.....	10



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STATEMENT OF U.S. POLICY

on

ALL-VIETNAM ELECTIONSGENERAL CONSIDERATIONS

1. It is U.S. policy to maintain a friendly non-Communist Free Vietnam; to assist Free Vietnam to maintain
(a) military forces necessary for internal security, and
(b) economic conditions conducive to the maintenance of the
strength of the non-Communist regime; and to prevent a Communist
victory through all-Vietnam elections.

2. Free Vietnamese strength is essential to any effective approach to the election problem. If Free Vietnam is to cope adequately with national elections it will have to be strong enough to deter or defeat Vietminh insurrections in its territory, to impose and sustain order in its territory, and to win a free election limited to its own zone and held under its own auspices and control. Otherwise, the Vietminh can take over through internal insurrections or the Government of Free Vietnam will be so weak that it will find it difficult even to give lip service to the idea of national unification through elections, or to insist on adequate conditions for free elections.

3. U.S. policy toward all-Vietnam elections should be predicated on the assumption that there is a possibility of assisting Free Vietnam to achieve the degree of strength

described above. If it becomes clear that Free Vietnam cannot achieve such strength, U.S. policy toward Free Vietnam should be reviewed.

4. U.S. policy must also protect against a Communist take-over of Free Vietnam, even if the Communists were able to win elections under safeguards in North Vietnam. On the other hand, U.S. policy should be prepared to take advantage of the unlikely possibility that North Vietnam might be freed through elections.



COURSES OF ACTION

5. Continue to encourage the Government of Free Vietnam to proceed with the consultations about elections called for in July 1955 by the Geneva Agreements.

6. Provide the Government of Free Vietnam with information and advice about Communist positions and tactics with regard to elections elsewhere, e.g., Greece, Germany, Austria and Korea.

7. Assist the Government of Free Vietnam to make it clear that any failure to secure free elections is the fault of the Communists.

8. Encourage the Government of Free Vietnam:

a. To lay stress on the necessity of compliance with the stipulation of the Geneva Agreements that "all the necessary conditions obtain for free expression of the national will" before all-Vietnam elections can

take place. For this purpose the Government of Free Vietnam should insist in the first instance on adequate guarantees of freedom of elections* and adequate supervisory powers in a Supervisory Commission.

b. To adopt positions with respect to the objectives and details of elections which: (1) will avoid terms which would be likely to result in a Communist take-over of Free Vietnam; and (2) to the degree feasible, will maintain a position generally consistent with that adopted by the Free World in other areas such as Korea and Germany.

9. Seek British and French support for the foregoing courses of action.

10. If pursuit of the above policy should result in a renewal of hostilities by the Communists, the U.S., in the light of the general circumstances then prevailing, should be prepared to oppose any Communist attack with U.S. armed forces, if necessary and feasible--consulting the Congress in advance if the emergency permits--preferably in concert with the Manila Pact allies of the U.S., but if necessary alone.

*For examples of such guarantees, see para. 8 of the attached Staff Study.

~~TOP SECRET~~

NSC STAFF STUDY
on
U. S. POLICY ON ALL-VIETNAM ELECTIONS
THE PROBLEM

To determine U. S. policy with respect to the elections called for in Vietnam under the Geneva Agreements.

ANALYSIS

Terms of the Geneva Agreements

1. The Geneva Agreements make only two specific references to elections in Vietnam:

a. Article 7 of the Conference Declaration states:

"...so far as Vietnam is concerned, the settlement of political problems, effected 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 elections by secret ballot."

and "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 1955 onwards."

b. Article 14(a) of the Agreement on the Cessation of Hostilities in Vietnam states:

"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."

2. The provisions of the Geneva Agreements on elections in Vietnam are thus specific in only three respects:

a. Character ("free expression of the national will").

b. Supervision (by representatives of the Member States--India, Canada, Poland--of the International Supervisory Commission).

c. Timing (preliminary consultations between competent representative authorities of the two zones are to begin on July 20, 1955; general elections are to be held in July 1956).

On all other aspects of the elections the Geneva Agreements are generally ambiguous. They do not specify the type of election which should be held, the procedures which should govern the elections, or the purposes of the elections except for a single statement that they "will bring about the unification of Vietnam." All those matters are left to the consultations between the representatives of the two zones "from 20 July 1955 onwards."

Legal Obligations Under the Geneva Agreements

3. a. The UK, France and the Vietminh signed the Geneva Agreements without comment on the election provision and are therefore presumably bound by them.

b. Free Vietnam specifically reserved its position with regard to elections in the following statement made to the Final Plenary Session of the Indochina Phase of the Geneva Conference on July 21, 1954:

"It [the Delegation of the State of Vietnam] also solemnly protests against the fact that the French High Command was pleased to take the right without a preliminary agreement of the Delegation of the State of Vietnam to set the date of future elections, whereas we deal here with a provision of an obviously political character. Consequently,

the Government of the State of Vietnam requests that this Conference note that it does protest solemnly against the way in which the Armistice has been concluded and against the conditions of this Armistice which have not taken into account the deep aspirations of the Vietnamese people.

"And the Government of the State of Vietnam wishes the Conference to take note of the fact that it reserves its full freedom of action in order to safeguard the sacred right of the Vietnamese people to its territorial unity, national independence, and freedom."

Accordingly, Free Vietnam is not legally bound by provisions with respect to elections in the Geneva Agreements.

c. The United States is not a party to the Geneva Agreements. In the Final Plenary Session the United States (1) took note of the Armistice Agreements and paragraphs 1-12 of the Declaration; (2) declared that the United States "will refrain from the threat or the use of force to disturb them" and "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security"; (3) stated with respect to elections that "in the case of nations now divided against their will, we shall continue to seek to achieve unity through free elections, supervised by the United Nations to insure that they are conducted fairly"; (4) noted the reservation of Free Vietnam and reiterated the traditional U. S. position "that peoples are entitled to determine their own future and that [the United States] will not join in an arrangement which will hinder this." The U. S. representatives stated that "nothing in the Declarations made by it [1, 2 and 3 above] is intended to or does indicate any departure from this traditional position."

Difficulties Involved in Elections

4. The Communists would hold certain advantages in all-Vietnam elections, particularly if such elections were not held under conditions of complete freedom and rigorous supervision: (a) Communist popular appeal derived from long identification with the struggle for independence; (b) the greater organizational capacity of the Communists to influence elections through propaganda, control, and coercion; (c) the

TOP SECRET

continuing difficulties of the Free Vietnam Government in consolidating its political control in its own zone and moving ahead with programs of popular appeal.

Problems Involved in Avoiding the Elections

5. Despite these Communist advantages, there are a number of factors which have led the U. S. to encourage Free Vietnam to agree to the preliminary consultations stipulated in the Geneva Agreements in order to determine whether the conditions of free elections and international supervision can be met.

a. Free Vietnam has already suffered in its contest with the Communists from the fact that the Communists have been able, largely because of the French position in Vietnam, to pre-empt for themselves identification with the slogan of national independence. Actions by Free Vietnam which were clearly directed towards avoiding elections would be seized on by the Communists to demonstrate that Free Vietnam was opposed to unification. To allow the Communists to pose as the sole champions of national unification would greatly increase the problems of Free Vietnam in securing popular support.

b. The over-all United States position in the world would be harmed by U. S. identification with a policy which appeared to be directed towards avoidance of elections. World public opinion, and for that matter domestic U. S. opinion, would have difficulty in understanding why the U. S. should oppose in Vietnam the democratic procedures which the U. S. has advocated for Korea, Austria and Germany.

c. It is clear that both the French and the British believe themselves committed as signatories of the Geneva Agreements to a program of encouraging the holding of elections. In addition, the French fear that failure to hold elections would provoke a resumption of hostilities by the Vietminh in which France would be directly and involuntarily involved due to the probable presence of at least large numbers of the French Expeditionary Corps through 1955 and the first half of 1956.

Relationship of Free Vietnamese Strength to the Election Question

6. The question of Free Vietnamese strength is central to the election problem. The Government of Free Vietnam will have not only to maintain itself as an anti-Communist entity but also to develop considerably more unity and strength than it now appears able to command. U. S. policy with respect to elections is therefore dependent upon the success, in the interim before elections, of U. S. efforts to assist Free Vietnam to establish and maintain a position of strength which alone would permit U. S. advice on the holding of elections to be of utility.

a. Free Vietnam will have to be strong enough to deter or defeat Vietminh insurrections in its territory. If Free Vietnam were militarily and politically so weak that it could not successfully counter internal Vietminh insurrections in its territory, the question of national elections would be largely academic.

b. Free Vietnam will have to be strong enough to impose and sustain order in its own territory. If developments in Free Vietnam were to lead to civil war or a collapse of administration the Vietminh would probably be in a position to take over Free Vietnam without either major military activity or elections. Elections and consultations for elections would in that case probably only be a species of formality to register effectiveness of Vietminh control.

c. Free Vietnam will have to be strong enough politically to win a free election limited to its own zone and held under its own auspices and control. If the Government of Free Vietnam is too weak to do this, it would find it difficult even to give lip service to the idea of national unification through elections, or to insist on adequate conditions for free elections.

Free Vietnam Position in Election Negotiations

7. It will be advantageous to the U. S. if Free Vietnam, in negotiating on elections with the Communists, adopts a position which: (a) will avoid terms which would be likely to result in a Communist takeover of Free Vietnam; (b) will, to the degree feasible, maintain a position generally consistent with that adopted by the Free World in other areas such as Korea and Germany.

8. In negotiating for conditions of genuine freedom for the holding of elections, Free Vietnam can serve both these objectives by insisting on provisions such as those already supported by the Western Powers at Berlin: Agreement on safeguards to assure conditions of genuine freedom before, after, and during elections; full powers for any Supervisory Commission to act to ensure free elections and to guarantee against prior coercion or subsequent reprisal; adequate guarantees for, among other things, freedom of movement, freedom of presentation of candidates, immunity of candidates, freedom from arbitrary arrest or victimization, freedom of association and political meetings, freedom of expression for all, freedom of press, radio, and free circulation of newspapers, secrecy of vote, security of polling stations and ballot boxes. The Communists would find it most difficult to accept such conditions or to allow their implementation if accepted. Accordingly, it would be useful for the Free Vietnamese to center their position on securing agreement to conditions for free elections prior to discussion of the forms and objectives of the elections.

9. If the negotiations extend to the subjects of the forms and objectives of elections it will be more difficult for Free Vietnam to adopt positions which clearly protect the interests of Free Vietnam and at the same time are completely consistent with Free World positions on Germany or Korea. Free Vietnam is probably slightly less populous than North Vietnam (although there has been a substantial refugee movement to the South and there are no firm population statistics), so that representation proportionate to population, which we have insisted on in other areas, would be less advantageous in Vietnam than would be equal representation from the two zones. Limitation of the functions of any elected body solely to drafting of a constitution would be clearly desirable in the case of Vietnam, while in other areas we are considering bodies which may have additional functions. It would be advantageous for the Free Vietnam Government to reserve the power to accept or reject any constitution that might be agreed upon in an elected constituent assembly. Such a position is probably not desirable in the other areas. In general, however, it should be possible to devise positions with regard to the details and objectives of elections which would safeguard the non-Communist position of Free Vietnam without violating important principles on which the U. S. is standing elsewhere. Insistence on limiting the powers of any elected body to drafting a constitution, or insisting on a census prior to agreeing to number of representatives, would not, for example, weaken the U. S. position with respect to either German or Korean elections.

Implications of U. S. Support for Free Vietnam Position in Elections

10. If the Free Vietnamese Government achieves that degree of unity and strength which will enable it to insist on conditions of genuine freedom for elections and on electoral details and objectives which will preserve a non-Communist Free Vietnam, there is always the possibility that at some point the Vietminh will break off negotiations and reopen hostilities. Such a course of action is not a foregone conclusion. Much may depend on the reports of the International Supervisory Commission; and the attitudes of Peiping and Moscow may be decisive. But if the Vietminh do renew hostilities, the Manila Pact signatories will face a test of their obligations. In these circumstances should the U. S. fail to react forcefully it will depreciate the value of the Manila Pact, encourage the Communists to further aggression, discourage U. S. allies in the Far East, and jeopardize the achievement of U. S. objectives in that area.

11. If present British and French policy persists, the U. S. may well find that, initially at least, forceful U. S. action to counter Vietminh renewal of hostilities may lack the support of the British and the French, and that Australia and New Zealand may be placed in the difficult position of choosing between their Commonwealth ties and their U. S. alliance. On the other hand, the possibility of obtaining international support for resistance to further Vietminh aggression would seem more promising on the grounds of a Vietminh repudiation of the Geneva Agreements and resort to force in an unwillingness to accept conditions guaranteeing the freedom of elections, than on any other basis now apparent. The possibility of such support would, of course, be materially increased by clear and appropriate findings on the part of the International Supervisory Commission.

