

## **Negotiations in Asia**

### **Three Case Studies: India - Iran - Vietnam**

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The Foreign Policy of the Islamic Republic of Iran, *Shahratn Chubin, Director of Research, Programme for Strategic and international Security Studies, Graduate Institute of International Studies, Geneva.*

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Negotiation Strategy and Tactics of the Vietnamese Communists, *Ton That Thien, Professor at the Universite du Quebec, Trois Rivieres, Visiting Professor at the Graduate Institute of International Studies, Geneva*

## **NEGOTIATION STRATEGY AND TACTICS OF THE VIETNAMESE COMMUNISTS**

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Graduate Institute of International Studies, Geneva.

Perhaps I should start by asking the question: why should we study the negotiation strategy and tactics of the Vietnamese Communists? The answer to this question is that, apart from intellectual curiosity, there are practical considerations involved in it.

First, concerning Vietnam itself. There is now in that country an established communist State and a power in its own right. Other states must deal with it, especially where conflicts or disputes are involved. For example, there are currently: a conflict between China and Vietnam, on the delimitation of frontiers and on the status of the Vietnamese of Chinese origin, and a dispute between the ASEAN countries and Vietnam regarding Cambodia; also a dispute between Vietnam and the United States concerning American economic aid to Vietnam (as Washington sees it) or American war reparations to Vietnam (as Hanoi sees it).

Second, Hanoi has strongly asserted that its experience is relevant to small and poorly armed semi-colonial countries fighting imperialism, in particular American imperialism. General Vo Nguyen Giap, a former CIC of the Vietnamese armed forces, has stressed, in his writings, that the war of liberation of the Vietnamese people has proved the "historical truth" that "in the international situation prevailing today, a weak people who rises and fights for its liberation is perfectly capable of defeating its enemies whoever they may be and achieve victory in the end".<sup>1</sup> In presenting this book, its editors said that its purpose was to offer the African and Latin American countries "new reasons for faith and hope".<sup>2</sup> In Vietnamese communist jargon, war of liberation includes both fighting and negotiation.

In the particular case of South America, there are differences in geography, history, psychology, of course. But the current American frame of mind in regard to what is going on in that part of the world being the same as its frame of mind regarding Vietnam in 1965-1975 (what has been often referred to as "the Vietnam syndrome"), if the South American insurgents know how to apply the strategy and tactics adopted by the Vietnamese communists, then we shall see some rather interesting developments in the American continent in the coming years, or even months. There have been reports of Hanoi supplying arms to the Salvadoran insurgents, and I shall not be surprised at all to learn that the Vietnamese Communists have offered also political advice to those insurgents.

Now, how do we know about Hanoi's negotiation approach? Of course by studying the behavior of its leaders in the negotiations in which they were engaged, with communist States and with non-communist States. We do not know much about Hanoi's negotiations with the communist States because these negotiations were usually conducted in secrecy, as internal affairs. However, following the Sino-Vietnamese conflict, disclosures have been made by both Hanoi and Beijing, in particular by Hanoi, which allow us a glimpse into this area, but just a glimpse. With regard to the Soviet Union, we shall have to wait until there is a split similar to the Sino-Vietnamese split to have an idea of what happened in the Soviet-Vietnamese negotiations. But all that would not matter too much, for the time being, since what interests us most is Hanoi's negotiations with the non-communist world.

Since 1945, Hanoi has been involved in the following major negotiations with non-communist countries:

1. bilateral negotiations with the French in 1945-1946
2. multilateral negotiations on Indochina at Geneva in 1954;
3. multilateral negotiations on Laos at Geneva in 1961-1962;
4. bilateral negotiations with the Americans on peace in 1964-1973;
5. bilateral negotiations with the Americans on economic aid in 1973-1978;
6. multilateral negotiations with ASEAN on Cambodia since 1978.

The above negotiations can clearly be divided into two groups: bilateral and multilateral. I shall not say much about multilateral negotiations since the Vietnamese Communist leaders had no control over these negotiations and played only a

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<sup>1</sup> General Vo Nguyen Giap, *Guerre du Peuple, Armee du Peuple*, Hanoi. (Editions en langues etrangeres), 1961. See also *La Guerre de nationale au Vietnam*, (same publisher), 1970.

<sup>2</sup> *Guerre du Peuple*, preface.

secondary role in them, except in the negotiations with ASEAN; but even here, the Soviet Union is obviously playing a major role. Thus, I shall concentrate on Hanoi's bilateral negotiations, where we can really see how they operate.

The Hanoi people are communists and, as such, have been trained to keep secrets. But, in addition, they are perhaps the best (or worst) secrecy-maniacs, so to speak, of the whole communist world. To them, everything is secret and must be kept from the enemy. And to them, practically everyone is potentially an enemy. Fortunately, it takes at least two parties to negotiate, and five of the six cases mentioned above involved Westerners, and Westerners are usually incapable or unwilling to keep secrets. Thanks to their disclosures, we get a very good idea of the Vietnamese approach to negotiation.

On the French-Vietnamese negotiations, we have the testimonies of Jean Sainteny, Jean Chauvel, Pierre Mendès-France, former Emperor Bao Dai, and Colonel Archimedes Patti. Sainteny was the main negotiator with the Vietminh in 1945-1946, which led to the first Franco-Vietnamese agreement, the Preliminary Agreement of March 6, 1946; he was involved with the subsequent Dalat and Fontainebleau Conferences and the Ho Chi Minh-Marius Moutet *modus vivendi* of September 14, 1946; then he was French delegate general in North Vietnam after 1954. He has written two books on his experience with the Vietminh: *Histoire d'une paix manquée*, and *Face à Ho Chi Minh*.<sup>3</sup> Jean Chauvel was French ambassador to Switzerland and the senior official on the French delegation to the Geneva Conferences of 1954 and 1961-1962; he was in charge of direct negotiations with the Vietminh and has recounted these episodes in his memoirs: *Commentaires*.<sup>4</sup> Pierre Mendes-France also did some direct negotiations with the Vietminh, and has given a few details in his book *Choisir*,<sup>5</sup> which is complemented by his biography, *Pierre Mendès-France*, by Jean Lacouture, who has also written a separate book on the Geneva Conference: *La fin d'une guerre: Indochine 1954*.<sup>6</sup> We can complement this further by Henri Azeau's study of the Dalat and Fontainebleau Conferences; *Ho Chi Minh, dernière chance*;<sup>7</sup> Bao Dai, in his memoirs, *Le Dragon d'Annam*,<sup>8</sup> and Colonel Archimedes Patti, in his book *Why Vietnam*,<sup>9</sup> provide some insight into the Vietminh's behaviour during the period 1945-1946, as both had close dealings with Ho Chi Minh, and his team at the time.

On the Vietnamese-American negotiations, we have a very detailed account of each session, each day, each hour, by the American main negotiator, Henry Kissinger. We know a great deal about the Vietnamese Communists' negotiation strategy, and particularly their negotiation tactics, thanks to him. His memoirs, which tell the story of the most important phase of these negotiations (1968-1973), are without any doubt the best source on the subject.<sup>10</sup> There are, of course, the memoirs of Presidents

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<sup>3</sup> Sainteny, Jean, *Histoire d'une paix manquée (Indochine 1945-47)*, Paris, Amiot Dumont 1953; *Face à Ho Chi Minh*, Paris, Segher, 1980.

<sup>4</sup> Chauvel, Jean, *Commentaires*, 1952-1962, 3rd volume, Paris, Fayard, 1973.

<sup>5</sup> Mendes-France, Pierre, *Choisir*, Paris, Stock, 1974.

<sup>6</sup> Lacouture, Jean, *Pierre Mendès-France*, Paris (Seuil), 1981, and *La Fin d'une guerre: Indochine*, en collaboration avec Philippe Devillers, Paris V' (Seuil), 1960.

<sup>7</sup> Azeau, Henri, *Ho Chi Minh, dernière chance*, Paris (Flammarion), 1968.

<sup>8</sup> S.M. Bao Dai, *Le Dragon d'Annam*, Paris (Plon), 1980.

<sup>9</sup> Colonel Patti, Archimedes, *Why Vietnam*, Berkeley (University of California Press), 1980.

<sup>10</sup> Kissinger, Henry, *White House Years*, Boston (Little, Brown, Co.), 1979, and *Years of Upheaval*, same publisher, 1982, henceforth referred to as Kissinger I and Kissinger II, respectively.

Lyndon Johnson and Richard Nixon.<sup>11</sup> But these tell us more about the presidential policy making process and American domestic problems than about the negotiations themselves. On the other hand, the Vietnamese-American negotiations actually started in 1964, when President Johnson made the first move. For the period 1964-1968, we have the accounts of Chester Cooper, *The Lost Crusade*.<sup>12</sup> Cooper was a member of the White House staff assigned to Vietnam, and his account is very useful.

On the Vietnamese-Chinese negotiations we have the various statements and comments of the Chinese authorities published in *Beijing Information*, on the Chinese side. From the Vietnamese, we have Hanoi's White Paper on thirty years of Vietnam-Chinese relations published in October 1979<sup>13</sup> and other statements and comments reprinted in *Le Currier du Vietnam*. The White Paper is particularly important as it reveals many things unknown to the outside world and gives a very different picture of what had been going on between Hanoi and Peking before 1975. I should mention also the official history of the *50 years' activities of the Communist Party of Vietnam*,<sup>14</sup> and the collected resolutions of its Central Committee back to 1930, *Jalons historiques*,<sup>15</sup> as well as the *Writings* of Ho Chi Minh between 1920 and 1960.<sup>16</sup> The three sets of documents just mentioned give us insight into the decisions and true motives behind these decisions between 1920 and 1975. They are quite candid, and thus, illuminating on certain aspects of the history of Vietnam from 1945 to 1975, in particular with regard to the Communist side, which have been missed by reporters, commentators, and historians, especially those considered authoritative.

Lastly, on the Southeast Asian negotiations, we have to rely mostly on newspaper reports. The Southeast Asian imbroglio is not yet over, and the picture is not yet clear enough to warrant any given conclusion. So I will not deal with it. I will say only that for the first time, the Vietnamese Communist leaders face a real stalemate and have to deal with the Chinese, who are their match as tough and subtle negotiators, and the story of these negotiations promises to be very fascinating.

So much for the sources. The next question is: how did the Vietnamese Communist leaders view negotiations? Where do negotiations fit into their scheme of things, or, if you like, their *Weltanschauung*? This is an extremely important question, for a correct answer to it would help us grasp the meaning and significance of much that has been done by those leaders. I stress this because, in recent years, many people, and not least among them those recognized as experts on Vietnam, have gasped at what has been going on in Vietnam since 1975 (boat people, reeducation camps, crashing economy, invasion of Cambodia, etc.). This is because they had not taken the trouble of looking closely at the Vietnamese Communist leaders' basic, long range aims. They took so much delight in the David-Goliath aspect of the story that they forgot the rest.

Now, the Vietnamese Communist leaders always put every of their actions within the frame of *world* revolution. In this, they are 100% marxist, They do not just want

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<sup>11</sup> Johnson, Lyndon Baines, *The Vantage Point*, London (Weidenfeld & Nicholson), 1972 (1971), and Nixon, Richard, *The Memoirs of Richard Nixon*, London (Arrow Books), 1979 (1978).

<sup>12</sup> Cooper, Chester, *The Lost Crusade*, London (Mc Gibbon and Kee), 1970.

<sup>13</sup> Hanoi, Ministry of Foreign Affairs, "La verite sur les relations vietnamo-chinoises", October 1979.

<sup>14</sup> 50 ans d'activités du Parti Communiste du Vietnam, Hanoi (Editions en langues etrangeres), 1980.

<sup>15</sup> Le Parti Communiste du Vietnam, Jalons historiques, Hanoi (Editions en langues etrangeres), 1982.

<sup>16</sup> *Ho Chi Minh: Ecrits 1920-1960*, Hanoi [Editions en langues etrangeres), 1981.

independence or even communism for Vietnam; they want to transform *the world*. I stress this desire to transform the *world*, because most authors on Vietnam have missed this very important aspect of Vietnamese communism. I suppose that Paul Mus, the very influential French anthropologist, has much to do with this by his focus on the Vietnamese village and peasants with their eyes fixed on the bamboo hedges surrounding their villages, etc. The Vietnamese communist leaders are *internationalist*. They are *obsessed* with *world* revolution, and see their activities essentially as part of this revolution, more concretely, with the total defeat of imperialism, i.e. of the United States, as the basic condition of this transformation. *Negotiation is therefore an integral part of their plans of world revolution.*

Basically, the Vietnamese Communist leaders have never abandoned the two camp thesis put forward by Andrei Zhdanov in September 1947. They must carry out a communist revolution in Vietnam (and we can see this clearly now) as a first step towards a communist revolution in Indochina, then in Southeast Asia, all of this as part of the larger scheme of the ultimate defeat of imperialism. They have made no secret of it. They have proclaimed their intent repeatedly. They have derided the Chinese ideologically, because, in their pure marxist-leninist eyes, the Chinese have become nationalists. Let me mention just two typical instances of this international proletarian spirit:

1) In 1970, Pham Van Dong, prime minister of the Socialist Republic of Vietnam (RSV), in a booklet reviewing the work of the PCV in the previous 25 years, said:

From the outset, our people, educated by President Ho Chi Minh and the Party, have combined patriotism with proletarian internationalism, always conscious that their revolutionary struggle is an inseparable part of the revolutionary cause of the world's peoples. All the successes we have recorded cannot be separated from the international support and assistance given us by our brothers and friends in all continents. To remain worthy of this international support, the Vietnamese people will always do their utmost to fulfill their international duty"<sup>17</sup>.

2) In January 1949, more than 26 years before the Communist troops entered Saigon, Ho Chi Minh, addressing the cadres of the PCV, said: "We form the Communist Party of Indochina, but we have the additional task of contributing to the liberation of Southeast Asia".<sup>18</sup> In his memoirs, Kissinger says that in his negotiation, Le Due Tho, Hanoi's main negotiator said repeatedly that it was Vietnam's destiny to dominate Indochina and Southeast Asia.<sup>19</sup>

In practical terms, all the above means seizure of power. I will not burden you with details, but I must stress that seizure of power is a major theme running through all the Party's resolutions from 1930 onward.<sup>20</sup> In the resolutions of the PCV, another

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<sup>17</sup> Pham Van Dong, Twenty Five Years of National Struggle and Construction, Hanoi [Foreign Languages Publishing House], 1970, p. 64. In Hanoi's terminology, to "fulfil our internationalist duty" means to support local revolutions, if need be, by sending troops".

<sup>18</sup> Ho Chi Minh, Ecrits, op. cit., p. 91.

<sup>19</sup> Kissinger, Memoirs op. cit., pp. 434 and 441.

<sup>20</sup> See PCV resolutions of the CC in Jalons, op. cit., Philippe Devillers, Histoire du Vietnam de 1940 a 1952, Paris (Seuil) 1952, pp. 98-99.

word we encounter constantly is *struggle*. In this struggle, *war is but one of the means to achieve final victory*. There are other means, political and diplomatic. Final victory will result from a combination, or "a close coordination" of these means, to use General Giap's terminology.<sup>21</sup> Again, to use General Giap's terminology, negotiation is just *one of three fronts in the struggle*. And this struggle is one comprising several phases, of long duration, with an open end: it will last as long as it takes to win final victory. We know now that it took the Communists 30 years to achieve their ends in Vietnam. (Incidentally, their opponents, the French and Americans usually had plans to win the war in eighteen months or two years.) In their struggle, the Vietnamese Communist leaders were determined to remove every obstacle on their way, by violence or by ruse, i.e. by war or negotiation, or by a continuation of both, according to circumstances. If they resort to negotiation, then a settlement is only a temporary halt. The march forward to *final total victory* will resume as soon as circumstances permit. This is what happened after 1946, 1954 and 1973.

One of the major causes of policy failure and faulty interpretation of Vietnamese Communist intentions (French and especially American) has been the failure to assess correctly the relative importance of Vietnameseness and revolutionaries in the Vietnamese communist *Weltanschauung*. I have seen a book entitled *La rage d'être Vietnamien* (To be crazy about being Vietnamese), the name of whose author I have forgotten. But the craziness of the Vietnamese Communist leaders is not about being Vietnamese, but about being international-minded revolutionaries, and pure marxist-stalinist revolutionaries. Much of what they have done cannot be explained in terms of Vietnameseness. I think the events of the last eight years have fully proved that. *And we must absolutely keep this in mind to understand the Vietnamese Communists' negotiation strategy and tactics.*

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Now, in studying Vietnamese Communist negotiation strategy and tactics, I find it hard to determine precisely where strategy ends and tactics begins. As Professor J.-B. Duroselle says, strategy is "the taking of decisions pertaining to the ordering of ends, means and the assessment of risks".<sup>22</sup>

Mr. Duroselle says that the definition applies particularly to the conduct of war. But in communist theory, strategy is viewed rather differently. It consists in determining who is the principal and who is the direct enemy, who is a reliable ally, who is a potential ally or potential enemy, to win over or neutralise. Since the end is the seizure of power for the short and long term advancement of the Revolution, strategy here deals with the best means, and the best methods of how and when to defeat the enemy, by war or negotiations, or both, and also where and how long. This, of course, depends on the assessment of the strength of the enemy at a particular moment. So the two definitions overlap, but only partially.

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<sup>21</sup> V.N. Giap, *Guerre du peuple*, p. 105

<sup>22</sup> In a circular to participants in a workshop on "Strategy in International Relations" held in Paris, May 25-26, 1983.

Furthermore, in addition to stressing the necessity of identifying the main enemy, the Communists also emphasize the necessity of viewing the Revolution as a carefully thought out, carefully planned and drawn out affair. This is the gist of the Vietnamese Communists' doctrine on revolutionary *struggle*. And here I again stress the word *struggle*.

Viewed against the above background, negotiation becomes also a protracted struggle. *It is part of the process of attrition of the enemy*. It is conducted parallelly with military operations. It is a form of warfare. Just as in military operations they hit hard at the enemy and are merciless, so in negotiations they also hit hard and are merciless. The aim is *not a compromise with the enemy, but his destruction*, both physical and mental. As Kissinger has repeatedly stressed in his memoirs, to the Hanoi people, negotiation is "a form of political and psychological warfare",<sup>23</sup> aimed at confusing the enemy, dividing him, maddening him, breaking his will, i.e. in Clausewitzian terms, deprive him of one of the two basic elements required to fight and win a war. The other element is the means for fighting. Here too, negotiations aim at depriving the enemy forces of the nerves of war - finances - by causing the public at home to pressure the legislative to vote against funding the war, and thus by producing a stalemate on the battlefield.

Thus, negotiations are carefully coordinated with military operations. Hence the preference of the Vietnamese Communist leaders for a strategy of talk-fight, fight-talk" (i.e. fighting while taking, and talking while fighting); for bilateral, long negotiations; for the holding of parallel public and secret negotiating sessions. "Talk-fight, fight-talk" allows them to try to improve their position on the battlefield while probing the enemy's; position at the conference table. Bilateralism allows them to manipulate the enemy at will. Long negotiation allows them to wear down their enemy. And the parallel holding of secret and public sessions allows them to divide their opponent.

This last mentioned aspect should be stressed. It is a deadly method against democratic governments. In public, the Vietnamese Communists give every sign of being conciliatory and reasonable by using what Kissinger calls "opaque" language. In private, secret sessions, they made very tough demands and used very hard language. During these negotiations, the timing of their military and diplomatic actions is very carefully done, and tough or tougher demands are made to coincide with clear successes on the battlefield. The timing of their moves in secret and public sessions is also very carefully planned: new proposals, or rather apparently new proposals, containing apparent concessions vaguely worded are aired publicly while rigid demands or real concessions are made in secret sessions, thus depriving the adversary of the possibility of improving his domestic position by proving to his public that he has been sincerely seeking a settlement by mutual giving and taking.

To practice this kind of game, the Vietnamese Communist leaders must engage in a very careful analysis of the political situation prevailing in the enemy camp and in the world. They fully realised this, and were very good at it. In their writings and statements they constantly referred to this aspect of the question and took pride in their capacity to assess the situation correctly. In secret sessions, they would subject

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<sup>23</sup> Kissinger I, p. 260.

their opponent to the torture of listening to their analyses of the political situation and of feeling the hopelessness of his eroded position.

Another aspect worth noting is that it follows from the concepts of struggle and of attrition that the Vietnamese Communist leaders expected to be engaged in a *series of negotiations*, just as they expected to be engaged in a series of wars, to achieve their end. This is the strategy of "grignotage" (nibbling), of proceeding by "empiètements successifs" (successive infringements), of "paliers successifs" (moving uphill step by step), as Sainteny has described it.<sup>24</sup>

Lastly, the Vietnamese Communist leaders skillfully used decoy issues. They would put forward two apparently equally tough demands, well knowing that, to them, one is really fundamental and the other secondary but, to the enemy, both are just as equally important. So the latter would concentrate his attention and energy on the secondary issue and yield easily and more readily on the fundamental issue. It is only after the agreement has been reached that one can see clearly which of the two issues was really fundamental.

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So much about strategy. Let us now turn to tactics. I have said above that I find it hard to distinguish tactics from strategy in the Hanoi leaders' manoeuvres, and that considering the ends they sought, everything they did can be considered as tactical moves. Indeed, some are so fundamental that one wonders whether they are tactical or strategic. One thing is certain, however. The Vietnamese Communist negotiators used different tactics depending on whether they were in a weak or a strong position.

When they are in a weak position, they observe total secrecy, are very conciliatory and courteous, even flattering, towards the adversary; they try to allay his fears as to their true nature - i.e. to assure him that they are not communists, are full of goodwill and reasonableness. The purpose of all that is to disarm the adversary mentally. They also want to settle quickly and on reasonable terms, knowing fully well that they are not going to honour the agreement signed. They do not seem to care much about building a reputation of reliability. They are essentially interested in scoring gains on the way to total victory.

When they are in a position of strength, they engage in both public and secret moves, are tough and merciless, and take no trouble in avoiding humiliating the adversary or hurting his feelings. They exploit his weakness to the full and take pleasure in demonstrating to him the hopelessness of his position. They present their proposals in the form of an ultimatum, in peremptory terms (you *must* this, you *must* that), consider their demands as *the only possible* solution, reject their adversary's proposals, do not even discuss them. They would put forward their demands and hang on to them for weeks, months, years. They conduct, as mentioned earlier, psychological warfare against the adversary trying to wear him down and break his will, driving him to insanity. They would exploit the adversary's domestic divisions to the full, and use this to produce a collapse of his negotiating position.

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<sup>24</sup> Sainteny, *Histoire*, pp. 167-169.



At each session, they would always begin with a long recitation of history to remind the adversary that they are moving with the right tide; then go on with a reading of statements made by the opponents of the adverse government, with the purpose of putting the opponent on the defensive; then they would state their position in peremptory and self-righteous terms, and leave things at that. Reasoning and pleading of the adversary would fall on deaf ears. The Vietnamese Communist negotiators in a strong position would just wait for their opponent's position to collapse and force him to accept their conditions. They would make their adversary expend most of his energies in negotiating with himself, as Kissinger has said.<sup>25</sup> In the end, whenever the Vietnamese negotiator makes a slight change of formulation, from "must" to "could", from "would" to "will", or condescends to discuss his adversary's proposals, or make a meaningless concession, the latter would consider it a tremendous progress, a "stunning" concession and feel elated about it.

Lack of time does not permit me to go into greater details, for I still have to provide concrete examples of what has been said. And these are much more interesting. But before doing that, I must say a few words about multilateral negotiations.

The Vietnamese Communist leaders do not like multilateral negotiations and try to avoid them. This distaste for such negotiations has two main causes, which are closely linked:

- 1) In such negotiations, they have no control over the situation, because they are not the principal participants;
- 2) Since other communist powers are involved, in particular senior members like China and the Soviet Union, they cannot directly manipulate the other side. This is what happened at the Geneva Conferences of 1954 and 1961-1962. At the first, the Soviet Union and China negotiated with France and Great Britain directly over Hanoi's head, and at the second, the Soviet Union and the United States were the main negotiators following the basic agreement on Laos at Vienna between Khrushchev and Kennedy.

As a result of those bitter experiences, since 1961-1962, Hanoi has refused to take their conflicts to the international conference table, even when suggested by the United Nations. It is not impossible, however, in fact, it is probable, that if it finds itself in the position of a senior negotiator, as in the case of Cambodia, it will accept to hold an international conference (but in this case, it is China and ASEAN which have refused to accommodate Hanoi).

One last word about exceptions. When Hanoi finds itself confronted with an equally tough adversary using the same approach and allowing him no chance of manipulating his public opinion, then Hanoi is at a loss as to what to do, as in its negotiations with Beijing. It then just breaks off the talks. What happens next, I am not sure. But it will surely be a very interesting case to watch in the coming years.

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<sup>25</sup> Kissinger I, p. 261.

I now turn to concrete cases:

- 1) negotiations with the French in 1945-1946, a case of Hanoi negotiating from a position of weakness;
- 2) negotiations with the Americans from 1964 to 1973, a case of Hanoi negotiating from a position of strength.

In August 1945, the Vietminh led by Ho Chi Minh, seized power and established the Democratic Republic of Vietnam (RDV), the use of the word *democratic* indicating obvious communist affiliation. By moving fast, Ho Chi Minh implemented a plan the Party had adopted in 1941 while still in China. According to this plan, the Vietminh must establish itself as the sole interlocutor in Vietnam when the Allies arrived. However, even after the arrival of the latter (Americans and French in August, Chinese in September), the Ho Chi Minh government still had no international status. It was not recognized by any State. Even the Soviets thought that Indochina was not yet ripe for independence, and it remained uncommitted.<sup>26</sup> Furthermore, the presence of the Chinese troops and the impending arrival of French troops posed a serious problem. Yet another problem was that, with the Chinese troops, other non-communist Vietnamese nationalist parties supported by Tchiang Kaishek also returned to Vietnam from China. Lastly, the Vietminh did not yet have an army. The main problem for Ho Chi Minh was how to get the Chinese troops out and deprive the other nationalists of their 'main support'. For this, they had to come to some agreement with the French. For their part, the French also saw the situation in the same light.

Sainteny realised that Ho Chi Minh needed French support in order to maintain himself in power and suppress the opposition.<sup>27</sup> To Hanoi, however, agreement with the French was only a temporary expedient. In a directive to the members of the Party dated November 1945, the Central Committee had identified the French as "our principal enemy at present" and said that "we must concentrate our fire on them in our struggle".<sup>28</sup> It also said that - the Party must "reach a compromise with the French... exploit the contradictions between the French and the Tchiang-Kaishekists to speed up the withdrawal of the Chinese troops *and gain time* in order to strengthen and develop the revolutionary forces and be prepared for a new fight for independence".<sup>29</sup> To sum up, Ho Chi Minh negotiated with the French because he wanted to destroy the other nationalists with French help, and particularly because he needed to gain time to build up his forces.

The negotiations lasted seven months, from October 1945 to March 1946. (Incidentally October 1945 was the month in which the State Department said that the U.S. government did not question French sovereignty over Indochina.) The result of the negotiations was the March 6, 1946 *Preliminary Agreement* under which Vietnam

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<sup>26</sup> See Patti, pp. 177-181, and McLane, Charles, *Soviet Strategies in Southeast Asia*, Princeton, (Princeton University Press), 1960, Chapters IV & V.

<sup>27</sup> Sainteny, *Histoire*, p. 169.

<sup>28</sup> Jalons, p. 15.

<sup>29</sup> Jalons, *ibid.*

was recognised as "a Free State within the Indochinese Federation and the French Union", a formula proposed by Ho Chi Minh himself at the last minute, according to Sainteny<sup>30</sup>. Thus Ho Chi Minh did not get all he wanted, and the agreement was very vague on the precise nature of the Franco-Vietnamese relationship and on the extent of the authority of the RDV in South Vietnam. In addition, a supplementary agreement allowed French troops to land in North Vietnam.

From the outset, Ho Chi Minh wanted the negotiations to be secret. Even Bao Dai, the supreme adviser to Ho Chi Minh's government, was kept totally in the dark until almost the end.<sup>31</sup> During the negotiations, Ho Chi Minh appeared reasonable, by being less demanding than his nationalist opponents. And he deployed his charm to conquer Sainteny. In this, he was very successful.<sup>32</sup> To allay the fears of the Americans and other Vietnamese nationalists that the Vietminh was a communist organisation, the Communist Party of Indochina disbanded itself in November 1945. But 35 years later, the Party's official history said candidly: "On November 11, 1945, the Party declared its "dissolution", but in fact, it went underground, and continued to direct the State power and the people...".<sup>33</sup> Later, in Paris, to French business leaders invited by Sainteny to meet him, Ho Chi Minh sought to convey the message that he would protect French economic interests, that he was "pro-French" because he feared Chinese domination.<sup>34</sup> This was before the arrival of Chinese Communist troops on Vietnam's borders in October 1949. The attitude of Ho Chi Minh from 1949 onwards to Dien Bien Phu and the Geneva Conference in 1954 would be totally different. Ho Chi Minh was to use the same tactics later with Mendès-France at Geneva. According to Sainteny, Mendès-France was struck by the Vietminh declaration, repeated several times during his talks with them, that they "wished to maintain a French presence in their country which they admitted they still badly needed", a perspective that was "extremely attractive" to Mendès-France.<sup>35</sup> Sainteny found out afterwards, during his tenure as France's representative in Hanoi to his great indignation, that quite the opposite was true.<sup>36</sup>

At the same time, with Major (now Colonel) A. Patti, the American representative in Hanoi, Ho Chi Minh tried to dispel "the misconception" that he was "an agent of the Comintern", that he was "a Moscow puppet", and that he was "a communist". He was, he said, only "a nationalist socialist".<sup>37</sup> A year later, during the second phase of the French-Vietnamese negotiations at Fontainebleau, near Paris, in September 1946, through an American journalist, David Schoenbrun, Ho Chi Minh sought to convey to the Americans the message that "our people love America", and that the Americans "should not let the question of communism blind them".<sup>38</sup>

Yet while Ho Chi Minh was laying out his charm to conquer Major Patti, the Party was talking, in its internal communications, about the elimination of "a ferocious

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<sup>30</sup> Sainteny, *Histoire*, p. 176.

<sup>31</sup> Under the pretext of security, he was sent away from Hanoi.

<sup>32</sup> Only after Ho Chi Minh's death did Sainteny begin to ask questions about his true nature.

<sup>33</sup> *50 ans d'activités*, p. 192.

<sup>34</sup> Azeau, *op.cit.*, p. 299 ss.

<sup>35</sup> Sainteny, *Face*, p. 128.

<sup>36</sup> *ibid.*, p. 172.

<sup>37</sup> Patti, *op. cit.*, p. 203 and 323.

<sup>38</sup> Azeau, *op. cit.*, p. 241.

enemy" (Chiang Kaishek's China) "tele-guided by American imperialists".<sup>39</sup> Furthermore, writing in 1960, Ho Chi Minh said that since 1920 he had been convinced that "only socialism and communism could liberate the oppressed and the workers of the world", and that, to him, Leninism was "a true sun illuminating the road to final victory, to socialism and communism".<sup>40</sup>

Ho Chi Minh was obviously very successful in his operation charm. Sainteny remained pro-Ho Chi Minh until Ho's death, in September 1969. And yet, writing in 1970, Sainteny said that Ho was "a baffling personage", he was "a personage wrapped in mystery", and 24 years after their first encounter, he was not sure when he had before him "the true Ho Chi Minh".<sup>41</sup> As regards Colonel Patti, he was obviously sympathetic in 1945-1946, and he was still sympathetic in 1982, to judge from the report on a visit he made to Hanoi that year,<sup>42</sup> on Hanoi's invitation, a gesture Hanoi extended only to those it considered as friends.

By the above manoeuvres, Ho Chi Minh was obviously trying to lessen resistance to his regime. For this reason also, he chose Paris for the continuation of Franco-Vietnamese talks, instead of Hanoi or Saigon, alternatives provided for in the March 6, 1946 agreement. Paris was a better forum for propaganda than Saigon or Hanoi, in particular for influencing French public opinion. According to Sainteny's account, Ho Chi Minh put on a very good public relations show during his stay in France. But he was also trying to gain time, to see how the French Communists would do at the 1947 elections. And more particularly, to gain time for General Giap to build up his forces at home (by the end of 1946, these would be 80,000 strong). That is why, after the failure of the Fontainebleau talks in August 1946, Ho Chi Minh, in spite of clear signals from the French authorities, refused to go home immediately, or to do so by air. He signed with the French a *modus vivendi* on September 14. But, as the history of the party explained later, Ho Chi Minh sought thereby "to gain time in order to allow us to prepare the resistance".<sup>43</sup>

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So much for the Vietnamese negotiations with the French, now with the Americans. In this case, the Vietnamese Communist leaders were in a position of strength. They knew it, and exploited it to the full. They had a recognized status internationally, and had established firm dictatorship internally. They had strong support from the Soviets and the Chinese, and need not fear an invasion of North Vietnam by American troops. Thanks to these advantages, they could fight a prolonged total war while the American forces had to operate with the constraints of a limited war, and, in addition, the American government had to wage a war in its front against the Communists in Vietnam, and another in its rear against its opponents at home, outside and inside Congress, and even inside is the American administration.

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<sup>39</sup> 50 ans, p. 94.

<sup>40</sup> Ho Chi Minh, Ecrits, p. 257.

<sup>41</sup> Sainteny, Face, p. 11.

<sup>42</sup> Far Eastern Economic Review, January 6, 1983, and Patti, op. cit.

<sup>43</sup> 50 ans, p. 95.

Thus, from the outset, the rules of negotiations, like the rules of war, were set by the Vietnamese Communists. They chose a strategy of "fight-talk, talk-fight", of bilateral negotiations with both secret and public sessions. For them, there was no time-limit; while the American negotiators were constantly, and increasingly, under pressure from the American public and Congress to terminate the war quickly, to the Vietnamese Communists, the negotiations were open-ended. They also chose Paris as seat of the negotiations because in France they were on friendly territory, and Paris provided an excellent forum for their international propaganda. Lastly, they used the "fence in the West, strike in the East" approach, using the removing of the Saigon government (by the Americans) as a ploy to divert the American negotiators from their real aim, which was to get American troops out so that they could destroy the Saigon regime freely, just as in 1945-1946 and 1954 they sought to get the French out in order to liquidate their Vietnamese opponents more freely. Of course, while the negotiations were going on, they engaged in fierce fighting, and staged some spectacular offensives (the Tet offensive in February 1968 in particular) to shake American public opinion.

The negotiations lasted 8 1/2 years, from the time of President Johnson's first secret overture to Hanoi in June 1964, through Clair Seaborn, the Canadian representative on the International Commission, to the signing of the Paris peace agreement on January 27, 1973. I hesitate between characterizing the Vietnamese Communists' negotiations tactics fascinating or frightening: fascinating because of the skill and poise with which they were conducted, and frightening because of the merciless brutality in which they treated an enemy, even a big power like the United States (the implications for a smaller power are of course that it would be worse).

It is not possible, within the time frame of this exposé, to do more than give a brief and dry summary of what really happened during those 8 1/2 years of negotiations. I would refer those who want more details to Chester Cooper's *The Lost Crusade*, and especially to Kissinger's memoirs, which give an account of what happened year after year, month after month, day after day, and even minute after minute, at the negotiating sessions.

Basically, the tactics of the Vietnamese Communists were to force the American side to negotiate with itself: the Johnson administration, and more particularly the Nixon administration, had to negotiate with the US Congress, and US public opinion, and even within the dissidents within their own ranks, rather than with the communist side. The Vietnamese Communists' tactics consist of three converging prongs:

- 1) state their maximum position as the *only* basis for negotiation, sit on it, and wait for the American side to retreat from one position to another, each weaker than the previous one, of course;
- 2) watch the American domestic divisions closely and exploit it fully by a very careful combination of secret and public sessions, forcing the American negotiator on the defensive constantly and timing (military and) diplomatic offensives with the US elections of 1968 and 1972;
- 3) unnerve, weary, exhaust the American negotiator or, as pointed out above, conducting psychological warfare against him.

Now, the initial position of the U.S. conveyed by President Johnson to Hanoi through Seaborn in June 1964 was: if Hanoi stops sending men to the South, the US will withdraw its troops, will retain no bases in South Vietnam, and will offer economic aid for the reconstruction of the whole region; also the US has no intention of overthrowing the Government of North Vietnam.<sup>44</sup> Hanoi's answer, brought back by Sea born, was "chilling", as Cooper put it. It was simply that the Americans must withdraw from South Vietnam and let the National Liberation Front take over the Saigon government.<sup>45</sup>

After February 1965, i.e. the start of the bombing of North Vietnam, the American position, the so-called "Manila formula",<sup>46</sup> was that if the Hanoi government stopped sending its troops to the South, the American government would stop the bombing, and talks could start about the ending of the war on the basis of *mutual withdrawal* of troops. Hanoi's answer (contained in a letter to several heads of government on January 24, 1964) was that the United States "*must unconditionally and for good stop all bombing raids and other acts of war against the RDV. Only in this way can a political solution to the problem of Vietnam be envisaged. ..*"<sup>47</sup>

Hanoi will not budge from this position until April 3, 1968, when it expressed readiness to *talk* after President Johnson had announced on March 31, 1968 both his intent not to seek a second term and the US readiness to start negotiations *without demanding a prior* withdrawal of North Vietnamese troops from the South. But, in fact, already in August 1967, President Johnson, through the private channel of two Frenchmen, M. Aubrac and M. Marcovich, had already offered to stop the bombing without reciprocity on Hanoi's part.

Although on April 3 Hanoi expressed readiness to talk, it was not until President Johnson ordered all bombing stopped, on November 1, that Hanoi suggested that the opening of formal talks should be some time prior to November 6, i.e. the date of the American presidential elections. The purpose of Hanoi's move was obviously to ensure the election of the peace candidate Hubert Humphrey, and to offer this to a democratic President as the price of a stopping of the bombing. Partly because of Saigon's stalling, however, Humphrey was not elected, and the negotiations did not formally start until January 16, 1969, after Nixon's election. But even then, the first substantive talks did not start until March 19, 1969, and, according to Kissinger, "it produced not a negotiation but North Vietnamese demands for unconditional withdrawal of all American troops and for dismantling of Thieu-Ky-Huong Administration".<sup>48</sup>

In the meantime, by playing skillfully on American public opinion, Hanoi forced the American administration to retreat:

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<sup>44</sup> Johnson, op. cit., p. 67.

<sup>45</sup> Cooper, op. cit., p. 326.

<sup>46</sup> Formulated by President Johnson at a conference with the Asian Heads of State in Manila on October 24-25, 1966.

<sup>47</sup> Cooper, op. cit., p. 295.

<sup>48</sup> Kissinger I, p. 263.

- 1) *with regard to withdrawal of troops*; from withdrawal of North Vietnamese troops from South Vietnam prior to withdrawal of American troops, to mutual withdrawal of troops, to unilateral withdrawal of American troops;
- 2) *with regard to the stopping of bombing*: ending of bombing against withdrawal of North Vietnamese troops from the South, to ending of bombing against stopping of further infiltration of North Vietnamese troops to the South, to ending of bombing against assurances that talks would start, to ending of bombing without assurances that talks would start.
- 3) *with regard to the removal of the Saigon government and the establishment of a coalition government*: from no coalition government to the establishment of a new administration composed of three elements, the third of which to be appointed by the Saigon government and the Liberation Front on a fifty-fifty basis.

Commenting on a secret offer made in September 1970 in which the US would withdraw its troops totally and leave no residual forces, no advisers, no bases, Kissinger said:

"These proposals were not without their weird quality. Given the domestic pressures for unilateral withdrawal, which were accelerating by the month, we were telling the Vietnamese that they had better agree to mutual withdrawal now lest we punish them by withdrawal unilaterally later..."<sup>49</sup>

After the passing of an amendment to the foreign assistance bill introduced by Senator Mansfield on June 22, 1971, by 57-42 votes, amendment requiring the American administration to withdraw all U.S. troops unilaterally from Indochina nine months after Hanoi released American prisoners of war, Hanoi's negotiating position was considerably stronger. In Kissinger's words:

"Hanoi now knew that there was a floor under its risks; if these pressures mounted, it would not need to negotiate about a cease-fire in Indochina, or a pledge to cease infiltration, or a promise to respect the neutrality and independence of Laos and Cambodia. If it agreed to release our prisoners, there was a good chance that Congress would impose an unconditional withdrawal of American forces."<sup>50</sup>

And so it was, in fact, until October 1972, when after isolating Hanoi by securing the tacit support of Beijing and Moscow, and by braving public opinion, Nixon ordered the intensified bombing and the mining of North Vietnam's waters. This led Hanoi to settle quickly in the remaining weeks of 1972, but by then, it had won what it really wanted: the unconditional withdrawal of American troops, without an obligation for it to take its troops out of the South, and leaving it free to send in more men and finish off the Saigon regime at the first good opportunity. The insistence on the elimination of Thieu was only a ploy to distract the American negotiator from its main aim, which was the same as in 1954 at Geneva: to eliminate the main enemy.

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<sup>49</sup> Kissinger I, p. 976.

<sup>50</sup> Kissinger I, p. 1020. Hanoi did not seize this opportunity probably because it wanted reparations.

In retrospect, Kissinger said, he wondered whether the US had not paid too high a price for secrecy. Hanoi wanted secrecy because it sought to deprive the American administration of the possibility of using the negotiations to rally public opinion. "There is no doubt that in 1971 secrecy enabled Hanoi to whipsaw us".<sup>51</sup>

But apart from the above, Hanoi had known the US position all along through the public statements and pledges of the US government officials and Congress. Nixon's Article on "Asia after Vietnam" in *Foreign Affairs*, in October 1967; Nixon's Guam doctrine, made public in August 1969; Kissinger's article on "The Vietnam negotiations" in *Foreign Affairs*, in January 1969; and, of course, the statements of the American anti-war congressmen, senators, university people, Church dignitaries, and other groups, as well as those who had broken with the Administration. Such slogans as "Lose in Vietnam, bring the boys home", "Peace now! Peace now!" certainly encouraged the Vietnamese troops and incited their communist leaders to harden their position. All Hanoi had to do was to keep its nerves, take the blows, and wait.

I have not enough time to go into all the details about the techniques used by the Hanoi negotiators during the negotiating sessions, but I shall read to you a few long excerpts of Kissinger's memoirs which give you a very good idea of what a Western negotiator ran into when he had to deal with the Hanoi people. These excerpts, in fact, describe the situation better than I can do:

1) *Method of advocacy*

"Vietnam history and communist ideology combined to produce the most morbid suspicion and self-righteousness. This was compounded by a legacy of Cartesian logic from French colonialism that produced an *infuriating* doctrinaire technique of advocacy. Each North Vietnamese proposal was put forward as *the sole logical truth* and each demand was stated *in the imperative* (the United States "must"). By 1971 we had been so conditioned that when the North Vietnamese substituted "should" for "must", we thought great progress had been made".<sup>52</sup>

2) *Style of communication and North Vietnamese view of negotiation*

"The Vietnamese style of communication was indirect and, by US standards, baffling . . . The Vietnamese method of communication was opaque, designed to keep open as many options as possible and to undermine our domestic position... But the fundamental problem was deeper still. The North Vietnamese considered themselves in a life-and-death struggle; they did not treat negotiations as an enterprise separate from the *struggle*; they were a *form of it*.

To them, the Paris talks were not a device for settlement but an instrument of political warfare. They were a weapon to exhaust us psychologically, to split us from our South Vietnamese allies, and to divide our public opinion through vague hints of solutions just out of reach because of the foolishness or obduracy of our government. The North Vietnamese were concerned least we use the fact of the negotiations to rally public support; they would not compromise because any appearance of

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<sup>51</sup> Kissinger I, p. 1020.

<sup>52</sup> Kissinger I, p. 259.



"progress" might enhance our staying power. They preferred secret talks because this gave them an opportunity to reconnoiter the terrain without paying the price of appearance of progress. When they settled an issue their motive was to have maximum impact in the United States. The bombing halt occurred just before the 1968 election in order to commit both presidential candidates to it, the shape of the table was settled just before Inauguration to prevent the new Administration from enhancing its position by beginning with a "success". Throughout the war we were taunted by the appearance of great reasonableness by the North Vietnamese towards visitors, especially those opposed to the Administration. These guests were treated with great civility and catalogue of skillful and intriguing code words that permitted a variety of interpretations, none of them so clear or firm as to be reliable or meaningful as the visitor imagined. All of them evaporated as soon as we tested them in a serious forum".<sup>53</sup>

### 3) *The pattern of the talks*

"The Paris talks quickly fell into a pattern. In the conference room the North Vietnamese acted like a stern tutor berating a wayward pupil; the student was being graded on answers to questions he had no right to participate in framing, by criteria exclusively determined by the professor. Outside the conference room the North Vietnamese created the impression that the negotiations were like a detective story. They threw out vague clues at whose answers we had to guess; if we missed the riddle the war would go on and we would be accused of having "missed an opportunity". Many of our critics fell in with this procedure. In our public debate it was rarely challenged; hardly any one asked why Hanoi did not put forward an intelligible proposition and why they proceeded allusively and indirectly. Of course, when Hanoi was finally ready to settle (in October 1972), it proved adept at real negotiating, as capable of framing concrete proposals as it had been skillful in obfuscation, and as impatient as it had been dilatory".<sup>54</sup>

### 4) *Vietnamese Communist negotiations behaviour during the meetings* 4 August 1969, meeting, secret, at Sainteny's flat in Paris.

"As in all my later meetings, I was impressed by their dignity and quiet self-assurance. Here was a group of men who had made violence and guerilla-war their profession; their contact with the outside world has been sporadic and shaped by the requirements of their many struggles. But in meeting with the representative of the strongest power on earth, they were subtle, disciplined and infinitely patient... they were always courteous, they never showed any undue eagerness; they never permitted themselves to appear rattled. They were specialists in psychological warfare, determined not only to move at their own pace, not to be seduced by charm or goaded by impatience. They pocketed American concessions as their due, admitting no obligation to reciprocate moderation. They saw compromise as a sign of weakness. They were impressed only by their own assessment of Hanoi's interest... Their goal was total power in South Vietnam, or at least a solution in which their opponents were so demoralised that they would be easy to destroy in the next round..."<sup>55</sup>

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<sup>53</sup> Kissinger I, p. 260.

<sup>54</sup> Kissinger 2, p. 261.

<sup>55</sup> Kissinger 2, p. 280,

### 5) *Sanity of opponents*

"I grew to understand Le Duc Tho considered negotiation as another battle. Any settlement that deprived Hanoi of final victory was by definition in his eyes a ruse. He was there to wear me down. As the representative of truth he had no category for compromise... no category for our method of negotiating; trading concessions seemed to him immoral unless a superior necessity supervened, and until that happened he was prepared to wait us out indefinitely. .. Luckily for my sanity, the full implications of what I was up against did not hit me at the first meeting... or I might have forgone the exercise."<sup>56</sup>

By way of conclusion I would say this:

Those who negotiate with the Vietnamese Communists from a position of strength should beware of communist smiles and sentimental confidences, and should look very far ahead. Those who negotiate with the Vietnamese Communists from a position of weakness should have no illusion about getting from the Communists a decent treatment for them and for their country. Perhaps, before accepting the job of negotiator, they should ponder over this statement by General Edward C. Meyer, Chief of Staff of the Army, concerning how, bearing Vietnam in mind, the military feel about a possible U.S. intervention in South America: "Armies don't fight wars. Nations fight wars".<sup>57</sup> The corresponding motto for a diplomat would be: "Diplomats do not negotiate peace. Nations negotiate peace." Otherwise, he may be marked for psychiatric treatment mid-way through the negotiations.

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<sup>56</sup> Kissinger 1, p. 442

<sup>57</sup> International Herald Tribune, May 3, 1983.