

Forum: **Historical Security Council**

Issue: Addressing the Human Rights Violations in the Vietnam War
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Position: President

1. **Introduction**

In a time where the world is split into two major military camps, where weaker neutral nations are at risk of colonization and ideological takeover, a time where revolution was popularized by the vast amounts of governments that fell and were replaced, one of the major superpowers of the world finds itself entangled in one of the longest wars it will ever be involved in.

Since 1887, Vietnam had been under the control of the French Empire. In the Second World War, however, France fell to Hitler’s Nazi forces, which left its colonies unguarded and unprotected. To seize the opportunity, the Japanese Empire invaded Indochina, but after their eventual defeat to the USA, Vietnam declared its independence from colonial rule, but France tried to take its territory back in the French-Indochinese wars of 1946-54. Soon, the Vietnamese saw victory as France withdrew and Vietnam was split into North and South Vietnam, but the conflict was only beginning…

The Vietnam War was a long and troublesome series of battles that set the socialist government of North Vietnam in opposition to South Vietnam and its close ally, the United States. The war was fueled by the Cold War between the United States and the Soviet Union which was raging on silently for years now. More than 3 million people were killed in the Vietnam War, and the greater part of the casualties were Vietnamese citizens. Opposition to US involvement caused debate between Americans, even after President Nixon announced the US’s withdrawal in 1973. North Vietnam ended the war by seizing control of South Vietnam in 1975, and the nation was united as the Socialist Republic of Vietnam in 1976.

1. **Definition of Key Terms**

The Viet Cong

A term first presented by President Eisenhower to describe North Vietnam, used to express a term indicating “Vietnamese Communists”

National Liberation Front

A group of communist guerilla soldiers residing in South Vietnam founded in 1960, which also resided in Cambodia and had bases in Laos

Socialist

A populist economic political ideology founded by German philosopher Karl Marx in the late 1800s that was popularized in the 20th century after the Bolshevik Revolution of 1917 in Russia, turning it into the Soviet Union. Socialism involves a closed market and state owned industry and production, equal pay and collectivized farming methods. The people rely on the government to provide goods and services such as food and healthcare. (the ideology of the Soviet Union, China, North Vietnam and Cuba at the time)

Capitalist

An economic system aimed to promote democracy and a free market that relies on competitive exclusive businesses. Capitalism encompasses private and corporate ownership of goods and services. Prices are unregulated and investments can be made into the stock market to make profit. There is a clear gap between the upper and lower classes due to the concept of economic deviance which is a phenomenon that occurs when a certain group of people make more money than another group. This is the ideology of the US, the UK, France, etc…

Statue of Limitations

A law that sets a maximum amount of time that parties in a dispute are granted in order to submit their case to a judiciary from the date of the alleged offense.

War crimes

Any breach of the Geneva Convention of the 12th of August 1949 (link to the document is provided in the references section). If a government is accused of committing a war crime, it is in its best interest to go under investigation, since it may have consequences on its foreign relations such as trade partners and alliances.

1. **General Overview – Background information**
2. **John F Kennedy’s Domino Theory and the Viet Cong**

The Cold War was intensifying in all corners of the world, and its effects could be felt way in Vietnam. By 1955, President Dwight D. Eisenhower had already pledged US devotion to South Vietnam and its democratic government. With the support of CIA training and US aid the Southern Vietnamese government hunted down communist supporters, where Ngo Dinh Diem, the Southern Vietnamese leader, arrested some 100,000 people, many were executed or tortured. Sound democratic?

By 1957, communist sympathizers in the south began fighting back with attacks on government officials and targets in protest of Diem’s repressive regime. In December 1960, opponents of Diem’s oppressive government joined together to create the National Liberation Front, a mix of communist and non-communist enemies of Diem.

Kennedy’s belief in his “Domino Theory” led him to pursue a more aggressive policy in Vietnam. The theory outlines the likelihood of various south-eastern Asian states falling under Communist control once one fell to the USSR and China. Kennedy feared the fall of India, Laos and Cambodia after Vietnam became communist, which led him to deploy around 9,000 troops in Vietnam by 1962, compared to 800 in the 1950s.

1. **Religious Tensions and the Assassination of JFK**

By 1963, religious tensions ran high in the South as the pro-Catholic government discriminated more and more against the predominantly Buddhist population. The Buddhist flag was banned, protesters were killed and villages were raided. On November 1st, army officers of South Vietnam rose up against the government and captured the leaders in a coup d’état. Ngo N were brutally assassinated the following day. The National Liberation Front took advantage of the political chaotic situation in the South and strengthened their position with the people by releasing propaganda and sympathizing with the countryside.

To add more instability, President John F Kennedy was assassinated in Dallas, Texas less than a month after the coup. The new US President, Lyndon B Johnson, had a different agenda. After some more revolutions, General Nguyen Khan became head of the South Vietnamese Military Council. The CIA had been training South Vietnamese air fighters and commandos in order to send them on raids in the North.

1. **The Guld of Tonkin Incident**

On the 2nd of August 1964, a US Navy ship, the USS Maddox, was monitoring signals coming from north Vietnam in the Gulf of Tonkin. It fired three warning shots at some Vietnamese torpedo boats, who retaliated by opening fire with machine guns and torpedoes, which resulted in 4 Vietnamese casualties and no American casualties. President Johnson used these incidents to order an airstrike and get Congress to push through the “Gulf of Tonkin Resolution”, which allowed him to escalate the US involvement in Vietnam without an actual declaration of war.

The Draft, the US conscription system, had been going on since 1940 in order to fill in positions in the army that were left vacant for some time due to the general lack of volunteers. As tensions in Vietnam escalated, many young men attempted to avoid The Draft. In 1965 the NLF and North Vietnam continued their victories in the South. In February, the Soviet premier Alexei Kosygin was on a state visit to strengthen ties with NV, the NLF attacked a US helicopter facility in Pleiku. In retaliation Johnson ordered bombing campaigns over North Vietnam. It was also decided that the South Vietnam army wasn’t enough to guard the US airbases. So, on the 8th of March, the first US ground troops were sent to South Vietnam in the form of 3,500 marines.

1. **Operation Barrel Roll and the Ho Chi Minh Trail**

Laos, a neighboring country, fell into civil war between the US-backed government and the communist Pathet Lao. US operation Barrel Roll saw the aerial bombardment of the Pathet Lao, trying to deny Vietnam’s access to the Ho Chi Minh trail, but it failed. The US used Napalm bombs, a sticky, flammable chemical which was effective in destroying jungles and causing devastation and terror.

1. **Westmoreland’s Policy of Attrition**

In contrast to the predominantly airborne attacks on the North of Vietnam, the war in South Vietnam was based on guerilla warfare using the thick jungle, where the battlefield was mainly on land. The ground troops of South Vietnam were under the American General William Westmoreland, who took a more aggressive and heartless approach to the War.

Westmoreland followed a policy of “attrition”, intending to slaughter however many enemy troops as could be killed under the difficult circumstances of the war as opposed to securing safer territory. By 1966, huge regions of South Vietnam had been assigned as "free-fire zones," from which all citizens should have evacuated so only the enemy remained. Intense bombarding by B-52 airplanes or shelling made the living conditions in the free-fire zones uninhabitable, so refugees flooded camps next to Saigon and other larger cities in the south.

Even as Viet Cong forces were being killed constantly, they refused to stop fighting, motivated by the Ho Chi Minh trail, which facilitated the flow of resources and soldiers from the industry to the battlefield easily through Laos and Cambodia. Additionally, North Vietnam was supported by the Soviet Union and China, which helped strengthen their air defense and gave them a fighting chance.

1. **Protests in the USA to the War**

By the end of 1967, the total count of American troops in Vietnam approached almost 500,000, and US casualties reached 15,000 killed and around more 110,000 wounded. As the war raged on, some soldiers began to mistrust the government’s reasons for keeping them deployed, as well as their repeated claims that the war was being won, while it clearly wasn’t.

Between 1966 and 1973, more than 503,000 US soldiers deserted, and a strong anti-war movement among American forces developed into violent protests, killings and mass incarcerations of personnel stationed in Vietnam as well as within the United States. Protesters in the US also had a powerful voice in stopping the US’s involvement in the war, especially after documentaries and footage of the war was released to the public. On the 21st of October almost 35,000 US citizens gathered in front of the pentagon to protest America’s involvement in the war, where the opposition to the war argued that it was mainly civilians that were being killed rather than actual soldiers, and that the government was supporting a dictatorship.

1. **The Tet Offensive**

By the end of 1967, the North Vietnamese were also desperate for a quick victory that could rid them of the impostors on their land. Resources were beginning to deplete and equipment was getting old. Generals and military leaders became impatient, so they devised a plan to deliver a finishing blow to the better-supplied US.

On the 31st of January, 1968, the Democratic Republic of Vietnam (North Vietnam) rounded up 70,000 troops and organized a series of coordinated attacks on around 100 cities in South Vietnam. Nevertheless, the South Vietnamese were able to react quickly and held them off quite well, not letting them gain any significant territory.

Reports of the Tet Offensive stunned the US public. More striking was especially the news that Westmoreland requested an additional 200,000 US soldiers, despite repeated claims that victory in the Vietnam War was assured. With his approval ratings dropping in an election year, Johnson called a halt to bombing in much of North Vietnam (but bombings continued in the south) and promised to dedicate the rest of his term to seeking peace rather than reelection.

1. **Human Rights Violations in the War**

Under UN Constitution and the War Charter, deliberately killing civilians is considered a war crime. According to certain reports, American bombers carrying napalm gas bomb were not instructed to check for civilians while they were doing their bombing rounds. There is speculation, however, that such reports are deemed inaccurate since most of those who spoke out suffered from Post-Traumatic Stress Disorder (PTSD).

The allegation that members of the US military killed unarmed people in custody, calls for specific investigation by the US government. If proven guilty, this would clearly be considered a war crime, for which there is no statute of limitations, and should result in prosecutions.

"Violations of the laws of war by Vietnamese forces in no way justified violations by U.S. troops, nor can they relieve the US of its obligation to investigate these allegations." – Kenneth Roth, executive director of Human Rights Watch. As a party to the Geneva Conventions since 1955, the US had, and still has, a clear legal obligation to investigate possible war crimes by its forces in Vietnam.

Safe to say, however, that the Viet Cong also committed atrocities during the war. North Vietnamese terrorist groups had committed mass acts of violence, rape and even massacres after Viet Cong military attacks. This is considered terrorism, however the Viet Cong cannot directly be blamed for this, seeing as terrorists are considered non-state actors and none of them were affiliated with the army or government.

The Viet Cong massacred over 3,000 unarmed civilians at Hue during the Tet Offensive and killed 252 more innocent people in the Dak Son massacre. In addition, 155,000 refugees fleeing from North Vietnam were abducted and several killed. Moreover, the Peoples Army of Vietnam was known for its illegally harsh treatment of prisoners of war, especially the Americans. POWs were tortured in order to extract confessions and information that could be useful to the war effort.

1. **Major Parties Involved and Their Views**

**Democratic Republic of Vietnam (DRV)**

Also known as North Vietnam or the Viet Cong, the Democratic Republic of Vietnam is the state aiming to take over South Vietnam in order to unite the peninsula under a single communist government. Predominantly socialist, it has received support from non-communist parties during the war, but executed individuals who weren’t loyal to the communist regime soon after the war. Being a socialist government, it attracted support from Cuba, China, and of course, the Soviet Union.

**South Vietnam**

South Vietnam, the capitalist counterpart to the Viet Cong. Initially it could be considered a dictatorship, featuring major racism and acts of violence towards non-Catholics and social minorities. Ngo Dinh Diem, the oppressive leader of South Vietnam had gained the support of President Dwight D Eisenhower early on in 1955, and eventually contributed to the American people’s hatred towards the war in Vietnam, giving them the incentive to accuse the government of supporting a dictatorship, which was technically true. Being allies with the US, it attracted support from the United States, France and the United Kingdom.

**United States of America (US or USA)**

As a major power in the Cold War, the USA held most of the power in the war. Although it was reluctant to join the war due to public backlash and dissatisfaction, it eventually contributed to the war with a larger number of ground forces than expected, and it dragged itself into a conflict that wasted a lot of resources on. As a strong opposition to communism, the United States had a duty to contain the spread of socialism to other countries, explained in John F Kennedy’s Domino Theory, which, with hindsight, proved to be rather valid in the end. The US President was also at risk of being voted out due to public distaste of the war; the longer American troops stayed in Vietnam, the weaker the president was in the people’s eyes.

**Union of Soviet Socialist Republics (Soviet Union or USSR)**

The Soviet Union represented the second military camp that was battling the United States during the Cold War. Despite not being a direct belligerent in the war, the Soviet Union extended its support for North Vietnam along with other communist nations such as Cuba and China. Interested in the situation in Vietnam, the Soviet Union was eager for the creation of another communist state in Asia, seeing as it could gain another satellite in Asia to hopefully control the entirety of the East in the future (although that didn’t age very well).

**Laos & Cambodia**

Since Laos and Cambodia both fell into a civil war at relatively the same time as Vietnam did, the United States took the chance to support the anti-communist governments in each of these countries. After being repeatedly bombed by the US near the Ho Chi Minh line which was a crucial support line for all three neighboring nations (Vietnam, Laos and Cambodia alike), Laos and Cambodia were insistent on aiding Vietnam and allowing them passage through the Line in order to rid themselves of western authority in the area.

1. **Timeline of Events**

*Example (about a page long)*

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| **Date** | **Description of event** |
| 1887 | France invades Indochina (Vietnam included) |
| 26th of September, 1940 | Japan invades French Indochina  |
| 1st of August, 1954 | North and South announce their independence after defeating France in the First French Indochinese  |
| 2nd of November, 1963 | Ngo Dinh Diem is assassinated by his own generals in the coup d’état  |
| 5th of August, 1964 | After commanders reported a North Vietnamese torpedo boat attack on the US destroyer Maddox in the Gulf of Tonkin. President Lyndon B. Johnson submits the Gulf of Tonkin Resolution to Congress, allowing him to move into Vietnam without a proper declaration of war |
| 31st of January, 1968 | During the Vietnamese New Year holiday of Tet, North Vietnamese and Viet Cong forces begin an offensive that will eventually hurl some 70,000 troops against major cities and military installations, as well as dozens of towns and villages throughout South Vietnam |
| 16th of March 1968 | As many as 500 unarmed villagers are killed by U.S. Army troops in the hamlet of My Lai |
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1. UN Involvement, Relevant Resolutions, Treaties and Events:
* Violations by North Vietnamese Troops in Laos, 7 September 1959 **(S/4216)**
* The Democratic Republic of Vietnam’s Admission into the UN, 20 July 1977 **(S/RES/413)**
* Violations by South Vietnamese Troops in Cambodia, 4 June 1964, **(S/5741)**,
1. Possible Solutions

One possible solution would be to force both the USA and USSR to withdraw from Vietnam and allow for a democratic referendum. This will be done by having a neutral country to oversee said referendum to monitor any violence or factors that may influence the outcome of the election. Voters will be asked to decide whether they would like to unite Vietnam or not. If the election remains in favor of keeping Vietnam split, they will return to their original borders which were in place in 1959 before the war started.

Another suggestion would be to initiate investigations on both North and South Vietnam for misconduct during the war, seeing as both have been accused of committing war crimes. These violations will be taken to the ICC and the leaders tried at the ICJ if the states are proven guilty. The UN will oversee this investigation as a unanimous power, and make sure all proceedings are undergone legally. If they are both guilty of war crimes, a new provisional government must be propped up in both nations in order to maintain order, then the population will vote on a new leader and a new military.

1. Guiding Questions

*(10-15 questions that your delegates could use as guidelines while researching the issue themselves and their countries’ stance on the issue)*

* What was the Cold War?
* To what extent did the cold war contribute to the USA’s interference in the Vietnam War?
* Why was Ngo Diem assassinated?
* What were the strengths and weaknesses of the Viet Cong?
* What were the strengths and weaknesses of South Vietnam?
* Why did the Soviet Union not directly interfere?
* Could the Vietnam be considered a proxy war?
* How did the USA have troops fighting in the war but didn’t declare war on North Vietnam?
* Why was the war not supported in America?
* Are napalm gas and agent orange illegal under UN charter as chemical weapons?
1. Appendices and useful links
2. [Vietnam War Timeline | Britannica](https://www.britannica.com/list/vietnam-war-timeline)
3. [VIETNAM 1969 HUMAN RIGHTS REPORT (justice.gov)](https://www.justice.gov/eoir/page/file/1057101/download#:~:text=The%20most%20significant%20human%20rights,an%20attorney%2C%20visits%20from%20family%2C)
4. [(10) Vietnam War in 13 Minutes - Manny Man Does History - YouTube](https://www.youtube.com/watch?v=exVKd-x5QVc)
5. [Geneva Conference to resolve problems in Asia begins - HISTORY](https://www.history.com/this-day-in-history/geneva-conference-begins)
6. [Vietnam War: Causes, Facts & Impact - HISTORY](https://www.history.com/topics/vietnam-war/vietnam-war-history)
7. [Ho Chi Minh - Biography, Facts & Ho Chi Minh City - HISTORY](https://www.history.com/topics/vietnam-war/ho-chi-minh-1)
8. [Peacekeeping - Vietnam and Indo-China - UNARMS](https://search.archives.un.org/geneva-agreements-agreements-on-the-cessation-of-hostilities-in-vietnam-final-declaration-of-the-geneva-conference-on-the-problem-of-restoring-peace-in-indo-china-2)
9. [The Geneva Conventions of 1949 and their Additional Protocols - ICRC](https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm)
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