

STRUGGLING FOR INDEPENDENCE AND REUNIFICATION.

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To cast down the communist party's limelight, let's read the following set of compiled documents pertaining to the role of the communist party in struggling for independence and reunification.

To detain the legitimacy and monopoly of leadership, the communist party has relied on the Ho Chi Minh's myths, used camouflage and deceit, false humaneness and false trustworthiness in their seizing the just cause. It placed the communist revolution on the fore of the war of national liberation against colonialism.

A couple of months after its establishment, in September 1930, the Indochinese Communist Party launched the class struggle in the Soviet Nghe Tinh Campaign with the slogan "Uprooting intellectuals, rich farmers, landlords, and village officials." Obviously, the drive meant no national liberation, and it showed the real face of communism in its inception.

In the 1930's the slogan the Indochinese Communist Party used was "Violent Revolution for Land and Independence." Class struggle through agrarian reform was crucial; and independence was but a label, an expedient or tactics to attain the strategic objective to seize power. The communists' number one enemy is not imperialism but nationalism. Loyal to the Communist International's strategy Ho Chi Minh has overtly condemned the Phan Chu Trinh's reform as theatrical.

Under the eyes of the Communist International, all Asian political parties advocating non-violent struggle through political and diplomatic channels are termed followers of reformed nationalism, such as the Congress Party in India; Nationalist Parties in the Philippines, Indonesia, Malaysia, Ceylon; People Parties in Singapore, Burma, Syria etc... Even the Communist Party of Tito in Yugoslavia was labeled reactionary because it had nationalist tendencies and did not follow Stalinism.

After the Soviet Nghe Tinh Campaign, the Communist International severely criticized the Indochinese Communist Party as "lacking the understanding of the dangerous character of reformed nationalism, and failing to fight it." The

reason evoked was, “reformed nationalism is an extremely dangerous and destructive force for the revolution of the proletariat. The leadership monopoly of the proletariat cannot be achieved if reformed nationalism is not totally wiped out. The experiences of China and India were examples of the backward and reactionary reformed nationalism. The Party must on its own educate and control its ranks in the permanent fighting against reformed nationalism, seeing it as an anti-revolutionary tool of capitalism. If the prestige of reformed nationalism is not destroyed, the agrarian reform and the anti-colonialist revolution cannot win. One of the followers of reformed nationalism is the Vietnamese Kuomintang”.

In about the same time, the Indochinese Communist Party warned their members that, “you should not misunderstand that when we celebrate the Yen Bay uprising we agreed with nationalism and totally respected the leaders of the Vietnamese Kuomintang. We should make use of this observance to clarify for the sake of the nation’s great masses of workers and peasants that *communism and nationalism are completely opposite and they can never be compatible.*”

As international communism condemned Gandhi as a nationalist reformist, henchman of the British Empire, Ho Chi Minh also criticized Phan Chu Trinh as “having asked the French to achieve reformism. This is a mistake and is no different from begging pity from the enemy.” (Tran Dan Tien: *Anecdotal Compilations on the Life of Chairman Ho*).

The above is the Indochinese Communist Party’s standpoint on nationalism. Nevertheless, one knows that afterwards, Ho Chi Minh used deceitfulness and camouflage by hiding communism under the label of nationalism to win the just cause and seize power.

In the preface of the book “*Ho Chi Minh in China, a false nationalist*” by Tuong Vinh Kinh, Hoang Ly Luc commented that Ho Chi Minh had copied Mao Tse Tung’s *false nationalism*: “If communism can thrive, on the one hand, it leans on nationalism, but on the other, it plots to destroy nationalism’s power”.

“While the Chinese Communists put on a nationalist robe to win the just cause, took advantage of the Sino-Japanese war to strengthen their forces and to establish maquis, Ho Chi Minh also created the national front (Viet Minh), the coalition front (Lien Viet), the front of liberation (of the South), to prepare for an

armed war and to destroy nationalist parties. He follows a simple principle that is whatever agrees with his interests, he would not hesitate to take advantage of, and whatever stands in his way, he would have recourse to any means to get rid of or destroy. *His growth was not due to communism.* He used many false names, fake organizations, pretended to practice nationalism to camouflage his objective of seizing power. In 1944, the Great Vietnam Party (Dai Viet) and the Vietnam Kuomintang joined together to elect a Central Executive Committee comprising 29 members, all chosen among the Vietnamese elite. Since this party possessed strong bases in Vietnam, it became a tough adversary of the Viet Minh on the road to seize power.

Because of the above reason, Viet Minh severely criticized the Dai Viet Party as “following the enemy’s shadow in a shameless manner, setting up schemes to help the wicked.” In truth, setting up schemes to help the wicked was just the devious acts of Ho Chi Minh. All his activities aimed solely at organizing and developing the party. *Whether or not Vietnam could attain independence was only of secondary importance.*”(Tuong Vinh Kinh, *ibid*).

In the last 70 years, the communist party has been using camouflage and deceit to seize power with its three objectives of independence, freedom, and happiness.

- 1) As far as the fighting for independence objective is concerned, the communist party followed *false nationalism*.
- 2) As far as the carrying out freedom and democracy objective is concerned, the communist party followed *false democratic socialism*.
- 3) As far as the pursuit of happiness objective is concerned, the communist party followed *false social justice, false land reform and false market economy*, the so-called socialist-oriented market economy.

THE COMMUNIST PARTY DID NOT DESERVE ANY CREDIT FOR THE INDEPENDENCE AND REUNIFICATION OF THE COUNTRY

In February 2000, the Hanoi authorities solemnly celebrated the 70th anniversary of the Indochinese Communist Party. On that occasion, they cited the achievements in the last half-century to confer upon themselves the legitimacy to hold the monopolistic leadership of the nation since then and from now onto the future.

The following is an objective evaluation -free from prejudice and propaganda arguments-of the policy lines of the Indochinese Communist Party:

ON THE NATURE OF THE COMMUNIST STRUGGLE

In its policies on national liberation, the Indochinese Communist Party advocated an armed, foreign-oriented, and closely linked to international communism struggle. On the national standpoint, these policies were strategic mistakes leading to the loss of lives of 10 million Vietnamese combatants and non-combatants in the 3 Indochinese wars:

- 1) The First Indochinese War against France and South Vietnam lasting 8 years (1946-1954),
- 2) The Second Indochinese War against the Democratic World (South Vietnam, the U.S.A. and Allies) lasting 20 years (1955-1975), and
- 3) The Third Indochinese War against neighbors lasting 10 years (The Cambodian-Vietnamese War ended in 1989 due to an intervention of the United Nations)

(Of the 14 former colonies, protectorates and mandates in Asia, only the three Indochinese countries under the control of the Indochinese Communist Party adopted a form of struggle that was violent and closely linked to the Communist International. On the contrary, all other countries led an open, moderate, non-violent and primarily non-linked to the Communist International, struggle.

Moreover, while the Indochinese Communist Party aligned itself with the Communist International to lead an armed fight aiming at toppling Western capitalist empires, nationalist parties in Asia promoted cooperation and negotiation with former colonialist powers to obtain autonomy in a first phase and independence in the next. This policy saved bloodshed and time, the latter was, as a matter of fact, shortened drastically *from 1 to 4 years after World War II* instead of 30 years as in the Vietnam case.

From 1946 to 1949, all Western empires have on their own, successively dissolved to return independence to their Asian colonies:

- 1) In 1946: the Philippines, a U.S.'s colony; Syria and Lebanon, French colonies;

- 2) In 1947: India and Pakistan, British colonies;
- 3) In 1948: Burma, Ceylon, and Palestine, British colonies.
- 4) In 1949: Vietnam, Laos, Cambodia, French colonies, Indonesia, a Dutch colony (1).

In 1919, at the League of Nations (the predecessor of the United Nations), President Woodrow Wilson submitted the right of national self-determination to encourage Western empires to step-by-step return autonomy and independence to Asian and African colonies. Since then, began the gradual disbandment of the Western empires as a natural evolution of history. This process started in 1935 when the United States of America handed autonomy to the Philippines and in 1936 when France granted autonomy to Syria and Lebanon.

From the above evaluation, history has demonstrated that a non-violent, non over-reliance on foreign powers, non-alliance with the Communist International was the wisest and most efficient approach to secure autonomy and independence for the nation.

On the contrary, staying in the Communist International's ranks to wage an armed struggle aiming at toppling Western colonialist empires was a strategic mistake. The meaning of the struggle for independence is lost. It becomes instead an ideological warfare between the Communist International and the Democratic World. The saying goes, "when the cattle butt, flies and mosquitoes die!" Ten million victims in Vietnam, sacrificed their lives not for national independence, but for the communist party to seize power.

HOW INDEPENDENCE WAS OBTAINED

Faithful to the Communist International, the Indochinese Communist Party has denied nationalism (2). *It never wrested independence for the sake of the nation. It never perceived that independence was the ultimate end, a strategic objective that should be attained at any price, any sacrifice, including the sacrifice of private rights and benefits of the party.* History shows that the Indochinese Communist Party only used the struggle for independence as a label, a tactic or an expedient to attain its strategic objective that is the seizure of power. It rejected any solution that didn't allow it to usurp the monopoly of power.

On March 27, 1947, the Ramadier Cabinet and the Council of French Political Parties (The Congress leadership) made public a Resolution on the new policy in Vietnam. The Resolution indicated that France no longer sought to restore colonies in Asia. France agreed with the legitimate aspirations of the people of Vietnam on independence and reunification (the three regions of Vietnam have the same history, the same culture, and the same language) (3).

Most noteworthy was the fact that in 1947, France had officially registered Vietnam as an independent nation at the United Nations (4).

Vietnam's independence was recognized by the Elysee Treaty of March 8, 1949 signed by President Vincent Auriol and Chief of State Bao Dai.

On February 2, 1950, the French Congress ratified the Elysee Treaty. Since then, in accordance with international law, all colonial and protectorate treaties signed by France and Vietnam in the second half of the 19th century were abrogated (5).

About the same time, the Chinese communists took over the whole Chinese mainland. It was in their strategy that the control of the Chinese mainland was the beginning of the communization of the Indochinese and Korean peninsulas. Facing with this nightmare, leaders of the Democratic World decided to hold tight Vietnam within the ranks of the free world.

Since Vietnam was associated to France, the two countries had the duties of protecting their mutual security. And because of the threat of a civil war and of an invasion, France had the duty to bring or station troops to protect the borders of Vietnam. Per the statute of the French Union, the borders of Vietnam were the borders of the French Union and also that of the Democratic World.

Even if the sovereignty of Vietnam has been recognized, the Indochinese Communist Party kept on denying this independence. It continued its armed struggle to seize the monopoly of patriotism, the monopoly of resistance, the monopoly to sign treaties with France, and the monopoly of leadership.

To incite the people to an armed fight, the Indochinese Communist Party falsely declared that France brought its troops back to Vietnam to restore the colonialist regime; therefore, the people must fight against the French to regain national independence.

Obviously, the above was but a distorted propaganda argument. Since 1947, the French Cabinet and the Council of French Political Parties had decided not to restore the colonialist regime in Asia, and supported the Vietnamese people's aspiration for independence. One year earlier, in 1946, France had handed independence to Syria and Lebanon. Also in 1947, France had registered Vietnam as an independent state at the United Nations. And in 1949, per the Elysee Treaty, the French President and Congress had recognized the Vietnamese sovereignty for independence and reunification.

ON THE REUNIFICATION OF THE COUNTRY

In 1975, the Indochinese Communist Party did *not* deserve any credit in the reunification of Vietnam. The reason was simple: according to international law, the State of Vietnam had been independent in 1949 per the Elysee Treaty of March 8, 1949. On April 23, 1949, the Congress of the Southern Region has further dissolved the autonomous Southern Region to annex its territory into an independent and unified Vietnam.

However, the Indochinese Communist Party has denied this independence and sabotaged this reunification. The reason was the Elysee Treaty did not grant it the monopoly of power. The Communists did continue their armed struggle, signed the Geneva Agreement of 1954 to divide the country and seized power in the North. And again, they did continue their armed struggle to invade the South in 1975.

Since 1955, the Indochinese Communist Party's propaganda machine voiced their argument that the U.S.A. has replaced France in the domination of South Vietnam. Therefore, they had to fight against the Americans to liberate the South. Again, this argument was sheer distorted propaganda, because American troops fought in Korea in the 50's and in Vietnam in the 60's and 70's, not for colonizing these two countries but to protect the borders of the Democratic World.

Our forebears have drawn the map of Vietnam since the early 19th century. Afterwards, because of weakness, they had to yield to France the 6 southern provinces. In 1949, our compatriots of the South exercised their right to national self-determination to reshape our map from Nam Quan to Ca Mau. From his own

hand, Ho Chi Minh tore up this map in two parts in 1954 to control the North. And also through armed fighting, in 1975, his comrades completed the conquest of the South. Then, they taped the two sections of the map and boasted that “Ho Chi Minh was the architect of the reunification of the country.”

We bring forth these facts in the quality of a scholar studying history and the law, not of a propaganda cadre for any doctrine or any political regime.

A COMPARATIVE STUDY OF THE MOVEMENTS FOR NATIONAL LIBERATION IN ASIA

For the sake of an objective view of the struggle for independence in Vietnam, let's compare it with others in Asia.

After World War II, of the 14 colonies, protectorates, and mandates in Asia, only the three Indochinese countries under the leadership of the Indochinese Communist Party used armed struggle with violence and connection with international communism. *On the contrary, the remaining 11 Asian countries used open, peaceful, legal, non-violent struggle and non-connection with the Communist International.*

From 1946 to 1949, in Asia, all the U.S., French, English, Dutch, empires have dissolved on their own to hand back independence to their colonies, protectorates, and mandates.

1946: the Philippines' independence

The United States of America was the vanguard country in liberating colonies. Itself a former colony, the U.S. had a deep-rooted tradition of struggle for national liberation. Therefore, it sympathized with the movements for national liberation in Asia and Africa.

In the earlier 1930's, Lawyer Quezon, the leader of the Philippine Nationalist Party, came to Washington to lobby at the American Congress for the autonomy and independence of the Philippines. In 1934, the American Congress passed the Tydings-McDuffie Act to recognize the Philippines as a dominion as of 1935. The Act provided that 10 years later, on the U.S. Independence Day (July 4, 1945), the Philippines should recover full independence. However, on that day, the

Pacific War had not ended, and the Philippines had therefore to wait until July 4, 1946, one year later, to gain independence.

During the war, Lawyer Quezon was invited to participate in the Pacific War Commission and his assistant, Lawyer Roxas gathered intelligence for General McArthur.

The Philippine Nationalist Party's slogan was "*Independence through Cooperation,*"

1946: Syria's and Lebanon's independence

If the United States of America has a tradition of struggle for national liberation, France also has the most progressive traditions of liberty, equality, and fraternity in the history of humanity.

In Syria, leading the movement for national liberation was the People's Party, and in Lebanon, Lawyer Dabbas led the drive for independence. Dabbas had been a student in Paris where he learned that beside the conservative parties that wanted to maintain colonies, the French Socialist Party on the contrary, advocated the liberation of the workers and the colonies.

In 1936, the Popular Front took power and the Socialist Prime Minister Leon Blum signed treaties to hand autonomy to Syria and Lebanon. And 10 years later, in 1946, French troops withdrew and independence was granted to these two nations.

1947: India's and Pakistan's independence

After the dissolution of the American and French Empires, the British Empire began to dismantle. Until the Second World War, Great Britain had created the greatest empire of all ages from North America to Europe, Africa, Asia, and Australia. The saying goes, "the sun never sets on the British Empire." Yet, only 2 years after World War II, in Asia, the British Empire began to dissolve.

In India, the three national leaders Gandhi, Nehru and Jinnah joined the London Bar Association. They knew that beside the Conservative Party that advocated the preservation of colonies, there was also the Labor Party that supported the liberation of the workers and the colonies.

In 1947, Labor Prime Minister Clement Attlee handed independence to India and Pakistan and the following year, returned independence to Burma, Ceylon and Palestine, in spite of vehement protests from Churchill, leader of the Conservative Party.

Different from the Indochinese Communist Party, the Indian Congress Party led a struggle for independence that was open, peaceful, legal, non-violent, not foreign-oriented, and primarily not linked to the Communist International.

With a huge population of 400 million (compared with 20 million of Vietnam in 1945), in a backward, poor, illiterate society, with drastic contradictions in religions, races, languages, classes, castes, the struggle in India was tenfold more difficult than that of Vietnam. Yet, India has attained independence 2 years after World War II, while our people had to sacrifice their lives for over 30 years (6).

1948: Burma's, Ceylon's, and Palestine's independence.

The national hero of Burma was Aung San, (father of Mrs. Aung San Suu Kyi, the current leader of the Democratic Movement in Myanmar). Like Gandhi, Aung San volunteered to serve in the British Royal Army. Along with U Nu, he founded the Anti-Fascist League for Freedom to fight Japan.

In 1948, Burma regained independence.

In Ceylon, the 1931 Constitution set the time for autonomy to be 15 years. With the policy of "*Good Will and Cooperation*," the Ceylon Nationalist Party obtained autonomy in 1945 and independence in 1948.

1949: Indonesia's independence

After the British, American, and French, the Dutch dismantled their empire in 1949.

The Indonesian movement for national liberation was launched by intellectuals who had been students in the Netherlands. While the Communist Party followed a policy of armed violence, the Indonesian Nationalist Party asked for reform and education. Sukarno established the Bandung Cultural Club and Hatta formed the Indonesian National Education Association to enhance the people's intellect and to vivify the people's energy. Hatta studied 10 years in the

Netherlands and Sjahrir has joined the Dutch Labor Party while studying in that country.

In 1942, Japan occupied Indonesia. Sukarno cooperated with the Japanese. In August 1945, Japan surrendered to the Allies, Sukarno proclaimed Indonesia's independence. Then the Dutch Army followed the British Army to disarm Japanese forces, Sukarno advocated negotiation with the Netherlands.

In 1946 and 1948, the Indonesian Communist Party launched armed struggles to sabotage the negotiations. During that time, the neighboring country of the Philippines had gained independence. President Truman convinced the United Nations to exert pressure on the Netherlands to conduct peace negotiations with Sjahrir. That was the time when the U.S. carried out the Marshall Plan for the post-war reconstruction of Europe. As a result the American voice had more weight on the Netherlands. A Round Table Conference was convened under the sponsorship of the United Nations. In December 1949, The Hague Treaty recognized the independence of Indonesia.

STALIN CREATED THE SOVIET EMPIRE

Thus far in Asia, from 1946 to 1949, all the British, American, French, and Dutch empires successively dissolved themselves and handed independence to former Asian colonies.

At the same time, in Eastern Europe, Stalin created a new empire called the Soviet Empire through the annexation of the three Baltic States of Lithuania, Latvia, and Estonia and the establishment of the "Iron Curtain" in Poland, Hungary, Czechoslovakia, East Germany, Albania, Bulgaria, and Romania. Since then, the cold war, or ideological war, broke out between the Communist International and the Democratic World.

The leaders of the Democratic World such as Truman, Churchill, and De Gaulle refused to hand Indochina to the Indochinese Communist Party because they did not want Stalin to expand his Iron Curtain from Eastern Europe to Eastern Asia.

Especially in Vietnam, De Gaulle rejected any plan to give the south region to Ho Chi Minh because Nguyen Ai Quoc was a cadre of the Communist

International in South East Asia. *That firm standpoint was the cause of his inviting former Emperor Duy Tan to come to Paris from the Reunion Island for negotiations in December 1945.*

Many documents confirmed De Gaulle's approval in principle to let Duy Tan return to Vietnam in early 1946. Both sides would beforehand sign a treaty to recognize Vietnam as a free and autonomous country within the Indochinese Federation and the French Union. The Vietnamese government would have complete domestic self-rule. Nevertheless, by that time, since the Indochinese Communist Party had seized power in North Vietnam, French troops had to stay for a while in the quality of French Union troops to assist Vietnam in internal security (civil war), and national defense (invasion). According to the statute of the French Union, France and Vietnam had the duties of safeguarding mutual security. Therefore, the French Army must protect the borders of Vietnam that were conjointly the borders of the French Union.

Unfortunately, in the Christmas Season of 1945, Duy Tan died while on a flight over the Central Africa desert, en route to visit his family in Reunion Island. Certain people believed that was sabotage. The aircraft burst into flames because "it ran out of gas." That was an extremely rare occurrence because no aircrew would take off without checking fuel.

The death of Duy Tan was a great misfortune for Vietnam and for France. In case Duy Tan returned to Vietnam in 1946, and established a nationalist government to recover autonomy, independence, and reunification for Vietnam, the Franco-Vietnamese War could have been averted. Ho Chi Minh would have been unable to get the monopoly of patriotism, and perhaps no one would join the Indochinese Communist Party (in 1945, the latter had only 5,000 members).

At that point, the French Communist Party had notified Stalin that De Gaulle had a nationalist solution on Vietnam available. This alarming news prompted Ho Chi Minh to pretend disbanding the Indochinese Communist Party in November 1945, and form a national government of coalition with the participation of the Nationalists Nguyen Hai Than, Vu Hong Khanh and Nguyen Tuong Tam as a screen to negotiate with the French.

On March 6, 1946, in Hanoi, Ho Chi Minh signed the Sainteny Preliminary Agreement and accepted all provisions that De Gaulle had offered to Duy Tan: Vietnam was a free, autonomous nation in the Indochinese Federation and the French Union. Fifteen thousand French troops will be allowed to station in North Vietnam for 5 years.

Afterwards, in September 1946 in Paris, Ho Chi Minh went to Moutet's residence to sign the Moutet Temporary Treaty (Marius Moutet was an old comrade of Ho Chi Minh before Ho quit the Socialist Party in 1920 to join the Communist Party in 1921).

However, even after the resignation of De Gaulle in 1946, leaders of the Democratic World were determined not to hand Indochina to the Indochinese Communist Party. By the Communist International's instigation, Ho Chi Minh launched the armed struggle on December 19, 1946. Through this act of war, he violated the Sainteny Preliminary Agreement and the Moutet Temporary Treaty.

As a consequence, 3 months later on March 27, 1947, the Ramadier Cabinet, jointly with the Council of Political Parties made public a Resolution on the new policy in Vietnam. The Resolution indicated that *France agreed with the legitimate aspirations of the people of Vietnam as pertaining to independence and reunification.*

Most noteworthy was the fact that the Communist leader Maurice Thorez and the Socialist leader Marius Moutet have signed the Resolution with Prime Minister Ramadier.

Besides, also in 1947, at the United Nations, France officially registered the three countries of Vietnam, Cambodia, and Laos, as independent nations. Therefore, since 1947, France has made public its intention to return independence and reunification to Vietnam and had registered Vietnam as an independent nation with the United Nations (Vietnam was denied membership of the United Nations due to a veto of the Soviet Union).

In 1947, if Ho Chi Minh were a patriot, if Nguyen Ai Quoc knew to place the national welfare over the party's interests, he could have ordered an immediate cease fire so that the nationalists could negotiate with the French a treaty to recover independence and reunification for Vietnam.

But Ho Chi Minh was *not* a nationalist; Nguyen Ai Quoc was *not* a patriot. He continued the fighting to block up the road to national independence.

Despite these obstacles, the successive French governments were loyal to the 1947 Resolution of the French Cabinet and the Political Parties Council.

On December 7, 1947, High Commissioner Bollaert signed the Along Bay Preliminary Agreement with Chief of State Bao Dai, recognizing the sovereignty and independence of Vietnam. This Preliminary Agreement was formalized by the Along Bay Treaty of June 5, 1948 signed by High Commissioner Bollaert and General Nguyen Van Xuan, Prime Minister of the Provisional National Government, with the acknowledgement of Chief of State Bao Dai. The new Treaty recognized the independence of Vietnam, granting it the right to take steps to implement the national reunification pursuant to the principle of national self-determination.

On **March 8, 1949**, at the Elysee Palace in Paris, President Vincent Auriol, as President of the Republic of France and as Chairman of the French Union, has signed with Chief of State Bao Dai ***the Elysee Treaty consecrating the reunification and independence of Vietnam within the French Union.*** (The Indochinese Federation was abrogated).

By the Resolution of April 23, 1949, the Congress of the Southern Region dissolved the Autonomous Republic of South Vietnam and annexed its territory into the State of Vietnam, independent and unified.

On February 2, 1950, the French Congress ratified the Elysee Treaty and formally recognized the State of Vietnam independent and unified.

Let's discard a preconceived idea that joining the French Union was a violation of national sovereignty. India, Pakistan, Canada, Australia, New Zealand, etc are also independent nations in the British Commonwealth.

On national defense, in 1949, if Vietnam did not adhere to the French Union, then the French troops would have to withdraw from Vietnam (as they did in Syria and Lebanon in 1946). And in a couple of weeks (as South Korea in 1950), Vietnam could have been invaded by the Communist International.

Objectively speaking, in 1949, independence within the French Union was the best solution for Vietnam. The country could then employ French technicians who were knowledgeable of our habits and customs and had substantial experience in the exploitation of agriculture, forestry, and animal husbandry. They had lots of know-how in handicrafts, industry, and commerce as well as in construction of bridges, roads, wharfs, ports, etc. Besides, they could advise us to establish a people-based education, a modernized administration, and an independent judiciary to advance toward a three-power system of government under the rule of law.

In matter of development, we had ready the whole market of the French Union to export our goods and agricultural, forestry and mineral products. That explains why in 1949, the solution of independence within the French Union was outstanding.

But the Indochinese Communist Party has led our country on a road bristling with obstacles and deaths for 40 long years (from 1949 to 1989). *The greatest fortune of India was having a Gandhi who believed in nationalism. The greatest misfortune of Vietnam was having a Ho Chi Minh who believed in Communist International.*

To summarize, the First Indochinese War could be divided into 3 phases:

- a) 1946-1947: war for independence.
- b) 1947-1949: peace negotiation.
- c) 1949-1954: ideological war between the Communist International and the Democratic World (similar to the Korean War). This war was obviously not for the sake of independence because Vietnam had been independent since 1949. It was but a means for the communists to grab power.

The sensitive point here is that the Democratic World was represented by the French Union, founded by France which suffered a double prejudice for being the colonialist empire annexing Vietnam for exploitation for nearly a century, and for being the expeditionary force landing in Haiphong in 1946. It was only in 1949 that French troops fought as the French Union Army in Indochina to protect the borders of Vietnam. The switching of quality and function was a delicate legal change not easily perceived by the common people.

THE 1954 GENEVA AGREEMENT AND THE 1973 PARIS AGREEMENT

The first Indochinese War ended with the Geneva Armistice Agreement of July 20, 1954 (similar to the Panmunjom Armistice Agreement of July 27, 1953 in Korea).

The Geneva Agreement was a pure military treaty whose functions were “to set a truce and determine a temporary military boundary.” At the border region under the control of each side, the administrative authority belongs to that side.

Since it was a pure military treaty, the three Geneva Agreements of July 20, 1954 bore solely the signatures of two generals: Major General Ta Quang Bui representing the North Vietnamese Army, The Red Khmers and The Pathet Laos, Major General Henri Delteil, representing the *French Union Army in Indochina* (not the Republic of France’s Army).

The American Armed Forces did not participate in this Indochina War; therefore, they didn’t sign the Geneva Agreement. The State of Vietnam didn’t either. Per the 1949 Elysee Treaty, Vietnam was an associated member of the French Union. In time of war, the Vietnamese army and the French army would fight together under the name of the French Union army. A joint staff would be created with a French general as commanding officer and a Vietnamese general as chief of staff. Since the Geneva Agreement was a pure military treaty, it sufficed for the French Union side to have Major General Henri Delteil to sign the document.

The following day, July 21, 1954, a Final Declaration encouraged the North and South Vietnam to negotiate with each other and organize general elections in 1956. However, *a declaration is not a treaty. It was but a declaration of intention and did not have the signature of either side; therefore, it did not have legal effect.* Similar instances were the Declaration of Independence of Bao Dai on March 11, 1945, of Ho Chi Minh on September 2, 1945, and of Sukarno on August 17, 1945.

Besides, also on July 21, 1954, Foreign Minister Tran Van Do of the State of Vietnam and the American Chief Delegate Bedell Smith had issued a declaration *explicitly protesting* the imposition of political solutions in a military treaty without the participation and consent of the delegation of the State of Vietnam (7).

The Geneva Agreement was but a purely military treaty determining the boundaries of an ‘on-the-spot cease fire’ or ‘demarcation-line cease fire’ (38th parallel in Korea, 17th parallel in Vietnam). It did not impose any political solution. The reunification of the two regions of Vietnam pertains to the right of national self-determination will be decided later by two states (as in the case of Korea). *Therefore, the Republic of Vietnam did not violate the Geneva Agreement when it refused to organize the 1956 elections* (8). From 1953 to the present there was no political solution for Korea.

The Paris Agreement of 1973, on the contrary, was a diplomatic treaty and had a political objective. As far as form is concerned, it bore the signatures of the representatives of the contracting parties:

Tran Van Lam, Foreign Minister of the Republic of Vietnam

Williams Roger, Secretary of State of the U.S.A.

Nguyen Duy Trinh, Foreign Minister of the Democratic Republic of Vietnam, and Nguyen Thi Binh Temporary Foreign Minister of the Republic of South Vietnam.

Article 15 of the Paris Peace Agreement stipulates that, “the reunification of Vietnam shall be carried out step-by-step through peaceful means on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation by either party, and without foreign interference. The time for reunification will be agreed upon by mutual consent from North and South Vietnam.”

However, 2 years later, in 1975, when the ink in the Paris Peace Agreement was not yet dry, North Vietnam launched an armed war to conquer the South. The conference table has yielded to the battlefield, negotiations and agreements were preempted by brute force, and peaceful methods were eliminated by a violent war.

That was indeed a gross violation. Law of the jungle supplanted man’s civilized law.

CONCLUSIONS

In brief:

1. On the national standpoint, denying nationalism, the Vietnamese Communist Party made a strategic mistake when it adopted an alliance with the Communist International and waged an armed struggle drawing 3 million people into deaths for over 40 years (from 1946 to 1989).
2. The Vietnamese Communist Party did not deserve any credit in wresting independence in 1954 because Vietnam had been independent since 1949 per the Elysee Treaty. Moreover, Vietnam had been registered at the United Nations as an independent state since 1947.
3. The Vietnamese Communist Party did not deserve any credit for the reunification of the country in 1975 because Vietnam had been reunified in 1949 when the Congress of the Southern Region dissolved the Autonomous Southern Region and incorporated its territory into the State of Vietnam, independent and unified.
4. On the national standpoint, all the three Indochinese Wars were useless, meaningless and disastrous
5. Therefore, the Vietnamese Communist Party did not qualify and did not have the legitimacy to detain the monopoly of leadership from the past to the present and from the present to the future. The communist regime must be dissolved in order that the people exercise their right to the pursuit of happiness in a democratic regime in which citizen and human rights are respected, national economy is developed, and social justice is carried out.

NOTES

1. The remaining two countries are Malaya and Singapore in the Malaysian Federation. In 1948, the Malayan Communist Party organized armed maquis. To repress this internecine revolt, the British government instituted martial law. Since 1952, the Malayan Nationalist Party brought forth the policy of "Independence by Racial Cooperation" to unite the Malayan, Chinese, and Indo-Pakistani races. Attorney Abdul Rahman had been a deputy district attorney in England. Abdul Razah served in the British Royal Army in World War II. After 5 years of autonomy, Malaysia became independent in 1957.

In 1959, in turn, Singapore was liberated through the policy of “Independence in Interdependence” (with Malaya in the Malaysian Federation). Lee Kuan Yew had been a member of the London Bar Association and of the British Labor Party while a student.

In 1989, when peace was restored in Indochina, the population in the three Indochinese countries numbered 61 millions, and in the other 11 former Asian colonies, 1 billion 40 millions.

2. In 1930, the appellation “Vietnamese Communist Party” was repealed by the Communist International and changed to “Indochinese Communist Party.”
3. Nguyen Khac Ngu: *Bao Dai, Nationalist Parties, and the Establishment of the Nationalist Government*.
4. *Everyone’s United Nations*, 1986 edition, page 332.
5. Nguyen Khac Ngu, *ibid*.
6. Gandhi autobiography: *The Story of My Experiments with Truth*. As in India, the 20,000 white reactionary colonialists in Indochina acted against the Vietnamese patriots and French democrats.
7. The Nguyen: *Indochina 1945-1973*.
8. Speaking of general elections in a communist country is but a joke. During the 60-year communist rule in North Vietnam, when did the people exercise their rights to run for office and to vote?