

**ICRC Negotiations with North Vietnamese Authorities
Regarding Access to American POWs during the Vietnam War,
1965-1970**

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ICRC Negotiations with North Vietnamese Authorities Regarding Access to American POWs during the Vietnam War, 1965-1970

Introduction

The efforts of ICRC officials to engage with North Vietnamese authorities during the Vietnam War comprise a dichotomous narrative, of both persistence and failure.¹ From 1965 to 1970, ICRC officials never succeeded in entering North Vietnamese territory, let alone in visiting or gaining access to American prisoners of war (POWs) held there. Hanoi perceived the ICRC as too close to American officials, highly partisan actors rather than neutral, independent custodians of the Geneva Conventions. Aware of this closeness, perceived and real, and of a corresponding distance from the North Vietnamese regime, the ICRC made a consistent, conscious effort to maintain and display its impartiality, neutrality and independence throughout the conflict. Aware of this context, this paper will study the ICRC's persistent efforts at negotiating with North Vietnamese authorities, specifically regarding the treatment of American POWs, during the period from 1965 to 1970. Our research question is twofold: is the ICRC's internal perception of its entanglement in North Vietnam during this period, as that of a practical failure, accurate? And second, did the ICRC succeed in maintaining and promoting its core principles within the fraught political environment of this complex international conflict?

This topic will be explored in three parts. **First**, the ICRC's efforts to engage with North Vietnamese authorities on the issue will be charted. This comprised persistent attempts at ascertaining the number and identities of POWs; facilitating communications between prisoners and their families; and facilitating communication between the belligerent governments regarding the prisoners' treatment. These efforts continued even after the North Vietnamese stopped meeting with or responding to ICRC officials. **Second**, the centrality of the Geneva

¹ Michel Barde, *La Croix-Rouge et la Révolution Indochinoise : Histoire du Comité International de la Croix-Rouge dans la guerre du Vietnam* (Genève, 1975), pp. iii-iv.

Conventions, for all actors involved in the conflict, will be studied. Here, it will be shown how the ICRC consistently provided a strong legal interpretation for all of its actions and requests, in an attempt to take ownership of the Geneva Conventions, and to prove the neutrality and independence of its intentions. The centrality of the Conventions for the belligerents, as a tool to justify their own actions, will also be addressed. **Finally**, the ICRC's attempts to safeguard its principles, on a political and reputational level, will be addressed. Here, it will be shown how the ICRC sought to justify its actions and status, not just through legal interpretation, but also by publicly differentiating and disassociating itself from more explicitly partisan actors also laying claim to the Geneva Conventions, in particular the U.S. government, but also national Red Cross societies. This was done through public statements and correspondence, and the need to do so was constantly reiterated in internal documents and meetings.

Overall, the narrative of the ICRC's practical failure in assisting American POWs in North Vietnam is not challenged by our findings in the archives; ICRC officials never succeeded in entering North Vietnam, and their calls to adhere to the Geneva Conventions, as interpreted by their custodian, were mostly refuted or ignored. Perhaps more significantly, however, we hope to show that the ICRC's awareness of the need to legally and politically justify its actions is as telling as its attempts to do so, as it displays an understanding that such principles were increasingly difficult to maintain in complex, ideologically charged international conflicts like the Vietnam War. Given the constraints and scope of this report, we intend to give an overview of the main themes present in the ICRC's entanglement with this particular aspect of the Vietnam War during this period, not an exhaustive narrative account. The documents cited are thus illustrative of the overall tenor of those we encountered within the boxes studied, and hopefully this report can assist future research by outlining the primary themes prevalent in these documents.

Sources and methodology

The secondary literature on this topic is unsurprisingly limited, since the primary documents have only recently been released for research.² As such, most works on the ICRC and Vietnam cover an earlier timeframe, which was not directly relevant to our own research.³ By far the most useful work is a graduate *mémoire* written by Michel Barde, himself an ICRC official who appears in many of the documents below, in 1975.⁴ This work was most useful in providing us with a sense of the immediate context, and particularly of the ICRC's internal evaluation of how their activities fared in Vietnam as a whole, given its authorship by a member of the ICRC's staff shortly after the period in question. Similarly, Paul de la Pradelle's 1971 evaluation of North Vietnam's attitude towards the Geneva Conventions provided an idea of how the ICRC's actions were perceived by external actors at the time – a practical failure, to be sure, but one that adhered to the ICRC's long-term principles.⁵ We primarily used this small literature as a starting point, which helped us develop a research question that sought to verify this contemporary internal and external evaluation of the ICRC's engagement with Hanoi regarding American POWs as a failure.

Given this relative paucity of relevant external and secondary literature, we largely focused on the documents themselves, since there has been little other interpretation or discussion of this topic in the interim. We consulted ten boxes of documents, in addition to five annual volumes of *procès-verbaux du Conseil de*

² Even internal and ICRC-sponsored documents only mention the Vietnam episode only in passing, if at all. See, for example, Alain Aeschlimann, 'Protection of detainees: ICRC action behind bars', *International Review of the Red Cross* 857, 31st March 2005, p. 84.

³ Jean-François Berger, 'L'action du comité international de la Croix-Rouge en Indochine: 1946-1954' (Corbaz, 1982); Lisa Grenouillet, 'Le Comité International de la Croix-Rouge et la Guerre d'Indochine, 1946-1954', *Mémoire de Master 1 d'Histoire Contemporaine*, Université Jean Moulin Lyon III, 2006-2007.

⁴ Barde, *La Croix-Rouge et la Révolution Indochinoise*. See also Appendix: Glossary of officials, p. 19.

⁵ Paul de la Pradelle, 'Le Nord-Vietnam et Les Conventions Humanitaires de Genève', *Revue Générale de Droit International Public* no. 2, Avril-Juin 1971, pp. 1-2.

Présidence, from 1965 to 1970.⁶ This choice of boxes came naturally, as we limited our scope to the initial period of 1965 to 1970, focusing in particular on boxes relating to the ICRC's interaction with North Vietnam, rather than with the South or the Viet Cong. These boxes comprise a wide variety of documents, most usefully the correspondence and minutes of meetings between senior ICRC officials and various key actors, including American and Vietnamese diplomats, representatives of National Red Cross societies, journalists and various government officials. A list of all officials referenced in this paper is provided in the Appendix.⁷ In addition, the *procès-verbaux du Conseil Présidence* were helpful in giving a sense of how ICRC officials internally debated the best institutional approach to take throughout this period.

The assistance of Fabrizio Bensi, archivist at the ICRC, was invaluable in helping us find our way through a large number of documentary collections to frame our research in a realistic way. We thank him for his time and dedication in helping us put this research paper together. We also thank Professor Davide Rodogno and Paroma Ghose for their kind assistance throughout this process.

The ICRC's attempts to engage with North Vietnamese authorities

The decision to first take action in Vietnam was taken in May 1965, when the ICRC's ruling council decided that it must promote its mission by endeavouring for all authorities involved in the conflict to face their obligations under the Geneva Conventions.⁸ As such, parallel steps were taken in trying to ensure the application of the Conventions by respective authorities in Hanoi, Saigon and Washington.⁹

In the case of North Vietnam, this primarily involved attempting to ascertain the number and identities of American POWs held there; facilitating communication between these POWs and their families; and facilitating communication between the

⁶ See Bibliography, 'Primary sources (listed in chronological order)', p. 23, for full details.

⁷ See Appendix: Glossary of officials, p. 19.

⁸ A PV Conseil de Présidence, 20th May 1965.

⁹ *Ibid.*

belligerent governments regarding the treatment of these POWs. By mid-June 1965, however, North Vietnamese authorities had definitively refused permission to any ICRC presence within its territory to achieve these ends.¹⁰ A further proposal by Samuel Gonard¹¹ to send a delegate to Hanoi was left unanswered.¹² Indeed, from this point onwards, all of the ICRC's direct offers, including sending delegates and providing medical equipment, were rejected or ignored,¹³ as were all visa applications submitted to the North Vietnamese Embassy in Warsaw.¹⁴ Hanoi consistently refused the ICRC's requests to visit the 1400 Americans reported missing or captured between February 1965 and October 1968.¹⁵ In fact, Hanoi did not acknowledge the Americans in its custody as POWs, invoking a reservation it made in 1957 with respect to Article 85, when it ratified the Third Geneva Convention.¹⁶ Although the authorities stated that incarcerated Americans were war criminals, and thus not subject to the Geneva Conventions,¹⁷ they nevertheless maintained that captured enemy troops were treated humanely.¹⁸ This interpretation was rejected by the ICRC, as evidenced by its reaction to the public display of American prisoners in the streets of Hanoi in July 1966, which it saw as a clear violation of the Convention articles regarding the humane treatment of prisoners of war.¹⁹ J.P. Maunoir²⁰ informed the U.S. Mission that the ICRC had sent a telegram and a further letter to the North Vietnamese foreign ministry, requesting

¹⁰ A PV Conseil de Présidence, 10th June 1965.

¹¹ President, ICRC, 1964-1969. See Appendix.

¹² Letter from Samuel Gonard to Nguyen Duy Trinh, B AG 219 224-003, 24th September 1965.

¹³ Letter from Marcel Naville to Keith Holyoake, B AG 219 224-018, 29th July 1970.

¹⁴ A PV Conseil de Présidence, 31st March 1966.

¹⁵ Note from J.P. Maunoir to Marcel Boisard, B AG 219 224-027, 21st January 1970.

¹⁶ Letter from Gonard to Nguyen Duy Trinh, B AG 219 224-006, 14th July 1966.

¹⁷ Rapport présenté par M. Gallopin en séance plénière du CICR, B AG 219 224-006, 1st September 1966.

¹⁸ Letter from Bui Tan Linh to F. Siordet, B AG 219 224-006, 27th July 1966.

¹⁹ Rapport du Président de M. Gallopin sur les derniers échanges avec le gouvernement des Etats-Unis, B AG 219 224-006, 22nd July 1966.

²⁰ Assistant Director, ICRC. See Appendix.

that Hanoi respect Article 13 of the Third Convention, which protects prisoners against insult and public curiosity.²¹

Despite the North Vietnamese government's unresponsiveness, ICRC officials continued and intensified their efforts to establish contacts with Hanoi on the issue of American POWs throughout this period.²² But by the end of 1970, the North Vietnamese had not permitted any ICRC representative into the country, "let alone into the prison camps".²³ Yet after five years of fruitless attempts at sustained contact with North Vietnamese authorities, Marcel Naville²⁴ remarked that "[the ICRC] will let no opportunity of intervening with the North Vietnam authorities go by until it has achieved its aim".²⁵

As a result of Hanoi's refusal to engage, ICRC officials instead tried to piece together information about the number and conditions of these men through indirect contacts and sources. This included aggregating reports from disparate, non-governmental sources, including by contacting East German filmmakers and a Polish journalist who had reported from camps within North Vietnam.²⁶ Most of the ICRC's information, however, came from the American government. For example, the North Vietnamese delegation in Paris gave a list of 368 names to Senators Kennedy and Fulbright in December 1970, which they passed on to the ICRC.²⁷ Similarly, in November 1968, the U.S. Mission in Geneva had forwarded a list of 768 Americans reported captured or missing in North Vietnam up to that point.²⁸

²¹ Procès-verbal de téléphone entre Carlin et Maunoir, B AG 219 224-006, 14th July 1966.

²² A PV Conseil de Présidence, 22nd July 1965.

²³ Note au Comité international de la croix-rouge du Département Politique Fédéral sur la mission du Col. Frank Borman, B AG 219 224-018, 12th October 1970.

²⁴ President, ICRC, 1969-1973. See Appendix.

²⁵ Letter from Naville to Holyoake, 29th July 1970.

²⁶ Procès-verbal de téléphone entre James Carlin et J.P. Maunoir, B AG 219 224-010.01, 15th December 1967.

²⁷ Procès-verbal d'entretien avec Carlin, Robert F. Lent et M. Barde, B AG 219 224-018.01, 24th December 1970.

²⁸ Letter from Maunoir to Ramone S. Eaton, B AG 219 224-010.01, 21st November 1968.

Ironically, this necessary pooling of information and interaction with American authorities further soured North Vietnam's dim view of the ICRC's claims of neutrality and impartiality, further contributing to Hanoi's unwillingness to grant access to delegates. In a 1967 meeting with a North Vietnamese diplomat, Jacques Freymond²⁹ expressed his surprise that no ICRC representative had been permitted entry, since American journalists, Quakers and Caritas aid workers had all been granted visas. The diplomat replied that Hanoi's opposition to the ICRC "*est de caractère idéologique*", implying a suspicion of the ICRC's constant interaction with and perceived closeness to American authorities on the POW issue, particularly with U.S. diplomats in Geneva.³⁰ This view also inhibited the ICRC's attempts to foster indirect contacts on the issue. A French diplomat, for example, refused the ICRC's request to inform Hanoi of its views regarding the treatment of American POWs, since he felt such an initiative would appear to come directly from the Americans, putting at risk the French government's existing contacts with the North Vietnamese government.³¹

Hanoi's unwillingness to acknowledge the status of Americans in its custody as POWs also complicated the ICRC's attempts to facilitating communication between prisoners and their families. While parcels for prisoners were accepted at first, by May 1965, "neither mail nor parcels [were] accepted".³² However, mail was sporadically accepted after this time, with some prisoners allowed to respond to their families. ICRC officials "deduced that the authorities [had] partially eased the completely negative attitude notified to us in May 1965", but the situation remained unpredictable throughout this period.³³ The ICRC continually requested that systematic communication be permitted between prisoners and their families, as

²⁹ Vice-President, ICRC, 1965-1971. See Appendix.

³⁰ A PV Conseil de Présidence, 19th January 1967.

³¹ Procès-verbal d'entretien entre de Chalvron, Gallopin et Maunoir, B AG 219 224-006, 10th May 1966.

³² Letter from Maunoir to Robert C. Lewis, B AG 219 224-010.01, 2nd May 1967.

³³ *Ibid.*

stated in the Geneva Conventions.³⁴ Despite repeated entreaties, throughout most of this period the ICRC had no means of “discovering whether family mail, entrusted to it for the prisoners... in fact reach[ed] its destination”.³⁵ Thus, while the North Vietnamese government never acknowledged receipt of family mail addressed to it, by 1970 the former had “let it be known that the prisoners’ families [could] write to them direct’, providing a forwarding address but no further details.”³⁶

The ICRC also endeavoured to act as a neutral intermediary between the belligerent governments, facilitating communication between the parties regarding the treatment of American prisoners in North Vietnam. However, this channel of communication was decidedly one-way. In practice, the ICRC constantly conveyed the U.S. government’s unhappiness with the treatment of American prisoners, a fact that did little to dispel Hanoi’s suspicion of the ICRC as a partisan body that sought to advance American interests.³⁷ This began on 18th May 1966, when the ICRC forwarded the U.S. government’s request to allow it (the ICRC) to act as America’s protecting power in North Vietnam.³⁸ Hanoi refused this demand, but Samuel Gonard reiterated to American officials that the ICRC was still pursuing representations on behalf of American airmen held in North Vietnam, and would continue to do so.³⁹ These representations were repeatedly manifested in the form of American communications forwarded to Hanoi by the ICRC. For example, a letter in March 1967 acknowledged the ICRC’s delicate position, noting that “[while the U.S. government] recognizes the importance the Committee attaches to maintaining a neutral position... we feel compelled to ask you to forward this letter to the Government of North Viet-Nam” protesting the treatment of American POWs.⁴⁰ The

³⁴ Letter from Gonard to Nguyen Duy Trinh, B AG 219 224-003, 24th September 1965.

³⁵ Letter from Maunoir to Lewis, B AG 219 224-010.01, 3rd April 1967; Aide-mémoire à l’attention de M. le Président, B AG 219 224-010.01, 11th April 1967.

³⁶ Letter from Maunoir to Eaton, B AG 219 224-010.01, 22nd January 1970.

³⁷ Procès-verbal d’entretien entre Carlin, Heyman et Maunoir, B AG 219 224-006, 21st June 1966.

³⁸ Conseil de Présidence, B AG 219 224-006, 18th May 1966.

³⁹ Letter from Gonard to Ambassador-at-large Harriman, B AG 219 224-006, 12th August 1966.

⁴⁰ Letter from Harriman to Gonard, B AG 219 224-010.02, 25th March 1967.

ICRC duly forwarded the letter to the North Vietnamese foreign minister that week,⁴¹ and relayed a similar letter again in May of that year.⁴²

On the few occasions when North Vietnamese authorities responded to these missives with more than a simple rebuttal, they insisted that American prisoners were not subject to the protections afforded prisoners of war by the Geneva Conventions. For example, Hanoi's response in October 1965 to a communiqué from four months previous simply noted that American prisoners "*sont 'bien traités' quoique criminels de guerre*", and went on to list North Vietnam's grievances regarding the American government's behaviour in the war in general.⁴³

Despite early failures, ICRC officials consistently sought to remind North Vietnam of its obligations under the Geneva Conventions, attempting, for example, to ensure that mail could be delivered to and from POWs. Given Hanoi's unwillingness to cooperate, the ICRC had to turn towards other actors for assistance in activities such as collecting information about the missing prisoners, necessitating close cooperation with the American authorities in particular. Aware of this closeness and how it might be perceived by North Vietnam, the ICRC took great care to justify every action it took regarding American POWs, by referring back to its legal interpretation of the Geneva Conventions, a fact dealt with in the next section.

The centrality of the Third Geneva Convention

The Conventions as a subjective tool of interpretation

The Third Geneva Convention constituted a central element in the debate over the treatment of American prisoners in North Vietnam. Each actor in the conflict sought to legally justify their actions and promote their own interests with reference to the Conventions, used as a subjective tool of interpretation by belligerents and

⁴¹ Letter from Gallopin to Nguyen Duy Trinh, B AG 219 224-010.02, 31st March 1967.

⁴² Letter from Ambassador Roger W. Tubby to Gonard, B AG 219 224-010.02, 10th May 1967.

⁴³ A PV Conseil de Présidence, 16th October 1965.

bystanders alike. By accusing each other of flouting the Geneva Conventions, each party laid claim to a legal basis for their actions,⁴⁴ and also implicitly acknowledged the importance of the Conventions in the legitimate regulation of conflict. This importance was both magnified and muddled by the fact that no formal declaration of war was made in what became an increasingly complex international conflict.

In the case of North Vietnam, it quickly became apparent that the authorities would not apply the Conventions in a way consistent with the ICRC's interpretation, as outlined above. As has been mentioned, in 1957 Hanoi had made a reservation regarding Article 85, relating to crimes committed by POWs before their capture.⁴⁵ The North Vietnamese government accused American authorities, and specific individuals, of war crimes, as well as of violation of the Conventions,⁴⁶ and declared in that "prisoners of war prosecuted and convicted for war crimes or for crimes against humanity... shall not benefit from the present Convention as specified in Article 85".⁴⁷ Throughout this period, then, North Vietnamese authorities consistently refused to acknowledge American pilots in their custody as prisoners of war, instead labeling them war criminals. In this regard, North Vietnam fully refuted the application of the Geneva Conventions, as interpreted by their custodian, the ICRC in this conflict.

Legal justifications for the ICRC's interactions with Hanoi

Although belligerents laid claim to their own interpretations, the ICRC endeavoured to maintain its position as the guarantor of the Conventions during the Vietnam War. As such, the ICRC sought to directly and indirectly confront governments with their duties and obligations under the Conventions, as has been outlined in detail above in

⁴⁴ 'Déclaration de la Croix-Rouge de la RDVN au sujet des sauvages crimes perpétrés par le Gouvernement des Etats-Unis et de ses actions bafouant les Conventions de Genève pour la protection des victims de guerre', B AG 219 224-003, 27th September 1965.

⁴⁵ Letter from Gonard to George W. Ball, B AG 219 224-003, 28th October 1965.

⁴⁶ 'Déclaration de la Croix-Rouge de la RDVN', B AG 219 224-003, 27th September 1965.

⁴⁷ Internal ICRC memorandum, B AG 219 224-006, 13th July 1966.

the case of North Vietnam.⁴⁸ In all of its interactions with North Vietnamese authorities, the ICRC constantly reiterated its dedication to ensuring the application its interpretation of the Geneva Conventions, and its commitment to ensuring that Americans held in North Vietnam be treated as POWs and receive the treatment guaranteed in the Third Convention,⁴⁹ since officials held that “all prisoners of war detained in the Democratic Republic of Vietnam should benefit under the said Convention”.⁵⁰ In this way, the ICRC directly reminded Hanoi of its obligation to adhere to the traditional guarantees mentioned within the Conventions, and also sought to underline that its actions were legally based, and not driven by American pressure.⁵¹ For example, the ICRC proposed on numerous occasions to send a delegation to North Vietnam, to visit the prisoners and help in applying the Conventions. These requests, however, were always met with refusal or silence.⁵²

Following this theme, the ICRC relied on a number of specific legal interpretations in all of its interactions with the North Vietnamese authorities, constantly seeking to promote its ownership of the Conventions and to justify its actions, including its closeness with American authorities, through these interpretations. For example, after learning of the public humiliation of American prisoners in Hanoi in July 1966, ICRC officials reminded North Vietnamese authorities of their obligations under Article 13, which forbids the public exposure of prisoners, an interpretation that was rejected since Hanoi viewed the men as war criminals.⁵³ The ICRC soon learned through the press that these prisoners were to be tried for war crimes in Hanoi. ICRC officials attempted to intervene, reminding Hanoi that the prisoners retained the benefits of their POW status under the Conventions, even when undergoing legal

⁴⁸ A PV Conseil de Présidence, 20th May 1965.

⁴⁹ Letter from Gonard to Ambassador-at-large Harriman, B AG 219 224-006, 12th August 1966.

⁵⁰ Letter from Maunoir to Eaton, B AG 219 224-018, March 1970.

⁵¹ Rapport du Président de M. Gallopin sur les derniers échanges avec le gouvernement des Etats Unis, B AG 219 224-006, 22nd July 1966.

⁵² A PV Conseil de Présidence, 19th August 1965.

⁵³ Letter from Gonard to Ambassador-at-large Harriman, B AG 219 224-006, 26th July 1966.

prosecution.⁵⁴ Again, this reminder was met with no response; only the following month did the ICRC learn, through press reports, that Ho Chi Minh had decided to “postpone the trial of the American prisoners temporarily”.⁵⁵

The ICRC also repeatedly requested that North Vietnamese authorities reestablish a consistent system for facilitation of communication between prisoners and their families, as per the Conventions.⁵⁶ As outlined in the above section, while some letters were sporadically accepted by Hanoi through the ICRC, this facilitation was infrequent and unpredictable.

Finally, the ICRC continually referred Hanoi to Article 10, which allows for an impartial actor to be designated a protecting power in a given conflict. The ICRC transmitted the U.S. government’s request that the ICRC be assigned its protecting power in 1965.⁵⁷ Aware of the near impossibility of fulfilling the duties of a protecting power, given North Vietnam’s uncooperativeness, ICRC officials nevertheless sought to fulfil the humanitarian obligations outlined in the third paragraph of Article 10 throughout the war. Hanoi, however, refused this demand, and consistent reference to this article did little to convince North Vietnamese officials that ICRC officials were in fact impartial actors, separate from the U.S. government.

The ICRC’s attempts to safeguard its principles

As shown above, the ICRC continually referred to the Geneva Conventions to legally justify its actions and requests, and relied on its core principles to legitimise its role as an intermediary actor in the conflict. As early as 1966, ICRC officials recognised their inability to “carry out [their] humanitarian role on behalf of prisoners of war”

⁵⁴ Letter from Gallopin to John G. Wilson, B AG 219 224-003, 1st November 1965.

⁵⁵ Prof. Jerome A. Cohen, ‘Hanoi’s threat to try us prisoners may have had salutary effects’, *Mainichi Shinbun*, B AG 219 224-005, 23rd August 1966.

⁵⁶ Letter from Frédéric Siordet to Ambassador-at-large Harriman, B AG 219 224-006, 26th May 1966.

⁵⁷ Procès-verbal d’entretien établi par Maunoir, B AG 219 224-003, 17th December 1965.

held in North Vietnam.⁵⁸ Yet despite these practical failures, ICRC officials persisted in publicly maintaining the organisation's core principles – impartiality, neutrality, and independence – throughout this period, even if they could not carry out its stated mission. This was primarily done by publicly distancing the ICRC from the actions of partisan actors in the conflict, namely the U.S. government, and national Red Cross societies, many of which were more openly critical of Hanoi's treatment of American POWs.

Differentiating the ICRC from the U.S. government

The ICRC wanted to publicly demonstrate that its initiatives were undertaken free of influence from other actors invested in the conflict. Thus, while it had agreed to act as protecting power on behalf of the United States in North Vietnam, the ICRC placed great effort in differentiating and disassociating its own priorities from those of the American authorities. It could not seem as if the ICRC were constantly acting under pressure from Washington, since such a perception might lead Hanoi to break off its limited existing contacts with the organisation.⁵⁹ In response to a letter from Ambassador-at-large Harriman advising the ICRC of the "*marche à suivre*" regarding its role as protecting power, Samuel Gonard reiterated that the ICRC did not take orders from external actors, and was the only instigator of its actions in this (and any other) conflict.⁶⁰

These examples, and others, illustrate that there was a continual awareness within the ICRC that, whatever the peculiarities of any given conflict, the organisation must always strive to maintain its core principles to safeguard the organisation's longevity and effectiveness. Further, while it acknowledged that bilateral communications between American and North Vietnamese authorities could be useful, and often facilitated these communications (as outlined above), the ICRC could not associate itself with the views of either side; the organisation's actions must be strictly of "*un caractère strictement neutre*", which it felt was the only way to achieve a favourable

⁵⁸ Letter from Melchior Borsinger to Ian Reid, B AG 219 224-005, 4th August 1966.

⁵⁹ Conseil de Présidence, B AG 219 224-006, 14th July 1966.

⁶⁰ Conseil de Présidence, B AG 219 224-006, 9th June 1966.

result regarding the treatment of prisoners.⁶¹ Thus, whenever they transmitted messages from Washington to Hanoi, officials pointedly reminded the North Vietnamese authorities of the ICRC's own, separate mission, to differentiate and disassociate the ICRC's position from that of the American authorities.

Whenever American officials, themselves under tremendous public pressure to keep American servicemen safe,⁶² requested that the ICRC go further by making public statements condemning Hanoi's failure to respect the Geneva Conventions, it refused, citing its need to maintain its own principles of neutrality and impartiality, in this conflict and in any future ones.⁶³ For example, in July 1967 American officials requested that the ICRC "take all possible action within its competence" in condemning the murder of two captured soldiers, and that it bring the matter to Hanoi.⁶⁴ J.P. Maunoir responded that, for the ICRC, "there is involved a question linked not solely to this particular incident but to the very principles of neutrality and impartiality which are basic to the Red Cross".⁶⁵ Thus, if the ICRC sent "any communication on alleged violation of the Geneva Conventions" to Hanoi, "it would implicitly be taking sides in the dispute", which was "a political issue".⁶⁶ This would "digress from [the ICRC's] exclusively humanitarian mission, with no benefit to the victims of the war".⁶⁷

Overall, the documents studied illustrate that, although aware of the ICRC's continued practical failure regarding the treatment of American prisoners in North Vietnam, officials were not prepared to compromise their core principles by

⁶¹ Politique générale du CICR concernant les militaires américains disparus ou capturés au nord-Vietnam, sud-Vietnam, Laos et Cambodge, B AG 219 224-018, 23rd September 1970.

⁶² Letter from Naville to Ernesto Thalmann, B AG 219 224-018, 8th September 1970.

⁶³ 'Mission à Washington (du 11 au 16 mars 1967)', B AG 219 224-010.01, 29th March 1967.

⁶⁴ Statement of protest, B AG 219 224-010.02, 13th July 1967.

⁶⁵ Letter from Maunoir to Carlin, B AG 219 224-010.02, 3rd July 1967.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

implicitly or explicitly siding with one of the belligerents to potentially achieve a greater degree of success.

Differentiating the ICRC from national Red Cross societies

In February 1970, the Chairman of the American National Red Cross (ANRC) sent a resolution passed unanimously by his organisation's board to the ICRC.⁶⁸ The resolution condemned North Vietnam for refusing "to honor its obligation to afford [American] prisoners the treatment to which they are expressly entitled", and went on to "suggest that it is the duty of each member of the International Red Cross to do everything within its power to inform the world of the Red Cross's concern for the plight of these concerns" if they were to "merit continuing reliance of the world in the integrity of the Red Cross as the guardian of those protected by the Geneva Conventions".⁶⁹ The resolution was also sent to national Red Cross societies around the world, urging them to put pressure on the ICRC to act. More than twenty national Red Cross societies answered this appeal by directly lobbying the ICRC throughout 1970.⁷⁰ One such letter, from the President of the New Zealand Red Cross, acknowledged that the ICRC "must be impartial and that [it] must at all times preserve a completely neutral role but... the time has now come for more positive action to be taken on the repeated refusal of the Democratic Republic of Vietnam to comply with the Geneva Conventions", and urged the international body to join it in taking "this firm stand at this juncture".⁷¹

In essence, the ANRC and other societies were calling on the ICRC to publicly condemn North Vietnamese authorities for their treatment of American POWs. Since most observers did not actively distinguish between the ICRC and national Red Cross

⁶⁸ Letter from E. Roland Harriman to Naville, B AG 219 224-019.01, 20th February 1970.

⁶⁹ *Ibid.*

⁷⁰ Australia, Chile, Dominican Republic, France, Hungary, Iran, Italy, Greece, Kenya, Lebanon, Nepal, New Zealand, Nigeria, Norway, the Philippines, Poland, Sierra Leone, South Africa, South Korea, Sweden, Switzerland, Thailand, and Trinidad & Tobago. See all files, B AG 219 224-019.01.

⁷¹ Letter from Eardley Button to Naville, B AG 219 224-019.01, 11th May 1970.

societies,⁷² this was problematic, as the resolutions could be construed by Hanoi as representing the ICRC's own position. ICRC officials, however, had consistently maintained "*les vertus de la discrétion*" since before World War II, reasoning that public condemnations could rarely provide tangible benefit, while potentially seriously endangering the lives of POWs.⁷³ Drawing parallels with the ICRC's refusal to publicly condemn Nazi Germany, it was noted that by staying silent, "*la honte retombera toute entière sur le gouvernement de Hanoi*" if any American POWs were executed in North Vietnam.⁷⁴

Overall, the most important consideration for the ICRC was publicly maintaining its principles while pursuing its traditional mission. ICRC officials consistently tried to convey these principles to the North Vietnamese authorities, a difficult task in such a complex and politically charged international conflict. In a rare meeting with North Vietnamese officials, Marcel Naville took pains to emphasise that the ICRC was an "*organisme neutre*" whose sole traditional mission was to provide humanitarian aid to victims of war, and that it found itself embarrassed because one of the belligerents avoided dialogue with it.⁷⁵ Although a North Vietnamese diplomat once told Jacques Freymond that his government understood the ICRC's mission, and that "*il faut inviter à Hanoi tous ceux qui peuvent (nous) aider*",⁷⁶ Hanoi never agreed to any of the ICRC's requests regarding American POWs and for adherence to the Geneva Conventions in general.

Conclusion

Overall, our findings have not challenged the existing internal narrative of Vietnam as a practical failure for the ICRC in its attempts to aid American POWs.⁷⁷ As has been shown, the ICRC never succeeded in entering North Vietnamese territory

⁷² Letter from Samuel Krakow to Naville, B AG 219 224-018, 6th November 1969.

⁷³ 'A propos de l'assassinat possible des aviateurs américains: les vertus de la discrétion', B AG 219 224-005, 19th July 1966.

⁷⁴ *Ibid.*

⁷⁵ Procès-verbal d'entretien entre M. Chau Seng, M. Mok Soveng, M. le Président, M. Barde, et M. Testuz, B AG 219 224-018, 2nd November 1970.

⁷⁶ A PV Conseil de Présidence, 23rd February 1967.

⁷⁷ Barde, *La Croix-Rouge et la révolution Indochinoise*.

during this period, and despite the repeated entreaties of ICRC officials, Hanoi never publicly acknowledged the organisation's role as a neutral humanitarian actor (and indeed often insinuated that it was quite the opposite).

The period from 1965 to 1966, before Hanoi cut off almost all contact with the ICRC, was most fruitful for the ICRC's direct engagement with North Vietnamese authorities. After this point, ICRC officials continued to send letters referring to their mission, and attempting to encourage proper treatment of American POWs according to their interpretation of the Geneva Conventions, but without success. Thus, the ICRC by necessity cooperated with the U.S. government and other actors in its attempts to facilitate better conditions for prisoners in North Vietnam.

The Geneva Conventions, as we have seen, were crucial for each actor trying to bolster their own claims in this complex conflict. As such, in addition to the ICRC and national Red Cross societies, each belligerent referred to the Conventions to support their own interests and claims. Within this context, the ICRC sought to maintain its traditional role as warden of the Conventions. As outlined above, North Vietnam used the Conventions as a legitimising tool by underlining that their reservations regarding the classification of POWs rendered the ICRC's interpretation irrelevant. By consistently referring to the Conventions in all of its communications with Hanoi, the ICRC itself hoped to steer the North Vietnamese government towards adhering to its obligations regarding the treatment of POWs. The American government also advanced its own interpretation, in order to pressure the ICRC to act more forcefully on the POW issue. Overall, the Conventions were used as an interpretive, subjective instrument by each actor involved in the conflict, including the ICRC, to attempt to advance their own interests and prerogatives.

Finally, the ICRC constantly reiterated its core principles and traditional mission in its dealings with Hanoi, and sought to safeguard these principles even as it failed to successfully engage with Hanoi. By reminding North Vietnam of those principles, ICRC officials aimed to underline the independence of their actions, free from influence by the American government or national Red Cross societies, in order to

maintain their sparse existing contacts with Hanoi. Key to the ICRC's long-term mission and sustainability was its ability to publicly maintain these principles. Thus even as it struggled to engage with North Vietnamese authorities, it zealously differentiated and disassociated itself from more partisan actors, including the U.S. government and some national Red Cross societies, which openly condemned Hanoi's failure to adhere to the Geneva Conventions, as interpreted by the ICRC.

Overall, our research shows that, while the Vietnam War represented a frustrating, practical failure for the ICRC, especially regarding American POWs in North Vietnam, during the period studied, the organisation nevertheless persisted in maintaining its traditional mission and principles, navigating through a complex, ideologically charged international conflict. This conclusion on the whole validates the small secondary literature, and hopefully will provide a basis for more detailed research into this particular facet of the ICRC's engagement with the Vietnam War as a whole.

Appendix: Glossary of officials

This glossary is intended to broadly indicate which ICRC officials engaged with the issue of American POWs in North Vietnam during the Vietnam War, as well as with whom they primarily corresponded and met regarding the issue. The list is not exhaustive, but rather identifies those actors commonly referenced in the above paper, which is itself intended to thematically outline the overall tenor of ICRC activities regarding this issue.

ICRC officials

Michel Barde, ICRC.⁷⁸

Marcel A. Boisard, ICRC delegate.⁷⁹

Melchior Borsinger, Secretary of the Executive Board, ICRC.⁸⁰

R. Courvoisier, Personal Assistant to the President and Executive Director, ICRC.⁸¹

André Durand, ICRC delegate.⁸²

Jacques Freymond, Vice-President, ICRC, 1965-1971.⁸³

Pierre Gaillard, ICRC delegate.⁸⁴

Roger Gallopin, Director-General, ICRC.⁸⁵

Samuel Gonard, President, ICRC, 1964-1969.⁸⁶

J.P. Maunoir, Assistant Director, ICRC.⁸⁷

Marcel A. Naville, President, ICRC, 1969-1973.⁸⁸

⁷⁸ Letter from James L. Carlin to M. Barde, B AG 219 224-018, 12th October 1970.

⁷⁹ Note to ICRC, B AG 219 224-027, 14th January 1970.

⁸⁰ Letter from Melchior Borsinger to Ian Reid, B AG 219 224-006, 4th August 1966.

⁸¹ Letter from R. Courvoisier to Ramone Eaton, B AG 219 224-019.01, 9th June 1970.

⁸² Letter from J. P. Maunoir to André Durand, BAG 219 224-003, 1st March 1965.

⁸³ Letter from Jacques Freymond to Nguyen Duy Trinh, B AG 219 224-018, 3rd June 1969.

⁸⁴ Letter from M. Gonard to Nguyen Duy Trinh, BAG 219 224-003, 24th September 1965.

⁸⁵ Letter from R. Gallopin to Nguyen Duy Trinh, B AG 219 224-010.02, 31st March 1967.

⁸⁶ Letter from Ambassador Roger W. Tubby to Samuel Gonard, B AG 219 224-010.02, 10th May 1967.

⁸⁷ Letter from J.P. Maunoir to James L. Carlin, B AG 219 224-018, 27th January 1970.

⁸⁸ Letter from S. Moosai-Maharaj to Marcel Naville, B AG 219 224-019.01, 13th March 1970.

Jean Pictet, Director of General Affairs, ICRC.⁸⁹

Frédéric Siordet, Vice-President, ICRC.⁹⁰

American diplomats and officials

George W. Ball, Under Secretary of State, 1961-1966.⁹¹

Colonel Frank Borman, Special Representative of the President on Prisoners of War.⁹²

James L. Carlin, Counsellor of Mission, U.S. Mission Geneva.⁹³

W. Averell Harriman, U.S. Ambassador-at-large, 1965-1969.⁹⁴

Robert L. King, Second Secretary, U.S. Mission Geneva.⁹⁵

Robert F. Lent, First Secretary, U.S. Mission Geneva.⁹⁶

Abba P. Schwartz, U.S. Mission Geneva.⁹⁷

Frank Sieverts, Special Assistant for Prisoner-of-War Matters, U.S. State Department.⁹⁸

Roger W. Tubby, Ambassador, U.S. Mission Geneva, 1967-1969.⁹⁹

⁸⁹ Letter from Jean Pictet to Samuel Krakow, BAG 219 224-003, 18th June 1965

⁹⁰ Letter from Bui Tan Linh to F. Siordet, B AG 219 224-006, 27th July 1966.

⁹¹ Letter from Samuel Gonard to George W. Ball, BAG 219 224-003, 28th October 1965.

⁹² Note du Département Politique Fédéral au Comité international de la croix-rouge, 'Prisonniers de guerre – Mission du Col. Frank Borman', B AG 219 224-018, 12th October 1970.

⁹³ Letter from James L. Carlin to M. Barde, B AG 219 224-018, 12th October 1970.

⁹⁴ Letter from Ambassador-at-large W. Averell Harriman to Samuel Gonard, B AG 219 224-010.02, 25th March 1967.

⁹⁵ Procès-verbal d'entretien entre Robert L. King, 2eme secrétaire, et Charles Mace, Mission des EU à Genève, et R. Gallopin et J.P. Maunoir, B AG 219 224-010.01, 6th-10th February 1967.

⁹⁶ Procès-verbal d'entretien avec James L. Carlin, Conseiller d'ambassade, et Robert F. Lent, Premier secrétaire de la Mission permanente des Etats-Unis et M. Barde, B AG 219 224-018, 24th December 1970.

⁹⁷ Procès-verbal d'entretien entre Abba P. Schwartz et J. Carlin, BAG 219 224-003, 28th December 1965.

⁹⁸ Note to the ICRC, B AG 219 224-027, 21st January 1970.

⁹⁹ Procès-verbal d'entretien entre Ambassadeur Tubby, Ambassadeur, J. Carlin et MM. Gallopin et Martin, B AG 219 224-010.02, 28th March 1967.

North Vietnamese diplomats and officials

Bui Tan Linh, Minister of Foreign Affairs, Democratic Republic of Vietnam.¹⁰⁰

Huynh-Thien, commercial delegate, DRV Mission, Paris.¹⁰¹

Nguyen Duy Trinh, Minister of Foreign Affairs, Democratic Republic of Vietnam.¹⁰²

Vo-Van-Sung, commercial delegate, DRV Mission, Paris.¹⁰³

Other government officials

Keith Holyoake, Prime Minister, New Zealand, 1960-1972.¹⁰⁴

Ernesto Thalmann, Ambassador-plenipotentiary, Département politique fédéral, Switzerland.¹⁰⁵

National Red Cross society officials

Henrik Beer, Secretary-General, IFRC.¹⁰⁶

Eardley Button, National President, New Zealand Red Cross Society, 1964-1972.¹⁰⁷

James F. Collins, President, American National Red Cross.¹⁰⁸

J.S.L. Crabb, Secretary General, Australian Red Cross Society.¹⁰⁹

Tran Thi Dich, Secretary General, RDVN Red Cross Society.¹¹⁰

Ramone S. Eaton, Vice-President, American National Red Cross.¹¹¹

¹⁰⁰ Letter from Bui Tan Linh to F. Siordet, B AG 219 224-006, 27th July 1966.

¹⁰¹ Note to the ICRC "Contacts à Paris avec la Mission RDVN", A PV Conseil de Présidence, 23rd February 1967.

¹⁰² Letter from Jacques Freymond to Nguyen Duy Trinh, B AG 219 224-018, 3rd June 1969.

¹⁰³ Note to the ICRC, , A PV Conseil de Présidence, 27th October 1966.

¹⁰⁴ Letter from Marcel Naville to Keith Holyoake, B AG 219 224-018, 29th July 1970.

¹⁰⁵ Letter from Marcel Naville to Ernesto Thalmann, B AG 219 224-018, 8th September 1970.

¹⁰⁶ Procès-verbaux d'entretien entre Henrik Beer et J.P. Maunoir, B AG 219 224-019.02, 14th November 1969.

¹⁰⁷ Letter from Eardley Button to Marcel Naville, B AG 219 224-019.01, 11th May 1970.

¹⁰⁸ Letter from Samuel Gonard to James F. Collins, B AG 219 224-010.01, 14th August 1967.

¹⁰⁹ Letter from J. S. L. Crabb to R. Gallopin, B AG 219 224-003, 21st October 1965.

¹¹⁰ Letter from R. Gallopin to Tran Thi Dich, B AG 219 224-003, 25th October 1965.

¹¹¹ Letter from Ramone Eaton to J.P. Maunoir, B AG 219 224-010.01, 21st November 1968.

Arné Fremm, Secretary-General, Danish Red Cross.¹¹²

Hans Haug, President, Swiss Red Cross.¹¹³

E. Roland Harriman, Chairman, American National Red Cross.¹¹⁴

Samuel Krakow, Director of International Relations, American National Red Cross.¹¹⁵

Robert C. Lewis, Vice-President, American National Red Cross.¹¹⁶

H.W. Macnaughton Jones, Chairman, Trinidad & Tobago Red Cross.¹¹⁷

S. Moosai-Maharaj, Secretary-General, Trinidad & Tobago Red Cross.¹¹⁸

Giuseppe Potenza, President, Italian Red Cross.¹¹⁹

Ian Reid, Director of International Affairs, British Red Cross Society.¹²⁰

J.X. Roos, National Secretary, South African Red Cross.¹²¹

Olof Stroh, Secretary General, Swedish Red Cross.¹²²

Vu Dinh Tung, President, RDVN Red Cross Society.¹²³

John G. Wilson, Executive Vice-President, American National Red Cross.¹²⁴

¹¹² Procès-verbal d'entretien entre M. Arné Fremm et M. J.P. Maunoir, B AG 219 224-018.02, 6th November 1969.

¹¹³ Letter from Hans Haug to Marcel Naville, B AG 219 224-019.01, 11th May 1970.

¹¹⁴ Letter from E. Roland Harriman to Marcel Naville, B AG 219 224-019.01, 20th February 1970.

¹¹⁵ Letter from Roger Gallopin to Samuel Krakow, B AG 219 224-003, 2nd Marc 1965.

¹¹⁶ Letter from J.P. Maunoir to Robert C. Lewis, B AG 219 224-010.01, 3rd April 1967.

¹¹⁷ Letter from S. Moosai-Maharaj and H.W. Macnaughton Jones to Marcel Naville, B AG 219 224-019.01, 13th March 1970.

¹¹⁸ Ibid.

¹¹⁹ Letter from Dr. Giuseppa Potenza to Marcel Naville, B AG 219 224-019.01, 7th November 1969.

¹²⁰ Letter from Melchior Borsinger to Ian Reid, B AG 219 224-006, 4th August 1966.

¹²¹ Letter from J.X. Roos to Marcel Naville, B AG 219 224-019.01, 9th April 1970.

¹²² Letter from Raymond to Courvoisier, B AG 219 224-027, 30th of October 1970.

¹²³ Letter from Vu Dinh Tung to Samuel Gonard, ACICR, A PV Conseil de Présidence, 1st July 1966.

¹²⁴ Letter from R. Gallopin to John G. Wilson, B AG 219 224-003, 19th October 1965.

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Généralités, 1967-01-26 – 1968-12-02, ICRC B AG 219 224-010.01.

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