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S-0871-0001-04-00001

Expanded Number **S-0871-0001-04-00001**

Title **Items-in-Peace-keeping operations - Vietnam - request by  
Government of South Vietnam for Observers during elections**

Date Created **02/06/1966**

Record Type **Archival Item**

Container **S-0871-0001: Peace-Keeping Operations Files of the Secretary-General: U Thant - Viet-Nam**

Print Name of Person Submit Image

Signature of Person Submit

Unofficial translation from French



2 June 1966

No. 213-VN/UN

Excellency,

On the instructions of my Government I have the honour to inform you that elections for the establishment of a Constituent Assembly will be held in the territory of the Republic of Viet-Nam during the first two weeks of September this year.

My Government is determined to do its utmost to ensure that these elections are organized in such a way as to guarantee complete freedom for the people to express their wishes.

Wishing the conduct of the elections to be witnessed by impartial observers, my Government has the honour to request that you be so good as to arrange for United Nations observers to be present in Viet-Nam during the election period. They will be given the warmest possible welcome and every facility in the accomplishment of their task.

Knowing of the interest that you and the Members of the United Nations have consistently taken in the problem of Viet-Nam, my Government hopes that you will give favourable consideration to this request.

Accept, Excellency, the assurances of my highest consideration.

Nguyen Duy Lien  
Ambassador

His Excellency U Thant  
Secretary-General  
United Nations

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Nguyen Day Lien  
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His Excellency U Thant  
Secretary-General  
United Nations

OFFICE OF THE PERMANENT OBSERVER  
OF THE REPUBLIC OF VIET-NAM  
TO THE UNITED NATIONS  
866 UNITED NATIONS PLAZA  
SUITE 547-9  
NEW YORK, N. Y. 10017

Le 2 juin 1966

No 213-VN/UN

EXCELLENCE,

D'ordre de mon Gouvernement, j'ai l'honneur de porter à la connaissance de Votre Excellence que des élections pour la formation d'une Assemblée Constituante auront lieu sur le territoire de la République du Viet-Nam dans la première quinzaine du mois de Septembre prochain.

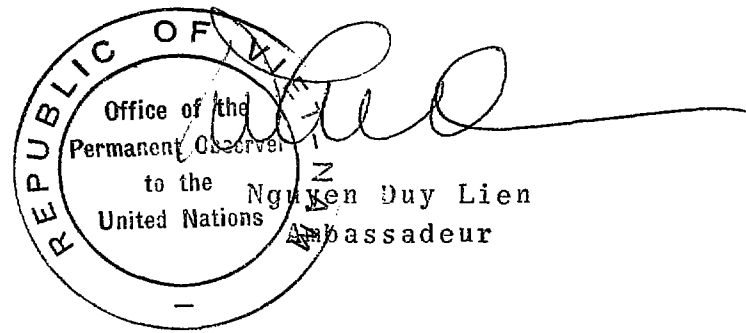
Mon Gouvernement est déterminé à faire tout le possible pour que ces élections soient organisées dans des conditions assurant la complète liberté d'expression de la volonté du peuple.

Dans le désir de voir le déroulement du vote suivi par des observateurs impartiaux, mon Gouvernement a l'honneur de vous prier de bien vouloir prendre des dispositions pour que des observateurs de l'Organisation des Nations Unies puissent être présents au Viet-Nam pendant la période électorale. Le meilleur accueil et les plus grandes facilités leur seront réservés dans l'accomplissement de leur mission.

/...

Connaissant l'intérêt que Votre Excellence et les pays membres de l'Organisation des Nations Unies n'ont cessé de porter au problème du Viet-Nam, mon Gouvernement espère que Votre Excellence pourra réserver une suite favorable à cette requête.

Veuillez agréer, Excellence, les assurances de ma plus haute considération.-



SON EXCELLENCE U THANT  
Secrétaire Général  
de l'Organisation des Nations Unies

## ROUTING SLIP

## FICHE DE TRANSMISSION

TO: **S. G.**  
 A:

FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
PREPARE DRAFT		PROJET A REDIGER
FOR COMMENTS		POUR OBSERVATIONS
MAY WE CONFER?		POURRIONS-NOUS EN PARLER?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED	✓	SUITE A VOTRE DEMANDE
NOTE AND FILE		NOTER ET CLASSER
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

*Handwritten:* **Maro**  
**21/6/66**

Date:

*Handwritten:* **14 June**

CR. 13 (11-64)

FROM:

DE:

*Handwritten:* **ALAIN C. DANGEARD**

14 June 1966

NOTE ON OBSERVERS FOR THE ELECTIONS  
TO THE CONSTITUENT ASSEMBLY IN VIET-NAM

The request presented on 2 June 1966 by the Government of South Viet-Nam to the Secretary-General "to arrange for United Nations observers to be present in Viet-Nam during the election period" (for the Constituent Assembly, during the first two weeks of September) is not without precedent in the history of the United Nations. Indeed, the United Nations has had considerable experience in supervising plebiscites or elections in Trust Territories (1956, in Togoland under British administration; 1959-1961, in the Cameroons under British administration; 1961, in Western Samoa; 1958, in Togoland under French administration; 1961, in Rwanda). In addition, the United Nations observed elections in the souther part of Korea in 1948 and in the Cook Islands in 1965. The United Nations agreed to supervise an act of self-determination in West Irian to take place no later than 1969. Finally, the United Nations made an assessment of the wishes of the population of Sabah and Sarawah in 1963 some time after elections had been held on the question of joining the Federation of Malaysia.

From these precedents, there seems to be little doubt that the Secretary-General could not act alone on the South Vietnamese request which certainly exceeded his own authority. Of course, there have been instances in which the Secretary-General has decided to send observers within the scope of the diplomatic role generally recognized as his. For example, in 1963, the Malaysian mission was sent by the Secretary-General at his own decision following the joint request and unanimous agreement of all the parties involved to seek his good offices. This condition is absent in the case of the South Vietnamese request. But even the Malaysian mission was a special case, not really pertaining to observation of an election. All other cases of supervision or observation have been initiated or authorized by an intergovernmental body, namely the General Assembly. Therefore, the fact that the question of Viet-Nam was on the agenda of the Security Council (S/Agenda/1271) left little choice for the Secretary-General but to consult informally with the President of the Council about the South Vietnamese request.

1. It is most unlikely that the Security Council would be in a position to act on the request of the Government of Viet-Nam. Two of the permanent members (USSR and France) are known to be opposed to it for one main reason, which goes back to the origin of the Viet-Nam conflict. At that time, the absence of the United Nations role in Viet-Nam was advanced - at the last moment - by the United States Government for registering its well known unilateral reservation against the Geneva Agreements of 1954. General Bedell Smith, the United States delegate, stated his preference for United Nations supervised elections as opposed to the machinery of the International Control Commission established by the Geneva participants. Again, in 1956, the same pretext, in fact arising out of the Polish membership in the committee, was invoked by the Government of South Viet-Nam in refusing the holding of elections in both parts of Viet-Nam, and this refusal as is generally acknowledged, was not unconnected with the later resumption of hostilities in South Viet-Nam. In this historical context, it is not surprising that attempts to revive a United Nations role should now be viewed as a renewed effort to undermine the provisions of the Geneva Agreements. Legally, the Geneva Conference remains the body in charge of solving the Viet-Nam conflict; and, however well intentioned, the efforts to bring in the United Nations, even for a limited objective, would appear to be counter-productive to the main objective - a return to peace.

Because this is realized by a large number of Member States, the General Assembly is unlikely to adopt a decision to send observers at this stage, if the Council were to reject the request of South Viet-Nam. It is true that in 1963 the General Assembly accepted an invitation by President Diem to send representatives to South Viet-Nam to "find out the real situation existing between the Government of Viet-Nam and the Buddhist community". This acceptance, however, was in connexion with the "question of the violation of human rights in South Viet-Nam", which was on the agenda of the General Assembly and which aroused strong feelings on the part of many of its members. In spite of all the good intentions expressed then, the United Nations mission which was sent there had doubtful results, and met with strong criticism. Today, moreover, the situation in the General Assembly has radically changed. At the last session, all behind-the-scenes attempts to induce the Assembly to express its views on Viet-Nam failed.



Judging from statements made in the general debate, a large majority of Member States would no longer be prepared to support any United Nations involvement in Viet-Nam. This reluctance to act is principally motivated by the fear that any United Nations initiative, far from contributing to settlement of the conflict, would meet with the certain refusal of North Viet-Nam and China to have anything to do with the United Nations, of which they are not members; therefore, such United Nations attempts would only make it more difficult to implement the Geneva Agreements which most members see as the only hope for peace.

2. It is, therefore, submitted that the United Nations could not play a role in Viet-Nam at this stage without jeopardizing the usefulness of the Geneva Conference, and consequently the prospects of peace. Moreover the opportunity of observing elections according to the terms of the letter of 2 June of the Government of Viet-Nam, and under the existing conditions in Viet-Nam, would, in any case, be highly questionable.

Although the role of the United Nations has differed with the situations it had to deal with (its responsibilities have been much greater in the Trust Territories) - the United Nations has never consented to lend its authority to an election without a minimum of guarantees. In trust territories, and in Korea, the United Nations participated extensively in the arrangements for the plebiscites or elections. For example, the United Nations Commission was much involved in drafting the electoral law in Korea. Where its role was limited to observing, there was nevertheless a detailed investigation of such questions as electoral rights and registration, the safeguards for the freedom of political campaigning and vote, the conditions of the voting itself, the question of political prisoners and the appeals procedure. Even in a normal situation, the United Nations could hardly consider such vague commitments as are outlined in the 2 June letter of the observer of the Republic of Viet-Nam as satisfactory. A fortiori, where there is every evidence that democratic principles are not applicable and that observers could do nothing to redress the situation, to accept the role of observing elections would mean renouncing all the principles which the United Nations stands for.

For example, the General Assembly has never been involved in elections not conducted on the basis of adult universal suffrage, without any restriction of any sort (except in cases of conviction or insanity, etc.). In no instance

has the General Assembly recognized restrictions on political grounds. It would seem, therefore, quite impossible for any United Nations organ to undertake to observe elections with such restrictions as are established by the South Vietnamese electoral commission which excludes, for example, <sup>those directly or indirectly connected with</sup> "communists or neutralists" from lists of possible candidates.

One of the main concerns of United Nations observers has always been the existence of proper safeguards for the freedom of political campaigning and voting. Lengthy inquiries were conducted prior to the elections in South Korea and in Rwanda Burundi, for example, to evaluate a sometimes tense situation. In all cases, provisions were made for the interviewing, and often the releasing of political prisoners. However, nowhere was the situation that of an open civil war with thousands of political prisoners, wide areas of the country under military rebellion, and the largest religious faction in more or less open revolt. There is no need for United Nations observers to go to South Viet-Nam to discover that the situation is not conducive to a free political campaigning and voting. Indeed, as long as the war continues, it is unlikely that free elections will be possible in Viet-Nam, and the presence of United Nations observers in the country could not make much difference in this respect.

Furthermore, the conditions of the war would make it impossible for United Nations observers to discharge their functions impartially. Even if no threats had been made by the NFLSVN against United Nations observers coming to South Viet-Nam, the Government of South Viet-Nam would have to provide large-scale security forces to protect them. The presence of these forces would link the observers to the Government and would tend to negate their objective status. In all previous instances, the United Nations observers took special steps to distinguish their identity from that of representatives of the administering authority and, when protection was needed, to keep it to a minimum so as not to interfere with their ability to obtain genuine evidence or testimony. This would clearly not be possible under the conditions prevailing in South Viet-Nam.

3. In view of these objections of principle, the involvement of the United Nations in Viet-Nam could only prove disappointing to those, who, with the best of intentions, hope to bring more democracy to South Viet-Nam through a

certain degree of international control. Moreover, previous United Nations experience indicates that even under far more favourable circumstances United Nations objectives in undertaking supervision or observation of elections have not always been met, and that sometimes situations have developed that escaped the control of the organization.

In some cases, very serious doubts and reservations have been raised in the General Assembly about the expediency of the United Nations participating in certain electoral operations not entirely immune from criticism. For example, the decision that the United Nations should participate in the South Korean elections of May 1948 was taken against the advice of such countries as Australia and Canada, which were members of the United Nations Temporary Commission, and with many reservations on the part of neutral as well as communist countries in the General Assembly interim committee. And, while it was the General Assembly's hope gradually to introduce a form of democratic consultation of the South Korean leaders, the result was the establishment shortly thereafter, of a dictatorial regime with the forcible suppression of rival leaders, the abandonment of all attempts of re-unification, and finally a large-scale war. In other words, Korea has been a disappointing experience which still plagues the organization, nearly 20 years after the event.

Many other considerations could be advanced against acceptance of the request of the Government of South Viet-Nam. Practically speaking, the task of the observers would be formidable in a country as diversified and as highly populated as Viet-Nam, and, could not be adequately prepared at two months' notice. Even in Korea, where observation was not entirely adequate, months of preparations went into it. But, these technical reasons are minor if compared with the main objections which can be raised against the idea of a United Nations involvement in the September elections. Those who wish thereby to extend democracy in South Viet-Nam have no way of preventing a government from turning the presence of outside observers to its own advantage. In accepting such a task, under the conditions existing in Viet-Nam, the United Nations would be betraying the democratic principle embodied in its own charter, without any benefit to the cause of peace. For it is increasingly recognized by a growing number of United Nations Members that the chances of peace reside

solely in a revival of the Geneva Agreements. Therefore, the best contribution to peace that the United Nations can make at this stage is to refrain from any initiative counter to these Agreements.

6/24

TO: THE SECRETARY - GENERAL

Returned as  
requested.  
Thanks

Pl. keep. R-  
G. M.

14 June 1966

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TO THE CONSTITUENT ASSEMBLY IN VIET-NAM

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Furthermore, the conditions of the war would make it impossible for United Nations observers to discharge their functions impartially. Even if no threats had been made by the NLF-SVN against United Nations observers coming to South Viet-Nam, the Government of South Viet-Nam would have to provide large-scale security forces to protect them. The presence of these forces would link the observers to the Government and would tend to negate their objective status. In all previous instances, the United Nations observers took special steps to distinguish their identity from that of representatives of the administering authority and, when protection was needed, to keep it to a minimum so as not to interfere with their ability to obtain genuine evidence or testimony. This would clearly not be possible under the conditions prevailing in South Viet-Nam.

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solely in a revival of the Geneva Agreements. Therefore, the best contribution to peace that the United Nations can make at this stage is to refrain from any initiative counter to these Agreements.

cc: Mr. Lemieux —

28 July 1967

Sir,

I shall be grateful if you would communicate the following message from the Secretary-General to the Foreign Minister of the Republic of Viet-Nam.

"I have the honour to acknowledge the receipt of your letter of 20 July 1967 concerning the wish of your Government to have a number of United Nations observers in Viet-Nam during the forthcoming Presidential and Senatorial elections in the Republic of Viet-Nam.

"This desire of your Government has been carefully studied. It appears that the sending of United Nations observers during these elections cannot be decided upon by the Secretary-General without the authorization of a competent principal organ.

"I regret, therefore, that I am not in a position to respond to the desire expressed by your Government.

"Accept, Sir, the assurances of my highest consideration".

U Thant"

Accept, Sir, the assurances of my highest consideration.

C.V. Narasimhan  
Chef de Cabinet

His Excellency Mr. Nguyen-Duy-Lien  
Ambassador Extraordinary and Plenipotentiary  
Permanent Observer of the Republic of Viet-Nam  
to the United Nations  
866 United Nations Plaza, 5th Floor  
New York, N.Y. 10017

REPUBLIC OF VIETNAM

MINISTRY OF FOREIGN AFFAIRS

*The Minister*

Saigon, July 20th, 1967

No 661 /VP

COPY

Excellency,

During the courtesy visit I had the honor to pay on you in New York, last April, I conveyed to you the wish of my government to welcome foreign observers in Vietnam during our Presidential and Senatorial elections the procedures of which were then discussed at the Constituent Assembly.

I have the honor to inform you that the law governing these elections were formally promulgated on June 15, 1967 and the elections for the President, the Vice President and our sixty member Senate will be carried out throughout the country on Sunday, September 3rd, 1967.

. . . 2/.

His Excellency U Thant,  
Secretary General,  
United Nations Organization,  
New York, N.Y.,  
U.S.A.

On behalf of my government I should like to renew to you our sincere desire to have a number of United Nations observers in Viet Nam during these elections. My government believes that due to the prestige of the United Nations Organization, the presence of such observers would clearly testify to our determination to hold free and honest elections. Moreover, as these elections constitute the climax of a series of democratically conducted national referendums in Viet Nam, and thus represent an eventful landmark of the history of the nation, I should think that they would afford the United Nations Organization an excellent opportunity to obtain a first hand picture of what the situation in Viet Nam really is. It is my belief that the United Nations observers' teams will be able to report to you that during the whole process of the September 3 elections, the Vietnamese citizenry fully and freely participated.

It is also my hope that the United Nations observers' teams could make some useful investigations of the nature of the present war, which is not in any sense a civil war, but truly a war of aggression waged against South Viet Nam, on her very territory.

. . . 3/ .

REPUBLIC OF VIETNAM

MINISTRY OF FOREIGN AFFAIRS

*The Minister*

- 3 -

In spite of some persistent myths, the war in VietNam is still a Vietnamese war, carried out day and night by the Vietnamese armed forces and the Vietnamese people. The fact that we continue to lay the foundations for a democratic society in the midst of such a war shows that the Government of VietNam has dedicated all its efforts to the betterment of the life of its citizens, and not to the maintaining of any privileges for any of its members. It also shows our resolve to face the challenge of social change by peaceful and democratic means, in radical opposition to the Communist ideology based on terror and violence.

On that matter, it is my opinion that the Vietnamese elections follow the spirit and the rationale of the United Nations Charter, which stresses the close interaction between orderly changes within states and the peaceful coexistence between states themselves.

I wish to reiterate to you that all facilities will be given to the United Nations observers' teams, should you decide to send them to VietNam.

May I avail myself of this opportunity to renew to you, Excellency, the assurance of my highest consideration.



Dr. TRAN VAN DO  
Minister of Foreign Affairs  
of the Republic of VietNam.