



DATE DOWNLOADED: Sat Jul 27 10:49:48 2024

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

Bluebook 21st ed.

John Norton Moore, Geneva Agreements of 1954, The: A Preface, 8 VA. J. INT'L L. 1 (1967).

ALWD 7th ed.

John Norton Moore, Geneva Agreements of 1954, The: A Preface, 8 Va. J. Int'l L. 1 (1967).

APA 7th ed.

Moore, John Norton. (1967). Geneva agreements of 1954, the: preface. Virginia Journal of International Law, 8(1), 1-3.

Chicago 17th ed.

John Norton Moore, "Geneva Agreements of 1954, The: A Preface," Virginia Journal of International Law 8, no. 1 (December 1967): 1-3

McGill Guide 9th ed.

John Norton Moore, "Geneva Agreements of 1954, The: A Preface" (1967) 8:1 Va J Int'l L 1.

AGLC 4th ed.

John Norton Moore, 'Geneva Agreements of 1954, The: A Preface' (1967) 8(1) Virginia Journal of International Law 1

MLA 9th ed.

Moore, John Norton. "Geneva Agreements of 1954, The: A Preface." Virginia Journal of International Law, vol. 8, no. 1, December 1967, pp. 1-3. HeinOnline.

OSCOLA 4th ed.

John Norton Moore, 'Geneva Agreements of 1954, The: A Preface' (1967) 8 Va J Int'l L 1

Please note: citations are provided as a general guideline. Users should consult their preferred citation format's style manual for proper citation formatting.

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

-- To obtain permission to use this article beyond the scope of your license, please use:

[Copyright Information](#)

THE VIRGINIA JOURNAL OF INTERNATIONAL LAW

VOLUME 8

DECEMBER 1967

NUMBER 1

The Geneva Agreements of 1954: A Preface.

Historical truth is at best elusive. But conditions for research about a major war are rarely at best while the conflict is raging. It is not surprising, then, that there are continuing disagreements about historical truth in the Viet Nam war which go far deeper than any alleged credibility gap. Though one can easily overemphasize this fact ambiguity in assigning reasons for the disagreement about United States Viet Nam policy, contradictory fact assumptions undoubtedly play a significant part in this disagreement. Chief among the disputed facts have been the origins of the insurgency within South Viet Nam and the nature of the 1954 Geneva Agreements. Yet despite the unprecedented outpouring of writing from the scholarly community, there have been relatively few studies of these important issues. The Geneva Accords particularly have suffered from this lack of basic research. To date there have been only three major studies of the agreements: Lacouture and Devillers' *La Fin D'Une Guerre*, published in 1960, and still largely not translated into English, Ngo Ton Dat's "The Geneva Partition of Vietnam and the Question of Reunification During the First Two Years," an unpublished 1963 Cornell doctoral dissertation, and Franklin Weinstein's *Vietnam's Unheld Elections*, a pamphlet published in 1966 by the Cornell Southeast Asia Program. John Hannon's major article in this issue of the Journal is the first systematic study of the content of the settlement reached at Geneva and in my judgment is the most balanced, most complete and best documented study available with respect to the total context of the Geneva Accords. One should bear in mind, however, that the full truth about the Agreements reached at Geneva remains locked in the diplomatic archives of the Conference participants. Conclusions about those Agreements on the basis of secondary sources are of necessity approximations.

A principal danger in seeking to record historical truth about the Viet Nam war is not so much reliance on inaccurate facts as it is unconscious selection and emphasis of facts which support the model of the conflict most favorable to the world view of the writer. Particularly in the case of the ambiguous and complex guerrilla war in Viet Nam some facts can always be found which support almost any major view of the issues, and as a result facts can sometimes be the

enemy of truth. In seeking to unravel this kind of tangle it is particularly helpful to utilize a methodology which will provide an overview of the competing facts and which will minimize the danger of one-sided fact selection. In meeting this danger John Hannon has been influenced by the method of analysis developed by Yale scholars McDougal, Lasswell and Miller for the systematic interpretation of agreements.¹ This approach rejects both the nihilism of the extreme realists, who say that interpretation is so difficult that nothing useful can be said about it, and the ostrich-like approach of the traditionalists who blindly exclude all but textuality from the focus of the decision maker. In their place, McDougal, Lasswell and Miller provide a systematic framework for analysis of the total context of the process of agreement, giving appropriate weight to the text of the agreement.

Perhaps it bears emphasis that though the McDougal, Lasswell, Miller method provides a very sophisticated tool for interpretation, its use does not guarantee "correct results" or indicate that all scholars using the system would arrive at identical conclusions. Differences in human perception belie such unanimity. John Hannon's use of the system, however, has aided in the depth of insight which is evident throughout his study.

If there has been any one error running through the popular discussion of the Geneva Accords, it has been an overemphasis on textuality at the expense of other features of the process of agreement. Though the text of an agreement provides a focal point for interpretation, the use of the text alone may badly distort the actual shared expectations of the parties. Nowhere has this been more evident than in some critics' uncritical reliance on the language of sections six and seven of the Final Declaration of the Conference to prove that the Viet Nam war is a "civil war" between the North and the South precipitated by United States sabotage of the Accords. As Hannon's exploration of the broadest context of the Agreements indicates, real-world Viet Nam has never been this simple. The Agreements, with their incompleteness, ambiguity and contradictions, largely contained their own seeds of destruction. Moreover, there are important lessons to be learned from study of these weaknesses. The Accords were fatally incomplete in failing to clearly bind all interested parties, in failing to spell out the crucial details of any political settlement and in failing to provide a workable policing agency to ensure continued compliance with the agreements. Any future Geneva Conference would do well to ponder these shortcomings.

Though beyond the scope of John Hannon's study, it is essential when passing judgment on the Viet Nam war to relate discussion of the Geneva Accords to the overriding problem of control of coercion. The 1954 Accords share the difficulties and ambiguities characteristic

1. See M. McDOUGAL, H. LASSWELL & J. MILLER, *THE INTERPRETATION OF AGREEMENTS AND WORLD PUBLIC ORDER* (1967).

of many major political compromises between powerful international rivals. As such, if it is accepted that states may resort to force to remedy non-forceful breach of treaty, there will be little left of the United Nations Charter principle that major force may only be used in response to an armed attack. It is imperative that this judgment about resort to force be recognized as an issue qualitatively different from judgment about breach of agreement. And in the Viet Nam context, focus on the Geneva Agreements, as important as they are, must not obscure the critical importance of Hanoi's decision to use the military instrument to enforce its view of those agreements.

JOHN NORTON MOORE
Associate Professor of Law
The University of Virginia