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The 1972 Mining of Haiphong Harbor: A Case Study in Naval Mining and Diplomacy

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PREFACE

This IDA Document is one of a set of six such publications written in support of an IDA study sponsored by the Deputy Director for Naval Warfare within the Office of the Under Secretary of Defense (Acquisition and Technology), Strategic and Tactical Systems.

The central activity of Phase I of the study was an all-day meeting by a panel of nationally known experts, civilian and formerly military. The panel brought their knowledge and experience to bear upon the question of whether the nation should develop a modern naval mining capability. The Documents were prepared as short working papers to assist the panel as it developed its position on the issue.

THE 1972 MINING OF HAIPHONG HARBOR : A CASE STUDY IN NAVAL MINING AND DIPLOMACY

A. PURPOSE

Diplomacy is a pre-eminent instrument in international affairs. There are, however, differences of opinion about the nature of the relationship between diplomacy and power. One view[1] holds that diplomacy is separate and distinct from military power. From this perspective, diplomacy is conducted in order to realize an underlying harmony of interests rather than to direct national power toward limited objectives. Diplomacy transcends power conflicts and is a means for realizing universal moral principles. Wars are fought when diplomacy fails. Since the ideals under which diplomacy is conducted have not been reached if war breaks out, concessions and settlements are unacceptable. This ideology-dominant view is in stark contrast with the Clausewitzian[2] contention that warfare is the continuation of political intercourse by other means. In the latter view, diplomacy and warfare are both conducted within a framework in which individual nation-states engage in a rational calculation of their self-interests and act accordingly. Because all nations should react rationally, this *Realpolitik* leads to a continuously adjusting and readjusting of the balance of power. Sometimes the adjustments are achieved by discussions; at other times, by force of arms. Accommodation and concessions are the hallmarks of this approach.

Thus the two views lead to different expected outcomes when conjoining diplomacy and warfare. Which is the correct way to view the American perspective? In this paper we investigate selected aspects of the relationship between diplomacy and the use of military power. In particular, we use the mining of Haiphong harbor during May 1972 in the waning years of the Vietnam conflict both as a concrete example as well as a point of departure. After reviewing the conditions and decisions before and after the mining of Haiphong, we then enter into an assessment of the utility of that military operation as an element of coercive diplomacy.

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[1] Robert Endicott Osgood, *Limited War - the Challenge to American Strategy*, Chicago: The University of Chicago Press, 1957.

[2] Carl von Clausewitz, *Vom Kriege (On War)*, published posthumously, 1832; edited by Anatol Rapoport, Baltimore: Pelican Books, 1968.

We shall see that both perspectives introduced in the first paragraph can be identified in the use of mining in 1972. The entire war was conducted mainly from the ideology-dominant viewpoint to contain the spread of Communism, while the mining operation appears to have been conducted primarily under a balance-of-powers construct involving an overarching balance of powers among the Superpowers and a negotiated peace balance between the United States and North Vietnam. We end with an investigation into some of the other dimensions that could influence future mining campaigns: cultural and ethical considerations, the demands of coalition warfare, and the impact of American expectations on the outcome of the war.

B. USE OF SEA MINES IN VIETNAM, 1972

The mining of the harbors around Haiphong, North Vietnam, during May 1972, is widely believed to have contributed significantly to forcing Hanoi to the negotiating tables and extracting a reasonable cessation of war agreement with the United States and the Republic of South Vietnam. This paper examines this particular use of coercive diplomacy.

Coercive diplomacy can be defined as the

> use of military power, or threat of its use, to modify an adversary's behavior through manipulating his perceived costs and benefits. It can be conducted without actually using force, but if force is used, it is used in such a way as to convince the adversary of the intention to continue[3]

or even escalate. It has also been observed that

> the power to hurt is most successful when held in reserve. It is the threat of damage, or of more damage to come, that can make someone yield or comply. It is latent violence that can influence someone's choice. [4]

All these elements of coercive diplomacy can be found in the mining of Haiphong and its use in wringing concessions from the otherwise intransigent North Vietnamese leadership.

1. Prelude to Mining

From 1969 to 1972 the United States had been attempting clandestine negotiations, at the request of the North Vietnamese government, for an end to the conflict in Vietnam. Secret meetings between the United States representatives and North Vietnam had taken place, and

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[3] Matthew C. Waxman, *Coalition and Limits on Coercive Diplomacy*, Strategic Review, Winter 1997.

[4] Thomas Shelling, *Arms and Influence*, New Haven: Yale University Press, 1966.

some general understandings were being reached. In February, 1972, President Nixon announced a significant withdrawal of American troops would begin and that the Army of the Republic of Vietnam (ARVN) would progressively assume more of the war effort on their own behalf under the Vietnamization plan. This plan was viewed cynically by many, including the South Vietnamese President Nguyen van Thieu, who felt that the plan was but a cover for an otherwise disgraceful U.S. disengagement.[5] Perhaps Hanoi also agreed. In March of 1972 the North Vietnamese mounted yet another major offensive against targets in South Vietnam. While additional offensives were expected, the strength of this one surprised the administration and served as an affront to the U.S. President during withdrawals.[6]

The North Vietnamese negotiators were being particularly difficult. While allowing secret negotiations to proceed, there was little pretense that any position acceptable to the United States and to South Vietnam would be considered.[7] The North Vietnamese negotiating position was that the United States must agree to a withdrawal and that the South Vietnamese government must be removed and replaced with a "neutral " government, with the Viet Cong representatives, who would then arrange elections. After all these conditions were met, American prisoners of war (POWs) would be released. The North Vietnamese thought victory was so assured that no further substantive negotiations in which the North would need to concede anything of value were necessary.[8] They felt that the United States was leaving anyway, so concessions were not required. The United States would eventually cave in from internal discord and exasperation. Only patience and time were required to extract everything the North desired.

Le Duc Tho was the North Vietnamese negotiator at the secret meetings, and Henry Kissinger, the National Security Advisor to Nixon, was the U.S. representative. To Le Duc Tho, the expulsion of the United States had already begun, for all practical purposes. He appeared to see no need even for a pretense at negotiations, according to Kissinger's memoirs.[9] If Hanoi had been less smug, it might have been able to offer some tenuous and vague concessions that would have presented the United States with a dilemma about the next course of action. A resumption of the intermittent bombings of North Vietnam was being contemplated by President Nixon in order to penalize the intransigence and to wrest additional concessions. The United States had

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[5] Michael Mclear, *The Ten Thousand Day War -Vietnam: 1945 - 1975*, New York: Avon Books, 1981.

[6] Henry A. Kissinger, *White House Years*, Boston: Little, Brown, and Co., 1979.

[7] Kissinger, *White House Years*, ibid.

[8] Norman Podhoretz, *Why We Were in Vietnam*, New York: Simon and Schuster, 1983.

[9] Kissinger, *White House Years,* ibid.

used bombings before, with telling but temporary effect, but Hanoi seemed indifferent to the potential for the resumption of such attacks. Perhaps Le Duc Tho thought the withdrawal of the Americans was now so irreversible that even the prospect of additional bombings held no strategic threat to their cause. But with almost any sign of negotiating flexibility, Hanoi could likely have challenged the U.S. wisdom of escalating in the face of a possible diplomatic breakthrough. Circumstances proved otherwise. The United States decided that the intransigence and dogmatic slumbers of Hanoi should be shaken by a stark demonstration of U.S. military resolve and capability.

Several other events compounded the U.S. deliberations on the escalation of force. An imminent Moscow summit scheduled for late May concerned Nixon greatly. This was an important meeting to put finishing touches on the significant Strategic Arms Limitations Treaty (SALT) and the Anti-Ballistic Missile (ABM) Treaty. These were viewed as capstones in a lengthy and arduous negotiating process with the Soviets. President Nixon had also been long concerned with the possible Chinese reaction to a serious escalation of force. This concern had tempered and restrained the U.S. response in previous attacks on the North. In 1966 the Chinese had sent more than 50,000 military personnel (engineers and anti-aircraft divisions) into North Vietnam to serve as a deterrent for further attacks against railroads that served to transport much of the vital military hardware and logistics needed for the war effort.[10] Memories of Chinese aid to North Korea were in the administration's mind. Moreover, Nixon was planning a diplomatic visit to China in February. Thus, an escalation of military resolve could endanger both the China and the Soviet negotiations. He decided nonetheless, against the advice of some of his close advisors, to make a significant military move, to announce this move to the nation, and to pre-empt the expected negative reaction by the USSR by canceling the planned summit meeting.[11] In his mind, the SALT negotiations would have to continue, but at a lower level. President Nixon was ready to jeopardize a significant rapprochement with the Soviet Union in order to make his point with the North Vietnamese. Later he was convinced that he need not cancel the meeting; the burden of cancellation would fall on the Soviets.

To dilute the effect of a renewed show of force, the United States set about to inform the Soviets and Chinese, among others, of possible escalation unless Hanoi showed some flexibility in its negotiating position. On May 3, 1972, the United States informed the Soviet leader Leonid Brezhnev of its intent to respond militarily to the unacceptable North Vietnamese terms that were

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[10] Guenter Lewy, *America in Vietnam*, New York: Oxford University Press, 1978.

[11] Kissinger, *White House Years*, ibid.

basically equivalent to surrender. While the Soviet Union and China expressed strong reservations about the wisdom of such a response, the diplomatic message implied that they themselves would take no action toward the United States. U.S. escalation was undesirable in their view, but was ultimately thought of as an action between the United States and North Vietnam. No mention was made by the Soviets that the upcoming summit would be canceled. Thus the summit appeared to be decoupled from the U.S. response in Vietnam, an important interpretation prior to actual escalation.

2. U.S. Decision to Mine

The initial U.S. plans called just for air attacks north of 20th parallel to hit targets in Hanoi and Haiphong. Similar attacks had been conducted earlier in the ROLLING THUNDER bombings of North Vietnam in the late 1960s, but President Johnson had tried to limit attacks in the North to interdicting routes for resupply of forces in South Vietnam;[12] thus mining of Haiphong, as well as a serious bombing campaign against Hanoi and Haiphong, was off limits. Attacks north of the 20th parallel were rare and carefully chosen (Hanoi and Haiphong are at approximately 21°N latitude).

Some argued that B-52 bombings for 2 or 3 days would have an initial shock, but not a lasting effect. The United States had already done that. Additional bombings alone might even generate greater negative opinion at home during a time of considerable unrest and dissatisfaction with the course of the war. Prior bombings had sometimes been accompanied by pictures of damaged hospitals and schools (unintended targets or even possibly buildings damaged by numerous North Vietnamese SAMs falling to earth after missing their B-52 or other tactical air targets). A presidential election was to occur in November of that year, and public opinion was an important consideration. Moreover, public opinion aside, bombing had been tried many times before. The North Vietnamese seemed unmoved by this tactic alone. Something more substantive was needed. President Nixon wanted to look tough and hard-nosed.[13]

The Chairman of the Joint Chiefs of Staff, Admiral Thomas Moorer,[14] had long argued for strategic mining of the major ports in North Vietnam. As Commander, U.S. Pacific Fleet and as Chief of Naval Operations, he had presented plans and arguments for mining major North

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[12] Lewy, *America in Vietnam*, ibid.

[13] Seymour M. Hersh, *The Price of Power - Kissinger in the Nixon White House*, New York: Summit Books, 1983.

[14] Adm. Thomas Moorer (retired), personal interview, 10 February 1997.

Vietnamese ports. His views had repeatedly been ignored or rejected. As the new CJCS, his views were finally accepted in 1972. About 80 percent of the supplies to North Vietnam came in via the sea ports in the Haiphong harbors. All oil came into Hanoi through the harbors.[15] It was argued that such a blockade, if successful, would force Hanoi to slow down its recent offensive and conserve supplies until reliable new overland routes with China could be established. In fact, even these might be difficult to develop quickly, since most of the material delivered into the ports came from the Soviet Union. The off-loading and trans-shipping of these supplies across China could pose serious political difficulties. The efficient trans-shipment of barrels of oil was especially hard to imagine. The idea of mining Haiphong began to receive serious attention.

Mining, as opposed to a blockade using ships, had several features attractive to the administration. There would be no need for repeated daily confrontations with ships. The blockade would be automatic and self-policing during a period of time in which the U.S. forces were being reduced in that theater. Memories of the Cuban Missile crisis in 1962, in which U.S. ships confronted Soviet ships, were also in the decisionmakers' minds. With mines, this face-to-face confrontation and the dangers inherent in it would be avoided. The mines could be set to self-neutralize after a few months. The U.S. forces needed only to act once in order to reap long-term benefits. The presence of the mines would presumably provide strong incentives for negotiations.

The administration and its military advisors debated the advantages and disadvantages of the mining campaign.[16] In its favor was the hope to dissuade Hanoi that time was on its side and that it could outwait the Americans. The longer Hanoi stalled, the more it suffered from lack of supplies from the seas. Such a strong show of enduring resolve and force would also strengthen the lagging morale in South Vietnam and give the United States a new bargaining tool to ensure the return of U.S. POWs.

Of the arguments mounted against the mining campaign, it was thought that such a desperate act could worsen the significance of our defeat if South Vietnam fell anyway. The significant battles had to be won in South Vietnam, and the impact of mining would be too late to influence them. Some felt that the North Vietnamese held adequate stockpiles of essential war goods, perhaps 4 or 5 months worth, and the overland routes would take up the slack. There was still the concern that the USSR would respond by canceling the desired Moscow summit, or send

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[15] Kissinger, *White House Years*, ibid.; Lewy, *America in Vietnam*, ibid.

[16] Kissinger, *White House Years*, ibid.

mineclearing ships and thereby introduce combat forces in the theater. Mining might also lead to a reversal of recently established relations with China. China might even escalate and reintroduce engineering/combat units into North Vietnam. The risk of additional domestic resistance and riots, not to mention the negative impact on the upcoming presidential re-election campaign, was a real possibility.

The pros and cons were debated and weighed; the decision to mine was overwhelmingly approved by the National Security Council and other significant advisors to the President.

Mining alone was considered insufficient[17] because of alternative supply routes. To ensure that the overland routes would also be difficult to use, additional bombing would also be conducted around Hanoi and Haiphong, concentrating on the rail and road links to China. This would be conducted by a steady stream of fighter-bombers for precision bombing, augmented by B-52s.

What is interesting is that most of these same conditions applied to all earlier stages of the Vietnam War, yet it was only during the 11th hour that mining of Haiphong was selected. Many mines had been dropped during the entire war, approximately 330,000.[18] (Over 11,000 were eventually laid in Haiphong harbors.) But the mining of the strategic harbors had until May 1972 been considered too risky and disproportionate.[19] One can only speculate about what might have happened if mining on this scale had been executed earlier in the conflict, as had been argued by Admiral Moorer.[20]

The White House communicated with the U.S. Ambassador to South Vietnam, Ellsworth Bunker, that no half-measures were acceptable.[21] The administration didn't want the need for airpower in the South to detract from the overwhelming show of force needed in the North, if this gambit was going to work. Additional forces were offered, if needed. They were not needed.

On May 6, two days before the mining and bombing campaign was to begin, Brezhnev communicated that the USSR considered the planned actions unjustified, and that Hanoi was willing to seek a political settlement as long as a coalition government was involved. He hinted

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[17] Kissinger, *White House Years*, ibid.

[18] Gregory K. Hartman with Scott C. Truver , *Weapons that Wait - Minewarfare in the U.S. Navy*, Annapolis: Naval Institute Press, 1991.

[19] Stanley Karnow, *Vietnam - A History*, New York: Viking Press, 1983

[20] Admiral Thomas Moorer (retired), personal interview, 10 February 1997.

[21] Kissinger, *White House Years*, ibid.

at the potential for serious consequences in Soviet-US relations if the planned military actions were executed. But he offered no assistance in brokering a negotiated peace.

The strikes began on May 8. At 9 PM that evening, President Nixon addressed the nation and announced the mining and bombing strikes that were underway. He reiterated his frustrated desire for a negotiated outcome of the war, but emphasized that the United States could not accept Hanoi's current terms. Their terms had been consistent—and unacceptable—for many months. The United States would not negotiate the overthrow of its South Vietnamese ally. President Nixon outlined the new U.S. terms for a negotiated peace agreement: an internationally supervised cease-fire, the withdrawal of U.S. forces from the theater within 4 months, and the accounting for and immediate release of all prisoners of war.[22]

3. Consequences of Mining

The first mines were laid by tactical air from the naval aircraft carrier USS Coral Sea. Immediately, all shipping stopped at Haiphong, even though the mines were not armed until 3 days later. In accordance with international law, a warning to mariners was made, with sufficient lead-time for shipping to clear the area before the minefield became active. No ships entered Haiphong and those there at the beginning of the mining did not leave and were trapped, so dangerous the mine field was perceived to be. Trucks and trains moved along the overland routes that were under attack, but no ships challenged the mine field. The psychological impact of the minefield was clear, even if disproportionate to the actual threat.[23] A major sea supply route to North Vietnam had been severed.

Two days later, the Soviet Ambassador to the United States, Anatoly Dobrynin, registered his country's strong disapproval about bomb damage to four Soviet supply ships, including the loss of life of one seaman, but not a word about mining. This damage noted had actually occurred earlier during the April 15 bombing of Haiphong, not the subsequent May 8 mining and bombing campaign. More significantly, no mention of the planned Moscow summit was in the communiqué. The summit would still be held, despite the duly expressed unhappiness of the Soviet Union regarding the mining and bombing campaign. The fear of Soviet retaliation turned out to be unfounded. Likewise, the Communist Chinese government made only token gestures of disapproval. No Russian or Chinese forces were introduced. No Soviet help with

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[22] Henry A. Kissinger, *Diplomacy,* New York: Simon and Schuster, 1994.

[23] William L. Greer and James Bartholomew, *Psychological Aspects of Mine Warfare*, Proceedings of the U.S. Naval Institute, February 1986.

mineclearing was suggested for the Hanoi government. This lack of support was also undoubtedly noted by the North Vietnamese.

There was no significant Allied opposition to the mining and bombing. Visits to foreign countries continued unabated. The SALT talks continued. Even public opinion in the United States seemed favorable, according to polls conducted immediately after President Nixon's speech.[24]

The North Vietnamese offensive stalled. Attacks continued, but without major victories. While the North Vietnamese and Viet Cong forces continued to capture additional territory, and captured the provincial capital, but the major cities held.[25] The South Vietnamese President Thieu was able to remain in power, at least temporarily. The United States also continued to support the war effort in the South with B-52 sorties. It was generally agreed that the mining prevented the resupply needed for a major push similar to that seen earlier in March.

The negotiations proceeded at a much slower pace than expected. Instead of an immediate capitulation to the U.S. terms, Hanoi stubbornly continued to delay serious negotiations. Perhaps they were stalling until the Presidential elections in the United States showed the true direction of American foreign policy. President Nixon even softened his latest terms[26] during the summer 1972 to include a cease-fire in place, i.e. the acceptance of North Vietnamese soldiers in the South after the cease-fire agreement was signed. He also agreed to accelerate the U.S. withdrawal. Hanoi stonewalled and rebuffed all these efforts.

As a result of the lengthy delay, the minefields had to be reseeded several times, since the mines were set to sterilize themselves in less than 6 months.[27] Also, a serious electromagnetic anomaly from a sunspot detonated a large number of mines. They also were replaced. As noted earlier, over 11,000 mines were eventually laid near Haiphong.

Having successfully secured his reelection, President Nixon, no longer in fear of domestic reprisals, renewed bombings in December to bring additional pressure on Hanoi to return to the negotiating table. The North Vietnamese were possibly convinced that the United States would continue to escalate, now that it was clear that neither domestic nor foreign public opinion would

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[24] Kissinger, *White House Years*, ibid.

[25] James T. Patterson, *Grand Expectations - The United States, 1945-1974*, New York: Oxford Press, 1996

[26] Patterson, *Grand Expectations - The United States, 1945-1974,* ibid.

[27] Gregory K. Hartman with Scott C. Truver , *Weapons that Wait - Minewarfare in the U.S. Navy*, Annapolis: Naval Institute Press, 1991.

impede it. On January 27, 1973, the Paris Peace Agreement[28] was finally signed between the United States and North Vietnam. As an additional inducement, the United States agreed to clear all mines laid in North Vietnamese waterways and harbors.

When the North temporized and delayed releasing American POWs on schedule, the United States again exerted coercive diplomacy by refusing to continue clearing the Haiphong harbors. As soon as the schedule for release was resumed, the U.S. Navy minesweeping craft and helos returned to work. In fact, most of the mines had self-neutralized on schedule, so mine clearing was actually unnecessary. The North did not know this, of course. But the activity looked good and gave the United States an enduring leverage over Hanoi when violations to the Peace Agreement were noted and a response was deemed necessary. All American POWs were released by the end of March, 1973.

C. LESSONS AND ISSUES FOR DISCUSSION

This paper has examined the circumstances surrounding the decision to mine Haiphong and the results that ensued. It concludes with a few observations and with several issues for discussion.

If there was utility in the mining of Haiphong, it was political and not military. It and the concurrent bombing were instrumental in inducing Hanoi to agree to acceptable terms and in compelling compliance with the agreement to release American POWs. Some view this coercive diplomacy as a means for allowing the United States to save face as it withdrew.[29] In this view, mining and bombing imposed a slow-down in the rate of infiltration of North Vietnamese regulars into the South, and provided the buffer of time between the final withdrawal of U.S. forces in 1973 and the ultimate collapse of the Saigon government in 1975. Once we had cleared the water accesses in 1973 and no longer sealed off Haiphong harbors, resupply commenced to support North Vietnamese and Viet Cong forces in the South. In time, the inevitable occurred. Even greater time could have been bought by additional punitive bombings or mining campaigns, perhaps, but major violations of the Peace Agreement went unpunished by a president then preoccupied with Watergate[30] and by a country weary with the war.

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[28] The full name of the Paris Peace Agreement is the "Agreement on Ending the War and Restoring the Peace in Vietnam".

[29] Michael Mclear, *The Ten Thousand Day War -Vietnam: 1945 - 1975*, New York: Avon Books, 1981

[30] Tad Szulc, *The Illusion of Peace: Foreign Policy in the Nixon Years*, New York: Viking Press, 1978.

There are several questions we can ask about the use of naval mines as an instrument of coercive diplomacy and as a shaper of policy. This paper does not attempt to answer these questions, but puts forward the elements of the arguments that could be made on their behalf. The first two attempt a deeper historical understanding of the use of naval mining at Haiphong, the main topic of this paper. The remaining two attempt to draw on the lessons learned and connect mining with the Western heritage of war and to anticipate its use in the future.

The questions are:

- How crucial to the negotiating efforts was the Haiphong mining effort? Could bombing alone have achieved the same ends?
- What inhibited the use of mines in Haiphong harbor earlier in the war? In particular, once massive bombing was being conducted in and around Hanoi and Haiphong from 1969 on, why was mining delayed until 1972?
- How does naval mining connect with the notion of conduct within a Just War and Western concepts of war?
- What are the political constraints or inducements for strategic mining in the future?

We take these up one at a time.

1. Crucial Nature of Haiphong Mining

The mining of Haiphong was not carried out in isolation. The heavy B-52 LINEBACKER I bombing campaign was carried out at the same time over Hanoi and Haiphong on the lines of communication (LOCs) from North Vietnam into China. It is therefore difficult to separate the significance of mining from that of the concurrent bombing campaign. There is no question that the mining stopped all sea traffic in and out of the harbors until the U.S. Navy completed its sweeps in early 1974. But what if there had been no such mine campaign? How crucial to the final negotiations was the mining campaign after all? It appears that mining alone would have been insufficient to force Hanoi back to Paris (since additional bombing raids were needed), but would bombing alone have been sufficient?

When the North Vietnamese continued to resist serious negotiations for months after the May 1972 bombing/mining campaign had begun, the intensified B-52 bombing missions—LINEBACKER II—over the late December 1972 period appear finally to have forced Hanoi to

resume negotiations and arrive at an agreement within a month. Bombing was still felt to be the hammer with which to punish Hanoi and convince it that it had to negotiate.[31]

The Haiphong minefields were reseeded[32] during this same period of time in order to replace mines which self-neutralized, but no new fields were added as an additional inducement for the North to renegotiate. No additional isolation of North Vietnam from the sea was enforced at a time when B-52s were bombing vital targets ashore. There is a temptation to consider the Haiphong mining as a minor event, unconnected ultimately with all subsequent pressures to bring Hanoi to an agreement in Paris. The *decision to mine* was initially inhibited by a fear of Chinese and Soviet responses. However, once the minefield was in place, it was not extended, even though the mold had been broken. It is unlikely that the Chinese or Soviet Union would have objected to additional strategic mining at other North Vietnamese harbors, given they had no important reactions to the mining of Haiphong.

The withdrawal of mine sweeping craft to induce the North to continue with a speedy release of American POWs has been noted[33] as an important use of mines—or mineclearing, to be more exact—for coercive diplomacy. This is interesting to examine, since at this time a cease-fire was in place, so the use of additional U.S. bombing sorties in the North would have involved the United States in a potentially risky venture that might have undone the carefully knitted Paris Peace Agreement. Delaying mineclearing had a much more subtle and low-profile touch. No weapons were used. The message there was: if Hanoi fails to release POWs, Haiphong harbor will remain unuseable. But, despite what has been written subsequently[34] about the plans for mining, it is unlikely that mines were laid with this purpose explicitly in mind. This turned out *a posteriori* to be a useful application of uncleared mines, once the situation presented itself. But it was unlikely to have been an *a priori* policy decision. The use of minefields to police the agreement was probably not a conscious part of the original intent, which was to sever North Vietnamese sea supplies and help compel an agreement.

2. Inhibition of Use of Strategic Mining

The preceding section dealt with the diplomatic use of mining. It grapples with the question about how mines influenced politics. What about the converse? To what extent did

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[31] Guenter Lewy, *America in Vietnam*, ibid.

[32] Gregory K. Hartman with Scott C. Truver , *Weapons that Wait - Minewarfare in the U.S. Navy*, ibid.

[33] Kissinger, *White House Years*, ibid.

[34] Kissinger, *White House Years*, ibid.

politics influence the decision not to mine Haiphong until 1972? Here we address the impact of politics on mining.

Naval mines were used extensively in the Vietnam War. There was no inhibition in using them other than where to use them. Over 330,000[35] mines were dropped during the war, of which only 3 percent ended up in the waters around the Haiphong harbors. As early as 1966, President Johnson authorized the mining of rivers and waterways in the southern portion of North Vietnam in order to interdict supplies flowing south.[36] Naval mines were also dropped along selected land routes,[37] where they buried themselves in the soil near roads in order to interdict trucks and armor moving south.

President Johnson appeared to resist making any attacks on the major industrial centers of Hanoi and Haiphong, other than ones carefully chosen in the cautious gradualism that marked the escalation of the war in the North. The military asked for a larger war, but the policy at the time constrained our actions. President Johnson's attention was on the war in the South and on interdicting supplies unambiguously military and on their way to the South. Non-military targets were off limits. The policy[38] to avoid damage to merchant shipping would also have been inconsistent with mining a major seaport. Thus, the mining of Haiphong was rejected, if it was even brought to the President's attention.

But the policy changed when Richard Nixon became President in January 1969. So the question is, why did President Nixon wait so long before mining Haiphong? He authorized punishing bombing raids north of 20 degrees north latitude on numerous occasions, but never authorized harbor mining until May 1972, over 3 years after becoming Commander-in Chief. What inhibited him? Was the act viewed as too escalatory, with the risks outweighing the gains he felt he could get in other ways?

3. Western Just War Concept

To avoid any misunderstandings, let us first remember that mine warfare is legal. The use of mines is constrained by International Law, but they are otherwise legitimate instruments

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35 Hartman and Truver, *Weapons That Wait - Mine Warfare in the U.S. Navy,* ibid.

36 Lewy, *America in Vietnam,* ibid.

37 Hartman and Truver, *Weapons That Wait - Mine Warfare in the U.S. Navy,* ibid.

38 Lewy, *America in Vietnam,* ibid.

of war. In a separate paper we discuss the legal points regarding the use of mines under different conditions.[39]

The Just War[40] concept shapes much of the Western world's thinking on war. The Machiavellian idea that a sovereign supplies all the justification needed for going to war and the means by which it is conducted supplanted the more ancient Just War concepts for a while, but its self-serving cynicism is not a part of current mainstream decisionmaking philosophy. The Just War concept recognizes the reality that wars will be fought and tries to provide some constraints on the ends and means. It is a mirror of culture in that it attaches ethical judgments to war. It incorporates two themes: the justification for going to war (*jus ad bellum*), and the legitimacy of the conduct of war (*jus in bello*). The themes have their roots in the philosophy of St. Augustine and are an inescapable part of Western, hence U.S. reasoning. It is the relationship between *jus in bello* and coercive mine warfare that is the focus of our attention here.

Jus in bello places constraints on how war is to be conducted. Unconstrained war is immoral in this philosophy. The Hague Convention [41] of 1907 on moored mines is an example of an international codification of *jus in bello* into law. One of the dicta of *jus in bello* is the avoidance of intentional death or injury to non-combatants.[42] The important word is *intentional*, since if war is conducted, it is unreasonable to expect to be able to avoid hurting non-combatants under all circumstances. It is intent, rather than incidental result, that is crucial in judging the acceptability of a mode of warfare. Results must also be proportionate, but intents are equally important.

Intent is central. The use of mines can be troublesome with regard to intent. The Hague Convention outlaws free-floating mines because they do pose a threat to non-combatants. Mines are intended to sink ships. And, more to the point, the mines in Haiphong harbor were intended to sink non-combatant ships. One could argue that they were intended to *deter* ships, and not sink anyone. This argument continues that they have the *capability* to damage ships (that's why they deter so well), but any actual damage would have resulted from a conscious act on the part of the ship crew to challenge the minefield. The weakness in this argument can be seen if we replace the minefield with a terrorist holding a bomb on an airplane and demanding money from the government under whose flag the airplane flies. Nobody gets hurt if everyone agrees to the

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[39] William L. Greer, *A Summary of Laws Governing the Use of Mines in Naval Operations,* March 1997.

[40] John Keegan, *A History of Warfare*, New York: Knopf Press, 1994.

[41] Hague Convention, *Relative to the Laying of Automatic Submarine Contact Mines (Hague VIII),* 1907

[42] Michael Walzer, *Just and Unjust Wars*, Basic Book/Harper Collins Publishers, 1977.

terrorist's terms. This is coercive politics also. But it is difficult to hold the terrorist ethically blameless for the threat he holds out for anyone challenging his threat. He is not a neutral bystander; his intent has to be interpreted as criminal. By such analogy in reasoning, perhaps subconsciously, Western ethical principles are potentially troubled by the use of minefields against non-combatants. Of course, the analogy breaks down at the *jus ad bellum* level, since the terrorist has no legitimate, just cause for his act in Western eyes. But his mode of warfare, his *jus in bello*, may resonate uncomfortably in our minds with that found in harbor mining.

We have been arguing intent. Can we imagine mines with an intent different from what we normally assume? What if mines used in harbors were not intended from the outset to sink ships but merely to detain them by selecting fouling props or otherwise disabling them? If such mines had been available in the 1960s, perhaps they would have been used earlier in harbor mining along the North Vietnam coast. This is a novel concept in mine warfare, one closer to police action than the traditional military one. Mines very different from the ones in any navy's stockpiles would be needed, but that is a technological challenge, not a political or ethical one. The intent of the harbor minefield would now be the disruption of merchant and non-combatant sea traffic, not sinking ships. The deterrent factor would be present, but at a non-lethal level. This is an intent, acceptable under *jus in bello*, that also does not require evasive logic about responsibility for damage. It also results in proportionate results, another dictum of *jus in bello*.

All mines should not be of this character. Killing enemy military forces is justifiable within the Just War philosophy. Mines that sink ships would still find a role. But we have just introduced a new role, one possibly in better accordance with *jus in bello*, attuned to the available technological innovations, and with an eye toward the more frequent peace-keeping missions in which we may become involved in the future.

4. Mining and Future Warfare

And what are the lessons for today? Can we extrapolate the use of mining in Haiphong, as murky as some of the lessons are when looked into closely, into the near future? We have already proposed some possible changes in mines that could result from advanced technology for military operations other than war (e.g. non-lethal, incapacitating naval mines). This modification was enabled by technology, but has its genesis in moral arguments. Two important influences, other than technical, that may influence the coercive use of mines are (1) coalition warfare,.[43] and (2) demand for no-loss wars. These we look at next.

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[43] Waxman, *Coalition and Limits on Coercive Diplomacy*, ibid.

More than ever before, the United States will probably depend in the future on the legitimacy, and combined arms, that result from coalition warfare. Domestic and international support follows. The model for this will be the Gulf War of 1990-91. While the United States has always had allies in its major conflicts, the alliances in coalition warfare are likely to be more numerous and complex in their balances of interests. In the new world of coalition warfare, will mining be as readily a useable option as it was in the much more unilateral Vietnam conflict? Coalition warfare requires collective decisionmaking and a consensus greater than that required when we fight alone. Will we be constrained by the collective uneasiness with mining and its aftermath?

Or will strategic mining be seen as a desirable coercive alternative to directly confronting enemy forces on the battlefield? The United States suffered no losses in laying the Haiphong minefield that stopped shipping completely for nearly a year. Severing the sea lines of communications (SLOCs) of an adversary with a minefield could provide a more nuanced control over the field, especially if the field can be turned on and off from a distance. The post-Gulf War and post-Bosnia expectation that losses should be low might argue for retaining, or even elevating in prestige, the option of coercive mine warfare.

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This paper summarizes the events leading to the U.S. mining of Haiphong Harbor in 1972, near the end of the War in Vietnam. It uses the lessons learned there to examine the implications of the use of naval mining as an element of coercive diplomacy in future conflicts.

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