

## **Loyal Opposition Within the VCP**

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## A. Introduction

In the study of regime transitions, analysts often look to various factors to explain why authoritarian regimes breakdown. These factors range from exogenous forces, such as wars or sanctions, to completely endogenous explanations, such as the development of civil society: independent organizations and agents of change, such as unions, political parties, associations, churches, the middle class, student groups, etc. In general, democratization and the push for political reform comes from social forces rather than the elite, or at least an alliance between moderates in the regime and moderate social forces.<sup>1</sup> What makes Vietnam so interesting a case study is that the impetus for political reform has come not from autonomous groups such as the urban middle class, students, the military, but from within the elite ranks of the Vietnam Communist Party (VCP) itself, frustrated at the pace and scope of development. Many senior party members are angered that 25 years after the reunification of the country Vietnam remains one of the world's poorest countries. This paper will analyze the role of dissidents in the absence of meaningful civil society; examine who they are and what are their backgrounds; why they have emerged now; and what policies, specifically, do they want to implement or abolish.

## B. Who Are The Dissidents?

Calls for political reform within Vietnam are interesting for a number of reasons. First, they come not from outside the polity, but from within and often from the highest echelons. The leading dissidents are not disenfranchised malcontents or zoo electricians but are often life-long party members who have impeccable revolutionary credentials. And unlike outsiders who have nothing to lose by challenging the state, the Vietnamese dissidents have everything to lose: their positions and status, including those of their children and family. The major exception to this has been a few southern dissidents, many of whom gained their political consciousness protesting the Republic of Vietnam regimes, and members of both the Catholic clergy and the outlawed United Buddhist Church of Vietnam who have protested against the government's control of religion. Unlike Eastern Europe where the forces of change, were autonomous groups in society, Vietnam's are too weak. There is no independent labor movement, even an underground one, moreover, the size of the urban proletariat is quite small. The party maintains its linkage with the people through a number of mass organizations, which are controlled by the VCP's Fatherland Front. By 1990, there were some 124 central-level mass organizations, and over 300 provincial- and municipal-level organizations.<sup>2</sup> The four largest are the Vietnam General Confederation of Labor with 3.3 million members in 1989, or half the industrial workforce, the Vietnam Peasants Association with 7 million members and 10,000 chapters, the Ho Chi Minh Communist Youth Union, with chapters

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<sup>1</sup> Samuel P. Huntington, *The Third Wave* (Norman: University of Oklahoma Press, 1991), 109-163.

<sup>2</sup> Carlyle Thayer, "Mono-Organizationalism Socialism and the State," in Benedict J. Tria Kerkvleit and Doug J. Porter, eds., *Vietnam's Rural Transformation* (Boulder: Westview Press, 1995), 45.

in every school and the Vietnam Women's Union. Greg Lockhart contends that "The national network of mass organizations faded after the war, in the late 1970s and early 1980s, partly, it is sometimes said, because the Communist Party of Vietnam feared the growing influence of some of them."<sup>3</sup> Yet once *doi moi* was underway and there were calls for increased democratization and political reform, the party "began to revive mass organizations and reestablish mass mobilization as a central element in the Vietnamese political process."<sup>4</sup> Even a radical and politicized student movement as in South Korea or Indonesia does not exist in Vietnam, where only 2 percent of the population graduates from tertiary education. As one graduate student told a Western journalist:

Foreigners ask me why students don't go to the street as they did in China or Indonesia. It's simple. If you're in college, you're either the child of a cadre and you think that the system is O.K. Or your family is wealthy and is benefiting from the system. Or you're the first kid from a poor farmer's family ever to go to college. You're not going to ruin your family's chance for a better life by demonstrating got democracy.<sup>5</sup>

I have analyzed the writings and views of 25 well-known secular dissidents since the launching of *doi moi* in 1986. No doubt, there are far more. Estimates range from "at least 54" (Amnesty International) to 200 (State Department) to over 1,000 (exile groups). With the annual presidential amnesties, beginning in September 1998, there are no prominent dissidents still imprisoned. Nonetheless, countless others are under surveillance, harassed or detained by the police, who have begun to use "administrative detention (31/CP) which gives them the right to hold people for up to two years without ever being charged.

Of the 25 dissidents, 16 were party members, 9 of whom were expelled from the party, while two resigned. Only seven of the dissidents have served lengthy prison sentences- mostly southerners without ties to the party. The average age is in the mid- to late-60s. All but two are male. Geographically, they are predominantly southerners, though several live in exile in France and the United States. They represent a wide range of occupations, though seven of them are writers, journalists and editors, as well as two doctors, a geologist, an historian, a mathematician, and an economist. There are also several former security officials, including the chief of cabinet in the Ministry of Interior and a high level official in the Central Committee's Internal Security Bureau. Three were members of the VCP's Central Committee, while two others were high-level officials within the Central Committee's various departments. Over half of the dissidents served in the military during the War of National Liberation, either as cadres, soldiers or propaganda officials; one was second in command of Hanoi's forces in the south. Four participated in the anti-colonial war. Several were members of the National Liberation

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<sup>3</sup> Greg Lockhart, "Mass Mobilization in Contemporary Vietnam," *Asian Studies Review* 21 (November 1997): 176.

<sup>4</sup> Lockhart, "Mass Mobilization in Contemporary Vietnam": 176.

<sup>5</sup> Cited in Tim Larimer, "Disquiet Among the Quiet," *Time Asia Edition*, 18 January 1999.

Front, including one of its original founders, Dr. Duong Qunh Hoa, and several of its ministers.

Among the most notable are Bui Tin, a Colonel who served in the South during the war and then in Cambodia, who later became an editor at the party daily, *Nhan Dan*. General Tran Do was a top ideologue in the Party, a long-time head of the Central Committee's Ideology and Culture Commission, and second in command of Hanoi's forces in the south. For his letter writing campaign in 1998, the Central Committee censured him, and then expelled him from the party in January 1999. Dr. Duong Qunh Hoa, who was one of the original founders of the National Liberation Front in Saigon in 1960 and the Minister of Health in the Provisional National Government, resigned from the Party in 1995. Duong Thu Huong is an internationally acclaimed novelist, who was labeled by General Secretary Nguyen Van Linh, the "dissident whore," after the publication of her second novel, *Paradise of the Blind*, for which she was expelled from the party and later arrested. Nguyen Thanh Giang, a prominent intellectual and geologist, gained notoriety for his attempts to run for a seat in the National Assembly as an independent candidate. He was arrested in March 1999. Two younger academics, Ha Si Phu, a biologist, and Phan Dinh Dieu, a mathematician, have written some of the most intellectually stinging attacks on ideology. One of the most important of the dissidents is a veteran revolutionary from the South, Nguyen Ho, who founded the group Club of Former Resistance Fighters in 1986 after serving as a top VCP official in Saigon. The group, which comprised hundreds of war heroes and members of the "viet cong," was critical of Hanoi's treatment of the south after the war, Hanoi's down playing of the role of the "viet cong" and Hanoi's handling of the economy since reunification in 1976. Others include southerners Nguyen Dan Que, who founded the Vietnamese chapter of Amnesty International and the former academic and Buddhist leader Doan Viet Hoat.

For the most part, these dissidents were members of the ruling elite. They had nothing to gain and everything to lose by embarking on their various courses of action. These are people with a deep commitment to the revolution and the Vietnamese nation. Most gave up most of their lives working for Vietnam's independence and sovereignty. They are patriots above all else. As Harvard historian Hue-Tam Ho Tai wrote about Duong Thu Huong, "she continues to believe that the ten years she spent dodging bombs and bullets in the central highlands were the best years of her life. They are the inspiration of her many themes and one source of the moral authority she brings to her new role as a political dissident."<sup>6</sup>

For all these reasons, the regime considers these 25 people to be very dangerous. They have enormous amounts of respect. They have been in positions of leadership. They have proteges and supporters within the regime. As leaders and writers they are charismatic. They are, by and large, an old group. It is to be seen whether another generation will emerge. But an older group, even a small one that is no longer in power can be a catalyst. The leadership only has to look at the outpouring of popular support for Imre Nagy in Hungary or Alexander Dubcek in Czechoslovakia that served as a

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<sup>6</sup> Hue-Tam Ho Tai, "Duong Thu Huong and the Literature of Disenchantment," *Vietnam Forum* 14 (1994): 84.

catalyst for the political reform process and the end of the communist party's monopoly of power.

Because most of these dissidents are, or until recently were, party members, in many ways they appear to be a nascent loyal opposition, rather than a subversive counter-revolutionary grouping. These dissidents do not want to be dissidents. Having dedicated most of their lives to the revolution, wars of liberation, and the party, they are enormously patriotic, and many remain loyal to the party, simply unhappy with its policies implemented since reunification. And even if they are more critical of the party, few deny the important role the party played in the nation's independence. Even non-member Ha Si Phu used the analogy of the boat (the party) to cross the river (independence). But on the far shore, it has simply encumbered the country, and has not allowed it to catch up to its colleagues who are further down the road of development.

Most see themselves as a loyal opposition within the party who want to raise issues and policies that will strengthen Vietnam and rejuvenate the party. In the Sinic-Confucian-Marxist tradition, the intellectuals are bound to the state and career advancement is linked to loyalty to the regime. Therefore, their demands, in general, are reasonable and fairly moderate. For them, serving as a loyal opposition and making demands on the party and government is not only a right, but also a duty. As Merle Goldman writes about the duty of intellectuals in Confucian societies: "Confucianism did not legally guarantee a loyal opposition, but it justified one ideologically. To criticize government misdeeds was not the literati's right, as in the West, but their responsibility."<sup>7</sup> Writing about the intellectual elite in Vietnam, the historian Alexander Woodside suggests similarities between the literati's role in pre- and post-revolutionary public life. Reform-minded intellectuals "Believed they were serving the people by serving the state." "Under both Confucian dynasties and communist dictatorships, policy-makers were not necessarily intellectuals, would encourage such state service by intellectuals through their patronage, the better to promote their own programs within an almost eternally factionalized political world."<sup>8</sup>

But this type of system has drawbacks for the process of democratization: few intellectuals will stick their necks out to challenge the state, because it is the state that controls their careers. This is real problem for gaining a broader base of elite support to compel the state to alter its current policies. As one dissident, Bao Cu, complained: "In today's struggle for democracy, intellectuals are supposed to be the leading flag. But is that really so, or the opposite true? Could it be, that deep down, intellectuals themselves are afraid of democracy; that with democracy they might lose certain privileges, immunity and interests considered exclusively theirs through the ages."<sup>9</sup> He makes an important point.

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<sup>7</sup> Merle Goldman, *China's Intellectuals: Advice and Dissent* (Cambridge: Harvard University Press, 1981), 3.

<sup>8</sup> Alexander Woodside, "Exalting the Latecomer State: Intellectuals and the State During the Chinese and Vietnamese Reforms," *The China Journal* 40 (July 1998): 13.

<sup>9</sup> Tieu Dao Bao Cu, "Open Letter to Phan Dinh Dieu," *Vietnam Insight* (April 1995).

What explains the dissidents' inability to gain a wider following? One explanation belies the real shortcoming of the movement: they have real trouble working together. This is not hard to fathom when one understands all the quarters of dissent. Dissidents including life-long communists, supporters of the old Saigonese regimes, Buddhist monks and intellectuals simply wanting freedom of expression are often mistrusting of one another. Divided, Hanoi is able to isolate and control them.

### C. Why Now?

As important it is to ask who the dissidents are, it is salient to wonder why a critical mass of dissenters has emerged today. Vietnam is a one party state where the Communist Party monopolizes all political activity, and anyone who challenges this is harshly dealt with. So why have dissidents become emboldened? On the one hand, Vietnam has a long tradition of dissent, even to communist party rule following the Viet Minh's declaration of independence on 2 September 1945. In the mid-1950s a large number of intellectuals revolted against party control over arts and letters, rejecting the dictates of socialist realism, whereby art for arts sake was considered counter-revolutionary.<sup>10</sup> Under the tenets espoused by Vladimir Lenin, Maxim Gorky, Mao Zedong and Ho Chi Minh, the arts and literature's sole purpose was to serve the revolution.<sup>11</sup> The intellectuals began to publish their own independent journals, including *Nhan Van* and *Giai Pham* for which the movement takes its name, that they used to not only clamor for intellectual and press freedoms, but to attack the dogmatic application of Marxism-Leninism-Maoism including the brutal and catastrophic land reform program in the mid-1950s.<sup>12</sup> The Lao Dong Party's monopoly of power, its extra-legal powers and abuses, and its control over the National Assembly, a mere rubber stamp for party decisions, angered them. Having moved beyond literary criticism and taking on party

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<sup>10</sup> The best history of the *Nhan Van-Giai Pham* Affair, is Georges Boudarel's *Cent Fleurs aecloses dans la nuit du Vietnam: Communism et dissidence, 1954-1956* (Paris: J. Bertoin, 1991). Also see, Boudarel, "Intellectual Dissidence in the 1950s: The Nhan-Van Giai-Pham Affair," *Vietnam Forum* 13 (1990): 154-174; Hirohide Kurihara, "Changes in the Literary Policy of the Vietnamese Workers' Party, 1956-1958," in Takashi Shiraishi and Moto Furuta, eds., *Indochina in the 1940s and 1950s* (Ithaca: Southeast Asia Program, Cornell University, 1992), 165-196; Nhu Phong, "Intellectuals, Writers and Artists," in P.J. Honey, ed., *North Vietnam Today: Profile of a Communist Satellite* (New York: Praeger, 1962): 70-92. Neil Jamieson's fine work, *Understanding Vietnam* (Berkeley: University of California Press, 1993), also covers this period in good detail.

<sup>11</sup> Vladimir Lenin, "Party Organization and Party Literature," 1905, in Robert C. Tucker, editor and translator, *The Lenin Anthology* (New York: Norton, 1975), 148-153; Maxim Gorky, "Soviet Literature," Address Delivered to the First All-Union Congress of Soviet Writers, 17 August 1934, in Maxim Gorky, *On Literature: Selected Articles* (Moscow: Foreign Languages Publishing House, 196?), 228-268; Mao Zedong, "Talks at the Yen'an Forum on Literature and Art," May 1942, in Mao Zedong, *Selected Works*, Vol. 3 (Peking: Hanoi Foreign Language Publishing House, 1965), 69-98; "To the Artists on the Occasion of the 1951 Painting Exhibition," 10 December 1951, in Ho Chi Minh, *Selected Writings (1920-1949)* (Hanoi: Foreign Language Publishing House, 1973): 133-134.

<sup>12</sup> Andrew Vickerman, *The Fate of the Peasantry: The Premature 'Transition to Socialism' in the Democratic Republic of Vietnam* (New Haven: Yale Center for International and Area Studies, Monograph No. 28, 1986).

policies and the regime's ideology itself, the party cracked down on the dissidents harshly.

On the other hand, the party has dealt with dissent harshly, using much of state resources towards maintaining its monopoly of power. To that end, there has been very little anti-party dissent, with perhaps the exception of the collapse of the Republic of Vietnam Regime when the LDP had to confront the remnants of the puppet regime. Yet there was little opposition, deterred by the party's sure consolidation of power. Over 300,000 former RVN officials were sent to re-education camps in New Economic Zones. The regime was now able to consolidate its power, yet with disastrous consequences. The regime's adventurist policies into Cambodia and the subsequent war with China left Vietnam diplomatically and economically isolated. Anticipated economic gains, the peace dividend, dissipated as forced collectivization in the south resulted in a decline in agricultural output. Industrial production targets were, likewise, a fraction of the plan. By 1986, inflation was in the triple digits. And despite over \$2 billion in annual Soviet military and economic aid, over 1/3<sup>rd</sup> of the national budget continued to go towards military expenditures.<sup>13</sup>

### Wave 1

Facing a stagnant economy and demoralized, war-weary populace, the Vietnam Communist Party launched bold foreign and economic policy initiatives at its 6<sup>th</sup> National Congress, in December 1986. This Chinese-styled reform program, *doi moi* [renovation], introduced market reforms and diminished the role of central planning; individuals could enter the marketplace and labor markets. The government encouraged export-led growth and courted foreign investment (over \$16 billion by 1998). Hanoi enjoyed 7-8 percent growth for the first decade of *doi moi*, set to become the next "tiger" economy.

Yet the reform program was resisted by many, especially within the communist party and, because of interlocking directorates, throughout the bureaucracy. In short, the reforms would diminish the distributive powers of the bureaucracy in the allocation of goods and services. To this end, General Secretary Nguyen Van Linh had to appeal to the press to investigate corrupt cadres and cajole a recalcitrant bureaucracy into implementing his reform program. In return, Linh promised a "renovation in thinking" to broaden the political debate and draw on the expertise from outside the party's ranks. The mid-1980s saw an unprecedented degree of intellectual freedom, and Vietnamese arts and literature flourished with fewer constraints. Vietnamese art became one of the most sought after commodities in the Asian modern art market while Vietnamese literature experienced a renaissance having dropped the tenets of socialist realism with its stock characters and political agendas. A new generation of writers emerged, including Duong Thu Huong, Nguyen Huy Thiep, Nguyen Duy, Bao Ninh and Le Luu, who wrote in radically new styles with anti-heroes who had

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<sup>13</sup> William Turley, "Hanoi's Domestic Dilemmas," *Problems of Communism* 29 (July-August 1980): 42-61; Adam Fforde and Stefan de Vylder, *From Plan To Market: The Economic Transition in Vietnam* (Boulder: Westview Press, 1996), 125-174.

become disillusioned with the “triumphal arches” of communism, unable to fit back into society, maintain relationships, love, or disgusted by the pervasiveness of official corruption.

Although the party advocated “broadening democracy,” as early as 1986, it was not political pluralism that it was embracing. What General Secretary Nguyen Van Linh meant by “democratization” was more debate and discussion over policy *within* the party; simply democratic centralism was not being practiced as all decisions were made by a handful of top leaders who had little understanding of details or local circumstances leading to economic stagnation. In order to emerge from this malaise, there needed to be “renovation in thinking” [*doi moi tu duy*] and “openness” [*coi moi*]. The Politburo still had trepidations about the scope of political reform. In 1988 it issued a document that warned that individuals would use “democracy” to de-stabilize the regime and called for the VCP’s continued monopoly of power.<sup>14</sup> This political discourse was influenced by the debates in Eastern Europe and the Soviet Union. Intellectuals and party members were cognizant that a multi-party system, albeit one in which the communist party remained a dominant political force, had emerged in Hungary after regional officials banded together and founded reform “circles,” which evolved into true opposition parties, following experiments in market reforms, and that Gorbachev tolerated different political viewpoints as long as they “serve the cause of socialist construction.”

The collapse of communism in Eastern Europe was a traumatic event for Hanoi, now convinced that political pluralism was a grave threat to its survival. The Central Committee issued the “Three No’s”: no calling into question the leadership of the communist party, no calling into question the correctness of the one-party state and no movement towards political pluralism. While the military publicly justified “revolutionary violence” to defend the regime. The March 1990 Plenum was one of the stormiest in the VCP’s history and resulted in the rejection of any movement towards political reform and democratization. At that meeting, ninth-ranked Politburo member Tran Xuan Bach was sacked, officially for violating party discipline, but ostensibly for his “advocacy” of political reform. Bach had caused a lot of controversy for giving a speech in which he stated “One cannot think that turbulence will occur only in Europe while in Asia things remain stable. . . All socialist countries are now in a process of evolution to move forward, have outstanding differences be solved, and need to break off the long-existing stress and strain of old things.”<sup>15</sup> Bach, who was in charge of the Central Committee’s External Relations Commission, had traveled widely and was personally aware of the changes taking place across the world. And as the Politburo member in charge of the occupation of Cambodia, he

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<sup>14</sup> Nguyen Van Linh, “Continuing the Task of Renovation Along the Socialist Path,” *Documents of the 7th Party Congress* (Hanoi: The Giao, 1991), 115; Political Bureau, “Conclusions on Some Ideological Work,” Hanoi Domestic Service (hereafter HDS), 8 December 1988, in Foreign Broadcast Information Service, *Daily Reports-East Asia* (hereafter *FBIS-EAS*), 9 December 1988, 63.

<sup>15</sup> Tran Xuan Bach, “Speech to Union of Vietnam Scientific and Technological Associations,” Hanoi Domestic Service, 5 January 1990, in *FBIS-EAS*, 8 January 1990, 67-68. The Central Committee statement said that Bach was purged “for having seriously violated the party organizational principals and discipline, leading to many bad consequences.” A report of his purge can be found in Steven Erlanger, “Vietnamese Communists Purge an In-House Critic,” *New York Times* (hereafter *NYT*), 1 April 1990, A4.

was cognizant of the country's failed foreign policies and decision-making process. Bach's emphasis, as it remains to today's party leadership, was how to maintain stability: "We must consistently and firmly maintain stability in the political and economic social domains, especially political stability."<sup>16</sup>

Bui Tin asserts that Bach "accepted the need for discussing differing ideologies and political views. But he stopped short of a multi-party system."<sup>17</sup> In a December 1989 speech published in the *samizdat* newspaper of the Club of Former Resistance Fighters, while not calling on the party to voluntarily relinquish its monopoly of power, he did encourage it to tolerate greater diversity of political ideas. But he knew that there had to be some political reform. In his widely circulated "Speech to the Union" he warned, "There is still unrest among the people. They are demanding more democracy and social justice."<sup>18</sup> And unlike his colleagues in the Politburo, he scoffed at the idea that you could have economic reform, but not political change. For Bach, economic liberalization could only be successful if coupled with political liberalization: "You can't walk with one long leg and one short one, and you can't walk with only one leg," he said in a January 1990 interview.<sup>19</sup> Bach never suggested that lengthening that one leg would be at the VCP's expense. Whereas party ideologues such as Nguyen Duc Binh believed that by "democratizing" the economy, demands for political reform would dissipate, Bach saw just the opposite happening. He believed that economic growth would create both the demands for greater political participation and the need for such participation. With the development of the economy, the party would have to rely on the advice and expertise of new classes, entrepreneurs, sectors, non-party members in order to manage the increasingly complex economy.

But to a hyper-defensive party, the policies that Bach advocated were controversial and potentially dangerous and were, therefore, rejected outright. The Central Committee document that announced Bach's expulsion also attributed socialism's collapse in Eastern Europe to "imperialist and reactionary plots" rather than to internal factors. This analysis justified the party's policy of remaining vigilant to foreign plots to undermine the VCP's monopoly of power rather than accommodate different views and interests. It also upheld the VCP's monopoly of power for the sake of stability: "Only with political stability can we stabilize and develop the economic and social conditions [and] step by step reduce the difficulties and improve people's lives."<sup>20</sup>

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<sup>16</sup> Bach, "Speech to Union," 67.

<sup>17</sup> Bui Tin, *Following Ho Chi Minh* (Honolulu: University of Hawaii Press, 1995), 161.

<sup>18</sup> Tin, *Following Ho Chi Minh*.

<sup>19</sup> Murray Hiebert, "Survival Tactics," *Far Eastern Economic Review* (hereafter *FEER*), 1 February 1990, 24-25.

<sup>20</sup> Cited in Murray Hiebert, "Against the Wind," *FEER*, 12 April 1990, 12.

In the run-up to the 7<sup>th</sup> Party Congress, General Secretary Linh invited people to comment on the draft political report, an opportunity that many used to support Bach. Le Quang Dao, a member of the Central Committee and Chairman of the rubber stamp National Assembly wrote an article in the 8 December edition of *Dai Doan Ket* entitled “Something Must be Fundamentally Wrong with Socialism; Those in Power Stand Above the People; We Must Apologize Publicly to the People.” In it he argued that what was causing Vietnam’s malaise, i.e., what the Eastern European states did wrong, was over-centralize. The increasingly critical party intellectual, Nguyen Khac Vien, agreed, arguing that “the party had degenerated because it exercised power directly,” as “the Council of Minister, the National Assembly, the ministries and departments are only executants.”<sup>21</sup> The former National Liberation Front leader Nguyen Huu Tho weighed in as well: “The root causes of failure are the weight of our conservative bureaucratic system, [and] the lack of democracy on the part of the government.” Despite these and other petitions from senior officials such as Bui Tin and Hoang Minh Chinh, the VCP’s 7th National Congress, held in June 1991, rejected any movement towards political pluralism. Multi-party democracy was anathema as the communist party was already “democratic.” Indeed, the case of Tran Xuan Bach was not even raised as had been slated. Although Bach was supposed to remain on the Central Committee for the sake of unity, over 50 percent of the body voted to expel him; he remains a non-person living in a Hanoi suburb today.<sup>22</sup> The Congress’ *Draft Political Programme* explicitly rejected Soviet-style political reform instead calling for the implementation of Chinese-style economic reforms without relinquishing any political power.

After the 7<sup>th</sup> Party Congress, there were few if any calls for political reform. Nguyen Duc Binh appeared to be somewhat vindicated in his analysis. The early 1990s saw some soaring economic growth and popular excitement in the country’s reversal of economic misfortunes. Itself confident, the VCP leadership did not address the issue of political reform either, instead the Politburo remained vigilant against foreign (read U.S.) attempts at usurping VCP rule through strategies of “peaceful evolution.”<sup>23</sup> It was not until a series of crises confronted the regime in the late 1980s that dissent began to re-emerge.

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<sup>21</sup> Nguyen Khac Vien, “Letter to Nguyen Huu Tho, President Vietnam Fatherland Front,” 6 January 1991, *Vietnam Commentary* (March-April 1991): 4.

<sup>22</sup> Tin, *Following Ho Chi Minh*, 159-160.

<sup>23</sup> For example, Politburo Resolutions 8A and 8B of 1990 attributed the collapse of communism in Eastern Europe to imperialist and reactionary plots. Other authoritative accounts can be found in Vo Thu Phuong, “A New Step Forward in Vietnam-US Relations,” *Tap Chi Cong San* (August 1995), 47-48; Le Xuan Luu, “Relations Between Building and Defending the Fatherland in the New Revolutionary Stage,” *Voice of Vietnam*, 11 June 1996, in *FBIS-EAS*, 13 June 1996, 85-87. The military’s perspective can be seen in Phan Hai Ha, “Peaceful Evolution- Victory Without War,” *Quan Doi Nhan Dan*, 11 January 1993, in *FBIS-EAS*, 15 January 1993, 56-58, and Senior Lieutenant General Nguyen Nam Khanh, “Struggle Against Opportunism and Rightism- an Important Part of Party-Building Work at Present,” *Tap Chi Quoc Phong Toan Dan* (January 1996), 7-9.

## Wave 2

The late-1990s saw a series of crises that, individually would be hard to cope with, but that happened in rapid succession if not simultaneously. The party's inability to either prevent these crises from occurring in the first place or to effectively dealing with them once they had occurred forced many to speak out about the party's leadership and the constraints of the existing political system.

The first crisis was a sudden halt to the rapid economic growth the country had enjoyed in the early- to mid-1990s. A malaise has taken hold of Vietnam as *doi moi*, which had such wonderful results initially, has died out. Foreign investment fell by 60 percent in 1998, and in 1999, declined by another 64 percent, to \$1.48 billion down from \$4.06 billion in 1998.<sup>24</sup> And by all other measurable accounts the Vietnamese economy is in poor shape.<sup>25</sup> By October 1999 60-70 percent of foreign firms reported losses from their Vietnamese operations.<sup>26</sup> The economy is growing too slowly to create jobs for the one million new entrants to the workforce each year, while unemployment is already a problem. Exports are down and the dong is over-valued. The trade deficit is estimated to be over \$1 billion in 2000, 150 percent higher than estimated. Though much of this is from the increase in world oil prices, it is clear that Vietnam is not importing capital equipment. The banking sector is in crisis and 46 percent of SOEs are in the red, subsidized at huge public expense.<sup>27</sup> The World Bank estimates that the Vietnamese economy will grow at 4-5 percent, nearly half the rate of first half of the 1990s and barely enough to keep pace with the country's population growth.<sup>28</sup> Even the World Bank and IMF held up some \$500 million in loans in 1999 and an additional \$700 million in 2000 until Hanoi adopted a "more comprehensive approach to reform." Vietnam's future economic growth is dependent on continued and deepened reform. These reforms, such as privatization of state-owned assets, will challenge the authority of the state as well as its ideological underpinnings. The Prime Minister, Phan Van Khai raised the alarm, but the Politburo is unable to come to an agreement on the direction of the reform program.<sup>29</sup>

The Asian economic crisis also had a devastating effect on the Vietnamese economy, as much of its foreign investment and major trading partners are Asian, and its competitiveness dissolved in the face of devalued currencies. Vietnam did not cope with this crisis well. Conservatives within Vietnam's leadership blamed the Asian economic crisis on capitalism, while reformers blamed it on "crony capitalism," imperfect markets

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<sup>24</sup> Reuters, "Foreign Investors Shun Vietnam in Early 2000," 1 March 2000.

<sup>25</sup> Ari Kokko, "Vietnam: Ready for Doi Moi II?" *ASEAN Economic Bulletin* 15 (December 1998): 319-327.

<sup>26</sup> Reuters, "Majority of Foreign Firms Report Losses in Vietnam," 13 October 1999.

<sup>27</sup> Agence France Presse (hereafter AFP), "Vietnam Finally Set to Move on Billion-Dollar Reform of State Banks," 4 July 2000.

<sup>28</sup> AFP, "World Bank President to Push Vietnam on Economic Reform," 20 February 2000. Also see, World Bank, "Vietnam: Ready for Takeoff?" (Washington, D.C. December 1999).

<sup>29</sup> AFP, "Vietnamese PM Paints Grim Picture of Economic Prospects," 18 November 1999.

and too much government intervention. For two and a half years, there has been no major decision by the Politburo, which has been completely deadlocked since the 8<sup>th</sup> Party Congress in 1996. There is tremendous resistance to implementing these necessary reforms from within the conservative-dominated politburo, thus dissidents are becoming emboldened in order to support the liberals.<sup>30</sup>

The second crisis was the eruption of peasant protests occurring throughout the countryside, notably in Thai Binh, beginning in late-1997. The cause of the protests, quite simply was corruption and abuse of power by local officials. Local-level officials appropriated public land and assets for themselves, families and friends, as well as imposed an egregious number of “taxes” on everything from schools to land usage; an amount that one Vietnamese researcher calculated to total 40 percent of an individual peasant’s income. In all, the total amount of taxes and levies collected between January 1994 and July 1997 in Thai Binh were dong 176 billion (about \$16 million) more than had been authorized by the central government, while at the same time, bans to local farmers and businesses in the province fell by 40 percent compared to 1996 and unemployment skyrocketed, already at 200,000. In addition, there were concerns regarding corruption, abuse of power, land seizures, forced contract renegotiations and “commandism.” As local party secretaries tended to also be the chairmen of the local people’s committee’s they were in a position of absolute power.<sup>31</sup> That the VCP’s traditional base of support is up in arms has caused grave consternation among the elite. As Prime Minister Pham Van Khai warned: “If rural areas remain stable and farmers are happy with their livelihood, our country will be able to ensure stability however serious the difficulties. Therefore, rural stability is the key to national security.”<sup>32</sup> Many realize that the party must reform its methods of governance or it will continue to lose popular support and legitimacy. Yet the party blames bad cadres rather than bad policies for the peasantry’s woes. And in the end, more peasants were arrested for disrupting social order than the cadres who caused the crisis because of their corruption and abuse of power.

The economic downturn, including the flight of foreign investors and the peasant protests are centered on one issue, the third crisis, corruption. As Vietnam has a weak legal infrastructure and few of the necessary tools to regulate the marketplace, the scope of corruption is enormous. According to international watchdogs, Vietnam is one of the most corrupt societies, adding 5-15 percent to project costs for foreign investors. As the former Prime Minister, Vo Van Kiet, complained: “The state of corruption plus incapacities, red tape and domineering behavior, and the lack of a sense of discipline among numerous officials in various state machines at all levels and branches. . . have. . . jeopardized the renovation process and brought discredit to the party’s leadership.” As

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<sup>30</sup> Zachary Abuza, “Debating Globalization: Explaining Hanoi’s Bilateral Trade Negotiations,” *Problems of Post-Communism* (forthcoming).

<sup>31</sup> Dang Phong, “Aspects of Agricultural Economy and Rural Life in 1993,” in Benedict J. Tria Kerkvliet, and Doug J. Porter, eds., *Vietnam’s Rural Transformation* (Boulder: Westview Press, 1995), 182-183.

<sup>32</sup> Vietnam News Service (hereafter VNS), “Manh Wants Stronger People’s Committee’s,” *Vietnam News*, 30 September 1998.

Daniel Chirot contends that the single greatest variable in understanding the collapse of communism in Eastern Europe was corruption, what he called the “utter moral rot” that communist society bred corruption has become perhaps the most serious issue for the regime.<sup>33</sup> Huu Tho, the head of the Central Committee’s Ideology and Culture Commission, recently admitted that “The Party Central Committee showed great interest in the depravation in living styles of a part of our cadres and party members,” as such practices “will be harmful to economic development and will make us lose the trust from the people.”<sup>34</sup> To that end, Phieu launched a two-year “regeneration drive” of criticism and self-criticism in May 1999 to restore the party’s soiled image, which included the disciplining of errant members. Soon after the campaign began, in July 1999, the party had already expelled 200 members and disciplined 1,550.<sup>35</sup> By November 1999, the courts had heard 526 cases of graft involving 1,100 government officials and businessmen in the first nine months of 1999 alone, while 1,500 local and provincial officials were purged in the year after launching the anti-corruption drive in May 1999. Yet, until the party goes after senior members, which it refuses to do, or implements political reforms that allow for independent monitoring of the party and government, or legal reforms which place it on an equal footing, corruption will continue unabated.

The fourth crisis was the regime’s continued fear of subversion and xenophobia. The leadership has identified two distinct threats. The first is the threat China poses to Vietnam’s territorial integrity. In the short-run, the Vietnamese believe the Chinese are too inwardly focused on building up their economy to pose a major threat.<sup>36</sup> That leaves them to focus their attentions on the second threat, subversion through “peaceful evolution.” This is the threat of the growth of democratization, human rights and other Western values which will cause the dissipation of Marxist-Leninist-Ho Chi Minh ideology and the VCP’s monopoly of power. The Vietnam People’s Army’s 1998 *White Paper* revealed that its utmost security concern did not come from its northern border: “The plots to interfere in Vietnam’s internal affairs in the disguise of ‘human rights’ and ‘democracy,’ the intrusion into this country by means of culture and ideology, activation of subversion and destabilization for the purpose of replacing the current political and social system are all great menaces to Vietnam’s security and national defense.”<sup>37</sup> The VCP is determined not to surrender any political power. After watching with horror in 1989 to what happened to their Eastern European counterparts, the VCP spends much of

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<sup>33</sup> Daniel Chirot, “What Happened in Eastern Europe in 1989?” in Daniel Chirot, ed., *The Crisis of Leninism and the Decline of the Left: The Revolution of 1989* (Seattle: University of Washington Press, 1991): 11.

<sup>34</sup> Andy Soloman, “Vietnam Says Corruption Causes Loss of Trust,” Reuters, 16 July 1998.

<sup>35</sup> Huw Watkin, “Concerned Communists Keep Purging,” *South China Morning Post* (hereafter *SCMP*), 22 July 1999.

<sup>36</sup> Le Xuan Luu, “Relations Between Building and Defending the Fatherland in the New Revolutionary Stage,” *Voice of Vietnam*, 11 June 1996, in Foreign Broadcast Information Service, *Daily Reports-East Asia* (hereafter *FBIS-EAS*), 13 June 1996, 85.

<sup>37</sup> Ministry of Defense, *Vietnam: Consolidating National Defense Safeguarding the Homeland* (Hanoi: Ministry of Defense, 1998), 13-14.

its energy maintaining its rule. Yet, Vietnam is more vulnerable to exogenous forces. Both the collapse of socialism in Eastern Europe and the former Soviet Union and the economic growth, until late, of its “tiger” neighbors are important. With the hosting of the November 1997 Francophone Summit, Hanoi found itself under intense French pressure to release 40 dissidents, and to cease restrictions on the press, which allowed one French TV crew to film the remote prison camp where a prominent dissident was being held. Human rights dominate every meeting between Vietnam and the United States. As Secretary of State Madeleine Albright told her Vietnamese hosts, “Human rights is a permanent issue for us. It is not going to go away.”<sup>38</sup> And, of course, the Internet is changing the way that Vietnamese are able to communicate both among themselves and between exile and dissident groups abroad. Exogenous forces are not going to change the nature of the Vietnamese political system, but they do embolden critics.

#### **D. The Issues at Stake**

The dissidents have focused their demands on four major issues. First, they call for greater democratization. But we must be precise; few actually call for a Western-style multi-party democracy and even less call for the disbanding or the overthrow of the VCP. Their demands focus on establishing a greater independent role for the National Assembly, more transparency in decision-making, and the restoration of democratic centralism and intra-party democratization. Very simply, they believe that power has been completely monopolized by a handful of unchallenged leaders. Second, they advocate the rule of law, the abolition of governance by party decree, and the cessation of the party’s ability to stand above the law, enshrined in Article 4 of the current constitution. Third, are demands for greater intellectual and artistic freedom and especially the independence of the press. Fourth, they are highly critical of corruption. Although some would like to see the VCP completely surrender economic decision-making to market forces, many others are critical of unbridled capitalism. As corruption-inspired peasant protests throughout the country have been at the top of the party’s agenda, the critic’s attacks on corruption have not fallen on deaf ears. But the party wants to lead the attack, and not let the initiative fall into the hands of outsiders who could use it to further their own agenda. For example, dissidents have used the issue of corruption to attack the party for having become a “new class,” a corrupt elite alienated from the masses. In short, these issues revolve around the party’s linkage of its own interests and survival with those of the state. In other words, one can be a patriot without supporting the VCP? These critics are aghast at the arrogance of the party, whose membership constitutes less than two percent of the population, yet represents the interests of all the people of Vietnam.

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<sup>38</sup> Cited in Thomas W. Lippman, “Vietnam Rejects U.S. Reproach on Human Rights,” *International Herald Tribune* (hereafter *IHT*), 28-29 June 1997, 1.

### The National Assembly and Democratization

The dissidents have called for greater democratization, though there is little consensus as to what that means. On the one hand, many agree with Dr. Duong Qunh Hoa's assertion that "You cannot open only economically. You must open politically, too." But on the other hand, there is a degree of consternation over what democratization may bring. As one of the founders of the National Liberation Front, Dr. Hoa personally understands the heavy handed interference of the party, but even still, she shares the party's fear of the destabilizing effects that democracy could have on the country: "Honestly, I'm in favor of pluralism. But honestly, too, I'm afraid of it. You know why? Because the bulk of the Vietnamese population aren't politically aware. . . And when a people have never lived democratically and you suddenly open up, you run the risk of anarchy."<sup>39</sup> Only a few dissidents, including mathematician Phan Dinh Dieu, actually advocate implementing a western-style multiparty system.

What they have called for is the "broadening of democracy." By this they mean two things. First, the restoration of democratic centralism, free and open intra-party debate over policies. Party dissidents argue that, dating back to the 1967 intra-party purge, all party decisions have been monopolized by a handful of top leaders, with no opportunity to question or debate their merits or short-comings. Second, they have called for greater input from non-party experts in the policy-making process. Bui Minh Quoc, one of the most outspoken dissidents, has simply argued that for the time being there should be more debates over political reform: "Stop considering the topics of multi-parties and pluralistic systems taboos, but organize public and fair debates on these matters so that people can take appropriate steps together in the effort to democratize the country in peace, stability and development."<sup>40</sup> General Tran Do, another outspoken dissident, wrote to the Politburo, "I still agree with and support the political leading role of the party. I think such a role is necessary. But leading does not mean imposing. Party leadership does not mean party rule."<sup>41</sup> Do has not explicitly called for a multi-party democracy, but said: "I think this reform should include the abandonment of the party's absolute and total control of everything. The party should only keep the role of political leadership and let the National Assembly, the government and the Fatherland Front have their own responsibilities and independent authorities." Other critics have tried to assuage the party leadership that pluralism is not necessarily going to come at the communist party's expense; indeed competition would revitalize the party.

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<sup>39</sup> Ronald Yates, "Co-Founder of Viet Cong Unhappy with Communist Party," *Chicago Tribune*, 15 May 1995.

<sup>40</sup> Bui Minh Quoc, "Open Letter to VCP Central Committee," 3 October 1993, Vietnam Insight (May 1994).

<sup>41</sup> Tran Do, "The State of the Nation and the Role of the Communist Party," 1997-1998, found at <http://www.fva.org/documents/dissident/trando.htm>.

Few have called for the establishment of a multi-party political system, and even fewer have called for the disbanding of the VCP. The Hungarian model, in which opposition parties emerged from within the communist party that retained its leading role in politics and governance, is appealing to many. But most dissidents simply want a de-politicized forum where experts and people with different opinions can openly debate ideas and national policy. The Club of Former Resistance Fighters founded in 1986 tried to serve in that role until the party shut it down in early 1990. But for the dissidents the natural venue for such debate is the National Assembly. Legally, individuals may become members, thus the VCP could still dominate an open forum without contending with other national-level political parties.

Although on paper, the National Assembly is the supreme organ of state, in reality, it is a rubber stamp for the VCP. The National Assembly was dormant from 1949 to 1960, while the other law-making organ of the government, the Ministry of Justice, was shut down from 1961 to 1981. Of the 8,914 legal documents promulgated between 1945-1986, only 62 were laws; the rest being sub-law documents: decrees, ministerial directives or executive orders.<sup>42</sup> After the reunification of the country, the National Assembly continued to do little more than rubber stamp party decisions at its month-long biannual sessions.

With the advent of *doi moi*, the National Assembly took on new importance because of the urgency in creating a legal framework to oversee Vietnam's transition to a market-oriented economy; and some reforms, such as secret balloting and allowing press coverage, were implemented. The National Assembly is asserting itself by passing more laws needed for the reform process, debating policies made by the party and has even refused to endorse the party's nominee for a ministerial position. According to one official, the National Assembly is becoming a "dialogue partner" for the party. In the context of a communist society where the VCP has always monopolized decision making, the more assertive National Assembly is popular.

Like the dissidents in the 1950s, party critics in the 1990s believed that the National Assembly is an appropriate forum for political, economic and social debate, and they have demanded both a greater role for the National Assembly as well as freedom from party interference. This is essential, as a leading dissident wrote:

The current National Assembly cannot carry out its duty of monitoring the government. Neither can it do the duty of "deciding all important national matters." Instead, it is often bypassed by the government. The National Assembly generates laws but what good do those laws do when many people consistently do the opposite

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<sup>42</sup> Carol V. Rose, "The 'New' Law and Development Movement in the Post-Cold War Era: A Vietnam Case Study," *Law and Society Review* 32 (1998), 97, n10; also see Hoang The Lien, "On the Legal System of Vietnam," *Vietnam Law and Legal Forum* (September 1994), 34; Mark Sidel, "The Re-emergence of Legal Discourse in Vietnam," *International and Comparative Law Quarterly* 43 (January 1994): 163-174.

to the laws. The National Assembly watches helplessly for it has no authority to intervene. The record of making new laws mean nothing.<sup>43</sup>

Yet it is hardly an independent body. In addition from direct party interference, the party controls the Assembly through elections. Little is left to chance. In addition to the rigid quotas of men and women, intellectuals, workers, soldiers, peasants, the number of non-party members is also regulated. During the election for the 9th National Assembly, for example, 30 of the 32 independent candidates were disqualified for technical reasons. Neither of the two independent candidates was elected. The Vietnam Fatherland Front, a party-controlled umbrella organization, manages the elections and oversees three rounds of screening for all candidates, regardless of who nominates them. Nguyen Thanh Giang is a case in point. Giang, a prominent geo-physicist who works for the government's Geological Survey Department, was "rejected" by his "co-workers." Although he received 96 percent of the vote at a neighborhood meeting, he only received "30 percent" at his office. But despite having 300 colleagues, only 16, most of whom were members of the party cell, were allowed to vote.<sup>44</sup>

Despite the fact that the number of seats held by non-party members has doubled since the 9th National Assembly, 15 percent is unacceptable and critics continue to demand a greater share of seats for independent non-party members. Indeed, one Ho Chi Minh City-based newspaper, *Tuoi Tre*, complained in a blunt editorial that the "opinions [of National Assembly deputies] could be more powerful if new ideas are expressed, and if these are a result of refined wisdom and the initiatives of many people."<sup>45</sup> Even Vu Mao expressed some concern: "We are trying to create a more democratic environment," he said. "We are of the view that even non-party members can be good."<sup>46</sup> Yet the party seems unable to cope with its apprehension that allowing more independent candidates will dissipate its control over the assembly. To this end, the party continues to control the selection process, selecting loyal party members rather than competent candidates.

The party has made a few concessions: The delegates elected to the 10th National Assembly are younger (an average age of 49), better educated (more than 91 percent had at least a B.A., compared with only 49 percent in the previous legislature), and have more practical business experience. Of the 663 candidates 100 were entrepreneurs or managers.<sup>47</sup> But the reforms have merely been window dressing. As the most senior dissident, General Tran Do, wrote to the Politburo,

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<sup>43</sup> Do, "The State of the Nation," "Appendix," 1.

<sup>44</sup> See Murray Hiebert, "Election Strategy," *FEER*, 9 July 1992, 21.

<sup>45</sup> *Tuoi Tre*, 20 July 1997, cited in Adrian Edwards, "Vietnam Hails Elections as Success as Polls Close," Reuters, 20 July 1997.

<sup>46</sup> Ian Stewart, "Ex-Vietnam Inmate Becomes Lawmaker," Associated Press, 11 April 1998.

<sup>47</sup> Nguyen Thanh Ha, "The New National Assembly," *The Vietnam Business Journal* (October 1997), 5; VNA, "Conference Reviews 10th National Assembly Election," 19 August 1997; Frederik Balfour, "Slouching Towards Democracy: Vietnam Elections Promise Few Surprises," AFP, 16 July 1997.

As for [the right to hold] power, in all official documents the national political power is stated as ‘of the people, by the people, and for the people,’ and also ‘people know, people discuss, people do, and people inspect,’ but there is no such thing in reality. Everything is decided by the party- actually, by party members in high positions. The election of people’s representatives to government institutions, including the highest offices, continue to follow the good old ‘the party assign [the candidates], people vote’ practice with some ‘variations.’ And these institutions simply carry out the usual task of ‘institutionalizing party’s decisions for the government.’ The party hierarchy, from the top down, has the absolute authority and is under the jurisdiction of no laws. The result is none other than a ‘party rule’ in a totalitarian regime.<sup>48</sup>

In the appendix to his letter, Do carefully outlined the necessary reforms that had to be made to make the National Assembly an effective legislature that could both enact laws and serve as a watchdog to ensure government and party accountability to the people. The first reform was to shift the authority to draw up lists of candidates from the party to two rounds of “general sponsorship and consultation.” Any individual would be eligible as long as he or she received a sufficient number of signatures, as any other sponsored candidate would have to do. Second, there has to be a “minimum set of requirements” for the candidates, which include ethical standards as well as the expertise, education and experience to do their job competently. But Do insists that candidates should have “proper political views of his/her task” and he believes the minimum age for a seat on the National Assembly should be 40. Despite the importance of leadership transition, he rejects “installing candidates in their 20s” as a “robotic way to implement rejuvenation.”<sup>49</sup>

In short, any political reform or liberalization or decentralization will strengthen the National Assembly. Since 1986, it has become a more independent and vocal organ, challenging the government, demanding greater discretionary and oversight powers. And it has assumed a greater role in the reform process because of its law-making function; simply with economic reform, an entire new series of laws was enacted to regulate the marketplace. The National Assembly has become a remarkably responsive organ of government. Since the outbreak of peasant protests (discussed in greater detail below), the Assembly has revised the Land Law and passed the Grievance Law to regulate conflicts, and legalize channels for citizens to air their complaints and petitions, as well as punish corrupt officials.<sup>50</sup> In the fall 1998 session, deputies fought hard for more agricultural spending, especially for irrigation, roads and job creation in the 1,715 “poor” villages.<sup>51</sup> The Assembly also discussed the “Law of Organizations of People’s Councils and People’s Committees,” as well as a new law on the election of people’s council delegates. The Assembly also has tried to enhance transparency within the government and its state-owned enterprises. The government’s budget, for example, was withdrawn from the purview of the

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<sup>48</sup> Do, “The State of the Nation” 5.

<sup>49</sup> Do, “The State of the Nation,” 14.

<sup>50</sup> VNS, “First Complaints, Petitions Law Passed,” *Vietnam News*, 23 November 1998, VNS, “Draft Grievance Law Sparks Heated Debate,” *Vietnam News*, 11 November 1998.

<sup>51</sup> “Deputies Argue for More Agricultural Spending,” *Nhan Dan*, 8 November 1998.

country's secrecy act, and the new law enforces full disclosure of the budget at the local level.<sup>52</sup> In the June 2000 National Assembly meeting, there was an outpouring of criticism towards the government and its handling of the economic crisis. Regional representatives took the central government to task for policies (or lack there of) that they believe has led to the 65 percent loss in foreign investment since 1996. The prolonged economic crisis has clearly emboldened delegates to be more aggressive in their questioning and oversight of the government and its policies. This assertiveness and several key pieces of legislation have led to improvements in the legislative process. The National Assembly has clearly become far more responsive, and deserves a lot of credit for pushing for a greater role in the policy-making process. Nonetheless, it continues to fall short of the constitutional ideal. We should expect more from this body in the future; it holds the key to political reform in Vietnam.

### Rule of Law

What Do and others are saying is that the party makes mistakes that could be averted if there was more debate and discussion within the *existing* political framework. Calls for the party placing itself "under the laws and on equal footings" is at the heart of the dissidents' demands. Rather than calling for political pluralism, most simply demand a strict adherence by the party to the rule of law and the creation of an independent judiciary. For the party, this means challenging its infallibility and empowering individuals to question policies. At the root of this argument is Article 4 of the 1992 Constitution which many see as the legalization of the VCP's right to rule solely. Article 4, which states that the VCP "is a leading force of the state and society," is controversial, even within the party. Article 4 continues to receive the ire of dissidents. Hoang Minh Chinh, for example, asserted that "The root cause of all miseries of the nation and people of Vietnam is Article 4 of the constitution. It declares the party's exclusive right to rule. The party is therefore placed above the fatherland, nation, and everything else."<sup>53</sup> Most other dissidents agree. For example, in a 3 October 1993 letter to the Central Committee, the writer Bui Minh Quoc, demanded that the Central Committee "Drop Article 4 of the Constitution and issue a set of laws on the operation of the Vietnam Communist Party," in order to make it on a legal par with society.

Related to this is the practice of interlocking directorates whereby a parallel party organ is at every level of the government, a standard practice in communist systems. There have been some attempts by the party to resolve this issue, indeed one of the main goals of General Secretary Nguyen Van Linh (1986-1991) was to break down the system of interlocking directorates that plagued the VCP. Porter notes that "Although the VCP is supposed to 'lead the state, but not replace the state,' confusion about the division of function between the party and state has been a fundamental problem of the Vietnamese political system from the beginning."<sup>54</sup> Important to Linh was the need to allow expert

<sup>52</sup> Dean Yates, "Vietnam to Act on State Budget Disclosure," Reuters, 14 September 1998.

<sup>53</sup> "Interview with Hoang Minh Chinh," *Vietnam Democracy* (July 1996).

<sup>54</sup> Gareth Porter, *Vietnam: The Politics of Bureaucratic Socialism* (Ithaca: Cornell University Press, 1993), 84.

advice to be heard, both in domestic and foreign issue areas. The party daily *Nhan Dan*, in support of Linh, argued that “The Party has interfered too deeply in state management, has reduced the effectiveness of state management, and at the same time, caused its leadership to decline.”<sup>55</sup> The 1992 Constitution further codified this division. Although the VCP maintained its “guiding” role. “it is no longer allowed to interfere in the day-to-day running of the government or to operate outside the law.”<sup>56</sup> In general, there was an attempt to give the government more autonomy but the VCP continues to set the line and approve all major initiatives. Although more consideration was paid to government experts, final decisions continue to be made by the ministers wearing their Politburo “hats” and other top party officials. A telling example of this is the story of the Asian ambassador who was summoned in December 1999 by General Secretary Le Kha Phieu. Phieu chastised the ambassador for raising complaints about the investment climate to the government, and demanding that he speak to Phieu directly as “It’s I who make policy.”<sup>57</sup>

Party interference that arises because of interlocking directorates causes a lack of innovation. Because managers and technocrats rank behind their party secretary, they may not be able to make rational economic decisions, but rather be forced to make decisions on political considerations alone. This has alarmed reformers within the party and government as well as the dissidents themselves. But the problem goes deeper. Because the VCP has no law-making authority, the prerogative of the National Assembly alone, it has to rule by decree. Because party decrees are carried out and enforced by party cells at all levels of all organizations, there is no way that they can be challenged and overturned and this is constitutionally enshrined in Article 4. As Tran Do lamented, “The National Assembly generates laws but what good do those laws do when many people consistently do the opposite to the laws. The National Assembly watches helplessly for it has no authority to intervene.” Phan Dinh Dieu, likewise, complained that

The party, or more exactly a small component that controls the party, proclaims its total and absolute leadership over the state and society; devises detailed rules for the party command system to send out guidelines to the National Assembly, the government, the court, the inspectorate institute, and also to grassroots organizations; thus in fact, transforms the whole government system into implementers of the decrees from a powerful component inside the party. Democracy and laws are also turned into tools to carry out those decrees.<sup>58</sup>

A key to *doi moi* has been a commitment to legalization and the National Assembly has been in a fit of law-making activity. On the one hand, we should be pleased by this

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<sup>55</sup> Quoted in Lewis Stern, *Renovating the Vietnamese Communist Party: Nguyen Van Linh and the Programme for Organizational Reform, 1987-1991* (New York: St. Martin’s Press, 1994), 75.

<sup>56</sup> Far Eastern Economic Review, *Asia 1993 Yearbook*, 220.

<sup>57</sup> See Nayan Chanda, “The War Within,” *FEER*, 4 May 2000, 20.

<sup>58</sup> Phan Dinh Dieu, “On the Need to Continue the Reform in the Current Period,” speech delivered at the expanded conference of the presiding committee, VFF Central Committee, 12-13 December 1997, Hanoi.

commitment to the rule of law. The problem though, is that most of these laws are terribly flawed, and in some way defeat their intended purpose, by continuing to give the communist party the authority to intervene. Most commonly, laws, such as the Press Law, grant a host of freedoms to the citizens, but have a caveat: unless those freedoms violate the security of the regime and stability of society. In the case of the Law on Religions, though religious freedom is granted to individuals, religious organizations remain legally an arm of the state. This is the loophole that makes so many of their laws window dressing. There needs to be a commitment by the party to live by the rule of law. Article 4 is simply the most overt placing of the party above the law, but until individual laws themselves put the rule of law, the principle of equality before the law, ahead of the interests of a small group, the VCP will be able to undermine the country's legal system.

Legalization is also hampered for structural reasons. Because of Communist Party control of the judiciary through interlocking directorates, laws and the court system simply serve the Communist Party. The legal sector must be strengthened and freed of political interference. There has been some progress, but many obstacles remain. For example 30-40 percent of the judges and law staff in the country do not have law degrees or other professional training, they are simply party appointed bureaucrats. And the Vietnamese legal system is ill-equipped to rectify the situation. The first law college was set up only in 1979, and by 1993 there were only 50 members of the Hanoi Bar Association. By the Bar's own admission, because of the increased demands that a market economy places on the legal system, Vietnam currently needs between 500-1,000 lawyers.<sup>59</sup>

### Ideology and The New Class

Whereas all of the dissidents are against the authoritarian nature of the communist regime, not all are against socialism or staunch advocates of capitalism; many remain starry-eyed idealists, intensely critical of capitalist society. Dr. Duong Qunh Hoa complained that "We fought for freedom, independence, and social justice. Now all is money. All values have been turned upside down."<sup>60</sup> Duong Thu Huong agrees:

For Vietnamese now the essential interest is money. The money motivation explains everything. They feel that if you have money you can satisfy all desires. The party officials and the leaders are not sufficiently cultivated to refuse money, nor to consider that money may not be the only motivation. There are cadres who are poor, but that is because they occupy positions that they can't turn to profit.<sup>61</sup>

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<sup>59</sup> Murray Hiebert, "Miles to Go," *FEER*, 29 June 1993, 24-26.

<sup>60</sup> Harry Kamm, "How Are Vietnamese Doing Now? Viet Cong Doctor Expresses Disgust," *New York Times*, 6 May 1993.

<sup>61</sup> Cited in Henry Kamm, *Dragon Ascending: Vietnam and the Vietnamese* (New York: Arcade Publishing), 143.

Regardless of criticism towards ideology, most recognize the role that it played during the war years. Phan Dinh Dieu states that Marxism-Leninism had a “positive effect,” Duong Thu Huong called war communism “appropriate,” and Bui Tin states that it was a “necessity in that time.” Ha Si Phu simply asserts that it was a necessary tool at that time; like a “boat to cross the river, now unneeded on the far shore.” But the inefficiencies and expense of maintaining the socialist system, especially subsidizing the state-owned sector while hampering the development of private industry clearly bother some.

All are concerned about the corruption that emerges from being stuck in a half-capitalist half-socialist system whereby cadres are able to steal from the plan, to sell public property on the market or abuse their position to allocate goods and services to their friends and families. Some argue that such a system is untenable and that a complete rejection of socialism is necessary. As Phan Dinh Dieu wrote, “We must admit that communist theory and “socialism” with the radicalization of class contradictions and class struggle, with the imposition of a hasty economic collectivization regime, of centralized management, of monopoly of leadership of the party have done great harm to the country.”<sup>62</sup> For Dieu and others, ideology is a tool by which the VCP maintains its monopoly of power, rather than as a tool to foster economic development. They are alluding to a phenomenon first expounded by Milovan Djilas in *The New Class*, in which he argued that the communist party becomes a class in its own right and, hence, the actions of party members become more guided by their class interest rather than the interests of the party or the nation in whose name they rule.<sup>63</sup> “I put a question to the leaders in Hanoi,” Dr. Duong Qunh Hoa told a journalist, “What is your final goal- the final goal of the revolution? Is it the happiness of the people, or power? Then I answered the question. ‘I think it is power.’”<sup>64</sup>

Corruption is out of control and getting worse and according to Political and Economic Risk Consulting Vietnam is now the third most corrupt society in Asia, falling since 1998.<sup>65</sup> General Tran Do believes that the creation of the “new class” has damaged both the party’s leadership and its creditability “beyond repair.” He laments that “in the past the party and people were one,” but now the party is simply “an elite group of rulers,” who govern “voiceless subjects.”

It is the concentration of all power in the hands of the party’s leading organs that is causing the party to deteriorate and party-members holding power to become a new ruling class in society, working for their self-interests and against people’s interests. We can assert that many party-members with power have really become “new capitalists,” hoarding on authority, turning power into private wealth, and causing ever more severe social tension. This condition can lead to social outburst as the

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<sup>62</sup> Dieu, “On the Need to Continue the Reform,” 2.

<sup>63</sup> Milovan Djilas, *The New Class* (New York: Praeger, 1974).

<sup>64</sup> Ronald E. Yates, “Co-Founder of Viet Cong Unhappy with Communist Party,” *Chicago Tribune*, 15 May 1995.

<sup>65</sup> Michael Richardson, “Fighting Graft Brings a Net Advantage, Survey Says,” *IHT*, 23 March 2000, 16.

incident in Thai Binh.<sup>66</sup>

Likewise, many have denounced the “red capitalist” cadres who use their public positions for personal gain through kickbacks or by stealing state resources that they control. “The accumulation of wealth by the new capitalist class in Vietnam today is by using authoritarian and deceptive tactics to robe the properties of the government and people,” according to Nguyen Thanh Giang.<sup>67</sup> The party acknowledges the gravity of corruption and smuggling but asserts that they are by-products of the reform program. What landed Giang in jail, according to exiled dissident Doan Viet Hoat, was Giang argued that “Corruption is not simply a by-product of the market economy, but mainly the heritage of privileged power and benefits.”<sup>68</sup> The most well known attacks on the “new class” come from the novelist Duong Thu Huong in her banned *Paradise of the Blind* (1988).

The dissident community has likewise been highly critical of the government’s response to the crisis of corruption. The party began a two-year anti-corruption drive, in May 1990, to restore the party’s soiled image, which included the disciplining of errant members. Since the campaign began, the party has expelled 200 members and disciplined 1,550.<sup>69</sup> On the one hand, the party has encouraged the press to report on several high-profile corruption trials, such the commercial fraud case involving an import-export firm owned by the Ministry of Interior, which implicated 74 people in smuggling worth \$64.8 million.<sup>70</sup> Similar cases include the fraud trials involving officials of EPCO and Minh Phung, who embezzled \$280 million for land speculation,<sup>71</sup> and the 1997 Nam Dinh Textile Mill trial, in which 14 people were imprisoned after corruption caused \$17 million in losses. Yet despite these high-profile cases corruption continues unabated and one report concluded that the Ministry of Finance could not account for \$6 billion- or nearly one-third of all state assets.<sup>72</sup> And there is the issue of who guards the guards? Some of the worse corruption scandals have occurred within the Ministry of Interior itself. Several senior ministry officials were implicated in a major drug running scandal from Laos. Smuggling is so endemic that the head of the Customs Department, Phan Van Dinh, was sacked by the Prime Minister, on 13 October 1999, as a corruption trial implicating 74 defendants got underway.

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<sup>66</sup> Do, “The State of the Nation,” 5.

<sup>67</sup> Nguyen Thanh Giang, “Open Letter,” 14 October 1999, *Vietnam Democracy* (November 1999).

<sup>68</sup> “Open Letter from Dr. Doan Viet Hoat Regarding the Arrest of Professor Nguyen Thanh Giang in Vietnam,” March 12, 1999.

<sup>69</sup> Huw Watkin, “Concerned Communists Keep Purging,” *SCMP*, 22 July 1999.

<sup>70</sup> Reuters, “Two Major Criminal Trials Set for Vietnam’s Courts,” 10 February 1999.

<sup>71</sup> The trial concluded in August 1999, resulting in the death sentence for six former officials and lengthy prison sentences for the other 71 people on trial.

<sup>72</sup> Huw Watkin, “Death Sentences Fail to Inspire Financial-Sector Confidence,” *SCMP*, 6 August 1999.

Vietnam has long deluded itself that although corruption is a problem, it is a problem only at the lower echelons of the party and state apparati. This was evident in the case of Thai Binh, where corrupt low-level cadres who fail to implement the party's line correctly were blamed, without ever analyzing the effectiveness of party policies. Prime Minister Phan Van Khai announced that "corruption is seen among state officials and enterprise owners but it is not like in other countries where corruption climbs up to government levels."<sup>73</sup> Yet the party is beginning to acknowledge the problem is broader than previously acknowledged. Prime Minister Khai announced new regulations in the fall of 1998 for officials to annually disclose their assets, but not surprisingly, there is a loophole.<sup>74</sup> Although officials are told to disclose their assets of over 50 million dong (U.S. \$4,500), they do not have to reveal their sources of income, unless there was a radical difference from one year to the next. The regulation also bans the relatives of senior officials from holding certain positions, as well as banning senior officials from establishing or co-establishing private enterprises, joint stock or limited liability corporations, private schools, private hospitals or research organs. Then at the 6<sup>th</sup> Plenum in February 1999, which focused almost exclusively on the issue of corruption, General Secretary Le Kha Phieu warned: "Each individual cadre from Politburo member, Central Committee member, minister provincial and city party secretary, provincial and city chairman down to the ordinary cadre and party member will be subject to criticism."<sup>75</sup> And as an integral component of its anti-corruption strategy, the party decided at the 6<sup>th</sup> Plenum, in February 1999, to launch an intensive short-term campaign to "renovate" itself "politically, ideologically and organizationally." As part of "party building" activities, according to Dao Duy Quat, the Central Committee voted to enhance the authority of internal inspection and discipline committees, as well as the authority of law enforcement agencies, elected bodies, and the media over party members.<sup>76</sup> Quat called for an intensive period of criticism and self-criticism for party members over the next two years. Le Kha Phieu explained that the two-year campaign will help to create a "strong and transparent party and government apparatus."<sup>77</sup> Other leaders have gotten on the bandwagon. But when Politburo member Pham The Duyet who himself was the subject of a high-level investigation into allegations surrounding graft and nepotism before being exonerated, argues that the party has not been stringent enough against corrupt party members, he makes a mockery out of the process. Until the senior leadership itself is willing to hold itself accountable, corruption will continue at all levels of the system.

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<sup>73</sup> Solomon, "Vietnam Talks Tough but Corruption Seems Ingrained."

<sup>74</sup> Decree 64/1998/CP signed on 17 August 1998. See VNS, "New Decree Issued to Fight Corruption," *Vietnam News*, 21 August 1998.

<sup>75</sup> DPA, "Vietnam Communist Party Boss Launches New Anti-Corruption Push," 5 January 1999.

<sup>76</sup> *Nhan Dan*, "Sixth Plenum Passes Resolution on Party Building Work," 4 February 1999.

<sup>77</sup> VNS, "Drastic Measures Pledged to Beat Corruption and Waste," *Vietnam News*, 5 January 1999.

“Party building” activities are an acknowledgement of a problem, but they are clearly not enough to remedy Vietnam’s current day malaise. Rooting out some corrupt cadres, punishing those who abuse their power, and making the criteria for party membership stricter, are important, but they are symptoms of the problem, not the root cause. They are important nonetheless, but it is to be seen if the party is really able to reform itself. It has never before been so forthcoming about internal problems, especially those that derive from within its own ranks. The problem with “party building” is that the party believes that if it is stronger, more hierarchical, and more centralized, then the country’s problems will be solved. It is precisely not allowing alternative voices to be heard which got the country into the political situation its currently in. Moreover, there will continue to be abuses of power so long as such a small elite monopolizes absolute power. For example, of the total population of 79 million there are only 2.4 million party members, not even 3 percent of the population, yet it claims to speak and act in the interest of all. What is most alarming is the growing generational gap in the party. Although the party inducted 141,000 new recruits in 1999, the largest yearly increase in a decade, the number of new members under the age of 30 was at an all time low. Moreover, most joined for reasons of career advancement, not because of a commitment to ideology or public service. As such, the likelihood of stemming corruption within party ranks seems bleak.

### Freedom of the Press

Corruption has little chance of being eliminated as long as the VCP maintains absolute power, without being accountable to an independent body, such as the National Assembly, or being held publicly accountable by a free press. As the party is unable to police itself, the dissidents have unanimously called for intellectual and press freedoms that would both serve as government watchdog and as a forum for policy debates.

In a 1999 survey of press freedom across East and Southeast Asia, Vietnam scored at the bottom. Although Article 69 of the 1992 Constitution claims that “citizens are entitled to freedom of speech and freedom of the press,” in reality, under the dictates of socialist realism, all periodicals and newspapers are owned and controlled by the regime, forcing dissidents to publish their own “samizdat” newspapers. As Stein Tonneson noted, “The role of the ‘photocopy shops’ in creating a civil society in Vietnam cannot be exaggerated.”<sup>78</sup> There was also a subsequent rise in the number of clandestine publishing houses and according to a report by the Ministry of Interior, by 1988, only half of the 400 newspapers were licensed in the country and nearly 40 percent of the books published that year were done so illegally.<sup>79</sup> The most well known samizdat papers were *Freedom Forum* and the news letter of the Club of Former Resistance Fighters, *Tradition of Resistance*, both banned and their editors arrested. Others have violated government orders and sent their works abroad for publication. Increasingly, dissidents have been able to circumvent the

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<sup>78</sup> Stein Tonneson, *Democracy in Vietnam* (Nordic Institute of Asian Studies, Report No. 16, 1993), 26.

<sup>79</sup> Minister of the Interior, Mai Chi Tho, “Some Urgent Problems on Maintaining Security and Order and Building the People’s Police,” *Tap Chi Cong San* (December 1988), in *FBIS-EAS*, 10 February 1989, 57.

government's control over the press through the Internet, leaving one government official to complain of the "sins of modern communication."

Press freedoms have varied according to political needs. For example, General Secretary Nguyen Van Linh needed the press in 1986-1988 to help him implement reforms through a stubborn and recalcitrant bureaucracy. As a carrot, he eliminated much of the party's censorship of works and he urged the writers not to "bend your pens in order to please people." As a result of Linh's efforts, the press had considerably more freedom and, for the first time, journalists were allowed to write about the negative aspects of Vietnamese society and governance and the major dailies began printing investigative stories to expose corruption. But liberalization was short-lived due to the collapse of socialism in Eastern Europe and the Tiananmen massacre. Linh reversed himself ordering writers to stop writing "only about negative phenomenon." Pre-revolutionary works were again banned, and what little freedoms the press had earned in 1987-1988, were restrained. There was an overall hardening in intellectual life, as well. Prime Minister Do Muoi chastised the media for taking advantage of press liberalization: "There have appeared not a few press articles and books which negated the party, distorted realities and history, sowed the seeds of pessimism and advertised a pragmatic way of living, and have had negative effects on society." Other party officials complained about the passivity of the press in its defense of socialist values arguing media's role was to be "an efficient weapon on the ideological and cultural front" that had to expose "the schemes and maneuvers of the anti-socialist forces who want to negate the party's leadership and divert Vietnam from the socialist path."<sup>80</sup> The press became less vigilant about defending socialist values, according to the party leadership, because of the negative impact economic reforms had on the media. Suddenly, the press was subject to market forces, competition and the need to increase sales in order to make up for declining state subsidies. At the Central Committee's 4<sup>th</sup> Plenum in January 1993, Do Muoi complained that culture, literature, and art had become "commercialized" [*thuong mai hoa*] and sensational.<sup>81</sup> This was used as an excuse to launch a new crack down on writers and intellectuals. Writers who had thrived with fewer political constraints in the mid- to late-1980s, suffered under renewed party control after 1990. Following the sacking of Nguyen Ngoc, the controversial editor of *Van Nghe* who had encouraged the literary revolution, young writers such as Nguyen Huy Thiep, Bao Ninh and Duong Thu Huong could not get their works published and official criticism of these "anti-communist works" continued throughout the decade.<sup>82</sup> Many literary journals were shut down while their editors, such as Tieu Dao Bao Cu and Bui Minh Quoc were sacked and expelled from the party for violating party discipline causing "serious manifestations of factionalism"<sup>83</sup> And it

<sup>80</sup> VNS, "Nguyen Duc Binh Attends Mass Media Series," 8 December 1992, in *FBIS-EAS*, 8 December 1992.

<sup>81</sup> *Nhan Dan*, 16 February 1993, 3.

<sup>82</sup> Le Mai, "Thoughts on the Image of Communists in Literature," *Tap Chi Cong San* (February 1995): 38-40, 56, in *FBIS-EAS*, 15 June 1995, 67; To Hoai, "Salient Features of Contemporary Literature," *Tap Chi Cong San* (April 1989), in Foreign Broadcast Information Service, *Daily Reports-East Asia (FBIS-EAS)*, 8 June 1989, 70.

<sup>83</sup> Tran Trong Tan, "How to Clearly Understand the CPV Central Committee Political Bureau's Conclusion on Political Work," *Nhan Dan*, 23 January 1989, 3, 4, in *FBIS-EAS*, 1 March 1989, 72.

was not just literary dissidents. The war hero, and commander of the 1973-1975 Ho Chi Minh campaign that liberated the south, and head of the Military Management Committee in Saigon, General Tran Van Tra, had his memoir banned by the party.<sup>84</sup> Even senior party officials such as Bui Tin were having trouble getting their works published, without heavy-handed censorship. Now with press freedoms being curtailed and ideology was retaking center stage, it was clear that intellectuals would not have an independent voice. To this end, the late-1980s to early-1990s saw a rapid rise in the number of *samizdat* publications, newsletters and journals.

To date, the press remains firmly controlled and those who challenge the state are punished. At the Central Committee's January 1993 Plenum, Do Muoi announced that the party would more vehemently "analyze sabotage activities of hostile forces in culture and the arts to counter their conspiracies and tricks positively and efficiently." Although the state would continue to refrain from direct censorship, the party stepped up pressure on the editors to impose self-censorship. In addition, the Ministry of Interior established a new department that would monitor and control the press, both domestic and international, both legal and illegal. At the party's behest, a new law on publications was pushed through the National Assembly in July 1993. The law restated the permitting process, spelled out punishments for violators and banned the following:

- Material detrimental to the Socialist Republic of Vietnam or the unity of its entire people.
- Material inciting violence or war of aggression, fomenting hatred among nationalities, and peoples of various nations, propagating reactionary concepts and culture, disseminating a degenerate or decadent lifestyle; promoting crime, social vice and superstition; and damaging good Vietnamese morals and customs.
- Material revealing party, state, military, national security, economic and foreign affair secrets; secrets involving the personal lives of citizens; and other secrets stipulated by law.
- Material distorting history, rejecting revolutionary achievements, discrediting great Vietnamese men and national heroes, or slandering and damaging the prestige of organizations or the dignity of citizens.<sup>85</sup>

There is little that would not fall under this law. With the judicial system being so tightly controlled by the party and state, most any writing or statement could be persuasively

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<sup>84</sup> General Tran Van Tra, *History of the Bulwark B2 Theater, Vol. 5: Concluding the 30-Years War* (Ho Chi Minh City: Van Nghe Publishing House 1982). Only 10,000 copies were printed before it was quickly banned. Most copies were destroyed, and only Volume 5 survived. It was reprinted in JPRS, *Southeast Asian Report* (Document No. 1247), 2 February 1983.

<sup>85</sup> BBC, Summary of World Broadcasts, FE/1761 B/6, 7 August 1993.

argued that it was a violation of this sweeping legislation. Even were the government to not have the power to completely enforce compliance, the law instills enough fear in intellectuals causing them refrain from writing or publishing texts that they would otherwise have produced. Other officials called for increased party control over the press, while the Politburo's senior ideologue, Nguyen Duc Binh, condemned the "Westernization" and "commercialization" of Vietnam's press.<sup>86</sup> He and others have called on the press to revert to its traditional role as a guardian of the people, especially from the negative effects of spiritual pollution: "The press should not just contribute to a correct political orientation, but also prevent and eliminate from social life the harmful germs and poisonous weeds which are trespassing into our country through information channels."<sup>87</sup>

And to drive the party's position home, the government sent an unambiguous message. The editor of the business daily, *Doanh Nghiiep* [*Enterprise*], who published an article about high-level corruption within the Department of Customs regarding the purchase of four patrol craft, was arrested for "revealing state secrets" and later charged with "abusing democracy and intruding on the rights of the state, social organizations and the people's interest."<sup>88</sup> At the same time, the press had a very free hand in covering the two largest corruption cases in the state's history regarding state-owned enterprises engaged in real estate speculation, involving hundreds of millions of dollars in fraud and embezzlement. Obviously the government and party wanted to send out a very clear signal to would-be corrupt businessmen. As Human Rights Watch asserted:

Linh's arrest suggests that the widely reported corruption cases of recent months—in January this year Tamexco, a major import-exports company, and in March, EPCO-Minh Phung, a large trading conglomerate, were primarily show-case arrest. Among those arrested in both cases were senior company directors and state officials on charges of misappropriating state assets. The arrest of Linh for reporting alleged high-level misappropriation of funds brings into question the government and party's commitment to exposing corruption when politically inconvenient.<sup>89</sup>

To date, the press has been under the party's firm control. Despite widespread peasant protests in Thai Binh from 1997-1998, there was a press blackout for five months, and only then were the legitimate demands of the peasants, such as official corruption, summarily reported. The foreign press was banned from the region altogether. The current General Secretary, Le Kha Phieu, has repeatedly met top media officials demanding that they toe the party line and "support revolutionary ideology." On 19 May 1999, the National Assembly passed a largely re-written press law that concentrates control over the

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<sup>86</sup> Reuters, "Vietnam Launches Broadside at Western Press Ideals," 26 August 1997.

<sup>87</sup> Reuters, "Vietnam Launches Broadside."

<sup>88</sup> Reuters, "Hanoi Delays Trial of 'Democracy Abuse' Editor," 24 August 1998.

<sup>89</sup> Human Rights Watch, "Behind Vietnam's Open Door: A Climate of Internal Repression," November 1997. Also see Amnesty International, "Newspaper Editor Arrested and Detained," 13 October 1997.

media. In addition to standard controls, the new law also introduces the concept of libel, a tool that is widely used in Malaysia and Singapore to deter the press from taking on the government: “Any editorial office or journalist who carry inadequate information causing damage to others are responsible for compensation according to the provision of the separate civil codes.” But libel, as defined or explained here, is ludicrously opaque. There is no clarification of “inadequate information causing damage”; and there is no intention to remedy this. For example, if a journalist reported that a shoddily produced product caused injury to a consumer, the producer could sue the journalist or editorial staff for damages relating to a loss of sales.

The dissidents argue that aside from being a violation of Article 69 of the Constitution, which clearly states that “Citizens have the right to freedom of expression; freedom of the press; the right to be informed; the right to assemble, to form associations, to old demonstrations according the regulation of the laws,” censorship and the government’s monopoly of the media hurt the country in many ways. For them, an independent media will not lead to instability and anarchy, but lead to a more effective and accountable government that would be responsive to the concerns of the citizenry at all times. Tran Do sees the role of the press in much the same light as Nguyen Van Linh did in the first years of office. For Do, it is urgent that the press becomes a watchdog agency as “the current National Assembly cannot carry out its duty of monitoring the government.”<sup>90</sup>

Allowing these voices is to create a monitoring institution over the government and the party organs, particularly those party organs that are currently under no checking power and have shown signs of power abuses and setting arbitrary laws on the population. Only with this new monitoring means could we actually carry out the motto: By the people, of the people, and for the people, people know, people discuss, people implement, and people monitor.<sup>91</sup>

Do challenges the validity of the party’s overriding concern that “a free press will lead to disorder (which is incited by bad people and taken advantage of by the enemies), and political unrest.” He argues that “with freedom of expression and freedom of the press,” the party will be able to “identify talents” who are able to “solve the country’s problems.”

Among the 400 existing periodicals published by [the party’s and government’s] offices under the ‘centralized management’ if we had just one or two independent papers, that would be enough to make society’s intellectual life more lively and beautiful. Intellectuals and experienced citizens have a forum to express their ideas. The party and the government have a lot more contribution to study and [more warnings of problems] to prevent.<sup>92</sup>

Likewise, Phan Dinh Dieu argues that intellectual freedom is essential to the country’s

<sup>90</sup> Do, “State of the Nation,” appendix, 11.

<sup>91</sup> Do, “State of the Nation,” appendix, 11.

<sup>92</sup> Do, “State of the Nation,” appendix, 11.

economic development and thus calls for the “liberalization of information exchange.” “New ideas and thinking, which are valuable sources for supporting the creation of wealth and prosperity in the new age, if found opposite to the party’s lines, have all been prohibited.”<sup>93</sup> Dieu frames his argument in economic terms: the marketplace, dominated by economically rational producers and consumers, needs the free flow of information. Vietnam can not catch up with the rest of the world economically, or become integrated into the global economy without a significant change in the information policy of the state.

To this end, the dissidents have unanimously called for several concrete reforms. First, the end of state and party censorship, ostensibly the disbanding of the Central Committee’s Ideology and Culture Commission. Second, the freedom to establish independent newspapers, journals or other media outlets. Regarding the first issue, censorship, the dissidents have demanded that “The press must be allowed to operate independently from the government and is under no control or order from anyone.” Although under Nguyen Van Linh, actual press censorship was abandoned, the party continues to control the press through the Central Committee’s Ideology and Culture Commission (ICC). (This is what Tran Do means by “central management” of the press.) The way that the ICC controls the press is through monthly meetings with the editors of the various newspapers, magazines, journals and radio and TV stations to discuss their performance, and includes meetings with top leaders themselves, such as the November 1998 meeting between Le Kha Phieu and senior editors. The editor of *Trui Tre*, Le Van Nuoi, told the *Far Eastern Economic Review* that in these meetings “they [the ICC] directly criticize us. We not only listen to their assessment, but also respond to their criticism.”<sup>94</sup> It is through the editorial boards that the party is able to discipline and control the media through instructions and criticisms. This fear leads to over-cautious self-censorship.

The second demand of the dissidents is the abolition of the government and party’s monopoly of the media and the concurrent legalization of privately owned and operated media. This is a sore point for the dissidents, many of whom were victims of the *Nhan Van-Giai Pham* Affair. But it is really an outrage to those who fought against the French for, under the colonial regime, private ownership of the media was not illegal, a point noted by Nguyen Van Tran, Tran Do, Nguyen Huu Loan and others. For Hoang Tien, it is absolutely essential to “recognize people’s rights to privately form and publish newspapers,” for, without this right, “discussions on democracy and civil rights are phony.” Tran Do, likewise, demanded “new laws to allow private citizens to publish newspapers and to set up publishing houses. They only have to inform the government of their enterprises and obey all the laws of the land. They should not have to ask for permission from anyone [to do so].”<sup>95</sup> To this end, and clearly only to needle the government and party, Do applied for a license to start a newspaper in early 1999; the application was formally rejected that April.

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<sup>93</sup> Dieu, “On the Need to Continue Reform,” 4-5.

<sup>94</sup> Hiebert, “No Longer Paper Tigers,” *FEER*, 1992, ??.

<sup>95</sup> Do, “State of the Nation,” appendix, 11.

## E. Conclusion

In writing about the Club of Former Resistance Fighters, Nayan Chanda stated that “What the Vietnamese leaders fear is not a Chinese-style, student-led movement for democracy or a Polish-style, anti-party Solidarity trade union, but a challenge from party veterans angered and humiliated by the disastrous state of the country’s economy.”<sup>96</sup> There are few agents of change in Vietnam. The development of civil society has been slow and the VCP expends a vast amount of resources to prevent civil society from emerging. This is important because without broader linkages to the general populace, the dissidents pose a much smaller threat to the regime. As soon as they can mobilize a critical mass of people in society, then the party has real reason for concern. A group like the Club of Former Resistance Fighters, with a regional following of closely bound veterans who share similar concerns, with charismatic leadership who can mobilize their following, is troubling to the party leadership. Though beyond the scope of this paper, religious organizations, too, with their nation-wide network of churches and adherents, a hierarchical authority structure, charismatic and morally upright leadership who are able to disseminate information and mobilize their congregation, are of great concern to the regime. Civil society is growing parallel to the country’s economic development. Professional organizations and associations are being formed, autonomous of the party.<sup>97</sup> But their development is limited for three reasons: first, the party fears their development and tries to curtail their autonomy, making them responsible to organs of the party and state. Second, there is no legal framework in which they can operate. Third, although legal, the government has hampered the development of the private sector, the major advocates for civil society and legalization. Until civil society is more thoroughly developed, dissidents will remain the primary articulators of political and legal reform.

The dissident movement in Vietnam is nascent and still small. Yet its power is in its membership. As lifelong members of the communist party, veterans, with impeccable revolutionary credentials, as well as the finest intellectual minds in the country, they speak with moral authority and reason. Although they are by no means a uniform group, they share several moderate goals. Most want to work within the current legal-constitutional structure by empowering the National Assembly to govern in a legalistic society, in which a free press provides information and serves as a public watchdog. Few advocate a truly pluralist system. They want to strengthen this system not undermine it. But their frustration over the party’s monopoly of power, control of the National Assembly, corruption, refusal to liberalize and reform the economy, the lack of intellectual freedom and freedom of the press, have led them to challenge the party’s methods and goals. They wish to serve as a loyal opposition in order to contribute to the development of the nation. But to an insecure regime which has rested on its laurels and employed coercion to maintain its monopoly of power, these dissidents are a threat to not only the regime, but to the nation.

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<sup>96</sup> Chanda, “Force for Change,” 24.

<sup>97</sup> Carlyle Thayer, “Mono-Organizationalism Socialism and the State,” in Kerkvleit and Porter, eds., *Vietnam’s Rural Transformation*, 39-64.