

# **Transparency As a Factor in Decision-Making**

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In a set of recommendations given to President Bill Clinton before he left for Brunei and Vietnam, Human Rights Watch-Asia has this to say with regard to the question of transparency in government. President Clinton should:

5. Encourage Vietnam to achieve greater transparency and accountability in its legal and penal systems and continue to press for the establishment of an independent and impartial judiciary. Press for access for international observers and independent monitors to trials and to persons held in prison or administrative detention.
  
6. Urge the Vietnamese government to end its censorship and control over the domestic media, including the Internet and electronic communications, recognizing that a free press is essential in promoting civil and political rights. The government should consider amending or repealing the 1999 press law and the 1993 Law on Publications, which limit the right of the domestic and foreign press to report independently and accurately without penalties or censorship.

While these two recommendations apply only to the legal/penal system of present-day Vietnam and its press and communications structure, I think they have great relevance not only to the whole range of bilateral issues between the United States and Vietnam, they are also essential to the successful transition to a market economy--an essential aim of Hanoi's socio-economic programme. That such a reading is not wishful thinking on my part can be proven by a number of documents originating from Vietnam in recent years and months, including some coming from the very ranks of the Communist Party members.

The call for lifting censorship and for allowing a private press and publication dates back to the "unshackling days" ("thoi coi troi") proclaimed by Nguyen Van Linh in October 1987. Yet they never materialized, and irony of ironies, even the Party secretary-general who called for "unbending one's pen," Nguyen Van Linh himself had to stop doing his column "Talk and Act" ("Noi Va Lam," the initials of which were NVL, the same as its author's) which ran for a while in Nhan Dan ("The People"), the very organ of the Central Committee of the Communist Party of Vietnam (CPV). This shows to which extent the structure of the Vietnamese media is still a medieval, feudalistic structure, or worse. For even in the darkest days of imperial China there were private presses and non-government publications, including journals.

*Hanh Trinh Cuoi Dong* ("A Trip at the End of Winter") is the name of a book by Tieu Dao Bao Cu of the so-called "Dalat group" of dissidents which tells of a trip taken in late 1990

by the author together with Bui Minh Quoc (the poet) and Huu Loan (a poet whose fame dates from the days of the Nhan Van-Giai Pham affairs of 1956-58). The trip took them from Dalat all the way to Hanoi in an attempt to enlist other writers and intellectuals in a common effort to demand more freedom of expression in Vietnam. The trip put them in touch with nearly one hundred intellectual workers throughout the country, who all expressed their solidarity with the common cause, but it ended up in failure because of the very strong pressure put on them by the government and Party to dissociate from the movement.

This setback shows that Hanoi's was not yet in a "thawing" mood as was the case in Khrushchev's Russia, in other words nowhere near "the end of winter" hinted in the title of the book but the initial motivation is still there, as can be seen in the repeated calls ever since for the same rights. Last year, following the call by Ha Si Phu and Bui Minh Quoc, both of the "Dalat group," for the allowance of only one privately-owned newspaper, General Tran Do, the former ideological chief of the CPV, wrote to the government asking that he--obviously a very well-trained ideologue in the communist mold--be allowed to have his own paper. This was followed a few months later by a request emitting from the banned Unified Buddhist Church of Vietnam--the request came from the pen of the Most Venerable Thich Quang Do--that they be allowed to come up with a monthly Buddhist publication that would serve the purpose of spreading the message of Buddha and incidentally to correct all the misconceptions (not to say lies) that have been spread in government publications about Vietnamese Buddhism in general and about the UBCV in particular. All these calls for only one privately-owned, non-government publication, leaving still intact the government monopoly of other media (such as radio or television), must seem pitiful, if not totally ridiculous, to someone like us here in America.

Yet that is the reality of Vietnam today. In the preparations for the upcoming Ninth Party Congress to be held in March 2001, the CPV has called for comments and contributions to the political platform of the Party which has been circulated in draft form since August this year. Some of these comments and contributions have been leaked abroad and thus it was how we learned that four letters to the Politburo have come from the pen of Mr. Le Gian, 88, one of the revered "elder revolutionaries" still alive (he was also the founder of Hanoi's intelligence service dating from World War II days), while several others came from such veteran party members as Nguyen Manh Son of Haiphong and Vu Minh Ngoc of Hanoi or eminent intellectual figures like the geophysicist Nguyen Thanh Giang. These comments and contributions deal with many issues, of course, most prominently among them the questions of corruption and backwardness, but a couple of them deal directly with the question of transparency in government. It is the very opaqueness of the system, argues Nguyen Manh Son, which is the very cause of all the ills of present-day Vietnam, including unprecedented corruption and total government inefficiency. Nguyen Manh Son's arguments are so cogently expressed that I think it's best to quote him directly:

As everybody knows, freedom is the sine qua non of evolution, the very foundation of progress and development. A society will not develop without freedom and democracy. Furthermore, freedom is also what people aspire to. Uncle Ho himself said: 'Independence is meaningless when it is not accompanied by freedom and happiness.'

It is precisely because of this that Article 4 of our 1946 Constitution and Article 69 of the Socialist Republic of Vietnam [1992] Constitution said: 'A citizen is entitled to his/her freedom of expression, freedom of the press, freedom of information, freedom of assembly and association, and freedom to demonstrate in accordance with the stipulations of the law.'

Who would say that Vietnam does not have freedom of the press? Isn't it a fact that we have at present 600 newspapers and periodical publications in the whole country? This reminds me of the time when the late Secretary-General Le Duan went and visited some agricultural cooperatives in Kien Thuy district. The district officials put crabs in the canal, borrowed pigs from private homes and let them run in the cooperatives' pigsties; moved fancy furniture into the homes of war-wounded veterans (which were on Mr. Le Duan's itinerary). The journalists who accompanied him knew everything, they knew the whole truth about it, yet they all took pictures and wrote gloriously about the success of grand-scale coops, and about the ever-rising standards of living of the people.

Then we had the Thai Binh affair of a few years ago [1997]. It was a very serious unrest yet did we have any press article that spoke about the situation so that the Center could take care of it in time? Then we have the other scandals like Nam Dinh Textile Corporation, the Tan Truong Sanh and Epco-Minh Phung corruption cases. What did we hear preceding their collapse but encomiums in the press about how enlightened the leaders of these places were as they acted on behalf of the workers' interest? Thus to find one newspaper that dares to talk straight, that dares to tell the truth about policies that are not in conformity with objective laws, or that are not serving the people or the country's interests, one newspaper that would dare to speak up on behalf of citizens unjustly arrested or unfairly tried in court simply because they have opinions that differ from the orthodox line... is something rare indeed.

So by now, one can affirm with confidence that a society without privately-owned newspapers and presses cannot be said to be a democratic society and that a citizen in such a society cannot be said to be free (even if we only talk about relative freedom).

In January 1998, Mr. Huu Tho, head of the Ideological and Cultural Committee of the CPV Central Committee, gave a talk entitled "Resolution 4 of the Central Committee Plenum is an extremely important one on the economic front in the Doi Moi era." A passage in that talk reads:

'Thirdly, the people's rights to being masters are not being promoted. The slogan 'The people know, the people discuss, the people do and the people review' which has been formulated since the Sixth Party Congress of 1986 has yet to be made concrete, even as of now

eleven years later. We say the people are entitled to know, then what information are they entitled to? We say the people are entitled to discuss, then what are they entitled to do so? The people are entitled to do, to work, now that's clear, but when we say that they are entitled to review, then what do they review, who do they review and through which mechanism do they do so? After eleven years that slogan remains a slogan, there is not one single mechanism in place for them to realize their rights. As long as we do not have democratic mechanisms in place, one cannot say that the people are the masters.'

Dear Mr. Huu Tho, in fact we do. All that remains to be done is that we apply to the letter Article 69 of the Constitution and right away, we would realize the people's rights to freedom and democracy.

Lacking freedom and democracy is also one of the main causes of such calamities as corruption, high-handedness, unfair treatment of the masses and increased injustice in society.

Besides the freedom of expression and freedom of the press, a democratic regime must be expressed through electoral freedom. The organs of power must be freely elected through direct and periodical elections. In such a rule of law society, every political party, religion, or mass organization is no more than a civil association that is on the side of the citizens, if there is leadership therein it is only an internal leadership, such leadership should not assume the 'leading role' in society. The leading role in society can only be assumed by the powers that be as elected by the whole citizenry. The people cannot possibly entrust their fate to an organization over which they have no control.

The Communist Party of Vietnam is constitutionally defined as the one and only party in power, in which case there is no possibility of our country becoming a rule of law society. Such a society in the long range will not be able to adjust itself to the demands of industrialization and of the market economy, and the people in such a society cannot possibly enjoy true freedom and democracy.

It is clear from the above that there are people in Vietnam, nay, even inside the CPV, who see through the fog of present-day Vietnam and realize what is needed not only to bring the country into the twenty-first century, attuned to the modern world and responding to the demands of our information age, of the knowledge economy and of the democratic trends on our planet. Nguyen Manh Son is not a lonely voice in the desert. He may be one of the more articulate voices in Vietnam but there are clearly many more, both inside and outside the CPV, North and South, who share his vision. It is a vision with which the overseas Vietnamese and, I believe, even the foreign businessmen who contemplate doing business in Vietnam now that the U.S.-Vietnam Bilateral Trade Pact is about to become operative, cannot but share. For it is not a matter of ideology so much as plain common sense.

In the latest report on Vietnam by Human Rights Watch-Asia, the following is noted: "Despite government repression, several dissidents have issued critical public statements during

the last year, though, typically, they have been able to do so only on the Internet and primarily reach an overseas audience. On May 19 [incidentally, the presumed birthdate of Ho Chi Minh], five prominent dissidents issued a public appeal to the National Assembly for greater democracy, the withdrawal of charges against fellow dissident Ha Si Phu [of the 'Dalat group'], and the repeal of Administrative Detention Decree 31/CP. In April, Thich Huyen Quang, supreme patriarch of the UBCV, who remains under pagoda arrest in Quang Ngai province, issued a letter to the party leadership calling for greater religious freedom."

To conclude, it seems to me that a convergence of opinions is coalescing in Vietnam calling for greater transparency, more freedom and democracy. It is a coalition of sorts among people of very different backgrounds, from the North and from the South, from inside and outside the Communist Party of Vietnam, from religious and atheist backgrounds, from inside and outside of Vietnam. A true revolution is thus shaping up in Vietnam, one that is truly pacific because it is a changing paradigm of the mind, and as both Lenin and the Buddha have noticed, all true revolutions begin in the mind, in the heart. "*Manopubbangama dhamma -- manosettha manomaya*": "Mind is the forerunner of all actions. All deeds are led by mind, created by mind." (The Dhammapada)