

HUMAN RIGHTS, DEMOCRACY AND RULE OF LAW IN VIETNAM: MAKING THE CASE
*BY THE DEMOCRACY & HUMAN RIGHTS WORKING GROUP**

At the end of two decades of civil war in 1975, Vietnam became reunified under a communist government, though the United States did not normalize diplomatic relations with Vietnam until 1995. Over the last several years, its relations have become more wide-ranging and cooperative, guided by the 2013 U.S.-Vietnam Comprehensive Partnership, an overarching framework aimed at furthering the bilateral relationship in a broad range of areas, as well as other joint statements and agreements. During the negotiations on the Trans-Pacific Partnership (TPP) – from which the United States has now withdrawn – Vietnam agreed to allow independent trade unions to organize, a commitment which has not yet been fulfilled. Vietnam made a number of other pledges and reforms as part of the continued development of its relationship with the U.S., including a broad commitment to bring its laws into compliance with international norms, ratification of several human rights treaties including the U.N. Convention Against Torture, modest improvements to its criminal procedure code, amendment to its law on religion to allow greater freedom to worship, and reduction in the number of prosecutions and arrests of dissidents. The United States, in addition to engaging Vietnam on the TPP, has provided support to mitigate the effects of climate change on Vietnam, helped fund the first phase of the cleanup of dioxin at Danang International Airport and is engaged in new joint efforts at Bien Hoa Air Base, and agreed to a closer military relationship, including assisting Vietnam’s first deployment of U.N. peacekeepers by 2017. Additionally, President Barack Obama visited Vietnam in May 2016 and fully lifted the U.S. arms embargo; he also signed a Peace Corps country agreement during that visit. The two countries have a vibrant economic relationship, with bilateral trade increasing from \$451 million in 1995 to nearly \$45 billion in 2015.

However, Vietnam, with a population of 90 million, remains under the firm control of the Communist Party, the only legally recognized political party. It controls all decision making and implementation of government policy, as well as the courts. All print and broadcast media are regulated by the state, and critical journalists are routinely harassed, detained, and jailed. According to Human Rights Watch, “During the first nine months of 2016, at least 19 bloggers and activists were put on trial and convicted,” while others remain detained without trial. Religious and academic freedom is limited, and freedom of speech and association is extremely restricted. Vietnam, in other words, for all of its dynamism and development, still has a long way to go on political liberalization and remains a politically repressive country.

Vietnamese are largely united in their desire to both enter the global stage and have a positive relationship with the United States. And yet the U.S. withdrawal from the TPP has reduced a point of leverage for pressing the Vietnamese leadership on political liberalization. Progress in Vietnam is far from irreversible, especially should the United States reduce its level of engagement, which has been ramped up over the past decade and has helped catalyze change in the country. Recommendations for the U.S. administration and Congress on working with Vietnam on democracy, rule of law, and human rights include:

- Maintaining engagement with Vietnam on the broad range of issues that have been the focus of U.S.-Vietnam relations over the past several years, including judicial reform (including the criminal code) and human rights, as well as ensuring their laws conform to international standards.
- Continuing to hold regular Human Rights Dialogues, which over the years have increasingly become more productive, are taken seriously by both sides, and have included raising concerns in areas of arrests and prosecutions of activists and others. Adding a legal experts dialogue, to include lawyers and judges, could help depoliticize certain issues.
- Raising specific political prisoner cases, both publicly and privately, by U.S. officials at all levels and by all departments with their Vietnamese counterparts.
- Maintaining pressure on Vietnam to allow independent trade unions and bring their labor standards in line with international norms.
- Providing continued support for “legacy of war” issues related to unexploded ordnance and dioxin remediation while pressing Vietnam to maintain reform efforts.
- Exploring establishing a “parliamentary dialogue” between U.S. and Vietnamese legislators to further discussions of reform.
- Elevating participation of senior U.S. government officials, including at the presidential level, for the APEC meeting this year, which Vietnam will host.
- Reinforcing the U.S. support for a rules-based order with regard to rule of law, anti-corruption, and freedoms of expression, association, and religion, as this can lead to innovation and modernization.
- Building on the March 2017 meeting between the two countries under the Trade Investment and Facilitation Agreement – the first meeting since 2011 – to strengthen bilateral trade and make further progress on reforms.
- Urging a hands-off approach to internet providers and social media.
- Encouraging Vietnam to meet its commitments under the International Covenant on Civil and Political Rights and report to the U.N. Human Rights Commission on its implementation.
- Encouraging continued engagement with Vietnam as a means of strengthening bilateral relations and U.S. influence in the region vis a vis Russia and China. Such engagement should include support for independent civil society, as well as the continuation of high level dialogues and exchanges between political party leaders of Vietnam and the U.S. which began in March 2015 under the Comprehensive Partnership Agreement of July 2013 and The Joint Vision Statement of July 2015.
- Ensuring that arms sales are vetted in accordance with the “Leahy Law”.

** The Democracy & Human Rights Working Group is a nonpartisan initiative bringing together academic and think tank experts and practitioners from NGOs and previous Democratic and Republican administrations, seeking to elevate the importance of democracy and human rights issues in U.S. foreign policy. It is convened by Arizona State University's McCain Institute for International Leadership. The views expressed here do not necessarily represent the positions of individual members of the group or of their organizations.*