

# Rapprochement Between Vietnam and the United States

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FREDERICK Z. BROWN

*The improvement of bilateral relations between Vietnam and the United States has added a fresh dynamic to the geopolitics of Southeast Asia. This article discusses the laborious process of normalization of political relations between 1976 and 1995. It describes the course of economic normalization from the signing of the Bilateral Trade Agreement in 2001 and granting of Permanent Normal Trading Relations in 2006 to Vietnam's accession to the World Trade Organization in 2007. It reviews current bilateral economic and trade issues and analyses domestic political norms and historical experiences which have acted as powerful forces shaping the foreign policies of both countries. The United States criticizes Vietnam's human rights record, and Vietnam has lingering qualms about alleged US designs for "regime change". The Vietnamese-American community, now 1.8 million strong, and the US Congress are major players in the expansion of bilateral relations. The article discusses the heightened visibility of ASEAN in US policy and implications for regional security. The article notes other positive factors at work in US-Vietnam relations: 13,000 Vietnamese now study in the United States; the sensitive Agent Orange issue is being addressed seriously; and there is bilateral cooperation on global warming, the environment, human trafficking and the Mekong River basin. The article concludes that US-Vietnam rapprochement is on a positive, mutually beneficial track but that its dimensions and durability have yet to be established.*

**Keywords:** Vietnam, ASEAN, China, South China Sea, human rights, religious freedom, US-Vietnam normalization.

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FREDERICK Z. BROWN is a Visiting Research Scholar at the Southeast Asia Studies Department of the Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, Washington D.C.

Until 1995, the United States never enjoyed anything approaching “normal relations” with *any* government of Vietnam, either North or South, nor with the Vietnamese people themselves. The path to normal relations was strewn with obstacles that were emotional and psychological as well as political — the “Vietnam syndrome”. The humiliating collapse, and tragedies inflicted on the South Vietnamese, left Americans with a sense of national sorrow and shame; Southeast Asia was often cast aside as a diseased part of the Indochina debacle. The war deflated the idealism of the Kennedy era and weakened the bipartisan consensus that had been the fundament of foreign policy under Presidents Harry S. Truman and Dwight D. Eisenhower. Government service was no longer an honourable calling. The Central Intelligence Agency became the whipping boy for the ills of the war. The US military exited Vietnam dispirited and, in the eyes of many Americans, dishonoured by events such as “My Lai”.<sup>1</sup> Ever since the 2003 US invasion of Iraq, comparisons with Vietnam have been hotly debated — lessons learned or not learned from Vietnam, “hearts and minds”, the hazards of “nation building”. How to pursue economic development in the absence of security, how to balance an American military presence with the sensitivities of the host society, these were dilemmas never fully resolved during the American effort in Vietnam and they are apparent today in Afghanistan.<sup>2</sup>

Rapprochement has necessarily been “step-by-step” and reciprocal. Aware of their respective internal critics, the two sides have sought an atmosphere of trust in order to move the relationship forward slowly yet with a degree of certainty. It is well understood, but circumspectly articulated, that the rise of China and continuing tensions in the South China Sea are a fundamental rationale for a “strategic dialogue”. Deliberately, the military-to-military aspect has not been permitted to grow faster than broader diplomatic and economic relationships. The United States and Vietnam have different — sometimes sharply opposed — views on governance and some foreign affairs issues. The relationship is nonetheless nourished by certain bilateral and regional issues on which they do indeed share common interests. The depth and durability of rapprochement will depend on constant consultation and adjustments and a clear-eyed assessment of geopolitical realities in Asia.

### **Lessons and Conclusions from Normalization, 1977–95**

Rapprochement did not come easily. The first lesson — normalization does not happen unless the situation is “ripe”.<sup>3</sup> The geopolitical

context of the moment must be conducive either to compromise by both parties or to a clearly superior position by one party that makes further debate by the other party moot. Negotiations with the Vietnamese under President Jimmy Carter, May 1977–October 1978, and negotiations beginning in 1989 under Presidents Ronald Reagan and George H.W. Bush (Bush 41) until fruition in 1995 under President Bill Clinton took place in radically different global contexts.

The six-year period, 1989–95, saw momentous changes in the global power structure, and by April 1991 the United States held an enormous strategic advantage in normalizing negotiations with Vietnam. With the collapse of the Soviet Union, US policy-makers actually did not pay much attention to Vietnam, except for Cambodia and the Missing in Action/Prisoner of War (MIA/POW) issue. In 1991, Washington presented Hanoi a plan (the “road map”) for a four-stage process of mutual confidence-building measures that would give the Vietnamese political and economic benefits in return for cooperation on the United Nations-sponsored peace settlement in Cambodia. The road map unequivocally outlined what Vietnam had to accept as a practical basis for moving incrementally towards full diplomatic relations and modification or removal of sanctions.<sup>4</sup> In a reinforcing move, the United States announced a \$1 million programme of prosthetics assistance to Vietnamese wounded in the war. Vietnam’s signature to the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict on 23 October 1991 met the key requirement of phase one of the road map.

With the collapse of communism in Eastern Europe, Vietnam saw that it had little choice but to agree to an internationalized compromise political settlement in Cambodia and to accommodate American requirements on MIA/POWs. In 1977, Vietnam had enjoyed the support of the Soviet Union. Viewing itself as the wave of the future, Vietnam was dizzy from success. It took comfort in the anti-war protest movement but seemed largely ignorant of American political institutions and procedures.<sup>5</sup> When Congress learned that economic assistance “to heal the wounds of war” was a Vietnamese precondition, it precluded any form of reparations.<sup>6</sup> In a side letter to the 1973 Paris Peace Accords, President Richard M. Nixon had agreed to “best efforts” to gain Congressional concurrence for reconstruction aid. In 1977, such an undertaking was out of the question because of North Vietnam’s military conquest of the South. Hanoi clung to the misapprehension that it was somehow owed money for humbling the United States. It was this flat demand

for economic assistance as a precondition to normalization that prevented progress.

The rhetoric of good intentions is no substitute for precision and clarity. The Woodcock Commission, which President Carter had sent to Hanoi in March 1977 to propose talks on unconditional normalization of political and economic relations, returned with a mixed message.<sup>7</sup> Carter expressed optimism: "I think this is about all they can do ... I don't have any way [to] prove that they have accounted for all those about whom they have information ... But I think that so far as I can discern, they have acted in good faith."<sup>8</sup> (A report four months earlier by the House Select Committee on Missing Persons in Southeast Asia had come to roughly the same conclusion.) No plan of action was devised, and matters were left in the realm of imprecise Vietnamese intentions on POW/MIAs and unclear American expectations. This loose approach should be contrasted with the road map under President George H.W. Bush and President Bill Clinton.

The POW/MIA issue served as a vehicle for communication on matters other than MIAs and allowed the two parties to remain in touch when there was little else to discuss: POW/MIA negotiations thus provided music for the mating dance. The Vietnamese knew that positive movement on their side would elicit a reaction from the Americans. Once Vietnam had withdrawn its troops from Cambodia in September 1989, a satisfactory arrangement regarding POW/MIAs was the main obstacle to normalization. Nonetheless, it still took more than five years to conclude the deal.<sup>9</sup>

US presidential leadership was important under President Carter, but less so under his successors. After Carter, normalization became a third rank foreign policy issue and was dealt with mainly in the context of US relations with ASEAN and China. President Reagan entered office in January 1981 unencumbered by doubts. He had served in World War Two and viewed the Vietnam War as a "noble cause".<sup>10</sup> During his two terms, the United States refused to consider normalization while Vietnam occupied Cambodia. However, POW/MIA discussions continued and a dialogue on legacy issues began: emigration of Amerasian (mixed blood) children, and the Orderly Departure Program (ODP) for legal exit of former inmates of Vietnamese re-education camps.<sup>11</sup>

During Bush 41, the Cold War ended. His successor, President Clinton, understood the importance of relations with Vietnam but was wary of moving too quickly because of campaign charges that

he had been a Vietnam War “draft dodger”. Towards the end of his presidency, President Clinton went to Vietnam and was received ecstatically by the Vietnamese public.<sup>12</sup> The process of political normalization under Bush 41 and Clinton pointed to the importance of maintaining momentum in extended negotiations. Rather than simply declining to advance to the next stage of the road map, US negotiators coupled their objections with disbursements of humanitarian aid to keep the process alive, mainly through non-governmental organizations (NGOs).

Without lobbying of Congress by Boeing, General Electric, Caterpillar, Microsoft and other large US corporations, normalization would have been delayed. The business constituency counterbalanced those POW/MIA groups which resisted concessions.<sup>13</sup> The National League of Families of American Prisoners and Missing in Southeast Asia was an influential player but countervailing pressures from the American business community increased, and a split emerged between the League and the State and Commerce Departments over the conditions under which the US embargo on Vietnam might be relaxed. The League remained opposed to diplomatic normalization even when it took place in 1995.<sup>14</sup> While Cambodia was unresolved and POW/MIA talks were unproductive, the catalyst was American business interests. Washington encouraged them on the basis of enlightened self-interest. This tactic was based on the hopeful assumption that the Vietnamese economic reforms proposed at the 1986 Sixth Vietnamese Communist Party (VCP) Congress would eventually take root. Slowly, in the 1990s, they began to do so.

Domestic distress also influenced Vietnam’s foreign policy. The Viet Cong faithful were angered after 1975 when Hanoi renounced its wartime promises to temporarily allow the South a degree of autonomy within the communist system. Also disillusioned were southerners who had hoped for an enlightened policy that would take into account the different society that had grown up below the 17th parallel after 1954. Vietnamese citizens had no direct role in such lofty policy matters but, indirectly, the miserable conditions throughout most of Vietnam pressured the VCP to open to the outside world.<sup>15</sup> Though wary of change, Vietnam’s leadership understood the danger to their authority. The crucial issue was how to manage economic reform without jeopardizing political control.<sup>16</sup> The 1986 Sixth VCP Congress lent official sanction to begin Vietnam’s long march away from Marxist economics. In 1987, Vietnamese Politburo Resolution Number 2 set in motion the strategic adjustment in Vietnam’s national security policy and presaged the military

withdrawal from Cambodia in 1989. Politburo Resolution Number 13 (May 1988), codified Vietnam's new "multidirectional foreign policy" and stimulated efforts to find a negotiated settlement that allowed Vietnam's escape from the Cambodia morass.<sup>17</sup>

### **Building the Economic Relationship**

Constructing the new bilateral economic relationship unfolded in two phases: first, from political normalization in July 1995 to the signing of the Bilateral Trade Agreement (BTA) in December 2001. Second, from the BTA to Vietnam's entrance into the World Trade Organization (WTO) in January 2007, the government had not only to draft and put laws and regulations on the books but also devise procedural changes for application on the ground. This meant coping with a residue of five decades of Marxism in the North, and by sharp contrast, an artificially stimulated but nonetheless functional entrepreneurial economy until 1975 in the South. There was hesitation on the part of conservative elements of the VCP to plunge eagerly into the free market embrace of American-style capitalism, for they had heard President Clinton's prediction that increased contact "... will advance the cause of freedom in Vietnam, just as it did in Eastern Europe and the former Soviet Union. I strongly believe that engaging Vietnam on the broad economic front of economic reform and the broad front of democratic reform will help honor the sacrifice of those who fought for freedom's sake in Vietnam."<sup>18</sup> The conservatives had long warned that the US would use normalization as a means to undermine their political control through "peaceful evolution". Moreover, entrenched elites feared the conversion to a market-based system would be a threat to the advantages given to state-owned enterprises (SOE) under the existing system.

On the whole, these reservations were allayed by subsequent policy decisions and actual regulatory measures by the government that gave stake-holders in the old system a fair share of opportunities for profit under a "market-based socialist economy". Vietnam's middle class, however defined, was miniscule in the 1980s, while in 2010 it is a formidable presence politically as well as economically. Today, the middle class shares with the VCP a stake in "stability". The decision to raise the profile of the Vietnamese National Assembly, reflected in the 1992 Constitution, is attributable in part to the VCP's recognition that an expanded venue for policy discussion was necessary to give at least the semblance of participatory governance.<sup>19</sup>

**Negotiating Vietnam's Accession to the WTO<sup>20</sup>**

By 2001, Hanoi and Washington had become satisfied that substantially improved bilateral relations across the board were in the national interest of both countries and that whatever differences remained (and there was a long list of knotty problems) could be addressed productively. Put simply, the Vietnamese power structure — the VCP and the elite business community that had grown up around it after 1986 — came to understand that the SOE system could operate profitably in a private enterprise environment. Party members were already in a privileged position to obtain their fair share of the wealth. Their partners, who may or may not have been Party members, had the significant connections to the international business world. The next step was to negotiate the terms of permanent normal trade relations (PNTR) status for Vietnam as a prelude to entering the WTO.

Agreement of the Vietnamese government to certain basic principles regarding religious freedom was indispensable to obtain approval of the US Congress. As Vietnamese WTO negotiators began bilateral discussions with their American counterparts in Geneva, Congress was discussing legislation on human rights in Vietnam. The House of Representatives passed the Vietnam Human Rights Act of 2003 (H.R. 1587). In September 2004, the George W. Bush administration (Bush 43) designated Vietnam as a “Country of Particular Concern” (CPC) under the US Religious Freedom Act, which opened the possibility of trade sanctions against Vietnam.

In February 2005, the Vietnamese government agreed to allow Protestants in the Central Highlands a limited degree of freedom in the use of “house churches” for group worship. Other positive Vietnamese moves led to a compromise bilateral accord on religious freedom. Consequently, the official visit to Washington of Prime Minister Phan Van Khai was able to go forward in June 2005 and became something of a triumph when it produced agreements on international adoptions of Vietnamese children, hints of fuller intelligence and military cooperation and a number of business contracts.

In February 2006, bilateral talks on human rights were resumed, and a bilateral agreement on Vietnam's WTO accession was signed. During the summer, PNTR hearings in both Houses of Congress were held; in September, the administration, over objections from

some members of the US Commission on International Religious Freedom, removed Vietnam from the CPC list. This move allowed President Bush to attend the November APEC Summit in Hanoi. On 29 December 2006, after Congressional approval, the President signed a proclamation granting PNTR to Vietnam.

At the time it was difficult to believe that all the pieces of the WTO puzzle — American human rights imperatives and Vietnamese disinclination to relax controls — could be put together. Certainly on the US side doubts remained.<sup>21</sup> However, on 11 January 2007, Vietnam became the 150th member of the WTO. In the shadow of a “rising China”, the determination on both sides to compromise during the crucial year of 2006 was driven in part by the broader agenda of regional security issues.

### **Current Issues in the Economic Relationship<sup>22</sup>**

Bilateral trade and investment have become, literally, the bread and butter of the new Vietnam-US relationship. The United States ranks either number one or two in dollar value among Vietnam’s trading partners, two-way trade having risen from \$220 million in 1994 to \$15.7 billion in 2008; the balance runs heavily in Vietnam’s favour (\$12 billion versus \$3.7 billion). Top US exports to Vietnam in 2009 were electrical machinery, non-railway vehicles, aircraft, meat, wood, iron and steel, plastic and animal feed. Top US imports from Vietnam in 2008 were clothing, fish, furniture, footwear, electrical machinery, spices, coffee, tea and nuts. Vietnam’s electrical machinery exports to the United States grew more than 1,000-fold over the last ten years, reaching nearly \$500 million in 2009.

As part of BTA implementation, Vietnam agreed to allow greater liberalization of its services sectors, including financial services, telecommunications and express delivery. Vietnam has committed to allowing 100 per cent foreign ownership of securities firms and express delivery service providers by 2012. Vietnam-China trade is greater (an estimated \$20 billion in 2008) but hard to determine accurately because of the lively undocumented cross-border commerce.

An important current issue in the economic relationship is Vietnam’s desire to be accepted into the US Generalized System of Preferences (GSP) programme as a “beneficiary developing country”. The United States maintains that Vietnam, as a “communist” country, is still a “non-market economy” (NME). Under the US Trade Act of 1974, Vietnam is thus ineligible for GSP unless certain additional

conditions are met: one is that Vietnam takes meaningful steps to provide workers with internationally recognized worker's rights. In addition to allegations of substandard working conditions including "sweatshop" working conditions and the use of child labour, the prime issue is Vietnam's restrictions on the right of association and collective bargaining. The Vietnamese government claims it has tried to comply with internationally recognized labour standards, focusing on its partnership with the International Labour Organization (ILO) and ratification of several ILO conventions to demonstrate a commitment to international labour rights standards. Nonetheless, working conditions in many areas remain below international standards, and the right of association in independent unions has not been honoured.

With regard to Intellectual Property Rights (IPR), Vietnam remains on the US Special 301 Watch List in 2009 because of a rise in online piracy. Although it has made progress over the past few years in modernizing its legal framework for IPR protection and enforcement, trademark infringement is widespread. Enforcement remains uneven for software, CDs, VCDs and DVDs. Vietnam's corrective actions, or lack thereof, will influence any consideration of its GSP application.

Under the WTO accession agreement with the United States, Vietnam is to remain a "non-market economy" for up to twelve years after its accession or until it meets US criteria for a "market economy" designation.<sup>23</sup> Designation as a market economy has both symbolic and practical value for the bilateral relationship. The Vietnamese government views it as an inherent part of normalization of trade relations. Continued NME designation increases the likelihood that anti-dumping and countervailing duty cases will yield adverse rulings against Vietnamese companies.

The Bilateral Investment Trade Agreement (BIT) is yet another issue. During their June 2008 meeting, President Bush and Prime Minister Dung announced the launch of talks to establish a BIT designed to improve the climate for foreign investors by establishing dispute settlement procedures and by protecting foreign investors from performance requirements, restrictions on transferring funds, and arbitrary expropriation. For Vietnam, a BIT could foster greater FDI flow and become a stepping stone to a free trade agreement with the United States.

Vietnam's clothing exports to the United States were the greatest beneficiaries of the 2001 BTA. Following the US extension of conditional NTR, US clothing imports increased in value and

market share, peaking in 2003 at 51.4 per cent. In response to Congressional “hold” placed on the 2006 PNTR bill, the Bush administration put in place a monitoring programme from January 2007 to January 2009.

Finally, catfish has been a constant source of trade friction.<sup>24</sup> Vietnam is a major exporter of “frozen fish fillets” using certain varieties of fish — known as *basa* and *tra* in Vietnamese — that are commonly referred to as catfish in the global fish market. Since 1999, Vietnamese exports of *basa* and *tra* frozen fish fillets have secured a growing share of the US market, despite objections from the US catfish industry. The United States has taken several actions designed to limit the import of Vietnamese *basa* and *tra*, including the passage of legislation that prohibits referring to *basa* and *tra* as catfish and the imposition of antidumping duties on “frozen fish fillets” from Vietnam. In 2006, the US Department of Commerce, responding to pressures from American catfish and shrimp interests, restricted seafood imports from Vietnam, thereby causing consternation among Vietnamese producers in the Mekong delta who had high expectations from the BTA. Supporters of US trade policy maintain that American consumers must be shielded from unsafe products and unfair business practices. Tensions were heightened by the passage of the US Farm Bill on 22 May 2008, transferring regulatory oversight of catfish imports to the US Department of Agriculture, and requiring the Secretary of Agriculture to develop procedures for inspecting imported catfish. The issue rests in the Office of Management and Budget, with no action taken as of August 2010.

### **Bilateral Assistance, Legal Reform and Agent Orange**

Aside from disaster relief, the US Agency for International Development (USAID) programme for Vietnam is one of the largest US development operations in Asia, amounting to \$103 million in fiscal year 2009. Beyond lifting the embargo, most other restrictions on aid to Vietnam from the 1975 era have been erased. Three-quarters of US assistance is for “humanitarian assistance”, principally the President’s Emergency Plan for AIDS Relief (PEPFAR). Probably the most significant development activity, the USAID Support for Trade Acceleration Project (STAR), is in response to the Vietnamese government’s request for technical assistance in meeting the terms of the 2001 BTA and WTO membership. The BTA and WTO membership forced Vietnam to examine its antiquated legal system and undertake reforms in order to deal with life in the international

commercial and business community. STAR has provided technical expertise to the Ministry of Justice, the National Assembly, the Supreme People's Court and the Vietnam Chamber of Commerce and Industry. It has helped government agencies establish a regulatory framework for a market economy and to draft 100 comprehensive reform of laws (of which 75 have been enacted as of 2008) and policies related to trade and investment. STAR has also helped the government to harmonize its laws and their implementation with international practice. This includes training officials in workshops with other Southeast Asia countries, English translations, revision of court procedures, a gazette to inform the public of judicial verdicts and proceedings and legislative planning at the National Assembly.<sup>25</sup>

STAR's strength is that its programmes are driven by requests from the government, not by United States prodding. It could be argued that STAR is in effect promoting "rule by law" rather than "rule of law". In riposte, we note that the United States is one among a dozen other countries or agencies (Canada, Sweden, Australia, Denmark, the European Union, the United Nations Development Programme) involved in legal reform activities in Vietnam that have the potential over time to bring a greater degree of social equity and justice. Although there can be no certainty on this delicate point, a long-term US involvement in the Vietnamese legal reform process is desirable. In October 2010, STAR was extended for a third multi-year term.

### **Agent Orange (Dioxin)**

Agent Orange (Dioxin) is a painful and multifaceted legacy of the war.<sup>26</sup> Between 1962 and 1971, more than 20 million gallons of herbicide were stored, mixed and loaded into US and South Vietnamese aircraft for aerial spraying campaigns that denuded an estimated five million acres of forest and destroyed crops in another 500,000 acres. The herbicides were contaminated by dioxin, a highly toxic and persistent organic pollutant which has been linked by the US-based Institute of Medicine to cancers, diabetes, nerve and heart disease among people directly and indirectly exposed and to spina bifida among their offspring. Dioxin's toxicity lasts many decades and does not degrade easily. An estimated 4.5 million Vietnamese and a portion of US military personnel who served in Vietnam have been exposed to Agent Orange or other herbicides. The Vietnamese Red Cross estimates that up to three million adults

and children have suffered adverse health effects, congenital and development defects.

After a decade of bureaucratic fumbling, Agent Orange became a high profile issue during President Bush's visit to Hanoi in 2006 with the formal establishment of a joint committee to oversee a cooperative effort, and it was further discussed during Prime Minister Nguyen Tan Dung's visit to Washington in June 2008. Among the dozens of NGOs involved in Agent Orange activities, the Ford Foundation and the Aspen Institute have taken lead roles.<sup>27</sup> There are two aspects to the issue: first, cleaning up the "hot" storage sites that actively poison their immediate environment; and second, addressing the health problems of the hereditary dioxin-affected population, which now includes a generation of Vietnamese born after the war.

Site cleanup is manageable but expensive and time-consuming. Addressing the effects of dioxin on human beings is even more difficult and will require a well-funded, long-term programme for medical and other humanitarian assistance.<sup>28</sup> Remediation work at Danang airport site will be completed in 2013 at an estimated cost of \$34 million. Danang is the template for similar clean-up operations elsewhere and is under USAID direction with input from the Environmental Protection Agency.<sup>29</sup> Approximately \$13.9 million has been appropriated by the US Congress for this initial work and associated research. Similar remedial projects are necessary at the two other major storage sites, Phu Cat and Bien Hoa airports, and will get underway over the next few years.<sup>30</sup> The "Plan of Action" devised by Ford and Aspen calls for a commitment of \$300 million from the US side during the period 2010–20 to confront the long-term human impact of Agent Orange.

### **Human Rights and Religious Freedom**

It is no secret that the US and Vietnam hold strongly opposed views on human rights, religious freedom and philosophies of governance. Article 69 of Vietnam's 1992 Constitution states that "the citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assembly, form associations, and hold demonstrations *in accordance with the provisions of the law*" (emphasis added). In practice, the application of law in exercise of these "freedoms" is reportedly extreme and abusive. Article 69 appears to be designed in large part to protect the power of the VCP rather than provide impartial justice.

The VCP claims that "stability" is essential to secure economic progress and social tranquility. In the words of a senior Vietnamese

official recently: “Look around you in Southeast Asia, look at what has happened to Thai ‘democracy’ or the chaos in the Philippines! Do you think we want that for Vietnam?”<sup>31</sup> The full rationale, of course, goes deeper than “stability”. It rests in the VCP’s precept that any challenge to the party’s primacy, no matter how non-violent, is *ipso facto* illegal. This was underscored in Prime Minister Dung’s 18 August 2010 speech to a ceremony marking the Ministry of Public Security’s 65th anniversary in which he told the police to “not allow political opposition parties to be established to oppose our government” and condemned “cunning plots of outside forces”.<sup>32</sup> International human rights advocates would reply that the repressive actions of the VCP not only violate fundamental human rights but also gratuitously impede the Vietnamese people’s creativity and stifle the country’s potential.

In 2005 and 2006 energetic diplomacy on the part of Hanoi and Washington resulted in several minor concessions from the Vietnamese. Hanoi promised to halt forced renunciation of faith and to allow broader use of “house churches” in the Central Highlands. Human rights advocates maintain that positive steps are ephemeral, subject to the judgement and application of local officials, and that more needs to be done to consolidate these small gains. The majority of Vietnamese Buddhists practise their religion under the officially sanctioned Vietnamese Buddhist Sangha (VBS). According to the Department of State, Catholic and Protestant sects appear able to practise the religion of their choice, as long as the religion is registered under the terms of the “Legal Framework of Religion” and abide by its rules. One notable Buddhist exception is the United Buddhist Church of Vietnam (UBCV). It is not officially recognized, its leaders remain under tight surveillance and their activities are limited.<sup>33</sup>

In addition, because of extensive commercial development of choice sites along the coast (Hoi An, Danang, Nha Trang) and in certain rural areas, violent land ownership disputes have occurred, sometimes (as in Con Dau) between the Catholic Church and local officials regarding confiscation of lands deemed Church property.<sup>34</sup> This is less an issue of religious freedom than of legality of ownership. Yet when the police assault Catholic villagers on behalf of a rich real estate developer, human and civil rights are violated. This sort of pre-emptive behaviour is happening with increased frequency as the Vietnamese economy expands.

As the VCP was gearing up for its Tenth Party Congress in the spring of 2006, a network of Vietnamese pro-democracy activists

issued political statements calling for the government to show greater respect for human rights and to permit citizens to associate freely and form their own parties. Known as “Bloc 8406” (8 April 2006), this association published on the Internet an “Appeal for Freedom of Political Association”, signed by a diverse collection of academics, lawyers, medical doctors, religious leaders and army veterans. The Vietnamese Ministry of Public Security curbed Bloc 8406 but the crackdown was restrained by the international attention paid to preparations for the October 2006 APEC meeting and to the Hanoi visit by President Bush and Asian heads of state.<sup>35</sup>

In 2007, with APEC and WTO accession in the past, the government renewed its suppression of dissident voices including a broad crackdown against individuals who had spoken out in favour of political liberalization, most prominently Bloc 8406. The government has continued to mete out harsh treatment to internal dissidents, many of whom had already served prison terms, been released, and then incarcerated or put under house arrest. Harsher punishments are given to Vietnamese citizens who are suspected of affiliation with the banned Vietnamese Democracy Party and international political organizations considered hostile, such as the Viet Tan Party based in the United States. The government strictly controls the print media, limits access to the internet and hampers other forms of electronic communication (e.g., Facebook, Google, the blogosphere).<sup>36</sup> The continued crackdown may be attributable in part to the tense build-up to the Eleventh Party Congress (including circulation of the Party’s draft “political report”) to be held in early 2011 and the National Assembly elections soon thereafter.

The continuing expressions of disagreement between Hanoi and Washington have so far not derailed the overall positive thrust of bilateral relations. At the ASEAN Post-Ministerial conference in Hanoi in July 2010, when Secretary of State Clinton openly chastised Vietnam for its human rights record, there was another round of what has become a somewhat ritualistic agreement to disagree.<sup>37</sup>

### **Congress and the Vietnamese American Community**

Two groups — the US Congress and the Vietnamese American (*Viet Kieu*) community — are indispensable participants in any policy discussions concerning future steps in US-Vietnam rapprochement. The United States Congress played a major role in the course of the Vietnam War during the 1960s and 1970s and particularly in

the 1974–75 denouement when support for the Thieu regime was drastically cut. In 1977, as noted above, Congress removed any possibility of giving “reparations” to Vietnam. In 1993, it played a strong hand in the MIA/POW issue when the Kerry-Smith Senate Select Committee undertook an investigation and wrote a report that cleared the way for normalization of US-Vietnam political relations in 1995. Congressional approval was needed to grant Vietnam PNTR in 2006 in order to be eligible for the WTO. Congress vigilantly protects US commercial interests through liaison with the Departments of Agriculture, Labor, and Commerce, and it suggests measures to advance constituents’ interests.

Beginning in the 107th Congress, numerous pieces of legislation critical of Vietnam’s human rights policies and setting penalties if corrective actions were not taken were introduced in the House of Representatives and the Senate.<sup>38</sup> In the current 111th Congress, which expires January 2011, three House Resolutions expressing concern on human rights or religious freedom issues remain on the House agenda (H.Res.20, H.Res.1515 and H.Res.1572). Two bills (H.R. 1969, Smith, NJ) and S. 1159 (Boxer, CA), both entitled “Vietnam Human Rights Act of 2009” remain on the agenda. All the above legislation has been referred to the respective foreign affairs committees.

H.R. 1969 prohibits US non-humanitarian assistance to Vietnam in excess of fiscal year 2009 amounts unless the president certifies substantial progress; it declares that US policy should be to overcome Vietnamese jamming of Radio Free Asia; and it specifies other actions the United States should take to promote democracy and human rights protection. S.1159 makes similar points. These bills contain Presidential waivers “if increased assistance would promote the purposes of this act or it is otherwise in the US national interest”. They are unlikely to receive action before expiration of the 111th Congress. However, it is certain that similar bills will be introduced sooner or later in the 112th Congress and subsequent congresses, regardless of which political party is in control of the House and Senate because criticism of Vietnam’s human rights record comes from both sides of the aisle. Current bills stipulate that non-humanitarian assistance like STAR should not be increased beyond present levels.

What is important is that the “ritualistic agreement to disagree” on human rights may no longer suffice if US-Vietnam military-to-military relations continue to blossom, as they seem to be doing, and if Vietnam requests sale of certain types of military equipment

under the US Foreign Military Sales (FMS) programme. Then, Congressional action or lack thereof would have an impact. The Congress would take into account the new thrust of the administration's Asia policy which gives considerable significance to the South China Sea issue, security cooperation with ASEAN, and rapprochement with Vietnam, all of which make sanctions against Vietnam on human rights grounds more complicated to put into practice.

The Vietnamese American community, now in its second generation and about 1.7 million strong, is a vibrant, constructive factor in American society and a major player in the dynamics of US-Vietnam relations, particularly in southern California, Texas and Virginia, where Vietnamese Americans are increasingly represented in local governments, small business and advocacy groups. The community makes important contributions to the economy of Vietnam through remittances. According to the World Bank and International Monetary Fund data, from 2001 to 2008 the annual amount remitted to Vietnam more than tripled to \$7.2 billion, about 8 per cent of the country's GDP. Additional funds flow through undocumented channels. Those Vietnamese who came as refugees soon after 1975 were from the well-educated professional and business classes in the South. Their children raised and educated in the United States and speaking English as their first language, are robustly American. Many of the Vietnamese who arrived twenty years ago, or less, under the Orderly Departure (ODP), the Humanitarian Operation (HO) for former re-education detainees, or other immigration programmes have had difficulty adapting to American life and are disproportionately represented on welfare and unemployment rolls.

"National reconciliation" is a highly sensitive subject. Few Vietnamese Americans would actually seek the violent overthrow of the current Hanoi government, yet probably fewer still would express openly a favourable opinion of the existing communist regime. Suspicion and hatred are strong but generally subdued. A minority, mainly of the older generation, is politically active and routinely organizes demonstrations against Vietnamese government delegations when they visit the United States. They have strongly criticized what they consider to be the Hanoi government's weakness in land border negotiations and in resisting China's assertive activities in the South China Sea, which has contributed to anti-government sentiment. Nonetheless, many Vietnamese Americans have returned to Vietnam for Tet holidays to visit family and friends,

and there is an enormous flow of two-way communication across the Pacific.

### **Expanding and Strengthening Rapprochement**

In the landmark 2008 visit of Prime Minister Dung to Washington, President Bush declared the United States' "positive, growing friendship [and] mutual respect" for Vietnam and pledged "support for Vietnam's national sovereignty, security, and territorial integrity".<sup>39</sup> These were words that would have been inconceivable in the bitter aftermath of 1975. Today, they are directly relevant to China's assertive policy regarding the South China Sea.

Rhetoric aside, rapprochement with Vietnam raises difficult questions. How does the United States balance rapprochement with a Vietnam that has already established intricate working relations with China? At what point could rapprochement with Vietnam damage US cooperation with China on other vital issues? Should there be specific or implied linkage between military-to-military relations and improvements in Vietnam's human rights practices? How can the United States "facilitate" South China Sea issues when it already rejects China's initial broad claims of sovereignty? Is "facilitation" a practicable objective or does the United States risk entering an interminable negotiation akin to the Middle East peace process? Finally, what might be the future of cooperative multilateral development of the natural resources in the waters of the South China Sea?

The 2010 US Quadrennial Defense Review (QDR) states that Vietnam is a country with which the United States seeks to build a "new comprehensive partnership".<sup>40</sup> Vietnamese defence officials seem divided about whether the current level of engagement should be considered a "strategic relationship" and whether the trajectory of the relationship with the United States portends something called a "comprehensive partnership". On 17 August 2010, Deputy Assistant Secretary of Defense for South and Southeast Asia, Mr Robert Scher, met Vietnam's Deputy Defense Minister Mr Nguyen Chi Vinh for the first-ever formal "defence dialogue". It has taken ten years to get to this point in defence relations. During the last decade, a procession of Vietnamese civilian leaders have visited Washington, and in return many senior-rank American officials have visited Hanoi and Ho Chi Minh City. Two US presidents (Clinton in 2000, Bush in 2006) and multiple times the Secretaries of State, Defense and Treasury, plus

other cabinet secretaries and national security advisors, have been to Hanoi and Ho Chi Minh City. Three Vietnamese leaders (Prime Minister Phan Van Khai in 2005, President Nguyen Minh Triet in 2006 and Prime Minister Nguyen Tan Dung in 2008) plus a host of ministers and lesser government and VCP officials have visited Washington.

Both sides have agreed that military-to-military activities should not get ahead of other aspects of rapprochement. In 2005, Vietnam signed an end user agreement that was a prerequisite for starting International Military Education Training (IMET). In 2006, International Traffic in Arms Regulations (ITAR) restrictions were modified to enable some non-lethal arms sales. During 2007–08, the “one ship per year” rule was flexible enough so that a hydrographic US Navy and later a humanitarian vessel could visit in addition to the number of port calls already scheduled.

Beginning in 2000, following the visit to Hanoi of then-Secretary of Defense William Cohen, American naval vessels began to pay courtesy calls at Vietnamese ports, what was then seen as a significant development in military-to-military relations. In 2009 and 2010, Vietnamese military and civilian officials made “fly-outs” to US aircraft carriers to watch launch and recovery operations, causing only a brief ripple in the news cycle. In August 2010, the guided-missile destroyer *USS John S. McCain* visited Danang, as did the *USS Lassen*, a destroyer commanded by a Vietnamese American officer in 2009. Two US Navy vessels recently undertook repairs at Vietnamese shipyards. The US 7th Fleet exercise “Pacific Partnership 2010” conducted extensive joint training activities with the Vietnamese Navy at sea, and then performed “civic action” and medical calls in Binh Dinh province. Search and recovery, environmental security and demining have become regularly scheduled military-to-military activities.

Vietnam appears prepared to accept a modest ratcheting up of military-to-military activities and a new level of cooperation in specific defence areas. It seems ready to put the relationship in what might tentatively be described as a “strategic perspective” but without showing the world an overt enthusiasm for a close alignment with the United States. The US takes its new relationship with Vietnam seriously — and with an appropriate dash of realism — and the Vietnamese have exhibited similar prudence.

### **China and the South China Sea: What Next?**

China is never far from mind when Vietnamese and Americans

sit down to talk geopolitics. Vietnam has a greater investment in rapprochement than does the United States because of China's proximity, size and burgeoning economic power, plus two thousand years of history and countless violent skirmishes. For Vietnam, China will always be there, figuratively and in hard military terms. There is no such certainty about the United States, which has massive and often urgent global priorities. At present the US economy is faltering and its military is already spread thin. The prospect of Chinese hegemony is an obvious concern but the United States has a multitude of active problems that also require attention. Moreover, Vietnam shares with China an emphasis on "stability" as the key to socio-economic development, an attachment to a highly authoritarian control system and a rejection of multi-partyism and "peaceful evolution". Vietnam and China have intimate party-to-party relations even as their governments are frequently at odds.

Since the September 1990 Sino-Vietnamese leadership summit at Chengdu,<sup>41</sup> and the comprehensive political settlement of the Cambodia conflict a year later, the two countries have created a complicated state of "normalcy". But normalcy does not solve the basic problem of asymmetry: according to Brantly Womack "it merely provides the patterns for managing an asymmetrical relationship for mutual benefit".<sup>42</sup> For Vietnam, China is a permanent existential problem. For China, Vietnam (which approximates in population to a medium-sized Chinese province) is of second rank importance except for the South China Sea and Vietnam's position as a "front line" ASEAN state. For the United States, China is a critical collaborator in any peaceful resolution of the North Korea nuclear issue, to cite but one regional issue which could well eclipse all others.

On 23 July 2010, at the ASEAN Regional Forum (ARF) in Hanoi, Secretary Clinton asserted US support for a "collaborative diplomatic process for resolving various territorial disputes without coercion" and said the United States believes "... legitimate claims to maritime space in the South China Sea should be derived solely from legitimate claims to land features". Secretary Clinton offered a facilitative role for the United States in multilateral negotiations.<sup>43</sup> This statement was in contrast to previous anodyne expressions of US policy in which only freedom of navigation, the sanctity of international waters and the need for peaceful resolution were mentioned. Her statement bluntly contradicted China's claims to sovereignty, which would extend close to the shores of ASEAN

countries and would be overlapped in part by territorial claims of all four ASEAN claimants. They would also subsume the international waterways through which the bulk of Japan's and South Korea's energy imports travel each day.<sup>44</sup>

The Secretary's statement was welcomed by the ASEAN members as the first consequential US statement on the South China Sea as a matter of international diplomacy. China's reaction was swift and extreme. The new US formulation has apparently touched a raw nerve in China's world view of itself. The Chinese Foreign Ministry declared that Secretary Clinton's "seemingly impartial remarks were in effect an attack on China and were designed to give the international community a wrong impression that the South China Sea is a cause for grave concern".<sup>45</sup> Other official sources proclaimed China's "indisputable sovereignty" over islands in the South China Sea and the "surrounding waters".<sup>46</sup> Since then, media outlets in China have chimed in to condemn the US position with a stream of nationalistic diatribes. Sovereignty over the South China Sea has been christened a "core issue", on a par with Taiwan and Tibet. Vietnam reacted moderately, not going far beyond the basic text of the statement, thereby not unduly provoking China and finessing talk about American encirclement or containment.

## Conclusions

Having shelved for now its relatively benign policy line, China has reverted to a hyper-nationalistic international approach to its "enemies", real and imagined. This shift need not accelerate the pace of rapprochement between Vietnam and the United States, since Chinese strategic objectives are certainly well known and must be dealt with no matter how they are packaged. The United States has been portrayed in recent years, not without reason, as turning its back on Southeast Asia and remaining passive in the face of China's growing regional profile. In 2010, that criticism, however, is no longer easy to sustain. The United States signed the Treaty of Amity and Cooperation in July 2009 and an ambassador to ASEAN has been appointed. The Secretaries of State and of Defense are personally more involved in regional forums, yet also meet more regularly with their individual ASEAN counterparts in traditional bilateral settings than was the case a decade ago. President Obama, in November 2009, attended the first ASEAN-US Summit in Singapore; the second US-ASEAN Summit was held in New York in September; Secretary of Defense Gates attended the

ASEAN Defence Ministers Meeting Plus (ADMM Plus) in Hanoi in October; Secretary Clinton attended the EAS a few weeks later. These are positive developments that demonstrate a sophisticated, US approach that is more responsive to ASEAN's concerns.

For Vietnam, multilateralism, especially membership in ASEAN, is a powerful weapon. Similarly, multilateralism, buttressed by strong bilateral arrangements, is the United States' most effective way to deal with Southeast Asia's problems, including the South China Sea. This takes deeds as well as words. Secretary Clinton declared that the United States "... is prepared to facilitate initiatives and confidence building measures ..." consistent with the 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea.<sup>47</sup> One US objective should be to persuade China that tranquility in the South China Sea is more valuable to its long-term national interest than "sovereignty". There is much to be gained by China through joint multilateral development of maritime natural resources, cooperatively with all the claimants including Vietnam, and much to be lost through continued confrontation with ASEAN, not to mention the United States, Japan and other international stakeholders. But at bottom the question is, can China tolerate any "solution" that negates its claim to sovereignty over this huge chunk of territory? In any event, the *USS George Washington* can probably count on being at home in the international waters of the South China Sea for a very long time.

Rapprochement between Vietnam and the United States is in its infancy and needs time to grow. Mutual trust needs to be created. While the South China Sea issue occupies a special space in US-Vietnam affairs, a meaningful long-term relationship needs to rest on a much broader foundation. Cooperation in modernizing Vietnam's education system is one highly important area where US resources and expertise can help confirm rapprochement. Thirteen thousand Vietnamese study in the United States; means should be found to increase that number and to expand the study of Vietnam at the graduate level in the United States. Fundamental problems inhibit Vietnamese education reform.<sup>48</sup> There is already extensive cooperation on nuclear training and regulatory controls through the US Department of Energy.<sup>49</sup> The US Lower Mekong Initiative, established in 2009, re-engages the United States on the ground in a multi-agency effort to improve the education, environmental, and health infrastructure of the region. Consultation between US and Vietnamese government agencies on human trafficking continues, as does wide-ranging cooperation on legal reform under STAR and

humanitarian issues such as Agent Orange remediation. Resolution of the MIA issue remains a priority. These active programmes are critical ingredients of genuine rapprochement.

Basic human rights issues will not go away. The US-Vietnam human rights dialogue should not become “ritualistic” but must grapple with practical solutions. The United States should avoid making the acceptance of its position the price for its cooperation in other important aspects of rapprochement, nor should Vietnam expect a similar licence. It would be unwise to place Vietnam back on the CPC list because this would give substantial support to those in Vietnam who stoutly resist rapprochement. Here, clearly juxtaposed, are clashing principles that challenge the principles of *realpolitik*.

The past twenty years have witnessed positive changes in Vietnam’s economic policies and practices and steady gains in the standard of living for a substantial percentage of the country’s 87 million people. It is arguable that as long as economic reforms bring material benefits, the Vietnamese people seem willing to tolerate political limitations. Yet, it is fair to ask why some of Vietnam’s elites — artists, lawyers, scientists, retired military officers, retired members of the VCP — have put their lives and liberty at risk by joining Bloc 8406? And what happens if the benefits of “stability” are diminished or when flagrant abuses of power occur, as was the case in Thai Binh province in 1997 when the government experienced public outrage and violence?<sup>50</sup>

The attitude of the Vietnamese American community is important at every step of the way as US policy evolves. It is especially critical in Vietnam’s escalating quarrel with China and budding US-Vietnam-ASEAN cooperation on the South China Sea issue. Congress’ attitude in the future towards expanding cooperation with Vietnam will be influenced by the community. One wonders if deep-rooted Vietnamese animosity towards China may contribute to the process of national reconciliation between overseas Vietnamese and the current government.

There is an abiding concern among ASEAN friends, and obviously the Vietnamese, about the United States desire and ability to “stay the course” — the Vietnam syndrome again, in reverse. Will the United States lay too much of the diplomatic burden on ASEAN to strike a deal? Can this new thrust of US policy be sustained if Secretary of State Clinton departs or if there is a new administration in 2012? The answers to these questions remain unclear, and may strike at the very core of US-Vietnam rapprochement. Rapprochement is by no means an immutable fixture on the Asian geopolitical scene. Its continued value depends on give-and-take bilateral discussions,

especially on military-to-military matters, and on a willingness by both parties to redefine, without rancour, existing understandings as conditions demand.

## NOTES

- <sup>1</sup> For example, H.R. McMaster, *Dereliction of Duty: Lyndon Johnson, Robert McNamara, the Joint Chiefs of Staff, and the Lies that Led to Vietnam* (New York, NY: Harper Collins, 1997). See also Paul M. Kattenburg, *The Vietnam Trauma in American Foreign Policy, 1945–75* (New Brunswick, NJ: Transaction Publishers, 1980).
- <sup>2</sup> See Jeffrey Record and W. Andrew Terrill, “Iraq and Vietnam: Differences, Similarities, and Insights”, US Army Strategic Studies Institute, May 2004; Kenneth J. Campbell, *A Tale of Two Quagmires: Iraq, Vietnam, and the Hard Lessons of War* (Boulder, CO: Paradigm Publishers, 2007).
- <sup>3</sup> Richard H. Solomon, *Exiting Indochina: US Leadership of the Cambodian Settlement & Normalization with Vietnam* (Washington, D.C.: United States Institute of Peace Press, 2000), pp. 100–3.
- <sup>4</sup> *Ibid.*, pp. 82–88, and his testimony before the East Asia and Pacific Subcommittee of the US Senate Foreign Relations Committee, 25 April 1991.
- <sup>5</sup> VCP General Secretary Le Duan called Vietnam “... impregnable outpost of the socialist system, and important factor of ... national independence, democracy, and social progress in Southeast Asia”. *Political Report*, as recorded in Communist Party of Vietnam, 4th National Congress: Documents (Hanoi: Foreign Languages Publishing House, 1977) cited in Vo Nhan Tri, *Vietnam’s Economic Policy Since 1975* (Singapore: Institute of Southeast Asian Studies, 1977), p. 62.
- <sup>6</sup> Amendment offered by Senator Robert Dole to Omnibus Multilateral Development Institutions Act, H.R. 5262, Sec. 703, *Congressional Record*, 19 May 1977.
- <sup>7</sup> Lewis M. Stern, *Defense Relations Between the United States and Vietnam: The Process of Normalization, 1977–2004* (Jefferson, NC: McFarland and Company, 2005).
- <sup>8</sup> President Carter’s press conference, 24 March 1977, <<http://www.presidency.ucsb.edu/ws>>.
- <sup>9</sup> Richard Childress and Stephen Solarz, “Vietnam: Detours on the Road to Normalization”, in *Reversing Relations with Former Adversaries: US Foreign Policy After the Cold War*, edited by C. Richard Nelson and Kenneth Weisbrode (Gainesville, FL: University of Florida Press, 1998).
- <sup>10</sup> Presidential Address, 11 November 1988, at dedication of the Vietnam War Memorial, Washington, D.C., <<http://www.americanrhetoric.com/speeches/ronaldreagan/vietnammemorial>>.
- <sup>11</sup> Aware of the National League of Families’ political clout, Reagan in 1987 sent a delegation to Hanoi headed by former chairman of the Joint Chiefs of Staff General John Vessey to seek agreement on field investigations and repatriation of remains. It had limited initial success. See Solomon, *Exiting Indochina*, op. cit., pp. 82–83.

- <sup>12</sup> Frederick Z. Brown, "President Clinton's Visit to Vietnam", Asian Update Series, The Asia Society, New York, 2000.
- <sup>13</sup> See Frederick Z. Brown, "The United States and Vietnam: Road to Normalization", in *Honey and Vinegar: Incentives, Sanctions, and Foreign Policy*, edited by Richard N. Haass and Meghan L. O'Sullivan (Washington, D.C.: Brookings Institution Press, 2000), pp. 152–55. See also Edwin A. Martini, *Invisible Enemies: The American War on Vietnam, 1975–2000* (Amherst, MA: University of Massachusetts Press, 2007), pp. 162–204, for a contrasting view.
- <sup>14</sup> Brown, "The United States and Vietnam", op. cit, pp. 157–58.
- <sup>15</sup> See works of Carlyle A. Thayer, in particular, "Mono-Organizational Socialism and the State", in *Vietnam's Rural Transformation*, edited by Benedict J. Tria Kerkvliet and Doug J. Porter (Boulder, CO: Westview Press, 1995). See also *Getting Organized in Vietnam: Moving in and Around the Socialist State*, edited by Ben J. Kerkvliet, Russell H.K. Heng, and David W.H. Koh (Singapore: Institute of Southeast Asian Studies, 2003) and Ben J. Kerkvliet, *The Power of Everyday Politics: How Vietnamese Peasants Transformed National Policy* (Singapore: Institute of Southeast Asian Studies, 2005).
- <sup>16</sup> For eloquent essays on this topic, see David Wurfel and David W.P. Elliott, "Part One: Origins and Dilemmas", in *Reinventing Vietnamese Socialism: Doi Moi in Comparative Perspective*, edited by William S. Turley and Mark Selden (Boulder, CO: Westview Press, 1993).
- <sup>17</sup> Carlyle A. Thayer, "Vietnamese Foreign Policy: Multilateralism and the Threat of Peaceful Evolution", in *Vietnamese Foreign Policy in Transition*, edited by Carlyle A. Thayer and Ramses Amer (New York, NY: St. Martin's Press, 1999).
- <sup>18</sup> "US Normalization of Relations with Vietnam", *Department of State Dispatch*, Washington, D.C., 10 July 1995.
- <sup>19</sup> The increased emphasis placed on the role of the National Assembly can be misleading. See Edmund Malesky and Paul Schuler, "Paint-by-Numbers Democracy: The Stakes, Structure, and Results of the 2007 Vietnamese National Assembly Election", *Journal of Vietnamese Studies* 4, Issue 1 (Winter 2009).
- <sup>20</sup> See David Dapice et al., *Choosing Success: The Lessons of East and Southeast Asia and Vietnam's Future: A Policy Framework for Vietnam's Socioeconomic Development, 2011–2020* (Cambridge, MA: Harvard University John F. Kennedy School of Government, Asia Program, January 2008).
- <sup>21</sup> United States Commission on International Religious Freedom in the World, Eleventh Annual Report, 29 April 2010, <<http://www.uscirf.gov/vietnam.html>>.
- <sup>22</sup> See Michael F. Martin, "U.S.-Vietnam Economic and Trade Relations: Issues for the 111th Congress", CRS Report for Congress, 3 May 2010, R40208, <<http://www.crs.gov>>.
- <sup>23</sup> Under US trade law, "nonmarket economy country" means "any foreign country that the administering authority determines does not operate on market principles of cost or pricing structures, so that sales of merchandise in such country do not reflect the fair value of the merchandise." *Ibid.*, p. 15.
- <sup>24</sup> See Elizabeth Becker, "World Business Brief (Fish Trade Dispute)", *New York Times*, 28 January 2003; Seth Mydans, "Americans and Vietnamese Fighting Over Catfish", *New York Times*, 5 November 2002.

- <sup>25</sup> Mark Sidel, *Law and Society in Vietnam: The Transition from Socialism in Comparative Perspective* (New York, NY: Cambridge University Press, 2008), especially pp. 214–22.
- <sup>26</sup> Walter Isaacson, “The Legacy of a Distant War”, *Time*, 12 March 2007.
- <sup>27</sup> “Addressing the Legacy of Agent Orange in Vietnam: Declaration and Plan of Action”, US-Vietnam Dialogue Group on Agent Orange/Dioxin, 2010–2019, Washington and Hanoi, June 2010, <[www.aspeninstitute.org](http://www.aspeninstitute.org)>.
- <sup>28</sup> Michael G. Palmer, “The Case of Agent Orange: International Perspectives and an Homage to Victims”, *Contemporary Southeast Asia* 29, no. 1 (April 2007): 172–95.
- <sup>29</sup> “US and Vietnam take steps to contain Agent Orange contamination at old US air base”, *International Herald Tribune*, 1 February 2008.
- <sup>30</sup> Testimony of Matthew Palmer, Acting Deputy Assistant Secretary of State, East Asia and Pacific Affairs, before the Subcommittee on Asia and the Pacific, Senate Foreign Relations Committee and the Global Environment Committee on Foreign Affairs, 15 July 2010, <<http://www.state.gov/p/eap/rls/rm/2010/07/144702.htm>>.
- <sup>31</sup> Senior Vietnamese official’s private conversation with the author at Texas Tech University-Diplomatic Academy of Vietnam conference, Hanoi, 8–9 July 2010.
- <sup>32</sup> *Cong An Nhan Dan*, 18 August 2010.
- <sup>33</sup> See Section 2c, “Freedom of Religion”, 2009 Human Rights Reports: Vietnam, US Department of State, <<http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136015.htm>>.
- <sup>34</sup> A dispute in Con Dau, a Catholic village near Danang, caused Congressional demands for an investigation by the United States Commission of International Religious Freedom (UCIRF).
- <sup>35</sup> See Carlyle A. Thayer, “Vietnam: The Tenth Party Congress and After”, in *Southeast Asian Affairs 2007*, edited by Daljit Singh (Singapore: Institute of Southeast Asian Studies, 2007), pp. 381–97.
- <sup>36</sup> See Section 2b, “Freedom of Speech and Press” and “Internet Freedom”, 2009 Human Rights Reports: Vietnam, US Department of State, op. cit.
- <sup>37</sup> “... I appreciate very much the opinion of President Obama regarding human rights. He said that there’s no perfect way and each country should select their own ways, depending on the circumstances of the nation and [that] human rights values shouldn’t be imposed from the outside.” Response of Vietnam Deputy Prime Minister and Foreign Minister Pham Gia Khiem to US Secretary of State Hillary Rodham Clinton. See Department of State, Office of the Spokesman, 2010/T32-17, 22 July 2010, <<http://www.state.gov/secretary/rm/2010/07/145034.htm>>.
- <sup>38</sup> See Mark Manyin, “US-Vietnam Relations in 2009: Current Issues and Implications for US Policy”, Congressional Research Service, R40208, 5 February 2009, pp. 11–14, and “Selected Legislation”, pp. 25–26, <[http://assets.opencrs.com/rpts/R40208\\_20090729.pdf](http://assets.opencrs.com/rpts/R40208_20090729.pdf)>.
- <sup>39</sup> “Joint Statement between the United States of America and the Socialist Republic of Vietnam”, *VietNamNet*, 6 June 2008; see also Dan Eggen, “Vietnamese Premier Meets With Bush, Gates”, *Washington Post*, 25 June 2008.
- <sup>40</sup> Quadrennial Defense Review <<http://www.defense.gov/QDR>>.

- <sup>41</sup> Carlyle A. Thayer, "Sino-Vietnamese Relations: The Interplay of Ideology and National Interest", *Asian Survey* 34, no. 6 (June 1994): 516–17.
- <sup>42</sup> Brantly Womack, *China and Vietnam: The Politics of Asymmetry* (New York, NY: Cambridge University Press, 2006), p. 256.
- <sup>43</sup> Office of the Spokesman, Department of State press release 2010/T32-21, National Convention Center, Hanoi, Vietnam, 23 July 2010, <<http://www.state.gov/secretary/rm/2010/07/145095.htm>>.
- <sup>44</sup> Leszak Buszynski and Iskandar Sazlan, "Maritime Claims and Energy Cooperation in the South China Sea", *Contemporary Southeast Asia* 29, no. 1 (April 2007): 143–71.
- <sup>45</sup> PRC Ministry of Foreign Affairs news release, 26 July 2010.
- <sup>46</sup> *Xinhua*, 31 July 2010, among others.
- <sup>47</sup> US State Department press release 2010/T32-21, 23 July 2010, <<http://www.state.gov/secretary/rm/2010/07/145095.htm>>.
- <sup>48</sup> See "U.S. Vietnam Education Task Force", September 2009, Final Report, US Department of State and Ministry of Education and Training, Socialist Republic of Vietnam, <<http://photos.state.gov/libraries/8621/pdf-forms/EDUConfReport-Jan10>>.
- <sup>49</sup> See Paul K. Kerr and Mary Beth Nikitin, "Nuclear Cooperation with Other Countries: A Primer", *CRS report RS 22937*.
- <sup>50</sup> Zachary Abuza, *Renovating Politics in Contemporary Vietnam* (Boulder, CO: Lynne Rienner, 2001), chap. 3.