

fp DU 113.5

.V5

W58

1993

AN ASSESSMENT OF OPTIONS FOR AUSTRALIAN
FOREIGN POLICY TOWARDS THE SOCIALIST
REPUBLIC OF VIETNAM IN THE CONTEXT OF
HUMAN RIGHTS

A research paper prepared by Anne Witheford

Australian National Internship Program

The Australian National University

29th October 1993

TABLE OF CONTENTS

Acknowledgments
Terms of Reference
Acronyms

PART I

Introduction (p.1)

1. Human Rights in Australian foreign policy (p.2)

1.1 Australia's human rights policy (p.2)

1.2 Australia's human rights policy in the context of Australian
foreign policy (p.4)

2. Background (p.4)

2.1 History of Australia-Vietnam relations (p.4)

2.2 Australia-Vietnam relations in the context of human rights (p.6)

3. Current political and economic context (p.9)

4. The Australian-Vietnamese community (p.11)

PART II

Options: Introduction (p.13)

1. Economic sanctions (p.14)

2. Aid and human rights linkages (p.15)

2.1 punitive-aid conditionality (p.17)

2.2 proactive-the principles of "Good Governance" (p.22)

3. Continuation of current policy (p.24)

PART III

Approaches of Australian foreign policy in the promotion & protection of
human rights in Vietnam (p.27)

1. Global approach (p.27)

2. Regional approach (p.28)

3. Bilateral approach (p.29)

Concluding remarks (p.30)

Appendices

Acknowledgments:

I would like to thank my Parliamentary Supervisor, Senator Stephen Loosley and Academic Supervisor, Professor John Power, for providing me with the opportunity, resources and guidance needed to complete this paper and my fellow interns for their much-appreciated input and support.

Terms of Reference: To present and assess options for Australian foreign policy towards the Socialist Republic of Vietnam in the context of human rights with specific reference to Australia's trade and investment interests in Vietnam.

This paper is comprised of three parts:

1. A background to give the reader an insight into the political and economic context in which Australia's foreign policy options towards Vietnam are to be formulated and assessed.

2. Three options aimed at promoting & protecting human rights in Vietnam. Each is assessed in terms of:

- a) its likely effectiveness in achieving greater promotion and protection of human rights in Vietnam and
- b) the possible impact upon Australia's trade and investment interests in Vietnam.

3. A brief discussion of a multilateral, regional and bilateral approach in the promotion and protection of human rights in Vietnam

ACRONYMS

ADB	Asia Development Bank
AIDAB	Australian International Development Assistance Bureau
ASEAN	Association of Southeast Asian Nations
CPV	Communist Party of Vietnam
DFAT	Department of Foreign Affairs & Trade
DIFF	Development Import Finance Facility
EC	European Community
IBRD	International Bank for Reconstruction and Development (World Bank)
IFI	International Financial Institution
IMF	International Monetary Fund
NGO	Non-governmental Organisation
ODA	Overseas Development Assistance
UNCDF	United Nations Capital Development Fund
UNDP	United Nations Development Program
UNFPA	United Nations Fund for Population Activities
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Childrens Fund
WFP	World Food Program

PART I-INTRODUCTION

Whether or not, and if so to what extent, Australia's human rights concerns could impact upon Australia's trade and investment interests in Vietnam is the central issue in this paper.

There is no doubt that cordial diplomatic and political relations can play an important and conducive role in the development of a prosperous trade and investment relationship between states. Australia's raising of human rights concerns with Vietnam has been and continues to be a sensitive area in our bilateral relations. However, the extent to which Australia's human rights concerns could impact upon Australia's trade and investment interests in Vietnam will depend ultimately upon the means by which Australia chooses to pursue those concerns.

The following assessment of options is made within the parameters of Australian foreign policy; It is not an assessment of the aims and objectives of Australian foreign policy itself. The underlying assumptions taken into account when assessing the presented options are as follows:

- a)Australia's policy of "constructive engagement", including economic integration, with the Asia-Pacific region
- b)Australia's policy of adopting a consistent and non-discriminatory approach in raising human rights concerns
- c)Australia's results-oriented approach: that policy is adopted with the aim of improving the situation of the victims of human rights abuses

1. Human rights in Australian Foreign Policy

1.1 Australia's human rights policy

Australia accords a high priority to the promotion and protection of human rights as expressed under the Universal Declaration of Human Rights and other major international human rights instruments. This stems largely from two bases: First, the moral recognition of the worth and dignity of the human being; and second, the "recognition that the evolution of just and tolerant societies brings its own returns in higher standards of international behaviour, and in the contribution that internal stability makes to regional, and ultimately global, peace and security."¹

Australia affirms the indivisible and universal application of the standards set out in the Universal Declaration. Though Australia does acknowledge that for many developing countries economic rights are seen as especially important,² it does not accept that economic rights should be accorded priority over civil and political rights, nor that the two are mutually exclusive. Though Australia does note that cultural, social and historic differences should be taken into account, it does not accept that adherence to human rights principles should vary accordingly, nor that the treatment of human rights constitutes an "internal affair" for any country.³

Australia's pursuit of its human rights policy has involved engaging in "quiet diplomacy" with an emphasis on dialogue and cooperation rather than confrontation. Human rights violations are approached on a case-by-case basis with the aim of adopting the most effective approach for improving the situation of victims of human rights abuses. Punitive measures such as trade embargoes and economic sanctions are viewed as a last resort and more likely to be adopted when there is strong support amongst the international community.⁴ Australian policy is to adopt a consistent and non-discriminatory approach in raising human rights matters.

¹G. Evans, "Human Rights and the New World Order", Address to the World Conference on Human Rights, Vienna, 15th June 1993

²This emphasis was acknowledged by Australia who voted in favour of the Declaration on the Right to Development which was adopted by the United Nations General Assembly in 1986

³Department of Foreign Affairs & Trade, "Human Rights Manual", AGPS, Canberra, 1993, p.1

⁴Department of Foreign Affairs & Trade, *ibid.*, AGPS, Canberra, 1993, p.3

Australia acknowledges certain qualifications to its credibility as an advocate for human rights adherence⁵ and promotes the principle of international accountability in the promotion and protection of human rights world wide.

Australia's human rights policy is pursued both multilaterally and bilaterally. Australia's multilateral approach to the promotion and protection of human rights involves three components: encouraging adherence to existing human rights instruments (see Appendix A), ensuring the effective operation of monitoring machinery and expanding the body of human rights machinery in specific areas. Bilaterally, Australia raises individual human rights cases and concerns with other countries.⁶

1.2 Australia's human rights policy in the context of Australian foreign policy

Australia's policy on human rights is to be seen within the wider context of Australian Foreign Policy. Our national interest in being, and being seen to be, a "good international citizen", of which fulfilling our international human rights obligations is a fundamental part, is accompanied by the pursuit of Australia's trade and economic interests and geo-political or strategic interests.⁷

A main priority in Australian foreign policy is to consolidate Australia's integration into the Asia-Pacific region, an essential element of which is the "active pursuit of bilateral trade expansion strategies."⁸ As expressed by the Prime Minister:

"We are witnessing a truly historic transformation of our economy, converging with those of the Asia-Pacific, because our societies success depends on our success as a trading nation...Asia now accounts for 60 % of Australia's external trade, a sum of a\$60 billion

⁵Criticisms of the Australian Government's human rights record have been made by various organizations such as Amnesty International and the World Human Rights Guide regarding such issues as the treatment of Aboriginal and Torres Strait Islander peoples and the detention and processing of refugees.

"Amnesty is critical of apathy on rights", The Age, June 1, 1993; "Black suffering cuts human rights rating", The Australian, April 27, 1993.

⁶G. Evans, "Human Rights in Australian Foreign Policy: Where to From Here?", Address to the Centre for International & Public Law Conference on Human Rights, Canberra, 17 July 1992

⁷G. Evans & B. Grant, Australia's Foreign Relations In the World of the 1990s, MUP, 1991, p.33

⁸G. Evans, Insight, 13 April 1993, p.3

per year, compared with Western Europe's 13% and North America's 8%..."⁹

Australia has already acknowledged not only Vietnam's importance as a political and strategic player in our region but also its economic potential. Australian business has become increasingly active in the Vietnamese market over the past few years. Australia is currently the third largest foreign investor after Taiwan and Hong Kong¹⁰(see Appendix B), and Australian exports to Vietnam have exhibited a trend growth rate of more than 60% per annum over the period of 1987-1991.¹¹

In Australia's relations with Vietnam, the potential for conflict arises between the pursuit of wider, more comprehensive trade and economic relations and the pursuit of our human rights concerns.

2. Background

2.1 History of Australia-Vietnam relations

Australian foreign policy towards Vietnam prior to the 1950s and the advent of the Vietnam war has been described as a "period of blissful ignorance..when Indochina hardly impinged on Australian foreign policy thinking" to the extent that it could be argued that there was in practice no Australian policy on Vietnam.¹² A foreign policy towards Vietnam was shaped by Australia with the advent of the Vietnam War in the mid-1960s. It was within the Cold War perceptions of the domino theory and forward defence that Australian involvement in the Vietnam War ensued.

This initial phase of relations contrasted sharply with the evolution of Australian foreign policy after the Vietnam War. The Whitlam Government moved quickly to implement an aid program to assist the Vietnamese people recover from the effects of thirty years of war. An eight-year trade embargo was dropped, a student training program funded and a modest program of

⁹"Up and at 'em!", Asia Magazine, August 20-22, 1993, p.10

¹⁰"The Australian Special Survey: Vietnam", The Australian, 2 September 1993

¹¹ Department of Foreign Affairs & Trade, Australian Trade & Investment Development(draft), Canberra, 1993, p.76

¹²G. Evans, Australia and Indochina: A Case Study in Australian Foreign Policy, Beanland Lecture, Melbourne, 24 August 1989

ministerial exchanges initiated.¹³ The active pursuit of bilateral relations was continued by the Fraser Government when it came to power in late 1975. Australia formally recognised and established diplomatic relations with the Socialist Republic of Vietnam after the reunification of Vietnam on the second of July 1976.

There was a marked shift in relations as a result of Vietnam's invasion of Cambodia in 1978. Australian joined regional states such as China and ASEAN and allies such as the USA in instituting an aid and trade embargo.

The return of the Labor Government in 1983 marked a new phase in Australia-Vietnam relations as the Hawke Government sought to distinguish itself in Hanoi's eyes from the current US and earlier ASEAN policies by encouraging Vietnam's emergence from regional and international isolation.¹⁴ Australia's efforts to encourage a Cambodian settlement put Australia at odds with its allies and friends in the region. Proposals within the Labor Party to resume aid to Vietnam, due largely to strategic interests in ending Vietnam's dependence on the USSR, were steadfastly opposed by the ASEAN countries and China. In deference to ASEAN, the proposal was not adopted. However, Australia continued to provide assistance to Vietnam through multilateral institutions such as the UN Development Program(UNDP), UNICEF, the Interim Mekong Committee and other international and non-governmental organisations.¹⁵

Extensive political and economic cooperation continued throughout the latter half of the 1980s. Australia's policy of comprehensive engagement with the Southeast Asia region and heightened interest in trade and investment in Vietnam coincided with Vietnam's emphasis on economic reform and investment needed to achieve its ambitious proposals for economic reform.¹⁶

In June 1990 a new bilateral Agreement on Trade and Economic Cooperation was signed. With Vietnam's withdrawal from Cambodia the final barrier to fully normalised relations was removed. In anticipation of a

¹³C. Thayer, Australia-Vietnam Relations, Australian National University, Canberra, 1993

¹⁴Department of Foreign Affairs & Trade, A Review of Australia's Relationship with Vietnam, Canberra, 1992

¹⁵C. Thayer, Australia-Vietnam Relations, Australian National University, Canberra, 1993
Department of Foreign Affairs & Trade, Outline Series Vietnam(January 1992), Canberra, p.4

¹⁶An extensive program of economic reform known as "Doi Moi" ("Renovation") was implemented by the Sixth Communist Party Congress in 1986

Reforms have centred on measures to encourage foreign investment, increase tax collection efficiency, land reform, public enterprise re-structuring, improving the legal infrastructure and modernisation of the financial system

Department of Foreign Affairs & Trade, Country Economic Brief: Vietnam, June 1993, p.6

settlement of the Cambodian conflict, Australia announced that it would resume direct bilateral assistance to Vietnam in October 1991. Further bilateral agreements are as follows: Investment Protection Agreement (1990); Double Taxation Agreement (1992); and Memoranda of Understanding on civil aviation and the bilateral aid program (1993).¹⁷

2.2 Australia-Vietnam relations in the context of Human Rights

(i) Vietnam and human rights¹⁸

Article 50 of the newly revised Constitution of the Socialist Republic of Vietnam promulgated in April 1992 reads as follows:

"In the Socialist Republic of Vietnam human rights in the political, civic, economic, cultural & social fields are respected. They are embodied in the citizens rights under, and determined by, the Constitution and the law."¹⁹

However, this article is subject by the caveat "stipulated by law" allowing the government to restrict individual rights on national security and other grounds. Though the Vietnamese Government continues to pursue economic and legal liberalisation, political liberalisation remains limited. While there has been a gradual relaxation of formerly rigid central controls regarding the general population, repression of political opponents and critics continues. Violations of human rights by the communist regime include the continuing arbitrary arrest & detention without charge or trial of opponents and critics of the government, including those detained for the peaceful expression of their political, religious and other beliefs. Asia Watch estimates that hundreds if not thousands of political prisoners including writers, poets, journalists, Roman Catholic priests, Buddhist monks, professionals and business people, civil servants, politicians and former military personnel are detained in re-education camps despite this

¹⁷Department of Foreign Affairs & Trade, Country Economic Brief: Vietnam, June 1993, p.41

¹⁸Human Rights Watch World Report 1993, Human Rights Watch, New York, 1993
Amnesty International Report 1993, Amnesty International Publications, London, 1993
Country Reports on Human Rights Practices for 1992, United States Department of State, 1993

¹⁹W. MaGennis & N. Hai, Law in Vietnam: The Framework for Foreign Investment, International Bar Association, Cannes, September 1992, p.7

being forbidden by Vietnam's existing criminal procedure code.²⁰ Within the re-education camps there have been reports of torture and ill-treatment. Trials of political opponents and critics of the Government under the provisions of the 1986 Criminal Code fall short of international fair trial standards in several respects including the lack of independent legal representation. Freedom of speech and press and freedom of peaceful assembly and association are constrained despite the gradual relaxation of government surveillance regarding the general population under the Doi Moi reforms.²¹

(II) Representations

The Australian Government has taken the view that:

"..it is to Vietnam's advantage to be seen to be observing internationally accepted standards of human rights. To do so will make it easier for countries which have a strong concern for human rights, such as Australia, to establish closer, more cooperative relations with Vietnam."²²

The Australian Government has adopted a policy of raising general human rights issues and specific detainee cases of concerns as a matter of course at the highest levels of Government in Hanoi and of urging the Vietnamese Government to adhere to the principles enshrined in the Universal Declaration of Human Rights. Human rights issues and cases are raised at official level as part of normal bilateral exchanges between the two countries but also in an *ad hoc* manner in certain circumstances.²³ (see Appendix C) In some cases, Australia's representations have played an important contributing role in securing the release of detainees.²⁴ Vietnamese Government officials have expressed Vietnam's sensitivity towards Australia's policy on human rights. During Prime Minister Kiet's official visit to Australia in May this year, Vietnam's Vice-Foreign Minister, Mr. Vu Khoan declared that Australia "was to understand an Asian perspective of human rights as the internal affairs of a sovereign nation".²⁵ In response to

²⁰M. Hiebert, "Miles to Go", Far Eastern Economic Review, 29 July 1993, p.26

²¹Department of Foreign Affairs & Trade, A Review of Australia's Relationship with Vietnam, Canberra, 1993

²²Department of Foreign Affairs & Trade, Australia and Vietnam, Canberra, 1993

²³Information obtained from the Department of Foreign Affairs & Trade, Canberra

²⁴For example, the releases of Vo Dai Ton and Doan Quoc Sy

²⁵"Vietnam sensitive over rights issue", The Sydney Morning Herald, 29 May 1993

criticisms of its human rights performance, the Vietnamese Government has asserted that political stability is needed to achieve economic growth and that Vietnam is to "make its own judgment on the balance between economic and political reform."²⁶

The Vietnamese Government has been highly sensitive to criticisms of its human rights performance, perhaps wary of what it has viewed as Western interference in the light of its difficult history. Prime Minister Kiet has responded to certain allegations of human rights abuses as "lacking objectivity".²⁷ The party newspaper recently claimed that critics were 'hostile forces' trying to "provoke political instability, even to the extent of using violent manoeuvres to seize power if conditions allow(ed) it".²⁸

The Vietnamese Government has agreed to receive a human rights delegation from Australia. The visit is expected to take place sometime in early 1994.

3.Current political & economic context

Vietnam's foreign relations have undergone a profound process of change since the mid-1980s. The collapse of the USSR and of fraternal regimes in Eastern Europe and the achievement of a Cambodian settlement have helped to bring Vietnam out of its isolation. Future prospects point to Vietnam's political and economic integration into the regional and international community, although its full rehabilitation awaits the normalisation of relations with the USA.²⁹ To reverse the continued economic mismanagement and faltering economic performance that had characterised the Communist Party of Vietnam (CPV) since 1975, the CPV embarked upon a program of extensive economic reform -"Doi Moi" meaning "renovation"- aimed at transforming its state-run economy into a free market economy. As a consequence, Vietnam has sought to diversify its external foreign relations and to seek trade, investment and technology from its non-communist regional neighbours and the West.³⁰ The economic

²⁶"Australia to check Vietnam human rights", The Canberra Times, 28 May 1993

G. Evans, Australia, Vietnam and the Region, Address to the Conference on Vietnam's Economic Renovation, Australian National University, Canberra, 18 September 1990

²⁷"Kiet bows to pressure of human rights", The Age, 28 May 1993

²⁸M. Hiebert, "Miles to Go", Far Eastern Economic Review, 29 July 1993, p.26

²⁹Department of Foreign Affairs & Trade, A Review of Australia's Relations with Vietnam, Canberra, 1993, p.1

³⁰J. Gardiner "The 'New Vietnam': Current Political Situation", Address given at Monash University, Melbourne, 7 June 1991

imperative for Vietnam to expand its foreign relations was heightened with the demise of the USSR and regimes in Eastern Europe in 1989 which left Vietnam without its traditional sources of political, economic, military and diplomatic support.³¹ As stated by Janet Gardiner:

"...moves towards improved relations with its (Vietnam) ASEAN neighbours, its pursuit of normalised relations with China and the US and the withdrawal of its troops from Cambodia (have) received their impetus from the need to attract large-scale foreign investment & international lending..."³²

Since the signing of the Paris Peace Accords in October 1991, Vietnam has moved rapidly to normalise relations with its ASEAN neighbours which had been constrained by Vietnam's occupation of Cambodia and the severe regional impact of refugee flows from Vietnam.³³ Vietnam has acceded to the Bali Treaty and serious discussion has been held regarding future prospects for Vietnamese membership in ASEAN.³⁴ Vietnam has also reached official rapprochement in 1991 with its historic foe, China, and the process of normalisation continues though the potential for conflict over territorial disputes remains.³⁵

Vietnam's relations with the United States remain cool. Vietnam's process of economic reform has highlighted the continuing damage to Vietnam's economic prospects imposed by the US-sponsored embargo on trade relations and access to aid from international financial institutions.³⁶ However, it is speculated that the embargo will be lifted within a year.³⁷ In July, President Clinton cleared the way for the resumption of international lending to Vietnam and announced that the United States had decided to "end its opposition" to efforts by other nations to clear Vietnam's US\$140 million debt to the International Monetary Fund (IMF). Two months later, Clinton eased restrictions on the embargo to allow US firms to participate in international development projects.³⁸

³¹F. Frost, Vietnam's Foreign Relations: Dynamics of Change, Pacific Strategic Papers, Institute of Southeast Asian Studies, Singapore, 1993, p.7

³²G. Gardiner, op.cit.

³³F. Frost, ibid., p.58

³⁴N. Tung, "Vietnam-ASEAN Cooperation in Southeast Asia", Security Dialogue, vol.24(1), 1993, p.85

³⁵F. Frost, op.cit., p.30

³⁶ibid., p.41

³⁷"The Australian Special Survey: Vietnam", The Australian, 2 September 1993

³⁸Reuters Textline, "Chronology of US-Vietnam Relations, trade embargo", 14 September 1993

Though Japan has previously remained sensitive to US policy on Vietnam, last January Japan and France led a 13-member multinational drive to restore Vietnam's standing with the IMF despite US refusal to participate.³⁹ Japan also resumed its program of bilateral aid in September and stated that "...in view of Asian security, further development in Vietnam would contribute to political stability in the region".⁴⁰

Vietnam's remarkably successful economic reform efforts will receive a significant boost due to the large-scale IMF and bilateral capital inflows that are expected as a result of the US easing of restrictions on its trade and economic embargo. The IMF has pledged \$ 20 million to aid Vietnam in economic restructuring and privatisation of state-run agencies and has allowed Vietnam to renegotiate its \$4 billion external debt.⁴¹ The clearing of Vietnam's indebtedness to the IMF and ADB has removed the major inhibitor to growth in the short-medium term. Vietnam's focus on encouraging foreign investment in its Doi Moi reforms has attracted US\$4.1 billion in planned foreign investment. It is now estimated that Vietnam will receive roughly \$500 million in new development loans from the World Bank and Asia Development Bank.⁴² Though substantial inhibitors still remain to foreign investors in Vietnam, the development of commercial relations between Vietnam and the outside world continues rapidly.

4. The Australian-Vietnamese community

In a recent Department of Foreign Affairs background paper the following was stated:

"The presence in Australia of a highly organised, visible, vocal and commercially active Vietnamese community some 130,000 strong adds a particular domestic focus to Australia's outlook towards Vietnam."⁴³

The Vietnamese presence in Australia is the direct result of the Vietnamese civil war between the Democratic Republic of Vietnam and the Republic of Vietnam. After the establishment of the Socialist Republic of Vietnam on the 30 April 1975, many Vietnamese fled the former communist regime and

³⁹R. Moreau, "Vietnam: Open for Business", The Bulletin, 12 October 1993

⁴⁰Reuters Textline, "Japan to Signal Aid Priority Closer to Home", 27 September 1993

⁴¹R. Moreau, op.cit. p.59

⁴²ibid. p.58

⁴³Department of Foreign Affairs & Trade, A Review of Australia's Relationship with Vietnam, Canberra, 1993

were accepted by Australia as refugees on humanitarian grounds and later as migrants under the Family Migration Agreement formed in 1982.

The earlier influx of Vietnamese refugees, largely due to circumstances of the war, tended to be openly hostile to the Government in Hanoi as shown by their strong opposition towards Australian attempts to consolidate bilateral relations with the Socialist Republic of Vietnam from 1983 onwards.

The Vietnamese community in Australia is not, of course, a homogenous community and reflects a wide spectrum of views regarding prospects for relations towards Hanoi. Attitudes range from outright hostility and promotion of economic sanctions due to human rights performance to promotion of attempts to improve commercial and political bilateral relations.⁴⁴ Though the Vietnamese community appears to be unanimous in calling for improvements in the human rights performance of the communist regime, disparities exist as to the extent that members are prepared to cooperate with the Hanoi Government in its pursuit of wider and closer economic and political relations.

The majority of the Australia-Vietnamese community is concentrated in electorates currently held by the Labor Party, such as Prospect, Fowler, Grayndler and Blaxland (see Appendix D), and it has been argued that this has given the Vietnamese community a strong basis upon which to lobby the current Labor Government.⁴⁵

In contrast to the Socialist Republic of Vietnam, Australia's democratic system leaves open the way for constituency pressures. Though the Vietnamese community may not set Australia's foreign policy agenda towards Vietnam, it has played a major role in bringing pressure on the Australian Government to honour its international human rights obligations by virtue of its vocal and well-organised representations.⁴⁶ The community is a factor to which the Government must be sensitive in formulating foreign policy towards Vietnam.

Australia's Vietnamese community has the potential to play an important bridging role in the establishment of closer economic and political relations between the two countries. The Vietnamese Government has

⁴⁴Information obtained from telephone interviews conducted among members of the Vietnamese community in Sydney, Melbourne and Canberra throughout September/October 1993

⁴⁵Interview conducted with Senator Rod Kemp, Senator for Victoria, October 1993

⁴⁶Interview with Ted Grace MP, Member for Fowler, N.S.W, October 1993

expressly targeted overseas Vietnamese communities as one of the most effective means of establishing trade and investment links with other countries,⁴⁷ and increasing numbers of Vietnamese Australians are returning to Vietnam to re-establish personal links and explore business opportunities.⁴⁸ Negotiations are taking place on a bilateral consular agreement expected to be signed in early 1994 which would afford the increasing numbers of Vietnamese Australians the full consular protection to which Australian citizens are entitled. Negotiations are also underway for a bilateral air services agreement.⁴⁹

⁴⁷For example, one hundred Vietnamese expatriates were welcomed back as guests of the Vietnamese Government at a business conference in Ho Chi Minh City in March this year "Vietnamese Emigres Return as Guests of the Government", Vietnam Today, vol. 64, 1993, p.12

⁴⁸J. Gardiner, op. cit.

⁴⁹Information obtained from the Department of Foreign Affairs and Trade, Canberra, 1993

PART II-OPTIONS

Introduction

The Australian Government has adopted a results-oriented approach in its promotion and protection of human rights world wide. The primary objective is to "improve the situation of individuals suffering human rights abuses, ...to adopt the most constructive and effective approach in a given situation."⁵⁰ Accordingly, the effectiveness of the following options in protecting human rights in Vietnam will be discussed as distinguished from the moral arguments for their adoption.

The limits of Australia's capacity as a middle power must be taken into account when assessing the effectiveness of options for Australian foreign policy. Since Australia does not possess the sufficient economic, military or diplomatic capacity to be guaranteed a desired result when acting unilaterally, the likely effectiveness of some of the options will depend largely upon the policies and support of other nations. As Evans and Grant argue, "by definition, middle powers are not powerful enough in most circumstances to impose their will.. The characteristic method of middle power diplomacy is coalition building with 'like-minded' countries."⁵¹

When considering options for Australian foreign policy towards Vietnam in the context of human rights, it is necessary that Vietnam be placed within its geographical and cultural context. It is essential that Australia's policy be consistent with and pursued in a like manner to our general human rights approach to Asia. To do otherwise would be to contradict Australia's pledge to a consistent & non-discriminatory approach to the promotion and protection of human rights.

The Asia region is one characterised by a long history of human rights abuses. The Vietnamese Government's record of human rights violations, from the information reported by agencies such as Amnesty International and Asiawatch, has not been perceived to be as extreme as some of its regional neighbours. For example, it has not attracted vehement

⁵⁰Ch. 2 "Australia's International Human Rights Policy" in Report of the Second Australian Human Rights Delegation to China 8-20 November 1992, AGPS, Canberra, p.14

⁵¹G. Evans & B. Grant, Australia's Foreign Relations in the World of the 1990s, MUP, Melbourne, 1991, p.323

international condemnation to the extent that other regional neighbours such as China⁵², and more recently, Myanmar have done.

Three options for Australian foreign policy aimed at the promotion & protection of human rights in Vietnam will be presented and assessed. The first is the imposition of economic sanctions. The second is the linking of aid and human rights. This is comprised of two sub-headings: a punitive approach and a proactive approach. The third option is the continuation of current Australian foreign policy towards Vietnam. The likely effectiveness of the options in achieving the goal of Australia's human rights policy and the likely impact, if any, of each upon Australia's trade and investment interests in Vietnam will be discussed.

1. Economic sanctions

Some sections of the overseas Vietnamese community have called for a halt to any economic assistance or trade negotiations from Australia until improvements in the Vietnamese Government's human rights performance are made and steps towards democracy implemented.⁵³

This punitive option would be unlikely to be effective in light of the current economic context for Vietnam. Australia's two-way trade with Vietnam in 1992 was A\$252 million while the total volume of Vietnam's foreign trade was close to US\$5 billion. This figure does not include cross-border trade and smuggling, estimated to be worth 40-50% of total official trade, which gives Vietnam's economy extraordinary resilience.⁵⁴ From January to March 1993 exports increased by 16% compared with the first quarter last year and import growth suggest that the 1993 growth target of 25-30% will be exceeded.⁵⁵ According to Government sources, foreigners have so far pledged US\$ 1 billion to develop 76 projects around the country. Over the next two years Vietnam can expect to borrow US\$440 million from the International Monetary Fund (IMF), approximately US\$550 million from the World Bank (IBRD) and US\$375 million from the Asia Development

⁵²As a result of the Tiananmen Square massacre in 1989.

M. Williams, Vietnam at the Crossroads, The Royal Institute of International Affairs, London, 1992, p.86

⁵³For example, the Vietnamese Health Professionals Association in New South Wales (VNHPA/NSW)"Open Letter to Mr. Paul Keating, Prime Minister of Australia", The Sydney Morning Herald, 27 May 1993

⁵⁴M. Williams, Vietnam at the Crossroads, The Royal Institute of International Affairs, London, 1992, p.44

⁵⁵Department of Foreign Affairs & Trade, Country Economic Brief: Vietnam, Canberra, June 1993, p.18

Bank (ADB).⁵⁶ Hence, the trend among the international community has been towards increased trade and investment with Vietnam, and the effect of Australia implementing economic sanctions would be negligible.

Applying economic sanctions would also be contrary to Australia's established policy of encouraging Vietnam's political and economic integration into the regional and wider international community. Applying economic sanctions would be inconsistent with Australia's overall foreign policy objective of comprehensive engagement in the region which includes " a clear-sighted recognition of Vietnam's importance as a political and strategic player in our region...(and that) commercially, it already offers potential as a market for Australian investment."⁵⁷ Rather than advocating the use of economic sanctions, Australia has actively called for a lifting of the US embargo and resumed lending by International Financial Institutions (IFIs). Furthermore, Australia recently contributed \$5 million to the clearing of Vietnam's arrears to the IMF.⁵⁸

Australia's trade and investment interests would be adversely affected by the implementation of economic sanctions. Australian companies are currently working towards establishing links in key sectors of the Vietnamese market in order to take advantage of opportunities that will arise with the resumption of large-scale IFI and bilateral lending and the likely acceleration in foreign engagement with the Vietnamese market. Significant opportunities in exports of food products, manufactured goods and a range of business and educational services would be lost.⁵⁹

Therefore, the likelihood of this option being effective in pressuring the Vietnamese Government to improve its human rights performance would be extremely low in the light of the current trend towards economic integration of Vietnam. It would also be highly inconsistent with our stated position of encouraging an end to Vietnam's isolation and its integration into the wider region.

⁵⁶"The Australian Special Survey: Vietnam", The Australian, 2 September 1993

⁵⁷Department of Foreign Affairs & Trade, Australia and Vietnam, Canberra, 1993

⁵⁸Department of Foreign Affairs & Trade, A Review of Australia's Relationship with Vietnam, Canberra, 1993

⁵⁹Department of Foreign Affairs & Trade, Australia and Vietnam, Canberra, 1993

2. Aid & human rights linkages

Background:

Up until the disintegration of the USSR, Vietnam relied mainly on the USSR and Eastern Europe for economic assistance. The only Western donors to maintain bilateral aid programs to Vietnam from 1979-1991 were Finland and Sweden. The total Overseas Development Assistance(ODA) received by Vietnam in 1992 was approximately US\$200 million. It is likely that the number of donors granting assistance to Vietnam and Vietnam's total assistance received will increase significantly. The expected lifting of the USA embargo at the end of the year will open the way for IMF, IBRD and ADB activity and it is estimated that projects may be implemented within one year of the lifting of the embargo. The ADB is currently considering aid flows of approximately US\$200 million per annum while the IBRD is prepared to provide US\$300-350 million/year in soft loans.⁶⁰

In October 1991, the Australian Government announced that direct bilateral aid to Vietnam would be resumed. The program consists of \$A 100 million over the period of 1991/2-1994/5 levelling out at approximately \$A 37 million per annum from which funds earmarked for NGOs will be subtracted. The allocation for NGO programs will be increased to \$A 2.5 million per year from \$A 2 million per year and an additional \$A800,000 has been provided to the Fred Hollows Foundation for the establishment of an Intraocular Lens Factory in Vietnam.⁶¹

In recent years, there has been an increasing willingness among nations to make the linkage between aid and human rights, a practice also referred to as linking foreign aid and "good governance".⁶² The US has directly linked the provision of aid and democratic government as a result of the recently launched "Democracy Initiative" in its aid program of 1990. The United Kingdom recently increased its aid to promote better government from 28 to 50 million pounds per year. The EC also recently adopted a resolution presenting a plan of action for incorporating principles of good governance and human rights into the aid policies of the EC and its member

⁶⁰AIDAB, Australia and Vietnam Development Cooperation Country Strategy Paper, 1993, p.4-5

⁶¹AIDAB, "Australia's Development Cooperation Program with Vietnam", Canberra, 1993; "Australia and Vietnam Development Cooperation Country Strategy Paper", Canberra, 1993

⁶²Society for International Development, Development Hotline, no.14 1992, p.5-6

states.⁶³ The European Bank for Reconstruction and Development is the first IFI to include a commitment to democratic reform as a criterion for its loans.⁶⁴ Japan in its Official Development Assistance Charter released in July has stated, among other guidelines to be applied on a case-by-case basis, that attention would be paid to "trends in recipient countries' military expenditures" and "efforts for promoting democratisation and introduction of a market-oriented economy, and the situation regarding the security of basic human rights and freedoms in the recipient country".⁶⁵ Germany, Canada, the Netherlands, Sweden and Norway also now link foreign aid with "good governance".⁶⁶

The linkage of aid and human rights/good governance towards Vietnam could be made in two ways: firstly, a punitive approach which directly links respect for human rights/good governance to the level and form of development assistance; and secondly, a positive approach whereby aid projects are designed to facilitate better governance, including human rights adherence.

2.1 punitive-aid conditionality

The option is defined as making the provision of direct bilateral aid from the Australian Government conditional upon improvements in Vietnam's human rights performance. This would involve increasing the level of development aid where the observation of human rights was improving and reducing it where the opposite was the case.

It must be noted that aid conditionality as a strategy for improving Vietnam's record in human rights adherence can only be adopted in relations to bilateral aid programs as opposed to those provided by multilateral donors. Articles of Agreement of the multilateral development banks such as the IBRD and the ADB stipulate that aid is to be given only on the basis of economic considerations.⁶⁷ The IBRD and ADB have pledged

⁶³Policy declaration by the EC Council adopted by EC Development Ministers in November 1991

Society for International Development, Development Hotline, September, no.14 1992, p.5-6

⁶⁴AIDAB, "Aid and Human rights: A submission to the Sub-committee on Human Rights of the Joint Standing Committee on Foreign Affairs, Defence and Trade, 29 July 1993, p.2

⁶⁵Information obtained from the Embassy of Japan, Canberra, 1993

Mr. Takeshi Matsunaga, Second Secretary, Political section, Embassy of Japan.

⁶⁶Society for International Development, op.cit., p.6

⁶⁷Article V, sec. 6, Articles of Agreement of the International Development Association

US\$100 million and US\$300 million respectively for 1994.⁶⁸ The ADB does not have a formal human rights policy by virtue of its aim to function in an 'apolitical' way and the fact that it is composed of 53-member countries "which represent a diversity of social, political and cultural viewpoints".⁶⁹ This applies similarly for multilateral organisations in general. Therefore, it is likely that aid flows from multilateral organisations would continue regardless of bilateral donor policies on aid conditionality for human rights adherence.

The amount of overseas development assistance (ODA) Australia grants Vietnam is likely to be relatively insignificant in terms of the total financial flows to Vietnam. U.N development experts believe that Vietnam could qualify for as much as \$1 billion in ODA for 1994.⁷⁰ The punitive value of aid suspension, unless made in conjunction with that of other countries, would merely be symbolic and constitute a minor irritant to the offending government. Taking such action unilaterally would merely detract from our influence upon and dialogue with the Vietnamese Government.⁷¹

Therefore, whether or not aid conditionality would be an effective option in bringing pressure on the Vietnamese Government to improve its human rights performance, would depend greatly upon the reciprocal policies of other aid donors to Vietnam.

Though the above-mentioned countries have expressly declared the linkage between the provision of aid and respect for human rights, it is not clear whether or not, and in what circumstances, the punitive action of aid reduction or suspension would be taken. In the case of Vietnam, however, there are special factors to be considered in the provision of aid by the EC and the United Kingdom.

Germany is currently seeking to reintegrate some 60,000 Vietnamese guest workers in the former German Democratic Republic into Vietnamese society. Rather than considering the reduction of aid allocated, the German Government is considering allocating additional aid specifically for their repatriation.⁷² Great Britain and the EC have also given funds specifically

Article 36, Agreement Establishing the Asian Development Bank and By-laws

⁶⁸Information obtained from the Department of Foreign Affairs & Trade, Canberra, 1993

⁶⁹Asia Development Bank, Asia Development Bank(ADB) Submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade, September 1993

⁷⁰A. Goodman, "Vietnam's Post-Cold War Diplomacy and the U.S. Response", Asian Survey, vol.33, no.8, August 1993, p.837

⁷¹Joint Committee on Foreign Affairs, Defence & Trade, A Review of AIDAB and Australia's Overseas Aid Program, February 1989, p.103

⁷²Information obtained from the Embassy of the Federal Republic of Germany, Canberra

for the reintegration of the many Vietnamese boat-people from camps throughout Asia.⁷³

In light of the current trend towards resuming bilateral aid programs, it can be assumed that the human rights situation has already been taken into account in deciding to resume aid. As a consequence, it can be argued that the human rights situation in Vietnam would have to worsen considerably before a change in policy to encompass punitive actions would take place.

Total aid flows to Vietnam⁷⁴

<u>Country</u>	<u>Year</u>	<u>Program size(\$US)</u>
Australia	1993/94	33.5 million
Sweden & Finland		50 - 70 million (annual average)
Denmark	1992	14 million
France	1993	63.2 million
Germany	1993	30-42 million
Belgium	1993	10 million
Britain	1993	16 million
Japan	1992	433 million (commodity loan)
	1993	180 million ⁷⁵
Taiwan	1993	15 million
Canada	1993	6 million
Italy	1993	36 million
Switzerland	1993	27 million

Mr. Richard Kaiser, Second Secretary, Political section, Embassy of the Federal Republic of Germany

⁷³Reuters Textline, "EC Commissioner to visit Vietnam", 1 October 1993

⁷⁴Information obtained from the Australian International Development Assistance Bureau(AIDAB). It must be noted that this list is in no way conclusive. Other prospective bilateral donors are at the stage of planning to resume aid and have yet to determine what level and form this assistance will take. This is expected to be decided at a UNDP donor conference in Paris in early November 1993.

⁷⁵Ministry of Foreign Affairs, Official Development Assistance Summary of 1993, Japan, 1993

multilateral donors

UNDP	1992	19 million
WFP	1992	16 million
UNICEF	1992	13 million
UNHCR	1992	12 million
UNCDF	1992	7 million
UNFPA	1992	5 million

A factor to be taken into account in pursuing this option would be the possible ramifications that partaking in aid conditionality could have upon Australia's political relations with Vietnam and other countries in the region. At the recent Bangkok Conference, Vietnam was among the Asia-Pacific nations that stated their position to "discourage any attempt to use human rights as a conditionality for extending development assistance" in the Bangkok Declaration.⁷⁶ In this sense, making the provision of aid conditional upon improvements in the human rights performance of the Vietnamese Government could, at the least, indirectly impact upon Australia's trade and investment interests due to the embittered political relationship that could result.

Alternatively, bilateral aid could be withdrawn and channelled through multilateral organisations and non-governmental organisations (NGOs).⁷⁷ Previously when aid flows to Vietnam were suspended during Vietnam's occupation of Cambodia, aid granting through multilateral organisations continued. However, it would have to be noted before taking this option that Vietnam is currently lacking the infrastructure needed for NGO implementation of aid programs. The possible effect upon political relations applies similarly as the Vietnamese Government's control over the distribution and implementation of assistance received would be significantly diminished.⁷⁸

⁷⁶Article 4, Bangkok Declaration: Report of the Regional Meeting for Asia of the World Conference on Human Rights, Bangkok, April 1993

⁷⁷Joint Committee on Foreign Affairs, Defence and Trade, A Review of AIDAB and Australia's Overseas Aid Program, February 1989, p.102

⁷⁸Information obtained from AIDAB, Canberra, 1993
Ms. Margaret Renault, Director of Indochina section, AIDAB

It has been argued that a reduction in Australia's overseas development assistance could indirectly negatively affect economic and trade relations. Dean Forbes argues that "development projects which have recipient country development as their principal goal can also contribute to commercial links by enhancing economic complementarities between donor and recipient and reducing trade resistances."⁷⁹ This principle has been acknowledged in the increasing commercialisation of Australia's aid program in general. The controversial Development Import Finance Facility scheme (DIFF) reflects the greater integration of commercial and trade interests into Australia's aid and foreign affairs policy which has been fostered since the second half of the 1980s.⁸⁰

The DIFF scheme is currently available in Vietnam but has not as yet been implemented due to there being little evidence of mixed credit activity.⁸¹ However, it is likely that DIFF will become a significant element in Australia's bilateral aid program with Vietnam. The possibility of Vietnam becoming a "spoiled market" is high due to the current commercial outlook and opportunities emerging in Vietnam. The United Kingdom has already allocated 60 million pounds in mixed credits for Vietnam. Taiwan, Japan, France and Italy are also likely to allocate mixed credit programs.⁸²

The Economic Linkages Program, part of Australia's bilateral aid program, designed to provide activities which facilitate private sector cooperation of mutual benefit to both countries, also enables the Australian private sector to establish long-term partnerships with companies in Vietnam.

AIDAB has argued that the general provision of overseas aid benefits Australian industry in three ways: by promoting growth and stability in developing countries, thus promoting the expansion of markets for Australian goods and services; by helping to develop new export markets; and by generating purchases of Australian goods and services.⁸³ More specifically to Vietnam, it has been argued that:

"Australia's aid program to Vietnam has helped to position our firms favourably in relation to their developed country competitors. With a

⁷⁹D. Forbes, Trade Development and the Overseas Aid Program, Development Paper no.8, AIDAB, 1988, p.(ii)

⁸⁰Dr. Stephen Sherlock, Australia's Overseas Aid Program: An Analysis of the 1993/4 Aid Budget, Issues Brief no.12 1993, Parliamentary Research Service, Canberra, 1993

⁸¹ AIDAB, Australia's Development Cooperation Program with Vietnam, p.4

⁸²Information obtained from the Department of Foreign Affairs and Trade, Canberra, 1993

⁸³AIDAB, Australia's Overseas Aid Program: Helping Australian Industry Too, International Development Issues No.10, March 1990

focus on education and training, health, infrastructure, natural resource development and commodity supply, the new aid program will help Australian companies to take advantage of the expected strong growth and investment which is emerging in Vietnam. This growth will be accelerated by the lifting of international trade and finance embargoes..."⁸⁴

It remains to be seen whether the above is the case as the initial commitment of \$100 million over four years is unlikely to be discharged by 1994/95 due to the long lead times expected in project development.⁸⁵

2.2 proactive-the principles of "Good Governance"

This option is defined as taking positive constructive measures in linking aid and human rights by incorporating human rights into the design, appraisal and delivery of Australian development assistance.

The discussion of positive measures which can be undertaken through development cooperation to promote "good governance"⁸⁶ is a relatively new area and is currently being reviewed by AIDAB's Development Assistance Committee.⁸⁷

The specific parameters and characteristics of this option are, as yet, vague and imperfectly expressed. In order to effectively implement this strategy it would be necessary for an established set of criteria and details, as to what "good governance" entails, to be formulated.

It would be necessary to clarify Australia's definition of the term "good governance". Some countries have defined "good governance" to include democratisation of the recipient country's political system.⁸⁸ It would be necessary to stress the Government's previously expressed view that

⁸⁴National Trade and Investment Forum, Address by Philip Flood AO, Director-General of AIDAB, Canberra, 13 July 1993

⁸⁵AIDAB, Australia's Development Cooperation Program with Vietnam, p.7

⁸⁶As yet only vaguely defined as "effective management of a country's social and economic resources in a manner that is open, transparent, accountable and equitable."- The Hon John Kerin MP, Minister for Trade & Overseas Development, Changing Aid for a Changing World: key issues for Australia's aid program in the 1990s, Ministerial Policy Paper & Third Annual Report to Parliament on Australia's Overseas Development Cooperation Program, p.17

⁸⁷Information obtained from AIDAB, Canberra, 1993

⁸⁸For example, the US Agency for International Development (USAID) in its "Democracy Initiative" in its aid program.

Western styles of democracy were not a necessary pre-condition for "good governance".⁸⁹ Otherwise, the CVP, as a communist regime, would be likely to react negatively to proposals under this criteria.

The following examples of positive measures by which Australia could promote good governance and human rights through the aid program have been proposed⁹⁰:

- education and training for police and other justice enforcement officials in areas such as measures relating to standard minimum rules for the treatment of detainees, conflict resolution and community relations

- institution strengthening, in areas such as improving the integrity and effectiveness of corrective institutions and court systems, as well as anti-corruption activities

- infrastructure and equipment provision for human rights training (legal materials, human rights manuals)

- contributing to multilateral organisations to support their policy dialogue and activities in the areas of institution-building and the creation of an environment enabling the respect of human rights.

Linking aid and human rights in the above non-confrontational manner with the consensus of the Vietnamese Government could be pursued with specific regard to Vietnam's particular circumstances. The provision of technical or legal assistance by Australia could significantly contribute to fostering the necessary conditions for the creation of a conducive environment to human rights in Vietnam. As a country regarded as a low political risk, Australia is in a favourable position to provide legal assistance to the Vietnamese Government which, as a result of its history, has tended to be sensitive to outside interference from "politically hostile or economically meddlesome" states.⁹¹

Currently, the legal process in Vietnam is only notionally separated from the Communist Party of Vietnam (CPV) and Central Government.⁹² Vietnam's legal infrastructure is severely lacking. It has been suggested that extensive assistance is required in terms of the drafting and implementation

⁸⁹AIDAB, "Aid and Human rights: A submission to the Sub-committee on Human Rights of the Joint Standing Committee on Foreign Affairs, Defence and Trade, 29 July 1993, p.2

⁹⁰Department of Foreign Affairs & Trade, Human Rights Manual, Canberra, 1993, p.91

⁹¹J. Gillespie, Australian Legal Assistance to Vietnam: How to Cook the Small Fish, Centre for Asian Business, Deakin University, 1993, p.11

⁹²M. Hiebert, op.cit., p.24

of new legal codes, renovation and development of legal infrastructure and training of lawyers and paralegals.⁹³ Australia's aid program could contribute to the strengthening of Vietnam's policy and legal infrastructure. Technical assistance provided in conjunction with intensive legal training and education to assist Vietnamese lawyers and bureaucrats to formulate and adopt laws suitable to local political and economic situations could be offered by Australia.⁹⁴ Consolidation of the legal foundations and legal education and training would contribute to the awareness of civil rights in Vietnam and consolidate the legal infrastructure essential to achieving governance by the rule of law.

3. Continuation of current policy

Australia's foreign policy towards Vietnam in the context of human rights consists of a short-term and long-term approach as expressed by the Minister for Foreign Affairs, Gareth Evans:

"a combination in the first place of developing the kind of close and constructive dialogue relationship that enables a country like Australia to work persistently away on individual cases....and secondly, an approach which looks to the longer term and says that the best way one can create an improved human environment is not to keep a country turned inward upon itself but to open it up, expose it to trade and to economic development..."⁹⁵

This approach acknowledges our limits as a middle power to effectively promote and protect human rights in Vietnam and Australia's policy of political and economic engagement with the region.

Though this approach has been effective in contributing to the release of individuals, the general human rights situation in Vietnam continues unimproved. However, as a middle power, any influence that Australia is likely to have in promoting and protecting human rights in Vietnam will depend upon its ability to maintain a constructive dialogue with the

⁹³Legal Sector Background Paper: Socialist Republic of Vietnam (draft), International Legal Services Advisory Council Secretariat, Attorney General Department, Canberra, 1993

⁹⁴J.Gillespie, op.cit., p.11

⁹⁵Senate Hansard, 7 May 1992, p.2414

Vietnamese Government since it does not possess the degree of economic or political clout to force the Government to improve its human rights performance. Attempting to adopt punitive measures such as aid conditionality or economic sanctions will only be effective if performed in conjunction with other nations. Taking account of the current trend towards trade and investment with Vietnam and the resumption of bilateral aid programs, it would be unlikely that such punitive measures would be adopted unless there were a significant worsening in Vietnam's human rights performance.

This non-punitive approach on human rights to Vietnam is the least likely to impact upon Australia's trade and investment interests. Australia can only achieve stable and friendly political relations, that are essential to its trade and investment interests, if a policy of consultation rather than confrontation is adopted.

Australia's constructive and non-punitive approach in raising human rights concerns has not, as yet, intruded upon our trade and investment interests in Vietnam. In contrast, it has been argued that our vigorous political relationship with Vietnam has promoted and could continue to promote bilateral trade and investment relations.⁹⁶ For example, Neal Blewett, former Minister for Overseas Development and Trade, when referring to the awarding of off-shore exploration rights to BHP Petroleum in the Dai Hung oil fields stated the following:

"...there were competing close tenders and the political relationship was decisive in BHP's favour."⁹⁷

In light of the growing competition for trade and investment projects in Vietnam, the need to maintain friendly relations will become increasingly important in realising our trade and investment interests. There is already concern that opportunities on the scale of the Dai Hung project will be less available to Australian companies in the future once the US lifts its long-standing embargo and countries previously reluctant to fully engage in Vietnam join the bidding for trade and investment deals.⁹⁸

The Communist Party of Vietnam (CPV) is the main perpetrator of human rights violations and the main barrier to the realisation of an improved human rights environment in Vietnam. Thus far, the Party has

⁹⁶E. Ellis, "Vietnam: We're a Favoured Suitor", *Financial Review*, 16 June 1993

⁹⁷Interview conducted with The Honourable Neal Blewett MP, October 1993

⁹⁸E. Ellis, *op.cit.*, p.11

maintained its opposition to the introduction of political pluralism and a multi-party political system in Vietnam.⁹⁹

On outward appearances, the CPV's hold on power seems secure. Having dominated the nationalist movement from before World War II through two foreign wars, the Party retains a great deal of popular support. The CPV has also been relatively willing to embrace economic reform.¹⁰⁰

However, the future of continued CVP rule is inextricably bound with the success of economic renovation and the imperative to deliver economic reforms.¹⁰¹ In the long-term, it is argued that political liberalisation, including increased respect for and protection of individual rights and adherence to international human rights standards will inevitably follow economic renovation. As argued by Graham Alliband, a previous Australian Ambassador in Hanoi:

"...with the rapidly changing international situation, the return of students and workers with liberal ideas from Eastern Europe, the expansion of economic relations with the capitalist countries, and the increased information flow, the (Vietnamese) authorities will inevitably be faced with increased pressure from the intellectuals, professionals and the younger generation for greater political freedom."¹⁰²

There are already signs that calls for political reform are increasing. Greater access to information and abandonment of strict party control of the media, culture and entertainment are some of the changes taking place in Vietnam. In the South, where over 80% of all foreign investment is concentrated, there is a growing independence from the Communist Party with the rapid growth of a free market economy.¹⁰³

⁹⁹G. Alliband, "Vietnam's Change in Direction", Vietnam Today, no.55, November 1990, p.6

¹⁰⁰M. Williams, Vietnam at the Crossroads, The Royal Institute of International Affairs, London, p.85

¹⁰¹ibid., p.63

¹⁰²G. Alliband, op. cit., p.8

¹⁰³M. Williams, op.cit., p.86-87

APPROACHES IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN VIETNAM

1. global approach

A global approach to the promotion and protection of human rights in Vietnam would ideally be the most effective approach in pressuring the Vietnamese Government to adhere to internationally-accepted standards of human rights due to the concerted pressure that a global offensive could bring in the light of Vietnam's growing political and economic engagement with the regional and international community. However, though the United Nations undoubtedly plays a necessary and effective role in setting and codifying standards for human rights performance, adherence to international human rights standards can not be enforced. As stated by Margaret Doxey:

"..the United Nations is no more able to regulate state conduct than any other international organisation unless member states are willing that it should do so...North-South divisions have militated against any universal consensus on unacceptable behaviour. Hence, United Nations condemnation of standard-breaking by members has been highly selective and many glaring abuses have gone uncensored..."¹⁰⁴

This point is essential in relation to the possibility of facilitating a global approach on human rights towards Vietnam. Global action taken to protect human rights is the exception rather than the norm. The status of Vietnam and it's relationship to other governments would be the key factor in the likelihood of a global front to protect human rights in Vietnam.¹⁰⁵ Given the human rights records of other nations in the region, namely China and Myanmar, and the sympathy felt by countries in the region for defence of state sovereignty and the principle of non-interference, particularly regarding pressure on human rights performance¹⁰⁶, it is unlikely. As Jack Donnelly has pointed out:

¹⁰⁴M. Doxey, International Sanctions in Contemporary Perspective, MacMillan Press, London, 1987, p.16

¹⁰⁵M. Doxey, ibid., p.143

¹⁰⁶As set out in the Bangkok Declaration, 1993

"the states most likely to commit violations that most cry out for international action are precisely the states least likely to participate in strong international procedures."¹⁰⁷

2. regional approach

The Asia-Pacific region remains the only region in which there is no regional human rights system. Though sub-regional mechanism building at the non-governmental level has been progressing in the development of national institutions, little progress has been made towards a regional human rights mechanism at the governmental level. Though the ASEAN members have "reiterated the need to explore the possibilities of establishing regional arrangements for the promotion and protection of human rights in Asia".¹⁰⁸ there has as yet been no further progress on this issue.¹⁰⁹

It has been argued that a regional mechanism for promoting human rights could be more effective than the extensive network of international treaties as "governments are more likely to agree to effective machinery for the supervision and implementation of human rights if treaties are adopted in a regional setting where cultural, legal and intellectual traditions are similar".¹¹⁰

However, the prospects for a regional mechanism for human rights is uncertain. The diversity of social systems, cultures and governmental structures found in the Asia-Pacific region make it difficult to foster the political and/or economic cooperation that is needed to facilitate and bolster discussion of a regional human rights system.¹¹¹

The effectiveness of a regional or sub-regional mechanisms is much under dispute. It has been argued by various non-governmental organisations that a regional approach would be more likely to pose a threat to human rights.¹¹² The continued existence of authoritarian regimes in many countries of the region precludes substantial progress on human

¹⁰⁷J. Donnelly, Universal Human Rights in Theory and Practice, Cornell University Press, London, 1989, p.258

¹⁰⁸Article 26, Bangkok Declaration: Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights, Bangkok, April 1993

¹⁰⁹Information obtained from the Department of Foreign Affairs & Trade

¹¹⁰V. Leary & C. Welch(eds), Asian Perspectives on Human Rights, Westview Press, Boulder, Colorado, 1990, p.13

¹¹¹V. Leary & C. Welch(eds), ibid., p.16

¹¹²I. McPhedran, "A Slow Road to Genuine Freedom", Canberra Times, 14 April 1993

rights and a regional arrangement would run the risk of being overwhelmed by representatives of these regimes.¹¹³ Hence, it would be unlikely that effective action under a regional mechanism for the promotion and protection of human rights would be taken in light of the fact that respect for human rights within national boundaries of the region remains lacking.

3. bilateral approach

In bilateral relations, it becomes even more evident that human rights concerns are to be integrated in to the broader framework of foreign policy.¹¹⁴ Australia's preference to maintain cordial diplomatic relations has meant that punitive measures to promote and protect human rights in Vietnam can not be taken. Due to Australia's limited political and economic significance, the intransigent Vietnamese regime could reject our pressures for human rights improvements with the consequent poisoning of bilateral relations. As Vietnam opens up to the world, Australia has become no more than one "friend" among many.

¹¹³V. Leary & C. Welsch(eds), op.cit., p.17

¹¹⁴J. Donnelly, op.cit., p.248

CONCLUDING REMARKS

It is apparent that the scope of the options that are likely to be effective in achieving the aims of Australia's human rights policy towards Vietnam are noticeably limited by virtue of our middle power status. Australia does not possess the economic or political standing to be able to take effective punitive measures against Vietnam unilaterally. Unless a multilateral consensus on the promotion and protection of human rights is achieved, punitive actions such as the implementation of economic sanctions or aid conditionality, though perhaps setting a moral example to other nations to follow suit, are likely to have negligible effect in persuading the Vietnamese Government to improve its human rights performance. The means by which Australia is most likely to have any influence upon the human rights performance of the Vietnamese Government is through a process of non-punitive dialogue. Making a positive linkage between human rights and development assistance provided to Vietnam would be one way to contribute to the protection of human rights in Vietnam.

Australia's future relations with Vietnam must be placed in the wider context of Vietnam's opening to the outside world. The limits of Australia's influence on the Vietnamese Government may become even more apparent as Vietnam's commercial and political relations with its neighbours and other trading partners increase. Australia's relationship with Vietnam will now be one among many expanding political and trading relationships as Vietnam's integration into the regional and wider international community is realised.

It is also apparent that the number of viable options for Australian foreign policy towards Vietnam, particularly in the context of human rights, are constrained by Australia's overall strategy of "comprehensive engagement" with the region. The imperative to maintain cordial diplomatic relations in order to further Australia's trade and investment interests, not only in Vietnam but also the wider region, has meant that Australia's human rights concerns can not be pursued in a confrontational manner.

LIST OF HUMAN RIGHTS TREATIES TO WHICH AUSTRALIA IS A PARTY

The International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Economic Social and Cultural Rights (ICESCR)

The First Optional Protocol to the ICCPR

The Second Optional Protocol to the ICCPR

The Convention on the Elimination of all Forms of Racial Discrimination (CERD)

The Convention against Torture and other Cruel, Inhuman or Degrading Treatments or Punishment (CAT)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

The Convention on the Rights of the Child

The Convention on the Prevention and Punishment of the Crime of Genocide

The Convention on the Political rights of Women

The Convention on the Nationality of Married Women

The Slavery Convention of 1926 (as amended) and the 1953 Protocol amending the 1926 Convention

The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery

The Convention on the Reduction of Statelessness

The Convention relating to the Status of Stateless Persons

The Convention relating to the Status of Refugees and related 1968 Protocol

LIST OF HUMAN RIGHTS TREATIES TO WHICH THE SOCIALIST
REPUBLIC OF VIETNAM IS A PARTY

The International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Economic Social and Cultural Rights (ICESR)

The Convention on the Elimination of all Forms of Racial Discrimination (CERD)

The Convention on the Suppression and Punishment of the Crime of Apartheid

The Convention on the Prevention and Punishment of the Crime of Genocide

The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

The Convention on the Rights of the Child

The Convention on the Elimination of All Forms of Discrimination against Women

TOP FOREIGN INVESTORS IN VIETNAM

Country	No. of Projects	Total Capital \$US
Taiwan	85	1385m
Hong Kong	142	854m
Australia	35	727m
France	41	564m
Japan	44	474m
South Korea	37	374m
Britain	16	308m
Malaysia	18	280m
Holland	9	277m
CIS	49	236m
Singapore	39	186m
Canada	15	131m
Indonesia	10	117m
Thailand	36	118m
Sweden	5	60m

SOURCE: "The Australian Special Survey: Vietnam", The Australian,
2 September 1993

CHRONOLOGY OF HUMAN RIGHTS REPRESENTATIONS MADE TO THE
VIETNAMESE GOVERNMENT IN THE PAST YEAR

May 1992- Official-level representations in Canberra and Hanoi over alleged official interference in the funeral ceremonies for the deceased Hue Patriarch, the Very Venerable Thich Don Hau. In the event, the funeral took place without undue official interference.

June 1992- Official-level representations in Canberra. A detainee case list was passed to a senior Vietnamese MFA official with a request for further information.

July 1992- Senator Evans raised human rights issues with Vietnamese Foreign Minister Nguyen Manh Cam and reiterated the request for information on cases in the detainee list.

August 1992- Mr. Kerin raised human rights issues with Foreign Minister Cam and reiterated the request for information on the detainee list together with an additional list of Buddhist monk detainees.

October 1992- Official-level representations on the cases of Buddhist monk detainees Thich Tri Luc, Thich Thien An and Thich Khong Thanh.

November 1992- Senator Evans raised human rights issues with Foreign Minister Cam and reiterated Australia's interest in the detainees named in the afore-mentioned list.

November 1992- Official-level representations in Hanoi on the following cases:

- Thich Huyen Quang, Thich Quang Do and the status of the Unified Buddhist Congregation of Vietnam
- Dr. Doan Viet Hoat
- Nguyen Si Binh (Amnesty International case)

November 1992- Official-level representations on general human rights issues to visiting Vice Foreign Minister Vu Khoan

February 1993- Official-level representations in Hanoi on the following cases:

- Vong a Nhi (an ethnic minority returnee from Hong Kong)
- Buddhist monks Thich Duc Nhuan and Thich Tri Luc (Australia was informed that they had been released)
- Pastor Tran mai (detained in a reeducation camp)

March 1993- Official-level representations in Hanoi on the following detainee cases:

- Dr. Doan Viet Hoat, recently sentenced to 20 years imprisonment (for the peaceful advocacy of democratic change in Vietnam according to his supporters in Australia)
- Quach Vinh Nien
- Four film workers (*vide* an Asia Watch report).

SOURCE: Department of Foreign Affairs & Trade, Canberra

&F

New South Wales Statistical Local Areas		Vietnamese born			Total	Percentage
SLA Code	SLA Name	Males	Females	Persons	Persons	Viet/Total
12850	Fairfield (C)	10173	9237	19410	175058	11,1%
10200	Auburn (M)	1657	1588	3245	48535	6,7%
15200	Marrickville (M)	2053	1790	3843	78066	4,9%
10350	Bankstown (C)	3382	2916	6298	153930	4,1%
11550	Canterbury (M)	2492	2204	4696	129076	3,6%
14900	Liverpool (C)	946	863	1809	98134	1,8%
17100	Strathfield (M)	217	230	447	25848	1,7%
11300	Burwood (M)	197	167	364	28308	1,3%
17070	South Sydney (C)	405	413	818	77925	1,0%
10150	Ashfield (M)	183	210	393	40530	1,0%
14800	Leichhardt (M)	231	274	505	58506	0,9%
16250	Parramatta (C)	559	548	1107	132859	0,8%
17202	Sydney (C) - Remainder	24	28	52	6908	0,8%
11100	Botany (M)	127	109	236	34455	0,7%
13950	Holroyd (C)	233	229	462	79153	0,6%
18450	Wollongong (C)	460	389	849	173769	0,5%
16650	Rockdale (M)	184	186	370	84045	0,4%
17201	Sydney (C) - Inner	9	19	28	6586	0,4%
11500	Campbelltown (C)	276	275	551	137745	0,4%
10750	Blacktown (C)	424	418	842	211760	0,4%
11900	Concord (M)	37	53	90	23109	0,4%
16550	Randwick (M)	229	177	406	115321	0,4%
15901	Newcastle (C) - Inner	3	7	10	4009	0,2%
14150	Hurstville (C)	68	89	157	63732	0,2%
16700	Ryde (M)	112	106	218	90040	0,2%
14000	Hornsby (S)	111	113	224	127585	0,2%
16900	Shellharbour (M)	45	31	76	46295	0,2%
14202	Inverell (S) - Pt B	10	6	16	10861	0,1%
15902	Newcastle (C) - Remainder	77	91	168	127211	0,1%
18650	Yarrowlumla (S)	3	7	10	7981	0,1%
14100	Hunter's Hill (M)	9	6	15	11987	0,1%
15950	North Sydney (M)	34	29	63	50363	0,1%
17250	Tallaganda (S)	3	0	3	2466	0,1%
14450	Kogarah (M)	25	31	56	46492	0,1%
17150	Sutherland (S)	119	102	221	184401	0,1%
12150	Coonamble (S)	3	3	6	5147	0,1%
19779	Off-Shore Areas & Migrato	0	3	3	2600	0,1%
12500	Deniliquin (M)	3	6	9	7932	0,1%
13300	Greater Lithgow (C)	16	4	20	19804	0,1%
18250	Willoughby (C)	33	19	52	51508	0,1%
16450	Queanbeyan (C)	16	9	25	24874	0,1%
16350	Penrith (C)	75	74	149	149678	0,1%
12550	Drummoyne (M)	13	16	29	30189	0,1%
10450	Bathurst (C)	18	6	24	27240	0,1%
12750	Eurobodalla (S)	11	12	23	27041	0,1%
18000	Warringah (S)	81	65	146	171953	0,1%

SOURCE: Department of Immigration & Ethnic Affairs,
Canberra

&F

10500 Baulkham Hills (S)	47	47	94	113952	0,1%
17500 Tumut (S)	3	6	9	11213	0,1%
17750 Wagga Wagga (C)	19	22	41	53480	0,1%
13150 Goulburn (C)	10	6	16	21437	0,1%
14700 Lane Cove (M)	12	9	21	29027	0,1%
14500 Ku-ring-gai (M)	27	43	70	99145	0,1%
11800 Coffs Harbour (C)	24	12	36	51525	0,1%
18050 Waverley (M)	24	13	37	59031	0,1%
12050 Cooma-Monaro (S)	3	3	6	9737	0,1%
13400 Great Lakes (S)	0	15	15	26001	0,1%
15150 Manly (M)	13	6	19	34854	0,1%
17600 Ulmarra (S)	0	3	3	5735	0,1%
16400 Port Stephens (S)	9	12	21	43796	0,0%
16600 Richmond River (S)	4	0	4	9009	0,0%
10800 Bland (S)	3	0	3	7049	0,0%
13100 Gosford (C)	34	18	52	128850	0,0%
11450 Camden (M)	3	6	9	22505	0,0%
12200 Cootamundra (S)	0	3	3	8016	0,0%
17900 Walgett (S)	3	0	3	8188	0,0%
15350 Mosman (M)	0	9	9	25419	0,0%
16150 Orange (C)	8	3	11	32893	0,0%
10100 Armidale (C)	3	4	7	21595	0,0%
18500 Woollahra (M)	6	9	15	49850	0,0%
13800 Hawkesbury (C)	3	12	15	51275	0,0%
18750 Young (S)	0	3	3	10701	0,0%
14750 Leeton (S)	0	3	3	10763	0,0%
11720 Cessnock (C)	5	6	11	43878	0,0%
13750 Hastings (M)	6	6	12	50087	0,0%
14650 Lake Macquarie (C)	18	19	37	162007	0,0%
13550 Gunnedah (S)	0	3	3	13341	0,0%
14850 Lismore (C)	3	6	9	41332	0,0%
16200 Parkes (S)	3	0	3	13969	0,0%
15750 Narrabri (S)	0	3	3	14545	0,0%
18400 Wollondilly (S)	3	3	6	30258	0,0%
15050 Maitland (C)	6	3	9	46979	0,0%
14400 Kiama (M)	0	3	3	15894	0,0%
18350 Wingecarribee (S)	3	3	6	33249	0,0%
17080 Snowy River (S)	0	3	3	17056	0,0%
18550 Wyong (S)	6	9	15	100481	0,0%
11350 Byron (S)	3	0	3	22825	0,0%
10900 Blue Mountains (C)	6	3	9	69430	0,0%
11250 Broken Hill (C)	3	0	3	23732	0,0%
14350 Kempsey (S)	3	0	3	25374	0,0%
10550 Bega Valley (S)	3	0	3	27396	0,0%
10250 Ballina (S)	3	0	3	30064	0,0%
12600 Dubbo (C)	3	0	3	33839	0,0%
10050 Albury (C)	0	3	3	40114	0,0%
16950 Shoalhaven (C)	0	3	3	68387	0,0%

TOP 16 LISTED COUNCIL AREAS
(Vietnamese as 0.5%+ of total)

ELECTORATES

Fairfield.....	Prospect (ALP) Fowler (ALP)
Auburn.....	Reid (ALP)
Marrickville.....	Grayndler (ALP)
Bankstown.....	Blaxland (ALP) Banks (ALP)
Canterbury.....	Watson (ALP) Grayndler (ALP) Banks (ALP) Blaxland (ALP)
Liverpool.....	Fowler (ALP) Werriwa (ALP) Hughes (ALP)
Strathfield.....	Lowe (ALP)
Burwood.....	Lowe (ALP)
South Sydney.....	Sydney (ALP) Kingsford-Smith (ALP)
Ashfield.....	Grayndler (ALP) Lowe (ALP)
Leichardt.....	Grayndler (ALP) Lowe (ALP)
Parramatta.....	Paramatta (ALP)
Sydney.....	Sydney (ALP)
Botany.....	Kingsford-Smith (ALP)
Holroyd.....	Prospect (ALP) Reid (ALP) Parramatta (ALP)
Wollongong.....	Cunningham (ALP) Throsby (ALP) Hughes (ALP)

BIBLIOGRAPHY

ACTIONAID, The Reality of Aid: An Independent Review of International Aid, Development Initiatives, 1993

AIDAB, Aid and Human Rights: A Submission to the Sub-Committee on Human Rights of the Joint Standing Committee on Foreign Affairs, Defence & Trade, 1993

AIDAB, Australia's Development Co-operation Program 1993-94

AIDAB, Australia's Development Cooperation Program with Vietnam, Canberra, 1993

AIDAB, Australia's Overseas Aid Program: Helping Australian Industry Too, International Development Issues no.10, AIDAB, 1990

AIDAB, Country Strategy Paper: Vietnam, Canberra, 1993

Alliband, G., "Vietnam's Change in Direction", Vietnam Today, no.55, November 1990

Amnesty International Report 1993, Amnesty International Publications, London, 1993

"Amnesty is critical of apathy on rights", The Age, 1 June 1993

Agreement Establishing the Asian Development Bank and By-Laws

Articles of Agreement of the International Development Association

Asia Development Bank, Asia Development Bank Submission to the Joint Standing Committee on Foreign Affairs, Defence & Trade, September 1993

Asian Survey

Asiaweek

"Australia to check Vietnam human rights", The Canberra Times, 28 May 1993

Bangkok Declaration: Report of the Regional Meeting for Asia of the World Conference on Human Rights , April 1993

"Black suffering cuts human rights rating", The Australian, 27 April 1993

Blewett, N., "Australia and Vietnam: a new phase of relations", Australian Foreign Affairs and Trade, vol.62, 1991

Calvert, A., Prospects for Australian Trade & Investment in Vietnam, Address to conference on "The 'New Vietnam': Prospects for Australia", Monash University, 7 June 1991

Changing Aid For a Changing World, Ministerial Policy Paper & Third Annual Report to Parliament on Australia's Overseas Development Cooperation Program, AIDAB, 1992

Department of Foreign Affairs & Trade, A Review of Australia's Relationship with Vietnam, Canberra, 1993

Department of Foreign Affairs & Trade, Australia and Vietnam, Canberra, 1993

Department of Foreign Affairs & Trade, Australia's Business Challenge: South-East Asia in the 1990s, AGPS, Canberra, 1992

Department of Foreign Affairs & Trade, Australian Trade and Investment Development(draft), April 1993, Canberra

Department of Foreign Affairs & Trade, Brief for Ministerial Business Delegation to Vietnam for the Joint Trade and Economic Cooperation Committee Meeting, Canberra, 1992

Department of Foreign Affairs & Trade, Country Economic Brief: Vietnam June 1993, Canberra

Department of Foreign Affairs & Trade, Human Rights Manual, AGPS, Canberra 1993

Department of Foreign Affairs & Trade, Outline Series Vietnam , Canberra,

Department of Foreign Affairs & Trade, Report of the Second Australian Human Rights Delegation to China 8-20 November 1992, AGPS, Canberra, 1993

Donnelly, J., Universal Human Rights in Theory and Practice, Cornell University Press, London, 1989

Doxey M., International Sanctions in Contemporary Perspective, MacMillan Press, 1987

Elliott, J., "The Future of Socialism: Vietnam, the way ahead?", Third World Quarterly, vol. 13 no. 1, 1992

Ellis, E., "Vietnam: We're a Favoured Suitor", Financial Review, 16 June 1993

Evans, G. & Grant, B., Australia's Foreign Relations In the World of the 1990s, Melbourne University Press, 1991

Evans, G., Australia and Indo-china: A Case Study in the Evolution of Australian Foreign Policy, The 1989 Beanland Lecture, Melbourne, 24 August 1989

Evans, G., Australia, Vietnam and the Region, Address to the Conference on Vietnam's Economic Renovation, Australian National University, Canberra, 18 September 1990

Evans, G., Human Rights and the New World Order, Address to the World Conference on Human Rights, Vienna, 15 June 1993

Evans, G., Human Rights in Australian Foreign Policy: Where to From Here?, Address to the Centre for International and Public Law Conference on Human Rights, Canberra, 17 July 1992

Evans, G., The Government's Response to the Report of the Joint Committee of Foreign Affairs, Defence and Trade, "Australia's Efforts to Promote and Protect Human Rights", The Senate, 27 May 1993

Forbes, D., "Aid, Trade and the 'New Realism': Australia's Links with East and South-East Asia", Australian Geographer, vol. 19, no.1, 1988

Forbes, D., Trade Development and the Overseas Aid Program, Development Paper no. 8, AIDAB, Canberra, 1988

Frost, F., Vietnam's Foreign Relations: Dynamics of Change, Institute of Southeast Asian Studies, Singapore, 1993

Gardiner, J., The 'New Vietnam': Current Political Situation, Address to conference on "The 'New Vietnam': Prospects for Australia", Monash University, Melbourne, 7 June 1991

Gillespie, J., Australian Legal Assistance to Vietnam: How to Cook the Small Fish, Paper to the Law Council of Australia, 31 August 1993

Girlang, J.(ed), Human Rights in the Asia Pacific Region, Department of International Relations Research School of Pacific Studies, Australian National University, Canberra, 1991

Hansard

Hewson, J., Human Rights and Australian Foreign Policy, Address to Amnesty International Australia, Sydney, 21 April 1992

Hiebert, M., "Miles to Go", Far Eastern Economic Review, 29 July 1993

Human Rights Watch World Report 1993, Human Rights Watch, New York, 1992

Insight: Department of Foreign Affairs & Trade, Department of Foreign Affairs & Trade, Canberra, 1991-1993

International Legal Services Advisory Council Secretariat, Socialist Republic of Vietnam: Legal Sector Background Paper(draft), Attorney-General's Department, Canberra, 1993

Joint Committee on Foreign Affairs, Defence & Trade (Human Rights Subcommittee), Submissions and Incorporated Documents, vol. 1-12 for reference: Australia's Efforts to Promote and Protect Human Rights, 1992; vol. 1-4, 1993

Joint Committee on Foreign Affairs, Defence & Trade, A Review of Australia's Efforts to Promote and Protect Human Rights, Canberra, 1992

Joint Committee on Foreign Affairs, Defence & Trade, A Review of the Australian International Development Assistance Bureau and Australia's Overseas Aid Program, AGPS, Canberra, 1989

"Kiet bows to pressure of human rights", The Age, 28 May 1993

Leary, V. & Welch, C.(ed.s), Asian Perspectives on Human Rights, Westview Press, Boulder, Colorado, 1990

Ljunggren, B., Market Economies Under Communist Regimes: Reform in Vietnam, Laos and Cambodia, Harvard Institute for International Development, Massachusetts, 1991

Magennis, M. & Hai, N., Law in Vietnam: The Framework for Foreign Investment, International Bar Association, Cannes, 1992

McPhedran, I., "A Slow Road to Genuine Freedom", Canberra Times, 14 April 1993

Ministry of Foreign Affairs, Official Development Assistance Summary of 1993, Japan, 1993

Moreau, R., "Vietnam: Open for Business", The Bulletin, 12 October 1993

Morley, J.(ed), Driven by Growth: Political Change in the Asia-Pacific Region, East Asian Institute of Columbia University, Washington D.C, 1990

National Trade & Investment Forum, Address by Philip Flood AO, Director-General of AIDAB, Canberra, 13 July 1993

Nhat, B., Vietnam: An All Round Policy of Renovation and the Prospect for Foreign Investment, Address to the Conference "Vietnam: The Tiger Awakens", Hong Kong, 17 September 1991

Report of the Second Australian Human Rights Delegation to China: 8-20 November 1992, AGPS, Canberra, 1992

Reuters Textline

Sherlock, Dr. S., Australia's Overseas Aid Program: An Analysis of the 1993/4 Aid Budget, Issues Brief no.12 1993, Parliamentary Research Service, Parliament House, Canberra, 1993

Society for International Development, Development Hotline, no.14, 1992

Thayer, C., Australia and Vietnam: Trade, Investment and Aid, Paper to the International Centre for Scientific and Technical Information, Moscow, April 13 1992

Thayer, C., Australia-Vietnam Relations, Australian National University, Canberra, 1993

Thayer, C., Political Reform in Vietnam and the Emergence of Civil Society, Paper presented to the 33rd Annual Conference of the Australasian Political Studies Association, Griffith University, Queensland, 1991

Thayer, C., Vietnam: Asia-Australia Briefing Papers, Asia-Australia Institute, University of New South Wales, vol. 1, no. 4, 1992

"The Australian Special Survey: Vietnam", The Australian, 2 September 1993

Tomasevski, K., Development Aid and Human Rights, Pinter Publishers, London, 1989

Tung, N., "Vietnam-ASEAN Cooperation in Southeast Asia", Security Dialogue, vol.24(1), 1993

U.S Department of State, Country Reports on Human Rights Practices for 1992, Washington D.C, February 1993

"Up and at 'em!", Asia Magazine, 20-22 August, 1993

Van Ness, P., "Human Rights and International Relations in East Asia", Asian Studies Review, vol. 16, no. 1, July 1992

"Vietnamese Emigres Return as Guests of the Government", Vietnam Today, vol.64, 1993

Vietnamese Health Professionals Association in New South Wales, "Open Letter to Mr. Paul Keating, Prime Minister of Australia", The Sydney Morning Herald, 27 May 1993

Vietnam Insight: A forum sponsored by the National United Front for the Liberation of Vietnam

Vietnam News

"Vietnam sensitive over rights issues", The Sydney Morning Herald, 29 May 1993

Vincent, R., Human Rights and International Relations, Cambridge University Press, Cambridge, 1986

Welch, C. & Leary, V.(eds), Asian Perspectives on Human Rights, Westview Press, Oxford, 1990

Williams M., Vietnam at the Crossroads, The Royal Institute of International Affairs, Pinter Publishers, London, 1992

Woodward, G., Australia and Asia-A Regional Role?, Occasional Paper no.11, Australian Institute of International Affairs, Melbourne, 1992

