

The Political Influence of Civil Society in Vietnam

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A contrast between “glass half-full” and “glass (mostly) empty” portrayals of Vietnam can be found in multiple areas of politics and society: compare the pragmatic policy-making processes described by Jandl in this volume with the persistent rent-seeking found by Vu, or the paradox of a repressive state apparatus (Thayer) with varying degrees of tolerance toward dissent in practice (Kerkvliet). The gap between enthusiasm and gloom is perhaps at its starkest in the analyses of civil society. Some Vietnamese and external observers find encouraging signs of associational growth, while others lament (or celebrate) the Communist Party’s continuing control. Is “civil society” (*xã hội dân sự*) at base a cooperative force for sustainable development and poverty reduction, or a political movement aiming for system-wide change?

A few of the stylized facts about civil society and social organizations in Vietnam may be summarized as follows. First, Vietnam has a history of local social autonomy based on clan and religious structures in which, proverbially, “the king’s edict stops at the village gates” (*Phép vua thua lệ làng*). National and regional political systems, however, have been uniformly autocratic and relatively centralized. There is no organized democratic political tradition: the diversity of social and political organizations that contended before the 1945 revolution and 1975 reunification was replaced by the victorious communists with a corporatist structure of mass organizations representing various sectors and constituencies.¹ For a time at least, the Party kept a “near-total grip on society” (Vu, this volume), but this has weakened during the *Đổi mới* (“Renewal”) process. The emergence (or reemergence) of urban-based development organizations has occurred alongside an expansion of personal and economic freedoms since the late 1980s (Nørlund 2006).

On paper, the space for civil society action in Vietnam still appears highly restrictive. The Communist Party-dominated state keeps firm control of registration of associations and nongovernmental organizations (NGOs) that are typically viewed as core parts of civil society (Sidel 2010). According to legal regulations, NGOs and other social organizations must submit all projects and foreign funding to their supervising agency for approval (Government of Vietnam 2009). A new Law on Associations has been repeatedly delayed by the Party-state, and internet sites critical of the authorities are routinely blocked – some social media too. For these and other reasons, Vietnam receives uniformly low ratings on international indices of political freedoms, corruption, and human rights, such as those published annually by Freedom House and Transparency International.

Yet this negative picture belies the vibrant reality of civil society in Vietnam. The number of registered NGOs has risen from fewer than 200 in the late 1990s to an estimated 1,700 today. Many more unregistered social groups and informal networks are active in public life (Wells-Dang 2012a). Online and social media are booming and attracting a wide audience in spite of (or sometimes because of) halfhearted restrictions by the authorities. When one blog is shut down, a dozen others arise to fill its space. Vietnamese-language print media, similarly, pushes at the limits of what the Party-state allows: state-owned by law, but increasingly commercially oriented and independent-minded in practice (Heng 2004; McKinley 2008). The social ferment accompanying rapid economic growth and poverty reduction is reflected in an increased incidence of social protest and gradually more open debates in the National Assembly and other political institutions.

What does it mean to talk about civil society (*xã hội dân sự*) in Vietnam in the face of these paradoxical viewpoints? And, more importantly, how are civil society actors able to achieve political influence toward a strong, restrictive single-party state? This chapter offers one set of possible answers to these questions through contrasting an associational and a political-oppositional approach to understanding civil society, examining the responses of the Party-state to nongovernmental organizing, and discussing three recent episodes of contention that involve multiple forms of civil society action. Debates concerning bauxite mining in the Central Highlands, the role of media and bloggers, and constitutional reform, it is argued, have all attained a degree of policy influence, either through or outside the political system. The chapter's conclusion then evaluates the current and potential influence of different forms of civil society on the political process,

theorizing a realm of informal politics on the margins of the institutional state.

Recent scholarship on civil society in Vietnam has moved away from firm definitions of what type of organization should or should not be included in civil society to a focus on what various actors actually do (Hannah 2007; Wischermann 2010).² Empirical studies have examined how social organizations engage with state authorities (Kerkvliet et al. 2008), how local actors implement “community-driven regulation” (O’Rourke 2002), and how informal networks provide channels for creative advocacy (Wells-Dang 2010, 2012a). Consequently, it makes most sense to speak of “civil society actors,” rather than the usual “civil society organizations.” The resulting approach to civil society is a broad one, consisting of both formal and informal elements. *Formal civil society* comprises a range of legally registered organizations initiated outside the state, with an office, projects, and paid or volunteer staff. Other expressions of *informal civil society*, including individual activism, networks, blogs and social media, community groups, and religious activity, have fewer or none of these organizational elements. Although many actors operate via direct channels where possible, policy advocacy is frequently screened through unofficial structures, personal connections, and created niches between public and private.

Associational approaches to civil society

In practice, most discussions of civil society conducted inside Vietnam emphasize formal associational roles, classifying all organizations not directly part of the state apparatus as belonging to civil society. The basic unit comprising civil society is presumed to be the organization, or “CSO,” which is usually understood as limited to legally registered organizations. CSOs are then grouped into a number of categories based on their structure and relationship to the state. This approach is frequently adopted by donors, international NGOs, and aid programs, as well as many of their Vietnamese partners. For instance, Irish Aid’s civil society strategy paper (2012) clusters CSOs into four types: mass organizations, professional organizations, Vietnamese NGOs, and community-based organizations, a typology that originates from the 2006 Civil Society Index conducted by the international coalition, CIVICUS, with a local team of analysts. The “Viet Nam Partnership Document” presented by the Ministry of Planning and Investment (2012) to an aid effectiveness forum uses a slightly different four-part classification, distinguishing between “social-political-professional organizations” and

other professional organizations, while not mentioning community-based groups at all.

For historical and political reasons, the various types of civic associations have developed in significantly different ways in Hanoi and Ho Chi Minh City (Wischemann 2010; Taylor et al. 2012) with relatively lower levels of activity in other cities and provinces. With the exception of the mass organizations and other state-sponsored associations, most social organizations are small in size and recently formed, with little experience and capacity in policy advocacy (Taylor et al. 2012). The CIVICUS study found that although space for civil society was opening overall, “virtually all organizations in Vietnam are entangled with the state and each other” (Nørlund 2006: 36).

In order to obtain legal status, new organizations must register with one of a range of “umbrella organizations,” which are state-initiated entities with multiple functions, one of which is representing, registering, and managing NGOs and associations (Vasavakul 2003). The most relevant umbrella for many domestic NGOs is the Vietnam Union of Science and Technology Associations (*Liên hiệp các Hội Khoa học và Kỹ thuật Việt Nam*, or VUSTA), which represents its members’ interests to government and donors and serves as a clearing house for information and ideas. International NGOs come under a separate umbrella, the Vietnam Union of Friendship Organizations (*Liên hiệp các tổ chức hữu nghị Việt Nam*, VUFO), which supervises the People’s Aid Coordinating Committee (PACCOM) and the NGO Resource Center in Hanoi.

Regarding mass organizations, analysts note their hybrid character of being Party-controlled at the central level while having some representational functions at local commune and ward levels (Shanks et al. 2004; Kerkvliet et al. 2008). The Women’s Union is generally held to have the strongest civil society character, due to its gendered focus, village-level presence, and ability to deliver services. Although studies of civil society in Vietnam recognize the ambiguous position of mass organizations, most end up including them as a category of CSO. Naturally, this affects the results. If the mass organizations are included as part of civil society, then Vietnam is found to have a very high level of associational participation compared to societies around the world (Dalton and Ong 2004). Without the sometimes compulsory or nominal membership in mass organizations, social participation looks much more shallow (London 2009).

In its favor, an associational approach recognizes that there is no firm line separating state and nonstate actors in the Vietnamese context (and, by extension, in many other contexts too). Drawing on anthropological

theories of the state, political theorists contend that the boundaries of the state are fuzzy (Mitchell 2006), the state is multilithic and fragmented (Migdal 2001), and civil society action can at times emerge from within the state itself (Hannah 2007; Wischermann 2010). There is, therefore, a category of “straddlers” (Read and Pekkanen 2009): organizations that are part-state, part nonstate.³ But are straddlers automatically part of civil society, or only under certain circumstances? And are the mass and umbrella organizations actually straddlers, or are they more accurately viewed as components of a multilithic state?

The argument for including mass organizations in civil society depends on a claim of at least partial autonomy at the grassroots level. In funding terms, this is accurate: local units of mass organizations do raise some of their own budgets from member dues and donor-funded projects. Yet a visit to any commune or district People’s Committee will show that mass organizations are very definitely included and housed in the Party-state structure, if perhaps as somewhat junior partners. This is particularly true of the “Fatherland” Front, which is legally “a part of the political system of the Socialist Republic of Viet Nam under the leadership of the Communist Party of Viet Nam” (National Assembly 1999). One possibility would be to classify the Front as part of the state, while the other mass organizations are given a dual state–civil society character. This distinction is itself complicated by the fact that the Front has a mandate to supervise all other mass organizations as well as religious groups.

The place of mass and umbrella organizations in civil society is not merely an academic debate. If donor agencies classify these organizations as CSOs, this makes them eligible for funding under civil society and governance programs along with nonstate organizations. Donors and government bodies then present the results of projects carried out by the Women’s Union and other mass and umbrella organization partners as not only effective interventions in poverty alleviation, but also actions to support civil society development. If, instead, the state-like character of these organizations crowds out more independent forms of civil society (and in the case of the Women’s Union, achieves token gender balance within a male-dominated structure), the potential for unintended consequences is large.

Professional organizations, such as research centers, and Vietnamese NGOs (VNGOs) comprise the next categories of the “CSO” framework.⁴ Many of these organizations are registered under VUSTA or its provincial branches; others register with ministries, city and provincial authorities, universities, or mass organizations. They range in size from dozens of

staff to a single founder working with volunteers and consultants. Many VNGOs and research institutes have strong capacity in their respective fields, reflected in technical-sounding names with acronyms that are often difficult to distinguish from one another. Unlike mass, umbrella, and other sociopolitical organizations, VNGOs and professional associations receive little or no funding from the state, relying primarily on international donor funds. Some, such as university research centers, may exist within state structures, but are financially independent and were started through a local initiative. Others are strongly project-driven and operate in the style of nonprofit consulting companies.

VNGOs may be usefully grouped into three generations based on qualities of their founders and directors. The first generation began to form in the 1990s, founded by current or retired government officials, academics, and experts with strong connections to the state system. Since 2000, a second generation of NGOs has emerged, led by younger professionals who have international NGO experience or studied overseas. Compared to the first generation, members of this group are more influenced by business and international models and tend to be more independent in their thinking. The third generation, in recent years, includes student volunteer groups, charitable associations, and community-based start-ups such as self-help groups, with a more voluntary and less technical character.

Vietnamese NGOs have assembled into a diversity of networks. These include working groups with international NGOs, multi-stakeholder coalitions including government, media, and/or business representatives; virtual networks and email groups; and informal advocacy networks based on personal ties (Wells-Dang 2012a). Most are unregistered, since Vietnamese regulations have no legal category for networks. Other networks are officially considered projects of a single registered organization or are affiliated with structures such as the VUFO-NGO Resource Center.

The final category included as a form of “CSO,” community-based civil society, receives much less attention from government and most development agencies: ethnic and clan-based associations and religious groups, forest and water users’ groups, and farmers’ collaborative groups (*tổ hợp tác*), among other types. These groups are either not formally organized and registered at all, or if they are, come under separate legal processes at the commune level, or under the Government Committee for Religious Affairs in the case of religious groups. Since such community-based groups are neither formal organizations nor political in nature, they frequently slip away from all versions of the civil

society debate. Adam Fforde (2008) wonders why, if informal farmers' groups are so numerous, most donors and INGOs have not chosen to work with them; the question generalizes to other forms of community-based civil society. There was a brief period of intensive advocacy when the Ministry of Agriculture and Rural Development developed a decree on collaborative groups (Government of Vietnam 2007), but even then the focus was on government policy, not cooperation with the groups themselves. The answer is surely that the international agencies prefer to work with registered partners – and in many cases are compelled to do so by their own internal rules, as well as by the terms of their own registration and legal presence in Vietnam.

Working within an associational framework, Jörg Wischermann concludes that Vietnamese civil society (including mass and professional associations) has a weak democratic basis and that many of its members “enhance and support legitimacy and efficiency of the authoritarian regime” (2011: 408). While this may overstate the point, it is correct that the category of Vietnamese associations presented as “CSOs” includes many organizations that would not meet basic international criteria of autonomy, voluntarism, and representation. Whether arising from an intention to be comprehensive or from wishful thinking, the associational approach to civil society opens itself to the criticism of being overly vague and broad.

Political civil society

External analysts with a lower tolerance for ambiguity have drawn very different conclusions about civil society in Vietnam. If one insists on complete separation of civil society from the state (which hardly exists in any developed country, let alone in Southeast Asia), then the logical finding is that Vietnam has no organized civil society at all, or at least none worthy of the name (Salemink 2006; London 2009). Alternately, observers have looked for civil society in unregistered associations involved in political critique or outright opposition to the system, such as the Club of Former Resistance Fighters, Unified Buddhist Church of Vietnam, *Việt Tân*, or *Bloc 8406* (Abuza 2001; Thayer 2009a). In recent years, the growth of unsanctioned blogs on topics such as bauxite mining in the Central Highlands and perceived Chinese interference in the East (“South China”) Sea has added a new source of challenge to the Party's legitimacy (Thayer 2009b). Land protests, such as high-profile cases in 2012 in *Tiên Lãng* and *Vân Giang* districts in northern Vietnam, arguably form the newest and most intense form of “political civil society.”

Not all of these protesters, to be sure, oppose the Communist Party: many focus on improved treatment and services from the system, such as more secure land rights and an end to corruption in business and local government. Regardless, these are at base political demands.

There is essentially no overlap between the “CSOs” in an associational approach to civil society and the dissidents, bloggers, and demonstrators described in a political-oppositional approach. NGOs and associations are conspicuously absent from land disputes and other forms of political activism, preferring cooperation with authorities through defined projects (such as legal education and capacity building). At the local level, some land protesters and members of virtual networks are connected to mass or professional organizations: for instance, several statements in the Đoàn Văn Vươn case were issued in the name of the Tiên Lãng district Fisheries Association (*Hội nuôi trồng thủy hải sản nước lợ*), and members of the Veterans’ Association and the Elderly Association (*Hội Người Cao Tuổi*) have taken a role in other disputes. However, this should be understood as local activists appropriating an association on an ad hoc basis, rather than the association itself taking action.

To many journalists and human rights activists, the type of civil society action identified in a political-oppositional approach begins to resemble international patterns of activism along the lines of the so-called Arab Spring or other social movements. A degree of caution is warranted here: ideal-type conceptions of civil society and its supposed democratizing potential do not necessarily apply well in Vietnam (or elsewhere), and there is a risk of exaggerating the importance of a limited number of cases to construct an imagined or desired challenge to the Party-state that actually remains weak and distant.

Theorists of “political civil society” are right to insist that civil society action has political components that can be found outside as well as within established organizations. But this political engagement does not always lead in the direction of opposition or regime change; in fact, it only rarely does so under specific circumstances. In other instances, the political activity of civil society takes the form of grassroots organizing of people with disabilities or LGBT groups, anticorruption campaigns, and advocacy coalitions on the Land Law, hydropower, or climate change, among other issues. Political engagement can happen through “mere” service delivery as well as policy advocacy. The fact that many of the participants in such actions say nothing about opposing the Party, or even expressly endorse its role, should not be taken as weakness or self-censorship, but rather as evidence of different priorities coupled with smart strategic positioning.

The Party-state and “social organizations”

Officially and in public, the Communist Party and Vietnamese state avoid use of the term “civil society.” Instead, the types of organizations donors call “CSOs” are all described in Party-state language as “social organizations” (*tổ chức xã hội*), “socio-professional organizations” (*tổ chức xã hội nghề nghiệp*), or “political-social organizations” (*tổ chức chính trị xã hội*), the last category including the mass organizations. Of these, the “Fatherland” Front and other mass organizations are viewed as first in importance. The 1992 Constitution (and the proposed draft 2013 revision) describes “the Vietnamese Fatherland Front and its member organizations” as “the political base of people’s power” (National Assembly 2013: Article 9). In other legal documents, reference is made to “other social organizations,” but this is frequently omitted, leaving mass organizations as the only legally recognized representatives of Vietnamese society.⁵

From the Party-state’s perspective, no organization is independent: all of them “belong” (*thuộc*) somewhere (Borton 2001).⁶ Vietnamese NGOs are, legally speaking, subunits of the umbrella organization or other body where they are registered. In practice, many NGOs and other social organizations act independently from the Party-state in finance, personnel, and programming decisions. But the key, from the Party-state’s view, is *political* control: if any organization violates “social stability” or “national security,” it could be sanctioned or shut down. In fact, this has rarely, if ever, happened to registered organizations (one VNGO, the Institute for Development Studies, voluntarily closed in 2009 rather than submit to a restrictive new set of regulations). The Party-state’s relative light hand toward registered organizations may imply either that the registration process is thorough, only allowing carefully vetted groups to register; that organization staff are themselves not interested in challenging the political system, and indeed share many political views with their Party-state counterparts; or, conversely, that the Party-state has less capacity (or interest) than is often assumed to control the activities of social organizations. Even when the Party’s interests are directly challenged, it is as likely to respond with conciliation as with repression (Kerkvliet, this volume).

In practice, attitudes of Party-state officials toward civil society are decidedly mixed. The use of the term in private conversation has increased markedly in the past decade. Newspapers and magazines, including the Party’s theoretical journal, *Tạp chí Cộng sản*, have featured lengthy debates on the meanings of civil society and its (non-)applicability in the Vietnamese context (for instance, Nguyen Thanh Tuan 2007

and Nguyen Quang A 2009, among many other examples). The “liberal” view is that civil society is apolitical and can contribute positively as part of a strategy of involving all parts of society in national development.⁷ Counterposed to this is a position aligned with the police and military, as well as some Party theoreticians, that civil society poses a security risk to the Party’s monopoly on power and could lead to the specter of a “color revolution.” It is difficult to say which view is more prevalent; many officials and Party members probably hold some combination of both. This internal debate over the nature and purposes of civil society mirrors external arguments as well, with the reformist viewpoint aligning closely with the associational approach of international donors, and the hard-line security view remarkably similar to the political-oppositional approach that emphasizes links between civil society development and political change. Evidence supporting both views has surfaced in a series of recent episodes of contentious politics linking civil society actors and policy makers.

The controversy over bauxite mining

In November 2007, the Vietnamese government approved a plan by the state-owned mining company, Vinacomin, to exploit bauxite ore in the Central Highlands, a decision affirmed by the Politburo in April 2009. The fact that the bauxite plans were made at the highest level of the Party indicates the importance and sensitivity of the issue. Concerns over the scale of the mining and the involvement of the Chinese mining company, Chalco, led to widespread public debate in 2008–09 that included the voices of Vietnamese NGOs, bloggers, overseas activists, and senior political leaders up to, and including, Gen. Võ Nguyên Giáp. As a result, the bauxite controversy has assumed significance far beyond its environmental impacts to become a test case for civil society involvement in political decision-making.⁸

Public involvement in the bauxite debate can be described in terms of not just one but at least three networks that are loosely connected to each other, if at all. The first network is centered on several NGOs, professional organizations, and their state-affiliated partners. The second circle of bauxite activists extends within the Party-state, including current and retired army officers around Gen. Giáp and other retired officials. The legendary general’s open letter about the project in January 2009 was a key rallying point for this network.

The third anti-bauxite network is primarily a virtual one, though based like other informal networks on preexisting personal ties (personal

communication, Jason Morris-Jung). A group of bloggers and activists in central Vietnam started an online petition opposing the bauxite project in April 2009 and developed a series of websites to post news and opinions. Over 2,700 people have signed the petition, including many scientists and retired officials involved in the previously mentioned networks, as well as overseas Vietnamese. Online activists have rarely met face-to-face but watch each other's activities on the internet. Each of the sites contains a large variety of material on the bauxite case as well as many other aspects of Vietnamese politics, Vietnam–China relations, and related international news. At times, certain websites have been blocked due to perceived anti-regime political content, but most have either avoided blockage or found ways around the censors.

The most comprehensive research and organizing on bauxite has been conducted by the Hanoi-based Institute for Consultancy on Development (CODE), a VNGO registered with VUSTA. CODE has supported numerous environmental and mining policy initiatives, including advocacy on the Mining Law and the international Extractive Industry Transparency Initiative (Hoang Nghia 2011: 17–19). CODE's report on bauxite mining and the Central Highlands, disseminated to all members of the National Assembly and provincial governments, includes 200 pages of scientific description before proceeding with recommendations. CODE's advocacy approach is scientific and technocratic: if leaders know all the facts, they will make informed decisions. Instead of a total halt to bauxite mining, CODE's politically nuanced recommendation was to speed up construction of one mine (Tân Rai, in Lâm Đồng province) as a pilot, but delay all others in order to study impacts over the longterm (CODE 2010: 199).

Among the internal and online bauxite networks, by contrast, the bauxite mining dispute has been presented in terms of protective nationalism, keeping resources out of foreign hands and opposing perceived external influence in the strategic region of the Central Highlands. Opponents have also expressed concerns about the damage to the ecology, forests, and agriculture, and the consequences for electricity and water, which are in short supply. But these concerns are secondary to the political importance of the case. The bauxite networks include both "respected intellectuals" who wish to reform and democratize the Communist Party and others who seek to abolish it. For the latter group of activists, including bloggers inside and outside Vietnam, bauxite mining was primarily important as a wedge against the current Vietnamese leadership, whose supposed weakness against Chinese interference threatens social stability. Anti-Chinese nationalism can thus be

interpreted as hidden criticism of the SRV regime. Other online activists abandoned ambiguity and explicitly questioned the legitimacy of the government, placing blame for environmental problems on the political leadership. This has long been a firm taboo in Vietnamese politics: as one sympathetic activist describes, “Officials will listen to anything except political criticism [against the Party]. Then the two sides are firmly against each other.”⁹

Once anti-bauxite mining activists linked their arguments to political opposition, security forces responded with their strongest card, protecting national security and social stability. After April 2009, there was no discussion of bauxite in the Vietnamese media for over 18 months. The involvement of external actors viewed as antigovernment posed a conundrum for domestic activists: opposition groups such as the Việt Tân party were articulate and media-savvy (Hoang 2009) but could provoke repressive measures by authorities against all the bauxite networks. An anti-bauxite group on Facebook was widely believed to be the impetus for Ministry of Public Security instructions to block the social networking site (Clark 2011).

Domestic and international anti-bauxite websites arguably had little direct influence on the Vietnamese government’s policy decisions, and perhaps some negative influence. But the virtual network had indirect value by adding technical information and a broad, international view of the issue. This informed Vietnamese intellectuals’ opinions and enabled them to frame the issue more effectively toward the government. In late 2010, the bauxite issue resurfaced in the Vietnamese blogosphere as news spread of red mud from Hungarian bauxite mining entering the Danube River (Clark 2011). A petition from prominent intellectuals, including National Assembly members, called on the government to cancel or postpone the mines.

CODE’s advocacy efforts on extractive industries have also continued, in cooperation with another respected environmental NGO, PanNature. Their joint efforts have targeted National Assembly members as well as the Ministry of Natural Resources and Environment (MONRE) and the Communist Party’s Department of Science, Technology and Environment, using both direct contact and private personal connections (Gainsborough et al. 2011: 23–4). CODE and PanNature’s work on mining issues has since expanded to a multi-stakeholder coalition including MONRE, the Vietnam Chamber of Commerce and Industry (VCCI), provincial authorities, and mining companies, aiming to promote revenue transparency and good governance of mineral resources, including but not limited to bauxite.¹⁰

Meanwhile, the virtual network of bauxite activists has suffered from numerous setbacks since 2009. Yet their long-term influence on political space may nevertheless prove to be positive. As Carlyle Thayer (2009b) perceptively notes, the bauxite campaign exposed a rift between Vietnam's bilateral relationship with China and the Communist Party's historical claim to legitimacy based on Vietnamese nationalism. And in part as a result of public criticism, the scale of bauxite mining being undertaken is much smaller than that originally approved in 2007, with construction underway on two smaller mines, rather than the nine-province proposal originally approved to be in place by 2015 (CODE 2010: 158, 196; Hoang Lan 2011). This outcome demonstrates both the promise and the limits of formal and informal civil society involvement in policy.

Civil society in dispute: the 2012 *Nhân Dân* article

The continuing political sensitivity of civil society issues came to light in the publication and reaction to an editorial in the Party daily, *Nhân Dân*, that appeared on August 31 (Duong Van Cu 2012). The author, later identified as a police colonel, conflated organized and informal forms of civil society as “a trick of peaceful evolution” (*diễn biến hòa bình*), in other words a “plot” by anti-Party forces to implement a Western-style democratic system in Vietnam. The article cited Eastern European experience in which “CSOs” were revealed as fronts for opposition groups with assistance from subversive foreign donors, and concluded with a call for the Party-state to expose and resist such plots in the name of national security.

The editorial's rhetoric was not new: concerns about “peaceful evolution” have been a mainstay of Party hard-liners since the early 1990s, when discussion of a multiparty system became taboo following the Trần Xuân Bách affair (Bui 2013: 46). Nor was the broad-brush, inflammatory language unusual, particularly from security forces. Although *Nhân Dân* is the Party's mouthpiece, one should not conclude that the article represents the view of all Party leaders, rather it gave voice to a certain constituency within the system that may or may not be a majority at any given time.

What was unprecedented was the rapid reaction by organized civil society, namely Hanoi-based Vietnamese NGOs. Within a week of the article's publication, the People's Participation Working Group (currently chaired by two VNGOs, iSEE and CODE) organized a meeting at the VUFO-NGO Resource Center to discuss a response.¹¹ Over 40 participants

attended, including representatives from VNGOs and umbrella associations (PPWG 2012). The gathering resulted in a letter sent to the editor of *Nhân Dân* with 51 signatories (iSEE 2012) stating that “civil society organizations such as we” are patriotic Vietnamese who are working openly and legally to reduce poverty, protect the environment, and promote public health and education, among other positive activities. In what way, the letter asked, is this a threat to the authorities? Subsequent articles posted on the web by other authors expanded on these points. “I’m sure there are some NGOs with political purposes,” wrote one online commenter, “but in Viet Nam they aren’t many ... The vast majority of NGOs are operating for positive ends, with a constructive attitude that is more social than political... their contributions to Viet Nam’s development achievements are not small, and the government has recognized this many times” (Nguyen Quang Dong 2012).

The original article, as well as these and other responses, went viral on the Vietnamese blogosphere. Prior to the growth of VNGOs and access to the internet, a similar article would have been critiqued in private discussions, but not discussed publicly or in print. Although *Nhân Dân* never printed the NGOs’ letter, it nevertheless reached a wide audience and delivered a clear message.

The NGOs’ response seemed to confirm an apolitical narrative of Vietnamese civil society. Yet the meaning of the whole episode may not be so clear-cut. The NGOs assumed that the article was aimed at them as representatives of civil society organizations, and they reacted accordingly. But the article could also be read as a salvo in an ongoing factional struggle within the Party-state. Several weeks after the editorial’s publication, Prime Minister Nguyễn Tân Dũng ordered the closure of three blogs, two of which (*Dân Làm Báo* and *Quan Làm Báo*, “The Citizen Reporter” and “The Mandarin Reporter”) had been outspoken in their personal criticism of Mr. Dũng. In early October, three bloggers from unrelated sites were sentenced to long prison terms (Brummitt 2012). These actions appeared to galvanize the blogging community rather than suppress it: the censored sites remained online, and web traffic to them spiked. Later in October, the PM narrowly escaped discipline and removal from office by the Politburo (Nguyen Phu Trong 2012). In light of this context, the primary target of the *Nhân Dân* article was arguably critical blogs, not a group of innocuous development NGOs.

In retrospect, a second feature of the editorial also takes on greater significance: its prescient warnings of “a bunch of political opportunists with extreme oppositional views who...demand that the 1992 Constitution revert to the 1946 Constitution and hold a popular referendum on

Article 4 as well as the whole Constitution, set up a Constitutional Court, promote civil society and democratic freedoms...and privatize land” (Duong Van Cu 2012). It is precisely these issues, not “peaceful evolution,” that came to dominate Vietnamese political discourse in 2013.

Constitutional reform: opening Pandora’s box?

In early January 2013, the National Assembly’s drafting committee released a draft of a revised Vietnamese Constitution (*Hiến Pháp*) for public comment. The new Constitution will replace the previous version issued in 1992 and will be the fifth in a series of Constitutions promulgated by the Democratic Republic of Vietnam/Socialist Republic of Vietnam since 1946. The reasons for the timing of the new draft are not entirely clear, coming in the midst of upper-level political turmoil between the prime minister and Party leadership as well as vociferous debate over the revised Land Law. The constitutional revisions appear to have occurred due to a desire to bolster the Party’s legitimacy combined with accommodation of pressure from intellectuals and the media to reform the 1992 Constitution, which many commentators view as outdated (Nguyen Thi Huong 2012; Bui 2013).

The January 2013 draft makes adjustments in the political system that could hardly be considered extreme. One such innovation is the addition of a Constitutional Council, not quite the independent court that *Nhân Dân’s* editorialist feared; other new features include the formation of a National Election Commission and a State Audit Office.¹² These amendments result in a slight shift on balance toward the National Assembly and away from the prime minister and government. Most importantly, the Party’s role as “the leading force in the state and society” in Article 4 remains unchanged, as does the following clause that “all Party organizations operate within the Constitution and the law” (National Assembly 2013). Civil society has no role in the document outside of the Fatherland Front (Article 9).

The public comment period was set for three months to March 31. On January 19, a group of 72 intellectuals posted an entire alternate draft constitution on the web, making radical changes in almost every article. Article 4, for instance, was replaced by a statement that “political parties are free to set up and operate according to the principles of democracy” (Bauxite Vietnam 2013). The alternate draft called for separation of powers, an independent Constitutional Court, and the depoliticization of the army and security forces – exactly what had previously been

termed “peaceful evolution.” The signers included a former vice-minister of justice, several prominent economists and former advisors to Prime Minister Võ Văn Kiệt, Catholic bishops, and other professors, writers, and artists. The alternate draft was first posted on the Bauxite Vietnam website that arose from the 2009 mining dispute, and the list of signers includes many contributors to the bauxite campaign, as well as signers of a 2011 call to defend the country from Chinese encroachment (Xuan Dien 2011). By May 2013, over 14,400 people inside and outside Vietnam had signed an online petition in support of the alternate draft. Other online constitutional recommendations followed: one organized by US-based mathematics professor Ngô Bảo Châu titled “Writing the Constitution Together” (Cùng viết Hiến Pháp), <http://hienphap.net/>, and another, <http://hienphap.kienngghi.net/>, posted by a group of current and former law students within Vietnam. These efforts, as well as the Group of 72 petition, received limited coverage in the official print and online media, showing some evidence of increased space for public discussion.

Democracy manifestos are not unknown in modern Vietnamese history, but most such statements have been made by small groups of dissidents who could easily be repressed or ignored. Earlier activists, such as the 112 signers of the Bloc 8406 statement in 2006, were primarily teachers, priests, engineers, and other white-collar workers in the cities of central and southern Vietnam. The 72 signers of the alternate constitution are a completely different group, predominantly Hanoi-based and with much stronger political and economic connections.

Critical intellectuals working within the system had up to 2013 stayed within the red line of Article 4: criticism of policies was possible, anything except direct opposition to the Party. The alternate constitution breached that line, within the framework of allowable public comment on the revised draft. To be sure, similar debates on the constitution had taken place among intellectuals in 2001 and again in 2010, characterized by a pragmatic call for a state governed by the rule of law (*nhà nước pháp quyền*) without directly challenging the Party (Sidel 2009; Nguyen Thi Huong 2012). Perhaps the closest parallel in recent years was the 2005 alternate draft of the Law on Associations released by VUSTA as a counter to the Government’s restrictive draft; this more modest ploy led to the canceling of the entire law (Sidel 2010).

A response from the Party-state was inevitable. In a nationally televised speech on February 25, General Secretary Nguyễn Phú Trọng accused unnamed critics of “political, ideological and ethical decadence” (*suy thoái chính trị, tư tưởng, đạo đức*) for suggesting the removal of Article 4, advocating a multiparty system, and proposing the nonpoliticization

of the army. A swift rebuttal came from an unexpected source: a journalist for a state-owned newspaper posted a short blog stating that the real decadence was not different political ideas but rather corruption within the Party (Nguyen Dac Kien 2013). The journalist was summarily fired from his job, but became an instant hero in the blogosphere (Ives 2013). Rather than shut down debate, the National Assembly chairman, Nguyễn Sinh Hùng, announced on March 6 that the time frame for receiving comments on the revised draft would be extended through the end of September (Drafting Committee 2013).

Soon after the posting of the alternate draft Constitution, the People's Participation Working Group entered the debate, organizing a series of events in March 2013 to solicit input from civil society organizations and "disadvantaged social groups": ethnic minorities, people with disabilities, LGBT, migrant workers, youth, HIV-positive people, and women. Thirty-five directors and representatives of VNGOs, networks, professional associations, and informal clubs signed the CSO statement, calling for greater civil and political rights, freedom of assembly, streamlined registration of associations, an independent human rights commission, and Constitutional Court (iSEE 2013a). The social groups' statement, based on the consultation of 17 organizations, 980 individuals, and 2,500 online respondents, made over 20 pages of specific wording changes to the draft, including land rights, free education and health care, and gay marriage (iSEE 2013b). Neither statement mentioned Article 4, but both stressed human rights, equality, and the need for the Constitution to be ratified in a popular referendum. These demands might have seemed radical and new in any other circumstance, but compared to the entire alternate draft, they came across as measured and limited. In this way, the action of the online intellectuals opened allowable space for organized civil society to enter the political arena and deflect potential criticism. PPWG representatives submitted their recommendations to the National Assembly's Drafting Committee according to the law; their input was reportedly "well received" (Nam Pham 2013).

The story of the 2013 constitutional debate – still underway as this chapter was written – seems to provide general confirmation of the "political civil society" narrative. The main actors in the debate are individuals and unregistered groups, not formal CSOs, although they have also joined in using the space available to them. The target of civil society action is unambiguously political and, in many cases, overtly oppositional, engaging in "gradual political fence breaking" (Nguyen Thi Huong 2012: 17). Blogs and the internet have been the main means of communication, demonstrating the power of this new medium as

an organizing tool. Yet some features of the debate also challenge a political-oppositional approach to civil society. The leading actors are not wholly separate from the state: the majority of signers of the alternate draft Constitution have strong Party-state connections. Indeed, their actions have the implicit support of some individuals and factions within the system, as can be concluded by the fact that they were not immediately arrested as certain less-connected bloggers have been. Some of the signers and advocates, furthermore, have participated in VNGOs and other social organizations at times, such as VUSTA, VCCI, and the now-closed Institute of Development Studies. Others have played roles in informal networks, such as the 2007–09 campaigns to save Hanoi's Reunification Park. Rather than external, independent voices, the actors in the constitutional debate are shape-shifters who “wear many hats,” adopting personae both within and outside the state (Wells-Dang 2012a).

Conclusion: the future of civil society influence

Both organized and informal expressions of civil society are increasingly active in Vietnam. Each of the three controversies profiled in this chapter – bauxite mining, the meaning of “civil society,” and constitutional revisions – features the involvement of Vietnamese NGOs as well as informal and virtual activism. Together, the spaces opened by such civil society action comprise a sphere of informal politics in which actors take advantage of opportunities for agency and policy entrepreneurship, within or on the edges of the system's limits. All civil society actors network with other groups to achieve policy objectives, whether this takes place through loose working groups like the PPWG, structured multi-stakeholder cooperation such as the mining/extractives coalition, or via the internet and social media. The capacity and voice of formal organizations is greater than in the past, yet the preponderance of new energy has recently been on the informal side. Any observer who neglects either facet of civil society would miss an important part of the overall picture (CIVICUS 2013: 10).

The Party-state's policies both enable and restrict civil society development, in a process similar to what has been observed in China (Ho 2008). Connections with authorities provide avenues for policy engagement, while also placing limits on what formal civil society actors can do. Similarly, policies to involve the whole of society in national development (*xã hội hóa*), and to encourage the use of information technology, create opportunities for informal activism that other parts of the state

sometimes seek to rein in. The ambiguity in many legal documents, the gap between theory and practice, and increasing contradictions between policy and implementation combine to form unexpected political space in which various forms of civil society can thrive.

In a germinal article on state-society relations, Benjamin J. Tria Kerkvliet (2003) noted that in spite of greater numbers and variety of organizations and partially improved legal structures, the initiative in future developments still lay with the state's decision to employ repression or incentives toward civil society. A decade later, the Party-state still holds a very strong position, yet the initiative has surprisingly shifted toward actors outside of state structures. The future potential of civil society's political influence will depend on three as yet uncertain elements, only one of which concerns the Party-state's response.

One area in which greater civil society influence could be achieved is through improvements in transparency and cooperation among groups. If formal organizations as well as informal networks develop more democratic internal governance systems, this would not only strengthen their legitimacy and popular representation, but also pose an alternative to the prevailing political and economic culture. Some VNGOs and networks have discussed voluntary self-certification mechanisms that would encourage organizations to reach a higher standard than required in Vietnamese law; others seek to diversify funding sources through social enterprise initiatives or other local income-generating activities. In addition to potential financial independence, organizations would benefit politically from a stronger domestic constituency base and less dependence on foreign donors. Efforts to promote domestic giving, whether by individuals, corporations, or foundations, are still at their early stages, with Ho Chi Minh City somewhat ahead of other regions (Taylor et al. 2012). Nonprofit governance and fundraising are likely to become key issues as Vietnamese civil society matures.

A second major question for future civil society action concerns the extent to which organizational, informal, and community-based networks come together in joint campaigns, or even develop into full-scale social movements. The previously absolute gap between registered and informal civil society has narrowed in the constitutional debate and land disputes. Local community members – women and men farmers, small business owners, and veterans – have increasingly become engaged in advocacy over land and environmental issues that affect their lives. This informal civil society is not necessarily oppositional in nature: political opposition makes up only a small fraction of all civil society activity in Vietnam. Yet overt criticism of the Communist

Party's monopoly on power emerged in 2012–13 in ways not seen since the early years of *Đổi mới*.

A final uncertain factor is the response from the Party-state. On one pole of the spectrum of possibilities, the constitutional debate could lead to a staged political opening, as has occurred in Myanmar (Burma) since 2008. Such a process would likely continue to be led from above and, as Burmese experience shows, poses numerous risks and obstacles along the path of transition from authoritarianism. The role of various forms of civil society would certainly increase in such a trajectory, but not necessarily in a uniform way. Contrary to the claims of both enthusiastic democracy promoters and hard-line democracy opponents, civil society engagement itself will not be sufficient to bring about political liberalization: that depends on elite decisions, visionary leadership, and external opportunities, among other factors stressed in studies of democratization (Schmitter 1997; Alagappa 2004).

An opposite form of Party-state response to civil society would be increased repression by the security apparatus, which is the logical end point of the “circle-the-wagons” view expressed in the 2012 *Nhân Dân* editorial. Although the political and social climate for civil society in Vietnam has widened considerably over the past decades, these gains are not irreversible. Up to now, for instance, the police and military have mostly avoided use of lethal force in responding to demonstrations, bloggers, and other perceived threats (Kerkvliet, this volume), yet such force remains an available option.

Between these two scenarios lies the possibility of increasing splits among the Vietnamese leadership and competition over resources, resulting in an incoherent, dysfunctional policy response in which uncertainty is a primary instrument of rule (see Gainsborough 2010). In this outcome, some components of the Party-state might become more sympathetic to civil society activities, joining in limited-purpose coalitions at times, while other forces seek to block change. The factional conflicts of late 2012 offer a taste of what could arise if internal disputes move further into the open. While the levels of uncertainty and risk in such circumstances would be high, the opportunities for civil society engagement would also increase. Fragmentation and decentralization of authority, together with bureaucratic competition and personal interests, ensure that civil society actors will be able to identify allies within certain official structures. To the extent that officials and National Assembly delegates become more comfortable in working with civil society, greater cooperation will become possible (Oxfam and OPM 2012).

Division among elites also provides fertile ground for corruption and rent-seeking in Vietnam's political economy, which many civil society actors seek to redress. The grey areas for civil society action and private enrichment may be seen as opposite facets of the same process: investors, ambitious officials, and other interest groups are well (or better) placed to take advantage of opportunities resulting from state fragmentation. Increased freedom for civil society actors, and stronger influence on certain issues, may thus not necessarily result in optimal political outcomes for the country at large. At best, Vietnamese society would "muddle through" uncertainty, with the Party-state remaining strong in some aspects, while social conflicts and inequality increase at the same time.

In either the managed change or muddle-through state responses, civil society actors will become increasingly intertwined in informal politics on the boundaries of the Party-state system. Through media and the internet, research and advocacy projects, and personal connections, the actors involved in recent political controversies have forged pathways around the blockages of institutionalized politics. Such innovation reconciles the paradox of a vibrant civil society in a restrictive political system. It also confirms the importance of a rethinking of familiar concepts of civil society, away from categorizing types of organizations toward a dynamic process of cooperation among both formal and informal actors.

Notes

1. The mass organizations are the "Fatherland" (or "Ancestral") Front (*Mặt trận Tổ quốc*, which is non-gender specific in Vietnamese), the Vietnam Women's Union (*Liên hiệp Hội Phụ nữ Việt Nam*), Ho Chi Minh Communist Youth Union (*Đàn Thanh niên Cộng sản Hồ Chí Minh*), Vietnam Farmers' Union (*Hội Nông dân Việt Nam*), Viet Nam General Confederation of Labor (*Tổng Liên đoàn Lao động Việt Nam*), and the Vietnam Veterans' Association (*Hội Cựu chiến binh Việt Nam*).
2. Internationally accepted definitions have likewise shifted: for instance, CIVICUS' original depiction of civil society as an autonomous realm of organizations has changed to encompass a more fluid and activist-centered approach including individuals and other informal groups who act in the public sphere (CIVICUS 2013).
3. As Read and Pekkanen (2009) demonstrate, the "straddler" concept applies throughout East and Southeast Asia. It also exists elsewhere in the world by the names of "parastatals" and "quangos."
4. This and the following two paragraphs draw on Wells-Dang (2012b), which provides further detail and examples of VNGOs and research centers in the sector of climate change response.

5. There are important exceptions to this rule: for instance, the 2010 Law on Disability specifies roles for self-help groups of people with disabilities, and regulations on HIV-AIDS prevention and treatment recognize the involvement of networks and NGOs. These provisions entered the law due to domestic and international lobbying, and demonstrate the flexibility and diversity possible within the bounds of the Party-state system in particular cases.
6. The Party-state does recognize that some organizations are “nongovernmental”: the Ministry of Home Affairs even contains a Department of Nongovernmental Organizations (*Vụ Tổ chức Phi Chính phủ*). This does not mean that NGOs are viewed as independent.
7. This strategy is one meaning of the term *xã hội hóa*, misleadingly (if literally) translated as “socialization.”
8. The discussion in this section is based on Wells-Dang (2011).
9. Personal interview, September 2011.
10. The mining coalition is funded by multiple international donors including the UK Government – Oxfam Advocacy Coalition Support Program, of which the author currently serves as Team Leader.
11. iSEE is the Institute for Studies of Society, Economy and Environment. Like CODE, iSEE is a policy-oriented NGO with dynamic young leaders, registered with VUSTA. It has become best known for work on ethnic minority and LGBT issues. The VUFO-NGO Resource Center, jointly sponsored by international NGOs and an umbrella organization, hosts 19 working groups, including People’s Participation, which include both domestic and foreign NGOs as members (see <http://www.ngocentre.org.vn/workinggroups>).
12. Perhaps the most important shift in the draft, outside the scope of this chapter, is the removal of a mandated leading role for the state-owned sector in the economy in favor of an economy with “various forms of ownership” (Article 54).