

The Quest to be a “Human Rights Promoter”: The European Union and the Case of Vietnam

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Summary

Recently the political weight of the European Union (EU) in international relations has come under scrutiny. Alongside economic influence, normative power is among the key factors shaping the EU's foreign policy. In spite of the EU's efforts at establishing legitimate norms that can be globally exported and applied and its actions to promote these norms in other countries, the results of these efforts have been questioned with regards to their overall level of success. Against this backdrop, this article seeks to examine the reasons for the EU's ineffectiveness in portraying its self as a “human rights promoter” in Association of Southeast Asian Nations (ASEAN) countries, and especially in Vietnam. Two social-scientific explanations will be explored: (1) how coherent the EU is in its human rights policy and (2) the differences in values between the two sides, particularly regarding two aspects: culture and political regime. As to the first explanation, the coherence of the EU's human rights policy is examined as the internal factor. The term “coherence” in this paper is understood in the sense that the EU's human rights policy is consistently promoted without negotiation of or being affected by other factors, for example economic benefits. The second explanation is about differences in values, addressing specifically cultural and political aspects. We argue that the human rights policy of the EU will be more effectively implemented in countries that share the same or similar norms with the Union. Otherwise, dissimilarity in values will lead to a limitation or even a rejection of the EU's human rights projections.

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Introduction

The European Union (EU) as a global player and power has caught the attention of academics, the media, and policymakers in recent times. Besides economic influence, normative power is among the most significant factors currently shaping the EU's foreign policy (Manners 2001). Portraying itself as a normative power, the EU has in the past few years been seeking opportunities to build up a model of regional cooperation that is committed to democracy, human rights, the rule of law, and good governance (European Commission 2007). This effort is defined as the way “in which the EU is able to spread its core norms and values beyond its own borders” so as to “shape conceptions of ‘normal’ in international relations” (Manners 2001: 10), notably in countries now heading towards regional integration — such as those in the ASEAN (Garelli 2012).

However, despite the EU's efforts at establishing legitimate norms that can be globally exported and applied and its actions to promote these norms in third countries, the results of such efforts have been questioned with regards to their overall level of success. Recent surveys have shown that there is actually a gap between the EU's desire — or its self-portrayed image — and how the wider world views it. In a survey report by Lucarelli and colleagues (2009), the authors point out that the EU is more recognized as a “strategic opportunity” by its partners in terms of economic cooperation and as a model of regional integration — rather than as a “normative power” exporting universal values of democracy and human rights. According to the results presented by Holland and his colleagues (2009), the general public's recognition of the EU as a human rights promoter in Southeast Asian

scarcely accepted in ASEAN countries, which can be counted as a core reason for the EU's failure to promote its model in this region.

In order to test these explanations, Vietnam is chosen as a case study for three specific reasons. First, in terms of the differences in values approach, Vietnam is: (1) a society influenced by Confucianism and (2) a socialist state, while the EU is a democracy promoting Western values. Second, among the ASEAN members, although Vietnam may not be the single most important partner of the EU in the region, their economic relationship has been proved to offer the most dynamic cooperation at least (Vietnamese Ministry of Foreign Affairs 2007). The increasing economic benefits of interaction with Vietnam may thus have curtailed the EU's human rights activities in this country. Third, taking a closer look at the case of Vietnam can be a first step to the conducting of further research on other Asian cases within the same framework — especially on countries that share the same culture, political regime, and economic status as Vietnam, such as China and some other ASEAN countries.

This paper is structured in four parts. After this introduction, the following section will present briefly the framework of analysis that suggests two explanations for the research question based on two different perspectives from social-scientific research. The next section will then adopt the framework, so to analyze the EU–Vietnam relationship with regard to human rights — wherein we will examine specific cases from 2003 up to the present, so as to illuminate what if any influences the two aforementioned factors have had on the EU's human rights policy in Vietnam. The final section is the conclusion, summarizing the findings and offering some suggestions for further research.

Analytical framework

Why are the EU's efforts to portray itself as a “human rights promoter” ineffective in ASEAN countries, and especially in Vietnam? We assume there to be two social-scientific explanations for this, which are: (1) how coherent the EU is in its human rights policy and (2) the differences in values between the two sides, particularly regarding two aspects: culture and political regime.

Coherence in the EU's human rights policy

March and Olsen, in their article entitled “The Institutional Dynamics of International Political Orders” published in 1998, point out two logics of human behavior: a logic of expected consequences and a logic of appropriateness. The outcomes experienced depend on which logic one may choose. However, in most cases the two logics are not mutually exclusive but instead have some overlaps. Regarding the first logic, according to these authors human actions rely on calculations made about the different consequences that they may bring. Being assumed to be a rational actor, an individual will behave in a way that brings him or

her the greatest benefits. On the basis of this perspective, March and Olsen extend their concept to the level of national foreign policies — they state that “foreign policy is ‘explained’ by providing an interpretation of the outcomes expected from it. The behavior of individuals or states is influenced by providing consequential incentives” (March and Olsen 1998: 950). The two authors also observe that in international cooperation the expected consequences can be achieved when all parties resolve any conflicts of interest. However, how closely the consequences correlate with their original desire depends on the bargaining positions of the actors involved, which are part of a preference aggregating process achieved through bargaining, negotiation, coalition formation, and exchange (March and Olsen 1998).

The second logic highlights the “appropriateness” of individual actions. This logic argues that, besides the calculations made about ultimate consequences or benefits, human beings also follow an alternative principle regarding the underlying appropriateness of their behavior. The authors point out that “the pursuit of purpose is associated with identities more than with interests, and with the selection of rules more than with individual rational expectations” (March and Olsen 1998). This appropriateness, which has embedded cognitive and ethical dimensions, is driven by various factors such as culture, traditions, the values of a society, and membership of a community or organization. On the one hand, designing the regulations, behavior standards, and action frameworks that participants should follow presents the desires or wishes of a group about what constitutes a common appropriateness. On the other, as an adherent to a common appropriateness one’s behavior might be partly limited by shared norms — regulated by the community through its official documents or even sayings.

In this case, the integration of the EU serves as an example, as its norms and identities were formed, diffused, and shared between the member states. Thus, the appropriateness of each national unit’s chosen action is evaluated according to the rules and regulations that the Union agreed on. From that perspective, the authors examine foreign policy of a nation as the “application of rules associated with particular identities to particular situations” (March and Olsen 1998: 951). In its external relations, the EU — as a normative power — is expected to behave according to its own norms, and especially the core values that it promotes — including democracy, respect for human rights, adherence to the rule of law, and good governance. However, the EU has not always only pursued its own norms, especially when doing this might affect its ultimate interests. Following March and Olsen’s perspective, the extent of coherence in the EU’s human rights policy can thus be examined by determining under which conditions the EU follows which logic. The more coherent its human rights activities, the greater likelihood of effective implementation and vice versa; if the EU is ambiguously pursuing two or more interests, however, the effectiveness decreases.

The EU's experiences with Myanmar in the course of Free Trade Area (FTA) negotiations with the ASEAN is among the examples of this. At the beginning of the FTA negotiations between the EU and the ASEAN in the 2000s, the former wished to ensure that both its interests would be met and that its values would be diffused. The EU would not pursue only the desired economic benefits if its values were not guaranteed — in other words, human rights violations in Myanmar were expected to be addressed before trade negotiations would be concluded. The ASEAN, however, refused to take any action against Myanmar, arguing that it broke the principles of noninterference in domestic affairs that the organization had been following hitherto. The start of FTA negotiations, hence, was delayed for several years. Due to this unresolved issue, some meetings scheduled between the EU and the ASEAN were postponed or canceled — for example the Joint Cooperation Committee in 1997 or the ministerial meeting in 1999. However, after realizing that it risked missing out on benefits in the region due to its as yet unsuccessful agreements, the interest-based logic dominated over that of norms — proved by the fact that the EU overlooked the human rights violations of Myanmar and the lack of human rights mechanisms in the ASEAN when it began to foster FTA negotiations in May 2007. As such, the Union had to neglect human rights problems in Southeast Asia in order to secure material gains in this region.

Differences in values

In this part, we will present the idea that differences in values lead to the parties involved taking dissimilar approaches to human rights. It will be pointed out that the EU will have a high chance of effective results if it promotes human rights policies in countries sharing similar values to those of the Union. Otherwise, its values encounter greater difficulties in penetrating into the target societies. Value differences will be studied through the two prisms of culture and political regime.

The aspect of cultural values. The cultural approach stems from Huntington's (1996) assumption about a "clash of civilizations." Huntington introduced his hypothesis of the clash of civilizations during the setback of ideological confrontation between Capitalism and Socialism, which led to the ending of the Cold War. Huntington believes that in future conflicts will no longer come from ideologies or politics. Instead, "the principal conflicts of global politics will occur between nations and groups of different civilizations. The clash of civilizations will dominate global politics. The fault line between civilizations will be the battle lines of the future" (Huntington 1996).

Considering Huntington's concept as a possible framework, one may question if this clash occurs specifically in the EU's case with its diffusing of its human rights values to third countries. Theoretically, as Manners (2001) points out, "human rights" is among the core values that the EU desires to spread and hence belongs to the heart of Western civilization. However, Western values are not always accepted

in non-Western civilizations. Different cultural values lead to different perspectives being formed on human rights, and so European values — including human rights — are not recognized as universal norms or common definitions that can be applied to the whole world.

Until now, it has been possible to observe how there are differences in the understanding of human rights when looking through the lenses of Western liberalism and of other civilizations' doctrines. The EU — on the basis of the core tenets of Western civilization — follows the “primacy of the individual,” which argues that an individual is not only a citizen (or a member of a community) but above all an independent entity with freedom all his or her own. The father of classic liberalism John Locke, for example, perceived that the individual has the right to enjoy freedom and equality, and that “the individual remains his point of reference, not the community or its institutions” (Richardson 2001), hence authority derives from the people and not from governments. Human rights from that perspective are the inviolable freedom of individuals, being “universal” (applicable everywhere) and “egalitarian” (the same for everyone) (Ajulo 2012). This approach enables the Western promoters of such beliefs to see such an analysis as a necessary prelude to bringing Western values to the non-Western world. However, many Asian leaders believe that they have their own values that are able to ensure Asian people are protected in terms of human rights (Nathan 2012).

Confucianism, which still influences many Asian nations to this day, also guarantees personal freedom — as long as it is not detrimental to the interests of the collective, the society, or the nation. In other words, under Confucian philosophy Asian values give prominence to the “primacy of collectivity,” in which the guiding principles are based on hierarchy. The individual is not an isolated entity, but is part of and dependent on the hierarchical relations of the community. The hierarchical model is applied in most of the subgroups of a Confucian society, from families to national organizations. Thus, in a Confucian society citizens are expected to support and follow the rulers' ideology, in order to guarantee the stability of the nation.

Based on such a point of view, some Asian leaders have in recent years come up with the concept of “Asian values” — simultaneously stating that individual liberalism is not suitable for East Asia and that Western countries should not “foist their system indiscriminately on societies in which it will not work.” Lee Kwan Yew, the former Singaporean ruler, argued that “Asian societies would thrive not by adopting Western economic models, social norms, and governing strategies” but by preserving what he described as the five relationships that are most important to Confucianism: “One, love between father and son; two, duty between ruler and subject; three, distinction between husband and wife; four, precedence of the old over the young; and, five, faith between friends” (as cited in Nathan 2012). He once also concluded that “different civilizations or societies have different conceptions of human well-being. Hence, they have a different attitude toward human rights issues”

(Lee 1985). A common standard of human rights or methods to promote and protect them, therefore, should take into consideration the views of different cultures, religions, and histories.

The aspect of political ideologies. A second understanding of value differences can be accessed from a political perspective, particularly regarding how a specific political regime approaches the concept of human rights. Not simply assuming that the EU — which is constituted of countries adhering to democracy — can respect and protect human rights better than nondemocratic countries — that is, socialist states ruled by a single (Communist) party, such as China, Cuba, and Vietnam — can, this argument claims that different political systems hold dissimilar understandings, approaches, and guarantees vis-à-vis human rights. These different patterns lead to a state's willingness to resist or absorb the human rights values that the EU wishes to diffuse. For instance, a socialist country — based on the political tenets that the country promotes — will respond to the EU's human rights policy as follows:

Dating back to the core arguments of real socialism that developed through the totalitarian models of states in Eastern Europe and the Soviet Union, or to the people's commune model of Mao Zedong, human rights can be interpreted as the rights of classes — including the bourgeois and the proletariat (Dillon 2010). On the premise that social development dominated by the bourgeois leads to alienation, the proletariat hence needs to carry out revolutions so as to craft the so-called "dictatorship of the proletariat." A state formed by the proletariat and that mostly embeds farmers and workers, according to Karl Marx (1848), will help human beings to overcome the alienation caused by Capitalism and to attain a more humane and humanitarian relationship with production. In such a state model, human rights are the rights of the proletarians — which are defined and legitimated by the political leadership of the dominant ruling class. In order to build up a collective state of benefit for the majority, what are considered to be the trappings of individualism need to be excluded.

Lane (1984) distinguishes two major differences in the approach to human rights from the perspectives of Western and socialist countries. First, "rights" in socialist countries are defined collectively and not individually, as they are in Western societies. He explains that,

in the economic sector, individual rights to enterprise and to ownership of property were abolished; freedom from economic exploitation (in a Marxist sense of the production of exchange values) and rights to employment have been decreed; government ownership, control, and planning of the economy has been introduced" In addition, the individualist and market" conception of political rights expressed through competition of political parties and interest groups has been replaced by the idea of a collective political interest articulated by one political party.

Second, human rights in the West have been based on "the notion of the equality of citizenship (for men if not for women)," something which has been struggled for

through hundreds of years of evolution starting from the era of Feudalism. These rights, however, are not present in those countries adhering to the tenets of Communism or Socialism.

When the rights of an individual (or a certain minority group) affect the stability of the society or the state at large, then the state's actions — taken on behalf of the majority or the community — to limit the individual's rights are considered equitable and legitimate. This argument, which emphasizes the prioritization of the stability of society over individual freedom — unlike the cultural approach in the previous part —, does not derive from cultural ideas of Confucianism about the collective and hierarchies. Rather, it stems from the political characteristics of the single-party system, carrying with it two objectives: pushing for open pluralism in economics and guaranteeing political stability, in order not to affect the ruling party. Stability in diversity requires people in the society to sacrifice some of their individual rights so as to protect and preserve the common good of the collective that has been defined by the state. In short, from the perspective of differences in political systems — along with the ways in which these systems approach human rights — one can find an explanation for the EU's either effectiveness or ineffectiveness in spreading its human rights values. The values regulated by the political regime of each country allow them to either accept or resist the EU's requirements on human rights standards, leading to different results in practice.

Operationalization

In the first explanation, the EU's coherence in human rights policy will be studied. Indicators of coherence will be measured during a period of ten years from 2003 to 2013, done by scrutinizing the following two factors: The first is the economic index in terms of bilateral trade and investment, as well as any important economic events occurring between the EU and Vietnam in this time period. The second is the extent of coherence in the EU's policy towards human rights violated by the Vietnamese state, according to the EU's understanding. The question this section seeks to address is whether there is a connection between the two factors — in other words, the increase of economic indicators or the importance of a specific economic agreement may have reduced the intensity of the EU's criticism of human rights violations in Vietnam. With this in mind, this section brings in four significant cases: (i) Doctor Pham Hong Son (2002–2003); (ii) Lawyers Le Thi Cong Nhan and Nguyen Van Dai (2006–2007); (iii) Lawyer Le Cong Dinh (2009–2010); and, (iv) Bloggers Nguyen Van Hai (Dieu Cay), Phan Thanh Hai, and Ta Phong Tan (jailed in 2012). These cases have been chosen because they are notable human rights cases that the EU officially criticizes the Vietnamese government for, to which the latter objects.

In the second explanation, the paper attempts to examine core basic aspects. The relationship between Vietnamese culture and the country's human rights policy will

then be analyzed, through the ways in which Vietnamese leaders, politicians, and elites describe, define, and explain human rights within social settings. The second aspect is that of political regime. We will analyze Hanoi's views about Western political freedom and democracy, in order to see whether the political values that the Vietnamese government cherishes are harmonious with the major tenets of the human rights thinking that the EU seeks to promote. It is noteworthy that values that arise from culture and politics do have some interference, which we acknowledge. We emphasize here, however, the need to separate these two sources of values in the case of Vietnam — since they are the two core domains that Vietnamese leaders and politicians often cite to explain and legitimize their activities in the field of human rights.

The relationship between cultural and political values and the interpretation of human rights will be examined by looking at speeches, articles, and news items of the official journals and websites of the Vietnamese government and the Vietnamese Communist Party (CPV), such as the *Communist Review*, *Nhan Dan Newspaper*, *People's Army Newspaper*. The speeches of spokespersons from the Vietnam Ministry of Foreign Affairs about specific human rights cases are also among important sources used. At the same time, we will also address the EU's official documents — including speeches and reports, as well as opinions from international newspapers, politicians, leaders, and academics — to find out the EU's intentions and wishes in promoting human rights in Vietnam.

The case of Vietnam

Human rights in the EU–Vietnam relationship

Human rights always rank among the top concerns of the EU's foreign policy. Diffusing the EU's values to third countries has been stated as an aim in many documents and strategy papers of the EU. Particularly in Vietnam, "concerns about human rights remain a major theme of EU–Vietnam relations" (EU Delegation to Vietnam 2011), in which "the EU has an enormous range of policies and instruments beyond trade and aid — in the environment, science and technology, consumer protection, education, public health, energy — which can and should work better for Vietnam's development" (O'Sullivan 2012).

It can be implied that the political relationship related to democracy and human rights issues between the EU and Vietnam are defined in broad terms, from improving the quality of governance and of the National Assembly to initiatives to promote civil society and other projects related to helping developing communities. Some significant current projects include building social accountability in Vietnam, promoting greater interaction between civil society and members of the National Assembly, improving gender equality, and increasing health sector capacity support, especially for children and minorities. Among these activities, a "soft approach" to

human rights — such as improving the rights of minorities, women, and children, human development, or the health sector — are welcomed by the Vietnamese government.¹ In fact, they are the areas for which Vietnam wishes to attract greater investment — both in terms of finance and expertise — from the EU so as to improve the country's overall social development.

The EU, however, pays special attention to training activities and direct dialogues on human rights in Vietnam. The former are funded by the Vietnam–EU Strategic Dialogue Project, which aims to raise the awareness of Vietnamese military officers regarding human rights and to familiarize them with activities in defense of such rights — which the EU has many times emphasized as of “crucial importance for Vietnam’s own development and a key aspect of bilateral relations,” which can help promote a “better and comprehensive understanding of human rights in Vietnam” (EU Delegation to Vietnam 2012). Regarding human rights dialogue mechanisms, this initiative was started in 2001 and held twice a year thereafter, then being transformed into an annual event from 2012 — organized in turn in the two capitals. In those dialogues, the human rights understandings and related issues of the two sides are reviewed and discussed in order to “constitute a platform to engage Vietnam on sensitive issues, and allow [for the] channeling [of] EU concerns directly to the Vietnamese authorities in an open and constructive atmosphere” (EU Delegation to Vietnam 2011).

While recognizing Vietnam’s efforts to promote fundamental rights among its citizens, the EU has nevertheless many times raised concerns about human rights violations by the Vietnamese government. This has drawn objections from Vietnam, with freedom of speech and political freedom being two controversial topics. In this context, the EU has on numerous occasions expressed its “concern about signs of a more restrictive approach to freedom of expression and media in the country, which are a source for concern in Europe and risk to affect Vietnam’s international reputation” (EU Delegation to Vietnam 2012). This was particularly the case after lawyer Le Cong Dinh, blogger Dieu Cay, and other bloggers were arrested for “spreading propaganda against the Socialist Republic of Vietnam” and for “abusing democratic freedoms to encroach on the interests of the state” (European Parliament 2013).

However, despite the EU’s attempts to establish legitimate norms in Vietnam, the results thereof have been questioned with regards to their overall level of success. The as yet ineffective nature of the EU’s human rights policy in Vietnam is reflected in the following indicators: (i) findings of surveys about the Vietnamese perception of the EU show that the Union is currently recognized more as an economic giant than as a human rights promoter (Pham et al.); (ii) the EU’s statements on and

¹ Some such projects include the Health Sector Capacity Support Project, Nutrition and Livelihood for Ethnic Minorities, working together to protect and promote the rights of children and youth at risk. More information can be found at: http://eeas.europa.eu/delegations/vietnam/index_en.htm.

assessments of human rights violations in Vietnam continuously draw official objections to them from the Vietnamese government itself. A survey conducted by about Vietnamese perceptions of the EU has shown that human rights is among the key factors preventing people holding more positive views of the Union. Many of the respondents stated that human rights were just an excuse for the EU to interfere in their domestic affairs (Dat 2013; Nguyen 2007; Vu 2011); and, (iii) while accepting the “soft approach” to human rights of the EU (for instance, organizing conferences and workshops on human rights and jurisprudence), the Vietnamese government has thus far rejected the EU’s calls for it to follow through on actions to improve the “hard” human rights problems of the country — such as releasing those arrested dissidents who support political reform in the country (CPV 2012; Vietnamese Ministry of Foreign Affairs 2009).

Coherence in the EU’s human rights policy

The case of Doctor Pham Hong Son (2002–2003). During the period of this case, the EU–Vietnam relationship showed, in terms of economics, that it was on a slowly developing path with no outstanding indicators of growth detectable — although the two sides were planning for a closer strategic partnership. The General Statistics Office of Vietnam provided the continuously increasing bilateral trade indicators in 2002 and 2003. In terms of its trade volume with Vietnam, the EU was still ranked modestly compared to the ASEAN countries and the United States. Up until 2001 revenue generated by the EU’s foreign direct investment (FDI) projects in the country was 3.62 billion USD, accounting for 11.1 percent of the total revenue from FDI in Vietnam. In 2002 the EU invested 56 million USD in Vietnam, with 49 projects; this rose slightly to 64 million USD in 2003 (General Statistic Office of Vietnam 2012).

Meanwhile, the EU constantly mentioned human rights as part of this bilateral relationship, alongside helping Vietnam to become integrated into international institutions by providing training and consultation. Particularly, regarding the case of Doctor Pham Hong Son the EU expressed its critical reaction in the Declaration by the Presidency of 2003:

The EU takes note of the decision made by the court of appeal of the Supreme Court of Vietnam on 26 August (2003) reducing the sentence of Mr. Pham Hong Son. While any reduction to what the EU considers an excessive sentence is welcome, the EU remains deeply concerned that the reason for which Mr. Son was convicted appears to be a mere exercise of freedom of expression. (European Council 2003)

The case of Lawyers Nguyen Van Dai and Le Thi Cong Nhan (2006–2007). The EU–Vietnam relationship at the time also had significant achievements, as compared to the previous years. During the two years after Vietnam joined the World Trade Organization in 2006 the EU became one of the most important trade partners for Vietnam, being ranked third most important in 2008 — after China and Japan, and

above the ASEAN countries and the US (DG Trade 2009). After Vietnam became a WTO member, FDI to Vietnam increased rapidly — yet this was not from the EU side, which means that in 2006 EU FDI to Vietnam decreased by 38.68 percent and rose just slightly in 2007 (Ha and Le 2013). Regarding milestone events between the two sides, the EU and Vietnam took more strides to tighten the bilateral relationship in these years: In 2005 the Vietnamese government approved a master plan on the EU–Vietnam relationship up to 2010 and orientations up to 2015. In September 2006 Vietnamese Prime Minister Nguyen Tan Dung visited the EU. Then in November 2007 EC President José Manuel Barroso visited Vietnam, which was the first ever official visit of an EC President to Vietnam since the establishment of diplomatic relations between the two sides.

Although the bilateral trade indicators were on an upward trajectory and economic cooperation was receiving positive signals, the EU still raised its voice to criticize Hanoi on human rights violations, particularly regarding the case of Nguyen Van Dai and Le Thi Cong Nhan. On December 5, 2007 a “Press Statement by the Presidency on Behalf of the EU in Hanoi” on the sentencing and arrests of human rights defenders in Vietnam was issued, stating that

the EU reiterates its call on the Government of Vietnam made on 15 May 2007 to release Mr Nguyen Van Dai and Ms Le Thi Cong Nhan and the other non-violent political activists who have simply exercised their rights to freedom of expression and association as guaranteed in Article 69 of the Vietnamese Constitution and in Articles 19 and 22 of the International Covenant on Civil and Political Rights, to which Vietnam is a party. The EU is deeply concerned about the recent arrests of non-violent political activists (Embassy of the Czech Republic in Hanoi 2007).

The EU still kept its eye on this case in the years that followed. The European Parliament’s resolution issued on November 26, 2009 can be classed as clear evidence of the EU’s observance, which mentioned the Vietnamese government’s behavior toward Le Thi Cong Nhan and other “dissidents” in prison and also called for the more “humanitarian” treatment of the arrested “dissidents.” Particularly, the accusation was made that,

several prisoners of conscience, including Le Thi Cong Nhan, have been denied proper medical care in prison although their medical condition requires their immediate hospitalization, [and] also urged the government to cease all forms of repression against those who exercise their rights to freedom of expression, freedom of belief and religion and freedom of assembly, in accordance with international human rights standards and the Vietnamese Constitution (European Parliament 2009).

The case of Lawyer Le Cong Dinh (2009–2010). The economic relationship between the EU and Vietnam in 2009 and 2010 was affected by the global economic crisis. According to The General Statistics Office of Vietnam, the export volume from Vietnam to the EU in 2009 (9402.3 million USD) declined compared to 2008 (10895.8 million USD). The import volume from the EU to Vietnam in 2009 also slightly decreased as compared to 2008, although it increased again in 2010 (General Statistics Office of Vietnam 2012a). Despite the shrinking of the EU’s

economy due to the financial crisis, registered FDI from the EU to Vietnam in 2008 still increased by 93.89 percent — reaching the amount of 10.49 billion USD, before declining sharply in 2009 and then rapidly increased again in 2010. According to the Vietnam Foreign Investment Agency, total FDI committed by EU investors up until 2011 was 14.695 billion USD (Huy 2012).

During this time, many EU delegations visited Vietnam. In May 2009 the EU's External Affairs Commissioner Benita Ferrero-Waldner met Vietnamese Prime Minister Nguyen Tan Dung. EU Trade Commissioner Karel de Gucht visited Vietnam in February and March 2010, with a delegation of members of the EP also coming to Vietnam. More importantly, Vietnam and the EU started to seek "a wider, more diversified, and more political partnership" by working toward a Partnership and Cooperation Agreement (PCA), on which, by July 2009, the two sides had completed four rounds of negotiations. The new PCA was finally concluded in October 2010, and officially signed on June 27, 2012 in Brussels. Its aim is deeper bilateral activities and to "further the scope of EU–Vietnam cooperation in areas such as trade, the environment, energy, science and technology, good governance, as well as tourism, culture, migration, counter terrorism and the fight against corruption and organized crime" (EU Delegation to Vietnam 2011b).

Along with the PCA negotiations, the EU continued to voice its criticisms of human rights in Vietnam. On January 22, 2010, two days after Le Cong Dinh had been sentenced by the Ho Chi Minh City People's Court, a statement by the EU Heads of Mission on the trial of Mr Le Cong Dinh, Mr Nguyen Tien Trung, Mr Tran Huynh Duy Thuc, and Mr Le Thang Long was released.

The case of Bloggers Nguyen Van Hai (Dieu Cay), Phan Thanh Hai, and Ta Phong Tan (2007–2012). Regarding economic relations, despite being hit by the global economic crisis and then the EU debt crisis bilateral trade between the EU and Vietnam still continued to increase in 2012 and 2013. In 2012 the total trade volume between Vietnam and the EU countries' markets reached 29.09 billion USD, an increase of 19.8 percent as compared to the previous year and thereby accounting for 12.7 percent of the total import and export volumes of Vietnam (Vietnam Customs 2013). Vietnam's export to the EU market in 2013, meanwhile, is expected to have been 24.8 billion USD (Binh Duong Customs 2013). During this time, high-level delegations from the two sides continued to visit each other. In February 2012 the chief executive officer of the European External Action Service (EEAS), David O'Sullivan, visited Vietnam and met the Vietnamese deputy minister of foreign affairs for the first time. In March 2012 the EC commissioner in charge of development cooperation, Andris Piebalgs, visited and worked in Vietnam. In October 2012 the president of the European Council, Herman Van Rompuy, paid his first official visit to Vietnam (PCA 2012). The most important event in this period, however, was the decision to create a FTA between the EU and Vietnam. After Vietnamese Prime Minister Nguyen Tan Dung and President of the EC José Manuel

Barroso announced the launch of a bilateral FTA after the completion of technique-related issues in October 2010, the first negotiations on a FTA took place in Hanoi in October 2012 (VOV 2012).

In the meantime, the EU has been keeping alive its critical approach to the human rights performance of the Vietnamese government. During the aforementioned visit of the president of European Council, he — alongside fostering further cooperation between the EU and Vietnam — also presented his ideas about the human rights issues in Vietnam: “It is crucially important to show determination in its commitment to reform, including good governance, the rule of law and human rights” (European Council 2012). On April 18, 2013, the EP released a resolution on Vietnam, in particular regarding freedom of expression. This resolution

expresses its deep concern about the conviction and harsh sentencing of journalists and bloggers in Vietnam; condemns the continuing violations of human rights, including political intimidation, harassment, assaults, arbitrary arrests, heavy prison sentences and unfair trials, in Vietnam perpetrated against political activists, journalists, bloggers, dissidents and human rights defenders, both on- and offline, in clear violation of Vietnam’s international human rights obligations [and] urges the authorities to immediately and unconditionally release all bloggers, online journalists and human rights defenders; calls upon the government to cease all forms of repression against those who exercise their rights to freedom of expression, freedom of belief and freedom of assembly in accordance with international human rights standards (EP 2013).

Differences in values

The cultural aspect of the interpretation of human rights in Vietnam. Arguments related to this cultural aspect do not often appear publicly in Vietnamese official state documents or in the country’s leaders’ speeches on human rights issues. This can be explained in two ways: On the one hand, Vietnam is a communist government heading toward becoming a civilized and advanced society, hence citing cultural elements that have long been criticized as conservative is considered inappropriate to social development in modern times. On the other, since the *Doi Moi* reforms of 1986 — and especially since the decision to integrate in 1990s — the Vietnamese government has desired to present the image of it being an innovative country that is a full, participatory member of international organizations and not one utilizing national characteristics to detach and distance itself from the global community. The cultural factor, however, is significantly present in the arguments of Vietnamese scholars and researchers operating under the Communist Party system, drawn upon in order to counter “false” arguments made by “hostile” forces outside the country.

Individual rights in Vietnamese society are expected to be harmonious with communal ones — as noted, individualism is alleged to be the advocacy of Western values that are not suitable to an oriental society like Vietnam and that hence should be removed from the wider community. An article published in *Nhan Dan*

Newspaper, the official organ of the CPV, however, rejected the EU's criticism regarding human rights violations by stating that

regarding the relationship between international law and domestic law, international conventions on human rights not only contain absolute rights of human beings but also prescribe limited rights (including freedom of speech), which regulates enough sufficient flexibility for states and nations to adapt to their specific national contexts (Amari 2012).

By citing "specific national contexts," the Vietnamese government presented their view that it is not appropriate to apply Western values to a society not sharing the same culture and values. Particularly on human rights issues, the Vietnamese government thus frankly pointed out its different approach to the EU's, due to the different cultural values of the two sides:

Difference in understandings of human rights is because of various reasons derived from differences in culture, society, worldview, especially from a selection of specific values which guide the development of each country. This is among reasons that the EU and the US are criticized for their "double standards in human rights" as an imposition to meet economic, political, or religious purposes (CPV 2012).

Not only affirming its stance by way of speeches and documents, the Vietnamese government also undertakes specific actions so as to further support the values that it adheres to — such as backing movements and campaigns launched by political organizations. In these campaigns, the idea to exclude from society inappropriate Western values is presented. They at the same time guide Vietnamese people as to the norms appreciated by the state, which is also considered as a "standard" by which to evaluate the "excellence" of the country's citizens. When going against these policies, "dissidents" (a term used by the EU and the US) in Vietnam are often viewed as "heretical," "unusual," and as being influenced strongly by Western ideas that are not fit for Vietnamese society. Therefore, it is obvious in Vietnam that dissidents have never been seen as representatives of national morality and conscience, although it is hard to deny that there are still sympathizers for them around. These mostly can be found within the circle of family members, relatives, or friends. As a result, they are more or less isolated from the majority, and are not supported by other social groups such as students, intellectuals, workers, and peasants.

The Asian values influenced by Confucianism that Vietnamese society reflects clash with the individualism and personal freedom of the Western values that the EU represents. The political elites of the CPV currently still make reference to traditional and cultural values to emphasize the community's interests, in order to refute the criticisms and negative assessments of the Union. In Vietnam, dissidents are often interpreted as followers of Western individualism, or even as promoters of a radical individualism that appreciates one's own self excessively without caring about the common interests of the majority. As such, in some cases dissidents are even accused of and arrested for "abusing democratic freedom against the Socialist

Republic of Vietnam.” This is one of the factors that makes the EU voice its concerns over human rights violations in Vietnam, criticizing the country’s government for restricting personal rights — including political freedom, freedom of speech, and freedom of assembly and association. Such critiques are mostly objected to by the Vietnamese government, citing a clash of cultural values as the explanation.

The political aspect of the interpretation of human rights in Vietnam. The situations in Vietnam that have been of concern to the EU in the few last years have often been labeled “human rights cases” or those involved termed “dissidents.” The Vietnamese government, however, views the latter as individuals who “abuse democratic freedoms to encroach on the interests of the state” (Article 258 Criminal Code), “[promote] propaganda against the Socialist Republic of Vietnam” (Article 88 Criminal Code), or conduct “activities aimed at overthrowing the people’s power” (Article 79 Criminal Code). The government’s notions about the human rights of Vietnamese citizens are presented on the basis of the argument that: “The Vietnamese Constitution affirms the equal rights to freedom of politics, economics, culture, society, the rights to claim and denunciation; the rights to work and education, the rights to health care [...] irrespective of gender, minority, religion,” but only “in accordance with the provisions of the law” (Vietnamese Ministry of Foreign Affairs 2009). The limitation of human rights in the Vietnamese political system by law or decrees aims to protect the policies and interests of the state. Underlying such arguments is a great concern that Vietnam’s independence and sovereignty may be damaged by “democracy” and “human rights,” as proffered by the Western powers. In many cases, this is considered to be a “political excuse” by Western countries, especially the US, as a way to interfere in their domestic affairs as well as a one-way imposition of Western values that are not appropriate to Vietnamese society (Nguyen 2007).

Another article that appeared in *Nhan Dan Newspaper* outlined that “social consensus” is considered to be the most important factor for the development of a modern society, wherein people will gain their own prosperity and happiness. The concept of “social consensus,” from the EU’s perspective, is a way to appease various interests in a society that consists of different classes and interest groups. However, in Vietnam’s view, this concept seems to have a different content. The article argues that “during wars, applying the model of the ‘centralized state’ is necessary to mobilize the people’s forces serving the ultimate purpose of freedom, independence, liberty, and national unification” (Tran 2013). In times of peace, “social consensus” means that the whole society collectively supports the reform and development of the both state and of the CPV, as its steward. As such, individuals like Le Cong Dinh, Nguyen Van Dai, and Le Thi Cong Nhan — who are identified as “dissidents” by the EU — are actually seen by the CPV as “democratic abusers” aiming to destroy the “social consensus” built up by the Vietnamese government.

These individuals are all accused of violating Article 88 of Vietnam's Penal Code (1999). By protecting this article, the Vietnamese government affirms its argument that these pursuits are actually “activities aimed at overthrowing the people’s power,” ones encouraged and supported by Western countries. In recent years, with the revision of the 1992 Vietnam’s Constitution, there have been those both inside and outside Vietnam asking for the abrogation of Article 88 because it vaguely defines propaganda against the Socialist Republic of Vietnam, and actually restricts the freedom of speech as regulated in Vietnam’s constitution (BBC Vietnamese 2012b) and the UN International Covenant on Civil and Political Rights (ICCPR) — to which Vietnam acceded in 1982. Responding to this criticism, an article in *Quan doi Nhan dan Newspaper* — the official organ of the Vietnamese Army — argued that any calls for the abrogating of Article 88 were part of a conspiracy to overthrow the Vietnamese state: “In the current political context, we are not allowed to undermine any attempts to abuse democratic freedom aiming to erode people’s trust in the state, create political chaos, and then gradually overthrow the people’s government of Vietnam” (Giang 2013). The aforementioned cases are considered, therefore, to be “necessary punishments,” since they are significant cases arousing widespread public interest and the attempted overthrowing of the people’s state, thus threatening national security (Ton 2010).

In sum, empirical indicators prove that the political factor is among the obstacles the EU faces in disseminating its human rights values to Vietnamese society. Political freedom or other personal freedoms — such as freedom of speech, freedom of press, freedom of assembly and association — are expected to be limited within the sphere of national law. It means that a Vietnamese citizen does have the right and freedom to express their own ideas, as long as they do not criticize the state, the CPV, the nation, or go against the government’s current policies. The Vietnamese government argues that even international conventions on human rights prescribe limited rights according to each national context (Amari 2012). The “false statements” of the EU on the real situation vis-à-vis human rights in Vietnam, hence, interferes in the domestic affairs of the country and is considered as a “political excuse” used to support the idea of replacing the current ruling party. As such, differences in the political systems and cultural values that the two sides adhere to lead to different understandings about human rights, which is thus also the cause of the tensions between them.

Conclusion

This study concludes with the following findings: In recent years, human rights issues have become one of the crucial conditions to the EU’s negotiating of agreements with Vietnam, which proves that there has been an escalation in the EU’s demand for improved human rights in Vietnam. At the same time economic indicators show that EU–Vietnam bilateral trade and investment has also been

increasing, especially in the last five years. Not only that, the new PCA and the ongoing FTA negotiations are also expected to bring more positive results for the relationship of the EU and Vietnam in terms of mutual economic gain. Therefore, based on the definition of “coherence” presented in this paper, when examining the EU’s human rights policy in parallel with its economic cooperation with Vietnam it can be concluded that there are no significant indicators suggesting incoherence on the EU side vis-à-vis its promotion of human rights in Vietnam. The EU has not neglected the issue of “human rights” on the basis of anticipated economic benefits from its relationship with Vietnam, but rather has repeatedly promoted this issue in important periods, such as upon the signing of the new PCA or the commencement of FTA negotiations. Recalling the arguments by March and Olsen about the logics of human behavior, one may observe that so far the EU has continued to follow the logic of appropriateness — which thus is why it emphasizes its norms and values as part of its human rights policy in Vietnam.

On the other hand, the explanation of differences in values draws attention to cultural factors and the political system in Vietnam having important influences on the EU’s promotion there of its normative values, and particularly of human rights. It is proved that traditional values in Vietnam society emphasize the rights of the collective and appear to reject the promotion of individualism, as supported by the EU. The ideas of Vietnamese dissidents — as noted a descriptive term used by the EU — are often seen as a born of the excessiveness of “Western individualism,” which is only concerned with self-interest and which does not consider the common interests of the whole nation. In the official Vietnamese official documents objecting to the EU’s accusations of human rights violations in the country, arguments about the harmony of human rights with traditional values and national culture are often cited. Although not openly recognizing the influence of Confucianism on the CPV’s political ideology, the mainstream of Vietnamese political leaders support being respectful of “Asian values” and firmly reject the one-way imposition of inappropriate Western values on an oriental society. Influenced by these values, the EU’s statements on human rights have — due to their inappropriateness to Vietnamese culture and values — led to a “false assessment” of the situation in Vietnam.

Taking into consideration the political aspect also sheds more light on the influence of value differences on human rights understandings and their implementation in Vietnam. Adhering to the single-party model, Vietnam has been under the rule of its Communist Party since 1945. Hence, ideas promoted against the state are also seen as being against the majority population’s will and interests. The EU’s democratic principles — which emphasize the personal freedom of the individual — require a plurality in ideologies and minimum political freedom, such as freedom of speech, freedom of press, or freedom of religion. This clashes with the current political values that Vietnam reflects. The values that the EU wishes to promote in Vietnam in order to enhance a “more democratic and equal society” have been viewed as a

unidirectional Western imposition by the country's government. Even more seriously, this approach is assessed as a "political excuse" behind which foreign countries stand with the aim of fostering a "peaceful evolution" so as to replace the current policial regime in Vietnam. Therefore, even if the EU is coherent in its human rights policy, a core conflict of cultural and political values is still the key problem that the Union will have to deal with if it is to successfully diffuse its norms in countries like Vietnam.

Despite pointing out the relationship between cultural and political values and the effectiveness of the EU's human rights policy, as well as analyzing the coherence of this policy in its interrelationship with economic benefits, the paper inevitably has its limitations. First, this short work has only utilized one case study, that of Vietnam; as such, examination of further cases in Asia — for example China — may generate greater insight into the topics of concern here. One may question whether the EU will ever be as vociferous about the human rights record in China as it has been with regard to circumstances in Vietnam, given that China is now an economic power and plays an increasingly important role in world politics. In addition, this article tacitly views the EU's human rights policy as based on the consensus of all of its member states, with the EU being merely a representative of this joint policy. In reality, each of the EU's member states possesses different interests in the relationship between the EU and third countries, which may be an additional influence on the EU's level of (in)coherence in its human rights policy. Our study has only touched on the EU level, rather than analyzing the national one and the effects of member states' individual preferences regarding EU foreign policy — particularly on human rights issues. These may be further variables influencing the effectiveness the EU in its role as a "global human rights promoter." Further research will, therefore, need to be conducted on these fascinating and important topics.

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