

February 12, 2004: "Trade & Human Rights: The Future of U.S - Vietnamese Relations."

Testimony before the East Asian and Pacific Affairs Subcommittee of the Senate Foreign Relations Committee
Michael Young, Chair

The U.S. Commission on International Religious Freedom
Protecting Religious Freedom in Vietnam: Balancing Interests and Principles

February 12, 2004

Introduction

Mr. Chairman, distinguished members of the Senate, I want to commend you for holding this hearing on an important subject that deserves serious attention from Congress.

The Commission on International Religious Freedom has followed events in Vietnam closely for the past several years. In its travels to Vietnam, the Commissioners and staff have found that over the last two years, already poor human rights conditions in Vietnam have deteriorated. Key dissidents were imprisoned or placed under house arrest. Churches have been closed and some destroyed. In addition, the government of Vietnam has intensified its crackdowns on religious and ethnic minorities in the northwestern provinces and the Central Highlands-including ongoing campaigns of forced renunciations of faith.

These actions underscore a deep imbalance in U.S.-Vietnamese relations. Since normalization of relations in 1995, U.S.-Vietnamese defense and trade relationships are moving forward at a dramatic pace. In these areas, we are building partnerships based on mutual interests.

But beyond these partnerships lie principles. President Bush has eloquently stated that American foreign policy should "stand firm for the non-negotiable demands of human dignity-the rule of law, freedom of worship, free speech...religious and ethnic tolerance...and equal justice."

Such principles are central to maintaining strong and long-lasting partnerships. They are central to American interests abroad. When

it comes to Vietnam, the U.S. should adopt creative policies that support both our interests and our principles.

The Commission hopes that a strong and consistent message can be sent to the Vietnamese government. Our relationships cannot be built solely on economic ties or security cooperation. Continued violations of religious freedom and related human rights will slow down the expansion of U.S.-Vietnamese relations.

Little Substantive Change since the BTA

When the Bilateral Trade Act (BTA) was passed, there was hope that expanded economic ties would lead to improvements in Vietnam's human rights situation. Sadly, this has not happened. A recent estimate predicts that trade between the U.S and Vietnam will top \$6 billion dollars by the end of this year. The U.S. is already Vietnam's largest trading partner.

While our economic relationship has taken several large steps forward, in the area of human rights our relations have become stagnant, and even deteriorated.

The Commission is not alone in its assessment. The European Union has also been very critical of Vietnam's human rights practices. And, the State Department, in a report to Congress last year, admitted to being "disappointed" by the lack of "concrete results" in the U.S.-Vietnam bilateral human rights dialogue. They cited failure of the Vietnamese government to respond to U.S. concerns in several key areas, including religious freedom as reason why they canceled the Fall, 2003 dialogue.

Increased trade has not led to progress in the area of protecting human rights and basic liberties. More dollars have not lead to democratization. And quiet diplomacy alone has not produced tangible results.

Since the passage of the BTA, there is incontrovertible evidence that the Vietnamese government has initiated crackdowns on religious leaders, free speech advocates, political reformers, and those peacefully championing the rights of ethnic minorities. Let me briefly give you some very recent examples that fit into the larger pattern of human rights abuses since the passage of the BTA in 2001:

- In the last month, the government in Hanoi has pursued a severe crackdown on the Unified Buddhist Church of Vietnam (UBCV). Currently, 26 of its newly elected leaders are under arrest and founders Thich Huyen Quang and Thich Quang Do, both Nobel Peace Prize nominees, face trumped up charges of espionage. The arrests came despite Vietnamese Prime Minister Pham Van Khai's admission that past

crackdowns on the UBCV were "mistakes."

- Trying to investigate the current situation, Commission staff had meetings with UBCV monks disrupted by security forces, phone conversations cut-off, and was physically barred from visiting UBCV leader Thich Quang Do and Thich Tu Sy.
- Fr. Thadeus Ngyuen Van Ly, a leading religious freedom and democracy advocate, was sentenced to 15 years in prison and 5 years house arrest for submitting testimony to the U.S. Commission on International Religious Freedom. Though Fr. Ly's sentence was recently reduced by five years, his nephews remain in prison for alerting human rights groups to their uncle's arrest.
- The Venerable Thich Tri Luc of the UBCV is facing charges of "immigration with intent to oppose the regime" which carries with it a sentence of between 3 years and life imprisonment. The Venerable "disappeared" from a UNHCR transit house in Phenom Penh in June of 2002. He was forcibly repatriated to Vietnam and his whereabouts were unknown until July of 2003. He is in prison. His trial is pending.
- According to smuggled documents recently obtained by Freedom House in June and December of 2003, government officials with the Ministry of Public Security have entered places of worship, denounced believers, and forced them to sign "confessions" where they renounced their faith and promised to return to traditional animist rituals. We know that at least two religious leaders have died in the past two years because of beatings they received for refusing to renounce their faith.

These are only a sample. Given Vietnamese actions over the past year, the Commission believes the U.S. government must use its leverage with the government of Vietnam to produce real and meaningful improvements in human rights and religious freedom.

CPC as Flexible Diplomatic Tool

Mr. Chairman, the Commission has recommended to the Secretary of State that Vietnam be designated as a "country of particular concern" (CPC) for the past two years. We believe that Vietnam's abuses of religious freedom meet the criteria set down in the International Religious Freedom Act of 1998.

The CPC designation is a flexible diplomatic tool. It provides the President with a range of specific options to take to address serious abuses of religious freedom. It does not automatically entail sanctions, but requires that the Secretary of State enter direct consultations with a country to find ways to improve the religious freedom situation. To avoid economic sanctions, countries can enter into a binding agreement with the U.S. that spells out specific actions they will take in the future.

Mr. Chairman, the CPC designation has to be used in order for it

to be more than a toothless gesture of moralpolitik. Despite Commission recommendations, the State Department has not yet designated Vietnam as a CPC.

When used properly the CPC designation:

- Sends the clear signal that U.S. interests include concern for human rights.
- Starts a dialogue where specific benchmarks on progress are agreed upon in order to avoid economic sanctions.
- Allows the President, or the Secretary of State, to employ or use the threat of multiple and ongoing sanctions to address egregious abuses of religious freedom.
- Allows the President to waive any specific actions if progress is being made toward addressing serious religious freedom abuses.

In the last year, international scrutiny has forced the government of Vietnam to try to staunch growing criticisms of its human rights record. The Vietnamese government released several prominent religious dissidents, reduced the sentences of others, and in a dramatic gesture, allowed you, Chairman Brownback, to meet with long-time democracy and religious freedom advocate Fr. Nguyen Van Ly.

Mr. Chairman, these actions should be seen for what they are, goodwill gestures that do not promise any substantive or systematic improvement. In fact, the religious dissidents released earlier this year were recently re-arrested (Thich Quang Do and Thich Huyen Quang).

The Vietnamese government has badly underestimated the depth of disappointment that exists in the Congress and U.S. Government concerning its human rights record. The blatant disregard of the most basic human rights, and the recent and ongoing crackdowns on religious adherents, makes clear why Vietnam should be immediately designated a "country of particular concern" (CPC).

Other Policy Recommendations

In our current report the Commission included several policy recommendations for the Congress's consideration:

1) Passage of Vietnam Human Rights Act: The Commission has supported the Vietnam Human Rights Act, many of the Commission's past recommendations have been incorporated into that Act. The act

would cap non-humanitarian aid at 2003 levels (not cut it off as some critics contend) and provide increased funding for public diplomacy and immigration programs. We believe that a cap of non-humanitarian aid will send the signal that the U.S.-Vietnamese relationship cannot expand unless meaningful and systematic changes occur. The language of the Vietnam Human Rights Act was placed in the Foreign Relations Authorization Act (HR 1950). The Commission hopes that the original language will stay intact when the bill emerges from conference.

2) Overcome Jamming of Radio Free Asia (RFA):

The Commission recommends that steps be taken to overcome jamming of Radio Free Asia broadcasts, ensure that RFA Internet site is accessible and free, and allow RFA personnel into Vietnam. While RFA broadcasts face active interference, Vietnam state television and radio programs are transmitted unhindered to the United States via Cuba and Canada. The same broadcast courtesy should be given to RFA broadcasts.

3) Target Exchange Programs to Advance Human Rights:

The Commission also recommends that foreign assistance and exchange programs go to support individuals in Vietnam who advocate human rights, the rule of law, and legal reform. We should, for example, target cultural and education opportunities for the Montagnard and Hmong peoples of Vietnam. We should also seek to hold regular dialogues and exchanges (both in Hanoi and in Washington) between international experts on religion and law and appropriate representatives of Vietnam's government, academia, and clergy. This is particularly critical at this time because the Vietnamese National Assembly is planning a new "Law on Religion" in the near future.

4) Re-evaluate the Eligibility Criteria for Millennium

Challenge Account (MCA): The Millennium Challenge Account (MCA) is an ambitious and farsighted program that has the potential to revolutionize the way the United States promotes democracy and development abroad. But there is something wrong with the eligibility criteria when Vietnam can receive funds in the very first year. We hope the Congress will weigh in to make sure that money does not go to Vietnam without significant progress being made in the areas of human rights and religious freedom. Or, that changes can be made to the eligibility criteria so that abuses and restrictions of human rights, including religious freedom, are weighed more heavily when determining eligibility.

Mr. Chairman, these important policy steps support both U.S. interests and values. They are also steps that will demonstrate our government's seriousness about the protection and promotion of international human rights standards.

Conclusion

History has entwined our two countries in sometimes-tragic ways.

But we only compound that tragedy if we focus narrowly on economic or security relations at the expense of human rights. As we learned with the Helsinki Process during the Cold War, the three must move forward together for effective change to occur.

Advancing free speech, free press, and freedom of religion represents not only core American values but also international standards of human rights-standards that the Vietnamese have already acceded to in various international treaties and covenants. Working to protect and promote these basic freedoms furthers the interests of both the United States and the people of Vietnam.

Mr. Chairman, the Commission believes that by taking the steps outlined above, U.S.-Vietnam relations will improve for the long term and become the basis for a strong and healthy relationship built on mutual interests and the rule of law.

Thank you Mr. Chairman and I welcome your questions.