



**Position of BPSOS
on the Trans-Pacific Partnership Negotiations with Socialist Republic of Vietnam**

Nov 26, 2013

The Trans-Pacific Partnership is not intended to be just another trade agreement. As the name implies, TPP will send a message to the world that its members regard each other as trusted friends. TPP membership will inevitably be regarded as a badge of honor and a seal of approval from the United States. It is therefore particularly important that TPP membership not be extended to governments that are actively hostile to our most fundamental values.

In negotiating with the government of Vietnam over the possibility of TPP membership, the United States should insist on at least the following changes in Vietnamese government policies and practices:

- (1) Vietnam strictly prohibits free and independent labor unions. Labor union organizers have been arrested, sentenced, and jailed. Others have been forced to flee to country. The US should insist that Vietnam release all jailed labor union organizers and allow Vietnamese workers to form labor unions that are truly independent of the government and of the Communist Party.
- (2) The Vietnamese Prime Minister recently issued Decree 72 to further restrict internet freedom. Reporters Without Borders (RSF) characterizes it as “a gross violation of the right to inform and to be informed” and calls for Vietnam’s exclusion from the Trans-Pacific Strategic Economic Partnership negotiations. Transparency and free flow of information is critical to free and fair trade. The United States should insist that the Vietnamese government repeal Decree 72, stop arresting pro-democracy bloggers and others who use the internet to criticize the government, and release those who are imprisoned, including Free Journalists Club leader Nguyen Van Hai.
- (3) Decree 92, which took effect at the start of this year, prohibits religious activities unless they are registered and pre-approved by the government. Local authorities in many areas have reportedly used this decree to block religious organizations other than those controlled by the government from conducting any activities. The United States should condition TPP membership for Vietnam on repeal of Decree 92 and an end to persecution of independent religious organizations such as the Unified Buddhist Church and Christian house churches.
- (4) The Vietnamese government has jailed human rights lawyers who challenged the establishment, including Nguyen Van Dai, Le Thi Cong Nhan, Tran Quoc Hien, Le Cong Dinh, and Nguyen Bac Truyen. Others have been disbarred. In a country without due process and rule of law and where lawyers are themselves subjected to arbitrary arrest,

private American businesses would face difficulty protecting their own interests and rights in case of disputes with state-owned enterprises or enterprises owned by cronies of influential government officials. We should precondition TPP on the release of detained human rights lawyers, reinstatement of their right to practice law, and other serious and verifiable evidence of the Vietnamese government's political will to institute the rule of law.

- (5) Supporters of the TPP say it will require member governments to respect the freedom and independence of civil society. In Vietnam, however, no genuine non-government organizations are allowed to exist. Instead, the government has created dozens of ostensible non-governmental organizations that are actually controlled by the Communist Party's "Front for the Fatherland" and/or the "Vietnam Union of Friendship Organizations" (VUFO). The United States should insist that all TPP provision relating to civil society apply to genuinely independent organizations – that is, organizations having no connection to the Fatherland Front or VUFO – and that the government release all those who are imprisoned or otherwise detained because they advocated democracy, human rights, and/or an end to one-party rule.
- (6) The Vietnamese government is squarely behind human trafficking, subjecting at any given time over a hundred thousand of its citizens to forced labor, sending tens of thousands of its citizens into modern-day slavery in different countries, and punishing those victims who speak out. The Vietnamese government should end the practice of forced labor and prosecute labor export companies – especially including companies owned in whole or in part by government agencies and/or cronies of government officials – that are involved in fraudulent recruitment and other practices that trafficking.
- (7) Since 1975 Vietnamese government has illegally confiscated the properties of many US citizens. The total value of these confiscated properties is in the billions of dollars. In 1995, under the Clinton Administration, the Vietnamese government paid 208 million US dollars in compensation for confiscated properties to some 200 Americans. However, Vietnam continues its practice of illegal confiscation of real and other properties of many thousands of Vietnamese Americans. The Vietnamese government should agree to a mediation process to review claims for compensations made by US citizens with confiscated properties.