

Political Legitimacy of Vietnam's One Party-State: Challenges and Responses

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Abstract: This article focuses on the challenges to the authority of Vietnam's one-party state that emerged in 2009 and state responses. Three separate challenges are discussed: opposition to bauxite mining in the Central Highlands; mass protests by the Catholic Church over land ownership issues; and revived political dissent by pro-democracy activists and bloggers. The Vietnam Communist Party bases its claims to political legitimacy on multiple sources. The bauxite mining controversy challenged the state's claim to political legitimacy on the basis of performance. The Catholic land dispute challenged the state's claim to legitimacy on rational-legal grounds. Revived political dissent, including the linkage of demands for democracy with concerns over environmental issues and relations with China, challenged the state's claim to legitimacy based on nationalism. Vietnam responded in a "soft authoritarian" manner. Future challenges and state responses will be debated as Vietnam moves to convene its eleventh national party congress in 2010.

Keywords: Vietnam, political legitimacy, soft authoritarianism, performance legitimacy, rational-legal legitimacy

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Introduction

This article has its origins in the project on political legitimacy in East Asia co-sponsored by political philosophers at Australia's Griffith University and the National University of Singapore. The project was completed in 2009 and the results will be published in a special issue of *Politics and Policy*. The author contributed an article on challenges to state legitimacy in Vietnam covering the period from 1986 to the emergence and suppression of a network of political activists known as Bloc 8406 in 2007 (Thayer forthcoming).

In 2008-09 new challenges to political legitimacy of the one-party state emerged in Vietnam. The author sought to address these challenges in presentations to the annual Vietnam Update conference series sponsored by The Australian National University and Singapore's Institute of Southeast Asian Studies in 2008 and 2009. This article is a revision of the political overview paper presented in 2009 and focuses on three key challenges: the bauxite mining controversy, Catholic Church-state land disputes, and renewed repression of political dissent.

Before considering these challenges it is useful to briefly define what is meant by political legitimacy (Kane and Patapan 2009). Essentially, political legitimacy is a normative status conferred on political leaders, governing institutions and their decisions by those who are governed. Political legitimacy embodies the notion that these leaders, institutions, and decisions have some moral authority and therefore the majority of the citizenry accept their responsibility to comply or obey. In sum, a government is legitimate to the extent that it functions with the consent of the governed. Legitimacy should not be confused with legality.

Max Weber (1947: 324-329; 1968) has written about three sources of legitimacy: charismatic, traditional, and rational-legal. For purposes of this paper these have been modified. Nationalism is incorporated as one aspect of traditional legitimacy, and performance legitimacy is included as an aspect of rational-legal legitimacy. Obviously political legitimacy is a contested term and within a state there may be groups of individuals – ranging from ethnic or regional groups to political networks – that contest the political legitimacy of the state.

Since 1986, the legitimacy of Vietnam's one-party socialist state has rested on multiple sources such as the charismatic leadership and legacy of Ho Chi Minh, success in defending Vietnam from foreign domination, and performance legitimacy through poverty reduction and high economic growth rates. Increasingly Vietnam's one-party state has attempted to base its legitimacy on "the rule of law" and constitutionalism (Thayer forthcoming).

Bauxite Mining Controversy

In 2009 Vietnam's leaders were confronted by widespread elite opposition to their plans to develop a bauxite mining industry in collaboration with a Chinese company. The competency of the government to approve, design and implement a major development project came under challenge. While Vietnam had experienced opposition to development projects before, such as the Son La dam, it had never faced widespread national opposition of the scope that emerged in 2009.

Vietnam holds the third largest bauxite resources in the world estimated at 5.4 to 8.3 billion tons. Most of the bauxite is found in the Central Highlands. In April 2006, the tenth national congress of the Vietnam Communist Party (VCP) approved a policy restricting the export of unprocessed raw material. It decided to make the exploitation of bauxite an integral part of Vietnam's economic development plan.

Bauxite is the basic ingredient in the production of aluminium. The conversion of bauxite into aluminium is a two-step process (Thi Lam 2009). Step one involves strip mining the area in which bauxite is located and refining it into alumina or aluminium oxide. Step two involves the conversion of alumina into aluminium by an energy intensive process. Vietnam proposed to develop the capacity to carry out step one of this process in order to export alumina but did not have the technology or funds for step two.

The conversion of bauxite into aluminium oxide produces two side products known as "red dust" and "red mud" both of which produce harmful effects on human health and environment unless managed properly (Thi Lam 2009). For example, "red dust" may inflame the lungs and cause cancer of the respiratory system. "Red mud" produces carcinogenic chemicals that leach into the soil and, in Vietnam's case, threaten to pollute waterways in the Central Highlands that flow into the Mekong Delta. In addition, strip mining displaces local inhabitants and destroys both croplands and forests.

After the tenth party congress, Vietnam issued a tender for bauxite exploitation. The bid was won by the China Aluminum Company, or CHALCO, in partnership with the Vietnam National Coal Mineral Industries Group (VINACOMIN). A framework agreement between the two companies was signed in November 2006 and witnessed by President Hu Jintao who was in Hanoi to attend the Asia Pacific Economic Cooperation (APEC) Summit in Hanoi (Vietnam, China in \$1.6 bln bauxite/alumina deal 2006). CHALCO agreed to invest USD1.6 billion in building two alumina plants, one at Nhan Co, Dak Nong province and the other at Tan Rai, Lam Dong province.

A year later the VCP Politburo approved a major plan to develop the bauxite industry and called for USD15 billion in investment by 2025. On 1 November 2007, prime minister Nguyen Tan Dung issued Decision No. 167 setting out the requirements of zoning for exploration, exploitation, processing and utilization of bauxite resources over the period 2007-15 (Hai Nam 2009). Mining operations began in 2008.

In June 2008, party leaders Nong Duc Manh and Hu Jintao issued a joint statement that included a reference to China's interest in cooperating in developing Vietnam bauxite industry (Duy Hoang 2009). In sum, the prestige of Vietnam's top leadership was now tied to the success of the bauxite project.

During 2008 small numbers of Vietnamese environmentalists and scientists voiced disquiet over plans to develop bauxite mining in the absence of an environmental impact study. Their voices were largely brushed aside. Then, in January 2009, the bauxite issue suddenly became a national issue when General Vo Nguyen Giap issued the first of three open letters (Vo 2009a, 2009b, 2009c). He argued that bauxite mining would ruin the environment, displace indigenous ethnic minorities and, most significantly, threaten national security with the influx of Chinese workers into the strategic Central Highland and by providing China with economic leverage. As elite protest began to gather momentum, prime minister Dung directed the Ministry of Industry and Trade to make a submission to the Politburo to obtain its approval to continue with the bauxite projects (Tran 2009). The prime minister also decided to convene a national seminar on the bauxite issue and delegated responsibility to deputy prime minister Hoang Trung Hai.

The national seminar was held on 9 April 2009 on which date General Giap made public his second open letter to Vietnam's leadership (Vo 2009b). After hearing a chorus of critical views, deputy prime minister Hai stated that Vietnam "won't develop [bauxite] at any cost" and ordered that the bauxite mining master plan be amended and an environmental impact assessment carried out (Leaders debate sustainability vs. profitability in bauxite mining 2009).

The Politburo convened on 26 April to review policy on bauxite mining (Bauxite mining in Central Highlands gets Politburo go-ahead 2009). Four days later an anti-bauxite petition signed by one hundred and thirty-five scholars and intellectuals was delivered to the National Assembly. The petition stated, in part, "China has been notorious in the modern world as a country causing the greatest pollution and other problems" (Mydans 2009). On 30 April, the prime minister ordered a major review of plans to develop the bauxite industry (PM orders review of bauxite mining 2009).

Once again General Giap stepped into the fray. On 7 May, the fifty-fifth anniversary of the battle of Dien Bien Phu, he told visiting leaders who came to wish him well,

I hope you pay attention to bauxite mining in the Central Highlands. This is a strategic site of the country, which is very important in defence and security, not only for Vietnam but for Indochina (AFP 2009b).

Giap was joined by retired General Nguyen Trong Vinh, former ambassador to China, who wrote an open letter calling on the Politburo to reconsider plans to let China establish a permanent presence in the Central Highlands (Nguyen Trong Vinh 2009).

That same month the bauxite question was raised in the National Assembly. According to Resolution No. 66 issued in 2006, development projects valued at over twenty trillion dong (USD1.1 billion) were required to be submitted to the National Assembly for approval. The bauxite project has been broken down into smaller units. Several deputies were angered and demanded action. On May 14th, Nguyen Phu Trong, chairman of the National Assembly Standing Committee and a member of the Politburo, called for the government to submit a special report on bauxite mining in the Central Highlands (Nhi Ha 2009). The government duly replied with a detailed report.

Several deputies lobbied for a plenary debate. Their request was turned down with the argument that no National Assembly committee had been officially assigned authority to review or investigate the matter and therefore policy on bauxite mining remained in the hands of the government (Deputies call for debate on Government's bauxite report 2009). Nevertheless, one day was set aside for deputies to debate the issues and assign committees to research, review and report back on the bauxite projects. Deputies were divided. Some argued in favour based on the economic benefits. Others criticized the government report on economic, environmental, labour and national security grounds. Some deputies argued that bauxite mining was a major capital investment under the terms of Resolution No. 66 and should have been submitted for review as one package (Assembly gets hot with bauxite 2009).

By May 2009, the anti-bauxite network of 2008 had grown into a national coalition including environmentalists, local residents, scientists, economists, retired military officers and veterans, retired state officials, social scientists, other academics and intellectuals, elements of the media, and National Assembly deputies. These critics were all mainstream elite.

Public opposition to bauxite mining extended to religious leaders, bloggers and political dissidents. On 29 March 2009, for example, Thich Quang

Do, leader of the banned Unified Buddhist Church of Vietnam, wrote in a public statement, “This project is not the fruit of studies by economists or environmental experts, but an illustration of Vietnam’s dependence on China” (AFP 2009a). He called on workers to protest Chinese plans to mine bauxite by staging peaceful strikes in May. In April, two Redemptorist priests, involved in land disputes with local authorities in Hanoi the previous year, publicly circulated a petition calling for a public enquiry into bauxite mining. On 31 May 3, Cardinal Pham Minh Man, the Archbishop of Saigon, issued a Pastoral Letter condemning the exploitation of natural resources that damaged the environment and called on Catholics to protest such development plans (Protecting environment is a Christian’s duty, Cardinal says 2009; Harsh treatment of Vietnam government against Catholics, why? 2009). In June, lawyer Cu Huy Ha Vu filed a lawsuit against the prime minister in the Hanoi People’s Court (DPA 2009b). When the Court rejected this request on the grounds that it lacked competency in this matter, Cu Huy Ha Vu filed an appeal to the People’s Supreme Court on July 3rd. This quixotic legal protest was similarly dismissed (DPA 2009c). The role of bloggers and political dissidents will be discussed below.

The anti-bauxite controversy of 2009 presented a new public challenge to state authority. For the first time the competency of the government to decide on large-scale development projects was called into question by a broad national coalition of mainstream elites including environmentalists, scientists, economists, social scientists, and retired officials (Duy Hoang 2009). In other words, the bauxite mining controversy represented a major challenge to the performance legitimacy of the government led by prime minister Nguyen Tan Dung. As a result, the government was forced to modify its plans to take environmental concerns and the impact on ethnic minorities into account. The government agreed to permit the National Assembly, ministries and local authorities conduct regular reviews of how bauxite mining was being implemented. Nevertheless, the prime minister and other government officials asserted that bauxite mining was “a major policy of the party and state” and would proceed (DPA 2009d; *Vietnam News Agency* 2009b). In May, in a token gesture, six Chinese companies were fined for failing to obtain work permits for Chinese labourers at bauxite sites (DPA 2009a).

Catholic Land Issues

Vietnam’s Catholic community numbers approximately six million. Church authorities estimate that Vietnam’s communist regime confiscated 2,250 properties since 1954 (New directive from Hanoi on Church property: noth-

ing will be given back 2009). In recent years friction has arisen between church and state over land ownership of confiscated property. In late 2007 and continuing throughout 2008, for example, the Catholic Church in Hanoi and local government authorities became embroiled in a dispute over land claimed by Thai Hoa parish. At the same time, Catholics also laid claim to property used by the former Vatican representative in Hanoi. Local officials rejected these claims and this sparked mass protests in the form of prayer vigils and other religious ceremonies. Special riot police were sent in to isolate the protestors and blue-shirted Revolutionary Youth gangs were given the go ahead to attack Catholics (Dang 2009h). In the end local authorities resorted to heavy-handed tactics to resolve the matter. Under the protection of police religious structures set up by parishioners were removed and bulldozers were sent to convert the contested land into two public parks. Eight Catholics parishioners were tried and convicted for disturbing public order and destruction of property but were given suspended sentences and placed on probation (Stocking 2009d). Their convictions were upheld on appeal.

In 2009, the Catholic Church became embroiled in another major land dispute this time with local authorities in Dong Hoi town in central Vietnam. At issue was ownership of land that surrounded Tam Toa cathedral in Quang Binh province. Tam Toa Cathedral was bombed by the United States during the Vietnam War. Local authorities took possession in 1996 and this prompted the Catholic community to hold regular religious services on the land adjacent to the cathedral. In 1997 local officials designated the Tam Toa ruins an American War Crimes Memorial Site (Dang 2009b). Nonetheless, the Catholic Church maintained that it still retained ownership of the land surrounding the memorial. Over the next decade local authorities and the Church were unable to reach agreement on a land site for a new church.

In February 2009, Bishop Paul Maria Cao Dinh Thuyen and fourteen priests celebrated mass on the ground of Tam Toa attended by thousands of Catholics (Dang 2009b). During the year Bishop Thuyen repeatedly called for the restitution of Tam Toa. On 26 May, the deputy head of the official Commission on Religion declared in an interview that the government “has no intention of returning any property or goods to the Catholic Church or any other religious organization” that was confiscated by the state (Viet government rejects Catholic pleas to return church properties 2009).

On 20 July, 150 local Catholics erected a tent chapel on the grounds of Tam Toa. They were confronted by police who evicted them using tear gas and electric stun guns. Local church officials accused the police of brutality and demanded the release of eleven parishioners who had been taken into

custody. Government authorities claimed that the violence involved local residents only (AFP 2009c; *Associated Press* 2009; *Reuters* 2009).

On 21 July, government authorities launched a media blitz in virtually every state outlet attacking the Catholics who had been arrested as “stubborn, organized criminals” who had disturbed public order and directly challenged the national security and integrity of the state (Nguyen 2009a). For example, state media reported that the police charged those arrested with “counter-revolutionary crimes, violating state policies on American War Crimes Memorial Sites, disturbing public order, and attacking officials on duty” (Dang 2009c). When local authorities summoned Church officials, they refused and demanded the release of those detained, the return of Church property, compensation, and a halt to vilification by the state media (Dang 2009c).

The incident on 20 July set off a massive series of protests by Catholics in the three provinces of Nghe An, Ha Tinh, and Quang Binh on 26 July (Dang 2009c). On 2 August, Catholic media reported that the entire diocese of Vinh, numbering up to half a million persons from 178 parishes, rallied to protest police violence (Thuy and Tin 2009). Protestors carried white and yellow flags and banners, the Vatican colours. On 8 August, Catholics throughout Vinh diocese held a candle light vigil. On 12 August, the Conference of Catholic Bishops issued a statement expressing concern over rising tensions, amendment of the 2003 Land Law, and a peaceful dialogue. The statement pointedly noted that Catholics “are committed to working for the good of the country” (Dang 2009f; Nguyen 2009c).

On 15 August, the Feast of the Assumption, the Catholic Church held another show of force by staging a rally of 200,000 in front of the Bishopric of Vinh, Nghe An province (Dang 2009g). Banners and placards protested police brutality and persecution and called for justice. The rally was addressed by leading church dignitaries and was probably the largest religious protest in Vietnam’s history. During July and August Catholic media reported repeated attacks on parishioners and priests by gangs of plain clothed police and thugs (Nguyen 2009a; Dang 2009d; Dang 2009e).

Local authorities responded in the same manner as their Hanoi counterparts did in late 2008. On 20 August bulldozers began clearing the land around Tam Toa Cathedral. The land dispute was put on hold temporarily as typhoons Ketsana and Parma struck in September and October, respectively. On 5 November the bulldozers returned and riot police occupied the site.

The Catholic protests over land ownership in 2009 represented a challenge to the rational-legal basis of regime legitimacy. The state responded by refusing point blank to discuss the legal aspects of the case advanced by the

Catholic Church. This would have opened the door to a discussion of whether compensation should be provided as a result of the revolutionary seizure of property and the legality of ownership of Church land that had passed from the state to private hands. The Church land surrounding Tam Toa is located near a major highway and is a valuable commercial property.

The state also responded to Catholic land protests by an unprecedented campaign of vilification in the state media, gang assaults on priests and Catholic parishioners, and by blocking Catholic websites (Thuy Huong 2009; Nguyen 2009b). The state media also carried government assertions denying any responsibility or involvement in any act of violence.

Crackdown on Political Dissent and Blogging

In 2006-07, a network of political dissidents emerged in Vietnam and challenged the rational-legal legitimacy of the party-state in restricting civil and political freedoms (Thayer 2009b). The dissidents argued that these freedoms were rights guaranteed by the 1992 state constitution and by international agreements and covenants the Vietnamese government had signed. In late 2006 and continuing in 2007 and 2008 the state rounded up key leaders of this network, summarily tried them in court and sentenced them to imprisonment. In 2009, Vietnam renewed its crackdown on political dissent by arresting an estimated twenty-six to thirty political dissidents and detaining four well-known bloggers.

In some respects the crackdown on political dissent in 2009 represented a mopping up operation of Bloc 8406 (named after the date of its founding) dissident network that commenced in late 2006. But in other important respects it reflected a new development in domestic Vietnamese politics. In the past, political dissidents focused their protests on issues relating to freedom of expression, association and belief. In 2009, political dissidents (and bloggers) expanded their reform agenda to include environmental issues raised by the bauxite controversy, relations with China, corruption by senior officials and other issues. This expanded political agenda represented a new front in challenges to the legitimacy of Vietnam's one party state. In addition to the challenge to performance legitimacy, the state now found its claim to legitimacy based on nationalism under challenge. This represented a serious threat to the authority of the party-state as the growing anti-China backlash spread from the political fringe to the political elite who questioned the state's perceived inadequate response to increased Chinese assertiveness in the South China Sea.

In May-July 2009, Vietnamese public security officials rounded up seven political dissidents associated with a loose pro-democracy network.

Tran Huynh Duy Thuc, Le Thanh Long, Le Cong Dinh, Nguyen Tien Trung, and Tran Anh Kim were charged under Article 88 of the Penal Code for conducting propaganda against the state or “colluding with domestic and foreign reactionaries to sabotage the state”. This offense carries a maximum penalty of twenty years imprisonment. Le Thi Thu Thu and Tran Thi Thu were detained pending further investigation (Security agencies release lawyer’s confession to ‘anti-state activities’ 2009). In December 2009, lawyers representing the five arrested dissidents reported that the state authorities were amending the charges to include violation of Article 79 which carries a maximum death penalty for “carrying out activities aimed at overthrowing the people’s administration” (DPA 2009f).

On 26 May, Tran Huynh Duy Thuc was the first to be arrested. Duy Thuc is the former general director of the Ho Chi Minh City-based One Connection Internet (OCI) Joint Stock Company (Le Nga, Minh Nam, and Thai Uyen 2009). Security authorities alleged that Duy Thuc attempted to set up an opposition political party with the aim of displacing the Vietnam Communist Party from power. He used a variety of blog sites to spread his political message. Duy Thuc joined Le Cong Dinh in a trip to Thailand where he met with anti-communist overseas Vietnamese. Duy Thuc took responsibility for setting up the Vietnam Socialist Party (Confessions of crimes 2009). He was charged under Article 88 with distorting “the policies, laws, and directions of the Vietnamese government.” Information gleaned from Duy Thuc’s interrogation led to further arrests.

Le Thanh Long was arrested on 4 June. He befriended Tran Huynh Duy Thuc while they were both students at the Ho Chi Minh City of Technology in the late 1980s. Public security officials alleged that Duy Thuc assigned Long to set up a club known as “Movement to Make Vietnam Better” to advance a political agenda. Long reportedly established political relations with anti-regime activists in Australia including Buddhist monk Thich Minh Tam (Security agencies release lawyer’s confession to ‘anti-state activities’ 2009).

Le Cong Dinh was arrested on 13 June in what public security sources called an “expedited procedure” (Dang 2009a). He was the most prominent of those taken into custody. The state’s handling of his case represented an unprecedented use of “information warfare” by security officials. Dinh earned an M.A in Law from Tulane University in the United States. After he returned to Vietnam he served as deputy chairman of the Ho Chi Minh City Bar Association and set up his own private law firm. He was the defence lawyer for Bloc 8406 activists and a member of the Vietnam Democratic Party.

Dinh's arrest was announced at simultaneous press conferences in Hanoi and Ho Chi Minh City by senior officials from the Ministry of Public Security (Dang 2009a; Le Nga, Minh Nam, and Thai Uyen 2009). An orchestrated propaganda campaign was conducted in the state-controlled media including the press, radio and television. Dinh's affidavit was released publicly and characterized as a confession. The Vietnam Lawyers' Association struck him from its books, effectively barring him from practicing law (Dam De and Vu Nhu 2009). In sum, Dinh was tried and convicted before appearing in court.

There are a number of interrelated issues that explain the high-profile reaction of Vietnam's one-party state with respect to Le Cong Dinh. First and foremost is that he made contact with organizations in the United States and Thailand, such as the Viet Tan party, that public security officials characterized as either reactionary or terrorist and which aimed at overthrowing communist rule (Radio Voice of Vietnam 2009; Security minister confirms lawyer's treason against State 2009). In other words, the Vietnamese regime and its security apparatus clearly viewed Dinh as a subversive. Second, Dinh wrote numerous articles and blogs under various pseudonyms in which he commented on a wide number of issues. Dinh touched on the sensitive issue of corruption by officials involved with misdirecting Japanese overseas development assistance, and alleged corruption in the award of the bauxite contract that he intimated could be traced back to the prime minister. The state media in fact claimed that Dinh had defamed the prime minister (*Vietnam News Agency* 2009a). Quite clearly these allegations represented a direct challenge to the authority and hence political legitimacy of high-ranking party and state officials.

Nguyen Tien Trung and Tran Anh Kim were both arrested in July (Ha Truong 2009). Trung received an M.A. degree in information science in France and while a student he established a political organization for Vietnamese youths (Tuoi tre Viet Nam len duong), posted articles on the internet and joined the Vietnam Democratic Party. In March 2008, after returning to Vietnam, he was drafted into the army. He refused to swear the oath of allegiance and on 6 July 2009 was discharged for disobeying his superiors. He was arrested the following day. The state media reported that he played a role in organizing anti-China student demonstrations in late 2007 following China's announcement that it was establishing the Tam Sa administrative district over islands in the South China Sea. Trung was also involved in the protest when China's Olympic torch was brought to Vietnam. Tran Anh Kim was an army veteran who joined the Vietnam Democratic Party, founded the Anti-Corruption Association and was associated with Bloc 8406 (Confessions of crimes 2009). He reportedly published

eighty-five political articles on the internet and was in contact with the Viet Tan and other overseas anti-regime political parties.

On 19 August the five defendants appeared on state television with their heads bowed and publicly admitted to “undermining and overthrowing the Vietnamese state.” The following day the state media triumphantly reported that the dissidents had “plead guilty and begged for leniency” (*Confessions of crimes 2009*).

In October 2009, security officials “bundled” cases of nine political dissidents together and conducted perfunctory trials in Hanoi and Haiphong. All defendants were found guilty, sentenced from two to six years’ imprisonment plus an additional two-three years under house arrest. Three political dissidents were given separate trials in Hanoi. Vu Van Hung, a high-school physics teacher, was involved in anti-regime political activities since 2006 (*Ruwitch 2009a*). He publicly supported prominent blogger Dieu Cay who had been arrested for protesting against the Sino-Vietnamese land border agreement. Hung was one of fourteen persons detained in April 2008 for mounting a public protest when China’s Olympic torch was brought to Vietnam. In July, as a result of pressure from state security officials, Hung was dismissed from his teaching job.

Hung was arrested on September 14, 2008 for hanging a pro-democracy banner from an overpass in Hanoi in July 2008. Hung’s banner stated that “corruption was sucking the blood of the people and inflation was killing them.” The banner then demanded that the VCP should immediately proceed with democratization, pluralism, and multi-party rule. Hung was reportedly beaten by police while in custody and in protest went on a hunger strike during which his health deteriorated badly. While in custody the police visited his family and pressured them to sign an affidavit on the state of his mental health. They refused. Hung was sentenced on 6 October to three years in prison and three years probation for violating Article 88. Two other dissidents were also tried and convicted under Article 88; they were Pham Van Troi, four years in prison and four years probation, and Tran Duc Thach, three years in prison and three years probation (*Vietnam democracy activist jailed 2009*).

Six dissidents were tried as a group in court proceedings in Haiphong for their role in hanging banners in public in Haiphong and Hai Duong in August and September 2008, respectively. The banners displayed slogans reading “no democracy, freedom or human rights because of the communist regime” (*AFP 2009d*). The banners also accused the government of corruption, failure to control inflation and “losing the islands to China”, a reference to the Paracel and Spratly archipelagoes in the South China Sea.

The “Haiphong Six” were charged under Article 88 of the Penal Code. The leader of the dissidents, Nguyen Xuan Nghia, was a writer associated with Bloc 8406. He was charged with posting fifty-seven articles on the internet. Nghia was sentenced to six years imprisonment. Nguyen Van Tuc, a farmer and land rights activist, was sentenced to four years. Nguyen Van Tinh, an essayist, and Nguyen Man Son, a former party member who published twenty-two articles on the internet, were each sentenced to three and a half years. Ngo Quynh, a university student who planned a demonstration timed for the arrival of China’s Olympic torch in Ho Chi Minh City, was sentenced to three years. Quynh was subject to a public denunciation session prior to his trial and allegedly beaten by police while in custody. Nguyen Kim Nhan, an electrician, was given a two-year sentence plus two years on probation (Ruwitch 2009b).

In 2008-09 Vietnamese officials faced a new challenge to their authority, political commentary written by bloggers on the internet (Duy Hoang, Cuong Nguyen, and Huynh 2009). In the past political dissidents used the internet to network with other dissidents. But in 2008-09 the regime faced political criticism by individuals that had no discernable connections to political civil society. For example, in early 2009 a group of seven hundred individuals signed up to a Facebook site to promote their opposition to bauxite mining (Bauxite Bashers 2009). On 28 August the Ministry of Public Security issued instructions proscribing political commentary and limiting blogs to personal matters. In November, security officials moved more aggressively to interfere with if not shut down Facebook sites (Stocking 2009c). In this respect they were mimicking China where authorities blocked Facebook in July, and subsequently imposed restrictions on Twitter and YouTube.

In 2009, four prominent bloggers were detained and questioned about their blog sites. Journalist Huy Duc, for example, blogged under the pseudonym “Osin” and wrote commentary about human rights in the Soviet Union. He was fired from his job with *Saigon Thiep Thi* (Saigon Marketing) newspaper. Bui Thanh Hieu, who blogged under the name “Nguoi Buon Gio” (Wind Trader), posted commentary critical of Vietnam’s handling of relations with China, Catholic land disputes and bauxite mining. Hieu was repeatedly interrogated by police in 2008-09 for his role in instigating anti-China protests and arrested in August (Stocking 2009a).

Nguyen Ngoc Nhu Quynh, who blogged under the name “Me Nam” (Mother Mushroom), also posted blogs that discussed relations with China, bauxite mining and territorial disputes in the South China Sea. She was questioned by police for her involvement in printing t-shirts with the slogan “No

Bauxite, No China; Spratlys and Paracels belong to Vietnam” (Stocking 2009b).

And finally, blogger Pham Doan Trang was arrested under provisions of Vietnam’s national security law for her postings on the South China Sea, the 1954 partitioning of Vietnam, and China’s role as a hegemonic power (DPA 2009e). She was later released when police concluded that she was not linked to any political dissident network. For her part, Trang stated she had learned to discuss only personal matters on the internet and vowed to steer clear of political topics.

In 2009 Vietnam’s one-party state faced a widening of the challenges to its legitimacy as dissidents, political activists and bloggers criticized the government for its handling bauxite mining, corruption and relations with China. An earlier study of political dissent in Vietnam noted that criticism of the government came from individuals or small groups who were isolated from one another and who focused on a narrow range issues such as democracy, human rights and religious freedom (Thayer 2006). By 2006-07 it became evident that there was a growing cross-fertilization among opposition groups who merged to form Bloc 8406.

In 2009 the political legitimacy of Vietnam’s one-party state was assailed from a variety of quarters on multiple issues. Party leaders were placed in the uncomfortable position of having their claims to nationalism as a basis of political legitimacy undermined. Vietnam’s relations with China became especially sensitive in 2009 when China declared a unilateral fishing ban in the South China Sea from 16 May to 1 August and proceeded to enforce it with greater vigour than before. Armed Chinese fishery vessels chased, rammed, confiscated the fish catch, arrested and fined Vietnamese fishing vessels (Thayer 2009a). This took place at the height of the traditional fishing season and many Vietnamese fishermen had to stay in port.

Chinese actions inflamed both elite and public opinion in Vietnam. When the newspapers *Dan Tri* and *Du Lich* offered support for the “patriotic” anti-China students demonstrations of 2007 and criticism of China’s actions in the South China Sea, respectively, the former was censored and the later suspended (Nam Nguyen 2009; Bauxite Bashers 2009). The regime also responded by cracking down hard on their critics who raised these issues, such as Le Cong Dinh and Nguyen Tien Trung, and moved to curtail blogging on the internet. But even Vietnam’s routine repression of dissidents could not escape the China connection. Government critics charged that General Directorate II, or military intelligence, had come under Beijing’s political influence and was using its sophisticated electronic equipment to identify anti-China activists (Crispin 2009).

Conclusion

In 2009 the Vietnam Communist Party faced three major challenges to its political legitimacy. The controversy surrounding bauxite mining directly confronted the regime's claim to legitimacy based on performance. The dispute between Catholic Church and state challenged the regime's claim to legitimacy based on legal-rational norms. The crackdown on political dissent and blogging raised multiple challenges but none more potentially lethal than the challenge it posed to the regime claim to legitimacy based on nationalism. As noted in the analysis above, criticism of the regime's policies in one area have spilled over into another. For example, the bauxite mining controversy also included concerns over national security, a code word for Vietnam's economic dependency on China and the seemingly supine position of the government in the face of Chinese assertiveness in the South China Sea. In the midst of the Catholic dispute with the state over land ownership, priests and an archbishop raised their concern over environmental issues. Political dissidents and bloggers were quick to link calls for increased democracy with criticism of the regime over environmental issues arising from bauxite mining, allegations of corruption and relations with China.

In mid-year the Vietnam Communist Party Central Committee held its tenth plenum (29 June - 4 July) and initiated preparations for the eleventh national party congress to be held in January 2011. The tenth plenum approved unanimously a report by the Politburo regarding amending the 1991 Platform on National Construction in the Transition to Socialism (Thong bao Hoi Nghi lan thu muoi 2009). The eleventh plenum, which met from 5-10 October, discussed the all-important draft Political Report and the ten-year socio-economic development strategy, 2011-2020 (Thong Bao Hoi Nghi Lan Thu XI 2009). None of these policy documents has been made public. But what is certain is that between now and the eleventh congress, internal party politics will play an increasingly important role in Vietnam, especially as decisions are made about how the new leadership should respond to the multiple challenges to its political legitimacy. For example, in 2006, at the tenth party congress, party leader after party leader identified corruption as the main challenge (Thayer 2007: 382-383).

Academic observers are divided both about the importance of the national party congress and the composition of factions within the top leadership. Martin Gainsborough (2006 and 2007) has argued, for example, that nothing important is decided by a party congress (all has been decided beforehand) and that patronage networks are all important in leadership selection and factional alignments. Regina Abrami, Eddy Malesky and Yu Zheng (Abrami, Malesky, and Zheng 2008 and forthcoming) argue that

Vietnam's Central Committee is more democratic (and powerful) than its Chinese counterpart because of the diverse nature of membership on the Central Committee. They argue that top leaders must form "winning coalitions" in order to implement their policy preferences.

There are at least three major assessments of leadership divisions in Vietnam. Long Le (Le 2009) argues, for example, that the VCP is united on need for renovation through the creation of a socialist-orientated market economy but divided on what the socialist orientation means in practice at any given time. He identifies three broad coalitions. The first is what he terms the "state leading society" group headed by party Secretary General Nong Duc Manh. This coalition is comprised of heads of state-owned enterprises and the military. The second coalition places priority on Vietnam's integration with the global economy through such mechanisms as foreign investment and the promotion of indigenous entrepreneurship. This coalition is led by prime minister Nguyen Tan Dung. The third coalition also supports Vietnam's integration with the global community through investment in human resource and the development of new industries that meet international standards. This coalition is led by President Nguyen Minh Triet. Long Le cautions against overemphasizing internal party divisions and notes that the three coalitions are becoming more interdependent and practical in their policies. To illustrate his point, Long Le notes that prime minister Dung's emphasis on internationalizing the economy has not been achieved at the expense of state-owned enterprises. An alternate view posits an internal power struggle centered around Vietnam's links to China. This analysis asserts that pro-China conservative members of the Politburo stand in opposition to prime minister Dung and his economic reforms (Business Monitor International 2009).

Alexander Vuving (2006) presents a third view. He argues that Vietnam's leadership is broadly divided into two-camps which he labels the "modernizers" and the "anti-imperialists". The former support Vietnam's integration into the global economy, while the latter remain deeply suspicious about the United States. They fear that the real intention of the United States is to overthrow Vietnam's socialist regime though "peaceful evolution" by the promotion of democracy and religious freedom.

Since 1986, the legitimacy of Vietnam's one-party state has rested on multiple sources (Thayer forthcoming). The VCP still retains a reserve of political legitimacy based on its leadership in the various wars of national resistance against foreign intervention and as inheritor of the charismatic legitimacy of Ho Chi Minh. The VCP can also lay claim to performance legitimacy. It has successfully extricated Vietnam from socio-economic crisis, promoted economic growth, and reduced poverty. Another source of politi-

cal legitimacy has been the VCP's maintenance of domestic political stability after decades of warfare and two major external economic crises (the Asian financial crisis of 1997-98 and the current global financial crisis).

Vietnam has also attempted to base its legitimacy on rational-legal norms through the "rule of law" embodied in the 1992 state constitution and legislation passed by the National Assembly. Since 1995, Vietnam has gained international legitimacy through its membership in the Association of Southeast Asian Nations, diplomatic recognition by the United States, membership in the World Trade Organization, and currently through non-permanent membership on the United Nations Security Council.

Vietnam's one-party state may be described as "soft authoritarianism". Its default position when confronted by political dissidents demanding multiparty democracy has been outright repression. Political dissidents are routinely harassed, vilified in the media, sacked from employment, summarily tried in court and imprisoned in harsh conditions. But when Vietnam's one-party state is confronted by challenges from within the party or from the elite, it reacts in a partly responsive manner. For example, the main criticisms of the anti-bauxite mining coalition were taken on board by the leadership who responded with instructions to the ministries responsible to exert greater control over protecting the environment and by conceding to the National Assembly the right to review policy implementation.

The state has tread relatively lightly in dealing with Catholic protests over land ownership. Security authorities have singled out individuals who have reportedly destroyed or damaged property or engaged in violence. Security authorities have employed gangs of thugs to beat priests and harass Catholics enroute to join prayer vigils or other non-violent forms of protest. The regime has also used the state media to vilify individual Catholic leaders and censor alternate reporting. And state has not conceded any ground on the matter of legal ownership of land confiscated years ago. The state has refrained, however, from repressing freedom of religious expression by the Catholic community. The Vietnamese communist state and the Vatican have entered into discussions over re-establishing relations and a possible visit by the Pope to Vietnam in 2011.

A broad overview of political trends in Vietnam since 1986 (and particularly after 1992) indicates that the state is clearly liberalizing but not fully democratizing. Party elites appear willing to consider the views of internal critics and accommodate these views when feasible. The next year is likely to witness multiple sites of contestation – in the National Assembly, Vietnam Fatherland Front and Vietnam Communist Party itself - as party dissidents and non-party political activists press their reform agendas in advance of the next national party congress. Historical evidence from the

past two decades suggests that Vietnam's leaders have and are continuing to negotiate among themselves the pace and scope of change. Although Vietnam remains a "soft authoritarian" one-party regime, its political legitimacy rests on multiple sources including responsiveness to challenges from within and below to speed up the pace and scope of political and social change.

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