

agreement to repay outstanding debts to the United States, and to cease its support of propaganda and subversive activities against the United States.

In November 1933, President Roosevelt ordered U.S. officials to prepare for negotiations with the Soviet Foreign Ministry on establishing relations between the two countries. State Department officials recommended to the President that three major issues be settled before the normalization of diplomatic relations: protection of the rights of Americans in Russia, severing of all Soviet ties with communist activity in the United States, and settlement of Russian debts to the United States. Moscow, on the other hand, preferred to address these issues after relations were normalized -- U.S. negotiators, however, refused.

After several days of unsuccessful negotiations between State Department and Soviet officials, President Roosevelt and the Soviet Union's chief negotiator, Soviet Commissar Maxim Litvinov, met directly to address the three issues. The President and Litvinov readily agreed on a guarantee of freedom of worship and conscience for American citizens in the Soviet Union. The final agreement also required Moscow to sever its ties with the American Communist Party and other communist-controlled organizations in the United States. The Soviet Union also made a pledge not to permit the formation or residence on its territory of any organization or group which aimed to overthrow or prepare for the overthrow of, or bring about by force of a change in, the political or social order of the United States.

Resolving the debt issue, however, was more problematic. In the end, the President agreed to a compromise accord that called on the Soviets to repay a portion of the amount due from an outstanding debt to the United States, inherited from the previous Czarist regime. It appears that at the time of the negotiations, President Roosevelt viewed the resolution of the debt issue as a less significant barrier to normalized relations than did the State Department. The two negotiators appeared to pay little attention to administrative details, which later led to disagreements between the two countries over the interpretation of the agreement.

In the end, after appearing to have reached an understanding on these issues, President Roosevelt and Commissar Litvinov signed an agreement that same day which normalized relations between the two countries after 16 years of nonrecognition.

People's Republic of China (PRC)¹⁹

In 1949, the Nationalist government of Chiang Kai-shek fell to the communists on mainland China and relocated to Taiwan. The United States

¹⁹ The primary source for the following information is: Congressional Quarterly. China: U.S. Policy since 1945. (Washington, 1980).

continued diplomatic relations with the Nationalists, while refusing to recognize the government of the People's Republic of China (PRC).

Despite the hostility between the United States and the PRC, the two countries did maintain face-to-face communications from 1954 to 1972 through so-called ambassadorial talks conducted by their respective ambassadors in, at first, Switzerland and, later, Poland. Although little was accomplished through these communications, some officials contended that these discussions helped to prevent misunderstandings that could have exacerbated such regional issues as U.S. military support for Taiwan and the U.S. involvement in the Vietnam War.

In 1969 and 1970, the Nixon Administration made several cautious moves toward increasing U.S. contacts with the PRC, by lifting certain travel and trade restrictions. In 1971, the State Department announced it had terminated all restrictions on travel to China. In addition, the United States effectively lifted the U.S. trade embargo against China and reduced some export controls on goods to China.

In July 1971, Henry Kissinger made a secret trip to Beijing to lay the groundwork for future Sino-American relations. The two parties reached agreement on the following issues: 1) that Taiwan was part of China; 2) that the political future of South Vietnam should be decided by the Vietnamese; and 3) that all Asian disputes should be settled by peaceful means. At the time, the Chinese also extended an invitation to President Nixon to visit China. President Nixon later announced that he would travel to China in early 1972.

On February 14, 1972 -- the week before his departure for the PRC -- President Nixon ordered the reassignment of China from country Group Z to country Group Y with respect to U.S. export control policy. In effect, this move placed China on the same level of U.S. trade restrictions as the Soviet Union and the Warsaw Pact countries. Furthermore, President Nixon directed the Treasury Department to remove the requirement that U.S.-controlled firms abroad obtain Treasury approval for the export of strategic goods and foreign technology to the PRC.

On February 21, 1972, President Nixon arrived in China for a week of consultations with Chinese officials. At the end of the visit, President Nixon and Chinese Premier Zhou Enlai released a joint statement -- known as the Shanghai communique -- agreeing that progress toward "the normalization of relations" between the two sides was "in the interests of all countries."

In February 1973, in an effort to regularize bilateral contact and lay the groundwork for normal diplomatic relations, the United States and the PRC agreed to open non-diplomatic liaison offices in each other's capitals. In April 1973, Congress approved a bill (P.L. 93-22) that extended diplomatic immunities and privileges to the staff of the liaison office of the PRC, when it opened the following month.

In October 1978, President Carter signed the Agricultural Trade Act of 1978 (P.L. 95-501) that contained a provision allowing the Commodity Credit Corporation to extend short-term (up to three years) credit to the PRC. Previously, the PRC had been ineligible for such credit under the provisions of the Jackson-Vanik Amendment to the 1974 Trade Act.

In December 1978, President Carter announced that beginning on January 1, 1979, the United States and the PRC would establish diplomatic relations, and the United States would discontinue official relations with Taiwan. The exchange of ambassadors would take place in March 1979. The terms of the agreement called on the United States: 1) to recognize the PRC as the sole legitimate government of China, 2) to acknowledge that Taiwan was part of China, and 3) to end all official governmental relations with Taiwan and withdraw its troops from the island within four months. At the same time, the United States still could maintain and develop its existing nongovernmental relations with Taiwan on a "people to people" basis.

The final agreement involved concessions by both sides. The agreement allowed the United States to end its Mutual Defense Treaty with Taiwan one year later, which was stipulated within the original terms of the treaty. Second, Beijing did not contradict the unilateral statement by Washington that the United States "expects" the Taiwan issue to be resolved peacefully. Third, despite its objections, Beijing proceeded with normalization despite the announced intentions of the United States to continue to supply Taiwan with "defensive" weapons. For its part, Washington accepted Beijing's terms for normalization without any formal assurance that it would not use force to take Taiwan.

In January 1979, Vice Premier Deng Xiaoping visited the United States and signed a series of agreements that: 1) provided for the establishment of consulates in both countries, 2) established an overall science and technology agreement, 3) authorized U.S. aid for building a nuclear accelerator in China, 4) entitled the PRC to launch a communications satellite through NASA, 5) established a cultural exchange agreement, and 6) provided for student exchanges.

In March 1979, the U.S. Treasury negotiated an agreement with the Chinese Finance Ministry whereby claims by U.S. citizens would be settled at 41 cents on the dollar. China would thus pay \$80 million to the U.S. Treasury in settlement of U.S. claims totalling \$197 million. The United States agreed to release, in October 1979, \$80 million of Chinese assets that were frozen during the Korean War. The agreement enabled Chinese trade with the United States to proceed without fear of seizure of goods.

In July 1979, the United States and the PRC signed a three-year self-renewable trade agreement that established the framework for normal commercial relations between the two countries and paved the way for the United States to grant the PRC most-favored-nation (MFN) status, within the requirements of the freedom of emigration (Jackson-Vanik) amendment of the

Trade Act of 1974. The trade agreement was signed, however, only after the United States imposed unilateral quotas on textile imports from China. The agreement entered into force on February 1, 1980, after the President, on October 23, 1979, granted a Jackson-Vanik waiver and the Congress, on January 24, 1980, approved the agreement. The textile trade agreement was signed after prolonged negotiations on September 17, 1980, retroactive to January 1, 1980, and subsequently extended several times.

The Presidential waiver removed the Jackson-Vanik amendment obstacle to access to the full range of U.S. Government export credits for China. In addition, the specific ban on extending Export-Import Bank credits to Communist countries in section 2(b)(2) of the Export-Import Bank Act was rescinded by a Presidential determination of national interest (45 F.R. 26017, April 17, 1980).

The waiver removed one obstacle to China's access to the facilities of the Overseas Private Investment Corporation. The other obstacle was the general prohibition on foreign aid to Communist countries in section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)), which then provided for a national interest waiver only under very restrictive conditions, which were unlikely to qualify China for the waiver. Therefore, an amendment to an existing statute was enacted (P.L. 96-327; 94 Stat. 1026; August 8, 1980) which, in effect, authorized OPIC operations in China if the President determined it to be important to the national interest (22 U.S.C. 2199(f)). Such determination (No. 80-25, 45 F.R. 54299) was made on August 8, 1980, and an investment guaranty agreement was signed with China and entered into force on October 30, 1980.

Meanwhile a review of export control policies by the United States as well as by the Coordinating Committee on Multilateral Export Controls (COCOM) suggested the appropriateness of a further relaxation of U.S. policy on exports that required COCOM approval to China compared to those to the Warsaw Pact countries. Because of this differentiation, China was reassigned in April 1980 to a unique country group (group P). The policy of approving licenses for export to China of dual-use (economic and military) commodities, with specified exceptions, was instituted. In the following year, the United States changed its policy on exports to generally approving dual-use items to China to the technological level -- approximately to twice the threshold requiring COCOM approval. Finally, in November 1983, China was reassigned to country group V -- containing the majority of U.S. trading partners outside the Western Hemisphere -- although exports to China of certain sensitive strategic dual-use commodities that would normally be licensed for export to group V may require extended review or denial.

As to its multilateral economic relations, the PRC became a member of the International Monetary Fund on April 17, 1980, replacing therein the Republic of China (Taiwan), acceded to the Multifiber Arrangement on January 18, 1984, became an observer in the GATT in 1982 and is currently being examined for GATT membership following the filing of an application in 1986 to resume the China seat in the GATT, abandoned in 1950 by the Republic of China.

Appendix. The U.S. Reported "Road Map" Proposal For Normalization with Vietnam

PHASE I

Began with October 1991 signing of peace agreement on Cambodia.

Vietnam is to:

- Sign the Cambodian peace accord and help to persuade the Phnom Penh regime to sign
- Take needed steps to resolve quickly "last known alive" POW discrepancy cases, live sighting reports, and return American remains with an eye toward settling the POW/MIA cases in Indochina in 2 years
- Allow those Vietnamese detainees previously affiliated with the U.S. to exit by means of the Orderly Departure Program (ODP).

U.S. is to:

- Lift 25-mile travel ban on Vietnamese diplomats in New York
- Begin bilateral talks on normalizing diplomatic relations
- Permit U.S. organized travel to Vietnam
- Liberalize U.S. economic relations with Cambodia
- State publicly U.S. official concerns regarding genocide in Cambodia.

PHASE II

Begins after Phase I and once U.N. peacekeepers are well established in Cambodia.

Vietnam is to:

- Continue to support Paris agreement and help persuade Phnom Penh to continue to support it
- Continue progress on POW/MIA issues begun in Phase I.

U.S. is to:

- Send high-level delegation to Hanoi for talks on normalization of relations
- Allow U.S. telecommunication links with Vietnam
- Allow signing of U.S. contracts with Vietnam
- Allow U.S. commercial transactions meeting basic human needs in Vietnam
- Work with others to help Vietnam eliminate arrears to international financial institutions (IFI)
- Allow U.S. firms to open commercial offices in Vietnam
- Lift all restrictions on U.S. non-governmental organization projects in Vietnam.

PHASE III

Begins once U.N. procedures and Cambodian settlement process are well in place (i.e., cantonment of competing factional forces is complete and demobilization has begun).

Vietnam is to:

- Continue its support and encourage Phnom Penh's support of Cambodia peace agreement
- Withdraw all Vietnamese forces/military advisers from Cambodia
- Resolve last known alive discrepancy cases and repatriate U.S. remains readily available to Vietnam.

U.S. is to:

- Open diplomatic liaison office in Hanoi and invite Vietnam to establish one in Washington
- Fully lift trade embargo
- Support International Financial Institutions (IFI) aid meeting basic human needs in Vietnam.

PHASE IV

Begins once a U.N.-certified free election takes place in Cambodia; a Cambodian National Assembly is formed and is writing a new constitution; demobilization of factional forces specified in the 1991 accord has occurred; and the objectives of the U.S.-Vietnam 2-year effort to resolve POW/MIA issues have been achieved.

Vietnam is to:

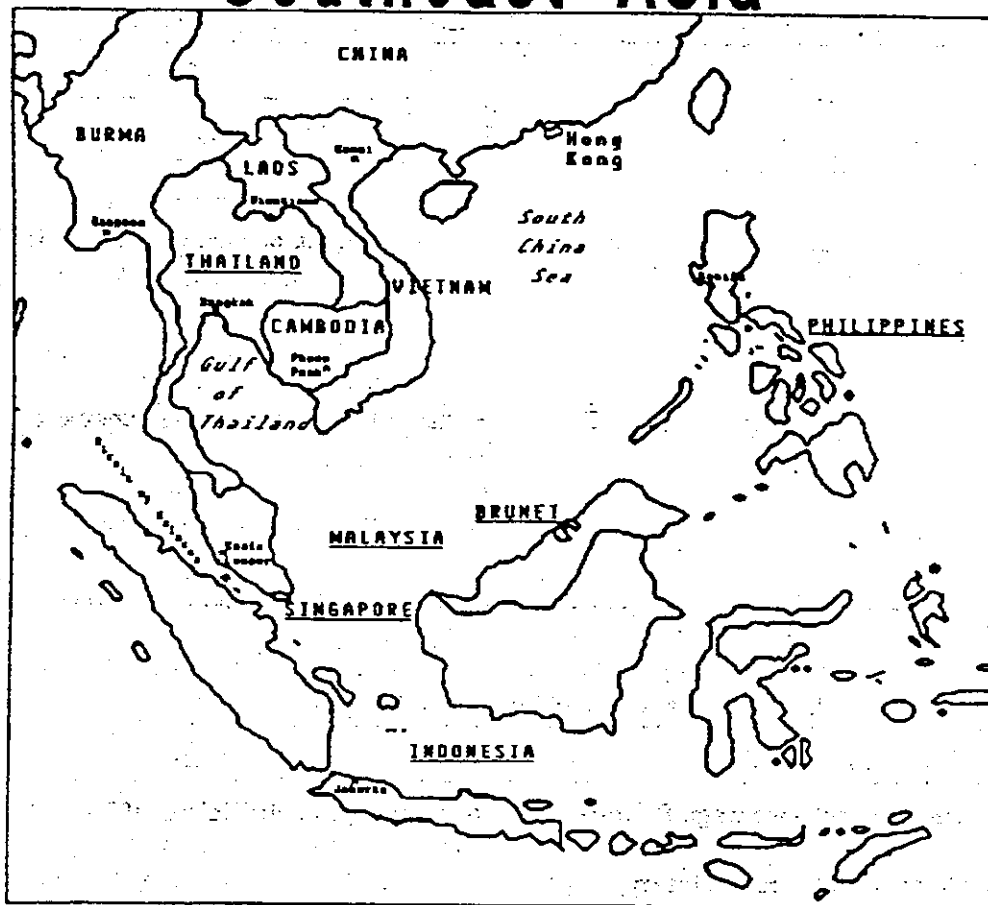
[No additional requirements at this stage.]

U.S. is to:

- Establish ambassadorial-level diplomatic relations with Vietnam
- Consider granting most-favored-nation status to Vietnamese trade
- Favorably consider IFI assistance for non-basic human needs projects in Vietnam.

Source: *New York Times*, Oct. 24, 1991, p. 1; *Indochina Digest*, April 12, 1991, p. 2; interviews, Washington, D.C., February 1992.

Southeast Asia



Names of members of the Association of Southeast Asian Nations (ASEAN) appear underlined on the map above.

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1 of 1 items

CQ's WASHINGTON ALERT 08/18/94

HCONRES278

Skaggs (D-CO)
Introduced in House

08/05/94

(100 lines)

Expressing the sense of the Congress regarding United States policy
towards Vietnam.

Special typefaces used in this bill version:

// \\ Italic

Item Key: 13725

103D CONGRESS
2D SESSION

H. CON. RES. 278

Expressing the sense of the Congress regarding United States policy
towards Vietnam.

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1994

Mr. ACKERMAN (for himself and Mr. SKAGGS) submitted the following
concurrent resolution; which was referred to the Committee on
Foreign Affairs

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CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding United States policy towards Vietnam.

Whereas the President has lifted the 30-year-old trade embargo against Vietnam in the belief that doing so is the "best way" to ensure progress in resolving the fate of Americans missing since the conflict in Vietnam;

Whereas the period of the Vietnam conflict and its aftermath was one of the most distressing and painful periods in our Nation's history;

Whereas questions remain about the fate of several hundred Americans missing in action;

Whereas, on July 2, 1993, President Clinton stated that further steps in United States-Vietnam relations would be based on "tangible progress" towards the fullest possible accounting of those missing in action;

Whereas such "tangible progress" depends on further efforts by the Government of Vietnam in the 4 key areas outlined by the President, including the recovery and repatriation of American remains, continued resolution of discrepancy cases, further assistance in implementing trilateral investigations with Laos, and accelerated efforts to provide all POW/MIA-related documents;

Whereas the Congress deeply empathizes with the families and friends of the missing American servicemen;

Whereas we owe nothing less than the "fullest possible accounting" to these men and their families;

Whereas Vietnam's criminal law is used to punish nonviolent advocates of political pluralism, through charges such as "attempting to overthrow the people's government" or "antisocialist propaganda";

Whereas the end of the Cold War provides an unprecedented opportunity for democratic reform and improvements in human rights throughout the world;

Whereas recent economic reforms and initiatives undertaken by the Government of Vietnam can best be encouraged and built upon

through political liberalization;

Whereas the interests of the United States and the people of Vietnam, and the international community would best be served by having a friendly and democratic government in Vietnam; and

Whereas greater respect for internationally recognized human rights and a peaceful transition to democracy in Vietnam would greatly reduce the threat of instability in Southeast Asia and enable the creation of a free-market economy in Vietnam: Now, therefore, be it

//Resolved by the House of Representatives (the Senate concurring)\\ , That it is the sense of the Congress that--

(1) progress towards the "fullest possible accounting" for the Americans missing and unaccounted for remains central to our Nation's foreign policy toward Vietnam;

(2) the "fullest possible accounting" of our missing must remain the index by which further progress in relations must be judged;

(3) the primary functions of the United States Government liaison office in Vietnam should be--

(A) to facilitate efforts to achieve the "fullest possible accounting", and

(B) to establish a section within that office to assist families and friends of those missing American servicemen in their efforts to ascertain the status of their loved ones;

(4) the United States should support the process of nonviolent democratic reform in Vietnam including the goal of free and fair elections; and

(5) the United States should increase its support for Voice of America programming in Vietnam.

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1 of 1 items

CQ's WASHINGTON ALERT 08/18/94

HCONRES216

Gilman (R-NY)
Introduced in House

03/08/94

(136 lines)

Expressing the sense of the Congress regarding human rights in
Vietnam.

Special typefaces used in this bill version:

// \\ Italic

Item Key: 10456

103D CONGRESS
2D SESSION

H. CON. RES. 216

Expressing the sense of the Congress regarding human rights in
Vietnam.

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IN THE HOUSE OF REPRESENTATIVES

March 8, 1994

Mr. GILMAN submitted the following concurrent resolution; which was
referred to the Committee on Foreign Affairs

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CONCURRENT RESOLUTION

Expressing the sense of the Congress regarding human rights in Vietnam.

Whereas President Clinton on October 19, 1992, promised to the American/Vietnam community "it is my firm belief that the issue of human rights should be a part of the discussion when addressing the issue of normalization with Vietnam";

Whereas the "road map" established between the United States Government and the Government of Vietnam did not mention provisions for human rights or democracy as a precondition for lifting the embargo and normalizing relations with Vietnam;

Whereas Vietnam remains one of the last communist countries in the world and maintains one of the most repressive political and social systems and the Vietnamese people are deprived of their basic human rights;

Whereas Vietnam has released from labor camps large numbers of persons suspected of disloyalty or having ties to the South Vietnamese government, and yet has rearrested and incarcerated some of these former prisoners and many other individuals for nonviolent political and religious advocacy;

Whereas one of the most repressed people in Vietnam are the ethnic minorities known as the Montagnards whose traditions, culture, and religious beliefs continue to be eradicated through policies such as the destruction of tribal villages comprised of ethnic Vietnamese migrants for the purposes of forced assimilation;

Whereas free expression is denied in Vietnam (for example, independent radio and television stations, newspapers, performing artists, book publishers, writers, artists, and journalists are forced to conform to government approval or censorship);

Whereas the poet Nguyen Chi Thien, a recognized Amnesty International Prisoner of Conscience in northern Vietnam for the past 27 years, is still denied the right of expression and remains under close government surveillance;

Whereas most South Vietnamese writers and poets have been denied the right to publish or compose since 1975;

Whereas the 1992 Vietnamese Constitution still designates the Communist Party as the "force leading the state and society";

Whereas Vietnam's criminal law is used to punish nonviolent advocates of political pluralism, through charges such as "attempting to overthrow the people's government" or "antisocialist propaganda";

Whereas participants in independent democratic parties and movements have been subjected to harsh repression (for example, Dr. Nguyen Dan Que, the leader of the Non-Violent Movement for Human Rights in Vietnam; Professor Doan Viet Hoat of the Freedom Forum; and Nguyen Dinh Huy of the Movement to Unite the People and Build Democracy);

Whereas even nonviolent political movements for democracy consisting of former National Liberation Front members such as the League of Former Revolutionaries have been repressed and its leaders, Nguyen Ho and Ta Ba Tong, remain under house arrest;

Whereas prominent leaders from the Buddhist, Catholic, Cao Dai, Hoa Hao, and Protestant faiths are in prison or under house arrest for expressing their religious beliefs;

Whereas 4 monks of the Unified Buddhist Church were tried and convicted on charges of instigating public disorder on November 15, 1993, in relation to a massive demonstration in Hue protesting police detention and harassment of major church leaders;

Whereas Venerable Thich Huyen Quang, head of the United Buddhist Church, is under house arrest and under strict surveillance by security police; and

Whereas Catholic and Protestant clerics and lay people are imprisoned for conducting unauthorized religious activities, including religious education classes and social programs: Now, therefore, be it

//Resolved by the House of Representatives (the Senate concurring)\ , That it is the sense of the Congress that--

(1) the Department of State, in its formal human rights dialogue with Vietnam (which was announced by the United States and Vietnam on January 10, 1994), should place a high priority on seeking--

(A) the release of all nonviolent political prisoners, and

(B) reforms in Vietnam's legal procedures and practices to bring them into conformity with international human rights standards;

(2) the Secretary of State should submit a progress report on this dialogue to the Congress within 6 months of the date on which this resolution is adopted by the Congress;

(3) the United States should actively support resolutions at the United Nations Commission on Human Rights expressing concern about the imprisonment of nonviolent political and religious dissidents in Vietnam;

(4) the United States should urge the Government of Vietnam to invite international humanitarian organizations to provide their confidential humanitarian services to prisoners in Vietnam, as a step towards improving their treatment and the poor condition of imprisonment; and

(5) the United States should consult with its allies, including Japan, Australia, Canada, and the European Community, to coordinate international public and private appeals for improvement in human rights in Vietnam, drawing attention to the statement issued by the World Bank-convened donors' conference in Paris on November 10, 1993, that notes that economic and social development in Vietnam require "more attention to democratization and the promotion of human rights" by the Government of Vietnam.

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Non-Government Opinion

Human Rights Watch 1994 Annual Report

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VIETNAM

Human Rights Developments

Vietnam's efforts to pursue market reforms and improve relations with the U.S. and the international community while keeping the lid on political and religious dissent produced a mixed human rights performance. The government released or reduced prison sentences for a number of well-known dissidents at the same time that it imprisoned others for peaceful expression of their views. Dialogue on human rights with foreign governments and nongovernmental organizations, including Asia Watch, increased, but human rights investigations were not possible and political trials remained closed to foreign observers—and often to the general public. Penal and legal reforms continued, but few tangible improvements were discernible. Both the media and religious institutions remained under state supervision.

Several bomb plots by overseas anti-communist groups heightened Vietnam's concern with internal security. Continuing protests by the Unified Buddhist Church also resulted in clashes between government forces and demonstrators. The government, however, often failed to distinguish between opponents who used violence and peaceful critics, punishing both on national security charges.

Dr. Doan Viet Hoat, a professor of English literature and a former university administrator, was sentenced to twenty years in prison on March 29 for "attempting to overthrow the government." His offense was producing four issues of a typed newsletter called "Freedom Forum," in which he advocated democratic reform, and recording his ideas on democratic change on a cassette tape. Nowhere did he advocate violence against the government. Two other defendants, Pham Duc Kham and Nguyen Van Thuan, were convicted of producing "Freedom Forum," and five more were found guilty just for possessing copies of it. On July 9, the Ho Chi Minh City Court of Appeals reduced Dr. Hoat's term to fifteen

years and five years of probation. Three other defendants were given similarly token reductions.

The government released some political prisoners, but many others remained in jail. U.S. citizens Nguyen Si Binh and Aloysius Hoang Duy Hung were released in June and July respectively, both men having been accused of trying to start alternative political organizations in Vietnam. Do Ngoc Long, a business consultant who was held under a three-year order of administrative detention because of his association with American businessman Michael Morrow, was released on April 6, but Doan Thanh Liem, a law professor also linked to Morrow, continued to serve a twelve-year sentence for "counterrevolutionary propaganda."

Although in recent years Vietnam had allowed citizens greater freedom of worship and has permitted religious communities to resume a limited role in social work, the government kept a tight rein on most other aspects of religion, approving candidates for the priesthood and religious orders, controlling the clergy's movements, and punishing those whose statements offended the Party or who conducted unauthorized meetings.

The greatest conflict has centered on the demands for autonomy of the Unified Buddhist Church (UBC), known for its protests against the Diem regime in the 1960s. Venerable Thich Huyen Quang, who assumed leadership of the UBC in 1992, has been living in government-imposed exile in Quang Nai province since 1982. He made numerous public appeals for the return of church property, the release of imprisoned Buddhist monks, respect for human rights, and freedom from state control. The government responded by searching pagodas and monasteries for his writings and detaining monks and lay Buddhists believed to support him.

Tensions came to a head on May 24 in Hue, when a man immolated himself at the pagoda where the former UBC Supreme Patriarch is buried. Local police immediately removed the man's body and detained the head of the pagoda, Thich Tri Tuu, for

questioning. Monks who feared that Venerable Tuu had been arrested organized a sit-down protest in Hue, drawing a large crowd and blocking traffic. Persons in the crowd surrounded a security vehicle transporting Venerable Tuu, removed him and other passengers, and set the vehicle ablaze. At least six monks were arrested in conjunction with the May 24 demonstration, among them Venerable Tuu. On November 15, Venerable Tuu and three other monks were convicted of "public disorder" in a one-day, closed trial and sentenced to four and three year prison terms; five laypersons were also sentenced that day to terms between six months and four years on the same charges.

Another violent confrontation occurred in July, when police forces surrounded the Son Linh pagoda in Ba Ria-Vung Tau province, arresting a number of monks. Among those arrested was Thich Hanh Duc, the head of the pagoda and an open supporter of the UBC leader, who had been ordered evicted by the local government. The conflict began when Thich Hanh Duc challenged the validity of the eviction order in a public letter.

Sources within Vietnam claimed that police and other armed forces used tanks and tear gas to break through a ring of some 2,000 Buddhists surrounding the pagoda. The government charged that monks in the pagoda had collected arms, held an official hostage, and attacked police with rocks and sticks, and it denied that military tanks or units were involved in dispersing the crowd. No independent investigation of the incident had taken place by mid-November.

Asia Watch was concerned that in both confrontations, some monks and supporters of Thich Huyen Quang may have been arrested solely for their religious and political beliefs, rather than for acts of violence. This concern was heightened in August, when the People's Committee of Quang Nai province forbade Venerable Quang to continue any activities in the name of the UBC and ordered him to cease "sowing disunity among the religious" through his demands for church autonomy and religious freedom.

Tensions also remained between the

Vatican and Hanoi, despite continued high-level contacts. The government permitted more frequent ordinations but maintained control over the number of candidates for seminary and their selection, and continued to restrict the transfer or movement of clergy within the country.

One well-known Catholic prisoner, Father Dominic Tran Dinh Thu, was released during the year, but at least fifteen other members of the Congregation of the Mother Co-Redemptrix remain imprisoned on charges of "counterrevolution." Also still imprisoned were Father Nguyen Van De and ten other members of the Sacerdotal Maria Movement and the Association of Humble Souls. Protestant pastors Dinh Thien Tu, Tran Dinh Ai and Tran Mai were released from labor camps on April 6, but many other pastors and lay Christians, especially from the highland regions, remained imprisoned for conducting unauthorized religious activities such as home prayer meetings and Bible classes.

Conditions for prisoners of all types remained poor, with continuing reports of abusive treatment, especially during the period of pre-trial investigation. Food and medicine appeared to be grossly inadequate, and prisoners generally relied on supplies brought by their families for sustenance. In at least one labor camp, however, political prisoners were segregated during the year from common criminals, a move that may improve their physical security.

Government officials acknowledged that improvement in prison conditions was needed, and in March, a Law on Imprisonment was passed, prohibiting torture or humiliation of convicts and ordering the separate accommodation of women and minors from other prisoners. The law also gave prisoners the right to complain about official abuses and required investigation of deaths in custody. It was too early to tell how well the law was being implemented.

Vietnam continued to oversee the state-controlled media, which was nevertheless quite lively, especially on officially-condoned subjects such as exposés of govern-

ment corruption. The press, however, also continued to publish condemnatory articles about political detainees before their trial.

In July, the National Assembly approved a new law on publishing that gave citizens the right to demand corrections or charge libel. But the law also affirmed the government's right to pre-publication censorship "in necessary circumstances decided by the Prime Minister" and maintained state control of all publishing houses. It also set forth many substantive restrictions on the content of published materials, and stipulated as one policy goal "fighting against all ideas and actions which are detrimental to the national interest."

Examples of state censorship abound. At the end of 1992, authorities closed *Co Viet*, a Quang Tri literary journal, for publishing writings implicitly critical of the government. In September 1993, the *Far Eastern Economic Review* reported that a leading social scientist, Hoang Chi Bao, was ordered to make self-criticism for failing to emphasize in his monograph on social policy the achievements of the international communist movement and the role of the "imperialist forces" in the fall of Eastern Europe and the former Soviet Union. Some of contemporary Vietnam's best-known authors, such as Duong Thu Huong, continued to find it impossible to get their works published in Vietnam, and publication of many South Vietnamese writers from the pre-1975 era remained banned.

The Right To Monitor

Vietnam continued to punish open criticism of its human rights record by its own citizens through vaguely-written laws against "counter-revolutionary propaganda" and other political offenses. After UBC leader Thich Huyen Quang publicly demanded that state authorities account for Buddhists who were arrested or who died in custody, the government finally gave a public response, in which it formally denied abuses against some of the individuals whose cases had been raised by Venerable Quang. But it also accused him of raising trumped-up charges

of human rights violations in order to turn believers against the state and to encourage foreign trade and investment embargos against Vietnam. He was not arrested, however.

Vietnam allowed restricted access to the country by some international human rights and humanitarian agencies. In March, Asia Watch sent its first mission to Vietnam to initiate a dialogue on human rights with the government. The United Nations High Commissioner for Refugees (UNHCR) maintained a small staff in Vietnam to monitor the treatment of returning boat people. Several foreign delegations were also permitted to visit prisons, but on at least one such occasion, political prisoners were relocated for the duration of the visit.

For the thirteenth year in a row, however, no agreement was reached with the International Committee of the Red Cross or any other nongovernmental group on the regular monitoring of prison conditions.

U.S. Policy

Human rights took a back seat to POW/MIA issues in the Clinton administration's agenda on Vietnam. New opportunities to raise human rights issues were missed. By the end of the year, the U.S. had cleared the way for the resumption of international financial lending to Vietnam, permitted U.S. companies to bid on projects financed by those loans, and sent three diplomats to Hanoi on an unofficial basis to supplement the U.S. personnel investigating POW/MIA cases.

U.S. officials did consistently include human rights as a policy goal in relations with Vietnam and mentioned both general concerns and specific cases at meetings with Vietnamese counterparts during the year. In July, Assistant Secretary of State Winston Lord returned from a trip to Hanoi and announced at a Senate Foreign Relations Committee hearing that Vietnam had agreed to open a high-level dialogue on human rights issues; such a dialogue had yet to begin as of early November. At the same hearing, Senator Robert Kerrey (D-NE), proposed the establishment of a high-level del-

egation to conduct regular talks with Vietnamese counterparts on human rights issues, similar to the regular high-level meetings on POW/MIA matters. This proposal drew no response from the administration.

As in the Bush years, Congress was considerably more voluble in defending the rights of Vietnamese political and religious prisoners than the administration, with members addressing numerous public and private appeals on their behalf to the government of Vietnam. A concurrent resolution adopted by Congress and added as an amendment to foreign aid legislation on September 23 called on the U.S. to support human rights, the rule of law and democratization in Vietnam.

In August, Sen. Charles Robb (D-VA), was rebuffed in an attempt to visit one of Vietnam's best-known political prisoners, Dr. Nguyen Dan Que, an endocrinologist who was serving twenty years of hard labor for his public call for political reforms and respect for human rights. Although Vietnamese officials had approved the visit as part of Senator Robb's itinerary in Vietnam, on arrival Robb was told the visit was indefinitely postponed. Senator Robb criticized the decision, saying it was a missed opportunity for Vietnam to demonstrate sensitivity to human rights concerns. The State Department also expressed disappointment that the visit had been canceled. According to sources in Vietnam, after Senator Robb's visit, Dr. Que was removed to another section of his labor camp, placed in solitary confinement, and assigned hard labor.

On September 13, the White House renewed the embargo against Vietnam, but in an announcement that was conspicuously silent on the issue of human rights, allowed U.S. businesses to participate in projects funded by international financial institutions. This action followed the administration's decision in July to drop its objections to international lending to Vietnam. In October 1993, the World Bank announced approval of two loans to Vietnam worth \$228 million, with another loan of \$121 million pending for agricultural development.

Section 701 of the International Finan-

cial Institutions Act requires the U.S. to cast its vote against loans, other than those for basic human needs, to countries that engage in a consistent pattern of gross human rights abuses. In keeping with this obligation, the U.S. voted for the loan for primary education but abstained on the loan for road improvements. The Asian Development Bank also became a significant lender to Vietnam in 1993, and projected lending as much as \$1 billion to Vietnam by the year 1996. It remained unclear to what extent the U.S. was prepared to urge major donors countries, such as Japan, to use their influence to press for human rights improvements.

Limited U.S. aid for humanitarian projects in Vietnam continued in 1993. The Agency for International Development allocated \$3.5 million in assistance to private voluntary agencies operating in Vietnam for programs benefiting civilian victims of war and displaced children and orphans. The State Department's Bureau of Refugee Affairs in 1992 had allocated \$2 million for projects to benefit returning boat people and their communities, most of which was disbursed in 1993. For 1994 it planned to continue such programs at similar levels of funding. In October, the U.S. Department of Defense flew approximately 2,000 pounds of textbooks to Vietnam under a program that allows nongovernmental organizations to use government transport for free when space is available.

The Work of Asia Watch

Asia Watch strategy on Vietnam had two elements: initiation of a dialogue on human rights with the Vietnamese government and efforts to convince other countries, including the United States, to bring more pressure to bear on Vietnam to improve its human rights record.

In March, an Asia Watch mission visited Vietnam for two weeks, meeting with senior officials in various agencies and ministries, including the ministries of interior, justice, and foreign affairs. The delegation also met with journalists, lawyers, scholars, clerics and returned asylum-seekers. Dis-

cussions were lively and wide-ranging, although Vietnamese officials were reluctant to discuss specific cases of political or religious prisoners. Subsequent meetings with government officials took place in New York.

On July 21, Asia Watch submitted testimony on human rights conditions in Vietnam to the Senate Committee on Foreign Relations, Subcommittee on Asia and the Pacific. Asia Watch did not take a position on normalization of diplomatic relations with Vietnam, which the U.S. had conditioned on factors other than human rights. Asia Watch did, however, recommend that the administration vigorously raise human rights concerns and press for the release of political and religious prisoners, through public statements if necessary. It also urged the U.S. government to support increased contact and exchange between Vietnam and the international community and recommended that American businesses urge Vietnam to reinforce the rule of law and respect internationally recognized human rights.

Asia Watch continued to publish detailed reports on the cases of particular individuals imprisoned for peaceful expression of their views, urging members of Congress, the administration, and representatives of other governments to advocate their immediate release. In January, Asia Watch published "The Case of Doan Viet Hoat and *Freedom Forum: Detention for Dissent in Vietnam*," which was placed into the Congressional Record in April by Sen. Paul Wellstone (D-MN). In March, Asia Watch asked to send an observer to Dr. Hoat's trial, a request the Vietnamese government denied. Asia Watch also raised in publications and private meetings with Vietnamese government officials the plight of prisoners suffering from poor health or poor conditions of detention. It maintained regular contact with representatives of the business community and international lending institutions.

Although Vietnam appeared to be making strong efforts to treat repatriated asylum-seekers fairly and reintegrate them into their communities, Asia Watch remained concerned about the international community's

ability to monitor closely the increasingly large and dispersed returnee population.



APRIL 27, 1994

NEWSLETTER

LEAGUE DETERMINATION: The National League of Families has gone through many months of difficulty, both financial and in meeting requirements which impact on achieving the League's objectives. All who receive this newsletter, both family member and concerned citizen supporters, are on the League's mailing list. Due to the lack of funds, there have been no newsletters since June 21, 1993. All available funds were needed to maintain League operations, try to bring greater seriousness to U.S. Government efforts, meet demands for congressional testimony and respond to family member, public, U.S. Government and media inquiries.

To maintain such activities, most importantly issue-related demands, cost-cutting steps were required: the office moved to smaller quarters in the same building; expenses were reduced to a bare minimum; the staff was cut to two (by not replacing departures), plus volunteers; the staff took a voluntary 15% pay cut on a temporary basis; the board voted to cut the number of board meetings and to personally absorb all costs for travel and housing, rather than accept League reimbursement. In short, every possible step was taken to remain in operation.

The first year of the Clinton Administration has also been difficult from a policy perspective. The League's strength is more necessary than even to keep the issue from being dismissed, rather than resolved. Within this newsletter, you will see the reasons. Hopefully, you will each do your very best to support our irreplaceable organization, our dedicated board of directors, staff and volunteers, and our loyal state and regional coordinators who are also absorbing their own expenses.

LEAGUE MISSION TO SOUTHEAST ASIA: On January 30th, the board of directors voted unanimously to send a League delegation to Vietnam, at no financial cost to the League. This was the first League trip since 1982. In the ensuing years, it was not considered necessary so long as the government-to-government process was bringing real accountability and the League Executive Director, Ann Mills Griffiths, was included on official delegations to represent the families' views. The delegation included Chairman of the Board Sue Scott, Board Member Colleen Shine and Mrs. Griffiths, a member of the League's 1982 delegation and eleven subsequent missions as a member of the U.S. Government's POW/MIA Inter-agency Group and Vessey delegations.

The delegation's purpose, on the heels of the embargo-lift, was to gauge the seriousness of Vietnam's cooperation and the likelihood of real success in terms of accountability from JTF-FA's field activities and to hold important meetings with senior Lao and Cambodian officials to reinforce positive developments in both countries, as well as encourage greater effort to achieve more rapid accountability. The League Trip Report is followed by an update and other information that we had hoped to send much earlier.

REPORT ON NATIONAL LEAGUE
OF FAMILIES TRIP TO VIETNAM, LAOS AND CAMBODIA

VIETNAM: MARCH 22-24, 1994

The U.S. Government's current approach of commending Vietnam for full POW/MIA cooperation despite evidence to the contrary has signaled Vietnam that unilateral actions on their part are not expected nor required to achieve their political and economic objectives. After a series of meetings with very senior Vietnamese officials, the League delegation's consensus is that the leadership of the Socialist Republic of Vietnam is quite confident of its position. The "new environment" post-embargo-lift, though cited by SRV officials as a basis for renewed energy to continue and increase both unilateral and joint efforts, has not yet brought increased results in terms of accountability.

While pledging that their long-standing humanitarian policy of full cooperation would continue regardless of what the U.S. may decide regarding further steps forward, recent U.S. moves were cited as having improved the climate throughout Vietnam which would help ensure continued bilateral cooperation. The underlined rhetoric says it all. Vietnam asserts full cooperation in the past, which is provably untrue, while also asserting that the embargo lift will ensure continued bilateral cooperation which is as yet achieving little accountability. Again, since the embargo was lifted on February 3, 1994, results do not demonstrate any shift in Vietnam's behavior, rather more of the same. Unless U.S. policy is changed to focus on pursuing unilateral SRV actions, the League delegation does not foresee any real basis for optimism that results, in terms of accountability, will increase significantly.

Quoting recent U.S. Government accolades as evidence that satisfactory progress is being made, Vietnam's rhetoric paralleled that heard in the early to mid-80's. SRV officials initially asserted that they are cooperating fully, providing all relevant archival documents as they are located, withholding no remains or live POWs, and are deeply concerned about their own 300,000 "MIAs," a subject they dropped in the mid-1980's and refurbished in the early 1990's. The League provided SRV officials a book containing U.S. data on why more documents and remains are expected from unilateral SRV actions. The Vietnamese admitted that more can be done and committed to increase unilateral and bilateral efforts; however, the delegation is not optimistic in view of the SRV's long-standing record of breaking agreements and failing to honor pledges.

Confronted with League-provided U.S. Government facts on last known alive and remains discrepancy cases, SRV officials claimed that the "easy cases" had already been solved, a statement not supported by the evidence. Nevertheless, they pledged to continue efforts to resolve the discrepancy cases, noting that many of the cases have been repeatedly investigated by the JTF-FA. We noted that many of these investigations point to Vietnam's unilateral ability to solve the cases.

In response to League requests for specific documents believed available by the U.S. Government, SRV officials pledged to initiate rapid steps to locate and provide the requested documents. Senior Vietnamese officials were generally receptive to considering a simultaneous two-track approach, to include unilateral efforts on Vietnam's part while continuing the process underway with JTF-FA, i.e. field activities and joint research.

JTF-FA's efforts in Vietnam are positive in some areas, i.e. the Priority Case Investigation Team (PCIT), but the League delegation has serious concerns in others. We found dedicated, talented individuals in, or on loan to, Detachment 2 who are pursuing the current policy-approved JTF-FA operational approach, while searching for alternatives to obtain greater results. We maintain that the team would be better served without the removal of experienced personnel. The JTF process in Vietnam appears geared toward initial surveys and investigations of all cases, with little focus on achieving real accountability and no focus on pursuing unilateral SRV efforts. This focus signals Vietnamese officials that there is no need or desire on the U.S. part for unilateral SRV efforts. Smooth logistics execution of field activities and public relations appear to be of paramount importance. These problems beg correction by policy-level U.S. Government officials.

The highly publicized Joint Document Center appears constructed more for propaganda value than substance; however, there are some talented personnel intent on greater access and results. Here again, publicly expressed opinions by U.S. officials are reflected in statements by Vietnamese counterparts. This is a serious problem; it alleviates the burden on Vietnam for unilateral provision of archival documents and further research efforts.

The most senior personnel at JTF-FA Detachment 2 appear to have an assigned role to create perceptions, despite evidence to the contrary, that Vietnam is fully forthcoming. This approach is not only unwarranted, but detracts from objective evaluation of Vietnamese knowledgeability. A consistent theme from some in JTF is that long-held U.S. Government expectations concerning Vietnam's knowledge and ability to unilaterally provide accountability were likely based on invalid assumptions. This leads to their faulty conclusion that accountability must be a lengthy process from which little can reasonably be expected of the SRV in terms of unilateral actions.

In view of evidence available to the U.S. Government, the approach on archival documents/research should be based on the assumption that more are available and can be provided with political will on the part of the SRV leadership. If the Vietnamese do not provide expected documents, credible explanations should be provided as to why. Such an approach would be consistent with U.S. policy on the live prisoner issue.

As a result of our trip, we are working on specific recommendations for the U.S. Government, based on a two-track approach, which we believe will motivate Vietnam to provide more unilaterally and give greater credibility to the President's public statements of commitment and expectations, post-embargo.

LAOS: MARCH 25-28, 1994

Bilateral POW/MIA efforts in Laos are encouraging, despite greater obstacles, i.e. nearly 85% of all of the 504 U.S. losses occurred in areas then under Vietnamese control, and remoteness of areas of loss, as well as displacement of potential witnesses along the border with Vietnam.

The basis for the League delegation's positive assessment included the Lao Government's history of seriousness in implementing POW/MIA commitments made to the United States. It was evident from discussions that during the "run-up" to U.S. lifting of the embargo with Vietnam, Lao cooperation on the POW/MIA issue was down-played and characterized inaccurately, likely to generate a perception of greater Vietnamese cooperation. In the context of POW/MIA accountability, any comparison between Laos and Vietnam is irrelevant and misplaced.

With high level guidance, the Foreign Ministry is clearly the "designated hitter," assisted actively by the Ministry of National Defense, with the Interior Ministry in a supportive role, but excluded from joint field activities.

The Lao Government's commitment to continue and increase their POW/MIA efforts was made clear, as was willingness to consider suggestions provided by the League in advance of the trip. The Foreign Ministry spelled out the Lao Government's approved method for handling aspects of the POW/MIA process, such as "trilateral" cooperation between Laos, Vietnam and the U.S. It was made clear that permitting Vietnamese witnesses to participate in field operations in Laos was a second step, to follow initial receipt of information from Vietnamese witnesses for use by the U.S. and Laos in the bilateral effort. The lack of SRV responses to Lao and U.S. requests for documents helpful to the POW/MIA accounting effort in Laos is a source of frustration which continues to impede results.

On joint field activities, the Lao defined the need to pursue the effort province by province, expanding excavation teams as necessary to ensure remains recovery is achieved as rapidly as possible. The Lao priority is to exhaust all possibility of results in each area before extending field operations beyond their government's relatively limited resources. Overall JTF-FA strategy is clearly not in consonance with Lao desires on how to proceed; however, Vientiane-based JTF-FA personnel appear to recognize the need to tailor an approach necessary to facilitate field operations in Laos.

Despite the greater problems faced by Laos and the U.S. in terms of accounting for Americans missing in Laos, including lack of information and records from Vietnam, there is an apparent dedication to achieving valid answers on individual cases. This is aided by the Lao policy that actions (though often slow) speak louder than words.

Another positive, but until now unpublicized, development in Laos is the ongoing archival film project. Lao and American personnel are working together to review footage, albeit thus far without significant results in terms of accountability. Whether public or private, a small amount of assistance to the Lao for preservation and location of additional film is crucial to expanding this aspect of the bilateral effort.

Policy level endorsement and direction to JTF-FA headquarters on implementation are needed. Accountability is anticipated more reliably in Laos on those cases under Lao control; but, clearly without full provision of war time data and records by Vietnam, the majority may not be resolved except by serendipity.

The practical definitions provided by the Lao regarding the approved manner in which the POW/MIA accounting process could proceed were understood and accepted by the U.S. Ambassador to Laos and the Detachment 3 Commander. U.S. Ambassador to Laos Victor Tomseth was extremely helpful during the League visit. His policy-level interface with Lao officials has been and is extremely important, and it is clear that he is well liked and respected by the Lao leadership which is gratified by his ability to speak their language. The delegation found the Vientiane-based JTF-FA Commander sensitive to the Lao environment and the differences between Vietnam and Laos in the context of POW/MIA. Unfortunately, as in most JTF assignments, LTC Mike Kendall, USA, an active duty military officer, will depart soon. Bill Gadoury, one of the few "old hands" still in JTF-FA, will remain; his knowledge of the issue and Lao culture, as well as language capability, are vital to the effort.

CAMBODIA: MARCH 28-29, 1994

The accounting effort in Cambodia is proceeding with the full support of the newly established Royal Cambodian Government, but without necessary provision of records and data from Vietnam. Cambodian officials were extremely supportive and made commitments to pursue every suggestion and take any action deemed potentially helpful to account for missing Americans.

Of particular interest was the commitment of the Defense Ministry to raise with their Vietnamese counterparts the need for SRV provision of records to help account for the 78 Americans still unaccounted for in Cambodia. This step was implemented immediately based on suggestions provided by the League.

Second Prime Minister Hun Sen, with a history of helpfulness since 1986, also offered full support and pledged to raise the need for SRV archives directly to his Vietnamese counterpart, Prime Minister Vo Van Kiet, during the latter's official visit immediately following the League delegations's departure. During the war, both Prime Minister Kiet and SRV President Le Duc Anh were senior commanders in the areas of Cambodia where most Americans were lost. (Reportedly, Prime Minister Hun Sen made the request of SRV Prime Minister Kiet who agreed to respond.)

JTF-FA Detachment 4 has an excellent working relationship with Cambodian officials. There is a discernable understanding between officials of both governments which enhances bilateral ability to pursue accounting efforts under difficult circumstances. Suggestions made by the League, many of which were made earlier by the Defense POW/MIA Office, were well received by all involved, including the need for an oral history program and unilateral Cambodian efforts to locate potential witnesses who served in the border areas of Vietnam and Cambodia during the war. Implementation by both countries will demonstrate seriousness.

Noting that even documents such as birth certificates were destroyed during the Khmer Rouge regime, Cambodian officials agreed to the League delegation's request to permit investigation of a military archive in Phnom Penh in an effort to locate possible POW/MIA related material.

Ambassador-designate Charles Twining is obviously held in high esteem by all Cambodian officials with whom the League delegation met. The U.S. role in achieving a political settlement was noted repeatedly, as was continuing U.S. assistance in overcoming current problems.

THAILAND: MARCH 20-21, 29, 1994

The League delegation's focus during stop-overs in Thailand was to meet with U.S. officials directly related to POW/MIA, particularly those in the Defense Intelligence Agency's Stony Beach team, headquartered in Bangkok. With his many years of background and direct involvement in POW/MIA matters, U.S. Ambassador to Thailand David Lambertson provided not only valuable insights, but tremendous support for the League delegation. The discussion with State Department officer Scot Marciel, assigned in Hanoi and temporarily in Bangkok, regarding the current situation in Vietnam was also enlightening, and his assistance in facilitating meetings in Vietnam was most helpful.

The Stony Beach briefing was informative and professional; however, their debriefing operations continue to be circumscribed by direction of Commander, JTF-FA. The League delegation continues to hold the view that greater in-country participation by the Stony Beach linguists and investigation specialists would enhance valid results from field operations.

NOTE OF APPRECIATION

Although the League has differences on approach and policy, principally with regard to Vietnam, the League delegation received tremendous logistics support from the JTF-FA Detachments and personnel in Vietnam, Laos and Cambodia. The Bangkok-based Stony Beach POW/MIA Office (DIA) was extremely supportive and helpful during our time in Bangkok. The courtesy and assistance were most helpful and deeply appreciated. In Thailand, Laos and Cambodia, the League delegation was hosted by the U.S. Ambassadors, all of whom have been mentioned in this report and are known to League members. Their courtesy and support were deeply appreciated.

PRESIDENT CLINTON LIFTS EMBARGO: On February 3rd, the President lifted the trade embargo against Vietnam stating, "I am absolutely convinced it offers the best way to resolve the fate of those who remain missing and about whom we are not sure." He stated that his basis for the decision was "significant, tangible progress and a substantial increase in Vietnamese cooperation" over the past year. The President went on to state, "I have made the judgment that the best way to ensure cooperation from Vietnam and to continue getting the information Americans want on POWs and MIAs is to end the trade embargo."

In addition to lifting the embargo, the President announced "I've also decided to establish a liaison office in Vietnam to provide services for Americans there and help us to pursue a human rights dialogue with the Vietnamese government," clarifying that "These actions do not constitute a normalization of our relationships" with Vietnam.

Comment: This event was the culmination of an intense effort over many months by some in the business community, several Members of Congress, led by Senators John Kerry (D-MA) and John McCain (R-AZ), policy level State and Defense Department officials, CINCPAC and Joint Task Force-Full Accounting (JTF-FA) to orchestrate the final push for the President to lift the embargo. In that process, public statements were made which misrepresented the level of Vietnam's cooperation.

Of specific concern to the League was the statement by Commander in Chief, U.S. Pacific Command, Admiral Charles Larson, Jr., that he doesn't "believe that they (the Vietnamese) are withholding anything," adding that "if the embargo were lifted and many American businessmen and people came in and established contacts in the country, then operationally I will get more information. Potentially, that could help me expedite a fullest possible accounting..." Admiral Larson's views were widely accepted by the Senate and cited during debate on the Kerry/McCain resolution advocating that the embargo be lifted to confirm that Vietnam is being fully responsive.

According to Senators who visited Vietnam last fall, JTF-FA Commander MG Thomas Needham, USA, also stated that Vietnam was being fully cooperative and that unless the embargo was lifted, Vietnam would terminate all cooperation. This is from a man who removed committed, experienced Vietnam experts from his organization, defined his mission as "rolling through Vietnam" and continually dismissed the validity of U.S. intelligence data. His subordinates, particularly LTC John Cray, USA, Chief of the JTF-FA detachment in Hanoi, echoed this same theme.

Admiral Larson and General Needham had, or should have had, full knowledge of the U.S. intelligence community's judgment of Vietnam's ability to account for hundreds of missing Americans. The League rejects their statements as false and politically motivated. Their apparent decision to misinform the President and Members of the Senate was particularly appalling.

FORMER U.S. OFFICIALS SPEAK OUT: The February 4th LOS ANGELES TIMES carried a very critical OP-ED piece by two former U.S. officials well known to League members -- Richard T. Childress, Director of Political-Military Affairs and Asian Affairs at President Reagan's National Security Council from 1981-1989, and Carl W. Ford, Jr., Principal Deputy Assistant Secretary of Defense in the Bush Administration from 1989 to 1993. Both are Vietnam veterans. The full text is available by request to the League office, but the following paragraph is key:

"Despite the Administration's assertions, Hanoi's record of stonewalling and cynical manipulation for more than 20 years cannot be ignored. It is demonstrated in the thousands of formerly classified documents on file at the National Archives. One finds in these files that the cooperation forced on the Vietnamese in recent years - including their handing over internal documents and photographs - instead of clearing the record, demonstrates persuasively that they are still holding back evidence on hundreds of Americans."

At our 24th Annual Meeting last July, Mr. Robert McFarlane, National Security Advisor to President Reagan, predicted that the Clinton Administration had a plan to go forward based on their agenda, not POW/MIA. Unfortunately, he was correct:

"Today, your government is going through the final stages of a process - begun roughly 18 months ago - that before the end of this year will lead to the normalization of relations with Vietnam. If you were to ask the administration if that were true, the response would be 'No, the President has stated that we will not normalize relations without the fullest possible accounting of our POWs and MIAs.' That would be a lie. For the evidence is clear."

The plan was well executed. If the Clinton Administration had used half of the effort to get real answers, many family members would not still be enduring the uncertainty which comes with having a loved one missing.

ACTIONS RECOMMENDED: History reveals that the Clinton Administration's approach (incentives in advance in the hope of response) is unlikely to bring results, but since the political leadership in the administration had not even read the history of negotiations on this issue at the time the embargo was lifted, they might not even recognize history. Hopefully, the bureaucracy has stumbled into a successful strategy. One thing is sure, if they want their strategy to work, senior officials must take some simple, but important actions now:

- Read the negotiating record, including the admission by Vietnam of storing hundreds of remains.
- Read the three U.S. intelligence assessments from 1987-1992 on which the U.S. based a ten-year effort. As late as 1992, official briefing charts on records availability and remains (with the number expected) were used with foreign government officials to enlist their help.

- Quit treating the issue as a domestic one, and recognize that Vietnam is depending on the U.S. policy community to continue doing precisely what is being done now - offer inducements in the hope of response.
- Actually negotiate on the basis of U.S. intelligence and other evidence regarding what Vietnam can do unilaterally, recognizing that Vietnam knows that the U.S. knows what they can do and is acting rationally in their terms, holding off for their reasons, not ours.
- Forthrightly say today -- if this approach is really being pursued for the families -- that diplomatic relations, MFN (most favored nation trade status) and other steps will not be tabled without unilateral Vietnamese actions on what we know they can do.
- Instruct operational commanders to utilize the best talent available, rather than removing the most skilled and committed experts.
- Instruct all U.S. officials that the baseline for measuring Vietnamese progress post-embargo will begin now, that remains recovered or repatriated earlier will not be counted as a measure of Vietnam's responsiveness to lifting the embargo, and that only remains identified as those of missing Americans, with date of recovery or repatriation, will be counted in the future.
- Instruct all government officials that any documents or other information that may be turned over in the future will be identified by relevance to Americans currently missing.

Executive Director Comment: The families, our nation's veterans and Vietnamese officials can count -- only 13 Americans previously missing in Vietnam have been accounted for over the past two years, only 5 since President Clinton assumed office. These are statistics you rarely hear in public statements made by senior U.S. officials. Yet, the President stated, "Since the beginning of this administration, we have recovered the remains of 67 American servicemen" from Vietnam. Though likely misinformed, the President's statement is inaccurate; until now, unidentified remains have never been listed as remains of Americans.

I have learned to suspect and fear the definition of "progress" as defined by JTF-FA and the policy-level U.S. bureaucracy. Just prior to President Clinton's July 2nd decision to remove U.S. objections to international loans to Vietnam, I met with the President. He assured me that if he decided to move on the IFI's, not one step forward would be made to lift the bilateral embargo or normalize political relations without progress on POW/MIA....again....definitions become crucial.

In Senate testimony February 9th, the Defense Department was already redefining and altering President Clinton's four POW/MIA criteria, as published by the White House on September 13th. Equally disturbing was the clear signal that the Administration does not yet plan to negotiate with Vietnam on the basis of U.S. knowledge regarding accountability that Vietnam can readily provide.

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The Clinton Administration appears to believe that Hanoi will be more forthcoming by switching from a policy of reciprocal steps (which the League endorses) to a policy of inducements -- payment in advance -- hoping for serious responses.

The clock is ticking; the embargo was lifted on February 3, 1994. The League awaits accounting for the 123 Americans originally carried as last known alive (LKA) discrepancy cases, now judged to be dead by a DOD panel on the basis of evidence obtained during joint investigations. In nearly all such cases, the evidence also indicates that remains are available to the Vietnamese but have not been repatriated.

The League is also awaiting accountability on 84 cases, involving 98 Americans, known as "remains discrepancies." These are cases initially listed by the SRV as died in captivity (DIC) or confirmed dead through photos, Vietnamese graves registration documents, jointly conducted field investigations, etc. To date, none of these 98 U.S. personnel have been accounted for.

It should not take long to find out. The League, along with the American Legion, DAV, VVA, VFW, CWV, JWV, AMVETS, etc., is watching closely to measure the results.

JOINT FIELD ACTIVITIES: Over the last six months, technical personnel have conducted numerous joint field activities. (See notes in League Trip Report on JTF-FA operations in each country.)

Vietnam: Another joint field activity is now ongoing in Vietnam, reportedly operating in 18 provinces, plus Hanoi and Ho Chi Minh City (Saigon). Such activities were originally intended to augment unilateral actions by Vietnam to provide accountability.

Laos: American and Lao technical personnel recently concluded month-long field operations in northern Laos. The joint teams investigated numerous cases and excavated multiple sites from which remains were recovered. Lao representatives were said to have been extremely helpful, permitting several live sighting investigations and earlier a prison visit at Nhommarath, a location reported in the past to have held Americans.

Cambodia: Through most of February, Cambodian and U.S. technical personnel conducted joint field activities which included an underwater salvage operation for the first time since January 1992. The POW/MIA team was supported by an Army Aviation Detachment and Navy Diving Unit.

DOCUMENTS FROM THE VIETNAMESE: During the last four months of 1993, Vietnam released to U.S. officials some additional documents, including a summary of wartime incidents along a segment of the Ho Chi Minh Trail. Documents used to compile the summary have not been provided. Others, including some from Group 875 (General Political Directorate) can best be described as "nothing much new" about missing Americans.

AMERICANS ACCOUNTED FOR: From all three Indochina countries, 28 Americans have been announced by DOD as accounted for since January 1, 1993, though 19 were returned in earlier years, and only 9 in 1993. The names of 3 additional U.S. personnel (2 from Vietnam; 1 from Laos) were withheld at the family's request. Those publicly announced included:

From Vietnam:

- COL Carl F. Karst, USAF
- LTJG Barry E. Karger, USN
- SP5 Ronald P. Paschall, USA
- CAPT James A. Branch, USAF
- LT Douglas Condit, USAF
- CAPT David A. Frederick, USMC
- LT Craig H. Waterman, USMC
- LCPL Robert L. Viscailuz, USMC
- LCPL Ernest R. Byars, USMC
- PFC Raphael L. Collazo, USA
- LT David J. Wax, USAF

From Laos: Nine U.S. Navy personnel previously listed as unaccounted for in Laos on were repatriated in February, 1992 as a result of a joint US/Lao excavation. Additionally, the remains of 2 Americans were returned in 1993. Those announced were:

- CAPT John Robert Burns, USAF
- CAPT Wayne E. Pearson, USAF
- Lt. James S. Kravitz, USN
- Lt. Curtis F. Thurman, USN
- Ensign James Wonn, USN
- Petty Officer 3rd Class Frank Dawson, USN
- Petty Officer 2nd Class Clayborn Ashby, Jr., USN
- Petty Officer 2nd Class Chester Coons, USN
- Petty Officer 2nd Class James Martin, USN
- Petty Officer 1st Class Paul Donato, USN

From Cambodia: Three Americans were announced as accounted for in 1993, though 1 was returned in 1992. Announced were:

- Wells Hangen, Civilian
- LT Thomas W. Knuckey, USA
- SGT Phillip C. Taylor, USA

Comment: To each of the affected families, the League offers support in the hope that final answers bring long awaited peace of mind. This reduces the total number of missing and unaccounted for Americans to 2,234, 1643 in Vietnam. Of the 504 still missing and unaccounted for in Laos and the 78 unaccounted for in Cambodia, over 85% were lost in areas controlled by Vietnamese forces at the time of incident. Eight Americans are still unaccounted for over Chinese territorial waters.

SECOND RUSSIAN DOCUMENT REPORTS LARGER NUMBER OF AMERICAN POWs HELD IN VIETNAM: In September of last year, the Department of Defense released another document from the files of the former Soviet Union relating to U.S. POWs held in Vietnam. This document, from the files of the GRU - - Soviet Military Intelligence -- was provided to Ambassador Malcolm Toon, U.S. head of the US/Russian Commission on POW/MIA Affairs. The document states that the total number of American aviators held captive in late 1970 was 735, but that only 368 names were made public by Hanoi. (A list containing 368 names was released to Members of Congress in December 1970, and this is the same number noted in the earlier "1,205 document" discovered by Dr. Stephen Morris.) This latest document is reportedly a portion of comments made during a meeting of the Vietnam Workers Party in late 1970 or early 1971.

Comment: A U.S. Government "analysis" of the two documents located in archives of the former Soviet Union has been published, but it was an analysis described as "interim." As before, Hanoi denounced the "725 document" as either an "ill-intentioned fabrication" or based on "confused information." In a meeting with the League's Executive Director, Russian General Dimitri Volkogonov again stated his conviction that the "1,205 document" is a valid, official document of the former Soviet Union. While he could not personally verify the content, he expressed his view that to warrant distribution to the highest levels of the Soviet leadership, the text was believed potentially valid.

KOREAN WAR POWs BELIEVED TRANSFERRED TO USSR: The Defense Department released an "internal" 77-page report which concluded that American POWs from the Korean War were transferred to the former Soviet Union. The report gives no specific figure of U.S. prisoners delivered to Russia, but identifies some U.S. pilots by name as being the most likely to have been taken. Also described is a top-secret program to capture fliers and other U.S. and allied technical specialists, interrogate them and transfer them to "labor" camps. Requests for the report should be made to the Defense POW/MIA Office, 3100 Clarendon, Room 700B, Arlington, VA 22201, 703/284-1297.

CHINA RETURNS REMAINS: Remains of three American airmen killed in World War II were returned to U.S. officials following a US/PRC crash site excavation in Tibet. The U.S. team also visited southern China to survey a site just inside the border from Vietnam where a U.S. Navy plane went down in 1967 with two men on board.

SPECIAL NOTICE: Tom Nielsen, the increasingly notable portrait artist who has also created the outstanding series of National POW/MIA Recognition Day posters for the Department of Veterans Affairs, has generously offered to paint POW/MIA portraits for a significantly reduced rate of \$1,000 each, providing the person or group contracting the painting agrees to donate one-half (\$500) of the fee to the League. Tom Nielsen is a long-time supporter of the League and the issue, having served in Vietnam before returning there to help in constructing homes for disabled allies who served in the South Vietnamese military. The League deeply appreciates Tom's generosity. Those interested should contact the national office to obtain Tom's address and phone number.

Remarks

Lewis Stern

**Director for Indochina, Thailand and Burma
Office of the Assistant Secretary of Defense
International Security Affairs
Department of Defense**

The Other MIAs: Vietnam and Its Unaccounted For

U.S.- Vietnam Policy Forum ★ Washington, DC ★ July 22, 1994

I have been asked to talk about Vietnam's MIAs, or what we know about the Socialist Republic's own accounting issue. We do not know a great deal about the issue, and I would hope our guests will comment on the accuracy of these remarks, and add substantially to our understanding of this issue.

In response to Hanoi's argument that Vietnam had its own massive MIA problem, during his August 1987 visit to Hanoi, General Vessey carried with him a book of maps and reports about PAVN gravesites at large military actions during the war for presentation to his interlocutors. During a mid-1990 technical meeting the U.S. Government again provided the Vietnamese side with declassified documents on gravesites of Vietnamese soldiers.

The Vietnamese took the occasion of such initiatives by the U.S. side to make the strong point that the U.S. Government did not have accurate enough information to help in accounting, and the U.S. should not expect Hanoi to possess such records.

In October 1990, then Foreign Minister Thach and General Vessey reached an agreement that included a Vietnamese commitment to provide U.S. technical experts with greater access to information in Vietnamese wartime archives bearing on missing Americans.

In January and March 1991, as noted above, the Department of Defense dispatched an Information Research Team to Hanoi to discuss the modalities of this agreement. At that time Hanoi made it clear that Vietnam's willingness to agree to enhanced access to wartime archival information bearing on cases of U.S. MIAs was not conditioned upon equivalent access to U.S. wartime archives. That Vietnamese took the position that the process of information research and information sharing must be a "two wary street."

Importantly, during the January 1991 military meetings to review the draft documents for discussion at the 7th National Party congress, a local military meeting uniquely made the

point that one of the tasks before the PAVN was to "strive to resolve" the consequences of war, including the search for persons missing as a result of the hostilities.

Thereafter, the Vietnamese spoke of 300,000 MIAs in order to demonstrate exactly how much of a domestic problem they had, and how difficult it was for Vietnamese struggling with their own missing to support their Government's efforts to respond to U.S. demands to find U.S. missing. According to a middle-level Foreign Ministry official, of the 842,405 Vietnamese troops killed in action (KIA), the remains of 496,409 individuals were recovered; the remains of over 200,000 individuals had not been recovered by August 1993; and there was no information on 82,405 individuals. Additionally, 484,324 soldiers were wounded during the course of the war.

The subject of the status of survivor benefits, veterans retirement policies, and the MIA issue became increasingly pressing issues for the leadership after the mid-1991 7th Party Congress. Beginning in early 1991, veterans groups and party organizations within the military, in commenting on the draft platform for the National Party Congress, made it clear that Vietnam's 300,000 MIAs represented a groundswell issue to which the leadership had to respond, not a manufactured issue used as a negotiating ploy.

By 1993, the variety of interests groups that emerged during the process of planning for the 7th Party Congress, including veterans organizations, felt relatively free to make points about their constituencies' interests during General Secretary Nguyen Van Linh's tenure.

Vietnamese efforts to table requests concerning their missing could no longer be considered merely as delaying tactics in POW/MIA negotiations. Rather, they reflected the views of legitimate organizations and interests in a position to lobby in support of their views and to attract public opinion in a modestly more free press.

- In a 12 August 1993 interview, Foreign Minister Cam appealed to the U.S. Government to "concretely pursue cooperation" with Vietnam's efforts to find its own 300,000 MIAs.
- On 1 June 1993 Foreign Minister Cam told Senator John Kerry that the American side should assist Vietnam in efforts to resolve the problem of missing Vietnamese. His aim was not to throw down obstacles, but to illustrate the serious concerns of the Vietnamese people regarding disabled veterans, separated families, and Vietnamese families affected by the MIA issue.
- At an early June technical session with the Joint Task Force-Full Accounting the Vietnamese asked that the U.S. side work to unearth information about Vietnamese military prisoners who died in captivity while in the custody in the custody of the Republic of Vietnam or the U.S. side.
- In his 17 June speech to the National Assembly, Deputy Prime Minister Phan Van

Khai stated that the U.S. had a responsibility to the work of resolving the problem of Vietnamese MIAs.

- In mid June, the new Vietnamese ambassador to Thailand, Le Cong Phung, raised the importance of USG assistance to Vietnam's efforts to provide an accounting for its missing soldiers.
- Prime Minister Vo Van Kiet spoke to this same issue in his discussions with Asian counterparts, stressing the need to get Washington to provide information that might help Hanoi account for its missing.

Interestingly, by mid-1993 various provinces had initiated surveys of the number of wounded and missing, as well as the needs of veterans who survived and the families of war heroes.

For example, it appears that Thai Binh Province undertook a four-year study, authorized by the Chairman of the Council of Ministers in 1989, to inventory the social needs of veterans. As part of that study, Thai Binh reported in mid-1993 to the General Political Department of the Ministry of Defense that the province kept records on 298 cases of MIAs. Of that number, 153 were from the war against the French, 50 service personnel were missing as a result of the war with the United States, and 95 personnel were missing as a result of military actions following April 1975, presumably including Cambodia. The majority of those cases were considered resolved. The province was still actively seeking information on 15 cases that had been judged unresolved. The provincial report did not specify the date these 15 service personnel were listed as missing.

Recent media reporting suggest that other provinces conducted similar studies.

Press articles in the Vietnamese Communist Party's authoritative daily newspaper in early 1993 suggested that the highest levels of the Vietnamese leadership were focused on the issue of responding to the social needs of veterans, and the needs of the families and dependents of soldiers who died in combat. Moreover, some articles suggested that interests hitherto uninvolved in the POW/MIA issue, and unconcerned with the shape of U.S.- Vietnamese relations, were prepared to take firm stands regarding the importance of Vietnam's efforts to seek answers to questions from its own MIA families.

- One article represented a professorial opinion on Vietnam's "human rights" policies in the 14 May issue of the Party's daily newspaper, and argued that it is a human right, and the government's humanitarian duty, to provide answers to the families of fallen heroes whose bodies were not recovered.
- The article noted that out of an altruism born of historical practice, the Vietnamese would continue to work hard to return the remains of foreign soldiers, just as they did during the reigns of Le Loi - Nguyen Trai after fighting with "foreign aggressors."

In mid-1993, the USG Interagency Working Group agreed to provide the Vietnamese with a copy of the Combined Document Exploitation Center (CDEC) collection, a massive collection of unindexed microfilmed documents that were collected in the field by the U.S. military. The Majority of the documents were collected in battlefield conditions from PAVN casualties.

The bulk of the material was in the form of diaries, letters, identification media, Vietnamese political tracts and other propaganda, and captured messages and instructions. In the early 1980's, the Vietnamese had approached JCRC members during visits to Hanoi and raised the possibility of obtaining the CDEC collection.

The mid-1993 decision was intended to signal U.S. understanding of Vietnam's MIA issue, and to demonstrate Washington's willingness to respond to Hanoi's requests for assistance. VNOSMP officials indicated that the Foreign Ministry saw this as a significant symbolic act of considerable importance that would enable them to make the case that Hanoi's humanitarian concerns were not being neglected by the U.S.

Vietnam's own MIA issue remains a pressing policy matter for Hanoi. More and more resources are expended on this issue. Increasingly, the matter is raised by National Assembly delegates and discussed as part of the yearly Foreign Ministry report to the Assembly. More Vietnamese resources are being invested in providing an accounting.

- For example, between 1984 and 1992 a remains repatriation group operating under the authority of the Nghe An Province military command returned the bodies of approximately 8,000 Vietnamese combatants that had been interred in various cemeteries in Khammouane, Bolikhamsai and Xieng Khoang Provinces to a military cemetery in Nghe Tinh's Anh Son District.
- In early April 1992 the remains repatriation group pledged to continue to search for the remains of fallen Vietnamese soldiers in the former mountainous war zone adjacent to Nghe Tinh Province in Laos.
- On 9 April 1994 the Vietnamese Minister of Labor, War Veterans and Social Welfare and the Lao Minister of Labor and Social Welfare signed a memorandum of understanding with the Lao People's Democratic Republic.
- The MOU involved mutual pledges of cooperation in efforts to complete the excavation and repatriation of the bodies of Vietnamese combatants from Lao wartime cemeteries in Oudomsai, Attopeu and Xieng Khoang Provinces in 1994. The memorandum also referred to a mutual commitment to building a monument in Laos to fallen soldiers.

Our understanding of this process is incomplete, and we would be interested in hearing more about his from our guests.

Remarks of
Jane Cicala
Director, Washington Office, Boeing Commercial Airplane Group

**WHY IS VIETNAM INTERESTING TO THE BUSINESS
COMMUNITY?**

U.S.- Vietnam Policy Forum ★ Washington, DC ★ July 22, 1994

VIETNAM HAS A POPULATION OF 69 MILLION.

THERE HAS BEEN A DRAMATIC INCREASE IN TRAVEL BY FOREIGNERS TO VIETNAM - ESPECIALLY TOURISTS AND A GROWING NUMBERS OF BUSINESS TRAVELERS.

VIETNAM HAS BEEN EXPERIENCING STEADY GROWTH:

- INFLATION RATES HAVE FALLEN
- BUDGET DEFICIT CONTINUES TO FALL
- EXCHANGE RATE STABILIZING AGAINST US DOLLAR

MARKET REFORMS:

INTRODUCTION OF MARKET-LED REFORMS GAVE THE ECONOMY SOME DIRECTION. IN SPITE OF THE WOES OF THE VIRTUAL END OF SOVIET SUPPORT, THE ASIAN DEVELOPMENT BANK GAVE THIS VERDICT IN 1993: THE VIETNAMESE ECONOMY SHOWED REMARKABLE RESILIENCE IN 1992. SPURRED BY A STRONG RECOVERY IN AGRICULTURAL PRODUCTION AND A ROBUST EXPANSION IN THE INDUSTRIAL SECTOR, OVERALL ECONOMIC GROWTH WAS THE HIGHEST SINCE THE MARKET-ORIENTED REFORMS BEGAN.

THE STATE NO LONGER SETS PRICES BUT RELIES ON THE MARKET. LAWS HAVE BEEN CHANGED TO ENCOURAGE FOREIGN INVESTMENT AND TO PERMIT THE ENTRY OF FOREIGN BANKS.

THE GATT TRADE ORGANIZATION HAS JUST GRANTED OBSERVER STATUS TO VIETNAM IN A SIGNAL OF RECOGNITION OF THE ADVANCES THE COUNTRY HAD MADE TOWARD AN OPEN ECONOMY. VIETNAM SAID THAT IT WOULD EVENTUALLY LIKE TO BECOME A FULL MEMBER OF THE GATT.

INVESTMENT:

BY EARLY 1993 FOREIGN COMPANIES HAD SIGNED MORE THAN 600 DEALS FOR INVESTMENT WORTH MORE THAN \$5 BILLION OF WHICH ABOUT \$3 BILLION WAS AGREED IN 1992 ALONE. TAIWAN LEADS THE WAY WITH INVESTMENTS WORTH ABOUT \$800 MILLION, FOLLOWED BY HONG KONG, JAPAN, FRANCE, AUSTRALIA AND BRITAIN. AMERICA RANKS 18TH.

NOVEMBER 1992 JAPAN APPROVED THE RESUMPTION OF OFFICIAL AID TO VIETNAM WITH A YEN 45.5 BILLION (\$395 MILLION) COMMODITY LOAN. THIS OPENED THE DOOR FOR JAPANESE INVESTMENTS.

AMERICAN COMPANIES SEE SIGNIFICANT AND GROWING NEEDS FOR:

- CONSUMER GOODS - SOAP TO FOOD PRODUCTS
- INFORMATION TECHNOLOGY PRODUCTS
- OIL AND GAS EXPLORATION AND RELATED EQUIPMENT
- POWER GENERATORS
- INFRASTRUCTURE DEVELOPMENT - ROADS, AIRPORTS
- MEDICAL EQUIPMENT
- AIRPLANES

SERIOUS PROBLEMS REMAIN

VIETNAM'S EXPORT BASE REMAINS NARROW, THIS LIMITING HARD CURRENCY EARNING, UNEMPLOYMENT IS HIGH, AND THE COUNTRY LACKS THE FUNDS TO ADDRESS SEVERE INFRASTRUCTURE DEFICIENCIES, INCLUDING ROAD TRAFFIC IN THE CITIES CAN BE CHALLENGING.

BUREAUCRATIC HURDLES ARE DEMANDING, BUT ARE STILL THERE.

BOEING'S INTEREST

VIETNAM HAS GREAT POTENTIAL FOR BOEING. THE AIRLINE'S TRAFFIC IS GROWING AT PHENOMENAL RATES. REPORTEDLY IT CARRIED WELL OVER ONE MILLION PASSENGERS LAST YEAR, TRIPLE THE AMOUNT CARRIED THE YEAR BEFORE. AIRCRAFT HAVE BEEN ADDED EVERY SIX MONTHS TO KEEP UP WITH DEMAND. THE AIRLINE HAS SAID IT NEEDS 30 to 40 AIRCRAFT BY THE END OF THIS CENTURY, VALUED AT 2 TO 3 BILLION DOLLARS. A HIGH PRIORITY IS REPLACING THE RUSSIAN EQUIPMENT AND EXPANDING TO INTERNATIONAL MARKETS

BILATERAL NEGOTIATIONS WITH THE UNITED STATES COULD BEGIN IN THE FORESEEABLE FUTURE.

VIETNAM AIRLINE HAS NOW HAD EXPERIENCE WITH BOEING 737s and 767-200ers and 767-300ers AS WELL AS AIRBUS A320s and A310 THROUGH A VARIETY OF LEASING ARRANGEMENTS.

AIRPLANES ARE NOT SOLD OR OPERATED ON THEIR OWN. PILOTS, CREW AND MAINTENANCE TRAINING WILL BE AN INTEGRAL PART OF THE PACKAGE ALONG WITH SPARES PROVISIONING AND ON THE GROUND TECHNICAL SUPPORT. BOEING IS COMMITTED TO HELPING VIETNAM AIRLINES REALIZE ITS FULL POTENTIAL IN THE LEAST TIME POSSIBLE. WE AND I'M SURE IN THIS CASE I CAN ALSO SPEAK FOR McDONNELL DOUGLAS, WOULD CERTAINLY LIKE THE HELP OF THE USG TO PUT US ON AN EVEN KEEL WITH OUR EUROPEAN COMPETITION.

VIETNAM: NORMALIZATION OF THE ECONOMIC RELATIONSHIP

Lifting the Embargo was a critical first step, but much needs to be done to achieve full normalization of political and economic relations:

FULL DIPLOMATIC RELATIONS

Lack of *diplomatic relations* between the United States and Vietnam prevents the negotiation of any bilateral trade agreement with Vietnam, including:

- **TRADE TREATY**--- PROVIDES NATIONAL TREATMENT FOR US. EXPORTS, IMPROVED BUSINESS FACILITATION AND INTELLECTUAL PROPERTY PROTECTION

REALLY A PREREQUISITE FOR NEGOTIATING OTHER CRITICAL AGREEMENT, SUCH AS

- **INVESTMENT TREATY** TO ENSURE NATIONAL TREATMENT FOR US. INVESTMENTS, REPATRIATION OF PROFITS, EXPROPRIATION PROTECTION AND ACCESS TO INTERNATIONAL ARBITRATION.
- **TAX TREATY** PROVIDING PROTECTION TO US. INVESTORS AGAINST DOUBLE TAXATION AND ENSURING NATIONAL TAX TREATMENT. IT ALSO PROTECTS AMERICAN WORKERS FROM DOUBLE TAXATION WHICH FOR SMALL ENTREPRENEURS IS A SERIOUS FINANCIAL BURDEN.

VIETNAM DOES NOT HAVE MOST FAVORED NATION TRADING STATUS AS PART OF THE CONTINUED DENIAL OF MFN TO "NON MARKET ECONOMIES" AS REQUIRED BY THE JACKSON-VANICK SECTIONS OF THE TRADE ACT OF 1974.

RESTORATION OF MFN REQUIRES (1) EITHER A PRESIDENTIAL DETERMINATION THAT VIETNAM IS IN FULL COMPLIANCE WITH THE FREEDOM -OF-EMIGRATION REQUIREMENTS OF J-V, OR A PRESIDENTIAL WAIVER, PROVIDED THE PRESIDENT DETERMINES THAT SUCH A WAIVER WOULD SUBSTANTIALLY PROMOTE THE OBJECTIVES OF JACKSON-VANIK; AND (2) THE CONCLUSION OF A TRADE AGREEMENT CONTAINING A RECIPROCAL GRANT OF MFN.

THESE ARE THE FUNDAMENTALS REQUIRED TO ENSURE THE BUSINESS COMMUNITY THAT THE UNITED STATES GOVERNMENT IS SERIOUS ABOUT CREATING A BASIC FRAMEWORK WHICH WILL GIVE AMERICAN BUSINESS THE SECURITY TO MAKE THE FINANCIAL AND STRATEGIC DECISIONS NEEDED TO PENETRATE THE VIETNAM MARKET.

WITHOUT A SERIOUS AMERICAN GOVERNMENT REPRESENTATIONAL PRESENCE, AMERICAN COMPANIES ARE RELUCTANT TO ACQUIRE OFFICES, SEND EMPLOYEES AND PURSUE MARKETS REQUIRING SUBSTANTIAL INVESTMENT. IT IS NOT A SURPRISE THAT AMERICA RANKS 18TH AMONG INVESTORS IN VIETNAM.

TODAY'S NEEDS

RIGHT NOW AMERICAN COMPANIES NEED FINANCING AND INVESTMENT INSURANCE TO CLOSE DEALS.. EXIM BANK, OPIC AND TDA ARE THE FIRST THINGS MENTIONED WHEN YOU QUERY BUSINESS OR ITS POTENTIAL CUSTOMER IN VIETNAM. YET THEY ARE UNLIKELY BEFORE FULL DIPLOMATIC RELATIONS AND THE BASIC TRADE TREATY.

ACCESS TO THESE FACILITIES IS FAR FROM AUTOMATIC. COMPLIANCE WITH JACKSON VANIK, PRESIDENTIAL DETERMINATIONS, LEGISLATIVE INITIATIVES PLAY A ROLE IN DETERMINING ELIGIBILITY.

THIS IS NOT TO IMPLY THAT VIETNAM IS NOT FINANNCABLE. ONCE THE JAPANESE BEGAN TO RESUME AID AND SIGNAL THE APPROPRIATENESS OF PUTTING FUNDS INTO VIETNAM THE JAPANESE BUSINESS AND FINANCIAL COMMUNITIES SURGED FORWARD. SOME AMERICAN COMPANIES THROUGH ALLIANCES WITH THE JAPANESE WILL BE ABLE TO GET THEIR PROJECTS FINANCED. BUT THIS IS A LESS COMPETITIVE SOLUTION THAN USING EXIM, OPIC OR TDA , AND WILL NOT BE ENOUGH IN THE LONG RUN.

RELATED INITIATIVES

WE THE BUSINESS COMMUNITY ALONG WITH THE GOVERNMENT AND NON PROFIT ORGANIZATIONS SHOULD BE DOING THE SORT OF THING GINNY FOOTE AND GEORGETOWN UNIVERSITY ARE DOING THIS WEEK, AND IN FACT WHAT GINNY DOES ALL THE TIME.

BRINGING PEOPLE TOGETHER FACE TO FACE TO DISCUSS THE ISSUES, LEARN ABOUT THE PROCESSES IN A MARKET ECONOMY. UNDERSTAND HOW CONGRESS AND THE EXECUTIVE BRANCH WORK AND THE RELATIONSHIP BETWEEN THE TWO.

CAN WE HONESTLY EXPECT A COUNTRY WHICH HAS BEEN ISOLATED FROM US, HAS NOT HAD ITS BEST AND BRIGHTEST AT AMERICAN UNIVERSITIES, OR CORPORATIONS OR WORKING ON WALL STREET, CAN WE EXPECT THEM TO BE CONVERSANT WITH THE MONEY MARKETS, THE PROCEDURES NEEDED TO PUT TOGETHER COMPLEX CONTRACTS AND FINANCING INSTRUMENTS.

THE KINDS OF PROGRAMS THAT HAVE BEEN PUT IN PLACE FOR THE FORMER EASTERN BLOC COUNTRIES AND RUSSIA ARE NEEDED FOR VIETNAM. PROGRAMS WHICH WOULD:

- IDENTIFY COMMERCIAL OPPORTUNITIES
- FACILITATE CONTACTS AMONG POTENTIAL BUSINESS PARTNERS
- SPONSOR CONFERENCES, TRADE MISSIONS, AND INDUSTRY EXCHANGES
- ELIMINATE OBSTACLES TO THE SUCCESSFUL CONCLUSION OF BUSINESS NEGOTIATIONS.

I HAVE BEEN TOLD BY SOME OFFICIALS THAT BUSINESS EXPECTS TOO MUCH- TOO SOON. WHEN ONE UNDERSTANDS HOW MUCH MORE HAS TO BE DONE TO GET OUR TRADING RELATIONSHIP ON TRACK IT IS DIFFICULT TO BE PATIENT. BUT BUSINESS ALSO REALIZES THAT THERE ARE OUTSTANDING FOREIGN POLICY ISSUES TO BE ADDRESSED, JUST AS THERE ARE WITH CHINA. WE BELIEVE, AS WITH THE CASE OF CHINA, TRADE AND THE FUNDAMENTAL PRINCIPALS AMERICANS HOLD DEAR ARE MUTUALLY REINFORCING.

ON THAT SUBJECT AMBASSADOR ROBERT STRAUSS QUOTES EMERSON:

“THE PHILOSOPHER AND LOVER OF MEN HAVE MUCH HARM TO SAY OF TRADE, BUT HISTORIANS WILL SEE THAT TRADE WAS THE PRINCIPLE OF LIBERTY, THAT TRADE PLANTED AMERICA AND DESTROYED FEUDALISM, THAT IT MAKES PEACE AND KEEPS PEACE, AND IT WILL ABOLISH SLAVERY.”

Remarks of
Dinah PoKempner
Counsel, Human Rights Watch/Asia

U.S.- Vietnam Policy Forum ★ Washington, DC ★ July 22, 1994

Human Rights Watch/Asia is a non-political, non-governmental human rights monitoring organization. We were founded in 1985 under the name of Asia Watch, and we have recently changed our name to reflect the fact that we are one of five regional divisions of Human Rights Watch, the others covering Europe, the Americas, the Middle East, and Africa. Human Rights Watch/Asia issues regular reports on civil and political rights in Vietnam, and in 1993 we visited government representatives in Vietnam to introduce ourselves and our work and to discuss human rights issues. Our organization also works closely with the business community on integrating human rights issues into corporate activities and codes of conduct.

The human rights situation in Vietnam improved markedly under the renovation policy, when literally tens of thousands of supporters of the South Vietnamese government were released from labor camps where they had been incarcerated without trial or sentence. Vietnam has enacted a criminal code and a criminal procedure code that forbid the imposition of punishment without a court order, and a new constitution that gives more emphasis to human rights. People are now free to attend scheduled and approved worship services, and churches and pagodas in urban areas appear to be well-attended.

However, the overall state of political and religious freedoms leaves much to be desired. Vietnam's laws still punish acts such as "counter-revolutionary propaganda" and its courts impose heavy sentences on citizens who do nothing more than publicly advocate peaceful political change. Dr. Nguyen Dan Que, an endocrinologist, is serving a 20-year term in isolation for calling for political reform and respect for human rights; Professor Doan Viet Hoat is serving a 15-year sentence for publishing a newsletter of political opinion and foreign news; the lawyer Doan Thanh Liem, arrested while assisting an American business consultant, is now serving a 12-year sentence for circulating his ideas on constitutional reform. Religious groups must have governmental approval for every member of the clergy appointed, every monk and nun ordained, every religious tract and sermon published. The stand-off between the Unified Buddhist Church, which is demanding greater institutional autonomy, and the government, which sees it as a political threat, continues. Leaders of the church are imprisoned or under house arrest, and there are now new reports that another monk has performed self-immolation.

It is a political fact that the U.S. Administration tends to pay more attention to the fate of dead and missing Americans than to the plight of living Vietnamese. Even so, there is no doubt that the issue of human rights will assume increasing importance in U.S.- Vietnam incorporate human rights standards. Vietnamese-Americans vote, and they care about human

rights as well as business opportunities. And many Americans will question why we should ignore human rights abuses in a country where American lives were sacrificed.

Nor is attention to Vietnam's human rights progress going to come only from America. Japan's Overseas Development Assistance program requires the government to "pay full attention" to the human rights situation in recipient countries. Clauses stating concern for human rights are standard in many bilateral aid contracts, and in contracts of the European Union.

The business community also has a vital interest in Vietnam's human rights situation, and not only because of the influence of human rights issues on U.S. law and policy. American businesses in Vietnam are subject to Vietnamese law and have a direct stake in the development and integrity of Vietnam's legal system. Businesses rely on the free flow of information for risk assessment. Yet Vietnam criminalizes acts such as "supplying information and documents which are not state secrets so that they can be used by a foreign country against the Socialist Republic of Vietnam." (Criminal Code, Art. 74(1)(c)). Vietnamese-Americans eager to work in Vietnam are nevertheless anxious as to how they will be treated. U.S. businesses are interested in hiring capable Vietnamese citizens without regard to their political background. These are all human rights issues that the business community will need to have addressed.

There have been some signs of progress recently in Vietnam, such as the release of some political prisoners, the enactment of new rules prohibiting prison abuse, and the adoption of a labor law that recognizes the right to strike. Progress, however, is slow. Vietnam has presented itself as willing to engage in "dialogue" on human rights, but even here, cooperation appears unenthusiastic. After one session in February, the U.S. "dialogue" on human rights issues stalled, and Vietnam has yet to schedule a second round. A long-planned Australian delegation to discuss human rights issues fell through when Vietnam cancelled the visa of one member of the delegation.

Whether it relishes the task or not, Vietnam will have to stay engaged with the international community on the issue of human rights. That engagement goes along with the status as an active member of the international community. We would urge Vietnam to pursue these bilateral human rights dialogues with greater vigor. We also believe it would be a positive signal for Vietnam to also invite representatives of world bodies to assess and discuss the present situation. This would include not only the UN Working Group on Arbitrary Detention, but also the Special Representative on Religious Intolerance. There is one sure way to make the issue of human rights disappear from the agenda -- that is to address the issue, and to work steadily to eliminate abuses.

Clippings and Articles

U.S. Assesses Vietnam Search

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HANOI, Vietnam (AP) -- The senior U.S. military commander in the Pacific thanked Vietnamese leaders today for helping the search for American servicemen missing from the Vietnam War.

Adm. Richard C. Macke is the second active-duty American officer of such high rank to visit Vietnam since the war ended in 1975.

His predecessor, Adm. Charles R. Larson, came to Hanoi in January and helped pave the way for the removal of the 19-year U.S. economic embargo against Vietnam the following month.

Vietnamese officials are pushing for speedy establishment of diplomatic relations with Washington. But President Clinton has said that cannot happen until Vietnam cooperates more fully in the effort to resolve the cases of 2,214 Americans never accounted for.

Macke told Prime Minister Vo Van Kiet that he came mainly to visit MIA investigators in the field, but added: "It also gives me the opportunity to ... thank you for the cooperation you are giving us in our MIA efforts."

Kiet called Macke's visit a "demonstration of good relations between our two countries."

Deputy Foreign Minister Le Mai, who also met with Macke, said Vietnam is doing all it can to help the MIA search.

Macke and his entourage deviated briefly from their schedule to stroll and take photographs in front of the Soviet-style mausoleum where Vietnamese revolutionary Ho Chi Minh is entombed. They also spent 10 minutes viewing an army museum display of twisted wreckage of U.S. planes from the war.

The United States and Vietnam agreed in May to set up diplomatic missions in each other's capitals, and officials from both countries say they expect the offices to open by year's end. Mai said he and Macke did not discuss a date or the issues that have held up the opening, such as diplomatic property claims.

Macke was scheduled to fly by helicopter Wednesday to two U.S. aircraft crash sites where teams of Americans and Vietnamese are digging for evidence of three missing airmen. The excavations are part of the 32nd joint field search in a series that the countries began in September 1988.

American MIA specialists first based themselves permanently in Vietnam in July 1991.

The Defense Department lists 1,624 U.S. servicemen as missing in Vietnam, 505 in Laos, 77 in Cambodia and eight in China. Of the total, about 1,100 were killed in action but their bodies were never recovered. Another 422 disappeared over the ocean, Pentagon officials say.

U.S. Pacific Commander Praises Vietnam on M.I.A.'s

By PHILIP SHENON

Special to The New York Times

HANOI, Vietnam, Oct. 26 — The commander of American military forces in the Pacific praised Vietnam today for its cooperation in accounting for American troops missing from the Vietnam War. He suggested that the Vietnamese would continue to cooperate enthusiastically regardless of whether Washington established full diplomatic and trade relations with Hanoi.

The comments here by Adm. Richard G. Macke delighted his Vietnamese hosts, who have long argued that

the United States should not use the issue of missing Americans to delay normal diplomatic ties.

"At all levels of the Government, I heard the desire to continue the cooperation and in fact to enhance that cooperation," Admiral Macke said after meeting with Prime Minister Vo Van Kiet and other Vietnamese officials. "We are very pleased with the cooperation we see now. Overall the meetings with the Vietnamese were very encouraging."

While the admiral cautioned that the decision to restore full diplomatic relations with Vietnam would be left to "our political masters," his

unqualified praise for the Vietnamese today will doubtless help Hanoi in its long campaign to establish normal ties with Washington.

"I don't make that decision," said Admiral Macke, a Vietnam veteran. "I know that we are working toward it."

The Clinton Administration, which in February lifted a 19-year American trade embargo on Vietnam, has said the move toward normal diplomatic relations depends on "tangible progress" in accounting for the 2,214 Americans still listed as missing in action in Southeast Asia.

Admiral Macke, on his first visit to Vietnam since assuming the Honolulu-based Pacific Command last summer, said today that tangible progress was being made with Vietnamese help. "When we lifted the embargo, the cooperation in fact did not lessen — the cooperation in fact continued to improve," he said.

Asked whether the military had any concern that the Vietnamese would cut back their cooperation if Washington took the next step and established full relations with Hanoi, the admiral replied, "I personally don't have any concern there."

When President Clinton lifted the embargo, a number of veterans

groups and the families of some of the missing Americans warned that Vietnam would have no reason to continue cooperating in the effort to determine the fate of the missing.

They are using the same argument in urging the Administration to withhold full diplomatic and trade relations for the Vietnamese, who are especially eager for American trade privileges that would allow them to sell a wide variety of Vietnamese goods in the United States.

Admiral Macke, a former fighter pilot who flew more than 150 combat missions over Southeast Asia in the 1960's, met with reporters after visiting two sites in Vietnam where joint American and Vietnamese teams are searching for clues to the fate of

missing Americans.

"I was impressed by the tremendous cooperation, the working shoulder to shoulder between the Vietnamese townspeople and the Americans who are out there digging and excavating in those sites," he said. "I saw that not only at the national level, but at the regional, at the province, at the district, at the village level, there was tremendous cooperation between the Americans and Vietnamese."

The Pentagon maintains a staff of American investigators, working under Admiral Macke's command, at an office in Hanoi, the Vietnamese capital, to carry out searches in the countryside, an effort that is expected to continue for years.

U.N. Rights Team In Vietnam

AP 26 Oct 94 8:21 EDT V0883

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HANOI, Vietnam (AP) — A delegation from the U.N. Human Rights Commission has begun an unprecedented visit to Vietnam to discuss law enforcement, Vietnam's Foreign Ministry said Wednesday.

So sensitive is the phrase "human rights" in Communist-ruled Vietnam that the ministry's Press Department insisted the visitors were not on a human rights mission, despite their commission's name and focus.

Last July, plans by an Australian parliamentary group to visit fell apart when the Vietnamese refused to admit a group member who said the visit's agenda was human rights.

However, admission of the U.N. group seemed to indicate a new willingness by the Vietnamese government to at least hold low-key discussions on topics that the West commonly lumps under the term "human rights."

U.N. officials in New York said the delegation, which was outside the capital Wednesday and could not immediately be reached for comment, was from the commission's working group on arbitrary detention.

The Press Department said it did not know if the group was visiting prisons.

A department statement said the U.N. group came to "study Vietnamese laws and their implementation." It said they were meeting with officials from the People's Supreme Court and the ministries of Justice and the Interior, which is in charge of the police.

"This is a normal activity within the framework of the relations between a U.N. member and a U.N. specialized organization," the statement said.

Vietnam does not allow opposition parties and has jailed dissidents and religious believers, although there are no reliable figures. It is especially nervous because of the large number of anti-communist Vietnamese who fled abroad in the 1970s and 1980s and who continue to agitate against the government.

As Vietnam moves to increase trade and political ties with the West, however, its treatment of dissidents and other prisoners is likely to come under closer international scrutiny. The United States has said that it will express concerns about human rights as it develops closer ties with its former enemy.

Vietnam Applies To Join ASEAN

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HANOI, Vietnam (AP) -- After months of anticipation, Vietnam has formally applied to become the first communist member of the Association of Southeast Asian Nations, the Foreign Ministry said Wednesday.

The ministry's Press Department said Vietnamese Foreign Minister Nguyen Manh Cam handed a letter of application to his Brunei counterpart, Prince Mohamed Bolkiah, during the U.N. General Assembly opening in New York in early October. The prince is chairman of the ASEAN standing committee.

Vietnam would become ASEAN's seventh member, joining Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand.

The group was formed in 1967 at the height of the Cold War as a buffer against the spread of communism in Asia represented by China and Vietnam. But it has become active and influential only in recent years since its focus shifted to economic cooperation.

Vietnam is interested in membership mainly to encourage trade and investment ties with the fast-growing ASEAN economies. It has been an observer since 1992, while China and Russia have special status as consultative partners.

The six current members have already agreed in principle that Vietnam can join, but have warned that many technical problems need to be resolved. These include working out a way for Vietnam, with its high tariff and bureaucratic barriers to trade, to join ASEAN's ambitious plan for a free-trade zone among its members.

Vietnam also must pay dlr 1 million to the group's fund and create and train a staff to take part in ASEAN's frequent working-level meetings. As a result, recent discussions of Vietnamese membership have focused less on geopolitics and more on how the impoverished country can afford to join.