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**Democratization, Press Freedom and Corruption Scandals in
Vietnam: Causal Relations?**

A thesis

submitted in partial fulfilment
of the requirements for the degree

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ABSTRACT

Vietnam started a renewal process named “Doi moi” in 1986 to liberalize its economy and improve its status in the world. This process has resulted in the country’s fast economic development with GDP growth of between 6 and 8 per cent in recent years.

However, the rapid economic progress and social changes have brought about corruption, threatening the country’s growth and sustainability. Top leaders have therefore declared corruption as a national threat. Before the year of 2010, just two corruption scandals were reported. During the current period of 2010-2014, more than 10 corruption scandals have been investigated, revealed and reported in the mass media. Of them, 5 key scandals will be discussed. This thesis seeks to explore the central question: “Is Vietnam democratizing, and, if so, does the democratic transition explain the increasing number of corruption scandals today in the country?” The thesis starts with the political base to look into the origins of the issue.

The thesis examines aspects of democracy, democratization, corruption and media described by scholars and then studies whether the country is really in a democratization process and whether there is a relationship between democratization, press freedom and perceptions of corruption. Reported corruption scandals between 2010 and 2014, surveys and reports on corruptions by local and international NGOs and newspapers will be analyzed.

The thesis concludes that Vietnam is now democratizing with successes in mitigation of oppression and amplification of civil liberties, while in the nation’s government this process has seen a growing schism among top-ranking leaders. In

particular, it is this democratization that reduces the levels of perceptions of corruption. This finding is totally different from previous findings made for other democratizing countries. The thesis also reveals that the democratic transition in Vietnam has increased press freedom. Vietnamese media now enjoy the right to spread news and information although some international watchdogs insist that the government is overly censoring the media. In turn, higher levels of press freedom, created by more democratization, heighten the number of corruption scandals revealed. The thesis concludes that there are causal relations between democratization, perceptions of corruption, press freedom and the number of corruption scandals in Vietnam.

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Quitting my job as a journalist at *Viet Nam News*, a state-owned newspaper, in 2012, closed a chapter of my life in Vietnam. A new chapter began with my arrival in New Zealand where I had a chance to meet and learn from Professor Daniel Zirker at the University of Waikato. Professor Zirker is a specialist in topics of democratization, democracy and corruption and had a big influence on my study at the Waikato University. His lectures and books that he gave me to read and meetings between us actually led me think about the topic of the thesis and gave me encouragement and belief in what I planned to do with it. I would like to express my profound gratitude for his insightful comments, many hard questions, support as well as careful guidance during the time I was at the university.

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ABBREVIATIONS

ACB	Asia Commercial Bank
ACBI	Hanoi Investment Joint Stock Company
ALCII	Agribank Financial Leasing Company No.2
BTI	Bertelsmann Stiftung's Transformation Index
CPI	Corruption Perception Index
CPJ	Committee to Protect Journalists
CPV	Communist Party of Vietnam
FH	Freedom House
GCB	Global Corruption Barometer
PM	Prime Minister
RSF	Reporters without Borders
The World Bank	The International Bank for Reconstruction and Development and the International Development Association
TI	Transparency International
Vinalines	Vietnam National Shipping Lines
Vinashin	Vietnam Shipbuilding Industry Group
WGIs	Worldwide Governance Indicators

Chapter 1: Introduction

Vietnam became an independent state and reunified the North and the South in 1975 after 30 years of war against France and the US. After the military challenges ended, the new government, which was established in 1976, subsidized Vietnam's economy and did not allow free trade. In 1986, the country initiated its "Doi Moi" (renovation) process to liberalize its economy and raise its political status in the world ("30 Năm Đổi Mới", 2014). The country's GDP increased by 8.2 per cent five years later the process ("30 Năm Đổi Mới", 2014). However, the economic development that has been going at full gallop since 1986 has brought about high levels of corruption, threatening the country's sustainability and growth (Martini & Transparency International, 2012). Top leaders have mobilized efforts to seek effective solutions to the spread of corruption in the government, agencies, companies and organizations. Before the year 2010, there were only two corruption scandals reported. Nevertheless, in the current period, 2010-2014, more than 10 major corruption scandals have been investigated and reported in the mass media. Of them, five scandals will be discussed. The key question of this research: "Is Vietnam democratizing, and, if so, does the democratic transition explain the increasing number of corruption scandals today in the country?"

According to Friedrich (1972), everyone including power-holders can be involved in corruption. Corrupt behavior is a type of conduct deviating from accepted social norms in order to extract personal gain for public officials. Lord Acton (Friedrich, 1972) defines corruption as a form of vote buying, payoffs and kickbacks, among others, that aims to affect the decisions of the people who work in state bodies and organizations.

Regarding politics, the country has undergone major changes. According to Thayer (2009), Vietnam is now undergoing political liberalization. From the standpoint of well-known scholars such as Diamond, Stepan, and Schneider, liberalization is the first step of the democratization process. Democratization is different from democracy because it is not a political system but a political process that aims at replacing a current political system with a democratic system (Rummel, 1996). Meanwhile, Rock (2009) contends that during the democratization process, a state will suffer from the greatest perceptions of corruption.

1. Rationale of the study

To answer the key question, four hypotheses will be tested to explore whether Vietnam is democratizing and if yes, whether perceptions of corruption in Vietnam have increased during democratization, whether democratization creates more press freedom in Vietnam, and as a result, whether more press freedom raises the number of corruption scandals.

Hypothesis 1: Vietnam is democratizing.

Hypothesis 2: Democratization heightens levels of perceived corruption.

Hypothesis 3: Democratization in Vietnam increases press freedom.

Hypothesis 4: Higher levels of press freedom explains an increase in the number of corruption scandals.

According to Transparency International's *Corruption Perceptions Index*, Vietnam ranks around 160th out of 180. Furthermore, the country has been listed as a non-democratic country (Freedom in the World, n.d., para. 5) or as an authoritarian country (Gainsborough, 2002; Thayer, City University of Hong Kong, & Southeast Asia Research Centre, 2012). However, Vietnam has recently experi-

enced political change. The country is apparently in the process of democratization. According to Rose-Ackerman (1999), government corruption can be expected to increase during democratization. Countries that have recently emerged from authoritarian or totalitarian regimes tend to be affected by growing corruption and “money politics” (Moran, 2001). Meanwhile, Vietnam enjoys press freedom that has a major role in revealing criminal behaviors. An increase in corruption scandals has recently been reported in the media. This thesis will explore whether there are causal relations between democratization in Vietnam, press freedom and an increase of corruption scandals and whether democratization increases perceptions of corruption. The central hypothesis is: Higher levels of press freedom, brought about by democratization in Vietnam have contributed to an increase in the number of corruption scandals.

2. Importance of the study

The thesis aims to explore the question: Is there a linear relationship among democratization, press freedom and corruption in a democratizing country like Vietnam? Moreover, the thesis will propose feasible solutions to the apparently growing problem of corruption in the country. It is hoped the findings can become a source for domestic and international politics researchers and agencies investigating corruption in the country.

3. Objectives of the study

The objectives of this research are as follows:

To examine why Vietnam is democratizing;

To examine the influence of the democratization process on corruption and anti-corruption;

To explore the relationship between democratization and the domestic media with regards to reporting on corruption;

To study the relationship between press freedom and corruption scandals;

4. Methodology

The first part of the research will discuss the concepts of democracy, democratization, the differences between democracy and democratization, definitions of corruption and corruption scandals and the causes of corruption, and the nature of the media, and press freedom. In so doing, aspects of democracy, democratization, corruption and the media described by various scholars, such as Schneider and Ingram (1997), Clemons and McBeth (2009), Rummel (1999), Johnston (1999), Schneider and Schmitter (2004), Diamond (1999), Linz and Stepan (1996), O'Donnell, Schmitter and Whitehead (1986), Mainwaring and O'Donnell (1992), Kaufman (1986), Chalmers and Robinson (1982) and Przeworski (1986), Friedrich (1972), Girling (1997), Bahur and Nasiritousi (2011), Heidenheimer (2009), and Zirker (2014) will be compared and analyzed. The second part of the research is to examine the first hypothesis, that Vietnam is democratizing, and whether the second hypothesis regarding the relationship between democratization and perceptions of corruption are useful insights into in the case of Vietnam. The third part of the research is to study the third hypothesis, that democratization in Vietnam enhances press freedom, and the fourth hypothesis, that higher levels of press freedom increase the number of corruption scandals. Reported corruption scandals in Vietnam between 2010 and 2014 will be analyzed to answer the question as to whether democratization contributes to a reduction in levels of corruption, or has little or no effect. Surveys, reports and investigative articles on corruption from local newspapers, and local NGOs, Freedom House

(FH), Reporters without Borders (RSF), Bertelsmann Stiftung, the World Bank, Transparency International (TI), and the Vietnamese Government Inspectorate will be analyzed.

CHAPTER 2: Concepts of democracy, democratization, media and corruption

2.1. Democracy

Democracy is a form of government that allows eligible citizens to participate equally in elections to vote for their representatives who hold different government positions, and to have an equal say in the proposal, development, and creation of laws and decisions that affect their lives (Schneider & Ingram, 1997). Democracy, according to many specialists, offers citizens the right to freely express their opinions and feelings, urge political leaders to do what they consider to be good for the country, and to live without oppression nor under a dictatorship (Schneider & Ingram, 1997). It also brings about changes in the political system and renders obsolete constitutions that do not help reach solutions to systematic problems (Lipset, 1959).

Democracy is derived from the word “Demokratia” (ancient Greek), meaning rule by the people, or “dēmos”. “Rule by the people” in fifth century BC Athens, applied to men aged over 18, but not to slaves, women and non-citizens. These “citizens” participated in governmental affairs and directly controlled the decision making process. The form of democracy at that time was called direct democracy (Clemons & McBeth, 2009).

Today, most democratic countries no longer have direct democracy, with the possible exception of parts of Switzerland. Instead, there are various forms of democracies, such as anticipatory democracy, representative democracy, liberal

democracy and participatory democracy. At present, liberal democracy has become the most popular trend, and is seen as the best regime amongst different sorts of democracies. Rummel (1999) defines liberal democracy as a comprehensive system which allows the existence of regular elections for the most powerful government positions, competitive political parties, secret balloting, near universal franchise, civil liberties and political rights and human rights. According to 2012's FH Report, there were 87 liberal democracies in 2011, accounting for half of the total number of countries (Puddington, 2012).

Mainwaring and O'Donnell (1992) add that a democracy must satisfy three sets of fundamental criteria. First, political and legislative positions must be achieved via competitive elections. The results of democratic elections cannot be based on fraud and intimidation. Second, near universal suffrage must exist. This means that some people including criminals, mentally ill persons or people in military forces may be listed as exclusions from suffrage. However, Mainwaring (1992) points out that those possibly excluded may be, in many cases, great in number so that their exclusion might impair the legitimacy of broad adult suffrage. Additionally, such a regime may no longer be democratic, partly because sympathy for exclusions has declined over time. Finally, either civil liberties or minority rights must be safeguarded.

2.2. Democratization

Many people are confused about the distinction between democracy and democratization. As Rummel asserts, democracy should be seen as a political system while democratization is only the political process which aims at replacing a current political system with a democratic system (Rummel, 1996).

Democratization is described by Moran (2001) as a process with “the vote as a basis for constitutional mechanisms for the transfer of power; political competition through parties; guaranteed individual liberties; freedom to form public organizations and private organizations” (p.379).

The condition for democratization, according to Dankwart Rustow, depends on the relation between democracy and other factors (Huntington, 1984). The factors might include economic, social, cultural, psychological and political elements. Johnston (1999) asserts that democratization is a work in progress comprising two steps. The first step is transition in which an existing regime is overthrown, loses its authority by votes, or even disintegrates. The second step is consolidation in which “leaders and primary political groups of the new system seek to deepen its base of social support, demonstrate its (and their own) effectiveness, and establish it as the only acceptable arena for advocating interests, resolving disputes, and making policy” (Johnston, 1999, p.9).

Other specialists, such as Schneider and Schmitter (2004), Diamond (1999), Linz and Stepan (1996) and O’Donnell, Schmitter and Whitehead (1986), view democratization as a process with three stages: liberalization of authoritarian systems, transition to democracy, and consolidation of democracy. Liberalization, the first process of democratization, is inevitable. Mainwaring and O’Donnell (1992) claim that liberalization refers to an escape from despotism and to an increase in civil liberties under authoritarian regimes. Liberalization, according to O’Donnell and Schmitter (1986), revolves around the mitigation of oppression and amplification of civil liberties within an authoritarian regime. The rupture between members of the authoritarian regime is also seen as an explanation for the appearance of liberalization (Kaufman, 1986; O’Donnell & Schmitter, 1986; Chalmers & Robinson, 1982; Przeworski, 1986). Chalmers and Robinson (1982) explain that a

liberal regime, in the viewpoint of authoritarian leaders, may be a necessary step for maintaining their authority, while Stepan (1988) contends that the emergence of liberalization often stems from the fiascos of an authoritarian state which lead to ruptures among state leaders or from consecutive successes which make leaders more open and less conscious of losing their legitimacy. The case of Argentina during the period between 1969 and 1973 illustrates that the conduct of liberalization may have been the only way to overcome the drawbacks of Argentina's authoritarian regime. Mainwaring (1992) adds that outsiders of an authoritarian regime in many cases have influence over liberalization despite the fact that current regimes remain stable. In response to those actors, some insiders will undermine the process.

O'Donnell and Schmitter (1986) think that authoritarian leaders opt for liberalization to form an alliance with the opposition by putting forward liberalized rights and amended laws. This aims to re-legitimize the existing authoritarian regime and forestall drastic change or replacement. In fact, many non-authoritarian actors take advantage of this situation to exert influence over the newly opening political processes or even end the existence of the regime, rather than liberalize it. They make use of freedom of expression brought about by liberalization to discard current regulations. With confidence in maintaining power through liberalization and gaining support from alliances, the authoritarian leaders consent to the holding of elections. As a rule, many authoritarian rulers have received limited support and are ultimately toppled by a new democratic regime (O'Donnell & Mainwaring, 1992).

Przeworski (1986) and Bova (1991) take a different notion from the views of O'Donnell and Schmitter (1986) and O'Donnell and Mainwaring (1992). They

examine Eastern Europe in showing that some authoritarian leaders, known as liberalizers within the authoritarian regime, look for and form an alliance with conservatives because of emerging social unrest. At the same time, cleavages among authoritarian leaders also embolden social actors to operate in an independent way. These specialists contend that the “perception of political alternatives” rather than the idea of changing the existing authoritarian governments prompt social forces to accept it. Accordingly, the new alliance may start building up democratic institutions and allow those authoritarian groups to preserve social order (restricted democracy).

Przeworski (1992) and Mainwaring and O’Donnell (1992) discuss conditions for a liberalized country to make the transition to a democratic state. Mainwaring asserts that the transition requires three prerequisites. First, authoritarian political systems must have dialogues with their opposition to sort out their differences. Second, cleavages between governmental officials are crucial. Third, each transition process must have its own unique feature because there is no typical transition model. Przeworski asserts that liberalization must be a process directed by authoritarian leaders.

However, both articles suggest the possibility that a liberalizing country might not be able to transit into a democratic one. According to Przeworski (1992), if a mass movement carried out by autonomous organizations proves that liberalization is not a good strategy to earn legitimacy, and threatens authoritarian values, liberalization might lead it back to its previous authoritarian regime. Some forces will take that chance to block liberalization and herald the return of the authoritarian regime (Mainwaring & O’Donnell, 1992). In Poland, during the period between 1955 and 1957, the liberalization process ended, and the state returned to

an authoritarian regime because of the integration of Workers-Councils (autonomous organizations) into the authoritarian regime and the repression of students by the regime (Przeworski, 1992). O'Donnell (1979a) states the reason for the failure of democratization in some countries is that actors of the opposition want to maximize their interests without being open to negotiation with authoritarian regimes (as cited in Mainwaring, 1992). Chile in 1988 is a typical example of that failure.

In the final stage of the transition to democracy, Johnston (1999) argues that the consolidation of a democracy is often a very long and difficult period, in which the new democratic system, its political leaders and groups not only operate society and issue regulations based on the majority, but also affirm that there is no alternative political system better than the new developing democracy. A consolidated democracy refers either to a supportable democratic system, or to an effective involvement in the development of society. A changeover to a market economy or endeavors to implement the reformation of backward market institutions is key to the assessment of a democratic regime.

Linz and Stepan (1996, p.6) described consolidated democracy as a circumstance

When no significant national, social, economic, political or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or turning to violence or foreign intervention to secede from the state; ... when a strong majority of public opinion holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life; ... (and) when governmental and nongovernmental forces alike...become subjected to and habituated to, the resolution of conflict within the specific laws, procedures, and institutions sanctioned by the new democratic process.

Diamond (1999) argues that to ensure that a democracy is consolidated, democratic actors must reach a consensus that there are no alternative political forms better than democracy. Those actors, accordingly, are forbidden from using physical force and are obliged to comply with democratic regulations. Conditions

for consolidation of democracy also require democracy and its assets to be revered as legitimate values by political and social institutions, and must not be toppled by any power. Like democratic actors' consensus, support from the populace is necessary for the legitimacy of pre-consolidated democracy. The consolidation might become valid and certain only if democracy acts as the unique system that dodges the use of physical force, as well as fraudulent, anti-constitutional and anti-democratic activity (Diamond, 1999).

Linz and Stepan (1996) contend that the exclusive right of the use of force can ensure democracy is consolidated. Additionally, five interrelated spheres are: a free civil community, rule of law, a fairly self-governing and valued political society, an efficient state-owned civil service, and a regimented economic society, all of which are accountable "to reinforce one another" (Linz & Stepan, 1996, p.7, p.9).

O'Donnell (1992) assumes that to approach consolidated democracy, the authoritarian must be balanced out by segregating him/her from politics and converting him/her to fractions or cults which are unable to pose a danger to the new democracy. Additionally, democratic actors should either foster practices which are necessary steps for the transition to a fully-developed democracy and persuade anti-democratic actors to grasp the fact that the democratic regime will be the best and safest regime among alternative political regimes (Weber, 1970). Next, an increase in the number of democratic actors must be encouraged. Finally, democratic actors must take to the notion that the majority must be the key to national decision making.

To become consolidated, democracy depends upon democratic actors who must build up institutions based on the mediation of interests, identities and conflicts. Furthermore, democratic actors should remember that even while they may

be heterogeneous in interests and ethnicity or may compete among themselves for positions through elections, they are still in political alliance and ready to combat against their authoritarian actors who are waiting for the chance to bring back the authoritarian regime. During the consolidation process, they should seek to avoid the return of authoritarianism by trying to delimit the set of properly democratic actors. They should co-operate on certain acts and omissions as a way of reducing the danger of an authoritarian regression.

2.3. Corruption

2.3.1. Defining corruption

Corruption has been prevalent since states started establishing social orders and classes. However, “any attempt to analyze the concept of corruption must contend with the fact that in English and other languages, the word corruption has a history of vastly different meanings and connotations” (Friedrich, 1972, p.3). Corruption is expressed variously in different contexts and different periods of time. According to Friedrich (1972), many classical politicians and philosophers defined corruption as a common disease of the political mechanism. To illustrate the point, he mentioned Machiaveli, who thought that corruption damages the virtue of the people and only great leaders can heal the damaged virtue. Sharing the idea that corruption is a common disease, Rousseau (Friedrich, 1972) contends that political systems corrupt men and political corruption is the result of power struggles. He assumes that exemplary leadership, justice and good legislation could counter corruption. Meanwhile, Lord Acton (Friedrich, 1972) defines corruption as quite similar to intimidation; a product of absolute power. Corruption takes the form of vote buying, payoffs and kickbacks among others, and aims to affect the decisions of the people who work in state bodies and organizations.

However, corruption is described differently by Girling (1997) as conniving activities conducted by economic and political leaders who cause chaos to public order through three forms relevant to individual bribe taking for economic and political motives. In his definition, corruption happens not only in the field of politics but also in the economy. Personal attributes, restrictions and controls in a democracy can exert an influence on incentives to engage in corruption.

Friedrich (1972) asserts that corruption is not solely confined to power holders - anyone can engage in corruption. He defines behavior which deviates from accepted social standards as corruption. In his view, corrupt behavior is often evident in any given context, for instance the political context, where people are motivated to be in charge of extracting “gain” at the public’s expense. This gain might be either monetary or relate to jobs.

Bahur and Nasiritousi (2011) divide corruption into two categories. The first category, “need-corruption”, is bribes, money paid by citizens to receive services that they are entitled to receive, while the second, “greed-corruption”, is a bribe paid by citizens with the aim of achieving advantages to which they are not legally entitled. They explain that need-corruption is based on both cohesion and blackmail, while greed-corruption is brought about by collusion.

Heidenheimer (2009) suggests a useful framework by distinguishing between “black, grey and white corruption.” “Black corruption” occurs with actions that a “majority consensus of both elite and mass opinion would condemn and would want to see punished,” while in the case of “grey corruption,” “some elements, usually elites, may want to see the actions punished, others not, and the majority may well be ambiguous” (Heidenheimer, 2009, p.152). Finally, in the case of “white corruption,” “the majority of elite and mass opinion probably

would not vigorously support an attempt to punish a form of corruption that they regard as tolerable” (Heidenheimer, 2009, p. 153).

2.3.2. Corruption as an unavoidable phenomenon

Girling (1997) asserts that corruption is an unavoidable practice. "It is a social problem: the product of economic, political, and cultural forces— that is, the way in which corruption is perceived and acted upon by members of society" (p.ix). He insists that all states that are democracies and even non-democracies face corruption. Corruption, according to Girling, follows three stages. First, the incompatible claims of economic and political systems: “this ‘structural’ incompatibility is reflected in the crucial political distinction between public and private spheres” (p.ix). Second, there is the need for the collusion between politicians and business people if they are about to overcome this incompatibility in order to make the system work. Collusion for such a purpose satisfies private interests. And corruption is the third stage, when private interests prevail. Corruption is the unavoidable result when the three stages come together. However, corruption plays various roles in different conditions. It can act as a functional factor (by ‘lubricating’ an extremely strict political or bureaucratic regime) or more often as a dysfunctional weapon (by introducing an autocratic element into economic policymaking, stirring up popular outcry or eroding public confidence in democratic institutions). Rose-Ackerman (1999) adds that corruption is the outcome of economic, cultural and political problems.

Some people view the public sector, which has the potential to provide its employees with the prospect of gaining personal benefits, as a cause in triggering corruption. Economists take the view that state intervention that gives permission for bureaucrats and politicians to make their own rules and unfair decisions,

brings about corruption. Others assert that market mechanisms generate corruption. A great deal of recent research affirms that corruption is the outcome of a faulty governing system that is composed of weak legislation.

Doyle (1983) explains that corruption is the nature of development and is derived from democratic states. Accordingly, in democratic countries, states have no business or rights within people's private work. Exchanges of goods and education take place among people of democratic states without government intervention. A liberal zone in which mutual respect becomes a touchstone will then be formed among democracies. Such a zone with the exchanges of goods, education and culture sets up a mechanism for the world economy. Gould (2006) agrees with Doyle's idea and adds that the global economy allows funds, products, technology and information to flow from one market to another without being hampered by national or regional governments. The global interactions among democracies spread out and dominate over non-democracies that then voluntarily become members of this mechanism. However, in this mechanism, democratic and capitalist nations such as Canada, US, UK or Australia are the founders and developers. So, they not only own most transnational corporations but also pursue holding as much power of the global economy as possible. Their power and their multinational companies changed the world according to their own rules. As a result, corruption is still present. The global economy today has changed countries significantly from how they used to be during the 1950s and 1960s, when every national economy had its own political and economic nuances. At that time, each of them took responsibility for exercising power, protecting their companies from foreign competition and ensuring their citizens' rights. However, since the development of global economic regulations, power has been handed over to multina-

tional companies that are likely to make use of their investments to sway governments and consolidate their positions. Multinational enterprises threaten local economies that are dependent on their overseas sources to meet their demands. The more dependent on foreign investment a country becomes, the more power a multinational company has. Multinational companies with their investment choices in the global economy have started to use their power increasingly to ask governments for more rights which they did not have before. This gives rise to a potentially corrupt process whereby multinationals lobby for laws and rights that maximize their profits and ensure that they are priority stakeholders.

2.3.3. Perceptions of corruption

Estimating the level of corruption in a specific country has long been an awkward question, although it is still attracting the concerns of various scholars and policy analysts in the world. There are various methodologies aimed at calculating levels of corruption. Amongst them, Goel and Nelson (1998) were known for their approach after reaching the conclusion that the levels of corruption in a country might be estimated if the number of public officials involved in corruption cases in combination with accurate per head total spending of local authorities were revealed. However, Lambsdorff (1999) explained that the increase in public spending on improving judiciary systems and personnel results in higher levels of conviction cases. So, conviction rates cannot indicate corruption levels but rather may reflect the quality of the judiciary.

Tanzi and Davoodi (1997) and Olken (2009) all assert that the quality of infrastructure is a useful indicator in tallying levels of corruption. Tanzi and Davooli examined the quality of paved roads and power outages while Olken

made his own measure by calculating the real cost for a road project and surveying the perceptions of corruption of villagers. Nonetheless, these measures could not generate an actual level of corruption due to either their lack of data or human biases.

The difficulty in quantifying comparative corruption prompted economists and political scientists to “analyze indexes of perceived corruption prepared by business risk analysts and polling organizations, based on survey responses of businessmen and local residents” (Treisman, 2000, p.2). Those indexes contain less biases of a particular organization’s viewpoint. Of these studies, Lambsdorff (1999) devised a method of perceiving corruption based on collecting data, and interviewing businessmen who are said to directly encounter demands for kick-backs, unusual gifts and so on. Lambsdorff’s Corruption Perception Index (CPI) is seen by many as the most appropriate tool for gauging corruption. Zirker, Gregory and Scrimgeour (2013) and Olken and Pande (2011) explained that the CPI is the result of a group of in-depth economics surveys undertaken in over 170 countries. The surveys target business people who are likely to grasp the context and subtleties of corruption in their countries. Each of the surveys has some questions about corruption. All responses to those questions are put in a complex algorithm to determine the corruption ranking of listed countries, from least to most corrupt.

Transparency International (TI), established in 1993, is now present in more than 100 countries and conducts annual calculations of the CPI. The criteria in their surveys are based on Lambsdorff’s measurement method.

2.3.4. Corruption Scandals

The term *corruption scandal* has been increasingly used by Vietnam’s newspapers and news websites to describe allegedly *corrupt activities*. According

to Zirker (2014), scandals and corruption are closely related so they are nearly un-identifiable from each other in the public's thoughts. Lowi (1988, p.vii) defined scandal as "corruption revealed", "breach of virtue exposed", and "a useful exaggeration of reality". Lowi (1988, p.vii) explained the appearance of scandals in reports or newspapers that "...the exposure of scandal, with all the leaks, formal investigations, and printed reports, provides outside observers with unusually good opportunities to get data on the internal political processes that are not routinely available." Meanwhile, according to Zirker (2014, p.5), "scandals are public events, driven and formed by media, subject to the happenstance of image and 'fit', and ultimately shaped by the biases and preconceptions of a largely inattentive public." Zirker took the disclosure of key information and timing (including factors such as fairness and the response of the public to perceived "traps") as two crucial origins of scandals. Waisbord (1994) in examining the role of the press in political scandals in Argentina notes that the study of scandals should focus on factors turning corrupt activities into public events or exposed in media, instead of reasons for the corruption.

2.4. Defining free media

The United Nations Universal Declaration of Human Rights states: "everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers" (U. N. Charter art. 19, para. 20).

Supporting this statement, McQuail (2000) defines free media the rights to spread and expose news, information and viewpoints without being restrained by government. Also, media organizations should be allowed to disseminate news

and information through public channels while also managing their own business. The media should not be influenced by political considerations. More specifically, USAID (1999) defines media as free if editors are free from political biases and serve the interests of public audiences. It adds that the media helps strengthen democracy by establishing a host of plausible channels for raising voices. USAID concludes that autonomy in editing and financing as well as creating channels to give the public a voice are important in the establishment of a free and autonomous media.

Rozumilowicz (2002) asserts that media is free or less free or not free depending on who is the power holder. He also argues that only in a society where there is no power monopolization of social forces, government, business and individuals, can it be said that there is a free and autonomous media. That type of society ensures fair and efficacious access to the media for every individual. A free media accordingly preserves factors such as competition and participation, which are said to be necessary for the democratization process.

In Rozumilowicz's definition, either market media or non-market media contributes to the freedom of the media. In the market-led media, business enterprises have freedom to advertise their products, PR managers have the right to spend money for their PR campaigns to attract public attention, and audiences can gain access to their favorite information and programs. The non-market led media are responsible for balancing the demands of the rest by establishing channels for discussions and talks in which a variety of people can be involved.

CHAPTER 3: Democratization in Vietnam

Hypothesis 1: Vietnam is democratizing.

This chapter analyzes the FH Index, Bertelsmann Stiftung's Transformation Index (BTI) and Worldwide Governance Indicators (WGIs), which are considered to be the most popular indicators assessing the levels of democracy. The validity of the FH Index and WGIs on Vietnam will then be examined based on specialists' critiques. A brief examination of Russia and Rhodesia will be taken into account by way of comparing its evaluation with that of Vietnam. The results of WGIs' methodology, in particular, will be examined, especially in context of that of the BTI. The BTI's reports between 2010 and 2014 will form the basis of the argument that Vietnam is in democratic transition. Historical records and current events will also be examined. Vietnam has witnessed rupture, oppression and an amplification of civil liberties within an authoritarian regime, these appear to be signals of liberalization, and part of the democratization process.

3.1. Democracy indicators and Vietnam's democratization

For the purpose of judging levels of democracy, at least 12 indexes have been developed by international organizations and specialists and used by democracy-related scholars and researchers. The FH Index, BTI Index and WGIs are among the most respected and popular indicators assessing levels of democracy.

3.1.1. The Freedom House Index on Vietnam

Of democracy indexes, the FH Index has been the most popular. As Giannone (2010, p.69) describes it, the FH Index is “the most used tool for measuring democracy” and covers most parts in the world. Lowenheim (2008) stresses that the FH index has been seen as a trustworthy apparatus thanks to the impression it gives as a neutral and rigid approach. According to FH’s 2014 edition, the index has measured 195 countries and 14 territories. It has been widely used and referred to by international organizations such as the United Nations and the World Bank, as well as specialists and media around the world.

The index classifies countries as free, partly free or not free based on a 1 (highest level of freedom) to 7 (lowest level of freedom) scale. The democratic levels of a country, according to the index, depend on its political rights and civil liberties. The levels are represented by scores, which are given by FH’s internal analysts, external analysts and academic advisers. The scores must derive from conditions and activities throughout the duration of the year.

However, like many other international governance indicators, the FH’s index has been singled out for criticism since the 1970s. Many specialists have presented critiques of the index because of its alleged prejudice and lack of validity, while others assert that its research methodology cannot be applied in every country due to differences in economic, political and social structures. Merkel (2004) and Scoble and Wiseberg (1981) explain some of reasons for the critique of the methodology based on FH’s neglect of potential ideas regarding the improvement of measurement instruments. Lowenheim (2008) argues that the methodology focuses on examining weak states, whose scores are often low, and that it overlooks influential countries and actors that share the same problems with weak states.

Other specialists point out the shortcomings of FH's reports by noting that the index is greatly influenced by the geopolitical interests which are the result of globally unequal communication (Giannone, 2010; Lowenheim, 2008; Scoble & Wiseberg, 1981). Giannone (2010) adds that the measurements carried out by FH ignore equality and are used as tools to raise international concerns about political conditions in certain parts of the world. Lowenheim (2008) argues that the index earns influential states' power wielders by depersonalizing and decontextualizing their power, to generate an appearance of impartiality, and to reduce legitimate opposition to their authority" (Lowenheim, 2008, p. 268).

Postcolonial specialists criticize FH because it is allegedly biased toward the rich countries which have good ties with the US, and does not address social and economic aspects but focuses on civil and political rights (Muzaffar, 1993; Cheah, 2006; Rajagopal, 2006). Merkel (2004) and Scoble and Wiseberg (1981) add that FH neglects potential ideas about how to make effective measurement instruments. According to Scoble and Wiseberg (1981), the FH index is designed to underscore democracy in a theoretical way, and appears to have a prejudice in favor of the US political apparatus.

The case of the election in Rhodesia: a biased observation from Freedom House

In April 1979, the Smith regime, held an election in Rhodesia. FH proved its mission as a useful tool for a group of US senators who wanted to support that regime through an election with the lifting of sanctions. While FH conveyed its conclusion that the Rhodesian election was "relatively free and fair", and exhibited "a relatively free expression of the will of the people of Zimbabwe Rhodesia" (Herman & Brodhead, 1984, p.215), findings by observers from other countries, in-

cluding Britain, were very different. Britain's Lord Chitnis, for example, in his report to the British Parliamentary Human Rights Group, concluded that the election was "nothing more than a gigantic confidence trick". Professor Claire Palley, in a report to the London-based Catholic Institute for International Relations, concluded that "the election was neither fair nor free" (Herman & Brodhead, 1984, p.212).

Although FH asserted that the election was "a relatively free expression of the will of the people," it did not specify "what it was that the people were willing". FH also avoided examining certain details regarding how people viewed the election. In fact, black people in Rhodesia were asked to vote to fulfill their duty "in a patriarchal, tribal society with extensive dependency relationships as a manipulative and potentially coercive way to get people to vote" (Herman & Brodhead, 1984, p.211). FH never mentioned this issue. The call to vote for peace by a regime aiming to pursue a civil war was disingenuous, and FH never commented on this issue. Regarding the likelihood of coercion, FH claimed that a large number of government military forces nationwide during the election period were mobilized to prevent local 'insurgents' from jeopardizing the election (p.211).

Observers' from other countries were open with their use of facts on the ground and their analysis of the factors affecting the result of the election, while the FH report presented no facts and precise figures, except for its subjective comments (Herman & Brodhead, 1984, p.214).

The FH index is also prejudiced in favor of US allies and states that are friendly with the US (Scoble & Wiseberg, 1981), and is biased against communist countries (Mainwaring, Brinks, & Perez-Linan, 2001; Goldstein, 1986). Scoble and Wiseberg (1981) provide examples of US allies in Latin America as well as

Indonesia and pre-1979 Iran, and so on, known for political repression, to illustrate the point that being friends of the US will help a country to be considered as “partly free” or “free” by FH. In contrast, countries which possess ideologies completely different from that of the US will tend to be ranked “partly free” or even “not free”, and have lower scores from FH. Scoble and Wiseberg (1981) state:

The discrepancies on Brazil and Cuba would seem the result not of instrument error but rather of observer error that, in this case, means the greater ideological bias on the part of Freedom House and its surveys. Since successive US administrations have sought to build up Brazil as the continental surrogate for US interests and power in South America, Freedom House’s more favorable ratings on freedom in Brazil both reflect and justify official US Policy. We believe that this ideological bias results from the overlap in membership between the Freedom House Board of Trustees and the US government elite. For example, the 1979 board of trustees included a significant number of individuals readily identified as having held high government positions, past or present (p.161).

Bollen (1986) contends that the weaknesses of the FH index lie in humans’ limited intellectual abilities and human influences. By differentiating the data collection process from the data analysis process, he detects errors entrenched in the index. Bollen asserts that unpredicted errors rather than individual intention are likely to occur due to input. Accordingly, errors might come from neglect on the part of information collectors, so collected information is always partial. Moreover, errors in the analysis process can occur because of human influences, Bollen adds. Human influences, he argues, always go with political orientation, and this decides or adjusts the final results of the ratings.

The case of Russia: a biased rating from Freedom House

Russia has been listed as a non-free country by FH for over two decades. Recently, the country was still defined as an authoritarian country by the organization. However, Russia with its policy of “managed democracy”, is for many specialists not a completely authoritarian state despite the fact that the country

keeps oppressing the opposition, centralizing its power, introducing new laws against unauthorized protests or being involved with human rights abuses in Chechnya and so on. Many of them regarded Russia as a semi-authoritarian country rather than a consolidated authoritarian state (Hale, 2010; Sakwa, 2011; Robertson, 2011). According to Robertson (2011), a hybrid regime guarantees the maintenance of power and still exacts profit yielded by political competitions. This means that the authorities do not hold complete power over the country, and thus that FH's ratings are inaccurate. According to Polity IV, a well-known data source for assessing levels of democracy in independent states, Russia was an open anocracy in 2009 and 2011 (Marshall & Cole, 2009; Marshall & Cole, 2011). On the other hand, Russia was listed as a hybrid regime in 2007 and 2010 by the Economist Intelligence Unit. In 2011, Russia was regarded as an autocratic regime by FH. Also, the Political Atlas, based on an institutional analysis, concluded that Russia is not an authoritarian regime; it already has a set of democratic institutions (Melville et al., 2010).

Based upon the case of Russia, we can begin to see that the accuracy of FH is at least questionable. Tsygankov and Parker (2015) explain the reason for FH's low score on Russia's level of democracy based upon a US tendency towards ethnocentrism and the history between the US and Russia. Regarding historical matters, and the Cold War, Russia is supposedly still considered a threat rather than a friend. The two authors claim that national perceptions throughout US history have conditioned a sense of superiority of the US government. Accordingly, the US government expects other states (and Russia) to follow its institutional model. The US government, then, sees promoting democracy as one of its (albeit, more casual) foreign policy aims, and wants other countries, especially Russia, a potential threat, to follow its lead. Listing Russia as a non-free country through the

FH's reports is a way that the US can put pressure on Russia, and thereby influence its politics.

The Case of Vietnam: a biased rating from Freedom House?

Like Russia, Vietnam has been listed as a non-free country by FH since it was first rated on a scale of 1 to 7 by FH in 1999 (Freedom House, 1999). The communist country had the lowest score for civil liberties and political rights, which were all 7 in 1999. Until 2013, only small changes were recorded in Vietnam's grade. Specifically, Vietnam's civil liberties scored 5, instead of 7 as in the past, while its political rights have remained at the score of 7, the lowest point since 1999 (Freedom House, 2013a). Thus, the improvement of civil liberties, according to FH, is not sufficient for the country to be listed as partly free or a free country (non-democratic state).

FH accuses Vietnam of lacking both political rights and civil liberties (Freedom House, 2014a). Accordingly, the organization categorizes Vietnam as a non-electoral democracy. However, evidence suggests that Vietnam actually has had elections with the participation of Vietnamese citizens. According to Vietnam's 1992 Constitution, every citizen has equal influence via the National Assembly and the People's Council, whose members are elected by people (Vietnam. Const. art 6, §1). Every citizen who is 18 or over has rights, and is eligible to go to the polls (Vietnam. Const. art 54, §5).

FH criticizes Vietnam for its single-party system (Freedom House, 1999, 2014a). It accuses the Communist Party of Vietnam (CPV) of controlling every institution, even the National Assembly. However, evidence again suggests that this is relatively unimportant because the public can exercise their rights and have a say regularly when election to the National Congress of the CPV takes place, every five years, and through National Assembly meetings that are held twice a

year. During the year, the Assembly considers drafts that are reviewed by specialists in related areas and then publicizes them on the National Assembly's website and online media to receive the Vietnamese public's feedback. There is abundant evidence that they listen closely, and respond positively, to this feedback. After referendum, drafts are adjusted before issuance, and if they still receive a substantial amount of support from the people, they are passed. Or, if draft proposals do not, they are eliminated. It is easy to conclude from the evidence that decisions made by the National Assembly are not dominated by the CPV.

In addition, Vietnam has been denounced for its constraints on religious freedom (Freedom House, 2010a, 2011a, 2012a, 2013a, 2014a). FH asserts that religious groups must ask for permission if they want to carry out their activities. It also emphasizes that the Roman Catholic Church must seek approval from the government if it appoints bishops or priests. In fact, FH's accusations are inaccurate. As the Government Committee for Religious Affairs, the body in charge of supervising religious groups in the country states, religious organizations are free to select their leaders and organize their activities (Van, 2013). According to the committee, nearly 95 per cent of the population practiced their religious faith in 2013 (Van, 2013). Van also reported that the country had 25,000 religious facilities and 45 religious schools. Moreover, the number of religious organizations was 36 in 2013, twice as many as the figure in 2006.

Furthermore, the low score can also be explained by insufficient information collection and analysis on the part of by FH. Bollen (1986) suggests that FH lacks the necessary data to judge democratic levels and biases against leftist governments because of human-limited intellect or human influences. Based on the work of the scholars mentioned above and the dramatic changes in politics and

civil society in Vietnam, it can be concluded that FH's democratic index on Vietnam is weak. To analyze whether Vietnam is democratizing, we should turn to recent developments in the country.

3.1.2. The World Bank's Governance Indices on Vietnam

Besides the work of FH, one of the most popular sets of indicators is the World Bank's WGIs. The International Bank for Reconstruction and Development and the International Development Association (also known as The World Bank), established in 1944 and with more than 120 offices worldwide, is a United Nations international financial institution that provides financial and technical assistance to developing countries. According to its mission statement, it is not a bank in the ordinary sense but a unique partnership to reduce poverty and support development (The World Bank, n.d.). So, conducting surveys to measure the development of these countries, including Vietnam, is one of its regular activities.

In the 1990s, the World Bank statistics about good governance and policy implementation in states served as the main base to work out their economic status and for considerations on aid to weaker economies. According to Burnside and Dollar (2000), international financial assistance was given to the countries that were implementing clear and coherent policies. The statistics were compiled from reports, responses and surveys from specialists, government officials, businesses and citizens. However, most of the data exposed its limitations. The opinion polls and assessments differed in their methodology and interpretation of terms, while questionnaires and measurement scales of responses also varied. According to the WGIs Project, aggregate indicators did not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. These have not

been used by the World Bank Group to allocate resources or for any other official purpose any longer (Worldwide Governance Indicators, n.d.).

In order to tackle these limitations, the World Bank created indicators that grade listed countries according to governing capability based on 340 variables of 32 various sources (Kaufmann, Kraay, & Mastruzzi, 2008). The indicators assess the quality of governance in 212 states and territories. The creators of the WGIs claim that WGIs are currently more informative than any other data sources and are useful for computing the margin of error of the evaluated measure.

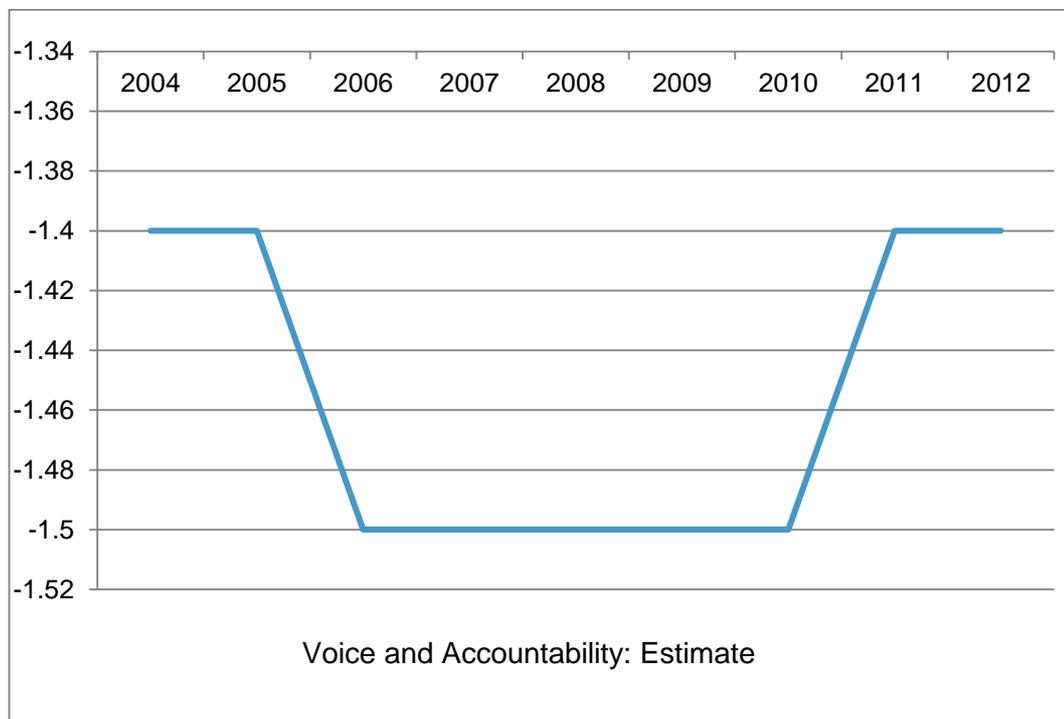
WGIs include six components of Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law and Control of Corruption. Amongst these, the indicator of Voice and Accountability is a tool to assess the democratization process in a country. Nonetheless, Thomas (2010) asserts that the indicator of Voice and Accountability relies on clustering variables made by unobserved governance constructs that lead to large margins of error that makes the estimates meaningless. Also, clustering decisions affects the rankings of countries.

For example, the World Bank categorizes and averages four variables for two countries, referred to as Pink and Red, with scores for the range of Z1 to Z4 to give their Voice and Accountability Indicator. The Pink country's results are Z1 (6), Z2 (3), Z3 (11) and Z4 (3). The Red country gets Z1 (5), Z2 (3), Z3 (1) and Z4 (6). Higher numbers illustrate better governance. It is this indicator that the World Bank uses in its ranking for these two countries. In this case, the Pink country is better than the Red country because it is graded higher. The indicator of Voice and Accountability scores Pink 5.75 while Red receives 3.75. With this result, Red ranks lower than Pink.

However, Thomas (2010) argues that different clustering decisions will create different results. For example, four variables are grouped in three single groups to create two Voice and Accountability indicators (Indicator 1 and Indicator 2). Group 1, Group 2 and Group 3 show three different results. It means that Voice and Accountability indicators for the Pink and Red countries will have different scores to their previous results. Similarly, the two countries will have different rankings. Thomas explains that the World Bank does not provide any explanation or theoretical-based research for its grouping decisions. Thus, scores provided by the World Bank's Voice and Accountability indicator and others appear to be biased and inaccurate.

3.1.2.1. The World Bank's Voice and Accountability Indicator on Vietnam during 2004-2012

Figure 3.1: *Estimation of Voice and Accountability in Vietnam*



Source: *Worldwide Governance Indicators*. Retrieved January 3, 2015 from <http://databank.worldbank.org>

In figure 3.1, the organization states that Vietnam's Voice and Accountability held steady at -1.5 during the period between 2006 and 2010. However, the

figure was raised a little bit to -1.4 in the year of 2011 and showed no change in 2012. As from the research mentioned above, the World Bank's indicators might be biased or inaccurate because they are not based on any definitive theory or explanation. Thus, its indicators on Vietnam's Voice and Accountability appear to be invalid.

3.1.3. Bertelsmann Stiftung's Transformation Index on Vietnam

The Bertelsmann Stiftung Transformation Index (BTI) has been seen by some as an objective and popular means of assessing quality of democracy and market economies in 129 countries since its first appearance in 2003. The BTI analyzes the progress, development and transformation in these countries. The BTI is composed of two elements: a Status Index and a Management Index (Bertelsmann Stiftung, 2008). In the Status Index, democracy and the market economy are the two elements evaluated. In the Management Index, the BTI examines political leadership and governance. The German government's governance criteria have been based on criteria set by the BTI. The United Kingdom has used the BTI to consider countries in need of financial support. The World Bank's Governance Indicators and TI's Corruption Perceptions Index use the BTI's standards to evaluate accountability and corruption. The BTI also acts as a governmental apparatus to carry out critical policy analysis and helps develop the Community of Democracies (Bertelsmann Stiftung, 2008).

Civil rights, rule of law and governance effectiveness are the assessed components of the BTI. Based on collected data, there have been few of critiques of the BTI. The BTI's weaknesses or oversights might be determined in the future, but at present it is regarded as one of the reliable and valid sources for researchers and institutions.

3.1.3.1. The BTI score for Vietnam

All the reports made by the BTI before 2007 concluded that there was no democratic transition in Vietnam. However, the BTI's 2010 report started acknowledging the foundation for this transition process in the country (Bertelsmann Stiftung, 2009). Specifically, the report affirmed that the Vietnamese government started discussing a draft report that allows citizens to be involved in political issues. Moreover, National Assembly deputies have since then been empowered to select nominees for the Central Committee. The National Assembly, supposedly the supreme institution representing the will of the people and people's rights, has a greater impact on the state's policy decisions, and thus is able to put pressure on the CPV's officials to be more responsible. However, pro-democracy reforms had yet to record significant progress due to the lack of the legislature's supportive legislation (Bertelsmann Stiftung, 2009).

Thus, the 2010 BTI report states that the signs of political liberalization had not been clear in the country. However, this is different in the 2012 report. It notes that there seems to have been clear and appropriate signals of democratic transition (Bertelsmann Stiftung, 2012). The National Assembly has publicized drafts of the strategies, plans and new policies that provide people with opportunities to contribute ideas regarding major issues concerning the country and enhancing the quality of the policy-making process before any official decisions are made. The report asserts that activities of associations and organizations have been permitted without restraint. The Vietnamese Government, moreover, began recognizing the term "mass organization" during this period as part of the definition of civil society's. The 2012 BTI report contends that mass organization is a decisive factor influencing the democratic transition in the country (Bertelsmann Stiftung, 2012). It

reports that nearly 75 per cent of the Vietnamese population are members in at least one association while more than 60 per cent are a member of at least two organizations. These signals appear to indicate that Vietnam has begun its political liberalization.

Table 3.1: *Democratic Level in Vietnam from 2010 to 2014*

Status Index	2010	2012	2014
Scores for Democracy/ Political Transformation	3.30	3.50	3.57

Source: *Bertelsmann Stiftung*. Retrieved January 20, 2015 from <http://www.bti-project.org/reports/country-reports>

In table 3.1, Vietnam scored 3.30 for its level of democracy in 2010 while the grade in 2012 increased to 3.50. There was a slight increase in Vietnam's score in 2014 to nearly 3.60. The BTI's reports between 2010 and 2014 illustrate the fact that during this period, Vietnam was democratizing. Thus, although being subjectively regarded as an authoritarian regime by FH or the World Bank, Vietnam is ranked as a democratizing country by Bertelsmann Stiftung, an independent organization.

3.2. Historical basis for the democratization process in Vietnam

Located in South East Asia, Vietnam has been greatly affected by Confucian culture for a thousand years. According to Fukuyama (1995), the combination of capitalist and authoritarian systems elicits from most Asian countries political institutions and the continuing existence of Confucian traditions. He also attaches importance to Confucianism in Asian political systems because of several other reasons. First, Confucianism previously applied fair examination systems to select talent based on merit, and now it provides people with unlimited opportunities to gain greater knowledge and seek good jobs. Second, Confucianism focuses

on education. The higher levels of education encourage people to understand the values of democracy and become more comfortable with strengthening democratic rules. Without education, people tend to have little capability of participating in the development of democracy. Finally, Confucianism encourages tolerance. Fukuyama contends Confucian tolerance is better than that of Islam or Christianity.

It should be noted, however, due to consecutive events such as the wars against France and the US, that Confucianism has diminished influence in Vietnam. The 17th century saw the shift from Vietnam's Chinese-style written alphabet, as to the Western Roman alphabet, as transcribed by a French Jesuit missionary. The reduction in Confucian influence can be perceived after the country was overtaken by French colonization from 1885 to 1954, and a war against the US between 1955 and 1975. Marxism and nationalism gained major influence, especially during the anti-colonial resistance. After 1986 (and the renovation process), Vietnam started its trade liberalization, which earned it high GDP growth (over 8 per cent in 2005). The historical records and events suggested that Vietnam has substantially changed and is now ready for further political development.

3.3. Democratization in Vietnam

3.3.1 Internal ruptures

Vietnam's political development can be seen in recent events. Mathieu Tromme, an anti-corruption specialist, describes it in the following terms: "This governability crisis is equally at play in Vietnam, where decentralization has also empowered local party chiefs. At the central level, the party is split between Prime Minister (PM), President, Party General Secretary and their respective acolytes" (Tromme, 2012, p. 4). Moreover, on 11 June 2013, confidence votes, with

three degrees: high confidence, confidence and low confidence (no confidence), were, for the first time, carried out in the National Assembly (NA). Among the positions subject to the vote were the President, Vice President, Prime Minister, cabinet ministers and other high-ranking officials. These votes aimed to dismiss officials who had lost confidence, with the number of low confidence votes making up 75 per cent of the total ballots, and those with low confidence votes making up 50 per cent of ballots for two consecutive years. PM Nguyen Tan Dung had the third highest number of low confidence (no confidence) votes with 160 ballots (32 per cent of the total number of ballots) (Vietnam's National Assembly, 2013). Meanwhile, State President Truong Tan Sang and NA chairman Nguyen Sinh Hung had the highest number of high confidence votes with 330 ballots each (nearly 70 per cent). The Party General Secretary was not subject to these votes. NA Chairman Nguyen Sinh Hung said that all of the officials had submitted reports on their work performance and results during their time in office as the most important information sources for NA deputies to consider before the vote (Tin, 2013). The current situation at the time of socio-economic development, security and national defense, international relations and justice were the other factors taken into account. Other sources of information to be considered before the vote were opinions and recommendations from voters nationwide. Hung argued that the result of the votes of confidence showed the real situation of the country.

The low confidence votes for PM Nguyen Tan Dung can be explained due to recent incidents. First, his confidence was negatively affected by the corruption scandals in Vinalines and Vinashin, two giant state-owned corporations. Vinalines and Vinashin are two of the largest state-owned corporations (Vinalines, 2013; VOER, n.d.). Vinashin is the country's largest shipbuilding firm; Vinalines is in

charge of all of the nation's maritime activities. Both contributed to a VND92 trillion (US\$4.5 billion) deficit in the state budget (Bach, 2013). The PM was also blamed for the failure of the model of economic groups that was his initiative (VOER, n.d.). Vinashin and Vinalines belong to that model. A Vietnamese specialist adds that responsibility also fell on the PM because he had the authority to appoint staff members to the groups, and to approve their projects ("Luật Sư Nói", 2010).

According to Vietnamese General Secretary Nguyen Phu Trong in 2012, he and his party would punish a high-ranking official called "X" (explicitly Referring To The PM) due to his mismanagement of the economy ("Không Nêu Tên", 2012). However, due to unknown reasons, "X" did not receive any punishment from the General Secretary and the party, and the identity of the unnamed official was not revealed to the public. By exposing this mismanagement, the leader of the party received support from party members and followers.

Last year, Nguyen Ba Thanh, chairman of central Da Nang city, was appointed as the head of the Central Internal Affairs Commission, a body in charge of preventing and fighting corruption, by General Secretary Trong. At the same time, PM Dung was removed from anti-corruption work. However, Thanh, was then accused of responsibility for a budget deficit of up to VND3.4 trillion (US\$1.6 billion) for Da Nang City during his term as the city's chairman ("Đà Nẵng Thất Thu", 2013). This accusation was made by the Government Office, an organ assisting the PM and the government. At the same time there was tension over the South China Sea between Vietnam and China, and PM Dung criticized and actively opposed Chinese violation of Vietnam's Exclusive Economic Zone, while the leader of the ruling party, Nguyen Phu Trong, and other members of the

Politburo did not raise concerns over the issue. These developments pointed to a critical rupture among the state's high-ranking officials.

Earlier, there were less visible ruptures among top leaders. Before the 11th National Congress of the CPV meeting in 2011, PM Nguyen Tan Dung was said to have been seeking a second tenure, while Truong Tan Sang, who was a member of the Politburo, was said to have been running for the position of the PM (Brown, 2012).

BBC described Dung as the most powerful politician in Vietnam (“Chân Dung Ông”, 2011). He was portrayed as a version of Singapore's PM Lee Kuan Yew, who helped Singapore modernize and stamp out corruption. In Dung's first tenure, Vietnam joined the World Trade Organization and boosted trade with the US. Meanwhile, Truong Tan Sang was described as the second most powerful person in the CPV, and in charge of the CPV's daily affairs. According to Brown (2012), and in the eyes of many Vietnamese diplomats and ambassadors to Vietnam, Sang is an innovative and ambitious leader and a senior party member. After the CPV meeting in 2011, Dung remained as PM while Sang was reluctant to become the country's president, a position that has no real power. As Brown (2012) notes, Sang failed in his competition with Dung. However, he formed a coalition with Nguyen Phu Trong, who was appointed to become the party's General Secretary, with the aim of breaking the influence of PM Dung (“VN: Biên Độ”, 2012). This contributed to Vietnam's democratization after 2010. Ruptures of this kind, according to Kaufman (1986), O'Donnell and Schmitter (1986), Chalmers and Robinson (1982) and Przeworski (1986), begin liberalization, a key part of the democratization process. Liberalization, according to O'Donnell and Schmitter (1986), revolves around oppression mitigation and civil liberties amplification within an authoritarian regime.

3.3.2. Oppression mitigation

Most of the oppression in Vietnam is concerned with political dissidents who have been seen to threaten single-party rule. The political dissidents in the country can be divided into two groups. The first group is involved with historical events including Vietnam's wars against France and the US. After World War II, Vietnam was separated into two parts, the North and the South. The North was under the control of the communist faction while the South was ruled by Emperor Bao Dai who supported the French colonialist in the period between 1949 and 1955. Then, between 1955 and 1975, the South was governed by Ngo Dinh Diem and Nguyen Van Thieu who were under the guidance of the US government. During this time, the US started invading Vietnam. The war against the US ended in 1975, with all US military personnel and their followers expelled from Vietnam. Many Vietnamese who had supported the US in Vietnam and left the country as the US withdrew, ended up living in the US, where they set up their own parties or political organizations such as Viet Tan or Nguoi Viet. These groups aimed to overthrow the post-1975 Vietnamese government. These organizations received financial assistance from foreign governments. The second group, appearing in recent years, includes bloggers who write stories aimed at bringing down the government; disseminate illegal information and host protest activities across the country that threaten social stability. All of their activities are conducted online. In reaction to this political activity and dissent, Vietnamese authorities have detained activists while alleging that they cause public disorder and disrupt the state system.

The Vietnamese government has exerted efforts to oppress these groups' activities, especially in 2010-2012. Some might argue that Vietnam is not democratizing because the regime is still incarcerating political dissidents. It is reported

that over 200 dissidents were arrested during this period. According to many observers, the 11th National Congress of the CPV was the reason for the incarceration of these dissidents, and not a general trend towards more repression. At the meeting, the new General Secretary, National Assembly Chairman, President and Prime Minister were selected for five-year tenures. The selection of new cabinet members was thought to have convinced authorities to tighten security measures to maintain domestic order and prevent potential riots.

However, since 2013, the government has mitigated their oppression of political dissidents and religions. This movement can be seen in the reduction of prison sentences and the granting of amnesty to political prisoners. For instance, the Thanh Nien Newspaper on May 16 published that Nguyen Phuong Uyen was sentenced to six years for spreading propaganda against the Vietnamese government (Thanh, 2013) that threatened public security. However, after a court revision, she only received three-year probation (“Vietnam Reduces Dissidents”, 2013). Dinh Nguyen Kha, another political dissident, received a four-year prison sentence instead of the initial eight-year sentence (“Vietnam Reduces Dissidents”, 2013). Nguyen Huu Cau, who was arrested in 1982 and sentenced to life in prison, was freed in 2013 (“Tù Nhân Thế Kỷ”, 2014). Dinh Dang Dinh who was arrested in 2011 and sentenced to 6 years, was granted amnesty in 2013. In addition, Nguyen Tien Trung who was arrested in 2012 and sentenced to 5 years, was released in May 2014, and Vi Duc Hoi, who was sentenced to eight years in prison in 2011, was freed in April 2014 and is under house arrest for another 3 years (“Thạc Sĩ Nguyễn”, 2014). Outspoken lawyer Cu Huy Ha Vu, who was sentenced to 7 years in prison and three years under house arrest in 2010, was freed in April 2014 (“VN Thả TS”, 2014). Dozens of political prisoners received reductions in prison sentences. At the same time, the number of registered

churches has increased dramatically. In 2013, nearly 120 churches were registered, a significant increase in comparison with the previous years (Van, 2013). Human Rights Watch explained that there were few registered churches established in the country in the previous years because the Vietnamese government imposed complicated legislation and strict requirements for the registration of churches, as an oppression measure.

Although some argue that efforts to mitigate oppression in Vietnam with the country's signing of the United Nations Convention Against Torture have helped Vietnam reach a free trade agreement with the US ("2013 Human Rights", 2014), there is abundant evidence that Vietnam was already becoming a less oppressive country several years before the prospect of a US trade pact.

3.3.3. Civil liberty amplification

Not only has oppression been lessened in Vietnam but civil society in the country has also been on the increase. According to the state-owned newspaper, *People's Army*, the number of registered civil organizations in Vietnam is now around 6,400 ("Hiếu đúng về", 2014). Theoretically, these organizations serve an important role in proposing new policies and criticizing and suggesting necessary amendments to current ineffective policies. Thayer (2009) adds that Vietnam's improvement in its civil society can be observed through a dramatic increase in the number of non-registered civil associations in the past 10 years. This sort of civil society challenges the legitimacy of Vietnam's one party government by criticizing ineffective policies and corruption and pushing for freedom and human rights ensured in democratic states. In the year 2013, more than 20 organizations requested the Vietnamese National Assembly to temporarily stop the approval of

the draft revised Land Law (Nguyen, 2013). The organizations urged the assembly to keep taking independent advice from international consultants into consideration during the law's amendment process.

Thayer (2009) asserts that although these non-state civil associations are not recognized by the Vietnamese state, they are still bringing about changes in contemporary politics. With the encouragement of civil society, Vietnamese citizens and political activists between 2007 and 2014 have constantly demonstrated against Chinese violation of territory at sea claimed by Vietnam. The demonstrations were supported by Vietnamese authorities despite the fact that all demonstrations tended to be suppressed before 2012 (“Các Diễn Biến”, 2012). Civil society directly speeds up the time-consuming process of provision of the law on demonstrations which used to be ignored by the CPV. The law is expected to be introduced at a National Assembly plenary session in 2015. Furthermore, Vietnamese civil society has succeeded in forcing Vietnamese authorities to deliver the Land Law in 2013 after civil organizations and the media raised their concerns with the government (Land Law, 2013, V.N). They have described wrongful decisions as threats to the stability of society. Violence in the port city of Hai Phong in 2012 caused by illegal land confiscation is a good example to support of this viewpoint shared by civil associations in Vietnam (Vietnamnet, 2012).

This kind of movement, according to Schneider and Schmitter (2004), Diamond (1999), Linz and Stepan (1996) and O'Donnell, Schmitter and Whitehead (1986), expose the fact that Vietnam is in the progress of democratization.

Przeworski (1986) and Bova (1991) explain that in democratizing countries, some authoritarian leaders, known as liberalizers within the authoritarian regime, look for and form alliances because of emerging social unrest. In the case of Vietnam, social unrest stems from the economic slowdown, widespread corruption,

power abuse in cities and provinces, unaccountability and tensions over the South China Sea. The PM sought alliances while taking advantage of these disruptions. It is noteworthy to mention that before being criticized by the party, Dung rarely raised his voice on disruptions in the country. To establish his alliance and trust from the people, the PM increasingly voiced his concerns over growing problems and showed his commitment to solving these issues through the media. For instance, he ordered the punishment of local civil servants who allegedly abused their power to appropriate people's land, and recently he insisted that the Ministry of Health takes some responsibility for the mismanagement of measles outbreaks and so on. Dung has successfully demonstrated his efforts in protecting Vietnam's national interests. Addressing the 12th Shangri La dialogue and the 24th ASEAN Summit in Nay Pyi Taw, his speech focused on the tensions over the South China Sea, an issue attracting concerns of the international community and the Vietnamese people ("PM Highlights Strategic", 2013; "ASEAN Summit's East", 2014). Recently, for the first time, he sent mobile phone messages to every Vietnamese citizen regarding the defense of national sovereignty (Brummitt, 2014).

This leads to the conclusion that Vietnam has been in democratic transition since 2010, although it is still being ruled by the CPV. The country is showing signals of liberalization, part of the democratization process. There is an internal rupture between political leaders, mitigation of oppression of political dissidents and an amplification of civil liberties. The transition is also leading to major social and political changes, including an increase in press freedom in the country.

Chapter 4: Democratization leading to higher levels of perceptions of corruption

Hypothesis 2: Democratization heightens levels of perceived corruption.

This chapter examines the relationship between democratization and corruption, and the history of corruption in Vietnam. The CPI is analyzed regarding its applicability to Vietnam, and other democratizing countries.

4.1. Previous literature on the relationship between democratization and corruption

Over the past twenty years, corruption has been seen as part of the processes of decentralization and democratization in the world. For that reason, emerging democratic regimes such as Russia, Turkey and Latin America have endured a steady rise in corruption levels after initiating democratization (Mohtad & Roe, 2003).

As the media have revealed, corruption has become rampant in democratizing countries. Nearly 100 cases of major corruption in Brazil have been published by the New York Times since its democratization beginning in 1985. At the same time, Mexico which started undertaking political liberalization in 2001, saw 1,000 corruption cases (Tavares, 2007). Tavares perceives corruption as a rising problem in transition countries.

An increase in the number of corruption scandals in democratizing countries, according to many specialists, is driven by the relationship between corrup-

tion and democratization. Sung (2004) claims that government corruption is expected to increase during the liberalization period. In particular, countries that recently escaped from authoritarian or totalitarian regimes are said to be especially affected by growing corruption and “money politics” (Moran, 2001). According to Rose-Ackerman (1999), the growth of corruption is led by the liberalization process, and brings about massive changes in state restructuring, as well as myopic decision-making.

Waggoner (2011) adds that in a democratizing regime, political leaders tend to take advantage of campaigns against corruption to shield their interests and power. This means that the democratic transformation is limited to a partial fulfillment that leads to an imperfect form of democracy. Not all people have an equal chance to enjoy freedom and rights that are created for them by newly democratizing regimes. Waggoner adds that the democratic process is only complete if political elites are willing to carry out the process. In this case, checks and balances, civil society and independent justice institutions are not only inadequate to restrain corrupt elites but also become less effective in curbing societal corruption during democratization. O’Donnell (2007) adds that in countries, especially in Latin American, where democratic constitutions were introduced, unfair decisions and lack of legal institutions that led to corrupt behaviors had been unchanged in the early stages of democratic reform.

Mohtadi and Roe (2003) also claim that corruption is seen in democratizing systems where checks and balances, transparency and institutional systems are weak. These weaknesses provide rent seekers with free entry into holding political power and public money. As a result, there is an increase in the number of those rent-seekers. For instance, Thailand’s situation during 1977-1991 can be taken as a typical example of democratizing systems seeing an increase in corruption. Its

national democratization began in 1977 after “The Thai Young Turks”, a group of middle ranking officials, exerted pressure on the government for liberalization (May & Selochan, 2004). Democratization and rapid economic growth finally led to the beginning of democracy in Thailand by the 1980s. This progress pushed the Thai system towards either a developmental state in Southeast Asia or a broker polity. However, the transformation did not last long because there was an increase in the number of provincial politicians who took control of the legislature and the PM’s Office (Girling, 1997; King, 1996). They engaged in corrupt activities and established funds for their elections (King, 1996, p.136-137). Additionally, they abused economic policy in order to gain personal benefits. Democratization paused in 1991, as a result.

Contributing to the literature on corruption and democratization, Linz and Stepan (1996) assert that newly-democratized nations still encounter high levels of corruption, even when the transition to democracy finishes or

...sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the result of a free and popular vote, when this government has de facto authority to generate new policies, and when the executive, legislative and judicial power generated by the new democracy does not have to share power with other bodies de jure (p.3).

Johnston (1999) explains that feeble or unstable economies as well as a flourishing of illegal businesses and trade can be easily observed in new democracies. He adds that these weaknesses, as a result, motivate the birth of illegal rings and ineffective institutions. Corruption can be deeply ingrained in newly democratized countries. Corrupt practices become widespread due to the lack of strong institutions. Dahl (1971) describes newly-democratized societies with ineffective institutional frameworks as pointless and chaotic systems. Weak institutions,

which come to form networks of bureaucracy, engender impediments in democratic consolidation and market development. Consequently, corruption begins a continuous cycle.

Mohtadi and Roe (2003) state that the corruption cycle in young democratic regimes will be broken if the number of rent-seekers increases rapidly. If there is a boom in the number of rent-seekers, and competition between them, the rents they might earn decrease, and, at the same time, the economic and political outlook becomes brighter. Mohtadi and Roe add that a decrease in rents may also be brought about by a consolidation of democratic reforms, which can severely punish rent-seeking behavior.

Moreno (2003) describes another reason for the growth of corruption in newly democratic countries. Accordingly, corruption is the legacy of previous authoritarianism that is continued in new democratic regimes, although new governments make a serious attempt to combat it. In Mexico's 2001 referendum, for instance, about 40 per cent of respondents believed that governmental officials in newly democratizing Mexico were involved in receiving payoffs (Moreno, 2003). Moreno also claims that the high level of perceived corruption is the result of the people's rising awareness of corruption in society. Six out of ten respondents asserted that people were likely to be involved in corrupt behaviors after becoming public officials. Respondents may be wrong about the levels of corruption but they are always accurate about the levels of perceived corruption (Tanzi & Davoodi, 1997). They expect, in newly democratic regimes, lower levels of corruption. Moreno assumes, moreover, that increasingly perceived levels of corruption do not correlate with democratization. To support his argument, he analyzes data collected from a survey of 60 societies. He concludes that there are high perceptions of corruption in countries where corrupt practices are culturally rejected.

He gave examples of Nigeria and Vietnam, two of the most corrupt countries in the CPI, but that have very low scores in the index of corruption permissiveness (Moreno, 2003).

Analyzing surveys and reports of the Business International dataset of 66 countries within the period, 1980 to 1983, and data of TI of 51 countries between 1988 and 1992, Montinola and Jackmand (2002) conclude that corruption in less democratic regimes is lower than in democratic ones if political power in the democratic regimes remains unchanged.

Sharing a different view on perceptions of corruption, Treisman (2000) contends that perception levels of corruption in democratic countries depend on length of existence. What he means is that perceptions of corruption will be reduced if the democratic regime has existed over a period of time.

Keefer (2005) observes that there is extreme heterogeneity in the performance of new democracies. This is because young democracies are less able to make credible promises to voters before elections, and hence are more likely to rely on patrons to establish a credible reputation with voters. This causes new democracies to be more susceptible to gearing public policies toward transfers and rent seeking than provision of broader public goods. As a result, countries that are democratizing are more likely to face increased corruption levels than are established democracies. Over time, though, these countries should see a decrease in corruption as well.

Finally, democratization entails the writing of new laws and a new constitution. This, along with whether or not these laws are enforced, may end up creating more opportunities for corruption. For example, in Brazil, the perception of corruption has increased since democratization in 1985 as new electoral rules have

decreased the ability of the executive to build coalitions and assure loyalty in Congress (Geddes & Neto, 1992).

Former president, Fernando Collor de Mello, nearly managed to buy enough votes to escape impeachment for his own corrupt practices. Collor's administration was involved in a scheme that facilitated public contracts and influenced government decisions in exchange for kickbacks and commissions, with some of this money being used to pay for maintenance of Collor's house and expenses of his family (Geddes & Neto, 1992). This, in the end, resulted in his impeachment, removal from the Presidency, and his banning from public office for ten years.

4.2. Corruption and perception of corruption in Vietnam

4.2.1. A history of corruption in Vietnam

Ten years after the establishment of the Socialist Republic of Vietnam in 1976, the concept of corruption was new to the Vietnamese people. Only after the “renovation process” (Doi Moi) in 1986, was corruption first listed as a social problem in the Vietnamese government’s official documents, and labelled a “national threat” requiring the mobilizing of forces in a Prime Ministerial decision in 1991 (Razafindrakoto, Roubaud, & Salomon, 2011).

Despite the Vietnamese government’s efforts, corruption has remained a major threat to Vietnam’s development. According to the latest World Bank Enterprise survey, over 50 per cent of businessmen have been involved in exchanging gifts for favours (World Bank Group, 2009), while nearly 60 per cent of enterprises said that bribe money is necessary for ‘lubricating’ corrupt bureaucrats (Kien, 2011). the Ministry of Investment and Planning reports that the annual damage caused by corruption is equivalent to 30 per cent of infrastructure investment (Tuong, 2005). Moreover, citizens have become familiar with corruption, as

shown by 90 per cent of interviewees asserting that they have to give extra money to public servants for accomplishing administrative procedures. According to 2010's CPI Index, Vietnam ranked below average with a score of 2.7 on a 0 (highly corrupt) to 10 (highly clean) scale (Transparency International, 2010). Accordingly, it ranked 116 out of 178 countries worldwide. All eleven key public agencies in Vietnam have high volumes of corruption cases. Recently, many corruption scandals have been revealed by the mass media. For example, giant State groups such as Vinashin, a leading shipbuilding firm, and Vinalines, a top shipping firm, have contracted debts of nearly US\$5 billion each, and their chairmen are under investigation for committing a number of offences (Bach, 2013). The Japanese government has recently accused a high-ranking Vietnamese official of taking US\$1 million in bribes from a Japanese construction firm (Vnexpress, n.d.a).

4.2.2. Perception of corruption in Vietnam

Table 4.1: *Vietnam's Perception of Corruption*

Country	Year	Score
VIETNAM	2014	31
	2013	31
	2012	31
	2011	2.9/29
	2010	2.7/27
	2009	2.7/27

Source: *Transparency International*. Retrieved December 12, 2014 from <http://www.transparency.org/research/cpi>

Although Vietnam has always stood at the bottom in the perceived corruption-ranking table since it was first listed in 1997, the country has achieved some success in reducing its perceived corruption levels. In 2012, a new system of calculating corruption was used together with new countries added to the index, which started to use a 0 (highly corrupt) -100 (highly clean) scale instead of the 0 (highly corrupt) to 10 (highly clean) scale (Transparency International, 2012). The usage of the new system helps concerned individuals and groups to see any minor difference between years. This thesis will use a 0-100 scale to display any change in scores given to Vietnam. Accordingly, scores from 2009 to 2011 will be converted to a two-digit number (see table 4.1).

Before 2011, Vietnam received a low score for perceived corruption that hit 27 in 2009 and 2010. The low score was given by the TI Index during a time when Vietnam started its democratization process. There was an increase in its score to 29 in 2011 from 27 in 2010 (see table 4.1). The scores went up to 31 in 2012 and remained there until 2014.

4.2.3. Democratization lowers levels of perceived corruption in Vietnam

Vietnam started its democratization process in 2010. As shown in table 4.1, democratization has lowered the perception of corruption in the country although the real levels of corruption, which cannot be estimated, might not have decreased. It should be concluded that democratization in Vietnam reduces only the levels of *perceived* corruption. This conclusion is defying the assumptions of many specialists, who concluded that the levels of corruption are high in democratizing countries (Liz & Stepan, 1996; Johnston, 1999; Mohtadi & Roe, 2003; Dahl, 1971). The relationship between democratization and levels of perceived corruption in Vietnam is significantly different from that of other countries in the

same situation. Other democratizing countries, such as Thailand during 1977-1991, have perhaps mirrored Vietnam's pattern. Thai national democratization began in 1977 after "The Thai Young Turks", a group of middle ranking officials, exerted pressure on the government for liberalization in 1976 (May & Selochan, 2004). Democratization and rapid economic growth finally led to the establishment of democracy in Thailand by the 1980s. This progress pushed the Thai system towards either a developmental state of Southeast Asia or a broker polity. However, the transformation did not last long because there was an increase in the number of provincial politicians, and these groups took control of the legislature and PM's office (Girling, 1997; King, 1996). These political leaders became involved in corrupt activities and took advantage of economic policies to obtain personal benefits (King, 1996, p.136-137).

Chapter 5: More democratization, more press freedom

Hypothesis 3: Democratization in Vietnam increases press freedom.

This chapter looks into the relations between democratization and press freedom and the levels of press freedom in a state, based on the indices compiled by FH and Reporters Without Border, which judges the levels of press freedom in more than 100 countries, including Vietnam. The lack of accuracy and objectiveness of these indices will also be assessed. Additionally, the real developments regarding press freedom in Vietnam will be shown via statistics and examples.

5.1. Relationship between press freedom and democratization

In an interview with the Guardian about the role of free media in strengthening democracy, the World Bank's former president, James Wolfensohn, does not hesitate to state that

A free press is not a luxury. A free press is at the absolute core of equitable development, because if you cannot enfranchise poor people, if they do not have a right to expression, if there is no searchlight on corruption and inequitable practices, you cannot build the public consensus needed to bring about change (Wolfensohn, 1999, para.2).

The statement of the former World Bank head illustrates the fact that a free media is crucial in establishing a democratic state that guarantees an effective checks and balances system. In contrast, media without freedom becomes a state-owned body that performs much like a propaganda machine (Fox, 1998). O'Neil (1997) contends that media in communist states plays a key role in spreading communist ideology while blocking right wing messages. Mughan and Gunther (2000) define state-owned media as instruments to suppress journalistic freedom and prohibit people from accessing alternative information and views.

Between the late 1950s and the early 1960s, most theorists had the same stand as James's in his notion of the crucial role of free media in promoting democracy. Lerner (1958) notes that a free media serves as one of the most decisive factors in the development of a state. Accordingly, the development of media networks such as radio and television has helped people get updates on political developments and access more true information about politicians and others. He notes that mass media such as newspapers, magazines and TV play a big role in educating people as well as changing their lifestyles.

However, after problems in the democratic transition of Latin America, Asia and Sub-Saharan Africa, notions of the role of free media in democratization changed. Theorists began to argue that mass communications cannot create or boost the democratic transition, nor can they nurture democratic states. Rather, they can only maintain a dictatorship, promote cronyism and dominance over the media market, and act as a means of transmitting information to deprived people (Huntington, 1993; Mowlana, 1985; Stevenson & Shaw, 1984). Skeptics contended that media freedom and other sorts of freedoms are *outcomes* of democratization, instead of *causes* of democratization. Amongst them, some saw media freedom as a mere democratic barometer. Moreover, media freedom was said to hamper the process of democratization because it could be used to support former authoritarian regimes.

Hackett and Zhao (2005) explain the depreciation of the media's role in democratic transitions by showing the lack of comprehensive and synchronous studies of politics and media. According to them, most of the studies focus on identifying the role of the democratization process in promoting media or the democratizing media. Moreover, Voltmer and Rowsley (2009) emphasize that the

shortage of reliable sources and hands-on assessments leads to a failure in addressing the causal connection between democratization and media and the underestimation of the media's role in the democratization process. Rather, the media is even used as a measure of democratic development or a prerequisite for democratic stability (Berman & Witzner, 1997; Dahl, 1989; McConnell & Becker, 2002).

Norris (2000) affirms that the media has a great impact on the development of democratization. He contends that the media serves three important roles: as a power-misuse monitor that enhances accountability and transparency; as a civil society forum; and as an orientation for policy-setters (Norris, 2000). Street (2010) sees media as a state body that promotes democratic elections, political competition, laws, state bodies, and social organizations. McConnell and Becker (2002) contend that the media changes its roles continuously if democratic transition is moving forward. In some cases, the media has no role, particularly if democratic transition is stable and thus no longer affected by media and other sorts of communications.

Gurevitch and Blumler (1990), Schudson (1995), Randall (1998), Scammel and Semetko (2000), and Norris (2006) all agree that media is accountable for overseeing what is happening in a democratizing setting, and shares responsibility for ensuring the functioning of a democratic state and society (Gurevitch & Blumler, 1990; Schudson, 1995; Randall, 1998; Scammel & Semetko, 2000; Norris, 2006). The media, in some contexts, is given the task of checking and balancing the power of the ruling party or governmental. According to Waisbord (2000), the media acts as the "fourth estate", accountable for observing the wrongdoings of bureaucrats or heads of government agencies in a liberal state. Furthermore, the media drives the public to keep an eye on the performance of authorities. By

providing the public with accurate details about governmental conduct, and enlightening people regarding the deficiencies of the ruling government, the media not only helps electors make right choices on their own but also contributes to fair elections and denunciations of corruption and other misbehavior (Schedler, 1998; Whitehead, 2002).

In a democratizing context, the media is assigned two main tasks. First, the media is obliged to report on the changes of the current regime. Citizens, accordingly, have the chance to digest this information and consider whether the government is legitimate, doing a good job, and not abusing its power. In this sense, the deteriorating regime suffers a loss of influence while a new order is emerging. Second, the media is tasked with legitimizing the emerging regime. The information that is relevant to a regime that is on its way out will be provided in order to make the public perceive the changes that are occurring. In the wake of the collapse of the old regime, the democratization process will begin (Bennett, 1998).

According to Mughan and Gunther (2000), the media is one of the major factors in bringing about democratization. In the liberalizing stage, the media has more space to give people a voice, and functions as an effective channel for political ideas. This means that the media is likely to subvert the legal basis of authoritarians if it is allowed free reign. In Mughan and Gunther's research, under the Franco regime in Spain between 1939 and 1975, only magazines were seen as needing tight control; newspapers and radio broadcast were largely uncontrolled, as the Franco government applied strict rules to regulate how the media worked. After the Franco period, there were no longer strict laws on the media, and various sources of information including sources of non-formal perspectives were allowed to appear in the press, and the public was given a better grasp of the nature of the transition as an ordinary event. Also, the media helped people become aware that

authoritarian regimes were waning, and this in turn normalized and deepened pluralism among the people.

As Randall (1993) asserts, the media threatens the legitimacy of non-democratic regimes and provokes democratic transition. During the transition period, the media spurs political discourse, provides its own analysis of on-going national affairs as well as nourishing competitive politics. Randall (1998) notes that only in the initial phases of transition do democratic principles gain favor with the media. During these periods, state policies and political attitudes all are influenced by the media (Salgado, 2009). The media tends to be politicized and produces many politically oriented reports after the early transition phases end, however. Randall (1998) contends that the media during the consolidation period not only maintains democratic principles but also fights against corruption and ineffective state bodies, among other issues. In this period, the media can even face challenges from critics and erosion of the confidence of the public.

By highlighting the differences between domestic and international media, Huntington (1991) provides a new perception of the media's role in the transition process. In his view, the development of international media was only radical until the third wave of democracy. During that period, the international media contributed to the education of people about the non-existence of political autonomy and the lack of pluralism. Voltmer and Rowsley (2009) argue that the international media still has a positive influence on political leaders and audiences, while Livingston (1997) claims that the adoption of new foreign policies is greatly affected by the involvement of the international media.

Agreeing with the idea that a free media boosts democracy, Jebiril, Stetka and Loveless (2013) also note that the free media and the transition process support each other. As long as the media has been liberalized, the democratization

process and human development tend to advance because reporters can use new press freedom to produce impartial and truthful articles that assist in building transparent and accountable governance (Norris, 2009). A reciprocal relationship, according to resource mobilization theory, benefits the public if access to the media is unrestricted, and there is also a rapid increase in the number of media outlets (Loveless, 2010).

As has become apparent, the role of the media in democratic transitions has been discussed by many political scientists and scholars of communications. Berman and Witzner (1997) suggest that democracy cannot be perceived without accessing and sharing facts, events and stories. Communication channels are also highly evaluated, as they are both the crucial means of promoting democratic practices and part of very essence of democracy. Berman and Witzner add that the media in a strongly democratized state act as uncensored organs, transmitting truthful and reliable information to the public. By supplying citizens with information and disclosing societal misconduct, the media raises people's awareness about problems and gives them a better understanding of their society. Additionally, the media creates the chance for people to oppose controversial decisions made by political elites and raise their concerns over various issues in society. The media is essentially a communal forum which allows for public evaluation of disputatious issues, various viewpoints and valuable advice. The democratized media can monitor authorities, enterprises and the community (Curran, 1991). As Mughan and Gunther (2000) and Garnham (1992) assert, mass media has a significant role in establishing and maintaining democratic regulations. O'Neil (1998) even highly assesses the importance of the media regarding theories of democracy. McQuail (1994) argues that the media has a big impact on both democratic

and non-democratic governments. With the aim of finding whether the media supports the transition to democracy, Gunther, Montero and Wert (2000) note that during the consolidation period, the media helps the acceptance of the emerging state and promotes democratic norms (As cited in McConnell & Becker, 2002). However, in the case of Nigeria, Ette (2000) argues that the media might deregulate democratic regimes. Wolfensohn (1999) sees a reciprocal relationship between the democratic transition and the media. He asserts that in the first phase of the transition, the liberalization process, the authoritarian regime relinquishes control of the media to private enterprise. It means that media products such as radio and TV broadcasts and content on newer technologies such as the Internet and cell phones are accessible to the people. Therefore, a wide range of culture, ideas and news can be exchanged among members of the public.

5.2. Press freedom indicators

To judge the levels of press freedom in a state, the indices compiled by FH and RSF, amongst others, are frequently used by researchers and specialists on communication studies.

5.2.1. Freedom House and press freedom in Vietnam

FH's Press Freedom Index should be distinguished from FH's reports on democratic levels. As mentioned in the first chapter of the thesis, FH's *Freedom in the World* focuses on scores for political rights and civil liberties, and serves as a basis for grading democratic levels in states. However, FH's Press Freedom Index, which was established in 1980, has a different role. The index serves as a watchdog on risks for media freedom. It sees media censorship as a risk to democratic governments. In FH's estimate, more than 85 per cent of global citizens

have no press freedom (Freedom House, n.d.). The press freedom in a state is assessed based on its annual Freedom of the Press report. In the report, there are 197 nations and territories evaluated (Freedom House, n.d.). Every aspect of the press such as print, broadcast and the Internet, is evaluated in the index. To establish a score for a country, a set of over 20 questions is sent to regional staff, visitors, scholars and specialists. The team, including people working at FH and external advisors, is accountable for assessing and grading the countries after they receive sufficient data and information as well as the answers to the questionnaire survey. A 0-100 scale is used to rate countries as “Free”, “Partly Free”, or “not free” (Freedom House, n.d.).

The media in a country is regarded as free if the score falls between 0-30, partly free if it is between 31-60, and not free if between 61-100 (Holtz-Bacha, n.d.).

Table 5.1: *Scores for Press Freedom in Vietnam*

Country	VIETNAM				
Year	2010	2011	2012	2013	2014
Score	82	83	84	84	84

Source: *Freedom House*. Retrieved December 20, 2014 from <https://freedomhouse.org/report/freedom-press/2014/vietnam#.VOO7NkIdJFJ>

FH has been grading Vietnam since 2002. In the eyes of the organization, Vietnamese journalists have never had media freedom (Freedom House, 2002); Vietnam always ranks at the bottom of the FH’s annual index. In 2002, Vietnam scored 82nd in press freedom (See table 5.1). The score remained unchanged until

2010; it dropped to 83rd in 2011. This means that Vietnam's press freedom has become worse. Between 2012 and 2014, according to FH, the state has less press freedom than it had in the previous years.

The FH Index is based on risks of censorship of the media, the harassment and imprisonment of journalists and the ownership of media outlets. Censorship, according to FH, can be seen through the adoption of laws against press freedom (Freedom House, 2010b, 2011b, 2012b, 2013b, 2014b). The country's 1999 Press Law forces reporters to pay their victims compensation for both tangible and non-tangible losses, even if they report the truth. Article 88 penalizes anti-government conduct by the media. Recently, the Vietnamese government has been denounced by the organization for adopting the decree on Management, Provision and Use of Internet Services and Online Information. According to the organization, the government uses the decree as a tool to control online information sources, especially those against the state and the CPV. The organization has accused the Vietnamese Government of censoring Internet content and inhibiting websites that are listed as opposing the Government. It has said that this activity is detrimental to the state's political legitimacy. According to FH, by attaching malware to Vietnamese software, the government has been blocking many websites that discuss politically sensitive topics. The media, it is said, is forced to become a tool to propagate the government's ideologies or plans. The organization asserts that only at the provincial levels does the media enjoy the freedom to investigate and report wrongdoings and to heighten people's awareness of constitutional amendments and the existence of laws. Regarding the harassment and imprisonment of journalists mentioned by the organization, journalists who write about such sensitive topics as corruption, anti-China stories and reports supporting political dissent, are severely

punished. Some have been dismissed or fined, while others have been imprisoned. According to the organization, they violate an implied rule.

According to the organization, in 2010, reporter Huy Duc was dismissed from his position after publishing stories about the abuse of human rights in Vietnam (Freedom House, 2010b). Three years later, Nguyen Van Khuong, a reporter from *Tuoi Tre* Newspaper, was sentenced to four years in prison as he reported on a policeman who took bribes (Freedom House, 2013b). In addition, FH reports that 18 journalists have been put in jail so far (Freedom House, 2014b). The number is considered to be one of the highest in the world, and suggests that Vietnam is one of the worst countries for press freedom. Among the 18 imprisoned journalists, Le Quoc Quan, a Vietnamese blogger, who was famous for his writings denouncing the CPV's red-tape, got a 3.5 year jail term for avoiding corporate income tax (Freedom House, 2014b). The others were arrested because they all raised politically dissenting voices or overly criticized the state apparatus. For instance, Paulus Le Son, and 13 others who were said to violate Article 79, were sentenced to 13 years in prison. Or Nguyen Van Hai, who called on demonstrations against the Chinese government, was jailed in 2012. Discussing ownership of the media, FH avers that nearly all of 850 newspapers, magazines, radio and television channels are under state ownership. They are all accountable for propagating the CPV's ideology. Despite allowing foreign channels to be broadcast in its territory, the Vietnamese government requires them to be translated into Vietnamese before airing.

FH does acknowledge that there has been an increase in press freedom in Vietnam (Freedom House, 2013b, 2014b). *VietnamNet*, an online newspaper, is regarded as a media outlet that has the freedom to report on sensitive issues, at least to some extent. This newspaper has for the past few years played a leading

role in reporting on issues such as corruption, leadership roles and some aspects of democracy. Moreover, FH appreciates the development of hidden online newspapers such as *To Quoc* and *Tu Do Ngon Luan*. The Internet has also been regarded as a useful tool in raising the people's voice. According to the organization's statistics, nearly 45 per cent of the population have access to the Internet (Freedom House, 2014b). The high percentage of Internet access has brought about dialogue among citizens through social networking sites and forums. It contends that the CPV has created challenges for itself, as the party wants to improve current technology and communications while still wishing to keep restraining strictures on the Internet at the same time.

5.2.2. Reporters Without Borders' World Press Freedom Index on Vietnam

Beside FH's reports on press freedom, the indices of RSF have been regarded as useful sources for researchers and specialists who are concerned with media freedom and development. The indices reflect the state of freedom of journalists, media outlets and netizens in countries and territories. They are published annually by RSF. By using questionnaires, the indices can assess the type of violence used to target journalists, including killing, incarceration, assault and intimidation (Reporters Without Borders, 2010, 2011-2012, 2013, 2014a). Levels of impunity enjoyed by people who have violated press freedom are also measured. In addition, the indices report the state of censorship and the role of the press in reporting. Economic factors that might influence the quality of reports are also gauged. The legal environment, information exchange and autonomy of the press are also noted in the indices (Burgess, 2010).

The number of countries listed in the indices has increased year by year. While, in 2010, only 178 countries were listed in the indices; that number increased to 180 in 2014. Similarly, the group has attempted to expand the number of criteria to evaluate press freedom more accurately. In 2010, RSF compiled a survey containing 43 factors for the evaluation of media freedom in each country on the list. In 2011 and 2012, the number of factors increased to 44. In 2013 and 2014, a new questionnaire was drawn up that counted the number of journalists, media subordinates and Internet users who were incarcerated, kidnapped, harassed and murdered while doing their jobs. The number of media outlets that are being censored were also counted. More questions have been created, such as those regarding unfair distribution of grants and advertisement spending. The 2013 and 2014 indices are based on six criteria, instead of 44 criteria, for their overall assessment of press freedom. They are Pluralism, Media independence, Environment and Self-Censorship, Legislative Framework, Transparency and Infrastructure. The 0-100 ranking scale has been applied. However, RSF does not group countries as “free”, “partly free” or “not free”. According to Holtz-Bacha (n.d.), such a classification might be the outcome of unfair decisions, which has persuaded the organization to avoid that grouping method.

Table 5.2: *Vietnam’s Ranking and Scores for Press Freedom*

Country	Vietnam				
Year	2010	2011	2012	2013	2014
Score	75.75	114	114	71.78	72.36
Ranking	165	172	172	172	174

Source: *Reporters Without Borders*. Retrieved December 15, 2014 from <http://rsf.org/index2014/en-index2014.php>

In its report, delivered in 2010, Vietnam was accused of violating freedom of speech. Thus, it was ranked 165th among 178 countries (See table 5.2). In 2011, the country's press freedom was regarded as the worst; its ranking dropped to 172nd. This standing remained until 2013, when it fell to 174th in 2014.

5.3. The actual situation of press freedom in Vietnam

Both FH and RSF claim that press freedom in Vietnam has been getting worse since 2010. FH cited reasons such as the state issuing decrees and laws against press freedom and jailing up to 18 journalists since 2008; additionally, the state does not allow the operation of private media. Meanwhile, RSF assesses the three factors of legal environment, political environment and economic environment. Every year, a questionnaire, including questions about the three elements, is sent to regional specialists and specialists, journalists and jurists around the world. This thesis will argue that these indices published by FH and RSF are based on biased, inaccurate and untruthful methodologies that greatly affect the ranking of Vietnam's press freedom. They fail to reflect the actual status of press freedom in Vietnam.

5.3.1 The biased and inaccurate methodology of Freedom House

Chapter 2 of the thesis discusses the general bias of FH limited and inappropriate methodology, unreliable information sources and prejudice against non-US allies. Specifically, FH's democracy indices throughout the period 2010 to 2014 are questionable. Likewise, the FH's press freedom index shows a similar bias against Vietnam.

In its annual reports, FH accuses Vietnam's Press Law of penalizing journalists who cause damage to individuals or groups. In our estimate, however,

FH's staff focused primarily the title on the name of the law, ignoring its content. For example, according to Article 28 of the law on the press, journalists are required to compensate their victims if they violate their legal interests (Law on press, 1999, V.N). It can be argued in this regard that Viet Nam is not limiting the freedom of journalists, but protecting the legal rights of individuals. Moreover, FH criticizes Article 88 of the Penal Code, and a decree in 2006 banning anti-state propaganda and information exchange. However, this is completely in line with the International Covenant on Civil and Political Rights (1966), laws are necessary to ensure national security as well as public order.

Even democratic countries such as Germany or the US have laws against anti-government propaganda. The 18 U.S.C. § 2258 (Legal Information Institute, n.d.) states that:

Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—

Shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. If two or more persons conspire to commit any offense named in this section, each shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction. (para.1-5).

The accusation that Vietnam is prohibiting the exchange of information is also rejected by Minister of Information and Communications, Nguyen Bac Son, who asserts that the decree does not inhibit the Vietnamese people from searching, exchanging and sharing online information. It does not, in other words, block online criticism of the state and the CPV, but rather encourages the development of the Internet (Kemp, 2012). Moreover, even if the government had the intention of blocking information on the Internet, they would fail because it is beyond their capacity. It is beyond all governments' capacity, for that matter. Information on the Internet is supplied from various sources, servers and countries. Information supplied from some domestic sources or websites can be blocked, but not that from abroad. One third of Vietnam's population accesses the Internet. Many Vietnamese use social networking websites such as Facebook, Yahoo or Twitter and online newspapers to express their thoughts, and this includes complaints about the state's weaknesses and personal troubles with local authorities. For instance, the media revealed economic losses and corruption in Vinashin and Vinalines, the two giant state-owned groups (Bach, 2013). PM Nguyen Tan Dung, who directly managed state owned companies in 2012, had to admit his mistakes as a result (Minh, 2012). In 2014, many ordinary citizens, via their social networks, voiced their dismay with Vietnam's government after observing that the Government had no active response to China's violation of Vietnamese territory. The PM, as a consequence, reassured the people that he would try his best to protect the country's seas ("Toàn Văn Phát Biểu", 2014). Although the state does not allow political dissent, and arrests many dissidents, it releases many of them before they finish their prison terms. Last year, Vietnamese Facebook users shared information about gatherings at the Chinese Embassy in Viet Nam to show their opposition to the illegal movement of China in the East Sea ("Opposition to China", 2014). The

information was not blocked, and subsequent demonstrations drew thousands of people nationwide. No one, not even the organizers, was arrested. These events were reported by the *Washington Post*, *AP*, *ABC News*, *BBC*, *DPA*, and other international news agencies (Tam, 2014).

Regarding FH's definition of what constitutes a journalist in Viet Nam, it is not hard to find its inaccuracy. Based on this, people who write blogs, post any information on Twitter and other social networks can be regarded as journalists. Those "journalists", in the eyes of FH, serve as reliable watchdogs and must be protected by the law. However, FH often gives no sufficient evidence regarding the credentials or validity of these sources. Instead, any blogger or Internet user who shares anti-government views is listed as a trustworthy journalist, theoretically protected by a democratic press law. For example, blogger Truong Minh Duc, who spread anti-government propaganda in 2007, was arrested and sentenced to 5 years in jail (Freedom House, 2009). Nevertheless, FH counted him a journalist who should have been protected by the press law. FH has always attempted to regard political dissidents in Vietnam as journalists. In its 2014 report, 18 journalists were said to have been arrested since 2008. However, it should be noted that 17 amongst the 18 so-called journalists were bloggers and opposition activists who opposed the existence of the CPV, while the other one who was sentenced to prison was involved in corruption.

The Oxford Dictionary defines a journalist as "a person who writes for newspapers or magazines or prepares news to be broadcast on radio and television" (Journalist, n.d.). More generally, and recently, Peters and Tandoc (2013), after collecting and analyzing various sources that explain the concept of a journalist, identify common elements and offer a comprehensive definition of a jour-

nalist: “A journalist is someone employed to regularly engage in gathering, processing, and disseminating (activities) news and information (output) to serve the public interest (social role)” (Peters & Tandoc, 2013, para. 4). The specialist specifically explains:

To be employed means the person’s primary source of livelihood comes from journalistic activities, including the gathering, processing, and disseminating of news and information. The person’s role is to serve the public welfare (e.g., reporting on issues central to society’s well-being in matters of health, safety and order). As an output, news and information reflect not only journalistic activities (e.g., processing in the form of analysis) but also the ethical principles (e.g., fairness) that govern those activities. Finally, the person must engage in the journalistic activities on a regular basis (para. 4).

Beaujon (2013) agrees with this broad definition. According to him, the authors relied on three main factors related to the academy, the law and to industry to form their definition of journalism.

Regarding the emergence of the concept of citizen journalists who post news on social networks or video when witnessing or discovering some events, Stearns (2013, p.1) affirms that “more people than ever are participating in journalism. People are breaking news on Twitter, covering their communities on Facebook, live streaming, distributing news via email and writing in-depth blogs on issues of civic and community significance”. According to this observer, they are engaged in journalism, not “being” journalists. However, he also asserts that the line between who is and who isn’t a journalist gets blurry. The bloggers in Vietnam who were categorized as journalists by FH and RSF did not actually engage in journalism, however. Rather, they apparently made up false stories and lured people into their political plots. When they were reported for this activity, the government simply sought an end to this annoyance (“Người Dân Nói”, 2012).

5.3.2. The biased and inaccurate methodology of Reporters Without Borders

While seen as one of the most trustworthy sources for judging press freedom, RSF is accused of having a bias in favor of the West. According to Rosenthal (2007), France and EU countries support the organization with up to 4 million euros each year. He asserts that RSF consequently gives European countries high rankings in press freedom. Rosenthal (2007, para. 2) adds that

Its (RSF) highly curious rankings map are far better upon the external -- and, in certain cases, internal -- political agenda of the European Union than upon any concrete indicators of press freedoms, or restrictions thereupon, in the countries RSF claims to be objectively evaluating.

In 2008, FH ranked France 40 while ranking the US 21. However, the ranking, given by RSF for France and the US are in contrast to those given by the US-based FH. France ranked 21 and the US ranked 40. Holtz-Bacha (n.d.) explains that the high ranking of France in press freedom shows the bias towards the home country of the organization.

RSF was also denounced as a US instrument in Europe by some European and American political analysts (Burgess, 2010). The organization manages an intensive and enduring crusade against the Communist regime in Cuba, with acts such as the occupation of a Cuban tourism office in Paris in 2003. The campaign is said to be secretly controlled by the US Government. There was an increase in RSF's budget during the campaign, reportedly funneled from financial assistance of the US Government. In the WikiLeaks case, RSF demonstrated its support for the US Government (Julliard & Coz, 2010). It condemned Julian Assange, founder of WikiLeaks, for publishing tens of thousands of documents. It is important to note that RSF had earlier regarded WikiLeaks as a good source, and had it published news from it the murder of two Reuters personnel in Bagdad in 2007. However, after the organization exposed the truth behind the US government's

furtive activities, RSF started to inveigh against Wikileaks for imperiling the lives of people who worked or are working for the US (Burgess, 2010).

Vietnam has also been suffering from RSF's prejudice and one-sidedness and has ranked very low in RSF's annual reports. One of the reasons given by RSF is that Vietnam has arrested and abused many journalists. Vietnam's government has never arrested or harassed valid journalists, however. Bloggers who have attempted to overthrow the government, induced people to overthrow the government, threatened the stability of society and violated laws, on the other hand, have been arrested. Internet bloggers, under the definition of RSF, are journalists who are only regarded as Internet users. RSF argued that in 2010, Nguyen Tien Trung, a Vietnamese blogger, whom they said should have been protected by the press law, was said to have been sentenced to prison for requesting democratic freedoms (Julliard, 2011). In fact, Trung was arrested because he was accused of spreading anti-government propaganda that was plainly illegal and false (Hoa, 2009). RSF also condemned Vietnam for imprisoning bloggers Pham Minh Hoang and Phan Thanh Hai (Reporters Without Borders, n.d.). Hoang's arrest was the outcome of his efforts to allegedly overthrow the government, and because of his work for an anti-state organization, while Hai was arrested as he was spreading false information about the state (C.Mai, 2011; T.Bac & T.Son, 2012). Their deeds violated Article 88 of Vietnam's criminal code and threatened Vietnam's national security.

RSF's unfairness can be observed through its methodology. First, the group does not mention how they determined scores for each question in their questionnaire. According to Burgess (2010), three to five points are given to a "yes" answer while no points are allocated for a "no" answer in a yes-no question. For ex-

ample, three points are given to a “yes” answer in a question such as: “Do the authorities closely watch journalists?” For this question, a “no” answer will get no points. However, five points will be given to a “yes” answer if the question refers to respondents’ opinion about an issue. A “no” answer converts to a 0. In a question on numbers, a country might earn more than 5 points if journalists or media assistants or press freedom activists are killed in the country. In particular, a country will apparently receive 10 points if five deaths are recorded. Second, it should be noticed that in countries like Vietnam, respondents of RSF’s annual questionnaire are not local people because according to RSF, it is afraid that Vietnamese respondents might work for the government. A bias can also be observed via the fact that RSF staff favor answers from people working in the media sector in non-oppressive countries. However, some might argue that even in free countries, people who are involved in the media sector and working for the government cannot be free from governmental bias (Gehlbach & Sonin, 2008). The group’s prejudice against repressive countries can be seen from its selection of foreign “specialists” asked to respond to the annual question sheet about those countries. Regarding Vietnam’s press freedom, RSF has never referred to any name of respondents for the annual questionnaires on its website or methodology document despite the fact that Burgess (2010) asserts that names of the contributors to RSF’s reports are not confidential. No one can guarantee that those selected foreign specialists are not biased against Vietnam. Regarding the question about the number of journalists or media assistants killed or jailed with respect to their work, biased answers from the non-local specialists could result two reasons. First, RSF specialists tend to regard bloggers who are arrested for spreading anti-government propaganda as journalists. Such bloggers are typically not journalists, however, and do not work for any newspaper or magazine. Second, RSF specialists tend to ignore the reasons

for the arrest of journalists. In 2012, Hoang Khuong was detained after he was allegedly involved in a major corruption case (Minh, 2012). However, RSF regional staff quietly noted that Khuong was kept in custody and sentenced to 4 years in prison because he attempted to “bribe” a traffic warden to find out whether Vietnamese traffic officers resorted to bribery (“Four-year Jail Sentence”, 2012).

Third, the unfairness in its accounting process for countries is still evident. The final score for press freedom of a country is achieved after a three-step process (RSF, 2013, 2014a). During the first stage, RSF applies a formula for finding a first score based on questionnaires answered by RSF’s regional and local specialists. These measure six factors relating to press freedom, including Pluralism (Plu), Media Independence (Ind), Environment and Self-Censorship (EnA), Legislative framework (CaL), Transparency (Tra) and Infrastructure (Inf).

The first score (a) = $1/3 \times \text{Plu} + 1/6 \times (\text{Ind} + \text{EnA} + \text{CaL}) + 1/12 \times (\text{Tra} + \text{Inf})$

In the second stage, a score for violence (Exa) is added to a second formula to achieve the second score. The violence score is based on the length of detention of journalists and media assistants. The longer they are kept in prison, the more scores for violence a country achieves.

The second score (b) = $1/5 \times \text{Exa} + 4/15 \times \text{Plu} + 2/15 \times (\text{Ind} + \text{EnA} + \text{CaL}) + 1/15 \times (\text{Tra} + \text{Inf})$.

At the final stage, MAX (a,b) is the final score for the press freedom of a country.

However, the final score perhaps MAX (a,b) appears to be unfair and incorrect in almost every situation. Specifically, the violence score is perhaps another bias or mistake made by RSF. Vietnam is a typical example for illustrating the

point. In order to explain this example, it should be presumed that all of the Vietnamese imprisoned bloggers are “journalists” to see whether the violence score is right or wrong. Between 2010 and 2014, The Committee to Protect Journalists (CPJ) reported that Vietnam arrested 24 “journalists” for violation of the state law (Committee to Protect Journalists, 2010, 2011, 2012, 2013, 2014). Most of the arrested “journalists” were said to be involved in spreading anti-state propaganda.

Pham Viet Dao was one of the “journalists” enjoying an early release from prison. According to the CPJ, he was arrested in 2013 and faced a sentence of 7 years in jail (Committee to Protect Journalists, 2013). Dao served 15 months in prison for violation of Article 258 of the Penal Code (abusing democratic freedoms). Another “journalist” on early release is Nguyen Van Hai, owner of the Free Journalists Club Blog. He was arrested in 2012 and sentenced to 12 years in prison for violation of Article 88 of the Penal Code (Committee to Protect Journalists, 2013). Hai should have served until 2023. However, he was set free in 2014 (“Mỹ Hoan Nghênh”, 2014). Luu Van Bay was convicted and sentenced to 4 years in prison in 2011 for anti-government propaganda, and set free in 2014. Dinh Dang Dinh was arrested in 2011 was sentenced to 6 years and freed after 3 (Committee to Protect Journalists, 2012, 2013). Phan Thanh Hai, co-owner of the Free Journalists Club Blog, was tried in 2010 and sentenced to 4 years in jail. The sentence was reduced to 3 years on appeal in 2012 (Committee to Protect Journalists, 2011). Hai was released from prison in 2013. Pham Minh Hoang, who worked for an illegal organization, Viet Tan, and allegedly attempted to overthrow the government, was arrested in 2010 (“Vietnam Jails Dissident”, 2011). He was convicted of violating Article 79 of the Penal Code and was sentenced to three years. His sentence was then reduced to 17 months after appeal (DiendanCTM, 2012).

Table 5.3: *Real Duration of Prison Sentences in Vietnam*

Name	Prison Sentence	Real imprisoned duration
Pham Viet Dao	7 years	1 years and 3 months
Nguyen Van Hai	12 years	2 years
Luu Van Bay	4 years	3 years
Dinh Dang Dinh	6 years	3 years
Phan Thanh Hai	4 years	2 years
Pham Minh Hoang	3 years	1 years and 5 months

Source: *The Committee to Protect Journalists*. Retrieved November 5, 2014 from <http://cpj.org/imprisoned>

According to table 5.3, up to one fourth of the imprisoned “journalists” has been released between 2010 and 2014. RSF’s methodology, which was upgraded in 2013, does not mention this. The violence score does not account for the reduction of prison sentences. Vietnam can expect to continue to receive a low score with this methodology. The cases above, moreover, except for Hoang Khuong, were bloggers, not journalists. In a country like Vietnam where few if any journalists were arrested for valid journalism, RSF continued to give low scores for press freedom. The organization’s methodology apparently failed to produce accurate scores for press freedom.

Although FH and RSF are regarded by some as the most trusted media watchdogs, it should be noticed that they are still unfair and have limitations on judging press freedom in particular countries such as Vietnam. FH also ignores the concept of a journalist. It regards bloggers in Vietnam who attempt to overthrow the government or spread anti-government propaganda as journalists. FH also criticizes Vietnam’s Press Law and Vietnam’s Penal Code despite the fact

that all the laws are made in accordance to the International Covenant on Civil and Political rights as well as US law, its initial inspiration. Sharing the same notion, RSF started its bias against Vietnam by ignoring the distinction between journalists and bloggers. According to its methodology, bloggers are regarded as journalists if they have their writing posted online. According to Vietnamese Press Law, on the other hand, a writer is recognized as an official journalist if he or she works for a legal newspaper or magazine for at least 5 years. RSF has exposed its one-sidedness and inaccuracy in judging press freedom in Vietnam. Despite the biases of RSF and FH, Vietnam cannot be said to have a completely free press. It is necessary to wait for an appropriate and objective report on press freedom from an independent organization.

5.3.3. Real situation of press freedom in Vietnam

This thesis is unable to assess the level of press freedom in Vietnam. It attempts to point out some of the developments of press freedom in the country. As a Vietnamese journalist, I personally assert that I can write and publish freely and am enjoying the country's press freedom. I have seen the development of a more favorable environment for journalistic activities myself and through my contacts in the industry. Vietnam has witnessed the rapid development of its media in recent years, particularly after it joined the World Trade Organization. In 2004, about 85 per cent of the population watched TV, viewing just five official channels, which included VTV1 (news and political reports), VTV2 (science and education), VTV3 (sport, culture, the economy and entertainment), VTV4 (foreign diplomacy and programs for Vietnamese overseas), and VTV5 (programs for ethnic minority groups). Now, more than 100 TV channels are broadcast, providing nearly 100 per cent of the population with information and live images from all

over the world (Gallup, 2013). The broadcast journalism industry has experienced significant progress, employs thousands of reporters, and allows viewers to have more choices than ever before.

Print journalism has similarly expanded. In 2005, there were nearly 600 newsrooms with more than 700 newspapers and magazines (The Prime Minister, 2005). Fifty news newspapers were published (Truong, 2005). To further ensure variety of print and news-only media in general, a governmental decision was issued in 2005 to boost the development of the Vietnamese press or print media. The 2014 report issued by the Ministry of Information and Communications showed that during the past eight years between 2006 and 2014, nearly 240 new TV stations and newsrooms have come into operation, raising the total to 840. More than 410 new print and electronic outlets have been established, raising the total to more than 1,110 (Ministry of Information and Communications, 2014). Among them, an increasing number of news websites has reinforced this rapid media development by making up nearly one fourth of the total of media outlets, at 305. An increase in the number of media publications also means that the country has seen dramatic growth in the number of journalists and reporters. In 2005, there were approximately 25,000 Vietnamese journalists and reporters working at home and abroad, and this figure has nearly doubled in 2014, with more than 40,000, a 37.5 per cent increase (Ha, 2014). Among these, about 18000 journalists have been issued with press certificates, which means that they have had more than 5 years working experience. Based on the large number of print publications, television and radio channels and news websites, as well as journalists and reporters, it can hardly be denied that there is at least some freedom of the press of Vietnam.

The state-owned news agencies have become financially independent from the state following governmental degree No. 43 in 2006, which declares that the state no longer provides state-owned newsrooms and television stations with financial support (Ha, 2014). More new media companies and newspapers have been founded as they find freedom in the media market. It is likely that more media outlets looking for market share will bring about greater competition. To attract readers and advertising contracts, they will improve the content of newspapers, magazines and TV channels. If their media products do not achieve a certain quality, or are not trustworthy, they will likely suffer from lower circulation and a subsequent loss of advertising contracts.

This focus on public interest and accuracy in reporting instead of state propaganda, should solve many of the problems in the media sector. Additionally, media groups have begun searching for more experienced reporters and journalists as well as providing improved training for new and young reporters in order to improve their performance. As a likely result, in 2011 the total advertising revenue of mass media hit VND4.2 trillion (US\$200 million) (“Toàn Văn Báo cáo”, 2011). The income from the press advertising kept increasing in 2012, with just below VND18 trillion (US\$857 million). In the first six months of the year 2013, financial gains recorded by the press were at VND11 trillion (US\$523 million). This helps Vietnam’s print media attract more journalists and improve their products year by year.

The open-door policy for the restructure and enhancement of media content and improvement of journalists’ performances also allows journalists to take a piecemeal approach on sensitive issues such as corruption or bribery. I myself have written more than 20 news stories and longer articles on corruption for *Viet Nam News* newspaper between 2012-2013. According to U4 Expert Answer

(Martini & Transparency International, 2012), the press has a significant role in combating corruption as it has been regarded as the second most reliable body in steering the campaign against corruption by the TI and Global Corruption Barometer (GCB). The press has been significant in reporting and investigating many of the major as well as minor corruption cases in Vietnam. The significant role of the press in this area can be seen in the major corruption case involving governmental leaders working at PMU 18 in early 2006. According to a press investigation, governmental leaders including former deputy transport minister Nguyen Viet Tien, former Transport minister Dao Dinh Binh and former Executive Director of the PMU 18 unit Bui Tien Dung were guilty of corrupt practices. However, charges against the former transport and deputy transport ministers were finally dismissed by the Supreme Court. It can be seen that despite its exposure of the PMU 18 corruption case, the press did not have sufficient power to pressure authorities to try top politicians. It was not until 2010, that additional major corruption scandals were effectively revealed by the press.

Chapter 6: More press freedom, more corruption scandals revealed

Hypothesis 4: Higher levels of press freedom explain an increase in the number of corruption scandals.

This chapter analyzes the negative impacts of press freedom on corruption scandals based on a range of research. Five key corruption scandals have been reported since 2010 by Vietnam's press, and these will be examined to illustrate the point that democratization in Vietnam coincided with the breaking of corruption scandals and their investigation by the domestic media.

6.1. Impacts of press freedom on corruption

Press freedom is a vital element of a democratic regime. Press freedom, in turn, has a negative impact on corruption. Staphenurst (2000) divides the impact of media on corruption into two categories, “tangible” and “intangible”. In the tangible category, corruption is tackled through news stories or series of stories about corruption. However, an example of media impact on corruption is listed in the intangible category, when the public, accountable politicians, public bodies and news media all criticize corruption and call for checks on this activity. Brunetti and Weder (2003) argue that the occurrence of corruption is explained by three factors, internal control, external control and indirect control. Among them, press freedom is an instrument of external control over corruption. According to Brunetti and Weder (2003), external control is defined as a system of checks and balances which includes the judiciary and watchdog agencies. Other organizations

and bodies might perform the same role if checks and balances are less developed (Ades and Di Tella, 1999). For that reason, press freedom is seen as a tool of checks and balances which can work effectively against corruption. Rose-Ackerman (1999) contends that press freedom creates a favorable environment for media agencies to weigh in against the wrongdoings of politicians, bureaucrats and even governments.

Corrupt behavior is more likely to be uncovered by media outlets, which also may receive tip-offs on such corrupt behavior from the public. Revelations about allegations of corruption can force internal control mechanisms (in the administrative environment) over corruption or external control mechanisms (the judiciary) to be more effective in detecting and punishing corrupt bureaucrats. Moreover, Brunetti and Weder (2003) assert that collusive corruption can be tackled by press freedom, which provides journalists with the right to investigate any misconduct. According to them, it is hard to detect collusive corruption if internal control mechanisms belong to a corrupt network, or if journalists are themselves part of corruption rings. However, the benefits gained from corruption cannot lure all journalists if press freedom is maintained. Journalists simply have more incentive to expose corruption to the wider public.

It may be concluded that press freedom contributes to reducing levels of corruption in democratic countries. In a democratizing country, where corruption is said to keep increasing until democracy is consolidated, will press freedom be promoted, and will it be able to affect the perception levels of corruption?

Based on the arguments made by Brunetti and Weder (2003), there should be an inverse relationship between press freedom and corruption. Their argument is partly supported by Bhattacharyya and Hodler (2012) and Adsera, Boix and

Payne (2003), who assert that corruption decreases if there is an increase in freedom of the press and a high quality democratic regime. They explain that media freedom only offers reporting on corruption that helps democratic institutions curb corrupt behavior. Agreeing with Brunetti and Weder, Chowhudry (2004) states that press freedom and democracy tend to reduce corruption but do so separately. Saha, Gounder and Su (2009) assume that press freedom is an appropriate means for curbing corruption, based on the interaction between economic freedom and press freedom.

Brunetti and Weder's argument seems to apply when we examine TI's Corruption Perception Index and FH's Index. According to these, countries with press freedom are normally seen to have low levels of perceived corruption. For instance, New Zealand ranks 1st on TI's 2013 Corruption Perceptions Index, Germany and Canada rank 9th on TI's 2013 Corruption Perceptions Index are democratic regimes that have high levels of press freedom. However, the inverse relationship between press freedom and corruption, according to Rose Ackerman (1999), does not exist in poor countries, with substantial levels of illiteracy. Corruption in such countries cannot be easily curbed even if the media plays an active role in fighting it.

6.2. Key corruption scandals reported by the Vietnamese press

Vietnam's open-door policy for the restructuring and enhancement of news media content also allows journalists to tackle socially sensitive issues such as corruption and bribery in a piecemeal manner. According to Martini and Transparency International (2012), the press has a big role in combating corruption be-

cause it is regarded as the second-most reliable body in campaigns against corruption, as noted by TI and GCB. The press has been in charge of reporting on many large and small corruption cases.

The role of the press was increased significantly after journalists investigated the PMU 18 corruption case that involved several high-profile politicians and individuals in 2006 (“WB Đánh Giá Cao”, 2006). Government leaders, including former deputy transport minister Nguyen Viet Tien, former Transport minister Dao Dinh Binh and former Executive Director of PMU 18 Bui Tien Dung, were accused of corruption and potentially faced lengthy jail terms for these alleged crimes (Minh, 2007). However, charges against these officials, except for Nguyen Viet Tien, were dismissed by the Supreme Court in 2008 (Khue, 2008). Moreover, two journalists who reported extensively on the issue were imprisoned after the court ruled that they had produced inaccurate reports on the case and abused press freedom for personal gain. Despite its exposure of the PMU 18 corruption scandal, the press after that did not investigate any other corruption scandals involving high-ranking officials, and had no power to pressure authorities to impose the appropriate punishment for high ranking corrupt officials, until 2010.

6.2.1. Corruption scandal at Agribank Financial Leasing Company No.2

Vu Quoc Hao, former general director of Agribank Financial Leasing Company No.2 (ALCII), a member of the state-owned Viet Nam Bank for Agriculture and Rural Development, and another 10 people were arrested in 2011 after they were reported to have caused losses of VND531 billion (US\$25.3 million) and misappropriation of VND80 billion (US\$3.8 million) (Quang & Khuong, 2011; Quyet, 2013). Local newspapers revealed that Hao made use of his own private

company (Cat Long Hai) to buy a second-hand vessel from Hai Phong Customs Bureau at VND100 million (US\$4,700) in 2003; he had allegedly then sold it to ALCII for VND130 billion (\$6.1 million) in 2007 (“Three Men Sentenced”, 2014). According to *Viet Nam News*, to conduct the transaction, Hai colluded with 10 other people working at Cat Long Hai and ALCII (“Three Men Sentenced”, 2014). The other losses concerned illegal loans worth VND795.2 billion (US\$37 million), although part of the loans had been retrieved by ALCII. In 2013, Vu Quoc Hao and his partners, Pham Minh Tuan and Hoang Loc, were tried and sentenced to death while Nguyen Van Tai, former general director of ALCII, Vu Duc Hoa, former director of Cat Long Hai JSC, Le Thi Minh Hue and Le Phuc Duc, former head of the evaluation section of Viet Nam Assessment JSC, were tried and sentenced to life in prison (“Three Men Sentenced”, 2014).

The most popular newspapers and news websites in Vietnam, including *Lao Dong*, *Tuoi Tre*, *Thanh Nien*, *Vnexpress*, *Vietnamnet* and *Vietnamplus* each featured a series of investigative articles and news on this case between November 2013 and September 2014. This was the period following the investigation by the Ministry of Public Security, and up until the accused were brought to court. *Lao Dong* published 21 articles (LaoDong, n.d.), *Tuoi Tre* 26 (Tuoitre, n.d.) and *Vnexpress* 22 (Vnexpress, n.d.b). Coupled with other newspapers and website articles, hundreds of stories about this corruption scandal were published and broadcast.

6.2.2 The corruption scandal at the Vietnam Shipbuilding Industry Group

The Vietnam Shipbuilding Industry Group (Vinashin), a state-owned company, established in January, 1996, was the biggest company in Vietnam’s shipbuilding industry (VOER, n.d.). In 2006, Vinashin became a national shipbuilding conglomerate after the PM’s decision in May 2006 (VOER, n.d.). Accordingly,

Vinashin consists of 15 other state companies. In 2009, the total value of the Vinashin's assets were VND92.6 trillion (US\$440 million) (Lan, 2010). However, total debt stood at VND86.7 trillion (US\$41 billion) (Phuong, 2013). After investigations made by the Ministry of Public Security and by journalists, corrupt activities were revealed relating to two projects of Ben Thuy Shipyard in the central province of Ha Tinh and Dung Quat Shipyard in Quang Ngai Province, along with the misuse of VND300 billion (US\$14 billion) (PV, 2011). Local newspapers cited the Government Inspectorate's conclusion affirming that the losses of VND86.7 trillion (US\$4.1 billion) were primarily caused by the three corruption cases (PV, 2011). Nine high-profile officials were arrested in 2010, tried and sentenced to prison in 2012. Former chairman of Vinashin, Pham Thanh Binh, was tried and sentenced to 20 years in prison and compelled to pay VND555 billion (US\$26 billion) (SGGP, 2012). Tran Quang Vu, former vice chairman of Vinashin, was convicted and sentenced to 11 years in prison and required to pay VND1 billion (US\$0.5 billion) (SGGP, 2012). Although Vinashin was said to be involved in three corruption cases, the nine high-profile leaders were accused not of corruption, but of intentionally acting against the state's economic management regulations and causing serious consequences.

Local newspapers between March and August of the year 2012 featured extensive reporting on this case and published exhaustive investigations into the wrongdoings of Binh and his comrades. Papers and websites had an average of ten to fifteen articles, each focusing on this issue. For example, *Vnexpress* published 20 articles about the story (Vnexpress, n.d.b).

6.2.3. Corruption scandals at Vietnam National Shipping Lines

Vietnam National Shipping Lines (Vinalines) is another state conglomerate, founded in 1995 (Vinalines, 2013). According to the local press, Vinalines currently suffers from debts of more than VND11 trillion (US\$523 million) (Linh, 2014). The massive debts stemmed from mismanagement by Vinalines leaders and the losses suffered by Vinalines' subsidiaries. The local press reported that Duong Tri Dung, former chairman of Vinalines, decided to build a ship repairing factory in the southern province Ba Ria-Vung Tau after former deputy PM Nguyen Sinh Hung signed a document saying that "the government supported the Vinalines project to set up a southern ship repairing plant," and the proposal "will be determined by the PM" ("Vinalines Ex-officials Indicted", 2013, para. 5). Approximately VND6.5 trillion (US\$309 million) was said to have been spent to build the shipyard in 2008, although Dung intended to spend only VND3.8 trillion (US\$180 million) for the construction of the plant in 2007 ("Vinalines Ex-officials Indicted", 2013). In addition, around US\$24.3 million was reported to have been paid to buy a floating dock ("Vinalines Ex-officials Indicted", 2013). The court decided to imprison nine officials from Vinalines in 2012. Among them, Duong Tri Dung, who had recently been promoted to be the director of the ministry's Marine Department in February of 2012, was convicted (Anh & Dung, 2012). Dung was tried and sentenced to death after he was accused of corrupt activities and intentionally violating state regulations on economic management, causing serious consequences ("Vinalines Ex-officials Indicted", 2013).

The role of the press in the Vinalines case is very clear. The local press indicated that the PM had taken responsibility for the Vinalines' corruption scandal.

Moreover, the local press succeeded in releasing details on the two cost values for constructing the shipyard. Local journalists detailed the huge sums of money that were pocketed, highlighting the huge gap between the cost of building the shipyard and the actual money that had been spent on the project (“Vinalines Ex-officials Indicted”, 2013). The significant difference between VND3.8 trillion (US\$180 million) and VND6.5 trillion (US\$309 million) caused readers to think about the costs of corruption. The press also highlighted the large loss of money spent on a broken, secondhand, floating dock. According to Vinalines’ 2007 estimate, about US\$14 million was needed for purchase and delivery of the dock from Russia (“Vietnam Shipping Firm”, 2014). However, a Vinalines 2008 report noted that the total cost for buying and shipping the floating dock was US\$24.3 million. Newspapers such as *Tuoi Tre* had journalists delving into the way Vinalines leaders benefitted from a deal that saw them seemingly buy the floating dock for \$9 million even though the owner asked for only \$5 million (“Vietnam Shipping Firm”, 2014). The newspapers reported that the dock broker AP then transferred US\$1.66 million to Dung and his partners. Accordingly, Dung and Mai Xuan Phuc, former Vinalines general director, received VND10 billion each (\$470,000) (“Vinalines Ex-officials Indicted”, 2013). In 2013, Duong Tri and Mai Van Phuc Dung were convicted and sentenced to death while the other defendants were given 6 to 30 year prison sentences (“Ex-Vinalines Chiefs Sentenced”, 2013).

Table 6.1: *Defendants in Vinalines' Corruption Scandal*

Names of defendants	Position	Years in prison/ Death Penalty	Fines
Duong Chi Dung	Former Vinalines Chairman/ Former Director of the Ministry's Marine Department	Death Penalty	US\$5.2 million
Mai Van Phuc	General Director of Vinalines	Death Penalty	US\$5.2 million
Tran Huu Chieu	Former deputy general director of Vinalines	19 years	US\$1.9 million
Tran Hai Son	Director of Vinalines Ship repair Co. Ltd (A subsidiary of Vinalines)	22 years	US\$2.2 million
Huynh Huu Duc	Former official of the Van Phong Customs Office	8 years	US\$330,000
Le Van Lung	Former official of the Van Phong Customs Office	8 years	US\$285,000
Le Ngoc Trien	Former official of the Van Phong Customs Office	8 years	US\$285,000
Mai Van Khang	Former member of Vinalines project management board	7 years	
Le Van Duong	Former official at Vietnam Registry	7 years	
Bui Thi Bich Loan	Former chief accountant of Vinalines	4 years	

Source: *Viet Nam News*. Retrieved August 9, 2014 from <http://vietnamnews.vn/society/249028/ex-vinalines-chiefs-sentenced-to-death.html>

6.2.4. Banking scandal involving corrupt tycoon and former minister

The year 2012 included the biggest of the corruption scandals involving well-known Vietnamese tycoon Nguyen Duc Kien. Kien, described as a person

enjoying a close relationship with PM Nguyen Tan Dung (“Vietnam Soccer Tycoon”, 2014), was said to have great influence over both the Asia Commercial Bank (ACB) and Vietnam Professional Football companies, where Kien was the founder (Hung, 2014). However, Kien was arrested in 2012 after he was accused of being corrupt, avoiding tax and illegally appropriating ACB’s property (Dao, 2013). According to the *People’s Police* newspaper, Kien withdrew from the ACB’s management board in 2008 after he succeeded in establishing a new management system at the bank that allowed him to remain in control (“ACB's Kien Manipulated”, 2013). That system not only allowed Kien to take advantage of loopholes in Vietnamese laws for his personal gain but also helped prevent charges being made against him over the period between 2005 and 2012. (Khanh, 2013). His alleged crimes of corruption are as follows:

1) He was accused of abusing his power for personal gain. He ordered 19 staff members of the ACB to loan Vietinbank VND719 billion (US\$34 million) (Son, 2014). Under the contract, the interest of the loan was 14 per cent per year (Son, 2014). However, Vietinbank had to pay him an additional 3 to 14 percent additional interest rate per year as Kien signed a tacit agreement on the extra interest (Son, 2014). Sending deposit money to other banks is illegal in Vietnam. Moreover, the ceiling level of the interest rate during 2011 was 14 per cent (Son, 2011).

2) Kien was also convicted of fraudulently appropriating ACB property worth up to VND264 billion (US\$12.5 million) in 2014 (Dung, 2014). It should be noted that Kien was the owner of 6 private companies. Among them, Hanoi Investment Joint Stock Company (ACBI) owned 30 million shares bought from Hoa Phat Steel Company (Dao, 2013). In 2010, ACBI sold bonds worth VND800 billion (US\$38 million) to the ACB and mortgaged 22.4 million shares purchased

from Hoa Phat Steel Company (Dao, 2013). ACBI decided to resell 20 million shares in Hoa Phat in 2012 to Hoa Phat Steel Company despite the fact that ACBI had not paid off the mortgage. (Duy, 2014). Regarding the case, Tran Xuan Gia, who was the Minister of Planning and Investment from 1996 to 2002, was also found to be involved after he was accused of violating State regulations on economic management leading to serious consequences (“Police Probe Ex-minister”, 2013). Gia had approved the loan worth US\$34 million.

In this case, Vietnamese journalists succeeded in providing their readers with an in-depth look at the tycoon’s wrongdoing, showing that he violated the Vietnamese regulations on currency and had illegally appropriated the ACB’s property. Second, Kien caused a huge corruption scandal. For those journalists, Kien abused his power for private gain. It was also revealed how Kien took advantage of his position as a founder of the ACB to set up a system that allowed him to manipulate the system (“Police Probe Ex-minister”, 2013). It was a clever scam that allowed a retired deputy chairman like Kien to retain influence over the decisions of the management board of the ACB. That explains why the ACB staff members under Kien’s command gave Vietinbank the US\$34 million loan at an illegally high interest rate. Also, local journalists showed the connection between Kien’s companies and the ACB by describing many of the transactions carried out by Kien’s companies and the ACB. In addition, they described the loopholes in Vietnam’s laws in detail, and criticized the adjudicator in the corruption case against Nguyen Duc Kien.

6.2.5. The corruption scandal at the state-owned VietinBank

About VND4.9 trillion (US\$233 million) was misappropriated by Huynh Thi Huyen Nhu, who had been the head of a Vietinbank transaction office in

HCM City (Duyen, 2013). It has been described as the biggest financial scandal in Vietnamese history, with 23 defendants taken to court. Part of the case is directly related to corruption (Viet, 2013). Five commercial banks and securities companies, including Phuong Dong Securities Company, Hung Yen Company, Saigon-bank Berjaya Securities Company, Global Insurance Company and An Loc Company, sent VND1,000 billion (US\$47.6 million) to their VietinBank accounts (Dung, 2014). By ordering her staff to validate her fake signatures and bypass banking processes, Nhu was reported to have embezzled a huge amount of money (Di, 2014). Moreover, Nhu created 83 bogus bank accounts and then took out a loan of VND514 billion (US\$24.5 million) at two VietinBank branches in Ho Chi Minh City (Di, 2014). Nhu and other defendants were only convicted of deception, acting against the state's economic management regulations and causing serious consequences (M.H, 2014). The minor character of their indictments was unexpected given that all of the defendants were senior banking officials working at VietinBank branches in HCM City. They included Tran Thanh Nguyen, former head of credit; Tran Thanh Thanh, former head of transactions and Bui Ngoc Quyen, deputy head of transactions.

Vietnamese journalists reinforced their key role in fighting corruption by investigating the financial scandal relating to state-owned and commercial banks. At first, 7 commercial and securities companies were reported to have transferred up to VND2000 billion (US\$95.3 million) to VietinBank. Nhu and her partners were reported to have embezzled all of these transfers. During the first trial, Nhu was indicted on charges of fraud, while the other defendants were charged with acting against the state's economic management regulations, and causing serious consequences. Those charges, in particular, meant that VietinBank would have no responsibility to return the money. However, the court decided to drop some of the

charges against Nhu and her partners, even though the press provided additional evidence to their allegations that Nhu and her partners were all involved in corruption (M.H, 2014). According to the HCM City supreme court, Nhu will have to serve a life sentence for embezzling VND1000 billion (US\$47 million) from the 7 banks and companies. Nhu and her partners might also receive additional punishment regarding the other half of the amount of money. If Nhu and the other defendants are found to be corrupt, Nhu and others might yet receive a death penalty at a subsequent trial. Moreover, VietinBank will have to pay back US\$47 million.

6.3. Higher levels of press freedom explain an increase in the number of corruption scandals

According to Stapenhurst (2000), if the public, politicians, state bodies and news media work together to fight corruption, thereby provide and require checks on corruption, free media then also have an intangible impact on corruption. As Brunetti and Weder (2003) assert, the principal check on corruption is press freedom. Press freedom allows media outlets and journalists to put the spotlight on cases of corruption. Press freedom strengthens the role of the judiciary and other relevant organs. It urges them to be more effective in detecting and punishing corrupt individuals. In the five mentioned corruption scandals, the press has played a key role. In the corruption case at ALCII, the press examined the losses of VND3 trillion (US\$142 million), and effectively pressured the Ministry of Public Security to conduct an investigation that found the general director and 10 other defendants to have been involved in corruption (Viet, 2011; Chau, 2014). In the Vinashin corruption scandal, the press reported losses of VND5 trillion (US\$238 million) (Ky, 2011) due to corruption. Some journalists' stories even indicated that the losses of Vinashin were a consequence of a decision made by the PM. Thus,

the press, at least to a certain degree, put pressure on the PM to acknowledge his mistakes and give an apology to the public (Minh, 2012). In the case of Vinalines, the press directed the attention of the Ministry of Public Security to a report exposing losses of VND1.7 trillion (US\$81 million) made by Vinalines in 2009 and 2010 and unreasonable spending on the purchase of 73 old vessels (Nguyen, 2012). The report helped to motivate the Ministry of Public Security to start its campaign against corruption at Vinalines. They soon found that significant expenses of its shipyard as well as the purchase of a floating dock were illegal. Based on the evidence provided by the police, the press described the sudden increase in the cost of building a factory uncovered the cost of the floating dock before and after it was sold to Vinalines. The judiciary ultimately punished the director of the Ministry's Marine Department Duong Chi Dung. He was tried and sentenced to death. It should be noted that it was the first time that a high-profile official received the death penalty since the CVP came to power in Vietnam. The press also raised many sensitive questions, such as who had promoted Dung to the head of the Marine Department when Vinalines was suffering from huge losses. This indicated that the PM was ultimately responsible for the losses at Vinalines. In the fourth case, the press provided a comprehensive account of corruption by a well-known tycoon, Le Duc Kien. Although the judiciary regards Kien as simply an economic criminal, some local newspapers continue to regard him as a corrupt tycoon who takes advantage of loopholes in the law to enrich himself. The media published a series of articles that argued that Kien abused his power to earn money by commanding ACB staff to engage in illegal banking deals. However, Kien's crimes were only regarded as fraudulent misappropriation by the judiciary. In the last case, much of the local press argued that high-ranking banking official

Huynh Thi Huyen Nhu was corrupt after detailing information about how Nhu had amassed a personal fortune, estimated at US\$6.5 million.

A free media, according to political scientists and media theorists, is a key instrument of journalists that allows them to access and expose information. These observers also agree that a free media plays a vital role in promoting democracy in democratizing countries, as well as establishing democratic regimes in non-democratic states by improving checks and balances, providing people with useful and available information and promoting public discussion on important issues. It is not difficult to see the role of the free press in a democratizing country like Vietnam.

Is Vietnam democratizing after 2010? Its growing press freedom, judgments by FH, RSF to the contrary notwithstanding, points to a significant movement in that direction. The answer then, is yes, it is democratizing, despite organizations such as RSF or FH insisting that there is no press freedom in Vietnam. However, it can be argued that a free press does exist in Vietnam, thanks to the rapid development of the media industry, fast growth in the number of journalists, growing financial independence of newspapers from the state and the discussions of sensitive topics, especially the denunciation of corruption by the press. Vietnam, in this key indicator, is very much on the path to democratization.

Five corruption scandals have been investigated and reported by Vietnamese journalists within 4 years. Meanwhile, it should be noted that there were only two corruption scandals revealed from 1987 to 2010. In doing so, the press has published many in-depth articles and commentaries that have allowed citizens to raise their concerns over the issue. The press has also had a gradual impact on the judiciary, assisting it to make fair and deliberate decisions. The free press, during the period, has also started to criticize high-ranking leaders, and has even forced

the judiciary to imprison high-profile officials who were allegedly corrupt (for example, Director of the Marine Department, Duong Tri Dung). It can be seen that Vietnam is now enjoying press freedom and the fruits that a free press brings in fighting corruption. Regarding the fourth hypothesis, it may be concluded that the higher levels of press freedom brought about by more democratization leads to a greater incidence of perceived corruption scandals in Vietnam.

CHAPTER 7: Conclusion

Vietnam has experienced significant changes in its politics, economy and society since 2010. There has been an internal rupture between political leaders, mitigation of oppression of political dissidents and an amplification of civil liberties, especially in the period 2010 to 2014. As noted in previous chapters, a good deal of evidence emphasizes that Vietnam is, indeed, democratizing. The country has witnessed signals of liberalization, and part of the democratization process. The transition is leading to an increase in press freedom in the country. In the wake of this, a free press underscores the presence of corruption and highlights corruption scandals. The thesis starts with the first hypothesis that Vietnam is democratizing. Liberal democracy serves as the most common trend in the world today, and is considered as an ideal regime among types of democracies. Scholars such as Rummel (1999) describe liberal democracy as a system with regular elections for the highest government positions, competitive political parties, secret ballots, civil liberties and political rights (human rights). Many scholars, including Schneider and Schmitter (2004), Diamond (1999), Linz and Stepan (1996) and O'Donnell, Schmitter and Whitehead (1986) consider democratization as a three-step process: liberalization of authoritarian systems, transition to democracy, and consolidation of democracy. O'Donnell and Schmitter (1986) affirm that liberalization revolves around the mitigation of oppression and amplification of civil liberties within an authoritarian regime. Fissures among members of an authoritarian regime are also considered signals of the emergence of liberalization (Kaufman, 1986; O'Donnell & Schmitter, 1986; Chalmers & Robinson, 1982; Przeworski,

1986). Vietnam contains all the features of this first step toward democracy. According to the criteria described by Schneider and Schmitter (2004), Diamond (1999), Linz and Stepan (1996) and O'Donnell, Schmitter and Whitehead (1986), Vietnam can be said to be in the progress of democratization since 2010. Thayer (2009) also affirms that Vietnam is now engaged in political liberalization. Regarding the relationship between the democratization process and levels of perceptions of corruption, Rock (2009) contends that during the democratization process, a state will suffer from the greatest perceptions of corruption.

The thesis explores the second hypothesis, that Vietnam is undergoing a democratization process that thereby increases levels of perceived corruption in the country. Sung (2004) asserts that government corruption is expected to be on the rise during the liberalization period. In particular, countries that have recently been freed from authoritarian or totalitarian regimes all tend to be affected by growing corruption and “money politics” (Moran, 2001). Mohtadi and Roe (2003) also claim that corruption is found in young democracies where checks and balances, transparency and institutional systems are weak. However, based on developments and statistics, the thesis finds that democratization in Vietnam reduces the levels of perceived corruption. This conclusion defies the assumptions of many observers who conclude that the levels of corruption are high in democratizing countries (Liz & Stepan, 1996; Johnston, 1999; Mohtadi & Roe 2003; Dahl, 1971). The relationship between democratization and levels of perceived corruption in Vietnam is significantly different from that of other countries in a similar situation.

The thesis also examines the third hypothesis, that democratization in Vietnam leads to increased press freedom. McQuail (2000) affirms that a free media

possesses rights to spread news, information and viewpoints without being controlled by the government. Also, the media should be able to approach policy decision making while managing its own business. No political factors should hold sway over the media. Gurevitch and Blumler (1990), Schudson (1995), Randall (1998), Scammel and Semetko (2000), Norris (2006) agree that the media is responsible for supervising developments and changes in a democratizing setting, and shares accountability for the functioning of a democratic state and society (Gurevitch & Blumler, 1990; Schudson, 1995; Randall, 1998; Scammel & Semetko, 2000; Norris, 2006). According to Mughan and Gunther (2000), the media are one of the main factors in creating democratization. In liberalization, the media has more space to raise people's voices as well as function as a useful channel for political ideas. Agreeing with the idea that a free media boosts democracy, Jebril et al., (2013) affirm that a free media and the transition processes support each other. When the media has been liberalized, the democratization processes and human development are promoted and entrenched because reporters can take advantage of the new press freedom to produce objective articles that help build transparent and accountable governance (Norris, 2009).

The thesis reaches the final hypothesis, that higher levels of press freedom, brought about by more democratization, explain an increase in the number of reported corruption scandals. In a democratic regime, press freedom ostensibly reduces corruption. Rose-Ackerman (1999) asserts that press freedom facilitates the denunciation by the media of wrongdoings of politicians, bureaucrats and even governments. The thesis finds that the press in Vietnam enjoys a free environment in a sector that is seeing rapid progress. The 2014 report issued by the Ministry of Information and Communications showed that in the past eight years, between

2006 and 2014, nearly 240 new TV stations and newsrooms have come into operation, raising the total to 840, and that more than 410 new print and electronic outlets have been created, raising the total to more than 1,110. State-owned news agencies have become financially independent from the government, and there are more mechanisms to allow journalists to do their work. The number of key corruption scandals reported by the Vietnamese press has increased in recent years. The thesis has estimated that democratization accompanying press freedom leads to a rise in the number of reported corruption scandals.

Although the thesis reaches its main findings on the relationship of democratization, press freedom and corruption in Vietnam, as outlined, this argument still has limitations. For instance, it has yet to be concluded decisively that democratization accompanying press freedom can increase perceptions of corruption in Vietnam. Data necessary to make these determinations are simply not available. The reports of FH, RSF and the World Bank, moreover, are consistently misleading, as demonstrated in previous chapters. In the case of Vietnam, at least, they remain ideological products of the Cold War, and do not reflect the real situation of Vietnam as regard democracy and press freedom.

Nevertheless, the weight of the evidence points to major changes in Vietnam since 2010. The country does appear to be democratizing, and this process seems to be responsible for an unprecedented series of corruption scandals, a condition that points to a positive future.

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