

Vietnam has no civil code. Due process of law is a questionable endeavour. There are few lawyers and most trials, particularly political ones, take place in camera with no appeal. Vietnam's judicial system is unlikely to be impartial or independent. Many Western countries however are attempting to help Vietnam to develop a Western-oriented codified system of jurisprudence.

As in other communist states the new constitution refers to the "principle of democratic centralism". Last year the seventh party congress decided upon a course of action by which the day-to-day management of government affairs would devolve from the Party to the "elected" National Assembly. This has happened to a certain extent with the recent passage in the National Assembly of a government organization bill and the formation of a new cabinet. The key ministerial positions, however, remain in the hands of CPV politburo members. The National Assembly elections themselves which were held last July were considered the most "democratic" ever. Electors in most districts had the luxury to vote for two names from a roster of four or five candidates which had been carefully screened by the Fatherland Front. Somehow no suitable independent candidates made it through the screening process.

CANADIAN POSITION

Last January Ambassador Perron raised Canadian human rights concerns with Foreign Minister Nguyen Manh Cam. He raised in particular the cases of above-mentioned Nguyen Dan Que, of the Buddhist monks Thich Tue Sy, Thich Tri Sieu, Thich Huyen Quang and Thich Quang Do. Senior officials next raised the issue with Prime Minister Vo Van Kiet in June. In early September human rights was one major focal point of the Hon Michael Wilson's discussions with PM Kiet. On individual cases the SRV authorities have failed to respond. In general discussion their response has been predictable and disappointing. They have claimed non-interference in each other's internal affairs to be a cardinal principle of bilateral relations.

Canada has raised the human rights situation in Vietnam in its statements at the 48th CHR and at the Third Committee of UNGA 47.

Canada has made it clear to the SRV Government that our bilateral relationship cannot be developed to its full potential until Canadian concerns about human rights in Vietnam are addressed.

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