



Doctoral School of  
Political Science, Public Policy  
and International Relations

CENTRAL  
EUROPEAN  
UNIVERSITY

# Terms of Engagement: How social movements influence government policy in a one-party state

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Submitted to Central European University  
Department of Political Science, Public Policy, and International Relations

*In partial fulfillment of the requirements for the degree of Doctor of Philosophy*

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*Budapest, Hungary  
15 April, 2019*

Word count: 86,500

## Abstract

The background to this project dates back to 2001 when I first arrived in Vietnam and started working on a project to encourage the formation of ‘self-help’ groups of people with disabilities. Around the same time, groups of people living with HIV also began to form and embryonic movements appeared. More than ten years later it was clear that these movements had achieved significant influence in the form of new laws and changed cultural understandings of their communities, and that the environment for civil society and citizen voice had changed significantly. I embarked on this research to better understand the import of these movements, and in particular how, as highly marginalized citizens, they had managed to get the one-party state to listen. Rather than focussing on dissident and opposition movements, I was far more interested in how regular citizens were interacting with the state, and how and why the state was responding.

This dissertation considers the question of how social movements in a one-party state can achieve policy outcomes through in depth case studies of three movements: the movement of people living with HIV; the movement of people with disabilities; and the lesbian, gay, bisexual and transsexual movement. Social movement theory has been developed based largely on empirical studies of protest movements in ‘Western’ democratic countries. The findings of this project indicate that this is a problem. I find that theory is currently unable to explain these non-protest movements in a non-democratic environment. The study critiques a number of key theoretical concepts; for example finding that framing is not simply a tool for achieving other policy goals, or a condition explaining policy success, but is an integral part of the movements’ desired outcome. In addition, findings contribute to theory building around the key role of public opinion and the media for movement outcomes, despite the non-democratic context. The findings suggest that theory will be improved if researchers consider a wider range of movements and a variety of contentious tactics, in a variety of political environments.

The study also by necessity considers the question of why elites in Vietnam have been so responsive to these movements. In a democratic environment, political response to movements is assumed to be electoral; elected representatives are responsive if and when they fear losing power. In a non-democratic environment, the question of elite response cannot be so easily glossed over. The research finds that while utilitarian authority maintenance mechanisms are relevant; far more important are characteristics of political & administrative culture, the morals and ideas of individual decision makers, and entrenched systems of power and resources. These insights are also likely relevant in democratic environments and offer exciting opportunities for future research.

Through consideration of the dynamic interactions between citizens, elite decision makers, media and international agents, the study goes beyond consideration of social movement outcomes to offer insight into how the one-party state is changing and learning as part of the fascinating live experiment in governance that is currently being conducted in Vietnam. An epilogue considers how some of the key trends emerging from the research are contributing to both continuity and change in Vietnam’s reform process and what this might mean for relationships between citizens and the state into the future.

## Statements

I hereby declare that this thesis contains no materials accepted for any other degrees in any other institutions.

I hereby certify that this thesis contains no materials previously written and/or published by myself or another person, except where appropriate acknowledgment is made in the form of bibliographical reference, etc.



Caitlin Wyndham  
15 April, 2019

## A note on use of Vietnamese language

The Vietnamese is used for key concepts with an English translation in order to ensure clarity and faithfulness to the original language.

For place names, I use the Vietnamese spelling, separating the syllables e.g.: Hải Phòng. Exceptions are major cities such as Hanoi that are well known, and for which it would seem strange to change the commonly accepted spelling.

## Acronyms

AIDS	Acquired immune deficiency syndrome
ARV	Anti retro-viral drugs
ASVHO	The Association of Support for Vietnamese Handicapped and Orphans
CBO	Community based organisation
CCIC	Vietnam Communist Party Central Committee for Ideology and Culture
CPV	Communist Party of Vietnam
CSA	Committee on Social Affairs (of the Vietnamese National Assembly)
CRPD	U.N. Convention on the Rights of People with Disabilities
CSO	Civil society organisation
DFID	Department for International Development (UK)
DPI	Disabled Peoples' International
DPO	Disabled Persons' Organisation
ERA	Equal Rights Amendment
GIPA	Greater involvement of people living with HIV/AIDS
GoV	Government of Vietnam
FHF	Friends Help Friends' group
HCMC	Ho Chi Minh city
HIV	Human Immuno-deficiency virus
HVO	Health Volunteers Overseas
ICF	International Classification of Functioning, Disability and Health
ICS	Information, Communication, Sharing Centre
IDU	Injection drug user
IO	International organisation
ILO	International Labour Organisation
iSEE	Institute for Society, Environment, Economy
LGBT	Lesbian, gay, bisexual or transsexual
NCADP	National Committee on AIDS, Drugs and Prostitution
NCCD	National Coordinating Council on Disability
NGO	Non-government organisation
PFLAG	Parents of Lesbian and Gay people
PLHIV	People living with HIV
PWD	Person/People with a disability
SIDA	Swedish International Development Agency
SIDA	Acronym for HIV in French, Spanish and some other languages
SOGI	Sexual orientation and gender identification
MoET	Ministry of Education and Training
MoJ	Ministry of Justice
MoLISA	Ministry of Labour, War Invalids and Social Affairs
MMT	Methadone maintenance therapy
MSM	Men who have sex with men
NSP	Needle and syringe programs
PEPFAR	US Presidents' Emergency Plan for AIDS relief
UNDP	United Nations Development Program
UNGASS	United Nations General Assembly Special Assembly on Drugs
USAID	United States Agency for International Development
VAC	Vietnam AIDS Committee
VFD	Vietnam Federation of Organisations of People with Disabilities
VNAH	Vietnam Assistance for the Handicapped
VNSW	Vietnam Network of Sex Workers
VNPUD	Vietnam Network of People who use Drugs

VNMSM-TG	Vietnam Network of MSM and Transgender people
VNP+	Vietnam Network of HIV Positive People
VTV	Vietnam Television
WHO	World Health Organisation
WTO	World Trade Organisation

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## Acknowledgements

It is traditional to acknowledge the difficulties in achieving a final PhD dissertation, and certainly this project has met with many speed bumps along the way. However, for me this research has been an enjoyable ride, and while I can't say I'd do it again, I've certainly gained a lot from the experience. It is a rare opportunity for an institution to provide financial and intellectual resources for multiple years to read widely, investigate, and pursue your own intellectual interests, with very little required in return. For this opportunity I will always be appreciative to the Central European University and the staff and colleagues who were part of my experience there. The opportunity to research and investigate my experiences of Vietnam, in such a wonderful city as Budapest was truly incredible experience.

In particular I would like to acknowledge the supervisor of this research; Viola Zentai. She has been a helpful and inspiring guide for this project, understanding the potential from the beginning, meeting me where I was, and helping me to grow and do my best work. Her advice and suggestions for methodological approaches, relevant literature, how to undertake the field research, and support and guidance during the writing process has been essential for my success. My supervisory panel have also been very helpful in providing different perspectives and intellectual stimulation throughout the process. I also appreciate the flexibility of both Viola and the CEU that enabled me to manage the various problems that arose, and continue with my life & work in Vietnam while conducting the research.

While writing up this dissertation I was working full time for Blue Dragon Children's Foundation ([www.bluedragon.org](http://www.bluedragon.org)). I wish to thank all the staff at Blue Dragon for the encouragement, the flexibility and the continual inspiration to be my best and to never give up. You are all truly incredible. In particular, huge thanks to Michael and Skye whose love and encouragement are the reason I finished. You guys are amazing. I have learned so much from you and will continue to try to live up to your expectations.

Finally, I want to thank the Vietnamese people who have pioneered social movement action in the country. I hope that this work does credit to your efforts and goes some way to ensuring that the innovation and impact you have achieved is recognised more widely. I feel privileged to have been a witness at this incredible time, thank you for allowing me to be a part of it, and for sharing your wisdom and experience with me.



*For Glenn, forever and always*

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## Chapter One. Introduction and Background

### 1. Background and inspiration for the research

When I first arrived in Vietnam in 2001 several Vietnamese friends informed me that there were six gay men in Hanoi, but not to be concerned because the government was keeping an eye on them. Many people could even tell me their names; one name offered was my hairdresser. Twelve years later in the 5th Session of the National Assembly in May-June 2013, members seriously considered amending the Family Law to permit gay marriage. The Ministry of Justice publicly stated that the Law should be changed to 'reflect the principle of respecting and protecting at the highest level the human rights and citizen rights that Vietnam has committed to' (iSee, 2012). This was quite an extraordinary statement to those of us who remember when discussion of 'human rights' in Vietnam was as taboo a subject as multi-party democracy.

How can society and government policy change so significantly in such a short timeframe? In a one-party state often described as authoritarian, what explains this responsiveness to a marginalised group such as gay and lesbian people? My research was inspired by witnessing first hand of the growth of organisations of marginalised people, and their increasing interaction with government policy makers with some success.

In 2002 I started work on a project with an international non-government organisation that was one of the first to encourage the formation of peer groups of people with disabilities. These groups grew and multiplied, and eventually built a national movement that was able to engage with government and media to change the way people with disabilities are viewed and treated in Vietnam. The rapid development of this movement from a base of virtually nothing, and their ability to engage with, and get a response from the government was quite incredible, and inspired me to learn more about the dynamics and influence of these types of movements in Vietnam.

During the same period, I also witnessed significant changes in how citizens viewed their government and interacted with it. Increasingly, people were organising into collectives, often spontaneously reacting to a situation and mounting a protest, sometimes forming protest or lobby groups to engage in sustained challenges. It was clear to me that citizens in Vietnam were not passive, repressed, recipients of monolithic socialist power. This inspired me to read more, and try to find out how regular citizens can have influence in a one-party state, and to try and better understand state-society relations in this rapidly developing and changing country.

### 2. Introduction to the research

Inspired by my work and personal experiences in Vietnam I embarked on this research with nested goals. My overall interest is to better understand the relationships, interactions and changing nature of state-society relations in Vietnam. To understand how citizens, the media, international influences, and the Party-state are interacting and influencing one another, and the implications of this unique experiment in governance for the future of the

country. However, it was necessary to break that ambitious goal into a bite size piece that could be addressed within the time and budget of a PhD thesis. I had the impression that studying the emergence and influence of collectives of marginalized people, which I already knew a little about, could be the answer.

Initial reading led me to the social movements literature, which seemed like an appropriate framework from which to consider these groups. This final thesis relies heavily on social movements scholarship, but also draws on a wide range of literature from sociology, political science, Vietnamese studies and public administration. Through this literature and the field research I have been able to develop a greater understanding not only of how social movements in Vietnam work, but also, through the study of three movements of 'everyday' citizens, to gain insight into state-society relations in contemporary Vietnam, how these are changing, and what this means for how political power is organised in Vietnam and how this might change into the future.

Based on my reading, and further discussions with colleagues, I developed the following research question; *how do social movements achieve outcomes in the one-party state of Vietnam?*

For the research I selected three movements of highly marginalised people with which I was familiar. As mentioned, in 2002 I managed a project that supported the emergence of some of the first groups of people with disabilities, who then became the founding members of the disability movement. During this time, the movement of people living with HIV was also emerging, and I had some involvement with the development of this movement as well. The third case; the movement of lesbian, gay, bisexual and transsexual people (LGBT) emerged far more recently, around 2008. I was still in Vietnam at this time and watched the emergence of this movement with interest. Some of my friends were involved in supporting the development of the LGBT movement so I was also able to access these groups.

I have focussed on these movements as they have all successfully mobilized and influenced significant policy change. In the case of people with disabilities and people living with HIV the movements influenced the content and direction of significant new laws. The movement of LGBT people successfully created a national discussion about same-sex marriage that resulted in the decriminalisation of gay weddings, although it fell short of legalization. Through this project I wanted to understand more about how these small, unprofessional movements of marginalized people were able to get the ear of a relatively authoritarian government, and achieve significant response to their demands. It seemed to me that this was surprising, and that by understanding these movements more, I could gain insight into the fascinating live experiment in governance that is currently being conducted in Vietnam; to better understand exactly how 'market Leninism' (J. London 2009a) is changing state-society relations, the role and space for civil society and associations, and what this might mean in the future for all Vietnamese citizens.

## 2.1. Theoretical and empirical contribution

This project is one of very few that have considered movement effectiveness in a non-democratic environment, and one of a handful on social movements in Vietnam (as far as I'm aware, the only other studies are Wells-Dang 2011; Oosterhof, Hoang, and Quach 2014; H. Y. Nguyen and Lieu 2016; T. A. Hoang n.d.). As such, it makes a significant empirical contribution adding to the growing body of knowledge about social movements, particularly those operating in environments other than industrialized, liberal democracies. There is a need for more studies such as this; studies of movements in non-democratic environments, and movements that use tactics other than protest. This study shines a light on some of the blind spots in the existing literature. The findings in this research highlight the weaknesses in a theoretical framework that was developed based almost exclusively on studies of protest movements in 'Western' countries. The findings in this thesis demonstrate the dangers of developing grand theory based on a small number of studies that share specific scope conditions, without sufficiently acknowledging those conditions. Three detailed case studies (chapters four - six) discuss the movements, their outcomes, and how this adds to our understanding of social movement action. In chapter seven: *Putting it all together* I discuss more specifically where the current literature is lacking, and what we can learn from these unique cases in order to strengthen theoretical understandings of social movement outcomes.

As a rare study of some particular events in Vietnamese state – society relations, the study also contributes to the small but growing literature on the contemporary Vietnamese political system and how it is changing. By focussing on a few significant interactions between citizens, media & government this study can provide insight into broader transformations in state-society relations. I do not claim to have any grand theories about Vietnamese politics, or conclusions about the direction or fate of ongoing reforms. However, from this study it is possible to have some insights into the wider issue of how the one-party system is evolving in the era of *đổi mới*, and what this might mean for relations between citizens and government into the near future. I explore this further in an Epilogue.

## 3. Background to the Vietnamese political system

Contemporary Vietnam is a one-party 'market socialist' state (J. London 2009b); i.e. it maintains socialist characteristics such as prioritizing State Owned Enterprises, control of the press and the right to association, but has a relatively open market economy. When the Vietnamese Communist Party under Ho Chi Minh liberated the northern part of the country from colonialism in the 1945 'August Revolution' they introduced classic Leninist centrally planned collectivist economic and social policies. These were expanded to southern Vietnam (with limited success) following the reunification of the country in 1975. However, by the early 1980s it was clear to most observers, and many within the country, that these policies would have to change if rebuilding and repopulation of the post-war country was to have any success. In the early years of the 1980s there was much 'fence breaking' (originally used by Fforde and De Vylder 1996) where local and provincial authorities allowed citizens and communes to experiment with private ownership & private production. Often this was allowed in order to avoid famine and potential peasant revolt

(for more on this period see Fforde 1989; H. V. Luong 2003; Gainsborough 2010b; Vasavakul 2014). The result of this experimentation was that the Communist Party and national authorities became convinced of the need for reform and introduced *đổi mới* (normally translated as 'renovation', but better understood as 'renewal') at the Party Congress in 1986, which was then further expanded in 1989. Since the introduction of *đổi mới*, Vietnam has been undertaking a steady, still largely centrally planned, transition to a market based economy. In more recent years, *đổi mới* has also been expanding to the political and administrative system and society, introducing a number of reforms to improve accountability and transparency and enabling some relatively independent civil society organisations to form and operate.

To understand the Vietnamese political system it is necessary to understand the Party–State duality that makes up the governance system. The Party and state/government are two distinct arms of the system, with different roles, statuses and responsibilities, although they are closely linked.

At the national level, Vietnam has a classic state socialist governance model headed by the Vietnamese Communist Party, which sets the overall strategic directions through a National Party Congress held every five years. At the Party Congress, the membership elects the Central Committee; the body in which formal political power is vested. The Central Committee meets at least twice per year to decide policy and strategy. The Central Committee elects the Politburo and the General Secretary of the Communist Party, who manage affairs between Central Committee plenum and Party Congresses.

The government consists of the prime minister, three deputy prime ministers, ministers and heads of ministerial level agencies such as the Fatherland Front (see Table 1 below for more details on the Fatherland Front and its member organisations). The government is formally accountable to the National Assembly; a body consisting of elected representatives from all parts of the country, along with ministers, the Prime Minister and deputy prime ministers. The National Assembly is elected by citizens every five years, and is the only body with official constitutional and legislative powers. Formally, the Party and Politburo set strategy and policy direction and the National Assembly implements it. However, it is rarely so clear-cut, particularly with reforms strengthening and professionalizing government organs.

The formal connection between these two parts of the governance system is via the Politburo, as both are represented through the President, Prime Minister, General Secretary and Chair of the National Assembly.

At sub-national levels, People's Councils at commune, district and provincial level are elected by citizens every five years, and report to the National Assembly. The People's Councils elect People's Committees at provincial and district level who are responsible for the executive functions at this level. However, the People's Councils tend to be weak compared with People's Committees, which have responsibility for budgeting and local implementation and interpretation of laws. The system has always been, and through the reform process, is becoming even more decentralized, providing even greater



opportunities for both policy innovation, and loss of central government and Party control (for more on decentralization see Gainsborough 2003; Malesky 2004; Painter 2008; Schmitz et al. 2012). Each ministry and mass organisation (see below for more on mass organisations) also has provincial and district level structures. As such, they have a dual reporting responsibility; being accountable to both their parent ministry at national level, as well as the local People's Committee.

Significant political reforms in recent years include strengthening the role of the National Assembly, and professionalising it with more full time delegates and greater support for them to undertake policy and legislative work between sessions. The requirements were also loosened to enable non-Party members to stand for election (although vetting by the Fatherland Front means that this 'right' is heavily curtailed). As a result, the National Assembly is no longer simply a rubber stamp for policies emerging from the Politburo. Delegates are now expected to attend and perform, and the Assembly has an important role in debating laws and policies and trying to ensure they meet the needs not only of the Party, but also the people (Anderson 2013). In addition, the Assembly has recently taken a far more muscular role in holding the country's leadership accountable (Salomon 2007; Malesky and Schuler 2010; Malesky, Schuler, and Tran 2012). The Assembly now has the power to hold secret, no-confidence votes in Ministers or other leaders. The first time this power was used was in 2013 where a shock vote of confidence in the Prime Minister resulted in fewer than half the delegates expressing full confidence (*Reuters* 2013). Delegates can also now question Ministers and other leaders, and have used this ability to raise concerns of constituents, albeit in a somewhat limited way (Malesky and Schuler 2010).

Transparency in the Assembly has also increased through the reform period. National Assembly sessions are now telecast on national TV. This includes query sessions, and debates on reviewing implementation of socio-economic development plans. There is some evidence that these sessions are watched by the public with interest and have some effect on public opinion (Schuler 2014, 105). With increasing Internet penetration, statements, or lack of such, are also regularly reported online, on official media, as well as through social media platforms. Photographs of delegates napping in sessions regularly go viral and attract wide condemnation. These accountability measures are still quite limited, and it is important not to overstate the situation. The vast majority of members of the Assembly are still Party members (usually over 90%), most debates are not controversial, and few leaders attract sanction from their colleagues. However, the mere introduction of such accountability and transparency mechanisms should be seen as significant for a one-party non-democracy.

The process of *đổi mới* has also resulting in greater plurality in the system. Decentralization is creating new sources of power and wealth in provinces as they have greater control over their budgets, including income raised from attracting foreign investment. Breaking down the barrier between entrepreneurs and Party membership has meant new, wealthy business people can now also wield power in the political sphere, as well as increasing opportunities for corruption of political office. Opening of the economy to global markets has kick-started the economy, and Vietnam has an enviable record of

attracting foreign direct investment (Gainsborough 2003, 2004; Vasavakul 2014, 2019). Global brands including Samsung, Foxconn, Nike and Ikea, along with major Chinese and South-East Asian companies, now have a significant presence in the country and also vie for political influence.

It is in this context of reform that the movements under study emerged, and joined the increasing number and diversity of interests engaging with the government for greater recognition and advantages.

### 3.1. Civil society and social movements in Vietnam

The reform process of *đổi mới* has also significantly affected civil society space. Prior to *đổi mới*, civil society consisted almost exclusively of mass membership organisations for each major social group; Women's Union, Ho Chi Minh Communist Youth Union, Trades Union, etc. (Norlund 2006). These organisations are part of the Party–state, receiving some budget from the government and with a mandate to communicate between the Party and citizens. They are registered and represented at the national level under the 'Fatherland Front'.

With reform, the party state recognized a need for more scientific and technological innovation to kick-start economic growth and development. To encourage the formation of organisations that could conduct research and develop necessary technology, the Decree for Science and Technology Organisations was introduced in 1992. This Decree did encourage many scientific organisations to form, however, it also provided a legal vehicle for other kinds of civil society organisations (CSOs) to legally register, and is still a popular legal vehicle for a range of groups. The expansion in number and diversity of CSOs accelerated in early 2000, in parallel with increasing international interest in the role of civil society in development. Space was further opened through the passing of Decree 88 on Associations in 2003 and the formation of the Ministry of Home Affairs. Following this, many new organisations formed, both officially and informally, operating with no official permission. Strictly speaking 'independent' civil society, i.e. those organisations completely separate from the State and Party, is heavily regulated. However, if one actually considers the specificities of the environment and broadens definitions beyond those normally applied in liberal democratic, western societies, associational life in Vietnam is incredibly rich and varied (Norlund 2006; Hanna 2007).

Thus, in contemporary Vietnam there is a wide range of civil society organisations (see Table 1).

The mass organisations (or socio-political organisations) continue to dominate due to their large numbers of members and an official role and budget from the government to propagate government policy, as well as transmit citizen preferences and concerns back to the Party-state. These organisations have a formalized role in citizen relations specified in many laws and decrees, including the Grassroots Democracy Decree, and are the core of 'civil society' as the Vietnamese authorities understand it.

Science and Technology organisations are the closest legal form that Vietnam has to a non-government organisation (NGO). An NGO Law has been ‘in development’ for over 15 years, and has no prospect of being approved in the near future. However, the Decree on Science and Technology Organisations enables the registration of organisations that can act in a similar way to NGOs. These types of organisation, often established by former government officials on their retirement or increasingly by young professionals on their return from study abroad, play an important role but tend to focus on research and service delivery with limited presence in advocacy or policy.

The third key types are membership-based organisations which normally register under the Decree 88 on Associations. The key difference between these and Science and Technology organisations is that associations must have members, therefore are generally more grassroots. Many of the organisations involved in the three movements under examination are registered as associations. It is also possible to register a federation of membership associations.

The majority of civil society organisations however are not officially registered and operate in a legal grey area. It’s quite cumbersome to officially register, thus many smaller, community based groups don’t bother. Usually the authorities are aware of them, they may even have tacit approval, and they can usually organise events, activities, meetings etc. with no problems. The difficulty in not being registered is that it’s not possible to set up a bank account or receive donor funding, and there is always the risk of being shut down (although this is also a risk for formally registered organisations!). However, many of the smaller, more grassroots movement groups involved in this research operate without official registration and with few difficulties. These informal community based organisations (CBOs) involve a very large number of citizens and operate in a very wide range of areas; neighbourhood associations, water user groups, student groups, alumni groups, religious groups, etc. The World Values Survey 2001-04 found very high density of membership of organisations in Vietnam, with 75% of the population belonging to at least one group and the average citizen being a member of 2.3 organisations (Dalton et al. 2003). Thus, the concept of groups, associations, membership of a collective body is very familiar to Vietnamese (Norlund 2006).

**Table 1: Typology of Vietnamese organisations, with examples**

Type of organisation	Relationship with the state/level of independence	Level of operation
<b>1. Mass Organisations</b>		
Fatherland Front (FF)	Socio-political organisation/ part of the Party state	Umbrella for 29 other organisations. National & provincial level
Mass organisations	Socio-political organisation/ part of the Party state. Including; Women’s Union, Ho Chi Minh Communist Youth Union, General Confederation of Labour (Trades Union), Veterans Association, Blind Association, etc.	All levels, commune to national

<b>2. Umbrella organisations</b>		
Vietnam Red Cross	Fatherland Front member/part of the Party state	Umbrella for provincial Red Cross societies
Vietnam Union of Science and Technology Associations (VUSTA)	Umbrella for organisations registered under the 1992 decree. Member of Fatherland Front/part of the Party state	All levels
Business Associations	Vietnam Chamber of Commerce and Industry (VCCI) is part of the Party state. At lower levels, business associations are more independent	Mostly city based
<b>3. Professional associations, Science and Technology organisations (VNGOs)</b>		
Professional Associations	Must be registered with VUSTA/ Ministries/People's Committees – thus state oversight	National, provincial
Student Associations	Registered with Universities	Cities
Issue based associations e.g. to assist the poor, disabled, etc.	Must be registered with VUSTA/ Ministries/People's Committees – thus state oversight	National, provincial, district
<b>4. Religious organisations</b>		
Faith-based organisations	Official, registered Churches to which all smaller churches must belong are part of FF. Unregistered churches face extreme repression, harassment and censure.	All levels
<b>5. Informal groupings</b>		
Credit cooperatives, savings groups, water user groups, etc.	Sometimes registered with umbrella or mass organisations	Local level
Informal clubs and groups (sports clubs, festival organisers, neighbourhood associations etc.)	Unregistered, but known to the government. Little government oversight, unless they stray into controversial issues	Local level
<b>6. International NGOs</b>		
INGOs	Registered with People's Aid Coordinating Committee of the Union of Friendship Organisations (which is under the Fatherland Front). Quite heavy government control	Largely based in cities especially Hanoi, working in rural areas

(Adapted from Norlund 2006, 33–34)

Collective life therefore in Vietnam is diverse, however it remains relatively powerless in terms of political influence. The most recent and comprehensive study of civil society was conducted in 2006 by Civicus: World Alliance for Citizen Participation. An advisory group considered the relative influence of different parts of civil society at that time and found that the traditional 'core groups' of a communist state; farmers and workers, were no

longer influential, although other Communist forces such as the Communist Party and the Politburo still have the most influence. Among civil society, the group agreed that the media, the Fatherland Front and the Vietnam Women's Union held the most influence (Norlund 2006). Although much has changed in the Vietnamese political system, it is still the case that the government and Party are the most influential parts of society, although there is likely more recognition of the influence of citizen's groups ten years later.

Vietnam then, is not as lacking in civil society as one might expect for a socialist state with a relatively authoritarian single party. Associations are diverse and participation is widespread. However, the vast majority of these organisations are concerned with research, service delivery and social rather than political issues, and, other than Fatherland Front members, they remain relatively powerless in the political and policy process. In this environment it is even more surprising that the movements under study were able to emerge and engage with the government to achieve such significant outcomes.

#### 4. Structure of this thesis

The thesis follows a relatively classic structure. In the next two chapters I address the relevant literature and outline the theoretical framework that informs the research. Three case study chapters comprising 'thick description' (Clifford 1973) of how the movements emerged and mounted campaigns to change policy and introduce new understandings of their marginalized identities follow. The cases consider the range of actors involved, including the media, international actors, as well as the movements and Party/government members. The cases analyse how the movements conducted their challenges and how they achieved outcomes and discusses where this aligns with or contradicts the literature.

The findings from the three cases are then brought together in a concluding chapter, which draws overall conclusions about what the cases say in relation to the research question, as well as the implications and lessons for social movement theory.

A final epilogue completes the thesis, zooming out to consider the broader question that originally inspired the research. In this epilogue I draw on the empirical findings and other literature about politics in Vietnam to try to gain some insight into what these everyday movements can tell us about how the country is currently governed; in particular how state-society relations are evolving. The epilogue provides some suggestions as how key trends affect the future directions of reform, change and evolution in the relationship between the state and citizens in the coming period.

## Chapter Two. Understanding social movement outcomes in a non-democracy

### 1. Introduction

The main concern of this research is to understand the puzzle of how small movements of highly marginalised people have been able to gain concessions from the Vietnamese one-party state. As outlined in the introductory chapter, Vietnam is certainly no longer a pure socialist monolith, however it is still relatively authoritarian and closed, particularly in terms of freedom of association and the empowerment of civil society.

To understand these three movements better, I rely largely on the literature on social movements, both those in democratic societies and the smaller number of empirical studies on movements in non-democracies. In this, I consider both the political science and sociology literature on social movements. In addition, the limited literature on political and social change in Vietnam, and policy change scholarship has informed the project.

Social movement literature has examined a number of questions about the phenomena. Much of the literature, especially in early days, has focussed on trying to understand (and predict) why and when movements emerge. In common with other early collective action literature and following Olson (2002), social movements were seen as a violation of the rationalist assumption that people will tend to free ride on hard-won new advantages or benefits. The puzzle was to explain why some people got involved in movements to fight for these benefits. Studies have also considered the activities and tactics of movements, how they mobilize members, how they engage in challenges, etc. Less commonly, but increasingly, studies have tried to consider the consequences of movements. Research has considered the question of whether movements have consequences, as well as trying to explain variations in influence among movements, and also whether movements are consequential i.e. given that there are a wide range of reasons for social change, do movements play a significant role (Amenta et al. 2010)? My focus in this research is also concerned with movement consequences. I am interested in how these movements have managed to achieve outcomes<sup>1</sup> in such a seemingly limited environment.

A key debate within social movement theory, including among scholars focussed on consequences of movements, is how to better connect 'structure' and 'culture'. Different scholars have tended to focus on either structural explanations of movement outcomes, such as which configuration of movement characteristics is most effective (Gamson 1975), or how external political opportunities influence the ability of movement to affect policy (Kitschelt 1986; Tarrow 1998; Kriesi 1996; McAdam, McCarthy, and Zald 1996; Tilly 2001). Another group of scholars have tended to focus on how ideas, interpretations, culture and emotion play a role in the success or otherwise of movements (Klandermans 1984; Johnston and Klandermans 1995; Alvarez, Dagnino, and Escobar 1998a; Snow et al. 1986; Benford and Snow 2000; McCammon et al. 2001, 2007; Bernstein 2003; Earl 2004;

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<sup>1</sup> Various terms are used in the literature, including *consequences*, *outcomes* and *impact*. I use consequences and outcomes interchangeably for the proximate effects of movement action, but use *impact* to refer to longer term, more far reaching effects.

Polletta 2008; Armstrong and Bernstein 2008; Goodwin, Jasper, and Polletta 2009; Bernstein 2013).

Increasingly however, the distinctions between these two approaches are breaking down and scholars are calling for better integration between these two traditions and exploring how structure and culture are linked. 'Both meaning and structure are important for understanding movements' internal dynamics, their external contexts, and the interaction between the two' (Whittier 2002, 292). I agree that consideration of both structure and culture is essential for a more comprehensive understanding of both what movement outcomes are, as well as how they are achieved (Alvarez, Dagnino, and Escobar 1998b; Crossley 2002; Meyer, Whittier, and Robnett 2002; Armstrong and Bernstein 2008; Opp 2009; Goodwin and Jasper 2012). In this study I also try to break down the structure vs. culture debate. All three movements considered in this research target both political change in the form of new or revised legislation, as well as trying to change cultural understandings and values about their communities. For this reason, it makes sense to continue the attempt to try to understand the ways in which both structural and cultural outcomes are achieved, as well as what structural and cultural conditions influence the ability of movements to achieve outcomes.

An innovation in this study is that I consider both sides of the question of how movements achieve influence. Firstly, what is it about the movement's characteristics and actions that explains how they have achieved outcomes; the traditional focus of much of the literature. However, in this study I also try to gain insight into what is it about political actors and system that explains why elites have responded to these movements? This half of the equation seems to me to be particularly interesting and relevant, especially in an environment where it's surprising just how responsive political actors have been to movement pressure.

In this chapter I consider what the literature has already found about: internal elements of movements that influence their success; the impact of external political context on movement success and finally what the literature has to say about why political elites respond to movement action.

## **2. Characteristics of social movements that affect success**

Early work on social movement outcomes primarily focussed on the movements themselves and considered which particular characteristics of movements were significant in explaining different levels of success. The first comprehensive study by Gamson (1975) as a large 'n' study considered elements such as size of the movement and financial resources. This set the scene for many other scholars to focus on these types of internal movement characteristics. Somewhat later, the idea of 'framing' was found to be important. The way movements were able to articulate and promote an issue was found to be a significant factor influencing movement success.

As these components were well covered in the literature, they were built into my theoretical frame from the beginning. However, one characteristic of movements emerged from the field study as warranting further investigation. The issue of movement leadership



is not well covered in the literature, however leadership came out of the three cases in Vietnam as a critical factor, so I delved into both the organisational development and movements literature related to this issue.

### 2.1. The structure, organisation and resourcing of movements

In order to achieve any kind of outcome, movements must first mobilize and have a certain level of capacity and resources to mount a challenge (Giugni 1998; Giugni, McAdam, and Tilly 1999; McAdam, McCarthy, and Zald 1996; McCarthy and Zald 2002, 1977). In terms of policy/political influence, several studies have found those movements with access to more resources, and with stronger organisational structures have been able to have greater policy influence (Gamson 1989; Giugni 2008). Larger movements, which can mobilise more members and supporters also seem to gain more influence in the political sphere.

Thus, it seems that there are some structural elements about movements themselves that seem to be significant in determining their level of impact, and likelihood of success in reaching their goals. However, as most of the studies on which these findings are based are movements relying on public protest it is not clear that these findings are transferable to movements that rely largely on other tactics. It seems reasonable that for the protest tactic, numbers of bodies on the street, organisational capacity and funding is particularly significant. However, I argue that for movements that use different tactics these factors may well be less important. For movements that concentrate on engagement with policy makers, different components of 'capacity' are likely to be important.

Considering different approaches to movement capacity and how it might affect their outcomes, some scholars have focussed on the 'social capital' or 'feel for the game' of movements made up of specific, embodied actors (see for example Crossley 2002; Armstrong and Bernstein 2008). Crossley (2002) conceptualises spaces such as policy spaces or media spaces as structured like games, with particular rules, ways of communicating, specific practices, etc. This approach encourages researchers to 'view social movements' political activities as the collective work of skilled and active agents' (Crossley 2002, 176). Their actions are strategic and purposive, but also affected by the character of the actors, their emotions, knowhow and competence, perceptions etc. as formed through social experiences. Thus, it is important to consider these elements of capacity, not simply the levels of funding, number of members or decision-making structures.

Movements operate in different fields of action with their own specific norms, rules, opportunity structures and forms of control. 'Challenges are more likely to succeed if activists have a 'feel for the game'' (Armstrong and Bernstein 2008, 85). Movement capacity thus is not a disembodied, objective characteristic meaning 'effective' movements succeed in any challenge. Movements that are successful in one policy field may absolutely fail in another field such as the legal field, or with a media campaign. Movement actors or leaders with relevant and appropriate social experiences who can understand the norms and rules of a particular field or game, are thus more likely to be effective. The implication is that movements (and those researching them) need to either have or



develop a good understanding of the rules of the field in which they are operating in order to be able to play the game well, particularly if they wish to influence the changing of those rules. We thus need to expand our understanding of 'movement resources' to include not just funds and personnel, but specific forms of social capital that enable movements to access and operate within the field they are trying to influence. This approach is far more useful for my three movements, for whom financial capital and organisational ability seems to be either irrelevant or even harmful for a number of different outcomes.

This approach also helps to understand some other key movement research findings. For example, the finding that movements that focus on a single issue (or field) are more likely to be effective. It is likely that this is not simply about focus and concentrating resources onto a specific campaign, but also that this level of focus enables movements to develop a 'feel' for that specific game, and to thus influence the specific configurations of power and domination in that field, to be accepted as a legitimate actor, to frame discourses that will resonate in that field, etc.

## 2.2. Framing

With the emergence of the 'political process' approach to movement theory and increased focus on 'new social movements' such as women's, LGBT and indigenous movements, there has been more consideration of the role of meaning and meaning making for movement outcomes. Much of this has focussed on 'framing' or how movements articulate demands, define themselves as a group, define and explain issues, etc. The 'framing' of issues for political debate, particularly issues that were previously seen as not political, was a key element of the challenges of the new social movements and has now become a standard site for empirical investigation in most movements (Crossley 2002; Amenta et al. 2010). One of the most influential studies is Cress and Snow's (2000) investigation of homeless people's movements in the US which found that the ability of movement organisations to effectively develop *diagnostic* frames to articulate a problem, and *prognostic* frames to articulate solutions to that problem, were a key factor influencing success for their four outcomes of representation, resources, rights and relief. Framing, however, also seems to be highly context dependent. The prognostic framing that is effective in recruiting people to attend a protest, is not necessarily the same as that which will convince a Minister to change policy (Amenta et al., 2010). This makes sense if we understand these different actions as 'fields' with their own rules and practices.

It can be difficult to unpack and understand why certain frames resonate and how elites adopt or change their frames and thus policies. Crossley (2002) argues that in political contexts, frames need to not only resonate with the particular values, norms and culture of that field, but that certain frames will either be elevated or sink without trace because of the power and interests invested in them. Discourses, values and norms are in constant flux, with new, innovative ideas and emergent norms supported by different power relations in interaction with traditional, taken for granted discourses for power and dominance. At times of crisis or change, 'windows of opportunity', the balance between discourses and their interests is up for grabs, and innovative ideas can come to be invested with power and find traction. The 'diagnostic' and 'prognostic' frames of movement organisations are also thrown into the mix and if they can resonate with specific

emerging powerful interests may gain dominance (Whittier 2002). More powerful actors tend to have greater control over the who, why, how and what of discourses, thus the need for emerging, innovative discourses to attract 'allies' in powerful discourse interests (Steinberg 2002).

For example, the 'human rights' frame of all three movements in Vietnam was unable to gain much traction in early 2000s because the dominant approach of powerful interests (primarily the Party) was to resist 'Western', capitalist frames and discourses. Vietnam was being criticised heavily for their human rights record and the response of the Party-state was to reject this concept entirely. At this time I remember being instructed to go through a draft publication about the UN Convention on the Rights of People with Disabilities and remove all the 'humans'! In 2005 it was possible to publish the phrase 'rights of people with disabilities' or 'rights' in general, but the term 'human rights' was not to be uttered in public and definitely not published. By 2013, a new idea had gained power within the Party and state; to harness human rights discourses, transform them, and put them to work in the service of the Party. In 2013-14 human rights discourses were effective for the LGBT movement, as they resonated with this new approach. Powerful interests in the Party and state were now willing to accept rights-based framing for same-sex marriage debates as part of their transformation of the meaning of human rights, and as an opportunity to balance the ledger against accusations of rights violations in other areas.

This approach is offered further weight by research done by Steensland (2008). He tests two possible mechanisms for how frames change and finds that it is not necessary to have new elite actors or changes in the distribution of actors in a policy debate. Rather, the same policy actors can change their views over time, meaning new policy approaches and innovative ideas can become dominant even without a change in the actor composition. This mechanism operates through interaction between media (journalists), 'frame promoters' (including social movements) and policy actors, as well as external conditions that can affect which frames and policy approaches come to be seen as most appropriate by the majority of policymakers. External changes in economic or political environments can mean policy makers struggle to make sense of the new situation, and thus search for new explanatory frames.

Thus, the process of elite perception formation and change, and their sense making about particular policy issues or policy objects, involves a complex interaction between a range of actors and public discourses, including movement actors and movement frames. In a developing country like Vietnam, international actors also generate policy discourses and frames that aim to influence governments. Both international development organisations and international social movements contribute specific frames and try to influence policy and cultural discussions around particular issues such as disability or LGBT rights. These international actors play a significant role in the three movements under consideration in this project. There is some evidence in the literature that this donor/NGO influence can positively affect the mobilization of movements as well as their strategies and actions to influence the state (Johnson 2009; Patterson and Stephens 2012). There is also work on international social movements and their interactions with domestic actors (see for example Howell and Pearce 2001; Van Rooy 1998; Tsutsui and Smith 2017). This project

considered the approaches, discourses, and influence of international actors on movements and government as significant factors in the processes of policy and cultural change (see section 3.3 this chapter for more on international influence).

It seems however, that not all issues are equally vulnerable to new ideas or changes in frames. Several studies have found that certain issues are highly resistant to social movement influence, including issues related to national security or the military, issues that are closely tied to the major societal cleavage structures, and issues that would implicate major political or resource stakes (Kriesi et al. 1995; Giugni 2004b). This suggests that certain issues such as national security are endowed with such power and importance that they do not respond to normal levels of pressure from competing ideas. These issues and ideas around race, religion and ethnicity which determine cleavage structures have their own particular logics related to years of history and investment of interests and may need particularly powerful 'shocks' to change – such as civil war or an extreme threat. Pressure from competing discourses of social movements is unlikely to be sufficient.

Despite having been developed based on studies of democratic countries, framing is also important in authoritarian environments where protest is often highly proscribed and thus there is a need for more innovative approaches to challenging authorities. 'Rightful resisters' in China harness the discourses and 'rights' enshrined in central government policies and statements, to resist local government violation of such rules (O'Brien and Li 2006). Frames that align with or echo particular political and social understandings and concerns are more likely to be competitive in attracting officials and governments and aligning with their interests even in repressive environments (Hurst 2008; Xie 2011; Zuo and Benford 1995).

Thus, the literature on framing indicates that certain controversial issues related to cultural or political cleavages will likely be highly resistant to movement action. However, for other issues, including those considered in this research, consideration of how the movements framed their arguments and issues, and how they were able to promote these frames; through media, with elite allies, as well as the role of international actors is likely to be a significant issue influencing movement success.

### 2.3. Leadership

Given my existing knowledge of the movements in Vietnam it was clear to me that leadership was likely to be a key issue influencing success. I thus searched the literature for guidance on how to consider this issue. To some extent, leaders are present in more traditional social movement studies. It is often un-stated but findings that the 'movement' is mobilizing and utilising resources, reaching out to and inspiring new members, deciding on tactics, engaging with allies, etc. assumes that there are individuals, likely leaders, who are actually carrying out these tasks. Some of the earliest social movement theorists did consider leadership to be crucial, and found there was a need for different types of leaders at different stages of a movement, or for different tactics. For example, charismatic motivators are required at early stages for emergence and mobilization of members, and as the movement grows and institutionalises, organisational or bureaucratic specialists are more necessary (Blumer 1986; Smelser 2011). More recent studies find that better

organised movements with stronger leaders are more likely to achieve success, although it is highly contingent on the context and the particular movement activity (McAdam, McCarthy, and Zald 1996; Giugni and Passy 1998; Amenta et al. 2010).

Aminzade, Goldstone & Perry (2001) argue that structural, cultural and framing resources are insufficient to fully explain the success or otherwise of revolutionary movements (and they claim, somewhat unconvincingly, that their arguments also apply to other types of movements). They consider a different two dimensions of leadership; 'task oriented' and 'people oriented' and argue that a combination of leaders with both characteristics is necessary for successful movement action. And, that at least in the case of revolutionary movements, revolutions with self-effacing leaders are more likely to result in democratic outcomes than those with self-aggrandizing leaders (not a particularly surprising finding). While the concept of task oriented and people oriented leaders is somewhat useful, there is in the chapter no guidance as to how to operationalize these concepts, and along with self-effacing vs. self-aggrandizing, the concepts are not particularly practical for researchers who would want to try to compare different leaders and different outcomes. In addition, although they claim broader applicability, the movements under consideration in Vietnam are far from being revolutionary movements.

There is now increasing correspondence between organisational theorists and social movement scholars regarding the issue of movement leadership, and some insights into the importance and mechanisms of leadership are emerging. Significantly Andrews *et al* (2010) find that leadership is more significant for the effectiveness of civic organisations (which have similar characteristics to social movements) than external political opportunities or availability of resources. Specifically they find that leaders with higher levels of skill and commitment are more successful in achieving 'political presence' (recognition by political, media, community) (Han et al. 2011). This makes intuitive sense; those of us who have been involved with social movements or civic organisations understand how important the role of the leader is, not merely in managing the organisation effectively, but in inspiring members and volunteers and motivating action in the face of uncertainty and risks. It was clear in the three movements under investigation in this study that there were differences between the movement leadership, and that it seemed to have some effect on their ability to achieve outcomes.

The difficulty for researchers wishing to incorporate leadership into studies of movement success is in developing a framework for assessing leaders' skills and commitment that is operationalizable, applicable in multiple contexts and does not fall into essentialism.

Nepstad and Bob (2006) have proposed the concept of 'leadership capital' comprising cultural, symbolic and social components. In the cultural sphere, they stress the importance of leaders having good knowledge and understanding of local cultural values, discourses, experiences and traditions of a particular culture, as well as of the broader culture within which it fits, in order to be able to frame issues appropriately, choose relevant tactics, etc. Here they echo Crossley (2002) and Armstrong and Bernstein (2008). The second component, social capital, is the traditional Putnamian (2001) approach incorporating the idea of social networks (strong and weak ties) and allies. Finally,

symbolic components of leadership capital comprise the prestige and social recognition that makes it possible for leaders to inspire trust and legitimacy both within and outside of their movement. The theory goes that leaders with higher levels of all of these components will have higher leadership capital and greater success in general (see also Ganz 2010). This approach proved relevant for the movements in Vietnam. In particular, leaders with high levels of social capital and a good understanding of the 'game' within which they were working were able to more easily engage with government and influence policy outcomes.

Leadership as an independent factor influencing movement outcomes has not attracted the attention it should have in the social movement literature. But those studies that have been done do indeed find that leadership has an impact on outcomes (Aminzade, Goldstone, and Perry 2001; Ganz 2010; Andrews et al. 2010; Han et al. 2011). The literature provides a little guidance, in that issues such as charisma, people management, and understanding of the particular field in which they are operating are likely to be important for movement outcomes. However, these concepts are quite difficult to operationalize effectively, and the literature is far from a consensus about how and why leadership affects outcomes.

### 3. Political context and movement outcomes

It is clear that the political environment affects the ability of movements to gain political influence. However, the study of political environment/opportunities/context is one of the most controversial and complex parts of social movement theory. The political process or political opportunity structures (POS) approach was developed primarily to explain the emergence of movements and protest, however it is also considered relevant for movement outcomes. Early studies in this tradition found that more open political contexts make movement influence more likely, although not in a simple linear fashion (Kitschelt 1986; Kriesi 1996). It seems that 'very closed regimes repress social movements, that very open and responsive ones assimilate them, and that moderately repressive ones allow for their broad articulation but do not accede readily to their demands' (Kitschelt 1986, 62). Beyond this relatively logical finding, the link between political opportunities and movement outcomes is less clear.

Studies have variously viewed political 'opportunities' as both a dependent and independent variable (Tilly 2008; see also Meyer 2003a), in that movements and their political contexts are in interaction with each other and are both changed by the challenge. Another difficulty is that the term has become a grab bag for a huge range of different elements of political environment, including openness and ideological positions of elites, opponents and allies, electoral rules, bureaucratic competency, activities of opponents, repressive capacity of governments, level of centralization and thus access/veto points, activists' perceptions of political opportunities, external changes in policy or international policies, etc. (for an overview see Meyer 2004; Amenta et al. 2010). With an ever expanding list of components, some argue the concept has been stretched beyond usefulness (Goodwin and Jasper 2004; Jasper 2012; Amenta and Halfmann 2012). There is also some suggestion that some elements of political opportunities structures might be particularly or only relevant in the US context (Jasper 2012).

The development of the political process approach, and in particular political mediation models have argued that political opportunities are significant, but that the analysis of the political environment is not sufficient in itself to explain movement success. Favourable, open political opportunities seem to be a necessary but not sufficient condition for movement policy success. Rather, interaction effects between movements, movement tactics, political environments, & public opinion have a greater explanatory power than simply considering opportunities alone (Amenta et al. 2010; Amenta and Halfmann 2012). At least in the US context, the stage of the legislative environment and partisanship also seem to be significant (see for example Amenta, Caren, and Olasky 2005; Giugni 2007; Olzak and Soule 2009; Amenta et al. 2010).

In a one-party state such as Vietnam, which has a relatively closed environment for civil society, as discussed in the introduction, we should expect that the political context is highly significant for movement outcomes. In the remainder of this section I examine how the political opportunities literature, although it has been mainly developed based on democratic polities, can none-the-less be relevant for Vietnam.

### 3.1. Political context in Vietnam

In what way is the literature on political opportunity structures and their impact on movement outcomes relevant for movements in Vietnam? Political opportunities are to some extent given, in terms of legislative and governance institutions and cultural norms affecting the political culture. However, they are by no means immutable and unchanging, even in an authoritarian environment. Movement action, and other pressures influence constant change, evolution and backsliding. Global influences such as global economic crises, political events, natural disasters, etc. can influence the relative openness or repression levels of domestic political opportunities. Over the period of this research from 2000 – 2015 political opportunities and civil society space in Vietnam was gradually opening, although unevenly. Certain actors such as political bloggers and Christian minorities faced increasing repression, which has attracted a lot of media and academic attention (see for example Gillespie 2015; Reporters Without Borders 2015; Rollo 2016). However, despite this, these movements and other even less organised citizen movements were able to mobilize, access political processes, and have impacts on policy change. During the latter part of this period there were even spontaneous street protests and other creative demonstrations of citizen opposition to particular government decisions (or even to the Party itself) which were not repressed and even received substantial mainstream media coverage (Winn 2015; Q. B. Le et al. 2015; T. H. Le 2016; Clark 2016).

In non-democratic environments study of political opportunities has largely focussed broadly on the impact of repression levels for movement mobilization and success, generally finding that highly repressive environments limit both, although in some cases repression can also stimulate the mobilization of movements as people react against repression and organise collective opposition (Goodwin 2012; Robertson 2010). There is also some indication that it is not the overall *level* of repression that affects movement mobilization, but *changes* in levels of repression (Osa 2003a). Graeme Robertson (2010), considering post-Communist Russia, argues that in hybrid regimes combining both democratic and authoritarian elements (arguably similar to Vietnam's market Leninism), it



is not only the State's ability to repress or mobilize dissent, but also the 'organisational ecology' (the size, nature and interactions within civil society) within which movements operate which is significant for levels of protest and potential for democratization.

The difficulty with much of this research is that the empirical studies focus on movements that rely on protest. If protest is the only indicator of movement action, then it's hardly surprising that repression either limits it, or in certain situations (which are not well specified) stimulates mass revolution against repression. It is not at all clear that repression is relevant for movements that focus on engagement with governments, and whose goals are less teleological than 'bringing democracy' (Della Porta 2008).

Having said that, it is certain that the political context is relevant in this environment, and likely influential on my movements' success in policy and opinion change. From this reading of the literature on the effects of interactions between movements and their political environments, and the range of factors that make up such an environment, I conclude that it is necessary to conduct detailed, granular study of the specific political environment. It is simply not possible to read off political opportunities from the overall political system, or make assumptions about the likelihood of movement success based on the relative authoritarian-ness of a particular country.

In the empirical study, I aimed to understand in detail the various components of political opportunity structures identified as important in the literature, including: levels of decentralization (Zuo and Benford 1995; O'Brien and Li 2006); fissures in the elite and in the polity (McAdam, McCarthy, and Zald 1996; Tarrow 1998); patterns of repression; and allies and opponents (Giugni and Passy 1998; see also Amenta et al. 2002, 2010; Meyer and Minkoff 2004; Meyer 2004; Goodwin and Jasper 2012). I have considered political opportunities both as the environment in which the movements operate, as well as considering the ways in which movement activity has changed these opportunities. In the tradition of China scholars, in this project I have aimed to 'understand how top-down openings and bottom-up pressure work together to produce change, [and] pay more attention to the inner workings of government and seemingly small changes in state-society relations. In particular, . . . explore the fissures that divide every state and the way that popular forces exploit them' (O'Brien and Li 2006, 114).

### 3.2. Public opinion and the role of the media

While early studies ignored it almost entirely, public opinion is a key element of political opportunities and has a significant influence on movement outcomes. Whether primarily interested in specific policy change, or in changing cultural understandings, many movements aim to influence public opinion about their particular group or issue. Thus, public opinion is both a political 'actor' influencing politicians as well as a condition that interacts with movements and political opportunities to affect the influence of movements on policy. Burstein (1998) articulated a 'public opinion mediation model' arguing that in representative democracies, public opinion will be a more significant causal factor for policy change than social movements or other interest groups. However, Bosi & Uba (2009) find in a meta-analysis that while public opinion is important, there is still a direct influence of movement organisations on political decisions. It seems that there is no simple

linear or even ‘mediated’ relationship between public opinion, movements and policy change. Both movement actions as well as public opinion seem to be crucial for explaining policy change, and there will be variations in how this operates in different contexts.

The mechanism by which public opinion is important for policy changes is traditionally understood to be an electoral one. Burstein (1999) found that in democratic societies movement organisations tend to be more influential either when their goals are aligned with public opinion, when their goals relate to an issue the public has no opinion on, or when their tactics are able to change public opinion. In other words, elected politicians will accede to movement’s policy demands if it will help, or at least not harm their election chances. Alternatively, political elites are also responsive to a range of signals, including advocacy by social movements, as a way of getting valuable information about the impact of proposed policies on specific groups, as well as information about the preferences of various different parts of society (Lang and Lang 2012).

However, this does not mean that public opinion is not important in political systems lacking competitive elections (Bosi and Uba 2009). The mechanism is theorised to be different, related instead to authoritarian regimes’ need for stability and legitimacy with the public, and as a way for political elites to get information about public preferences (Burstein and Hirsh 2007; Lang and Lang 2012).

These rather utilitarian approaches to understanding the mechanisms of public opinion have, however, been challenged by researchers focussed on understanding the role of meanings and cultural change. Movements may introduce new discourses, understandings and identities to the public sphere, which then, in communication and argument with ‘the public’ introduce new cultural norms and policy objects that are then available for both public and policy makers alike. ‘Social change is thus enabled by the multiplicity of available cultural meanings’ (Armstrong and Bernstein 2008, 83). For example, the movement of people with disabilities in Vietnam introduced to the media and the public the image and identity of the ‘successful’ person with a disability; countering the norm of people with disabilities as incapable and in need of care, and suggesting a new way of valuing people with disabilities. This new ‘successful’ PWD in turn justified discussions about policies on mainstream employment, training and tertiary education, which previously were not considered necessary for people with disabilities. Thus, influencing public opinion and attitudes is not merely about demonstrating to policy makers that there is high public support and it’ll harm their electoral chances if they don’t make a particular change. It is about providing new cultural forms, definitions and identities that are then available for political discussion and policy interest, and which can become normalised values, discourses and identities. Public opinion influences the terms of debate, defining new policy objects and making claims on behalf of specific groups of citizens (Alvarez, Dagnino, and Escobar 1998a; Skrentny 2002; Bernstein 2003; Whittier 2002; Bernstein 2003; Polletta 2008).

Media plays an important role in this; ‘media discourse is part of the process by which individuals construct meaning, and public opinion is part of the process by which journalists and other cultural entrepreneurs develop and crystallize meaning in public



discourse' (Gamson and Modigliani 1989, 2). Media and public opinion are not the same thing, but they are very closely linked. As recognized by Koopmans (2004, 367) 'the decisive part of the interaction between social movements and political authorities is no longer the direct, physical confrontation between them in concrete locations, but the indirect, mediated encounters among contenders in the arena of the mass media public sphere.' This is true not only in democratic environments, it is also the case in more authoritarian contexts such as Vietnam, where although the media is controlled by the government, there is interplay between the media and the government such that the relationship is complex and contested, and various actors including social movements may compete for attention in a similar way to movements in liberal democracies (Gamson and Wolfsfeld 1993; Koopmans 2004; Gamson and Modigliani 1989; Heng 1999; Burstein 2003; Heng 2001).

To say that media is important and relevant, however, doesn't progress understanding about how and why media plays a role in movement outcomes. For example, how do movements get access to media and have their frames accepted among the competition from other powerful frames? In terms of access to media, this is found to be particularly significant in non-democratic environments. This factor is rarely mentioned in the literature from democratic countries, probably because media access is largely taken for granted in democracies. However, in a study of less democratic environments, Osa and Corduneau-Huci (2003) found that in situations where movement actors were able to access some domestic or international media, or where there was an active underground media, they were more able to spread their message and thus mobilize participants (see also Zuo and Benford 1995).

The question of how media select and promote particular frames and ignore others is also significant. Koopmans (2004) proposes a tripartite 'selection mechanism' for how issues become prominent; selection is dependent on the *visibility*, *resonance* and *legitimacy* of messages. This type of mechanism is equally valid in the Vietnamese context as in 'free media' environments. For example, visibility of a particular message in the Vietnamese context might be virtually guaranteed by a diktat from the Ministry of Culture and Information. Weekly meetings between key media editors and representatives of the Ministry of Culture and Information ensure that certain issues will definitely achieve visibility (Hayton 2010). However, this does not mean that movement issues and frames cannot also attract attention from the media, especially if the movements can learn to appeal to 'news values' that aren't significantly different in government owned media to private media, if somewhat less influenced by sensationalism. *Resonance* and *legitimacy* mechanisms are also likely not so different in Vietnam. While some actors and messages are unable to be questioned in the media and have an automatic legitimacy, movement actors can also play with the resonance and legitimacy of their messages and messengers to make them more 'competitive' in the media market. The LGBT movement was particularly effective at this, providing attractive, non-threatening stories with colourful photos/footage, and well-spoken, expert subjects for interviews and talk shows. Although the media in Vietnam is government owned, that does not mean there is no competition among different outlets. In fact, there are a huge number of publications, channels, etc. which all compete for both advertising and readership, since government budgets are

limited (Heng 1999, 2001; Labbé 2015). Thus, 'competition for the scarce resources of public attention and legitimacy' (Koopmans 2004, 375) is likely to operate.

### 3.3. Allies and opponents

It seems almost tautological, but there have been a number of studies that have argued that the presence of allies and the absence of powerful opponents among political elites is essential for a movement's political success (Meyer and Staggenborg 1996; McCammon et al. 2001; Soule and Olzak 2004; Irons 2009). However, it is not quite this simple, Soule and Olzak's (2004) comparative study of the passing of the Equal Rights Amendment (ERA) in American States finds that while elite allies certainly assisted policy outcomes, it was not a necessary condition and States still sometimes acceded to the demands of ERA movements without allies.

As mentioned above, the cultural perspective on movements offers some insight into this issue. Allies are not just important because they increase the number of people arguing for a particular perspective, or provide an advocate on the inside during policy debates. Movement discourses that are taken up by powerful allies or specific interests are invested with more power, which enables them to more effectively counter dominant traditional discourses and values and lead to policy or cultural change.

This is also relevant in authoritarian environments. Elites in authoritarian regimes are often considered monolithic and sharing a common view; the Party line (literally in the case of China and Vietnam). However, this is to do them a disservice. Even in highly repressive authoritarian regimes there are divisions, opposing discourses and fissures within the elites (Robertson 2010). Different parts or levels of government may have very different interpretations, interests and thus responses to movement challenges. 'These high-level advocates are not regime defectors, minority elites, or elites out of power who seize the role of tribune of the people, but ranking members of the government who are disposed to champion popular demands, so long as they do not target certain off-limit central priorities (e.g., birth control)' (O'Brien and Li 2006, 102). It seems that even in repressive environments, if movements are able to exploit divisions within elites and/or build alliances with decision makers they can mobilize the necessary people and resources and achieve political outcomes (Osa and Corduneanu-Huci 2003; Osa 2003a). Osa (2003b, 14–15) hypothesises that a divided elite which cannot agree on how to deal with protests may moderate repressive actions and enable elite movement allies to gain influence. Alternatively, if the elite is cohesive, repressive action by the state may increase, access to media close, and political opportunities for influence will be severely restricted.

Martin Gainsborough has characterised the Vietnamese political culture as one relying heavily on elite connections, and that this has, if anything, been exacerbated by liberalisation of the economy, providing greater opportunities for elites to capture economic as well as political power (2009, 2010b, 2012). There is plenty of evidence that both business and political elites rely on connections with Party–state officials to influence policy and political decision-making, access lucrative opportunities, and enrich themselves. Many have made the papers when the relationships come unstuck or a certain political leader is toppled (see for example Hayton 2010; Malesky, Schuler, and Tran 2011). This

means that allies or connections are likely to be highly significant in the Vietnamese environment. It also means that it is even more surprising that these particular movements, as highly disadvantaged, poorly connected citizens, have been able to gain a voice in the political sphere.

In the Vietnamese environment there is also a need to consider the presence of international organisations that have a significant role in both trying to affect policy, and in supporting civil society. These actors have aimed to be significant allies for the social movements under investigation. The United Nations, international non-government organisations (INGOs), Embassies, donors, etc. have an unusual position in policy processes, being not just outside the Vietnamese government, but totally outside the Vietnamese administrative and political system, and regardless claiming legitimacy to participate.

Much of the theorising about international influence is in the transnational social movements or international advocacy literature. In this project, I do not consider the transnational elements other than where they interact with the domestic movements and government. Thus, this literature is instructive, but only to a degree and I do not examine it in detail here. There are theorised to be some key models for how transnational influence works in domestic policy making. The iconic study by Keck and Sikkink (1998) theorised a 'boomerang' model of the influence of transnational movements whereby local movements facing a lack of access and response from domestic government may appeal to transnational movements for support and amplification of their demands and then boomerang back to the domestic sphere. (see also Brysk 1994, 2002) A second approach has been found with the EU; a 'ping pong' model whereby activism and policy discourses bounce back and forth between the EU and domestic levels.

Another significant study is Janet Johnson's (2009) research examining the specific question of whether foreign interventions by other states and transnational feminist movements can effectively influence the relatively authoritarian state of Russia to change policies and practices in combatting gender violence. This poses a third model that resonates more with the Vietnamese environment. This study's findings suggest that 'minimally intrusive interventions' such as transnational feminist movements supporting local movement mobilization, or gentle policy pressure, is highly unsuccessful in a closed, authoritarian state, and can even cause harm if inappropriate discourses or incentives are introduced (for example, US funding being conditional on anti-prostitution stances). The pathway to successful adoption of feminist norms and discourses was found to be alliances between transnational feminist movements and large donors that enabled significant funding for promotion of global norms through the media, and serious support for domestic feminist movements. She characterises this as a game of catch whereby international agents throw the ball (of policy models, discourses, etc.) at Russia's government and wait to see if they will catch it or step out of the way.

In other words, there are a range of possible ways that transnational activism can work which are time, context and issue specific. The findings from my research can add some weight to these arguments, and contribute additional insights.

#### 4. What do we know about why elites respond to movements?

The other side of the movement influence equation; why elites sometimes respond to movement action, has received less scholarly interest in the movements' literature. In order to understand how social change happens, I argue that it is not sufficient to focus only on what it is about movements that means they are more or less successful. We must also consider the other side; why do policy and cultural elites change their position? What influences them to respond to movement arguments, frames and tactics? In traditional movements' literature, this has been assumed to a great extent as most studies have focussed on democratic systems. It's assumed that elites respond because of their need for re-election, or to consolidate power, to advance their political or economic interests (Skocpol and Amenta 1986; Amenta et al. 2010). In considering movements in a non-democratic environment, this side of the interaction cannot be so easily ignored. In a one-party state, there is an unavoidable question as to why the Party and state would respond to movements of highly marginalised citizens who do not pose a threat to the hegemony of the current system.

##### 4.1. Understanding political response in democratic systems.

The various political mediation models outlined in the social movements' literature do offer some insight into why elites respond to movements in democratic political environments. The underlying assumption is that there is an electoral mechanism underlying elite response. Thus, large movements, or movements that can garner significant support in the media are more likely to succeed (Skocpol and Amenta 1986; Amenta and Young 1999), because of the threat they pose to electoral success. In order to gain political outcomes such as new benefits for a group, movements must be able to convince elites that it is in their political interests to support them. 'State actors need to see it as potentially facilitating or disrupting their own goals-augmenting or cementing new electoral coalitions, gaining in public opinion, increasing the support for the missions of governmental bureaus' (Amenta et al. 2010, 298). Thus, the focus has been on how elites respond because of their particular configuration of interests and their position in terms of configurations of power in parties and systems.

Burstein and Hirsh (2007), in a rare study that specifically addressed hypotheses as to why political elites might respond to both interest groups and social movements, focus on the importance of social movements providing information; about public preferences and priorities, and about the likely impact of particular policies. Thus, elites respond, they argue, to particular types of important and useful information (see also Uba 2009). One could then assume that movements that provide the right type of important and useful information are more likely to be successful, but Burstein and Hirsh do not make this assertion.

This largely instrumental approach does not give much credit to other characteristics of elites, such as their own personal ideological beliefs, political party ideology and paradigms, self interest, or sympathy with movement claims (Burstein 1999 does consider personal preferences of policy makers as significant). Social movement theories have considered the role of ideas, but largely through the literature on framing which has

concentrated on mobilization and movement action. There has, surprisingly, been little consideration on how ideas and ideology affect elite response to movements.

The role of ideology and other personal characteristics in politics and policy development is however, a topic of substantial academic interest in the political science, sociology and organisations' literature. It has not been possible to do a thorough review here, but some insights are instructive.

Ideas and their role in political change have been considered in various parts of the literature. For example, historical institutionalism has considered the role of ideas in creating, sustaining and developing institutions, including policies (see for example Thelen 1999; Pierson 2000; Béland 2009). Work on the diffusion and adoption of international norms and policies has focussed on how ideas are disseminated, transformed and adopted, including how actors and international social movements have been involved in these processes (Stone 2008; Steensland 2008; Maggetti and Gilardi 2013; Stone 2017b, 2017a; Löblová 2017). In the sociological literature, ideas are now well accepted as influential on policy-making processes. For example, policy makers have been shown to operate according to a 'logic of appropriateness' based on their moral values and norms rather than a 'logic of consequences' based entirely on a rationalist assessment of pros and cons of particular policy programs (J. P. Olsen and March 2004). In addition, national and cultural paradigms can influence the types of policy choices and how certain policy problems are addressed in different countries, leading to variation in approaches. Identities of policy makers can also influence the types of policy decisions they are likely to make, shaping how they perceive their interests and how they respond to particular policy related appeals (Campbell 2002; Béland 2009)

Béland argues that ideas have a key role in three parts of policy change; in constructing the problems and issues that make it to the policy agenda, in shaping the assumptions that affect the content of policy concepts, and in affecting the discursive arguments and 'framing' of policy debates. As already discussed in this chapter, social movements can also have influence at all these stages of the policy process. I would argue that it's legitimate to add to these three stages, that ideas can also have an effect on how and why elites respond to policy proposals from movements. Ideas and ideology will not only shape the types of arguments social movements make through framing processes, they will also influence how elites respond. Ideas from social movements about which problems need to be considered in the policy agenda will be adopted or not, partly depending on ideas of appropriateness, seriousness and 'match' with cultural and party paradigms. For example, in the case of HIV considered in this research, the idea that HIV could be a threat to Vietnam's development success seems to have been influential in explaining why policy makers were receptive to radical reforms such as drug substitution therapy and needle exchanges.

Thus, it is important to consider the role of ideas and ideology when trying to explain why elites might respond to social movements through acceding to their demands, changing policies, and/or changing their discourses about specific marginalized groups.

## 4.2. Understanding political response in authoritarian systems

Authoritarian states face two major sources of challenge to their continued rule; firstly challenges from the elite (economic, military or political elites), and the threat of revolution by the masses. Theorists of authoritarianism argue that long-lived authoritarian systems thus have to find ways to manage both these threats, and it appears that one-party states are particularly effective at doing this (Magaloni and Kricheli 2010; Fumagalli 2017)

A number of mechanisms are theorised to help authoritarian regimes reduce threats to their power from other elites (see Magaloni and Kricheli 2010 for an overview). They all involve power and benefit sharing which mitigates the motivation of other elites to seize power, and increases their buy-in into the system. Thus, institutions such as legislatures make it possible to share power and rents so as to reduce challenges. A single party provides an effective instrument that facilitates the management of political opposition through wider distribution of rents and power as well as some policy concessions and service provision for the masses. (Gandhi and Lust-Okar 2009; Magaloni and Kricheli 2010). This utilitarian approach theorises that elites buy in to the system primarily because (and only as long as) they will get some of the power and money that result from authoritarian rule.

The other source of possible challenge to authoritarian regimes of all stripes is that the masses will rise up and overthrow them (and there are ample examples to illustrate that this is a realistic concern). In order to prevent this, authoritarian regimes exercise various mechanisms of repression to a greater or lesser extent. However, as severe repression of all popular organisations, discourses and dissent is incredibly expensive and difficult, particularly in the modern world of media and social media, it is both cheaper and more effective to introduce some sham democratic institutions and demonstrate at least some concern about public opinion and public concerns in order to maintain legitimacy and extend political hegemony (Gandhi and Lust-Okar 2009; Robertson 2010). In addition to these institutions of 'participation', the masses are also brought into the system through the use of state resources to distribute services and resources to those who are loyal, and punish those who aren't. Communist one-party regimes in particular can tightly control access to key resources of society and ensure that access is only available through loyalty, thus explaining the resilience and longevity of one-party states as compared to other varieties of authoritarianism (Magaloni and Kricheli 2010).

I do not find these arguments particularly sophisticated or convincing. This approach is highly utilitarian, assuming that elites and masses are only concerned about economic issues when judging the legitimacy of their rulers. The theory says that as long as dictators or single parties can effectively distribute power and wealth, then they will keep people happy. While we may lament the tendency of people to vote for their mortgages and prioritise their personal economic interests, it is clearly not the case in any regime that economic interests are the only factor influencing assessments of regime legitimacy. Studies have found that perceptions of fairness (in the administrative as well as overall inequality), ideology and morality also have an impact on citizen perceptions of regime legitimacy (see for example Zelditch and Walker 2003; Hechter 2009; Zhenglai 2011;

Chang, Chu, and Welsh 2013). There are ample examples of people in democratic systems voting against their personal economic interests for other reasons and it's clear in the Vietnamese one-party state, that while maintaining economic growth is seen as important, citizens are also concerned about issues such as personal freedom, inefficiencies in service delivery, corruption, environmental damage, etc. and that these issues are potentially a more significant threat to the perceived legitimacy of the one-party system (Gainsborough 2003, 2010b; Hayton 2010).

In addition, the research around one-party states tends to lump communist one-party states in with dominant-party states, which are not at all the same beast. Much of the research seems premised on a dictator who forms a party in order to maintain control and power rather than a system premised on one party. The formation and maintenance of the one-party system in Vietnam is first and foremost because of the ideological tenets of Communism. The maintenance of this Party, and suppression of opposition power is a central philosophy of communism and socialism, and while it may well have other benefits in elite bargaining, increasing the distribution of rents, etc., a key reason for the establishment and maintenance of the one-party state is ideological.

In addition, this theory is incapable of explaining elite responses to movements such as those I'm interested in, which have no mass support, and which do not represent a significant percentage of citizens. People with disabilities or people with HIV are an under-resourced, under-educated, small percentage of the population who do not pose any kind of credible threat to the Vietnamese regime, even if they were to seriously question the legitimacy of the Party. Thus, it is necessary to look elsewhere to explain the puzzle of why the Party and state responded to these movements.

O'Brien and Li (2007) consider the phenomenon of 'rightful resistance' in rural China; 'a form of popular contention that operates near the boundary of authorized channels, employs the rhetoric and commitments of the powerful to curb the exercise of power, hinges on locating and exploiting divisions within the state, and relies on mobilizing support from the wider public.' (O'Brien and Li 2006, 2). This popular resistance has achieved significant change in terms of improved implementation of policy in some localities. The question thus is why do the authoritarian officials of the Chinese Communist Party respond to these 'rabble-rousers'? Here too, concern for government legitimacy plays a role, but is not sufficient to provide a full explanation. In fact, none of the rationalist explanations about legitimacy, hegemony of power, goals and interests sufficiently explain this phenomenon. O'Brien and Li find 'reformist senior officials who, for their own bureaucratic and personal reasons, share the goals of protesters from the outset' (O'Brien and Li 2006, 102). I.e. the personal beliefs and ideologies of specific elite individuals are important.

This brief review suggests that just as in democratic systems, it is necessary to consider other insights into elite responsiveness in non-democratic environments, in particular the personal and ideological characteristics of elites. In the same way that the personal experiences and characteristics of movement actors is relevant to their influence, the characteristics, ideas, values and ideologies of elites affects their response.



### 4.3. How elite perceptions of movements affects response

An intriguing approach to understanding elite response, and how elites' ideas and resulting construction of meaning is relevant, emerges from John Skrentny's (2002, 2006) comprehensive study of the introduction and expansion of affirmative action legislation in the USA. Skrentny argues that variations in elite perceptions explain variations in the success of different groups in being included in affirmative action legislation. He argues for three key dimensions; *definition*, *morality* and *threat*, which are generated subjectively through negotiation between elites and other actors in society, including social movements. *Definition* means those basic understandings of a particular population; if it is even a definable group, the characteristics determining and defining the group, its understanding within policy and culture. *Morality* concerns the moral values attached to that group; deservedness of assistance, degree of suffering or disadvantage, etc. And finally, *threat* is the potential for violence and disorder the group poses (although I would argue that threat does not necessarily have to involve violence, but could also incorporate the threat of large numbers, electoral defeat, embarrassment of elites, etc.). The in-depth case studies of the struggles of different groups, from Black Americans & Hispanic people to women and 'white ethnics' (Skrentny's term) to achieve affirmative action mounts a convincing case for the importance of these three dimensions of elite perceptions, particularly for 'new social movement' type identity movements that represent specific, marginalized groups in society.

This insight adds to the literature on elite response and offers a more convincing and rounded understanding of what motivates political elites and encourages them to respond to particular movement demands. The meanings and the ways policy elites understand these groups as policy objects has significant impact on how they view the challenges and demands by the groups, interpret movement framing, etc. These meanings play an important role in the policy process, affecting who is heard, whether they are viewed as deserving or legitimate, and ultimately how they are defined and regulated in policy (Padamsee 2009).

The literature on elite response in non-democracies is limited, possibly because elites in these sorts of regimes are far more opaque in their decision-making processes. A number of scholars have focused on elite divisions and competition (Robertson 2010) or ideological differences, e.g. debates between conservatives and reformers, or pro-China vs. pro-America factions (see for example Vuving 2010) and there is little doubt this plays a role. However, even in non-democratic environments the perceptions and understandings of elites about specific movement groups, particularly when those groups represent highly marginalized identities, is also likely to be significant.

### 4.4. Understanding elite response. Lessons from corporate elites

The recent literature about how and why corporate targets of social movement action respond is an interesting perspective from which to consider the question of elite response. One could argue that a one-party state is in many ways similar to a corporation in terms of understanding why they might respond to a social movement. Corporations and one-party states share similarly limited access points for contentious politics, both are



dominated by powerful incumbents and operate according to often opaque rules, values and cultures (King 2008b; King and Pearce 2010). Consumers or anti-corporate activists have limited power and influence on corporate managers, who are normally more concerned about shareholders, or perhaps regulators, suppliers and other corporate stakeholders such as buyers, brands, etc. An anti-corporate movement might challenge a corporation, however, it is unusual that they have sufficient power or numbers to 'overthrow' the corporation, or significantly affect its operation. Yet, on occasion, the corporation responds none-the-less. The puzzle is thus similar, why should corporate elites respond to anti-corporate/consumer movement challenges?

King (2016) focuses on explaining the variation in successful influence of anti-corporate movements on corporate elites through boycotts, consumer campaigns etc. It has long been assumed that such actions exert direct influence on corporations by affecting their revenue. King finds, however, that in fact rarely are boycotts effective in affecting revenue directly, rather they operate through a 'political mediation' model whereby boycotts target the corporate image of a company through the media and in this way affect the legitimacy or reputation of a firm (King 2008a). Most movement challenges, whether protests or boycotts, are not large enough to significantly affect sales. However, with sufficient media coverage, the corporation management assesses the risk that the boycott will spread, or that the tarnish to their reputation will affect stock prices, brand contracts, suppliers, ratings agencies, etc. Companies that have previously experienced threats to their reputation through 'naming and shaming' are particularly susceptible to movement challenges. 'Damage to their image may devalue their established reputations or may be viewed as a threat to the moral authority or legitimacy of the target' (King 2008a, 399).

Thus, reputation and risk are the key mechanisms for elite response in this environment, rather than a direct economic effect. This approach also acknowledges that there are characteristics of the corporation targets, their values and culture that will affect their vulnerability and responsiveness to an anti-corporate challenge. Those firms with a commitment to values of corporate social responsibility, or innovation and openness seem to be more responsive to challengers, who often raise environmental or labour grievances (King 2008a, 2008b). That is, the ideas and meanings held by the company have an effect on their responsiveness, lending more weight to the importance of ideas and ideology in understanding elite response.

While this literature on corporate response is currently limited, and has not had a significant effect on mainstream social movement theory, it seems to add insights in the particular one-party state environment. Somewhat surprisingly, a concern with international and domestic reputation came out very strongly in the fieldwork for all three cases. A number of informants mentioned international reputation as a key influence on the Vietnamese Party state. Thus, I returned to the literature to search for any insights that might help explain this. This new work on corporate response to movement pressure seems to offer some insights, and in the case studies I offer some more observations.

## 5. Summary

This brief overview of the literature highlights that social movement theory does not yet, and probably never will, have definitive models and frameworks that can explain the mobilization and policy influence of movements in all situations. Research and theorization thus far can however provide guidance on the kinds of issues, factors, actors and contexts that are important to consider in an empirical study.

It is clear that actors, institutions and ideas are all important loci for study when trying to understand policy change. The traditional movement approach has primarily focussed on movement actors only, institutions through the lens of 'political opportunities', and ideas mainly as 'framing' by movements. In this research I broaden the analysis to consider other actors in the policy process such as international organisations and the media. I also aim to take ideas seriously throughout, not only ideas as expressed through movement framing, but also how ideas might affect elite response and how media and public opinion interact with actors and institutions.

During the process of corresponding back and forth between the empirical evidence and the literature, it has become clear that there are three key fields that need to be considered in understanding how these powerless movements have achieved policy influence in a one-party state. Firstly, the traditional consideration of movement characteristics; size, resourcing (understood broadly as discussed in this chapter), framing processes etc. could potentially have some impact on the likely success of a movement. Secondly, insights from the political opportunities literature are instructive; for example consideration of political context at a fine-grained level, analysis of allies and opponents, and the importance of public opinion and the media, even in a non-democratic environment. Finally, it has become clear that consideration of elite response is particularly important in this environment. In a non-democratic polity, it cannot be assumed that electoral mechanisms are the primary driving force behind government acceptance of movement demands. Issues such as ideology, reputation and legitimacy, and elite perceptions of movements are also a significant influencing factor.

This approach has guided the development of a theoretical framework for analysing and understanding the empirical cases. In the next chapter I explain further how these issues can be operationalized to analyse how the three movements included in the research have managed to achieve policy success.

## Chapter Three. Methodology and research design

### 1. Introduction

This thesis investigates an under-researched question in an under-researched country; how do social movements achieve outcomes in the one-party state of Vietnam? Vietnam, although starting to attract greater research attention, has suffered from a relative lack of interest in the past, particularly if compared with its similar neighbour China. There are a legion of studies of the Vietnam war (in Vietnam called the American War) but few related to the current political system, civil society, etc., and this is one of a handful of studies of social movements in the country (the LGBT movement has recently attracted the attention of scholars, see Oosterhof, Hoang, and Quach 2014; H. Y. Nguyen and Lieu 2016; T. A. Hoang n.d.). The reasons are multiple, but the relative opacity of the political system and difficulties in getting permission for field research mean that the studies of politics and state-society relations in the country are few and far between.

The research emerges from my interest in understanding more about how regular, everyday Vietnamese citizens can have their voices heard by the political system, and how they might be able to influence policy. It is informed by my observations over fifteen years living and working in the country that in fact the Party and State seem to be responsive to regular citizens on occasion, and more than might be expected in a one-party state. This is the reason behind choosing social movements of regular citizens, rather than dissident movements, opposition parties etc., on which there have been some limited studies (see for example Kerkvliet 2015). I came to this research and the fieldwork from a different position than most researchers. I was trying to explain a phenomenon I already had first-hand experience of, rather than being a researcher selecting 'appropriate' cases to test or develop a theory. Having been an 'observant participant' (Moeran 2009) in the movement of people with disabilities since its emergence and witnessing other movements' activities, I wished to understand more.

### 2. Are there social movements in Vietnam?

Scholarship on social movements has long struggled to clearly define the object of study. However, most definitions focus on the collective nature of movements, their non-institutionalised status, and that they pose a challenge to established institutions, often political institutions. Following the emergence of 'new social movements' (Edwards 2004; Laraña, Johnston, and Gusfield 1994) in the 1960s-70s which challenged media, language use, gender relations, and other cultural institutions, the definition of movements has had to broaden to encompass collective challenges to a wider range of systems of authority and power within society (see for example Polletta 1999; Armstrong and Bernstein 2008; Bernstein 2013; McCammon et al. 2017). Within the range of current definitions there are some commonly accepted components; including that movements are *collective* challenges, that they are *non-institutional* and normally using *non-institutional tactics*, and that there is a *sustained challenge* (i.e. not a single protest or campaign). A useful and relatively parsimonious definition is from Moss and Snow (2016, 548), social movements are '*collectivities that seek to challenge or defend institutional and/or cultural systems of authority and their associated practices and representatives*'.

To the surprise of those who characterise Vietnam as a repressive, authoritarian state, various collective movements have recently emerged and are engaging with the state to achieve a range of social changes for the benefit of particular groups in society. The three movements under examination have all mounted political challenges to try to gain additional resources and benefits for their members as well as their 'identity' more broadly; such as equal opportunities in school, work and life. In addition, they have tried to achieve 'cultural' reform such as a change to the discourses defining and determining them as stigmatised groups. They have mounted challenges in a number of different areas, including for specific policy and legal changes as well as challenging policy and cultural discourses and media representations of their identities. Thus, while they do not define themselves as social movements<sup>2</sup>, given their organisation and activities I argue it is legitimate to define and study them as such. They are non-institutionalised collectives of citizens that are making sustained challenges to the political and cultural institutions of Vietnam.

It is worth considering however, if these movements could also be defined and understood as 'interest groups'. Burstein (1998) argues that there is no fundamental discontinuity between social movements and interest groups as both are collectives trying to represent specific interests to make change. He finds that it is primarily personal preference and profession that dictates whether one studies social movements (dominated by sociologists) or interest groups (dominated by political scientists) and champions the introduction of a new term 'interest organisation'. The new term never took off and this approach seems to minimize what I believe are some fundamental differences between interest groups and social movements (particularly new social movements).

I argue that the groups under study here are united less because of shared interests, and more because of shared identities. People with disabilities, people living with HIV and LGBT people do have interests in common, however, the key mobilising factor bringing them together for collective action is their position in society that results from their specific marginalised or ignored identities. These groups are not merely aiming to have specific interests met, or to represent their shared interests. They are aiming for full political and cultural recognition of their identities as people living with HIV, people with disabilities and LGBT people. They are fighting for recognition of their identities as they define them, not as defined by policy or culture.

This shared identity goes beyond interests. It is based on a new awareness and pride in the identity itself (Shakespeare 1993; Alvarez, Dagnino, and Escobar 1998b). Movements appeal to a shared identity in order to mobilize members, and it is that which inspires action. This can also be seen in the other primary distinguishing feature of these movements as opposed to interest groups; that these groups are led by and made up of individuals sharing an identity. These movements, in common with women's and black or indigenous movements that have emerged in many countries, are comprised of people

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<sup>2</sup> The LGBT movement is an exception. A number of the leaders of this movement have studied civil society and social movements outside Vietnam, and thus use the terminology.

sharing the particular identity of the movement, and significant work goes into building, defining, and explaining the particular identity. Early women's movement groups put significant effort into 'consciousness raising' and as has been studied by scholars interested in collective identity formation processes, this is a key element in most new social movements (see for example Taylor et al. 1992; Melucci 1996; Meyer, Whittier, and Robnett 2002). While shared interests are an important part of the movement challenge, for example for access to effective treatment of HIV, this is only one component of what makes these social movements. Thus, shared interests can be considered a necessary but not sufficient condition for a social movement. The mobilization, framing, tactics and specific challenges of social movements go beyond interests to incorporate collective identity issues. Movements, unlike most interest groups, aim to constitute a shared identity and gain recognition for it. In most cases this is a marginalized and/or stigmatized identity, or is defined as such.

An interesting mobilization failure case emerged during the research; that of ethnic minority people. One of the key NGOs instrumental in helping mobilize the LGBT movement has also been trying to mobilize a movement of ethnic minority people in order that they too can claim their rights and greater representation in the political process. However, the organisation has completely failed in this attempt. Their interpretation of this failure is that ethnic groups, while they may share many interests and experience similar disadvantage, do not experience a shared identity as 'ethnic minorities'. This is a category imposed on them by external actors including the Vietnamese government and international agencies (M. N. Luong 2013). These individual cultures experience identity as their own culture, language and tradition, and there is little shared identity with other groups. Thus, no 'ethnic minority movement' has emerged. This failed case emphasises the importance of shared identity for these movements, which makes them movements and not simply interest groups lobbying for increased resources.

### 2.1. What kind of cases are these movements?

Three movements are considered in this research; the movement of organisations of people with disabilities, the movement of organisations of people with HIV, and the movement of gay, lesbian, bisexual and transgender people. While these collectives may not use the protest tactics traditionally seen as indicative of a social movement, they are certainly characterised by a common purpose, and are in sustained interaction, even conflict, with elites, opponents and authorities in order to achieve goals of a 'better society' as they frame it. Significantly, they are also all unrepresented in the socialist institutional base of mass organisations, and promote approaches (such as the rights-based approach to disability) and identities that confront both traditional Vietnamese and socialist philosophies.

In order to constrain the research I have focussed on one, specific, time bound policy challenge for each movement: the development of the Law on HIV 2006, the development of the Disability Law 2010, and the revision of the Law on Marriage and Family 2013. This focus has enabled me to trace the actions and involvement of the movement and other policy actors to understand their interactions around a specific campaign of each movement.

The cases were selected based on a number of factors in order to ‘search for limited generalizations about historical divergence and concrete knowledge about specific processes’ (Della Porta 2008, 203). Firstly, at a meta-level the research is motivated by a desire to understand more about everyday state – society relations in Vietnam. Thus, cases of more radical dissenting citizens and movements are not appropriate; rather movements of ‘regular’ citizens aiming for greater voice and responsiveness of the system were selected. In addition, the ‘case’ of Vietnam is in some respects a ‘least likely’ case for social movement success. Because of my long experience living in the country, reading media and working closely with a number of movements as they emerged, I understood that the movements had had success in affecting legislation, with the Party-state acceding to their demands, at least to an extent. Thus, these cases were chosen in order to describe and ‘diagnose’ *how* the movements have achieved this in a relatively hostile environment (Gerring 2017). The three movements enable the testing, refining and exploration of social movement theory in an under-studied and under-theorized political context.

Given the paucity of research on movements in non-democracies, and the lack of clarity about how movements in general achieve political outcomes, the approach of this research is theory building more than theory testing. I have not included ‘unsuccessful’ cases as I am more interested in the question of *how* the movements are able to achieve influence since this is the unexpected outcome in this environment. On the face of it we should not expect small groups of highly marginalized citizens to be able to successfully influence policy in a one-party state. The intention is not to compare different levels of movement success among the three cases but to use three cases over time in a specific political environment to explore social movement theory; to better understand the processes by which social change is occurring; and the role of social movements.

While the three movements are all operating in the same country, the campaigns were conducted at different times over a fifteen-year period. The research thus acknowledges and embraces the dynamic changes in political opportunities, movement capacity, media environment, citizen access to information, influence of external parties, etc. Two key processes were happening during this time, as outlined in chapter one. Firstly, uneven but unmistakable opening of political and civil society space, and change in the relationship between citizens and the government. This has been accompanied by a massive explosion in communications, including social media (Rothman n.d.; Duong 2017). Using a qualitative case method to examine the policy campaigns of three movements operating over this period is a way of shedding light on how the range of actors interacted within specific but dynamic political opportunities and cultural milieu in the hope of understanding not only the movements, but also the broader question of what kind of politics this particular non-democratic government is enacting.

Finally, the cases were selected based on the knowledge and involvement of the researcher. I have been living and working in Vietnam since mid-2001, and witnessed the emergence of these three movements as an observant participant (Moeran 2009). Prior to moving to Vietnam I had been an activist with women’s groups at University, and had

worked with the disability community in Sydney to develop community-based initiatives for employment and income generation. From 2001-2008 I worked with several different international NGOs to support emerging groups of people with disabilities, disseminating international movement discourses such as the 'social' model of disability<sup>3</sup>, and rights-based approaches. I also volunteered teaching English to students with disabilities, many of whom became movement leaders and staff after their graduation from University. These classes were less about learning English and more an opportunity to have discussions among activists regarding issues they were only vaguely exposed to such as disability rights, gender inequality, internalized discrimination, affirmative action and other such policy tactics, as well as discussions about how attitudes and services for people with disabilities work in Australia and other countries with which I was familiar. These classes became a fun, non-threatening way for these young people with disabilities (who did not yet identify themselves as activists) to be exposed to different ideas, discourses and policy approaches and to discuss them in a safe environment. As importantly, they were a way for me to learn about how disability and other social issues are understood and enacted in Vietnam: in families, Universities, and society generally.

My work also meant I was involved directly in the campaign for the Disability Law as well as other policy initiatives. I worked with several international NGOs that were supporting the campaign, and thus attended consultation meetings, read draft laws and provided comments, and in particular, worked closely with movement actors to facilitate their informed involvement in the process. During this time we also tried to build connections with the emerging HIV movement. In the early 2000s, the disability movement was more developed, and we explored a number of ways to share experiences and try to build solidarity between the movements. This was ultimately unsuccessful, but it did mean I had regular contact with key NGOs working on HIV movement development and some of the main movement leaders. As most of the NGOs working on both issues had the same donor in USAID, there was close contact between us. In addition, both local and expatriate employees working for INGOs and USAID tended to know each other well and socialize regularly. Thus, I was embedded in and part of these two movements' campaigns.

During this time, as activists and NGO staff we were very aware that the environment for civil society was opening and changing. As a donor USAID were explicitly promoting a more open environment for civil society and encouraging the development of an independent civil society. They channelled funding through North American NGOs who would support and encourage these developments, and supported policy reform to facilitate an independent third sector. There was a lot of discussion at the time about the government approach, how it could be interpreted, how best to encourage social groups, the legal environment for civil society and how it should be changed, etc. In late 2005 I undertook a study for the USAID funded Capable Partners Program about the Vietnam NGO Network and the environment for civil society in the country (Wyndham, n.d.). This enabled me to interview a wider range of Vietnamese NGOs and community groups

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<sup>3</sup> The social model is juxtaposed to the medical model, and locates disability not in the impaired individual, but in the social barriers resulting from a non-accessible society. Thus, the challenge is to reduce barriers in society, not 'heal' the individual (see for example Shakespeare 2006; Oliver 2013).



involved with the Network and get an understanding of the environment within which they operated, local interpretations of ‘civil society’ and governance, and how non-government organisations negotiate the dangerous and difficult terrain of policy and government relations.

The knowledge and understanding that was built up during these experiences informed this research; generating the original desire to understand and explain this movement phenomena, and influencing case selection. I was motivated by a desire to better understand what I was participating in, as well as a sense of responsibility to help movement participants understand their significance and how they fit into and have impacted on the broader political environment. I was well aware that the emergence and development of these movements was significant and that there were interesting changes going on in terms of civil society space and the relationship between citizens and government. This PhD research provided an opportunity to more closely examine how Vietnamese society was changing, and the dynamic nature of governance in the country through the lens of social movement theory. In this way, I hoped to gain some understanding of the live experiment of *đổi mới* and understand its implications for the future of Vietnam and beyond.

### 3. Theoretical framework

In this chapter I explain more about how I define outcomes, based on social movement theory. I focus primarily on political and cultural outcomes, and examine more deeply how these two types of outcomes can be operationalized for empirical research. I also consider which actors needed to be included in the field research, and how to study the complicated issue of political context.

Having outlined the theoretical framework I turn to the methodology employed for the empirical field study, the analysis of the data, and key considerations for conducting such research as a ‘participant observer’.

#### 3.1. What is a social movement outcome?

The study of the outcomes of social movements has been widely acknowledged in the literature to be one of the most challenging aspects of movement study (see for example Giugni 1998; Giugni, McAdam, and Tilly 1999; Giugni 2008; Earl 2004; Gamson 2005; Amenta et al. 2010; Bosi and Uba 2009). Challenges include defining and operationalizing outcomes, attribution issues in connecting a particular change to movement actions, and the difficulty in ruling out alternative explanations for particular outcomes. Understanding how a wide range of conditions, factors and actors both internal and external to a movement combine to generate particular outcomes is a daunting task.

As a result of many years of research and debate, there is now some agreement about the range of outcomes that can potentially be achieved by a social movement. Most scholars agree on three main groups of outcomes; political or policy outcomes, personal and biographical outcomes, and cultural outcomes (for a summary see Giugni 2008; Amenta et al. 2010). However, a fourth category of mobilizational outcomes has also been identified by Staggenborg (1995; developed further in Bernstein 2003). Bernstein (2003)



argues that the longer term sustainability of the movement, their survival to 'fight another day' is a crucial outcome that has been tacitly acknowledged by other scholars but rarely formally operationalized.

For this research, I focus on only three of these categories of outcomes, excluding personal and biographical outcomes. Personal and biographical outcomes are the changes that occur within individual participants in social movements as a result of participation in such movements (see Giugni 2004a for a summary). My interest is in state-society relations and how the movements have managed to elicit response from a one-party state, rather than the impact of movement participation on its members. While this is no doubt a rich and fascinating topic and would benefit from research in the future, it is not included in this particular project.

For the three movements I primarily focus on their campaigns for one specific policy change, however, in common with a number of other theorists, I acknowledge that in the process the movements have challenged not only the state, but also make a significant challenge to discursive norms, cultural values and understandings, media conventions, etc. Political, personal and biographical, and cultural outcomes are linked (see for example Smith 1990; Bernstein 2003; Edwards 2004; Gamson 2005; Giugni 2008), thus challenges to policy are also cultural challenges. Movement activity to challenge state legislation and regulation concerns not only allocation of resources (demands for subsidised HIV testing or treatment) but also changes in the construction of the HIV positive person as a policy object. I acknowledge this, and am making a distinction between these different types of outcomes primarily as a heuristic technique to enable examination for research purposes. The three movements, as will be demonstrated, are excellent examples of how 'demands for resource redistribution and challenges to cultural meanings are typically intertwined' (Armstrong and Bernstein 2008, 93).

Taking such a broad approach to understanding outcomes does, however, present a challenge for empirical field research. While I did not want to limit or define too closely what might be found in the study, it was necessary to have a framework to provide some guidance for the fieldwork and analysis. I outline this framework below.

### 3.2. Defining and observing political outcomes

The issue of political/policy outcomes is the most widely studied of social movement outcomes. As a result of previous work, there is an agreed schema for the study of political outcomes, although scholars have operationalized this in various different ways. In this project, I follow the mainstream to consider political outcomes as the *achievement of new advantages* (Gamson 1975) or collective benefits (Amenta and Young 1999) for the movement's beneficiaries, and *acceptance* of the challenging group as a legitimate representative of a particular interest (Gamson 1975).

The issue of new advantages/collective benefits is perhaps the most straightforward outcome to measure. For the movements in Vietnam such advantages might include recognition of the group as a welfare target, thus ensuring inclusion in social safety nets.

Normally such new advantages can be detected in the introduction or modification of specific legislation and budget allocations (Amenta et al. 2010).

Inclusion or acceptance in the political process is more difficult to operationalize and measure. Gamson (1989) initially hypothesised this outcome in terms of acceptance as a legitimate policy actor, but as democratic polities generally accept that movements have a right to voice their demands, scholars have tightened this to mean 'inclusion' of challengers through election or a position in political institutions (Amenta et al. 2010). Kitschelt (1986) articulated this outcome as 'structural changes' whereby movements succeed in changing the political structures and institutions that enable ongoing advantages or new benefits for their members, and potentially for other groups.

In a non-democratic environment, acceptance cannot be taken for granted. The Vietnamese policy making environment doesn't routinely include actors outside of the Party-state mainstream. Thus, mass organisations linked to the Party such as the Women's Union are routinely involved in decisions about legislation, policy and budgets, however non-institutionalised actors such as civil society organisations are normally excluded. Thus, issues of *recognition*, *acceptance* and ongoing *inclusion* in the policy process are key in this environment. Acceptance of the movement (or movement organisations) as a legitimate voice that needs to be included in policy making can be considered a significant outcome. If movement organisations are recognised by policy actors and included in the process through consultations, meetings with policy makers, or inclusion in drafting committees, that is a major success for the movement (Andrews et al. 2010). If detected, this is evidence that the movements have had political and cultural impact on the political system 'changing the rules of the institutional game' (Polletta 2008, 85).

In order to observe the *new advantages* and *inclusion* outcomes of these movements I have focussed on determining what changes, if any, resulted in government budgets and policies following the introduction of the targeted legislation. Interviews with key actors from the movement and government, along with documentation of the legislative process has enabled tracing of change in the level of inclusion of movement actors in policy and political processes. Legislation can also be examined to find indications of structural change that facilitates the inclusion of movement actors. For example, the new Disability Law specifically outlines a role for organisations of people with disabilities in policy making, and even in service provision; something that was not present in earlier legislation.

### 3.3. Defining and observing cultural outcomes

In a useful review of the state of scholarship about cultural outcomes Earl (2004) identifies three main schools of thought in understanding culture, and thus movements' potential cultural outcomes. Firstly, and most commonly, the social-psychological approach understands culture as a set of values and beliefs held by a group of people. Movement theorist Bernstein has a similar approach defining cultural outcomes as 'changes in social norms and behaviours, which alter public understandings of an issue and create a collective consciousness among activists' (Bernstein 2003, 357). In order to detect this type of cultural change a researcher would need to see changes in values and beliefs in

society. For the movement to have had a role in causing this, these changes in values and beliefs should be in line with the frames and values promoted by the movement. Normally this has been operationalized by measuring changes in public opinion about the issue challenged by the movement, or about the movement identities before and after movement action<sup>4</sup>.

The second main understanding of culture Earl (2004) terms 'cultural production', or signs and symbols; the symbolic dimension of structures, institutions and practices. Polletta (1999, 67) explains that 'culture is. . . the symbolic dimension of all structures, institutions, and practices (political, economic, education, etc.). Symbols are signs that have meaning and significance through their interrelations. The pattern of those relations is culture. Culture is thus patterned and patterning; it is enabling as well as constraining; and it is observable in linguistic practices, institutional rules and social rituals rather than existing only in people's minds'. In this understanding of culture, in order to determine if a movement has had an effect, a researcher would need to see changes in signs or practices in the particular society. Researchers in this tradition normally focus on studying cultural practices such as literature, art or music in order to detect this change. However, it is also possible to track this type of cultural change in language, for example through changes in legislative terminology about a particular group, or in the language used to describe the group in the media. 'Mass media are the most important forum for understanding cultural impact since they provide the major site in which contests over meaning must succeed politically' (Gamson 2005, 106). This approach to culture helps to understand why the movement of people with disabilities was so concerned to change the language used for them from a derogatory term to a more neutral one. The language used to refer to a group is patterned in that it reflects cultural attitudes towards that group, and it is patterning in that it enables and constrains real-life interactions, policies, etc. Thus, the derogatory term *người tàn tật* reflects the general cultural attitude of the Vietnamese that people with disabilities are completely incapable (*tàn* is the word used to refer to a cigarette butt, and suggests something ruined and incapable of further use). Including this term in policies, media stories, etc. both reflects this cultural understanding and perpetuates it, meaning policy doesn't need to consider how to ensure people with disabilities can participate in work, school and society.

This type of impact has also been referred to as 'discursive impact' (Bernstein 2003, 357) i.e. movements that are able to challenge and influence the ways their issues are understood, or their identities are constructed and valued, achieve significant impacts for their particular community. Rochon (1998) also focuses on how language evidences cultural change. However, he goes further to argue that effective movement framing that leads to language change can then lead to values change (i.e. social psychological cultural change). 'The connection between language and culture is so close that changing use of language is one of our primary signals that culture is being re-formed. Cultural change is invariably accompanied by innovations in the language...' (Rochon 1998, 16). Of course,

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<sup>4</sup> Note however that using public opinion change doesn't overcome the attribution problem. Showing that opinion changed in line with arguments and frames disseminated by the movement can only be said to be correlation, not causation.

the effects of movements on language and values are not necessarily positive, or intended. There could be unintended impacts where movement frames have the opposite or a different effect than that intended by the movement. Movement frames may backfire, leading to increased negativity about a group or issue. Actors do not simply assimilate discourses and movement messages, there is interaction and co-creation of cultural products such as media discourses, group referents, etc. (Whittier 2002). Research on how movements have changed the language used to talk about minority groups such as African Americans, women or LGBT people particularly focus on this type of cultural change. In this study I operationalize these cultural production or discursive impact outcomes by tracing changes in discourses used to represent the movement target group in the media, and by decision makers in legislative discussions and the final legislation documents.

The third understanding of cultural change is the creation of new worldviews, communities and/or cultures. Recent social movement scholarship has shed light on these outcomes. Certain movements, such as environmental, women's or LGBT movements have generated new types of collective identities, which have sometimes coalesced into new communities. The emergence of such communities or subcultures indicates such a cultural impact. This formation of new communities and identities can be studied through sociological and anthropological study of movement participants (Polletta and Jasper 2001; for a review see S. A. Hunt and Benford 2004). While all three movements have certainly created new communities and worldviews, I do not focus on this form of cultural change.

Thus, as movement researchers we do have some insights into how to define and operationalize cultural outcomes of movements. Given this theoretical approach, and my experience with the three movements in Vietnam, I argue that the movements have achieved significant cultural outcomes, of all three types. However, the non-democratic, developing country environment presented difficulties in detecting such change. In this environment, accessing reliable data that would be able to indicate cultural change is either unavailable or incredibly time and labour intensive to collect. For example, public opinion surveys are not routinely conducted thus it is not easy to accurately measure changes in public opinion. As an alternative I considered cultural and value changes by tracing changes in language use in two fields; among political actors and, following Rochon (1998) and others (Gamson and Wolfsfeld 1993; Gamson 2005; Bernstein 2003), in the media.

To trace such changing language use I needed to identify specific loci or arenas to study. The first arena to detect cultural change was 'changes in the social norms and behaviours in which *political* actors operate' (Bosi and Uba 2009, 4, italics added). Political actors and political institutions are systems of power and domination that construct and regulate their subjects (Sewell Jr 1992; Armstrong and Bernstein 2008). State institutions are both structures and structuring of society, both creating and reflecting social norms and values about particular groups in society. Therefore, the language used by political actors and the values related to particular groups that is incorporated into policy becomes incredibly significant. For example, defining those infected by the HIV virus as 'social evils' (*tệ nạn xã*

*hội*), means the state takes a law enforcement approach to regulating these policy objects, rather than approaching the problem from a medical perspective or a harm minimization approach. Through document review and interviews I tracked changes in the language used and understandings of the movement groups by political actors, and in the relevant legislation, i.e. how these groups are created as a policy object. In most cases, drafts of the legislation were available as well as reports from drafting committees and media coverage of drafting processes. In some cases, what ‘appropriate’ language should be included was even explicitly part of the consultation with communities and discussion in the National Assembly. I was thus able to track the adoption (or not) of movement promoted language and frames in the legislation, as well as through media and in the discourses of government elites. I am not arguing that changing the language in the laws inevitably indicates changed attitudes and values, but it is an indicator of some level of effect of movement generated identities and movement framing on the political process, and thus on the political construction of these groups.

The second arena within which to detect cultural change is through the way media reflects public opinion and general social discourses more generally. All these movements of marginalized people with highly stigmatised identities have specifically targeted ‘raising awareness’ as necessary for changing the ways their identities are created and understood and thus their members are treated – in the political field and in society more generally. With no public opinion data available, one way to trace such a change is to consider the media. Gamson (2005) operationalizes this by considering the acceptance or standing of a particular movement in the media; the fact of movement representatives being included in the media, being asked for their views and opinions on relevant issues. In this research I was able to trace which types of actors were given voice in media throughout the period of movement activity (the legislation campaign periods). If there is evidence that movement representatives are increasingly invited to be part of debates, discussions and programming when their issues are discussed, one can say they have media standing, and hence some cultural impact.

In addition to acceptance, one can also trace public opinion and values by tracing changes in how the group is represented in the media. For example, the LGBT movement focussed significant effort on educating the media about LGBT people and lifestyles and challenging negative or misinformed representations of LGBT people. If the movement has had an effect, the researcher should be able to detect a shift towards more positive representations as advocated by the movement.

Undertaking research with the media in Vietnam requires some care and understanding of the particular environment, as it is very different to that of a democratic state. In Vietnam the Party-state controls all media (print, radio and electronic, but not social media). However, this does not mean that there is a consistent, single voice in the media. The landscape is remarkably vibrant and surprisingly diverse and there are regular debates about controversial issues. Each Ministry and agency (e.g. Women’s Union, Youth Union) has at least one newspaper focussed on their specific issues, and there is often quite intense criticism and debate within the print media about government policy, implementation and direction. The relationship between the media and the Party-state is a

negotiated one 'it is not necessarily the case that because all media is owned by the state, whatever is reported in the media has been directed or ordered by the regime. The relationship between the media and the state has never been a strictly hierarchical one. It has, instead, been a constant bargaining process regarding possible discursive limits.' (T. H. Nguyen 2012, 4; see also Gainsborough 2010b; Cain 2014; Labbé 2015). Thus, it is possible for a researcher to gain insight into public opinion through considering changes in how the media interprets political and public discourses about a particular issue, pushes the boundaries of acceptable topics and discourses, and reflects and shapes public attitudes, even in this environment.

It was unfortunately not possible to undertake comprehensive media monitoring as part of this research due to limitations of time, resources and language. However, it was possible through a combination of secondary data and key informant interviews, to understand and trace changes in media discourse and track the adoption (or not) of movement discourses and frames. I conducted interviews with movement actors and other key informants about whether and how the language used in the media, and the portrayal of these groups has changed. I also interviewed journalists who were able to comment on how their practices and approaches have changed over the research period. I also accessed some secondary reports that had conducted media monitoring, specifically about media portrayal of LGBT people.

#### 3.4. Defining and observing mobilizational outcomes

The issue of mobilizational outcomes is less challenging than the other two groups of outcomes. Bernstein (2003) doesn't discuss this concept in detail, but seems to operationalize it as 'organisation building'. In order to determine if a movement has achieved mobilization outcomes, a researcher would need to see sustained activities of the movement, movement growth and development, increase in sophistication, etc. For this research I also consider if the particular movement has inspired other movements – even if a movement doesn't survive long term, but inspires the emergence and/or growth of another movement of marginalized people, then this can be considered an impact of the original movement.

In defining and operationalizing mobilizational outcomes, some questions do arise and these are not well explored in the movements' literature. For example, what is the appropriate timeframe within which to determine mobilizational success? If a movement is sustained for five years and achieves significant effects in the political and cultural sphere but then collapses, should that be considered a success or a failure? It could be argued that once a movement has achieved a level of political and cultural outcomes the job is done and there is no more need for mobilization.

Alternatively, if a movement is so successful that it becomes incorporated or 'co-opted' into the political and institutional structures, such as transforming into a political party or a government agency, should that be considered a success or a failure? Scholars of the women's movement have addressed these issues in terms of the institutionalization of feminism through the creation of women's agencies within government (see for example Minkoff 1993; Stetson and Mazur 1995, 2000). Minkoff (1993) argues that survival in any

form should be considered a movement success. Stetson and Mazur (2000) consider the problem of co-optation and conclude that women's agencies within government can play an intervening role between movements and government, but their ability to support achievement of movement goals is mixed.

Alternatively, if a movement fragments and divides, spinning off different movements that take over some of the challenge, can this be considered a success? For example, fifteen years after the emergence of the first groups of PLHIV, there is now not only a movement of PLHIV, but also a newly emerged National Association of Sex Workers, an Association of Injection Drug Users and an Association of Men who have Sex with Men (MSM). All of these movements have, to some extent, emerged from and been inspired by the original movement of PLHIV. It may be that having a range of movements will enable better representation of the specific issues affecting these different groups. However, it's also possible that in an environment with limited access for civil society to the political process, it could be more effective to have one, united movement representing a range of issues.

We should not assume that movements will stay exactly the same over the longer term, however, in this study I define mobilizational success as a movement's ability to continue to achieve political and cultural outcomes, particularly if the issues challenged by the movement continue to be relevant. If collapse, fragmentation or institutionalisation means a movement is unable to continue to challenge authorities, or make new challenges as the situation of the group changes, this cannot be seen as successful continued mobilization.

The question of timeframe is difficult, and one which I do not have control over. These movements are all relatively new, having emerged in the last fifteen years. I can assess the continued mobilization of the movement of PLHIV and PWD as they emerged in the early 2000s. However, the movement of LGBT people is much more recent and it is difficult to say much about longer or even medium term mobilization outcomes. However, the question of this research is not '*did* the movements achieve outcomes' but rather '*how* did they achieve outcomes'. Thus, it is not necessary to assess the level of outcome achieved, merely demonstrate that there have been outcomes and investigate the mechanisms and conditions that might have led to these successes.

**Table 2: Operationalizing outcomes summary table**

Outcome	Key question	Points of observation
<i>Political outcomes</i>		
New advantages/ collective benefits	To what extent has the movement influenced the collective benefits available from the government to that group?	<ul style="list-style-type: none"> <li>- Passing of key legislation.</li> <li>- Evidence of increased government budget, government services, other benefits.</li> </ul>
Inclusion, acceptance in the political process. Political empowerment of the group.	To what extent has the movement been included in the political process?	<ul style="list-style-type: none"> <li>- Evidence of participation of movement actors in policy processes.</li> <li>- Evidence of institutionalisation of movement participation through</li> </ul>



		legislation. - Recognition by the government of legitimacy of movement representatives and/or organisations.
<i>Cultural outcomes</i>		
Changes in social norms and behaviours of political actors.	How are these groups understood by and valued by political actors?	- Change of language in how groups are 'named' in laws/ policies. - Expansion of laws, policies that acknowledge the rights and citizenship of these groups.
Acceptance of movement by media. Representation of movement in media.	To what extent are movement actors considered legitimate spokespersons for the target group? How are movement groups represented in the media?	- Representatives from the movement have standing in the media, regularly invited to represent the group. - Shift in media representation in line with movement demands.
<i>Mobilizational outcomes</i>		
Ongoing mobilization of the movement	To what extent can the movement continue to participate in these political and cultural challenges?	- Continued existence of movement beyond the policy change. - Growth in organisation, sophistication, evidence of sustained challenge. - Evidence that the movement has inspired other civil movements, or other movements have learned lessons from them.

This framework helps reduce the complexity of considering three different forms of movement outcomes and guided the field research, which focussed on specific actors involved in the policy campaigns as outlined below.

### 3.5. Actors for the research

Based on an assessment of the literature, and my knowledge of the campaigns, I knew that it would be important to include three main sets of actors in the research; movement actors, government representatives and representatives of international agencies. As the research is primarily focussed on policy change, the movements and the government are the main protagonists. For both these sets of actors I tried to include a wide range of people to get various perspectives. For example, movement leaders and members from different parts of the country, and both elected and administrative actors involved in the law development processes.

The third set of actors is international agencies, both international institutions such as NGOs and the UN, as well as representatives of international social movements. As a developing country, Vietnam has a wide range of donors, international development agencies, embassies, and non-government organisations (INGOs) present in the country, and trying to influence policy and to some extent culture. Many are concerned with social issues such as HIV and the rights and welfare of people with disabilities. These



international actors interact with both the other sets of actors. They are a significant donor for movements as well as providing technical advice, training and support for the emergence, growth and activities of movements. In addition, they claim a role in influencing government; through specific international policy agendas, but also through providing funds and technical assistance for the law and policy development processes.

In this study I considered the quantity and role of international financial and discursive resources. I analysed how funding was provided to both movements and the government for these particular campaigns, as well as for movement training and growth. I traced how particular international discourses of equality, rights, development etc. are framed and promoted by international actors as well as transformed, adapted and mutated by both the movements and the government (Stone 2008; Johnson 2009). The aim is not to disentangle or compare the levels of influence of movements vs. international actors, but rather to analyse and trace the way in which multiple interactions between the three sets of actors, the exchanges and dynamics of different discursive resources, and the impact of financial flows affect how policy is made and remade in this environment.

During the fieldwork it became clear that contrary to my initial assumptions, public opinion was important and that all the actors were using the media as an important part of their policy and cultural challenges. Thus, media professionals were also included as actors and interviews conducted with journalists who were involved at the time of the three movement campaigns.

The third major element of the theoretical framework informing this research is that of political context, and how political opportunities impact on these policy changes.

### 3.6. Political context in Vietnam

As discussed in the previous chapter, the issue of political opportunities or political context is key for contemporary social movement theory. The specific context of a one-party 'market socialist' state is a key motivating consideration behind this research and an important part of the theoretical frame. All three movements are attempting to influence national policy-making processes. Thus, they face similar formal political opportunity structures, although there are important differences depending on the issue and the ministries involved. However, beyond this formal, official political context are some important other considerations that were included in the theoretical frame.

As briefly outlined in the introduction, Vietnam's political environment is changing as they conduct the live experiment of market socialism. Political reform is lagging economic reform, but has been picking up pace since 2000. Therefore, the political environment was changing and developing throughout the fifteen years during which these three movements were conducting their campaigns. Even during this relatively short period, the environment for civil society and citizen participation was far more open by 2009 when the LGBT movement was emerging than it had been at the beginning of the century. Although a one-party state, Vietnam's political system today is increasingly plural with new sources of influence such as newly enriched business people, influencers from provincial governments, and younger Party and non-Party members who have been influenced by

education abroad, or who have different visions for the country, along with emerging civil society organisations (Gainsborough 1997; Hayton 2010; Gainsborough 2003, 2004, 2010a; Schmitz et al. 2012).

In order to understand more deeply this changing political environment and gain some insight into the reality of the political opportunities I focussed on issues identified as key in the movements' literature including: the openness and level of access of the particular environment within which each movement was operating specific to the issue and Ministry with which they were interacting; the plurality of actors in the political system; the changing nature of elites; and, the nature of repression.

Finally, a factor that is identified in the literature, and which emerged as highly significant in interviews, is the presence and relative influence of allies and opponents. In a single party system without publicly stated policy positions, it is not easy to define allies and opponents within the political elite, however I have gained some insight through interviews and the literature. For Vietnam, understanding allies and opponents is less a matter of counting the number of 'reformist' or 'liberal' policy-makers involved in policy deliberations (an approach common in the literature) and more an attempt to unearth and understand the meaning of relationships between movement actors, relevant policy-makers and other policy actors, and how this fractured and pluralised political system provides opportunities for movement actors to promote their goals and ideologies (O'Brien and Li 2005; Wells-Dang 2010; Hayton 2010; Gainsborough 2010b).

For Vietnam, particularly in an environment of reform and opening, it is insufficient to classify the political opportunities as 'closed' and repressive because of its non-democratic, one-party state macro-environment. In order to really understand how the political environment interacts with and affects the ability of movements to operate and to achieve political goals, it is essential to recognise that each movement is operating within specific, micro-environments, and interacting with various different actors within the system. To answer the question of *how* movements achieve outcomes in this environment, it is essential to closely examine the environment, based on careful field research.

### 3.7. Caution about the theoretical framework

This framework, with different factors interacting to influence a range of specific outcomes was extremely helpful for the research design, informing the design of the field work, questions for semi-structured interviews, and the data analysis. However, during the process of analysing and understanding the empirical data gained through the fieldwork it became clear that a more flexible approach was needed. The political and cultural challenges of the movements are inextricably linked. Challenging legislative language is explicitly political; defining these groups as policy objects, and dictating how they are viewed as political actors. However, it is also cultural; influencing how the public views them, and the approaches of the media to representing them. Mobilizational outcomes were linked to the political and cultural challenges, and potentially also to the outcomes achieved. There were multiple interactions of information, discourses, understandings, etc. among all actors involved in the policy process, in a number of different sites of interaction including the media.

In addition, many parts of social movement theory are underspecified, or ill-suited to the Vietnamese movements under examination due to having been developed in liberal democracies through the study of protest movements (Venesson 2008). The theoretical framework thus is a helpful guide, but these cases are able to contribute to theory building more than theory testing. This also means that I did not have any expectation that the outcomes of these movements would be explainable through a linear or even conjunctural or multifinal causal path. As a result of engaging with the empirical data I found myself agreeing with O'Brien and Li (2005, 252) that 'popular pressure is one factor among many, and outcomes arise from a confluence of mass and elite forces. In such circumstances, it is unwise, as some social movement scholars are wont to do, to fix on isolating the independent effects of contention or disentangling the role of societal and state actors.'

Thus, while the framework outlined above certainly informs the research, during the process of fieldwork, analysis and writing up results I remained open to the possibility that new factors and explanatory conditions might emerge. This entailed a two way correspondence between theory and empirical results. The resulting analysis and conclusions do not attempt to disentangle the varying influence of different actors or unnecessarily separate the range of political, cultural and mobilizational outcomes achieved by the movements. Alternatively, I trace the details of how these movements mounted political and cultural challenges, as well as how elites responded to these challenges, in order to gain insight into how movements work in this particular environment. Some of the findings are relevant to the existing literature, and add to theory, particularly concerning how movements work in non-democratic environments. In chapter seven I make some suggestions as to how these findings speak to the existing state of the literature and can inform scholars working in other non-democratic environments and for other types of movements.

#### 4. Methodology

Given that the main aim of the project was to understand in detail how interactions between different actors within a specific environment achieved political and cultural changes, the methodology chosen was 'qualitative observation', i.e. descriptive and causal inferences 'based on bits and pieces of non-comparable observations that address different aspects of a problem' (Gerring 2017, 18–19). With a very wide range of potential influencing factors and conditions that are likely to impact on movement outcomes, the approach is to analyse interactions, explore diverse influences and trace processes over a specific time period in order to build narratives of explanatory processes (Mahoney 2004; Della Porta 2008)

##### 4.1. Sources of data

Data was collected from a wide range of sources; documents (draft laws, reports, etc.), media, as well as interviews in order to capture the wide range and nature of political claims making (Koopmans and Statham 1999). These movements did not rely on protest for their challenges, but even if they had focussing only on protest events would have missed the broad challenge movements made not just to policy, but also to public perceptions, media portrayals and cultural understandings. In addition, this broad source

of data enables detailed analysis of the discursive content of the challengers, other actors and institutions involved in the debates, and therefore a better understanding of how the interactions resulted in change.

#### *4.1.1. Semi-structured interviews*

As mentioned above, three main groups of actors made up the interviewees for this research. Firstly, fourteen key leaders and members of the three movements were interviewed. Secondly, nine key informants from NGOs and international organisations who had been involved with the law reform processes, including both Vietnamese and international informants. Finally, and crucially, six government officials, both elected officials and bureaucrats were interviewed. It was unfortunately difficult to interview elected officials who were involved with the HIV law process as so much time had passed, but several who were involved in disability and the marriage law were interviewed. I was also able to interview key bureaucrats such as the Chair or members of the drafting committees for all laws, and key ministerial officials from the relevant ministries responsible for drafting processes.

I was fortunate in that I already knew many of the key movement members and leaders as a result of my work in the country over the past fifteen years. I used a combination of my own existing network, and snowball identification techniques to identify interview subjects. This was particularly important for the government representatives. In many cases, the movement leaders or NGO officers were able to arrange introductions to government officials who had been involved in the policy process at the time, including several who are now retired.

In addition, I interviewed several members of the press and electronic media in order to get insight into the cultural change processes. Movement actors recommended journalists who had been involved in their media campaigns. Unfortunately there is quite high turnover in this industry so it was difficult to interview people who had been involved in all three campaigns, and it was also difficult to access very senior journalists and managers.

The interviews were semi-structured using an interview guide with questions based on the theoretical framework. However, I wished to allow interviewees to also express their own interpretations of their campaigns, or how they understood the movement's campaigns, so the questions were used as a guide only and allowed the interviews to roam into other areas if the interviewees thought it important. These additional topics into which interviewees wandered provided valuable information about their understandings and interpretations of movement activity. All interviews were transcribed (in English, with notes about Vietnamese language and concept usage) and the transcripts used for qualitative analysis.

As an 'observant participant' (Moeran 2009) I had a number of advantages in getting access to informants, and in being able to obtain detailed, genuine information from them. Most of the movement actors and NGO informants already knew me, having worked with or near me for many years. Many of the ministerial representatives also knew me. They were thus very open and trusting with their opinions. For those who I met for the first time I

was careful to point out how long I had been in Vietnam, to introduce myself and the project in Vietnamese, and to explain how I had worked in the field for some years and thus had a good understanding of the issues (in fact I normally established this in the request for the interview). I was acutely aware that my interview subjects did not want to waste their time with someone who was naïve, had misinformed prejudices or lacked knowledge and understanding of the country and the issues (Browne 1999). This is particularly relevant in a cross-cultural context where the interviewer is not from the same political system or culture. It is essential to establish a level of respect by demonstrating at least basic understanding of the culture, the informant's perspective, and the historical and political context within which they are operating. This is even more important in a developing country, post-colonial context where there is a long history of 'well meaning' foreigners trying to help the 'natives' and either ignoring or totally misunderstanding local history, culture, religion, etc. (Craig and Porter 2006; Mosse 2011). As a result of working with two of the campaigns and being well informed about the third, I was already aware of the context, the broad sequence of the campaigns, and many of the key protagonists. This made interviews quicker and more fluid, and lent additional credibility to me as a researcher.

Language was another key consideration for the fieldwork. Interviews were mostly conducted in English. When informants were not comfortable in English a translator accompanied me to ensure full understanding. However, my Vietnamese comprehension is sufficient to understand and be able to make notes of Vietnamese language usage. While I require an interpreter to ensure full comprehension, in listening back and transcribing the interviews I was able to note down the specific language and concepts as they were used in Vietnamese – for example, whether a policy maker used the derogatory *người tàn tật* or the more neutral *người khuyết tật* for 'person with a disability'. In addition, I understand the main debates and issues surrounding these three policy domains, as well as the 'shorthand' and technical language used. This gave me an advantage as I rarely needed to interrupt the flow of informants' narrative by asking them to stop and explain. Informants do not always provide sufficient background and context when answering a question, so it's crucial for the researcher to be familiar with the details of the policy issue, the main actors, key debates, shorthand references, etc. before going into the interview. Browne (1999) stresses the importance of learning policy jargon and language in order to be able to earn trust and respect from policy actors and thus collect more detailed and honest information about the policy process, and to avoid misunderstanding and misinterpretation. Browne also suggests collecting data in a phased process, from a range of different informants inside the policy 'enterprise' (1999). I tried to do this to the extent possible. In some cases, I was able to conduct follow up interviews with some informants in order to triangulate, confirm or get more details about data provided.

Of course, this 'insider' status also comes with risks, and insider researchers are perhaps particularly vulnerable to the cognitive biases that plague all scientific enquiry (Vennesson 2008). It was important to constantly check my knowledge – to remember that I do not know everything, or even very much, about Vietnam, the policy issue and the political system. It was necessary to be humble and to genuinely listen to what informants were telling me, particularly where it didn't chime with my previous understandings or

assumptions. In addition, I tried to be aware of my own normative biases about Vietnam, the political system and my own experiences of involvement in the campaigns, particularly the process of developing the Law on Disability with which I was involved both as a staff member of several international NGOs, and as a volunteer supporter & consultant to the movement. I had to remember that I had a particular perspective which was only one perspective and that there were other interpretations and narratives from actors in different roles and positions, and try to avoid confirmation bias. It is impossible to be completely objective, but it is possible to be aware of my own biases, perspectives, and assumptions and try to remain an objective observer throughout.

#### 4.1.2. Documents

In addition to the interviews, a wide range of documentary evidence was used, and the theoretical framework was helpful in guiding the selection of appropriate materials. For the HIV case, official documentary evidence was limited, as unfortunately at that time the online databases and libraries that are now maintained by the government were not available. In addition, most informants had not maintained files of draft laws, meeting minutes, etc. This is a limitation, but I don't believe is a serious weakness. For the development of the disability law and the same-sex marriage campaign, I was able to access copies of draft laws including comments from my own files, NGOs and government officials. In addition, the transcripts of National Assembly discussions, along with all the reports and documents that were provided to Assembly members for the discussion were available online and I was able to download, translate and analyse these.

Full media analysis was not done for this project, but some significant newspaper reports about the negotiations or law approvals were included in the analysis. I also used internal documents from the movements about their structure, strategies, internal meetings, etc. in order to get factual data about their size, structure, goals, funding, etc.

During the data collection process I aimed to be consciously aware of how I was selecting certain information as 'relevant' and discounting or excluding other information. Guided by the literature, the theoretical framework and my own knowledge of the environment and informants I also tried to be consciously aware of how particular biases, agendas or positions influenced how informants presented information (Fontana and Frey 1994; Seidman 2006).

#### 4.2. Data Analysis and interpretation

I applied a qualitative data analysis approach which enabled tracing the actions and interactions of the different actors involved in three legal changes in order to re-construct a narrative of the processes involved and the outcomes achieved. Collier (2011, 824 *italics added*) defines process tracing as 'an analytic tool for drawing *descriptive* and *causal* inferences from diagnostic pieces of evidence; often understood as part of a temporal sequence of events or phenomena.' More parsimoniously, Vennesson (2008, 224) defines process tracing as 'a research procedure intended to explore the processes by which initial conditions are translated into outcomes'. For this particular project I am more interested in the *descriptive* inferences, rather than trying to trace specific causal pathways to movement outcomes. My approach thus is more interpretivist, using process tracing to



understand and describe how these three movements mobilized and mounted a challenge, and how elites in government and the media responded to these challenges. Tracing discursive content, events, tactics and strategies for each of the movements and other actors has allowed me to reconstruct the campaigns based on the theoretical framework, better understand how different actors interpreted the causal factors and influences, analyze how different conditions and actors interacted, and theorize about possible mechanisms that might be in operation.

I utilized the *Atlas TI* software to assist with qualitative and textual analysis. All interview transcripts and other documents were coded based on a list developed from the theoretical framework. Those elements of the political opportunity environment, movement characteristics, discourses, framing, etc. of different actors were coded in the software to assist with 'reducing the available information to a small number of dimensions, consistently defined across the units of interest' (Gerring 2017, 19) and to support the identification of linkages, commonalities and themes. The initial codes were based on the literature and the theoretical framework. However, additional codes emerged from in-depth engagement with the data, particularly the interview transcripts. These were elements or issues that were clearly important to the people involved in the campaigns, but that had not been identified by the initial theoretical framework. For example, the key issue of government perceptions of movement actor legitimacy came out very strongly in interviews, so a code was added for this and the issue traced through those who used this concept and the role of legitimacy in the policy process.

Following analysis, the data and analysis was used to write the three case studies. These stories are interpretive descriptions, in the tradition of 'thick description'; analyzed, selected and described based on theory (Bennett and George 1997).

Throughout the analysis process the researcher needs to be aware of their own biases as well as the biases likely within the data, but there is always interaction and back and forth between the data and the theory in order to tell the story. In this way, I have not so much traced a causal pathway or set of possible pathways that lead to movement outcomes in an authoritarian environment, but rather I have re-constructed three stories that together shed light on the processes, interactions, important factors and conditions that together operate to generate multi-faceted outcomes in a particular, but changing environment. The stories that result are interpretive descriptions, in the tradition of thick description, analyzed, selected and described based on theory, not merely a listing of factual information (Geertz 1994; Ponterotto 2006).

In the next three chapters I tell these stories of the three movement cases, in chronological order, describing the processes and interactions involved and highlighting how the cases speak to social movement theory (and how not!). From these stories emerge better understandings of the processes involved, some of the important considerations and potential mechanisms which can then help to enhance theory and improve our understandings of movement processes.

## Chapter Four. The movement of people living with HIV in Vietnam

### 1. Background

Around the turn of the century, Vietnam was just beginning to feel the impact of the HIV epidemic. The first HIV case in Vietnam was identified in 1990. By 2000 it was estimated that between 90,000 and 150,000 people were living with HIV, or approx. 67 infections per 100,000 people (Vietnam Administration of HIV/AIDS Control 2009, 66). Vietnam's epidemic was highly concentrated with the majority of infected people belonging to highly marginalised groups, primarily injection drug users (IDU), female sex workers and some men who have sex with men (MSM). However, by the early 2000s the broader community was becoming increasingly aware of the disease and there was widespread fear and discrimination (UNESCO 2003).

The majority of people living with HIV (PLHIV) were men (estimated at 70% of total infected people). Families often rejected members who were infected with the virus as there was virtually no treatment; the government provided anti-retroviral drugs for only 50 civil servants infected due to their work (C1.5 2015). There was no confidential counselling available, HIV testing was often mandatory (for employment, during pregnancy, in detention centres) and voluntary testing was hard to access and not confidential (B. S. Pham et al. 2002). When PLHIV died, as they usually did without treatment, it was not uncommon for families to leave the body on the street out of fear and shame (C1.8 2015).

It was in this context that small, underground groups of people living with HIV (PLHIV) began to form.

#### **Mobilization**

Given the highly discriminatory environment, the rapid spread of HIV infections, and the almost total lack of services for those living with HIV, there were certainly grievances that could potentially stimulate the emergence of a movement of people living with HIV (Smelser 2011). However, as the majority of those affected were highly marginalised it was very difficult for them to find each other, access resources for mobilization, and mount a collective challenge (McCarthy and Zald 1977; Jenkins 1983; M. Olsen 2002; McCarthy and Zald 2002). Thus, it was not until quite late in the 1990s that an embryonic movement emerged.

From the mid-1990s the numbers of HIV infected people began to increase quite rapidly and the government and some international NGOs began to implement communication and self-help activities for HIV prevention. Ho Chi Minh City, the largest city with the most prominent HIV epidemic, lead the way. In 1995 a group of young activists established a 'condom café' to provide peer education about HIV, reproductive health and condom use for youth in HCMC. They received some funding from international non-government organisations and the café operated for six years (Vinh, Raguin, and Thebaud 2014). By 1998-1999 a very small group of injection drug users formed in HCMC. As drug use was criminalized and arrest of users very common, this group was necessarily informal and underground. Around the turn of the century some small groups of MSM were also beginning to form in HCMC as the epidemic spread among their population group.

By 2001-2002 the government responded by trying to co-opt and control any embryonic movement. They promoted the formation of official 'friends help friends' groups' (FHF) in key urban centres of the epidemic. These groups were supposed to provide peer support and assistance as well as HIV education. However, they were facilitated and funded by the government and many PLHIV did not trust them (C1.5, see also Uhrig 2000). In addition, the FHF groups had a policy of



not including injection drug users; they were essentially clubs to support 'good' or 'innocent' PLHIV (Care International, Policy Project 2003).

By 2003 the concept of peer support and assistance was gaining recognition and more people living with HIV were beginning to recognize the need for peer groups. At the same time international assistance for combatting HIV in Vietnam was rapidly increasing. These international agencies advocated for and supported mobilization of a movement of PLHIV for better service provision, as well as to become involved in policy advocacy. Increasingly the concept of 'PLHIV' as a collective identity was available to enable the mobilization of previously disparate groups of drug users, MSM, prostitutes and HIV positive people (Melucci 1996)

In 2003 the first major group; Bright Future group, formed when around ten people living with HIV in Hanoi came together to provide peer support and to try to access treatment and other services. They were fortunate to meet a Thai woman living in Hanoi who had experience of working with PLHIV groups and she in turn introduced them to the country representative of the Policy Project, a USAID funded, international initiative to promote HIV law and policy making. This representative was a person living with HIV himself and was highly experienced with the international movement. Policy Project became the key agency supporting the mobilization of groups throughout the country. The Policy Project and several other international NGOs provided training for groups of PLHIV in mobilization and organisational management, technical issues such as treatment literacy & peer counselling, as well as communications and policy advocacy skills. Policy Project was motivated by the belief that policy development should be 'evidence-based' and that an important component of that evidence should come directly from PLHIV. They consciously aimed to create a strong and capable movement of PLHIV that could be involved in policy making on the same level as other non-government actors (C1.4 2014).

The emerging peer groups provided peer assistance, but they also started to deliver the necessary services that were not yet available through the health system.

'Bright Future started a buyer's club, an ARV [anti-retroviral] Buyer's Club so people had access to discount ARV locally produced. So that was appealing to people. Also they started an important model which they called the care and support team – it is a group, a team of PLHIV that provide home based care for other PLHIV. At that time there wasn't much (*sic*) ARV so people were very sick, the families were afraid and didn't know how to care for the person, so the care even for burial, when a person living with HIV died, the whole family, the whole community was afraid and shaking. So they did that kind of support and that really became very popular and appealing for people so that's how the movement started. Bright Future grew very big very quickly because of that; they were giving people what they needed. That brings people together. But also, not only services, they provided a safe environment. When you are stigmatized by everyone, even your own family and there is someone you can talk to, who can give you comfort, that's really a big help, it's very appealing to people.' (C1.1 2015, see also USAID 2009)

From these small beginnings, the Bright Future network grew rapidly. By 2005 they had 500 members in six provinces (VNS 2005) and by 2007 had at least 1,800 members in 17 provinces. In addition to Bright Future, by 2007 there were more than 50 self-help groups of PLHIV throughout the country. (T. H. O. Khuat 2007)

## **Movement development**

In southern Vietnam a network was also emerging. By November 2004, groups were forming throughout the city and Policy Project and the HCMC AIDS Committee organized a “PLHIV Festival” attended by 200 HIV positive people, members of the National Assembly, government, and international organisations. This event is considered to be the ‘birth’ of the Southern Network of PLHIV (C1.4 2014). The Southern Network also grew rapidly such that by 2009 USAID estimated they included 15 groups and over 800 members. (USAID 2009). Throughout this period Bright Future and the Southern Network worked closely together to support the development of new groups in provinces across Vietnam, and began discussions about establishing a national umbrella organisation to support the movement and improve their ability to conduct policy advocacy.

Following this successful mobilization and growth, it was necessary for the movement to develop their ability to meet the pressing needs of their members; through training, funding, and technical knowledge. As mentioned, the movement of PLHIV was primarily made up of current or former injection drug users, sex workers and MSM. In 2003, 65% of reported HIV cases were infected through injection drug use, and 70% of PLHIV were men (Care International, Policy Project 2003; Patterson and Stephens 2012). Most of these people had quite limited educational backgrounds and most were from rural areas, despite currently living in an urban area. Most were living in very difficult socio-economic conditions with low income, so the capacity of most of the members and leaders of the movement was very limited.

Another serious issue for the movement, particularly in the early days before mass treatment was available, was the very high levels of illness and death among PLHIV. The Bright Future Buyers Club was primarily focussed on keeping the leaders and key members of the group alive and healthy so that they could build the movement and participate in advocacy activities. In addition, the socio-economic situation of most members and their families meant it was difficult for them to commit significant time to the movement. Many members were still working in the sex industry and/or injecting drugs, so they were continually under threat of arrest and detention. It was not uncommon for representatives of the movement to miss important events or meetings because of arrest (C1.4 2014). Movement leadership at this time comprised primarily leaders of Bright Future in Hanoi and the Southern Network in HCMC. These leaders were mostly men, and in many cases their wives. They had some education but in most cases did not speak English or another foreign language. Most of the leaders had not been involved in this type of advocacy or activism before, and had little experience of interacting with government, even at the local level.

Although most of the significant international funding available to Vietnam for HIV was channelled to service delivery, some key NGOs such as the Policy Project also targeted funding for movement development and training and for policy advocacy. At that time, civil society organisations (CSOs) could not access Vietnamese government funding and local philanthropy was very limited, thus the support from international organisations and donors were absolutely critical for the movement’s development and organisation building. Policy Project assisted the movement leaders to develop advocacy skills, public speaking experience, knowledge of how to work with the media, etc.; skills essential for the success of the movement.

The movement maintained a very informal, flexible structure. Most groups were quite small and many were not members of a network such as Bright Future. The Vietnamese government requires CSOs to register, however at that time it was very difficult for membership based groups to get approval, so many of these groups remained unregistered and were thus unable to raise funds to hire staff, rent facilities etc. Some of the Bright Future groups were able to register as Associations or research institutes, but the majority of these membership based groups remained informal and

unregistered. The Policy Project had a budget of approximately \$1million USD per year from 2003-2006 and was the main supporter of both movement capacity development and policy advocacy. However, they and the other international NGOs supporting these groups usually had regulations that limited their ability to provide core funding to groups, particularly those that weren't registered. Funding was therefore usually provided for specific events or activities, and often via a registered intermediary organisation. Alternatively, movement leaders were hired to implement INGO projects. Once international funding became available to support government service provision, the movement's role in direct service provision such as counselling and treatment reduced drastically. Core funding to support group operations reduced and the movement's primary focus then became peer support and policy advocacy (Patterson and Stephens 2012).

## 2. Becoming visible. Advocacy for a Law on HIV

The initial policy environment for HIV and AIDS in Vietnam was entirely focussed on disease control through law enforcement. It enshrined the belief that HIV was a result of immoral, lazy behaviour and the 'social evils' of prostitution and drug use, imported by decadent, immoral, Westerners, particularly North Americans.

'They [policy makers] strongly believe[d] that HIV is the problem of the foreigners. Because they come here for tourism or for investment and the government strongly believes that SIDA [the French acronym for HIV] is the problem of the long noses, and when the tourists or the investors came to Vietnam they need to interact with the Vietnamese society and here a group of social evils persons (*sic*) have contact with them and that's why we have SIDA. . . . But more and more we started to see the HIV problems in the south, and that confirmed to you that people in the south are more social evils (*sic*), more problems there because they were working with the Americans. We in the north we weren't involved with the Americans, we were bombed here, but we are so clean, we didn't have the real Americans here. They have the sex, they have everything, their mindset has a problem, they are social evils, that's why they have HIV. Every day we learned about the groups of young boys they have HIV and they are dying and that's what we hear and we say that's because of neo-imperialism. So that's how this country started with HIV response.' (C1.6 2015)

A very early document, Decree No 87/CP (GOV 1993) on Enhancement of the Management of Cultural Activities and Cultural Services, Article 1, Chapter 1 sums up the official government view of drug use and sex work:

"Prostitution and drugs are social evils against the moral and traditional customs and habits of the nation, which bring negative influences on the health, offspring, material and spiritual life of the people and social security, which cause serious consequences for subsequent generations. All forms of these social evils should be prevented and violating persons should be severely punished." (as quoted in T. H. Khuat, Nguyen, and Ogden 2004, 4)

The first policy document specifically related to HIV was Party Instruction 52 on HIV prevention, a one page document issued in March 1995 instructing that 'The best and most effective method to prevent and control HIV is a healthy, faithful life avoiding drugs and prostitution' (Vietnam Communist Party 1995). This instruction enabled the development of an Ordinance on HIV Prevention, approved by the National Assembly on 31 May 1995 and entering into effect on 1 August 1995. This Ordinance indicated a slight change of focus to acknowledge HIV as a health epidemic requiring prevention, education and communication in addition to strict law enforcement and control. However, as suggested by the name, it remained primarily focused on control and

prevention through abstinence, and did not contain detailed provisions about treatment arrangements let alone rights for or participation by people living with HIV. There is a glancing reference to non-discrimination: 'Article 4: HIV/AIDS affected people are protected against discrimination but must implement preventive measures against disease transmission to protect the community health according to regulations by the law'. However, those infected are primarily seen as dangerous vectors of a disease and, as such, their rights can be violated (for example, Article 23 requires infected citizens to inform their spouses, and if they do not, health facilities are required to do so) (*Ordinance on the Prevention and Fight Against HIV-AIDS Infection* 1995).

This Ordinance provided the only guidance for HIV policy until the early 2000s when rapidly increasing infection rates were causing significant concern and it became clear that there was a need for more comprehensive legislative guidance. In addition, Vietnam was coming under increasing international pressure to develop a better legal framework on HIV, and there was money and technical assistance on offer.

The first problem for policy makers was to decide whether it would be quicker and easier to revise and strengthen the 1995 Ordinance, or whether a new law should be developed.<sup>5</sup> There were concerns that the issue was urgent and development of a new Law would take too long. According to a senior Vietnamese staff member, the then head of the United Nations Development Program (UNDP) had very good access to Phan Văn Khải, the Prime Minister. Mr Khải was convinced that HIV was a key issue that threatened the continued successful development of Vietnam and in February 2003 issued a Prime Minister's Directive on HIV/AIDS prevention and control, which provided the impetus for the development of a National HIV Strategy as a precursor to developing a new HIV Law.

The National AIDS Committee<sup>6</sup> was tasked with development of the National HIV Strategy, and at that time there was no official involvement by international actors. However, through the UNDP, a small group of international technical experts were able to access the drafts and provide comments and suggestions back to the AIDS Committee. In this way, strong, trusting relationships were established between international technical experts, local staff of international NGOs and Ministerial and Agency level government staff (C1.4 2014, T. Vuong et al. 2012). In addition, Mrs Nguyễn Hoài Thư the Chair of the Committee on Social Affairs of the National Assembly was also very sympathetic and supportive of the whole process (C1.6 2015), thus providing a channel to the Assembly at an early stage.

This strategy development did not involve PLHIV. The movement was embryonic in 2003 with the Bright Future group only forming in January 2003, and the government continued to view the issue as one of technical prevention and control of HIV, thus health and law enforcement professionals were seen as key, rather than affected communities (Care International, Policy Project 2003).

The *National Strategy on HIV/AIDS Prevention and Control in Viet Nam till 2010 with a Vision for 2020* was approved on March 17, 2004. The Communist Party then issued a comprehensive instruction in November 2005; *Directive 54 on HIV and AIDS Control*, in order to facilitate the

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<sup>5</sup> An ordinance is approved by the Standing Committee of the National Assembly, comprising about 30 of the nearly 500 members of the full assembly. As such, ordinances are lower-level legislative instruments that can be overridden by laws, which are approved by the full National Assembly.

<sup>6</sup> A multi-sectoral committee tasked with management of Ordinance implementation. In 2000 it was abolished and National Committee on AIDS, Drugs and Prostitution (NCADP) was established with many of the same leaders and staff.

development of a Law<sup>7</sup> and enabling the Vietnamese government to officially request international technical and financial assistance.

### **Developing the Law on HIV Prevention and Control, 2006**

The development of the law involved the coming together of three main players in a collaboration that resulted in Vietnam being the first country in Southeast Asia to have a strong, rights-based legal framework for HIV. The combination of strong Party support, international commitment and funding, and involvement of PLHIV seemed highly unlikely in the late 1990s, but by 2004 this is exactly what emerged.

A key event facilitating the law process was that in 2004 Vietnam was added to the countries that received substantial funding under the US government PEPFAR initiative (Presidents' Emergency Plan for AIDs Relief). The country had requested support from this fund, however they ended up receiving over \$17 million USD, significantly more than was requested or budgeted for in the National Plan. This PEPFAR funding joined substantial funding from the Global Fund for Prevention of HIV, Tuberculosis and Malaria (The Global Fund) and other donors and meant that HIV became the hottest thing in the Vietnamese development sector from 2004-2010.

The new funding enabled substantial international assistance for the law development process. While most of the money was directed to health sector strengthening, diagnosis and treatment, there were also significant funds for policy development. International experts on specific technical issues such as harm reduction<sup>8</sup> or methadone replacement therapy provided policy advice and government ministers and policy makers were sent on international visits so they could witness how different policy tools such as syringe exchanges, methadone clinics, etc. operated in different countries. The international community was also quite sophisticated in their engagement in the process, working with high-level, influential Party and government agencies. For example, the Policy Project engaged the Ho Chi Minh National Political Academy, the primary training institution for Party and government officials, to conduct specific research that could inform policy (Ho Chi Minh Political Academy 2003). They also created relationships with the Legal Department of the Ministry of Health, who were responsible for drafting the Law, and the Vietnam Lawyers Association (C1.4 2014, C1.5 2014). The UNDP was also heavily involved, engaging in high-level consultations with Party officials and elected representatives.

As soon as international assistance was requested, international partners insisted on the involvement of PLHIV. 'We pushed really hard for the role of communities as people who needed to be involved in a dialogue around HIV, firstly because they were extremely excluded. Everyone was talking about you and not to you, and in Vietnam as in many other countries, PLHIV were seen as people who were without any kind of capacity' (Stephens 2014). At this time there was no real tradition of actively involving affected citizens in policy making, despite legislated requirements that entitle citizens to be informed about policy making processes and comment on draft laws<sup>9</sup>.

<sup>7</sup> In Vietnam, because of the close engagement between the Vietnam Communist Party and the government, a Party Directive is needed in order to 'allow' the government to initiate legislation or action.

<sup>8</sup> In the context of HIV, harm reduction strategies include needle and syringe distribution, drug substitution treatment (e.g. methadone maintenance treatment) peer education, behavioural change communication, condom distribution and voluntary counselling and testing

<sup>9</sup> The first Law on Promulgation of Legal Documents was passed in 1996, and even at this time there was a provision for citizen participation in law making, however the methods for collecting comments was largely left to the Standing Committee of the National Assembly and there was heavy emphasis on collection of comments through the Fatherland Front and its member organisations (*Law on the Promulgation of Legal Documents* 1996). This law was updated in 2002 with the introduction of a new Law containing a number of changes including a requirement that all comments and opinions must be 'studied and absorbed' by the

However, at that time it was still quite vague how citizens were to be consulted and citizen consultation tended to be *ad hoc*. Policy makers and Party representatives would sometimes ‘consult’ with hand picked beneficiaries known to local authorities or through official channels such as the Fatherland Front i.e. official organisations representing affected communities, not organisations of the affected communities themselves (T. D. Tran 2014).

International agencies acted as ‘middle men’ between the movement and the government to try to ensure more genuine involvement. The international community invested heavily in training groups of PLHIV so they could be effective advocates.

‘We also spent a lot of time, mainly with Bright Future and the Southern Network at that time, talking to them about HIV law and policy, getting their ideas, saying ‘what is happening in your world, what is the problem, and then how do we articulate that to policy makers’. That was the approach.’ (Stephens 2014)

The identification of key concerns and issues that should be incorporated into the law was thus the result of interplay between PLHIV members of the movement, and international organisations and the international movement of PLHIV (represented as staff and experts of INGOs). Key international discourses such as rights-based and harm minimization approaches did not exist in Vietnam prior to this international support, and the movement learned these concepts from international actors. However, this was not a simple one-way transfer of discourses and policy ideas to Vietnam. The process of international actors working closely with movement actors to identify ‘what is the problem and how do we articulate that to policy makers’ was interactive and meant the movement was integral to the transformation and localization of discourses for their application in the local context (Stone 2017b).

Insistence by international organisations, backed up by significant funding, meant unprecedented contact between beneficiaries or policy targets and elected representatives and decision makers in both the Party and government. For example, early in the law development process Policy Project organised a lunch between members of the Committee on Social Affairs (CSA) of the National Assembly and members of Bright Future group. The Chair of this Committee was already sympathetic to PLHIV and their involvement, however this lunch was significant in that other CSA members were able to meet PLHIV, have conversations with them and understand that they were ‘normal’ people with families and jobs. (C1.5, 2014). ‘When you are there you can see they are human and you can speak between people, human fellows, it would create understanding, and it’s difficult for people to reject the suffering and the pain of other human being, if they’ve met them’ (C1.1 2015).

As a result of advocacy by international actors, movement leaders were able to participate in consultation sessions, provide written comments on specific elements of the Law, and provide personal testimonies that illustrated their needs and the difficulties they were facing in daily life (Hammett et al. 2008; T. H. O. Khuat 2007).

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drafting committee, and a requirement that draft legal documents be published on the internet and in mass media so the public could easily comment. This change also provided greater detail on how citizens could submit their comments, and provided that ‘Vietnam Fatherland Front and its member organisations, other agencies and organisations as well as citizens shall be entitled to supervise legal documents and propose competent State agencies to handle wrong legal documents.’ (*Law Amending and Supplementing a Number of Articles of the Law on the Promulgation of Legal Documents* 2002) Later, in the 2008 Law on Promulgation of Legal Documents, the requirements for citizen participation were spelled out even more clearly.

The draft law was first presented to and discussed by the National Assembly on 2 November 2005. According to a report on the National Institute of Finance website<sup>10</sup> (Vien Chien Luoc va Chinh Sach Tai Chinh (National Institute for Finance) 2005) there was lively discussion by over 200 delegates. It was now clear that even at this early stage, some of the discourses and concepts promoted by the movement and international supporters had been accepted by policy makers and were being incorporated into the draft law.

Advocacy by PLHIV themselves was focussed on harm reduction, schooling for children living with HIV and ensuring strong anti-discrimination regulations. When asked about what type of suggestions the government accepted from PLHIV, one movement member responded;

‘for example some articles about PLHIV rights, and some prohibited actions, such as school discrimination, reject[ing] children living with HIV’ (C1.3, 2015)

In discussions in the National Assembly delegates largely supported rights-based approaches to some of the more controversial issues, i.e. that children should not be discriminated against in accessing school and that PLHIV should be eligible for health insurance and access to ARV medication in the same way as people with chronic diseases. This support was a result of the extensive work by movement actors and their international partners to ‘educate’ the Assembly delegates and other policy makers prior to the Assembly discussions.

‘One significant change was the inclusion of substitution therapy<sup>11</sup> in the HIV/AIDS Law, a direct result of joint efforts by policymakers, international organizations, and local activists to advocate for comprehensive harm reduction interventions. For example, a local NGO worked closely with the WHO [World Health Organisation] and the Communist Party’s Central Commission for Ideology and Culture (CCIC) to organize seminars on the topic with journalists and to convene meetings with high-ranking officials. Before the final discussion of the HIV/AIDS Law, the CCIC and the Office of the National Assembly distributed a briefing paper focusing on substitution treatment to all National Assembly members. A former drug user living with HIV/AIDS courageously provided personal testimony before the Cultural and Social Commission of the National Assembly on the urgent need for the treatment. The entire advocacy process took more than two years, but ultimately resulted in the passage of a progressive law.’ (T. H. O. Khuat 2007, 23)

The language of the movement and their international allies was also becoming mainstream within the government. A major challenge by the movement was that the language, and thus policy and cultural meanings in the Law, should respect them as people living with HIV. There was an overt effort by the movement to de-link their identities from the criminalized and stigmatized drug user and prostitute identities, and focus on a new identity of ‘person living with HIV’. While there were still some delegates who used the term ‘social evils’ it seems by 2006 the majority of Assembly representatives were now considering HIV as a chronic medical condition that needed to be managed, and that harm reduction measures were the most appropriate approach.

<sup>10</sup> Unfortunately the online site for citizen commenting, and the National Assembly online library of drafts, reports and transcripts of the National Assembly was not available in 2006, so the records are not as comprehensive for this case as the two others. However, there are extensive reports from government websites and media regarding the detail of the discussion and the transcript of the final discussion and approval of the law on 21 June 2006 is available.

<sup>11</sup> Substituting harmful, illegal drugs for a period to help overcome addiction, e.g. substituting Methadone for heroin.

At the second discussion of the draft law by the Assembly on 21 June 2006, another key issue identified by the movement was discussed. The movement had always stressed the importance of their right to confidentiality (Stephens 2014). An article in the draft law regarding who is entitled to disclosure of HIV results became one of the most controversial, with movement representatives insisting on full confidentiality, and the government arguing that certain institutions had the right to full disclosure. The movement and their international allies were ultimately successful in having a strong confidentiality clause included in the final approved version. In addition, non-discrimination articles were included and harm minimization measures were approved. Media reports of the National Assembly discussions at this time also stressed how the Law and discussions were focussed on the rights of PLHIV, the avoidance of ‘social evils’ terminology, and countering stigma and discrimination against people living with HIV (Vien Chien Luoc va Chinh Sach Tai Chinh (National Institute for Finance) 2005; *Tuổi Trẻ Online* 2005; Bo Tu Phap (Ministry of Justice) 2006).

**Table 3: Timeline of key legal events and development of the movement of PLHIV**

Late 1980s		National AIDS program established as an infectious disease program of the Ministry of Health
1990		National AIDS Committee established, with involvement from 16 different ministries and branches.
1995	March	Party Instruction 52 on HIV prevention
	31 May	Ordinance on HIV Control, comes into effect 1 August 1995
		Condom café opened in HCMC. Continues through 1999
1996	June	Decree No. 34 guiding implementation of the HIV Ordinance
1998/99		Small groups of IDU forming in HCMC
2003	January	11 PLHIV form Bright Future group in Hanoi
	February	Prime Minister’s Directive on HIV Control issued
	August	Policy Project convenes first workshop of PLHIV in Hanoi
2004	17 March	National HIV Action Plan 2004-10 approved.
	24 November	Policy Project and the HCMC AIDS Committee organize “PLHIV Festival” in HCMC. Seen as ‘birth’ of southern network of PLHIV.
		Vietnam announced as a target country for PEPFAR assistance
2005	2 November	1 <sup>st</sup> draft of law discussed at National Assembly
	November	Party Directive 54 on HIV and AIDS control issued
2006	22 May	2 <sup>nd</sup> draft of law discussed in National Assembly
	21 June	Law on HIV/AIDS Prevention and Control discussed for final time and approved.
2007	1 January	Law on HIV comes into effect



## 2.1. Becoming PLHIV. The movement challenge to cultural meaning systems

Addressing the cultural meanings surrounding PLHIV is not only important in the political and policy sphere, it is also essential throughout all institutions of society. The HIV epidemic highlights how cultural understandings of PLHIV as 'social evils' or dangerous vectors of a deadly disease leads to stigma among the public and throughout all institutions of state and society. The stigma attached to drug use and sex work in Vietnam emerges from cultural values which mean that 'judgments are passed against people living with HIV who are thought to have acquired the infection through behaviours that are considered to be morally, socially and economically harmful to both family and society' (T. H. Khuat, Nguyen, and Ogden 2004). This stigma leads to discrimination, which limits the ability of PLHIV to access necessary health and social services. Cultural meaning is thus a concrete, material issue. The PLHIV movement in Vietnam tried to simultaneously address their cultural definition in the political realm and in the public sphere. In the policy sphere they advocated to redefine themselves not as 'social evils' but as citizens with rights, in order to gain legal recognition for non-discrimination & harm reduction as well as access to services such as education, health, employment etc. However, this is of no real benefit if stigma persists in all other social institutions and translates into discrimination against individuals with HIV, meaning they are afraid to leave their home, access services and exercise their newly won rights.

Thus, movement advocacy focused not only on the political elite and policy makers, but also aimed to 'raise the awareness' of the general public. They conducted a range of public activities that aimed to change public understandings of who PLHIV were – to show that they were people, not criminals or dangerous vectors of a deadly disease. For example, one of the first activities of the Bright Future network was a 2003 photography exhibition focussed on the daily lives of PLHIV. The photographs were artistically shot, in many cases in black and white, and highlighted 'normal' everyday activities such as cooking with family, fishing, caring for children, in order to highlight the 'real lives' of PLHIV (USAID 2009).

The selection of advocates and spokespeople for both public events and government advocacy also emphasised the identity of a person *living with* HIV rather than other more confrontational, stigmatised identities. One of the most well known public figures from the movement who was regularly profiled in media was a young woman, *Huệ*, from Hải Phòng city who became infected as her husband was HIV positive. As a young, beautiful, 'innocent victim' of the disease, she embodied a more positive identity of a person with HIV, and was able to evoke more sympathetic reactions from both the public and policy-makers.

'With HIV, people are afraid. Of course it was deadly at the time but more than that because people didn't see it, didn't see a person living with HIV, people didn't see them as a person, as a human being. The concept of HIV was about death, not about people. So the movement of PLHIV, many PLHIV disclosed their status so that people could see a person living with HIV. So [Mrs] *Huệ* for example, she played a very important role because she's a beautiful woman. So when you see such a nice, gentle, beautiful face, it's difficult to reject, the public, the policy maker, it's difficult for them to reject someone who's so gentle and so beautiful. So I think that's really important. And not only her but also so many other PLHIV. Starting with the movement of Bright Future and then *Huệ* as an image, it really triggered other provinces and local authorities to find their own local champions. Mrs *Huệ* is like a national champion and they want to see their own version in their own provinces, their own champion and their own movement, and that really helped to bring about a movement and helped the understanding of the public and the policy maker.' (C1.1, 2015)

The movement also tried to influence and counter the more negative messages of government HIV prevention activities. In the 1990s and early 2000s, large numbers of Communist propaganda style billboards were erected around the country warning people of the dangers of HIV. These invariably focussed on drug use and sex work and equated these social evils with the HIV epidemic and death. The images were very dark and negative, even violent, showing blood soaked needles, death, etc. They relied on fear tactics to 'scare' people into moral behaviour and away from drugs, prostitution and thus AIDs (T. H. Khuat, Nguyen, and Ogden 2004; Giang and Huong 2008).



An old propaganda poster of a prostitute (mãi dâm). SIDA, the French acronym for AIDS was commonly used in the 1990s in Vietnam. Source: <https://tomsnik.wordpress.com/category/propaganda/>



'Preventing harmful culture and social evils is the responsibility of the entire society'  
Source: <http://flickrhivemind.net/Tags/art,öffentlichehand/Interesting>

Media reportage in the early days of the epidemic also perpetuated the association of HIV with drug use and sex work. Articles tended to be sensational, portraying PLHIV as immoral evil criminals intentionally infecting 'innocent' victims (T. H. Khuat, Nguyen, and Ogden 2004). The movement tried to shift these negative images and stories, which perpetuated stigmatising attitudes towards drug use and sex work, which were both associated closely with the HIV epidemic. With international financial assistance, the movement provided training for journalists and promoted less stigmatising images for HIV education, prevention and awareness.

### 3. Outcomes of the movement of PLHIV

#### 3.1. Political outcomes

The movement has achieved highly significant political and cultural outcomes. The movement has achieved not only new advantages in terms of services and funding, but also significant changes in political meaning systems and policy making processes, as well as a major shift in public understanding of people living with HIV.

The classic goal of social movements is increased access to resources, services or other advantages that government can provide (Gamson 1975). In order to understand what distributional benefits were achieved through the development of a new HIV Law, I consider the change in distribution of health and other HIV resources prior to and after the Law came into force 1 January 2007.

The introduction of the law introduced a range of new services specifically related to HIV, as well as affirming that services such as employment, education and training, which are taken for granted by other citizens, are also available for PLHIV. A number of these rights have significant resource implications for the government budget, for example five years of compulsory education is subsidised. Information about expenditure on these 'mainstream' services is not disaggregated by HIV status, so it's not possible to determine whether additional resourcing benefitted PLHIV. However, the direct domestic government spending specifically for HIV does seem to have increased following the introduction of the Law. From 1995 to 2000, domestic central government funding for HIV/AIDS activities increased slowly from VND 45 billion to VND 60 billion (\$2.6 million - \$4 million USD), with an average of VND 5 billion added each year (B. S. Pham et al. 2002). This level then remained fairly stable until 2004, when the government increased its investment to VND 75 - 80 billion (\$5 million USD). With the introduction of the HIV Law in 2007, domestic funding almost doubled from \$5,947,233 in 2006 to \$10,176,357 in 2007. This increase continued steadily to \$13,459,880 in 2008, \$17,176,061 in 2009, \$21,431,087 in 2010 (Q. D. Pham et al. 2015a).<sup>12</sup>

**Table 4: Increase in domestic HIV funding 1995 – 2013 compared to international assistance**  
(millions of USD)

Donor	1995	2000	2004	2006	2007	2008	2009	2010	2011	2012	2013
PEPFAR			17	18.96	24.00	38.89	63.93	69.34	64.40	69.60	
DFID/World Bank				10.51	11.09	10.02	10.70	9.38			
Global Fund				1.82	2.27	2.87	5.83	6.65	16.35	19.50	35.84
GoV	<b>3.63</b>	<b>4.62</b>	<b>5.33</b>	<b>5.95</b>	<b>10.18</b>	<b>13.46</b>	<b>17.18</b>	<b>21.43</b>	<b>26.09</b>	<b>30.33</b>	<b>56.41</b>
Asian Dev. Bank				0.87	7.73	6.25	6.32	6.15	3.67	0.18	3.85
Private sector				6.30	9.11	16.01	16.04	15.60			
Others				3.63	5.10	8.70	7.39	10.70			

(data from National Committee for Aids, Drug and Prostitution Prevention and Control 2014; Q. D. Pham et al. 2015b)

In addition to direct spending, as a result of the adoption of harm reduction language in the HIV Law 2006, free needle and syringe distribution/exchange programs (NSP) expanded from 21 provinces/cities in 2005 to 42 provinces/cities by the end of June 2007 and 60 provinces/cities in 2009 (supported primarily by international donor funding) (T. Vuong et al. 2012). Methadone maintenance treatment (MMT) also expanded as a result of the existence of the legal framework. A very small pilot between 1997-2002 convinced senior leaders of the Communist Party and government that methadone could be an effective treatment. This pilot also seems to have had some impact on the inclusion of language in the 2006 Law that would allow MMT. Following the introduction of the law, a national pilot methadone programme began in Hải Phòng city and Ho Chi Minh City (HCMC) in May 2008. By the end of 2009, the pilot was assessed a success and the government scaled it up in other provinces, with the goal of providing MMT to 80,000 drug users by 2015. As of September 2011, MMT services are provided in nine provinces/cities through 30 clinics that enrol 4,904 patients (T. Vuong et al. 2012).

<sup>12</sup> For comparison, overall health spending per capita only increased around 13% from 2009-2010, World Bank Health, Nutrition and Population statistics <http://databank.worldbank.org>

Thus it seems clear that there have been distributional benefits for PLHIV as a result of the introduction of the HIV Law. It is of course not possible to attribute these benefits exclusively to movement action. The technical and financial assistance from international actors was significant and cannot be overlooked, and there is some evidence that certain actors within the government also wanted to improve treatment. In addition, many of these benefits are currently funded by international donors, and it is yet to be seen whether access will be maintained as this external funding reduces<sup>13</sup>.

The movement did not, however only aim for immediate distributional benefits. Rarely does a movement have a single policy change as their goal. As sustained challenges to institutions of power and domination in society most movements aim for long-term action. Movements therefore claim inclusion in policy processes to enable them to continue their challenge; changes in the rules of the policy-making game (Crossley 2002). In Vietnam, achieving a degree of policy inclusion by such marginalised citizens can be seen as a very significant change. As discussed, prior to the introduction of the HIV Law, HIV policy making was a technical process carried out by the Ministry of Health and Ministry of Public Security. Most policy making was a highly opaque process dominated by official Party and state institutions, with little involvement by external actors, particularly civil society beyond the official Party linked Fatherland Front.

The process of developing the HIV Law seems to have been relatively unique in Vietnam with strong advocacy from the Party for HIV and drug policy change, along with close involvement by the Party in the details of policy-making (T. Vuong et al. 2012; Hammett et al. 2008). The Party normally leads policy-making in the one-party state, normally via the setting of broad guidelines. The process was different in this case as one of the key Ministry of Health leaders involved in developing the National HIV Strategy in 2004 then moved to the Party Commission with responsibility for HIV issues. He brought with him knowledge from the strategy development process and advocated in favour of rights-based approaches such as harm minimization from within the Party. Party blessing was particularly important for these new and controversial elements of the law, particularly as they were 'foreign' or 'Western' concepts (C1.4 2014, N. H. Pham et al. 2010).

The development of the Law on HIV Prevention and Control was also unique in that it set a precedent for the involvement of 'beneficiary' groups in the development of laws that affect them. Although consultation with citizens has been enshrined in the official regulations governing law-making since 1996, and in the Grassroots Democracy Decree 1998, in practice such consultation was an *ad hoc* process and controlled by official institutions closely linked to the government and Party. However, by 2006 the Law on HIV/AIDS Prevention and Control was not only developed with the close involvement of people living with HIV, but also enshrined a formal role for PLHIV to be involved in all future HIV policy processes (*Law on HIV/AIDS Prevention and Control* 2006, Article 20). Almost immediately, this article was put into practice with the government including two people living with HIV in the official national delegation to the 2006 UNGASS (United Nations General Assembly Special Assembly on Drugs) high-level review meeting (T. H. O. Khuat 2007, 24). It seems that partly due to international pressure, and potentially also because there was internal pressure to live up to the promises of 'grassroots democracy' and legal consultation requirements, the government was receptive to including those affected people in the law making

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<sup>13</sup> PEPFAR funding has reduced from a high of \$69 million in 2010 to \$25.6 million allocation in 2017 and many other donors have already stopped funding or will do so in the next few years, although Global Fund support continues to increase.

process. 'Eventually they [the government] did it so that they could claim the law was developed in consultation with the community' (Stephens 2014).

The field research turned up mixed evidence about the quality of this participation by PLHIV. Some of the leaders of the movement who were involved felt that their inclusion was still largely token, at least in comparison to their involvement in policy making today; itself a testament to the long-term impact of this change to a more inclusive policy development process.

'GIPA [greater involvement of people living with HIV/AIDS] seemed to be how to focus to involve PLHIV then but their voice seemed to be not, how do I say, their role is not meaningful. At that time I think most PLHIV who [were] involved in the meetings with government or some INGO workshop, they seem to be not active, just there to sit [at] the table, not actively working, because at that time we lack of information, we lack of knowledge (*sic*) on HIV field, it's just the new time for PLHIV to be involved.' (C1.11 2016)

However, regardless of the quality, this ground breaking involvement by citizens has had long term benefits for not only the PLHIV community, but other communities who are now regularly involved in policy discussions that affect them. The HIV Law process set a precedent for the inclusion of civil society networks in policy processes. Recent discussions about the health insurance law have included representatives from the Bright Future group network (C1.3). The last few years have also seen the formation of the Vietnam Network of Sex Workers (VNSW), the Vietnam Network of People who Use Drugs (VNPU) and the Vietnam Network of MSM and Transgender people (VNMSM-TG Network) in addition to the formal legal registration of Vietnam Network of HIV Positive People (VNP+) as an umbrella representative organisation. These groups provide a focal point for government to consult with target communities and there is evidence that they are invited to attend policy consultations and discussions (C1.5, C1.1). The recognition by the government of these networks, and their invitation to official government events is also an indication of the extent of acceptance of these marginalised identities.

In the words of the founder of a domestic NGO who has long been involved with advocacy and policy making in Vietnam:

'I think it [the development of the HIV Law] helped changed policy making in Vietnam in many ways. It was probably the first time that a community of severely stigmatized and rejected and marginalized population had that contribution, had that influence at policy making level. It was probably the first time that community was invited to different meetings and given the opportunity to speak, given the space to participate in the policy discussion. And because of that, later on other movements, it is easier for other communities to work with policy makers. . . . That has changed, and once you have sat with someone who [is] considered as a social evil, who has a deadly infectious disease, then I think you can sit down with anybody! In a way it's empowered policy makers, has changed the ways policy is made in the country. Policy makers are now more, I think they appreciate more the input from the community, they really value the contribution from the community.' ( T. H. O. Khuat 2015)

In the period of a few short years the movement of PLHIV managed to claim inclusion and be taken seriously in the development of one of the most significant and progressive laws developed in Vietnam at the time. The passing of the Law has resulted in significant new and improved services for affected communities, but beyond that, it has recognized the legitimacy of PLHIV as citizens of the country, and enshrined an ongoing role for the movement in the governance of HIV.

However, in addition to these political outcomes, the movement has also achieved significant change in the cultural sphere; change that is extraordinary given the level of stigma, fear and discrimination that existed when the movement emerged.

### 3.2. Cultural outcomes

Policy making however, is not simply a technical process for the regulation of society and allocation of resources. Policy does not only reflect society as it is, policy creates its objects through translating understandings about particular groups in society and how they should be treated. 'The state is as important for its role in establishing and supporting systems of meaning and classification as it is for its role in the allocation of resources (Bourdieu as cited in Armstrong and Bernstein 2008, 85). By defining particular individuals or groups as objects of policy (for example defining certain behaviours such as drug use as criminal), policy determines how people are treated, how resources are allocated, and how these identities are regulated (Armstrong and Bernstein 2008). In Vietnam in the early days of the epidemic the State and Party policy defined people affected by HIV as social evils. However, the HIV Law 2006 was a milestone law and one of the first in Asia to incorporate a strong rights-based approach, harm reduction approaches, anti-discrimination, confidentiality of HIV status, etc. (Hammett et al. 2008). How was it that Vietnamese policy was able to so quickly evolve from a classic Leninist approach of control and law enforcement, combined with 'healthy and faithful lives' for good, moral citizens (Vietnam Communist Party 1995), to acknowledgement of HIV as a public health and socio-economic issue that needs to be addressed as such (Dao et al. 2013; Edington and Bayer 2013)?

It has long been understood in social movement theory that development of a collective identity is essential for movement mobilization and the strategic development of activism (see for example Snow et al. 1986; Benford and Snow 2000; Fuhse 2009). However, the creation of this collective identity as PLHIV was not only significant in terms of mobilization and growth of a movement. It was critical for the ability of the movement to define and shape the new HIV laws and policies. The movement's effective framing of themselves as *people living* with HIV, rather than prostitutes, drug users, men who have sex with men, etc. was essential for the high level of policy success, and the redefinition of their communities as policy objects (Hurst 2008; Xie 2011; Zuo and Benford 1995).

The HIV Law did not only strengthen access to testing, counselling and treatment it also re-constituted PLHIV as citizens with rights and enabled (at least in theory) their participation in society. The law provided access to treatment, as well as the right to refuse treatment, the rights to education, training and employment, confidentiality of testing and treatment, pre and post-test counselling, the right to live in the community and public medical insurance for treatment costs. Importantly, the law also identified sites such as schools and workplaces where refusal of people based on their HIV status or suspected status was illegal, thus creating a legal framework for anti-discrimination (*Law on HIV/AIDS Prevention and Control* 2006).

The impact of the movement and their international allies on the cultural sphere can also be understood through an examination of the changing relationship between PLHIV and the media. A journalist interviewed for this study explained '[media coverage] has changed a lot! For example, before when I started working here we tried to make [TV] programs about PLHIV who hide themselves, that they live in very difficult situations and we used the programs to call for support and help. But now we try to call for PLHIV to open their heart, to be more confident in themselves, and we try to show that this, HIV is not a dangerous disease . . . Before we focussed on making the community feel pity for them to help them. Now we focus on how they are normal people, people who can also work, start families, and they can become very high-level people in the community' (Nguyen Tran 2016). Informants from the movement, NGOs and government felt that



overall, coverage of PLHIV in the media has improved. Coverage is less sensationalist and more about the reality of difficulties of living with HIV. In addition, the term 'social evils' is rarely used in the media now, normally replaced by 'person living with HIV', or more specifically, drug user or prostitute.

People living with HIV have also increasingly become accepted as legitimate representatives with the right and ability to speak for themselves in the media. 'Before for the guests of the programs we would invite some politicians or policy makers from the government. But now we invite PLHIV to share their stories during the program' (Nguyen Tran 2016). 'Normally now [the media] connect directly with our [VNP+] members, with the groups [of PLHIV]. For example if they want to write [an] article in some specific provinces, they can contact us, and if our member agrees we can refer them with contact information and they go directly to them (D. D. Do 2016).

However, it was clear from the interviews conducted that the movement of PLHIV was no longer as high profile in the media as the other two movements. Media informants spoke first about their work with the movements of PWD and LGBT and had to be prompted to speak about the stories and movement actors from the PLHIV movement. This is likely connected to the time since the peak of movement campaigning, and to recent demobilization of the movement, an issue to which I now turn.

### 3.3. Mobilization outcomes

Researching social movements necessarily requires considering them over a particular period in time. In this research, I have focussed primarily on the emergence and one particular campaign of the HIV movement, conducted between 2000 and 2006, however a movement exists to provide a sustained challenge and continued impacts on distributional resources and cultural definitions of PLHIV. Thus, we need to consider the sustained mobilization and continued viability of a movement as an important goal, and a potential outcome of any one particular campaign.

In the case of the Vietnamese movement of PLHIV, the passing of the HIV Law in 2006 initially provided a boost to the ability of the movement to continue. The law enshrined a role for groups of PLHIV to be involved in policy processes, the government seems to have accepted and valued their input, the media was increasingly covering the issue, and expansion of treatment services meant that PLHIV could live longer, healthier lives - essential for movement participation and activism.

This continued for some years. At the end of 2009 a report by the Australian Aid Agency asserted that 'VNP+ is arguably the most successful national PLHIV network in the Asia Pacific' (Paxton and Janssen 2009, 7). Patterson and Stephens (2012) also highlight the success of the movement and how participation in the drafting and discussion of the Law encouraged further mobilization and inspired new groups to emerge and become active. The difficulties for the movement in accessing political space, they argue, helped to generate cohesion within the movement, build solidarity and a shared identity. As the government only provided limited political space for action, the movement had to unite to access and widen that space.

However, it seems that the late 2000s may have been the high point of mobilization and activism for a united PLHIV movement. While conducting the field research during 2014-2015 it was difficult to find members of Bright Future, the Southern Network or even VNP+ to interview. Many respondents from both local and international NGOs and agencies lamented the state of the movement, indicating that it had become weak and fragmented and there was now far less activity. The movement has certainly fragmented, with the formation of a Drug User's network, a Sex

Worker's Network and a Network of Positive Women. Smaller regional groups have also split, formed and developed. However, fragmentation does not necessarily limit the ability of these different groups to continue to advocate and challenge institutions in society and the distribution of power and resources. For example, the Vietnam Network of People who Use Drugs (VNPUD) has been involved in high-level consultations about drug law reform and the future of 06 Centres<sup>14</sup> (UNODC n.d.).

The most commonly cited reason for the reduction in activity by the movement is reduced funding. In 2009, Vietnam's annual GDP increased to the level that it was re-classified as a lower middle-income country. As such, it no longer qualifies for certain forms of aid and development assistance, and many donors are phasing out their support. This is particularly the case for international assistance for HIV. Not only did Vietnam experience an exponential increase in funding for HIV when the US President's Emergency Plan for HIV and AIDS Relief (PEPFAR) entered the country in 2004, they are also experiencing one of the fastest reductions as this huge donor and others are now phasing out of the country (see Chart 4) (Pallas and Nguyen 2017; Q. D. Pham et al. 2015b). One senior staff member of a Vietnamese NGO who had been involved with the issue and the movement since the early days argued that the 'community' didn't really exist prior, that it emerged in response to international funding, projects and support for mobilization and advocacy. She has witnessed groups dissolving as the projects and the funding disappear. 'If leaders find they no longer have a salary through the NGO project being implemented by Bright Future (or another group) then they have to find another way to fund their lives and their advocacy activities suffer' (C1.10, 2014). Other respondents also blame donors for bringing too much money to the community too quickly and affecting their ability to self mobilize and build a strong, self-motivated movement with clear goals and motivation for action.

'So the key thing is how the activists define the problem and how much support there is for that problem to be active. . . I think for HIV projects the donors' problem is that it's too big, the approach, and to some extent they spoiled the groups of PLHIV with too much money.' (C3.6, 2015)

The cohesion of the movement has also been affected by conflict and leadership difficulties, issues that aren't unique to this social movement. 'In the past we only had Bright Future, but then fighting, jealousy, everything that makes them spread into different groups, that's OK but still there's conflict.' (C1.9, 2015)

The national network, VNP+ and the Southern Network both faced crises over funding reduction and resulting leadership conflict in 2011. The Southern Network collapsed completely, with all the leaders leaving and no new activists stepping up. VNP+ was able to avert collapse by having all leaders resign, and restructuring the organisation to decentralise and empower individual member groups of PLHIV to be the main decision makers. Office bearers are now required to be PLHIV and are forbidden from taking income for project implementation to avoid the situation where the organization is driven by donor demands rather than member priorities.

Some respondents also suggested that the decline in the movement was as a result of it having to a great extent achieved its goals. In particular, access to treatment means that many more people can return to normal life, jobs, family and don't have the same need for peer support and advocacy for improved services.

<sup>14</sup> So called '06 Centres' are official government detention centres for drug users that theoretically provide detoxification and rehabilitation through (unpaid) work.



'It [Bright Future network] helped. Its mission is accomplished. We can see it in that way. At the beginning when [demobilization] start to happen our first reaction was disappoint[ment]. How come such a big movement, people are doing other things? But then we realized, because one of my colleagues told me about one PLHIV who we trained to become a writer, wrote an article saying that the only time of the day that he remembers that he's HIV positive is when he takes the ARV, the rest of the day he's a normal person. And that really struck me, because I realize that now they can live in normalcy, they don't need to be a special group that needs special attention. They have achieved their mission, ARV treatment is now available, easy to have access to, people live normally, people get married, have children, life becomes normal to them, they can do all sort of jobs. . . . And the stigma is not so high anymore. . . . So I think that it's a positive thing in a way that a movement, and it's interesting as well because a movement doesn't need to live forever, if it has accomplished its mission then it's time to move on.' (C1.1, 2015)

It also seems that this kind of growth and then demobilization is characteristic to the movement of PLHIV in many countries.

'You also have to look at the history too, you always see a dip in the activism among PLHIV when access to treatment becomes easier. Because that's the primary advocacy focus. Stigma and discrimination is really important, but once you have access to the drugs you're not going to be able to mobilise the same number of people that you can when everyone is under threat of death or dying.' (Stephens 2014)

'So I think what really makes the movement of PLHIV grow was the treatment movement, concern for treatment. So Bright Future group, the reason why they have such a strong appeal, such importance for PLHIV is because they addressed that very important need for PLHIV. So at the beginning they even smuggled drugs from Thailand. . . That was really the glue that bring (sic) people together, I think it grows from that, because of that.' (C1.1, 2015)

Movement fragmentation is not necessarily negative. Having people identifying and speaking out as drug users, sex workers and MSM could be a positive development, an indication of the acceptance of even these criminal identities. Certainly, the new networks of drug users and sex workers have made their voices heard at the national level during consultations about drug law reform and compulsory detention of drug users and sex workers (Global Network of Sex Work Projects 2014; *Thanh Nien Daily* 2014).

The current demobilization of the movement is also not necessarily a permanent situation. The leader of VNP+ is confident that if people require assistance again, for example when international subsidization of ARVs reduces, or when there is a need for access to more sophisticated drug treatment, that people will return to the movement and it will again increase in membership and advocacy activities. However, it does seem that the movement of PLHIV has been highly dependent on international assistance and as this assistance reduces, the sustainability of mobilization and the ability of PLHIV to continue a sustained challenge to the institutions that marginalise them could well be affected.

#### 4. Discussion; assessing movement success

This case was in many ways a 'perfect storm' policy process. Financial and technical resources from international actors, along with high-level commitment from a UN Agency, combined with

high-level Party support, was able to achieve a strong, comprehensive HIV Law in a very short period of time and led the way as the first law of its type in the region. 'I remember when it was enacted and passed by the National Assembly there were a lot of congratulations to the Vietnamese government from other countries, and they beat a lot of other countries in the region in terms of a good Aids law, even Thailand' (Stephens 2014). This was largely a top down process, however because of the international involvement and support for the development of a movement of PLHIV, the process also pioneered 'bottom up' involvement of a highly marginalised group and set a precedent for future policy development.

'The participation of nongovernmental actors in the drafting process had several positive effects. Their efforts contributed to the creation of strong language regarding stigma and discrimination and the rights of people living with HIV/AIDS—particularly, the right to confidential HIV testing, to education, to employment, to marriage, and to reproduction. One significant change was the inclusion of substitution therapy in the HIV/AIDS Law, a direct result of joint efforts by policymakers, international organizations, and local activists to advocate for comprehensive harm reduction interventions.' (T. H. O. Khuat 2007, 23; see also T. H. Khuat, Nguyen, and Ogden 2004; Khoat et al. 2005)

Probably the most significant success for the movement of PLHIV was the mere fact of their emergence and advocacy. The development of the HIV Law marked the first time highly stigmatised and marginalised people, totally outside the socialist mainstream, were involved in high-level policy processes. Their involvement was advocated for by international organisations, who were holding the purse strings and so had significant leverage, but the Vietnamese government and Party accepted their involvement and considered their positions seriously. Even had this involvement come to nothing and none of the movement's discourses been incorporated into the final version of the HIV Law it would still mark a significant achievement. However, the fact that some of the international discourses promoted by the movement and their allies were accepted can be seen as an impressive success on the movement's part. A small movement, with limited capacity (Gamson 1975) and addressing a highly controversial issue with significant financial implications for the government budget (Amenta et al. 2010) managed to change the policy environment completely for PLHIV. In addition, by acting as a movement and being involved in the policy process, they paved the way for policy inclusion by other marginalised citizens, as will be seen in the next chapter on the movement of people with disabilities.

This case outlines how the movement mounted a sustained challenge to multiple institutions in the Vietnamese one-party state, and, in collaboration with international partners and high-level government allies, has achieved significant impacts. The movement, has implicitly understood that 'distinctions have material consequences: they determine how people are treated, the allocation of resources and forms of regulation' (Armstrong and Bernstein 2008, 83). They mounted their challenge not only in the policy arena, but also in the media and challenged cultural understandings of people living with HIV. A key concern motivating the early leaders was access to treatment, understandable in an environment where most infected people died very soon after diagnosis. However, their challenge was and continues to be, not only to the distribution of treatment resources, but also the fundamental definition of their communities as 'social evils'. The movement and their international partners were able to successfully frame themselves as 'PLHIV' with the same rights and obligations as other citizens. In the process, they gained legitimacy for their organisations, and a seat at the HIV policy making table. This has also challenged the socialist state's definition of 'citizen'. By insisting that PLHIV were deserving of consultation, they have in effect broadened the concept of citizen beyond the officially sanctioned Fatherland Front identities.

The mobilizational outcomes of this movement are potentially the weakest and most vulnerable. It seems that the movement is suffering from demobilization, conflict and fragmentation. New national networks of drug users and sex workers have emerged, potentially a positive development indicating a new level of acceptance of marginalised identities, but also affecting the ability of PLHIV to raise a coherent and powerful voice in a sustained challenge to political and cultural institutions. In addition, although there were early impressive changes, the movement now seems to have little voice influencing the media, and recently the national networks don't seem to be focussed on media as a tool to influence public opinion, and thus stigma and discrimination as well as policy change. It could be that this is normal and natural for such a movement, more than ten years after the initial mobilization. However, it seems that at least some parts of the movement became too reliant on international funding and the withdrawal of this funding has led to demobilization.

The emergence of several very small, underground, informal groups of drug users, sex workers and MSM in the late 1990s, early 2000s, while largely unnoticed at the time, can now be seen to be a significant development in Vietnam's political history. The government and international donors were becoming concerned that the HIV epidemic in Vietnam could 'break out' of marginalized populations and become a threat to the progress Vietnam had made in economic and social development, so significant funding and technical assistance was brought to bear on the problem. The primary donor; the U.S. government, along with the international movement of PLHIV, stressed the importance of involvement of PLHIV in all HIV activities including policy development. As a result, significant funding and technical assistance was committed to developing a movement of PLHIV, and insisting on their involvement in policy development. In this way, the international organisations acted as a catalyst; they added financial resources and international discourses of rights and peer support, that enabled drug users, prostitutes and MSM to develop a collective identity as PLHIV with collective grievances (Melucci 1996; Snow et al. 1986).

However, even these significant amounts of financial and technical assistance, and the hard line of the US government regarding inclusion of PLHIV would have been less effective without high-level support within the Communist Party of Vietnam. Vietnam is famously resistant to unwelcome influence from donors (see for example Cling, Razafindrakoto, and Roubaud 2009), and thus it is likely that it was the internal Party supporters that made the difference and enabled the involvement of PLHIV and the inclusion of 'rights-based' language into HIV policy. They seem to have been convinced of the threat of HIV, and the superior effectiveness of harm reduction approaches as compared to classic state socialist control and surveillance approaches (C1.6 2015, Stephens, 2014).

'I think it's first the push from the international, the facilitation by the international community, international organisations, facilitation in terms of, they have some leverage as well because of their funding but also because of their political influence. . . . And with the UNGASS declaration 2001 where the government committed to work on [the] HIV issue. The Deputy Prime Minister signed the declaration to the UN. So there was that political commitment, then the facilitation of the international organisations through funding, technical support, through political influence, that helped to create the space. But it was the PLHIV themselves who [were] able to use the space that was created for them. So it's not only that the moment was set up by the international organisations, but the PLHIV were able to claim the space and use the space effectively. It goes from both

sides, it's like a triangle, government – international organisations – PLHIV, there's that three way interaction.' (C1.1 2015)

Even a senior leader of the National Assembly's Committee on Social Affairs pointed to the importance of movement actors in influencing the perceptions of lawmakers.

'I think HIV Law is one of the laws [that is] more open, more than the other laws. Because the network of PLHIV was very strong, they were supported by INGO and USAID and they were very strong, they have more strong voice. . . I think that is important, their voice should be considered. They come and they talk a very small thing, but it can be a good idea for making the law effective. I think we satisfy the law with their participation because that is the real situation, real condition from real people.' (C1.9, 2015)

The case of HIV illustrates how within a short few years the whole approach to policy making on HIV and Aids was transformed from a 'surveillance and control' ideology to a rights-based, harm reduction, treatment and management ideology. It is quite surprising how quickly this transformation was able to occur. This case points to an interesting characteristic of Vietnamese policy making; the value of expertise. Socialism demonstrates 'a faith in the application of technical expertise about the person, family, and society to achieve desired political-economic outcomes' (Leshkovich 2014, 145) which still has resonance even in *đổi mới* Vietnam. In this case, international actors were quite sophisticated in their approach to HIV policy development. In addition to funding for local research & data collection on the epidemic, the significant funding enabled exposure for Vietnamese policy makers to international approaches to prevention and treatment. 'We brought out people from Harvard Kennedy School, Harvard Medical School and a couple of other Universities – ivy league, highly credible. I was really surprised because of the traction this had with the officials, they loved it, they loved talking to these people' (Stephens 2014).

This process was not completely smooth however, for example there continues to be some tension in the area of drug law reform. While there has been official endorsement of needle and syringe exchange programs and methadone replacement, there is also still high-level and legislative support for law enforcement approaches to drug control (Hammett et al. 2008). In 2013, Vietnam discontinued the compulsory detention of sex workers in reform centres, however continues to detain drug users in centres known as 06 Centres. While the two goals of harm reduction and drug control do not need to be mutually exclusive, Vietnam is facing some difficulties in harmonising drug policies with the HIV Law, indicating some tension between the international harm reduction narratives and continued high-level support for the more traditional, Leninist ideology of law enforcement and compulsory detention (Hammett et al. 2008).

Finally, as discussed in chapter 3, I believe that considering why governments respond to movement pressure is an essential part of understanding how movements achieve success, and thus it seems to make sense to consider both sides of this question. In the early 2000s when the movement emerged and successfully engaged with policy makers, the space for civil society was relatively closed. In addition, these were highly marginalized groups of people, and there was little to no public support for rights-based approaches to policy making. The presence of significant funding from international communities is insufficient explanation for why the government was willing to include movement actors and adopt their discourses.

In the case of the development of the HIV Law, one significant reason for government response is clearly concern for Vietnam's international reputation. It was quite surprising to me how strongly this issue came out in interviews. 'Vietnam is emerging as an economic power in the region, and so wanting also at the same time to take its place as a global citizen, not that this is the only thing, but here is one area where if the government could create a law that ticked all the boxes then they've got some valuable evidence to counter a lot of the criticism, and in an area where there was a huge discussion about human rights' (Stephens 2014). A *đổi mới* Vietnam is not only integrating into the global economy but also trying to have a seat at the international table. After years of isolation during the Cold War, followed by years of war within and surrounding the country, it is possibly not surprising that Vietnam wants to integrate. In order to be an economic participant, to trade with 'western' nations, and attract investment and foreign aid, it is important for Vietnam to build their reputation and be respected in the community of nations. This concern makes the government, at least to some extent, vulnerable to international discourses and pressure to conform with international norms such as human rights. In both this case, and in the disability case discussed in the next chapter, several informants mentioned that one possible reason for government responsiveness was a desire to balance out criticism of Vietnam's human rights record, particularly by the US. During this time, Vietnam was also negotiating access to the World Trade Organization (WTO) and which would also result in Permanent Normal Trade Relations status with the USA (M. F. Martin 2009). It is not impossible then that the changing of these laws was influenced by a desire to at least appear to be responding to demands from the US Government on human rights.

## 5. Summary

The emergence and actions of the movement of PLHIV was astonishing to many observers at the time. In the early 2000s Vietnam was barely opening politically, civil society was heavily restricted, and the idea of highly marginalised citizens coming together to advocate for their rights, let alone to achieve success, was outlandish. The technical and financial resources from international sources made a huge contribution, but it seems unlikely that international actors alone could have achieved such significant change in such a short period of time. The factors influencing this success seem to have little to do with the size, capacity or resourcing of the movement itself as posited by resource mobilization theory, but more to do with the presence of high-level elite allies, particularly allies within the Party leadership. In addition, the ability of the movement and their international allies to strategically deploy expertise and research aligned with the norms and practices of policy making in the socialist state and had a significant influence on the adoption of international models and discourses. Finally, it seems that the timing was good, and in the context of Vietnam's desire to enter the WTO and become a respected, international citizen meant movement discourses around the protection of rights resonated with decision makers.

This precedent of citizen involvement outside the official channels of the Fatherland Front has had a significant impact on policy making processes since this time. In fact, this case can be seen as both a contributing cause and an effect of gradual, but irreversible opening of political opportunities in Vietnam, which facilitate greater inclusion of marginalized people and more opportunities for citizen involvement in governance. The development of the HIV Law set a precedent that was noticed by other emerging movements, and other marginalised groups have learned lessons from the movement of PLHIV. The movement of people with disabilities, which emerged around the same time in the early 2000s, was one such movement and it is to them I now turn.



## Chapter Five. The movement of people with disabilities in Vietnam

### 1. Background

The most recent Vietnamese census conducted in 2009 found 6 million people living with disabilities (or about 7.8% of the population<sup>15</sup>), of whom over 1.3 million were children. However, the Vietnam Household & Living Standards Survey (2006) with questions based on the World Health Organization's International Classification of Functioning, Disability and Health (ICF) found to a more realistic estimate of 15.3% of Vietnam's population living with disability, or approximately 12 million people<sup>16</sup>.

People with disabilities, particularly war veterans, have long been of concern to the Vietnamese government. The history of the country is littered with wars, and thus the society is littered with war veterans. Veterans are eligible for preferential tax, land purchase and welfare payments. In the early 1990s the state established a Veterans' Association as a member of the Fatherland Front. Even earlier, in April 1969 the government established a Blind Association. However, there is no official Fatherland Front association for people with disabilities in general.

In mid-2001 I arrived in Vietnam and found a job with an American NGO working in Vietnam and other post-conflict countries to improve the lives of people with disabilities. At that time they were applying for a significant grant from the US Agency for International Development (USAID) to improve physical rehabilitation services for people with disabilities. The funding primarily supported training and equipment to improve the provision of prosthetic and orthotic services in public hospitals in five provinces, however there was an innovation; support would also be provided to establish 'self-help' groups of people with disabilities. The philosophy behind the groups was that patients treated through the hospitals would be encouraged to form groups that could improve follow up services, as well as advocate for the continued improvement of health and other social services for people with disabilities (Holdridge, Nagels, and Wyndham 2002). The grant was successful and it became one of the first to actively support the formation, development and capacity building of self-help groups of people with disabilities in Vietnam. I became the project coordinator.

This project in 2001 joined a number of other small local efforts at developing self-help groups. The first group of people with disabilities had actually formed over a decade before in 1988. The Bright Future Group of People with Disabilities (*Nhóm Vì Tương lai Tươi sáng của Người khuyết tật*, no relation to the Bright Future group of PLHIV) was formed by seven physically disabled friends (four men and three women) who had met at university in Hanoi. Some of them had known each other since childhood. The group formed in order to provide peer support and particularly to help each other find employment or generate income. They requested permission from the Hanoi People's Committee to register and were rejected, however they continued to meet informally. Official recognition came much later in 1995 when Bright Future group registered under the Hanoi

<sup>15</sup> UNFPA (2009), [http://vietnam.unfpa.org/webdav/site/vietnam/shared/Disability\\_ENG.pdf](http://vietnam.unfpa.org/webdav/site/vietnam/shared/Disability_ENG.pdf)

<sup>16</sup> Note that this second estimate is far more likely to be accurate. While it is always difficult to collect good data about people with disabilities, countries with better data collection systems estimate between 15-20% of the population is living with a disability. The World Health Organisation estimates that approx. 15% of the world's population is living with some form of disability ("World Report on Disability" 2011). Note that MoLISA accepts only the lower figure.

Association of Support for Handicapped and Orphans<sup>17</sup> as a Disabled Persons Organisation (DPO).

A handful of other small groups of people with disabilities also formed in the 1980s - 1990s, mostly in cities. The leaders of these new groups were usually middle class and University educated and wanted to help other people with disabilities improve their living situation. The majority of these groups were very small and most leaders and members were people with physical impairments, although some vision impaired people also joined.

In early 1999 Health Volunteers Overseas (HVO), an international NGO also working in the rehabilitation field, organised a workshop to bring together government representatives from key Ministries as well as representatives of Bright Future to discuss how to better coordinate the disability activities of government, INGOs and groups of people with disabilities. This conference marked the first initiative to coordinate and develop a national movement. Although the government joined the workshop, they later advised they would not join the INGOs and self-help groups in a coordination group (T. L. A. Nguyen 2006).

In 2000 as a result of these early discussions, HVO modified their USAID grant to enable the establishment of a 'Disability Forum' that would help coordinate INGO disability initiatives, as well as provide networking and communications for the emerging self-help groups. HVO's stated goal was 'to facilitate the development of a stronger, more effective, and integrated rehabilitation sector in Vietnam' (Wolfe 2006, 2). However, they were also driven by an ideological belief in the importance of an independent civil society and specifically that people with disabilities themselves should be involved in activities affecting them. The American leaders of HVO noted in a report to USAID that 'this was a time of change in Vietnam – politically, economically and socially. The long period of geopolitical isolation was coming to an end, new trading opportunities were developing, and economical (*sic*) activity was on the upswing. Internally there were changes as well in terms of social and political realities. One change that was noticeable was the increasing number of self-interest groups that were developing outside the established system' (Wolfe 2006, 3). Similar to the situation with HIV, the emerging disability movement was also supported primarily by US donors and NGOs with a strong ideological commitment to developing an independent civil society that could be involved in advocacy on behalf of members, and counter the power of the state.

The funding for the Disability Forum was very limited, but it enabled the hiring of a disabled woman as coordinator and the development of a website and newsletter. HVO provided office space and a meeting room. The Disability Forum didn't have a legal status as at that time there was no way to register a network. In 2000, the Disability Forum included eight self-help groups of people with disabilities (five in Hanoi including Bright Future, and two in Ho Chi Minh City) with around 365 disabled members. In addition, five/six INGOs were the core members of the Forum and provided facilitation and coordination.

Following these early steps to mobilize and promote networking among people with disabilities, the concept of self-help spread, both within the Vietnamese disability community and as more international NGOs realized the benefits of supporting groups. This was the same period that peer groups of people living with HIV were forming and the GIPA philosophy was being promoted in

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<sup>17</sup> An official civil organisation to provide social support and welfare for people with disabilities and orphans. A member of the Fatherland Front. The national body is The Association of Support for Vietnamese Handicapped and Orphans (ASVHO), and there are provincial/city and even district level branches. They receive operational funding from the government budget, and raise additional funds through philanthropic and fundraising activities. The organisation is focused on charity and welfare for poor PWD and orphans.



Vietnam, so the discourse and ideology of self-help and advocacy was gaining prominence. The groups were still mostly in urban areas and members were educated people with physical or hearing impairments, but there were efforts to reach out to rural areas and include people with different kinds of impairments.

By 2003 the Disability Forum had grown to 20 INGOs and eight self-help groups. Communications were improving in Vietnam at this time and a newsletter was distributed via email and print to a large number of self-help groups of PWD throughout the country – contributing to the identity of the network as a national movement. The Forum had become the primary point of contact for international and domestic organisations wanting to know more about disability in Vietnam. The Forum was still unregistered but it was recognised by the government and there was regular communication between the Forum and government agencies.

By August 2006, the Disability Forum was national and included 47 self-help and registered organisations of people with disabilities, representing approximately 5,000 members. The number of organizations rose to 50 by 2008, and 80 groups throughout the country in June 2009. The Forum also ‘localized’; becoming the national forum for self-help groups and DPOs, while INGOs formed a different group to coordinate their activities.

**Table 5: The growth in the movement of people with disabilities 1990 - 2010**

	1990	1998	2000	2006	2008	2009
<b>No. of DPOs</b>	1	3	8	47	50	80

As early as 2006 a group of DPOs in Hanoi formed a committee to try to establish a national association of people with disabilities. They believed there was a need for a central, national level body that could advocate to government, as well as provide legitimacy for the movement both domestically and internationally. However, there was government resistance to establishing such an association and they were unable to get approval. In fact the government co-opted the effort of the DPOs, instead initiating a process to establish a federation of disability organisations, under the umbrella of the government. ‘I think that the establishment of associations, I think there was a belief that PWD were incapable, that they didn’t understand laws and policies, and cannot have a community of PWD to establish a formal *hội* [Association]’ (C2.3, 2015).

The growth and development of the movement was hindered not only by government attitudes and, but also because of the very low capacity of most of the members and many leaders. Even today the majority of people with disabilities have very low levels of education, live in rural areas and are largely excluded from normal social and community activities. Many people with disabilities barely leave their homes and are very over-protected by their families, not even expected to contribute to basic housework. Few people with disabilities have jobs, vocational skills, or capital assets. In this context, building an advocacy movement is extremely difficult. The main movement organisations are based in cities and are led by well-educated people with disabilities. However, the majority of the groups and individuals with disabilities are in rural areas where it’s difficult to find confident, educated leaders for the groups. ‘Before, PWD only lived. They didn’t have information, they were at home, actually now, many PWD are still only at home, or they have parents who don’t let them go out into society. So the PWD who are involved in DPOs are those who go outside, who study, have work, etc.’ (C2.3, 2015). With limited education and social integration many people with disabilities do not even have a basic understanding of how political, economic and social systems in Vietnam operate. The basic citizen knowledge that is normally assumed, such as that different levels of government exist, eligibility for welfare benefits, the range

of service organisations, and how the media works, cannot be assumed among the PWD community.

Unlike the movement of PLHIV, financial resources for the movement were extremely limited. Most groups raised funds locally through events and fundraising from companies and local philanthropic organisations. Registered groups and NGOs were able to raise funds from international donors, although even this was limited. During 2000-2014 only a couple of INGOs focussed specifically on supporting the development of a movement of PWD, and the amount of funding was limited. I remember in the early 2000s movement leaders and those of us working for INGOs providing assistance, were very envious of the funding and technical assistance that was available for the movement of PLHIV. In the disability sector, movement development was largely focussed on helping groups to establish (i.e. to find members), develop regular activities, and register as legal organisations. Little support was available for training on advocacy, research or organisational development.

Throughout this period, USAID was the primary donor for movement building and policy development. During the 2000s they invested approximately \$600,000USD per year into policy development, but the majority went to technical assistance for the government. In addition, approx. \$100,000 per year was specifically for DPO development, but the majority went to staff (my salary for example!), office costs and travel. The funding for the Disability Forum supported one coordinator salary and communications costs. Based on available records I estimate that between \$200,000-300,000/year was provided specifically for DPO development from all donors and this was primarily in the early part of the 2000s (the USAID funding for the Disability Forum and self-help group development largely ended in 2006) (USAID, n.d.; Management Systems International 2005; Committee on Social Affairs 2009; USAID and VNAH 2013)

The movement did receive some technical assistance and support from the international movement of PWD. Regional bodies such as the Asia Pacific regional office of Disabled Peoples' International (DPI) have been key supporters of the movement since the early days, providing training in international rights instruments such as the UN Convention on Rights of People with Disabilities, advocacy, and technical skills (e.g. accessibility auditing, inclusive education).

As discussed above, by the time of the Disability Law campaign in 2005-10, the movement was relatively organised and had self identified leaders who were committed to movement building. Officially registered groups in each of HCMC and Hanoi assumed responsibility for communications, outreach and capacity building of the network. There were some systems enabling communications, although many groups had limited Internet connectivity so mail newsletters continued to be important throughout this period. The movement had a national presence to some extent, with groups formed and registered in most parts of the country, although not in every province. However, the movement was definitely not strong or large and did not have a high capacity for advocacy.

The issue of legal registration became a major challenge for the movement, and a limitation to movement development. It was considered important for the self-help groups to register, as this was the only way for them to be able to be fully recognised by government, and in particular to receive external funding. It also seems that the American INGOs supporting the movement encouraged registration as part of their ideological commitment to building an independent civil society in Vietnam. Legally, it should have been possible for the groups to register relatively easily, even before the passing of the Disability Law. However, in many provinces this was not the case. Government authorities came up with a range of different reasons for not registering organisations.

A common one was that there was already a Association for Support of Vietnamese Handicapped and Orphans (ASVHO), therefore registering a DPO would be duplication (article 5 of the Decree on Associations requires that the name and main activities of a new association not duplicate an existing association). In some cases the capacity of the leaders was queried. The Decree on Associations requires that there is a 'mobilization' committee which includes people who '*có năng lực hành vi dân sự đầy đủ, có sức khỏe, và uy tín trong lĩnh vực hội dự kiến hoạt động*' (have sufficient capacity for civil action, good health, and a reputation in the field of the proposed association)' (Government of Vietnam 2010 Article 6) Any of these qualifications can be disputed by local authorities, and often the mobilizing committees were disqualified. Some provinces interpreted 'capacity for civil action' as having a University qualification. Others assumed that merely being a person with a disability automatically violated the health requirement.

Thus during the time of their advocacy for a Disability Law the Disability movement, similar to the HIV movement, had a level of organisation and capacity, however with significantly less funding and international support. It's difficult to conclusively 'measure' the capacity of the movement, but it certainly faced a lot of challenges, and did not have the same level of support, allies, or access to government as other movements. According to social movement theory, this movement should face significant difficulties in making a policy challenge; due to its small size, limited capacity, and lack of well-connected allies (Gamson 1975, 1989; Amenta 2002; Amenta et al. 2010).

## 2. Changing the law, changing attitudes: advocacy for a disability law

Until 1998, Vietnam had no specific legislation regulating people with disabilities. The 1980 Constitution is the first specific mention of state responsibility for people with disabilities and it provides that the state should 'care' for people with disabilities. Various other laws regarding health, welfare and education included measures specific to people with disabilities, however there was no overall legal framework. In 1998 the Ordinance on Handicapped People (*Pháp Lệnh về Người Tàn Tật*) was developed with technical and financial assistance from USAID through an international NGO. The preamble states, 'to protect, care for and create conditions for the disabled to integrate with the community are activities of deep economic, political, social and humanistic significance and a fine tradition of our nation' (*Bảo vệ, chăm sóc và tạo điều kiện cho người tàn tật hoà nhập cộng đồng là những hoạt động có ý nghĩa kinh tế, chính trị, xã hội và nhân văn sâu sắc, là truyền thống tốt đẹp của dân tộc ta*) (*Pháp lệnh về người tàn tật (Ordinance on Handicapped People)* 1998, Preamble). This Ordinance is the first legal document to define people with disabilities; 'disabled persons by definition of this Ordinance, irrespective of the causes of the disability, are defective of one or many parts of the body or functions which are shown in different forms of disability, and which reduce the capability of activity and cause many difficulties to work, life and studies.' This definition is squarely based on a 'medical model'<sup>18</sup>, focussing on the loss of ability and locating 'difficulties to work, life and studies' in the individual with no acknowledgement of the social, policy and physical barriers that prevent people with impairments from participating.

Thus, the Constitution and the Ordinance set the scene for policy making for people with disabilities and creates the 'person with a disability' as a policy object. The approach is established as one of 'care and protection' rather than inclusion and rights. In this Ordinance, the word used for

<sup>18</sup> The international disability movement has highlighted how disability policy in most countries originally took a charity and/or medical approach which disempowered the individual, entitling them only to charity and welfare and defining disability as a medical problem to be cured. More recently, with the advent of the disability movement, the 'rights-based' and 'social' models of disability acknowledge the disabling effects of the physical and social environment, thus locating exclusion outside the individual disabled person as a problem for states and society to solve, and empowering the person with a disability as a full citizen with rights.

people with disabilities, '*người tàn tật*' is the equivalent of 'handicapped' or 'cripple' in English. In Vietnamese this is a very negative word, basically implying that the person has no capabilities. '*Tàn*' means remains or remnants and is also used to refer to a cigarette butt. This word, and the policy approach of 'care and protection' for incapable people, became a major target of the emerging disability movement.

Within the official socialist governance system Vietnam already had 'representatives' for people with disabilities with official a role in policy making. These organisations **for** people with disabilities such as the Association of Support for Vietnamese Handicapped and Orphans (ASVHO) had long been accepted by government as the legitimate representatives of the community. One key aim of the movement was to change this situation, and in line with the international movement, to ensure 'nothing about us without us'<sup>19</sup>. Thus, the movement aimed not only to secure greater benefits for people with disabilities through improved legislation, but also to change the rules of the policy making game so that people with disabilities themselves would be directly involved in all policy making affecting them, and ensuring their voices were directly heard by the Party and government.

The formal process of developing the Disability Law was not dissimilar to the development of the HIV Law; in that it started with the development of a National Action Plan, then a debate over whether to upgrade the 1998 Ordinance or develop a new Law, and then development of a comprehensive, rights-based law. However, in this case the process was more drawn out and had significantly less high-level commitment from both the Party and international community.

In 2005 the Committee on Social Affairs of the National Assembly requested assistance from international organisations to review seven years of implementation of the Disability Ordinance, in preparation for strengthening the legislative framework. At the same time, an eleven member inter-ministerial group led by the Ministry of Labour, Invalids and Social Affairs (MoLISA) requested assistance from international organisations to develop the first National Action Plan on People with Disabilities (NAP), finally approved by the Prime Minister in October 2006. It is not entirely clear what initiated these processes, however it is likely that international pressure for more action on disability issues played a role.

This review of the 1998 Ordinance and the development of the National Action Plan only included representatives of the movement of PWD because of insistence by and financial support from international organisations. DPO representatives were invited to attend consultation meetings, individuals with disabilities were interviewed as part of household surveys, but no people with disabilities were included in the Ordinance review team. The evaluation report was completed and approved by the National Assembly in January 2006. The first recommendation was that rather than revise the Ordinance, the Assembly should 'upgrade the Ordinance to the level of a Law to be promulgated in 2008, after 10 years of the Ordinance.' (Committee on Social Affairs and VNAH 2006, 28).

The National Assembly didn't respond to this recommendation for over a year until June 2007 when they established a Disability Law research and drafting committee with 15 members from nine ministries as well as representatives from organisations **for** people with disabilities chaired by MoLISA. Significantly, no organisations **of** people with disabilities were included in this committee.

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<sup>19</sup> Apparently originating in early Eastern European democratic reforms (Davies 2001), the phrase and concept of 'nothing about us without us' became associated with the international disability rights movement following its use as the title of a book by James Charlton (1998). The Vietnamese movement has wholeheartedly adopted this concept and the slogan and has regularly used it to advocate for greater inclusion of people with disabilities in policy processes, as well as social and economic life.

This marked the beginning of the formal process to develop a Disability Law, approximately two years after the Committee on Social Affairs of the Assembly had first requested assistance.

The detailed drafting process commenced with a workshop convened by the drafting committee on July 31 2007 in Hanoi. Consultations were also held in a number of different provinces to get input from citizens (including people with disabilities), provincial government and mass organisations. From 2007 onwards the involvement of PWD increased, although largely only when facilitated by international organisations and usually in a role of being consulted and invited rather than a leading role. For example, the first draft of the Law was discussed at a workshop in Ha Long Bay in March 2008. The initial invitation list for this workshop (generated by the drafting Committee) didn't include any representatives of people with disabilities until the international NGO funding the conference was able to force MoLISA to accept five representatives at the last minute. As one of the representatives who attended said:

'When [the] government decided to update the Ordinance to a law, at that time it was difficult for PWD to join the first drafting committee because most of [the] government agencies think that PWD haven't got enough capacity to join them. So that's why the first draft, no PWD joined, only VNAH [Vietnam Assistance for the Handicapped, an international NGO] joined because they are responsible for that. So only MoLISA, other Ministries and. . . . When they have the first draft they had to send to all the Ministries for comment. They held a meeting of 100 people in Ha Long Bay and VNAH mentioned that it was a law about PWD, but no PWD were invited to join the meeting, so that's why VNAH tried to encourage MOLISA to invite some PWD to join that taskforce. From that time only five PWD joined that conference of 100 people, to work on the disability law. At the first time, only five people – we selected five people from around Vietnam who have a good voice to speak up at that meeting. . . . The hotel wasn't accessible and [there were] at least two wheelchair users but we couldn't access the hotel, but we agreed because we knew it was important and we would join this time.' (C2.1, 2015)

International organisations tried to improve the ability of DPOs to participate in the law development process, although this was not as strategic or intensive as had been the case for the movement of PLHIV. International technical assistance also facilitated international visits by drafting committee members to various countries in the region and the USA to learn more about policies and laws in other jurisdictions.

By 2008, the drafting committee was expanded to thirty-three members from ten Ministries, as well as some Fatherland Front members. DPOs and individual people with disabilities were still not included. This expanded Committee released the first official draft Law in October 2008. This draft lacked a lot of detail and kept the definition of person with disability exactly the same as the Ordinance (*Luật Người Khuyết Tật. Dự Thảo Lan 1 (Law on People with Disabilities First Draft)* 2008). One of the major targets of the movement; how they were to be named was specifically not resolved in this draft although *người khuyết tật* was used for the name of the law and throughout the text (see also V. K. Tran 2014). It included an explanatory paragraph at the beginning explaining that while 'the use of either term is correct, however most of [the disabled] community and organizations working on disability are in favour of using the term 'disability' (*người khuyết tật*). Despite this, there continued to be confusion among policy makers. The Ministry of Health in particular argued throughout the process that '*người khuyết tật*' and '*người tàn tật*' were different

classifications of people with disabilities, the latter being completely incapable of work or rehabilitation.

By the end of 2008, the National Assembly included discussion of the Disability Law on the formal legislative agenda for the 2009 sessions, with the intention that it should be approved in that same year.

From the very early meetings the movement advocated for a change from the 'care and protect' approach, particularly in terms of the language used in the law and the definition of people with disabilities. 'I remember we made one suggestion; that PWD are not only people who receive, who need care, but that PWD are also people with responsibilities to society. This and other suggestions encouraged the government to think of PWD as independent, with responsibilities to care for themselves, to care for each other, and to integrate into society' (C2.3, 2015)

The drafting team released a second draft Law in March 2009. This draft was far more detailed and included the full range of articles. Extensive consultations were held on this draft at national level and in all provinces. This draft enabled discussion of the details of technical elements of different components, for example Independent Living, accessibility, compliance with the UN Convention on the Rights of People with Disabilities (UNCRPD), disability classification, employment, etc. It was only through these technical committees that the UN finally became involved in the Law development. The UN played a very different role with this law than they had with the HIV Law. UNDP was barely involved at all, and other agencies only became involved regarding specific technical issues, e.g. the International Labour Organisation (ILO) was only involved in discussions related to articles regulating employment and training.

The third major draft was released in mid-2009. This was the first to include a definition that acknowledged both medical and social aspects of disability (*Luật người khuyết tật (draft) (Law on People with Disabilities) 2009*). The report from the Committee of Social Affairs that accompanied this draft asks the drafting committee to further clarify the official definition, and urges them to take into account the social barriers: 'PWDs themselves face difficulties caused by their disabilities, but they will face more difficulties caused by social barriers' (Committee on Social Affairs 2009).

This third draft was presented to the National Assembly in November 2009, but it was not ready for approval and the Assembly again missed their deadline for law approval, postponing it into 2010. The discussion covered a number of issues, but the primary focus continued to be 'care and protection'. Some representatives acknowledged that many PWD now insist on greater inclusion and independence. However, most of the eight representatives who addressed the Assembly still exhibited the traditional 'care and protect' approach, being more concerned about issues such as expanding the eligibility for monthly welfare payments, health insurance and priority assistance for women with disabilities rather than articles such as employment or training that would promote rights, independence and inclusion. One representative did raise the need for a specific article on non-discrimination, and one representative mentioned the need for penalties for non-compliance with the law ("Transcript of twelfth National Assembly, 26 November 2009" 2009). The discussion also did not seem to really acknowledge the importance of the definition of people with disabilities. Only two representatives addressed this issue, one of whom is herself disabled.

Based on this discussion in the Assembly and continued consultations in early 2010, including a recommendation from the Assembly that the committee better define 'social barrier' in the definition, the drafting committee released a fourth draft. This fourth draft was discussed by the Assembly on 28 May 2010. Unfortunately the transcript of this session is unavailable, however

there is a report from the Secretariat on the discussion. Although the name remained *Luật Người Khuyết tật* there was still some debate in the Assembly about whether the two different words for 'person with a disability' related to different classifications of people. This final draft returned to a medical definition, and it seems the matter was now considered settled with no representatives raising the issue during discussion in the Assembly. (National Assembly Standing Committee 2010).

Most of the other issues raised by the Assembly delegates were technical in nature or related to making the law more specific and feasible. It is clear from reports that there was resistance among the government and Assembly members to the full incorporation of a rights-based approach and the language promoted by the movement. However, one significant and positive change in this draft is that it recommended including representatives of PWD on the (to be introduced) official committees responsible for identification and classification of people with disabilities (Secretariat of the National Assembly 2010).

**Table 6: Timetable of discussion and approval of the Vietnam Law on People with Disabilities**

Date	Document	National Assembly Discussion
Oct 2008	First official draft released	
March 2009	Second official draft released	
5 Oct 2009	Government submits draft Law (third draft) to National Assembly	
26 Oct 2009	CSA presents comments and suggestion report to the Assembly	
Oct 2009	Report on peoples' comments presented to the National Assembly	
24 Nov 2009		Discussion of draft by groups (e.g. regional groups of representatives)
26 – 27 Nov 2009		Full National Assembly discusses draft
29 April 2010	CSA presents report summarising regional consultations and Assembly member comments and suggestions	
14 May 2010	Standing Committee presents report summarising the comments from previous Assembly session (November 2009) and fourth draft law	
28 May 2010		National Assembly discusses revised, fourth draft
2 Jun 2010	Secretariat to the Assembly presents summary of Assembly discussion held 28 May 2010	
14 Jun 2010	Standing Committee presents report of their response to Assembly members' comments and suggestions based on regional consultations.	

17 Jun 2010		Final draft approved by National Assembly
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The National Assembly finally approved the law on its third presentation on 17 June 2010, to come into force on 1 January 2011 - three years after the establishment of the drafting committee and four and a half years after the CSA first recommended development of a Law.

The final law still promotes a primarily medical definition and does not acknowledge social barriers to inclusion (National Assembly 2010). At least one movement leader considers this a key failure of the movement's advocacy efforts. 'Actually in the law on disability the first article to define disability, the definition [we failed]. [In] the final draft the definition was like the CRPD (UN Convention on the Rights of People with Disabilities) [i.e. acknowledged social barriers], but when they submit[ted] the document to the National Assembly they changed it. We failed on that. So that's why the definition is now between medical and social definition.' (C2.1, 2015)

Compared to the HIV Law this was a slow, drawn out Law development process (see table 6). It seems certain that some of the delay is due to the scope and complexity. The Law covers a wide range of policy fields; from children with disabilities through welfare, to sport and cultural activities, and the accessibility of buildings and communications infrastructure. However, it is also clear that the movement and the international community took a rather fractured and unfocussed approach to policy development. INGOs, the movement and the government were trying to concurrently address a range of issues affecting people with disabilities. In addition, the National Assembly and other policy makers were much more resistant to the human rights discourses in this policy area than they had been with HIV. Despite accepting non-discrimination clauses in the HIV Law, just a few years later there was substantial debate around the inclusion of similar clauses in the Disability Law.

The passing of the Law, and in particular the content of the final law can, however be considered a significant outcome for people with disabilities and there is little doubt that the involvement of the movement was critical. Despite significant resistance, the movement was instrumental in ensuring that people with disabilities themselves are enshrined in the law as the legitimate representatives of the community, rather than organisations **for** people with disabilities. They also ensured a change in the language and approach from the highly derogatory *người tàn tật* and 'care and protect', to more positive language and rights-based approaches. While the definition is not fully rights based there has been some shifting in attitudes and understanding of people with disabilities as a result of this law development process, and due to the movement's cultural challenge, which I now consider.

**Table 7: Timeline of key legal events and development of the movement of people with disabilities**

1969	16 April	Vietnam Blind Association established by permission from Ministry of Home Affairs as a member of the Fatherland Front
1988		Bright future group of people with disabilities formed in Hanoi with 18 members.
2000	June	Disability Forum established as a group of the NGO Resource Centre. Opened office in August (co-located with HVO). Launched website in September



2001	March	National Coordination Committee of Disability (NCCD) formed to coordinate all government disability activities and agencies.
		First Disability Forum conference held. Supported by VNAH, HVO, included self-help groups from Hanoi, HCMC, Danang and two other provinces.
2005		Division of Social Protection of MoLISA establishes an 11 member inter-Ministerial team for the development of first National Action Plan on Disability
2006	Jan	CSA Evaluation report on seven years of implementation of the Disability Ordinance (1998-2005) presented to National Assembly
	Oct	First National Action Plan on Disability (NAP) for period 2006-2010 approved by the Prime Minister
	13 Dec.	UN Convention on the Rights of People with Disabilities (UNCPRD) adopted by the UN in New York
2007	12 June	MoLISA Decision Nr.784 on June 12th establishes research and drafting Team for the Disability Law including 15 people from nine ministries.
	22 Oct	Vietnam signs the UNCPRD
2008	March	Workshop to discuss first draft Disability Law. DPO representatives included at the last minute following pressure from INGOs.
2009	By June	MoLISA approves in theory the formation of a Federation of DPOs expected to be launched in late 2009
2010	17 June	National Assembly passes Disability Law, to come into force 1 Jan 2011
	14 October	Vietnam Federation of DPOs (VFD) approved and launched
2015	5 February	Vietnam ratifies the UN Convention on the Rights of PWD

### 2.1. Raising awareness. The movement's challenge to cultural meaning systems

In common with the PLHIV movement, the Disability movement targeted both public and government understandings about people with disabilities. Significant effort was expended by the movement in 'raising public awareness' a concept that is central to the movement's advocacy efforts and which encompasses a range of understandings; from advocacy for the visibility of people with disabilities, through trying to change public perceptions about the capacities of people with disabilities, and promoting a rights-based approach to treatment of people with disabilities. All movement actors stressed the importance of awareness raising in interviews and most DPOs have it as a key goal of their organisation (see for example "DRD Việt Nam - Giới Thiệu (Introduction)" n.d.; "About Us" n.d.).

Prior to movement action, attitudes among the general public about people with disabilities tended to align with the government's official approach of 'care and protection'. In Vietnam, families rarely abandon children with disabilities as in some other poor countries, however the approach is one of overprotection and assumption of complete inability. Even children with relatively mild physical impairments are kept home from school and aren't expected to live independent lives. A survey organized by the Social Development Research Institute, the Central Committee for Propaganda

and Education and the Vietnam Fatherland Front in mid 2008 found '98% interviewees said people with disabilities were "pityful" (*sic*, i.e. deserving of pity); 40% said people with disabilities had the habit of relying on others, 76% recommended to send people with disabilities into centres for "better care", and 21% said people with disabilities deserved their fate because they had to pay for evils they had done in a previous life, 17% believed that encountering people with disabilities brought bad luck.' (Centre for Information, Library and Research Services 2009, 2).

DPOs throughout the country tried to counter these public misconceptions in various ways. They worked with journalists to educate them about people with disabilities, and promote people who had achieved success in work, study, marriage, etc. National, provincial and local events to celebrate International Day of People with Disabilities (Dec 3) and National Day of People with Disabilities (12 April) are organised every year. The movement leaders tried to use the media to advocate for appropriate language about people with disabilities as well as a rights-based approach. 'I think at that time [the public] have the misunderstanding about *khuyết tật* and *tàn tật* and that's a problem for us, we cannot say too much, we had to use the media to raise the voice about that. We had some training courses for media, raising awareness with them how to work with PWD, how to write about PWD, the human rights approach, based on UNCRPD.' (C2.1, 2015)

However, compared to other movements, particularly the LGBT movement profiled in the next chapter, the disability movement has been less strategic and coordinated in their work with media and trying to influence public attitudes. Most of the awareness raising activities depended on INGO funded projects, and thus were not strategic or regular. In addition, given the low educational background of so many of the members of the movement, only a small number in urban areas have been able to effectively engage with media to counter negative portrayals or advocate for a different approach. Another key issue was that during the campaign for the disability law, social media was not prominent, and many movement members did not have easy access to Internet. Smart phones were not widely used until after the law was passed and most people with disabilities were too poor to have computer access at home.

### 3. Outcomes of the movement

Despite significant barriers related to the capacity of the movement, less financial and strategic support from international partners and resistance from government, the movement of people with disabilities have regardless managed to achieve significant gains for their community as a result of the passing of the Disability Law 2010. Compared with the late 1990s, opportunities for people with disabilities to be included in society and access the services they require have been transformed and their situation continues to improve. People with disabilities are now able to act as representatives of their communities, and social and political attitudes to them are changing.

#### 3.1. Political outcomes

In terms of gaining additional resources and services for people with disabilities the movement can be seen to have been very successful. While it's difficult to get accurate statistics, the information that is available indicates significantly increased funding in a number of areas, including welfare, vocational training, education and health. For example, the budget for welfare payments for very poor people with disabilities increased from \$90 million US in 2011 to \$246 million in 2014 (H. Nguyen 2014). This increase was partly due to an increase in the rate of monthly payment, but the number of people with disabilities receiving the payments also increased from 610,396 in 2011 to 796,521 in 2014 (approx. 7% of the total disabled population). The law also expanded the entitlement for health insurance cards to all people with disabilities.

In addition to expanding traditional welfare safety nets, the Disability Law and resulting supporting laws and decrees provided a range of new benefits for people with disabilities. For example, the National Action Plan and a Directive from MoLISA in 2014 stipulates that 20% of the targeted vocational training funding for rural people must be spent on training for people with disabilities. The National Action Plan for PWD has also received increasing levels of funding from the national budget; from \$10 million US for the 2006 - 2010 plan to \$100 million for the 2011-14 plan. Accessibility was also improved as a result of the law. Ho Chi Minh City has introduced 18 bus routes with 161 accessible buses and 200 bus terminals with accessibility features; Ha Noi has introduced 11 accessible buses on one route; and Bac Ninh province has introduced two routes with accessible buses. Public transport is now free for people with disabilities in Hanoi and Ho Chi Minh city.

In terms of claiming political space for people with disabilities, the movement has also made significant progress. As outlined above, the first steps to law development; the review of the Ordinance and development of the first National Action Plan, did not involve people with disabilities as partners but rather as beneficiaries to be consulted. However, throughout the long Law development process, PWD and DPOs became gradually more involved and took a more prominent role as advocates. Today, movement representatives and government informants agree that DPOs and PWD are routinely involved in policy making processes. A movement leader agreed that the government usually invites people with disabilities to policy discussions 'but based on their personal contacts, like me, just such people can raise the voice. It's not like this is a joint document, we invite you – this organisation, that organisation. They invite the individual' (C2.1 2015). Another leader said:

'I think there was a belief that PWD were incapable, that they didn't understand laws and policies . . . The Ordinance was the first time that PWD were seen, the objective of the Law was to show PWD had abilities, capacities. Before this it was about 'care and protect' but we tried to change that, this was a big change.' (C2.3 2015)

Similar to PLHIV the disability movement also challenged the official communist understanding of civil society, by contesting the right of official Communist organs to speak on behalf of 'the people' and insisting on genuine, citizen involvement in decision making. However, in comparison to the level of involvement of PLHIV (or the involvement of LGBT actors, see next chapter), the quality of involvement seems lower. People with disabilities and DPOs still struggle to be accepted as legitimate, capable advocates. The government still hand-picks 'appropriate' people with disabilities to invite to policy processes, and the approach is one of 'consultation' rather than acceptance as policy partners or experts. In addition, the organisations **for** people with disabilities have maintained a strong policy role and in many cases continue to be the priority for government actors.

When interviewing respondents from Ministries and elected representatives, it was clear when they were talking about involvement of PWD in policy, they were actually referring to the official organisations for PWD such as ASVHO rather than DPOs. Many government representatives don't seem to understand the important difference between these types of organisations, despite years of advocacy. For example, the National Coordinating Council on Disability (NCCD), the peak coordination body for implementation of the Disability Law and National Action Plan, includes all the relevant organisations **for** people with disabilities and mass organisations but only two DPOs. The government has also taken a highly patronising approach to efforts to develop a national association of people with disabilities. The government initiated Federation of Organisations of People with Disabilities (VFD - *Liên Hiệp hội Người khuyết tật Việt Nam*) was approved and

launched in October 2010 in lieu of a genuine national association of people with disabilities. While the membership does include DPOs it also includes the organisations **for** people with disabilities. A (non-disabled) former deputy Minister of Education and Training was appointed President. Most DPOs now consider the Federation as either completely irrelevant or harmful to the movement as it dilutes the independence of a movement of organisations **of** people with disabilities and is led by non-disabled retired officials. However, DPOs around the country also understand that since it exists and has a specific role to represent people with disabilities to government they cannot ignore it and must become members (C2.14 2015, C2.3 2015, C2.5 2015).

Also contributing to difficulty in conducting self-advocacy, the disability movement faced a somewhat different policy environment to that of PLHIV. For people with disabilities, there were already substantial policies and laws regulating them as policy objects. While there was no overall law, they were clearly created and understood as a specific policy target group. The main focus for the movement and their international partners, therefore, was to shift this understanding of people with disabilities away from 'care and protect' and towards one of 'rights and inclusion'. To do so they challenged policy language as well as advocating for specific rights to be included in the Law, and for people with disabilities to be recognised firstly as citizens, and secondly as requiring certain policy initiatives.

Following the long Law development process and advocacy by the movement and their international partners, it seems that all parts of the government have accepted the language advocated by the movement, and the need for greater respect for the abilities and capacities of people with disabilities. As expressed by a key leader of the movement:

'The first [impact of the Law] is for the Vietnamese government to ratify the CRPD- that's a big impact. The second is establishment of DPOs, it's easier with the law now. And the third is that PWD are aware about the law, their rights. That's the three big impacts, and the community understands more about disability. And now no one says '*tàn tật*' always '*khuyết tật*' - we rarely hear '*tàn tật*'. Even MoH [the Ministry of Health] have changed and they say '*khuyết tật*' as well. I met with them last week and they were using '*khuyết tật*'. (C2.1, 2015)

In interviews done in 2014-15 it was clear that government representatives have adopted the language of rights, and accept the importance of this change of approach, even if they don't fully accept the implications. A senior official of the NCCD office advised 'the strongest most important part of that law is that PWD have rights, a rights-based approach. It has some specific articles that outline the rights and responsibilities of PWD' (Dinh 2015) The, at that time, Chair of the Disability Law drafting committee stated; 'before we considered helping PWD and orphans as charity/mercy, but now in the Law it's about rights' (P. C. Luong 2014) Finally, the Director of the Social Protection Department of MoLISA stated that the important impact of the law is 'especially changes from 'care and protect' to 'rights'. At the beginning, the approach was 'protect', but based on comments from PWD [we] understood that PWD first are human, people, with the same rights as other people, and then there is also a need for additional rights to ensure access for PWD. This is essential to protect the rights of PWD' (N. T. Nguyen 2014).

Therefore, it seems that the movement has had some success in changing political meaning systems and redefining themselves as a policy object. Government officials have at the very least adopted the language of rights and inclusion, and acknowledge the importance of a change from a charity approach. However, it seems that the Disability movement, compared to the movement of PLHIV, have had more difficulties in effectively changing the underlying values and understandings

of disability among policy makers and elected representatives, and thus the definition of PWD as policy objects. It seems that re-defining a policy object is more difficult than introducing a new one; such as 'PLHIV'. The cultural understanding of PWD as less capable, under-educated, etc. continues and seems to be harder to shift than other cultural identities such as 'social evils'.

### 3.2. Cultural outcomes

As discussed, shifting public attitudes about people with disabilities was crucial for the movement, and here too they have achieved significant success. Informants from the movement who have been involved since the early 2000s report a significant change in how the media portrays people with disabilities, and how their issues are represented in the media. While it's not possible to trace the changes in media, a consistent message came from government, media and movement actors that media have changed the way they refer to people with disabilities. The word *khuyết tật* has generally replaced the derogatory *tần tật* in the media (V. K. Tran 2014). This seems to be at least partially a result of movement 'education' of media actors, and is also likely due to the legislation having changed the official reference as the media uses the official government language. 'Media in the south has been very supportive. Also they have changed. Before the approach was one of sadness, sympathy and charity, always about how PWD are very poor, face many difficulties, but now since [our NGO of people with disabilities] was established we have been working with the media doing communications and develop (*sic*) the media to take a rights-based approach.' C2.14 2015

Journalists agree that the way people with disabilities are portrayed in the media has changed, particularly since the passing of the Disability Law. 'For people with disabilities it's the same. Before people think they are weak, and lacking in abilities and can't do anything. But now media has shown that there are a lot of role models, good people that can master their lives, even do jobs that non-disabled people can't do. This is a big change in the opinion and awareness of people and also a big change in how media presents them' (N. B. Vuong 2016). One example is a program on VTV4, which started in 2009 as a way to link needy people with disabilities to donors (individuals and companies). This was quite successful and enabled the 'care and protection' of a number of very poor people with disabilities. However, in 2013 the management of VTV decided that it would be better for people with disabilities to have their own voice and to tell their own stories. The station then hired four people with disabilities to host the program, and it now focuses on highlighting specific issues relevant for people with disabilities, but aimed at a general audience (N. B. Vuong 2016; "Cuộc Sống Vẫn Tươi Đẹp (Beautiful Life)," n.d.).

In addition, the movement, or certain representatives of the movement, have gained acceptance as legitimate spokespeople for people with disabilities: 'for example the international disability day, or any event related to disability they always come and ask DRD [an NGO of people with disabilities] to participate. They also want DRD voice, they say because we work in disability areas and we know about that and they want the professional voice of PWD.' (C2.14 2015) It has become less acceptable for media to ask organisations supporting people with disabilities to comment, and the key leaders of the movement are now regularly consulted for their opinion.

The movement was not the only agent working to change the portrayal of people with disabilities in the media. International organisations and NGOs also tried to change how the media understood disability issues and how they spoke about people with disabilities, although in a less comprehensive manner than during the HIV Law campaign. Several INGOs conducted media training aiming to educate the media about issues such as appropriate language use, rights-based approaches to disability, etc. This engagement with the media, however was largely a 'project'

based approach and thus was not strategic or sustained (particularly when compared to the LGBT movement profiled in the next chapter).

Throughout the law development campaign the government also used the media to advocate for change and public support. State owned media is an important way for government to popularize and promote particular policies. The media is even used to educate their own officials regarding specific laws and policies. To a question about the purpose and target audience for government engagement with the media a senior official of the Ministry of Labour, Invalids and Social Affairs (MoLISA) responded:

'The objective was to change the awareness of people with disabilities to be correct, because many of them have internalised discrimination/inferiority complex and other people also don't have good awareness that people with disabilities have abilities and can work. They don't have awareness yet. Also we realised the awareness of the Ordinance was very low. For example when we evaluated the Ordinance we found 60% of the government officials working with PWD didn't know about the Ordinance, the objectives of the Ordinance. So awareness for them [government officials] is very important' (C2.6 2015).

This is confirmed by media informants who talked about how they are guided by Ministerial representatives in how they should approach 'social issues' such as disability 'When we attend workshops or media briefings from MoLISA the leaders advise us how to approach these three issues and that we should not just focus on that these groups need support, [that] they need sympathy from the community, but Voice of Vietnam [radio] should try to show the diversity and the issues in the communities, the real issues at the moment' (Nguyen Tran 2016).

This use of the media by government to support policy change and effective governance is very interesting and is key for understanding how the policy and cultural outcomes of movements are not a simple, linear process, but rather result from a complex interaction between movements, government, international actors, the media and the public.

### 3.3. Mobilization outcomes

Finally, the disability movement has also achieved strong outcomes in terms of mobilization. The movement has continued to grow since the first few groups emerged. In 2001 there were eight groups in the whole country with approximately 365 members. This number grew rapidly once international assistance and funding arrived and in 2014/15 when this research was conducted there were 50-70 official, registered groups around the country, including 19 registered provincial level DPOs. The provincial DPO for Hanoi has over 9000 members just in the Hanoi urban area. Several of the groups have registered as NGOs and are implementing grants from international organisations and bi-lateral donors to conduct projects to support people with disabilities and to build a stronger movement.

The movement has invested significantly in movement building. While they don't use the term 'social movement', they are actively trying to build a national network of organisations of people with disabilities. Several of the key disability NGOs in Hanoi and HCMC invest in training for other DPOs on organisational development, and invest time and funds to help new groups to form and register. The leaders of the movement understand that in order to achieve their goals of inclusion of people with disabilities into all aspects of Vietnamese society they need a strong, active network of DPOs that can make sustained political and cultural challenges, ensuring both continued



commitment by government for specific resources and services, as well as ongoing changes to attitudes, values and understandings about disabled people.

Sustained mobilization however, is not necessarily easy or uncontested by authorities. DPOs face continuing difficulties with official registration. While most respondents noted that registering and organising activities is easier now than before, the small number of provincial DPOs (19/63 total provinces) indicates ongoing problems. It seems that the directive in the Disability Law to facilitate the formation of organisations of PWD has not yet been well implemented at the local level. This likely indicates some continued resistance by authorities to self-determination by PWD. However, it is also a reflection of deeply entrenched suspicion among various parts of the Party and state about allowing independent civil society organisations.

In addition to mobilizing people with disabilities around the country, there is also some evidence that the disability movement has inspired the mobilization of other marginalized groups, and inspired other civil society organisations to get more involved in policy advocacy. Several actors involved in the PLHIV movement cited having being inspired by self-help groups of PWD, which seemed to be more organised and effective before the PLHIV movement had been able to gain traction. 'At the beginning we were inspired by the disability movement to get more PLHIV involved in policy' (C1.5 2014). This is significant, particularly for such a low capacity, and relatively new movement.

#### 4. Discussion

This case is a more typical example of how participation in the Vietnamese political process is difficult and time consuming, and movement building requires long term commitment. The movement of people with disabilities emerged around the same time as the movement of PLHIV but achieving policy change in the form of a strong, rights-based law was far more difficult and time consuming than for people with HIV. In addition, the content of the final law, although it does include many of the demands of the movement, still falls short in a number of areas and has not fully integrated a rights-based approach. Although the movement's efforts took longer, the outcomes are significant. The passing of the law has facilitated new services and resources for people with disabilities, they are now routinely consulted on issues concerning them, and both the government and community have changed the way they speak about and think about people with disabilities. 'I have attended a lot of conferences and meetings with the government and I heard this. They are now more concerned, they understand rights, we [PWD] don't have to 'xin' [ask very respectfully] anymore' (C2.2 2014). While there is a long way to go, inclusion of people with disabilities; the primary goal of the movement, has significantly improved in the past fifteen years.

The movement of people with disabilities has been particularly successful in terms of mobilization. The movement has grown consistently in both size and sophistication since the beginning, and most groups are self-initiated and self-funding. The reduction in external funding for group capacity building and development has not resulted in a fracturing or disappearance of organisations in the same way as it has for the movement of PLHIV. In addition, the ability of the movement to speak on behalf of people with disabilities and be involved in policy processes continues to strengthen. The government now routinely involves movement leaders in policy issues that affect them. They now seem to accept that involvement of the movement in policy processes is correct, or ensures better policy outcomes.

Evidence of the increasing confidence and sophistication of the movement is that early in 2016 they initiated an entirely DPO led and managed initiative to produce the shadow/civil society report monitoring the implementation of the UN Convention on the Rights of People with Disabilities.

Having known the movement since its early stages in 2001, I was amazed to see the movement refusing to be co-opted into the government's own review processes, and coordinating their own national consultation process to collect information for an independent report. The movement leaders approached the UN and international NGOs for financial support for the process, while remaining in the driving seat, committed to a process driven by people with disabilities. In 2001 it was inconceivable that a mere fifteen years later the movement would be able to achieve such an outcome.

Comparing the process of development of the two laws, it seems that these cases to some extent violate the movements' literature regarding movement influence on policy change. The capacity of the movement doesn't seem to be a significant causal factor for either movement's success. At the time of policy development, both the PWD and PLHIV movements were highly limited in both human resources and movement capacity (see for example Giugni and Passy 1998; Olzak and Soule 2009). Both movements were very small and weak in the early 2000s when commencing on the policy advocacy path, and for both movements this was their first significant experience of working with government on policy issues. Both were similarly lacking in organisational capacity and density of connections, another movement characteristic that has been associated with policy success for movements operating in democratic environments (Gamson 1975; Amenta et al. 2010). In fact, in these cases it seems the causality may be reversed in that policy success has (at least initially) provided a boost to the capacity of the movements and their ability to continue mobilization and advocacy.

The literature also finds that policy change should be easier for less controversial issues that don't threaten traditional values, security issues, or have significant financial implications (Amenta et al. 2010). This would tend to suggest that changing policy around drug users and prostitutes should be far more difficult than the less controversial issue of assisting people with disabilities, although both laws have significant resource implications. However, in this case while both movements achieved success, the HIV law process was faster, smoother, and has resulted in a stronger, rights-based legal and policy framework.

It is possible that the financial implications of many of the Disability Law articles were one reason for hesitation by government. The number of people with disabilities who could potentially benefit from increasing welfare, free health care, transport, etc. is higher than the numbers of people with HIV who would require financial assistance by government as a result of the law. However, I do not believe that this issue alone explains the far higher resistance to the disability movement than the movement of people living with HIV. It is necessary to consider other elements that are outside the control of the movement to better understand the differences between these two cases.

One highly significant difference between these two movements is the involvement of high-level allies. These two cases suggest that for policy change or political outcomes, high-level allies are as important in one-party states as they have been found to be in democracies (Amenta, Carruthers, and Zylan 1992; Meyer and Staggenborg 1996; McCammon et al. 2001; Soule and Olzak 2004; Irons 2009). As discussed in the previous chapter, the HIV movement had very high-level support both within the Party and from powerful international agents such as the UN. It seems this very support was able to overcome hesitations within the Party and State in order to get a strong law introduced in a very short period. In addition, the international community was strategic about involving key organs of the Party in the process and ensuring they were supporters rather than blocking change.



For the disability movement, this high-level support was lacking. While the Party state has long supported the 'care' of people with disabilities, there was no active Party or government advocate for a rights-based approach, or the need for a new Law. In addition, support from the UN was largely technical, there was no high-level UN agent personally advocating for the introduction of a strong, rights-based legal framework, and the INGO involved did not have the connections or access to be able to harness Party support. Without this high-level support it was difficult for the movement and their INGO partners to push the Law through quickly, or to achieve the same level of content impact.

The second factor contributing to the complexity and difficulty of the negotiation of the Disability law seems to have been a fracturing of the effort. The INGOs working with people with disabilities, and the movement themselves, lacked the singular focus of the PLHIV movement and were trying to address a number of issues at once. Several laws and policies were under simultaneous negotiation, and many INGOs and movement organisations were also focussed on day to day issues of survival rather than policy change. The HIV advocates, in contrast, seemed to focus intensively on the development of the Law. In addition, as there was significantly more financial and technical assistance in the HIV field, it was possible for the key issues of diagnosis and treatment to be addressed by other partners, while the UN and Policy Project focussed on law development and movement capacity building. In the disability sector, there were fewer players (both INGOs and movement organisations), and thus the same actors were trying to do everything. In addition IOs were responsible for collaborating with government agencies for both service provision and law development. The focus suffered and they tried to do too much at the same time. This finding is in keeping with social movement theory – even as early as 1975 Gamson found that 'single issue' movements were more likely to achieve their goals than movements that tried to address multiple issues or targets (1975).

In all these three cases, but particularly for the disability movement it was clear from the field interviews that the Vietnamese government was convinced to change and adopt a more rights-based approach not only because of the influence of movement and international actors, but also because they wanted to be part of, and respected by the broader international community. 'The national government of Vietnam is proud of the deserved recognition it has received outside the country for its efforts to promote disability awareness and improve the lives of people with disabilities. Such recognition may serve as a motivator for the increased government participation and effort that is needed to fully realize the disability agenda' (Management Systems International 2005, 7). In interviews the UNCRPD was regularly referenced as a reason for changing the Vietnamese legal framework, and for taking a rights-based approach. Having signed onto the Convention (as one of the first countries to sign) the government took their responsibilities quite seriously and argued they couldn't ratify the agreement without first amending domestic laws to ensure alignment. In the words of an NGO staff member involved in the Disability Law development, 'they also want to play by the international rules now and show good practice. For the CRPD ratification process I know that a lot of senior US government representatives every time they came to Vietnam they would ask about the progress of ratification of the CRPD, and that puts pressure on the government. Also, the human rights record of Vietnam is not so good, at least in the eyes of the US government, so the Vietnamese government can use ratification of the CRPD to show progress, they are smart, they know they're being criticised and they can use ratification of the CRPD to gain some credit on human rights.' (C2.11, 2015) This delayed the ratification process significantly, but is also an indication of the importance placed on an international convention.

The concern with reputation is not only on the international stage, but also in terms of domestic politics. Although Vietnam is a one-party state, there is a level of competition within the Party, and

the status and benefits associated with public office can easily be lost if one's reputation is sullied; not via the ballot box, but through other means of public pressure. This makes individual policy-makers vulnerable to pressure from movements. As expressed by a journalist interviewed as part of the research, 'Although there is no effect at all on their votes, the government officers have their own pressures in term of policy making. Now, disadvantaged people have a stronger voice in society. For example, blind people are supposed to have a place to work [*sic*, i.e. workspace] with the Blind Association. If they don't have this, they can go directly to the local government and say that they need this space. And the local government will help, because if they don't the media will jump in and write some articles about the realities and this will affect a lot their positions and their reputation' (Nguyen Tran 2016).

## 5. Summary

The disability movement, while not as successful as the movement of PLHIV in getting a strong, rights-based law, have nonetheless managed to achieve significant outcomes for their members, and have been instrumental in the gradual change in understanding of people with disabilities as a policy object and in society more generally. The important factors influencing why the movement was less successful than the movement of PLHIV seem to be related to: focus of effort; the absence of high-level, elite allies; and potentially the financial implications of the new Law for government budgets. There also seems to be greater resistance to changing cultural understandings about people with disabilities. My experience working in this sector indicates that this is not only a Vietnamese issue, but in general, changing attitudes about PWD is extremely difficult. For example, it took until 2006 for the UN to consider a need for an international convention on the rights of people with disabilities, and the issue is far slower in being mainstreamed into workplaces and government services than other issues such as gender or race.

The government responded to this movement because of concern about domestic political legitimacy and their international reputation. It is even more clear from this case that the size, funding and capacity of the movement itself seems irrelevant for successful policy outcomes if movements are focussed on advocacy not protest. In fact, in both these cases the early policy outcomes have enabled increased capacity for the movements to continue their advocacy work and continue to make political and cultural challenges.

The third case study; the LGBT movement, is the most recent to emerge in the country, and arguably the most successful, although the campaign for same-sex marriage considered in this research was ultimately unsuccessful. This third case cements some of the findings from the first two cases, and provides an interesting view to consider how political space is shifting and changing in contemporary Vietnam.

## Chapter Six. Case study: The LGBT movement in Vietnam

### 1. Background

During the first decade I was in Hanoi homosexuality was underground and very misunderstood, with most people believing all gay men were either ‘ladyboys’ or pedophiles or both! There were no dedicated ‘gay bars’ so the few gay men who were ‘out’ normally went to bars frequented by foreigners in order to experience some level of acceptance. Lesbians were totally invisible, most people wondering how they could even exist. However, despite this lack of understanding, homosexuality or same-sex sexual behaviour has never been illegal in Vietnam, although it has never been legal either. Traditionally, men who dress as women for specific cultural and religious ceremonies played important roles in the community and in Buddhism as they were considered to be able to communicate with spiritual forces. During the Nguyen dynasty (1802-1945) it was permitted for two eunuchs to marry, with royalty witnessing the wedding, and there are still common jokes about some of the royal sons enjoying male company more than that of women (Oosterhof, Hoang, and Quach 2014; USAID and UNDP 2014). However, with the arrival of colonialism, same-sex sex, or more specifically Western men having sex with young Vietnamese and Chinese men, became frowned upon and the word ‘*pé dé*’ from the French ‘*pédérastie*’ entered the language as a derogatory term. Since then this term has been widely used in Vietnamese society for anyone with a sexual orientation or gender identity that deviates from the social norm of heterosexuality (USAID and UNDP 2014). With the arrival of HIV in the country, and its association with homosexual sex, same-sex relationships became increasingly stigmatised and considered a foreign social evil.

Marriage was not regulated in Vietnam until the first Law on Marriage and Family was introduced in 1959, Same-sex marriage was actually not mentioned in the law until a revision in 2000 specifically defined marriage as between a man and a woman and forbade same-sex cohabitation and marriage (Oosterhof, Hoang, and Quach 2014). Both traditional Confucian/Buddhist/Taoist tradition and modern Communist ideology emphasise the importance of family. Getting married and producing heirs is the most important responsibility of children, especially male children. The tradition of ancestor worship, which is still commonly practiced in Vietnam today, requires the eldest son to worship parents and other ancestors after death in order to prevent them from becoming ‘hungry ghosts’ – a fate no one wants in the afterlife. The modern Vietnamese state also promotes a model family with two children, through propaganda and official family planning policy, and much of the responsibility for caring for children and the elderly falls onto families, particularly since the ‘reform’ of the communist social welfare system (Oosterhof, Hoang, and Quach 2014). This places very heavy responsibilities on individuals, particularly eldest sons. However, by 2013, the National Assembly almost approved same-sex marriage and in 2015 they did approve transgenderism. In this chapter I consider how such a radical change was able to happen so rapidly in a conservative, authoritarian society.

Vietnam was relatively late to the party in terms of mobilizing an LGBT movement. As mentioned above, being gay was highly stigmatised and there were few public places for gay people to meet each other such as bars or clubs. In the early 2000s however, with the emergence of publicly available Internet, LGBT people were able to find each other online and several chat forums were established. These were able to operate, although they remained largely underground. However, no offline groups of LGBT people formed and there was no advocacy for LGBT lifestyles or rights until late in the 2000s.

The context of mobilization of the LGBT movement was quite different to the PLHIV and Disability movements. LGBT people, or at least those who identified as such, were mostly urban, educated and middle class. They did not face the same level of material disadvantage such as poverty or exclusion from basic services. Thus, it was less a matter of grievances that led to movement emergence and more a situation of a concurrent 'discovery' of the LGBT identity, new technology that enabled gay people to find each other and connect, along with a tightening of the regulatory environment. Prior to 2000, while gay people could not live according to their sexual identity, they also faced limited violence and discrimination as they were largely invisible. However, as gay people started to come out of the closet the policy landscape also noticed them, and in 2000 gay marriage was made illegal and a fine was introduced for gay weddings in 2001. Visibility and discrimination among the public also started to increase throughout the 2000s, and media coverage tended to be very negative. It is in this context that a movement was mobilized.

The LGBT movement was the only movement of the three under research that was mobilized by domestic actors with the explicit intention of creating a national social movement. In late 2006 Mr Le Binh returned to Vietnam after completing a Masters in Public Policy in the United States under a Fullbright scholarship. In 2007 with a couple of friends he established the Institute for the Study of Society and Economy (iSEE) as a Vietnamese NGO. After more than 10 years working for an international NGO, Binh believed that a Vietnamese NGO would have greater legitimacy to work on certain issues, particularly policy advocacy (Q. B. Le 2015). The friends started by mapping the key issues that were under-represented by other NGOs at the time, and decided that iSEE would address two; 'one is ethnic minority (*sic*) because of its importance, the issues and the challenges ethnic minorities are facing and Vietnam is facing. The second is LGBT, at that time there was no organisation working on LGBT rights so it's kind of an invisible group. Some organisations [were] working on HIV and they [were] talking about MSM [men who have sex with men], but very much from a medical perspective, about high risk behaviour and it was very confusing at that time. People were very confused about sexual orientation, sexual identity, sexual behaviour and practice and it was kind of mixed up because the knowledge about sexual orientation and gender identity at that time [was] not clear. So we decided to work on LGBT because it's hidden. It might not have the poverty of other groups, but in terms of human rights, stigma and discrimination it was a big problem at that time.' (Q. B. Le 2015).

iSEE understood that in order to address LGBT issues they needed to have the involvement of LGBT people themselves. The challenge was to contact such an underground group and get their trust. In order to connect with 'mainstream' LGBT people, rather than just those MSM who were involved with HIV projects, iSEE decided to try to work with the various online forums for gay and transgender people. In 2008 as a gay man himself, Binh contacted the webmasters of the three biggest online forums at that time; *Táo xanh* (green apple), *Tình yêu Trai Việt* (Vietnamese boy's love) and *Thế giới Thứ ba* (third world) which between them had over 200,000 members, primarily gay men. The initial aim of iSEE in making contact with the community was to conduct a study about the lives and situations of gay men and lesbian women. There was very little existing research about LGBT people in Vietnam, and that which had been done was primarily among MSM and male sex workers, rather than mainstream gay people. As most of these forums were based in HCMC, Binh flew down and invited them to meet him informally at a café. At that time even the webmasters hadn't met each other, as the groups were still underground, and were quite competitive in terms of members. They were also very suspicious of Binh, accusing him of being secret police from Hanoi. However he was able to convince them to meet him and they agreed to help with the iSEE research.

This inaugural survey of gay and lesbian people was circulated through the online forums and 2,000 responses documented the needs and concerns of this community for the first time. With these results, iSEE convened a face-to-face meeting with representatives from all the same-sex web forums in the country. The webmasters from forums for lesbian women were very hesitant to join, being concerned that it was dominated by men, but finally agreed to send observers to the meeting held in November 2008. At the completion of the meeting the movement was born as the ICS Centre (Information, Communication, Sharing Centre), established under iSEE as a membership based organisation with a mandate to build an LGBT movement.

For the first few years of the movement's existence they focussed on using the media to change the public perception of LGBT people. Understanding that LGBT was a hidden and highly stigmatised identity, they realised that addressing and changing cultural understandings of LGBT people was essential. 'I remember I have to say that at the beginning, because Vietnam did not criminalise same-sex relationships and violence in public spaces was not a problem, of course for transgender some of them was beaten, but in general it was not a big issue for the community. So that's why at that time we decided to focus on stigma and discrimination, changing the public perception, public behaviour' (Q. B. Le 2015). To prepare for a media campaign in mid-2008 iSEE in partnership with the Department of Sociology of the Academy of Journalism and Communication conducted a study of the portrayal of LGBT people in the media (iSEE 2008). Using the findings of this research iSEE then conducted training for journalists throughout 2008-10 to educate them about LGBT issues. In addition, a small volunteer group of LGBT people began monitoring both print and online media and when negative or misinformed articles were published they wrote to the editors & journalists to challenge & educate them.

The strategy to focus on stigma and discrimination through media action was confirmed by the membership at the first annual ICS workshop held in September 2009. Representatives of ICS and iSEE came together to develop a vision, mission and strategy for the movement for the period 2009-2020. Although physical attendance was small, prior to the meeting ICS conducted a survey through the online forums to determine which issues the LGBT community wanted the movement to focus on. It is interesting to note that this online survey did not identify same-sex marriage as a high priority, but rather more daily issues such as understanding by parents and community, equality and non-discrimination, and addressing stigma in public areas including through the media (ICS 2009). The strategy statement developed at this inaugural workshop was:

'By 2020, the family and society have accurate knowledge and acknowledge gay people. Parents have sympathy and understanding. The media accurately reports on LGBT, gay themes are incorporated into the [school] curriculum. There are products and services dedicated to LGBT. Gay people have the right to marry.' (ICS 2009, 9)

On 1 May 2011 ICS established an independent office with several staff in HCMC. Registering the office meant that ICS could continue their media campaign as well as build the movement by supporting mobilization of groups of LGBT in regional centres. The mobilization was quite informal; people found out about ICS primarily through Facebook and media. ICS encouraged groups to form locally with their own identity and funding and they provided some assistance in the form of information as well as products (bracelets, flags, mugs) for local groups to use for fundraising. Also in May 2011, the first PFLAG (Parents and Friends of Lesbian and Gay people) was formed as a result of a workshop called 'Love for Your Children' convened by ICS in HCMC. A national movement of LGBT people, family members and allies was starting to take shape, and iSEE and ICS provided support and assistance.

After 2011 the movement started to become more visible and public. In August 2012 the first annual *VietPride* was organised in Hanoi. This first Pride was organised by a small group of gay volunteers unconnected with either ICS or iSEE, however since this first year *Vietpride* has been held in many provinces and is coordinated through the ICS network. In September 2012 the first gay flashmob was organised by ICS members in HCMC, with participation of 1,200 people. This attracted significant mainstream media, as well as many 'likes' on social media. As a result of increasing peer support through groups, & increasing visibility in the media, the movement was increasingly developing a positive LGBT identity (Melucci 1996; Polletta and Jasper 2001; S. A. Hunt and Benford 2004). These events were surprisingly uncontroversial, not attracting negative media attention or a backlash as has happened in many countries. The first Pride was moved on when they gathered in a park in Hanoi, but that seems to have been because the park is opposite the Chinese Embassy, rather than because it was a gathering in support of gay pride (C3.8 2015). In HCMC the movement was very careful to ensure that events were upbeat and fun, not protests, in order to avoid conflict with the authorities or police (C3.2 2014).

By 2013, the movement was genuinely national and included a number of PFLAG groups and transgender people in addition to gay and lesbian people. The annual meeting of the movement held in 2013 included representatives from 20 regionally based groups. By 2014 participation had increased to more than 30 groups. PFLAG was also developing and strengthening. In 2012, as a result of a journalist attending an ICS workshop, VTV2 made a documentary called 'The path to understanding your children' which interviewed a number of PFLAG members. This documentary was widely screened and well received in the community and stimulated groups to form. PFLAG were particularly active in the lobbying for same-sex marriage, however, they also focussed on trying to establish regional PFLAG groups and by early 2015 there were approximately 17-18 member groups in seven provinces. PFLAG, as of 2015, does not have an independent legal status, operating under the umbrella of ICS when necessary. However, the groups independently decide their priorities and strategies.

Thus, by 2015 there was an active, national movement of LGBT people and parents. In addition to organising very well attended events that attracted positive media attention, the movement was also focussed on providing accurate information about sexual orientation and gender identity (SOGI) particularly for young people. ICS worked with other community groups and LGBT collaborators to give lectures on LGBT and SOGI in universities and colleges, and provide targeted sex education to high school students. They also began negotiations to establish a national umbrella network/federation. However, there seems to have been little action towards achieving this goal. Currently ICS are focussed on building local groups of LGBT people and PFLAG groups, building unity in the movement, and developing their advocacy and educational programs.

As mentioned, the LGBT movement is composed largely of young, urban and middle class people. Thus the capacity and educational background of the majority of members is much higher than the disability or PLHIV movements. The movement is mostly established in urban centres (especially cities with large universities) and is concentrated in southern Vietnam, although more groups are emerging in northern and central Vietnam. The movement currently operates very informally, with communication primarily through Facebook, informal networking and some online LGBT forums that still operate. The overall strategy for the movement is established at the annual meetings of ICS, and ongoing communication and networking is mostly done online. ICS encourages groups to communicate directly, not necessarily going through them. They view themselves as a facilitating and support organisation rather than as the leader of the movement.

ISEE and ICS have received very limited funding, primarily from international embassies and donors. The initial establishment of the ICS office was possible thanks to a grant of approx. \$244,000 US over three years. Both iSEE and ICS supplement their grant funding with fundraising activities and sale of products such as awareness bracelets, flags, etc. Local groups are responsible for their own fundraising activities. The overall funding for the movement has, however, been far lower than that for the movement of PLHIV and even the disability movement. Between 2009 – 2015 approximately \$300,000 US per year was available for the movement overall, compared to close to \$1 million US for the movement of PLHIV.

Both iSEE and ICS have always been quite wary of international funding. The leaders were aware of the difficulties experienced by the HIV movement, where mobilization and advocacy depended on external funding, and they didn't want to repeat these mistakes. ICS and iSEE wanted to establish a self mobilized and managed network that could continue regardless of the shifting priorities of international donors.

'At that time there was some kind of MSM clubs, set up by HIV projects and we learned about them, but we decided not to include them because of various reasons. But one of our concerns was that they might [be] contaminate[d] with money; with project money. They are set up by [INGO/IO] projects, they are paid and they run project activities. This group [LGBT movement], they are pure, they come from the community, are run by the community and they have so many people behind them ... So we think that was the right decision not to include these groups set up by projects, because later on when the projects ended, all of them disbanded.' (Q. B. Le 2015)

In addition, there was very limited international funding available to either the government or the movement for the revision of the Law on Marriage and Family. Unlike the Disability and HIV Laws, international agencies were not closely involved with this legislative process. There were no international study tours or foreign experts. Possibly because it was a law revision rather than new law development, it was primarily a domestic affair involving Ministerial actors and the movement.

## 2. Capturing the policy agenda: advocating for same-sex marriage in Vietnam

As mentioned above, same-sex marriage was only made illegal in Vietnam in 2000. As a result of the redefinition of marriage as between a man and a woman various rights were denied same-sex couples, including the right to legally have children as a couple (only one mother and one father can be listed on birth certificates), the right to adoption, right to surrogacy, recognition of a legal same-sex marriage conducted in another country, right to own property as a couple, etc. Following this, in November 2001, Decree 87/2001/NĐ-CP, on Sanctions for Administrative Violations in the Field of Marriage and Family provided that weddings between people of the same-sex can be subject to an administrative fine of 100,000-500,000 VND (\$5-20 US). The introduction of this administrative decree was likely a response to a rising number of same-sex weddings and a desire by local officials to prevent such 'spectacles' in their areas.

In May 2012 at the request of the National Assembly, the Ministry of Justice (MoJ) initiated a scheduled review of the Law on Family and Marriage, 2000<sup>20</sup>. The MoJ invited consultations via a letter to all relevant Ministries, mass organisations, and United Nations agencies. In this letter, the MoJ identified four key areas of the law where they had identified problems that may need revision. Agencies were invited to comment on any aspect of the Law, but particularly related to these four

<sup>20</sup> It is customary in Vietnam for the government and Party to review all major laws every ten years to ensure they are up to date and appropriate.

areas; the final one was concerning the consequences of same-sex cohabitation. The letter specifically ruled out legislating same-sex marriage arguing that given local culture and traditions 'it is still too early in Vietnam to recognize marriage between same-sex couples.' However, acknowledging that same-sex cohabitation was a reality, the Ministry suggested that the law revision process should consider the legal complications resulting from such unions, particularly regarding joint assets and children (Bo Tu Phap 2012).

A colleague at UNDP brought this letter to iSEE's attention and suggested they get involved in the consultation process. iSEE and ICS immediately saw that this was a window of opportunity (Kingdon 1984), and despite the fact that policy advocacy and same-sex marriage wasn't a high priority in their strategic plan they decided to take action. ISEE quickly assembled a coalition of gay activists and supporters to develop an advocacy campaign strategy. This coalition included several other domestic research institutes and NGOs working on sexual health, HIV and minority rights, but no international organisations or INGOs. This small group developed a strategy for how to take advantage of the opportunity provided by the law review. The coalition agreed that iSEE would take the lead on legal and government liaison, and ICS would facilitate community consultation and mobilization (Oosterhof, Hoang, and Quach 2014).

Two days after receiving the copy of the invitation to consultations, iSEE sent a press release to the media congratulating the Ministry of Justice on initiating a discussion about same-sex marriage for Vietnam. *Tuổi trẻ* (Youth) newspaper picked up the story and asked representatives of the Ministry of Justice about their opinion of same-sex marriage.

'The media came to the MoJ and interviewed people there and asked 'what do you think about same-sex marriage'? Actually they [MoJ] got confused I think. They cannot refuse and say 'no we have never thought about same-sex marriage' and they answer very diplomatically, and mention human rights, but that there is [sic] so many difficulties in legalising something like this.' (C3.4, 26 Jan 2015)

In this way, the movement took advantage of a political opportunity, to set the agenda for a debate on same-sex marriage despite the government having clearly ruled this option out (King, Cornwall, and Dahlin 2005; Soule and King 2008; Olzak and Soule 2009). The movement's quick, strategic action generated a year-long national debate in the media and among policy makers and elected representatives about same-sex marriage. Having now captured the agenda and steered it away from 'consequences of cohabitation' into a debate about same-sex marriage, they then embarked on a strategic lobbying and media campaign, along with a policy advocacy campaign to ensure the revised law recognised same-sex marriage.

iSEE explicitly understood that in order to get the law changed to recognise same-sex marriage they would need to lobby decision makers. Very early on in the process they asked a senior person in UNDP to facilitate a meeting between the Director of iSEE and the director of the Economic and Civil Law Division at the Ministry of Justice who was responsible for the consultation and drafting process. iSEE presented some research about the situation of LGBT people in Vietnam and MoJ was reportedly shocked to hear that there were so many LGBT people in Vietnam, and about the range of difficulties they faced. It seemed that the Ministry was truly unaware of the issues, and recognized they needed expert assistance to effectively generate policy. 'ICS and iSEE quickly adapted to the new situation and we made contact with the MoJ and we said that 'you know since you are going to revise the law and you will need so much information about same-sex marriage and international background. So we, ISEE and ICS, we are this, and we are working like this', and we offer[ed] technical support. And they really welcome[d] our support. And we organised so many



workshops and public consultations, and we [did] some research, like for example, the MoJ said that ‘we need some numbers about whether people support same-sex marriage or not, and we cannot find any numbers on that’, so we carried out this survey’ (C3.4 26 Jan 2015).

As a result, iSEE was invited to attend the drafting committee meetings as an expert to provide credible, research-based information. This seems to have been the first time a highly disadvantaged, affected community were able to take on the role of ‘expert’ as part of the drafting committee, rather than as beneficiaries to be consulted. In contrast to the situation with the HIV & Disability Laws, this time the movement was in the role of expert, not the UN or the Party state.

‘I remember at the first meeting [of the drafting committee] I was invited to make a presentation on same-sex marriage & LGBT. But I was the last to speak so many others spoke first. Everybody [was] against same-sex marriage in that meeting, the law professor says that ‘well, you know it’s a gene problem, it’s a disease’. Some others say ‘why Vietnam, no other Asian country has legalised that, so why Vietnam?’ There are many different reasons for people argue against that; [the] Women’s Union of course they are all about family, etc.

So I presented. People were kind of like questioning themselves, because I explained about international knowledge, we talk[ed] about our research, etc. international experience, why and when. And people start really questioning themselves, because before they just throw it out, they didn’t think about it, just like saying that same-sex marriage isn’t right. So they were kind of questioning themselves in that first meeting. And then we, in the second meeting we think a little bit how to improve, because people [were] more concerned, they didn’t throw out ‘no same-sex marriage’ anymore. And because at that time media also start talking a lot about that, a lot of feature stories and debate and people start monitoring the media, what the media [is] talking about, and I think they start to question themselves and later on I even saw one law professor who objected to same-sex marriage in the first meeting, spoke out publically in support of same-sex marriage in [the] newspaper. So he was quoted by [the] newspaper and he said ‘OK, it’s the right thing to do, human rights, etc.’ So, I saw his changed position on same-sex marriage.’ (C3.5, 28 April 2015)

iSEE’s position as the expert on LGBT issues continued throughout the advocacy campaign. The Director attended a number of meetings and consultations, including with the National Assembly Committee on Social Affairs, and National Assembly elected representatives. iSEE also enhanced their ability to act as expert by conducting more research and providing it to National Assembly delegates and the drafting committee members.

The early drafting process seemed quite responsive to the movement’s demands. In mid July 2013, the Law Appraisal Committee sent a report to the Ministry of Justice and the Government Office, which recommended that same-sex marriage should be banned, but that the consequences of same-sex cohabitation (such as property or children) should be legislated.

In response to these reports, the National Assembly Committee on Social Affairs (CSA) presented a report to the Assembly on 9 September 2013. At this time they did not take a position on the issue of same-sex marriage, rather they requested that more information be provided about the potential impacts of legalizing civil partnerships. (CSA 2013).

At the same time, in September 2013 the National Assembly approved Decree 110/2013/NĐ-CP ‘Various administrative sanctions contributing to strengthening order and discipline in the

management of state judicial activities' which removed the fine levied on same-sex weddings. This was surprising to many as just a few months previously the Ministry of Justice had proposed doubling the fine (*Thanh Nien Daily* 2013). The movement's lobbying, research and consultations seemed to be reaching their targets.

The first draft of the revised law, which included articles about same-sex cohabitation, was discussed by the National Assembly on 26 November 2013. The majority of representatives who spoke didn't mention anything about same-sex marriage or cohabitation. Of the twenty-six representatives who did speak about it, five expressed positive views about either same-sex marriage or civil partnership and only three expressed total disapproval for the proposal for civil partnerships. Two representatives had specific questions, or requested more information before expressing an opinion. The deputy chairperson of the Assembly summed up the discussion stating that the law should 'ensure the humanity, and rights of the people but also ensure the customs and tradition of our Vietnamese people' and concluded that more information was required for the Assembly to decide (Office of the National Assembly 2013).

Following this first discussion, the responsibility for drafting returned to the MoJ drafting committee, who conducted extensive additional consultations with experts and the community, including LGBT people. Throughout 2013 and early 2014, the draft law was also posted on the '*Dự thảo online*'<sup>21</sup> (Online Drafts) website, for comment by citizens. A high number of comments (in comparison to other laws) were received through this forum. Of the total of 167 comments from citizens about the draft law, 147 were about same-sex marriage, of which 137 were supportive, eight opposed same-sex marriage, and two were questions (Du Thao Online n.d.). It is not possible to determine whether these comments were from movement members, however, given the high percentage of comments related to same-sex marriage, as opposed to other issues covered in the law, and the positivity of these comments, it is reasonable to conclude that the movement's activism and sharing of information through social media was having an impact. Partly as a result of the significant debate and the large number of comments received, the schedule for presenting the next draft to the Assembly was postponed to 2014 rather than October 2013.

On 10 January 2014 the CSA presented a new report to the Standing Committee of the Assembly summarizing the extensive debate and public comments since the Assembly last considered the revised Law. In this report, they recommended that the draft remove the prohibition on same-sex marriage but not recognise same-sex marriage. However, they recommended including provisions for dealing with the consequences of same-sex cohabitation (CSA 2014).

Despite this, the draft law considered by the National Assembly on 27 May 2014 didn't appropriately provide for consequences of cohabitation. Because this draft was so weak and did not adequately either deal with cohabitation or allow marriage, ICS and iSEE conducted a campaign to try to delay the final vote. Through social media, they called for LGBT people and allies to call their elected representatives to try to force a delay on the vote. This type of citizen campaign to delay a Law approval process was potentially unprecedented in Vietnam's history, however it was ultimately unsuccessful.

During the discussion of this final revised draft Law thirty representatives registered to speak, but due to time limitations only fifteen were able to. Of the fifteen, only one representative mentioned

<sup>21</sup> <http://duthaonline.quochoi.vn/> This is the official site for the national Assembly to collect citizen feedback on draft legislation. Reports of the comments posted are provided to the Assembly members to take into account in their discussion and approval process.

the issue of same-sex cohabitation; an appeal for an additional article to clarify consequences such as joint property and children. No other representative mentioned the issue, focusing instead on other issues such as surrogacy or marriage age.

**Table 8: Timetable of discussion and approval of the revised Law on Marriage and Family 2000**

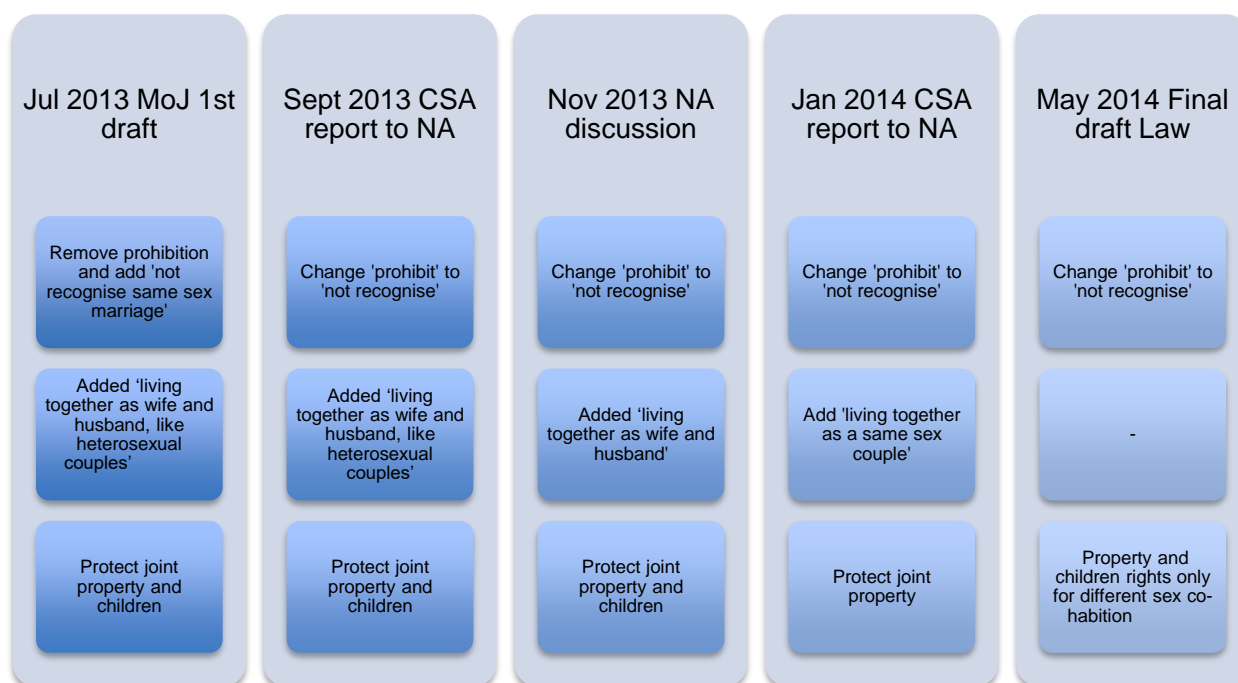
7 May 2012	MoJ makes official request for consultation for revision of law
16 July 2013	MoJ report to the government with recommendations for law revision
9 Sept 2013	CSA report to NA Standing Committee with recommendations for law revision
26 Nov 2013	First discussion of draft in National Assembly
10 Jan 2014	CSA report to NA Standing Committee - summary of changes, recommendations for law revision following NA discussion
27 May 2014	Second discussion at NA - little mention of same-sex marriage issue
26 June 2014	Revised law approved by Assembly

It is impossible to know why the issue of same-sex marriage was discussed so little in the second Assembly session in May 2014. Informants suggested there may have been some influence from the Party or senior government officials to drop the issue, and simply remove the prohibition for same-sex marriage without dealing with the more controversial issues around same-sex cohabitation. It is also possible that the lobbying and advocacy was simply insufficient and/or too late to influence enough decision makers. The Vietnamese decision-making process is characterised by consensus – the Party and government tends to work on a consensus basis rather than majority vote, so if not enough representatives are convinced, the tendency is to back down and not make significant changes (Đặng and Beresford 1998; Vasavakul 2014).

‘So I think the lobby[ing] and advocacy for the government and drafting team was good, timely, but for the National Assembly was too late. Even [though] we had people who stand up and spoke to support same-sex marriage in the debate, but it was not enough to change the minds of some top people. Some people said that there is one, I cannot verify that, but there is one leader of the National Assembly [who] didn’t want to legalise same-sex marriage. And that person was influential and it blocks the process in the Assembly.’ (C3.5 2015)

The final vote of the National Assembly was held on 19 June 2014 and the revised law was approved. The final approved version was little changed from the May 2014 draft and means that same-sex marriage is now not illegal, but it also isn’t legal. The final version specifies that only men and women living together as husband and wife (without having married) have their rights for property, children, etc. protected, thus removing property rights for same-sex couples that had been in all previous drafts. As a result, while same-sex cohabitation and even same-sex weddings are not illegal, there is no protection for same-sex couples who decide to marry. Conflicts over property remain problematic for officials and courts as well as LGBT couples, there is no recognition for same-sex partners in hospital or other situations, and LGBT people have no right to raise children as a family.

**Figure 1: The watering down of the Law on Marriage and Family 2000 (revised)**



(Based on ICS 2014)

As is shown in Figure 1, the final outcome was very disappointing for the movement, despite Vietnam being lauded in some international media for approving same-sex weddings (Thanh Thu 2013; Nichols 2013; Morgan 2013). The first drafts and reports from the Ministry of Justice incorporated many of the movement's demands, and while stopping short of recommending same-sex marriage, would have legalised civil partnerships and ensured rights to shared property and children. However, less than a year later, the final approved Law did not even include basic rights recognition or protection. It seems that the 'experts' in the Ministry of Justice who had close contact with movement actors, and were able to study the relevant research were sympathetic to the arguments of the movement. However, once subjected to a political process, the movement's demands were also in competition with traditional attitudes and culture, misunderstandings, and ideology & power. The National Assembly and Communist Party of Vietnam are not unified on many issues, and it seems the movement's efforts did not manage to convince enough powerful elites that it was time for change.

**Table 9: Key events in LGBT movement development and the campaign for same-sex marriage**

1959		First law on Marriage and Family defines marriage as between a man and women
1997		First public gay wedding in HCMC conducted with no problems
1998		Lesbian wedding in Vinh Long province – couple harassed by authorities and split up soon after wedding ceremony
2000	9 June	Updated Marriage and Family law - forbids same-sex marriage
2001		Administrative fine of 100,000-500,000VND (approx. \$4-22USD) introduced for same-sex weddings
2007	17 <sup>th</sup> July	iSEE – Institute for Studies of Society, Economy and Environment formed in Hanoi.
2008	19 <sup>th</sup> November	Information, Communication, Sharing Centre (ICS) established
2009		First male to female transgender Vietnamese legally recognized with new identity papers in Binh Duong province

2011	1 <sup>st</sup> May	ICS becomes an independent organisation with offices and staff in HCMC
	May	First PFLAG group established
2012	7 <sup>th</sup> May	Ministry of Justice initiates a review of the Marriage and Family Law (2000) with consultation period until December.
	2,5,7 May	Same-sex weddings in Ca Mau (women) Kien Giang (men) and Binh Duong (women) provinces held, but couples fined and forbidden from holding another wedding ceremony.
	3-5 August	First gay Pride ( <i>VietPride</i> ) celebration held in Hanoi
	26 September	First gay <i>Flashmob</i> held in HCMC with over 1,200 participants
	November	National Assembly announces consultation period for comments and suggestions on amendment of the Constitution. The call specifically mentions the rights of gay and lesbian people.
2013	January	First legally recognized transgender Vietnamese has the recognition of her sex change rescinded, despite that she was born intersex and gender reassignment for intersex people is legal.
	24 <sup>th</sup> September	National Assembly passes Decree removing the fine for same-sex weddings, to come into force in November 2014
	November	Six domestic research and social institutes and over 30 other organisations call for the legalisation of same-sex marriage in an open letter to the National Assembly.
	26 November	First discussion on draft law at the National Assembly
2014	27 May	Second discussion of the revised draft law at Assembly
	26 June	Law on Family & Marriage (revised) approved by National Assembly, to come into effect 1 Jan 2015
2015	24 November	National Assembly passes a revised Civil Code recognizing the rights of people to change their gender. Law to take effect from 1 Jan 2017.

### 2.1. Becoming visible: the challenge to cultural meaning systems

In common with the other movements discussed in this research, the LGBT movement aimed to influence both government actors and the general public. This movement was particularly strategic and professional in their public awareness raising, taking a considered approach throughout. In addition, the campaign for same-sex marriage was conducted in the public sphere in the form of a national debate to try to promote a cultural re-assessment of the definition of family and who has the right to be a family. In order to influence public opinion and promote cultural changes in attitudes towards LGBT people, the movement framed their communications on ‘motherhood and apple pie’ values that resonated with mainstream Vietnamese social values such as love, equality, and family. They aimed to get wide participation among LGBT people and their friends and family members, and reach out to influence the broader community – partly in order to demonstrate public support for the legal changes to lawmakers, as well as to promote greater public acceptance for their identities.

‘We say [sic] love is love, love has no agenda. We organised campaigns and we spend a lot of energy and time to design a campaign to be successful. From the local ‘*Tôi Đồng Ý*’ [I do] campaign, to other, positive messages to the public; ‘love is love’ . . . so the message is

very positive, but actually [it] reinforces the principles that we follow, but it's not confrontational. We didn't really criticise the government, but we encourage[d] the government to take steps forward. So we're talking about diversity, the beauty of diversity, the need for diversity, the importance of tolerance in society and these kinds of messages. So we use[d] the principles, the values in a positive way and tried to encourage the community.

We know that we need the public to join – so if we ask 'you should support LGBT human rights because human rights [are] human rights' it might be difficult for them to join in. But if we talk about 'love is love, do you support love, equality?' everybody supports equality, so that [way] we can have a lot of participation from the public to support these principles, these values. Nobody will say 'I don't support equality, I don't support love'. . . . So we coordinate with the media, we lobby, we coordinate social campaigns, at that time we organised a lot of social media campaigns, viral campaigns that really stimulate the public discussion.' (C3.5 2015)

When dealing with the government however, the movement explicitly and intentionally framed the campaign in mainstream human rights terms. 'Success as well [is that] we brought the topic to the mainstream political sphere, so actually that's one of our strategy (*sic*), we learn from other countries but in many other countries, LGBT are kind of marginalised, but in Vietnam we decided to put it in the middle, mainstream rights.' (C3.5 2015). They framed LGBT people as a marginalized group requiring consideration similar to other groups; people with disabilities, ethnic minorities, the poor. This framing placed the debate about same-sex marriage squarely within the government's agenda of development, modernization and poverty reduction. It is interesting and surprising that by this time the movement felt a human rights framing was 'mainstream'. This is an indication of the changing political environment since the PLHIV movement, who well understood that the concept of human rights was absolutely off the table. The ultimate evidence that human rights language has become mainstream is that the 2015 change to the Civil Code enabling transgender people to legally access gender reassignment was discussed and finally approved *because* it was a human rights issue. The Chairman of the National Assembly Legal Committee stressed to representatives that if they didn't approve the change, they may be violating LGBT people's basic human rights as laid out in the Constitution (Truong 2015).

The LGBT movement was also the first of the three cases under consideration that had the benefit of Facebook and social media for their cultural challenge. Facebook has experienced explosive growth in Vietnam, despite a rather ineffectual attempt by the government to block it from 2009 (A.-M. Do 2013a). Facebook had 8.5 million users in Vietnam in October 2012, 12 million users five months later in March 2013 and 25 million by May 2014, most using it on mobile devices (A.-M. Do 2013b; Ashwill 2013; *VietnamNet* 2014)<sup>22</sup>. The usage is concentrated among young people (Ashwill 2013), the same people who were the participants in and target of the LGBT movement. One reason growth has been so rapid is that internet and 3G data access is extremely inexpensive<sup>23</sup>, there is free wifi almost everywhere (even in petrol stations!), and there is wide availability of cheap, Chinese made smartphones. Thus the financial barriers to getting online are very low. A young, urban population with even limited disposable income now considers Internet access and Facebook use as essential. In addition, people understand that their access to

<sup>22</sup> Vietnam had 47,300,000 Internet users as of Oct 31, 2015, (50.1% penetration of total population), and 35,000,000 Facebook subscribers on Nov 15/15, (37.1% penetration) (Internet World Stats n.d.)

<sup>23</sup> In 2016, unlimited 3G access on mobile cost me €2.70/\$3USD a month in Hanoi. My landlord doesn't even bother charging me for unlimited internet at home as it is so cheap.

information is restricted by the government's relatively tight control of official media. Internet access and social media provides an alternative source of information.

For the same-sex marriage campaign the movement seized the opportunity provided by social media and conducted the majority of their campaigning and consultation through Facebook and blogs. Much of the information about what was in the draft laws, how the legal situation was changing, when and where consultations would be held, etc. was announced through the ICS & iSEE Facebook sites and groups. There was extensive and, at times heated, discussion through Facebook about what form the laws should take, the direction of the campaign, and specific tactics for the movement. For example, the final campaign to try to delay the approval of the law was conducted through an online petition distributed via Facebook.

'At the beginning we worked a lot with the media to build awareness and support among the media. The second stage now is to become the media. We have our own channels, our own media and actually it gets re-covered by the mainstream media. And then we also help our community members to become the media themselves. So actually they go and they comment and they write posts. Before only ICS monitor the media and respond, but now other LGBT people do it as well, and even their friends, non LGBT people. There was something very interesting, a celebrity talked about LGBT and said 'these people shouldn't exist' and then that person got a massive [online] attack, and it's not even from us, it was from [the] general [audience].' (C3.2 2015)

Facebook also facilitates the sharing of visual and creative information. iSEE, as previously discussed, was very strategic about their campaigns, investing significant effort in designing logos, slogans, etc., and coming up with creative ways of sharing information with the community. The medium of Facebook also encourages this, enabling sharing of photos, the opportunity to use logos as profile or cover pictures, and sharing video content. The same-sex marriage campaign used the medium to its fullest extent – sharing pictures of consultations and workshops, photo exhibitions and other events, developing graphics to make advocacy more comprehensible (e.g. the graphic on the 'watering down of the Law on Marriage and Family' adapted in Figure 1 above was shared through Facebook). Videos from various international sources and Vietnam explaining LGBT issues, same-sex marriage and the legal changes were posted and widely shared (see for example Việ̣n iSEE 2013; for more videos see iSEE n.d.).

Increasingly in Vietnam mainstream media and social media are linked; 'there was strong interaction between social media and mainstream media, now they watch each other, and of course many journalists have Facebook. They are part of the social media as well. So that's why the overlap and interaction is always (*sic*)'. (C3.5, 28 April 2015 see also Q. B. Le et al. 2015).

The movement also specifically targeted mainstream media as it is still the dominant player in terms of public information and policy makers.

'Because also we tried to identify in our strategic plans which newspapers, which TV programs [the lawmakers] must watch, or will watch, or like to watch. We tried to reach every newspaper; the big newspapers they will read every day, but there are some newspapers that they have to read. Like '*Nhân dân*' [The People] is the official newspaper of the Party. Or Vietnam Television, we say that VTV is not enough, it must be the VTV news at 7pm. They have to watch that every day. And even people in the military and prisoners, they have to watch that every day, it's like the most watched



program...During the 2-3 years [of the campaign] the coverage of the media has been really intense. Some times every day I can see some articles about same-sex couples, same-sex marriage, or the legal things, the rights. It's really interesting because when I was working at ICS [prior to 2012], all the media was saying about LGBT was about their unhappy lives, and that we need to appreciate them and sympathise with them. But after that, the good thing about the law is that we are talking about rights, and the difficulties when not recognising rights.' (C3.4 2015)

As well as newspapers, the movement was able to utilize mainstream television, which is a very important source of information for the public, particularly older people, Party members and government officials. One key media strategy by iSEE was to target the television program 'Đối thoại Chính sách' (policy dialogue) broadcast weekly on Vietnam Television (VTV1). This program is in the form of a panel discussion about new laws and policies. One side of the panel is invited by the government; normally a senior Ministerial official. The other side is invited by VTV and are normally representatives of the affected community. iSEE had developed a strong relationship with VTV and lobbied for an episode about the revision of the Law on Family and Marriage. They were ultimately successful and the program was screened on 19 March 2014 with participation of the head of the Ministry of Justice Division of Civil and Economic Law, the Founder of iSEE as an 'expert' and a member of the movement as an affected community member (Tập Đoàn GFS 2013). The screening of this program, only a few months before the second draft law was discussed in the Assembly, meant a very high profile discussion of the advantages and disadvantages of gay marriage and was likely viewed by many members of the public, and most elected representatives.

### 3. Outcomes of the movement

This inaugural campaign for legal change to allow same-sex marriage was, ultimately, unsuccessful. The campaign did result in removing the fine for same-sex weddings, clearing the way for LGBT couples to celebrate publicly, but the victory is somewhat hollow when these weddings are not recognised as marriages under the law. In the strict sense of new advantages, this particular campaign did not achieve the goal of same-sex marriage and has not achieved significant new advantages for the LGBT movement.

However, the campaign also meant that Vietnam was the first country in Asia to discuss same-sex marriage at a national parliament level. The movement was highly successful in influencing policy agenda setting. They basically captured a debate about 'consequences of same-sex cohabitation' and turned it into a debate on same-sex marriage. This should be viewed as a significant success by the movement. 'Through their engagement with governments, lesbian, gay, bisexual and transgender organisations in both India and Vietnam have been able to contest, and even redefine, policies, at least in regard to lesbians and gay men' (Horton, Rydström, and Tonini 2015, 1068). In addition, when viewed in a broader context, the emergence of the LGBT movement, and their foray into policy advocacy has had other highly significant outcomes, as detailed below.

#### 3.1. Political outcomes

The case of the LGBT movement in Vietnam is a good illustration of the importance of Gamson's (1975) outcome of inclusion in the political process. The campaign for same-sex marriage was the first advocacy attempt by a very new movement, and while it was ultimately unsuccessful in achieving the specific goal, the movement very successfully managed to put LGBT issues on the political agenda, and to become the accepted, legitimate representative of LGBT people. They achieved this in a traditional, conservative environment and extremely quickly, when compared to the struggle of other movements to be taken seriously.



iSEE in particular, but also ICS as the voice of LGBT people themselves, are now regularly consulted and included in policy issues that may affect LGBT people. For example, around the same time as the Law on Marriage and Family, iSEE also joined with other local organisations to submit comments and suggestions on the revision of the Constitution. As a result of the same-sex marriage advocacy it seems to now be almost routine for the government to consider LGBT issues when revising laws. 'For example when they were talking about the military law, they say 'OK how about LGBT, can they serve in the army or not?' So they debate in the National Assembly about that. When they debate about the law on temporary detention, MPS [the Ministry of Public Security] asked 'so what about transgender and what about gay, should they [be] put in the male or female cell'. So LGBT is something in the minds of the lawmaker already' (C3.5 2015). iSEE are very strategic and active in terms of ensuring LGBT issues continue to be in the minds of lawmakers. They monitor the law and policy schedule and online consultation systems, and send policy briefs and requests for consultation to the relevant government body. The first campaign provided a lot of information to the movement about how the policy process works, and how to influence government, and they are now putting that knowledge to good effect in further policy campaigns, and achieving success.

The most concrete evidence of this inclusion of LGBT people in the policy process has been the approval of transgenderism in November 2015. Throughout 2015 the government undertook a review of the Civil Code. iSEE and ICS worked closely with the Ministry of Justice, and advocated to lawmakers to allow transgender people to change their identity documentation to recognise their chosen sex. The campaign was largely successful, although only post-surgical transgender people have gained the right to change their identity. However, in the process, the prohibition on gender change surgery in Vietnam has also now been lifted, once new decrees are drawn up to regulate this (Human Rights Watch 2015b; H. Luong 2015).

The policy environment for LGBT people was very different to that of PLHIV or PWD in that prior to 2012 they were almost completely invisible in government policy. Homosexuality had never been illegal in Vietnam, and there was simply very little mention of homosexuality or transsexuality in legal and policy documents. The revision of the Law on Marriage and Family in 2000 that introduced a definition of marriage as between a man and a woman made same-sex marriage illegal by default more than by design. The policies relevant to LGBT people mostly ignored or made them invisible. The task of the movement thus was to highlight this invisibility, make policy makers aware that they were a significant community who deserved protection and consideration by law and policy, and to influence the approach to policy.

In order to determine movement success in overcoming this invisibility it would be necessary to detect among policy makers recognition of the LGBT community, and of the need for regulation, and trace that this recognition resulted from movement action. While it may have been an international organisation that initially alerted the movement to the opportunity provided by the revision of the Law on Marriage and Family, it was the movement who seized that opportunity and it was largely movement efforts that brought the issues of the LGBT community to policy makers' attention, through providing expert advice, research, and first hand experiences of LGBT people and their family members. More so than the other two cases, the LGBT movement were able to drive the agenda and explicitly kept international actors in the background. The same-sex marriage campaign brought LGBT issues to the policy table for the first time and resulted in government representatives who are more aware of the situation and needs of the community and are able to translate this awareness to other related policies such as the Law on Detention.

One final piece of evidence of the success of the movement in overcoming the invisibility of their communities, and the enduring effect of that, was a statement made by a National Assembly representative on 24 October 2015. During the Assembly debate about the revision of the Civil Code, a representative from Long An province stated ‘do not let transgender people live as invisible people’ (*Kenh14.Vn* 2015). The fact that this particular comment was picked up by local media illustrates how media and policy makers have understood that LGBT people had been invisible as policy objects, and that needed to change; the core of the movement’s message about LGBT rights.

### 3.2. Cultural outcomes

A highly significant outcome of the same-sex marriage campaign and the movement’s cultural challenge has been change in public opinions about LGBT people. ‘But I think in terms of public opinion, public perception we were quite successful. We change a lot about community empowerment and public perceptions, I think that’s quite successful’ (C3.5 2015). In the early 2000s popular attitudes to LGBT were, as mentioned, almost universally negative and misinformed. A survey conducted in 2001 found that 82 percent of Vietnamese believed that homosexuality was never acceptable. In 2002, the state-run media proclaimed that gay relationships were a “social evil” similar to prostitution and the use of illegal drugs. Research conducted by iSEE in late 2008 into media coverage of LGBT issues found very negative portrayals. LGBT people were portrayed as abnormal; often associated with crime or mental health issues, and having insatiable and abhorrent sexual desires (iSEE 2008). Among young people opinions were less discriminatory. A survey conducted by the HCMC University of Pedagogy in 2007, found that 80 percent of students attending the country’s secondary and high schools believed that homosexuality was not wrong (Barbour-Lacey 2014).

Following the same-sex marriage campaign, and associated media campaigning by the movement, significant changes in attitudes and media coverage have been achieved. Media coverage is now more positive and realistic about LGBT peoples’ lives, and covers specific issues affecting them such as access to healthcare, how to settle property disputes etc. Most coverage of movement events such as *VietPride* has been positive, focussed on the emerging movement and increasing the visibility of LGBT people. Media outlets often use movement discourses and images in covering such events. A journalist who covered social issues throughout this period stated ‘before society thought that LGBT is a kind of disease and the problem is how to make them accept LGBT people as ‘normal’ and not diseased. [Before] we tried to lead society to accept them and show their normalcy. But now the communication is not like that anymore, now it is an essential part of society so we don’t need to focus on those areas anymore, we will focus on other topics’ (Nguyen Tran 2016)

By the time iSEE conducted their survey of attitudes to same-sex marriage in 2013, the majority of people surveyed responded that legalizing same-sex marriage does not affect the family (72.7%) or individuals (63.2%), and 33.7 percent were in favour of legalising it. In addition, 41.2 percent of respondents supported the right of same-sex couples to live together, 56 percent of people supported same-sex adoption and parenting rights, 51% were in favour of rights to property ownership, and 47 percent supported inheritance rights for same-sex couples (Dang et al. 2013). While it is unlikely that movement action is entirely responsible for such attitudinal changes, it is also unlikely that the movement’s work with the media, the national discussion about same-sex marriage, and visibility of ‘normal’ gay people and events such as *VietPride*, etc., have had no impact.

Movement actors have also established the importance of self-representation in the media. Having established good relationships with a number of media outlets, key movement representatives are now the 'go to' people for information and comment on LGBT issues, both for international and domestic media. This means they can continue to promote movement discourses through the media, and continue to influence public opinion and attitudes.

### 3.3. Mobilization outcomes

The LGBT movement is the most recent of the three examined in the research, thus it is possibly too soon to draw many conclusions about the mobilizational outcomes of the movement. However, since they emerged in late 2008 - early 2009 the movement has certainly invested significantly in mobilization and has grown substantially and become more sophisticated.

Early mobilization, as discussed, was primarily through underground online discussion forums for LGBT people. This approach has since been enhanced by mobilization through Facebook and social media, and through offline mobilization at Universities and schools. Since the conclusion of the same-sex marriage and the civil code revision campaigns, ICS as the main movement coordinator has focussed on building and strengthening the movement. The LGBT movement is more explicit than others that movement building and public support is crucial for them to achieve their policy goals as well as the cultural change necessary to overcome discrimination against LGBT people. Thus, they are heavily focussed on building a strong and sustainable movement.

'So the three things for us that are equally important [for movement success]; are community empowerment, social support [support by the general public], and changing the law. I think that's why the movement in Vietnam has been so fast and quite successful, is because of these issues. Other people if they just think about the advocacy alone and then the change in the law, I mean for a more sensitive issue like us we can see it's new and sensitive and not so traditional thing then I think the social pressure is key. It's necessary for the lawmakers.' (C3.2 2015)

The movement has also developed effective mechanisms for internal communication and developing strategy through an annual strategic planning meeting of key leaders. They have recognised that an effective movement needs to have mechanisms for communication and ways of solving conflict in the movement. Facebook is important in this process as members can easily express their opinions and thoughts about the direction, activities and approach. They have also sourced funding in order to be able to provide training for leaders in organisational management, communication and conflict management.

The LGBT movement has also been uniquely successful in linking LGBT issues to broader issues such as civil society development, poverty, and rights for minorities. As expressed by one key movement mobilizer 'and one more thing, we would like to build this year is to help them to see the LGBT movement in a bigger context. For example, it's not only the rights of LGBT, but how it connects to the rights of minorities, to help them see the roots of inequality or poverty or gender equality ... For example, if they see inequality in, for example, people with disabilities or poverty, or women, or domestic violence, they can raise a voice, not be silent. So LGBT can inspire the bigger context, the bigger issues.' (C3.3 2015). In terms of advocacy, LGBT movement members have become involved in a number of other campaigns, including the movement to prevent the cutting down of 6,700 trees in Hanoi (Q. B. Le et al. 2015, pers. comm. Le Quang Binh, iSEE ), the provision of civil society input for Vietnam's response to Universal Periodic Review of the UN Human Rights Council, and the 2013 revision of the Constitution.

#### 4. Discussion

The LGBT movement seems to be an exemplar movement working on the ideal issue in order to achieve political success. The movement had strong and well organised leadership and a cohesive organisation that is able to deal with conflict (Gamson 1975), their goal faced little active opposition among the public or policymakers, and they were able to successfully influence public opinion to be more supportive (Burstein 1998; Gamson 1989; Burstein and Linton 2002; Skrentny 2006). They focussed on a single policy issue that was relatively non-controversial and did not threaten the core interests of the party state (Giugni and Passy 1998; Burstein 2003), and successfully framed the issue to resonate with core traditional values of love and family, while simultaneously framing it as a modern progressive issue in line with socialist reform (Benford and Snow 2000), and they used well targeted, non-violent means to achieve their goals (Kitschelt 1986; Gamson 1989).

Again the level of financial resources and the size of the movement seems to have been insignificant in this case (Gamson 1975). However, the higher capacity of the movement has definitely contributed to their ability to mount a strategic challenge, both in the policy field and in changing public perceptions about LGBT people.

Through effective community organising, public events and awareness raising and specifically by lobbying both bureaucratic and political actors the movement has been able to transform a regular, scheduled revision of the Law on Marriage and Family into a national debate about whether Vietnam should be the first country in Asia to legalize same-sex marriage. The movement was able to take advantage of this 'policy window' (Kingdon 1984; Tarrow 1993) to get their particular concerns related to same-sex marriage and family relations onto the national agenda and stimulate a political and public discussion.

Although ultimately unsuccessful in achieving either legalisation of same-sex marriage or recognition of same-sex civil partnerships, the movement has achieved significant gains in terms of recognition by senior decision makers of LGBT people as a specific community that deserves recognition, rights, and inclusion in policy processes. They have also significantly influenced public opinion and cultural understandings of LGBT people; to make them visible in a positive way. The movement is also still very strong and active and does not seem vulnerable to de-mobilization. These achievements are likely to be even more significant than same-sex marriage in the long run. LGBT people now have a seat at the policy table and are included in discussion about various issues. At the same time, community acceptance is improving rapidly, thus enabling them to exercise their rights and access relevant services.

How are we to understand the success of this movement? Considering this movement, and comparing it with the other two movements under study sheds significant light on the questions of how movements can succeed in a one-party state environment such as Vietnam. The key important lessons from this movement are: the importance of framing for policy and cultural change; the contingency of political opportunities; the importance of social media and leadership and the value of expertise in this particular political environment. In addition, there are some lessons related to the role of international organisations and movements in supporting domestic social movements in difficult environments.

The first lesson from the LGBT movement was the effectiveness of their framing for different audiences, and the importance of that framing in the policy debate in particular. The LGBT movement have been very successful in framing their issues as mainstream and positive, and

aligning the framing with core policy priorities. Making LGBT people visible in the policy space seems to have been regarded by the Ministry of Justice and at least some of the representatives in the National Assembly as a progressive move, necessary for a modern, civilized state. It is particularly interesting to note that for this movement, the framing of 'human rights' was successful, where in earlier years it most definitely would have been far too controversial. This is, I believe, a result of the governments' increasing openness and desire to be a responsible member of the international community and align with international norms such as human rights & democracy. The movement was also very successful in framing this campaign to resonate with dominant cultural values and in this way gain acceptance for their identity (Hurst 2008; Chen 2008). The framing of the issue in positive terms, focussing on love & family tapped into both traditional Vietnamese cultural values, and ironically, modernist communist ideology of anti-feudalism and rejection of traditional cultural practices. This public framing is a key reason for the normalization of gay and lesbian lifestyles, and acceptance by the media and the public.

The implications of this case are also that political opportunities are highly contingent. The literature has argued that different levels of government may well have different opportunities (studies of protest in China have highlighted this, see for example Hurst 2008). At the same time, other studies have found that certain issues are very difficult for movements to influence. I would argue that there is a need to combine these two insights to enable a deeper understanding to political opportunities. The openness of government will vary depending on the particular issue. Thus researchers cannot automatically read off the political opportunities by considering the overall form of government (democracies = open, autocracies = closed). Rather, each country and each policy field will need to be considered at a detailed level in order to understand whether that particular policy demand will be controversial. This cannot be assumed.

In Vietnam, a relatively closed political system with a relatively traditional culture, one might assume that same-sex marriage is highly controversial. However, as a primarily Buddhist country, and with strictly controlled religious institutions, Vietnam has never had an organised movement opposing homosexuality. Homosexuality has never been criminalised, and for many Vietnamese it is a private issue 'the dominant attitude is characterised by ignorance and indifference. People think this is not about my children; let others do the things they want to do. The public thinks this is just a children's activity, not a sensitive issue that affects their benefits and interests.' (a lesbian woman in Hanoi as quoted in Oosterhof, Hoang, and Quach 2014, 14, Note that this is very similar to attitudes expressed in urban China; Hildebrandt 2011). These findings are in line with Kollman (2007) who finds that countries with lower levels of 'religiosity' also are more likely to frame same-sex marriage as a human rights issue rather than a moral issue. Thus, in countries with low levels of religiosity and where religious institutions do not have significant political power, LGBT issues of love and marriage, while not identical to human rights, can be framed as such and thus receive widespread support.

In addition, same-sex marriage or gender reassignment has little impact on the core interests of the party state such as political hegemony, national security, or economic development (Hildebrandt 2011), and has smaller financial implications than legislating rights for people with disabilities or HIV prevention.

'Because in Vietnam the LGBT issue, they look at it as a non-political issue, it do[es] no harm to the system. So legalise or not legalise it doesn't affect the power of the Party. It's not like the Land Law, that's also a civil issue, but it's so much related to money, the rights and the control of the government, like the most important properties of the people.

But legalise or not legalise same-sex marriage it does not affect the true power.’ (C3.4 2015)

Thus, same-sex marriage, gender reassignment, and issues such as whether transgender men should be detained separately, are relatively ‘easy’ targets from a policy perspective, targets that the literature suggests will be more amenable to movement pressure (Giugni and Passy 1998). In this case, it seems traditional power structures are far more important than traditional values, thus, in 2013-14 an issue such as this which doesn’t threaten the existing power structures, doesn’t have significant financial implications, and has no organised opposition in fact faces relatively open political opportunities. When combined with a competent movement, relatively apathetic public opinion, and effective use of social media it is perhaps not at all surprising that the LGBT movement has achieved such success in a short period of time.

As was seen in the case of the HIV Law however, even in the more closed environment of the early 2000s, and with a controversial and difficult issue such as HIV, drug use & prostitution, the PLHIV movement and their allies were able to achieve significant policy success. Thus, having a detailed understanding of the specific political opportunities is important, but other factors are also at work – open opportunities are not a necessary condition for success.

Another factor that was significant in this case, and which has been acknowledged by a number of other researchers, is the value of social media in opening up new opportunities for social activism (Shirky 2011; Farrell 2012; Calderaro and Kavada 2013). Although there has been some criticism of ‘slacktivism’ and concern that social media activism has a less transformative effect than initially expected (Morozov 2014), this case is an illustration of the potential power of this medium, particularly in a relatively closed media landscape. The LGBT movement were highly effective at using social media to share information, conduct research about opinions and needs, consult with members regarding specific policy issues, mobilize supporters, and promote their discourses and frames both within the movement and to the general public. The movement’s Facebook sites were incredibly active, particularly throughout the same-sex marriage campaign, and were a highly efficient and effective medium for communication. Through social media, the movement was also able to influence mainstream media, thus setting the terms of the debate. The movement provided content (photos, video footage, info-graphics, research reports) for mainstream media, which was under-resourced and thus very willing to take up this content. This meant widespread adoption of movement frames by the mainstream media and their wide dissemination to the public.

The LGBT movement were not the only movement to use social media so effectively, but they were among the first and others have since learned from their example and are adopting similar approaches (see for example iSEE n.d.). The ease of access and the demand for ‘alternative’ sources of information mean that social media is particularly important for movements in authoritarian environments such as Vietnam (Diamond 2010; Farrell 2012; Kriesi, Dong, and Kübler 2015).

This case also again highlights the importance of effective movement leadership, and in fact from this case we can begin to unpack some characteristics that make up ‘effective leadership’. The LGBT movement leaders were, as mentioned, committed not merely to one specific policy or legislative change, but to building a strong and capable movement that could advocate for LGBT rights over the longer term. This is the only movement that was established intentionally by domestic actors to be a social movement. As such, they have put in place key mechanisms that increased the effectiveness of the movement; specifically mechanisms for internal communication and mechanisms for management of internal conflict. These leaders have not only been strong

and capable advocates in the political field, they have been effective movement leaders. As noted, the literature on movement leadership is relatively sparse, but it is clear from the LGBT movement that issues of leadership capital and social capital (Nepstad and Bob 2006) seem to be relevant. The key leaders were gay themselves, thus had social legitimacy with members. In addition, they had qualifications and expertise (for example Mr Binh had been a Fulbright scholar, and most other leaders had post-graduate qualifications) that enabled them to claim legitimacy and expertise with government policy actors. This movement had a very good 'feel for the game' (Crossley 2002; Armstrong and Bernstein 2008) due to their personal, educational and work experiences and were therefore able to operate effectively in this particular field. In addition, the leaders invested time and effort in developing the movement; not only in terms of numbers of members, but in developing institutions that could compile information about members interests, manage conflict, and ensure effective communication. This improved the ability of the movement to mount a strategic, effective, policy and cultural challenge.

A message that comes out very strongly in this case is the role of 'expertise' in policy change. Possibly because LGBT and same-sex marriage was such a new issue and there were few policy precedents, the Party and government seem to have been acutely aware that they lacked expertise, and they highly valued input from experts and research. In this case, the movement themselves were able to provide this expertise – not only as individuals who would be affected by the law, but also as academically qualified experts with relevant research about LGBT issues and public opinion. A key leader of the movement indicated 'I think MoJ [Ministry of Justice], the Government Office and the National Assembly agreed to invite [iSEE] because they know we have research, if we don't have that then they would not really listen to us at all. Luckily, because we did the study a long time ago; from 2008, we did a lot of different studies on LGBT in Vietnam, [we] collect[ed] international experience, produced a lot of policy briefings already, so when they started the law we had a lot of evidence already. . . And we had very good researchers who carried out studies, they all graduate[d] from US, Europe, Australia, they have PhDs and they produce good quality studies, so that we can have good evidence, confidence.' (C3.4, 28 April 2015).

This is an issue that has not been fully explored in the social movements literature. In Vietnam it seems that responsiveness to movement representatives is less about their size, budget, or even level of organisation, and more about whether they 'fit' with the dominant understanding of a legitimate policy actor. Vietnam, as a socialist state, aims for 'scientific' policy making and the rejection of traditional values and modes of governing (Leshkovich 2014). Thus, the position of experts is very important in the policy making process. Traditional Confucian policy making also places strong emphasis on expertise, thus it is ingrained in the Vietnamese political culture (Pye 1985). For the LGBT issue, the government was acutely aware that they didn't have in house expertise, so it was easy for the movement to position itself as the main source of expertise for policy making.

For the other movements this was not the case. The other two movements under study were in the position of trying to counter existing, internal expertise: doctors in the Ministry of Health, law enforcement professionals, etc. These movements comprising poorly educated, marginalized individuals, were unable to position themselves as counter experts and thus could only play the role of 'affected communities'; a far weaker position from which to speak. In addition, international organisations and NGOs were already in the position of providing the expertise, research and information.

What is surprising about these other cases is that the Vietnamese government does respond to some extent to these voices of affected communities. Their concerns and discourses around how they should be treated and referred to was taken into account in the law development.

The tension between how the government assessed the value of this different input can be seen in the language of the final policies. For example, the definition of disability in the final law is still primarily based on the medical model espoused by doctors from the Ministry of Health rather than the social model of disability as advocated by the movement and international NGOs. In the case of LGBT people, the revised law did not accommodate same-sex marriage, but the government did adopt the language of human rights for LGBT people and continues to include key movement leaders as experts on this issue. This issue will be further explored in the next chapter.

Finally, these three cases can contribute some lessons for international organisations and international social movements in how to support domestic movements. Compared to the other two movements under examination international organisations played a much less important role for the same-sex marriage campaign. This much stronger movement kept international organisations mainly in a supporting role, including during the policy challenge. The main coalition for the same-sex marriage campaign included only Vietnamese NGOs and local actors. The LGBT movement learned from some of the problems experienced by the PLHIV movement in terms of external resources. 'We say that we follow our hearts and then the donors will follow us. We don't chase the money. And a lot of times, actually we turn[ed] down the money because it doesn't fit our mission or the way that we work' (C3.2. 31 March 2015). This movement is taking a longer term view about movement building; trying to ensure internal strength and sustainability, and a movement that truly represents the needs and interests of its members, not donor fads or funding priorities.

Comparing the PLHIV and LGBT movements, it's tempting to conclude that international organisations should stay out of the way, allow movements to develop independently and provide technical and financial assistance only when requested. However, it is not that simple. What these three cases demonstrate is that the international supporters need to be cognizant of the detailed political environment, and the specific situation of movements in order to target support effectively. The LGBT movement was formed and is led by highly educated and experienced activists with knowledge of how to mobilize and how to conduct policy advocacy. The founder and Director of iSEE has a theoretical background in social movements and collective action theory. They were also operating in a more open political environment, on an issue that was relatively non-controversial. In this situation, there is little need for international technical support, or even financial assistance. For PLHIV and PWD however, it was clear that the capacity building and financial assistance provided to the movement and the government was essential for building the movements, and achieving policy change, particularly at that time. There are lessons for international organisations from these cases about how best to support movements; in particular to take care with providing and withdrawing financial resources, however the international assistance was essential in these two cases.

It seems that the specifics of the political environment is particularly important in determining the role of IOs (Johnson 2009). In a closed environment, or working on issues that are highly controversial (in that specific environment e.g. because they are very expensive, because they threaten traditional values or power structures), and particularly in an environment of hostility to international influence, international organisations may be necessary to assist movements to access policy circles and raise their voices. However, this involvement needs to be carefully managed and communicated. For example, with the movement of PLHIV, the involvement of international organisations was possible because of the close and trusting relationships between



the UNDP resident representative and key members of the Party-state. In Vietnam at least, the UN is a more respected voice among policy makers, with higher level access than that of International NGOs.<sup>24</sup> In the more open environment of 2013-14 Vietnam (openness as evidenced by growing activity of civil society and opportunities to use the discourse of 'human rights', etc.) and with the relatively non-controversial issue of same-sex marriage there is little need for international assistance, and the movement was less reliant on mediation through international organisations.

## 5. Summary

This final case study of the LGBT movement brings together many of the lessons that emerge from this consideration of three specific attempts by marginalised citizens to change policy in a one-party state. The social movement framework has provided an approach to consider these movements, although it seems clear that the framework is insufficient to fully understand how these non-protest movements have achieved success in the Vietnamese environment. The final chapter of this thesis brings together the lessons from the three cases, and considers how this study may expand and improve our understanding of movements, as well as our understanding of governance as it actually is in contemporary Vietnam.

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<sup>24</sup> It seems likely that other large, international and regional organisations have similar respect, e.g. the World Bank, EU, Asian Development Bank, etc. however these organisations were not involved in these particular cases.

## Chapter Seven. Putting it all together: what explains the success of movements in non-democratic societies?

### 1. Introduction

Having considered the outcomes and lessons from each of the movements, in this chapter I aim to bring the findings from the three movements together in order to try to better understand what these cases can tell us about; how movements have influence, the political context of contemporary Vietnam, and how and why Vietnamese elites respond to social movements. By considering three cases, rather than just one, we get a more comprehensive picture of the processes in operation. While it is unlikely that these three cases provide a complete picture of how movements work in this environment, I argue that the consideration of these cases, gives a good insight into the reality of movement outcomes in a one-party, but not fully authoritarian state. It is now possible to make some conclusions about how movement-controlled factors, political opportunities, and elite response interact in a dynamic way to enable citizens to influence government policy in this one-party system. The cases speak to the literature on social movements, finding some weaknesses in the existing theory and adding depth to current understandings of movements in non-democratic environments.

### 2. How social movements have influence in authoritarian environments?

From these three cases it seems that movement-controlled factors such as size, financial resources and organisational structure are not the most significant factors influencing movement outcomes. This finding is in line with critics of resource mobilization theory who argue that the organisational characteristics and financial resources of movements are insufficient explanation for movement emergence and outcomes (see for example McAdam, McCarthy, and Zald 1996; Tarrow 1998; Amenta et al. 2010). However, some movement-controlled factors are also not entirely irrelevant. As was seen in the individual cases, issues such as leadership and movement member capacity do seem to be influential for achieving political outcomes in this environment. In this section I bring the three cases together to make some tentative conclusions about how certain conditions specific to movements themselves affect their political, cultural and mobilizational outcomes.

#### 2.1. Widening the research gaze beyond protest

The question of tactics has long interested movement scholars. Are there particular tactics that are in general more likely to achieve political outcomes? Or are specific tactics relevant to particular political environments or related to specific issues (Amenta, Caren, and Olasky 2005; Amenta 2006)?

Many scholars of Vietnamese civil society have focused on limited civil society space, repression of protests, and online criticism, pointing to this as evidence that Vietnam is lacking in 'genuine' civil society (Kerkvliet 2003; Lux and Straussman 2004; Dalton and Ong 2005; Abuza 2015). However, there has been less focus on the mobilization, criticism and activism that has emerged and been effective. My research indicates that these three movements all used similar tactics of engagement with government, not simply because

protest and disruption is heavily proscribed in the one-party state, but because these tactics match their overall goal of inclusion, as well as the particular political culture. These movements are not aiming to challenge the Vietnamese one-party hegemony, or even dissenting about the particular way the state is governing. Rather they are primarily making a challenge for their appropriate share of the benefits, and inclusion within that state. In order to achieve new benefits it was crucial for the movements to be taken seriously as legitimate policy actors through engaging with the state (and other stakeholders such as media). In the Vietnamese political environment, coming across as a noisy rabble would not have achieved that level of legitimacy (see also below for more discussion of the Vietnamese political culture). As marginalised, excluded citizens their primary need was for the public and decision makers to recognize and accept them and their claims for inclusion.

One possible exception is the movement of people with disabilities, who even now still struggle to be taken seriously by elites, and accepted as legitimate policy actors. Prior to 2000, people with disabilities were already 'included' in policy and benefits, but not in the way they preferred. They challenged traditional understandings of people with disabilities as incapable objects of charity, to try to be recognised as legitimate citizens with rights. It is possible that more militant tactics such as have been used in Western countries may have been more effective in shaking up decision makers to take their demands seriously. Possibly chaining themselves to buses and crawling up the steps of the National Assembly, as the American disability movement did, may have forced the public and the government to accept that Vietnamese with disabilities were capable after all – capable of significant disruption. Historical institutionalism explains how enduring political legacies with their entrenched power, interests and values, can be very strong obstacles to reform (Pierson 2000). Strong cultural ideas are also hard to shift (Béland 2009), particularly when enshrined in policy identities and policy approaches. Thus, it seems reasonable that more radical tactics may have been necessary for the movement of people with disabilities. This adds more depth to previous findings in the literature that issues related to national security, having significant resource implications, or related to major cleavages in society are harder for movements to influence (Kriesi et al. 1995; Giugni 2004b). It seems that tactics of engagement may be less effective in these cases where strongly entrenched policy identities are bound up with entrenched traditional cultural values such as the responsibility to care for people with disabilities.

All of these movements have focussed on tactics of engagement with decision makers and elites, rather than protest or disruption. They have developed creative ways of engaging with policy makers using the legitimate channels of the state: online commenting; attending consultations; providing input on draft laws. However, this engagement approach should not be understood as a soft option, or as a form of co-option by the government. 'What counts as disruptive will thus depend on the rules of "doing business" in any given institution' (Bernstein 2013, 92). By claiming legitimacy and inclusion in the policy process these movements have in fact significantly disrupted traditional approaches to policy-making and in the process changed how policy works for the future. Insisting on speaking for themselves, rather than being spoken for through consultations with movement members rather than hand picked citizens, should be considered disruptive in this

particular environment. When governance and policy making is traditionally only located in the Party and government organs, widening participation is highly disruptive. In addition, the involvement of informal, often unregistered movement organisations as legitimate policy partners violates ‘business as usual’ and introduces relatively radical concepts of citizen inclusion and empowerment beyond empty slogans. These movements have claimed political space for marginalized citizens, increasing the political empowerment of these groups, and disrupting and changing traditional policy processes to expand the definition of what counts as legitimate political activity and who counts as a legitimate political actor. This is an extremely significant outcome of the three movements. There are still a number of challenges to actually implementing this in practice, not least financial, and not everyone within the administration is on board. But the fact that they have achieved a measure of political plurality in a socialist one-party system is highly significant.

It seems clear from these cases that movement researchers would benefit from taking a broader view of movements and searching for movements beyond those that primarily use protest as a tactic, particularly in non-democratic environments. There are very interesting things going on outside the protest context, and scholars and activists will miss an opportunity to understand the full range of social change and movements’ contribution to it if we only direct our research gaze on one tactic.

## 2.2. Does size matter?

None of the three movements under consideration in this research were particularly large, certainly not when compared to the official citizens representative organisations such as the Vietnam Women’s Union which has over 13 million members throughout the country (“Introduction” 2005). In addition, none have significant funding or organisational resources to commit to their political campaigns. All three movements had some organisational structure, but limited bureaucratic/organisational capacity, knowledge or resources to mount successful challenges. The HIV and disability movements in particular had very small numbers of educated members who were able to engage in policy campaigns or with the media (see section 2.3 this chapter for more on the movement capacity).

However, despite these limitations the movements have achieved significant success.

Based on the empirical evidence of these movements it is clear that movement-controlled factors, while having some influence, are less important for understanding movement outcomes than issues related to tactics, political opportunities and how elites respond. In the Vietnamese environment, as discussed, all the movements focussed on engagement with the Party-state. During interviews no elite informants mentioned the issue of size or representativeness of any of the movements. In terms of policy, decision makers were interested to know how many people would be affected by specific policy changes. For example, the drafting committee for the Law on Marriage and Family were reportedly shocked to learn about the number of gay and lesbian relationships and the scale of people affected by the lack of regulation for same-sex co-habitation. But they did not make any connection with a ‘representative’ sized or structured movement. As long as there is a movement (or even a single organization) claiming to represent the concerns of this group, and the group seems to be significant, then political decision makers accept their

responsibility to legislate. In a political environment that has no tradition of 'representation' this issue is less salient and government representatives judge the value of the movements' challenge on considerations other than size or representativeness.

### 2.3. It's not the size, but what you do with it

While the size and resources of movements does not seem to be a significant factor in their success, movement capacity and leadership certainly does. As is clear from the case studies, both the HIV and disability movements faced difficulties because of the low capacity of most of their members. The leaders of the movements were generally educated, urban, 'middle class' people whose families were able to send them to university, who had some understanding of the political system and how to advocate to government and who spoke at least some English and could thus mobilize resources and assistance from international NGOs. This was not the case for the majority of the members. Many of the members, particularly in the disability movement, were poorly educated, living in rural areas and excluded from networks of power and influence.

This capacity deficit has affected these two movements' ability to achieve outcomes in several ways. Firstly, it has affected the movements' ability to articulate a consistent strategy and priorities, as many of the poorer and more disadvantaged members were not interested in discussion about rights and legislation, they wanted to be able to put food on the table. This meant that there was often inconsistent messaging in consultations between the government and the movement. Many members were not committed to promoting a rights-based approach or discussions about issues such as vocational training; they were only interested in receiving monthly welfare payments.

For both the HIV and disability movements, international agencies were particularly important in providing financial and technical resources to enable movements to educate and inform their members about policy approaches. In this way, international discourses around disability rights, harm reduction, self-advocacy, etc. were particularly influential on these two movements. The low capacity of the movements however, meant they were less able to translate and modify these international discourses and make them applicable and palatable to decision makers, thus making the negotiations more difficult and affecting the policy outcomes (for example the definition of disability in the Disability Law). Unlike the LGBT movement, the disability and HIV movements were less able to draw on knowledge of Vietnamese political and cultural values to translate and modify international discourses and policy approaches to make them resonate with political decision makers.

Another significant effect of the low capacity of the disability and HIV movements was in the cultural challenge. It was far more difficult for these two movements to access media, and to counter the negative stereotypes against them. The LGBT movement had a ready supply of young, enthusiastic, educated LGBT people and allies who monitored the media and social media, and wrote complaints and articles in response. It seems clear that this was a major reason why the media very quickly shifted their representation of LGBT people, and that this shift continues today. For PLHIV and disabled people, the movements have succeeded in shifting their media representations, but it took far longer, and the required maintenance is an ongoing challenge.

Finally, the lack of capacity of the movements has also made it more difficult for these two movements to access decision makers. As a result of their marginalization, movement leaders in the disability and HIV movements have limited social and cultural capital. Vietnamese culture and language is based on hierarchical family relationships. Thus, more respected, older people are referred to as 'uncle/aunt' or 'grandfather/grandmother' and younger people are expected to show appropriate respect and deference through personal pronouns, dress, and style of speaking. It's not appropriate for a younger person with less status to demand or insist, rather they need to appeal to the moral good of the older decision maker and respectfully request. The LGBT movement leaders, as well educated, middle class, urban intellectuals were well aware of this and were able to present themselves appropriately to decision makers. Even though many of the main leaders were quite young, they knew how to be appropriately deferential while still claiming space to speak. Informants suggested that some of the HIV movement leaders were 'inappropriately' influenced by international organisations and did not present in a culturally appropriate manner; making it more difficult for decision makers to listen and respond.

'I was so successful in communicating with the big boys, and also with the community. That's why I share my experience. When I came to the big boys meeting, I will make myself very modest, I also want to say 'I know I highly appreciate your efforts, you try to make the policy good for me. But from the paper to the reality we have some problems'. So when you say some problems when you translate the paper into the reality then it means you blame someone, not them. And you dress yourself smaller, much smaller than them, so I [taught the movement representatives] 'you address yourself, if you see a lot of people there as old as your parents then you address yourself as the child or the son of them. And use nice language . . . in Vietnam if we say 'I know, development of the policy is very important, not only for me but for millions of Vietnamese, and so we are so lucky to be here with you (meaning the big boys!) we very much like to contribute our very small part into the paper [policy] that you are going to develop''. (C1.6, 19 May 2015)

Thus, the nascent theoretical findings of Nepstad and Bob (2006) about the importance of cultural and social capital for movement leaders, and Han et al (2011) about the importance of skills and commitment of leaders also apply to these cases. While it seems that size and resources do not have much effect on the ability of non-protest movements to achieve policy outcomes, the capacity of the movement in general, and their leaders in particular, is certainly important, and needs to be considered a significant explanatory factor influencing success.

It is clear that the traditional empirical focus on protest movements in representative democracies has skewed theoretical conclusions about how movements achieve impact. In this non-democratic environment movement theory has proven incapable of explaining these non-conflictual movements. These three cases demonstrate that for movements that use tactics of engagement with political and cultural sources of power rather than protest,

there is a need for better theorising about how organisational and leadership capacity influence movement success.

#### 2.4. Framing

The issue of movement framing has long been considered an important factor explaining different levels of success by different social movements (Snow et al. 1986; Benford and Snow 2000; Cress and Snow 2000). As this study did not compare successful and non-successful cases, I am unable to 'test' the theories around framing in this context. However, by focussing on positive outcome cases we gain interesting insights into how movements formed around a particular stigmatized identity are able to redefine themselves as a policy object and re-frame cultural understandings and representations of these identities. Examination of these three cases has led me to a new understanding of framing; not simply as a tool for achieving other policy goals, or a condition explaining policy success, but also as an integral part of the outcome they aim to achieve. For movements of people who suffer discrimination and exclusion due to their particular stigmatised identities, framing is not simply a tactic to define a problem external to themselves (diagnostic framing), and communicate a proposed solution (prognostic framing). For these movements, framing is an essential part of what they're trying to achieve as an outcome; new advantages through redefining their groups as a policy object, and claiming political empowerment and cultural acceptance through changed representation.

Framing also emerges from these cases as a dynamic, interactive process changing both the actors and the political environment through discursive effects. Through defining themselves as 'PLHIV' or 'PWD' and re-defining policy options to claim rights and space, not just welfare, these movements have transformed their own identities and social roles. The movement's actions have, and continue to, shape what they are and how they understand themselves. Policy makers not only change their understandings of these movements, but shift their cultural understandings in general and the form and content of politics as it is enacted. If PLHIV can be accommodated in policy discussions, then that fundamentally transforms the understandings of how policy is done, what citizen 'consultation' means, and revises future policy processes. Through the same process, movement members transform and integrate the new identity of 'PLHIV' into their self-definition, overcoming internal discrimination and empowering them to take advantage of new benefits and new opportunities for participation.

This claim, in the tradition of some of the early scholars of Latin American movements and feminist scholars (see for example Alvarez, Dagnino, and Escobar 1998a; Armstrong and Bernstein 2008; McCammon et al. 2001, 2017; Bernstein 2013) is that the movement's framing work is not a separate activity, but is integral to their political and cultural challenges, and desired outcomes. The 'human-rights' approach is not a frame chosen in order to resonate with political actors; it **is** their vision of the world, the change they would like to see in the world. The framing work done by these movements was part of constituting themselves as political subjects, and redefining their cultural representations. All three movements challenged political and cultural systems 'constructing a new conception of democratic citizenship' (Alvarez, Dagnino, and Escobar 1998a, 12); claiming



legitimacy alongside other citizens of the Leninist system; workers, heroic mothers, veterans, peasants, farmers, etc. Their overall claim is 'we are citizens with rights'. This is not about framing a political problem to make it palatable; this is the core of the challenge.

This extends Steensland (2008, 2010), in that policy actors don't simply change their views, adopting a different frame from a range of available frames. Rather, interaction and competition between various discourses and frames, which are infused with power, values and meaning, influence the identities, values and meaning making of all the actors in a dynamic process. Through interaction, actors learn and change their values; their understanding of who and what has value, and which policy options are appropriate. Framing thus is not just a tool or factor influencing policy success; it is part of the arena of action within which actors operate and which influences their power, identities and approaches.

### 3. The implications of political context

Consideration of the three movements in this environment can provide some insight into how the political context/political opportunities interact with and affect movements and the political process. In particular, findings about the relative openness and the use of repression, the surprising role of the public in a one-party state, and the role of allies and opponents, are significant for the literature on movements in non-democratic countries and beyond.

#### 3.1. Openness and repression

As has been noted by a number of commentators (Kerkvliet 2003; Thayer 2009; Gainsborough 2010b; Wells-Dang 2011; J. D. London 2014a) contemporary Vietnam is gradually opening and providing more space for citizen action. These three movements provide further evidence. In fact, the opening of space for civil society is even in evidence during the short, fifteen-year period of this study. During this time, the space for citizens to form groups, network with each other, and engage with political actors and other sources of power has opened significantly. This is not necessarily a linear or unbroken process, and it is certainly still dependent on the issue and the movement. For example, an informant from the LGBT movement explained that they had tried to initiate a consumer rights movement but were informed in no uncertain terms by the relevant ministry that this issue was entirely off limits. The issue of completely independent domestic NGOs or independent movements of religious or ethnic minorities is also still highly controversial and constrained. Discussion of multi-party democracy or challenging the hegemony of the one-party system remains highly proscribed. However, it does seem that there is space for some movements to operate and to achieve significant impact not only for their members, but also impact on political processes and culture more broadly.

The question of repression, while I argue is overstated in the literature on movements in authoritarian contexts, is still significant. In this one-party state context, the reality of social control and limits on more public, confrontational forms of activism is a key influence on movement tactics, meaning they avoid overtly conflictual tactics such as protest. Even where protests have occurred, they have been relatively non-confrontational. In the '6700 people for 6700 trees' movement, 'protesters' tied ribbons to or stuck notices on trees



saying 'I'm a beautiful tree, please don't cut me down'. However, they did not confront workmen or physically prevent them cutting the trees in the manner of environmental protests we are accustomed to in the West. In fact both sides largely avoided physical confrontation during this ultimately successful protest. Some land rights protests have taken far more militant approaches and have been strongly repressed, including via violent arrests and long gaol sentences. This sends a clear message to other movements and individuals about the limits for activism.

As I have suggested, for the three movements under investigation, this seems to have been partly a way of choosing appropriate tactics for their demands. It is also likely partly cultural as Vietnamese culture tends to avoid public confrontation. The third reason is that movements understand that public protest is likely to elicit a strong reaction that will result in their exclusion from any further engagement with government. The reality of the constrained space for civic activism is significant, as suggested in the literature (Gamson 1975; Osa and Corduneanu-Huci 2003; Ortiz 2013), but for non-protest movements I suggest there are more important factors influencing their likelihood of success.

Much of the literature on movements in authoritarian environments has focussed on levels of repression and the impact of repression on movement protest action. The primary questions have been around whether repression stimulates or dampens protest, or under which conditions does repression stimulate protest (seen as equivalent to movement action). This, however, I would argue, is not the most important question related to movements and repression, and the focus on it has obscured from view all the other interesting things going on in societies with high levels of social control. It is not surprising that repression affects protest levels. But as I have argued above, it's a mistake to think that protest is the only indicator of movement action, and the only way that movements can achieve political goals. In a closed environment, movements have many other, innovative ways of achieving their goals. In an environment such as Vietnam, which is unevenly open for civil action and where movements have focussed on tactics of engagement with sources of power, the issue of repression is less significant than other components of the political opportunity environment; to which I now turn.

### 3.2. Public opinion and the role of the public in a one-party state

The question of public opinion and the role of the public has emerged from these cases as a highly significant issue, and far more important than I had initially theorised. In the design of the research I assumed that in a one-party state the effect of public opinion on decision makers would be relatively insignificant. However, it became clear during interviews that this was very much not the case.

The post *đổi mới* Vietnamese regime is operating in a new media and telecommunications environment and is still learning how to manage the public in this new environment. Significant changes post-2000 have impacted on the government's ability to control the media and public information environment, and mean that they now need to establish new means of interaction with information, and new techniques of social control. The party state in post *đổi mới* Vietnam faces significant changes in both traditional and new forms of media, which necessitate a new relationship between citizens, the state, and the public.

As mentioned, the government takes a highly inconsistent approach to bloggers and other activists, cracking down severely on some individuals at some times and allowing other blogs to flourish. It is possible that the government is being intentionally inconsistent in their approach to controlling political speech online, as has been suggested by Kerkvliet (2015), but this suggests a level of consensus and intentionality by the state that seems highly unlikely. I argue that there is no 'party line' yet on how to utilize and control social media, blogs etc. The Party is still learning how to capitalize on new social media as a source of valuable information about public preferences, and as a pressure valve to enable venting of frustrations that could otherwise build up into more organized opposition. The Party is not a monolith, and it does not know everything. The new media environment offers a huge opportunity for social control and the Party is certainly exploiting this. However, it also offers opportunities for learning from and about citizens, new sources of public debate and discussion, and potentially a threat to Party hegemony. I agree that uncertainty likely does play a role, but more as a side effect of fissures, disagreements and ideological and power struggles within the party state, than a matter of intentional policy. The Vietnamese party state, along with its citizens, are still learning about the potential of new media and communications tools for transparency and participation, as well as for control and repression.

### **How the media landscape is changing under *đổi mới***

The opening of the economy and the reduction of government subsidies for public services have also affected traditional public media in Vietnam. While privately owned media is still restricted, the pressure of having to raise operational income is exerting significant change on government owned sources. As previously mentioned, Vietnam has significant media diversity despite the absence of a 'free press'. In 2013, there were 812 press agencies in the country, producing over one thousand print publications (an increase from just five newspapers when *đổi mới* began in 1986). There are also 1,174 news websites and 67 broadcasting organisations operating 101 television channels and 78 radio stations (Human Rights Council Working Group on the Universal Periodic Review 2013, see also T. H. Bui 2016). Government subsidies for media have been reduced and thus all outlets now have to raise income from sales & advertising. Thus, while the Ministry of Culture and Information is still their most important 'customer', meaning there is still a measure of censorship and self-censorship, media now also have to appeal to consumers and, most significantly, advertisers. This changes the dynamic of government media control. Citizens now also have increasing opportunities to find information and entertainment elsewhere, through internet and cable TV, so the Vietnamese based media has to try to compete for public attention.

In addition, the media landscape is becoming more professional and sophisticated. Many press agencies and broadcasters are not content with merely repeating the Party line, and investigative journalism and criticism of government policy design and/or implementation is becoming more common (Heng 1999, 2001; Cain 2014; Labbé 2015; T. H. Bui 2016; Duong 2017). Increasing numbers of journalists and editors have studied journalism in countries with more open media environments, and return home wishing to put their new skills into practice. Certain newspapers in particular have made their name, and increased their readership, through high profile exposures of government corruption and inefficiency.

Journalists are even sometimes prepared to go to gaol rather than abandon their investigations into high profile individuals or cases (*Reuters* 2008; Ismail 2013). This also means that the media is increasingly interested in sourcing new ideas, new stories, and new points of view. The press can no longer be seen (if it ever could) as simply a mouthpiece for government propaganda. 'The problematic posturing of the media is evidenced in the fact that authoritarianism has not stopped the country's fiery newspapers, magazines, and news websites in major cities, many of which focus on uncovering corruption and political gossip partially as a way of turning out a profit from general readers' (Cain 2014, 89).

This increasing vibrancy of the mainstream media has been accompanied by an opening up to foreign information and entertainment sources, and an explosion in social media. As recently as the early 2000s, access to satellite or cable TV required a permit from the Ministry of Culture and Information ('black market' cards to access cable TV were readily available and very popular with the expatriate community but too expensive and risky for most locals). Such controls have now been totally removed and government service providers broadcast a total of 75 international television channels, including well-known networks such as CNN, BBC, Bloomberg, TV5, Deutsche Welle. All online news agencies are (usually) accessible via the Internet. A total of 20 foreign news agencies have correspondents stationed in Vietnam (Human Rights Council Working Group on the Universal Periodic Review 2013). The government does try to exercise a measure of control over these international broadcasters. The BBC faces particular scrutiny, and the site is regularly blocked, and seems not to be available at all through some service providers. There is reportedly a joke among correspondents that if a BBC correspondent is in Hanoi for more than a year without being expelled then they aren't doing their job. In addition, all international channels are broadcast in Vietnam with a thirty-minute delay, so that 'controversial' content can be immediately taken off air. This includes overtly political material, but anything relating to Vietnamese history is also usually censored (M.I. 2013).

Probably even more significant than the opening up to international media is the massive and rapid increase in social media and Internet usage that has totally transformed the Vietnamese communications landscape. Vietnam has only allowed Internet access since 1997, and at that time it was highly limited. When I arrived in June 2001, access was only possible via dial-up, and was slow and unreliable. The Internet Live Stats site estimated penetration of the population at this time as 1.3% of the population. By 2016 it had risen to 53% of the 91 million population; 78% of whom go online daily, 55% via mobile (Internet Live stats 2016; see also Internet World Stats n.d.; Lam Thanh 2016; Freedom House 2016). The number of users of 3G has witnessed a similar rapid increase, with approximately 40% of the adult population using a smartphone at least once a month (eMarketer 2016). Social media is one of the key reasons for this increasing usage, with one third of the population regularly accessing social media, primarily Facebook. Messaging apps are also incredibly popular (eMarketer 2016). The cost of online access, including 3G, is one of the cheapest in the world, meaning getting online is accessible for most income groups (Lam Thanh 2016).

### **The impact of this changing media environment on social movements**

For the three social movements in this study, this rapidly changing media landscape is not only a space of interaction, but also an actor in the movements' campaigns, both shaping and representing public opinion about these specific issues. Movement representatives, the public, and political elites all use the media as an important source of information about how the public thinks and feels about specific issues. Formal consultations with handpicked citizens and online commenting systems are one method for decision makers to solicit feedback on draft laws. But a close watch on the media is also very important for government actors. Many in government and the Party understand that the media and social media are now increasingly likely to be representative of a wider range of public opinion, given that so many more voices are provided space. Debates among the public about specific issues are now conducted in public via Facebook and blogs where previously they were only discussed in private or at the tea stall or market. The new, more open media landscape provides a far better forum for government to get information about public preferences, including the issues raised by these movements. To some extent, elites are able to take advantage of these forums while at the same time being wary and suspicious of them.

Movements have also used the media as a space for their cultural challenges. The movements studied, particularly the LGBT movement, were able to take advantage of this opening in the media and contribute their frames and discourses to the swirl of voices competing for representation. For the disability and HIV movements, this was more difficult. They had greater challenges in accessing mainstream media and at the time of the campaigns under investigation social media was not widely available. However, gradually, all three groups managed to have a significant impact on media representations of their identities. Mainstream media now increasingly provides movement actors space and time to present themselves and issues affecting them. This should be seen as a significant achievement. By claiming space and legitimacy in the media the movements are also claiming political and cultural space more broadly for their members and groups as citizens.

These cases demonstrate how media and public opinion are highly significant in this non-democratic environment. Both the movements and government actors are learning how to exploit a changing media environment, and this has significant impacts on the political opportunity landscape within which movements are operating. Limited government ability to control both access to and content of mainstream and social media, as well as the increasing willingness of a range of citizens to use media to raise their voices is contributing to gradually increasing pluralism in the political environment. It is clear that mainstream and social media will continue to play a significant role in social change, as well as reflecting what is happening in society, government, and the relationship between citizens and governance in Vietnam. Media thus is both an important component of political opportunities; providing a space for framing processes, identity and value formation, as well as a site for learning about those processes. It is also an important actor in interaction with all other actors dynamically participating in the debate around policy opinions, identities and values and influencing which gain precedence and power. As social media continues to grow in importance, it will play an increasingly prominent role in the relationship between governors and the governed in the *đổi mới* experiment.

### 3.3. Allies and opponents and the role of international actors

The final element of the political opportunity environment theorised to influence movement success is the role of movement allies and opponents. The three cases seem to suggest that the presence of powerful allies are as important in non-democratic environments as in liberal democracies. (Meyer and Staggenborg 1996; Amenta and Caren 2003; Soule and Olzak 2004; Irons 2009; Amenta et al. 2010). Allies from within the Party, which is still the key ideological and power centre for the country, are most significant in this environment. For example, the HIV movement in collaboration with their international partners was particularly successful in getting radical concepts such as needle exchanges and drug substitution treatment included in the law because of high-level support within the Party.

In none of these cases were there significant, organised counter movements or oppositions. Thus, it's not possible to assess the role that counter movements might play in this context, but it's likely that the lack of organised opposition had a significant impact, particularly in the case of the LGBT movement. In environments with strong and influential religious counter movements, moral and religious arguments tend to have a significant influence on the ability of LGBT movements to achieve political results. Without such organised opposition, factual evidence about the existence of gay and lesbian relationships, and the difficulties resulting from non-recognition of cohabitation seemed to have similar weight to cultural and moral justifications for the *status quo*.

The LGBT movement was the most strategic in considering the role of allies and opponents; actively seeking out specific administrators and elected officials to convince about the value of their proposals regarding same-sex marriage. They modified their appeals depending on the position and concerns of these actors. For example, the Ministry of Justice was already concerned about the issue of legal complications emerging from same-sex cohabitation, so the movement stressed the importance of dealing with those issues in the law revision process. This strategic cultivation of allies has almost certainly been one of the major factors ensuring the success of the movement in getting the government to take their concerns seriously, and legislate some of their demands.

#### Role of international actors

The three cases in Vietnam demonstrate that international financial and discursive resources have played a significant role in the development of all of these three policy and legislative processes. All three movements received funding from international NGOs, along with technical assistance from INGOs, the UN and transnational social movements, which inevitably comes packaged with international discourses such as disability rights, harm minimization, drug substitution, rights of LGBT people, etc. The ideological commitment by USAID to nurturing an independent civil society has been particularly influential on the development of these movements and their advocacy approaches. In all three cases, international resources have also contributed to the government's policy processes; supporting study tours for government officials, bringing in international experts, and funding consultation processes both internally and with 'the community'. In this sense, international organisations acted as agents of policy diffusion and socialization of particular norms and discourses around rights and inclusion of minorities, as well as

promoting specific policy solutions such as harm minimization (Checkel 2017; Graham, Shipan, and Volden 2013). NGOs involved in the HIV Law were particularly successful; by working with the Ho Chi Minh Political Academy, one of the main Party ideological centres, they were able to heavily influence the content of the HIV Law and build allies who supported change.

Meyer (2003b) advances a concept of ‘nested institutions’, arguing for the necessity of consideration of the international context and its interaction with and effect on shaping national political opportunities. International alliances and transnational movements, he argues, affect both states and their movement challengers. Thus, countries which are or would like to be, more tightly nested in the international system of norms and institutions are more likely to be affected by pressure and discourses from international agencies and social movements.

Vietnam is certainly influenced by the international system and quite explicitly aims to learn from other states when making policy. One of the first steps of any policy development process is to prepare a report outlining the approaches of other states to that particular policy issue, along with an assessment of appropriateness for the Vietnamese environment. Policy makers are very aware of the country’s position as ‘less developed’ and ‘less modern’ than other industrialised nations as well as nations in the region, and explicitly aims to learn from other countries’ experiences and policies in order to become ‘developed’ and ‘modern’. In addition, as discussed, the Party-state is very concerned with their international reputation and becoming a full member of the ‘community of nations’, not just the global economy. Finally, Vietnam often tries to distinguish itself from China, with whom there are traditionally both strong ties and intense rivalry. Despite following similar reform pathways, the Vietnamese aim to plough their own furrow (Gainsborough 2012; Malesky and London 2014; J. D. London 2014b; Gainsborough 2010b). One way they do this is by not simply following China’s lead but considering a range of different policy approaches from a range of countries and crafting distinctive, Vietnamese approaches.

Thus, policy entrepreneurs, international social movements and international agencies should face a relatively receptive environment. However, it is also clear that the Vietnamese government remains in tight control of the learning process. They regularly stress that policies and practices from abroad must be appropriate to the Vietnamese stage of development and culture – which is whatever the Party-state defines it to be. An informant from UNAIDS who was involved in early negotiations between the government and the US Embassy about funding from the US President’s Emergency Fund (PEPFAR) recounted the reaction of the then Chair of the National Assembly Committee on Social Affairs “the condition to receive the money from the US is no conditions’. I didn’t understand, how is the condition no conditions? ‘We don’t want [the] US to [require] any conditions in order to receive the money. ‘Conditions’ means no conditions” (C1.6, 19 March 2015). Thus, the influence of international agencies, even when attached to very

significant resourcing, is highly mediated through a strong Party state and bureaucracy (Cling, Razafindrakoto, and Roubaud 2009)<sup>25</sup>.

Thus, international organisations and movements can play an important role as allies for local civil society organisations to advocate for particular policy outcomes. However, to do so they need to learn from the mistakes of the past, and take local political opportunities into account. The case of HIV funding provides a lesson in poor practice in supporting a developing nation's emergent civil society. The agenda and funding was far too donor driven, and there was insufficient local ownership. While this was effective in the short term; building an extensive and active movement and getting excellent policy in place very quickly, in the longer term these gains seem under serious threat. The sustainability of both the movement and HIV policy implementation is proving challenging (Turnbull 2006; Hirsch et al. 2015). These cases illustrate how international organisations can help support movements to access information, fund them to do research and consultations with other citizens, and support their efforts to engage with policy makers. However, the lesson of the HIV case illustrates that international agencies should ensure they are genuinely supporting the local agendas, and supporting movements to develop the necessary skills, funding and ability to play the game, not pushing foreign agendas and priorities onto contexts they do not understand. As movements become increasingly sophisticated and can independently develop strategies and campaigns, the role of international players should be supportive; providing resources where they are lacking and introducing movements to international networks that might have useful knowledge, etc. (Johnson 2009).

These cases contribute to the literature on how the political opportunity environment is relevant to movements' ability to achieve policy success. It is clear from these cases that political opportunities are local and contingent. While the level of openness of government is relevant, it cannot be simply read off the classification of the political system as either democratic or authoritarian. For different issues, different communities and different tactics, the political opportunities will vary. In addition, political opportunities are dynamic, requiring researchers to pay close attention to change over time. Movement action can also play a role in changing these opportunities, as in these cases whereby the movement claim for political space has itself changed the level of openness for other movements and facilitating participation. This research has also provided insight into the role of learning in this environment, a finding that is potentially also relevant for other movement research. Through interaction with and within political opportunities, all actors are learning and dynamically changing. The media is also an actor here, influencing attitudes and values and facilitating learning by movements and government actors. Finally, it is clear that allies are also important in the non-democratic environment. In this particular case, the Communist Party as the most powerful and influential actor in Vietnam's governance system has been the key ally, and international organisations have also played an important role. However, with reforms and changes to the political system this may not

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<sup>25</sup> As further evidence of the Vietnamese state's resistance to foreign intervention, they refused IMF and World Bank funding during the 'conditionality' period where it was tied to significant re-structuring and privatization requirements (Cling, Razafindrakoto, and Roubaud 2009)

always be the case and it will be necessary for future movements and those who research them to determine the most significant allies.

#### 4. Elite responsiveness in authoritarian environments?

As mentioned previously, it is quite surprising that the one-party state has responded so significantly to these movements of highly marginalized citizens. In this section I consider the outcomes of the three movements in order to gain some insight into elite decision-making processes.

##### 4.1. Legitimacy and reputation

The literature argues that a key reason authoritarian states on occasion make concessions to protesters is to maintain their legitimacy with the population, provide a pressure release, and thus ensure their continued power and control (O'Brien and Li 2005; O'Brien 2008; Gandhi and Lust-Okar 2009; Robertson 2010). Certainly the Vietnamese government is concerned about its domestic legitimacy and maintaining political hegemony. In the words of a Vietnamese staff member of an international NGO; 'the government don't want to hear a bad reputation outside in the community, and they hate a petition, and they hate criticising letters sent to them. They hate that, they're scared of that, so you know, they do that way [involving movement representatives] to make the drafters listen, to make their voice heard by the drafters' (NGO representative C2.12, 2015, see also London 2014).

However, as discussed briefly in chapter two, I do not find this literature on comparative authoritarianism and authoritarian regime durability particularly convincing, and especially not for full explanation of these cases.

The question on which this literature is primarily focussed; 'how do authoritarian regimes survive and maintain durability?' hinders full understanding of the nature of state society relations in authoritarian states and the contract between government and citizens, and in particular how this might change over time. This question assumes a teleological progression towards the desirable end-state of democracy and thus views durable, stable authoritarianism as an anachronism needing explanation. I think it is more productive to not assume any particular desirable or durable regime type, but rather to study governance regimes as they actually are, and try to understand the reasons for particular ways of governing and political response (J. D. London 2014b). Thus, I look beyond domestic legitimacy for a more comprehensive explanation.

As discussed, and as came out clearly in the interviews conducted for this research, the Vietnamese government are concerned about not only domestic legitimacy, but also international legitimacy and reputation (Sicurelli 2017). Integration into the global economy underlies much of the growth and developmental success experienced since *đổi mới* was introduced, and the government is committed to continued and enhanced integration (Koh 2007). A primary goal of the Vietnamese regime is to be accepted and integrated into the international community, not only for the economic benefits, but also as a way of legitimizing the regime and their governance choices. Thus, improving their international reputation is important and, to some extent, these movements provided a perfect



opportunity. Two senior informants who had been involved in several of the campaigns stressed this factor:

‘Vietnam is emerging as an economic power in the region, and is wanting also at the same time to take its place as a global citizen, not that this is the only thing, but here is one area where if the government could create a law that ticked all the boxes then they’ve got some valuable evidence to counter a lot of the criticism, and in an area where there was a huge discussion about human rights.’ (C1.4 2014)

‘The issue of international reputation is certainly also a factor. For the Ministry of Foreign Affairs, they would like for the human rights record to be better on all fronts, but they have no control over this, particularly on issues such as ethnic minorities, religion, political prisoners. However, they can influence some other issues such as disability, LGBT, and [for] other Ministries [it’s] likely the same’ (C2.15, 2015)

In this sense, as suggested in the literature review, the response of the one-party state might be more similar to corporations that are targeted by movements, than they are to democratic states. In other words, one of the mechanisms whereby non-democratic states respond to movements may bear more similarity to corporate response than the electoral mechanisms that influence democratic government response.

King (2008b, 23) argues that ‘the firm and the state are both social institutions with varying levels of openness that have many constituents. Both are relatively closed to outside interest groups, but both also try to actively manage their constituents.’<sup>26</sup> For both corporations and one-party states, to a great extent, their ability to manage their constituents in order to maintain power depends on the belief by citizens or consumers, that they are able to deliver the desired products and services. Reputation; the ‘perceptions of approval of an organisation’s actions based on stakeholders’ evaluations’ (King and Whetten 2008, 192) are built through engaging in comparison processes with other similar organisations based on institutionalized social standards about the appropriateness and quality of an organisations’ behaviour. The model of indirect influence proposed by King (2016; see also King and Whetten 2008) posits that it is the threat to reputation that is significant, whether or not there is a genuine impact on corporate success: i.e. whether or not a boycott actually reduces sales. Companies aim to have a positive reputation, and will respond to movements that threaten that reputation.

The international community of nations also has institutionalized standards of behaviour based on norms and values (J. P. Olsen and March 2004) that affect the reputations of countries. One very powerful international norm is human rights. Countries’ reputations are generated through comparison of their different behaviours in relation to international standards of human rights. The assumption is that a higher reputation is associated with

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<sup>26</sup> King was writing about democratic States on the whole, however the argument is also valid for non-democratic states.

some form of reward, for example, more trade or foreign investment, or legitimate membership of the global community. In this situation, it is not the factual reality of the reward that is weighed up, but the perception of reputation and legitimacy as being important. Thus it is not relevant whether countries with higher human rights standards actually attract more investment; it is the belief that countries aligning with or exceeding international standards of behaviour have higher reputations and more legitimacy that is important. It is this belief in the importance of international reputation which influences decisions such as whether to introduce harm minimization policy approaches to drug treatment. Thus, similar to corporations, one-party states may respond to movements that threaten their reputation with international stakeholders, as well as to movements such as the ones studied in Vietnam, that offer an opportunity to positively improve that reputation (for little cost).

While having some explanatory power, I believe that concern about legitimacy and reputation is insufficient to fully explain the high responsiveness in these cases. In the next section I consider in greater detail the role of ideas & values in government response. It is unlikely that governments are purely utilitarian in their decisions. As discussed above, international ideas about appropriate behaviour, and norms of appropriateness seem to have some effect on elites' responses to particular movement demands. Understanding more about the ideas, values and norms that affect Vietnamese decision makers can provide greater insight into why these movements were able to have such impact.

#### 4.2. Vietnam: a caring authoritarian state?

While it seems clear that the Party-state is concerned about their international reputation, and ensuring legitimacy both domestically and internationally, this is insufficient to explain the high level of responsiveness in these cases. I argue that there is something about Vietnamese political values, ideas and ideology that explains why the government responds to marginalized groups. It seems there is a genuine commitment to equality and inclusion that informs political decision-making in Vietnam. The fact that donors have recognized Vietnam as a development success story, for achieving 'growth with equity' to a greater extent than most other countries, is another symptom indicating the presence of such values.

Understanding Vietnamese political culture is very difficult as the state is opaque, the Party and government do not publicise internal debates, and it is very difficult to gain access to elites to study them. In addition, I did not conduct an extensive elite values analysis as part of this research as the primary focus was the movements. However, through the interviews, my literature search, and my long experience as an observant participant, I can propose some insights into contemporary Vietnamese political culture as it has affected the success of these social movements. There is increasing interest among scholars in understanding the politics of contemporary Vietnam; trying to get an insight into how the Party is experimenting with 'simultaneously having communist control and eating capitalist cake' (Hayton 2010, xv; see also J. D. London 2014b; Vasavakul 2019). Much of this research has mainly focused on utilitarian reasons for Vietnam's success in reforming to a socialist based market economy. Most focus on how this equitable growth is primarily a side effect of the Communist Party ensuring their continued political hegemony: that they

understand too much inequality will threaten their legitimacy with the people; or that failure to create enough jobs will lead to a cohort of highly educated, dissatisfied young people looking for someone to blame; or that liberalisation is essential to provide the emerging middle class and political elites with the luxuries they desire, as well as ensure their ability to continue to feather their own nests (Kerkvliet 2003; Hayton 2010).

However, even if this is the primary reason, the Communist Party of Vietnam (CPV) is then a singularly enlightened authoritarian system, which itself requires explanation. Few authoritarian individuals or parties can be ignorant that poverty, inequality, disenfranchised minorities or disenfranchised youth are a threat to their power. Yet few have taken this seriously and genuinely introduced reforms that are effective over the long term to defuse these issues and maintain legitimacy with the majority of citizens. If this is really the main motivation of the CPV, then other dictators and one-party states should be queuing up to learn from them. I find that these arguments, while certainly part of the story, are insufficient to fully explain Vietnam's current experiment in governance. I think that there is something else going on. Many of the movement actors agreed. 'Some people say that it is because the government wants to have a good score for the human rights record. But when we heard that we were quite surprised because we see that it's not the reason, there is a reason and that's from the community – because we are not fighting, we are building from the inside and the government doesn't have to be afraid of the movement.' (C3.3, 2015)

My argument is that within the Party-state there is a genuine ideological commitment to some sort of equality. Certainly, the government understands that if the 'peasants' are unhappy then the Party will lose legitimacy and potentially lose power. However, I think the commitment goes beyond that. The Party state, or at least some within it, demonstrates a level of care about their citizens and is genuinely trying to achieve 'maximum benefit for the maximum number'. This does not mean that there's no corruption or nepotism among the political elite or that inequality is not rising. It also does not mean that no groups are left out; in fact, the situation of ethnic minorities is a serious black mark on the country's otherwise good development record. However, particularly when compared to other developing countries, Vietnam does seem to have a commitment to at least trying to improve the lot of the most disadvantaged citizens (Kerkvliet 2005).

The limited information available about the values of key decision makers does provide some evidence for this opinion. During the debate on same-sex marriage one of the elected representatives from HCMC gave an impassioned speech about the values and 'humanity' based on scientific and empirical studies that should guide the Assembly's decision making. She concluded saying 'sympathy, and mutual agreement among people will create solidarity, leading to genuine equality, promoting mutual understanding; honesty and mutual trust will lead to positive and healthy psychology, respecting the human values in each person so that they will know how to care for each other with love and responsibility, as taught by Uncle Ho [President Ho Chi Minh].' (Office of the National Assembly 2013). Many government reports about the proposed legal changes emphasised equality and inclusion, and the movement also framed their arguments in this way. These

were clearly important values and norms that were understood as being relevant for guiding decision makers.

It is this ideological commitment that I believe helps explain the motivation of decision makers to respond to these particular movements. As relatively small movements of highly disadvantaged people, these groups are no threat to the hegemony of the Party. They also had little potential to generate more widespread support for their goals and thus threaten legitimacy. In addition, it was clear from interviews conducted for the research that this was not simply a story of political expediency or legitimacy maintenance, members of the political elite and the bureaucracy (see below) have been convinced of the worthiness of these causes and they had moral reasons for responding to them. An international staff member of an NGO who has worked in many different countries in the region said:

‘It was so instructive about Vietnam, these people [civil servants] really want to do the best thing for their country, they’re really willing to work to criticise senior government leaders, they’re not challenging them politically, but at the policy level they’re really willing to have a go because they think this isn’t good for the country, that this isn’t good, we’re seen to be backward looking and that’s not who we are as a people. That was a really strong impetus, I saw it both at the policy level, and also these smart young people who were working with us’ (C1.4, 2014)

We are accustomed as political consumers and researchers to the idea that ideology is important, but this goes further. Political decision-making, even in non-democracies, is not purely utilitarian; to ensure stability, or shore up the country’s ailing human rights record with international donors. Nor was it a side effect of ideological differences or power struggles between ‘reformers’ and ‘conservatives’ within the elite; helping one faction increase its power. While I cannot hope to fully understand and unpick the specific historical and cultural sources of these values, I argue that cultural values and the perceived moral worth of these particular groups have influenced decision-making.

There are two potential sources for these political ethics, and values such as equality, fairness and reducing disadvantage. Firstly, it seems that ‘socialism with market characteristics’ is not an empty slogan, but that socialist ideals of equality still have resonance in Vietnam. Secondly, I think it’s worth considering Confucian and Buddhist traditions, which have far deeper roots in Vietnamese culture and continue to influence culture and political ideology today. Confucianism as a political ideology emphasises the morality and virtue of leaders ‘the test of ethics for the powerful was his treatment of the subordinate, the weak - his children’ (Pye 1985, 87). While it is highly hierarchical, leaders are expected to act morally so to set an example and to treat all subjects fairly. Leadership is, at least in theory, egalitarian and accessible to all via the meritocratic recruitment processes of the Mandarin exam open to all males. Politics is considered a matter of ethics such that virtue is upheld and modelled and a harmonious and peaceful society results (Pye 1985; Bell 2017). Confucianism, lacking procedural accountability mechanisms such as competitive elections and independent judicial systems, relies on moral accountability. ‘This was the essence of Confucianism: it was an ethical doctrine

designed to moderate the behaviour of rulers and orient them toward the interests of the ruled. This moral system was institutionalized in a complex bureaucracy whose internal rules strictly limited the degree to which emperors, whose authority was theoretically unlimited, could act' (Fukuyama 2012, 19)

Actors involved in the campaigns also suggested that culture and values are significant:

'I think you should consider cultural issues, like in Vietnamese culture it's traditional to care for the less fortunate and for people with disabilities even though there's stigma, like it's bad karma from a previous life, it's also good for people to help and care for PWD because they gain karma that way. Buddhists believe this, and you see many, especially women and retired people, they volunteer at pagodas and orphanages and they care for disadvantaged people. And I think the policy makers also have this belief too. And it's probably not the only reason, but I think Vietnamese culture has something to do with why they've [government officials] opened up and improved policies for people with disabilities.' (C2.11, 2015)

While I do not wish to fall into essentialism, it is well accepted that the culture, history and values of a society impact upon the ideas and motivations of its elites and citizens alike, and are likely to play a role in decision making, including whether a government should respond to demands from marginalized 'weak' citizens (see for example Béland and Cox 2010). Along with a number of my informants, I argue that deep historical, cultural and religious values influence the political values of today and affect the decisions and behaviours of elites.

The Vietnamese approach to administration and bureaucracy also seems to have a particular quality that has motivated response in these three policy processes. Administrative reform and improving efficiency of the civil service has been an important part of *đổi mới* since the late 1990s. Reforms include merit based recruitment and promotion procedures, which is resulting in technical credentials replacing revolutionary credentials (Abuza 2001). In addition, there is heavy emphasis on reducing red tape, improving efficiency and ensuring focus on citizens as customers (Vasavakul 2014, 2019). These reforms seem to be part of why the government was responsive to the movements, as well as responding to the evidence for different policy approaches to these three social issues. In the case of HIV, the government seem to have been convinced that the disease could threaten all the hard won gains of the past twenty years of development and reform. International organisations were able to take advantage of this fear, explicitly warning the government that if the epidemic 'broke out' of the sex worker and MSM communities they could be facing serious cost and damage. 'Maybe [the UN] also pressure [Prime Minister] Phạm Văn Khải, OK, you have wonderful poverty reduction so really the life of the Vietnamese become much happier, so don't let HIV rob that achievement. Because if people die, they cannot enjoy what you offer them. So everywhere the message was that here you have economic development ... but here you have a generation who will die.' (C1.6, 2015). Thus, the government was relatively receptive to technical arguments about prevention, education and other innovative policy instruments.

However, the cases also point to a more sophisticated commitment to efficiency and effectiveness in policy making that is perhaps surprising. Vietnam is widely acknowledged to have relatively high implementation capacity when compared to countries of similar GDP (Abuza 2001; The World Bank 2004; Vasavakul 2019). Education and literacy levels are high, and the Leninist bureaucratic machinery of the state means there is wide administrative reach and relatively good capacity. However, in these cases, the state seems to have been receptive to the participation of movement actors, and greater involvement of citizens in policy making, *because it would result in better policy*.

‘I think it’s also the contribution, actually it’s also historical. We have many stories about how the king can mobilise the people then it’s easy to achieve their goals, that’s the kind of belief, of course when they [are] really doing their job the top leaders may change, but at least there’s that belief.’ (C3.6, 2015)

‘And I think the government is now more aware that when they issue a law it should be some effective law, of course we also need to discuss on the word effective, and how the law is implemented, and that is why they are now more concerned with consulting people’ (C2.15, 2015)

Consultation with and inclusion of marginalized groups in Vietnam is not simply in order to maintain control, manage public dissatisfaction or gain points from the international community. These cases suggest that this is a government that has come to genuinely believe that the results are better and legitimacy is higher, if citizens, within limits, are involved in decision-making processes. ‘This suggests that the image of an instrumental rational, effective administrative system that functions to serve the needs of the people is now a crucial source of political legitimacy for the VCP [Vietnamese Communist Party]’ (Reis and Mollinga 2015, 12). This also helps explain why the participation of the movements increases over the time of the research. The government was very hesitant to include the movement of PLHIV. At this time there was little experience of including outsiders in policy processes. The Grassroots Democracy decree was only a couple of years old and citizen participation was not yet mainstream. The reluctance to include PLHIV was not simply because they were prostitutes and drug users, it was also because the Party-state had not yet fully accepted the idea that beneficiaries should be closely involved in policy making. At this time it was difficult even for international organisations to be involved at the policy level. Grassroots democracy and citizen participation were enshrined in law, but not yet committed to in practice. However, by the time of the LGBT movement, it seems that there was a new and well accepted norm that citizen and civil society participation in policy making is a more effective approach. I do not claim that the movements were entirely responsible for this change, but I do believe the PLHIV and disability movements had some impact on convincing elites that better policy results from their participation. It was clear from interviews that the government representatives (mainly at the Ministerial level) truly believed this. Several informants raised this issue independently and a number specifically mentioned policy effectiveness as the main reason for consulting with the target group. In addition, government actors now reach out to movements and civil society organisations to ask for their participation, not waiting for these actors to request involvement.

For example, when asked why the Committee decided to consult with people with disabilities a former senior member of the National Assembly Committee for Social Affairs explained:

‘One reason is that we are in the process of developing democracy in Vietnam. In the law development process, and because of the need for democracy, we realise we need to have the participation of civil society groups, and for the Disability law it is crucial to have participation of PWD and civil society. Civil society organisations in Vietnam are getting stronger, and the government is increasingly realising the importance of their role in developing Laws, etc.’  
(C2.8, 2014)

Another element of administrative culture in Vietnam that has favoured responsiveness to social movements is the emphasis on valuing expertise. Both the Confucian and Communist traditions emphasise scientific policy-making and the value of using evidence, consulting experts, etc. This was particularly clear for the LGBT case where the movement were able to position themselves as experts through the provision of recent and relevant research and data about the issue, and thus worthy of inclusion in the policy process. This was a significant reason why the movement was able to claim so much inclusion in the policy drafting and debates, and the reason they continue to be consulted on relevant policy issues such as the detention of transsexual people during discussion related to the reform of the Penal Code and Criminal Procedures. It is instructive that Vietnam Television invited one of the movement members to attend a policy talk show not as an affected community member, but as an expert on LGBT issues.

The social movements literature has suggested that bureaucratic capacity is significant for movements to achieve policy impact (Meyer 2004), in terms of the ability of the state to actually implement movement demands. However, my research suggests that the character of bureaucratic culture itself may have significant bearing on whether movements are likely to achieve impact. In a socialist bureaucratic state the administrative institutions are not simply implementers of policy but are involved in its design and drafting, and have a significant role in influencing elected representatives. For movements that aim for policy change, the culture and norms of administrators thus can be a significant factor in their ability to achieve their goals.

Thus, in Vietnam both political and administrative cultures have significant power in explaining elite response. The moral values of elected and administrative decision makers are important, and help to explain why they responded to these marginalized citizens. In addition, the administrative culture of Vietnam seems to have reformed such that inclusion of citizens is now considered an essential component of effective, evidence-based policy making.

#### 4.3. Elite perceptions of movements

As I have suggested above, cultural and political ideas & values play a significant role in explaining why governments might respond to movements. In this section I consider the usefulness of Skrentny's ‘elite perceptions’ model (2002, 2006) for understanding

individual decision makers' responses to movements, and if there are other factors that provide insight.

As discussed in the literature review (chapter 2), John Skrentny (2002, 2006) has proposed a model that aims to assist understanding of how elite individuals' views of social movements impact on differential movement policy success. While this project did not aim to compare the different levels of success of the three movements, I have been struck by the way in which the disability movement seems to have struggled more than others for political and social legitimacy, and genuine acceptance. It seems to have been harder for people with disabilities to shift their cultural stereotype; even more so than for highly stigmatised prostitutes and drug users. Even today, more than fifteen years after the first challenges to these perceptions by the movement they still struggle for full acceptance by the political classes. The 'elite perceptions' model, based on how elites understand particular groups' *definition*, *morality* and *threat* provides some insight (Skrentny 2002, 2006), however it is still lacking in full explanatory power for these cases.

In terms of movement *definition*, people with disabilities were the only group that had a clear, pre-existing cultural and policy definition. The concept of a disabled person was enshrined in the constitution in 1946 and certain benefits provided. Legislation for people with HIV came much later, and LGBT people are still largely invisible in policy. This definition of people with disabilities in the Constitution was already also attached to cultural *moral* values. Traditionally, Vietnamese culture includes a strong ethic to care for and support people with disabilities. Thus, policy makers likely perceive a movement of people with disabilities as *moral*. Finally, in terms of Skrentny's (2002) concept of *threat*, to some extent people with disabilities, along with people living with HIV pose a significant threat to development success in Vietnam. The costs of keeping a significant segment of the population out of the mainstream economy, and dependent on welfare or family support is significant.

Thus, elite perceptions of the movement of people with disabilities were as a defined group with accepted moral worthiness, and some level of threat. In contrast, people with HIV and LGBT people were not defined by policy prior to the movements' emergence. The HIV and LGBT movements thus were able to take the lead in defining themselves as a group, and asserting their moral worthiness and threat. For HIV this included a perceived threat to the country's development, as well as the burden on the economy of caring for large numbers of positive people. For LGBT the movement tried to equate their moral worthiness with any other citizen; people with a right to love, live without discrimination, etc. It seems that being able to introduce the new definitions of PLHIV and LGBT was easier and more successful than having to change pre-existing perceptions of people with disabilities. The difficulty faced by the movement in shifting the Vietnamese word from *tàn tật* to *khuyết tật* is evidence of this.

However, this model seems insufficient to fully explain the resistance among elites and even regular citizens to changing attitudes and understandings about people with disabilities; particularly when compared to drug users, prostitutes and gay couples, whose negative cultural definitions and marginalization would at first glance appear to be far more



difficult to shift. To fully understand, I believe we need to consider far deeper systems of power and cultural norms.

In Vietnam people with disabilities more than the other groups are perceived as uneducated. They also lack social and cultural capital, which is so important for inclusion and to build allies and challenge dominant groups. As people with disabilities are often confined to the family sphere, not sent to school, work or able to participate in any community activities, they lack cultural and social capital (Whittier 2002). In a Confucian society the emphasis on education is extremely strong. The Vietnamese phrase for limited education (*thiếu văn hóa*) can also be translated as 'lacking culture'. In the policy context, which as discussed above has a heavy emphasis on expertise and legitimacy in Vietnam, this uncultured/uneducated movement faces greater barriers to being taken seriously in the policy sphere. Rather than legitimate policy participants, people with disabilities have primarily been considered beneficiaries and others, such as NGOs and mass organisations, regarded as needing to speak on their behalf. This linkage between education and culture has a deep and enduring effect on Vietnamese people's understanding of which individuals and groups in society have value, have a right to a voice, how power for self-determination. It is deeply linked to the perceptions and operations of power and inequality in the community. I also see this effect in my work with street children, ethnic minorities and other poor people in Vietnam. More than just poverty, or different culture, it is the lack of education experienced by these groups that informs the way they are viewed by policy makers as well as regular citizens, and that inscribes them as powerless and marginalized. Power, value and social capital in Vietnam seems to be fundamentally bound up with education.

This helps to understand why it was far more difficult for people with disabilities to challenge the entrenched systems of power, inequality and norms that keep them silent and marginalized than it was for LGBT people who generally came from urban, middle class, educated households. This has made it more difficult for PWD and, to some extent PLHIV, to gain sustainable inclusion in the policy process and to make significant changes to the cultural and policy definitions of their communities.

Thus, it seems that while the Skrentny elite perceptions model (2002) is helpful, there is a need to also incorporate issues of power and inequality which are inextricably bound up with deep cultural values. It is not just the moral worthiness, or level of threat of a movement but also culturally institutionalised conceptions of the legitimacy and value of groups, and inequalities of economic and social power among even similarly marginalised groups, that influence elite perceptions and the movement's ability to challenge these perceptions. 'These systems of inequality are maintained and justified through institutionalized inequalities in power and resources, discourses about dominant and subordinate groups' nature and worthiness, and symbolic and interpretive processes that enact inequalities in institutionalized practice and daily life' (Whittier 2002, 295). A more explicit recognition and study of power and inequality in different cultural contexts, and how this influences elite perceptions and decisions could improve the theoretical understandings of how elites respond to different types of social movement demands. In addition, understanding the power invested in specific social groups and policy areas will

aid understanding of which issues are likely to be more difficult for movements to influence. Movement theory recognizes that issues of key social cleavages are hard for movements to shift, it seems that identity movements lacking in social capital and with entrenched lack of power will also struggle to have political impact.

In understanding how and why policy makers have responded to these groups, we need to examine ideas, institutions and actors, and the dynamic interactions between them. Deeply entrenched cultural and moral ideas have influenced individual policy-makers' views of movements and different policy approaches, as well as underpinning the functioning of the administrative bureaucracy in Vietnam. Through interactions with these institutions, movement actors have contributed to a change in understanding of effective policy making, contributing to mainstreaming citizen inclusion. Values of equity have also been influential in political decision-making. It seems to some extent that this is a 'caring authoritarian' state. These cases demonstrate that elite response to social movements is not simply an instrumentalist, authoritarian state trying to maintain power, but more a situation of politicians and administrators, in interaction with movements and other actors, making decisions influenced by their moral values, institutionalized patterns of power, and their personal understandings of and commitment to effective policy making for the benefit of the country.

## 5. Summary and implications for social movement theory

The current political system of contemporary Vietnam is in many ways unique, with the possible exception of China, which is following a similar but distinct path of reform. However, the broader implications of these findings are very relevant for other authoritarian or hybrid environments, and for social movement studies more broadly. This project, as one of only a small number of studies of movements in non-democratic environments, contributes to theory building about how movements in this environment can achieve policy and cultural change.

One of the most significant implications of the findings of this research is that social movements' literature would benefit from a wider gaze, particularly for movements in environments other than liberal democracies. Traditional social movement theory has proven incapable of explaining these Vietnamese movements that have used various tactics of engagement to achieve their goals rather than focussing on public protests or other contentious actions (strikes, occupations, etc.). I have argued that the reason for this choice of tactics is partly due to the hostile environment for protest action, but that it is also a strategic choice by these movements to demonstrate their legitimacy and worthiness of inclusion in the mainstream political and policy system.

It is not only in hostile environments that citizen's collectives organise a range of political actions, and the findings of this research could well be instructive for other types of groups as well. Greskovits (1998) suggests that in transforming societies (post communist Eastern Europe for example) the institutions and conventions of politics are in flux and thus citizens engage in a wide range of collective and individual political actions, including 'protest' voting, exit from the formal economy, as well as collective protests and strikes. Traditionally, movement literature has not included collectively organized but conventional

actions such as protest voting to be movement action. Greskovits makes the case that this is in error, particularly in non-liberal democratic countries.

The relatively conventional action taken by the three movements under consideration: organising reports to comment on draft legislation; participating in consultations with the government; providing research on public opinion; and participating in media debates on issues, should also be considered contentious action. In challenging traditional policy making, these movements have contributed to broadening the political space for civil society and empowered new groups to act politically; significant outcomes that could be missed with a traditional approach to social movements. By ignoring this wide range of action the movements' literature suffers from a myopic view that has skewed theoretical understandings about how movements achieve policy outcomes. For non-protest movements using tactics of engagement, issues such as repression, size, resources, and organisation of the movement, are less significant. Expanding our gaze to identify movements that use a variety of tactics, and including them in empirical research will help build stronger theory about how movements achieve their political goals in a variety of political contexts.

The second important insight of this research is related to elite response in non-democratic environments. While movement-controlled factors and political environment is widely acknowledged as significant for the political outcomes of movements, there has been less scholarly attention in the movements' literature to the explaining the specifics of how and why decision makers react to movements. Much of the literature has taken a 'movement centred' view to the problem, as I did in the initial research design. Although this project was not able to conduct an in-depth examination of elite motivations, the insights do suggest that the approach of considering both sides of the movement–state interaction can provide greater insight and a more comprehensive understanding of movement outcomes.

This study suggests that it's not sufficient to rely on utilitarian, rationalist explanations of political and social change. Elite response is not purely utilitarian; elites placating the masses to ensure their continued hegemony. Rather, for elites in this environment as well as in democratic contexts, ideas are important. The importance of ideas is seen throughout the narratives that make up these accounts of social change. Ideas and ideology influence the decision making of political elites. Ideas about morality, as well as what is appropriate for a developed, modern state have influenced the response of political actors and the media. Ideas also influence individual decision makers' perceptions of movement actors and leaders, and how administrative officials approach the policy making process.

These issues identified related to elite response; elite perceptions, legitimacy and reputation, and political and administrative culture can be relevant not only to this relatively authoritarian environment, but also other political contexts. There is more work to be done to understand specifically what processes influence elite response in democratic environments, beyond electoral mechanisms.

The third key finding relates to social movement framing. Framing is a key concept in social movement theory, but there are divergent understandings of the specific role of framing for movement outcomes. The classic paper by Cress and Snow (2000) considers framing as a tactic used by movements to explain and convince policy makers of the value of their demands. Theorists in the 'political opportunities' tradition consider it an important condition to be considered when trying to understand (and potentially predict) different levels of policy success by movements. However, for identity movements, or 'new social movements', framing is not a condition influencing success, or a tactic for making particular issues resonate with elites; framing is integral to their challenge. These social movements comprising highly marginalized, excluded members of society don't 'choose' particular frames in order to appeal to decision makers. Their frames incorporate their cultural challenge for revision of stigmatized identities, acceptance of new communities, and realization of their human rights. While it may be important for the movements to be strategic about how they deploy frames; as demonstrated by the creative and strategic way the LGBT movement modified their frames for different audiences; for identity movements, framing is central to their challenge for political and social inclusion.

Social movement theory would benefit from more sophisticated approaches to framing and its role not only as tactic, but also as a social movement outcome. Focussing less on protest and widening our gaze to accommodate movements that employ a range of tactics should assist with this.

This study has illustrated the importance of public opinion for movements wishing to effect change in policy and cultural understandings, even in non-democratic contexts. In these cases, public opinion was simultaneously a tool for movements and governments to influence the debate, an actor in the process, and a site for discourse contestation. Studies have suggested that favourable public opinion is a significant condition for the success of movements in democratic states (see for example Giugni 2007), presumably because elected officials respond to public opinions. However, public opinion, like framing, is more complex than this. In these cases public opinion can also be considered an actor influencing elite views about specific issues and policy tools. Debates in the media were an important source of information for decision makers about specific policy tools and approaches. All actors, including journalists, used the media as a site for contestation to influence public opinion. The government of Vietnam is explicit about using the media for public propaganda, but in these cases they also used the media to build public support for specific policy tools so as not to be too far ahead of public views. Movements invested significant time and resources in media engagement in order to affect public opinion, not only for their policy positions, but also for public acceptance of their preferred identities.

The media too is an actor in the policy environment. Media in contemporary Vietnam is not simply a government mouthpiece but rather takes an active role in political and cultural debates. As such, media is playing an interesting role in the live experiment of *đổi mới* as a site for contesting ideas, norms and values, as a tool for elites to gauge as well as influence public opinion, and as a site for elites to play out competition and power plays. As was seen in these cases, social media is also highly significant. Thus, media and public opinion should be considered an important part of the political opportunity environment,

with favourable public opinion a condition assisting movement success. But it should also be understood as an actor in dynamic interaction with elites and movement actors, influencing the public and elites, and being influenced by them.

The picture glimpsed through this study is far more complex and dynamic than normally considered by the hereto rather static social movement theory. While any research into social processes necessarily requires some simplification through the application of models or frameworks, it is also necessary not to oversimplify and thus ignore important processes and receive misleading impressions. Through this study we can see that movements, elites, international organisations, political environment, the media and public opinion are all in dynamic interaction and changing each other in the process. There is no linear relationship between specific types of movements, or tactics that will ensure successful policy influence. Framing is not simply how movements define and express their demands, it is an integral part of their identities and the process of framing and frames contestation through media and in exchange with international discourses also influences and changes those identities in return.

These processes of interaction and influence promote learning. Through dynamic, ongoing interactions all actors are learning and changing. Vietnamese citizens are learning how to use social and mainstream media to express criticism and dissent, and the government is, in response, learning new methods of social control, while also learning about citizen preferences. Various formerly disenfranchised groups are learning new tactics of engagement with government and international actors in order to promote specific policies, or inclusion within the policy mainstream. As scholars of social change, we need to try to take into account the complexity and dynamism of change processes, however difficult that is. Social movement theory has been able to accommodate increasing complexity since the early days of resource mobilization theory, and this study contributes to this ongoing effort, particularly where it applies to non-democratic states.

## Epilogue. What can we learn from these cases about the future of state-society relations in contemporary Vietnam?

Gainsborough (2010a) suggests that a good way to study the state in Vietnam is not to study it directly, but to consider the actions and games of various actors, of the state and not, and how they act politically. He argues that focussing directly on the state risks pre-defining the object and thus not seeing it as it really is. When politics and the state are opaque such as in Vietnam, one must take an oblique view to see clearly. The alternative, Gainsborough suggests, is to consider the games of real actors in interaction and 'trust that a more authentic picture of the state [will] come back into view in the light of our empirical investigations.' Through this project, I have considered how citizens, international organisations and government actors behave politically, the actions and games of various actors in interaction with each other within a particular context. I have highlighted the dynamism of the interactions and how two-way change and learning occurs. From this close examination of a particular type of citizen and their interactions with state officials, international organisations and media, it has been possible to shine a light on some trends and directions of change. The findings, along with other research, can help to make up a picture of the complex and ever changing political system in contemporary Vietnam.

In this short epilogue I wish to zoom out from the main topic of the thesis to consider how the findings might be relevant for understanding the broader picture of how citizens and various elements of the state relate in Vietnam, and what are the implications for the future of relations between governors and the governed. It is of course difficult and potentially dangerous to try to make predictions, especially about the future.<sup>27</sup> However, I think there is value in considering some key themes and trends that have emerged through this examination of social movement action, and what might be the implications for future developments in state-society relations in Vietnam.

Vietnam scholars disagree about the likely future directions of politics in the country. Partly this is due to different theoretical perspectives, but it is also because we are a little like the blind men and the elephant; each 'man' understanding their section clearly but not able to use this information to get a full picture of the whole animal. 'In general, the daily routine in Vietnamese society is relatively free from constant, strict state control. Vietnamese state-society relations as a result are fairly complex, producing contradictory observations and conclusions on when, where and how the state exercises its power' (Koh 2007, 219). In this short epilogue I aim to add another piece to the attempt to better understand what the current live experiment of *đổi mới* is, and where it might lead.

Scholars have tended to focus on the question of whether or how Vietnam might 'reform' to become a liberal democracy. I argue that this is the wrong question, and in fact focussing on this normative, teleological question will obscure and blind us to understanding contemporary Vietnam as it actually is. I think it's far more helpful to try to take an objective view, to consider key trends and how they might continue to develop in

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<sup>27</sup> Variously attributed to Niels Bohr, Yogi Berra, Mark Twain and Albert Einstein.

the future, without any assumption that Vietnam should develop into a liberal democracy (Gainsborough 2010b, 2017, 2018). My research finds that Vietnam is indeed changing and opening, increasing government responsiveness to citizens, at least in these three cases. This is not to say that there are not continuing problems, or that progress is smooth. Vietnam is still quite authoritarian and weaknesses in accountability and transparency continue. But, what are the implications if current trends continue? There are four key themes that I believe are significant for understanding the possible directions of politics in Vietnam; legitimacy of the government and Party, increasing accountability and transparency, the response of the Party-state to the new media environment, and finally, how the Party-state manages patronage, corruption & the emergence of new elites.

### Legitimacy

It seems clear from my experience and this research that the Vietnamese Party–state has, thus far, been able to reform, adapt and adjust to the changing circumstances in which it has found itself. In this way the Party has successfully maintained power, and to a large extent, legitimacy with the Vietnamese people and the international community (Chang, Chu, and Welsh 2013). The Communist Party of Vietnam has been effective in maintaining legitimacy thus far through effectively managing both endogenous and exogenous pressures through; economic and political reform, tight controls preventing opposition and external linkages with the ‘West’, and reforms to reinforce external legitimacy (Hai Hong Nguyen 2016; Hong Hai Nguyen n.d.).

Hechter (2009) in a review of the current literature finds that there are three main ways governments ensure legitimacy with their citizens: provision of public services; procedural fairness and finally; ideology and mass persuasion. The Vietnamese one-party system is quite competent in exercising all of these methods, and has largely managed to maintain legitimacy with the majority of citizens. In particular, the state has done well in terms of providing public services. As discussed in Chapter one, the *đổi mới* reform process has been highly successful in reducing poverty and facilitating rapid economic growth. Introducing fees and private provision for public services such as health and education has increased costs for citizens, but there is no doubt quality has increased. Enabling competition has provided greater choice, at least for citizens with some financial resources – which group is growing daily thanks to economic growth. The ‘caring authoritarianism’ approach outlined in this thesis whereby economic growth has been relatively equitable and there is at least some concern about sharing the benefits and inclusion of disadvantaged citizens has ensured wide public approval for the regime, and the reforms thus far.

A number of scholars have argued that inevitable reductions in economic growth in the future could lead to citizen dissatisfaction and threaten legitimacy (see for example Vu 2014). Economic slowdown may well threaten the ability of the government to provide services, and slow the rapid increases that most citizens have seen in their incomes. While this is potentially the case, this is not the only way that the regime is trying to maintain legitimacy and thus is less of a threat than it might seem. Chang *et al* find that economic performance is less significant than other sources of legitimacy, not only in Vietnam, but across the Southeast Asian region. ‘Regime support in these countries [Southeast Asia]

stems less from economic performance and more from citizens' perceptions that the government is responsive to their needs, effective at controlling corruption, and fair and equal in its treatment of ordinary people (Chang, Chu, and Welsh 2013, 151; see also Kerkvliet 2005).'

The second mechanism of legitimacy is that of procedural fairness; a regime is seen as legitimate not only because of outcomes of public services, but must also be perceived to have fair processes. This is particularly important in explaining why the losers of economic growth often retain their belief in and support for governments. As previously discussed, the Vietnamese one-party system has a very comprehensive and relatively competent public administration that is quite effective in delivering services for the people, and maintaining at least the veneer of fairness. 'The image of public administration is a crucial aspect in shaping the perception of the political system, and thus an essential basis for the legitimization of power' (Reis and Mollinga 2015, 12). The Vietnamese regime seems aware of this issue, and many of the *đổi mới* reforms such as grassroots democracy, increasing transparency and citizen involvement in decision making, reducing red-tape and making local level decision making more efficient and accountable to citizens, are part of this method of legitimacy maintenance. However, this seems to me to be the most likely field to threaten legitimacy in the future. Rapid economic growth under the market economy has also increased inequality and citizens' concern about it (Kerkvliet 2005). As inequality increases, and citizens become increasingly aware of administration insiders enriching themselves at the expense of regular citizens and their services, then the perception of fairness of the system will suffer and legitimacy of the regime and the reform process may also suffer.

The final mechanism for legitimacy maintenance; ideology and mass persuasion is one that has always been emphasised by the Vietnamese regime. The regime is still quite effective in creating ideological commitment to the one-party, market-socialist system. They have used both 'carrot and stick' approaches, committing significant resources to ideological propaganda as well as tightly controlling opposition voices. However, in the contemporary environment with the government less able to control mainstream media, an explosion in social media, and with an increasingly educated population exposed to other ideologies this is becoming more difficult. A serious ideological threat is also the relationship with China. China's more assertive stance in the South China Sea, and lack of respect for their traditional ally and 'little brother' Vietnam is causing many citizens to question the Vietnamese government's ideological stance and ability to protect Vietnam's interests (Hayton 2014). Vietnam and China have a complicated relationship, with close government and economic ties coexisting with deep seated mistrust sometimes interpreted as 'best frenemies' (Wilson 2018). Perceived arrogance and threatening behaviour by China towards Vietnam is the one issue guaranteed to generate significant public anger and bring thousands of citizens out to protest on the streets (BBC News 2011; *BBC News* 2014; "2014 Vietnam Anti-China Protests" 2018; P. Hoang 2019). The relationship with China and growing nationalism inside both countries, along with concerns about corruption, seems to be one of the most significant threats to the Party-state's ideological legitimacy with citizens (Q. H. Vuong 2014).



Ideological and administrative legitimacy with the majority of citizens is thus relatively secure in Vietnam, although with some significant threats that could derail progress. However, political accountability is another key issue of serious concern to both citizens and observers of the country. *Đổi mới* includes political reforms aimed at providing greater voice, transparency and accountability for citizens, and which will be a crucial trend influencing future political relations.

### Political reform: Vietnam as an adaptive authoritarian regime

Post *đổi mới* Vietnam has proven to be an adaptive system that has thus far been able to adjust to the rapidly changing external environment as well as the seismic changes that have happened as Vietnam has developed from war-torn, low income country to middle income Asian tiger in two generations.

Recent scholarship and journalism about Vietnam is acknowledging the complexity of change within the system and the governance regime. There is little agreement however about this change or what it might mean for the future. Some scholars see continuity, decay, corruption and reducing flexibility in the Party state (Fforde 2004; Vu 2012, 2014; Reis and Mollinga 2015) while others see adaptability, resilience and innovation (Kerkvliet 2005; Malesky and Schuler 2010; Reis 2013; Hai Hong Nguyen 2016; H. T. Bui 2014). The most interesting areas of reform, in terms of the future of the governance system, are reforms to increase accountability, participation and transparency of government by citizens. Patterns of continuity and change in these areas will significantly impact on future relations between state and society.

Certainly, it is clear from this research that the system has demonstrated some willingness to reform in order to accommodate a certain level of citizen participation and representation of marginalised groups (see also Wells-Dang 2010; Marston 2012; J. D. London 2014b; Q. B. Le et al. 2015). A significant challenge for the future however, is how they manage to deal with more controversial groups; specifically ethnic and religious minorities. Ethnic and religious minorities are a major thorn in the side of the government. This is not only because the one-party state aims to limit any organized groups that could threaten the Party, but also because historically many of these minorities aligned with the US in the so called 'Vietnam war' (known inside Vietnam as the 'American war') and still maintain connections with exiles from the former southern regime, or advocate for the formation of independent states (see for example the Montagnard Foundation declaration of an independent Dega State). The current regime is highly suspicious of these groups and thus maintains tight control in areas where they are strong, and violently represses their activities (Human Rights Watch 2015a). Many of the leaders are exiled or under house arrest, and small numbers of individuals from these ethnic and religious minorities still escape the country and claim refugee status with highly credible claims of persecution (Sebban 2017). It will be very difficult for the Party-state to maintain this repressive approach as it is increasingly attracting international condemnation, and in the contemporary environment it is very difficult to repress communications and organising completely. News of such repressive actions also threaten the legitimacy of government with non-minority citizens by influencing their perceptions of administrative fairness and the possibilities for increasing personal independence for all citizens. How the Party-state

adapts their approach to these groups will be key for the future relations between state and dissidents. Given the long historical and political baggage related to many of the issues it seems highly unlikely that these groups will be easily accommodated into even a *đổi mới* state. However, as the war generation of both the Party and minority groups ages and leadership passes to the younger generation, there could be potential for reconciliation.

The political reforms being implemented by the Communist party do seem to be aiming to increase accountability and voice of citizens. Even if one is cynical about the motives and believes the party is only implementing these reforms to shore up their own power, the results are significant, and the Party may not be able to control how citizens and even elected politicians use their new institutionalized freedoms (Malesky 2004; Malesky and Schuler 2010; Malesky, Schuler, and Tran 2012; J. D. London 2014a). Malesky and colleagues for example have found in a number of studies that National Assembly delegates are becoming increasingly assertive, responding to the needs and concerns of their constituencies and pushing back on Party doctrine on occasion. 'Party leaders are either increasingly using the more public and representative institution as a forum to solve intra-regime disputes, or they are unable to prevent delegates from latching onto issues themselves. Either way, it means that the VNA [Vietnam National Assembly] has become an important forum for the airing and settlement of national issues, whereas earlier these would have been settled behind closed doors and announced fait accompli for the rubber stamp VNA to approve.' (Malesky, Schuler, and Tran 2011, 348). It is important not to overstate this development, but if these trends continue there is potential for continued improvements in accountability and voice for citizens even within the one-party system.

### Media, state-society relations and the role of the public

Internet and social media in particular are both the biggest opportunity and the greatest threat to Party dominance and their future ability to control and dictate the pace of political change and the relationship between rulers and ruled<sup>28</sup>. Not only social movements but also regular citizens are increasingly able to access news and information from sources other than the official media, as well as to create and share information via non-official channels. As came out in this research, the advent of social media, and the changing nature of official, government-owned media, impacts on the relationship between the state and the public, and will be a crucial factor in the changing nature of governance in Vietnam. The media is increasingly a forum for different actors in public debates to interact, to express specific opposing or competing discourses, thus shaping opinion among the public and decision makers alike. In addition, widening access to online media and social media means that new and different voices, in particular young people, are now able to express their concerns and be heard by decision-makers. This proliferation of voices is a huge opportunity for greater democratization (in the sense of transparency, accountability, voice), but also an increasing challenge to one-party hegemony.

The government is now allowing a certain amount of dissent within both mainstream and online media. Although the media and scholars tend to focus on government repression

<sup>28</sup> This is true not only in Vietnam but in most countries around the world.

and heavy penalties for a small number of dissidents and political bloggers (L. Hunt 2013; AFP 2013; Abuza 2015; Gillespie 2015; T. H. Bui 2016; Duong 2017; Murray 2017) there is in fact also reasonable tolerance of some political blogs and critical articles in the mainstream media, and even tolerance of online protests (see for example Kerkvliet 2014; Q. B. Le et al. 2015). Overall, it is clear that blogging, social media and general internet access 'has led to the opening of an active online public sphere and that blogs and Facebook have become influential enough to provide alternative viewpoints from state-controlled official media outlets.' (Duong 2017, 376). Citizens, groups of citizens, and movements, are learning new ways of accessing and producing information and holding government officials accountable. Prior to the past two Party Congresses there has been extremely active debate and airing of the dirty laundry of various Party leaders and government officials. Political gossip sites in the style of Wikileaks have emerged, become incredibly popular and then often disappeared without anyone being identified as the owner. In addition, for the last National Assembly elections in 2016, independent (non party-approved) candidates used Facebook and other online sites to great effect to advertise their platforms, criticize current representatives, communicate with citizens, and even form networks to support each other. This is unprecedented since the Communist Party first formed (Duong 2017; Morris-Jung 2015). Ultimately, most of the independent candidates were unsuccessful in gaining seats, but this does little to detract from the significance of their efforts.

However, this is certainly not a level playing field, and the Party-state still wields significant power in this space through traditional control techniques such as restrictive media laws and arresting bloggers and journalists, as well as through new forms of control, including hiring propagandists to counter opposition discourses, and engagement with and participation in social media. The Minister of Health, always a position subject to significant public scrutiny and criticism, was the first government member to set up a Facebook site, possibly to enable better engagement with critics and to promote understanding and support for the government. Recently the head of propaganda in Hanoi admitted they hired 900 online 'opinion shapers' (T. H. Bui 2016; Duong 2017). In addition, social class, the urban/rural divide, ethnicity and education level still affect access and therefore who is heard.

The new media environment also plays a role in helping elites manage divisions within the Party state; acting as 'state sponsored watchdog' providing information about and management of corruption among party cadres at the local level (Cain 2014, 87). One of the above mentioned blogs leaking information on the assets and wealth of Party and government officials is widely believed to have been supplied and protected by individual/s from inside the party - as a site for leadership and ideological struggles within the elites (Cain 2014; Duong 2017). In this role, social media could contribute to the maintenance of the dominance of the Party through managing tensions, assisting internal corruption management, and providing a way for leaders to manage potential opponents.

The media thus is an important player in the Vietnamese live experiment to build a new system of governance of a one-party state with an open, market economy and a level of democracy. The media is a key site for debate, discussion, and co-creation of the new

relationship between citizens and government. 'Viewed sociologically, the developmental dynamics of Vietnam's incipient public political discourse can only be understood as the product of mutually constitutive interactions between the state and its social environment, an environment in which increasing numbers of Vietnamese, within and without the state apparatus, are taking an interest in politics and expressing their views (J. D. London 2014b, 190).' How these new interactions will develop and change in the future is currently indeterminate, but it is clear that media and social media are an important force creating, shaping and reflecting governance in Vietnam. Scholars of Vietnam would do well to focus less on the high profile cases of arrest of dissidents and political bloggers and consider the micro-interactions between citizens and the state that are far more significant for most citizens' daily lives, and thus are more likely to influence the future of the relationship between the governors and the governed. 'As a force for political change, dissident or opposition activity is outweighed in all three countries [Cambodia, Laos, Vietnam] by a new and quieter form of behind the scenes activism on the part of the countries' emerging middle classes' (Gainsborough 2012, 41). This issue of emerging middle classes and increasing pluralism among the political elite is another key trend that will continue to influence change into the future.

### Corruption, patronage and new elites

As mentioned above, concern about corruption and patronage, and the influence of new interest groups is potentially a significant threat to Party and system legitimacy (Vu 2014). Corruption is an extremely serious problem in Vietnam, not only high level corruption in state-owned enterprises, banks, foreign investment projects, and construction that make high profile cases when they come unstuck (Q. H. Vuong 2014; Fforde 2012); but also low level corruption that requires citizens to make informal payments to access almost any government service. The political and economic reforms of *đổi mới* are affecting the power and interests within the country's elites. Decentralization and the policy of providing greater autonomy to provinces to raise tax funds and attract investment have enriched provincial elites and increased their political power with relation to the central Party-state. Communist party and government cadres are increasingly establishing businesses that can benefit from foreign investment and development projects, and make their owners quite wealthy (Jandl 2014; Gainsborough 2009; Reis and Mollinga 2015). At the same time, farmers and peasants, once the bedrock of Communist party support are increasingly disenchanted thanks to the focus on economic development via industrialization and urbanization, and the land grabs that result (Vu 2012). As the revolutionary generation ages and retires, these new economically powerful Party members are taking up key roles in provincial and central Party and government. In addition, the introduction of meritocratic recruitment reforms in the administration mean that younger, internationally qualified Party members are now reaching high levels of government. The 'princeling' phenomena (Brown 2014) well known in China is less prominent in Vietnam, but rich, influential family members are increasingly getting key roles in business, government and Party, further enriching themselves and their families, and exercising influence on key issues such as the relationship with China and the West and the direction of *đổi mới* reform (Hai Hong Nguyen 2015).

The rapid and successful economic growth for the past thirty years, accompanied by extensive urbanization is leading to fundamental and very rapid social transformations. The emergence of an urban, educated middle class, who are secure in their economic situation for the first time in generations, along with changes in media and communications, means that the traditional mechanisms of control are no longer viable. These young, urban, educated middle classes do not currently, on the whole, question the one-party system, however they have high expectations for their government and country and these are likely to be more difficult to meet in the future than they have been over the past thirty years. This new class are the group most likely to object if economic growth stalls, and they are increasingly demanding increasing openness, continued reforms around transparency, accountability and corruption control, as well as improvements in areas such as environmental protection, pollution, food safety, etc. The blurring of the boundary between political and economic power, and the resultant sharing of the benefits of economic growth among a larger group could serve to shore up legitimacy among elites and build broader buy in for continued *đổi mới* reforms, if their expectations are met (Vu 2014; Jandl 2014; Vasavakul 2019). However, meeting these expectations is also now more difficult as weakening of central power reduces the ability of the central government to control and hold accountable provincial elites (Vasavakul 2019), manage corruption, or even implement policy (Fforde 2017).

### Summary

Thus, a number of contradictory forces are acting in contemporary Vietnam to influence both continuity and change. The Party is not a monolith and there seems to be a level of responsiveness to citizen demands. *Đổi mới* reform is not only in the economic sphere, there are also significant reforms to accountability and citizen involvement and administrative procedures. These reforms have ensured highly successful economic development, which in turn has driven significant social transformation, emergence of a more plural society and elite, and new pressures and demands on the government. In addition, modern media and social media along with a volatile external political and economic environment feed into these contradictory forces of continuity and change.

It is very difficult to predict conclusively which forces will prevail. Vasavakul concludes that 'state transformation as it evolved during *đổi mới* shows an ongoing process of confrontation and accommodation, both among Party-state elites, and between them and the masses, to redefine state structures, authority relations, and public accountability' (2019, 66). Not just new elites, but also social movements, trades unions, grassroots organisations such as informal farmers' groups, along with international NGOs and agencies will impact on future reforms and the directions of the country. These transformative processes will continue to be a dynamic interaction between a range of elite and grassroots actors, and, I would add, external forces and actors.

There is, however no guarantee that increased oversight by citizens, online and offline contention, and increased discussion and complaints about government services, rising inequality, etc. will necessarily threaten the stability of the regime. The Vietnamese Communist Party has demonstrated its flexibility and willingness to reform and change, and it seems they still have a few tricks up their sleeve. It may be in Vietnam, as seems to

be happening in China, that increased contention will in fact increase regime stability (Chen 2012). It is possible that increased contention may actually assist the regime to continue to succeed in their experiment of 'socialism with market characteristics', through improving accountability and transparency, increasing perception of individual freedoms, and providing more & better information to the regime about the interests of citizens. All of which could potentially boost regime legitimacy. Currently, the vast majority of citizens are largely unaffected on a daily basis by repression or limitations on their freedom. Over a third of the population is under 35 years old and have only experienced increasing economic growth, development and increasing personal freedoms. In this environment it is unlikely that there will be significant widespread dissatisfaction, particularly if economic growth continues, even if at a slower rate.

Politics and the *đổi mới* reform process in Vietnam is thus a slippery beast. Fforde (2011) argues that the state has failed to develop a new, coherent political ideology in the environment of market-socialism; that Communist era ideology and institutions have not been fundamentally re-thought or restructured to manage a market economy. This does not, however, inevitably mean that the Party or the state are in decline. 'My sense is that it is far more fruitful to see this situation as one of political opportunity than of political decline' (Fforde 2011, 180). Through this research, and my personal experience of working in Vietnam, I would characterize this as a highly pragmatic and adaptable system. The lack of a new overall ontology of the state, justifying market socialist reforms is not necessarily a problem. Institutions and systems are changing and evolving in a very pragmatic way, in response to new realities and new pressures. Institutions and actors within the system (whether from state, political and economic elites, civil society, or 'community') are interacting, learning, and changing. The system has been able to accommodate new actors such as people with disabilities or LGBT people, and new policy ideas such as harm minimization, where these changes seems to be effective. However, it is also still able to control discussion about certain issues; consumer rights or full religious freedom, for example. This can be frustrating for international observers and those who are trying to work with the government, as there are no clear answers. 'What comprises 'the state' in Vietnam rarely moves in the same direction, rarely works together, and rarely sings from the same hymn sheet. Moreover, no one in Vietnam – however elevated – ever has it all sewn up; that is, there is always someone who may potentially stand in your way. Second, things are rarely as they seem' (Gainsborough 2017,139) However, this also offers huge opportunities for citizens, interest groups and social movements who can develop the skills to play this game of engaging with the state to achieve outcomes for their communities and interests. There is certainly potential for greater popular participation, transparency, and continued reform (Fforde 2017). Vietnam is conducting a live experiment in creating new forms of governance with no ideological theory providing guidance and no other country models to follow. For both those of us observing and those participating there are frustrations and confusion, but it is endlessly fascinating!



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