

The chemical massacre in Syria, Attorney Nguyen Van Dai, the relationship between the concepts of Human Rights and National Sovereignty

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In recent times, for the Vietnamese community both overseas and inside Vietnam, there appear to be two important defining events.

I. Two important events:

1. The chemical massacre in Syria:

First is the event of 7 April, 2018 when the Al-Assad regime of Syria resorted to the use of gases such as Chlorine and Sarin, killing about 70 lives, including many innocent women and children. The images of women and children display their pain and suffering, caused by chemical weapons, were spread on television screens across the world. World public opinion immediately condemned such action.

Subsequently, on 14 April, a coalition of armed forces of the USA, France and United Kingdom conducted air attacks, through more than 100 missiles, a number of targets in Syria including chemical research facilities in the capital Damascus, storage facilities west of Homs and a command post near Homs.

The US president Donald Trump declared “mission accomplished”, French president Emmanuel Macron and British Prime Minister Theresa May made similar declarations.

Meanwhile, Russian president Putin held a phone talk with Iranian president Hassan Rouhani and declared words to the effect that this “illegal act” has permanently destroyed the prospect of all political solutions for Syria.

On the same date 14 April, Vietnamese communist senior general Vo Tien Dung, former member of the Central Committee of the Communist Party and former Director of the Defence Institute, answered as follows to questions from the press:

“The fact that the US used military forces to attack Syria is a serious breach of international law. The government of the current Syrian president is constitutional, legal and recognized by the international community”

2. The conviction and sentencing of Attorney Nguyen Van Dai and prisoners of conscience in the Brotherhood for Democracy Association:

Second is the fact that the Communist regime in Vietnam, on 5 April, 2018, through pre-determined court hearings, have convicted and sentenced Attorney Nguyen Van Dai and a number of members of the Brotherhood for Democracy Association. Attorney Nguyen Van Dai was sentenced to 15 years jail and 5 years under house arrest, Mr. Truong Minh Duc 12 years jail and 3 years under house arrest, Mr Nguyen Bac Truyen 11 years jail and 3 years under house arrest, Mrs. Le Thu Ha 9 years jail and 2 years under house arrest and Mr Pham Van Troi 7 years jail and 1 year under house arrest, pursuant to section 79 of the Criminal Code for “activities to overthrow the government”, a legal provision which cannot be found in the legal system of any civilized nation.

Immediately, on 6 April, both the US State Department and the European Union issued statements condemning such violation of human rights by Hanoi.

II. The intimate relationship between two events:

A couple of questions needs to be asked:

a. Why is there an intimate relationship between the use of chemical weapons in Syria and the repression of The Brotherhood for Democracy Association in Vietnam?

b. Why without proper cause, Communist Senior General Vo Tien Trung commented in support of Al- Assad of distant Syria and in indirect support of Putin of Russia and Rouhani of Iran?

Although the political situations and environments of Vietnam and Syria differ, they still have lots in common. Both the Communist Party of Vietnam (CPV) and the Arab Socialist Ba'ath Party (ASBP) originate from the Soviet socialist mould. Vietnam has Article 4 of the constitution modelled after Article 6 of the Soviet constitution, while Syria until 2012 had Article 8 which stipulates similarly as follows:

“The Arab Socialist Ba'ath Party is the party leading society and government. This party leads a progressive and patriotic front with the aim of uniting the forces of the whole nation to serve the purposes of the Arab Nation”

Besides the crucial point that both Article 4 of Vietnam and Article 8 of Syria affirm the leadership of the respective parties, both parties have front entities to

consolidate their leadership role. In Vietnam, the CPV has the Patriotic Front and before 1975 the Democratic Party and the Socialist Party as front organizations.

In Syria likewise, the ASBP leads the Progressive Front (its equivalent of the Vietnamese Patriotic Front) comprising 8 smaller political parties such as the Arab Socialist Movement, 2 Syrian Communist Party factions and a number of other elements.

Under international and opposition pressure, in 2012, Article 8 was abolished. But this is only in form. In practice the ASBP has sole political power.

For the above reasons, both the massacre of people in Douma by chemical weapons and the brutal repression of human rights through the conviction and sentencing of members of the Brotherhood for Democracy originate from the intrinsically identical natures of both dictatorships born of the Communist Third International.

In particular, when Senior General Vo Tien Trung refers to “The government of the current Syrian president is a constitutional, legal, internationally recognised government”, he refers indirectly to a concept that dictators of the world are enamoured with. That is the concept of “national sovereignty”. Like all other communist leaders, he fails to mention the concept of “human rights”.

The relationship between these two key concepts forms the essence of the world political order post World War II.

III. The world political order and the relationship between the two concepts of human rights and national sovereignty.

First and foremost, we must be aware that the current world political order, in principle, through the institution called the United Nations, is a world order constructed in accordance with the will of the victorious powers in the Second World War comprising the USA, United Kingdom, France, Republic of China (of Chiang Kai-Shek) and the Soviet Union, but subject to a few events altering the status quo.

Above all, this order reflects the might of the victors, among whom, the USA prevail. The Universal Declaration of Human Rights passed by the General Assembly of the United Nations on 10 December, 1948 is a document reflecting the values seen through the eyes of the USA and Western Europe. Communist countries under the leadership of the Soviet Union only accept them perfunctorily and do not respect them in practice.

Then, the position of the Republic of China, in the powerful Security Council of the UN becomes indefensible after the Nationalist Party of China lost mainland China to the Communist Party of China (CPC) in 1949. On 23 November 1971, the People's Republic of China formally replaced the Republic of China (Taiwan) in the Security Council and the influence of the communist bloc was enhanced. With the arrival of the 90's, the Soviet Union and communist East Europe collapsed. A Russia weaker in all respects replaced the Soviet Union in the Security Council.

From then on, the power of the free world vastly exceeds that of dictators, including the communist bloc, economically, militarily and morally (including the aspect of human rights).

1. Definition of national sovereignty:

Before the proclamation of the Universal Declaration of Human rights in 1948, the concept of national sovereignty was an absolute concept.

This concept can be defined as “the supreme, absolute, and uncontrollable power by which an independent state is governed and from which all specific political powers are derived; the intentional independence of a state, combined with the right and power of regulating its internal affairs without foreign interference” (the Free Legal Dictionary)

2. Definition of human rights:

Meanwhile, the concept of human rights may be defined simply as fundamental rights pertaining to an individual person. Due to its importance, this concept has been spelled out in detail in the United Nations Declaration of Human Rights in 1948 through 30 specific articles.

Human rights are also extrapolated in various respects such as the International Covenant on civil and political rights (ICCPR), International Covenant of economic, social and cultural rights (ICESCR), Covenant on the Rights of the Child (CRC) and United Nations Convention against Torture (UNCAT)

IV. The unjustifiable relationship between the concepts of Human Rights and National Sovereignty:

Despite the fact that the concept of human rights has been propagated in much more detail and has gained considerable traction, as the foundation of the current democratic ideal based on Constitutionalism, the Rule of Law and Pluralism, in reality, the relationship between the two concepts, the concept of national sovereignty always prevails when in conflict with the concept of human rights.

In the war in Syria today, we may not agree with Senior General Vo Tien Trung, but in practice, the governments of the USA, England and France all insisted that their air attacks were only aimed at punishing Syria for utilizing chemical weapons and were not meant to achieve regime change. In other words, they recognize the national sovereignty of Syria, and at least for now, through the leadership of the Al-Assad regime.

Due to the limits mandated in these air attacks and the prior warnings to minimise damages to Syrian civilians as well as Russian military facilities and personnel, the latter belonging to a redoubtable superpower, the Syrian government was able to evacuate and protect its military potential.

Meanwhile, immediately after the air attacks by the USA, England and France, the armed forces of President Al- Assad made advances, took over the whole territory of Eastern Ghouta and extended the control of the Syrian government.

In other words, the concept of human rights receded before the power of the concept of national sovereignty in Syria, not only in the hearts of Western politicians, but also on concrete political grounds.

This should not be news to us. When we cast our view onto the past, the Vietnam War, which finished in 1975, was also influenced by this unjustifiable relationship between the concepts of human rights and national sovereignty.

Indeed, during the ideological war in Vietnam, we could not help but notice that the USA and other allies of the Republic of Vietnam (South Vietnam), despite their deep awareness of violations of human rights by communist regimes in the world and in Vietnam, explicitly proclaimed their respect for the national sovereignty of Communist Vietnam (North Vietnam) and never proposed to invade North Vietnam. Meanwhile, Communist Vietnam did not hesitate to infiltrate territories of the Republic of Vietnam and initiated a general offensive to invade the whole country on 30 April, 1975.

The world political order in the aftermath of WWII in substance is an order orchestrated by the USA and for this reason, communist nations only gave their perfunctory consent. Thus, Communist Vietnam was always ready to trash human rights and the national sovereignty of the Republic of Vietnam. The inevitable result was defeat for the free world and victory for communism.

V. The need for a new world political order:

After WWII, humanity witnessed the creation of the United Nations as an institution to co-ordinate the relationship between nations and the institutionalization of human rights as a concept to limit the absolute nature of the concept of national sovereignty.

But it is apparent that in the hearts of Western politicians, whenever there is a conflict between these two concepts, national sovereignty generally prevails.

Further, the power structure of the United Nations, with veto powers in the hands of superpowers such as the USA, United Kingdom, France, Russia and China who are permanent members of the Security Council, has transformed the UN into an institution to protect the concept of national sovereignty and dictatorial regimes who suppress human rights, their peoples, without fear for any sanctions from the international community, thanks to the veto power of Russia and China.

With the inexorable march of the movement for democracy based on constitutionalism, the rule of law and pluralism, in practise, humanity needs a new world order, in which fundamental human rights must be respected and above all, whenever there is a conflict between the concepts of national sovereignty and human rights, human rights must prevail to the extent of such conflict.

Evidently, the composition and structure of the United Nations and Security Council must be reformed to transcend the power and influence of the victorious nations of WWII, to reflect the reality of the world today, as well as to reflect the concept of democracy based on constitutionalism, the rule of law and pluralism.

VI. Conclusion:

In my youth I used to read the book Decline of the Eastern Chu Dynitasty and the following passage:

“When An Anh went to the So state, the So King wanted to humiliate the Te state and thought of various tricks to humiliate. But An Anh rose above through his wit and kept national dignity.

Upon his arrival to the So state, the So king wanted to test his abilities. For that reason, when An Anh intended to go to the royal palace, the So king ordered not to open the main gate and ordered his guards to ask An Anh to go through the small gate (reserved for dogs) on the excuse that the Te ambassador was of small stature and the small gate would be sufficient. An Anh replied “I now go to the So state and must go through the main gate to enter the So state. If I go

through the dog gate, would this mean that I visit a state inhabited by dogs?”
Upon hearing this, the So King opened the main gate for him (Wikipedia)

Drawing lessons from this example of the Decline of the Eastern Chu Dynasty, in an ideal world, besides the restructuring of a more legitimate relationship between the two concepts of human rights and national sovereignty, the gate to the main office of the United Nations in New York, as well as the gate to foreign dignitaries of democratic nations must also be restructured into 2 gates. The main gate for leaders of nations whose people live under a regime of true democracy called “Foreign Dignitaries” gate and a smaller gate reserved for leaders of remaining dictatorships such Russia, China, Vietnam, Cuba, North Korea, Syria, Iran etc...to be called “Dictators” gate (not dogs gate).

I think leaders of current dictatorships, especially from communist countries, will not possess the wit and talent to persuade the General Assembly of the UN nor the heads of state of democratic nations, to open the main gate for them, in the same way as ambassador An Anh of the time of the Eastern Chu Dynasty.

We should not use the term “dogs gate” because the canine species is a species of sentient being with feelings and dignity as companions for humanity and deserves our respect.

Obviously, this is only a dream about a perfect world. However, this in no way diminishes a real need for humanity to “humiliate” their dictators and actively banish them from their body politics of the future, bringing about dignity and human rights to all individual human beings.