



香港中文大學東亞研究中心
THE CHINESE UNIVERSITY OF HONG KONG
CENTRE FOR EAST ASIAN STUDIES

Seminar

Making Law Count without the Rule of Law: Economic Reform and State Labor Regulation in Vietnam

BY

Prof. KIM Jee Young
Department of Sociology, CUHK

Date: 28 February 2008 (Thursday)

Time: 4:30pm — 6:00pm

**Venue: Multi-purpose Room, G/F,
New Asia College Ch'ien Mu Library, CUHK**

ABSTRACT

This paper examines the ways in which state labor regulation has emerged as a significant force in reform-era Vietnam despite the lack of the rule of law.

Extant views on the country's industrial relations leave unexplained significant anomalies: press coverage of strikes in a country without the freedom of the press; state agents extracting limited concessions from employers for workers that strike illegally; and state agents' intervention in strikes against their posited interest in industrial peace. The key to these anomalies, I argue, lies in the failed state project to build bureaucratic rights-based industrial relations and the public criticism thereof.

My argument is three-fold. First, Vietnam's economic reform process involved not only the establishment of a market economy but also a state project for bureaucratic rights-based industrial relations which is designed to achieve both economic growth and worker protection. Second, as is common in developing countries, there has been little enforcement of labor laws and regulations. And yet media attention on the failed promise of worker protection has trapped state agents in the illicit role of settling strikes. Finally, the patterned interactions among workers, domestic press, and state agents have had significant repercussions for the institutional environment. Neither workers nor state agents have obeyed law. Nonetheless, law has gained heightened attention.

Data come from reports on strikes in three Vietnamese newspapers for the period of 1985 to 2005. They are supplemented with interviews with factory workers, managers, and union officials as well as internal documents of the trade union and factories. As part of a larger research project on the impact of market-driven private labor regulation on factory conditions in the case of Vietnam, this paper aims to contribute to a better understanding of the refractory influence of the local institutional environment on the global forces.

All are welcome.